

CABINET

Decision Notices and Minutes of a meeting of the Cabinet held on Tuesday, 11th May, 2010 at 5.00 p.m. at the Civic Offices, Telford

PUBLISHED ON MONDAY, 17th MAY, 2010

(DEADLINE FOR CALL-IN THURSDAY, 20TH MAY, 2010)

PRESENT: Councillors A. J. Eade (Leader and Chairman), S. Bentley, S.P. Burrell, E.J. Carter, M.B. Hosken, S.M. Kelly, and J.M. Seymour

ALSO PRESENT: Councillors R.K. Austin G.M. Green and V. Tonks (Opposition Group Leaders)

CB-198 MINUTES

RESOLVED – that the minutes of the meeting of the Cabinet held on 27th April, 2009 be confirmed and signed by the Chairman.

CB-199 APOLOGIES FOR ABSENCE

Councillor A. Lawrence

CB-200 DECLARATIONS OF INTEREST

None

CB-201 DEVELOPING FOOTBALL WITHIN THE COMMUNITY – JOINT DEVELOPMENTS WITH AFC TELFORD UNITED

Key Decision identified as **Developing Football within the Community – Joint Developments with AFC Telford United** in the Forward Plan published on 15th April 2010.

Councillor S.Bentley, Cabinet Member: Active Lifestyles, presented the report of the Head of Leisure and Customer Services, which updated Members on the current position with regards to asset transfer proposals with AFC Telford United and also sought approval from Cabinet for delegated authority to proceed.

Members were reminded that Cabinet authorisation was granted on 26th January 2010 to lease land at AFC Telford United (Bucks Head Stadium and ancillary site; AFC Learning Centre; Haybridge Road Garage and Associated Haybridge Road House) to secure football provision at the Bucks Head ground and create community benefits across the Borough. Officers had continued to work with the Club to deliver this.

As Members will also be aware from a previous Cabinet report (23rd February 2010), a joint bid between TCAT and AFC Telford United had been submitted to Sport England. The bid, (as detailed in Appendix 1 of the report), proposed a £4.5m capital programme to develop a range of community and regional sports facilities focusing on football, basketball, netball and gymnastics and included: a 1200 Seat Indoor Sports Hall, Telford's First Full Size Third Generation Artificial Pitch plus Grass Pitches, and a Five-a-side Football Centre at AFC Telford

That bid has resulted in AFC Telford United incurring costs estimated by the club to be in the region of £30,000. Officers have received a request from the football club for financial support to help them reduce the impact on their day to day activities of diverting assets to prepare and submit the bid.

The bid had been encouraged by the Council as it would provide a number of high quality sports facilities which had been identified as priorities by the local community, sports clubs and regional partners. By working closely with partners on the development of this Sport England bid, the Council was able to open up both existing and new sports facilities across the two sites for greater community use and access. The site had also been recognised as part of the Council's BTI: Sports & learning Communities programme.

The structure of the originally proposed lease agreements with AFC Telford envisaged a transfer of services and staff (and risk) to the Club. However, through negotiations and after detailed financial analysis the Club has confirmed that they cannot accept the financial obligations and liabilities this brings.

However, officers have continued to work with the AFC Telford and this has led to the development of an alternative option linked to the Sport England bid outlined above. This is set out below for Member's consideration.

There will be two separate leases (detailed within Appendix 2 of the report): Lease 1 related to the Bucks Head Stadium, ancillary site and AFC Learning Centre. It was proposed that the assets (already leased to AFC Telford for another 14 years) form one lease which would be transferred to the football club at the earliest opportunity for 150 years at a peppercorn rent of £1 per annum. Lease 2 - Haybridge Road Garage related to The Sport England bid that predicated on the lease from the Garage site being transferred to the football club for 150 years at a peppercorn rent to enable the development of a five-a-side centre.

Members were referred to the legal comment in Section 8.0 of the report to ensure that the proposed leases met the Council's fiduciary duties and general duties to secure best value. The benefits secured by the lease of the properties and land have been considered and were detailed in Appendix 3.

Subject to the successful Sport England bid, Members were also being asked to consider the sale of the Haybridge Road house as the Council's capital contribution to the project.

A small portion of Council owned land, currently under highways control, was required to be granted to TCAT in order to support the construction of Telford's first full size third generation pitch as part of the wider TCAT/ AFC Telford bid. The conditions and community benefits around that transaction would be similar to Lease 2; however, the facility would not be conditional upon external funding from Sport England, as it was being funded by other partners, including TCAT.

Members welcomed the report and thanked officers involved in the project.

RESOLVED –

- (a) That delegated authority be given to the Head of Governance, following consultation with the Cabinet Member for Active Lifestyles, to enter into all necessary legal documentation to transfer the assets as identified as Lease 1 and Lease 2 to AFC Telford United with conditions as per paragraphs 5.3 and 8;
- (b) That delegated authority be given to the Head of Governance, following consultation with the Cabinet Member for Active Lifestyles, to consider and enter into all necessary legal documentation to complete the transaction to TCAT with conditions as per paragraph 5.4.1.
- (c) That, subject to the successful Sport England bid, the sale of the Haybridge Road house be approved, together with the use of the proceeds of sale to constitute the Council's capital contribution to the project as per paragraph 5.3.4.
- (d) That agreement be given to an initial grant of £15,000 to AFC Telford to support their bid costs of preparing for and submitting the Sport England bid covering the period May – until the end of December 2010 when the outcome of the bid should be known. If further work on the Sport England Bid is required after the December date Cabinet are requested to grant delegated authority to the Head of Leisure and Customer Services following consultation with the Cabinet Member for Active Lifestyles to extend the grant for a further agreed period of time to support successful completion of the Sport England Bid.
- (e) That the report be noted and its recommendations regarding lease 2 assume the Sport England bid is successful and should this not be the case, grant delegated authority to Head of Leisure and Customer Services, following consultation with the Cabinet Member for Active Lifestyles, to pursue an alternative solution with AFC Telford regarding the transfer of the assets identified within the report, subject to an acceptable business plan.

Key Decision identified as **Housing Strategy for Telford & Wrekin** in the Forward Plan published on 15th April 2010.

Councillor E Carter, Cabinet Member: Housing Regeneration & Prosperity, and Councillor J.M.Seymour, Cabinet Member: Adult Care & Support presented the report of the Head of Regeneration & Housing which presented the Council's new draft Housing Strategy for approval prior to a period of formal engagement with stakeholders. Following the consultation, a final Strategy would be prepared for agreement by Cabinet.

As the strategic housing authority for the Borough, the Council was required to prepare an overall Housing Strategy. It was an umbrella document which included a number of existing sub strategies, plans and supporting policies. A new draft Housing Strategy had been produced which would be the basis for engagement with a range of stakeholders, prior to the preparation and approval of a final document.

The publication of a formal Housing Strategy was not a statutory requirement of a local authority. However, there was significant national expectation and good practice guidance to suggest that it was important that such a document was produced and updated from time to time.

The attached document to the report represented Telford & Wrekin Council's new draft Housing Strategy for the Borough. The life of the previous Strategy – *A Question of Balance: A Growing and Sustainable Community* - was previously extended by the former Strategic Housing Partnership Board. However, it was now time to refresh and update the Strategy in order to reflect the changing context and the Council's current policy priorities. The document was currently in draft format and had been prepared for consultation with a range of partners and stakeholders, both internal and external.

RESOLVED – that the draft Housing Strategy be approved as the basis for engagement with stakeholders

CB-203 **EXCLUSION OF PRESS AND PUBLIC**

RESOLVED - that the press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

CB-204 **CONTRACT FOR PERSONAL DEVICES**

Key Decision identified as **Customer Strategy & E-Government** in the Forward Plan published on 15th April 2010.

Councillor S.Kelly, Cabinet Member: Efficient Community Focused Council, presented the report of the Head of ICT and Procurement, which outlined the objective of a contract to appoint a supplier who could provide a reliable,

efficient and flexible service to meet the Authority's existing and future needs for personal ICT devices. The contract period was for 3 Years, with the option to extend for a further period of 2 years.

Telford & Wrekin Council entered into a short term contract with Specialist Computer Centre for the supplier of personal devices (Desktop, Laptop and Tablet computers) in July 2009, whilst a European tendering procurement exercise took place. The tender for provision of ICT personal devices was advertised in the Official Journal of the European Union (OJEU) in August 2009 using the approved on-line tendering function.

A tender panel was established and comprised of ten officers of the Council and representation from schools. There were five responses to the tender received and evaluated by the panel with a view to shortlisting. All responses scored high enough to be shortlisted for supplier presentations which formed part of the evaluation.

Following the marking of the tender responses, evaluation of the presentation and price schedules Specialist Computer Centre were the highest ranking response. The panel recommend that Specialist Computer Centre be awarded the contract; and the summary of the evaluation was appended to the report.

RESOLVED –

- (a) **That the award of the Contract to the successful supplier in the tender process, Specialist Computer Centre, as procured under OJEU regulations, be approved.**
- (b) **That delegated authority be granted to the Head of I.C.T and Procurement, in consultation with the Cabinet Member for Efficient Community Focused Council, to award the contract.**

The meeting ended at 5.08 p.m.

Signed for the purposes of the Decision Notices

**Jonathan Eatough
Head of Governance
Date: 17th May 2010**

Signed:

Date:

TELFORD & WREKIN COUNCIL

CABINET 8th JUNE 2010

THE ANNUAL GOVERNANCE STATEMENT 2009/10

REPORT OF THE HEAD OF GOVERNANCE

1 PURPOSE

- 1.1 For the Cabinet to agree the Annual Governance Statement 2009/10 prior to the statement being signed by the Leader and the Chief Executive. The Statement will then be reviewed and approved by the Audit Committee as part of the 2009/10 annual accounts.

2 RECOMMENDATION

- 2.1 **That members of the Cabinet agree the Annual Governance Statement 2009/10, attached as Appendix A, and note the information in the report.**

3 SUMMARY

- 3.1 Under the Accounts and Audit Regulations 2003 as amended and the SORP 2009¹ the Council is required to produce an Annual Governance Statement that is signed by the Leader and Chief Executive of the Council. This statement must be included in the Annual Accounts.
- 3.2 The Annual Governance Statement for 2009/10 is attached at Appendix A and has been developed based on the requirements of the regulations, CIPFA guidance² and recently published CIPFA/Solace guidance³. The statement includes an action plan (Annex 1) to ensure that we continue to improve our current robust governance arrangements.
- 3.3 The action plan attached to the 2008/09 statement (implemented during 2009/10) has been combined with other governance actions identified during the year into a Consolidated Governance Action Plan. This has been reviewed, updated and was presented to the Audit Committee in November 2009 and the current position is attached as Appendix B to this report.
- 3.4 Due to the significant organisational changes that commenced implementation in January 2010 there have been and will continue to be changes required to the Council's governance framework. Therefore the outstanding actions from the

¹ CIPFA Code of Practice on Local Authority Accounting in the UK – A Statement of Reporting Practice 2009/10 Accounts

² The CIPFA Finance Advisory Network – THE ANNUAL GOVERNANCE STATEMENT – Meeting the requirements of the Accounts and Audit Regulations 2003, *incorporating Accounts and Audit (Amendment)(England) Regulations 2006* – Rough Guide for Practitioners with effect from 2007/08

³ Application Note to Delivering Good Governance in Local Government: a Framework March 2010

Consolidated Governance Action Plan have been reviewed and updated to identify the key actions for 2010/11 and attached as Annex 1 to the statement.

- 3.5 The Annual Governance Statement outlines that the Council has been adhering to its Local Code of Corporate Governance, continually reviewing procedures to maintain and demonstrate good corporate governance and that it has in place robust systems of internal control. The Council can be assured that during 2009/10, including since the organisational changes commenced in January 2010 that the existing governance framework has continued to support proper governance. Where required changes to procedures have been agreed by CMT and changes to the Constitution have been agreed by the Council, through the Council's Constitution Committee.
- 3.6 Assurance for the annual governance statement is provided by all areas of the Council and externally by the following:
- a) Leader and Chief Executive – who sign the statement;
 - b) Senior management – Corporate Directors, Assistant Chief Executive and Heads of Service;
 - c) Chief Financial Officer;
 - d) The Monitoring Officer;
 - e) Members – Scrutiny arrangements, Standards Committee, Audit Committee and other Regulatory Committees;
 - f) Internal Audit ;
 - g) Partners;
 - h) External Audit; and
 - i) Other external inspection agencies.
- 3.7 The assurances above support the Leader and Chief Executive to sign the statement prior to it being reviewed and approved by the Audit Committee as part of the 2009/10 accounts.

4 PREVIOUS MINUTES

- 4.1 Cabinet 18th June 2007
Cabinet 16th June 2008
Cabinet 9th June 2009

5 BACKGROUND

- 5.1 As mentioned in paragraph 3.6 above there are several areas which provide assurance for the annual governance statement.
- 5.2 Actions and operational activity are ultimately derived from the priorities and objectives of the Council. The Council's governance and risk management process should consider the risks to achieving these objectives and ensure that controls are in place to mitigate these risks. The system of internal control should help to manage and control governance and risk rather than eliminate it. The annual governance statement can only be expected to **provide reasonable and not absolute assurance** of the effectiveness of the systems of corporate governance and internal control.

- 5.3 Assurance from senior management has been evidenced at year end by a certification process. All senior managers (Corporate Directors, Assistant Chief Executive and Heads of Service) have signed to confirm agreement to the Annual Governance Statement (including the action plan) and adherence within their priority area/statutory duties/service area to good corporate governance procedures and the operation of internal controls.
- 5.4 The Chief Financial Officer will be signing the accounts and providing assurance on the financial aspects of governance and control.
- 5.5 The Monitoring Officer has ensured throughout the year that all Council activity has been proper and legal within the requirements of his statutory governance and control responsibilities.
- 5.6 The Directors of Children's Services and Adult Social Services have also signed to confirm continuous delivery of their duties during the year.
- 5.7 Members have provided assurance through the scrutiny process, Standards Committee, Audit Committee and the other regulatory committees.
- 5.8 Internal audit have provided assurance by:
- a) The production of an Annual Internal Audit Report 2009/10 which contains an opinion on the systems of internal control based on the work they have undertaken;
 - b) An on-going review of corporate governance activities; and
 - c) A review of the corporate risk management arrangements.
- 5.9 The External Auditors (KPMG) have provided various opinions during the year within their Report to those charged with governance (Annual Governance Report as part of the final accounts process) 2008/09 and their Annual Audit Letter 2008/09 (including their Use of Resources assessment results – see 5.11 below)).
- 5.10 In December 2009 the Audit Commission reported back on the results of their Organisational Assessment (CAA – 2008/09) as did Ofsted on the Council's Children's services annual rating and in January 2010 on the Fostering Service (inspection November 2009). The Care Quality Commission also reported in 2009 on their 2008/09 Annual Performance Assessment of Adult Social Care. Actions for improvement from these external inspections have been included in Priority Plans and Service Delivery Plans.
- 5.11 A revised "harder test" Use of Resources assessment took place for 2008/09 which was reported in December 2009. This included reviewing how the Council manages its money, governs its business and manages resources. The Council's overall score reduced to 2 (performs adequately) but for the risk management and internal control element a score of 3 was achieved (performs well). The indicative scores for 2009/10 suggest that the 2008/09 scores have been maintained.
- 5.12 A requirement of the Accounts and Audit Regulations 2003 (as amended) is for an annual review of the system of internal audit. The results of this have been included within the Annual Internal Audit Report 2009/10. Minor areas for improvement have been identified.

5.13 The assurances in paragraphs 5.3 to 5.12 above have provided assurance to the Leader and Chief Executive so they can sign the statement prior to it being included in the 2009/10 draft accounts which will be reviewed and approved by the Audit Committee.

6 OTHER CONSIDERATIONS

AREA	COMMENTS
Equal Opportunities	One of the principles in the Local Code of Good Governance is inclusivity.
Environmental Impact	None

Legal Implications	The Accounts and Audit Regulations 2003 (as amended) place a legal obligation upon local authorities to maintain an adequate and effective system of internal audit of its accounting records and internal control in accordance with proper practices. The annual governance statement contributes towards meeting that obligation. Guidance to assist in meeting these obligations is set out in the footnotes to paragraphs 3.1 and 3.2 of this report.
Links with Corporate Priorities	The Local Code of Good Governance should ensure improved links with the community and the delivery of appropriate corporate priorities in an open and accountable manner.
Opportunities and Risks	Reviewing the Council's corporate governance and internal control systems and identifying areas for improvement will ensure that the Council's risks have been and will be effectively managed.
Financial Implications	The costs associated with internal and external audit are met from within base budgets with any variances being reported through the routine financial monitoring. Good corporate governance and internal controls reduce the risk to the Council of financial loss.
Ward Implications	None.

7 BACKGROUND PAPERS

Local Code of Corporate Governance May 2008

CIPFA – Delivering Good Governance in Local Government June 2007

CIPFA's Financial Advisory Network –ANNUAL GOVERNANCE STATEMENT - Meeting the Requirements of the Accounts and Audit Regulations 2003, incorporating the Accounts and Audit (Amendment) (England) Regulations 2006 – Rough Guide for Practitioners with effect from 2007/08

KPMG Report to those charged with governance 2008/09

KPMG Annual Audit Letter 2008/09

One Place Organisational Assessment 2008/09 (Audit Commission)
Ofsted Children's services annual rating December 2009
Ofsted Inspection Report for Fostering Services (inspection date November 2009)
Annual Internal Audit Report 2009/10
Care Quality Council Assessment 2008/09

Report by Jenny Marriott, Audit & Risk Manager 383101



ANNUAL GOVERNANCE STATEMENT 2009/10

1. Standards of Governance

- 1.1 The Council expects all of its members, officers, partners and contractors to adhere to the highest standards of public service with particular reference to the formally adopted Codes of Conduct, Constitution, and policies of the Council as well as the applicable statutory requirements.

2. Scope of Responsibility

- 2.1 Telford & Wrekin Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively to secure continuous improvement.
- 2.2 To this end the Council has approved and adopted a local code of corporate governance which was updated during 2006 and again in May 2008 to ensure that it is consistent with the principles of the CIPFA/SOLACE (see glossary) Framework Delivering Good Governance in Local Government. Within this code and to meet its responsibilities, the Council (members and officers) are responsible for putting in place proper arrangements for the governance of its affairs including risk management, the requirements of regulations¹ and ensuring the effective exercise of its functions.
- 2.3 The Council continues to review its arrangements against best practice and implement changes to improve the governance framework (including the system of internal control) - see paragraph 5.

3. The Purpose of the Governance Framework

- 3.1 The governance framework comprises the systems and processes, and cultures and values, by which the Council is directed and controlled and its activities through which it accounts to, engages with and leads the community. It enables the Council to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost effective services.
- 3.2 The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, priorities and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an on-going process designed to:
- a) identify and prioritise the risks to the achievement of the Council's policies, priorities and objectives;

¹ Regulation 4(2) of the Accounts and Audit Regulations as amended 2006 in relation to the publication of a statement on internal control.

- b) evaluate the likelihood of those risks being realised;
- c) evaluate the impact should they be realised; and
- d) manage them efficiently, effectively and economically.

3.3 The governance framework has been in place at the Council for the year ended 31st March 2010 and up to the date of approval of the annual report and statement of accounts. Reviews and updates to the framework will take place during 2010/11 and beyond to support good governance, revised service delivery and organisational change.

4. The Governance Framework

4.1 The key elements of the systems and processes that comprise the authority's governance framework include:

- Vision 2026 – Transforming Telford & Wrekin: From New Town to Modern City, the Community Strategy, the Council's Priority Plans which outline the Council's ambitions and priorities based on stakeholder feedback and these inform the service planning process and personal targets;
- The Constitution (which includes the scheme of delegations, financial regulations and contract standing orders), Forward Plan and decision making processes;
- "One Council, One Team, One Vision" principles document;
- The Council has designated statutory officers – Head of Paid Service (Chief Executive), Chief Financial Officer, Monitoring Officer, Director of Children's Services, Director of Adult Social Services and Scrutiny Officer;
- The Council's Information Governance Framework including data and information security and sharing policies and procedures;
- The Performance management framework and data quality systems. These provide regular monitoring reports to CMT², Cabinet and Scrutiny. There is also a Cabinet Member (responsible for the Community Focussed Efficient Council priority) who challenges other Cabinet members CMT and reports back to all Cabinet members;
- Legal Services ensure that the Council operates within existing legislation and is aware of and acts upon proposed changes to legislation;
- The democratic decision making and accountability processes contained within the Constitution;
- CMT meet twice a week, weekly briefing to HOS, monthly joint CMT & HOS meeting and bi-monthly senior management meetings – CMT, HOS and service delivery managers;
- Policy Forum – where CMT and Cabinet meet monthly to discuss emerging key strategic issues which could affect the Council in the future and formulate medium term planning strategy/options.
- The Standards Committee, Audit Committee, scrutiny function and other regulatory committees;
- The development of internal controls and checks within new systems and when existing systems are reviewed;
- The Council's People Strategy (HR) and workforce/organisational development strategies³ supported by rigorous recruitment processes. These are followed up by induction training (which includes information on the constitution, key policies, procedures, laws and regulations appropriate to the post and experience of the

² Corporate Management Team – Chief Executive, Corporate Directors and Assistant Chief Executive

³ Further development work is required on these during 2010/11

post holder) and on going training and development in line with Investors in People;

- Member and Officer Codes of Conduct and the Officer/member protocol underpin the standards of behaviour expected by members and officers. There is a bi-annual ethics survey which monitors adherence and understanding to these;
- Member development programme to ensure members are properly equipped and have the capacity to fulfil their roles;
- The Council's communication and consultation strategies ensure that the local community knows what the Council is doing, receives feedback from them including the identification of their needs for incorporation into the Council's priorities;
- The Cabinet Member Resources and from January 2010 the Cabinet Member for Community Focussed Efficient Council is responsible for Corporate Governance and Risk Management. The key officer was the Corporate Director Resources and from January 2010 the Chief Executive. The corporate risk management function has integrated risk management into the service and financial planning process including the provision of appropriate awareness and training for officers and members;
- The Council's financial management arrangements conform with the governance requirements of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government (2010);
- Comprehensive budget strategy and robust budget monitoring process provides sound financial management and regular reporting of financial management information;
- The Council's Treasury Management Strategy and arrangements conform to CIPFA and Audit Commission guidance and is monitored by the Audit Committee;
- Internal audit review controls based on risk to provide assurance and recommendations for improvement;
- Anti-fraud and Corruption, Speak Up and Prosecution policies support the council's governance processes and anti-fraud and corruption culture;
- The Council's Partnership protocol and agreed governance and reporting arrangements for the Council's significant partnerships;
- Projects are managed, as appropriate, within the PRINCE 2 methodology. This includes risk identification and management. Projects use the Corporate Risk Management methodology as appropriate for the management and reporting of their risks.
- Awareness and training for members within their member development programme and for officers through induction, the e-news (previously the bulletin), Managing Ethically module and update sessions on any revised governance arrangements (including information governance).

5. Review of Effectiveness

5.1 Telford & Wrekin Council has responsibility for conducting, at least annually, a review of the effectiveness of the governance arrangements including the system of internal control. The review of the effectiveness is informed by:-

- a) the senior managers within the authority who have responsibility for the development and maintenance of the governance environment;
- b) the work of internal audit; and also
- c) by comments made by the external auditors and other external review agencies and inspectorates.

- 5.2 The Cabinet monitors the effectiveness of the governance framework through the consideration of regular performance information and financial management reports from senior management. Individual Cabinet members receive regular feedback from senior officers in respect to their areas of responsibility on the progress of priorities and objectives. Issues of strategic and corporate importance are referred to the Cabinet.
- 5.3 The Council's Scrutiny arrangements were reviewed in 2008/09 and changes were implemented from 1st January 2009. The Scrutiny function is overseen by the Scrutiny Leadership Board led by a member of the opposition. The Council's Scrutiny function continues to review the decision making process and areas of concern. The subjects for the areas of concern are informed from community consultation, direct feedback to members from within the community and the results of review and inspection (both external and internal). These revised arrangements have been the subject of an external post implementation review during January/February 2010. The results of this review are being considered by the Council.
- 5.4 Internal Audit plan their work on the outputs from the Council's risk management and performance management processes, external inspection reports, the requirements of the External Auditor, comments from senior management and their opinion of the current state of the governance arrangements and internal control system. During 2009/10 the Internal Audit team achieved 90% of their planned work (best practice is 90%) and this has been used with the relevant output from unplanned work to form their opinion on the systems of internal control.
- 5.5 Internal Audit report on a quarterly basis and annually to the Audit Committee. The Audit Committee has asked for additional information during the year and requested Risk Owners (Cabinet Members and Corporate Directors) and Heads of Service to attend to provide assurance on the management of risks and implementation of recommendations. The Audit Committee has also reviewed the benchmarking process and information of Internal Audit.
- 5.6 The Audit Committee extended its terms of reference during 2009 to include reviewing and monitoring the Council's Treasury Management arrangements. This was to meet the recommendations of the Audit Commission Report – "Risk & Return" published in late March 2009 (as a result of the collapse of the Icelandic Banks). Members of the Committee have received internal and external training to enable them to fulfil their revised responsibilities.
- 5.7 The Audit Committee reviewed their effectiveness during January 2010 and at their March 2010 meeting agreed to appoint a co-optee. The next stage is for the Committee to agree the process and person specification but this must include financial experience as an accountant or auditor
- 5.8 A revised "harder test" Use of Resources assessment was undertaken by KPMG for 2008/09 which was reported in December 2009. This included reviewing how the Council manages its money, governs its business and manages resources. The Council's overall score is 2 (performs adequately) – see 5.16.
- 5.9 The Council's performance management framework has well established systems and procedures which drive continuous improvement in performance. The External Auditor now reviews the Data Quality arrangements as part of the Use of Resources assessment and concluded that they were adequate but continuing to improve.

- 5.10 From early January 2010 the re-organised Council created a new "Governance Unit" headed by the Monitoring Officer. The Governance Unit joined together Legal Services, Democratic Services, Scrutiny Services, Internal Audit, Risk Management, Information Governance and the Registrars. This will enable the Council to further raise the profile of governance across the Council and integrate/avoid duplication as appropriate. There should also be the opportunity for further efficiencies through the review and reorganisation of these services.
- 5.11 As outlined the Council has continued to review the governance framework to enable it to satisfy itself that its approach to corporate governance is both adequate and effective in practice and that sound systems of internal control are operating. These reviews have included the Constitution and associated policies, procedures, management processes and reporting arrangements. However it is recognised that further work is required to update the Constitution and management procedures and this is included in the action Plan attached to this statement (Annex 1).
- 5.12 The Council recognises the importance of Information Governance and has taken significant steps to improve the security of its IT, Paper and Handling Processes to meet the compliance requirements for Data Handling in Government. Through the Council's enhanced internal controls, there have been no data losses or reportable breaches of privacy during 2009/10. All appeals against the Council's decisions with regard to access to information have been dealt with successfully under our internal appeals process. There are no Information Commissioner's Office investigations into the Council in relation to the Freedom of Information Act, Environmental Information Regulations or Data Protection Act. Infrastructure upgrades during the year have further improved security and data handling. The Council has continued to monitor the implementation of the actions from the 2008/09 review of the security arrangements against ISO27001. Further actions require implementation and these are referenced in Annex 1.
- 5.13 The annual review by Internal Audit of the key systems, corporate governance and risk management arrangements have reported that at the time of the reviews the internal control systems were operating subject to minor recommendations identified.
- 5.14 The Corporate Directors, Assistant Chief Executive and Heads of Service have signed an annual assurance statement confirming that the governance framework has been operating within their areas of responsibility, subject to the actions outlined in Annex 1.
- 5.15 The system of internal audit has not changed and the annual review will be presented to the Audit Committee as part of the Internal Audit Annual Report 2009/10. This will include a review, an update of the previous actions and identification of any new actions.
- 5.16 The External Annual Audit Letter 2008/09 included in its key messages that:
- Under the Use of Resources assessment the Council has got sound processes in place and there is evidence of positive outcomes in all three themes. In two areas within the three themes, Risk Management and Internal Control, and Strategic Asset Management, there is strong evidence that the Council is delivering outcomes and we awarded scores of 3 (performing well) for these two areas.
 - The Audit Commission assesses how well the Council manages and improves its services and contributes to the wider community outcomes. The assessment considers how successful the Council is in delivering its corporate priorities. The

Council scored 2 out of 4 for managing its performance. (See paragraph 5.16 for further comments from the Audit Commission summary report).

- An unqualified opinion was given on the Council's 2008/09 accounts in September 2009. We identified a number of adjustments to the draft accounts which in aggregate we considered as material. Officers amended the accounts for these adjustments and we issued our opinion in advance of the statutory deadline. The number and magnitude of adjustments was less than in 2007/08 and we also noted improvement in the quality of the working papers provided to support the accounts.

5.17 The Audit Commission "oneplace" organisational assessment 2008/09 (incorporating the use of resources assessment and other external inspection results) judged that overall the Council performs adequately (2 out of 4).

The summary includes - "It has some good services. Social care for adults is excellent. The Council has ambitious plans and can show that it has delivered some impressive results. But there are other key services and priority areas where the Council has not made enough progress.

Prospects for the borough's children and young people are not as good as other areas. School results, although improving, are below average and the gap between the achievement of children from poorer backgrounds and rest of the borough is widening. Plans to regenerate the towns and local economy include raising aspirations and improving the skills and 'employability' of local people.

The Council shows ambition and there are many encouraging signs that it will make more progress in the future....."

5.18 Ofsted undertook an announced key inspection on 9th November 2009 of the Council's Fostering Service and reported in early 2010. The overall quality rating for the service is good (aspects of the provision is strong – level 3 out of 4). 5 recommendations were made. The summary included the following comments:

"The fostering service had made exceptionally good progress in meeting previous requirements (May 2007). In some area there has been a marked improvement with considerable development in service provision following reconfiguration of the fostering service, new staff appointments and an increase in resources. The enjoying and achieving outcomes for young people is outstanding particularly in respect of the involvement of young people. There are a small number of requirements on this occasion with three minor breaches of regulations and two breaches of the national minimum standards (health assessments, recruitment records of panel members, records of complaints and allegations, contact details for Ofsted and issuing of the children's guide.

Overall, the inspection found hard work, commitment and dedication of the management and staff had been successfully applied to achieve a significant change and marked improvement in the service delivery. This means that fostering service provides a good quality of service that is effective in achieving positive outcomes for children and young people."

"Helping children to be healthy – the provision is good.

Protecting children from harm or neglect and helping them stay safe – the provision is good.

Helping children achieve well and enjoy what they do – the provision is outstanding (exceptionally high quality provision).

Helping children make a positive contribution – the provision is good.

Achieving economic wellbeing – the provision is good.

Organisation – the organisation is good.”

5.19 The Council’s Children’s Services annual rating for 2009 was provided in a letter from Ofsted in December 2009. The children’s services rating was “performs adequately” (level 2 – an organisation that meets only minimum requirements). The letter goes on to say:

“The overall effectiveness of inspected services and settings is adequate. Children receive a good start to their care and education in the early years. The proportion of childminder and childcare settings that are good or better is greater than in similar areas and found nationally. The quality of primary and secondary schools is uneven, with just under two thirds of primary schools and half of secondary schools judged to be good or better. Post-16 provision is good or better in four out of five schools, outstanding in the the further education college and satisfactory in the sixth form college. Inspection judgements for enjoying and achieving are in line with similar areas and national averages in the large majority of settings and services...”

5.20 The Annual Performance Assessment of Adult Social Care for the Council 2008/09 reported in December 2009. The overall grade for the delivery of outcomes was “excellently” - **a service that overall delivers well above minimum requirements for people, is highly cost-effective and fully contributes to the achievement of wider outcomes for the community.** The table below shows the scores for the 7 delivering outcomes reviewed as part of the assessment.

Delivering Outcomes	Grade Awarded
Improved health and emotional well-being	Excellently
Improved quality of life	Well
Making a positive contribution	Excellently
Increased choice and control	Excellently
Freedom from discrimination or harassment	Well
Economic well-being	Well
Maintaining personal dignity and respect	Excellently

5.21 We have been advised on the implications of the review of the effectiveness of the governance framework by the Cabinet, Standards Committee, Audit Committee, Scrutiny, senior managers, Internal Audit and external review, and plan to address weaknesses and ensure continuous improvement of the framework as outlined in the action plan attached as Annex 1.

5.22 The Audit Committee will continue to monitor the action plan during the year.

Leader of the Council.....

Chief Executive.....

Date.....

ACTION PLAN FOR 2009/10 AGS TO BE IMPLEMENTED 2010/11

No	ACTION and Originating date	Lead Resp.	Comments (including if from consolidated governance action plan 2009 - CGAP)	Date
1.	Further develop service continuity plans to integrate ICT requirements. (2006/07 AGS action plan)	Head of Community Protection (MA) & Head of ICT & Procurement (MW)	Delays have occurred due to the reorganisation and ICT infrastructure project but tools are in place to review existing business continuity plans and to incorporate them with service delivery plans. Previous actions 1, 2 and 3 from CGAP	31/07/10
2.	Catering - Implement the outstanding areas from the internal audit review and on-going system/processes update. (2006/07 AGS action plan)	Head of Property & Design (DS)	Interim arrangements to be operated and monitored Long term solutions to be identified and implemented Previous action 4 from CGAP	30/06/10 + on-going 31/03/11
3.	Strategic management of the One Team, One Council Vision including agreeing the governance framework (encompassing the corporate governance structure incorporating information, information technology, partnership and project governance). (NEW)	CMT	Overseeing the transformation process and its governance and the establishment of a robust on-going governance framework.	Ongoing 31/03/11
4.	Review of the Constitution to reflect: a) Strong leader model b) Revised Scrutiny arrangements c) Officer/member roles and responsibilities including delegations d) Employment rules e) Member/officer protocol f) Other changes to reflect the revised organisational structures & ways of working g) Changes to reflect the requirements of the new financial management system ((c), (d) and (e) from CGAP 2009 others NEW)	Head of Governance (JE)	Some parts were previous actions 9 and 27 from CGAP	31/03/11 ready for new Council May 2011

ANNEX 1 (continued)

No	ACTION	Resp.	Comments	Date
5.	To implement the actions from the self assessment against ISO27001. (2008/09 AGS action plan)	Head of ICT & Procurement (MW) and Head of Governance (JE)	Many ISO27001 standards have been met due to the code of connection for Government Connect. However a further gap analysis needs to be carried out since the changes to evaluate the gap and work required. The implementation of any key issues identified will take place during 2010/11. Previous action 13 from CGAP.	30/04/10 31/12/10
6.	<ul style="list-style-type: none"> • Review of our Workforce Development priorities and delivery • Review of management competencies and skills required in the new “One Council” • Review of HR policies and processes to support the delivery of the One Council Vision with recruitment as a priority (NEW)	Assistant Chief Executive (RP)	Some areas were previous actions from CGAP – 15, 17, 22, 24, 25 and 29 but these have been updated and summarised into these areas actions to match the organisational changes.	31/03/11
7.	Communication Strategy should be in place. (CGAP 2009)	Assistant Chief Executive (RP)	Work continues to further develop and agree the internal and external communications strategies. (Previous CGAP action 16) Completion Awareness and training	31/07/10 31/10/10
8.	Review of the Partnership Protocol and pack. (CGAP 2009)	Head of Governance (JE)	Had been allocated and started within Legal Services but due to staff leaving has now been reallocated.	31/12/10
9.	Implement action plans from external assessments and inspections. (NEW)	Assistant Chief Executive and appropriate Heads of Service.	Action plans to address relevant issues from external assessments/ inspections have been included in appropriate business/service area plans/priority plans.	Latest 31/03/11

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T&W CONSOLIDATED GOVERNANCE ACTION PLAN 2008/09¹ – UPDATE TO SHOW PROGRESS AND EVIDENCE JANUARY 2010

No.	ACTION	Resp.	Original Comments	Date	Comments on Position as at 30/09/09	Revised Date*	Position as at 31.01.10	Revised Date*
1.	Corporate Business Continuity plan – a) review ; and b) test.	Head of Community Protection	Corporate Business Continuity Management Strategy approved Jan 2009. Priority 1 Services identified and awaiting final approval from Corporate Directors and Cabinet.	30/09/09	Due to Corporate Restructure – Business Continuity Project was put on hold until September 2009. In the interim, we have been responding to Swine Flu Pandemic and all Heads of Service and Business Managers have been advised to revisit existing business continuity plans to ensure they are robust enough to respond to potential staff shortages and implications on services.		Organisational changes have further delayed review / revision of the corporate and service area BCPs	
			Revised Corporate Continuity Plan and Service Area Recovery Plan Template under	30/09/09	Revised Priority Services to be presented for approval	31/12/09	Most of phase 2 original changes will be completed by 31/03/10 enabling progress to be made. New BCPs to be in place by 30/06/10.	30.06.10
					Revised Corporate Continuity Plan to be	31/03/10	Update report on BCP review process required by Audit Committee and	30.06.10

¹ Consolidated from the Annual Governance Statement 2008/09 Action Plan, Internal Audit Corporate Governance Audit 2008/09 and External Audit (KPMG) 08/09



APPENDIX B

			development – delayed as awaiting approval of Priority 1 Services. Training and Exercising to be undertaken once final approval achieved	30/09/09	presented for approval followed by appropriate training and testing of the plan		scheduled for June 2010 meeting. Corporate and service area risk assessments reviewed and updated quarterly – existing BCPs are in place to respond to identified risks.	Ongoing
			Working closely with ICT Infrastructure Project to ensure it supports the corporate & service continuity plans.	30/09/09			Plan validation and exercising to take place as soon after completion as possible.	To be scheduled

No.	ACTION	Resp.	Original Comments	Date	Comments on Position as	Revised	Position as at	Revised
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					at 30/09/09	Date*	31.01.10	Date*
No.	ACTION	Resp.	Original Comments	Date	Comments on Position as at 30/09/09	Revised Date*	Position as at 31.01.10	Revised Date*
2.	Revised ICT business continuity plan to be produced during 2008/09	Head of ICT and Procurement	The proposed infrastructure designs incorporates a live data centre environment and a backup data centre environment for both corporate and education servers. These facilities are currently being developed and tested with a planned migration between June 2009 and March 2010. The Business Continuity Plan will be revised in line with these time scales and in accordance with the review of the Corporate Business Continuity plan, which has identified priority one applications.	30/09/09	Progressing with implementation.	01/12/09	Progressing with implementation. Business Continuity is planned to be updated accordingly. Disaster Recovery sessions are being booked in with large application owners.	Ongoing

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3.	Ensure that ICT infrastructure projects supports the corporate & service continuity plans	Head of ICT and Procurement	Following the review of the designs produced by the supplier it was felt that the proposed designs would not meet the requirements of the Council and all work was stopped with them. Designs were brought in house and commercial negotiations re-opened with the supplier to agree a way forward under the existing contract. This was completed in December 2009. In-house designs have been completed and the majority of the hardware has been supplied. A test environment will be built during April and May with Live migration of in scope applications planned between June 2009 and March 2010. All new server requirements will be incorporated into the new infrastructure during this period.	30/09/09	Progressing with implementation	01/12/09	Progressing with implementation. A standard virtual server template has now been created and will be signed off with security standards. All migrations and new installations onto the new platform have been designed to meet the continuity plans.	Ongoing
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No.	ACTION	Resp.	Original Comments	Date	Comments on Position as at 30/09/09	Revised Date*	Position as at 31.01.10	Revised Date*
4.	Catering -	Head of	An assessment is currently	Decision	Following a		A cashless system	

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			ready to procure an alternative system.		card/device for pupils use. This will be funded through a combination of grant (capital grant) and BSF resources. The trial will include linking the card to the new on line payment system offered by the revised cash receipting software.		board meetings.	
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No.	ACTION	Resp.	Original Comments	Date	Comments on Position as at 30/09/09	Revised Date*	Position as at 31.01.10	Revised Date*
5.	Develop and agree a corporate	Assistant Chief Executive	CD's have approved a policy on the Use of Consultants together with	30/09/09	The Policy on engaging consultants has	30/11/09	Complete. Policy now forms part of our	

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	procedure for the appointment, induction and control of consultants.		agency staff and new contract arrangements re provision of agency staff is in place with training in progress for May/June 2009 launch. Communication of this policy and guidance on the use of consultants is still required.		been incorporated into the new agency arrangements and policy for recruiting temporary staff. New contract with Comensura now in place. Policy will be reinforced in publication to all managers of the new recruitment strategy currently in final stages of consultations.		requirements for managers employing consultants. Policy is published on Comensura pages of the intranet available to appointing managers. (policy checked by audit – available on Intranet)	
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No.	ACTION	Resp.	Original Comments	Date	Comments on Position as at 30/09/09	Revised Date*	Position as at 31.01.10	Revised Date*
6.	Undertake review of the effectiveness	Audit & Risk Manager	Agreed approach with Audit Committee 27 th January 2009 based on				Complete. A report is due to be issued to the	

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	of the system of internal audit for 2008/09 and then 2009/10.		draft guidance. To be completed for Audit Committee 16/06/09 2009/10 review to include a repeat of the Audit Committee Effectiveness Survey	16/06/09 31/05/10	Complete Complete		Audit Committee on 30/03/2010 to provide members of the Audit Committee with the results of the survey completed to review the effectiveness of the Audit Committee.	
7.	Review operation and effectiveness of the revised Scrutiny arrangements	Head of Governance	New arrangements effective from 01/01/09 and work programme has been agreed and is being delivered. Review of effectiveness will be undertaken during 2009/10	31/05/10	On target		On target. Report in progress and verbal report at meeting following SLB on the 25 th March.	

No.	ACTION	Resp.	Original Comments	Date	Comments on Position as at 30/09/09	Revised Date*	Position as at 31.01.10	Revised Date*
8.	Implement outstanding actions from	Head of Governance	Consider refresher training in Human Rights or briefing through the	30/09/09	This has been considered and is not required.	N/A	N/A	N/A

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	the Ethics Survey action plan.		bulletin or breakfast interactive.					
9.	Complete review of specific areas of the Constitution	Head of Governance	<p>a) Personnel procedure rules – Officer Employment Procedure Rules</p> <p>b) Delegations – Personnel Board terms of reference</p> <p>c) Review Council procedure rules</p>	<p>30/09/09</p> <p>30/09/09</p> <p>31/01/10</p>	<p>These tasks have slipped due to building in a consultation with affected officers and the committee cycle. Now scheduled for Council's Constitution Committee in December and Council in January 2010.</p>	31/01/10	<p>Part of the full review of the Council Constitution to be completed for implementation April 2011</p>	<p>a) 30.04.10</p> <p>b) 30.04.10</p> <p>c) April 2011</p>

No.	ACTION	Resp.	Original Comments	Date	Comments on Position as at 30/09/09	Revised Date*	Position as at 31.01.10	Revised Date*
10.	Undertake a repeat of the Ethics survey.	Audit & Risk Manager	<p>Undertake survey.</p> <p>Analyse results, compare</p>	<p>31/12/09</p> <p>31/03/10</p>	<p>Survey to be undertaken in January 2010 to</p>	31/01/10	<p>Survey delayed due to re organisation and</p>	31/05/10

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			to previous survey and identify any improvements/ actions required.		coincide with when previous survey was undertaken. The results will then be analysed and an action plan presented to the Standards Committee.	Standards Cttee 16/09/10	impending election. Agreed with Corporate Core for issue w/c 10 th May 2010 for return 28 th May. Analysis to follow and report to CMT early July 2010	30/09/10
11.	Undertake skills matrix work with the Audit Committee.	Audit & Risk Manager	Skills matrix to be agreed and completed. Skills matrix results analysed and Committee to decide if they need/want to appoint a co-optee	30/06/09 31/07/09	Complete Complete – no co-optee at present but to be kept under review. Refresher training identified.		Complete	

No.	ACTION	Resp.	Original Comments	Date	Comments on Position as at 30/09/09	Revised Date*	Position as at 31.01.10	Revised Date*
12.	Audit Committee to	Chair of the Audit	Support will be provided by CD:	30/09/09	Complete – Council 30/09/09		Complete	

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	present an Annual Report 08/09 to Council.	Committee <i>David Wright</i>	Resources and the Audit & Risk Manager					
13.	To implement the actions from the self assessment against ISO27001.	Head of ICT and Procurement	To implement the key actions (level 1) To implement other actions (level 2,3 & 4)	31/07/09 31/03/10	The Information Security Gap Analysis Status Report 2009/10 was updated 15/09/09. This reviews the Corporate Information Security Framework (CISF) to identify where gaps may exist in respect of compliance with ISO27001 Information Security Management standards and included a progress report on implementation.		Many ISO27001 standards have been met due to the code of connection for Government Connect. However a formal gap analysis needs to be carried out again since the changes to evaluate the gap and work required. The implementation of any key issues identified will take place during 2010/11.	31/03/10 31/12/10

No.	ACTION	Resp.	Original Comments	Date	Comments on Position as at 30/09/09	Revised Date*	Position as at 31.01.10	Revised Date*
14.	TOR for Standards,	Head of Governance	Internal Audit governance review	31/12/09	Complete – Council 30/09/09		Complete Membership of	N/A

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	Audit and the other regulatory committees need to be reviewed regularly.		2008/09				Committees reviewed December 2009.	
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No.	ACTION	Resp.	Original Comments	Date	Comments on Position as at 30/09/09	Revised Date*	Position as at 31.01.10	Revised Date*
15.	Induction for	Assistant	a) Managers should be	31/10/09	(a) Revised	31/10/09	Issues now	

² (07/08) makes reference to the fact that the recommendation was made in the 2007/08 Internal Audit Corporate Governance Audit and is still outstanding

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	Managers	Chief Executive	reminded of the induction process and the corporate checklist and mandatory courses available. This could be put in the bulletin or form part of Appendix A of the step by step Managers guide to the recruitment process, shown on the intranet.		arrangements agreed by Equalities Officer Board to incorporate induction arrangements in all letters of appointment to new staff to enable them to secure induction course places direct and have their access to the check-list. Revised letters of appointment template now in final stages of preparation. Managers will be advised of new arrangements together with awareness of the induction check list		<p>incorporated into letter of appointment. Induction lead is Debbie Germany Organisation Development & Change Manager.</p> <p>The induction, learning programme will require a review as part of One Council. This will include the induction checklist.</p> <p>Priority at the moment is to create capacity within the Organisational Development and Change Management teams to do this. All workforce development resource is being</p>	30/06/10
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			b) The constitution should be linked on the HR induction page, highlighting Financial Regulations and Standing Orders (07/08) ²	1/07/09	(b) Complete - A link has now been established (October 2009)		brought together. Complete	
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No.	ACTION	Resp.	Original Comments	Date	Comments on Position as at 30/09/09	Revised Date*	Position as at 31.01.10	Revised Date*
16.	Communication Strategy should be in place.	Assistant Chief Executive	There should be a communication strategy in place. (07/08) The strategy should be communicated to all	31/12/09	Work is progressing on this and we are on schedule to have the	31/12/09		31/07/10

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			stakeholders including hard to reach groups.		Communication Strategy in place by 31/12/09. Communication to stakeholders will take place thereafter to be completed by 31/03/10.	31/03/10		31.08.10
17.	Training for Members	Head of Governance	Group leaders should be reminded through the member's development programme and member appraisals that their group members should undertake the training identified for them.	31/10/09	The Members Development Strategy was agreed by Cabinet on 15/09/09 and this action forms part of the implementation of this.	30/04/10		

No.	ACTION	Resp.	Original Comments	Date	Comments on Position as at 30/09/09	Revised Date*	Position as at 31.01.10	Revised Date*
18.	Role descriptions for Members	Head of Governance	Cabinet Member Resources role description should include specific lead member responsibilities	31/08/09	Complete		Complete	

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			for corporate governance and risk management. All cabinet members' role descriptions should include general corporate governance and risk management responsibilities.					
19.	Publication 2007/08 accounts	Head of Finance	The intranet should be updated with a link to the 07/08 accounts.	31/07/09	Complete		Complete	

No.	ACTION	Resp.	Original Comments	Date	Comments on Position as at 30/09/09	Revised Date*	Position as at 31.01.10	Revised Date*
20.	Review of Corporate Enforcement Policy	Head of Governance	The Corporate Enforcement Policy and associated prosecution policies (including the benefit prosecution	31/12/09	On target for Corporate Enforcement Policy Benefit	31/12/09 30/11/09	Complete To Cabinet 12/01/10 Complete	

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			policy, dated 2005 and the corporate prosecution policy, dated 2003) require updating and the latest copy shown on the intranet.		Prosecutions and Sanctions Policy will be completed by end November 2009.		Approved by Cabinet 26.01.10 to be reviewed in 3 years. Not on the Intranet as it was considered by Cabinet under closed session so access restricted.	
					Corporate Prosecution Policy not updated.		Ongoing but should be complete by	30/06/10

No.	ACTION	Resp.	Original Comments	Date	Comments on Position as at 30/09/09	Revised Date*	Position as at 31.01.10	Revised Date*
21.	Review of the Partnership Protocol & Pack	Head of Governance	The partnership protocol should be reviewed and updated on a regularly agreed basis.	31/03/10	On target for this date.		Had been started but due to staff changes has been reallocated.	30.09.10
22.	Media training	Head of HR	Consideration should be given in making the Media Skills training	31/08/09	Work is in progress to review the Council's	31/03/10	The induction, learning programme will	30.06.10

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			course mandatory for those officers with media responsibility. (07/08)		Organisational Development strategy and approach in the context of future needs and requirements of the organisation. As part of this, core competencies for managers will be assessed and training needs will then be identified and addressed.		require a review as part of One Council. This will include the induction checklist As Action Number 15 above	
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No	ACTION	Resp.	Original Comments	Date	Comments on Position as at 30/09/09	Revised Date*	Position as at 31.01.10	Revised Date*
23.	Communication of Media protocols	Head of HR	The agreed media protocols should be communicated appropriately to officers and members and should be put on the	31/08/09	Complete for officers– circulated 04/09/09 and available on the intranet.	Complete	Complete A questionnaire was emailed to all Heads of Service, the Head of Human Resources	

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			intranet. (Town Park Review) ³		The Protocols have been presented to Cabinet Members and Group Leaders and are available on the Members Information Point.		(Projects) and the Assistant Chief Executive. Out of the 17 issued, 14 responses were received. The questions tested the Officers awareness and knowledge of the Authority's media protocol. All responses received were satisfactory and confirmed officer awareness.	
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No	ACTION	Resp.	Original Comments	Date	Comments on Position as at 30/09/09	Revised Date*	Position as at 31.01.10	Revised Date*
24.	Training for Managers	Head of HR	Disciplinary and capability training should be offered to all	31/12/09	Training Courses are now established taking		To be included in review of development.	Ongoing

³ (Town Park Review) – this was a recommendation from the Town Park Review issued December 2008

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			Business Managers (07/08)		account of legal changes around discipline and grievance implemented in April 2009. Specific Portfolio training has also taken place.		Individual managerial briefing for specific cases part of existing processes. Training to support these issues is continuing. However, the way it is delivered may change as part of a future review.	
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No	ACTION	Resp.	Original Comments	Date	Comments on Position as at 30/09/09	Revised Date*	Position as at 31.01.10	Revised Date*
25.	HR Procedures	Head of HR	All HR procedures should be reviewed regularly and show a future review date (07/08)	31/03/10 or part of single status	A timescale has been established to review all workforce proceedings which		One page guidance for managers produced.	Ongoing

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					include Equality Impact Assessments. Timescales take account of the need to integrate certain policies with Single Status negotiations.		HR policies reviewed/renegotiated include Wellbeing and Absence, Redeployment, Recruitment. Others currently part of Formal Single Status negotiations which commenced on 23 rd February 2010	
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No	ACTION	Resp.	Original Comments	Date	Comments on Position as at 30/09/09	Revised Date*	Position as at 31.01.10	Revised Date*
26.	Absence management	Head of Community Protection	There should be standard documentation throughout the Authority to record 'return to work' interviews. (07/08)	30/09/09	Absence Management Policy is currently being revised in consultation with Trade Unions. New	30/11/09	Complete Revised Wellbeing and Attendance policy has now been agreed and formally adopted by CMT. It will	

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					documentation is being developed within this policy around return to work.		come into force on 1.3.10. It includes a check list of items to cover in a return to work interview and these are reiterated on the self certification form. (available on the Intranet)	
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No.	ACTION	Resp.	Original Comments	Date	Comments on Position as at 30/09/09	Revised Date*	Position as at 31.01.10	Revised Date*
27.	Member/Officer relations	Head of Governance	a) Review of existing Member/Officer Protocol on member/officer relations.	30/09/09	In light of the development with IDeA (see below) this work has been deferred awaiting the outcome of the IDeA work.	31/01/10	Part of the full review of the Council Constitution to be completed for implementation April 2011	April 2011

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			b) Review the relationship between members and officers to develop a culture of trust and mutual confidence by engendering an appropriate level of collaboration, transparency and constructive challenge through external facilitation.	Commenced June09	Meeting arranged between Chief Executive and Monitoring Officer and representatives from the IDeA to discuss how they can help address these issues. Postponed once at request of IDeA, due to take place on 5th October 2009.	On-going		
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No	ACTION	Resp.	Original Comments	Date	Comments on Position as at 30/09/09	Revised Date*	Position as at 31.01.10	Revised Date*
28.	Guidance on Gifts & Hospitality	Head of Governance	Review and update existing guidance	30/09/09	Complete - Presented to Standards Committee on 17 th September 2009 and then recommended for agreement by		Complete Updated for new organisation structure from 31.03.10	

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					Council on 30 th September 2009			
29.	Update Officers and Members for changes made	Head of Governance & Audit & Risk Manager,	Training for officers and members on changes to governance processes and guidance including the code of conduct, the Constitution, HR policies and procedures and good governance generally.	From Oct 09	On going to follow on as approvals granted by Council.	From Jan 2010	Ongoing during 2010. Governance, Risk, Audit and Fraud training update for members March 2010. Further training for members will be arranged once the constitution changes have been agreed	April 2011

Revised Date* - where required revised dates have been inserted otherwise the original date remains valid

TELFORD & WREKIN COUNCIL

CABINET - 8TH JUNE 2010
AUDIT COMMITTEE – 28TH JUNE 2010

ANNUAL REPORT ON RISK MANAGEMENT 2009/10

REPORT OF THE CHIEF EXECUTIVE – LEAD OFFICER FOR GOVERNANCE

1 PURPOSE

1.1 To inform Cabinet of Risk Management activities for 2009/10

2 RECOMMENDATIONS

2.1 **That Cabinet note the contents of this report demonstrating their continued commitment to the Council's risk management processes and good governance.**

3 SUMMARY

3.1 Good governance and the Council's Risk Management Strategy states that an annual report on Risk Management should be presented to Members.

3.2 Risk management continues to be well practised across the Council, however the current reorganisation has meant that much of the function's efforts have been concentrated on the Council's major projects.

4 PREVIOUS MINUTES

4.1 Cabinet – 9th May 2009
Audit Committee – 16th June 2009

5 BACKGROUND 2009/10

5.1 Risk management continues to be a key component of good governance and is incorporated into the Council's local Code of Good Governance.

5.2 Risk management continues to be well practised across the Council, however it is evident that the current reorganisation is having an impact on the risk management function and more work is necessary to ensure that all areas consider risk management in their development and management.

5.3 The Council had integrated risk management into its planning processes demonstrating good management practice. Following the reorganisation risk management will continue to work closely with the different Service Delivery Areas to ensure risks are identified and managed. Risk management will continue to support services and partners in the delivery of the Council's priorities and projects.

6 **ACHIEVEMENTS**

- Information sessions were held for Members in September 2009 and again in March 2010.
- Strategic risks were reviewed by Corporate Directors twice during 2009, once in May – Key risks were approved by Cabinet and reported to Audit Committee. The Strategic Risks were reviewed again in September, however at this stage it was decided that the Strategic Risks needed an overhaul and therefore they were not reported to Cabinet for approval.
- The Audit Committee has asked risk owners (Cabinet Member and Corporate Director) to attend the Audit Committee to provide assurances that key strategic risks are being managed and actions undertaken.
- The Council achieved a score of 3 for the Risk Management section in CAA Use of Resources 2009.
- The Risk Management Strategy was reviewed, updated and agreed at Cabinet in May 2010 and reported to Audit Committee. The updated Strategy outlines new arrangements for reporting Strategic, Priority Plan, Service Delivery Area Plan risks in line with the Council's new structure.
- Portfolio Risk Registers continued to be reviewed regularly up until the new structure was put in place. Portfolio risks are being aligned with the Council's 7 Priorities.
- Risk management training has been provided to team leaders and managers through the Ingredients for Financial Success training programme which runs 3 times a year. Feedback from these sessions has been very positive.

Service Delivery Units, Projects and Partnerships - Risk Management making a difference

- Much work has been undertaken with business units, projects and partnerships across the Authority to ensure that the management of risks and opportunities is embedded in these areas. Many risk workshops and reviews have been facilitated during 2009/10 (in excess of 100). These include :
 - Borough Towns Initiative
 - Borough Towns Initiative – Sports & Learning Communities
 - Putting People First
 - Town Centre – New Southwater development
 - Civic Offices – Relocation
 - Town Park
 - Single Status
- The function continued to support Transforming Telford / One Telford up to the transfer of its services back into the Council at the beginning of April 2010. This included specific support for the Transition Project ensuring that all risks associated with the transfer of One Telford's services were identified and managed and any ongoing risks continued to be managed by One Telford within the Economic Development services of the Council.

7 **RISK MANAGEMENT DEVELOPMENT AND CHALLENGES FOR 2010/11**

- To work with Corporate Directors and Heads of Service to identify risks to be monitored at Strategic, Priority Plan and Service Delivery Area levels.
- To establish a mechanism to ensure that risks at all levels are monitored and reported to assist the Council in achieving its corporate priorities;
- To continue to review and develop the corporate risk management strategy and processes particularly with reference to defining and providing guidance for the Council's risk appetite.

- To continue to embed and support risk management processes, enhancing the existing good management practices of the Council.
- To communicate updates and changes to the Risk Management Strategy, Strategic Risks and other risk information through corporate communication channels, i.e., intranet, e-news.
- The Authority continues to be a member of ALARM, (Association of Local Authority Risk Managers) and uses this membership to gain valuable benchmarking information for the development of the function. The Council is participating in the new CIPFA / ALARM Benchmarking club for risk management. The authority is also a member of the Midlands Risk Management Forum which is also a valuable benchmarking source.

8 OTHER CONSIDERATIONS

AREA	COMMENTS
Equal Opportunities	The identification of risks and proper management of them helps to ensure that the Council's commitments in respect to equalities are met.
Environmental Impact	The identification of risks and proper management of them in respect to environmental issues will ensure that legislative requirements and the Council's policies and ambitions in respect to the environment are met.
Legal Implications	There are no legal implications arising directly from the contents of this report.
Risk Management	The risks attached to the Corporate Risk Management Function have been reviewed and updated in the Corporate Governance for 2010/11 and these are being managed appropriately.
Links with Corporate Priorities	Managing risks as per the Council's risk management processes will help the Council to deliver effectively the Council's priorities.
Financial Implications	The management of risks in respect to claims and litigation and reviewing how risks are controlled could result in reduced financial costs to the Council. Good risk management contributes to the efficient use of resources. There is a small Risk Management Fund available to support initiatives across the Council which manage risks.
Ward Implications	Good management of the key strategic risks and risks associated with the Priority Plans will impact on the Council and therefore all the wards within the Borough.

9 BACKGROUND PAPERS

Risk Management Strategy 2010
 Code of Good Governance May 2008
 Strategic Risk Register May and September 2009
 Business Plan for Risk Management 2008/11

Report by Sarah Daffern, Principal Risk Officer 01952 383112

TELFORD & WREKIN COUNCIL

CABINET – 8th JUNE 2010

REGULATION OF INVESTIGATORY POWERS ACT 2000

REPORT OF HEAD OF GOVERNANCE

1. PURPOSE

To highlight some changes to the procedure for applying for authorisation to undertake covert surveillance and seek approval of the updated Policy in respect of the use of Regulation of Investigatory Powers Act 2000 powers.

2. RECOMMENDATION

2.1 That the revised Policy document is noted and approved.

3. SUMMARY

The Council's Corporate Policy and Guidance Document on the use of the Regulation of Investigatory Powers Act 2000 (RIPA) has been amended in accordance with political instructions, new Codes of Practice and best practice guidance from the Office of the Surveillance Commissioners (OSC).

4. PREVIOUS MINUTES

5. INFORMATION

5.1 Background

5.1.1 The Leader of the Council has indicated that he wishes to be kept informed of all applications for the use of RIPA powers. The Council's Policy and Procedure has therefore been amended to provide for notification to the Leader by Authorising Officers. Any queries raised by the Leader will be addressed to the Head of Governance.

5.1.2 Guidance from the OSC indicates that the number of Authorising Officers should be limited to ensure effective control over the use of RIPA and consistency across decision making. The number of Authorising Officers within the Council has therefore been reduced (as set out in Appendix 1 to the attached Policy document) to ensure only those officers that regularly authorise operations and therefore have a sound knowledge of RIPA undertake this duty.

The reduced number of Authorising Officers should also assist in ensuring the notification to the Leader operates successfully.

5.1.3 Following a recent inspection by the OSC the Policy and Guidance document has also been amended to take into account recommendations arising from the inspection. The need to obtain a Unique Reference Number from Legal prior to authorisation has been introduced along with guidance on detailing how the product of the surveillance is handled. Finally the need for officers undertaking urgent surveillance to keep contemporaneous notes is also detailed.

5.1.4 In 2009 the Home Office carried out a consultation exercise in respect of the use of RIPA powers. As a result of that consultation revised Codes of Practice have been issued which are effective from 6 April 2010. The Council's Policy document has been updated to take account of the revised provisions in the Codes of Practice.

5.1.5 The new Codes of Practice recommend that the Council's RIPA policy should be reported to and approved by Members on an annual basis. It is proposed that this will be by way of an annual report to Cabinet. The Codes also recommend that the use of RIPA is reported to Members on a quarterly basis. It is proposed that a quarterly summary of RIPA usage is put before Cabinet with an annual summary being included in the report to Cabinet which seeks approval of the policy as mentioned above.

5.2 Equality and Diversity

All surveillance operations are undertaken in accordance with the Council's Policy thereby ensuring that issues of equality and diversity are appropriately addressed.

5.3 Environmental Impact

There is no environmental impact arising from this report.

5.4 Legal Comment

RIPA seeks to protect the Council from legal challenge in respect of its interference with a person's human rights by way of covert surveillance. A RIPA authorisation should ensure that evidence obtained is admissible. Implementation of RIPA is a matter for each Council and the OSC has an oversight role. Codes of Practice are issued by the Home Office. The Council's Policy is in accordance with the Codes of Practice.

5.5 Links with Corporate Priorities

Effective RIPA practises will assist in promoting an efficient, effective and customer-focused Council and also in creating a safe, strong and cohesive community.

5.6 Opportunities and Risks

The opportunities and risks associated with this decision have been identified and assessed. Arrangements will be put in place to manage the risks and maximise the opportunities that have been identified.

5.7 Financial Implications

No additional costs are envisaged, any training requirements will be conducted in-house and the costs will be met by the existing budget provision.

6. WARD IMPLICATIONS

District wide implications.

7. BACKGROUND PAPERS

Corporate Policy and Guidance Document

Report prepared by Lorraine Fowkes, Senior Solicitor Tel: 01952 38321



CORPORATE POLICY & GUIDANCE DOCUMENT

ON

THE REGULATION OF INVESTIGATORY

POWERS ACT 2000

(RIPA)

APRIL 2010

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NB:

The Regulation of Investigatory Powers Act 2000 ('RIPA') refers to 'Designated Officers'. For ease of understanding and application within Telford & Wrekin, this Corporate Policy & Procedures Document refers to 'Authorising Officers'. Furthermore, such Officers can only act under RIPA if they have been duly certified by the Council's Head of Governance. For the avoidance of doubt, therefore, all references to duly certified Authorising Officers refer to 'Designating Officers' under RIPA.

Acknowledgements:

The Council is grateful to Birmingham City Council and its Chief Legal Officer for allowing the Council to adapt Birmingham City Council's Corporate Policy and Guidance Document on RIPA.

A. Introduction

1. The Human Rights Act 1998 (which brought much of the European Convention on Human Rights and Fundamental Freedoms 1950 into UK domestic law) requires the Council, and organisations working on its behalf, pursuant to Article 8 of the European Convention, to respect the private and family life of citizens, his/her home and his/her correspondence.
2. The European Convention did not, however, make this an absolute right, but a qualified right. Accordingly, in certain circumstances, the Council may interfere in the citizen's right mentioned above, if such interference is:-
 - (a) **in accordance with the law;**
 - (a) **necessary** (as defined in this Document); **and**
 - (b) **proportionate** (as defined in this Document).
3. The Regulation of Investigatory Powers Act 2000 ('RIPA') provides a statutory mechanism (i.e. 'in accordance with the law') for authorising **covert surveillance** and the use of a '**covert human intelligence source**' ('CHIS') – e.g. undercover agents. It now also permits public authorities to compel telecommunications and postal companies to obtain and release communications data to themselves in certain circumstances. It seeks to ensure that any interference with an individual's right under Article 8 of the European Convention is necessary and proportionate. In doing so, the RIPA seeks to ensure both the public interest and the human rights of individuals are suitably balanced.
4. The purpose of this guidance is to:
 - explain the scope of RIPA and the circumstances where it applies
 - provide guidance on the authorisation procedures to be followed.
5. The Council has had regard to the Codes of Practice produced by the Home Office in preparing this guidance. If any doubt arises, the Home Office Code of Practice should be consulted; the Code of Practice takes precedence over this guidance.

CHIS: <http://security.homeoffice.gov.uk/ripa/publication-search/general-publications/ripa-cop/covert-human-intel-source-COP?view=Binary>

Covert Surveillance: <http://security.homeoffice.gov.uk/ripa/publication-search/general-publications/ripa-cop/covert-surveil-prop-inter-COP?view=Binary>

Communications Data: <http://security.homeoffice.gov.uk/ripa/publication-search/general-publications/ripa-cop/acquisition-disclosure-cop?view=Binary>

The codes do not have the force of statute, but are admissible in evidence in any criminal and civil proceedings. Staff should refer to the Home Office Codes of Conduct for supplementary guidance.
6. The authoritative position on RIPA is, of course, the Act itself and any Officer who is unsure about any aspect of this Document should contact, at the earliest possible opportunity, the Council's Head of Governance, for advice and assistance. Appropriate training and development will be organised and training given to the relevant Authorising Officers and other senior managers.
7. The Head of Governance will maintain and check the Corporate Register of all RIPA authorisations, reviews, renewals, cancellations, and rejections. It is the responsibility of

the relevant Authorising Officer, however, to ensure the Head of Governance receives a copy of the relevant Forms within 1 week of authorisation, review, renewal, cancellation or rejection.

8. RIPA and this Document are important for the effective and efficient operation of the Council's actions with regard to covert surveillance and Covert Human Intelligence Sources. Authorising Officers must bring any suggestions for continuous improvement of this Document to the attention of the Head of Governance at the earliest possible opportunity.
9. RIPA forms should be used where **relevant** and they will only be **relevant** where the **criteria** listed on the Forms are fully met.
10. In terms of monitoring e-mails and internet usage, it is important to recognise the important interplay and overlaps with the Council's e-mail and internet policies and guidance, the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000, the Data Protection Act 1998 and its Codes of Practice. Under normal circumstances, the Council's e-mail and internet policies should be used, as any surveillance is likely to be more relevant under the contract of employment terms as opposed to RIPA.
11. If the correct procedures are not followed, evidence may be disallowed by the courts, a complaint of maladministration could be made to the Ombudsman, and/or the Council could be ordered to pay compensation. Such action would not, of course, promote the good reputation of the Council and will, undoubtedly, be the subject of adverse press and media interest. It is essential, therefore, that all involved with RIPA comply with this Document and any further guidance that may be issued, from time to time, by the Head of Governance.

RIPA states that:

"if authorisation confers entitlement to engage in a certain conduct and the conduct is in accordance with the authorisation, then it shall be "lawful for all purposes".

However, the opposite is not true – i.e. if you do not obtain *RIPA* authorisation it does not make any conduct unlawful (e.g. use of intrusive surveillance by local authorities). It just means you cannot take advantage of any of the special *RIPA* benefits and you may have to justify infringing a person's Human Rights and any evidence you place before the courts may be subject to challenge in respect of the processes used to obtain the evidence (s78 Police and Criminal Evidence Act 1984).

12. **If you are in any doubt on RIPA, this Document or the related legislative provisions, please consult the Head of Governance, at the earliest possible opportunity.**

B. Council Policy Statement

1. The Council takes seriously its statutory responsibilities and will, at all times, act in accordance with the law and take necessary and proportionate action in these types of matters. The Head of Governance will periodically review and update as necessary the Guidance issued in relation to RIPA and may add or substitute officers authorised for the purpose of RIPA.
2. This Corporate Policy and Guidance is based upon the requirements of RIPA and the Home Office's Codes of Practice on Covert Surveillance and Covert Human Intelligence Sources

3. It is the Council's policy that:-
 - (a) all covert surveillance/CHIS exercises conducted by the Council should comply with the requirements of RIPA;
 - (b) only the authorising officers included on the list maintained by the Head of Governance be permitted to authorise a covert surveillance/CHIS exercise;
 - (c) all service areas which may carry out covert surveillance/CHIS exercises are made aware of this Policy and Guidance.
4. Operations under RIPA can be authorised **only** on the following ground:-
 - **For the purpose of preventing or detecting crime or of preventing disorder**
5. In assessing whether or not the proposed surveillance is necessary and proportionate, the authorising officer must consider other appropriate means of gathering the information. The least intrusive method will be considered proportionate by the Courts. Surveillance activity should only be used as a last resort.

C. Authorised Officer Responsibilities

1. It is essential that Directors and Authorising Officers take personal responsibility for the effective and efficient operation of this Document.
2. Certain officers have delegated power to authorise applications under *RIPA*, always provided that the officer is sufficiently removed from the investigation that they can be deemed to manage it but are not involved in its day to day conduct (ie: they **MUST NOT** take part in the surveillance or in the management of the Covert Human Intelligence Source to which the application relates). This will usually allow a delegation down to a level such as Service Delivery Manager.
3. It will be the responsibility of Authorising Officers who have been duly certified to ensure their relevant members of staff are also suitably trained as 'Applicants' so as to avoid common mistakes appearing on Forms for RIPA authorisations.
4. Authorising Officers will also ensure that staff who report to them follow this Corporate Policy & Guidance Document and do not undertake or carry out any form of covert surveillance without first obtaining the relevant authorisations in compliance with this Document.
5. Authorising Officers must also pay particular attention to Health and Safety issues that may be raised by any proposed surveillance activity. Under no circumstances, should an Authorising Officer approve any RIPA form unless, and until s/he is satisfied the health and safety of Council employees/agents are suitably addressed and/or risks minimised, so far as is possible, and proportionate to/with the surveillance being proposed. If an Authorising Officer is in any doubt, s/he should obtain prior guidance on the same from his/her Director, the Council's Health & Safety Officer and/or the Head of Governance.
6. Authorising Officers must acquaint themselves with the relevant Codes of Practice issued by the Home Office regarding RIPA. Any failure to comply exposes the Council to unnecessary legal risks and criticism from the Office of Surveillance Commissioners. Cancellations must be promptly dealt with.

7. Authorising Officers must also ensure that, when sending copies of any Forms to the Head of Governance (or any other relevant authority), the same are sent in **sealed** envelopes and marked '**Strictly Private & Confidential**'.
8. Authorising Officers must ensure that the Leader of the Council is notified of any application for the use of RIPA powers. This can be by way of e-mail notification setting out the following:-

Type of Surveillance: Directed Surveillance or CHIS or Communications Data Service Area
Purpose of surveillance
Brief details of proposed surveillance.

If the Leader has any issues with the use of RIPA or authorisations granted, these will in the first instance be addressed to the Head of Governance.

9. Authorising Officers must also address the issue of what will happen to the product of the surveillance (i.e. the evidence obtained) and this must be detailed on the form. Where the product of surveillance could be relevant to pending or future criminal or civil proceedings, it should be retained in accordance with established disclosure requirements for a suitable period and subject to review.

There is nothing in RIPA which prevents material obtained from properly authorised surveillance from being used in other investigations. Authorising Officers must ensure, therefore, that arrangements are in place for the handling, storage and destruction of material obtained through the use of covert surveillance. Authorising Officers must also ensure compliance with the appropriate data protection requirements and any relevant codes of practice produced by individual authorities relating to the handling and storage of material.

D. What RIPA Does and Does Not Do

1. RIPA does:

- establish a scheme for prior authorisation of directed surveillance.
- prohibit the Council from carrying out intrusive surveillance.
- Compels disclosure of communications data from telecom and postal service providers.
- establish a scheme for the authorisation of the conduct and use of a CHIS.
- provide safeguards for the conduct and use of a CHIS.
- Permit the Council to obtain Communications records from Communications service providers.

2. RIPA does not:

- make unlawful conduct which is otherwise lawful.
- prejudice or dis-apply any existing powers available to the Council to obtain information by any means not involving conduct that may be authorised under this Act. For example, it does not affect the Council's current powers to obtain information via the DVLA or to get information from the Land Registry as to the ownership of a property.

3. **If the Authorising Officer or any Applicant is in any doubt, s/he should ask the Head of Governance BEFORE any directed surveillance and/or CHIS is authorised, renewed, cancelled or rejected.**

E. Types of Surveillance

1. **'Surveillance'** includes

- monitoring, observing, listening to persons, watching or following their movements, listening to their conversations and other such activities or communications.
- recording anything mentioned above in the course of authorised surveillance.
- surveillance, by or with, the assistance of appropriate surveillance device(s).

Surveillance can be overt or covert.

2. **Overt Surveillance**

Most of the surveillance carried out by the Council will be done overtly – there will be nothing secretive, clandestine or hidden about it. In many cases, Officers will be behaving in the same way as a normal member of the public (e.g. in the case of most test purchases), and/or will be going about Council business openly (e.g. a market inspector walking through markets).

3. Similarly, surveillance will be overt if the subject has been told it will happen (e.g. where a noisemaker is warned (preferably in writing) that noise will be recorded if the noise continues, or where a premises licence is issued subject to conditions, and the designated premises supervisor is told that officers may visit without notice or identifying themselves to the owner/proprietor to check that the conditions are being met).

4. **Covert Surveillance**

Covert Surveillance is carried out in a manner calculated to ensure that the person subject to the surveillance is unaware of it taking place. (Section 26(9)(a) of RIPA).

5. RIPA regulates two types of covert surveillance, (Directed Surveillance and Intrusive Surveillance) and the use of Covert Human Intelligence Sources (CHIS).

6. **Directed Surveillance**

Directed Surveillance is surveillance which:-

- is covert; and
- is not intrusive surveillance (see definition below – **the Council must not carry out any intrusive surveillance**) or any interference with private property;
- is not carried out in an immediate response to events which would otherwise make seeking authorisation under the Act unreasonable, e.g. spotting something suspicious and continuing to observe it; and

- it is undertaken for the purpose of a **specific investigation** or operation in a manner **likely to obtain private information** about an individual (whether or not that person is specifically targeted for purposes of an investigation). (*Section 26(10) of RIPA*).
7. Private information in relation to a person includes any information relating to his private and family life, his home and his correspondence. The fact that covert surveillance occurs in a public place or on business premises does not mean that it cannot result in the obtaining of private information about a person. The definition of private information has been given a wide interpretation by the Courts and will include business information in appropriate circumstances. Prolonged surveillance targeted on a single person will undoubtedly result in the obtaining of private information about him/her and others that s/he comes into contact, or associates, with.
8. Although overt town centre CCTV cameras do not normally require authorisation, if the camera is tasked for a specific purpose, which involves prolonged surveillance on a particular person, authorisation will be required. The way a person runs his/her business may also reveal information about his or her private life and the private lives of others.
9. Confidential Material means (a) matters subject to legal privilege; (b) confidential personal information; or (c) confidential journalistic material. Coming across confidential information during a surveillance must be given prior thought before any applications are authorised, as failure to do so may invalidate the admissibility of any evidence obtained. Furthermore, thought must be given before any forms are signed to the retention and disposal of any material obtained under a RIPA authorisation. Where there is any possibility of confidential information being obtained through covert surveillance, the application must be authorised by the Chief Executive, or in his absence, the Corporate Director: Community Protection.

Further guidance is available in the Home Office Codes of Practice.

If you think you may obtain confidential material, contact the Head of Governance prior to authorisation.

10. **For the avoidance of doubt, only those Officers designated and certified to be ‘Authorising Officers’ for the purpose of RIPA can authorise ‘Directed Surveillance’ IF, AND ONLY IF, the RIPA authorisation procedures detailed in this Document are followed. If an Authorising Officer has not been ‘certified’ for the purposes of RIPA, s/he can NOT carry out or approve/reject any action set out in this Corporate Policy & Procedures Document.**

11. **Intrusive Surveillance**

This is when it:-

- is covert;
- relates to residential premises or private vehicles; and
- involves the presence of a person in the premises or in the vehicle or is carried out by a surveillance device in the premises/vehicle. Surveillance equipment mounted outside the premises will not be intrusive, unless the device consistently provides information of the same quality and detail as might be expected if they were in the premises/vehicle. Merely observing movements from/to a house from a parked vehicle will not be classed as intrusive surveillance.

11. **This form of surveillance can be carried out only by police and other law enforcement agencies. Council Officers must not carry out intrusive surveillance. Likewise, the Council has no statutory powers to interfere with private property.**

12. **Employee Surveillance using covert surveillance**

Following a recent decision of the Surveillance Tribunal, it has been established that RIPA authorisation is not required where the surveillance is undertaken as part of an investigation in relation to an employee's misconduct or breach of the terms and conditions of the employee's contract of employment, i.e. any investigation undertaken other than into an alleged criminal offence.

However, such surveillance may still potentially be viewed as infringing the employee's right to privacy as established under Article 8 of the Human Rights Act 1998.

Where such surveillance pertaining to a non-criminal investigation into the conduct of any employee is required, officers are required to complete the appropriate form, as if for RIPA but clearly marked as a non-RIPA matter, and then forward the form to their authorising officer for approval.

For purposes of consistency, authorisations will last for 3 months and appropriate action must be taken to review, renew and cancel authorisations.

The authorising officer will apply the same criteria as if the request was for RIPA authorisation.

Once authorised, a signed copy of the authorised form and subsequent review, renewal and cancellation forms must be kept secure with the investigation file. **There is no requirement to log the authorisation on the Central Register.**

13. **Examples of different types of Surveillance**

<i>Type of Surveillance</i>	<i>Examples</i>
Overt	<ul style="list-style-type: none"> - Police Officer or Parks Warden on patrol - Signposted Town Centre CCTV cameras (in normal use) - Recording noise coming from outside the premises after the occupier has been warned that this will occur if the noise persists. - Most test purchases (where the officer behaves no differently from a normal member of the public).
<u>Covert</u> but not requiring prior authorisation	<ul style="list-style-type: none"> - CCTV cameras providing general traffic, crime or public safety information.
<u>Directed</u> must be RIPA authorised.	<ul style="list-style-type: none"> - Officers follow an individual or individuals over a period, to establish whether s/he is working when claiming benefit or off long term sick from employment. - Test purchases where the officer has a hidden camera or other recording device to record information which might include information about the private life of a shop-owner, e.g. where s/he is suspected of running his business in an unlawful manner.
<u>Intrusive</u> – <u>Council cannot do this!</u>	<ul style="list-style-type: none"> - Planting a listening or other device (bug) in a person's home or in their private vehicle.

F. Conduct and Use of a Covert Human Intelligence Source (CHIS)

Who is a CHIS?

1. Someone who establishes or maintains a personal or other relationship for the covert purpose of helping the covert use of the relationship to obtain information.

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 behind the relationship.

2. RIPA does not apply in circumstances where members of the public volunteer information to the Council as part of their normal civic duties, or to contact numbers set up to receive information.

What must be authorised?

3. The Conduct or Use of a CHIS require prior authorisation.
 - **Conduct** of a CHIS = Establishing or maintaining a personal or other relationship with a person for the covert purpose of (or is incidental to) obtaining and passing on information.
 - **Use** of a CHIS = Actions inducing, asking or assisting a person to act as a CHIS and the decision to use a CHIS in the first place.
4. **The Council can use CHIS's IF, AND ONLY IF, RIPA procedures, detailed in this Document are followed. Authorisation for CHIS's can only be granted if it is for the purposes of "preventing or detecting crime or of preventing disorder".**

Juvenile Sources

5. Special safeguards apply to the use or conduct of juvenile sources (i.e. under 18 year olds). **Contact the Head of Governance if considering use of a juvenile source.**

Vulnerable Individuals

6. A Vulnerable Individual is a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of himself or herself, or unable to protect himself or herself against significant harm or exploitation. A vulnerable individual will only be authorised to act as a source in the most exceptional of circumstances. **Contact the Head of Governance if considering use of a vulnerable source.**

Test Purchases

7. Carrying out test purchases will not (as highlighted above) require the purchaser to establish a relationship with the supplier with the covert purpose of obtaining information and, therefore, the purchaser will not normally be a CHIS. For example, authorisation would not normally be required for test purchases carried out in the ordinary course of business (e.g. walking into a shop and purchasing a product over the counter).

8. By contrast, developing a relationship with a person in the shop, to obtain information about the seller's suppliers of an illegal product (e.g. illegally imported products) will require authorisation as a CHIS. Similarly, using mobile hidden recording devices or CCTV cameras to record what is going on in the shop will require authorisation as directed surveillance. A combined authorisation can be given for a CHIS and also directed surveillance.

Anti-social behaviour activities (e.g. noise, violence, race etc)

9. Persons who complain about anti-social behaviour, and are asked to keep a diary, will not normally be a CHIS, as they are not required to establish or maintain a relationship for a covert purpose. Recording the level of noise (e.g. the decibel level) will not normally capture private information and, therefore, does not require authorisation.
10. Recording sound (with a DAT recorder) on private premises could constitute intrusive surveillance, unless it is done overtly. For example, it will be possible to record if the noisemaker is warned that this will occur if the level of noise continues. Placing a stationary or mobile video camera outside a building to record anti social behaviour on residential estates will require prior authorisation.

G. Acquisition of Communications Data

What is Communications Data?

1. Communications Data means any traffic or any information that is or has been sent by or over a telecommunications system or postal system, together with information about the use of the system made by any person.

Procedure

2. There are two powers granted by s.22 RIPA in respect of the acquisition of Communications Data from telecommunications and postal companies ("Communications Service Provider").
3. S.22(3) provides that any authorised person can authorise another person within the same relevant public authority to collect the data. This allows the local authority to collect the communications data themselves, i.e. if a Communications Service Provider is technically unable to collect the data, an authorisation under this section would permit the local authority to collect the communications data themselves.
4. In order to compel a Communications Service Provider to obtain and disclose, or just disclose Communications Data in their possession, a notice under s.22(4) RIPA must be issued. The sole grounds to permit the issuing of a s.22 notice by a Permitted Local Authority is for the purposes of "**preventing or detecting crime or of preventing disorder**". The issuing of such a notice will be the more common of the two powers utilised, in that the Communications Service Provider will most probably have means of collating and providing the communications data requested.
5. Use of s.22(3) should only be used where the local authority is seeking to collect the information themselves, i.e. either to install its own monitoring system or using its own staff to obtain the information from the Communications Service Provider.
6. Use of s.22(4) should be used when the Communications Service Provider is being required to disclose or obtain and disclose the specified information.

7. Once a notice has been issued, it must be sent to the Communications Service Provider. In issuing a notice, the Authorising Officer can authorise another person to liaise with the Communications Service Provider covered by the notice.
8. For the Council Authorising Officers who have been duly authorised by the Head of Governance for the purposes of RIPA may sign the Communications Data forms. Copies of forms must be provided to the Head of Governance within 1 week of signing.

H. Authorisation Procedures

1. Directed surveillance, the use of a CHIS and access to communications data can only be lawfully carried out if properly authorised, and in strict accordance with the terms of the authorisation.

Authorising Officers

2. Forms can only be signed by Authorising Officers who hold a Certificate from the Head of Governance. Authorised posts are listed in **Appendix 1**. This Appendix will be kept up to date by the Head of Governance, and added to as needs require. If a Director wishes to add, delete or substitute a post, s/he must refer such request to the Head of Governance for consideration, as necessary. The Head of Governance has been duly authorised to add, delete or substitute posts listed in **Appendix 1**.
3. Authorisations under RIPA are separate from delegated authority to act under the Council's Scheme of Delegation and internal Portfolio Schemes of Management. All RIPA authorisations, save for authorisations to collect communications data under s.22 (3), are for specific investigations only, they must be reviewed at a minimum at monthly intervals and must be renewed or cancelled once the specific surveillance is complete or about to expire. **The authorisations do not lapse with time!** Authorisations to collect communications data under s.22 (3) have a lifespan of one month. However, they can be renewed by serving a new authorisation or notice for further months, within any time within the current life of the notice. It is the personal responsibility of the authorising officer to ensure that dates are adhered to; it is not the responsibility of the applicant.

Training Records

4. Proper training will be given, or approved by the Head of Governance before Authorising Officers are certified to sign any RIPA Forms. A certificate of training will be provided to the individual and a Central Register of all those individuals who have undergone training or a one-to-one meeting with the Head of Governance on such matters will be kept by the Head of Governance.
5. If the Head of Governance feels that an Authorising Officer has not complied fully with the requirements of this Document, or the training provided to him, the Head of Governance is duly authorised to retract that Officer's certificate and authorisation until s/he has undertaken further approved training or a one-to-one meeting with the Head of Governance.

Application Forms

6. Forms should be accessed via the Home Office website to ensure the latest versions of the forms are used.

Grounds for Authorisation

7. Directed Surveillance or the Conduct and Use of the CHIS and/or disclosure of communications data can be authorised by the Council **only** on the following ground:-

- For the prevention or detection of crime or of preventing disorder

No other grounds are available to local authorities.

Assessing the Application Form

8. Before an Authorising Officer signs a Form, **s/he must**:-

- (a) Be mindful of this Corporate Policy & Procedures Document, the training provided by the Head of Governance and any other guidance issued, from time to time, by the Head of Governance on such matters;
- (b) The Authorising Officer must ensure proper regard is had to **necessity and proportionality** before any applications are authorised. 'Stock phrases' or cut and paste narrative must be avoided at all times as the use of the same may suggest that insufficient detail has been given to the particular circumstances of any person likely to be the subject of the claim. Any **equipment** to be used in any approved surveillance must also be properly controlled, recorded and maintained for audit purposes.

Satisfy his/herself that the RIPA authorisation is:-

- (i) **in accordance with the law**;
 - (ii) **necessary** in the circumstances of the particular case (that is there is no other reasonably available way to obtain the information) on the ground mentioned in paragraph 7 above; there must be an identifiable offence to prevent or detect; **and**
 - (iii) **proportionate** to what it seeks to achieve.
- (c) The terms contains three concepts:-
- the means should not be excessive by relation to the gravity of the mischief being investigated;
 - the least intrusive means of surveillance should be chosen; and
 - collateral intrusion involves invasion of third parties' privacy and should, so far as is possible, be minimised.

In other words, this involves balancing the intrusiveness of the activity on the target subject and others who might be affected by it against the need for the activity in operational terms. The activity will not be proportionate if it is excessive in the circumstances - each case will be judged and be unique on its merits – or if the information which is sought could be reasonably obtained by other less intrusive means. All such activity must be carefully managed to meet the objective in question and must not be arbitrary or unfair. Extra care should also be taken over any publication of the product of surveillance.

In assessing whether or not the proposed surveillance is proportionate, consider whether there are any other non-intrusive methods, and if there are none, whether the proposed surveillance is no more than necessary to

achieve the objective. **The least intrusive method will be considered proportionate by the courts.** In order to be proportionate, the surveillance must not be excessive by relation to the seriousness of the issue under investigation and there can be no other less intrusive way to discover what is wanted. You must explain the reasons why the method/tactic/technique is not disproportionate and why it is the least intrusive.

The following points should be addressed by the Authorising Officer on the form:-

- balancing the size and scope of the operation against the gravity and extent of the perceived mischief
 - explaining how and why the methods to be adopted will cause the least possible intrusion on the targets and others
 - that the activity is an appropriate use of the legislation and the only reasonable way, having considered all others, of obtaining the necessary result
 - evidencing what other methods had been considered and why they were not implemented
- (d) Take into account the risk of intrusion into the privacy of persons other than the specified subject of the surveillance (**Collateral Intrusion**). Measures must be taken wherever practicable to avoid or minimise (so far as is possible) collateral intrusion and the matter is an aspect of determining proportionality; Those carrying out the surveillance should inform the authorising officer if the investigation or operation unexpectedly interferes with the privacy of individuals who are not covered by the authorisation. When the original authorisation may not be sufficient, consideration should be given to whether the authorisation needs to be amended and reauthorised or a new authorisation is required.

Further guidance is available in the Home Office Codes of Practice.

- (e) Set a date for review of the authorisation and review by that date;
- (f) Contact Legal Services in order that a check can be made as to any current surveillance (to avoid possible duplication) and so that Legal Services can allocate a Unique Reference Number (URN) for the application as follows:-

Year/Authorising Officer Code/Number of Application

- (g) Ensure that the Leader of the Council is notified of the proposed use of RIPA powers.
- (h) Ensure that any RIPA Authorising Officer Register is duly completed, and that a copy of the RIPA Forms (and any review/cancellation of the same) is forwarded to the Head of Governance Central Register, **within 1 week of the relevant authorisation, review, renewal, cancellation, or rejection.**

Additional Safeguards when Authorising a CHIS

9. When authorising the conduct or use of a CHIS, the Authorising Officer **must also:-**
- (a) be satisfied that the **conduct** and/or **use** of the CHIS is proportionate to what is sought to be achieved;

- (b) be satisfied that **appropriate arrangements** are in place for the management and oversight of the CHIS and this must address health and safety issues through a risk assessment;
- (c) consider the likely degree of intrusion of all those potentially affected;
- (d) consider any adverse impact on community confidence that may result from the use or conduct or the information obtained; and
- (e) ensure **records** contain particulars and are not available except on a need to know basis.

The requirements of s.29(5) RIPA and the Regulation of Investigatory Powers (Source Records) Regulations 2000 (SI: 2000/2725) must be considered and applied when authorising the use of a CHIS. Contact the Head of Governance for advice on the requirements if required.

Urgent Authorisations

- 10. Urgent authorisations should not normally be necessary. In exceptional circumstances, however, urgent authorisations may be given orally if the time that would elapse before a written authorisation can be granted would be likely to endanger life or jeopardise the investigation or operation for which the authorisation was being given. Contact the Head of Governance if utilising an urgent authorisation. The officer undertaking the surveillance must keep a contemporaneous note of what he/she is authorised to do and actions taken; as must the Authorising Officer. The Authorising Officer must send copies of these notes to the Head of Governance for entry on the Central Register.

Duration

- 11. The Authorisation **must be reviewed and renewed in the time stated and cancelled** once it is no longer needed. The 'authorisation' to carry out/conduct the surveillance lasts for 3 months (from authorisation) for Directed Surveillance, and 12 months (from authorisation) for a CHIS. However, whether the surveillance is carried out/conducted or not, in the relevant period, does not mean the 'authorisation' is 'spent'. In other words, **the Authorisations do not expire! The authorisations have to be reviewed, renewed and/or cancelled (once they are no longer required)!**
- 12. Notices/Authorities issued under s.22 compelling disclosure of Communications Data are only valid for one month, but can be renewed for subsequent period of one month at any time.
- 13. Urgent oral authorisations will cease to have effect after 72 hours, beginning with the time when the authorisation was granted.
- 14. Authorisations can be renewed in writing when the maximum period has expired. The Authorising Officer must consider the matter afresh, including taking into account the benefits of the surveillance to date, and any collateral intrusion that has occurred.
- 15. The renewal will begin no later than on the day when the authorisation would have expired. In exceptional circumstances, renewals may be granted orally in urgent cases and last for a period of seventy-two hours. Only authorising officers can give urgent oral authorisation.

I. Working With / Through Other Agencies

1. When some other agency has been instructed on behalf of the Council to undertake any action under RIPA, this Document must be used (as per normal procedure) and the agency advised or kept informed, as necessary, of the various requirements. They must be made aware explicitly what they are authorised to do.
2. When some other agency (e.g. Police, Customs & Excise, Inland Revenue etc):-
 - (a) wish to use the Council's resources (e.g. CCTV surveillance systems), that agency must use its own RIPA procedures and, before any Officer agrees to allow the Council's resources to be used for the other agency's purposes, s/he must obtain a copy of that agency's RIPA form for the record (a copy of which must be passed to the Head of Governance for the Central Register); or relevant extracts from the same which are sufficient for the purpose of protecting the Council and the use of its resources
 - (b) wish to use the Council's premises for their own RIPA action, the Officer should, normally, co-operate with the same, unless there are security or other good operational or managerial reasons as to why the Council's premises should not be used for the agency's activities. Suitable insurance or other appropriate indemnities may be sought, if necessary, from the other agency for the Council's co-operation in the agent's RIPA operation. In such cases, however, the Council's own RIPA forms should not be used as the Council is only 'assisting' not being 'involved' in the RIPA activity of the external agency.
3. In terms of 2(a), if the Police or other Agency wish to use Council resources for general surveillance, as opposed to specific RIPA operations, an appropriate letter requesting the proposed use, extent of remit, duration, who will be undertaking the general surveillance and the purpose of it must be obtained from the Police or other Agency before any Council resources are made available for the proposed use.
4. A Council Authorising Officer can grant a directed surveillance authorisation to cover both Council and Government Department investigators involved in a joint investigation. Equally a Government Department Authorising Officer can do the same on a joint investigation.
5. The nominated investigator from the organisation with primary responsibility will complete the application, including the names and organisation of all investigators likely to be involved in the surveillance. The Authorising Officer from the lead organisation must make the decision on suitability for surveillance to take place. The Authorising Officer must retain records as described in paragraphs J2 to J4 (Record Management).
6. To ensure that the Authorising Officer is aware of the full facts of the case, the applicant must record the following information on the RIPA form:-
 - That the request for surveillance is part of a joint investigation.
 - Include how many of the officers to be deployed at any one time are investigators from the Council or Government Department.
 - If possible, name the investigators involved.
7. Where joint surveillance is authorised by one organisation (ie the lead organisation), it is good practice for the Investigating Officer/Manager of the other organisation to advise their Authorising Officer of the surveillance activity. This

advice is given so that each authorising officer is aware of all surveillance activity being undertaken by their own investigators, regardless of which organisation authorised the activity.

8. **If in doubt, please consult with the Head of Governance at the earliest opportunity.**

J. Record Management

1. **The Council must keep a detailed record of all authorisations, reviews renewals, cancellations, and rejections, with the Authorising Officers and in a Central Register of all Authorisation Forms, maintained and monitored by the Head of Governance.**

2. **Records maintained by the Authorising Officers**

The following documents must be retained by the relevant Authorising Officer for such purposes.

- The original of the Forms together with any supplementary documentation and notification of the approval given by the Authorising Officer;
 - a record of what happens to the “product” in each case
 - a record of the period over which the surveillance has taken place;
 - the frequency of reviews prescribed by the Authorised Officer;
 - a record of the result of each review of the authorisation;
 - the original copy of any review or renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested;
 - the date and time when any instruction was given by the Authorising Officer;
 - the Unique Reference Number for the authorisation (URN).
3. Each form will have a URN. Legal Services will issue the relevant URN to Authorising Officers. The cross-referencing of each URN takes place within the Forms for audit purposes. The relevant Authorising Officer code to be followed is as per **Appendix 1**. Rejected Forms will also have URN's.

Central Register maintained by the Head of Governance

4. Authorising Officers must forward copies of each Form to the Head of Governance for the Central Register, within 1 week of the authorisation, review, renewal, cancellation, or rejection. The Head of Governance will monitor the same and give appropriate guidance, from time to time, or amend this Document, as necessary.
5. The Council will retain records for a period of at least three years from the ending of the authorisation. The Office of the Surveillance Commissioners (OSC) can audit/review the Council's policies and procedures, and individual authorisations.

K. Conclusion

1. Where there is an interference with the right to respect for private life and family guaranteed under Article 8 of the European Convention on Human Rights, and where there is no other source of lawful authority for the interference, or if it is held not to be necessary or proportionate to the circumstances, the consequences of not obtaining or following the correct authorisation procedure set out in RIPA and this Document, may be that the action (and the evidence obtained) will be held to be unlawful by the Courts pursuant to Section 6 of the Human Rights Act 1998.
2. Obtaining an authorisation under RIPA and following this Document, will ensure, therefore, that the action is carried out in accordance with the law and subject to stringent safeguards against abuse of anyone's human rights.
3. Authorising Officers will be suitably trained and they must exercise their minds every time they are asked to sign a Form. They must never sign or rubber stamp Form(s) without thinking about their personal and the Council's responsibilities.
4. Any boxes not needed on the Form(s) must be clearly marked as being 'NOT APPLICABLE', 'N/A' or a line put through the same. Great care must also be taken to ensure accurate information is used and is inserted in the correct boxes. Reasons for any refusal of an application must also be kept on the form and the form retained for future audits.
5. For further advice and assistance on RIPA, please contact the Council's Head of Governance (who is also the Monitoring Officer).

Appendix 1 – List of Authorising Officer Posts

	Authorising Officer Code
Chief Executive	CEX
Public Protection Service Delivery Manager	PPSDM
Corporate Director: Active Lifestyles/Adult Care & Support	CDAL
Benefits Service Delivery Manager	BSDM
Head of Governance	HOG
Audit & Risk Service Delivery Manager	ARSDM

IMPORTANT NOTES

- A. Even if a post is identified in the above list the persons currently employed in such posts are not authorised to sign RIPA Forms (including a renewal or cancellation) unless s/he has been certified by the Head of Governance to do so.
- B. Only the Chief Executive (or Corporate Director: Active Lifestyles/Adult Care & Support in his/her absence) is authorised to sign Forms relating to Juvenile Sources and Vulnerable Individuals (see paragraph F of this Document) or where there is any possibility of confidential information being obtained.
- C. If a Director wishes to add, delete or substitute a post, s/he must refer such request to the Head of Governance for consideration, as necessary.
- D. If in doubt, ask the Head of Governance BEFORE any directed surveillance and/or CHIS is authorised, renewed, rejected or cancelled.

TELFORD & WREKIN COUNCIL

CABINET – 8TH JUNE, 2010

IRONBRIDGE GORGE WORLD HERITAGE SITE STRATEGY GROUP

REPORT OF THE HEAD OF PLANNING & TRANSPORT

1. PURPOSE

- 1.1 To seek approval to invite Professor Les Sparks OBE to become the Chairman of the Ironbridge Gorge World Heritage Site Strategy Group.

2.0 RECOMMENDATION

- 2.1 That authority be delegated to the Head of Planning & Transport to invite Professor Les Sparks OBE to join the Ironbridge Gorge World Heritage Site Strategy Group as Chairman.**

3. PREVIOUS MINUTES

- 3.1 None.

4. INFORMATION

- 4.1 The Ironbridge Gorge World Heritage Site Strategy Group was established by the Council to oversee and guide the conservation and management of the World Heritage Site. The Group includes representatives from organisations with an interest in the World Heritage Site, including Telford & Wrekin Council, Shropshire Council, the Parish Councils of the Gorge, Madeley and Broseley, the Ironbridge Gorge Museum Trust, the Severn Gorge Countryside Trust, English Heritage, Natural England, the Environment Agency, ICOMOS UK (on behalf of UNESCO), the Government Office for the West Midlands.
- 4.2 The role of the Strategy Group is to oversee the conservation, protection and management of the World Heritage Site (WHS) with the aim of ensuring that the WHS continues to achieve the Outstanding Universal Value required by UNESCO to maintain its World Heritage Status. The group also oversees the preparation, monitoring and review of the World Heritage Site Management Plan that is also required by UNESCO.

4.3 **Professor Les Sparks OBE DipArch DipTP MRTPI HonDDes FRSA (Chair)**

Professor Sparks is an architect/planner with substantial local government experience at senior level. He was Director of Planning and Architecture at Birmingham City Council from 1991 to 1999 and previously Director of Environmental Services at Bath City Council from 1980 to 1991. While at Bath he was instrumental in establishing the English Historic Towns Forum of which he is now an Honorary Life Member.

In 1999 he was appointed one of the founding Commissioners on CABE (the Commission for Architecture and the Built Environment).

Professor Sparks was appointed a Commissioner of English Heritage in 2001, and is the Regional Commissioner for the East Midlands. He chaired the former Advisory Committee on the Historic Built Environment (HBEAC) 2002-03, and is Deputy Chairman of the English Heritage Advisory Committee (EHAC). He has been Chairman from 2003 of the CABE English Heritage Urban Panel, and a member since it was set up in January 2000 by English Heritage to advise on major development issues in historic towns and cities.

He chaired the Expert Panel on Historic Buildings and Land for the Heritage Lottery Fund from 1999 to 2001. He acts as a specialist adviser to the Joseph Rowntree Foundation, the Crown Estates Commissioners, and Nottingham City Council.

Professor Sparks was appointed to the Ministry of Defence Historic Buildings Advisory Group in 1994. Since 1999 he has been a Visiting Professor at the University of West of England, Bristol, where he was awarded an Honorary Doctorate in Design.

He is a patron of the Urban Design Group and was formerly on the Steering Committee of the Urban Villages Forum. He is a Trustee of Birmingham Conservation Trust and has been a board member of Groundwork Birmingham. He worked part time as a planning inspector from 1999 to 2002, and is a consultant with planning consultants Terence O'Rourke plc.

Professor Sparks has served on various Government steering groups, on working groups of the Urban Task Force and the Urban Green Spaces Task Force, and on the Urban Capacity Group of the UK Round Table on Sustainability.

He was on the Demos/Comedia 'Richness of Cities' project team and was a member of the URBED/ DTLR team managing the Towns and Cities: Partners in Urban Renaissance Programme.

He was a specialist member of the Beacon Councils Advisory Committee Round 4, and was a member of the DCMS Steering Group

reviewing designation and management regimes for the historic environment.

In his professional career Professor Sparks has specialised in urban design and conservation and was awarded the OBE in 1997 for his services to Urban Regeneration.

With his skills and experience, Professor Sparks will be able to add considerable strength and influence to the work of the group. It is also considered that the nomination of an independent Chairman will enhance the value of the group in representing the interests of the WHS.

5.0 BACKGROUND

5.1 The Ironbridge Gorge World Heritage Site is of value and benefit to all residents, as well as visitors to the Borough.

6.0 ENVIRONMENTAL IMPACT

6.1 The protection and conservation of the WHS built and natural environment is consistent with the Council's environmental priorities.

7.0 LEGAL COMMENT

7.1 There are no legal implications.

8.0 FINANCIAL IMPLICATIONS

8.1 The administration of the Strategy Group is funded from existing revenue budgets.

9.0 OPPORTUNITIES AND RISKS

9.1 The introduction of an independent and well qualified chairman to the WHS Strategy Group is likely to improve its ability to promote and attract support for the protection, conservation and management of the WHS.

10. WARD IMPLICATIONS

10.1 The WHS has an impact on all residents in all wards, especially the wards of the Gorge and Madeley.

11.0 LINKS WITH CORPORATE PRIORITIES

11.1 The protection and conservation of the WHS contributes towards the Council's corporate ambitions and supports the Council's environmental and economic priorities.

12. BACKGROUND PAPERS

12.1 None.

Report prepared by Michael Barker, Head of Planning & Transport