



Corporate Performance Panel

Agenda

Wednesday, 13th April, 2022
at 4.30 pm

in the

**Assembly Room
Town Hall
Saturday Market Place
King's Lynn**

Also available to view on

<https://www.youtube.com/user/WestNorfolkBC>



King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
Telephone: 01553 616200

5 April 2022

Dear Member

Corporate Performance Panel

You are invited to attend a meeting of the above-mentioned Panel which will be held on **Wednesday, 13th April, 2022 at 4.30 pm** in the **Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ** to discuss the business shown below.

Yours sincerely

Chief Executive

AGENDA

1. Apologies

2. Minutes (Pages 6 - 15)

To approve the minutes from the Corporate Performance Panel held on

3. Declarations of Interest

Please indicate if there are any interests which should be declared. A declaration of an interest should indicate the nature of the interest (if not already declared on the Register of Interests) and the agenda item to which it relates. If a disclosable pecuniary interest is declared, the Member should withdraw from the room whilst the matter is discussed.

These declarations apply to all Members present, whether the Member is part of the meeting, attending to speak as a local Member on any item or simply observing the meeting from the public seating area.

4. Urgent Business Under Standing Order 7

To consider any business which, by reason of special circumstances, the

Chairman proposed to accept as urgent under Section 100(b)(4)(b) of the Local Government Act 1972.

5. Members Present Pursuant to Standing Order 34

Members wishing to speak pursuant to Standing Order 34 should inform the Chair of their intention to do so and on what items they wish to be heard before a decision on that item is taken.

6. Chairs Correspondence

7. Call in (if any)

8. Hunstanton Tourist Information Centre - Perception from Portfolio Holder following meeting with Businesses

9. RIPA/Non-RIPA Policy (Pages 16 - 50)

10. Planning Enforcement Update (Pages 51 - 59)

11. Council Meeting Arrangements - Informal Working Group (Pages 60 - 61)

12. How the Portfolio Objectives meet the Corporate Business Plan/Review of the Council's working structure to support to Corporate Business Plan (Pages 62 - 89)

13. Portfolio Holder Question and Answer Session

Panel Members are invited to submit questions in advance of the meeting.

14. Cabinet Forward Decisions List (Pages 90 - 93)

15. Panel Work Programme 2022/2023 (Pages 94 - 101)

To note the Panel work programme for 2022/2023.

16. Date of Next Meeting

To note that the date of the next meeting of the Audit Committee will take place on 20 June 2022.

17. Exclusion of Press and Public

To consider passing the following resolution:

“That under Section 100(A)(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as

defined in paragraph 3 of Part 1 of Schedule 12A to the Act”.

18. **Exempt Report: Borough Council Vehicles - Types, Age Asset, etc**
(Pages 102 - 114)
19. **Exempt Cabinet Report: Resourcing - Forward Plan** (Pages 115 - 122)

To:

Corporate Performance Panel: Councillors B Ayres, J Collop, M de Whalley, I Devereux (Vice-Chair), C Hudson, C Joyce, J Kirk, C Manning, J Moriarty (Chair), C Morley, S Nash, S Patel, C Rose and D Tyler

Portfolio Holders:

Councillor R Blunt, Development
Councillor S Dark, Leader
Councillors Mrs A Dickinson, Finance
Councillor P Kunes, Environment
Councillor G Middleton, Business, Culture and Heritage

Officers:

Stuart Ashworth, Assistant Director
Alexa Baker, Monitoring Officer
Becky Box, Assistant Director, Central Services
Lorraine Gore, Chief Executive
Ged Greaves, Corporate Performance Manager
Jamie Hay, Senior Internal Auditor
Nathan Johnson, Public Open Space Manager

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**CORPORATE PERFORMANCE PANEL**

Minutes from the Meeting of the Corporate Performance Panel held on Thursday, 3rd March, 2022 at 4.30 pm in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillor J Moriarty (Chair)
Councillors B Ayres, I Devereux (Vice Chair), C Hudson, C Joyce (substitute for Councillor J Collop), J Kirk, C Manning, C Morley, S Nash, S Patel, C Rose and D Tyler

Portfolio Holders:
Mrs A Dickinson, Finance

Officers:
Alexa Baker, Monitoring Officer (via Zoom)
Becky Box, Assistant Director, Central Services/Management Team Representative
Lorraine Gore, Chief Executive (via Zoom)
Honor Howell, Assistant to the Chief Executive (via Zoom)

CP98 **APOLOGIES**

Apologies for absence were received from Councillors J Collop, S Dark and G Middleton.

From Councillors J Rust and A Tyler for CP104 – Call in, Members Allowances Scheme.

CP99 **MINUTES**

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The minutes of the Corporate Performance Panel held on 1 February 2022 were agreed as a correct record and signed by the Chair, subject to the following amendment from Councillor Morley:

CP90 penultimate paragraph, third line, the word “West” be inserted before Norfolk.

The Chair explained that as there was no item for matters arising, he highlighted the importance of items raised at the last meeting being carried forward. An update was therefore given on the following items:

Summary of 2020/2021 Outturn Position of all Council Owned Companies

- Logic tree being available which explained that roles and benefits of the two companies. The Assistant Director, Central Services explained the request had been fed back to the relevant officer who would include the information requested within the report to be presented to the Panel.
- Question asked if the Borough Council was subject to tax if it owned houses. The Assistant Director, Resources undertook to provide a respond direct to the Councillor. Officers to check if the response had been sent.

Report of the Informal Working Group – Review of the Unreasonable Complainants Policy

A report to be presented to Cabinet on 15 March 2022.

Improvement in Attainment in West Norfolk – Position Statement

Improvement in Attainment – The Assistant Director, Central Services explained the request was being pursued to ascertain what information could be presented to the Panel.

Town Deal Board

An all Councillor Briefing session on governance had taken place. There were a number of questions which were not addressed. The Chair advised that he will raise this in a meeting with the Chief Executive week commencing 7 March 2022.

Exempt Report

The Public Open Space Manager would attend the next meeting to conclude the report.

CP100 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

CP101 **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business.

CP102 **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

Councillors R Blunt, A Bullen, B Jones, T Parish and S Squire were present for CP104 – Call in of the Cabinet Report, Members Allowances Scheme.

CP103 **CHAIR'S CORRESPONDENCE**

The Chair informed the Panel that he would hold the correspondence in relation to Planning until the item was considered at a future meeting.

CP104 **CALL IN - MEMBERS ALLOWANCES SCHEME**

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Prior to inviting the Monitoring Officer to address the Panel, the Chair drew the Panel's attention to page 23 section 5.2 of the report and advised of the following amendment:

"If the Panel holds three courses of action2 – delete (a) and (b) below as well as two lines below commencing If the Panel upholds the call in, etc.

The Monitoring Officer provided an update on the legal advice which would be given to the Corporate Panel and Cabinet with regard to the Members Allowances Scheme report. It was highlighted that it was a requirement that the Members Allowances Scheme was in place at 1 April 2022. It was noted therefore that it would be necessary to schedule an additional Council meeting before the 31 March 2022 as Council approval was required to implement the Members Allowance Scheme from 1 April 2022 and provided an overview of the information which would be included in the Cabinet Report to be presented on 15 March 2022.

The Chair reminded Members that at the end of the debate, there were three options available if the Panel determined to uphold the call-in as set out in section 5.2 of the report.

At the invitation of the Chair, Councillor T Parish, Proposer of the call-in addressed the Panel and explained why he had called in the Cabinet decision and outlined a suggestion that could be considered.

Councillor Squire concurred with the comments made by Councillor Parish and added that there was little point in undertaking an Independent Remuneration Panel exercise if the recommendations were ignored. Councillor Squire stated that the role of Opposition Leaders had changed significantly since the last Election and should be reflected given the huge amount of work involved in the role.

Councillor Bullen stated that he supported the call-in and had nothing further to add.

Councillor Jones commented that he supported the call-in and the comments made by Councillor Parish. Councillor Jones added that at this moment it was necessary to look at the cost to the Council in its current state and stated that the cost of living going up and that Members allowances should not be increased.

The Chair invited the Panel to ask questions of the Portfolio Holder for Finance.

At the invitation of the Chair, the Portfolio Holder for Finance, Councillor Mrs A Dickinson addressed the Panel and outlined the reasons for the Cabinet decision and explained that the 2.5% increase proposed had already been allocated in the budget as previously planned.

Councillor Joyce referred to page 33 - private vehicles (b) in relation to business use and commented that there was a high court ruling with a tribunal looming.

Councillor Joyce referred to page 27 (2) Cabinet Members were unanimous in their view that the existing allowances should be increased in line with the inflationary increase of the officers' pay award effective from 1 April 2021 and asked when did the Cabinet become unanimous and was there anyone else present.

In response, the Portfolio Holder, Finance commented that she didn't know, but that it was fair to say that Cabinet Members did have discussions with one another and that everyone in this meeting room would expect that to happen

The Portfolio Holder, Finance responded to questions from Councillor Joyce as to why it was considered now was not the right time to increase Members' allowances significantly and when would be the right time to undertake a review.

Councillor Rose commented that there was no mention of Task Groups or Outside Bodies Chairs. In response, the Portfolio Holder for Finance explained that those bodies were not permitted to receive special responsibility allowances.

The Chair informed Members that he took full responsibility for the item not being identified to be considered by the Panel on a previous occasion and outlined the reasons why.

The Portfolio Holder, Finance responded to questions from Councillor Joyce as to why there had been a delay.

Councillor Parish asked if Cabinet had considered consulting with a wider range of Councillors and taking those views into account before a decision was made. The Chair advised that he had receive an apology from the Leader and invited the Portfolio Holder, Finance if she wished to comment in the Leader's absence. In response, the Portfolio Holder for Finance explained that her understanding was that the Leader had consulted with the Opposition Party Leaders and if this had not been the case suggested it might have been a good idea to do.

Councillor Parish confirmed that the Leader did not consult with Opposition Party Leaders.

The Portfolio Holder, Finance responded to questions from Councillor Hudson on the proposed increase in Members allowances and the recommendation relating to the ICT allowance.

The Portfolio Holder, Finance responded to questions from Councillor Morley on the pre-emption/perception from the public on the proposal to significantly increase Members allowances, fair remuneration principles, evidence that the perception of people would be adverse and how Cabinet defined equitability. In conclusion, Councillor Dickinson comment that a further in depth review was required than had been undertaken.

The Portfolio Holder, Finance responded to questions from Councillor Joyce on section 4.1.10 to identify an hourly rate for the Leader/Councillors and 4.1.11 calculating the basic allowance.

Councillor Squire asked the Portfolio Holder, Finance why it was thought that Members required an IT allowance. Councillor Squire stated that the Council provided each Councillor with an Ipad and a sim card was provided by the Council for those Members who did not have access to good broadband and added that with the amount of IT equipment provided by council, Members should no longer require an IT allowance. In response, the Portfolio Holder, Finance commented that it she felt it was an individual opinion.

The Monitoring Officer advised she had nothing further to add.

Councillor Blunt referred to the Cabinet Minutes of 9 February 2022 when Members Allowances was discussed and quoted that the following Councillors had been present under Standing Order 34 – Morley, Ryves, Joyce, Parish and Moriarty. Councillor Parish did speak at that meeting and put forward his comments and Cabinet took notice of those comments. Councillor Blunt advised that Cabinet took into account comments made by any Member at all Cabinet meetings attending under Standing Order 34. Councillor Blunt explained that Cabinet had considered hourly rates carefully.

Councillor Parish referred to the Cabinet recommendation and explained that Cabinet should have undertaken wider consultation prior to making a decision which was not done.

The Chair stated that Cabinet met prior to the formal meeting and decisions were made before the Cabinet meeting. He then opened the meeting up for debate.

Councillor Tyler provide an overview as to why he could not support the recommendations of the Independent Remuneration Panel or support the call-in.

Councillor Joyce stated the reasons why he supported the call-in and why the Members Allowances Scheme – Special Responsibilities Allowances should be further reviewed and commented should a Task Group look at this to see if the public were receiving value for money. Councillor Joyce also commented on whether Councillors should receive an IT allowance.

The Chair agreed with Councillor Joyce as he had been the Leader of two Opposition Groups and commented there was an enormous amount of work involved and an important role.

Councillor Devereux explained why the Panel should note the call-in and to accept the Cabinet recommendations as declared, subject to the consideration of further legal advice provided by the Monitoring Officer earlier in the meeting.

The Proposer, Councillor Parish exercised his right of reply and outlined the reasons why he could not agree with the recommendations of the Independent Remuneration Panel or Cabinet.

The Chair invited the Panel to consider whether the call-in should be upheld and on being put to the vote, 6 Councillors voted for and 6 Councillors voted against, with the Chair's casting vote the call-in was upheld.

Councillor Devereux raised a point of order and asked the Monitoring Officer, is it not usual to stay with status quo rather than vote for this unusual arrangement. The Monitoring Officer confirmed that it was not prescribed in Standing Orders and was at the Chair's discretion.

The Chair outlined options (available to the Panel). It was noted the item was on the Cabinet Forward Decisions List for 15 March 2022.

Councillor Hudson proposed that the 2.5% increase on basic Members Allowances should be approved but considering the state of the nation there should be no increase on special responsibility allowances at this particular moment in time. There was no seconder for the proposal.

Councillor Joyce proposed that Cabinet be requested to ask the Independent Remuneration Panel to undertake a review of the special responsibility allowances and clear understanding and value as had been done with the Basic Members Allowance as a matter of urgency.

The Chair proposed that Cabinet be asked to take into account the comments from the Panel at this meeting and to ask the Independent Remuneration Panel to undertake a review of the special responsibility allowances and clear understanding and value as had been done with the Basic Members Allowance as a matter of urgency.

Councillor Morley put forward the following amendment to Councillor Joyce's proposal to add the word equitable which was accepted.

Councillor Nash seconded the proposal.

The Chair also added to ask Cabinet to take into account the debate and discussion at the Corporate Performance Panel before coming to a decision to go forward to Full Council.

The above proposal and on being put to the vote, 6 Councillors voted for and 6 Councillors voted against therefore with the Chair's casting vote the recommendation was agreed to go forward to Cabinet.

RESOLVED: The Corporate Performance upheld the call in and supported the Cabinet recommendations subject to:

- 1) Requesting Cabinet to ask the Independent Remuneration Panel to undertake a review on the special responsibility allowances for them to be equitable as a matter of urgency.
- 2) Asking Cabinet to take into account the debate and discussion at the Corporate Performance Panel before coming to a decision to go forward to Full Council.

CP105 **Q3 CORPORATE PERFORMANCE MONITORING REPORT**

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In presenting the report, the Assistant to the Chief Executive explained that the Council's performance management framework had historically included performance monitoring and reporting of performance. Performance monitoring reports had been presented to the Corporate Performance Panel.

The Assistant to the Chief Executive reminded the Panel that a Covid-19 Recovery Strategy was agreed by Council on 8 October 2020. The report therefore provided an update on the corporate performance monitoring indicators for the Recovery Strategy for the 2021/22 year.

The key issues were outlined as set out in the report.

The Panel's attention was drawn to the following sections of the report:

- Rent arrears on industrial units was up 31% for the same quarter last year but it was noted that covid moratorium on possession proceedings would be lifted at the end of March 2022 and Property Services would be monitoring this carefully and take further action on those in arrears.
- Processing of changes of circumstances – Universal Credit varied according to earnings and the Council was receiving around 2,800 council tax changes per month and would need to

be worked on to ensure that the benefit paid was correct. It was noted that resources had been moved to test and trace but this would end soon and a new procedure was being rolled out to improve performance in this area.

- Housing – changes in domestic abuse legislation had led to an increase in the number of presentations and these had to be treated as priority need.

The Assistant Director, Central Services responded to questions from Councillor Morley regarding 1.4 % of short term absence – excluding Covid-19 related absence/working from home and explained that no specific analysis had been undertaken on the breakdown but could look to see what information was available.

In response to questions from Councillor Morley relating to 2.2 – Number in employment claim Universal Credit because of Covid, etc the Assistant Chief Executive undertook to look further into the points raised and suggested looking at the dates a lot of it was related to Covid and universal credit was based on people's earnings.

Following further questions from Councillor Morley on 2.7 – Total value of payments paid to local suppliers, the Assistant to the Chief Executive explained that it was not believed that Covid had impacted upon the Council paying invoices when received. It was noted the indicator was down 24% and the Assistant to the Chief Executive undertook to find out more information and email a response to the Panel.

In response to questions from the Chair on 3.2 – Total tonnage of waste recycled and composted and separating those two figures and different financials being attached to them in due course, the Assistant to the Chief Executive explained that she would ask the question and would report back when the next full year report was presented to the Panel.

Following questions from Councillor Morley on 5.8 – Number of unique visitors to Visit West Norfolk Website and driving up the number of visitors to the website, the Assistant to the Chief Executive advised that September data was missing as there were technical issues and highlighted that the date was not a true reflection of what it was. It was explained that on a monthly basis there was around 64,000 visitors to the website at the start of Covid 2021 and undertook to find out additional information as requested.

Councillor Morley commented that the Panel should note that the Corporate Business Plan had changed and that key performance indicators were evolving for the new Corporate Business Plan and that the Panel should recognise this.

The Chair thanked the officers for the work being undertaken.

RESOLVED: The Panel reviewed and noted the council's performance indicators for Q3 2021/22. Performance against these indicators will continue to be reported to the Corporate Performance Panel via periodic updates.

CP106 **HUNSTANTON TOURIST INFORMATION CENTRE - PERCEPTION FROM PORTFOLIO HOLDER FOLLOWING MEETING WITH BUSINESSES**

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The Chair explained that he had received an email from the Portfolio Holder informing him that he was unable to attend the meeting and therefore the item would be deferred to the next meeting.

CP107 **PANEL WORK PROGRAMME**

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The Chair explained why the following items had been deferred to later meetings:

- How the new Portfolio objectives meet the Corporate Business Plan objectives via Director/Service Plans/Key Performance Indicators/timescales.
- Review of the Council's working structure to support the Corporate Business Plan.
- Hunstanton Tourist Information Centre.
- Cabinet Report: Review of Governance of Council owned companies.
- Cabinet Report: Planning Scheme of Delegation/Sifting Panel.

The following items were identified by the Panel:

- A full review of the Investigation and Disciplinary Committee, to include the appointment of IDC members, the standing orders related to the investigation and discipline of statutory officers and the terms of reference for the committee.

The Chair advised that he had requested all item listed as forthcoming items be scheduled to a specific date during 2022/2023.

The Chair reminded the Panel that they could contact himself or the Vice-Chair between meetings with items for consideration.

CP108 **CABINET FORWARD DECISIONS LIST**

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The Panel noted the Cabinet Forward Decisions List.

Guildhall and Creative Hub Options including Governance – the Chair advised that a joint panel meeting of Regeneration and Development and Corporate Performance Panels had been scheduled for 30 March 2022.

Review of Governance of Council Companies – to be added to the Corporate Performance Panel work programme prior to the Cabinet meeting.

CP109 **DATE OF NEXT MEETING**

The next meeting of the Corporate Performance Panel will take place on 13 April 2022 time to be advised.

CP110 **EXCLUSION OF PRESS AND PUBLIC**

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RESOLVED: That under Section 100(A)(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

CP111 **EXEMPT CABINET REPORT: REVIEW OF LEGAL SERVICES**

The Assistant to the Chief Executive presented the report and responded to questions and comments from the Panel.

RESOLVED: The Corporate Performance Panel supported the recommendations to Cabinet and Council as set out in the report subject to the amendment to bullet 2 to add that the newly appointment Monitoring Officer take part in the consultation and recruitment programme to establish an in-house legal team.

The meeting closed at 6.50 pm

POLICY REVIEW AND DEVELOPMENT PANEL REPORT

REPORT TO:	Corporate Performance Panel		
DATE:	05/04/22		
TITLE:	Regulation of Investigatory Powers Act (RIPA) Policy		
TYPE OF REPORT:	Policy development		
PORTFOLIO(S):			
REPORT AUTHOR:	Jamie Hay		
OPEN/EXEMPT	Open	WILL BE SUBJECT TO A FUTURE CABINET REPORT:	Yes

REPORT SUMMARY/COVER PAGE**PURPOSE OF REPORT/SUMMARY:**

We are governed by the Regulation of Investigatory Powers Act, Human Rights Act, Protection of Freedom Act, Data Protection Act/GDPR, and Investigatory Powers Act in respect of surveillance and other related activities.

We are inspected on these matters (usually every 3 years) and have been recently inspected on Friday 17th December 2021 by IPCO (the Investigatory Powers Commissioner's Office)

As such even if we do not necessarily use the powers available to us, we must ensure our policies and procedures are fit for purpose and robust to assist in remaining compliant with the legislation and furthermore to enable us to demonstrate this to IPCO.

KEY ISSUES:

Some further areas for inclusion within the policy were highlighted by IPCO during the inspection, a consultation process has been undertaken with a professional trainer and policy development provider to produce a fresh RIPA policy, and Internet and Social Media Research Code of Practice, as well as a robust set of procedures and guidance materials to sit behind the policy (these procedures are in the process of being finalised as part of the consultation process).

Our current policy does not include:

- Surveillance outside of RIPA (Non-RIPA), this is usually where crime thresholds for RIPA purposes are not met.
- Details in respect of the recording, retaining and destruction of materials (private information).

Management Team have scrutinised this policy on 15/03/22 and relevant changes have been made as appropriate.

This policy has been passed for comments by Personnel and Unison and there will be a general requirement for staff training following the adoption of the policy, as such training is to be provided to key members of staff identified as holding roles under this policy, as well as training to be delivered to staff members identified as having the potential to undertake activities referred to under this policy and its procedures (Unison have expressed a wish to attend this training to understand this complex area from a staffing perspective).

There will be a need to reference this policy in other policies, including the Corporate Records & Retention Policy, The Disciplinary procedures and the attached new Internet and Social Media Investigations and Research Code of Practice.

An equality Impact Assessment on the Policy has also been undertaken and passed for

<p>review by a member of the Equality Team, highlighting no areas of concern.</p> <p>Any policy changes would need to be approved through Corporate Performance Panel, Cabinet and full Council. As per section 5.2 of the policy the Council will report its use, or non-use of these powers to the Corporate Performance Panel in line with the guidance provided by IPCO to enable members to determine the effectiveness of the RIPA policy each year.</p>
<p>OPTIONS CONSIDERED:</p> <p>A) To continue with the current policy which has since become out of date and does not include details highlighted by the Inspector in respect of surveillance outside of RIPA or retention of data and materials.</p> <p>B) To approve the attached revised policy, which has been produced from scratch following the last IPCO inspection to reflect the comments of the inspector, and through consultation with a professional training and policy development provider.</p> <p>Attached are the proposed draft RIPA <u>Policy</u> and Internet and Social Media Investigations / Research <u>Code of Practice</u> for scrutiny and comments. As well as the remaining timeframe below for consideration:</p> <p>12/04/22 – Procedures and Guidance materials that sit behind policy and Code of Practice to be in draft format</p> <p>13/04/22 – CPP meeting for RIPA Policy to be put forward for formal approval by Cabinet and Council</p> <p>10/05/22 – MT briefing paper of Procedures and Guidance for scrutiny and comments. Further work carried out as required following this date and to approve adoption of Internet and Social Media Investigations / Research <u>Code of Practice</u></p> <p>21/06/22 – Cabinet meeting for approval of RIPA Policy</p> <p>14/07/22 – Council meeting for formally adopting the new RIPA Policy (and final versions of procedures and guidance to be produced)</p> <p>21/07/21 – New policy, Code of Practice, procedures and guidance materials to be made available on InSite. Council wide communication to be made to staff advising of their locations.</p>
<p>RECOMMENDATIONS:</p> <p>Proposed RIPA Policy to be put forward for formal adoption via CPP, Cabinet and Council as per the time frame stated above. Minor changes to these policies thereafter, can be member delegated decision in discussion with legal or others. The Appendix A (which is still to be produced) will be a list of named officers, job titles and their role under RIPA which can be easily amended as required outside of formal approval processes relating to policy.</p> <p>As per section 5.2 of the policy the Council will report its use, or non-use of these powers to the Corporate Performance Panel in line with the guidance provided by IPCO to enable members to determine the effectiveness of the RIPA policy each year.</p>
<p>REASONS FOR RECOMMENDATIONS:</p> <p>To ensure compliance with current legislation, to replace the previous policy which has become out of date and does not provide sufficient or up to date information / details to officers or members of the public on the full requirements for RIPA and Non-RIPA.</p>

REPORT DETAIL

1. Introduction

We are governed by the Regulation of Investigatory Powers Act, Human Rights Act, Protection of Freedom Act, Data Protection Act/GDPR, and Investigatory Powers Act in respect of surveillance and other related activities.

We are inspected on these matters (usually every 3 years) and have been recently inspected on Friday 17th December 2021 by IPCO (the Investigatory Powers Commissioner's Office)

As such even if we do not necessarily use the powers available to us, we must ensure our policies and procedures are fit for purpose and robust to assist in remaining compliant with the legislation and furthermore to enable us to demonstrate this to IPCO.

Following the inspection undertaken by IPCO on 17 December 2021 a consultation process was undertaken in order to conduct a full review of our current policy and procedures in order to ensure that the policy remained compliant with the governing legislation, the relevant information required by officers in order to conduct their activities in compliance with legislation and relevant information to the general public on how we conduct these activities and how they can seek redress where appropriate.

2. Proposal

Management Team were provided details of the IPCO inspection from 17th December 2021 and were consulted with to determine a full list of requirements/needs to be included within the policy and/or procedures, this process highlighted the following recommendations:

- A RIPA and Non-RIPA policy that can be adopted with relative ease
- The policy (which can be referred to/used in evidence in a court of law) is relatively bland, with a robust set of operating procedures (that can be restricted documents, and contain investigative technique (sensitive materials) that would not need to be open facing and/or available to the general public) sit behind that bland policy
- The operating procedures are to cover:
 - a) RIPA and Non-RIPA
 - b) Roles & Responsibilities
 - c) Definitions of surveillance (directed and Non-directed), Covert Human Intelligence Sources (CHIS), relevant and serious errors as per the Home Office Codes of Practice
 - d) Examples of RIPA and Examples of Non-RIPA activities
 - e) Directed Surveillance
 - f) CHIS
 - g) Body Worn Videos, Trail Cams
 - h) The Acquisition of communications data under the Investigatory Powers Act (i.e. what we are entitled to apply for and how we request it)
 - i) Test purchases
 - j) Documentation (all relevant RIPA / Non – RIPA forms, Risk Assessments, Judicial Authority Forms and guidance of how these are completed)

- k) Inclusion of Records, Retention and Disposal information (as per the Inspector's data assurance letter which highlights six action points)
- l) Internet (including use of Social Media) Code of Practice
- m) Digital Evidence Procedures
- n) Inclusion of any other areas highlighted by the Inspection undertaken on Friday 17th December 2021
- o) The guidance and materials to also include templates for:
 - Central Record of Authorisations
 - Schedule of Equipment

Attached is a copy of the inspector's findings which also need to be included in the revised policy.

- In particular the findings highlight the need for guidance on sanctioning non-RIPA covert activities where crime thresholds have not been met for RIPA authorization
- The Policy needs to formally state as per paragraph 4.47 of the Home Office Covert Surveillance and Property Interference Code of Practice that Elected Members are provided with an annual report sufficient to enable them to determine that the Council's policy remains fit for purpose, together with regular reports on RIPA activity (or inactivity) – **this was last presented to Audit Committee on 22/11/21 but in future will be presented to Corporate Performance Panel.**

As such this new policy is presented on the basis of those proposals alongside the consultation process to ensure that the policy is brought up to date and is fit for purpose.

3. Issues for the Panel to Consider

The key questions to be addressed is that this policy has been subjected to due process and has been produced in a diligent manner to ensure compliance with the legislation that governs these activities and that it gives appropriate information to officers with roles and responsibilities within the policy, officers who may undertake such activities and the general public to inform them on how these activities are governed and the controls that have been implemented to ensure compliance with legislation and information about redress where appropriate.

Other information to consider within this policy is that it relates to the Council and its LATCs (Local Authority Trading Companies). There is further information in respect of other third parties contained within the policy.

In the event of non-compliance with legislation, the policy provides processes to be followed in respect of the notification of errors.

No equality matters have been highlighted within this policy review.

Training needs are to be identified following the conclusion of the procedures and guidance materials being produced.

4. Corporate Priorities

This policy sets out how the Council will carry out surveillance activities in a controlled manner to ensure compliance with its governing legislation (as set out within the policy). These activities are likely to be considered on a more frequent basis, particularly in light of the recent waste crime initiative.

5. Financial Implications

The policy, procedures and guidance consultation for this policy was £2,000.00 and there will be a requirement to provide training following the implementation of this new policy to officers with roles and responsibilities identified within the policy, members of staff who are identified as having the potential to undertake activities identified within the policy.

6. Any other Implications/Risks

There are risks in respect of Human Rights Act contraventions, Data breaches

7. Equal Opportunity Considerations

An equality impact assessment has been carried out and no matters have arisen.

8. Environmental Considerations

None.

9. Consultation

As referred to previously within this report the policy has been produced in consultation with a professional trainer / policy developer.

10. Conclusion

To put forward the RIPA Policy for formal adoption via Cabinet and Council as per the time frame stated above. To accept that minor changes thereafter, can be member delegated decision in discussion with legal or others.

To add a CPP work item for reporting of the use, or non-use of these powers to CPP in line with the guidance provided by IPCO to enable members to determine the effectiveness of the RIPA policy each year.

11. Background Papers

- IPCO Desktop Inspection Report
- IPCO Data Assurance letter to Local Authorities
- Equality Impact Assessment
- RIPA Policy
- Internet Social Media Investigations Code of Practice

Pre-Screening Equality Impact Assessment

Borough Council of
**King's Lynn &
West Norfolk**



Name of policy/service/function	Regulation of Investigatory Powers Act 2000 (RIPA) Policy
Is this a new or existing policy/service/function?	Revised Policy
<p>Brief summary/description of the main aims of the policy/service/function being screened.</p> <p>Please state if this policy/service is rigidly constrained by statutory obligations</p>	<p>The performance of certain investigatory functions of Local Authorities may require the surveillance of individuals or the use of undercover officers and informants. Such actions may intrude on the privacy of individuals and can result in private information being obtained and as such, should not be undertaken without full and proper consideration. The Regulation of Investigatory Powers Act 2000 (RIPA) governs these activities and provides a means of ensuring that they are carried out in accordance with law and subject to safeguards against abuse.</p> <p>All surveillance activity can pose a risk to the Borough Council of King's Lynn & West Norfolk (the Council) from challenges under the HRA or other processes. Therefore, it must be stressed that all staff involved in the process must take their responsibilities seriously which will assist with the integrity of the Council's processes, procedures and oversight responsibilities.</p> <p>In preparing this policy the Council has followed the RIPA Codes of Practice (August 2018). This policy applies to all areas of the Council and the Council's Local Authority Trading Companies (LATCs). It should be noted that where RIPA applies the law should be followed.</p> <p>The purpose of this Policy is to ensure there is a consistent approach to the authorisation process and undertaking of surveillance activity that is carried out by the Council. This includes the use of undercover officers and informants, known as Covert Human Intelligence Sources (CHIS). This will ensure that the Council complies with the Regulation of Investigatory Powers Act 2000 (RIPA). The policy also provides guidance on surveillance which it is necessary to undertake by the authority but cannot be authorised</p>

	<p>under the RIPA legislation. This is referred to as surveillance outside of RIPA and will have to be compliant with the Human Rights Act.</p> <p>All RIPA covert activity will have to be authorised and conducted in accordance with this policy, the RIPA legislation and Codes of Practice. Therefore, all officers involved in the process will have regard to this document and the statutory RIPA Codes of Practice issued under section 71 RIPA (current version issued in August 2018) for both Directed Surveillance and the use of Covert Human Intelligence Sources (CHIS). The Codes of Practice are available from: https://www.gov.uk/government/collections/ripa-codes#current-codes-of-practice</p> <p>The Human Rights Act 1998 (HRA) makes it potentially unlawful for a Local Authority to breach any article of the European Convention on Human Rights (ECHR).</p> <p>Article 8 of the European Convention on Human Rights states that: -</p> <ol style="list-style-type: none"> 1) Everyone has the right of respect for his private and family life, his home and his correspondence. 2) There shall be no interference by a Public Authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health and morals or for the protection of the rights and freedoms of others. <p>Consequences of not following RIPA</p> <p>Although not obtaining authorisation does not make the authorisation unlawful per se, it does have some consequences: -</p> <ul style="list-style-type: none"> • Evidence that is gathered may be inadmissible in court; • The subjects of surveillance can bring their own claim on Human Rights grounds i.e. the Council have infringed their rights under Article 8; • If a challenge under Article 8 is successful, the Council would receive reputational damage and could face a claim for financial compensation;
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	<ul style="list-style-type: none"> The Government has also introduced a system of tribunal to deal with complaints. Any person who believes that their rights have been breached can have their complaint dealt with by the Investigatory Powers Tribunal (IPTC) <p>It is likely that the activity could be construed as an error and therefore have to be investigated and a report submitted by the Senior Responsible Officer to the Investigatory Powers Commissioner's Office (IPCO).</p>				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			X	
	Disability			X	
	Gender			X	
	Gender Re-assignment			X	
	Marriage/civil partnership			X	
	Pregnancy & maternity			X	
	Race			X	
	Religion or belief			X	
	Sexual orientation			X	
	Other (eg low income)			X	
Question	Answer	Comments			
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	No				

3. Could this policy/service be perceived as impacting on communities differently?	No	
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	No	
5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section	No	Actions:
		Actions agreed by EWG member:
If 'yes' to questions 2 - 4 a full impact assessment will be required unless comments are provided to explain why this is not felt necessary: Decision agreed by EWG member:		
Assessment completed by:	James Hay	
Name		
Job title	Senior Internal Auditor	
Date	14/03/22	



REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

POLICY

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Part A Introduction & RIPA General

1. Introduction

- 1.1 The performance of certain investigatory functions of Local Authorities may require the surveillance of individuals or the use of undercover officers and informants. Such actions may intrude on the privacy of individuals and can result in private information being obtained and as such, should not be undertaken without full and proper consideration. The Regulation of Investigatory Powers Act 2000 (RIPA) governs these activities and provides a means of ensuring that they are carried out in accordance with law and subject to safeguards against abuse.
- 1.2 All surveillance activity can pose a risk to the Borough Council of King's Lynn & West Norfolk (the Council) from challenges under the Human Rights Act 1998 (HRA) or other processes. Therefore, it must be stressed that all staff involved in the process must take their responsibilities seriously which will assist with the integrity of the Council's processes, procedures and oversight responsibilities.
- 1.3 In preparing this policy the Council has followed the RIPA Codes of Practice (August 2018).
- 1.4 The Council takes its statutory responsibilities seriously and will act in accordance with the law and the codes of practice.

2. Scope and Aim of the Policy

- 2.1 This policy applies to all areas of the Council and the Council's Local Authority Trading Companies (LATCs). It should be noted that where RIPA applies the law should be followed.
- 2.2 The purpose of this Policy is to ensure there is a consistent approach to the authorisation process and undertaking of surveillance activity that is carried out by the Council. This includes the use of undercover officers and informants, known as Covert Human Intelligence Sources (CHIS). This will ensure that the Council complies with the Regulation of Investigatory Powers Act 2000 (RIPA).
- 2.3 The policy also provides guidance on surveillance which it is necessary to undertake by the authority but cannot be authorised under the RIPA legislation. This is referred to as surveillance outside of RIPA and will have to be compliant with the Human Rights Act. (See section 3).
- 2.4 All RIPA covert activity will have to be authorised and conducted in accordance with this policy, the RIPA legislation and Codes of Practice. Therefore, all officers involved in the process will have regard to this document and the statutory RIPA Codes of Practice issued under section 71 RIPA (current version issued in August 2018) for both Directed Surveillance and the use of Covert Human Intelligence Sources (CHIS). The Codes of Practice are available from: <https://www.gov.uk/government/collections/ripa-codes#current-codes-of-practice>

3. Background to RIPA and Lawful Criteria

- 3.1 The Human Rights Act 1998 (HRA) makes it potentially unlawful for a Local Authority to breach any article of the European Convention on Human Rights (ECHR).
- 3.2 Article 8 of the European Convention on Human Rights states that: -

- 1) Everyone has the right of respect for his private and family life, his home and his correspondence.
 - 2) There shall be no interference by a Public Authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health and morals or for the protection of the rights and freedoms of others.
- 3.3 The right under Article 8 is a qualified right and Public Authorities can interfere with this right for the reasons given in 3.2 (2) above if it is necessary and proportionate to do so.
- 3.4 Those who undertake Directed Surveillance or CHIS activity on behalf of a Local Authority may breach an individual's Human Rights, unless such surveillance is **lawful**, consistent with Article 8 of the ECHR and is both **necessary** and **proportionate** to the matter being investigated.
- 3.5 RIPA provides the legal framework for lawful interference to ensure that any activity undertaken, together with the information obtained, is HRA compatible.

4. Consequences of Not Following RIPA

- 4.1 Although not obtaining authorisation does not make the authorisation unlawful per se, it does have some consequences: -
- Evidence that is gathered may be inadmissible in court;
 - The subjects of surveillance can bring their own claim on Human Rights grounds i.e. the Council have infringed their rights under Article 8;
 - If a challenge under Article 8 is successful, the Council would receive reputational damage and could face a claim for financial compensation;
 - The Government has also introduced a system of tribunal to deal with complaints. Any person who believes that their rights have been breached can have their complaint dealt with by the Investigatory Powers Tribunal (IPTC)
 - It is likely that the activity could be construed as an error and therefore have to be investigated and a report submitted by the Senior Responsible Officer to the Investigatory Powers Commissioner's Office (IPCO).

5. Independent Oversight

- 5.1 RIPA is overseen by the Investigatory Powers Commissioner's Office (IPCO). Their remit includes providing comprehensive oversight of the use of the powers to which the RIPA code applies, and adherence to the practices and processes described in it. They also provide guidance to be followed which is separate to the codes. To carry out their full functions and duties and they will periodically inspect the records and procedures of the Council to ensure any authorisations have been given, reviewed, cancelled, and recorded properly. Therefore, it is important that the Council can show it complies with this Policy and with the provisions of RIPA.
- 5.2 The Codes of Practice require that as a local authority, the Council must report the fact of its use to elected council members. Members must be updated on a regular basis of any usage, or not, of the relevant powers. The Council will report its use, or

non-use of these powers to the Corporate Performance Panel in line with the guidance provided by IPCO to enable members to determine the effectiveness of the RIPA policy each year.

6. Training and Awareness

- 6.1 The Council recognises that an important aspect of its RIPA policy and associated procedures is the general awareness and responsiveness of employees throughout the Council. A list of key departments will be maintained by the RIPA Co-Ordinator to determine the training requirements of the Council for RIPA purposes.

Part B. Surveillance, Types and Criteria

7. Surveillance Definition

- 7.1 There are different types of surveillance covered by RIPA and the HRA. Surveillance can be both overt and covert and depending on their nature, are either allowed to be authorised under RIPA or not. There are also different degrees of authorisation depending on the circumstances.

7.2 Surveillance is:

- Monitoring, observing or listening to persons, their movements, their conversations or their other activities or communications.
- Recording anything monitored, observed or listened to in the course of surveillance, with or without the assistance of a device.

8. Overt and Covert Surveillance

- 8.1 Overt surveillance is where the subject of surveillance is aware that it is taking place, either by way of signage such as in the use of Closed-Circuit Television (CCTV) or because the person subject of the surveillance has been informed of the activity. Overt surveillance is outside the scope of RIPA and therefore does not require authorisation. However, it still must take account of privacy under the Human Rights Act and be necessary and proportionate. Any personal data obtained will also be subject of the Data Protection Act. Overt CCTV cameras (fixed or portable) are also subject to both the Information Commissioners and Surveillance Camera codes of practice.
- 8.2 Covert Surveillance is defined as “surveillance which is carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place” and is covered by RIPA. Covert surveillance is categorised as either **intrusive** or **directed** (see below).

9. Intrusive Surveillance

- 9.1 The Council has no authority in law to carry out Intrusive Surveillance. It is only the Police and other law enforcement agencies that can lawfully carry out intrusive surveillance.
- 9.2 Intrusive surveillance is defined in section 26(3) of the 2000 RIPA Act as covert surveillance that:

- Is carried out in relation to anything taking place on any residential premises or in any private vehicle; and
- Involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device.

9.3 Where surveillance is carried out in relation to anything taking place on any residential premises or in any private vehicle by means of a device, without that device being present on the premises, or in the vehicle, it is not intrusive unless the device consistently provides information of the same quality and detail as might be expected to be obtained from a device actually present on the premises or in the vehicle. Thus, an observation post outside premises, which provides a limited view and no sound of what is happening inside the premises, would not be considered as intrusive surveillance.

10. Directed Surveillance Definition

10.1 The Council can lawfully carry out Directed Surveillance. Surveillance is Directed Surveillance if the following are all true:

- It is covert, but not intrusive surveillance;
- It is conducted for the purposes of a specific investigation or operation;
- It is likely to result in the obtaining of private information (see private information below) about a person (whether or not one specifically identified for the purposes of the investigation or operation);
- It is conducted otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation to be sought.

11. Private information

11.1 By its very nature, surveillance may involve invading an individual's right to privacy. The Code of Practice provides guidance on what is private information. They state private information includes any information relating to a person's private or family life. As a result, private information is capable of including any aspect of a person's private or personal relationship with others, such as family and professional or business relationships.

11.2 Whilst a person may have a reduced expectation of privacy when in a public place, covert surveillance of that person's activities in public may still result in the obtaining of private information. This is likely to be the case where that person has a reasonable expectation of privacy even though acting in public and where a record is being made by a Public Authority of that person's activities for future consideration or analysis. Surveillance of publicly accessible areas of the internet should be treated in a similar way, recognising that there may be an expectation of privacy over information which is on the internet, particularly where accessing information on social media websites.

11.3 Private information may include personal data, such as names, telephone numbers and address details. Where such information is acquired by means of covert surveillance of a person having a reasonable expectation of privacy, a Directed Surveillance authorisation is appropriate.

- 11.4 There is also an assessment to be made regarding the risk of obtaining collateral intrusion which relates to private information about persons who are not subjects of the surveillance. This has a direct bearing when considering proportionality as part of the authorisation process.

12. Confidential or Privileged Material

- 12.1 This includes where the material contains information that is legally privileged, confidential journalistic material or where material identifies a journalist's source, where material contains confidential personal information or communications between a Member of Parliament and another person on constituency business. Directed Surveillance likely or intended to result in the acquisition of knowledge of confidential or privileged material must be authorised by the Chief Executive.

13. Lawful Grounds

- 13.1 The Lawful Grounds for Directed Surveillance is a higher threshold for Local Authorities and cannot be granted unless it is to be carried out for the purpose of preventing or detecting a criminal offence(s) and includes actions taken to avert, end or disrupt the commission of criminal offences. It must also meet the serious crime test i.e. that the criminal offence(s) which is sought to be prevented or detected is:

- 1) Punishable, whether on summary conviction or on indictment, by a maximum term **of at least 6 months of imprisonment**, or,
- 2) Would constitute an offence under sections 146, 147 or 147A of the Licensing Act 2003 or section 7 of the Children and Young Persons Act 1933 (see 1.4 above). This is the only ground available to the Council and hence the only justification.

- 13.2 Furthermore, the Council's authorisation can only take effect once an order approving the authorisation has been granted by a Magistrate.
- 13.3 RIPA ensures that any surveillance which is undertaken following authorisation and approval from a Magistrate is lawful. Therefore, it protects the authority from legal challenge. It also renders evidence obtained lawful for all purposes.

14. Urgent cases

- 14.1 There is no provision to authorise urgent oral authorisations under RIPA for urgent cases as all authorisations have to be approved by a Magistrate. If surveillance was required to be carried out in an urgent situation or as an immediate response, this would still have to be justified as necessary and proportionate under HRA. This type of surveillance is surveillance outside of RIPA. (see section 17 below).

15. CCTV and ANPR

- 15.1 The definition of CCTV is included as 'Surveillance Camera Systems' under Section 29(6) Protection of Freedoms Act 2012. "Surveillance camera systems" is taken to include:

- (a) closed circuit television (CCTV) or automatic number plate recognition (ANPR) systems;
- (b) any other systems for recording or viewing visual images for surveillance purposes;
- (c) any systems for storing, receiving, transmitting, processing or checking the images or information obtained by (a) or (b);
- (d) any other systems associated with, or otherwise connected with (a), (b) or

This includes

- Conventional town centre CCTV;
 - Body Worn Video (BWV)
 - Automatic Number Plate Recognition (ANPR);
 - Deployable mobile overt mobile camera systems.
 - Drones
- 15.2 Surveillance camera systems are subject to both the Surveillance Camera Code of Practice and the Information Commissioner's Office (ICO) CCTV Code of Practice titled 'In the Picture'
- 15.3 The use of the conventional town centre CCTV systems and other overt cameras operated by the Council do not normally fall under the RIPA regulations. However, should there be a requirement for the CCTV cameras to be used for a specific purpose to conduct surveillance it is likely that the activity will fall under Directed Surveillance and therefore require an authorisation.
- 15.4 Operators of any of the Councils CCTV system need to be aware of the RIPA issues associated with using CCTV and other camera systems and that continued, prolonged systematic surveillance of an individual may require an authorisation.
- 15.5 On the occasions when the CCTV cameras are to be used in a Directed Surveillance situation either by enforcement officers from relevant departments within the Council or outside Law Enforcement Agencies such as the Police, the Council's own CCTV Code of Practice should be followed where relevant as well as the RIPA Codes of Practice.
- 15.6 The same principles apply to Automated Number Plate Recognition (ANPR). Its use does not engage RIPA if it is used for the purpose it is registered for, such as traffic flow management or safety and enforcement within car parks. However, if used in a pre-planned way to carry out covert surveillance which meets the RIPA criteria, this policy and the codes of practice must be followed.
- 15.7 Where the Council are requested to assist through the facilitation of CCTV by another authority / organisation, the Council retains the right to refuse such requests should either of the following factors be absent:
- the authorised application must be completed by the authority / organisation requesting assistance through the facilitation of CCTV and;
 - MUST state council officers are authorised to undertake the activities required

16. Internet and Social Media Investigations

- 16.1 The use of the internet and social media is constantly evolving and with it the risks associated with these types of enquiries, particularly regarding breaches of privacy under Article 8 of HRA and other operational risks. Online open-source and social media research may breach someone's privacy. It may also meet the RIPA criteria

and require authorising as per this policy. Staff are to have regards to the privacy and RIPA issues detailed in the codes of practice and advice from IPCO.

- 16.2 There is a separate corporate Code of Practice that covers online open source research which should be read and followed in conjunction with this policy.

17. Surveillance Outside of RIPA

- 17.1 As already explained, for Directed Surveillance the criminal offence must carry a **6-month prison sentence** (Directed Surveillance crime threshold) or relate to the sale of alcohol or tobacco to children. This means that there are scenarios within an investigation that do not meet this threshold, however it is necessary to undertake surveillance. This will fall outside of RIPA. Examples include:

- Surveillance for anti-social behaviour disorder which do not attract a maximum custodial sentence of at least six months imprisonment.
- Planning enforcement prior to the serving of a notice or to establish whether a notice has been breached.
- Most licensing breaches.
- Safeguarding vulnerable people.
- Civil matters.
- Disciplinary surveillance

- 17.2 In the above scenarios they are likely to be a targeted surveillance which are likely to breach someone's article 8 rights to privacy. Therefore, the activity should be conducted in a way which is HRA compliant, which will include it being necessary and proportionate.

- 17.3 As part of the process of formally recording and monitoring non RIPA surveillance, non RIPA surveillance forms are available with the application and authorisation process being the same as for RIPA except it will not require to be approved by a Magistrate.

- 17.4 The Senior Responsible Officer (SRO) will maintain oversight of non RIPA surveillance to ensure that such surveillance is compliant with Human Rights legislation.

18. Joint Agency and Third-Party Surveillance

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

- 18.2 In some circumstances it may be appropriate or necessary for the Council to work with third parties who are not themselves a Public Authority (such as an individual, company or non-governmental organisation) to assist with an investigation. Where that third party is acting in partnership with or under the direction of the Council, then they are acting as an agent to the Council and will be subject to RIPA in the same way as any employee of the Council would be.

- 18.3 Similarly, a surveillance authorisation should also be considered where the Council is aware that a third party (that is not a Public Authority) is independently conducting surveillance and the Council intends to make use of any suitable material obtained by the third party for the purposes of a specific investigation.

Part C. Covert Human Intelligence Sources (CHIS)

19 Introduction

- 19.1 RIPA covers the activities of Covert Human Intelligence Sources (CHIS) which relates not only to sources commonly known as informants (members of the public providing the Council with information), but also the activities of undercover officers. It matters not whether they are employees of the Council, agents or members of the public engaged by the Council to establish or maintain a covert relationship with someone to obtain information.
- 19.2 The **lawful grounds** for CHIS authorisation is prevention and detection of crime and prevention of disorder. The serious crime criteria of the offence carrying a 6-month sentence etc. does not apply to CHIS.
- 19.3 Recognising when a source becomes a CHIS is therefore important as this type of activity may need authorisation. Should a CHIS authority be required, all of the staff involved in the process should make themselves fully aware of the contents of this Policy and the CHIS codes of Practice.

20. Definition of CHIS

- 20.1 Individuals act as a covert human intelligence sources (CHIS) if they:
- i) establish or maintain a covert relationship with another person to obtain information.
 - ii) covertly give access to information to another person, or
 - iii) disclose information covertly which they have obtained using the relationship or they have obtained because the relationship exists.
- 20.2 A relationship is established, maintained, or used for a covert purpose if and only if it is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the purpose. This does not mean the relationship with the Council Officer and the person providing the information, as this is not covert. It relates to how the information was either obtained or will be obtained. Was it or will it be obtained from a third party without them knowing it was being passed on to the Council? This would amount to a covert relationship.
- 20.3 It is possible, that a person will become engaged in the conduct of a CHIS without a public authority inducing, asking, or assisting the person to engage in that conduct. An authorisation should be considered, for example, where a public authority is aware that a third party is independently maintaining a relationship (i.e. "self-tasking") in order to obtain evidence of criminal activity, and the public authority intends to make use of that material for its own investigative purposes. (Section 2.26 Codes of CHIS Codes of Practice).

21. Vulnerable and Juvenile CHIS

- 21.1 Special consideration must be given to the use of a Vulnerable Individual as a CHIS. 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 unable to protect himself against significant harm or exploitation. Any individual of this description, or a Juvenile as defined below, should

only be authorised to act as a source in the most exceptional circumstances and only then when authorised by the Chief Executive (or, in their absence, the Director acting up as the Chief Executive).

- 21.2 Special safeguards also apply to the use or conduct of Juvenile Sources; that is sources under the age of 18 years. On no occasion should the use or conduct of a source under 16 years of age be authorised to give information against his parents or any person who has parental responsibility for him. Authorisations should not be granted in respect of a Juvenile CHIS unless the special provisions contained within the Regulation of Investigatory Powers (Juveniles) Order 2000; SI No. 2793 are satisfied.

22. Risk Assessments

- 22.1 The Council has a responsibility for the safety and welfare of the source and as detailed in the codes of practice a risk assessment will be conducted and all the guidance contained within the codes will be followed.

Part D. Roles and Responsibilities

23 The Senior Responsible Officer (SRO)

- 23.1 The nominated Senior Responsible Officer is the Chief Executive (see Appendix A) The SRO with responsibilities for:
- The integrity of the process in place within the Council to authorise Directed and Intrusive Surveillance;
 - Compliance with the relevant sections of RIPA and the Codes of Practice;
 - Oversight of the reporting of errors to the Investigatory Powers Commissioner (IPC) and the identification of both the cause(s) of errors and the implementation of processes to minimise repetition of errors;
 - Engagement with the Investigatory Powers Commissioner Office (IPCO) and the inspectors who support the Commissioner when they conduct their inspections;
 - Where necessary, overseeing the implementation of any recommended post-inspection action plans and
 - Ensuring that all Authorising Officers are of an appropriate standard, addressing any recommendations and concerns in the inspection reports prepared by the Investigatory Powers Commissioner.

24. RIPA Co-Ordinator

- 24.1 The RIPA Co-Ordinator (see appendix A) is responsible for storing all the original authorisations, reviews, renewals and cancellation forms and the signed approval or refusal documentation from the Magistrate. This will include any authorisations that have not been authorised by the Authorising Officer or refused by a Magistrate.
- 24.2 The RIPA Co-ordinator will: -
- Keep the copies of the forms for a period of at least 5 years;

- Keep the Central Register (a requirement of the Codes of Practice) of all authorisations, renewals and cancellations; and issue the unique reference number. This will also identify and monitor expiry and renewal dates.
- Must ensure that any electronic and paper records relating to a RIPA investigation are used, retained or destroyed in line with the Councils Information Management policies, departmental retention schedules and the Data Protection Act 2018. (DPA)
- Provide administrative support and guidance on the processes involved.
- Monitor the authorisations, renewals and cancellations with a view to ensuring consistency throughout the Council;
- Monitor each department's compliance and act on any cases of non-compliance;
- Provide or identify training and further guidance and awareness of RIPA and the provisions of this Policy; and Review the contents of this Policy.

25. Authorising Officers

- 25.1 The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 prescribes that for Local Authorities the Authorising Officer shall be a Director, Head of Service, Service Manager or equivalent as distinct from the officer responsible for the conduct of an investigation. Authorising Officers within the Council who can grant authorisations all of which are at Assistant Director level or above and have received the appropriate training. (see appendix A).
- 25.2 Authorising Officers should not be responsible for authorising investigations or operations in which they are directly involved. The role of the Authorising Officers is to consider whether to authorise, review, or renew an authorisation. They must also officially cancel the RIPA covert activity. Authorising Officers must have been trained to an appropriate level to have an understanding of the requirements in the Codes of Practice and that must be satisfied before an authorisation can be granted.

26 Necessity and Proportionality

- 26.1 Obtaining an authorisation under RIPA will only ensure that there is a justifiable interference with an individual's Article 8 rights if it is **necessary** and proportionate for these activities to take place.
- 26.2 The Authorising Officer must believe that the authorisation is necessary in the circumstances of the particular case for one or more of the statutory grounds which for Local Authority Directed Surveillance is the prevention and detection of crime and that the crime attracts a custodial sentence of a maximum of 6 months or more, or for the purpose of preventing or detecting specified criminal offences relating to the underage sale of alcohol and tobacco.
- 26.3 The lawful criteria for CHIS is prevention and detection of crime and prevention of disorder and the offence does not have to have a sentence of 6 months imprisonment.
- 26.4 The applicant and Authorising Officers must also be able to demonstrate why it is necessary to carry out the covert activity to achieve the objectives and that there were no other means of obtaining the same information in a less intrusive method. This is a part of the authorisation form.

- 26.5 If the activities are deemed necessary, the Authorising Officer must also believe that they are **proportionate** to what is sought to be achieved by carrying them out. This involves balancing the seriousness of the intrusion into the privacy of the subject of the operation (or any other person who may be affected) against the need for the activity in investigative and operational terms. The authorisation will not be proportionate if it is excessive in the overall circumstances of the case.

27. Collateral Intrusion

- 27.1 The Authorising Officer should also take into account the risk of obtaining collateral intrusion which is private information about persons who are not subjects of the surveillance. Staff should take measures, wherever practicable, to avoid or minimise unnecessary intrusion into the privacy of those who are not the intended subjects of the surveillance.

28 Forms and Durations

- 28.1 For both Directed Surveillance and CHIS authorisations there are the forms within the process. They are:

- Authorisation
- Review
- Renewal
- Cancellation
- Magistrates Form

- 28.2 Authorisations must be given for the maximum duration from the Date approved by the Magistrate but reviewed on a regular basis and formally cancelled when no longer needed. They do not expire, they must be cancelled when the surveillance is no longer proportionate or necessary. No surveillance etc. can be undertaken after the expiry date unless renewed and approved by the Magistrate. Durations detailed below:

- | | |
|------------------------------------|-----------|
| • Directed Surveillance | 3 Months |
| • Renewal | 3 Months |
| • Covert Human Intelligence Source | 12 Months |
| • Renewal | 12 months |
| • Juvenile Sources | 4 Months |
| • Renewal | 4 Months |

- 28.3 These durations also apply to any surveillance activities undertaken outside of RIPA.

Part E Central Record and Safeguarding the Material

29. Central Record

- 29.1 The council will maintain a centrally retrievable record of all authorisations/refusals to authorise will be held and maintained by RIPA Co-Ordinator. It will be regularly updated whenever an authorisation is applied for, refused, granted, renewed or

cancelled. The record will be made available to the relevant Commissioner or an Inspector from IPCO, upon request.

29.2 The documents contained in the centrally held register should be retained for at least three years from the ending of the authorisation or for the period stipulated by the Council's document retention policy, whichever is greater. The centrally held register contains the following information:

- If refused, (the application was not authorised by the AO) a brief explanation of the reason why. The refused application should be retained as part of the central record of authorisation;
- If granted, the type of authorisation and the date the authorisation was given;
- Details of attendances at the magistrates' court to include the date of attendances at court, the determining magistrate, the decision of the court and the time and date of that decision;
- Name and grade of the authorising officer;
- The unique reference number (URN) of the investigation or operation;
- The title of the investigation or operation, including a brief description and names of subjects, if known;
- Frequency and the result of each review of the authorisation;
- If the authorisation is renewed, when it was renewed and who authorised the renewal, including the name and grade of the authorising officer and the date renewed by the Magistrate;
- Whether the investigation or operation is likely to result in obtaining confidential information as defined in this code of practice;
- The date the authorisation was cancelled;
- Authorisations by an Authorising Officer where they are directly involved in the investigation or operation. If this has taken place it must be brought to the attention of a Commissioner or Inspector during their next RIPA inspection.

29.3 As well as the central record the Council will also retain:

- The original of each application, review, renewal and cancellation, copy of the judicial application/order form, together with any supplementary documentation of the approval given by the Authorising Officer;
- The frequency and result of reviews prescribed by the Authorising Officer;

- The date and time when any instruction to cease surveillance was given;
- The date and time when any other instruction was given by the Authorising Officer;
- A record of the period over which the surveillance has taken place. This should have been included within the cancellation form. Decide on the cancellation form to be used.

29.4 Detailed records must be kept of the authorisation and the use made of a CHIS. The Regulation of Investigatory Powers (Source Records) Regulations 2000; SI No: 2725 details the particulars that must be included in these records. The council will comply with these requirements.

30. Safeguarding the Use of Surveillance and CHIS Material

30.1 This section provides guidance on the procedures and safeguards to be applied in relation to the handling of any material obtained through Directed Surveillance or CHIS activity. This material may include private, confidential, or legal privilege information. It will also show the link to other relevant legislation.

30.2 The Council should ensure that their actions when handling information obtained by means of covert surveillance or CHIS activity comply with relevant legal frameworks and the Codes of Practice, so that any interference with privacy is justified in accordance with Article 8(2) of the European Convention on Human Rights. Compliance with these legal frameworks, including Data Protection and General Data Protection Regulation requirements, will ensure that the handling of private information obtained continues to be lawful, justified and strictly controlled, and is subject to robust and effective safeguards. The material will also be subject to the Criminal Procedures Investigations Act 1996 (CPIA).

31. Authorised Purpose

31.1 Dissemination, copying and retention of material must be limited to the minimum necessary for an **authorised purposes**. Something is necessary for the authorised purposes if the material:

- Is, or is likely to become, necessary for any of the statutory purposes set out in the RIPA Act in relation to covert surveillance or CHIS activity;
- Is necessary for facilitating the carrying out of the functions of public authorities under RIPA;
- Is necessary for facilitating the carrying out of any functions of the Commissioner or the Investigatory Powers Tribunal;
- Is necessary for the purposes of legal proceedings; or
- Is necessary for the performance of the functions of any person by or under any enactment.

32. Use of Material as Evidence

32.1 Material obtained through Directed Surveillance, may be used as evidence in criminal proceedings. The admissibility of evidence is governed primarily by the common law, the Criminal Procedure and Investigations Act 1996 (CPIA), the Civil Procedure Rules, section 78 of the Police and Criminal Evidence Act 1984 and the Human Rights Act 1998.

- 32.2 There is nothing in RIPA which prevents material obtained under Directed Surveillance authorisations from being used to further other investigations

33. Dissemination of Information

- 33.1 It may be necessary to disseminate material acquired through the RIPA covert activity. The number of persons to whom any of the information is disclosed, and the extent of disclosure, should be limited to the minimum necessary. It must also be in connection with an authorised purpose as set out in section 31 above. It will be necessary to consider exactly what and how much information should be disclosed. Only so much of the material may be disclosed as the recipient needs; for example, if a summary of the material will suffice, no more than that should be disclosed.
- 33.2 The obligations apply not just to the Council as the original authority acquiring the information, but also to anyone to whom the material is subsequently disclosed. In some cases, this will be achieved by requiring the latter to obtain permission from the Council before disclosing the material further. It is important that the Officer In Charge (OIC) of the enquiry considers these implications at the point of dissemination to ensure that safeguards are applied to the data.
- 33.3 A record will be maintained justifying any dissemination of material. If in doubt, seek advice.

34. Storage, Copying and Destruction

- 34.1 Material obtained through covert surveillance and CHIS authorisations, and all copies, extracts and summaries of it, must be handled and stored securely, to minimise the risk of loss. It must be held to be inaccessible to persons who are not required to see the material (where applicable). This requirement to store such material securely applies to all those who are responsible for the handling of the material. It will be necessary to ensure that both physical and IT security and an appropriate security clearance regime is in place to safeguard the material.
- 34.2 Material obtained through covert surveillance may only be copied to the extent necessary for the authorised purposes set out above. Copies include not only direct copies of the whole of the material, but also extracts and summaries which identify themselves as the product of covert surveillance, and any record which refers to the covert surveillance and the identities of the persons to whom the material relates.
- 34.3 In the course of an investigation, Council staff must not act on or further disseminate legally privileged items unless it has first informed the Investigatory Powers Commissioner that the items have been obtained.
- 34.4 Information obtained through covert surveillance, and all copies, extracts and summaries which contain such material, should be scheduled for deletion or destruction, and securely destroyed as soon as they are no longer needed for the authorised purpose(s) set out above. If such information is retained, it should be reviewed at appropriate intervals to confirm that the justification for its retention is still valid. In this context, destroying material means taking such steps as might be necessary to make access to the data impossible.

Part F Errors and Complaints

35. Errors

- 35.1 Errors relating to the RIPA process can have consequences to an affected individual's rights. Proper application of the surveillance and CHIS provisions in the RIPA codes and this Policy should reduce the scope for making errors. There is a process detailed within the codes of practice relating to errors.

There are two types of errors within the codes of practice which are:

- Relevant error and
- Serious error.

Examples of relevant errors would include circumstances where:

- Surveillance activity has taken place without lawful authorisation.
- There has been a failure to adhere to the safeguards set out in the relevant statutory provisions and Chapter 9 of the Surveillance Codes of Practice relating to the safeguards of the material.

- 35.2 The Council will comply with the procedures set out in the codes by establishing whether the error is a relevant error and if so it will be reported to IPCO who will determine whether it is a serious error and what action to take. A serious error is one that has caused significant prejudice or harm to the person concerned.

36 Complaints

- 36.1 Any person who reasonably believes they have been adversely affected by surveillance activity by or on behalf of the Council may complain:

- online within the "Have your say" webpage on the Council's website (www.west-norfolk.gov.uk)
- By calling the Council information Centre on 01553 616200
- By email to complaints@west-norfolk.gov.uk
- In person at our Council Offices, or
- By writing to Complaints, Democratic Services Department, Borough Council of King's Lynn & West Norfolk, Kings Court, Chapel Street, King's Lynn, PE30 1EX

- 36.2 A complaint can also be made to the official body which is the Investigatory Powers Tribunal (IPT). They have jurisdiction to investigate and determine complaints against any Public Authority's use of RIPA powers, including those covered by this Policy.

Complaints should be addressed to:

The Investigatory Powers Tribunal

PO Box 33220

London

SW1H 9ZQ

37 Version Control

Policy name		Regulation of Investigatory Powers Act 2000 (RIPA) Policy
Policy description		To ensure that the Borough Council of King's Lynn and West Norfolk (the Council) and its officers when undertaking covert investigative activities which may interfere with a

		person's right to respect for private and family life, home and correspondence, do so in such a way that is compatible with the European Convention on Human Rights (ECHR), the Human Rights Act 1998 (HRA), the Regulation of Investigatory Powers Act 2000 (RIPA), the Protection of Freedoms Act 2012, the Investigatory Powers Act 2016 (IPA), the General Data Protection Regulations (GDPR) and the Data Protection Act 2018 (DPA).		
Responsible Officer		Lorraine Gore, Chief Executive		
Version number	Date formally approved	Reason for update	Author	Review date
1.0		To consider changes in the law and also guidance and details identified through inspections by IPCO.	Jamie Hay / Mark Whitmore / Paul Fowler (Consultant)	April 2025



INTERNET & SOCIAL MEDIA RESEARCH & INVESTIGATIONS

CODE OF PRACTICE

1. Introduction

- 1.1 Online open source research is widely regarded as the collection, evaluation and analysis of material from online sources available to the public, whether by payment or otherwise to use as intelligence and evidence.
- 1.2 The use of online open source internet and Social Media research is a method of obtaining information to assist The Borough Council of King's Lynn & West Norfolk (the Council) with its regulatory and enforcement functions. It can also assist with service delivery issues. However, the use of the internet and Social Media is constantly evolving and with it the risks, particularly regarding breaches of privacy under Article 8 Human Rights Act 1998 (HRA) and other operational risks.
- 1.3 The Council (including its Local Authority Trading Companies (LATCs)) is a Public Authority in law under HRA, and as such, the staff of the authority must always work within this legislation. This applies to research on the internet.
- 1.4 Researching, recording, storing, and using open source information regarding a person or group of people must be both necessary and proportionate and take account of the level of intrusion against any person. The activity may also require authorisation and approval by a Magistrate under the Regulation of Investigatory Powers Act (RIPA) 2000. To ensure that any resultant interference with a person's Article 8 right to respect for their private and family life is lawful, the material must be retained and processed in accordance with the principles of the General Data Protection Regulations (GDPR) and the Data Protection Act 2018 (DPA).

2. Scope of Code of Practice

- 2.1 This code of practice and associated procedure establishes the Council's approach to ensure that all online research and investigations are conducted lawfully and ethically to reduce risk. It provides guidance to all staff within the Council, when engaged in their official capacity of the implications and legislative framework associated with online internet and Social Media research. It will also ensure that the activity undertaken, and any evidence obtained will stand scrutiny.
- 2.2 This code of practice takes account of the Human Rights Act 1998, Regulation of Investigatory Powers Act (RIPA) 2000, Criminal Procedures Investigations Act (CPIA) 1996, General Data Protection Regulations (GDPR), the Data Protection Act 2018, and National Police Chiefs Council (NPCC) Guidance on Open Source Investigation/Research.
- 2.3 This code of practice and associated procedure will be followed at all times and should be read, where required with the RIPA Codes of Practice and any other legislation and the Council's Regulation of Investigatory Powers Act 2000 (RIPA) policy mentioned in this document. Should there be any queries, advice can be sought from The RIPA Co-Ordinator.
- 2.4 This code of practice should not be exempt from disclosure under the Freedom of Information Act 2000.

3. Risk

- 3.1 Staff must be aware that any activity carried out over the internet leaves a trace or footprint which can identify the device used, and, in some circumstances, the individual carrying out the activity. This may pose a legal and reputational risk to the Council from being challenged by the subject of the research for breaching Article 8.1 of the HRA which states “Everyone has the right to respect for his private and family life, his home and his correspondence”. 8.2 states “There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others”.
- 3.2 There is also a risk of compromise to other investigations, therefore, the activity should be conducted in a manner that does not compromise any current or future investigation or tactics.

4. Necessity / Justification

- 4.1 To justify the research, there must be a clear lawful reason, and it must be **necessary**. Therefore, the reason for the research, such as, the criminal conduct that it is aimed to prevent or detect must be identified and clearly described. This should be documented with clear objectives. Should the research fall within RIPA activity, the RIPA authorisation deals with this criteria for it to be lawful.

5. Proportionality

- 5.1 **Proportionality** involves balancing the intrusiveness of the research on the subject and other innocent third parties who might be affected by it (collateral intrusion) against the need for the activity in operational terms. What is the benefit to carrying out the activity? how will the benefit outweigh the intrusion?
- 5.2 The activity will not be proportionate if it is **excessive** in the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means. All such activity should be carefully managed to meet the objective in question and must not be arbitrary or unfair

6 Private information

- 6.1 Private information is defined in the RIPA Codes of Practice and states it “includes any information relating to a person’s private or family life. Private information should be taken generally to include any aspect of a person’s private or personal relationship with others, including family and professional or business relationships.
- 6.2 Prior to, and during any research, staff must take into account the privacy issues regarding any person associated with the research.

7. Reviewing the Activity

- 7.1 During the course of conducting the internet open source research, the nature of the online activity may evolve. It is important staff continually assess and review their activity to ensure it remains lawful and compliant. Where it evolves into RIPA activity, the RIPA procedure should be followed. If in doubt, seek advice from the RIPA Co-Ordinator.

8. Use of Material

- 8.1 The material obtained from conducting open source internet and Social Media research may be used as intelligence or evidence.
- 8.2 Any material gathered from the internet during the course of a criminal investigation must be retained in compliance with the Criminal Procedure and Investigations Act (CPIA) Codes of Practice and all material stored in line with the General Data Protection Regulations (GDPR) data retention policy

9. Monitoring and Review of Code of Practice

- 9.1 This code of practice will be monitored and reviewed where necessary. The minimum of an annual review will take place.

10. Version Control

Policy name		Internet & Social Media Research & Investigations Code of Practice		
Policy description		To ensure that the Borough Council of King's Lynn and West Norfolk (the Council) and its officers when undertaking covert investigative activities which may interfere with a person's right to respect for private and family life, home and correspondence, do so in such a way that is compatible with the European Convention on Human Rights (ECHR), the Human Rights Act 1998 (HRA), the Regulation of Investigatory Powers Act 2000 (RIPA), the Protection of Freedoms Act 2012, the Investigatory Powers Act 2016 (IPA), the General Data Protection Regulations (GDPR) and the Data Protection Act 2018 (DPA).		
Responsible Officer		Lorraine Gore, Chief Executive		
Version number	Date formally approved	Reason for update	Author	Review date
1.0		To consider changes in the law, guidance	Jamie Hay / Mark	April 2025

		and details identified through inspections by IPCO.	Whitmore / Paul Fowler (Consultant)	



Investigatory Powers
Commissioner's Office

PO Box 29105, London
SW1V 1ZU

Lorraine Gore
Chief Executive
Borough Council of King's Lynn and West Norfolk
King's Court Chapel Street
King's Lynn
PE30 1EX

May 2021

Dear Chief Executive,

Assurance of data handling and retention safeguards

In light of serious compliance failings by part of the UK intelligence community, I have asked the IPCO inspectorate to carry out a full review of the ways in which data is handled by the public authorities we oversee. This work, which was initiated in late 2019, has comprised initial discussions with a range of authorities in relation to their data holdings. This includes any data obtained under the Investigatory Powers Act (IPA) 2016 and the Regulation of Investigatory Powers Act (RIPA) 2000 and which is therefore the subject of oversight by my office. This programme is intended to promote compliance with these acts and the Codes of Practice, and with other legal obligations including the Data Protection Act (DPA) 2018. You will be aware that the current restrictions have meant that our working model has changed and that any contact with our inspectors will be conducted remotely for the foreseeable future. Nonetheless, my inspectors will contact you to discuss data assurance alongside our usual inspections.

The objectives of the Data Assurance programme are:

- To inspect and investigate compliance with data safeguards to establish a high level of confidence that all data obtained under the powers overseen by IPCO is retained lawfully.
- To embed and encourage best practice for compliance at each authority we oversee.
- To assist the authorities we oversee to understand and investigate the compliance challenges arising from the use of bespoke, off-the-shelf and shared data handling programmes and technical storage environments.

My inspectors have identified that many organisations are retaining data for longer than is necessary or appropriate for a number of reasons. Firstly, in many cases authorities have not fully implemented data retention and disposal policies, secondly, many authorities operate with a culture of comprehensive retention to prevent operational data loss, and finally, systems used to transfer and securely store data may not promote or enable appropriate disposal processes.

For example, consider that an authority seeks and is granted a directed surveillance authorisation. Under that authorisation, surveillance is conducted for a period of time and provides information to meet the objectives of the investigation. As part of the investigation, one officer emails the results of the surveillance to a colleague and their manager, both of whom save a copy on their desktop and in Outlook for future reference. The officer also emails the product to a legal colleague so that the product may be used as evidence during criminal proceedings, it is therefore disclosed to a court and retained in a password-

protected file for further use in the event of an appeal. At this point, no decision is taken as to how long that data should be retained, and the copies on both Outlook and the desktops are retained.

Although this example demonstrates legitimate use of the data for investigative and evidential use of the data, this approach is unlikely to be compliant with the code of practice for surveillance. The data pathway described includes retention on a personal desktop and in Outlook as well as a password-protected evidential copy. In this example, no retention, review or disposal process is in place for either pathway. In cases such as this, my inspectorate have found that data is being retained longer than is necessary, and at times indefinitely. I urge you to review your obligations under IPA and RIPA and to revisit the safeguards in the Codes of Practice¹ to ensure that appropriate policies and processes are in place within your authority.

Starting in 2020, IPCO inspections will include data assurance and will require the following to be made available to my inspectors: safeguarding policies; retention and disposal schedules; access to any systems used to store data obtained under IPA and RIPA. Through each inspection, my office will ask you to demonstrate the adequacy of your policies, including physical security of data, adequacy of staff training, steps to minimise copying of data and processes to ensure all relevant data and copies are deleted at the appropriate time.

This work is a central part of IPCO's role to assist public authorities to use these powers lawfully, in the public interest. I anticipate that this programme will allow my office to establish a good level of confidence in the safeguarding practices of the authorities I oversee. I recommend that you take the following actions, which will assist you in demonstrating compliance and adherence to your obligations to safeguard any data you have obtained or may obtain:

- 1) Review the safeguarding obligations in the relevant Code of Practice for any powers used by your authority.
- 2) Ensure that internal safeguard policies for retaining, reviewing and disposing of any relevant data are accurate and up-to-date.
- 3) Ensure that the authorising officer for your authority has a full understanding of any data pathways² used for RIPA or IPA data.
- 4) Ensure that all data obtained under IPA and RIPA is clearly labelled and stored on a data pathway with a known retention policy.
- 5) Review the wording of safeguards in any applications to obtain data under IPA and RIPA and ensure that they accurately reflect the retention and disposal processes at your authority³.
- 6) Review whether data obtained under previous authorisations is being retained for longer than is necessary and, if appropriate, consider disposing of retained data.

If you have any questions about this programme or the recommendations we have made, please do not hesitate to contact IPCO at Info@IPCO.org.uk. Although we are not conducting inspections in person, my inspectors are available to answer any questions you have, and will be conducting inspections remotely, on a rolling basis, throughout the year. Yours sincerely



The Rt. Hon. Sir Brian Leveson

¹ Communications Data Code of Practice Chapter 13, CHIS Code of Practice Chapter 8 and Property Interference and Surveillance Code of Practice Chapter 9 set out safeguarding requirements.

² For example, directed surveillance data may be simultaneously stored on several data pathways: Pathway one – CCTV video product is transferred onto a CD and kept in a secure cabinet; Pathway two – a copy of the video is sent via email and stored on a common storage drive; Pathway three – a copy of the video is received via email and saved in an Outlook folder by a legal officer; Pathway four – a copy of the video is received via email and stored in a password protected evidential casework folder by a legal officer.

³ For example, if all data will be retained for a set number of years this should be stated in your application, or the application should refer to the internal safeguards policy document.

The Investigatory Powers Commissioner

POLICY REVIEW AND DEVELOPMENT PANEL REPORT

REPORT TO:	CORPORATE PERFORMANCE PANEL		
DATE:	13 April 2022		
TITLE:	PLANNING ENFORCEMENT UPDATE		
TYPE OF REPORT:	Update/Monitoring		
PORTFOLIO(S):	Regeneration and development		
REPORT AUTHOR:	Matthew Clarey/Stuart Ashworth		
OPEN/EXEMPT	OPEN	WILL BE SUBJECT TO A FUTURE CABINET REPORT:	No

REPORT SUMMARY

PURPOSE OF REPORT/SUMMARY:
<p>The report as requested provides background to the planning enforcement function, and sets out the current status and the past four years performance.</p>
KEY ISSUES:
<p>Performance of the team</p>
OPTIONS CONSIDERED:
<p>N/A</p>
RECOMMENDATIONS:
<p>That Corporate Performance Panel are invited to note the report.</p>
REASONS FOR RECOMMENDATIONS:
<p>Update report for panel.</p>

REPORT DETAIL

1.0 Background

- 1.1. The council's planning enforcement team mainly oversees the enforcement of planning legislation. There are also elements of other legislation that are dealt with by the team, for example protection of hedgerows.
- 1.2 Government guidance set out in the National Planning Policy Framework (NPPF) states that effective enforcement is important to maintain public confidence in the planning system. However, it does also make clear that enforcement is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.
- 1.3 The type of breaches that are investigated include:
 - Unauthorised operational development (building/ construction works).
Examples - oversized outbuildings, fences/ walls exceeding permitted provisions, unauthorised demolitions.
 - Unauthorised material changes of use
Examples – garden encroachment into the countryside, use of a non-residential building as a dwelling, commercial uses of residential properties. Matters relating to waste transfer are overseen by NCC.
 - Unauthorised work/ damage to a listed building – the activity can constitute a criminal offence/ prosecution.
 - Unauthorised work/ damage to a protected tree, either subject to a tree preservation order or by virtue of location within a conservation area - the activity can constitute a criminal offence/ prosecution, and or a requirement to plant a replacement tree of a size and species specified by the council.
 - Power to require proper maintenance of land – notices can be served to clear and tidy properties(section 215 notices).
Examples – cutting back overgrown gardens, clearing stored items from domestic properties.
 - Advertisements displayed without consent – this constitutes an offence and can also affect highway safety in some instances and cause unnecessary clutter detrimental to the street scene.
 - Protection of non-garden hedgerows - replacements can be required in some circumstances
 - High hedge complaints – remedial notices can be served to require a reduction in height and on-going maintenance.
However, not able to address overhanging/ encroachment, leaf litter or fouling from birds, also a common misconception is that a hedge must be maintained at a height of two metres.

- Breaches of conditions attached to planning decisions – can potentially have serious implications/ risks to public health and or the natural environment due to non-compliance.

As mentioned above some enforcement investigations relate to potential criminal offences. However, it is also noteworthy that most do not, cases relating to changes of use, breaches of condition and building works can be unauthorised but an offence will not have been committed initially.

- 1.4 Where a breach of planning control is considered unacceptable and planning permission is unlikely to be approved, there are formal notices that can be served to require the breach to cease. If in turn the requirements of an effective notice are then breached, this does constitute an offence punishable in the courts. The council can also take direct action to secure compliance with a notice.

The table below at 2.0 shows the number of notices served across Norfolk during the reporting period.

- 1.5 The enforcement team comprises:

Team leader – full time

Enforcement officer – full time

2 x Enforcement officers – part time (3 days p/w each)

Our newest officer joined the team in November 2021

- 1.6 When complaints are made to the enforcement team they are recorded as an enforcement case, and they are assigned to an officer to investigate. The enforcement case load to 15th March 2022 was recorded at 511 live cases.

- 1.7 The figures for the number of enforcement cases opened in the last four years is as follows:

2018 – 556

2019 – 596

2020 – 491

2021 – 570

- 1.8 The number of Enforcement cases closed in the last four years is as follows:

2018 – 548

2019 – 557

2020 – 407

2021 – 433

1.9 As mentioned above a breach of a formal enforcement notice, unauthorised work to a protected tree or damage to a listed building can be prosecuted in the courts.

1.10 A number of cases have been dealt with over recent years that have resulted in prosecutions, and with these cases a significant amount of work is undertaken by the officer to prepare papers for our legal team to in turn present the matter professionally. In some cases the officer will also be required to provide verbal evidence to the court at the hearing.

Circa 10 cases have been taken to court in the four year reporting period.

1.11 Formal notices –

Enforcement notice (operational development, material changes of use and breaches of conditions) is the most common notice that formally requires cessation of use, removal of works or compliance with conditions. Failure to comply allows the council to carry out the works in default.

Breach of condition notice. This cannot be appealed but does not allow the council to undertake the requirements in default.

Temporary stop notice and stop notice – A temporary stop notice must be backed up/ supported by an enforcement notice as only lasts 28 days. Service of a stop notice can lead to a compensation claim against the council.

Planning contravention notice -It is noteworthy that these are a requisition for information, not a formal requirement to stop an activity and through effective investigations information can often be obtained without the need to necessarily serve these.

1.12 It is of note that some notices carry a right of appeal and when this occurs the breach of planning control is permitted to continue until the appeal is determined.

1.13 As such the law also allows the use of planning injunctions to apprehend breaches of planning control that need stopping immediately. These need to be obtained from the High court. A breach of an injunction can constitute contempt of court. As can be seen in the table below the council has obtained injunctions in the recent past.

1.14 Where an appeal is lodged against an enforcement notice, the enforcement officer and in some cases a planning officer will need to defend the decision to take enforcement action, and the notice. Enforcement notice appeals can be very technical, and there are seven separate grounds of appeal.

1.15 Most appeals are by the submission of detailed written representation. However, oral testimony can sometimes be required and if at a public inquiry this will be under oath and the officer can be cross examined by the appellant's side.

- 1.16 We investigate the majority of complaints through to resolution. However, there are no particular trends, patterns or common cases, and some complaints cannot be investigated by the team. In these cases an explanation will be given to the complainant as to why and if there is a possibility another council department can assist this will also be advised.
- 1.17 Relevant complaints are logged and allocated to the officer to be investigated and where a breach is considered a priority (irreversible harm to a heritage asset/ protected tree etc) this will be addressed more swiftly.
- 1.18 There is not a set written procedural guide to follow and because of the differences with each case, some will inevitably take longer to conclude than others, and due to the high case load mentioned above it is not possible to keep complainants proactively informed of progress. We inform complainants of this at the outset, although we do confirm that complainants are welcome to contact the case officer for updates directly.
- 1.19 Very few complaints are not followed up in some way, although the outcome might not be what was desired. The investigation might conclude that the matter reported simply does not constitute development or that it benefits from a provision of permitted or deemed consent.
- 1.20 There are no targets for determining or considering cases, in the same way as there is for a planning application, mainly because of the differences between each case and the potential way they can be dealt with. We do not therefore have figures for the average time taken to resolve cases. However, if an individual investigation is shown to be too slow or if mistakes have been made then complaints can be made to the Local Government Ombudsman (LGO).
- 1.21 In the main the majority of the caseload is a result of complaints where the breach has already taken place/ commencing. However, some proactive work is created by our condition monitoring team.
- 1.22 A significant number of cases are resolved informally by negotiation where the owner remedies the breach without formal action.

2.0 Comparison with other Norfolk authorities

Enquiries with the other Norfolk authorities show staffing levels as:

- **Breckland** Planning enforcement manager, senior enforcement officer, 0.6 assistant enforcement officer, 0.6 admin officer
- **Broadland + South Norfolk** manager, 3 x full time officers and an assistant.
- **Great Yarmouth** one officer and shared admin with building control.
- **North Norfolk** team leader and two enforcement officers.
- **Norwich City** one officer.

Recordable enforcement activity – comparison

Table 1 - Government returns for other Norfolk Local Planning Authorities

Figures are based on year end Sept	Enforcement notices issued	Stop notices issued	Temp stop notices issued	Breach of condition notices served	Planning contravention notices served	Enf injunctions granted by high court or county court	Enf injunctions refused by high court or county court	Total
Breckland								
2018	4	0	0	1	13	0	0	18
2019	0	0	0	0	20	0	0	20
2020	5	0	0	0	27	0	0	32
2021	3	0	0	0	14	0	0	17
Total	12	0	0	1	74	0	0	87

Broadland								
2018	9	0	1	3	5	0	0	18
2019	2	0	1	1	1	0	0	5
2020	0	0	0	1	2	0	0	3
2021	5	0	0	0	3	0	0	8
Total	16	0	2	5	11	0	0	35
South Norfolk								
2018	4	0	0	0	2	0	0	6
2019	2	0	0	0	1	0	0	3
2020	4	0	1	0	3	0	0	8
2021	2	0	0	0	0	0	0	2
Total	12	0	1	0	6	0	0	19
Great Yarmouth								
2018	6	0	0	1	23	0	0	30
2019	6	0	3	3	22	0	0	34
2020	1	0	2	3	15	0	0	21
2021	0	0	2	0	12	0	0	14

Total	13	0	7	7	72	0	0	99
North Norfolk								
2018	7	1	1	3	3	0	0	15
2019	10	0	3	1	7	0	0	21
2020	2	0	0	0	1	0	0	3
2021	3	0	0	0	3	0	0	6
Total	22	1	4	4	14	0	0	45
Norwich								
2018	12	0	0	3	3	0	0	18
2019	14	0	0	8	8	0	0	30
2020	6	0	0	5	1	0	0	7
2021	4	0	0	0	16	0	0	25
Total	36	0	0	16	28	0	0	80
BCKLWN								
2018	26	0	1	10	14	1	0	52
2019	19	0	0	4	15	0	0	38
2020	13	0	0	5	2	0	0	20

2021	15	0	0	4	14	3	0	36
Total	73	0	1	23	45	4	0	146

- 2.1 These figures, which are taken from government returns, show that the council has served more official notices than any other authority in Norfolk, particularly those requiring positive action to address planning breaches.

3.0 Corporate Priorities

- 3.1 The enforcement function is perhaps best aligned with the following corporate priority.

Priority: Creating and maintaining good quality places that make a positive difference to people's lives

4.0 Financial Implications

- 4.1 There is the cost of providing the service, with the team currently consisting of 3.2 FTE posts.

5.0 Any other Implications/Risks

- 5.1 There is a risk to the reputation of the council if no enforcement action is taken, although this needs to be balanced and proportionate, as per the NPPF guidance.

6.0 Equal Opportunity Considerations

- 6.1 No specific equal opportunity considerations.

7.0 Environmental Considerations

- 7.1 Taking action can, in some circumstances, have a positive impact on the environment, for example, clearing up an untidy site under section 215 of the Town and Country Planning Act.

8.0 Consultation

- 8.1 N/A

9.0 Recommendation

- 9.1 That Corporate Performance Panel note the report.

10.0 Background Papers

Local Government returns

POLICY REVIEW AND DEVELOPMENT PANEL REPORT

REPORT TO:	Corporate Performance Panel		
DATE:	13 April 2022		
TITLE:	Council Meeting Arrangements - Informal Working Group		
TYPE OF REPORT:	Operational		
PORTFOLIO(S):	Leader – Councillor Dark		
REPORT AUTHOR:	Lorraine Gore – Chief Executive		
OPEN/EXEMPT	Open	WILL BE SUBJECT TO A FUTURE CABINET REPORT:	No

REPORT SUMMARY/COVER PAGE**PURPOSE OF REPORT/SUMMARY:**

At the full Council meeting on 23 February 2022 the following Motion was proposed:

PUBLIC SECTOR EQUALITY DUTY

The broad purpose of the equality duty is to integrate consideration of equality and good relations into the day- to-day business of public authorities.

By continuing to hold Council meeting during “normal working hours”, this Council is preventing prospective and current Members with occupations, child or other caring obligations, that need to be fulfilled within these hours, from participating effectively in the decision-making process.

To avoid discrimination against those whose daily lives embrace such characteristics and to ensure Part2 Article 2 Paragraph 2.04 “Roles and Functions of Councillors” can be met, this Council agrees that all future Council Meetings will be held no earlier than 6.30pm and will not start beyond 7.00pm.

For the avoidance of doubt the word “Council” in this Motion embraces all types of Council Meetings as in Part 2 of the Constitution Article 4, Para.4.02 and all Scrutiny and Overview Committees (Article 6).

Council resolved that the Motion should be referred to Cabinet and relevant Panels for consideration and recommendations back to Council. To inform the content of the report to Cabinet, it is proposed to establish an Informal Working Group to consider the above Motion and arrangements for council meetings as covid restrictions are removed. This report sets out the arrangements for the Informal Working Group.

KEY ISSUES:

The arrangements for council meetings have changed during the response to the covid pandemic. The temporary arrangements which allowed wholly virtual meetings during the immediate response to the covid pandemic ended on 7 May 2021. Further covid restrictions were removed by the Government from 24 February 2022 under their plans for living with covid. To ensure Member input into the consideration of council meeting arrangements in a living with covid world it is proposed to establish an Informal Working Group for evidence gathering and preliminary analysis.

RECOMMENDATIONS:

1. That the informal working group terms of reference to be to evidence gather and provide preliminary analysis of:

- the issues identified in the notice of motion
- the views of the various council panels and committees
- the staffing resource implications
- continuation of the arrangements for live streaming
- continuation of the arrangements for hybrid meeting arrangements

- capturing the environmental benefits of hybrid meetings
- continuation of the interim member enquiries email arrangements

2. The Informal Working Group to comprise of five Members and be supported by the Chief Executive.

3. The Informal Working Group to hold their first meeting as soon as possible, elect a Chair and Vice-Chair, agree the required actions to fulfil the group's Terms of Reference and decide on the ongoing regularity of future meetings of the group.

4. Once the Terms of Reference are complete, decide on final conclusions and findings to be included within the report back to the Corporate Performance Panel, Cabinet and Council meetings.

REASONS FOR RECOMMENDATIONS:

To respond to the Motion to Council and the arrangements for council meetings as covid restrictions are removed.



Corporate Business Plan and directorate plans

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Ged Greaves
Corporate Performance Manager



Request from Cllr Morley

“How the new Portfolio objectives meet the Corporate Business Plan objectives via Directorate/Service Plans/Key Performance Indicators/timescales.”



Overview

- Councils are complicated organisations
- Mix of statutory and discretionary activities
- Demands and expectations
- Challenges
- Aspirations

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Business planning process



Corporate Business Plan

Priority	Objectives
Improving social mobility and inclusion	<ul style="list-style-type: none">• Assist our residents to maximise their opportunities by accessing the support and services they are entitled to.• Ensure the Council participates in a range of initiatives which support the development of skills in and pathways to work for local people.
Creating and maintaining good quality places that make a positive difference to people's lives	<ul style="list-style-type: none">• Target littering and fly-tipping.• Maintain standards for open and green spaces.
Helping to improve the health and wellbeing of our communities	<ul style="list-style-type: none">• Improve and develop the quality of local sport and leisure facilities.• Work with our partners to improve community cohesion and reduce crime, the fear of crime and anti-social behaviour.



Corporate Business Plan

Priority	Objectives
Focusing on delivery	<ul style="list-style-type: none">• Set a Medium-Term Financial Strategy to fund council services by a prudent mix of investment, services and tax income, while maintaining adequate reserves.• Develop and increase the range and effectiveness of the Council's approach to communicating and engaging with employees, businesses, local communities and visitors.• Be attentive to our customer and community needs.
Delivering growth in the economy and with local housing	<ul style="list-style-type: none">• Develop our town centres and the rural offering; recognised as great places to live, visit and invest into.• Deliver the Local Plan.
Protecting and enhancing the environment including tackling climate change	<ul style="list-style-type: none">• Deliver on our commitment to be carbon neutral by 2035, or earlier, by implementing the council's carbon reduction strategy and encourage and collaborate with our partners, communities and local businesses to reduce their environmental impact.



Objectives linked to portfolios

Appendix to the report to Cabinet on 16 November 2021 set out the priorities/objectives along with their related key initiatives mapped to Cabinet portfolios and lead officers.



Directorate plans

Corporate template includes:

- Corporate Business Plan priorities and objectives
- Foreword outlining the functions of the directorate
- Structure chart
- Key milestones for objectives plus forecast completion dates and lead officers
- Key performance indicators
- Directorate risks

Published on InSite



Key dates

- Corporate Business Plan approved by Council on 2 December 2021
- Financial Plan for 2022/26 was approved by Council on 23 February 2022
- Consultation with portfolio holders, performance indicators were approved by Management Team 22 March 2022
- Directorate plans to be prepared by 31 March 2022



Performance indicators

- Reviewed the set of indicators (48)
- New indicators = 46
- Retained indicators = 34
- Agreed with portfolio holders aligned with priorities



Reporting

Panel meeting	Period covered by report
15 June 2022	Full year 2021/22
12 Sept 2022	Q1, 2022/23
4 Jan 2023	Q2, 2022/23
27 Feb 2023	Q3, 2022/23

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Review of the Council's Working Structure

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Becky Box
Assistant Director Central Services



Request from Cllr Morley

“To provide an overview of the Council’s working structure to support the Corporate Business Plan. (Organisational chart setting out the FTE that has been allocated to service areas to ensure delivery of the Corporate Business Plan)”



Overview

- Information based on 1st February 2022
- Permanent establishment = 517 posts
- Permanent FTE = 472.81
- New structure wef 01/01/2020
- Services grouped into 8 service areas



Overview Continued

- Structure designed to ensure delivery of quality services whilst also delivering a range of capital investment projects
- Charts show the functions/services delivered by each service area
- Charts show Portfolio Holders for each service area to show link to Corporate Business Plan



Overview Continued

- A small number of Fixed Term and temporary employees are also employed (these are not included in the information provided on the charts)
- FT and Temp Headcount = 16
- FT and Temp FTE = 14.81



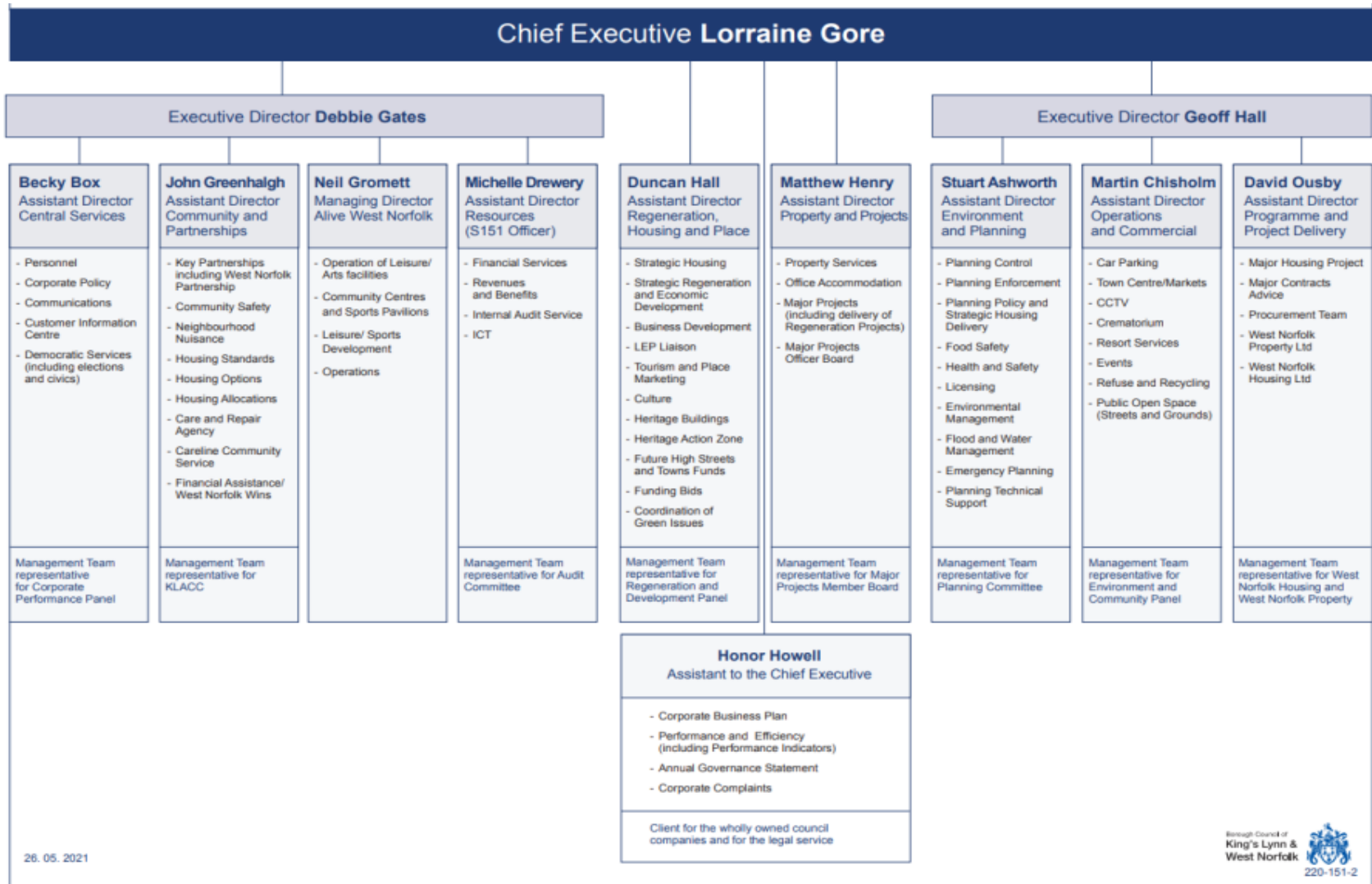
Overview Continued

- Alive West Norfolk employees are not included as they are employed by AWN, not the Council
- 78 • The AWN Managing Director is shown on the Extended Management Team structure to show where this post links via the AWN Board



Extended Management Team

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26. 05. 2021



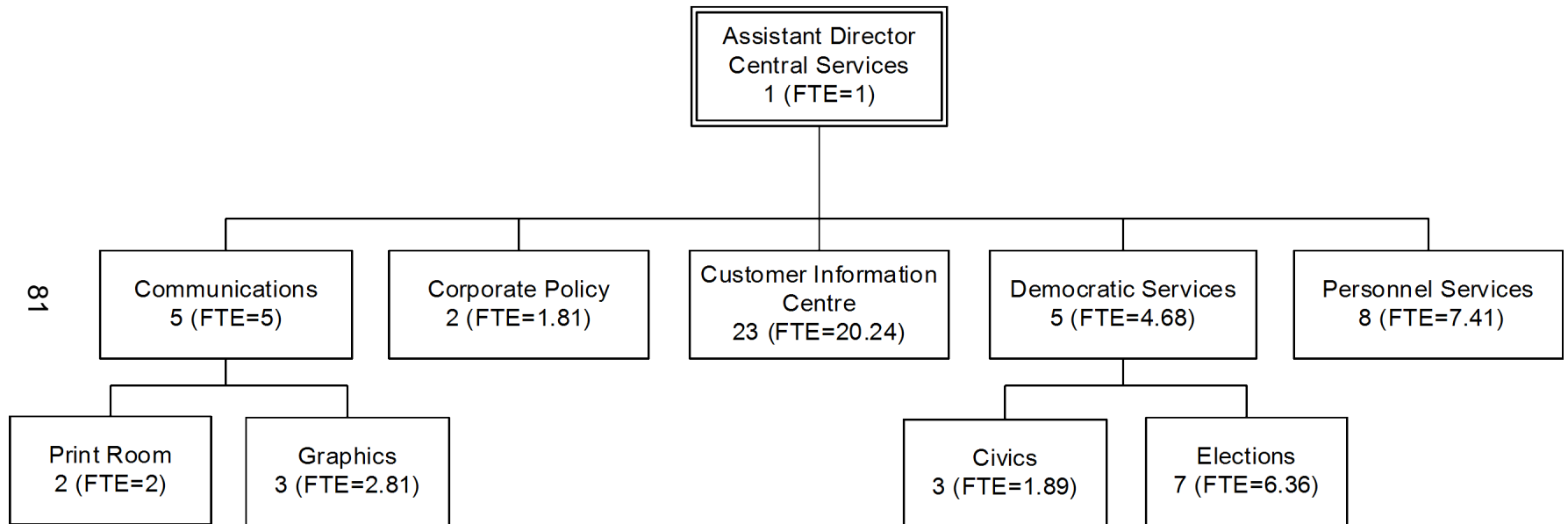
Number and FTE of Posts

Allocation of permanent posts and FTE at 01/02/22:

	Number	FTE
Chief Executive	1	1
Executive Directors	2	2
Assistant Director Central Services	59	53.20
Assistant Director Community & Partnerships	64	58.94
Assistant Director Environment and Planning	75	69.46
Assistant Director Operations and Commercial	152	146.20
Assistant Director Programme and Project Delivery	10	9.81
Assistant Director Property and Projects	34	23.41
Assistant Director Regeneration, Housing & Place	12	11.66
Assistant Director Resources & S151 Officer	103	92.14
Assistant to the Chief Executive	4	4
Secretary/PA to Chief Executive and Leader	1	1
Total	517	472.82



Central Services

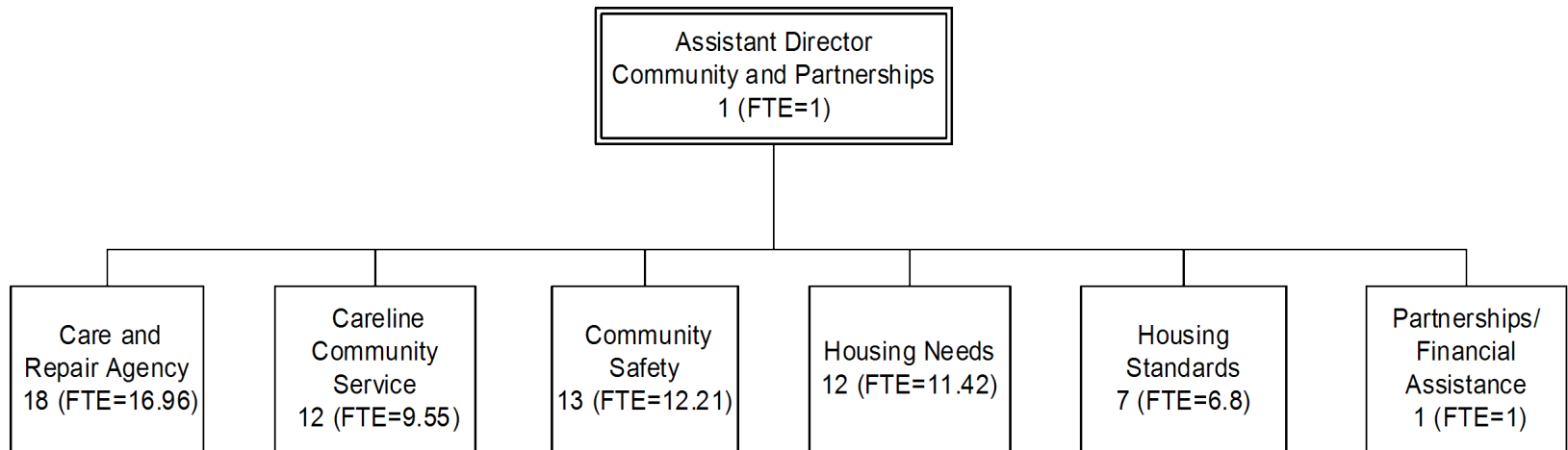


Portfolio Holders:
Leader, Corporate Services



Community & Partnerships

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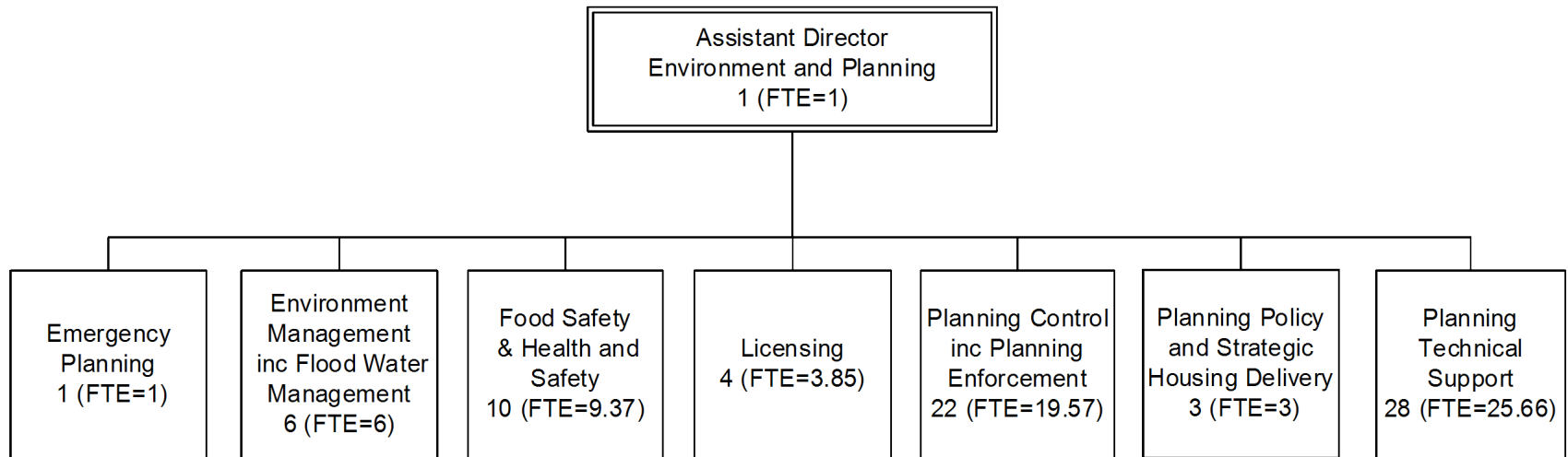


Portfolio Holders:
People and Communities, Environment,



Environment & Planning

83

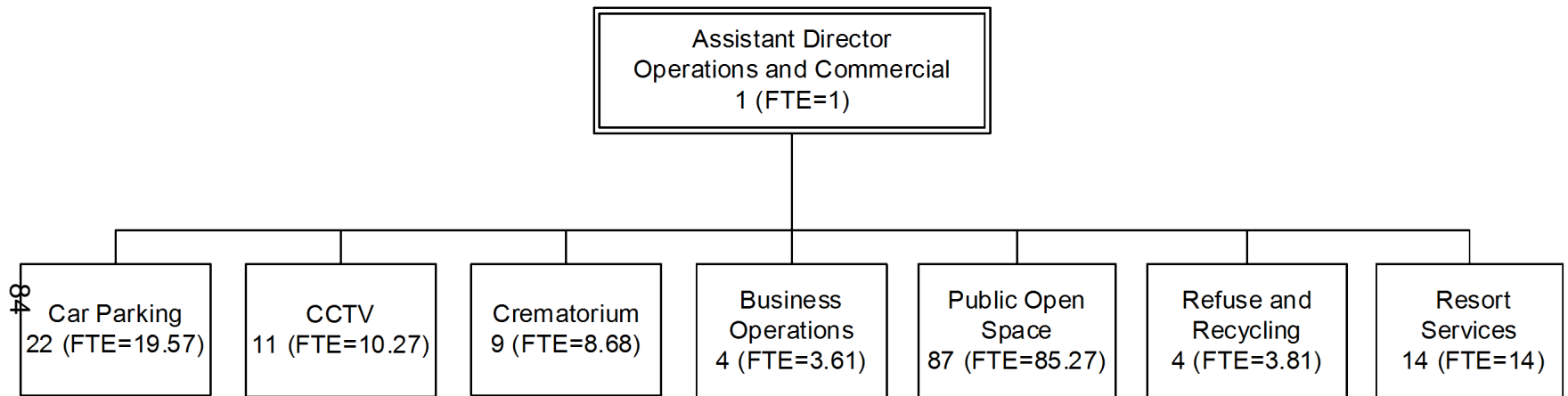


Portfolio Holders:

Development & Regeneration, Environment, Leader



Operations & Commercial

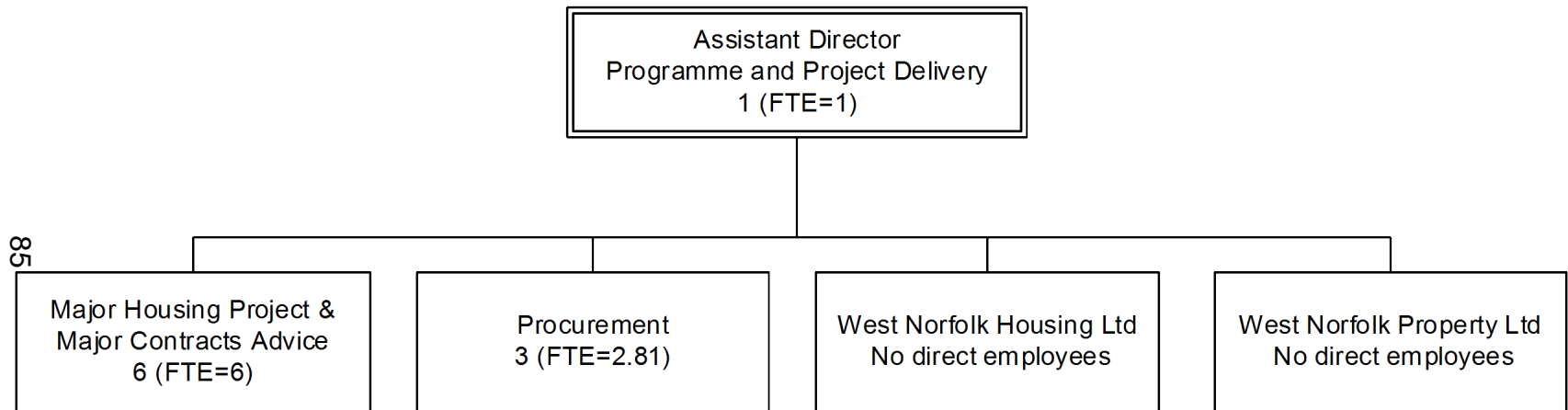


Portfolio Holders:

Business, Culture & Heritage, Environment, Corporate Services
Development & Regeneration



Programme & Project Delivery

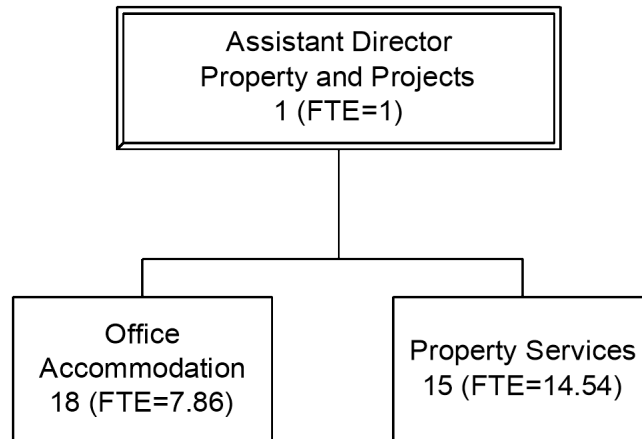


Portfolio Holders:

Business, Culture & Heritage, Development & Regeneration



Property and Projects

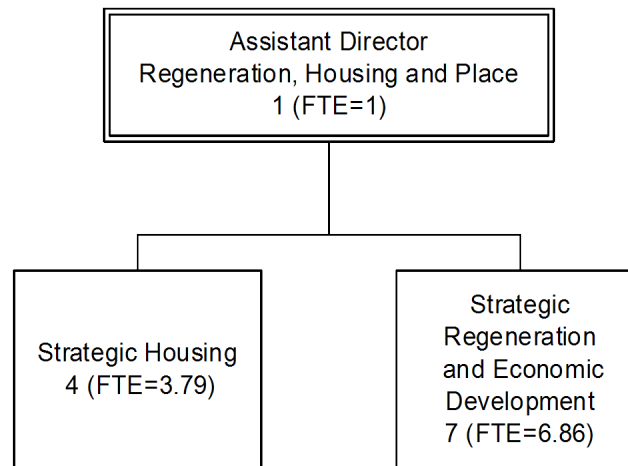


Portfolio Holders:

Business, Culture & Heritage, Property, Corporate Services



Regeneration, Housing & Place

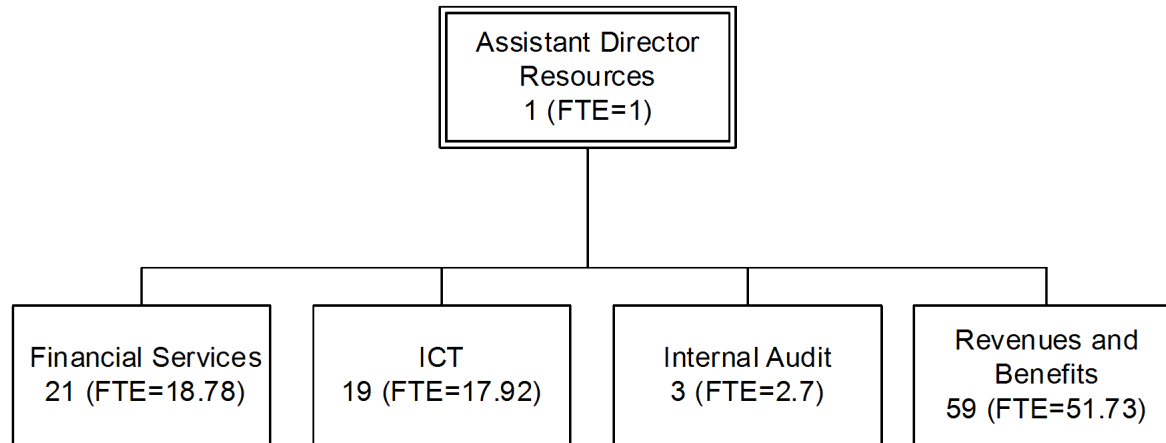


Portfolio Holders:

Business, Culture & Heritage, People & Communities, Development & Regeneration



Resources

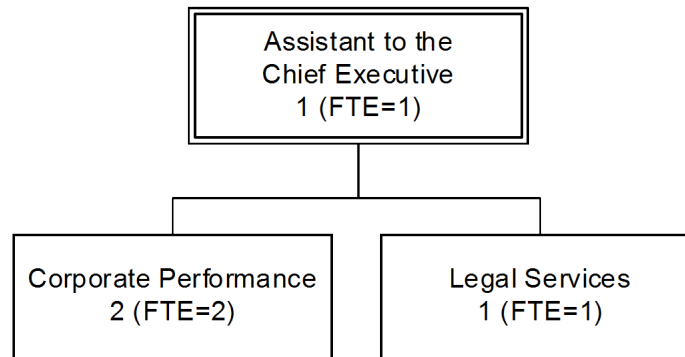


Portfolio Holder:

Finance, People & Communities, Corporate Services



Assistant to the Chief Executive



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Portfolio Holder:
Leader, Corporate Services



FORWARD DECISIONS LIST

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
11 April 2022						
	Guildhall and Creative Hub Options including Governance	Non	Council	Business, Culture and Heritage – G Middleton Asst Director – D Hall		Public
	Memorials Safety Policy	Non	Council	Corporate Services and Environment Asst Director – M Chisholm		Public
06	Resourcing – Forward Plan	Non	Cabinet	Leader Chief Executive		Private - Contains exempt Information under para 1 – information relating to the business affairs of any person (including the authority)

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
21 June 2022						
	RIPA/non-RIPA policy and operating procedures	Non	Council	Leader Asst Dir		
	Planning Scheme of Delegation/Sifting Panel	Non	Council	Development & Regeneration Asst Director S Ashworth		Public
	Review of Governance of Council Companies	Non	Cabinet	Leader Chief Executive		Public

	Freedom of the Borough - amendments	Non	Council	Leader Chief Executive		Public
	Asset Management – Land and Property	Key	Cabinet	Property Asst Dir Property and Projects		Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
91	Lynnsport One	Key	Council	Regeneration & Development Asst Dir Companies & Housing Delivery – D Ousby		Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
	Enforcement policy	Non	Council	Environment Asst Director J Greenhalgh		Public
	Members Community Grants Fund	Non	Council	Leader Assistant to CEx		Public
	Support in Safe Accommodation for Norfolk – 2021/2024 – Housing related issues.	Non	Cabinet	People & Communities Assistant Director - D Hall		Public
	Housing Delivery Test Action Plan	Non	Cabinet	Development & Regeneration Asst Director S Ashworth		Public
	Five Year Housing Land Supply assessment	Non	Council	Development & Regeneration Asst Director S Ashworth		Public
	Balloon and Lantern report	Non	Cabinet	Corporate Services and Environment Asst Director – M Chisholm		Public
	Risk Management Policy	Key	Council	Chief Executive Finance		Public

	Appointments to Outside Bodies	Non	Cabinet	Chief Executive		Public
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Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
2 August 2022						

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
20 September 2022						
	Procurement Strategy	Non	Cabinet	Finance Asst Dir – D Ousby		Public
	Custom and Self Build Site – Stoke Ferry	Non	Cabinet	Regeneration and Development Assistant Director - D Hall		Public

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
15 November 2022						

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
17 January 2023						

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
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7 February 2023						
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Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
7 March 2023						

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
18 April 2023						

63 **Meetings in new year**

	Notice of Motion 7-21 – Councillor Kemp – Equalities	Non	Council	Leader Asst Dir B Box		Public
	Housing Delivery Test Action Plan	Non	Cabinet	Development & Regeneration Asst Director S Ashworth		Public
	Five Year Housing Land Supply assessment	Non	Council	Development & Regeneration Asst Director S Ashworth		Public

CORPORATE PERFORMANCE PANEL WORK PROGRAMME 2022/2023

DATE OF MEETING	TITLE	TYPE OF REPORT	LEAD OFFICER	OBJECTIVES AND DESIRED OUTCOMES
15 June 2022	Appointment of Vice-Chair			To appoint a Vice-Chair for the Municipal Year 2022/2023.
15 June 2022	Call-in (if any)			
15 June 2022	Review of New Waste Collection Contract Performance – Stage 2 – Review of the legal and technical contract performance for year 1 of the contract.	Councillor Request		
15 June 2022	Report from the Informal Working Group – Review of the Corporate Complaints Policy		H Howell	
15 June 2022	Nominations to Outside Bodies and Partnerships – Hunstanton Sailing Club	Appointment as an Observer to an Outside Body		To appoint a representative as an observer role only.
13 April 2022	Scheme of Delegation/ Planning Sifting Panel	Cabinet Report	S Ashworth	

DATE OF MEETING	TITLE	TYPE OF REPORT	LEAD OFFICER	OBJECTIVES AND DESIRED OUTCOMES
15 June 2022	RIPA/Non-RIPA Policy	Cabinet	J Hay	
15 June 2022	Full Review of Performance Indicators 2021/2022	Review	H Howell/ G Greaves	
15 June 2022	Review of the Community Grant Scheme	Review	H Howell	
15 June 2022	Hunstanton Promenade Waste Water – Update	Update	M Henry	
15 June 2022	Tourism – Harmful or Helpful? A review of key qualitative and quantitative factors influencing the future growth of Tourism resourcing, processes and benefits – do our residents benefit from our approach to promoting tourism in West Norfolk	Review	D Hall	Item put forward by Councillors Moriarty and Devereux
15 June 2022	Town Deal Board (Governance)		L Gore	Details set out in email from Councillor Moriarty dated 17 March 2022
15 June 2022	Portfolio Holder Question and Answer Session			Questions to be submitted in advance of the meeting.
15 June 2022	Review of Governance of Council Companies	Cabinet	L Gore/ G Greaves	
15 June 2022	Planning Scheme of Delegation/Sifting Panel	Cabinet	S Ashworth	

DATE OF MEETING	TITLE	TYPE OF REPORT	LEAD OFFICER	OBJECTIVES AND DESIRED OUTCOMES
15 June 2022	Cabinet Forward Decisions List			
15 June 2022	Panel Work Programme			
15 June 2022	Exempt: KLIC Repayment <u>Plan</u>	Quarterly Update	M Henry	Quarterly Update
18 July 2022	Call-in (if any)			
18 July 2022	COVID and the Council. To flesh this out, what was asked of the council by government and what additional resources were we given to carry out such roles etc ? So it is not about how we handled it in terms of working practices such a WFH and adapting meetings etc, but what was asked of us a local authority by government and how the Council went about those tasks.	Councillor Request	L Gore to advise of Lead Officer	Request from Councillor Moriarty
18 July 2022	ICT – the challenges presented by COVID and how they were met		R Godfrey	Request from Councillor Moriarty
18 July 2022	Pay Award	Cabinet		

18 July 2022	Post Evaluation Review of H & M	Post Evaluation Review	M Henry	To undertake a review of the project
18 July 2022	Portfolio Holder Question and Answer Session			Questions to be submitted in advance of the meeting.
18 July 2022	Cabinet Forward Decisions List			
18 July 2022	Panel Work Programme			
12 September 2022	Call-in (if any)			
12 September 2022	Formal Complaints against the Borough Council 1 April 2021 - 31 March 2022 The number of compliments received also to be included in the report.	Annual	H Howell	For information only
12 September 2022	Review of New Waste Collection Contract Performance 2) Review of the legal and technical contract performance for Year 1 of the Contract (end of Q1 2021/2022 – June 2022).	Review – Stage 2 Councillor Request	B Brandford	
12 September 2022	Procurement Strategy	Cabinet	D Ousby	Currently scheduled on the Forward Decisions List for 20 September 2022
DATE OF	TITLE	TYPE OF	LEAD	OBJECTIVES AND DESIRED

MEETING		REPORT	OFFICER	OUTCOMES
12 September 2022	Portfolio Holder Question and Answer Session			Questions to be submitted in advance of the meeting.
12 September 2022	Cabinet Forward Decisions List			
12 September 2022	Panel Work Programme			
12 September 2022	Exempt Report: Hunstanton Sailing Club (Prior to receiving the update, the Panel to determine if the item should be discussed as an exempt report)	Annual Update	Borough Council's Appointed Representative	The Panel to receive an annual report from the Borough Council's representative.
12 September 2022	Exempt: KLIC Repayment <u>Plan</u>	Quarterly Update	M Henry	Quarterly Update
31 October 2022	Call-in (if any)			
31 October 2022	Employment Monitoring Figures	Annual Report	B Box	For information only
31 October 2022	Full Review of IDC to include the appointment of Members, standing orders relating to the investigation of discipline of statutory officers and terms of reference for that Committee.	Councillor Request		Request from Councillor Nash

DATE OF MEETING	TITLE	TYPE OF REPORT	LEAD OFFICER	OBJECTIVES AND DESIRED OUTCOMES
31 October 2022	Corn Exchange – (Request from Councillor Morley) – comparing the actual with 2 budget authorities	Councillor Request	M Drewery	Request from Councillor Morley
31 October 2022	Portfolio Holder Question and Answer Session			Questions to be submitted in advance of the meeting.
31 October 2022	Panel Work Programme			
4 January 2023	Call-in (if any)			
4 January 2023	Annual Communications Update	Annual Update	S Clifton/ J Hillard/ A Howell	
4 January 2023	Cabinet Forward Decisions List			
4 January 2023	Portfolio Holder Question and Answer Session			Questions to be submitted in advance of the meeting.
4 January 2023	Panel Work Programme			
4 January 2023	Exempt: KLIC Repayment <u>Plan</u>	Quarterly Update	M Henry	Quarterly Update

DATE OF MEETING	TITLE	TYPE OF REPORT	LEAD OFFICER	OBJECTIVES AND DESIRED OUTCOMES
27 February 2023	Call-in (if any)			
27 February 2023	Scrutiny – to look at the compulsory statutory guidance and practice elsewhere		S Winter to advise of Lead Officer	
27 February 2023	Portfolio Holder Question and Answer Session			Questions to be submitted in advance of the meeting
27 February 2023	Cabinet Forward Decisions List			
27 February 2023	Panel Work Programme			
5 April 2023	Call-in (if any)			
5 April 2023	Portfolio Holder Question and Answer Session			Questions to be submitted in advance of the meeting
5 April 2023	Cabinet Forward Decisions List			
5 April 2023	Panel Work Programme			
5 April 2023	Exempt: KLIC Repayment <u>Plan</u>	Quarterly Update	M Henry	Quarterly Update

Forthcoming Items – Date to be advised

Town Deal Board (Governance) – Decision on membership, components of the Board, minute taking and publishing on website, etc (see email from Councillor J Moriarty dated 17 March 2022)

Guidance in respect of Council Tax Support Scheme ahead of when it is presented to Council for approval – M Drewery/J Stanton

Statement of Community Involvement (request from Councillor Moriarty) – S Ashworth

Document is Restricted

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

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