

A meeting of **HUNTINGDONSHIRE DISTRICT COUNCIL** will be held in the **CIVIC SUITE, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **WEDNESDAY, 25 SEPTEMBER 2013** at **7:00 PM** and you are requested to attend for the transaction of the following business:-

A G E N D A

	Time Allocation
PRAYER	2 minutes
<p>The Reverend Andrew Milton, Team Rector for the Huntingdon Ministry will open the meeting with prayer.</p>	
APOLOGIES	2 minutes
CHAIRMAN'S ANNOUNCEMENTS	10 minutes
1. MINUTES (Pages 1 - 12)	2 minutes
<p>To approve as a correct record the Minutes of the meeting held on 26 June 2013.</p>	
2. MEMBERS' INTERESTS	2 minutes
<p>To receive from Members declarations as to disclosable pecuniary, non-disclosable pecuniary or non-pecuniary interests in relation to any Agenda item. See Notes below.</p>	
3. STATE OF THE DISTRICT 2013	60 minutes
<p>The Executive Leader and Deputy Executive Leader, Councillors J A Ablewhite and N J Guyatt respectively to open the debate after a presentation on the State of the District 2013.</p>	
4. FINANCIAL FORECAST TO 2019 (Pages 13 - 28)	30 minutes
<p>In conjunction with the Report of the Cabinet (see Item 6 (a), the Executive Councillor for Resources to present a report by the Assistant Director, Finance and Resources on the process leading towards approval of the Budget/Medium Term Plan 2014/15 at the meeting of the Council in February 2014.</p>	
5. MEMBERS' ALLOWANCES (Pages 29 - 30)	5 minutes
<p>To consider a report by the Head of Legal and Democratic Services.</p>	
6. REPORTS OF THE CABINET, PANELS AND COMMITTEE	30 minutes
<p>(a) Cabinet (Pages 31 - 34)</p> <p style="margin-left: 40px;">Report of the meeting to be held on 19th September 2013 - to follow.</p>	

- (b) Overview & Scrutiny Panel (Economic Well-Being) (Pages 35 - 40)
- (c) Overview & Scrutiny Panel (Environmental Well-Being) (Pages 41 - 46)
- (d) Overview & Scrutiny Panel (Social Well-Being) (Pages 47 - 54)
- (e) Development Management Panel (Pages 55 - 56)
- (f) Employment Panel
Report of the meeting to be held on 18th September 2013 - to follow.
- (g) Standards Committee (Pages 57 - 60)
- (h) Licensing and Protection Panel (Pages 61 - 62)
- (i) Corporate Governance Panel (Pages 63 - 142)

7. WRITTEN QUESTION

5 minutes

Councillor D A Giles has requested a response from the relevant Executive Councillor to the following written question regarding St Neots Riverside car park -

"Is the relevant Executive Councillor aware of the amount of disturbance caused to local residents adjoining our car park by young motorists using the car park throughout the night time until the early hours of the morning as a racetrack and display arena to demonstrate and show off their vehicles?

Is he also aware that as owners of the property this Council must abide with anti social behaviour laws and should be setting an example to others that this type of anti social behaviour (as described by the Police) will not be tolerated?

Is he aware that this type of problem was solved several years ago by the installation of 'rising bollards' which effectively closed this area overnight?

Is he also aware that these 'rising bollards' have been broken

for over a year and no attempt has been made to repair/replace them?

Given the limited resources that our local Police force have to deal with this problem and given that this car park is now a 'pay and display' facility thus collecting income, does he not agree with me that the 'rising bollards' which proved effective in the past, should be repaired/replaced as a matter of urgency and priority?"

A written reply will be made available to Members of the Council and any public attending prior to the start of the meeting.

8. MOTION ON NOTICE

10 minutes

Councillor D A Giles to move -

- "(a) that the District Council, having regard to a request from 'Local Works' (a coalition of over 100 national organisations campaigning to promote the use of the Sustainable Communities Act), urges the Secretary of State for Communities and Local Government to give local authorities the power to introduce a local levy of 8.5% of the rateable value on large retail outlets in their area with a rateable annual value not less than £500,000; and that the revenue received from this levy be retained by the appropriate local authority in order to be used to improve local communities in their areas by promoting local economic activity, local services and facilities, social and community well-being and environmental protection;
- (b) that, the District Council notes that if this power was acquired it would present the opportunity to raise further revenue for the benefit of local communities, should the Council wish to use it; and
- (c) that the proposal be submitted to the Secretary of State under the Sustainable Communities Act and the District Council undertakes to work with 'Local Works' to gain support for the proposal from other Councils in the region and across the country."

9. ORAL QUESTIONS

30 minutes

In accordance with the Council Procedure Rules (Section 8.3) of the Council's Constitution, to receive oral questions from Members of the Council

10. VARIATION TO THE MEMBERSHIP OF COMMITTEES AND PANELS, ETC

2 minutes

The Deputy Executive Leader, Councillor N J Guyatt, to report, if necessary.

Dated this 17 day of September 2013



Head of Paid Service

Notes

A. Disclosable Pecuniary Interests

(1) *Members are required to declare any disclosable pecuniary interests and unless you have obtained dispensation, cannot discuss or vote on the matter at the meeting and must also leave the room whilst the matter is being debated or voted on.*

(2) *A Member has a disclosable pecuniary interest if it*

(a) relates to you, or

(b) is an interest of -

(i) your spouse or civil partner; or

(ii) a person with whom you are living as husband and wife; or

(iii) a person with whom you are living as if you were civil partners

and you are aware that the other person has the interest.

(3) *Disclosable pecuniary interests includes -*

(a) any employment or profession carried out for profit or gain;

(b) any financial benefit received by the Member in respect of expenses incurred carrying out his or her duties as a Member (except from the Council);

(c) any current contracts with the Council;

(d) any beneficial interest in land/property within the Council's area;

(e) any licence for a month or longer to occupy land in the Council's area;

(f) any tenancy where the Council is landlord and the Member (or person in (2)(b) above) has a beneficial interest; or

(g) a beneficial interest (above the specified level) in the shares of any body which has a place of business or land in the Council's area.

B. Other Interests

(4) *If a Member has a non-disclosable pecuniary interest or a non-pecuniary interest then you are required to declare that interest, but may remain to discuss and vote.*

(5) *A Member has a non-disclosable pecuniary interest or a non-pecuniary interest where -*

(a) a decision in relation to the business being considered might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the council tax payers, rate payers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or

(b) it relates to or is likely to affect any of the descriptions referred to above, but in respect of a member of your family (other than specified in (2)(b) above) or a person with whom you have a close association

and that interest is not a disclosable pecuniary interest.

Please contact Ms C Deller, Democratic Services Manager, Tel No 01480 388007/e-mail: Christine.Deller@huntingdonshire.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Council.

Agenda and enclosures can be viewed on the District Council's website – www.huntingdonshire.gov.uk (*under Councils and Democracy*).

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Agenda Item 1

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the COUNCIL held in the Civic Suite, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Wednesday, 26 June 2013.

PRESENT: Councillor Mrs B E Boddington – Chairman.

Councillors M G Baker, Mrs M Banerjee,
I C Bates, P L E Bucknell, G J Bull,
E R Butler, R C Carter, S Cawley,
B S Chapman, K J Churchill, S J Criswell,
I J Curtis, J W Davies, D B Dew,
Mrs L A Duffy, R S Farrer, R Fuller,
D A Giles, J A Gray, S Greenall, N J Guyatt,
A Hansard, G J Harlock, R Harrison,
R B Howe, C R Hyams, Mrs P A Jordan,
P Kadewere, Ms L Kadic, A J Mackender-
Lawrence, M C Oliver, J W G Pethard,
P D Reeve, Mrs D C Reynolds, T V Rogers,
T D Sanderson, M F Shellens, R G Tuplin,
D M Tysoe, P K Ursell, R J West and
A H Williams.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors J D Ablewhite, S Akthar, K M Baker, W T Clough, D Harty, S M Van De Kerkhove, Mrs P J Longford, P G Mitchell and J P Morris.

14. PRAYER

The Reverend D. Busk, Vicar of Godmanchester and Hilton opened the meeting with prayer.

15. CHAIRMAN'S ANNOUNCEMENTS

(a) Filming of meeting

At the request of a member of the public and having regard to new guidelines issued by the Department for Communities and Local Government, the Chairman announced that she had given permission for the meeting to be filmed provided the activity did not impact upon the other members of the public who were present.

(b) New Managing Director

The Chairman welcomed newly appointed Managing Director, Mrs Joanne Lancaster to her first meeting of the Council and Members indicated that they were looking forward to working with her.

(c) Retiring Managing Director – Mr M Sharp

Having informed members that Mr Sharp would officially

retire from the Council's service on 31st July 2013, the Chairman paid tribute to his career both in local government generally and with Huntingdonshire, in particular. Councillor N J Guyatt, Deputy Executive Leader paid his own tribute to Mr Sharp on behalf of current and former Members which was followed by contributions from Councillors I C Bates, M G Baker and D B Dew.

In reply, Mr Sharp thanked the Council for their kind words and commended the positive working relationship he had enjoyed with Members during his career at Huntingdonshire. He reminded the Council that his achievements during this time also were due to the support he had received from a dedicated and talented team of Officers, that he continued to believe fervently in public service and that it had been a privilege to lead the Council as Managing Director and serve the authority over fifteen years.

Whereupon, the Council

RESOLVED

that the appreciation of the Council for the services of Mr M Sharp, Managing Director be placed on record and their best wishes be conveyed to him for a happy and healthy retirement

(d) Chairman's Events

The Chairman reported to Council on the various activities that she had undertaken since the last meeting and gave notice of the arrangements being made to mark Armed Forces Day and the Freedom of Huntingdonshire to RAF Wyton on 28th June and 17th August respectively.

(e) Member Development

The Chairman of the Members Development Group, Councillor R G Tuplin drew the Council's attention to the annual skills analysis which had been circulated around the Civic Suite and urged Members to complete their forms during the course of the evening.

16. MINUTES

The Minutes of the meeting of the Council held on 15th May 2013 were approved as a correct record and signed by the Chairman.

17. MEMBERS' INTERESTS

No interests were received from the Members present.

18. HEADLINE DEBATE

The Chairman reminded Members of the decision by the Council to suspend Council Procedure Rule 11 (Rules of Debate) to enable headline debates and 'Green Paper' proposals to be discussed by

Members in an open manner. The Council, therefore,

RESOLVED

that Council Procedure Rule 11 (Rules of Debate) be suspended for the duration of the discussion under Minute No 18 and 20 during which time the common law rules of debate be observed by Members and applied by the Chairman.

The Chairman welcomed Sir Graham Bright, Police and Crime Commissioner for Cambridgeshire to the meeting and invited him to address the Council and to open the debate on –

- ◆ his plans for Cambridgeshire as they might impact on Huntingdonshire;
- ◆ how the Police will work in partnership with the District Council to create safer, stronger communities;
- ◆ how the Commissioner will allocate resources to policing in the District; and
- ◆ how the Commissioner plans to engage with the public.

Sir Graham began by suggesting that it was a vital part of his role to engage with the community and that with this in mind he had addressed the County Council and spoken to several other community groups. Since his election, he had established a PCC office and agreed a total budget of £131.579 million. As an organisation, the Police Authority was responsible 2,400 employees and it was his priority to ensure the Chief Constable had sufficient resources to manage the police operation in Cambridgeshire. He explained that whilst he was responsible for holding the Chief Constable to account he had no authority over operational matters. A Police and Crime Plan had been published and was available to view on the website of the Police and Crime Commissioner. This described what the Chief Constable was expected to provide in terms of policing in Cambridgeshire and one of the objectives was to maintain local police performance. He contended that Cambridgeshire Constabulary was a good force, that the County was a safe place to live and that it was part of his challenge to maintain this position. He added that it was also his objective to deliver policing within the available budget and that to continue to do so, as well as improve services, would be a constant challenge.

Mention also was made of his desire to make best use of technology, to introduce 'paperless' working and to increase efficiency by reducing reliance on completion of forms. Sir Graham indicated that he was determined to continue to work with neighbouring forces to provide joint services such as road traffic and fire arms support as a way to maximise resources and make savings. Essex and the Metropolitan Police also had expressed an interest in sharing services. It was also his desire to promote partnership working within Cambridgeshire to promote preventative initiatives to tackle homelessness, anti social behaviour and drug misuse for example. He spoke specifically about encouraging involvement with Neighbourhood Watch Groups and promoting greater use of software to improve communications. Great progress had been made in improving call handling processes such that 95% of emergency calls were answered within 10 seconds in December 2012. Work was

underway to develop an 'App' to enable prompt reporting of crime. The introduction of a proactive approach to protecting young people and positive measures to distract youngsters from congregating on streets after dark to help prevent young people from getting into trouble were described. Specific mention was made of a project in South Cambridgeshire which encouraged youngsters to become involved in community work. Focus would also be placed on tackling hate crime, protecting young people from domestic violence and sex offences for instance as well as the more serious crime prevention.

Sir Graham concluded by describing himself as the 'voice of the people' and whilst not responsible for operational matters it was up to him, working in conjunction with the Chief Constable to hold the police to account for their performance.

The debate opened with a question from Councillor M F Shellens which suggested that Sir Graham had spent the equivalent of three PCSOs on office furniture. Sir Graham denied that this was the case but contended that he was required to set up an office and recruit staff necessary to manage correspondence and respond to enquiries. In terms of community presence, Councillor T V Rogers referred to the absence of a police presence in his village or at meetings of the Parish Council and asked whether it was Sir Graham's intention that this level of support be reinstated. Sir Graham regretted that the cost of this level of support was prohibitive and that, in any event, he would prefer to see constables spend time on local policing and not in parish council meetings. He assured the questioner that the Police Authority was committed to neighbourhood policing and that he was hopeful that a new 'alert' system would provide parishes with all the information they required about policing matters in their areas. Ultimately, he hoped to visit all Parish Councils in Cambridgeshire but it would be impossible to repeat this exercise regularly. He had envisaged that the efforts he had made to make it easier for the public to contact the police had helped, so whilst sympathetic, he preferred Constables to be working on the streets. Councillor Rogers considered that it was important for the police to be seen in villages but he acknowledged that this would not occur unless there was a known hot spot of crime at a particular location. Sir Graham reminded the Council that he had a duty to police the County, that the local commander would deal with specific problems and that regrettably he did not have the resources to patrol every village.

Referring to the use of the former St Ives Police Station building for community purposes and the opportunity that existed to develop similar facilities elsewhere, Councillor D B Dew questioned the ability of the police to adequately respond promptly to issues which might arise in St Ives town if there were also problems in Wisbech on the same evening given the large geographical area that the surveillance van would be expected to cover. Sir Graham suggested that policing Saturday night activities were a priority and that a number of special constables had been recruited to supplement the permanent force for these purposes. He described a project which had operated in conjunction with Sainsbury's supermarkets to encourage the recruitment of special constables trained to deal with those issues likely to arise at weekends. It also was possible to call on neighbouring forces for back up if necessary but this would be an operational decision. In terms of reuse of former police stations, the

authority's estate management function was seeking to maximise, together with neighbouring authorities, use of all property.

Given the low turnout at the PCC elections, Councillor Mrs P A Jordan asked whether Sir Graham considered that he had a mandate to undertake the duties of the Commissioner effectively and in response Sir Graham confirmed that everyone had had the opportunity to vote so he had no concerns in this respect.

Commending the wide range of strategies contained in the Police Plan, Councillor R B Howe asked for Sir Graham's views on the use of Speedwatch given the proliferation of speeding problems in villages and the difficulties these presented for Parish Councils. Sir Graham commented that where operating, Speedwatch appeared to be an effective means of influencing drivers to curb their speed but he admitted that there had to be a balance between the actions that could be taken by the police and a local Speedwatch group in these circumstances.

In terms of the vulnerability of an isolated property to crime, Councillor R J West asked whether Sir Graham had any intention of allocating additional resources to the Rural Crime Group. Sir Graham was of the opinion that the Cambridgeshire force had been successful in tackling rural crime with the help of a dedicated police team and a Farmwatch Group.

Sir Graham was asked to comment on his plans for working with troubled families and in reply he indicated that it was his intention to put in place arrangements through community safety partnerships which would trigger the involvement of relevant agencies in the event of contact from known individuals/families in need of assistance.

Regarding response times to 101 calls, Sir Graham confirmed, following a question from Councillor Mrs M Banerjee that these had improved and that he had particularly insisted that the police should attend domestic burglaries on the day they occur. He indicated that he would focus on victim support as a future target.

It having been suggested that there was a high incidence of knife crime amongst migrant communities, Sir Graham advised that this was a matter for the Border Agency, that he was aware of problems in certain towns and that the force was using trained PCSOs to address these.

As the Neighbourhood Forums had been discontinued, Councillor P Kadewere asked Sir Graham to comment on the way in which the police would consult with the public in the future and whether he was prepared to release funding for this purpose. Sir Graham was aware that the Area Commander was considering ways to consult with the community to overcome the absence of Neighbourhood Forums but that he personally believed in Constables speaking to people whilst out on the beat. However, he would consider the question of funding such meetings should he be approached in the future.

Regarding the appointment of Special Constables, Councillor R Harrison asked if these Officers were eligible to receive the same equipment and training opportunities as ordinary constables. Sir

Graham confirmed that the Cambridgeshire force consisted of up to 350 PCSOs and that each had been equipped to a value of £2500 and been trained in a particular specialism. There was also no barrier to career progression.

Having commended the success of community policing and Speedwatch locally, Councillor P D Reeve asked whether Sir Graham would be open to reducing back office costs by entering a shared services arrangement with other authorities. In reply, Sir Graham confirmed that he would consider every opportunity to reduce costs and undertook to investigate Councillor Reeves' suggestion that Speedwatch was not operating as it could due to 'red tape' issues.

Lastly, Sir Graham confirmed that he was prepared to hold regular public surgeries but he admitted that the response to these had not been great.

The Chairman thanked Sir Graham for his interesting and thorough presentation and for attending the Council meeting.

19. PUBLIC QUESTION TIME

In the absence of the questioner, the Chairman invited the Deputy Executive Councillor, Councillor N J Guyatt to respond to the following question –

"Will the Council delay implementation of the green bin tax until further consideration has been given to the concerns of the local electorate and feedback is provided by the District Council to the issues raised, such as those contained in an e-petition on the subject which has been open for signatures for a period of 90 days from 17th June 2013?"

Given the interest in this subject, Councillor Guyatt agreed to respond to those questions which Members intended to raise under Minute No 24 at this point in the meeting.

Councillor Guyatt reported that 1682 householders had already paid the charge for a second green bin and that the necessity for the charge lay with the decision of the Government to reduce funding to local authorities which consequently impacted on the services they could provide.

The District Council had achieved substantial savings already but still was required to make further difficult decisions in this respect. The Deputy Executive Leader reminded the Council that the matter had been discussed by the relevant Overview & Scrutiny Panel on two occasions. He also pointed out that the provision of second green bins to households was an additional service for which the recipients should pay and that other Councils even charged for the first green bin.

Having indicated his opposition to the original decision, Councillor P D Reeve questioned whether the decision to charge had been successful in reducing the cost of collection and asked where the returned bins were being stored.

As Executive Councillor for the Environment, Councillor D M Tysoe confirmed that the green bins returned was consistent with the number expected and that the financial projections allowed for this level of return when the original scheme was conceived. In terms of their future use, Councillor Tysoe added that the collection of bins avoided the need to purchase new bins as replacements and for new properties, that sufficient space for storage was available and special arrangements would continue for the collection of the wheeled bins of the elderly and vulnerable. A software issue which had initially prevented householders from paying for their second green bin had been overcome.

In response to questions from Councillor M G Baker, Councillor Guyatt confirmed that the District Council had no plans to charge for collection of the first green bin but that he could not guarantee that a different administration would decide differently. He added that it would be impractical to give a discount to households occupied by a single person in view of the scale of the charge.

Having provided Councillor Guyatt with various statistics which suggested that the net gain from the project could amount to approximately £20,000 and in view of its unpopularity with residents, Councillor S Greenall asked whether the Council would reconsider the decision. Councillor Guyatt repeated that the decision had been reconsidered on two occasions already and that he would respond, in writing, to the various assertions after the meeting.

In terms of alternative saving proposals, Councillor P L E Bucknell suggested that he had submitted options for savings but had yet to receive a response and that he had been contacted by 129 residents who were unhappy with the proposal.

In concluding discussion, Councillor Tysoe suggested that 90% of residents were content with one green bin, that the service represented good value for money and that the scheme had been well considered and would be subject to review after one year's operation. In view of the suggestion from Councillor M F Shellens that Customer Services had been advised to refer questions from residents on second green bins to Ward Councillors, both Executive Councillors denied that this was the case but undertook to investigate the matter and respond in writing to the questioner.

20. GREEN PAPER ITEM - HUNTINGDONSHIRE LOCAL PLAN PROCESS TO 2036

By reference to a power point presentation, the Deputy Executive Leader, Councillor N J Guyatt reminded the Council that the National Planning Policy Framework required the authority to identify potential site allocations to meet assessed needs for housing to 2036. Based on population and economic data and after discussion with partners, the Joint Strategic Planning Unit/Cambridgeshire County Council had identified dwelling requirements for all Districts in Cambridgeshire. The analysis had identified a need for 21,000 new dwellings in Huntingdonshire to 2036. Councillor Guyatt explained, however, that it was not just about housing but providing a decent standard of living and employment. He added that the link between job creation and housing to stimulate the local economy was essential. Members were

advised that the District Council had a duty to co operate with its partners in the County to deliver the number of commitments identified through a Memorandum of Co operation.

Regarding the key dates for the delivery of the new Local Plan, the Planning Service Manager (Policy) explained that consultation on the draft Local Plan would close on 26th July. The existing Core Strategy provided for 9000 dwellings to 2026 and it was proposed that the required additional allocations would largely be met through strategic scale expansion at Alconbury Weald, St Neots East and Wyton Airfield with the balance accommodated in other towns and larger villages.

In terms of public engagement, the Planning Service Manager (Policy) explained that sessions had been held for town and parish councils and that there had been a good response to the non statutory consultation stage. It was anticipated that Stage 8 – New Local Plan adoption would be achieved by December 2014.

In the short discussion which followed, matters raised included the process of consultation, the requirement for adequate infrastructure including improvements to 'A'roads and specifically improvements to the A428 and A14.

21. CABINET PROCEDURE RULES - DELEGATION BY THE EXECUTIVE LEADER

In accordance with the Procedure Rules contained in the Council's Constitution and by reference to a report by the Head of Paid Service and Managing Director (Communities, Partnerships and Projects), the Deputy Executive Leader, Councillor N J Guyatt presented details of the Cabinet Portfolios for the ensuing year. Whereupon, it was

RESOLVED

that the report now submitted be noted.

22. FOOD SAFETY SERVICE PLAN 2013/14

By reference to a report by the Head of Environmental & Community Health Services (a copy of which is appended in the Minute Book) Councillor J W Davies, Chairman of the Licensing & Protection Panel reminded Members that the Food Standards Agency required the Council to prepare a Food Safety Service Plan annually in accordance with an agreed framework. A full copy of the Food Safety Service Plan 2013/14 had been made available in the Members' Room (an Executive Summary of which also is appended in the Minute Book).

Referring to the overall budget for the service, Councillor Davies explained that this was £441,360 for 2013/14 and not 2012/13 as erroneously had been included in the report. Whilst this would be sufficient to meet the demands of the service, Members noted that additional funds might be required in the event of a complex legal case or introduction of central sampling charges. The Council were reminded of the objectives of the Service Plan in terms of identifying resources, establishing a work programme and providing a means by

which to measure and manage performance. Members were advised that there were 1494 food businesses in the District and that the service helped to ensure that the local food economy and businesses remained vibrant in difficult economic times and that public confidence was maintained in the standards of the local food industry.

Regarding performance in 2012/13 and despite involvement in a number of legally and technically complex cases, Councillor Davies reported that the service had ensured that 95.6% of high risk and 64.4% lower risk premises requiring an inspection were inspected within the specified time frame. In total, 1216 inspections, interventions and visits were carried out to food premises as part of programmed activity and in response to complaints, food alerts and service requests. The Service Plan for 2013/14 remained largely unchanged.

In response to questions from Councillors M F Shellens and P D Reeve, Councillor Davies reassured the Council that those inspections which were unable to be undertaken in one year would be covered in the following year, that inspections were prioritised after consultation with the Chairman and Vice Chairman of the Panel and that whilst there was potential for the service to be shared with another authority it currently was being managed efficiently and cost effectively.

Whereupon, after noting the support for the Plan on the part of the Licensing & Protection Panel, the Council

RESOLVED

that the Food Safety Service Plan 2013/14 be adopted.

23. REPORTS OF THE CABINET, PANELS AND COMMITTEE

(a) Cabinet

Councillor N J Guyatt, Deputy Executive Leader of the Council and Vice Chairman of the Cabinet presented the Reports of the meetings of the Cabinet held on 16th May and 20th June 2013.

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In connection with Item No 4 and upon being moved by Councillor Guyatt, and seconded by Councillor J A Gray, the recommendation was declared to be CARRIED.

.....

Whereupon, it was

RESOLVED

that, subject to the foregoing paragraph, the Reports of the meetings of the Cabinet held on 16th May and 20th June 2013 be received and adopted.

(b) Overview & Scrutiny Panel (Economic Well-Being)

Councillor T V Rogers presented the Report of the meeting of the Overview and Scrutiny Panel (Economic Well-Being) held on 6th June 2013.

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In connection with Item No 3, the Council noted that actual net investment interest amounted to £269,000.

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Whereupon, it was

RESOLVED

that the Report of the meeting of the Overview and Scrutiny Panel (Economic Well-Being) held on 6th June 2013 be received and adopted.

(c) Overview & Scrutiny Panel (Environmental Well-Being)

Councillor G J Bull presented the Report of the meeting of the Overview and Scrutiny Panel (Environmental Well-Being) held on 11th June 2013.

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Whereupon, it was

RESOLVED

that the Report of the meeting of the Overview and Scrutiny Panel (Environmental Well-Being) held on 11th June 2013 be received and adopted.

(d) Overview & Scrutiny Panel (Social Well-Being)

Councillor S J Criswell presented the Report of the meeting of the Overview and Scrutiny Panel (Social Well-Being) held on 4th June 2013.

.....

As the former Vice Chairman, Councillor R J West was no longer a member of the Panel, Councillor Criswell paid tribute to the contribution Councillor West had made to the work of the Panel over many years and for his influence and input particularly in relation to health matters.

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Whereupon, it was

RESOLVED

that the Report of the meeting of the Overview and

Scrutiny Panel (Social Well-Being) held on 4th June 2013 be received and adopted.

(e) Development Management Panel

Councillor D B Dew presented the Report of the meetings of the Development Management Panel held on 20th May and 17th June 2013.

.....

Whereupon, it was

RESOLVED

that the Report of the meetings held on 20th May and 17th June 2013 be received and adopted.

(f) Employment Panel

Councillor S Cawley presented the Report of the meeting of the Employment Panel held on 19th June 2013.

.....

In connection with Item No 3 and in response to a question from Councillor S Greenall regarding sickness absence reporting, Councillor Cawley assured Members that training sessions had been provided to managers to help introduce the new sickness absence procedure and that it was the intention to work with all staff to help to reduce sickness levels.

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Whereupon, it was

RESOLVED

that the Report of the meeting of the Employment Panel held on 19th June 2013 be received and adopted.

(g) Corporate Governance Panel

Councillor E R Butler presented the report of the meeting of the Corporate Governance Panel held on 22nd May 2013.

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Whereupon, it was

RESOLVED

that the Report of the meeting of the Corporate Governance Panel held on 22nd May 2013 be received and adopted.

24. ORAL QUESTIONS

Question from Councillor D B Dew to the Executive Councillor for Customer Services, Councillor B S Chapman

In response to a question which requested information on the grants payable to those in disadvantaged situations in the District in 2012/13, Councillor Chapman replied that the Council continued to be compassionate in its support of the vulnerable in the community and had made available an additional £1m for disabled facilities grants to enable people to remain in their own homes. Further technical adjustments also had raised additional resources.

Question from Councillor R J West to the Executive Councillor for Resources, Councillor J A Gray

Regarding the recent announcement of a proposed 10% reduction in government grant to local authorities, Councillor Gray informed the questioner that it was too early to know what the implications might be for the District Council in real terms, that it was the expectation, in any event, that the grant would be reduced by 7% in 2015/16 and that he could be assured that together with the Cabinet, he would examine all available options and appraise Members of any further details as they emerged.

Question from Councillor P D Reeve to the Deputy Executive Leader, Councillor N J Guyatt

Having been asked as to the number of Officers enjoying salaries in excess of £50,000 and over £100,000, Councillor Guyatt replied that although the remuneration of senior management was now published annually via the Pay Policy Statement he did not have the information to hand and would reply to the questioner in writing after the meeting.

25. VARIATION TO THE MEMBERSHIP OF COMMITTEES AND PANELS, ETC

Having welcomed Councillor R B Howe to the Cabinet and thanked Councillors D Harty and Mrs D C Reynolds for their contribution to the Overview and Scrutiny Panel (Environmental Well-Being), Councillor Guyatt proposed and it was duly seconded and

RESOLVED

- (a) that Councillor K M Baker be appointed to replace Councillor C R Hyams in the membership of the Overview and Scrutiny Panel (Environmental Well-Being); and
- (b) that Councillor J W G Pethard be appointed to the Cambridgeshire Adults, Well Being and Health Overview and Scrutiny Committee in the place of Councillor R J West.

The meeting ended at 10.10pm.

Chairman

HUNTINGDONSHIRE DISTRICT COUNCIL

Title	Financial Forecast to 2019
Meeting	Cabinet - 19 September 2013 Council - 25 September 2013
Executive Portfolio	Resources
Author	Assistant Director, Finance and Resources
Wards Affected	All

Executive Summary:

INCREASED UNCERTAINTY MAJOR EXTRA SAVINGS REQUIRED

The Government's Spending Review has implications for allowable increases in Council Tax, reductions in formula grant (RSG) and the proposal to pass a significant portion of New Homes Bonus to the Local Enterprise Partnership (LEP). (Section 5)

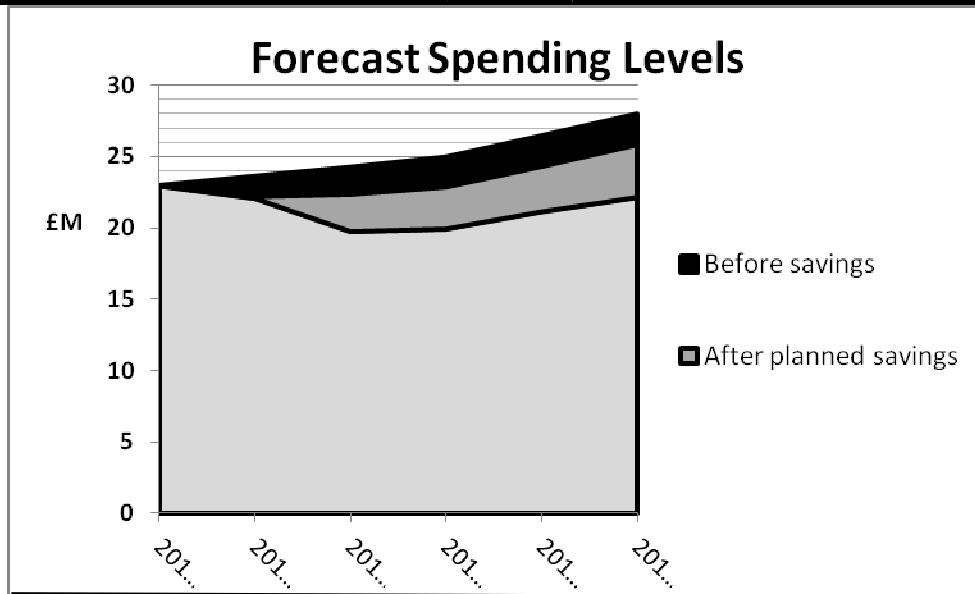
The Budget/MTP approved by Council in February has now been updated to reflect the latest information available to the Council to give the new Forecast (Section 7). This includes the 2012/13 outturn, 2013/14 latest forecast, a review of inflation and interest assumptions, changes to the risk assumptions (Sections 2,3,4 and 6) and the impact of the Government's Spending Review.

The report considers progress on the achievement of the previous target for unidentified savings (Section 8), and highlights the need to urgently identify how the necessary additional savings will be achieved. (Section 9)

The table below summarises the resulting position:

FORECAST	FORECAST	BUDGET	MTP			
	2013/14 £000	2014/15 £000	2015/16 £000	2016/17 £000	2017/18 £000	2018/19 £000
NET SPENDING	22,962	22,090	19,768	19,950	21,159	22,166
FUNDING						
Use of revenue reserves	-2,752	-2,386	-1,435			
Remaining EOY	8,821	6,435	5,000	5,000	5,000	5,000
New Homes Grant	-2,905	-3,505	-3,142	-4,175	-4,782	-5,182
Formula Grant (RSG)	-6,019	-4,500	-2,995	-2,995	-2,995	-2,995
Retained Business Rates	-3,704	-3,817	-3,913	-4,011	-4,111	-4,214
Collection Fund Deficit	-76					
Council Tax	-7,506	-7,882	-8,323	-8,810	-9,311	-9,816
COUNCIL TAX LEVEL	£133.18	£137.85	£142.67	£147.67	£152.84	£158.19
% increase	3.63%	3.51%	3.50%	3.50%	3.50%	3.5%
£ increase	£4.67	£4.67	£4.82	£4.99	£5.17	£5.35

Savings Required:			1,377	1,852	2,050	2,090	2,090
• Targetted							
• Unidentified			138	2,620	2,948	3,181	3,694



Whilst progress is being made on achieving the previously identified savings requirement, the Government's Spending Review creates additional major financial challenges for the Council and its ability to deliver its current portfolio of services.

Whilst uncertainty about the final figures remains there is no alternative to assuming, for the time being, that **extra savings** of around £2.6M need to be found for 2015/16 increasing to £3.7M by 2018/19. There is uncertainty about what will happen to Government support for Councils after the 2015 General Election and this forecast assumes a fall of 2.5% per year.

The major challenge is to identify how these savings can be achieved in time. The report "Facing the Future 2013" later on the agenda begins this process.

RECOMMENDATIONS

That Cabinet recommend to the Council that it:

- confirms that there will be no grants relating to the impact of Council Tax Support to Town and Parish Councils in 2014/15 and subsequent years.
- recognises the significant financial uncertainty for local authorities.
- accepts the Forecast Report in order to estimate the potential level of savings required.
- requests the Chief Officers' Management Team to identify proposals for additional major savings for 2015/16.

1. BACKGROUND

1.1 The Budget/MTP approved by Council in February:

APPROVED BUDGET and MTP	FORECAST	BUDGET	MTP		
	2013/14	2014/15	2015/16	2016/17	2017/18
	£000	£000	£000	£000	£000
BUDGET/MTP	22,764	22,198	22,755	23,046	24,227
Special and Specific Grants adjustment	-126	-100			
APPROVED BUDGET/MTP	22,638	22,098	22,755	23,046	24,227
FUNDING					
Use of revenue reserves	-2,128	-1,984	-1,458	0	0
<i>Remaining EOY</i>	8,668	6,684	5,226	5,226	5,226
New Homes Grant	-2,905	-3,505	-4,489	-5,964	-6,832
Formula Grant (RSG)	-6,019	-4,600	-4,255	-3,936	-3,641
Retained Business Rates	-4,004	-4,127	-4,230	-4,336	-4,444
Collection Fund Deficit	-76				
Council Tax	-7,506	-7,882	-8,323	-8,810	-9,311
COUNCIL TAX LEVEL	£133.18	£137.85	£142.67	£147.67	£152.84
% increase	3.63%	3.51%	3.50%	3.50%	3.50%
£ increase	£4.67	£4.67	£4.82	£4.99	£5.17

Unidentified Spending Adjustments still required	0	-1,500	-1,856	-2,687	-2,637
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2. 2012/13 ACTUALS

2.1 The table below summarises the impact of the 2012/13 outturn:

2012/13 ACTUALS	FORECAST 2012/13 £000	ACTUAL 2012/13 £000	VARIATION £000
REVENUE			
Spending	22,028	20,398	-1,630
Provision for Delayed Projects 12/13 to 13/14	398	750	352
Contribution to Special Reserve	0	1,000	1,000
	22,426	22,148	-278
Reserves EOY			
General Reserve	10,398	10,587	189
Delayed Projects			
Carried Forward 12/13 to 13/14	398	750	352
Carried Forward 11/12 to 13/14	0	236	236
Special Reserve	260	1,260	1,260
CAPITAL			
Net Capital Spending	7,278	6,510	-768
Spending delayed to 2013/14	500	1,207	707

3. INFLATION AND INTEREST

- 3.1 The only change to inflation rates at this stage of the financial cycle is to reduce the provision for Pay Awards as shown below:

PAY INFLATION	<i>for Apr 2014</i>	<i>for Apr 2015</i>	<i>for Apr 2016</i>	<i>for Apr 2017</i>	<i>for Apr 2018</i>
<i>Approved Budget/MTP</i>	2.0%	2.0%	2.0%	2.0%	2.0%
<i>Forecast</i>	1.0%	1.0%	1.0%	1.0%	1.0%

- 3.2 Interest rates have been changed as shown below:

Approved Budget/MTP

INTEREST RATES	2014/ 2015	2015/ 2016	2016/ 2017	2017/ 2018	2018 2019
Temporary Borrowing	0.4%	0.4%	0.76%	1.2%	1.7%
Temporary Investments	0.6%	0.6%	0.86%	1.3%	1.8%
PWLB 20 year borrowing	3.73%	3.80%	4.05%	4.30%	4.5%

Forecast

INTEREST RATES	2014/ 2015	2015/ 2016	2016/ 2017	2017/ 2018	2018 2019
Temporary Borrowing	0.40%	0.50%	0.75%	1.15%	1.50%
Temporary Investments	0.55%	0.65%	0.90%	1.30%	1.65%
PWLB 20 year borrowing	4.00%	4.15%	4.30%	4.40%	4.50%

4. LATEST FORECAST FOR CURRENT YEAR

- 4.1 After allowing for additional spending brought forward from 2012/13 (£588k) and the expected slippage of Local Plan Funding (£223k) to 2014/15, there is a forecast need to take a further £258k from reserves. This "overspend" is due to changes in net service spending (-£42k) and a forecast reduction in Business Rates income (+£300k) as a result of successful appeals. The service variations are mainly due to lower estate's rents (£100k) and delayed savings on One Leisure (£167k) offset by a reduced provision for debt repayments due to capital programme slippage last year (-£137k) and a variety of savings primarily from not filling vacancies. At present the only significant item that is assumed to be ongoing is estate's rents.
- 4.2 Obviously every effort will continue to be made to identify compensating savings.

5. GOVERNMENT SPENDING REVIEW

- 5.1 There were three elements covered in the Spending Review which are explained in the following sections.

5.2 Council Tax Limitation

The Government has indicated that Council Tax rises will be limited to 2% unless a positive referendum result is obtained. Last year there was a similar limit but there was a dispensation for District Council's who had Council Tax levels below the average which allowed a rise of 3.63%. It is not yet clear whether this will be permitted in the future and so the Risk Provision has been adjusted to provide for the difference between the previously planned increases and 2%.

5.3 Formula Grant (RSG)

The Government have issued the control totals for changes to their support for local government but there are still some areas of uncertainty including how the totals will be apportioned to the various classes of authority and then between individual authorities in each class. This will remain uncertain until draft settlement figures are published in November/December.

The current best estimate is that this Council will lose around a further £1.3m per year in 2015/16.

5.4 New Home Bonus

The Government have proposed that local authorities be required to pass on a total of £400m of New Homes Bonus to their Local Enterprise Partnership (LEP). This will be converted into a standard percentage of the Bonus received but there is uncertainty about what the national total that will be payable and hence what percentage the £400m will represent.

Indications of between 35% and 40% have been suggested but the Government has also suggested an alternative whereby County Council's have to pass on 100% and then the District percentage would reduce to 19% to 25%. 30% has been used for this forecast.

Whichever approach is taken this is a very sizeable amount as can be seen in the table below:

SPENDING REVIEW	2014	2015	2016	2017	2018
	2015	2016	2017	2018	2019
	£000	£000	£000	£000	£000
Loss of Formula Grant (RSG)	100	1,300	1,333	1,366	1,400
Council Tax Limitation at 2%##	80	149	190	236	285
Loss of New Homes Bonus at:					
40%		1,796	2,386	2,733	2,961
35%		1,571	2,087	2,391	2,591
30%		1,347	1,789	2,050	2,221
25%		1,122	1,491	1,708	1,851
19%		853	1,133	1,298	1,407
Total impact based on 30%	180	2,796	3,312	3,652	3,906

net of risk provision provided in approved budget/MTP which assumed the Council might face some restriction in achieving its planned Council Tax increases.

5.5 This will have a major impact on the Council's financial position and ability to maintain services. A response has therefore been made to the Government's consultation on New Homes Bonus highlighting the disproportionate impact on those authorities that have achieved high housing growth.

5.6 There is uncertainty about what will happen to Government support for Councils after the 2015 General Election and so there is provision in the risk contingency for a fall of 2.5% per year in cash terms – potentially 5% in real terms.

6. RISK PROVISION

6.1 The Risk Provision contained in the existing Budget/MTP is the "Low End" assumption shown at Annex A.

6.2 Annex B shows the revised proposal and the difference is highlighted below:

RISK PROVISION	2014	2015	2016	2017	2018
	2015	2016	2017	2018	2019
	£000	£000	£000	£000	£000
Current Risk Provision (Annex A)	1,078	1,598	2,567	3,085	3,831
Proposed Risk Provision (Annex B)	998	1,583	2,321	3,112	3,933
Variation	-79	-16	-245	+27	+102

6.3 As mentioned earlier, an allowance is included in case there is no relaxation of the proposed limit of 2% for Council Tax rises for those Districts currently taxing at below average levels.

7. RESULTING FORECAST

PROPOSED BUDGET/MTP	FORECAST	BUDGET	MTP			
	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
	£000	£000	£000	£000	£000	£000
2013/14 BUDGET/MTP	22,638	22,098	22,755	23,046	24,227	25,141
Proposed variations	324	-8	-2,987	-3,096	-3,068	-2,975
NEW FORECAST	22,962	22,090	19,768	19,950	21,159	22,166
FUNDING						
Use of revenue reserves	-2,752	-2,386	-1,435			
Remaining reserves EOY	8,821	6,435	5,000	5,000	5,000	5,000
New Homes Bonus	-2,905	-3,505	-3,142	-4,175	-4,782	-5,182
Formula Grant (RSG)	-6,019	-4,500	-2,995	-2,995	-2,995	-2,995
Retained Business Rates	-3,704	-3,817	-3,913	-4,011	-4,111	-4,214
Collection Fund Deficit	-76					
Council Tax	-7,506	-7,882	-8,323	-8,810	-9,311	-9,816
COUNCIL TAX LEVEL	£133.18	£137.85	£142.67	£147.67	£152.84	£158.19
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£ increase	£4.67	£4.67	£4.82	£4.99	£5.17	£5.35

Savings Required:					
• Targetted		1,377	1,852	2,050	2,090
• Unidentified		138	2,620	2,948	3,694

Forecast Capital Spending	9,570	2,789	3,647	3,866	3,967	3,347
Net Interest and Borrowing Costs						
- total	1,358	2,008	2,409	2,738	3,235	3,812
- as % of total net spending	5.9%	9.1%	12.2%	13.7%	15.3%	17.2%

7.1 It was agreed during the 2013/14 budget/MTP process that Council approval would be required before the net cost of interest and borrowing could exceed 15% of net spending. The above table indicates that 15% may be exceeded from 2017/18. The increase is not due to any change in capital spending but the variation in interest rates and, much more significantly, the proposed reduction in net spending. If net spending in 2018/19 was retained at last year's level of £25.1M then the percentage would be 15.2% rather than the 17.2% shown above. This issue will be included in the draft budget/MTP report in December.

8. EXISTING SAVINGS PROPOSALS – Required by approved budget/MTP

8.1 Annex C provides a list of costed items and items under active consideration. The costed items are a mixture of specific (some definite) and targets. It is currently anticipated that the "active consideration" items will be sufficient to cover any shortfall in the costed items but will not provide any significant excess.

8.2 Work has started on confirming and achieving these savings and the December draft budget report will make any necessary adjustments to reflect the latest view of any under/over achievements in the current and future years. An estimate of the impact of the Pay Review will also be available to feed into the process.

8.3 The Government introduced a new localised Council Tax support system from April this year. Their original proposal was to completely protect Town and Parish Councils from the impact but they revised the final arrangements resulting in the Towns and Parishes receiving a lower taxbase and hence a higher level of precept (Council Tax) to achieve the same spending level. As this change was made late in the process and some Councils had already agreed their precept for 2013/14 this Council decided to provide a grant to compensate for this change. The additional government grant relating to this change has now been subsumed in Formula Grant which falls significantly in 2014/15. Given the financial pressures the Council faces it is not therefore proposed to continue this grant beyond the current financial year but, in order to give the Towns and Parishes adequate notice, this will need to be formally confirmed.

9. ADDITIONAL SAVINGS REQUIREMENT

9.1 As shown in this report, additional savings of £2.6m for 2015/16 rising to £3.7m by 2018/19, on top of the currently targeted level, will be an extremely challenging task for officers and Members to achieve.

- 9.2 No organisation can ever say that no further efficiency improvements can be found but Members will be aware of the significant savings that have been achieved in previous years which, when coupled with the existing savings plan, will dramatically reduce any significant further opportunities.
- 9.3 The Managing Director is currently developing a performance management framework to link the Leadership Direction with the Budget/MTP. This will enable Members to consider the relative importance of the Council's services and ensure that available funding is focussed on the highest priorities. A service challenge process is also planned which will explore any further efficiencies and new service delivery options.
- 9.4 Once a savings plan has been identified, Members will need to consider whether it is likely that Huntingdonshire residents would support a Council Tax increase as an alternative to the service cuts proposed. To put this in context, a 20% increase in Council Tax (£23 more than the Forecast assumption) would generate an additional £1.3M.
- 9.5 This would require majority support via a referendum and might be a high risk strategy as there is the cost of a referendum, the cost of re-billing and the delay in introducing the savings to be taken into consideration if support was not obtained.

10. CONSULTATION AND COMMENTS

- 10.1 The Overview & Scrutiny Panel (Economic Well-Being) discussed this report at its meeting on 5 September. It endorsed recommendations 2, 3 and 4 within the Executive summary. However whilst supporting the first proposal (not to continue the grants to Town and Parish Councils) they considered that this should be "subject to there being no change in the Government legislation".
- 10.2 In relation to the transfer of a percentage of the New Home Bonus (NHB) the Local Enterprise Partnership, the Panel were pleased to note that the Executive Leader and the Executive Councillor for Resources intend to lobby DCLG to attempt to get the level of the loss on NHB reduced on the Council's behalf. There has been no assumption made within the Forecast that the District Council will receive any reciprocal funding from the Local Enterprise Partnership and it has been suggested that their Chairman and Chief Executive Officer should be invited to a future Council meeting to give a presentation on their business plan.
- 10.3 In discussing the additional savings requirement (in Section 9), the Panel has commented on the need to focus on the larger areas of the Council's expenditure and the importance of communication to ensure that Huntingdonshire residents are able to influence and remain informed of this process. Members have suggested that the Council should take into account the degree to which the District Council's activities are statutorily required but that this should be balanced against the interests of residents.
- 10.4 The Panel has expressed their interest in supporting the identification of savings flowing from the report 'Facing the Future 2013' in

conjunction with the other Overview & Scrutiny Panels and has suspended its reviews in order to do this.

11. CONCLUSIONS

- 11.1 Whilst progress is being made on achieving the previously identified savings requirement the Government's Spending Review creates additional major difficulties for the Council and its ability to deliver its current portfolio of services.
- 11.2 There is also uncertainty about what will happen to Government financial support for Councils after the 2015 General Election.
- 11.3 Reserves will be at planned minimum levels by 2015/16 and so there is no alternative but to urgently identify options for savings that can be introduced in time - this will be a major challenge.

12. LIST OF APPENDICES INCLUDED

- A Existing Risk Provision
- B Proposed Risk Provision
- C Existing Savings Proposals

BACKGROUND PAPERS

2013/14 Budget/MTP -

[http://search.huntingdonshire.gov.uk/kb5/cambridgeshire/huntsdc/results.page?qt=budget 2013](http://search.huntingdonshire.gov.uk/kb5/cambridgeshire/huntsdc/results.page?qt=budget%202013)

Budget Monitoring Reports -

<http://applications.huntingdonshire.gov.uk/moderngov/ieListDocuments.aspx?CId=256&MId=5081&Ver=4>

Contact Officer:

Steve Couper, Assistant Director, Finance and Resources

☎ 01480 388103

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APPROVED RISK PROVISION - The Low End Assumption is included in the Budget/MTP

LOW END ASSUMPTION Risk Provision in MTP	Extra savings needed (+):					HIGH END ASSUMPTION	Extra savings needed (+)				
	13/14	14/15	15/16	16/17	17/18		13/14	14/15	15/16	16/17	17/18
	£M	£M	£M	£M	£M		£M	£M	£M	£M	£M
Reduction in New Homes Bonus grant due to slower housing completions from 2014/15											
10% lower		0.050	0.150	0.300	0.450	20% lower		0.100	0.300	0.600	0.900
Reduction in Government Grant due to insufficient New Homes Bonus funding											
All bodies share loss			0.100	0.200	0.200	Local Authorities share loss			0.200	0.300	0.400
Financial Contribution to A14											
£5M over 25 years				0.200	0.200	£8M over 25 years				0.320	0.320
						Further reduction in Government Grant					
						1% per year for 3 years			0.400	0.800	1.200
Increase in net spending every year to cover cost of increased population. There is no provision for demographic growth in the forecast.											
0.425% #		0.090	0.180	0.270	0.240	0.85% #		0.180	0.360	0.540	0.600
						Change to NI Contributions re new Old Age Pension Proposals					0.300
Homelessness											
		0.100	0.100	0.100	0.100			0.200	0.200	0.200	0.200
Pay Protection and Performance pay @											
	0.320	0.640	0.960	1.300	1.600		0.320	0.640	0.960	1.300	1.600
MMI Drawdown											
		0.140						0.140			
Proposed Council Tax increases not permitted by Government											
£4 in 14/15 and 15/16 then 2.5%		0.038	0.088	0.177	0.275	£3 in 14/15 and 15/16 then 2%		0.096	0.204	0.341	0.489
						Increase in Business Rates retained					
						1% growth per year		-0.110	-0.220	-0.330	-0.440
						Loss of income in 2014/15 and 2015/16 excluding leisure and some other areas\$					
						2.5%		0.110	0.110		
						No leisure price increase					
						in 2014/15		0.170	0.170	0.170	0.170
Partial non-achievement of 2013 increase in car park charges											
10%	0.020	0.020	0.020	0.020	0.020	20%	0.040	0.040	0.040	0.040	0.040
PROPOSED RANGE FROM . .	0.340	1.078	1.598	2.567	3.085	TO....	0.360	1.566	2.724	4.281	5.779
						Extra cost of high end assumption	0.020	0.488	1.126	1.717	2.694

Cost of extra refuse round included in MTP for 2017/18 set-off

\$ Excludes Car parks (separate provision) Planning (no price rise) and Rents (based on leases)

@ Past budgets included 3.5% to cover cost of living and performance pay. 2% for potential cost of living increases is included in inflation. This Provision is the balance pending the results of a Pay Review which is underway. The Review will clarify what provision will be needed for future performance payments, transition costs and any protection that may need to be paid to staff.

PROPOSED LOW END RISK PROVISION INCLUDED IN FORECAST

LOW END ASSUMPTION INCLUDED IN FORECAST	14/15 £M	15/16 £M	16/17 £M	17/18 £M	18/19 £M
Financial Contribution to A14					
£5M over 25 years				0.200	0.200
Reduction in New Homes Bonus grant due to slower housing completions from 2014/15					
10% lower (assumes 30% to LEP)	0.050	0.105	0.210	0.315	0.420
Increase in net spending every year to cover cost of increased population.					
0.425% per year less extra refuse round in 2017/18	0.090	0.180	0.270	0.240	0.330
Homelessness					
Provision	0.100	0.100	0.100	0.100	0.100
Proposed Council Tax increases that may not be permitted by Government					
Increase above 2% per year	0.118	0.237	0.367	0.511	0.667
Pay Protection and Performance Pay					
Provision to be adjusted in light of Pay Review	0.640	0.960	1.300	1.600	2.000
Reductions in Formula Grant post 2015/16					
2.5% cash per year (circa 5% real terms)			0.074	0.146	0.216
TOTAL INCLUDED	0.998	1.583	2.321	3.112	3.933

EXISTING SAVINGS PROPOSALS				
	2014	2015	2016	2017
	2015	2016	2017	2018
	£000	£000	£000	£000
IMD - Chris Hall				
COSTED PROPOSALS				
Mobile Phones lower tariffs	20	20	20	20
Outsourced/Shared IT	50	100	100	100
FOR ACTIVE INVESTIGATION				
Reduce travelling and journey time through video conferencing				
Channel Migration				
Legal & Democratic Services - Colin Meadowcroft				
COSTED PROPOSALS				
Extra income from Document Centre	10	15	20	20
Democratic/Central Services target saving from extra income, cost savings or restructuring	20	20	20	20
Outsourced/Shared Legal Service	25	25	25	25
FOR ACTIVE INVESTIGATION				
Investigate integration of Licensing into Environmental Health				
Not give day off for elections				
Operations - Eric Kendall				
COSTED PROPOSALS				
Ops Management and admin budget savings	80	80	80	80
Outsourced/Shared CCTV Service with Cambridge City	20	100	100	100
Lower R&R contributions	25	25	25	25
Investigate savings in Street Cleansing	70	70	70	70
FOR ACTIVE INVESTIGATION				
RECAP (County wide project investigating Waste/Refuse options)				
Investigate reduction in Grounds Maintenance budget re. litter picking				
Investigate outsource of catering at Hinchingsbrooke Park				
Corporate Office - Helen Donnellan				
COSTED PROPOSALS				
Give up Performance Management budget	18	23	23	23
Corporate Office target saving from extra income, cost savings or restructuring	40	40	40	40
Increased income from proactive management of commercial estate	20	40	50	50
Review of contracts			20	30
Investigate integration of FM and Estates (part of Environmental Management target)				

	2014	2015	2016	2017
	2015	2016	2017	2018
	£000	£000	£000	£000
Customer Services - Julia Barber				
COSTED PROPOSALS				
Call Centre target saving from extra income, cost savings or restructuring		25	25	25
Outsourced/Shared Revs and Bens	50	150	150	100
FOR ACTIVE INVESTIGATION				
Channel Migration				
Investigate Shared Housing Register				
Investigate Shared Fraud				
Environmental Management - Paul José				
COSTED PROPOSALS				
Environmental Management - Combination of	200	250	250	250
Integration of FM and Estates				
Sharing				
Revenue generation activities/additional income				
Reduced energy and maintenance costs PFH and EFH				
Savings in Street naming and numbering and other budgets				
FOR ACTIVE INVESTIGATION				
Reduce office space, more hot desking and rent space out				
One Leisure - Simon Bell				
COSTED PROPOSALS				
Staff restructuring and increases in income				
<i>already included in MTP</i>				
FOR ACTIVE INVESTIGATION				
Investigate outsource of catering at Leisure Centres				
Finance & Resources - Steve Couper				
COSTED PROPOSALS				
Reduce Audit Fees budget	40	40	40	40
Identify and remove other spare budgets across the Council	50	50	50	50
Advertising opportunities	20	25	25	25
Reduce training budgets to focus on priorities	20	20	20	20
Outsourced/Shared Debtors	25	25	25	25
Margin on Loans to RSLs etc.	30	75	125	175
Other emerging minor staffing adjustments	25	50	75	100
No Grants to Towns/Parishes re Housing Support	357	357	357	357
FOR ACTIVE INVESTIGATION				
Further budget reviews				

	2014	2015	2016	2017
	2015	2016	2017	2018
	£000	£000	£000	£000
Environment, Growth & Planning - Steve Ingram				
COSTED PROPOSALS				
CIL related staff reorganisation	30	30	30	30
Selling planning expertise to other authorities (target)	20	20	20	20
Planning staff savings (existing vacancies)	50	50	50	50
Investigate integrating Housing Strategy with Planning Policy	25	50	50	50
FOR ACTIVE INVESTIGATION				
Further potential increase in car park charges				
Development Control Fees increase in excess of MTP assumption				
Environmental & Community Health - Sue Lammin				
COSTED PROPOSALS				
Deletion of post in Commercial Team		35	35	35
Give up Arts Development budget	11	11	11	11
Voluntary Grants reduction			50	50
Primary Authority Scheme	10	10	10	10
Premises Permitting Scheme	4	4	4	4
Community Safety work for others	5	10	15	20
Reduce DASH Team budget	7	7	7	7
Review Community Development			33	33
FOR ACTIVE INVESTIGATION				
Investigate shared Environmental Health with Cambridge City				
HSE Enforcement interventions income				
Investigate Outsource/Share Pest Control and Animal Warden				
Investigate Sports and Active Lifestyle business development				
Investigate integration of Licensing into Environmental Health				

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Members' Allowances

Report by the Head of Legal and Democratic Services

1. INTRODUCTION

- 1.1 The Independent Remuneration Panel in their review of the Members' Allowances Scheme in 2010 recommended – 'that Basic and Special Responsibility Allowances should be adjusted annually with effect from the date of the Annual Council Meeting commencing in 2012 to reflect any increase in inflation using as an automatic index mechanism the percentage change for spinal column point 33 approved by the National Joint Council for Local Government Staff Services and negotiated as the pay award for Local Government employees.'
- 1.2 Such mechanism should be applied until 30th April 2015 or until such time as the Independent Remuneration Panel recommends otherwise.
- 1.3 This recommendation was approved by the Council at their meeting held on 15th December 2010.

2. 2013/14 NJC PAY AWARD

- 2.1 After lengthy negotiations, the NJC for Local Government Services (the Employers') have announced that agreement has been reached to increase pay for local government employees by 1% with effect from 1st April 2013.
- 2.2 Although a departure from the scheme, should Members decide not to accept an increase, this would not set a precedent for future years nor require further reference to the Independent Remuneration Panel.

3. FINANCIAL IMPLICATIONS

- 3.1 The original budget forecast a 2% increase in allowances amounting to £7,400. Therefore an increase in line with NJC rates would save £3700.
- 3.2 A decision not to apply an increase would save the whole £7,400.

4. RECOMMENDATION

- 4.1 The Council is requested to determine whether to apply to Members Allowances the percentage increase of 1% approved by the NJC for Local Government Services.

Contact Officer: Christine Deller, Democratic Services Manager
☎ 01480 388007

BACKGROUND PAPERS

District Council Constitution 2012

Letters from the Local Government Association dated 22nd October 2012 and
NJC Trade Union Side pay claim 2013/2014 dated 17th October 2012.

Cabinet

Report of the meeting held on 18th July 2013

Matters for Information

**11. 2012/13 OUTTURN AND
2013/14 BUDGET CAPITAL PROGRAMME MONITORING**

The Cabinet has been acquainted with variations in the Capital Programme in the current year. In discussing the document, the Cabinet has questioned the use of capital expenditure rather than revenue for various schemes. They reiterated the need for greater challenge for each capital scheme in the future and Portfolio Holders were encouraged to pursue this with managers during their review of the Medium Term Plan.

**12. 2012/13 OUTTURN AND
2013/14 REVENUE BUDGET MONITORING**

The Cabinet has noted the final outturn of revenue expenditure for 2012/13 and the variations already identified in the current year. Executive Councillors were advised that as a result of under spending the Council has been successful in saving an additional £1m. This will be placed in the Special Reserve to fund one-off expenditure that will lead to ongoing savings. Members were advised that the grant for 2014/15 may be marginally less than that forecast but within the sum included in the risk provision.

**13. STATEMENT OF CONSULTATION AND
DRAFT REVISED SUPPLEMENTARY PLANNING DOCUMENT –
LANDSCAPE SENSITIVITY TO WIND TURBINE DEVELOPMENT**

In conjunction with the Overview and Scrutiny Panel (Environmental Well-Being) (Item No. 8 of their Report refers), the Cabinet has considered the contents of the following documents:-

- ◆ Proposed Supplementary Planning Document (SPD) – Landscape Sensitivity to Wind Turbine Development;
- ◆ Draft Revised SPD: “Landscape Sensitivity to Wind Turbine Development” – Revised Statement of Consultation; and
- ◆ Cumulative Landscape and Visual Impacts (CLVI) of Wind Turbines in Huntingdonshire.

The new SPD updates, clarifies and will replace the existing SPD document adopted by the Council in 2006. Members noted that it reflects the publication of new policy guidance notably the National

Planning Policy Framework and the methodology used to assess landscape sensitivity to wind turbine development since 2005. In order to address the concerns over the effects of wind turbines and to clarify the evidence base for the SPD, a Cumulative Landscape and Visual Impacts report was also commissioned. This document details all operational and consented wind turbine developments in the District together with those awaiting determination.

In considering the contents of the SPD, Executive Councillors have concurred with the Panel that the document should not include the proposed upper limit for large groups of wind turbines and that the specification of an upper limit would provide developers with an indication of the level of development they could expect to receive approval for, and in some cases, they might expect to exceed that level. Executive Councillors referred to Table 1 of the SPD which provided a summary of potential capacity for wind turbine developments. The data indicated that there was, at best, moderate capacity for large groups with some of these limited to groups of 13-15. The Cabinet has expressed some doubts over the capacity judgements given that Table 6 of the CVLI revealed that some areas of the District were already reaching saturation point. With this in mind and having noted the issues raised during the consultation on the draft document, the Cabinet has requested the Planning Service Manager to further review the content of the SPD.

With regard to the CVLI, the Cabinet has requested Officers to proceed with a public consultation exercise on the document. In doing so, Executive Councillors supported the Panel's view that this will give this important piece of work extra weight and will strengthen the SPD during any potential appeal process.

During their deliberations, Members referred to a letter received from "Stop Molesworth Wind Farm Action Group" which expressed support for the CVLI as technical evidence alongside the Council's policy. However, the Group believed that some additional consultation will be required to transform the proposed SPD into a document that represented the views of Huntingdonshire residents as a whole.

14. HUNTINGDONSHIRE ECONOMIC GROWTH PLAN

The Cabinet has considered the content of the Huntingdonshire Economic Growth Plan 2013 to 2023. As part of their deliberations, the Cabinet had regard to the conclusions reached by **the Overview and Scrutiny Panel (Economic Well-Being) on the matter (Item No.7 of their Report refers)**. In that respect, Members concurred with the Panel that the Plan's vision should be amended to refer to Huntingdonshire becoming one of the best places in England to live, work and invest and that the document would benefit from a more dynamic tone throughout. Members also supported the Panel's view that a more explicit explanation be provided for the "trickle down" effect.

In response to concerns over the lack of reference to rural areas, Executive Councillors were advised that the Plan was based upon

current assets within Huntingdonshire with the Alconbury Enterprise Zone being an important factor. It was stressed that the successful development of key strategic sites will result in increased economic activity throughout the district.

Having stressed the importance of the Economic Growth Plan for the District and Council, the Cabinet has approved the contents of the Plan subject to minor amendments to reflect the views above.

15. CCTV OPERATIONS – SHARED SERVICE PROPOSAL

Having regard to the views of the Overview and Scrutiny Panel (Social Well-Being) (Item No.11 of their Report refers), the Cabinet has approved, in principle the establishment of a shared CCTV service with Cambridge City Council.

In considering the key aspects of the proposal, the Cabinet's attention has been drawn to the background to the proposal, the scope for improving the service's financial performance and the implications for existing staff. In noting the strong business case for locating the joint service at the CCTV Control Room in Eastfield House, the Cabinet has authorised the Head of Operations, after consultation with the Executive Councillor for Healthy and Active Communities, to approve the establishment of the shared service, based in Huntingdon, subject to the receipt of a detailed business case.

J D Ablewhite
Chairman

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Overview & Scrutiny Panel (Economic Well-Being)

**Report of the meetings held on 4th July and
5th September 2013**

Matters for Information

7. HUNTINGDONSHIRE ECONOMIC GROWTH PLAN 2013 - 23

The Panel has reviewed the contents of the Huntingdonshire Economic Growth Plan for 2013 to 2023 prior to its consideration by the Cabinet. The Plan sets out a vision for Huntingdonshire and aims to deliver economic growth by focusing on achieving a set of key ambitions. It contains three main themes: People, Place and Business and Members' attention has been drawn to the variety of ways in which economic growth is promoted within the District.

The Panel has recognised the importance of the Economic Growth Plan for the District and for the Council and has commended the work which has been undertaken to prepare it. Given the importance that is attached to the Plan, Members are of the view that the Council should make adequate resources available to ensure the actions associated with it can be delivered. The Panel has also recommended to the Cabinet that the Growth Vision should be more ambitious. Members have suggested that it should be amended to refer to Huntingdonshire becoming one of the best places to live in England. They are also of the opinion that this should form the Vision for the Council, which would necessitate a change to the Leadership Direction.

During their deliberations on the Growth Plan, Members have discussed the fact that it contains few references to rural areas and the challenges for economic growth which have been identified as part of the economic assessment. In concluding their discussions, the Panel has recommended to the Cabinet that the Plan should:

- ◆ make reference to the District's infrastructure needs;
- ◆ clearly provide for interested parties who wish to contact the Council about it;
- ◆ adopt a more dynamic tone throughout; and
- ◆ provide a more explicit explanation of the "trickle down" effect from economic activity centres to rural areas.

The Panel has asked to see the marketing and implementation plans when they are available in spring 2014 and has invited the Economic Development Manager to its February meeting for this purpose.

8. USE OF CONSULTANTS, HIRED AND TEMPORARY STAFF

The Panel has been provided with details of the Council's expenditure on consultants, hired and temporary staff during 2012/13 compared to the previous year. Having been pleased to note that capital expenditure had reduced, concern was expressed that revenue expenditure had increased from £1,487k to £1,612k in 2012/13. Having noted that the number of consultants, hired and temporary staff fluctuates depending on the schemes or initiatives which are being pursued in a particular year or the availability of additional funding to employ such staff, further information has been requested on a number of items of revenue expenditure.

The Panel has discussed the reasons for the employment of temporary and hired staff and the mechanisms which are in place to review their use. With regard to the latter, Members have been advised that there is an onus on Heads of Service to manage their staffing budgets to avoid creating financial pressures in other areas. They have also been assured that consultants are employed to undertake one off projects and are unlikely to become permanent members of the establishment.

With regard to the levels of stress related absence within the organisation, it has been noted that the employment of temporary staff is one of the tools that the Council uses to provide cover. The Employment Panel is monitoring trends in this respect.

Having noted that the Cabinet has asked the Employment Panel to review the use of consultants and agency staff in accordance with its new terms of reference, the Panel has requested the Employment Panel to consider–

- ◆ whether there is an opportunity to reduce revenue expenditure on temporary, hired and agency staff for the forthcoming year;
- ◆ the mechanisms through which the employment of temporary, hired and agency staff are reviewed to ensure that they are cost effective and provide value for money; and
- ◆ the effect of stress on the cost and use of temporary and hired staff.

9. PRIVATE SECTOR RENT LEVELS

Further to Item No. 42 of the Report to the meeting of the Council held on 20th February 2013, the Panel has been acquainted with trends in private sector rent levels in Huntingdonshire. There is currently no evidence to suggest that landlords are adjusting their rents downwards as the Government expected following the reduction in Housing Benefit Local Allowance rates and in some cases rent levels are still increasing. This has reduced the number of households which the Council has been able to work with proactively

to prevent them from being homeless and has contributed to an increased use of temporary accommodation.

The Panel has discussed the costs which are borne by the Council in dealing with cases of homelessness and the work which is taking place with local Housing Associations to provide additional temporary accommodation as an alternative to bed and breakfast facilities. Officers will continue to work with Local Housing Associations to seek opportunities for funding and mutually beneficial partnership arrangements that might deliver additional accommodation. The Head of Customer Services has been asked to establish whether there is capacity to accommodate tenants on an emergency basis within Luminus properties in Ramsey.

Further updates will be provided when circumstances require it. A seminar on housing and benefits has been arranged for all Members in October.

10. CUSTOMER SERVICES MONITORING REPORT

The Panel has reviewed the Customer Services Monitoring report for the period January to June 2013. The report sets out the standards of service that have been achieved and the issues the service has to face in the forthcoming period. Members have discussed the fact that service standards targets have not been achieved in nine out of the past 12 months and have been informed that this reflects the reduction in staff and the increase in workload at the Call Centre. The current standards will be reviewed shortly. The Head of Customer Services has been asked to provide details of the additional costs incurred as a result of changes to the Green Bin policy.

The Panel has discussed the Services' sickness levels. The average number of days of sickness per Full Time Employee has increased to 18.6 days at the Call Centre, which is higher than the industry benchmark for the public sector. In this regard, the Chairman of the Employment Panel has assured the Panel that the Council's Sickness Absence policies have recently been reviewed and they represent best practice. However, further work is required to adopt a more proactive approach to tackling potential issues before they emerge.

Having regard to recent changes to systems and procedures within the Call Centre, Members have expressed the view that before the current lease at Amundsen House expires further consideration should be given to co-locating the Call Centre with the Huntingdon Customer Services Centre. Members have noted that a review will be undertaken and the outcome presented to the Cabinet at the appropriate time.

A further report will be provided in six months time.

**11. MAKING ASSETS COUNT –
CAMBRIDGESHIRE'S PROPOSED APPROACH TO STRATEGIC
ASSET MANAGEMENT**

Ongoing work is taking place between the Council, other Councils in Cambridgeshire and public sector organisations to try and re-shape, and make more efficient use of, their property portfolios. Members have welcomed the common sense approach which the District Council has taken to date to maximise the use of its assets and have endorsed the overarching principles of the Making Assets Count (MAC) Initiative and future partnership working.

In terms of the proposal to establish a countywide publicly-owned joint venture, Members have expressed reservations about the costs which are likely to be associated with this type of initiative. It is nevertheless felt to be important not to preclude the District Council from participating within the arrangement at a later date if it is deemed to be advantageous. The Panel has therefore recommended the Cabinet to note the creation of a countywide publicly-owned joint venture. Cabinet approval will be required before the District Council makes any commitment regarding its specific assets.

In terms of the MAC Initiative more generally, the Panel has discussed the overall lack of progress which appears to have been made on a countywide basis in the last two years and the barriers it has faced. Members have been reminded that the District Council has already achieved some limited success through the re-letting of the Civic Suite to NHS Cambridgeshire and it will continue to adopt a pragmatic approach with other organisations to explore further 'common sense' opportunities to share assets. The nature of the costs incurred by the Authority to-date has been reported. These have mainly been in the form of Officer and Member time.

12. FINANCIAL FORECAST TO 2019

In conjunction with the Cabinet, the Panel has been acquainted with the Council's present financial forecast position to 2019. Whilst progress is being made to achieve the previously identified savings requirements, the Government's Spending Review has created major additional difficulties for the Council and its ability to deliver its current portfolio of services. The need to secure additional savings of £2.6M for 2015/16 rising to £3.7M by 2018/19 will be a challenging task to achieve.

In considering the outcome of the recent Spending Review, the Panel has discussed the Government proposal to require local authorities to pass on a percentage of their New Homes Bonus to their Local Enterprise Partnerships. Members have supported the intention of the Executive Leader and the Executive Councillor for Resources to lobby the Department for Communities and Local Government to get the level of loss reduced on the Council's behalf. Members are of the opinion that if the Council's funding is to be changed it should be done in a constructive or phased way. There has been no assumption made within the Financial Forecast that the District

Council will see any improved funding from the Local Enterprise Partnership. It is likely that any monies received would be for capital as opposed to revenue initiatives. Having been reminded that the Local Enterprise Partnership comprises Council Leaders, it has been suggested that the Chairman and Chief Executive Officer should be invited to a future Council meeting to give a presentation on their business plan.

Members have discussed whether the Council should give a further grant to Town and Parish Councils to mitigate the impact of changes to the Council Tax support system. Although they do not think there is a case to do this because this year Town and Parish Councils have had sufficient time to make alternative provision through their precepts, the Panel is of the view that this should be subject to there being no change in legislation which might require the Council to reconsider its position. Members have welcomed the early warning which has been given to Town and Parish Councils about this and they have been assured by the Executive Leader that this should not prohibit constructive work from being undertaken between the District Council and the Towns and Parishes on joint initiatives.

In terms of the figures for pay inflation which have been incorporated into the forecast, Members are of the view that this provision is necessary if the Council is to retain dedicated and talented staff. In any case, pay levels are subject to an annual negotiation process with the Staff Council. The Employment Panel is also overseeing work to establish a new pay structure which is fit for purpose.

In discussing the requirement to secure £3.7M in additional savings by 2018/19, the Panel has commented on the need to focus on the larger areas of the Council's expenditure and the importance of communication to ensure that Huntingdonshire residents are able to influence and remain informed of this process. Having recognised the need for collaborative working to achieve this objective, Members have also suggested that the Council should take into account the degree to which the Council's activities are statutorily required and that this should be balanced against the interests of residents. To this end and in response to requests from Members, the Assistant Director, Finance and Resources has indicated that it may be possible to prepare a list of services that the Council has a statutory duty to provide.

Having been informed that a report outlining generic options and areas for further consideration will be submitted to the Cabinet at its September meeting, the Panel has expressed an interest in being involved in this work and has suspended its other activities in order to undertake this task, in conjunction with the Overview and Scrutiny Panels for Social and Environmental Well-Being. The Panel will consider this further at the October meeting.

Other Matters of Interest

13. NOTICE OF KEY EXECUTIVE DECISIONS

The Panel has been acquainted with details of the Notice of forthcoming Key Executive decisions prepared by the Executive Leader. An update has been received on the discussions of Social Well-Being Panel regarding the proposal to establish a joint CCTV shared service with Cambridge City Council. The Scrutiny & Review Manager has undertaken to send a copy of the report on the Whole Waste System directly to Councillor P G Mitchell.

14. OVERVIEW & SCRUTINY PANEL (ECONOMIC WELL-BEING) – PROGRESS

The Panel has reviewed its programme of studies. Members have noted that Officers have formulated a response to their recommendations on the Document Centre and a briefing note on Electronic Document Management has also been circulated to all Members. Meetings of the Customer Services' and Corporate Plan Working Groups will be held shortly.

In view of their wish to be involved in any future work emanating from 'Facing the Future 2013', the Panel has agreed to suspend its other activities in order to undertake this task. A review of the Estates function will commence in December.

15. SCRUTINY

The Panel has considered the latest edition of the Decision Digest and discussed matters contained therein.

T V Rogers
Chairman

Overview & Scrutiny Panel (Environmental Well-Being)

**Report of the meetings held on 9th July and
10th September 2013**

Matters for Information

8. LANDSCAPE SENSITIVITY TO WIND TURBINE DEVELOPMENT DRAFT REVISED SUPPLEMENTARY PLANNING DOCUMENT

In conjunction with the Cabinet, the Panel has examined the Landscape Sensitivity to Wind Turbine Development Supplementary Planning Document (SPD) and the supporting technical evidence. The Draft Revised SPD takes into account new national policy guidance within the National Planning Policy Framework (NPPF) and the Council's approach to assessing landscape sensitivity to wind turbine development since 2005. Guidance on the siting and design of smaller scale wind turbines is now included in the Draft Revised SPD and it has been clarified with an additional piece of commissioned work entitled 'The Cumulative Landscape and Visual Impacts of Wind Turbines in Huntingdonshire'. The latter details all operational and consented wind turbine developments in the District together with those that are currently awaiting determination.

The content of a letter from a representative of Molesworth Action Group has been discussed by the Panel. He is concerned about various aspects of the proposed SPD and has referred to the perception that guidance on wind turbine developments has been relaxed, the separation distances between wind turbines and residential properties and the definition of the term "historic village". The Panel is satisfied with the Council's position on each of these matters and a written response has been made to the letter.

The Panel regards the Cumulative Landscape and Visual Impacts of Wind Turbines in Huntingdonshire document as an important piece of work. In order to give the Draft Revised SPD further weight and to strengthen support for it to make it better able to withstand the rigours of an appeal, the Panel has suggested to the Cabinet that the Cumulative Landscape and Visual Impacts of Wind Turbines in Huntingdonshire should undergo a separate public consultation exercise.

The Panel has commented upon the fact that the terms "adverse visual impact" and "material harm" do not appear in the SPD. Whilst they are in the Core Strategy, the Panel is of the view that explicit

reference to these terms should be incorporated within the future planning policy framework.

Concerns remain over the wind turbine group sizes proposed within the SPD. The Panel is not satisfied that the group sizes have been satisfactorily justified, particularly when considering the District's unique landscape characteristics. The Panel has reiterated the view expressed in January 2013 when the draft revised SPD was considered prior to public consultation, that the SPD should not include the proposed upper limit for large groups of wind turbines and echo their comments made that the specification of an upper limit will provide developers with an indication of the level of development they could expect to receive approval for, and in some cases, they might expect to exceed that level. It is felt that the SPD should be strengthened to provide more rigidity in this respect. To support this argument, it has been pointed out that the previous Land Use Consultants Study has been used to inform the existing and the revised SPD group sizes but it has been based on areas with differing landscape characteristics to those of Huntingdonshire. Furthermore, Table 1 of the SPD provides a summary of potential capacity for wind turbine developments, and indicates that there is, at best, moderate capacity for large groups with some of these limited to groups of 13-15. In addition, Table 6 shows that some areas of the District are already reaching saturation point and conditions placed on existing developments severely restrict further development. Members have argued that if capacity for turbines at the upper end of the large group size is so restricted, the large group size should not be set at 24. The Panel has recommended that further work is undertaken significantly to revise downwards the size of the groups.

The introduction of a separation distance between wind turbines and residential properties has also been discussed by the Panel. It is felt that a minimum distance of 2km should be introduced either within the draft Local Plan or the SPD itself. Members have suggested that Officers should be requested to produce terms for such a policy for approval by Members.

Whilst the Panel recognises the need for the Council to have in place a SPD for wind turbine developments, the Cumulative Landscape and Visual Impacts of Wind Turbines in Huntingdonshire document demonstrates that the District has reached saturation point in certain landscape character areas. Government policy, therefore, presents a particular challenge. Furthermore, there appear to be fewer wind turbine developments in neighbouring local authority areas.

Other matters discussed include the guidance on wind turbine developments due to be issued by the Department for Communities and Local Government, National Grid connections and the use of photo montages. Having regard to the former, it has been reported that the impact of the announcement is not yet known but it will need to be taken into account in the future.

9. YAXLEY SEWERAGE

The Panel has been acquainted with developments in tackling sewerage problems in Yaxley. The issue had previously been drawn to the Panel's attention in December 2011 via a petition submitted by Yaxley Parish Council. Having carried out a number of improvements, Anglian Water is currently liaising with affected residents to lay a new surface water sewer. This work is expected to be completed at the end of the financial year.

One problem remains. No one accepts responsibility for the maintenance of the surface water balancing pond off Mere View. The land is owned by the Crown as the company who built it as part of a residential development failed to transfer it to Anglian Water and has now gone into liquidation. The problem is that silt builds up in the balancing pond and can lead to flooding. The fencing around the pond also requires repair. The Council has written to Anglian Water to request that it takes responsibility for the balancing pond but agreement to do this has not been received. The Council will continue to pursue this matter.

One of the key findings of the Panel's work is that residents are encouraged to report any flooding to Anglian Water and the County Council's Flood Team so that they are recorded. This strengthens the case for Anglian Water to carry out works. This study has now been completed.

10. JOINT MATERIALS RECYCLING FACILITY PROCUREMENT

The Panel has expressed support for a proposal jointly to procure a material recycling facility operator to manage and process all the recycling materials collected across Cambridgeshire and Peterborough. The proposal has been developed by the Recycling in Cambridgeshire and Peterborough Waste Partnership and will confirm the waste collections authorities' commitment to continuing with it. Members have recommended that the decision to award the contract is delegated to the Head of Operations after consultation with the Executive Councillor for the Environment.

Although the proposal only relates to the bulking, sorting and onward processing of recyclable materials, the Panel has discussed the possibility that requirements for the presentation of materials could influence the way they are collected. If this is the case, Members have sought assurances that the level of service in Huntingdonshire is not lowered, that is, any "levelling" will be to at least the District's current standards. Equally, the Panel is of the view that there should not be restrictions on the future development of the service nor on the Council's ability to change the way it is delivered should that be necessary.

It is stressed that the proposals relate to "back office" functions and will not affect the delivery of front line services. Whilst market forces will influence the level of income generated, the overall risk to the Council will be no greater than if the District let its own contract. On a

related subject, there has been some doubt about awarding the contract to a single organisation; however, it may be that there will be separate contracts for different types of recycle. This will mitigate the risk of dealing with one company, which is in a strong negotiating position. A further area of concern relates to the actions of partners wishing to terminate from the contract. Members have been assured that the terms of the contract will be legally binding and that there will be financial penalties in such cases.

Finally, the Panel has drawn attention to the fact that the proposal does not contain any reference to scrutiny of the new arrangements. It has been suggested that the Governance Agreement should be amended to include provision for scrutiny of the contract and its effect on the waste collection service individually or collectively by the partner local authorities.

Other Matters of Interest

11. OVERVIEW AND SCRUTINY PANEL (ENVIRONMENTAL WELL-BEING) - PROGRESS

The Panel has reviewed its programme of studies at each of its meetings. A brief update has been delivered on the work being undertaken by the Corporate Plan Working Group on the development of the Council Delivery Plan. The Panel then has agreed to remove local bus services within Towns and the impact of large scale housing developments upon the A428 from the future study programme as these matters will be addressed through the Cambridgeshire Future Transport Initiative and the Local Plan to 2036 respectively.

The Panel has asked the Tree Strategy Working Group to reconvene to consider the terms of a draft Strategy with Planning Officers. A meeting will be arranged shortly for this purpose. A position statement on areas where household recycling is not taking place will be submitted to the Panel's November 2013 meeting. Having regard to the management of the Council's car parks, the Chairman has reported that this work will proceed once the Cabinet has completed its own work in this respect.

12. WORK PLAN STUDIES

The Panel has received details of the studies being undertaken by the other Overview and Scrutiny Panels. The Chairman has reported that the Economic Well-Being Panel has put on hold its Working Groups to focus on the Council's financial position over the next few years.

13. NOTICE OF KEY EXECUTIVE DECISIONS

The Panel has been acquainted with the current Notice of Key Executive Decisions at each of its meetings. Members will have sight

of items on the Carbon Management Plan and Green Deal prior to their submission to the Cabinet.

14. SCRUTINY

The Panel has considered the latest editions of the Decision Digest and discussed matters contained therein. The Panel's concerns over Occupational Therapy waiting times and CCTV coverage in St Neots have been referred to the Overview and Scrutiny Panel (Social Well-Being) for investigation.

G J Bull
Chairman

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Overview and Scrutiny Panel (Social Well-Being)

**Report of the meetings held on 2nd July and
3rd September 2013**

Matters for Information

**9. CAMBRIDGESHIRE AND PETERBOROUGH CLINICAL
COMMISSIONING GROUP: FINANCE AND PERFORMANCE
REPORTS**

Mrs S Shuttlewood, Acting Director of Performance and Delivery, and Mr R Murphy, Acting Local Chief Officer for the Huntingdonshire System, Cambridgeshire and Peterborough Clinical Commissioning Group have reported to the Panel on the financial and operational performance of the Clinical Commissioning Group across the Cambridgeshire and Peterborough area. The Commissioning Group officially came into operation on 1st April 2013 and the performance report was the first such report to be submitted to the Governing Body to date. Generally, all providers struggled to meet desired performance levels in the first quarter owing to adverse weather conditions in April 2013, but most providers have now recovered and are reaching their performance targets.

Particular attention has been paid to the performance levels achieved at Hinchingsbrooke Hospital. The Accident and Emergency Department has been ranked as the top performing facility across the nation in January 2013. Arising from the poor weather in April, additional pressure has been placed on the Trauma Orthopaedic Department. However, on a more positive note, the Hospital is achieving its cancer waiting times and there have been no outbreaks of MRSA on site. Delays with diagnostic waiting times are an area of concern but this is attributed to staff sickness. Ambulance handover times are a further area of concern but an audit of the service is currently being undertaken and an action plan will be developed with a view to improving performance.

Clarification has been received of the differences between the running cost budget and the programme budget for the Commissioning Group and of the differences between the previous Primary Care Trust (PCT) model and the new Commissioning model. Comment has been made about the possible fragmentation of services across the area. It has, however, been reported that the Commissioning Group works towards a federated model which utilises existing data sources such as the Joint Strategic Needs Assessments and takes into consideration historic areas of spend. It

is felt that local clinical commissioning groups will be able to pick up on specific health trends and will be best placed to take decisions on local matters.

The Panel has discussed the effective utilisation of resources within the Clinical Commissioning Group especially with regard to community medicines. Members have also examined the accountability mechanisms in place, the powers of the Commissioning Group to undertake unannounced visits at Hospitals, the sanctions available to the Commissioning Group and the process for imposing fines together with the risks associated with the imposition of financial penalties on providers. The Commissioning Group's view of providers is partly informed by the new Friends and Family test which is being employed by providers nationally. In addition there is a requirement to report upon defined health standards.

The Commissioning Group intends to clarify what funding it receives for specialist treatments. It appears that up to £6m has been withheld for such treatments which had previously been included within the PCT's budget. On the subject of financial matters comment has been made that there should be engagement with the community on where funding is directed.

The Panel has considered the Commissioning Group's short to medium term priorities. These have been reported as being the development of a strategy for end of life care, improving communications across the board and reducing the risk of coronary heart disease amongst the population. Some priority also is accorded to care for older people.

Members have been advised that in Huntingdonshire social care services and health services have adopted close working practices. It is thought that these services might be integrated in the future provided there is a justifiable case to do so. Similarly, the Panel has commented on the need for there to be a culture change on the part of local GPs in the way they work alongside local authorities and elected Members.

Representatives of the Commissioning Group will return to the Panel in six months time to deliver a further performance report.

10. HOUSING AND COUNCIL TAX BENEFIT CHANGES AND THE POTENTIAL IMPACT UPON HUNTINGDONSHIRE

The effect of Government changes to the Housing Benefits system arising from the Welfare Reform Act have been reported to the Panel. The Council is yet to realise the true impact of the reforms but, since the last quarter, there has been an evident increase in the number of households presenting themselves to the Council as homeless. Private landlords also appear to be withdrawing their properties from the market which is causing difficulties in finding appropriate accommodation for households. The Benefit Cap will take effect from

15th July 2013 but there are only 44 households within Huntingdonshire that are affected by this change.

There have been a number of claims for discretionary housing payments which initially took up to five to six weeks to process. The backlog has now been cleared and turnaround times are now back to a few days. The Panel has queried the level of non payment from customers affected by the Council Tax Support Scheme and, in response Members have been advised that the Council has issued a number of summonses to some households within the District.

The Panel has discussed the fact that when it comes to occupancy levels the Regulations do not permit the Council to make any allowance for married couples where one of them is disabled. However, the Discretionary Housing Payment scheme is available where a family has a disabled child. Members have also discussed the availability of one and two bedroom properties across the District, the responses received from Luminus' survey enquiring whether tenants are interested in moving home as a means of mitigating the effects of the welfare reforms and the process employed by housing associations in the case of mutual property exchanges. Having received details of the level of budget available to assist with homelessness together with the range of preventative work undertaken and the recent acquisition of additional temporary accommodation in Huntingdon, Members have expressed their gratitude to the Head of Customer Services and her Team for their efforts during the implementation of the welfare reforms.

11. CCTV OPERATIONS – SHARED SERVICE PROPOSAL

In conjunction with the Cabinet, the Panel has expressed its support for a proposal to establish a joint CCTV shared service with Cambridge City Council. On the basis of the analysis carried out to date, the service is likely to operate under a single management structure from the CCTV Control Room at Eastfield House and is expected to generate around £200,000 of savings per year to be shared equally between the two authorities. Whilst the assets will remain the responsibility of the relevant authority the new body will oversee the monitoring of images.

It has been noted that wireless technology could enable the new service to generate additional income through commercial contracts. This and other opportunities in both the private and public sectors to improve the service's financial performance will be explored once the shared service is established.

Members have drawn attention to the financial implications for the Council of the transfer to it of staff from the City Council. Detailed work has not yet been undertaken on this element of the proposals but a number of safeguards have been built into discussions with the City Council in order to protect the District Council's interests. Members have sought assurances that the full impact is incorporated into the proposed business plan. It is intended to review the structure

of the service once it has been established. Consultations with Trade Unions and other relevant bodies will be undertaken at a later date.

It is expected that the CCTV Control Room at Eastfield House will need to be reconfigured to provide sufficient screens to cover the two Council areas. There is capacity on site to undertake the necessary adaptive works and further expansion in the future could be accommodated. It has been confirmed that there will be no reduction in CCTV coverage of Huntingdonshire from the present level and the shared service should result in improved consistency and resilience of the service.

12. HUNTINGDONSHIRE STRATEGIC PARTNERSHIP HEALTH AND WELL-BEING THEMATIC GROUP – ANNUAL SCRUTINY REPORT (FOR 2012-13)

The Panel has received details of the activities undertaken by and changes affecting the Huntingdonshire Health and Well-Being Group in 2012-13. The priorities for Huntingdonshire are based on evidence of need, which has been identified through the Joint Strategic Needs Assessment and the Huntingdonshire Sustainable Community Strategy. Members' attention has been drawn to the Group's Action Plan, membership and its strategic links to other key groups including the Cambridgeshire Health and Well-Being Board and local Commissioning Groups. Since it was established in 2008, the Group has evolved into a local health partnership. As of November 2012, it also has taken on responsibility for the older people priority actions that were previously part of the remit of Huntingdonshire Matters delivery groups.

The Panel has been advised that the Group's membership has changed considerably over the last year. This has enabled closer working to take place with the local Commissioning Groups on falls prevention and has allowed the Group to keep informed of and to influence the procurement process currently being undertaken on older people's services. Key members who have recently joined the Group include the voluntary sector, Healthwatch and Age UK.

Members have discussed how the Group might develop its wider community engagement. It has been suggested that, if they are established, Local Joint Committees could provide a mechanism for the work of the Group to filter down to local communities. In the current year the Group will be making particular efforts to improve outcomes for falls, teenage conceptions, mental health thresholds for release of patients and occupational therapy. With regard to the latter, arising from concerns placed on record by the Environmental Well-Being Panel, up to date information has been requested on waiting times.

13. HUNTINGDONSHIRE COMMUNITY SAFETY PARTNERSHIP

The Police and Criminal Justice Act 2006 requires the Panel to scrutinise the work of the Huntingdonshire Community Safety Partnership. To comply with this requirement, Members have

examined the Action Plan for 2013-14, performance information for the previous 12 months, details of the projects undertaken by the Partnership and crime trends in Huntingdonshire since 2006 to date.

The last year has been a period of great change for the Partnership. It no longer receives funding from the Home Office. The Police and Crime Commissioner now has responsibility to devolve funds down to all Cambridgeshire Partnerships. The Commissioner has expressed support for the Partnerships but he has indicated that funding might not be available next year.

The Panel has been pleased to see the downward trend in crime levels in the District but has noted that there has been an increase in the number of metal thefts over the last year. Changes to the way in which scrap metal dealers are licensed will take effect from October 2013, which it is hoped will reverse this trend.

Given the funding position, the Panel has questioned whether the service is sustainable. Opportunities exist to generate income through partnership working and these are currently being explored. In addition, recent investment into the E-CINS database, a multi-agency information sharing tool, enables a communication base to be established with other participating agencies which will facilitate partnership working.

Other matters discussed include the need to find an alternative solution to anti-social behaviour in Riverside Park, St Neots as a result of damage to a barrier caused by nuisance drivers and the success of the Dodgems project in the prevention of crime by individuals who have been identified as being at risk of offending.

In concluding their discussions, the Panel has expressed its satisfaction with the Partnership's performance in 2012-13 and supported the priorities contained in the Huntingdonshire Community Safety Plan 2011-14.

14. HUNTINGDONSHIRE TOWN AND PARISH CHARTER

Pursuant to Item No. 1 of their Report to the meeting of the Council held on 26th June 2013, the Panel has been acquainted with changes to the Huntingdonshire Town and Parish Charter, which have been made following consultation on it with all Town and Parish Councils. Members acknowledge that the Charter will be a living document that will have to be amended to accommodate changes such as the potential introduction of Local Joint Committees, the parish planning process and initiatives announced by the Department for Communities and Local Government relating to the Localism Act.

The Panel has suggested that in view of the extension of homeowners' and businesses' rights, the District Council should inform Town and Parish Councils of extensions that are taking place through permitted development. Provision to this effect should be made in Appendix C of the Charter document.

15. REPORT ON THE PERFORMANCE OF THE SHAPE YOUR PLACE HUNTINGDONSHIRE WEBSITE 1ST JULY 2012 – 30TH JUNE 2013

The Panel has reviewed the performance of the Shape Your Place website between 1st July 2012 and 30th June 2013. The site has attracted 15,707 individuals, 33,930 visits and 82,891 page views in its first year of operation. In total, 127 issues have been raised, of which 46 relate to District Council matters. Planning, parking and the maintenance of grass verges and hedges are the most common issues. A 3% improvement on performance levels has been set for this year and Members expect this target to be achieved.

Whilst expressing satisfaction with the website, the Panel has accepted that generally Members could do more to raise their own profiles through Shape Your Place and to utilise it as an effective tool for engaging with their constituents. It has been confirmed that all Ward Members are notified of any ward issues once they have been published on the website.

The County Council has allocated 0.5 FTE post to Huntingdonshire, whose role is to raise the profile of and develop the Huntingdonshire Shape Your Place website across local communities. There have been recent notable successes in the Ramsey area. Shape Your Place is less well used in other areas of the District. The Panel has recommended that initiatives to promote it should be given chance to have an effect before consideration is given to changing the areas covered by the seven Huntingdonshire sites. If changes to the boundaries are made in the future, it will be preferable if the any Local Joint Committee areas are wholly contained within single Shape Your Place sites.

A further report on the performance of Shape Your Place will be submitted to the Panel in a year's time.

16. CAMBRIDGESHIRE ADULTS, WELL-BEING AND HEALTH OVERVIEW AND SCRUTINY COMMITTEE

Councillor J W G Pethard has been appointed as the Panel's representative on the Cambridgeshire Adults, Wellbeing and Health Overview and Scrutiny Committee. Councillor R C Carter is now the substitute Member. Matters currently being considered by the Committee include the future commissioning of older people's services, delayed discharge review and East of England Ambulance Service NHS Trust – Performance and Plans. With the latter in mind, the Panel has decided to remove Ambulance Service Provision from its work programme.

Other Matters of Interest

17. OVERVIEW AND SCRUTINY PANEL (SOCIAL WELL-BEING) – PROGRESS

The Panel has reviewed its programme of studies at each of its meetings. The Cambridgeshire Adults, Wellbeing and Health Overview and Scrutiny Committee has reaffirmed its wish for the Hinchingsbrooke Hospital Joint Working Group to continue to operate in the current Municipal Year. The Chairman will be meeting with the Chairman and Vice-Chairman of the Committee to discuss its work plan.

The Elderly Patient Care Working Group has met with representatives of Hinchingsbrooke Hospital Trust and Circle. A further meeting of the Working Group is being arranged. Brief updates have been delivered on the Voluntary Sector, Consultation Processes, Corporate Plan and Social Value Working Groups.

18. WORK PLAN STUDIES

The Panel has received details of studies being undertaken by the other Overview and Scrutiny Panels. Members have been reminded of the opportunity they have to participate in their studies should they wish.

19. NOTICE OF EXECUTIVE DECISIONS

The Panel has been acquainted with the current Notice of Executive Decisions at each of its meetings.

20. SCRUTINY

The Panel has considered the latest editions of the Decision Digest and discussed matters contained therein.

S J Criswell
Chairman

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Development Management Panel

**Report of the meetings held on 15th July, 19th August
and 16th September 2013**

Matters for Information

4. REVIEW OF “LOCAL LIST” APPLICATION VALIDATION REQUIREMENTS

In Item No. 20 of their Report to the meeting of the Council held on 24th April 2013, the Panel reported that it had endorsed a process for undertaking a review of the information necessary to validate a planning application.

Government guidance required that the review process should involve consultation with the local community, including applicants, agents, statutory consultees and Town and Parish Councils. Existing requirements will be updated to refer to the National Planning Policy Framework and specifically town centre uses, transport, open space and flood risk assessments and transport and heritage statements.

Having expressed their satisfaction with the Officer response to comments received from consultees, the Panel has authorised the Planning Service Manager (Development Management) to finalise the contents of the validation checklist and to amend the local list, in the future, in response to changes in Government guidance, local policy or circumstances. The Panel’s Scheme of Delegation will be amended accordingly.

5. DEVELOPMENT APPLICATIONS

Over three meetings, the Panel determined twenty eight development applications of which twenty were approved, seven refused and one deferred to enable land ownership issues to be clarified and the comments of the Fire & Rescue Services to be obtained on the application.

At the July meeting, the Panel approved, subject to completion of a Section 106 Agreement which will secure a range of infrastructure requirements and planning obligations, an application for residential and associated development at Bearcroft Farm, Godmanchester. The Panel also was satisfied that material planning considerations justified approval, subject to conditions, of an application for change of use to open storage at Warboys Airfield Industrial Estate as a departure from the Development Plan.

At the more recent meeting, the Panel refused an application which had been resubmitted for three wind turbines and associated infrastructure on land west of Bicton Industrial Park, Kimbolton. The Panel considered that the development would unacceptably harm the landscape character of the Kym Valley, the Conservation Areas and the heritage of historic buildings and churches in Kimbolton and Tilbrook and impact upon the amenity of the occupiers of neighbouring properties. This harm outweighed any support for the proposal from national guidance and policy.

The Panel was pleased to approve a proposal for 56 dwellings in Brington, a development which was welcomed by the village and Parish Council and would provide twelve affordable homes, open space and play provision.

**6. DEVELOPMENT MANAGEMENT PROGRESS REPORT –
1ST MAY – 31ST JULY 2013**

Having undertaken its regular review of the activities of the Development Management Service, the Panel was pleased to note that the Service had met all targets during the quarter for the determination of major, minor and other applications and that fee income was generally buoyant.

D B Dew
Chairman

Standards Committee

Report of the meeting held on 27th June 2013

Matter for Decision

1. **APPOINTMENT OF NEW LEAD AND DEPUTY INDEPENDENT PERSONS**

In accordance with Chapter 7 of the Localism Act 2011 relating to Standards, the Council appointed Lead and Deputy Independent Persons in Summer 2012 following adoption of a new Code of Conduct and a protocol for dealing with breaches of the Code. Transitional arrangements allowed for the appointment of the former Independent Members of the Committee but both only were eligible to serve until 30th June 2013.

Having been reminded of the role of the Independent Person(s), the allowances payable to those appointed and the steps taken to advertise the positions, a Panel comprising the Chairman and Vice-Chairman of the Committee, Councillors A Hansard and K M Baker respectively and Councillor T D Sanderson was appointed by the Committee to interview applicants for the vacant posts and to recommend to the Council the candidates they considered should be appointed for a new three year term.

Following the interview process, the Committee

RECOMMEND

that the Council confirm the appointment of Mrs Gillian Holmes and Mr Peter Baker to the posts of Lead and Deputy Independent Persons respectively for a three year term subject to further ratification in each year by the Council at its annual meeting.

The Committee also placed on record its gratitude for the excellent contribution made by the former Independent Members, Messrs M Lynch and D Hall to the current and former standards regimes over many years.

Matter for Information

2. PROTOCOL BETWEEN CAMBRIDGESHIRE AND PETERBOROUGH MONITORING OFFICERS AND CAMBRIDGESHIRE POLICE

A protocol between the Monitoring Officers of Cambridgeshire and Peterborough and Cambridgeshire Police has been put in place to enable the reporting or sharing of information relating to a potential criminal offence under Section 34 of the Localism Act 2011. A protocol has become necessary because of the Government's decision to make it a criminal offence and potentially impose sanctions for –

- ◆ participation in any discussion or vote on a matter in which a Councillor has a disclosable pecuniary interest (without dispensation); and
- ◆ knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

Cambridgeshire Police have agreed that the Information Management Unit at Thorpe Wood, Peterborough should act as a single point of conduct for Councils. The criminal penalties available to a court on conviction are to impose a fine not exceeding £5,000 or disqualification from being a Councillor for up to five years. The Committee acknowledged that the protocol was easy to understand, good practice and a positive example of partnership working between Cambridgeshire Authorities.

3. CHANGES TO NOLAN PRINCIPLES

The Committee has noted the conclusions of the 14th Report of the Committee on Standards in Public Life in relation to local government and has particularly considered the descriptions of the seven principles of public life. The Committee had expressed concern about the impact of the regime introduced by the Localism Act 2011 and had considered the area to be a current risk. In their view, “the new slimmed down arrangements had yet to prove themselves sufficient for their purpose” and they had “considerable doubt that they will succeed in doing so”.

The Committee noted the intention of the Monitoring Officer to undertake a review of the Code of Conduct after the 2014 local elections and with this in mind it was suggested that it might be pertinent to include the descriptions of the seven principles, in full, in the revised Code given that there had been occasions, when it had been helpful to interpret the Code by reference to the principles. Consideration will be given to the incorporation of elements of the NALC code into a new District Council code at the same time. In the event that the Code of Conduct is revised in 2014, the Committee asked that all other related documents be updated at the same time.

4. UPDATE ON CODE OF CONDUCT AND REGISTER OF DISCLOSABLE PECUNIARY INTERESTS

The Committee has been updated on the current position in respect of the receipt and publication of Registers of Interests of Members and Co-opted Members of the District Council and of those Members serving on Parish Councils. All registers are required to be published on the District Council's website.

Whilst the return of DPIs forms was satisfactory, the Committee has drawn attention to those Parish Councils where a number of forms still are outstanding. To encourage a return from those Parish Councils who had, so far, been slow to respond, the Committee suggested that they or the Chairman should give notice of their intention to visit meetings of these Parish Councils to explain how important it was for their Members to comply. The Monitoring Officer has undertaken to write again to those Parish Councils where concern has been raised before involving Members as suggested.

5. UPDATE ON CODE OF CONDUCT COMPLAINTS

The Monitoring Officer has updated Members on the number of complaints he has received since the last meeting and the approach he had taken, thus far, to handling complaints. The Committee indicated their support for an approach which meant that potentially serious or clear breaches of the Code would be referred for investigation but that attempts be made to address those of a less serious nature by apology, training or mediation given the limited sanctions available and the cost of the investigative process.

6. TRAINING UPDATE

Having noted a report on the training presented by the Monitoring Officer on the Code of Conduct since the last meeting, the Committee has suggested that Town and Parish Councils be reminded of the opportunity that existed for the Monitoring Officer to attend local Council meetings to give training on the Code and to target those Councils who were slow to send in their DPI forms. Preliminary details of arrangements being made for a joint training session on the "Code of Conduct, Pre-determination and Bias" in conjunction with South Cambridgeshire District Council on 3rd October 2013 were presented.

7. REVIEW OF THE ROLE, RESPONSIBILITIES AND TERMS OF REFERENCE OF THE COMMITTEE

The Committee has suggested that matters relating to whistleblowing, complaints and the Constitution might be areas which could potentially become its responsibility in the upcoming review of the terms of reference of the Corporate Governance Panel and Standards Committee. This is required to be undertaken in time for submission to the meeting of the Corporate Governance Panel in March 2014 for implementation with effect from the new Municipal

Year. In making these suggestions, however, the Committee has noted that there appeared to be no preferred model across Cambridgeshire Authorities for dealing with standards, governance and constitutional issues.

A Hansard
Chairman

Licensing and Protection Panel

Report of the meeting held on 25th June 2013

Matters for Information

1. FOOD SAFETY SERVICE PLAN 2013/14

The Panel has considered an executive summary of the proposed Service Plan for Food Safety 2013/14. The Plan has been developed to comply with the requirements of the Food Standards Agency and incorporates the aims and objectives of the service, the resources available and a review of work undertaken during the previous year.

Approval of the Plan is reserved to Council and as such was approved at the meeting on 26th June 2013.

2. HEALTH AND SAFETY ENFORCEMENT PLAN 2013/14

The Panel has endorsed the content of the Service Plan for Health and Safety Enforcement for 2013/14. The Plan has been developed in accordance with guidance issued by the Health and Safety Executive.

The Panel has noted that as a consequence of an unplanned reduction in staff resources and the allocation of Officer time to two workplace accidents, one of which had been fatal, there had been a reduction in the total number of inspections visits and revisits carried out by the service. Available resources also were directed toward high risk premises and some projects identified in the Plan were scaled down or postponed. However despite these problems the service still delivered many of the targets and outcomes identified in the 2012/13 Plan.

It was anticipated that the reduced budget for 2013/14 would be sufficient to meet the demands of the service although in the event of a complex legal case, the Panel acknowledged that additional funds would be required.

3. DRIVING STANDARDS AGENCY - DRIVER TESTING

In response to two written complaints from hackney carriage and private hire operators, the Panel has been updated on the situation regarding waiting times for Driving Standards Agency (DSA) tests for private hire and hackney carriage drivers.

Having been reminded of its previous decision to approve the transfer of driver testing from in-house to the Department of Transport's DSA from January 2012, the Panel has been advised of the benefits of using the DSA which include high standards and consistency of qualified and approved examiners. External testing also has reduced the risk to the Council of legal challenge.

Although understanding the concerns of operators and drivers, having been advised of the actions being taken by the DSA to address the situation and given the expected reforms on taxi licensing, the Panel remains of the opinion that national standards should continue to apply to testing.

4. REPRESENTATION ON ORGANISATIONS

The Panel has appointed a number of representatives to outside organisations for the ensuing Municipal Year.

5. LICENSING AND PROTECTION APPLICATIONS SUB-GROUP.

The Panel has noted details of the eleven meetings of the Applications Sub-Group that had taken place between 26th July 2012 and 15th May 2013.

6. FEES AND CHARGES

The Panel has been acquainted with details of fees and charges for licences, permits and registrations when issued by the Legal and Democratic Services Division during the period 1st April 2013 to 31st March 2014. Members noted that in order to cover its reasonable costs an increase of 2.5% has been applied to all fees, with the exception of taxi licensing which has been increased by 7.5% due to the increased costs involved.

J W Davies
Chairman

Corporate Governance Panel

Report of the meeting held on 24th July 2013

Matters for Decision

6. FILMING AND RECORDING AT COUNCIL MEETINGS

The Panel has considered a report by the Head of Legal and Democratic Services (a copy of which is reproduced as Appendix A hereto), proposing an amendment to paragraph 17A of the Council Procedure Rules in the Constitution relating to the filming and recording and taking of photographs at meetings that are open to the public and the use of social networking and micro-blogging websites.

The changes recommended have arisen as a result of new guidance produced by the Department of Communities and Local Government in June 2013. Whilst the guidance relates to meetings of the Cabinet only, the Panel felt that it would be reasonable for any new Procedure Rule to apply to all meetings held by the Council which are open to the public.

In discussing the amendment, Members' attention was drawn to the circumstances surrounding the filming of the Council meeting in June 2013 by a member of the public. The Panel had regard to correspondence sent from the individual involved on the proposed variation.

The Panel recognised that some members of the public attending meetings may not wish to be filmed. At the same time, the Panel felt that those making representations would normally expect to be filmed.

They discussed the circumstances in which termination or suspension of filming might occur. The Panel felt that there would be no benefit in halting filming after a defamatory statement had already been made. It was suggested that future training for Chairman be adapted to including dealing with such situations.

Members supported a proposal that the Chairman should have the power to require filming to take place from a specific location or locations in appropriate circumstances.

The Panel was of the view that it would be preferable for anyone proposing to film, record or take photographs of a meeting to advise the Democratic Services Team in advance of the meeting and to provide their name and contact details.

Members discussed also the importance of communicating the rules for filming on agendas, the use of mobile phones at meetings and the definition of a public place. In discussing whether Members of a Panel/Committee should expressly be prohibited from texting or tweeting during a meeting, Members considered that such actions would not be appropriate. However, it was agreed that this should be left to the common sense of individual Members and controlled if necessary by the Chairman.

Given that the changes require an amendment to be made to the Council's Constitution and to avoid any potential difficulty in the interim, the Panel were conscious of the need to introduce the guidelines informally pending their formal approval. The Panel

RECOMMEND

that the wording in paragraph 17A of the Council Procedure Rules be deleted and replaced with the following:-

“Filming, Photography and Recording at Council Meetings

The Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. It also welcomes the use of social networking and micro-blogging websites (such as Twitter and Facebook) to communicate with people about what is happening at meetings. The Council understands that some members of the public attending its meetings may not wish to be filmed. The Chairman of the meeting will facilitate this preference by ensuring that any such request not to be recorded is respected. These arrangements will operate in accordance with guidelines at Annex (vi). These Guidelines will be published on the Council's website.”

7. REVIEW OF RIPA POLICIES AND PROCEDURES

By way of a joint report by the Heads of Legal and Democratic Services and of Customer Services (a copy of which is reproduced at Appendix B hereto) the Panel has considered the contents of revised RIPA Policy and Procedure Statements for covert surveillance and communications. The Panel was informed that the policies had been revised to comply with recent changes in legislation, primarily the requirement for all applications to be authorised by a Justice of the Peace and the requisite that all RIPA activity only take place where serious crime was being investigated. Given that the changes require amendments to be made to the Council's Constitution, the Panel

RECOMMEND

that the Council

- (a) approve the content of the new RIPA Covert Surveillance Policy and Procedure;**
- (b) approve the content of the new RIPA Communications Data Policy and Procedure;**
- (c) subject to recommendations (a) and (b) above, approve the consequential amendments to the Constitution; and**
- (d) authorise the Head of Legal and Democratic Services to make any amendments to the policies in the future after consultation with the Chairman of the Corporate Governance Panel and subject to the matter being reported to the next meeting of the Corporate Governance Panel.**

Matters for Information

8. PROGRESS REPORT

Details of actions taken in response to recent discussions and decisions were noted by the Panel.

9. COMPLAINTS FEEDBACK ANNUAL REPORT

An analysis of the Council's internal complaints and a summary of complaints involving the District Council which had been determined by the Local Government Ombudsman has been received by the Panel.

10. PREPARING THE ANNUAL GOVERNANCE STATEMENT

The Panel was provided with an opportunity to comment upon the action taken to review the Code of Corporate Governance. In so doing, the Panel concluded that the supporting principle for the Code should refer to providing value for money rather than excellence. Having had their attention drawn to the Annual Governance Statement, the Panel has endorsed the recording of the following governance issues as being significant:

- ◆ to develop the themes and aims in the Leadership Direction through service plans and performance measures;
- ◆ to improve budgetary control;
- ◆ to reinvigorate engagement with stakeholders;
- ◆ to introduce a project management methodology; and
- ◆ to prepare an annual report for the 2013/14 financial year.

11. INTERNAL AUDIT SERVICE ANNUAL REPORT

Under the requirements of the Public Sector Internal Audit Standards, the Panel was provided with the Internal Audit Manager's opinion on the overall adequacy and effectiveness of the Council's internal control and governance processes.

Disappointment was expressed that one "no assurance" and seven "limited assurance" audit reports have been issued. Responsibility for these actions lies with service managers. In expressing their concerns, the Panel has acknowledged the need to create a culture within the authority whereby actions are undertaken and any failures reported to the Chief Officers' Management Team.

Disquiet continues to be expressed by Members over the lack of compliance with the Code of Procurement. The Panel has queried the reasons why procurement practices continues to be ignored and stressed that efforts should be made to ensure that the Code was being adhered to across the authority. It was confirmed to Members that all Officers will be reminded of the need to comply with the Code and training provided where required. Owing to the Panel's concerns, the Internal Audit Manager has suggested that updates should be received on a regular basis from the Chief Officers' Management Team.

12. WORK PROGRAMME AND TRAINING

Members of the Panel have received details of their anticipated work programme over the ensuing year. It was reported that the review of the effectiveness of the Panel will consider how to identify and provide relevant training.

13. APPOINTMENT OF PROFESSIONAL ADVISORS

(This item was submitted as a Part 2 item under Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.)

The Panel was apprised of the outcome of a review into the procedures followed to appoint a contractor for a major redevelopment scheme.

Members have discussed a series of recommendations aimed at modifying or reinforcing the Council's processes to minimise the likelihood of such issues arising again.

The Internal Audit Manager reported that he would be reviewing the Internal Audit Plan to ensure adequate contract reviews were undertaken.

Having expressed disappointment that procedures had not been followed, the Panel agreed that the issues identified and any other procurement related information be taken into account when considering the Annual Governance Statement.

At the request of the Panel, any amendments to the Employees' Code of Conduct and Code of Procurement will be submitted to future meetings in due course.

E R Butler
Chairman

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**COUNCIL PROCEDURE RULES –
PROPOSED VARIATION TO PARAGRAPH 17A –
PHOTOGRAPHY, BROADCASTING AND RECORDING OF MEETINGS
(Report by the Head of Legal and Democratic Services)**

1. INTRODUCTION

- 1.1 The Panel undertook its biennial review of the Constitution at its meeting in March and recommended to Council the changes required to the Constitution following the publication of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. Principally, the Regulations impacted upon the arrangements for executive decision - making and access to information.
- 1.2 No reference was made in the Regulations to photography, broadcasting or recording of meetings.
- 1.3 Subsequently in June 2013, the Department for Communities and Local Government published new guidance entitled “Your Council’s cabinet – going to its meetings, seeing how it works” – a guide for local people”. Essentially this guidance follows the principles of the 2012 Regulations and provides the public with practical information about attending meetings of the Council’s Executive and obtaining Council documents. A copy of the full guidance is available by accessing the following link -
- www.gov.uk/government/publications/your-council's-cabinet-going-to-its-meetings-seeing-how-it-works
- 1.4 Within the guidance but not the Regulations is a Section relating to the filming and social media reporting of meetings.
- 1.5 This report draws attention to the section of the Guidance relating to filming etc. and proposes a consequential variation to the Constitution should Members consider this appropriate.
- 1.6 Whilst the guidance relates to meetings of the Executive or Cabinet only, it would seem reasonable for any new Council Procedure Rule to be drafted to apply to all meetings held by the Council which are open to the public.

2. EXTRACT FROM GUIDANCE

- 2.1 Set out below is an extract from the guidance in relation to filming and social media reporting of meetings –

“Can I film the meeting?”

Council meetings are public meetings. Elected representatives and council officers acting in the public sphere should expect to be held to account for their comments and votes in such meetings. The rules require Councils to provide reasonable facilities for any member of the public to report on meetings. Councils should thus allow the filming of councillors and officers at meetings that are open to the public.

The Data Protection Act does not prohibit such overt filming of public meetings. Councils may reasonably ask for the filming to be undertaken in such a way that it is not disruptive or distracting to the good order and conduct of the meeting. As a courtesy, attendees should be informed at the start of the meeting that it is being filmed; we recommend that those wanting to film liaise with Council staff before the start of the meeting.

The Council should consider adopting a policy on the filming of members of the public speaking at a meeting, such as allowing those who actively object to being filmed not to be filmed, without undermining the broad transparency of the meeting.

Will I be able to tweet or blog Council Meetings?

Similarly under the new rules there can be social media reporting of meetings. Thus bloggers, tweeters, Facebook and YouTube users and individuals with their own website should be able to report meetings. You should ask your Council for details of the facilities they are providing for Citizen Journalists.”

3. CURRENT CONSTITUTION

3.1 Section 17A of the current Constitution provides

‘that filming, videoing or audio recording of a meeting or photography at a Council meeting shall be permitted only with the consent of the Chairman of the meeting concerned. The necessary consent shall have been obtained and the Head of Paid Service, or in his/her absence, the Head of Legal and Democratic Services notified by no later than three working days before the meeting’.

3.2 The District Council is committed to being open and transparent in the way it conducts its decision making. Indeed, the requirements of the 2012 Regulations had minimum impact on the Council’s decision making process because, in practice, there had been few occasions when it has been necessary for the District Council’s Cabinet to consider matters in private and Agenda and reports have been published on the District Council’s website for many years.

- 3.3 Notwithstanding, however, it is opportune to review the Constitution in this respect given the District Council's desire to encourage and maintain interest in its decision making.
- 3.4 Mindful of the fact that the public attending meetings may not wish to be recorded, it is proposed that the wording in paragraph 17A of the Council Procedure Rules be deleted and replaced with the following:-

“Filming, Photography and Recording at Council Meetings

The Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. It also welcomes the use of social networking and micro-blogging websites (such as Twitter and Facebook) to communicate with people about what is happening at meetings. The Council understands that some members of the public attending its meetings may not wish to be filmed. The Chairman of the meeting will facilitate this preference by ensuring that any such request not to be recorded is respected. These arrangements will operate in accordance with guidelines at Annex (vi). These Guidelines will be published on the Council's website.”

4. RECOMMENDATION

- 4.1 **It is proposed that the Panel recommend to Council that the variation to the Constitution described in paragraph 3.4 ante be approved; and**
- 4.2 **To avoid any potential difficulty in the interim and should the Panel be minded to support the recommendation in paragraph 4.1 above, it is proposed that the Guidelines should operate informally pending their formal approval by the Council in September.**

BACKGROUND DOCUMENTS

Huntingdonshire District Council Constitution.
DCLG Guidance published June 2013 entitled “Your council's cabinet – going to its meetings, seeing How it Works”.

Contact Officer: Christine Deller, Democratic Services Manager
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FILMING, PHOTOGRAPHY AND RECORDING AT COUNCIL MEETINGS

The Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings open to the public. It also welcomes the use of social networking websites (such as Twitter and Facebook) to communicate with people about what is happening at meetings.

To enable members of the public to be fully informed, anyone proposing to film, record or take photographs of a formal meeting of the Council is requested to advise the Democratic Services Team before the start of the meeting and to provide their name and contact details.

The Chairman of the meeting will have absolute discretion to terminate or suspend any of these activities, if, in their opinion, continuing to do so would prejudice the effective operation of the meeting. The circumstances in which termination or suspension might occur, could include:-

- ◆ public disturbance of the meeting;
- ◆ when it is necessary to formally exclude the press and public from the meeting due to the confidential nature of the business being discussed;
- ◆ where it is considered that continued recording/photography/filming might infringe the rights of any individual; and
- ◆ when the Chairman considers that a defamatory statement has been made.

In allowing this, the Council expects those recording proceedings:-

- (i) not to edit the film/record/photographs in a way that could lead to a misinterpretation or misrepresentation of the proceedings. This includes refraining from editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being photographed/filmed/recorded; or
- (ii) to comply with the request of any member of the public not to be filmed, recorded or photographed.

If intending to bring large equipment or wishing to discuss any special requirements please contact the Council's Democratic Services Team in advance of the meeting in order, where possible, for any necessary arrangements or adjustments to be made. The Chairman may direct that audio/visual recording or photography must only take place from a specific location in the meeting room.

The use of flash photography or additional lighting will not be allowed unless this has been discussed in advance of the meeting and agreement reached to ensure the meeting will not be unduly disrupted.

At the beginning of the meeting, the Chairman will make an announcement if i that meeting may be filmed, recorded or photographed.

(The Council Procedure Rules (paragraph 19) also provide for the removal of a member of the public from the meeting room should that person, having been warned, continue to interrupt the proceedings. The Chairman of a meeting may also call for any part of the meeting room to be cleared in the event of a general disturbance.)

**REVIEW OF RIPA POLICIES & PROCEDURES
(Joint Report by Heads of Legal and Democratic Services
and of Customer Services)**

1. INTRODUCTION

- 1.1 Article 8 (Right to respect for Private and Family Life) of the Human Rights Act 1998 (HRA) states that every person shall have the right to respect for his private and family life, home, and correspondence. The Article states that there shall be no interference with this right by any public body except in accordance with the law. The Article, unlike many of the other Articles, does not give an absolute right to privacy where national legislation, compliant with HRA, states that the right can be suspended
- 1.2 The Regulation of Investigatory Powers Act 2000 (RIPA) was introduced to provide law enforcement agencies with a legal gateway and strict guidance on when and how the subject of an investigation can have their Article 8 rights suspended. Contrary to much press publicity Local Councils can use the powers conferred by RIPA but only for the purposes of the detection and prevention of crime.
- 1.3 Local Councils can use RIPA Authorisations to conduct 'Covert Directed Surveillance' or acquire 'Communications Data'. The Legislation, guidance and Code of Practice for both these areas is provided by the Home Office.
- 1.4 Huntingdonshire District Council (HDC) has had policies in place since 2001 which ensure that officers conducting these activities are fully trained and conversant with both the law and the most recent guidance from the Home Office.

2. COMMISSIONERS

- 2.1 RIPA provided for the creation of two commissioners to oversee the two areas of RIPA which affect HDC. The Office of the Surveillance Commissioner (OSC) and the Interception of Communication Commissioner Office (IOCCO) carry out these two separate functions.
- 2.2 The Council is required, whether there is a policy in place or not, to provide annual reports to both commissioners on all activity undertaken. The OSC inspect every Local Council affected by RIPA every three years and the IOCCO conduct random inspections.

3. RECENT CHANGES

- 3.1 In October 2012 the Government introduced a stricter regime for Local Authorities when using the provisions of RIPA. This included the requirement for all applications to be authorised by a Justice of the Peace (JP) and that all RIPA activity, as defined in the Home Office Guidance, only take place where 'serious crime' was being investigated.

- 3.2 In early 2013 the Home Office produced new guidance and Codes of Practice for the amended requirements that Local Authorities had to meet.
- 3.3 The Council has now reviewed its own policies in light of these changes and addressed both issues of seriousness and JP authorisation, as well as fully adopting the Home Office guidance on covert surveillance and the acquisition of communications data.
- 3.4 The changes to Council policies required as a result of the legislative changes outlined in this report are significant. If any future minor changes are required it is proposed that these be dealt with in consultation with the Chairman of Corporate Governance Panel and reported to that Panel to avoid the necessity of a report to full council for every change.

4. RECOMMENDATION

that the Panel recommend to Council

- (a) the adoption of the RIPA (Surveillance) Policy and Procedure as set out in Annex A.**
- (b) the adoption of the new RIPA (Communications Data) Policy and Procedure as set out in Annex B.**
- (c) authorising the Head of Legal and Democratic Services to make any consequential amendments to the Constitution.**
- (d) authorising the Head of Legal and Democratic Services to make any amendments to the policies in future after consultation with the Chairman of Corporate Governance Panel and subject to the matter being reported to the next meeting of Corporate Governance Panel**

ATTACHED

Annex A. HDC Policy - Covert Surveillance - Regulation of Investigatory Powers Act 2000

Annex B. HDC Policy- Acquisition of Communications Data -Regulation of Investigatory Powers Act 2000

BACKGROUND INFORMATION

Human Rights Act 1998
Regulation of Investigatory Powers Act 2000

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HUNTINGDONSHIRE DISTRICT COUNCIL

COVERT SURVEILLANCE

REGULATION OF INVESTIGATORY POWERS ACT 2000

(PART II)

(Directed Surveillance and the use of CHIS)

POLICY & PROCEDURE

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INTRODUCTION AND PURPOSE

Introduction

Since October 2000 when the Human Rights Act 1998 came into force, covert surveillance has become subject to statutory control in the UK. The Regulation of Investigatory Powers Act 2000 (RIPA) provides for the first time a legal framework for covert surveillance activities by public authorities (including local authorities). The Office of Surveillance Commissioners (OSC) has been set up as an independent inspection regime to monitor these activities.

The use of surveillance (both overt and covert) to provide information is a valuable resource for the protection of the public and the maintenance of law and order. To discharge their responsibilities local authorities and law enforcement agencies use unaided surveillance and surveillance devices. RIPA and codes of practice under it provides a legal framework and procedure to authorise the use of covert surveillance. Surveillance is covert if it is carried out in a manner that is calculated to ensure that persons who are subject to it are unaware that it is or may be taking place.

In some circumstances, it may be necessary for Council employees, in the course of their duties, to make observations of a person(s) in a covert manner. By their nature, actions of this sort may constitute an interference with that person's right to privacy. This may give rise to legal challenge as a potential breach of "the right to respect for private and family life, home and correspondence" under Article 8 of the European Convention on Human Rights and the Human Rights Act 1998. RIPA provides a procedure to defend the Council against such challenges

Purpose

This policy statement explains how Huntingdonshire District Council will meet legal requirements in relation to the use of covert surveillance. It also seeks to encourage and promote a professional approach in undertaking surveillance so that those affected may have confidence that the Council will act effectively and in a fair and lawful manner. It should be read in conjunction with the Regulation of Investigatory Powers Act 2000 and the current version of the Code of Practice on the use of Covert Human Intelligence sources and the Code of Practice on Covert Surveillance on the Home Office website www.homeoffice.gov.uk/counter-terrorism/regulation-investigatory-powers/ripa-codes-of-practice

STATEMENT OF INTENT

This policy statement applies only to the use of covert surveillance⁴, although it is expected that usually any surveillance activity undertaken by or on behalf the Council will be overt.

The Council intends to fulfil its lawful obligations and use directed surveillance and covert human intelligence sources within the terms of the Regulation of Investigatory Powers Act 2000, the relevant Codes of Practice and the directions of the Office of Surveillance Commissioners in accordance with its lawful requirements.

The Council will keep its policy and procedures under review and update them as necessary and in accordance with any changes in the Law.

The Council will take necessary steps to ensure that employees whose duties involve investigations or supervision of them are informed of all relevant policy standards, procedures, and legislation.

Employees have a duty to follow this policy and its procedures and any employees knowingly acting outside this policy may be subject to the Council's disciplinary procedures.

Evidence gathered by surveillance should be treated as confidential and only disclosed to persons (internal and external) whose authority has been explicitly established. Employees will be held responsible for any misuse, security breach or unauthorised disclosure while it is in their control.

Evidence gathered by covert surveillance will be held in accordance with the Council's Document Retention Policy. Documents created as part of surveillance applications including authorisations, reviews and cancellations will be held on the councils Central Register which will be maintained by the RIPA Central Monitoring Officer will be held for three years, as required by the Act.

The Council will keep in place appropriate security measures as required.

A reporting structure will be established headed by the RIPA Central Monitoring Officer with a liaison officer for each service division so:

- that authorisation, Jjudicial application/order form, review, renewal and cancellation forms and procedures are co-ordinated and consistent across the Council and comply with legislation
- All activity is available for inspection by the Office of Surveillance Commissioners
- All problems can be investigated thoroughly

Regular meetings are held, at least once every six months, with the liaison officers to review and update service divisions on changes in the law or Home Office guidance.

Subjects of covert surveillance carried out by or on behalf of the Council therefore can be assured that evidence collected (including personal data) will be processed with care and strictly in accordance with the law.

Council employees **will not carry out intrusive surveillance** within the meaning of the Regulation of Investigatory Powers Act 2000. This is covert surveillance carried out in relation to anything taking place on any residential premises or in any private vehicle; and involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device capable of providing information of the same quality and detail as might be expected to be obtained from a device actually present on the premises or in the vehicle.

The Council will seek to adhere to the authorisation, review, renewal and cancellation procedure provided for by the RIPA legislation and the codes of practice thereon before conducting any covert surveillance.

The Council will not intentionally gather evidence by covert surveillance from individuals where it is disproportionate or unnecessary in relation to the purposes of the investigation.

Surveillance carried out by a third party on behalf of the Council shall be subject to a contract which stipulates compliance with the law and this policy. Any service that intends to instruct a third party are required to liaise with the Central Monitoring Officer so that an Authorising Officer can take into account the capability of an agent acting for the Council before any contracts are agreed.

To assist with oversight of the Council's RIPA processes, it has appointed Colin Meadowcroft (Head of Law, Property and Governance) as the Senior Responsible Officer (SRO) who will be responsible for the integrity of the process. However it must be stressed

that all staff involved in the process must take their responsibilities seriously which will assist with the integrity of the Councils processes and procedures.

PRINCIPLES OF SURVEILLANCE

In planning and carrying out covert surveillance Huntingdonshire District Council employees shall comply with the following principles:

Lawful purposes

On 1 November 2012 two significant changes came into force that effects how local authorities use RIPA.

- **Approval of Local Authority Authorisations under RIPA by a Justice of the Peace:** The amendments in the Protection of Freedoms Act 2012 mean that local authority authorisations under RIPA for the use of Directed Surveillance or use of Covert Human Intelligence sources (CHIS) can only be given effect once an order approving the authorisation has been granted by a Justice of the Peace (JP). **This applies to applications and renewals only, not reviews and cancellations.**
- **Directed surveillance crime threshold:** 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 maximum custodial sentence of six months or more 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.

The crime threshold, as mentioned is only for Directed Surveillance.

Therefore the only lawful reason is **prevention and detection of crime** in respect of its Core Functions. As from 1 November 2012 there is no provision for a Local Authority to use RIPA to conduct covert activities for disorder such as anti-social behaviour unless there are criminal offences involved which attract a maximum custodial sentence of six months.

Employees carrying out covert surveillance as far as practicable shall not interfere with any property or harass any person.

Confidential material

Applications where a significant risk of acquiring confidential material has been identified shall always require the approval of the Head of Paid Service.

Confidential material consists of:

- matters subject to legal privilege (e.g. between professional legal advisor and client)
- confidential personal information (e.g. relating to a person's spiritual, physical or mental health) or
- confidential journalistic material

DEFINITIONS

Unless the context otherwise requires, in this document the expressions in the first column shall have the meaning in the second column and any reference to a statute or statutory instrument or code of practice within the document shall include amendments to it.

Authorising Officer

means a person entitled to give an authorisation for directed surveillance or for the use of a covert human intelligence source in accordance with Section 30 of the Regulation of Investigatory Powers Act 2000 and the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) Order 2000 SI No. 2417 as adapted to the organisational structure of the Council and who is included in the list of officers designated by the Council for such purposes.

Council

means Huntingdonshire District Council

Covert Human Intelligence Source

means a person who establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within Section 26(8)(b) or (c) Regulation of Investigatory Powers Act 2000 namely :

- b) to covertly use such a relationship to obtain information or to provide access to any information to another person; or
- c) to covertly disclose information obtained by the use of such a relationship, or as a consequence of the existence of such a relationship

a purpose is covert, in relation to the establishment or maintenance of a personal or other relationship, if and only if, the relationship is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the purpose.

Covert Surveillance

means surveillance carried out in a manner that is calculated to ensure that persons who are subject to this surveillance are unaware that it is or may be taking place

Directed Surveillance

means covert surveillance which is not intrusive and is undertaken:

- a) for the purpose of a specific investigation or a specific operation;
- b) in such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation); and
- c) otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under Part II of RIPA to be sought for the carrying out of surveillance

Private Information

Private information includes any information relating to a person's private or family life. Private information should be taken generally to include any aspect of a

person's private or personal relationship with others, including family and professional or business relationships.

Whilst a person may have a reduced expectation of privacy when in a public place, covert surveillance of that person's activities in public may still result in the obtaining of *private information*. This is likely to be the case where that person has a reasonable expectation of privacy even though acting in public and where a record is being made by a *public authority* of that person's activities for future consideration or analysis.

Private life considerations are particularly likely to arise if several records are to be analysed together in order to establish, for example, a pattern of behaviour, or if one or more pieces of information (whether or not available in the public domain) are covertly (or in some cases overtly) obtained for the purpose of making a permanent record about a person or for subsequent data processing to generate further information. In such circumstances, the totality of information gleaned may constitute *private information* even if individual records do not. Where such conduct includes surveillance, a directed surveillance *authorisation* may be considered appropriate.

Private Vehicle

means any vehicle that is used primarily for the private purpose of the person who owns it or of a person otherwise having the right to use it (except where the right to use the vehicle derives only from his having to pay, or undertake to pay for the use of the vehicle and its driver for a particular journey)

Residential Premises

means so much of any premises as is for the time being occupied or used by any person, however temporarily, for residential purposes or otherwise as living accommodation (including hotel or prison accommodation that is so occupied or used)

Surveillance Device

means any apparatus designed or adapted for use in surveillance

Surveillance*

is defined in Section 48 of the Regulation of Investigatory Powers Act 2000 and includes:

- a) monitoring, observing or listening to persons, their movements, their conversations or their other activities or communications;
- b) recording anything monitored, observed or listened to in the course of surveillance; and
- c) surveillance by or with the assistance of a surveillance device

* surveillance does not include references to:

- a) any conduct of a covert human intelligence source for obtaining or recording (whether or not using a surveillance device) any information which is disclosed in the presence of the source;
- b) the use of a covert human intelligence source for so obtaining or recording information; or
- c) any such entry on or interference with property or with wireless telegraphy as would be unlawful unless authorised under Section 5 of the Intelligence Services Act 1994 (warrants for the intelligence services) or Part III of the Police Act 1997 (powers of the police and of customs officers)

SCOPE OF PROCEDURE

The RIPA procedure **does not** apply to:

- Covert observations where private information will not be obtained
- Observations that are not carried out covertly, or
- Ad-hoc covert observations that do not involve the systematic surveillance of a specific person(s)
- Unplanned observations made as an immediate response to events.

However staff should always remember that any actions taken must be justified and recorded.

In cases of doubt, the authorisation procedure described below should be followed.

Surveillance outside of RIPA

Due to the changes of the Serious Crime Criteria which commenced on the 1 November 2012, there may be a necessity for the Council to undertake surveillance which does not meet the RIPA criteria such as, in cases of anti-social behavior involving disorder, or serious disciplinary investigations. The Council still must meet its obligations under the Human Rights Act and therefore any surveillance outside of RIPA must still be necessary and proportionate having taken account of the intrusion issues. The decision making process and the management of such surveillance must be well documented.

There is a requirement for the Councils Senior Responsible Officer (SRO) to regularly monitor surveillance outside of RIPA. Therefore before any such surveillance takes place, advice must be sought from the Head of Legal Services or the Senior Solicitor.

AUTHORISATION PROCEDURE

General

As mentioned earlier on 1 November 2012 two significant changes came into force that effects how local authorities use RIPA.

- **Approval of Local Authority Authorisations under RIPA by a Justice of the Peace:** The amendments in the Protection of Freedoms Act 2012 mean that local authority authorisations under RIPA for the use of Directed Surveillance or use of Covert Human Intelligence sources (CHIS) can only be given effect once an order approving the authorisation has been granted by a Justice of the Peace (JP). **This applies to applications and renewals only, not reviews and cancellations.**
- **Directed surveillance crime threshold:** 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 maximum custodial sentence of six months or more 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.

This crime threshold, as mentioned, is only for Directed Surveillance.

Application, Review, Renewal and Cancellation procedure

No covert activity covered by RIPA or the use of a CHIS should be undertaken at any time unless it meets the legal criteria (see above) and has been authorised by an Authorising Officer and approved by a JP/Magistrate as mentioned above. The activity conducted must be in strict accordance with the terms of the authorisation.

All the forms will be the Home Office Model approved forms downloaded from the Home Office Website and approved by the Council's RIPA Central Monitoring Officer. (See the List in the Annex).

Home Office forms, codes of practice and supplementary material will be available through the Council Intranet, the RIPA Central Monitoring Officer and the Home Office Website.

<http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/code-of-practice-covert>

The effect of the above legislation means that all applications and renewals for covert RIPA activity will have to have a JP's approval. It does not apply to Reviews and Cancellations which will still be carried out internally.

The procedure is as follows;

All applications and renewals for Directed Surveillance and use of a CHIS will be required to have a JP's approval.

The applicant will complete the relevant application form ensuring compliance with the statutory provisions shown above. The application form will be submitted to an Authorising Officer for consideration. If authorised, the applicant will also complete the required section of the judicial application/order form. Although this form requires the applicant to provide a brief summary of the circumstances of the case on the judicial application form, this is supplementary to and does not replace the need to supply the original RIPA authorisation as well.

It will then be necessary within Office hours to arrange with Her Majesty's Courts & Tribunals Service (HMCTS) administration at the magistrates' court to arrange a hearing. The hearing will be in private and heard by a single JP

Officers presenting the application at these proceedings will need to be formally designated by the Council under section 223 of the Local Government Act 1972 to appear, be sworn in and present evidence or provide information as required by the JP.

Upon attending the hearing, the officer must present to the JP the partially completed judicial application/order form, a copy of the RIPA authorisation form, together with any supporting documents setting out the case, and the original authorisation form.

The original RIPA authorisation should be shown to the JP but will be retained by the local authority so that it is available for inspection by the Commissioners' offices and in the event of any legal challenge or investigations by the Investigatory Powers Tribunal (IPT).

The JP will read and consider the RIPA authorisation and the judicial application/order form. They may have questions to clarify points or require additional reassurance on particular

matters. These questions are supplementary to the content of the application form. **However the forms and supporting papers must by themselves make the case. It is not sufficient for the local authority to provide oral evidence where this is not reflected or supported in the papers provided.**

The JP will consider whether he or she is satisfied that at the time the authorisation was granted or renewed, there were reasonable grounds for believing that the authorisation was necessary and proportionate. They will also consider whether there continues to be reasonable grounds. In addition they must be satisfied that the person who granted the authorisation or gave the notice was an appropriate designated person within the local authority and the authorisation was made in accordance with any applicable legal restrictions, for example that the crime threshold for directed surveillance has been met.

The JP may decide to

Approve the Grant or renewal of an authorisation

The grant or renewal of the RIPA authorisation will then take effect and the local authority may proceed to use the technique in that particular case.

Refuse to approve the grant or renewal of an authorisation

The RIPA authorisation will not take effect and the local authority may **not** use the technique in that case.

Where an application has been refused the applicant may wish to consider the reasons for that refusal. If more information was required by the JP to determine whether the authorisation has met the tests, and this is the reason for refusal the officer should consider whether they can reapply, for example, if there was information to support the application which was available to the local authority, but not included in the papers provided at the hearing.

For, a technical error, the form may be remedied without going through the internal authorisation process again. The officer may then wish to reapply for judicial approval once those steps have been taken.

Refuse to approve the grant or renewal and quash the authorisation

This applies where the JP refuses to approve the authorisation or renew the authorisation and decides to quash the original authorisation. However, the court must not exercise its power to quash the authorisation unless the applicant has had at least 2 business days from

the date of the refusal in which to make representations. If this is the case the officer will inform the Legal section who will consider whether to make any representations.

Whatever the decision the JP will record their decision on the order section of the judicial application/order form. The court administration will retain a copy of the local authority RIPA authorisation form and the judicial application/order form. The officer will retain the original authorisation and a copy of the judicial application/order form.

If approved by the JP, the date of the approval becomes the commencement date and the three months duration will commence on this date. The officers are now allowed to undertake the activity.

The original RIPA authorisation form and the copy of the judicial application/order form should be forwarded to the Central Register and a copy retained by the applicant and by the AO. This will enable the AO to check what was authorised and monitor any reviews and cancellation to determine if any errors occurred and if the objectives were met.

There is no complaint route for a judicial decision unless it was made in bad faith. If the applicant has any issues they must contact the Legal Department for advice. A local authority may only appeal a JP decision on a point of law by Judicial Review. If such a concern arises, the Legal team will decide what action if any should be taken.

Responsibilities and Completion of the Relevant Forms

Applications

All applications for directed surveillance authorisation will be made on **Form 1** (reference ***RIPA 1 DS authorising*** form). All the relevant sections on an application form must be completed with sufficient information for the Authorising Officer to consider Necessity, Proportionality and the Collateral Intrusion issues. Risk assessments should take place prior to the completion of the application form. Each application should be completed on its own merits of the case. **Cutting and pasting or using template entries should not take place as this would leave the process open to challenge.**

All applications will be submitted to the Authorising Officer via the Line Manager of the appropriate enforcement team, in order that they are aware of the activities being undertaken by the staff. The Line Manager will perform an initial quality check of the application. However they should not be involved in the sanctioning of the authorisation.

Applications whether authorised or refused will be issued with a unique number by The Councils RIPA Central Monitoring Officer (Corporate Fraud Manager).

If authorised the applicant will then complete the relevant section of the judicial application/order form and follow the procedure above by arranging and attending the Magistrates Court to seek a JP's approval. (see procedure above RIPA application and authorisation process)

Reviews

The reviews are dealt with internally by submitting the review form to the authorising officer. There is no requirement for a review form to be submitted to a JP.

All applications for review of directed surveillance authorisation will be made on **Form 2** (reference *RIPA 2 DS review* form).

Regular reviews of authorisations should be undertaken to assess the need for the surveillance to continue. The results of a review should be recorded on the central record of authorisations. Particular attention is drawn to the need to review authorisations frequently where the surveillance provides access to confidential information or involves collateral intrusion.

In each case the Authorising Officer should determine how often a review should take place. This should be as frequently as is considered necessary and practicable and they will record when they are to take place on the application form. This decision will be based on the circumstances of each application. However reviews will be conducted on a monthly or less basis to ensure that the activity is managed. It will be important for the Authorising Officer to be aware of when reviews are required following an authorisation to ensure that the applicants submit the review form on time.

Applicants should submit a review form by the review date set by the Authorising Officer. They should also use a review form for changes in circumstances to the original application so that the need to continue the activity can be reassessed. However if the circumstances or the objectives have changed considerably or the techniques to be used are now different, a new application form should be submitted and will be required to follow the process again and be approved by a JP. If in doubt seek advice... The applicant does not have to wait until the review date if it is being submitted for a change in circumstances.

Managers or Team Leaders of applicants should also make themselves aware of when the reviews are required to ensure that the relevant forms are completed on time.

Renewal

If at any time before an authorisation would cease to have effect, the Authorising Officer considers it necessary for the authorisation to continue for the purpose for which it was given, he may renew it in writing for a further period of three months. Should it be necessary to renew a Directed Surveillance or CHIS authorisation this must be approved by a JP.

All applications for directed surveillance renewals will be made on **Form 3** (reference **RIPA 3 DS renewal** form).

Applications for renewals should not be made until shortly before the original authorisation period is due to expire but the applicant must take account of factors which may delay the renewal process (e.g. intervening weekends or the availability of the relevant authorising officer and a JP to consider the application).

The applicant should complete all the sections within the renewal form and submit the form to the authorising officer.

Authorising Officers should examine the circumstances with regard to Necessity, Proportionality and the Collateral Intrusions issues before making a decision to renew the activity. A CHIS application should not be renewed unless a thorough review has been carried out covering the use made of the source, the tasks given to them and information obtained. The Authorising Officer must consider the results of the review when deciding whether to renew or not. The review and the consideration must be documented.

If the authorising officer refuses to renew the application the cancellation process should be completed. If the AO authorises the renewal of the activity the same process is to be followed as mentioned earlier for the initial application.

A renewal takes effect on the day on which the authorisation would have ceased and lasts for a further period of three months.

Cancellation

Where authorisation ceases to be either necessary or proportionate the Authorising Officer or appropriate deputy will cancel an authorisation using **Form 4** (reference **RIPA 4 DS cancellation** form).

The cancellation form is to be submitted by the applicant or another investigator in their absence. The Authorising Officer who granted or last renewed the authorisation must cancel it if they are satisfied that the directed surveillance no longer meets the criteria upon which it was authorised. Where the Authorising Officer is no longer available, this duty will fall on the

person who has taken over the role of Authorising Officer or the person who is acting as Authorising Officer

As soon as the decision is taken that directed surveillance should be discontinued, the applicant or other investigating officer involved in the investigation should inform the Authorising Officer. The Authorising Officer will formally instruct the investigating officer to cease the surveillance, noting the time and date of their decision. This will be required for the cancellation form. The date and time when such an instruction was given should also be recorded in the central record of authorisations (see paragraphs 5.18 in the Codes of Practice). **It will also be necessary to detail the amount of time spent on the surveillance .**

The officer submitting the cancellation should complete in detail the relevant sections of the form and include the period of surveillance and what if any images were obtained and any images containing third parties. The Authorising Officer should then take this into account and issue instructions regarding the management and disposal of the images etc.

The cancellation process should also be used to evaluate whether the objectives have been achieved and whether the applicant carried out what they stated was necessary in the application form. This check will form part of the oversight function. Where issues are identified they will be brought to the attention of the line manager and the Senior Responsible Officer (SRO). This will assist with future audits and oversight.

Applications for directed surveillance will be made only to an Authorising Officer. The names and posts of such officers may be found recorded in a list held for that purpose by the RIPA Central Monitoring Officer (see the List in the Annex). Authorising Officers will be, as a minimum, Heads of Service. Any nomination of such an officer in that list empowers those officers in line above them to act in their place. Officers responsible for management of an investigation will normally be no lower than Activity Manager.

Authorising officers shall ensure they are fully aware of their responsibilities and comply with the requirements of the law including the relevant codes of practice and the Council's policies and procedures in respect to the authorisation, review, renewal and cancellation of authorisations for covert surveillance. They shall ensure a satisfactory risk assessment, including the Health and Safety of staff is completed in respect of each authorisation.

Where an application for authorisation is refused the Authorising Officer shall record the refusal on the application and the reasons for it on the case file and supply a copy of it to the RIPA Central Monitoring Officer as with other authorisations. The Authorising Officer shall

also ensure that any supplementary information and supporting documents submitted with any application for authorisation, review, renewal or cancellation are recorded and retained on the case file as required by the codes of practice or other legal requirement.

Immediate response to events

There may be occasions when officers come across events unfolding which were not pre planned which then requires them to carry out some form of observation. This will not amount to Directed Surveillance. Officers must not abuse the process and be prepared to explain their decisions in court should it be necessary. Therefore they should document their decisions, what took place, what evidence or information was obtained.

Joint Agency Surveillance

In cases where one agency is acting on behalf of another, it is usually for the tasking agency to obtain or provide the authorisation. For example, where surveillance is carried out by Council employees on behalf of the Police, authorisation would be sought by the police. If it is a joint operation involving both agencies the lead agency should seek authorisation.

Council staff involved with joint agency surveillance are to ensure that all parties taking part are authorised on the application to carry out the activity. When staff are operating on another organisation's authorisation they are to ensure they see what activity they are authorised to carry out and make a written record. They should also inform the RIPA Central Monitoring Officer of the unique reference number, the agencies involved and the name of the officer in charge of the surveillance. This will assist with oversight of the use of Council staff carrying out these types of operations.

Documentation and Central Record

Authorising Officers or Managers of relevant enforcement departments may keep whatever records they see fit to administer and manage the RIPA application process. However this will not replace the requirements under the Codes of Practice for the Council to hold a centrally held and retrievable record.

A centrally retrievable record of all authorisations will be held by the RIPA Central Monitoring Officer and updated whenever an authorisation is refused, granted, renewed or cancelled. The record will be made available to the relevant Commissioner or an Inspector from the Office of Surveillance Commissioners, upon request. These records should be retained for at least three years from the ending of the authorisation or for the period stipulated by the Council's document retention policy, whichever is greater.

Use of CCTV

The use of the CCTV systems operated by the Council do not normally fall under the RIPA regulations. However it does fall under the Data Protection Act 1998 and the Council's CCTV policy. However should there be a requirement for the CCTV cameras to be used for a specific purpose to conduct surveillance it is likely that the activity will fall under Directed Surveillance and therefore require an authorisation.

On the occasions when the CCTV cameras are to be used in a Directed Surveillance situation either by enforcement officers from relevant departments within the Council or outside Law Enforcement Agencies such as the Police, either the CCTV staff are to have a copy of the application form in a redacted format, or a copy of the authorisation page. If it is an urgent oral authority, a copy of the applicant's notes are to be retained or at least some other document in writing which confirms the authorisation and exactly what has been authorised. It is important that the staff check the authority and only carry out what is authorised. A copy of the application or notes is also to be forwarded to the Central Monitoring Officer for filing. This will assist the Council to evaluate the authorisations and assist with oversight.

Operators of the Councils CCTV system need to be aware of the RIPA issues associated with using CCTV and that continued, prolonged systematic surveillance of an individual may require an authorisation.

The cancellation process should also be used to evaluate whether the objectives have been achieved and whether the applicant carried out what they stated was necessary in the application form. This check will form part of the oversight function. Where issues are identified they will be brought to the attention of the line manager and the Senior Responsible Officer (SRO). This will assist with future audits and oversight.

Any person granting an authorisation for the use of directed surveillance must record on the appropriate form the matters they took into account in reaching their decision and they must be satisfied that:

- **no overt means** are suitable for the purpose
- the authorisation is for a prescribed lawful purpose (see above)
- account has been taken of the likely degree of intrusion into the privacy of persons other than those directly implicated/targeted in the operation or investigation (**collateral intrusion**)

- measures are to be taken, where ever practical, to avoid unnecessary intrusion into the lives of those affected by collateral intrusion.
- the authorisation is necessary.
- the authorised surveillance proposed is proportionate;
- any equipment to be used and its technical capabilities is specified

Necessity

Surveillance operations shall only be undertaken where there is no reasonable and effective alternative way of achieving the desired objective(s).

Effectiveness

Surveillance operations shall be undertaken only by suitably trained or experienced employees (or under their direct supervision).

Proportionality

The use of surveillance shall not be excessive but shall be in proportion to the significance/harm of the matter being investigated. (i.e. don't use a sledge hammer to crack a nut).

Authorisation

All directed surveillance shall be authorised in accordance with this procedure.

Use of a Covert Human Intelligence Source (CHIS)

The use of CHIS should only be considered in exceptional cases and after consulting the Legal Section to ensure it is appropriate and all safeguards needed are in place.

Proper records must be kept of the authorisation and use of a source as required by the Regulation 3 of the Regulation of Investigatory Powers (Source Records) Regulations 2000 (SI no 2725) namely:

- a) the identity of the source;
- b) the identity, where known, used by the source;
- c) any relevant investigating authority other than the authority maintaining the records;
- d) the means by which the source is referred to within each relevant investigating authority;
- e) any other significant information connected with the security and welfare of the source;

- f) any confirmation made by a person granting or renewing an authorisation for the conduct or use of a source that the information in paragraph (e) has been considered and that any identified risks to the security and welfare of the source have where appropriate been properly explained to and understood by the source;
- g) the date when, and the circumstances in which, the source was recruited;
- h) the identities of the persons who, in relation to the source, are discharging or have discharged the functions mentioned in section 29(5)(a) to (c) of the 2000 Act or in any order made by the Secretary of State under section 29(2)(c);
- i) the periods during which those persons have discharged those responsibilities;
- j) the tasks given to the source and the demands made of him in relation to his activities as a source;
- k) all contacts or communications between the source and a person acting on behalf of any relevant investigating authority;
- l) the information obtained by each relevant investigating authority by the conduct or use of the source;
- m) any dissemination by that authority of information obtained in that way; and
- n) in the case of a source who is not an undercover operative, every payment, benefit or reward and every offer of a payment, benefit or reward that is made or provided by or on behalf of any relevant investigating authority in respect of the source's activities for the benefit of that or any other relevant investigating authority.

In addition the Code of Practice requires records to be kept of:

- a copy of the authorisation together with the supporting documentation and notification of the approval given by the authorising officer;
- a copy of any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested;
- the reason why the person renewing an authorisation considered it necessary to do so;
- any authorisation which was granted or renewed orally (in an urgent case) and the reason why the case was considered urgent;
- any risk assessment made in relation to the source;
- the circumstances in which tasks were given to the source;
- the value of the source to the investigating authority;
- a record of the results of any reviews of the authorisation;
- the reasons, if any, for not renewing an authorisation;

- the reasons for cancelling an authorisation;
- the date and time when any instruction was given by the authorising officer to cease using a source.

Authorising Officers must not grant an authorisation for a CHIS unless they believe that there are arrangements in place to ensure there is at all times a person responsible for maintaining a record of the use of that source.

All applications for authorisation for the use or conduct of a CHIS will be made on **Form 5** (reference *RIPA 5 CHIS authorising* form). The applicant in all cases should complete this.

The application process is the same as described earlier with the authorisation (if authorised) requiring the approval of a Justice of the Peace.

All applications for review of authorisation for the use or conduct of a CHIS will be made on **Form 6** (reference *RIPA 6 CHIS review* form). The applicant in all cases should complete this where the investigation/operation is to be continued.

All applications for authorisation for the use or conduct of a CHIS renewal will be made on **Form 7** (reference *RIPA 7 CHIS renewal* form). The applicant in all cases should complete this where the surveillance requires to continue beyond the previously authorised period (including previous renewal). The renewal will require approval of a Justice of the Peace.

Where authorisation ceases to be either necessary or appropriate the Authorising Officer or appropriate deputy will cancel an authorisation using **Form 8** (reference *RIPA 8 CHIS cancellation* form).

Any person giving an authorisation for the use of CHIS must record on the appropriate form matters taken into account in reaching their decision and must be satisfied that :

- **no overt means** are suitable for the purpose
- the authorisation is for a prescribed lawful purpose (see above)
- account has been taken of the likely degree of intrusion into the privacy of persons other than those directly implicated/targeted in the operation or investigation (**collateral intrusion**)
- measures must be taken, where ever practical, to avoid unnecessary intrusion into the lives of those affected by collateral intrusion.
- the authorisation is necessary.

- the authorised surveillance proposed is proportionate;
- any equipment to be used is specified

Necessity

Surveillance operations shall only be undertaken where there is no reasonable and effective alternative way of achieving the desired objective(s).

Effectiveness

Surveillance operations shall be undertaken only by suitably trained or experienced employees (or under their direct supervision).

Proportionality

The use of surveillance shall not be excessive but shall be in proportion to the significance/harm of the matter being investigated. (i.e. don't use a sledge hammer to crack a nut).

Authorisation

All directed surveillance shall be authorised in accordance with this procedure.

Persons who repeatedly provide information

It is possible that members of the public repeatedly supply information to Council staff on either one particular subject or investigation or a number of investigations. It is important that Council staff make the necessary enquiries with the person reporting the information to ascertain how the information is being obtained. This will not only assist with evaluating the information but will determine if the person is establishing or maintaining a relationship with a third person to obtain the information, and then provide it to the Council staff. If this is the case, the person is likely to be acting as a CHIS and there is a potential duty of care to the individual which a duly authorised CHIS would take account of. Therefore Council staff should ensure that they are aware of when a person is potentially a CHIS by reading the below sections.

DURATION TIME OF AUTHORISATIONS

Directed Surveillance	3 Months
Renewal	3 Months
Covert Human Intelligence Source	12 Months
Renewal	12 months
Juvenile Sources	1 Month

All authorisations commence from the date approved by the Justice of the PEACE.

All Authorisations must be cancelled by completing a cancellation form. They must not be left to simply expire.

RECORD KEEPING, TRAINING AND MONITORING

Security and Retention of Records

Each service division or discrete location within a division, must maintain a record of all applications for authorisations (including refusals), Judicial application/order form, renewals, reviews and cancellations on the appropriate form. Each individual form must be given a unique reference number issued by the RIPA Central Monitoring Officer. Such unique reference numbers should follow on in sequential order from that used for previous forms. The most Authorising Officer in that service division or that location may maintain records for directed surveillance and covert human intelligence sources for their own records.

The Authorising Officer shall retain together the original authorisation, copy of the Judicial application/order form, review and renewal forms, copies being provided to the Central Monitoring Officer, until cancelled. On cancellation, the original application, review, renewal and cancellation forms and any associated documents shall be sent to the Central Monitoring Officer and retained in a file in a secure place for three years after cancellation, as required by the Act.

The codes do not affect any other statutory obligations placed the Council to keep records under any other enactment such as the Criminal Procedure and Investigations Act 1996 (CPIA) This requires that material which is obtained in the course of an investigation and which may be relevant to the investigation must be recorded, retained and revealed to the prosecutor.

Training

The Senior Responsible Officer will have responsibility for ensuring appropriate training for staff mentioned within this policy and for retaining a record of that training. They must supply a copy of the record to the RIPA Central Monitoring Officer at regular intervals.

Central Register

The RIPA Central Monitoring Officer will maintain the Central Register of Authorisations. Authorising Officers shall notify the RIPA Central Monitoring Officer within 48 hours of the grant, renewal or cancellation of any authorisation and the name of the applicant officer to ensure the accuracy of the central register.

Oversight

It is important that all staff involved in the RIPA application process take seriously their responsibilities. Overall oversight within the Council will fall within the responsibilities of the Senior Responsible Officer (SRO) for the Council. However careful management and adherence to this policy and procedures will assist with maintaining oversight and reduce unnecessary errors.

Errors

There is now a requirement as set out in the OSC procedures and Guidance 2011 to report all covert activity that was not properly authorised to the OSC in writing as soon as the error is recognised. This includes activity which should have been authorised but wasn't or which was conducted beyond the directions provided by the authorising officer. It is therefore important that when an error has been identified it is brought to the attention of the SRO in order to comply with this guidance. The Council has a responsibility to report to the Inspector at the commencement of an inspection all activity which should have been authorised but wasn't. This is to confirm that any direction provided by the Chief Surveillance Commissioner has been followed. This will also assist with the oversight provisions of the Councils' RIPA activity.

This does not apply to covert activity which is deliberately not authorised because an authorising officer considers that it does not meet the legislative criteria, but allows it to continue. This would be surveillance outside of RIPA. (See oversight section below)

Senior Responsible Officer

Overall oversight within the Council will fall within the responsibilities of the Senior Responsible Officer (SRO) for the Council. The SRO is responsible for:

- the integrity of the process in place within the *public authority* to authorise directed surveillance
- compliance with Part II of the 2000 Act, Part III of the 1997 Act and with this code;
- engagement with the Commissioners and inspectors when they conduct their inspections, and
- where necessary, overseeing the implementation of any post inspection action plans recommended or approved by a Commissioner

Reporting to Members

Annual returns of all surveillance activity undertaken by Council staff including joint surveillance and Directed Surveillance using the CCTV system will be compiled by the RIPA Central Monitoring Officer and provided to the Corporate Governance Panel annually in line with the current advice in the Codes of Practice. Members will review on a yearly basis the policy to assess whether the activity undertaken is in line with this policy.

The Office of Surveillance Commissioners

The Office of Surveillance Commissioners provides an independent overview of the use of powers contained within the Regulation of Investigatory Powers Act 2000. This scrutiny includes inspection visits to local authorities by inspectors appointed by the OSC and the provision of annual reports by the Council to the OSC on all relevant surveillance activity undertaken as part of this policy.

It is the duty of any person who uses these powers to comply with any request made by a Commissioner to disclose or provide any information he requires for the purpose of enabling him to carry out his functions.

The Office of Surveillance Commissioners may be contacted at:

Office of Surveillance Commissioners
PO Box 29105
London SW1V 1ZU
Telephone: 020 7828 3421
www.surveillancecommissioners.gov.uk

The Regulation of Investigatory Powers Act 2000 also establishes an independent tribunal, the **Investigatory Powers Tribunal**. This has full powers to investigate and decide any cases within its jurisdiction.

ADVICE

If you require further advice about covert surveillance, please contact the RIPA Central Monitoring Officer. In particular advice should be sought before considering the use of a covert human intelligence source where considerations of risk assessment, insurance, managing tasking the source and ensuring confidentiality require specific consideration.

POLICY UPDATING PROCEDURE

Proposed amendments to this Policy must be forwarded to the Head of Legal and Democratic Services where they will be considered in consultation with the RIPA Central Monitoring Officer before submission to Chief Officers Management Team and Cabinet.

The Policy shall be reviewed as required by legislation, upon advice from the Home Office or following a bi-annual inspection by the OSC.

FURTHER INFORMATION ENQUIRIES AND COMPLAINTS

The RIPA Central Monitoring Officer is the first point of contact on any of the matters raised in this policy statement. Enquiries should be addressed to:

The RIPA Central Monitoring Officer
Fraud Section
Huntingdonshire District Council
Pathfinder House
St Mary's Street
Huntingdon
Cambridgeshire
PE29 3TN
Tel: (01480) 388388 or direct dial (01480) 388022

The RIPA Central Monitoring Officer is the Council's Fraud Manager and will be responsible for dealing with all internal and external enquiries and complaints. All complaints should be in writing, dated and include details of the complaint and also an account of the nature of the problem.

The Council will attempt to complete internal investigations within 20 working days. An acknowledgement of the complaint should be despatched to the complainant as soon as possible after its receipt.

Nick Jennings
Corporate Fraud Manager

31.5.2013

ANNEX A

HOME OFFICE MODEL FORMS

RIPA 1DS Authorising Form

RIPA 2DS Review Form

RIPA 3DS Renewal Form

RIPA 4DS Cancellation Form

RIPA 5CHIS Authorising Form

RIPA 6CHIS Review Form

RIPA 7CHIS Renewal Form

RIPA 8CHIS Cancellation Form

Note:

DS: Directed Surveillance

CHIS: Covert Human Intelligence Source

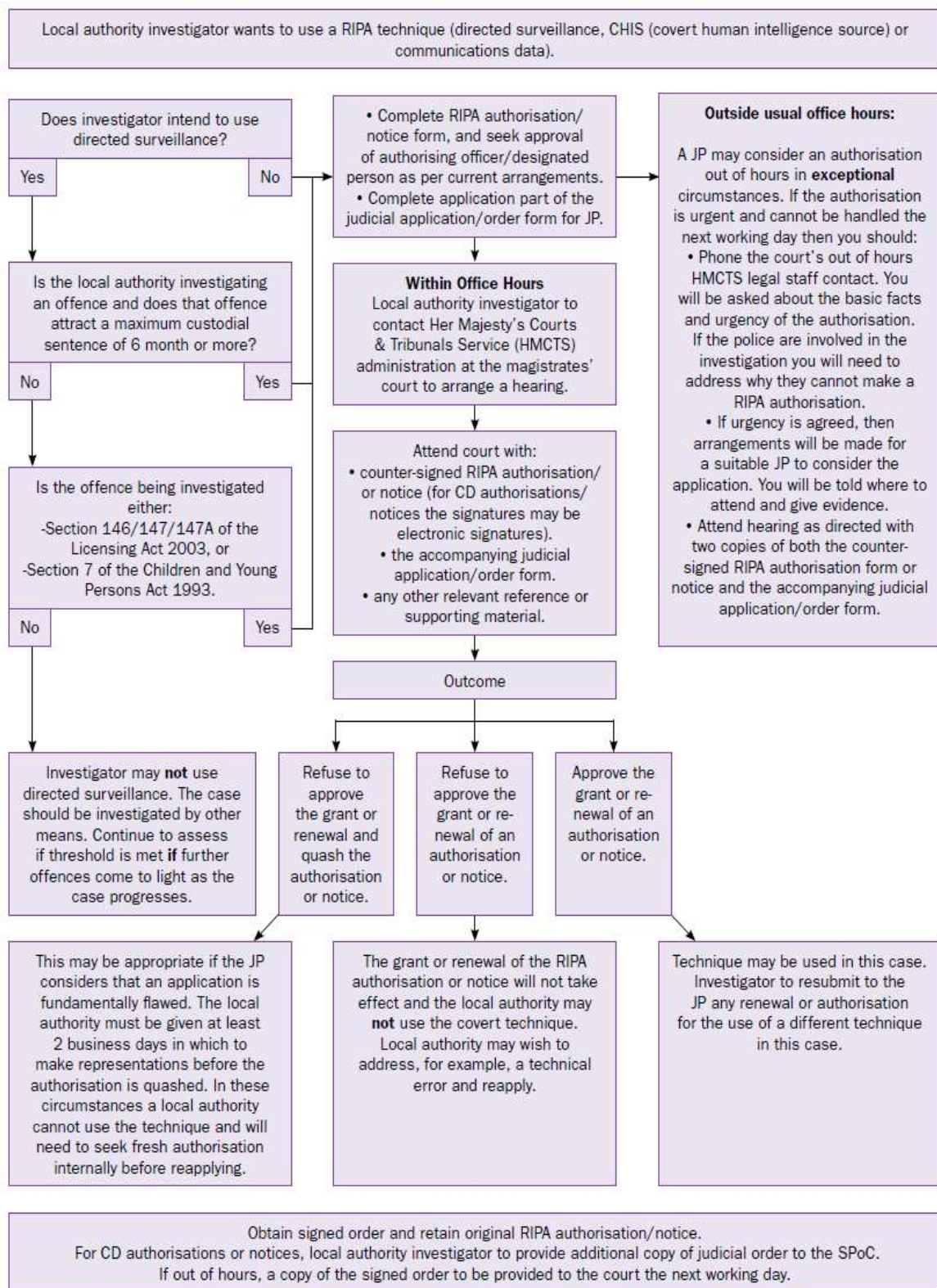
ANNEX B

LIST OF OFFICERS ROLES

ROLE	SERVICE	POST	POST HOLDER
Central Monitoring Officer	Council-wide	Fraud Manager	<u>Nick Jennings</u>
Senior Responsible Officer	Council-Wide	Head of Legal and Democratic Services	<u>Colin Meadowcroft</u>
Senior Authorising Officer	Council-Wide	Head of Paid Service	<u>Malcolm Sharp</u>
Authorising Officer	Customer Services	Head of Customer Service	<u>Julia Barber</u>
Authorising Officer	Environmental Health and Community Services	Head of Environmental Health Services	<u>Sue Lammin</u>
Authorising Officer	Planning Services	Head of Planning Services	<u>Steve Ingram</u>
Authorising Officer	Head of Operations Division	Head of Service-Operations Division	<u>Eric Kendall</u>

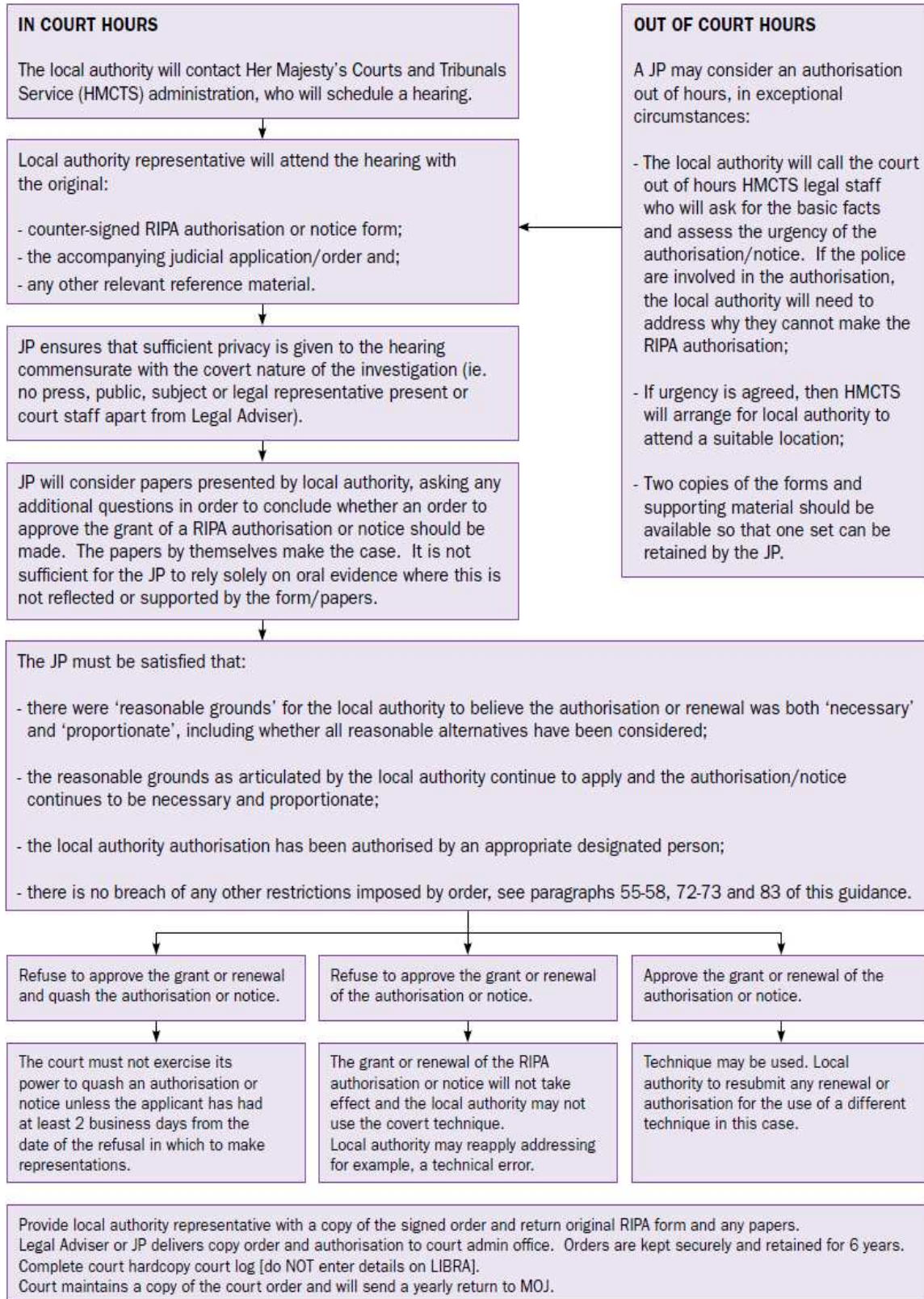
ANNEX C

LOCAL AUTHORITY PROCEDURE: APPLICATION TO A JUSTICE OF THE PEACE SEEKING AN ORDER TO APPROVE THE GRANT OF A RIPA AUTHORISATION OR NOTICE



ANNEX D

PROCEDURE: LOCAL AUTHORITY APPLICATION TO A JUSTICE OF THE PEACE SEEKING AN ORDER TO APPROVE THE GRANT OF A RIPA AUTHORISATION OR NOTICE



ANNEX E

Application for judicial approval for authorisation to obtain or disclose communications data, to use a covert human intelligence source or to conduct directed surveillance. Regulation of Investigatory Powers Act 2000 sections 23A, 23B, 32A, 32B.

Local authority:.....

Local authority department:.....

Offence under investigation:.....

Address of premises or identity of subject:.....

.....

.....

Covert technique requested: (tick one and specify details)

- Communications Data**
- Covert Human Intelligence Source**
- Directed Surveillance**

Summary of details

.....

.....

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Note: this application should be read in conjunction with the attached RIPA authorisation/RIPA application or notice.

Investigating Officer:.....

Authorising Officer/Designated Person:.....

Officer(s) appearing before JP:.....

Address of applicant department:.....

.....

Contact telephone number:.....

Contact email address (optional):.....

Local authority reference:.....

Number of pages:.....

Order made on an application for judicial approval for authorisation to obtain or disclose communications data, to use a covert human intelligence source or to conduct directed surveillance. Regulation of Investigatory Powers Act 2000 sections 23A, 23B, 32A, 32B.

Magistrates' court:.....

Having considered the application, I (tick one):

- am satisfied that there are reasonable grounds for believing that the requirements of the Act were satisfied and remain satisfied, and that the relevant conditions are satisfied and I therefore approve the grant or renewal of the authorisation/notice.
- refuse to approve the grant or renewal of the authorisation/notice.
- refuse to approve the grant or renewal and quash the authorisation/notice.

Notes

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Reasons

.....
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.....
.....
.....

Signed:

Date:

Time:

Full name:

Address of magistrates' court:

HUNTINGDONSHIRE DISTRICT COUNCIL

ACQUISITION OF COMMUNICATIONS DATA

**REGULATION OF INVESTIGATORY POWERS ACT 2000
(PART I, CHAPTER II)**

POLICY & PROCEDURE

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INTRODUCTION

The powers provided by the Regulation of Investigatory Powers Act 2000 (RIPA) allow the Council to obtain Communications Data to progress Criminal Investigations from Communications Service Providers (CSP's). It is not to be confused with the Councils Monitoring at Work Policy and Practices under the Lawful Business Practices Legislation. This latter legislation relates to the monitoring of the Council's own communication and computer systems.

Part 1 of RIPA introduces a statutory framework to regulate the access to communications data by public authorities consistent with the Human Rights Act 1998. All applications for Communications Data will be made through one of the Council's Accredited Officers known as Single Point of Contacts (SPoC's) who have passed a Home Office approved course. These Officers are based in the Councils Fraud Team located at Pathfinder House. One centrally held record will be maintained by the SPoC's to prevent duplication of acquiring communications data. This will also assist with the councils responsibilities with regard to record keeping.

This Policy sets out the Councils procedures and approach to obtaining and handling Communications Data for the purposes of preventing or detecting crime or of preventing disorder. It should be read in conjunction with the Home Office Interception of Communications Data Code of Practice (the codes) which explains the duties and responsibilities placed upon each party involved in these processes and creates a system of safeguards, consistent with the requirements of article 8 of the ECHR <http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/interception-comms-code-practice> . This policy will be reviewed periodically.

The Codes can be obtained from the Home Office Website and are available to all Council staff involved in the acquisition of Communications Data.

Both this policy and the Codes of Practice will be followed at all times and under no circumstances should unauthorised access to obtain Communications Data be sought outside of this guidance or by requiring, or inviting, any postal or telecommunications operator to disclose communications data by exercising any exemption to the principle of non-disclosure of communications data under the Data Protection Act 1998 ('the DPA').

The Codes of Practice are admissible in evidence in criminal and civil proceedings.

A Communications Service Provider (CSP's) is an operator who provides a postal or telecommunications service such as Royal Mail and the usual Telephone Service providers as well as Internet Service Providers.

What is Communications Data

Communications Data does not include the contents of any communication. It is not lawfully possible for Council employees under any circumstances to obtain the contents of communications. SPoC/Accredited officers will ensure they are aware and remain up to date with the less obvious communications data which would constitute contents such as email headers.

The term 'communications data' embraces the 'who', 'when' and 'where' of a communication but not the content, not what was said or written. It includes the manner in which, and by what method, a person or machine communicates with another person or machine. It excludes what they say or what data they pass on within a communication including text, audio and video (with the exception of traffic data to establish another communication such as that created from the use of calling cards, redirection services, or in the commission of 'dial through' fraud and other crimes where data is passed on to activate communications equipment in order to obtain communications services fraudulently).

Consultation with the Council's Single Point of Contact (SPoC) will determine the most appropriate plan for acquiring data where the provision of a communication service engages a number of providers. It may be advisable that applicants seek advice and guidance when where enquiries regarding communications data are being considered within an investigation.

Types of Communications Data

There are three types of Communications Data which may be obtained dependant upon what the legislation allows the Public Authority to lawfully acquire. They are:

(a) Traffic Data

(b) Service Use Information

(c) Subscriber/ Account information

Huntingdonshire District Council has no lawful authority to obtain Traffic Data. However it can lawfully obtain Service Use data and Subscriber/Account information if the application meets the test of Necessity and Proportionality which will be decided by the Designated Person (Authorising Officer).

Traffic Data

The Act defines certain communications data as 'traffic data' in sections 21(4)(a) and 21(6) of the Act. This is data that is or has been comprised in or attached to a communication for the purpose of transmitting the communication and which 'in relation to any communication':

Examples of traffic data, within the definition in section 21(6), include:

- information tracing the origin or destination of a communication that is, or has been, in transmission (including incoming call records);
- information identifying the location of equipment when a communication is, has been or may be made or received (such as the location of a mobile phone);
- information identifying the sender or recipient (including copy recipients) of a communication from data comprised in or attached to the communication;
- routing information identifying equipment through which a communication is or has been transmitted (for example, dynamic IP address allocation, file transfer logs and e-mail headers – to the extent that content of a communication, such as the subject line of an e-mail, is not disclosed);
- web browsing information to the extent that only a host machine, server, domain name or IP address is disclosed;

- anything, such as addresses or markings, written on the outside of a postal item (such as a letter, packet or parcel) that is in transmission and which shows the item's postal routing;
- record of correspondence checks comprising details of traffic data from postal items in transmission to a specific address, and
- online tracking of communications (including postal items and parcels).

Any message written on the outside of a postal item, which is in transmission, may be content (depending on the author of the message) and fall within the scope of the provisions for interception of communications for which Council has no Authority to obtain. For example, a message written by the sender will be content but a message written by a postal worker concerning the delivery of the postal item will not. All information on the outside of a postal item concerning its postal routing, for example the address of the recipient, the sender and the post-mark, is traffic data within section 21(4)(a) of the Act.

Huntingdonshire District Council has no lawful authority to obtain Traffic Data.

Service Use Information

Data relating to the use made by any person of a postal or telecommunications service, or any part of it, is widely known as 'service use information' and falls within section 21(4)(b) of the Act and the Council can lawfully obtain this data..

Examples of data within the definition at section 21(4)(b) include:

- itemised telephone call records (numbers called);
- itemised records of connections to internet services;

- itemised timing and duration of service usage (calls and/or connections);
- information about amounts of data downloaded and/or uploaded;
- information about the use made of services which the user is allocated or has subscribed to (or may have subscribed to) including conference calling, call messaging, call waiting and call barring telecommunications services;
- information about the use of forwarding/redirection services;
- information about selection of preferential numbers or discount calls;
- records of postal items, such as records of registered post, recorded or special delivery postal items, records of parcel consignment, delivery and collection.

Subscriber Information

The third type of communication data, widely known as 'subscriber information', is set out in section 21(4)(c) of the Act. This relates to information held or obtained by a CSP about persons to whom the CSP provides or has provided a communications service. Those persons will include people who are subscribers to a communications service without necessarily using that service and persons who use a communications service without necessarily subscribing to it, and the Council can lawfully obtain this data

Person includes any organisation and any association or combination of persons.

Examples of data within the definition at section 21(4) (c) include:

- ‘subscriber checks’ (also known as ‘reverse look ups’) such as “who is the subscriber of phone number 012 345 6789?”, “who is the account holder of e-mail account example@example.co.uk?” or “who is entitled to post to web space www.example.co.uk?”;
- information about the subscriber to a PO Box number or a Postage Paid Impression used on bulk mailings;
- information about the provision to a subscriber or account holder of forwarding/redirection services, including delivery and forwarding addresses;
- subscribers or account holders’ account information, including names and addresses for installation, and billing including payment method(s), details of payments;
- information about the connection, disconnection and reconnection of services to which the subscriber or account holder is allocated or has subscribed to (or may have subscribed to) including conference calling, call messaging, call waiting and call barring telecommunications services;
- information about apparatus used by, or made available to, the subscriber or account holder, including the manufacturer, model, serial numbers and apparatus codes;
- information provided by a subscriber or account holder to a CSP, such as demographic information or sign-up data (to the extent that information, such as a password, giving access to the content of any stored communications is not disclosed).

The SPoC will provide advice and assistance with regard to the types of Communications Data which can be lawfully obtained and how that data may assist with an investigation.

Who Can We Obtain the Data From and For What reason?

Communications data can be obtained from a Communications Service Provider (CSP's) A CSP is an operator who provides a postal or telecommunications service such as Royal Mail and the usual Telephone Service providers. However there may be less obvious companies which may be classed as a CSP and advice should be sought from the SPoC.

Council can only process and consider applications to access Communications Data from within this Authority. Under no circumstances will applications be accepted for outside authorities/agencies. However, it may be necessary during joint investigations to obtain Communications Data. If this becomes necessary it is important that we are not bending the rules and applying or using the data where we would not normally be allowed to either access the data or that the other organisation has no lawful power to obtain Communications Data.

Lawful Reason to Access Communications Data

The Council's only lawful reason to access Communications Data is for

- the purpose of preventing or detecting crime or of preventing disorder;

Detecting crime includes establishing by whom, for what purpose, by what means and generally in what circumstances any crime was committed, the gathering of evidence for use in any legal proceedings and the apprehension of the person (or persons) by whom any crime was committed.

Using Other Powers

The codes state where a public authority seeks to obtain communications data using provisions providing explicitly for the obtaining of communications data (other than Chapter II of Part I of the Act) or using statutory powers conferred by a warrant or order issued by a person holding judicial office, the SPoC should be engaged in the process of obtaining the data to ensure effective co-operation between the public authority and the CSP.

Although there is some limited provision for obtaining some low grade Communications Data by other Statutory means such as The Social Security Administration Act the position of this Council is that the RIPA legislation will be used.

Should it be necessary to obtain Communications Data via other means such as a court order or should data be required from a CSP which falls outside of the definition of Communications Data the application should be handled by a SPoC.

The Two Ways of Obtaining Communications Data

The legislation provides two different methods of acquiring communications data (see below). The SPoC will provide advice regarding the method to be used and complete the relevant form.

The two methods

- an Authorisation under section 22(3), or
- a Notice under section 22(4).

An Authorisation (see Authorisation Form) should be used to obtain all section 21(4)(c) data (see page 8) unless it is being requested from the same provider as the inextricably linked service use data under section 21(4)(b) such as itemised billing. Both would normally be requested using a Notice in these circumstances. It will be the role of the SPoC to determine which method should be used. Unless using an automated system the Authorisation will be forwarded to the CSP by the SPoC.

Note

Although this is the advice of the Home Office, some CSPs state that they require a notice for data which is not obtained from their automated system. The SPoC will determine the correct method to be used.

Notices and Authorisations

A Notice and Authorisation are documents which when authorised and approved by a Justice of the Peace are forwarded to the CSP by the SPoC. Both are virtually identical documents requesting the CSP to provide the data which would usually be returned to the SPoC. However, a Notice is a Legal document which the CSP has to comply with. The decision of a designated

person whether to give a Notice or Authorisation shall be based upon information presented to them in an application form.

Ordinarily the CSP should disclose, in writing or electronically, the communications data to which a Notice or an authorisation relates not later than the end of the period of ten working days from the date the Notice is served upon the CSP. Should the data not be returned within this period they should only be contacted by the SPoC.

The original Authorisation or Notice will be retained by the SPoC within the public authority

Duration of Authorisations and Notices

As from 1 November 2012 there is a requirement for authorisations and notices to be approved by a Justice of the Peace (JP). From the date that the authorisation or notice is approved by the JP, (which follows its authorisation by the DP), it has a validity of a maximum of one month. This means the conduct authorised should have been commenced or the notice served within that month.

Realistically there should be no significant delay between the application being approved by the JP and the request to obtain the data.

A month means a period of time extending from a date in one calendar month to the date one day before the corresponding or nearest date in the following month. For example, a month beginning on 7 June ends on 6 July, a month beginning on 30 January ends on 28 February or 29 February in a leap year.

Internal Investigations

The Codes state where an investigation relates to an allegation of criminal conduct by a member of a public authority, that public authority (or another public authority appointed to investigate the complaint) may use their powers under Part 1 Chapter II to obtain communications data for the purpose of preventing and detecting the alleged or suspected crime where the investigating officer intends the matter to be subject of a prosecution within a criminal court. Should it be determined there are insufficient grounds to continue the investigation or insufficient evidence to initiate a prosecution within a criminal court, it will, with immediate effect, no longer be appropriate to obtain communications data under the Act.

If Communications Data is sought in connection with internal staff committing crimes against the Council it is important that the enquiry is a genuine Criminal Investigation with a view to proceeding Criminally as opposed to just a Disciplinary matter.

Advice may be required from the Councils Legal section if this arises.

Roles of Staff Involved in the Process

Acquisition of communications data under the Act involves four roles within a relevant public authority. A list of the Officers who have authority to act for Huntingdonshire District Council in these matters is attached in **ANNEX A**.

The Applicant

The applicant is a person involved in conducting an investigation or operation who makes an application in writing for the acquisition of communications data. The applicant completes an application form, setting out for consideration by the designated person, the necessity and proportionality of a specific requirement for acquiring communications data. Prior to the completion of the relevant paperwork it may be advisable to consult with the SPoC.

The Designated Person

The Designated Person (DP) is a person holding a prescribed office in a relevant public authority and who considers the application for Authorisation much the same as a Surveillance RIPA application.

Individuals who undertake the role of a designated person must have current working knowledge of human rights principles, specifically those of necessity and proportionality, and how they apply to the acquisition of communications data.

The Designated person must hold a position within the Council that meets the level specified in the Act and in particular noted in *SI 2010 No.480 Investigatory Powers, The Regulation of Investigation Powers (Communications Data) Order 2010*.

The designated person shall assess the necessity for any conduct to acquire or obtain communications data taking account of any advice provided by the SPoC. They will also assess the issue of proportionality taking into account any meaningful collateral intrusion issues. These responsibilities take place prior to seeking approval by a JP.

Designated persons should not be responsible for granting Authorisations or giving Notices in relation to investigations or operations in which they are directly involved,

The Single Point of Contact

The single point of contact (SPoC) is either an accredited individual (Home Office Course) or a group of accredited individuals trained to facilitate lawful acquisition of communications data and effective co-operation between a public authority and CSPs. They will have been issued a SPoC Personal Identification Number (PIN). Details of all accredited individuals are available to CSP's for authentication purposes.

Under no circumstances will a SPoC allow anyone to use their PIN number.

An accredited SPoC promotes efficiency and good practice in ensuring only practical and lawful requirements for communications data are undertaken. The SPoC provides objective judgement and advice to both the applicant and the designated person. In this way the SPoC provides a "guardian and gatekeeper" function ensuring that public authorities act in an informed and lawful manner.

SPoC's should be conversant with their role and all the relevant contents within the codes of practice.

The SPoC should be in a position to:

- engage proactively with applicants to develop strategies to obtain communications data and use it effectively in support of operations or investigations;
- assess whether the acquisition of specific communications data from a CSP is reasonably practical or whether the specific data required is inextricably linked to other data
- advise applicants on the most appropriate methodology for acquisition of data where the data sought engages a number of CSPs;
- advise applicants and designated persons on the interpretation of the Act, particularly whether an Authorisation or Notice is appropriate;

- provide assurance to designated persons that Authorisations and Notices are lawful under the Act and free from errors;
- provide assurance to CSPs that Authorisations and Notices are authentic and lawful;
- assess whether communications data disclosed by a CSP in response to a Notice fulfils the requirement of the Notice;
- assess whether communications data obtained by means of an Authorisation fulfils the requirement of the Authorisation;
- assess any cost and resource implications to both the public authority and the CSP of data requirements.

The SPoC will retain the original of all the documents involved in the process. Copies of the documents may be retained by the applicant, Designated Person or within the relevant department for audit and filing purposes.

For the purposes of Huntingdonshire District Council, to demonstrate fairness, all three roles will be performed within the application process by separate officers.

The Senior Responsible Officer

The senior responsible office will be responsible for:

- the integrity of the process in place within the public authority to acquire communications data;
- compliance with Chapter II of Part I of the Act and with this code;
- oversight of the reporting of errors to Interception of Communications Commissioners Office (IOCCO) and the identification of both the cause(s) of errors and the implementation of processes to minimise repetition of errors;

- engagement with the IOCCO inspectors when they conduct their inspections, and
- where necessary, oversee the implementation of post-inspection action plans approved by the Commissioner.

The SRO will liaise with the Council's SPoC's and DP's to ensure that the relevant systems and knowledge are of a required standard to comply with their role.

The Application Process

On 1 November 2012 a significant change came into force that effects how local authorities use RIPA to access Communications Data. There is now a requirement under the amendments in the Protection of Freedoms Act 2012, following the acquisition of the Communications Data being authorised by the DP to seek the approval of Local Authority Authorisations and Notices under RIPA by a Justice of the Peace (JP). A Judicial Application/Order form will be completed by either the SPoC or the applicant will be required to attend court and seek the approval of the Justice of the Peace. The original application and a copy will have to be produced to the JP who will either approve or refuse it. The original application will then be retained together with a copy of the Judicial Application/Authorisation form. A copy of the original application form will be retained by the JP.

Prior to an applicant applying for communications data the applicant should contact a SPoC who will be in a position to advise them regarding the obtaining and use of communications data within their investigation. This will reduce the risk of the applicant applying for data which we are not able to obtain and it will also assist the applicant to determine their objectives and apply for the most suitable data for those particular circumstances.

Necessity and Proportionality

The acquisition of communications data under the Act will be a justifiable interference with an individual's human rights under Article 8 of the European Convention on Human Rights only if the conduct being authorised or required to take place is both necessary and proportionate and in accordance with law. Designated Persons who can authorise applications on behalf of this Council will need to have some training with regard to the Human Rights Act and in particular necessity, proportionality and the collateral intrusion issues which may arise with regard to obtaining Communications Data.

The designated person must believe that the conduct required by any Authorisation or Notice is necessary. They must also believe that the conduct to be proportionate to what is sought to be achieved by obtaining the specified communication data – that the conduct is no more than is required in the circumstances. This involves balancing the extent of the intrusiveness of the interference with an individual's right of respect for their private life against a specific benefit to the investigation or operation being undertaken.

Consideration must also be given to any actual or potential infringement of the privacy of individuals who are not the subject of the investigation or operation. They should consider any meaningful degree of collateral intrusion.

Designated Persons should give particular consideration to any periods of days or shorter periods of time for which they may approve for the acquisition of data. They should specify the shortest period in which the objective for which the data is sought can be achieved. To do otherwise will impact on the proportionality of the Authorisation or Notice and impose unnecessary burden upon a CSP given such Notice.

What Forms Will be Used

Below is a list of forms which will be used for the process of obtaining Communications Data. The SPoC's complete most of the forms once the application has been submitted. The SPoC's will therefore ensure that they have the necessary knowledge in how to complete the required paperwork.

- Application Form (to be completed by applicant)
- SPoC Officers Rejection Form (to be completed by the SPoC if necessary)
- SPoC Officers Log Sheet (to be completed by the SPoC)
- SPoC Officers section of the application form
- Draft Notice (to be completed by the SPoC)
- Authorisation form (to be completed by the SPoC if necessary)
- Schedule form (to be completed by the applicant for consequential data)

- Applicants Cancellation Form (to be completed by applicant when necessary and forwarded to the SPoC)
- Notice Cancellation Form (to be completed by the SPoC and forwarded to relevant CSP)
- Authorisation Cancellation Form (to be completed by the SPoC when necessary)
- Error Reporting Letter (to be completed by the SPoC and forwarded to Interception of Communications Commissioners Office (IOCCO))

Up to date version of some these forms can be obtained from the Home office Website <http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms> other forms can be obtained from the intranet page at HDC.

Application

All applications will be submitted by the applicant in writing using the application forms which can be obtained from the Home Office website to ensure they are relevant and up to date. All the relevant sections should be completed fully as the DP can only consider authorization based on the content of the application form. The details contained within the application form must take account of the objectives, necessity, proportionality and any meaningful degree of collateral intrusion. Should it be determined from advice from the SPoC that consequential data such as telephone subscriber information is likely to be required when applying for an itemized bill; this should be explained on the application form. The SPoC will provide advice regarding these issues and completion of the form.

Schedule

The purpose of this form is to obtain consequential data (additional data) from the data obtained in the initial application form. For example, an application form is submitted for itemised billing on a particular number with a view to analysing the data within it, and then apply for relevant subscriber checks from that itemised bill. The additional subscriber checks will be regarded as consequential data. However, the fact that the applicant is likely to require the data needs to be explained within the initial application form and authorised by the DP.

The applicant would decide which subscriber checks were required and detail them within the schedule form, which will then be submitted to the SPoC. As the data is subscriber information, it would be possible for the SPoC to obtain this data in circumstances where the CSP will agree to provide the data by way of an authorisation, without the need for fresh applications and Judicial Approval. However, if the CSP requires a notice to be served on them prior to providing the data, there will be a requirement to complete an additional application form and seek approval from a JP, following the normal application process. The time limit of one month applies as mentioned earlier. The SPoC will advise the applicant regarding this process.

Within a schedule form, there is the requirement for the applicant to carry out open source enquiries prior to applying for the consequential data. Many telephone numbers and the businesses or persons connected to the numbers, are detailed on the internet. This information can subsequently eliminate the telephone number from the enquiry, or provide valuable intelligence material for the investigator. The test of necessity and proportionality are required when applying for consequential data. It is unlikely to be necessary to obtain a subscriber check on a telephone number, which if checked via the internet would have revealed that it was a bank or something similar. Applicants are required to sign the schedule form to say that they have carried out these types of enquiries. The inspectors, upon carrying out an inspection are likely to check whether the open source enquiries have been carried out. Under no circumstances should data be applied for using the schedule without the open source enquiries being completed. A record of the enquiries undertaken should be maintained. This is also a requirement under the Criminal Procedures Investigations Act (CPIA).

Renewal of Authorisations and Notices

Renewals would normally be used when obtaining future data such a cell site analysis which this Council is not allowed to obtain. However, in the rare event the SPoC believes it necessary and appropriate to renew an application for whatever reason, they will advise the applicant on the appropriate process to be followed and Judicial Approval will be required.

The original application, Notice/ Authorisation (or copy if original has been served on CSP) will be retained by the SPoC within a central records held by the Fraud Team.

Cancellation of Notices and Withdrawal of Authorisations

A cancellation will be appropriate when an Authorisation or Notice has been authorised and prior to receiving or obtaining the Data from the C.S.P. it becomes apparent that the data requested is no longer required, or no longer proportionate to what was sought to be achieved.

In these situations it is the responsibility of the applicant or other officers conducting the investigation to ensure that they notify the SPoC as soon as it becomes apparent that the data is no longer required. The notification to the SPOC should be done in such a way as to produce a written record such as by email. An Application Cancellation form, which can be obtained from the Home Office Website or HDC intranet/SPOC, should be submitted by the applicant and a cancellation of the Authorisation or Notice form should be signed by the originating DP (or another DP in their absence) which will then be served on the CSP by the SPoC

It will be at the discretion of the SPoC to decide whether they feel it necessary to inform the CSP prior to serving a cancellation Notice.

Urgent Oral Authorisation

There is no provision within the legislation for the Council to orally provide authority to obtain Communications Data. All requests will be made in writing on the appropriate application forms.

Costs

There may be costs incurred when obtaining Communications Data from CSP's. It will be the responsibility of the SPoC to assess the costs involved and advise the DP prior to Authorisation. The SPoC will also provide advice to applicants to ensure that no unnecessary costs are incurred.

Records

Security of Records and Data

All the records and any data obtained as a result of the process under this legislation must be kept secure and confidential.

Applications, Authorisations, Judicial application/approval forms, copies of Notices, and records of the withdrawal of Authorisations and the cancellation of Notices, must be retained by the Council in written or electronic form, and physically attached or cross-referenced where they are associated with each other. The Council will also keep a record of the date and, when appropriate to do so, the time when each Notice or Authorisation is given or granted or cancelled. Errors should they occur (see below) will also be recorded by the SPoC and notified to the Senior Responsible Officer. These records will be held centrally by the SPoC.

These records must be available for inspection by the Commissioner and retained to allow the Investigatory Powers Tribunal to carry out its functions

Record of Activity

To meet its requirements the Council must also keep a record of the following items:

- number of applications submitted to a designated person for a decision to obtain communications data which were rejected after due consideration;
- number of Notices requiring disclosure of communications data within the meaning of each subsection of section 21(4) of the Act or any combinations of data;
- number of Authorisations for conduct to acquire communications data within the meaning of each subsection of section 21(4) of the Act or any combinations of data;

This record will be maintained by the SPoC and must be sent in written or electronic form to the Commissioner when requested by him.

Errors

The thorough checking of applications and this Council's operating procedures, including the careful preparation and checking of applications, Notices/Authorisations, should reduce the scope for making errors. Attention to detail will be required by all persons involved in the process.

Reporting and recording of errors will draw attention to those aspects of the process of acquisition and disclosure of communications data that require further improvement to eliminate errors and the risk of undue interference with any individual's rights. Therefore the SPoC will bring to the immediate attention of the SRO of either a recordable error or a reportable error and the necessary action can then be taken in line with the Codes of Practice.

Where material is disclosed by a CSP in error which has no connection or relevance to any investigation or operation undertaken by the public authority receiving it, that material and any copy of it should be destroyed as soon as the report to the Commissioner has been made.

An error can only occur after a designated person:

- has granted an Authorisation and the acquisition of data has been initiated, or
- has given Notice and the Notice has been served on a CSP in writing, electronically or orally.

It is important to apply the procedures correctly to reduce the risk of an error occurring.

Where any error occurs, a record should be kept.

There are two types of errors:

- Reportable
- Recordable

Reportable

Where communications data is acquired or disclosed wrongly a report must be made to the Commissioner ("**reportable error**"). Such errors can have very significant consequences on an affected individual's rights with details of their private communications being disclosed to a public

authority and, in extreme circumstances, being wrongly detained or wrongly accused of a crime as a result of that error. (see below for some examples of reportable errors).

Recordable

In cases where an error has occurred but is identified by the public authority or the CSP without data being acquired or disclosed wrongly, a record will be maintained by the public authority of such occurrences (“**recordable error**”). These records must be available for inspection by the Commissioner. (see below for some examples of recordable errors).

The staff involved in the process of acquiring Communications Data must adhere and report errors once they have been identified. It will not be acceptable for the error to be ignored. It will be the responsibility of SPoC’s and the Senior Responsible Officer to be aware of the different ways in which errors can occur and the relevant procedure to be followed. Some examples are detailed below. They will also be responsible for informing applicants to report any errors that they are aware of to the SPoC.

Examples can include:

Reportable Errors

- an Authorisation or Notice made for a purpose, or for a type of data, which the relevant public authority cannot call upon, or seek, under the Act;
- human error, such as incorrect transposition of information from an application to an Authorisation or Notice
- disclosure of the wrong data by a CSP when complying with a Notice;
- acquisition of the wrong data by a public authority when engaging in conduct specified in an Authorisation;

Recordable errors

- a Notice given which is impossible for a CSP to comply with and an attempt to impose the requirement has been undertaken by the public authority;

- failure to review information already held, for example unnecessarily seeking the acquisition or disclosure of data already acquired or obtained for the same investigation or operation, or data for which the requirement to acquire or obtain it is known to be no longer valid;

Excess Data

Where an application by this Authority results in the acquisition of excess data, or its disclosure by a CSP in order to comply with the requirement of a Notice, all the data acquired or disclosed will be retained by the public authority.

As the material will have been obtained in connection with a criminal investigation it is bound by the Criminal Procedures Investigations Act (CPIA) and its code of practice and therefore there will be a requirement to record and retain data which is relevant to the criminal investigation, even if that data was disclosed or acquired beyond the scope of a valid Notice or Authorisation. If the criminal investigation results in proceedings being instituted all material that may be relevant must be retained at least until the accused is acquitted or convicted or the prosecutor decides not to proceed.

If having reviewed the excess data it is intended to make use of the excess data in the course of the investigation or operation, the applicant must set out the reason(s) for needing to use that material in a report which will be an addendum to the application upon which the Authorisation or Notice was originally granted or given. This will be submitted via the SPoC who will forward the relevant documentation to the Designated Person who will then consider the reason(s) and review all the data and consider whether it is necessary and proportionate for the excess data to be used in the investigation or operation.

Criminal Procedures and Investigations Act (CPIA) and the Data Protection Act (DPA)

The codes do not affect any other statutory obligations placed the Council to keep records under any other enactment such as the Criminal Procedure and Investigations Act 1996 (CPIA) This requires that material which is obtained in the course of an investigation and which may be relevant to the investigation must be recorded, retained and revealed to the prosecutor.

Data Protection Safeguards

Communications data acquired or obtained under the provisions of the Act, and all copies, extracts and summaries of it, must be handled and stored securely. In addition, the requirements of the Data Protection Act 1998 and its data protection principles must be adhered to.

There is no provision in the Act preventing CSPs from informing individuals about whom they have been required by Notice to disclose communications data in response to a Subject Access Request made under section 7 of the DPA. However, a CSP may exercise certain exemptions to the right of subject access under Part IV of the DPA.

Section 29 provides that personal data processed for the purposes of the prevention and detection of crime; the apprehension or prosecution of offenders, or the assessment or collection of any tax or duty or other imposition of a similar nature are exempt from section 7 to the extent to which the application of the provisions for rights of data subjects would be likely to prejudice any of those matters. However this is not an automatic right. In the event that a CSP receives a subject access request where the fact of a disclosure under the Act might itself be disclosed the CSP concerned must carefully consider whether in the particular case disclosure of the fact of the Notice would be likely to prejudice the prevention or detection of crime.

Should a request for advice be made from a CSP regarding a disclosure the SPoC will consult with the Data Protection Officer of the Council and Head of Legal Services if necessary before a decision is made. Each case should be examined on its own merits.

Equally these rules will apply should a subject access request be made from an individual where material under this legislation is held by the Council.

A record will be made of the steps taken in determining whether disclosure of the material would prejudice the apprehension or detection of offenders. This might be useful in the event of the data controller having to respond to enquiries made subsequently by the Information Commissioner, the courts and, in the event of prejudice, the police.

Should the Council have a request to obtain or disclose Communications Data to an overseas authority this request will be notified to the SPoC. All parties involved should refer to the section covering this area within the Codes of Practice and they should also take advice from the Council's Data Protection Officer.

It will be the responsibility of the SPoC to ensure that they are aware of how acquiring Communications Data impacts on the Data Protection Act.

Training

The Senior Responsible Officer will have responsibility for ensuring appropriate training for staff mentioned within this policy and for retaining a record of that training.

Reporting to Members

Annual returns of all activity undertaken by Council staff will be compiled by the Senior Responsible Officer and provided to the Corporate Governance Panel annually in line with the current advice in the Codes of Practice. Members will review on a yearly basis the policy to assess whether the activity undertaken is in line with this policy.

Oversight

The Act provides for an Interception of Communications Commissioner ('the Commissioner') whose remit is to provide independent oversight.

It is important to note that should the Commissioner establish that an individual has been adversely affected by any willful or reckless failure by any person within a relevant public authority exercising or complying with the powers and duties under the Act in relation to the acquisition or disclosure of communications data, he shall, subject to safeguarding national security, inform the affected individual of the existence of the Tribunal and its role. The Commissioner should disclose sufficient information to the affected individual to enable him or her to effectively engage the Tribunal.

Complaints

The Act established an independent Tribunal

Details of the relevant complaints procedure can be obtained from the following address:

The Investigatory Powers Tribunal

PO Box 33220

London

SW 1H 9ZQ

020 7035 3711

ADVICE

If you require further advice about covert surveillance, please contact the Fraud Team (SPoC Officers) based at Pathfinder House.

POLICY UPDATING PROCEDURE

Proposed amendments to this Policy must be forwarded to the Senior Responsible Officer where they will be considered in consultation with Fraud Team (SPoC Officers) before submission to Chief Officers Management Team and Cabinet.

The Policy shall be reviewed as required by legislation, upon advice from the Home Office or following an inspection by the IOCCO.

FURTHER INFORMATION ENQUIRIES AND COMPLAINTS

The Senior Responsible Officer is the first point of contact on any of the matters raised in this policy statement. Enquiries should be addressed to :

The Head of Legal & Democratic Services
Pathfinder House
Huntingdonshire District Council
Pathfinder House
St Mary's Street
Huntingdon
Cambridgeshire
PE29 3TN
Tel : (01480) 388388

Nick Jennings
Fraud Manager
1.5.2013

ANNEX A

LIST OF OFFICERS ROLES

ROLE	SERVICE	POST	POST HOLDER
Senior Responsible Officer	Council-Wide	Head of Legal and Democratic Services	<u>Colin Meadowcroft</u>
(Senior) Designated Person	Council-Wide	Head of Paid Service	<u>Malcolm Sharp</u>
Designated Person	Customer Services	Head of Customer Service	<u>Julia Barber</u>
Designated Person	Environmental Health and Community Services	Head of Environmental Health Services	<u>Sue Lammin</u>
Designated Person	Planning Services	Head of Planning Services	<u>Steve Ingram</u>
Designated Person	Head of Operations Division	Head of Service-Operations Division	<u>Eric Kendall</u>
SPoC Officers	Fraud Team		<u>Nick Jennings</u> <u>Loraine Southworth</u> <u>Cindy Dickson</u>