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Michael Laing Chief Executive

15th January 2008

Dear Councillor,

I hereby give you Notice that a Meeting of the **POLICY AND STRATEGIC DEVELOPMENT COMMITTEE** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, CROOK** on **WEDNESDAY 23rd JANUARY 2008** at **6.00 P.M.**

AGENDA

Page No.

1. Apologies for absence
2. Declarations Of Interest

Members are invited to declare any personal and/or prejudicial interest in matters appearing on the agenda and the nature of their interest.

Members should use either of the following declarations:

Personal Interest – to be used where a Member will be remaining and participating on the debate and any vote:

I have a personal interest in agenda item (...) regarding the report on (...) because I am (...)

Personal and Prejudicial Interest – to be used where a Member will be withdrawing from the room for that item:

I have a personal and prejudicial interest in agenda item (...) regarding the report on (...) because I am (...)

Officers are also invited to declare any interest in any matters appearing on the agenda.

NOTE: Members are requested to complete the enclosed declarations form and, after declaring interests verbally, to hand the form in to the Committee Administrator.

3. To consider the Minutes of the Meeting of the Committee held on

Copies
attached

21st November 2007 and the Special Meeting of the Committee held on 19th December 2007 as true records.

- | | | |
|-----|---|----------|
| 4. | To receive a report on becoming the “Best District Council in England”. | 1 - 4 |
| 5. | To receive an update of the Best Value Performance Indicators (BVPI's) at the third quarter stage of 2007/08. | 5 - 15 |
| 6. | To consider the consultation on the Comprehensive Area Assessment. | 16 - 27 |
| 7. | To consider the concordat signed between the Local Government Association and the Department for Communities and Local Government. | 28 - 32 |
| 8. | To consider an update on the Regulation of Investigatory Powers Act (RIPA) 2000. | 33 - 68 |
| 9. | To receive an update on the Corporate Plan 2006/07. | 69 - 71 |
| 10. | To consider a location analysis from the Annual Corporate Satisfaction Survey 2007. | 72 - 87 |
| 11. | To receive a Risk Register update. | 88 - 95 |
| 12. | To consider requests for funding from the Section 106 Fund. | 96 - 101 |
| 13. | To consider such other items of business which, by reason of special circumstances so specified, the Chairman of the meeting is of the opinion should be considered as a matter of urgency. | |

Yours faithfully



Chief Executive

Members of this Committee: Councillors Mrs Burn, Ferguson, Gale, Grogan, Hayton, Henry, Kay, Kingston, Mews, Mowbray, Murphy*, Miss Ord, Perkins, Mrs Pinkney, Mrs Seabury*, Stonehouse and Zair.

*ex-officio, non-voting capacity.

Chair: Councillor Stonehouse

Deputy Chair: Councillor Kay

TO: All other Members of the Council for information
Management Team

DECLARATIONS OF INTEREST FORM

NAME AND DATE OF COMMITTEE	AGENDA ITEM NUMBER	NATURE OF INTEREST AND REASONS	PRINT NAME	SIGNATURE

POLICY & STRATEGIC DEVELOPMENT COMMITTEE

23 JANUARY 2008

Report of the Strategic Director for Resource Management **BECOMING THE BEST – VISION INTO REALITY**

purpose of the report

1. To map out a journey to becoming the “Best District Council in England”.

background

2. The recent Peer Review highlighted the challenges of clarifying our vision to ensure consistency of understanding by all of our stakeholders. Whilst our vision has been in place since 2002/03, we have never explicitly articulated the targets/milestones needed to get there. This report therefore sets out what is meant by being the “best” and then fleshes this out with targets and milestones.

being the best

3. Although becoming the best is a journey, there is a hierarchy of how we measure this. These are as follows:
 - Public – being the best is about serving the needs of the public, in terms of high quality service delivery accessible services. We can measure this in 2 ways. Firstly, satisfaction rates for the Council overall and for key services. We can use the triennial surveys to identify customer and citizen satisfaction levels. This can be backed up by identifying key measures of “success” which measure the extent to which we are tackling deprivation.
 - Direction of Travel – being the best is about making continuous progress, which is externally validated, against our Corporate Plan. By measuring this we can articulate our contribution to the sustainable community plan. In terms of measuring this, we can use the Audit Commission’s Annual Direction of Travel report to assess if we are making progress. Alternatively, we can report on the progress in achieving our Corporate Plan actions and priorities.
 - BVPIs – thirdly, being the best is about demonstrating to the Audit Commission that we are continuously improving, as measured by BVPIs. Within this we need to consider which BVPIs we choose to measure for the purposes of becoming the best i.e.:

Option A – use all BVPIs.

Option B – Use Audit Commission key basket of BVPIs.

Option C – use a local basket of key BVPIs.

In terms of measurement, this can be expressed in actual quartile performance against target e.g. 40% of BVPIs are top quartile compared to our target of 45% etc. Colleagues will be aware, however, that BVPI's are to be replaced by National Indicators (NI's) which will need to be incorporated into any future targets.

- Use of Resources – fourthly, being the best is about demonstrating sound financial stewardship. This is already measured annually by the Audit Commission.

reporting the results

4. By bringing the above 4 measures together, a view can be taken as to whether the Council is on course to deliver its vision. This will be reported in the Council's Annual Report, the first of which was produced in August and sent to all households. This Annual Report included information on satisfaction rates, corporate plan achievements, BVPIs performance and Use of Resources score.
5. Therefore, this provides a useful starting point to take to the next level. Crucially, various aspects of being the best (BVPIs, Use of Resources) are audited which increases the validity of the process.
6. It is suggested that the next edition of Wear Valley Matters includes a prominent article on becoming the best, along with our achievements. This should help "sell" the vision and our performance to the public.

targets/milestones

7. The setting of targets/milestones serves a dual propose:
 - It gives all staff and members clear direction and focus.
 - It enables an assessment of progress against our vision to be made.
8. It is also consistent with our Performance Management Framework.
9. Suggested targets, for illustrative purposes, are as follows:

THEME	MEASURE	TARGETS 2007/08	TARGETS 2008/09	TARGETS 2009/10
Public	% satisfied with Council overall	52%	57%	62%
	% satisfied with handling complaints	33%	42%	50%
	% satisfied with the planning service	83%	85%	87%
	% satisfied with the housing service	76%	78%	80%
	% satisfied with the benefits service	86%	88%	90%
	% satisfied with waste collection service	86%	88	90%
	% satisfied with recycling service	69%	72%	75%
	% satisfied with leisure service	51%	56%	61%

THEME	MEASURE	TARGETS 2007/08	TARGETS 2008/09	TARGETS 2009/10
	% satisfied with parks and open spaces	60%	65%	70%
	Change in deprivation levels	33rd least deprived	33rd least deprived	45th least deprived
Direction of Travel	no of corporate priorities/actions on target for:			
	• Population (out of 11)	6	9	11
	• Economy (out of 7)	4	6	7
	• Environment (out of 10)	5	7	10
	• Crime and disorder (out of 5)	3	4	5
	• Health and well being (out of 15)	8	12	15
	• Life long learning (out of 8)	4	6	8
	• Org Excellence (out of 19)	12	15	19
BVPIs	% of BVPIs in top quartile	39%	41%	43%
	% of BVPIs in above average	22%	24%	26%
	% of BVPIs in below average	21%	20%	17%
	% of BVPIs in bottom quartile	18%	15%	14%
Use of Resources	Annual Score	3 out of 4	3 out of 4	4 out of 4

understandability

10. It is important that the measures chosen are capable of being understood by the public. The above table is a simple way of expressing whether or not we are making the progress we expected on our journey to becoming the best.

service planning arrangements

11. Corporate Plan, BVPIs and Use of Resources are already included in our Performance Management Framework and are expressed as SMART targets in each department's service plan.
12. Service satisfaction rates are not expressed in each department's service plans. This will require departments to set targets and carry out surveys. The timing, content and sample size of surveys will need to be agreed. These surveys were last done in 2006/07 and will need to be done annually. This will therefore represent an extra burden on each department in terms of staff time and cost.

consultation

13. We will need to consult on our chosen methods (and targets) of measuring our journey to becoming the best.
14. It is proposed to consult the following individuals and groups to solicit their views on our chosen methods/targets:
- Members.
 - LSP.

- Tenants Panel.
- Staff.
- Public (via a Focus Group).

15. This exercise needs to be carried out as soon as possible, and tie in with the Citizens Panel Initiative.

continuous improvement

16. Achieving the above targets will require managers to continuously improve customer service in order to improve satisfaction and BVPI performance, all within existing resources. This will require imagination and it is suggested that Extended Management Team identify how this can be achieved and implement it. That said, service delivery can be improved by relatively simple measures such as:

- Responding to service requests (including electronic service requests) promptly.
- Handling complaints promptly.
- Encouraging staff to have a 'can do' attitude.

human resource implications

17. This mainly arises from the need to carry out annual surveys. This process will be supported by the Corporate Development Unit but will nevertheless consume precious staff resource.

financial implications

18. This will be relatively modest and will be made up of stationery, printing and postage. This can be met from within existing resources.

RECOMMENDED that Members agree the report.

Officer responsible for the report

Gary Ridley
Strategic Director for Resource
Management
Ext 227

Author of the report

Gary Ridley
Strategic Director for Resource
Management
Ext 227

POLICY AND STRATEGIC DEVELOPMENT

23 JANUARY 2008

Report of the Strategic Director of Resource Management BEST VALUE PERFORMANCE INDICATORS (BVPI) – THIRD QUARTER UPDATE

purpose of the report

1. To report on the status of the BVPIs at the third quarter stage of 2007/08. The Audit Commission has recently released the latest quartile information, the information released has been used in this report as comparative data.

performance for 2007/08 summary

2. Annex A tabulates the current performance of all BV indicators for 2007/08 at the third quarter stage.
3. Annex B shows the high-level summary of the performance for the third quarter in 2007/8 compared to performance since 2000/01. When compared against the previous year:-
 - 51% of indicators have improved compared to 48% the previous year;
 - 16% have declined in performance compared to 22% the previous year;
 - 21% remain unchanged compared to 23% the previous year;
 - 11% are performing at an optimum level compared to 7% in the previous year.
4. The third quarter performance trend has been compared against the end of year targets and from this it is possible to predict if each BVPI will meet its individual target. From the information collected 57% of the indicators are predicted to meet their targets with the remaining 43% predicted to not achieve the target set.

high level findings

5. From the information collected, it is possible to predict which quartile each BVPI will attain. 42% of the indicators will attain top quartile status; 20% will be above median; 16% will perform in the below median quartile with the remaining 22% predicted to be in the bottom quartile.
6. A graphical representation of WVDC performance over time is presented in Annex C.

7. It is important to note that at the time of writing this report data for 15 indicators was not available therefore the predictions made in this report were made using the 6 month update report.

performance by corporate objective

8. Population – BV212 is predicted to attain top quartile status; BV106 is predicted to rise a quartile into the above median category; BV064 is predicted to retain its above median status.

Population – BVPI quartiles			
Top Quartile	Above Median	Below Median	Bottom
1	2	0	0

9. Economy – 5 indicators in total, 1 (BV016b) indicator continues not to be categorised into quartiles. From the remaining indicators 75% (3) are predicted to attain top quartile performance and 25% (1) is predicted to achieve above median scores.

Economy – BVPI quartiles			
Top Quartile	Above Median	Below Median	Bottom
3	1	0	0

10. Environment – 34 indicators in total. 7 indicators are not categorised into quartiles at the time of the production of this report, data was not available for 12 indicators therefore data from the 6 monthly figures was used. 39.29% (11) indicators are predicted to perform in the top quartile; 10.71% (3) will be above median; 17.86% (5) will be below median, the remaining 32.14% (9) are predicted to be in the bottom quartile.

Environment – BVPI quartiles			
Top Quartile	Above Median	Below Median	Bottom
11	3	5	9

11. Crime – 10 indicators in total, 5 indicators are no longer categorised into quartiles by the Audit Commission. 40% (2) indicators are predicted to attain top quartile status, with the remaining 60% (3) indicators estimated to score in the below median quartile. **NB** it is important to note at the time of the production of this report the data for BV175 (top quartile) and BV174 were not available therefore a estimation using the part year figures was used.

Crime – BVPI quartiles			
Top Quartile	Above Median	Below Median	Bottom
2	0	3	0

12. Health and well-being – 13 indicators in total, 5 indicators do not get categorised into quartiles. 62.50% (5) of the indicators are in the top quartile, 25% (2) of the indicators are predicted to score within the above median quartile. With the remaining 12.50% (1) in the bottom quartile. **NB** at the time of the production of this report 1 indicator (top quartile) was not available therefore data from the 6 monthly update was used.

Health and well-being – BVPI quartiles			
Top Quartile	Above Median	Below Median	Bottom
5	2	0	1

13. Organisational Excellence – from a total of 11 indicators, one of which is no longer categorised into quartiles. 30% (3) are predicted to perform in the top quartile nationally, 10% (1) are predicted to be in the above median quartile, 40% (4) will be below median and the further 20% (2) will be in the bottom quartile.

Organisational Excellence – BVPI quartiles			
Top Quartile	Above Median	Below Median	Bottom
3	1	4	2

14. A graphical representation of the quartile performance sorted via corporate objective is presented in Annex D.

conclusion

15. The current BVPI status shows a continuous improvement over years with particular movement into the top quartile. Staff should be commended and urged to continue with their current performance.

RECOMMENDED

- i. Members consider the performance information presented in this report and continues to receive quarterly performance reports from the Corporate Development Unit.

<p>Officer responsible for the report Gary Ridley Strategic Director of Resource Management Ext 306</p>	<p>Author of the report Michael Cooper Best Value Programme Co-ordinator Ext 878</p>
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AGENDA ITEM NO. 6

POLICY AND STRATEGIC DEVELOPMENT COMMITTEE

23 JANUARY 2008

Report of the Strategic Director, Resource Management

CONSULTATION ON THE COMPREHENSIVE AREA ASSESSMENT (CAA)

purpose of the report

1. To inform Members of the consultation on the CAA and their agreement to the response.

background

2. The Government has developed a new assessment framework, the CAA, to replace the Comprehensive Performance Assessment (CPA) and it is consulting on how it should be developed. The consultation closes on 15 February 2008. (See Annex F for the timeline).
3. The CAA will look at outcomes for an area and assess how well all the public agencies within the area are working together to deliver improved outcomes for residents.

introduction

4. The CAA will look at how well the joint arrangements are working in an area to deliver an improved quality of life for local people. The Assessment will report performance against the national indicator set for each locality, deliver an annual scored use of resources and an annual scored direction of travel judgement.
5. Involving the public creates a special responsibility for local authorities because they have a community leadership role, which requires high quality engagement with all local communities. The CAA will assess the quality of involvement of local people including those in vulnerable circumstances.

the CAA and the Local Area Agreement (LAA)

6. The area covered by a Local Area Agreement will be the basis of the risk assessment, because it is through the Local Area Agreement that local and national priorities will be agreed between central and local government

7. The CAA will use self evaluations as a key source of evidence as it combines information drawn from the national indicator set and what is contained in the area's Sustainable Community Strategy.
8. The new LAA will be at the centre of the government's new performance framework. Although the Local Area Agreement improvement priorities (the 35 agreed targets) will be important, the CAA will examine how an area is performing against all the indicators in the national set.

twenty questions

9. The consultation asks 20 questions (See Annex E) on:
 - the assessment of risk in an area, including what we mean by risk and area;
 - how the different elements of CAA will fit together;
 - the sort of evidence we will use and how we will gather it, and how assessing risk depends on assessing performance;
 - reporting to, and engaging with, the public and how CAA will maintain a clear focus on improving performance and being a catalyst for innovation;
 - how CAA fits with the other performance frameworks; and
 - how CAA fits with Sustainable Communities Strategies, Local Area Agreements and the role of regional government offices.

area risk assessment

10. The assessment will focus on the priorities identified in the Sustainable Community Strategy and related documents such as the Local Development Framework and those agreed in the LAA.
11. The area risk assessment will pool information to make the assessment which will be reported and, if necessary, trigger an inspection.
12. The assessment will ask the following key questions.
 - How well does the partnership understand and assess the needs of its communities now and in the future?
 - Does it use this understanding to inform its local priorities?
 - Does the partnership organise itself and ensure it has the capacity to deliver these priorities?
 - Has it secure and effective arrangements to identify and manage the risks to achieving successful outcomes?

13. The area risk assessment will take account of how well counties, districts and their partners including the private and third sectors are working together to address the priorities for their communities.

performance information

14. The central part of the performance information for an area will be drawn from the 35 LAA targets. The other national indicators will be also assessed with some of them being assessed through the new Survey of Place, which will replace the triennial satisfaction surveys.
15. The Audit Commission is still deciding on how to present the information and it plans to take into account the following factors.
 - the most appropriate comparator groups, for example, all councils of similar types, nearest neighbours;
 - the most helpful way to organise how the information is presented; and
 - whether any adjustment for local factors should be made, for example, deprivation.
16. Data quality will be important because the performance information will be used to assess the area and its performance. Authorities will need to make sure that the information they are collecting and using for their decisions is suitable to report to the Audit Commission and other inspectorates.

direction of travel

17. The direction of travel will assess the local authority's work regarding continuous improvement and will be a significant portion of the assessment.
18. The information for the direction of travel will be the same as used for the area assessment so the performance of the authority will be linked to the performance of an area.
19. The direction of travel remains similar to what already exists. The following changes are going to be made are:
 - provide district councils, as well as single tier, county council and fire and rescue authorities, with a scored judgment;
 - reflect the community leadership role of councils; and
 - place a stronger emphasis on partnership working and the leadership role of councils in delivering improvement through local partnership, including with the private and third sectors.
20. The direction of travel will ask two broad questions:
 - **How well is the authority delivering improvements?**
 - **What are the prospects for future improvement?**

21. A detailed consultation on the methodology for the questions will take place in the summer of 2008

use of resources

22. The Audit Commission proposes that the current general approach to use of resources assessments should continue, but with an enhanced focus on assessing the achievement of value for money and strengthened financial management.
23. The Audit Commission also proposes to simplify the structure of the assessment into three themes covering:
- **Managing money**
 - **Managing the business**
 - **Managing other resources**

how will the CAA be reported and scored?

24. The Audit Commission wants to report in a way that the public will understand and they can use to hold their council to account on services. They want to make the reporting accessible through the web and allow people access data via their postcode. By using the web, they hope to allow people to understand the area and the organizations through one entry point.
25. The different parts of CAA will be scored differently. They do not intend to score the new national indicator set but it will be analysed and reported consistently.
26. It is proposed that the use of resources assessments will continue to be scored on a 1 to 4 basis:
- 4 – well above minimum requirements, performing strongly
 - 3 – consistently above minimum requirements, performing well
 - 2 – at only minimum requirements, adequate performance
 - 1 – below minimum requirements, inadequate performance
27. The use of resources judgement will be similar to what is already used. The judgment will be supported by concise summary of reasons and illustrative evidence within the annual audit letter for each body.
28. The Audit Commission suggests two ways for scoring the direction of travel assessment. :
- improving strongly;
 - improving well;
 - improving adequately; and
 - not improving or not improving adequately.
29. The alternative is :
- excellent prospects for improvement;
 - promising prospects for improvement;

- uncertain prospects for improvement; and
- poor prospects for improvement.

30. The Audit Commission is aware that a single score can focus attention but also can miss distinguishing strengths and weaknesses. If the risk assessment is not scored and the direction of travel and the use of resources are scored, then it may be overlooked or undervalued. However, if all areas are scored differently it may be difficult to show a consistent and robust score for an area.
31. The Audit Commission proposes to present the risk assessment in a narrative and to highlight issues of strength or weakness with a traffic light reporting system.

Inspection

32. The purpose of inspection will be to provide independent:
 - assurance
 - diagnosis
 - accountability
 - promotion of improvement
33. Inspection may be necessary for the following list of reasons
 - Performance declines
 - Services, service user group or outcomes are at risk
 - Where issues cannot be addressed through other means such as peer review or sector led improvement support.
 - Where ministers have requested an inspection.

how will CAA be experienced by councils and their partners

34. The shift from CPA to CAA represents a fundamental change in the way inspectorates engage councils. The Audit Commission will replace the current relationship manager with a CAA Lead for each area.
35. The CAA Lead will be in regular contact with the local strategic partnerships to discuss and tackle any concerns as they arise. To facilitate the ongoing dialogue, the inspectorates will need access to relevant plans, performance management information and other documentation as these are produced. When the annual assessment is published, it should contain no surprises and its contents should have been discussed with the local strategic partnership during the course of the year.
36. Some of the key ways in which local services will notice less intrusive assessment activity are:

- no more rolling programmes of corporate assessment of councils, joint area reviews and Annual Performance Assessments of children and young people's services or star ratings for social care;
- a reduced national performance indicator set with a single collection and reporting system;
- a single set of local targets agreed with government;
- streamlined data collection and data sharing to avoid multiple requests;
- reduced levels of self_assessment;

regional government offices and inspectorates

37. The LAA indicators are linked to the Public Service Agreement targets. Therefore, the regional government offices, which negotiate the LAA, will have a central role in supporting the CAA. They will work with the inspectorates on the CAA and coordinate how policy is developed and delivered in an area.

conclusion

38. The CAA represents a radical change in the performance assessment for local government because it brings together area based and institutional based assessments.

39. Local authorities will have a special duty to involve local communities and the CAA will require them to demonstrate that they have understood and acted upon the needs of their local communities and to demonstrate the quality of that public engagement.

40. The responses to the consultation will help to shape the Audit Commission's CAA.

RECOMMENDED

1. That the Committee agree the responses to the 20 consultation as presented in Annex G.

Officer responsible for the report Gary Ridley Strategic Director, Resource Management Ext 306	Author of the report Dr. Lawrence Serewicz Policy and Partnership Manager Ext 311
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List of consultation questions

Area risk assessment

Q1 Do you agree with the key questions, for the risk assessment, as the basis for the area risk assessment? Are there any others that should be added?

Q2 Do the proposals address the concerns raised in the earlier consultation about areas with county and district councils?

Q3 Should we adopt the term: 'the prospects for the area and the quality of life for local people' instead of 'the risk assessment' when reporting CAA results, or can you suggest a better description?

Performance information

Q4 How should we report on the national indicator set for local authorities and their partners?

Q5 What is the most helpful way of comparing the performance of local areas?

Q6 How should we ensure that the performance information we publish is relevant and accessible to councils and their partners, local people and central government?

Direction of travel

Q7 Do you agree with our proposals for direction of travel assessments?

Q8 Are there any aspects of these proposals you would like us to change?

Use of resources

Q9 Do you agree with the proposals for the use of resources assessments?

Q10 Are there any aspects of the proposals you would like to see changed?

How will CAA be reported and scored?

Q11 Should there be an overall CAA score?

Q12 Should the national indicator set be scored?

Q13 Are the proposed labels / scoring arrangements for use of resources the right ones?

Q14 What would be the best way of scoring the direction of travel assessments?

Q15 How should we ensure that the reporting and scoring of the area risk assessment is relevant, accessible and meaningful to the council and its partners, local people and central government?

Q16 What is the best way to report CAA in two-tier council areas?

Q17 How can we try to make sure that our reporting is equally accessible to all people in communities?

Inspection

Q18 Do you agree with these proposals about the purposes, principles and benefits of inspection and the circumstances in which inspection might be suitable?

How will CAA be experienced by councils and their partners?

Q19 Will the approach described be an effective and efficient way of working with councils and their partners to deliver CAA?

The respective roles of regional government offices and inspectorates

Q20 Have we explained sufficiently clearly the inspectorates' relationships with regional government offices?

Timeline for CAA consultation and implementation

- 15 February 2008. The consultation ends.
- 1 April 2008 The national indicator set comes into force.
- June 2008 New style LAA will be signed by June 2008.
- 1 April 2009 CAA takes effect**

Area risk assessment

Q1 Do you agree with the key questions, for the risk assessment, as the basis for the area risk assessment? Are there any others that should be added?

Response: If the assessment asks about partnership performance, will the public understand how a partnership is understood as effective? How will the arrangements be judged as effective? In some cases, the public may not have direct contact with the partnership and may only know about it from its publicity rather than its actual services. The danger is that the assessment will cover issues, which an authority can manage or massage, so that it looks better to the inspectors than it does for its customers. Greater emphasis needs to be placed on the outcomes and the public's experience of those outcomes rather than how the partnership or the organisations are organised. An assessment needs to consider the ambitions for an area so that the partnership is stretching itself rather than seeking targets and outcomes it can easily achieve.

Q2 Do the proposals address the concerns raised in the earlier consultation about areas with county and district councils?

Response: How the proposals address the challenges of a two tier area are uncertain. The CAA must be connected to how the county councils and the district councils handle strategic issues. Budgets and strategic policy issues need to be assessed so that the two levels demonstrate they have cooperated strategically over an area rather than working in silos or having areas being played off against each other. If a County Council was also responsible for the outcomes within a District, and a District was responsible for the wider outcomes, then the two may begin to work together strategically. The question, though, is how such joint working is measured so that the outcomes are measured rather than the internal process and procedures. Furthermore the assessment must be able to disentangle accountability and responsibility. If the County is the accountable body and the district is the responsible body, then they will be in conflict because they will operate to different agendas and priorities. The assessment must be made to bring these together so that joint work can be encouraged.

Q3 Should we adopt the term: 'the prospects for the area and the quality of life for local people' instead of 'the risk assessment' when reporting CAA results, or can you suggest a better description?

Response: The term risk assessment can have a negative connotation so it would be preferable if another phrase, such as the one suggested, was used.

Performance information

Q4 How should we report on the national indicator set for local authorities and their partners?

Response: The indicators should be reported in a way that compares similar sized authorities and authorities of similar socio-economic standing. The areas covered by County Durham Council are markedly different from the areas covered by Surrey County Council. A reporting mechanism needs to take into account the differences each area has in terms of the index of multiple deprivation.

Q5 What is the most helpful way of comparing the performance of local areas?

Response: The areas could be compared using a small basket of key indicators that capture quality of life, economic opportunity, and environmental quality. Another method would be use a league table of all indicators and say which areas have indicators in the top quartile and that these are supported by what the public engagement has supported. Thus areas could be compared by how they perform and how the residents experience the service. However, any comparison needs to refer to local indicators

Q6 How should we ensure that the performance information we publish is relevant and accessible to councils and their partners, local people and central government?

Response: The public need information that they can understand and use to hold their service providers and politicians to account. Each year, the authority should have an annual report and the residents should be asked to give the area a report card on the overall performance in the area so that they can send in their report card for the authority. At a minimum, there should be a quarterly newsletter on the area's partnership.

Direction of travel

Q7 Do you agree with our proposals for direction of travel assessments?

Response: Yes

Q8 Are there any aspects of these proposals you would like us to change?

Response: There needs to be a way to demonstrate and measure community leadership. A scored assessment for the direction of travel is important and there needs to be a way to demonstrate effective partnership working so that partners contribute funds and change their funding and work to contribute to the goal. If the assessment does not contain a clear definition of effective partnership working, then it will not be something that the public will understand or support. How will the public know if the partnership is delivering its improvements? Is there a danger that the improvements become a cosmetic exercise where telling a good story to the inspectors becomes more important than delivering outcomes to the public? Finally, how will the public or partner agencies understand the future prospects for improvement? How will these be measured? Will these be an issue of capacity? How will these affect areas of low economic capacity, such as areas with high deprivation levels?

Use of resources

Q9 Do you agree with the proposals for the use of resources assessments?

Response: Yes

Q10 Are there any aspects of the proposals you would like to see changed?

Response: There has to be an understanding that managing finances and resources needs to be measured against the outcomes delivered. If an organisation takes financial risks to deliver better long term outcomes that must be assessed against partnerships that take a prudent, although short term approach.

How will CAA be reported and scored?

Q11 Should there be an overall CAA score?

Response: Yes. There needs to be a single indicator, like a stock market price, to give an initial assessment to an area. The index of multiple deprivations gives a quick guide to how an area is doing. There needs to be a single indicator at the top of a pyramid of interlinked indicators. If the indicators are reported in isolation, then they can confuse the public who will not be able to assess how well the area overall is doing.

Q12 Should the national indicator set be scored?

Response: Yes. There needs to be a way to indicate to the public that the indicators are important. The scoring system may be simply to put them into different quartiles.

Q13 Are the proposed labels / scoring arrangements for use of resources the right ones?

Response: Yes.

Q14 What would be the best way of scoring the direction of travel assessments?

Response: The first option regarding improving strongly and improving well.

Q15 How should we ensure that the reporting and scoring of the area risk assessment is relevant, accessible and meaningful to the council and its partners, local people and central government?

Response: One way would be to have a report card approach so that the public can get an initial overall sense of the place, which is supported by sub sections. For example, a company's stock price is a general indicator of a firm's standing, which investors can use, but the knowledgeable investor also looks at other variables, such as price to earnings ratio as well as return on investment. At the same time, there are other measures such as market share and capitalisation that put the firm within the context of the larger market so that an investor can understand how the firm compares with others of the same size. Therefore the reporting mechanism must have an overall figure or ratings beyond some qualitative statement like "good".

Q16 What is the best way to report CAA in two-tier council areas?

Response: The CAA needs to be able to report for the whole area, the County level, and the district level to capture the locality. If an overall number is given for an area, it can mask the underlying differences at the district level, which are important for funding and service provision.

Q17 How can we try to make sure that our reporting is equally accessible to all people in communities?

Response: The reporting needs to be made available to those who may not have access to the internet or the capacity to access. While a website is useful, it is no good to people who cannot use computers. To state that everyone has access to the internet through their local library assumes that people go to their libraries, access the internet, and finally that they will go to the local area website. Perhaps one way would be to have the area's performance on the screen saver in the public computers in an area. Another alternative would be to have a newsletter on a regular basis, perhaps quarterly, that reports in a manner similar to the reporting by a company's financial statements.

Inspection

Q18 Do you agree with these proposals about the purposes, principles and benefits of inspection and the circumstances in which inspection might be suitable?

Response: Yes, we agree with the purpose, principles and benefits of inspection. Inspection is needed to promote efficiency, accountability, and maintain the public's confidence in public services. We would like to add that the public should be able to request an inspection either under the community call for action or a direct petition to the Audit Commission. Unless the inspections connect directly to the public, they will be seen as something initiated by the government for the government rather than something for the public.

How will CAA be experienced by councils and their partners?

Q19 Will the approach described be an effective and efficient way of working with councils and their partners to deliver CAA?

Response: Yes, it will be an improvement over the current system. However, we believe that the focus on outcomes must be paramount because the problem remains that a council will look excellent for inspections yet will not deliver tangible improvements to citizens. Although an annual assessment will be published, the local authority should be required to hold a consultation or a survey based on its results to assess their accuracy for the public in general and service users in particular. The assessment must capture service user expectations so that we can understand the service user's experience. If the CAA becomes a process led by officers without the public's involvement, it will fail. The public should have as great of stake in the inspections as the authorities that are involved.

The respective roles of regional government offices and inspectorates

Q20 Have we explained sufficiently clearly the inspectorates' relationships with regional government offices?

Response: Yes. As the regional government offices will be involved with the LAA, which will be central to the CAA, it is important that the inspectorates' relationship be explained.



AGENDA ITEM NO. 7

POLICY AND STRATEGIC DEVELOPMENT COMMITTEE

23 JANUARY 2008

Report of the Strategic Director, Resource Management **CONCORDAT BETWEEN CENTRAL AND LOCAL GOVERNMENT**

purpose

1. To inform Members of the concordat signed between the Local Government Association (LGA) and the Department for Communities and Local Government (DCLG) setting out the roles and responsibilities between central and local Government.

background

2. European Charter of Local Self-Government, which the Labour Government signed in 1997, ratified in 1998, but has not yet implemented, is the driver for the concordat. To implement the charter would require the central government to devolve greater power and responsibility to local government. As a step in that direction, the concordat represents an important development in the relationship between the central and local government.
3. The concordat replaces the agreement for the conduct of central-local relations of July 2002 and sets out clearer objectives as it reiterates recent policy and presents important future commitments.
4. The concordat should be seen as part of the ongoing constitutional reform programme that will culminate with a constitutional renewal bill in 2008.

policy context

5. In July 2007, the Green Paper on the Governance of Britain, concerning constitutional reform, proposed a concordat between central and local government.
6. On 12 December 2007 the LGA and DCLG signed the concordat, which builds upon the policies set forth in the Local Government and Public Involvement in Health Act 2007.

proposal

7. The concordat sets out the common objectives that the new relationship between central and local government will deliver. The concordat will clarify the relationship so that partners will know their rights and responsibilities.
8. Central and local government are partners in delivering improved services and in strengthening democracy.
9. The concordat sets out the broad rights and responsibilities for central and local government, which reflect each partner's structural role. At the national level, the central government has responsibility for national security and the national economic interest. At the local level, the local authorities have responsibilities for service performance.
10. The concordat stresses that the central government has the responsibility and democratic mandate to act in accordance with the national interest as demonstrated by acting through Parliament. The central government has the over-riding interest in matters such as the national economic interest, public service improvement and standards of delivery, and taxation.
11. The concordat then turns to the responsibilities of local government regarding service performance and the prosperity and well-being of all citizens in their area and the overall cohesion of the community. The local authorities, under the concordat, are to have a general power to promote community well-being and a responsibility to do all they can to secure the social, economic and environmental well-being of their areas.

rights and responsibilities

12. In this relationship, the following reciprocal rights and responsibilities are developed.
13. Central government, through Parliament, has the right to set national policies, including minimum standards of services, to work with local areas to support them and, as a last resort, to intervene to avoid significant underperformance. In sum, the Central government creates the legislation context for local government.
14. Central government has the responsibility to consult and collaborate with councils in exercising these rights. Central government will work to remove obstacles, including the burden of appraisal and approval regimes, the ringfencing of funds and the volume of guidance it issues.

15. Councils have the right to address the priorities of their communities as expressed through local elections and to lead the delivery of public services in their area and shape its future without unnecessary direction or control.
16. Councils have the responsibility to provide leadership that is accountable, visible and responsive to their communities and to work in partnership with the local statutory, business and third sectors, and collectively to drive continuing improvement.
17. Both partners have the responsibility to use taxpayers' money well and devolve power, and to engage and empower communities and individual citizens – at national level and at local level – in debate and decision making and in shaping and delivering services.
18. Central and local government will work together to deliver the Public Service Agreements set out in the Comprehensive Spending Review (CSR07) and the new Performance Framework set out in the White Paper and 2007 Act.
19. The new Local Area Agreements will be the centre of the concordat because they are the key service agreement between central and local government. The agreements set out the 35 non-educational targets, alongside the 198 targets that will need to be delivered by local authorities and monitored by central government.
20. Central government will work to ensure that public services, including new obligations imposed on councils, are properly funded; and that local taxation is guided by principles of transparency, clarity, and accountability. Central and local government will work to create clarity and transparency on public funding levels in local and work towards giving councils greater flexibility in their funding.

considerations and implications

21. Local authorities will expect government to keep to the agreement. An important indicator of agreement will be if other government departments, and the Treasury, meet the commitments made in the concordat. On finance, for example, the emphasis on ensuring that public services and new obligations are properly funded appears to be a strong commitment to avoiding the underfunded mandate.
22. The concordat will not change Wear Valley's standing. Even though the concordat focuses on the new LAA as an important development, it existed before the concordat. What does make the concordat important for local government in general is how it fits within the government's future constitutional reform programme as signalled in the recent green paper on governance. The other issue to consider is agreement to make effective use of the well-being power (introduced by the Local Government Act 2000). Most have failed to use

this power to any effect and only a few councils have used it consistently. What will remain to be seen is how the well being power will be developed.

analysis

23. The concordat represents agreement between key players rather than one based on consultation within the wider local government arena, which circumvents the government's responsibility to consult the national and local stakeholders that it refers to. The draft Constitutional Renewal Bill, expected early in 2008, will present the legislative context for the concordat. Thus, the legislation will be the critical question.
24. The key question for Wear Valley is to ask what has changed for the Council. Is the concordat a tick in the box, to meet the requirements of the European Charter or does it signal a new era? If the government wants to devolve power it needs to demonstrate this rather than discuss or propose. It remains to be seen how extreme or extensive the constitutional changes will be in the forthcoming legislation due in the summer 2008.
25. If the proposals can be seen as the intent, then local government as a single entity has some hope for devolved powers. The key question, as demonstrated by the recent judicial review, is how far the central government is willing to accept local government as an equal partner with a separate constitutional status. Until that question is answered in the positive, then the concordat and the European Charter will remain a promise rather than a reality.
26. As other observers have pointed out, the concordat is to be monitored by the partners. There is no binding enforcement mechanism should a partner fail to honour the commitment.
27. Although the concordat is welcome for clarifying the relationship with Central Government, it begs the question of why it was needed in the first place and whether it will address the underlying constitutional issues. The concordat's effectiveness will depend on how far the central government will change. What is needed is a constitutional reform that gives local government the power and responsibility to be a full partner with central government.
28. Finally, the power of well being will need to be addressed. Although well intentioned in the Local Government Act 2000, the power has never been understood or used to any great effect. How the concordat will develop the well being power remains to be seen.
29. In sum, the concordat is a promise and signals a positive intent by the Central Government to fulfil the European Charter on Local Government. We will have to wait for the draft constitutional renewal bill to be developed before we know whether the promise will become a reality.

consultations

30. There are no consultations planned with this document, but it may be of interest to know what the key stakeholders think of the concordat. In particular, it would be interesting to know how the Community and Voluntary Sector (CVS) and the Local Strategic Partnership (LSP) view the concordat.

timescale

31. The concordat takes immediate effect and is to be in effect until superseded by another agreement.

monitoring

32. The LGA and the DCLG will monitor the concordat.

conclusion

33. The concordat is a welcome development and signals the government's direction towards devolution. However, it remains to be seen how much the central government devolves.
34. The government ratified the European local government charter 10 years ago but it has still not implemented it. Although the concordat moves in the right direction, there is still a long way to go before local government has a constitutional standing in relationship to the central government.

RECOMMENDED

1. That the Committee endorse the concordat's principles.
2. That the Committee revisit the concordat when the draft constitutional renewal bill is debated.

Officer responsible for the report Gary Ridley Strategic Director, Resource Management Ext 306	Author of the report Dr. Lawrence Serewicz Policy and Partnership Manager Ext 311
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POLICY AND STRATEGIC DEVELOPMENT COMMITTEE

23 JANUARY 2008

Report of the Strategic Director Resource Management

UPDATE ON THE REGULATION OF INVESTIGATORY POWERS ACT (RIPA) 2000

purpose of the report

1. To update the RIPA Policy in response to changes in the legislation and a recent inspection by the Office of the Surveillance Commissioners.

background

2. The RIPA Act 2000 requires that authorities who are entitled to undertake “directed surveillance” and the use of “covert human intelligence sources” (CHIS) to have a formal policy for managing these activities.
3. The Council approved its RIPA policy in October 2002 and it now needs to be updated to reflect changes in the RIPA legislation.
4. In addition to the legislative developments, The Office of Surveillance Commissioners audits local authorities every three years on their RIPA policy, procedure, and surveillance operations.
5. On 13 September 2007 the Commissioner’s Inspector visited Wear Valley District Council to review the management of our covert activities. The inspector made several recommendations and this report addresses those that relate to the necessary changes in policy and procedures.

policy context

6. Wear Valley District Council is required to act in accordance with the provisions of the Human Rights Act 1998 which gives effect in domestic law to some of the terms of the European Convention on Human Rights.

7. Under section 6 of the Human Rights Act it is unlawful for Wear Valley District Council to act in a manner incompatible with European Convention rights such as the right to respect for a persons private and family life, their home or correspondence. In particular, Article 8 of the Convention prevents interference by a public authority such as the Council except in certain limited circumstances. Such interference can be acceptable if it is “in accordance with the law”. RIPA provides such a legal means of interfering with an individual’s privacy providing the necessary considerations take place and the appropriate authorisations are given.

proposal

8. It is proposed that the Committee approve the revised RIPA Policy and Procedures, attached as Annex H and Annex I. The major revisions to the policy and the procedures are the following.
9. First, the Council reduce the number of authorising officers to three, with one from each directorate. The Chief Executive is the only officer who may approve requests for surveillance involving the acquisition of confidential material. The proposed structure is included in the revised policy.
10. Second, the policy and procedures are revised to note that the sole grounds for a RIPA authorisation under Section 28 of RIPA are “for the purposes of preventing or detecting crime or of preventing disorder.”
11. Since 5 January 2004 (when Statutory Instrument 3771 of 2003 came into force) local authorities may only authorise directed surveillance when it is “for the purpose of preventing or detecting crime or of preventing disorder.”
12. Third, the Council’s procedures need to be updated to reflect the Council is entitled to authorise collection of some communication data.
13. When investigating criminal offences, local authorities can now have limited access to communications data. This is data held by telecommunications or postal service providers about the use of their services by the person under investigation. This data can only be accessed where it is necessary for the prevention or detection of crime and where it has been properly authorised.
14. Two types of communication data may be obtained using these powers. Firstly, ‘subscriber data’, which is information or account details the service provider may hold relating to the person under investigation. Secondly, the Council can seek access to ‘Service data’, which is information held by the provider about the use of the communications service by the person concerned – e.g. itemised telephone bills. The Council cannot access the actual contents of any communications made.

15. It is likely that only limited use would be made by the Council of the powers available to it to access communications data. The one area where use may be made of these powers is in connection with benefit fraud investigations. The Council does have an office who has obtained the necessary accreditation to act as a Single Point of Contact (SPOC) and it would be appropriate to confirm the Public Protection Manager designation as the Council's SPOC.

legal implications

16. The policy and procedures are designed to ensure the use of directed surveillance and cover human intelligence sources does not contravene the Human Rights Act 1998.

conclusion

17. The Council needs to update its RIPA policy and procedures to comply with the legislation and the recommendations from the recent inspection from the Office of Surveillance Commissioners. Unless these changes are approved, the Council will fail future inspections and its RIPA authorisations can be subject to legal challenge.

RECOMMENDED

1. That the Committee approve the revised RIPA Policy and Procedures.

Officer responsible for the report
Gary Ridley
Strategic Director of Resource Management
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Author of the report
Dr. Lawrence W. Serewicz
Policy and Partnership Manager
Ext 311



WEAR
VALLEY
DISTRICT COUNCIL

AGENDA ITEM NO. 9

POLICY & STRATEGIC DEVELOPMENT COMMITTEE

23 JANUARY 2008

Report of the Chief Executive **UPDATE ON CORPORATE PLAN 2006/2007**

purpose of the report

1. To inform Members on the progress of the 11 targets within the Corporate Plan 2006-2009 that were not on target when the progress report on the Council's delivery of the targets were reported in July 2007.

background

2. The Corporate Plan was approved by Policy and Strategic Development Committee on August 14th 2006.
3. The Council's six corporate objectives are:
 - Population
 - Lifelong Learning
 - Environment
 - Economy
 - Community Safety
 - Health
4. The 6 Corporate objectives have 22 key outcomes, and these are measured by 57 targets. Eleven of which were not on target in July 2007.

findings

5. In July 2007 the 11 targets within the 6 key outcomes that were not on target are detailed below. The end column gives the current status of these targets.

KEY OUTCOME	REASON	2007 progress
P2 - Improve Community engagement and capacity	The consultation and engagement strategy has been delayed but is going to P&SD in September 2007.	COMPLETED Approved by P&SD Committee on 03.10.2007
P4 – Reduction in the proportion of population living in super output areas identified as being in the top 105 for deprivation	The consultation and engagement strategy has been delayed but is going to P&SD in September 2007.	COMPLETED Approved by P&SD Committee on 03.10.2007
C1 – Reduced crime and anti-social behaviour	This is not on target as there was a reduction in the reporting of domestic violence and an increase in the number of repeat victims of domestic violence.	Information not available at present.
H1 – Improved life expectancy and reducing premature mortality rates (LAA)	This is not on target as only one person has stopped smoking and the target is 10 and there has been an increase of teenage pregnancies by 2% where the target is to have a reduction of 3.2% by 2009	One person has stopped smoking and the target is 10. The latest figures for teenage pregnancy are from 2004.
OD1 - An improved focus on and better understanding of the Councils objectives and priorities	The Organisational Development Strategy is not on target due to the pending revised arrangements on managing the Personnel department	Personnel arrangements finalised. Strategy is progressing.
OD3 – Increased satisfaction with Council overall	The consultation and engagement strategy has been delayed but is going to P&SD in September 2007.	COMPLETED Approved by P&SD Committee on 03.10.2007

6. Three of the key outcomes are now completed as the consultation and engagement strategy is completed.
7. The Primary Care Trust has stated that the 2004 figures for teenage pregnancy rates are the most up to date.

conclusions

8. The Council is making good progress on the targets which were not on target at the last review.
9. The last target will be reported to Members when it becomes available.

RECOMMENDED

- i. That Members consider the information detailed within the report.
- ii. That Members continue to support staff in reaching their targets to ensure they are delivered on time.

Officer responsible for the report
Michael Laing
Chief Executive
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Author of the report
Emily Butler
Policy & Research Officer
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WEAR
VALLEY
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AGENDA ITEM NO. 10

POLICY & STRATEGIC DEVELOPMENT COMMITTEE

23 JANUARY 2008

Report of the Chief Executive
ANNUAL CORPORATE SATISFACTION SURVEY 2007

purpose of the report

1. To report a location analysis from the Annual Corporate Satisfaction Survey 2007.

background

2. The Authority appreciates that there is a difference in opinion and perception from customers throughout Wear Valley.
3. In order for the authority to cater for the difference in needs and requirements an Annual Satisfaction Survey is commissioned each year to find out which services are required and where.
4. This report focuses on the three locations which were surveyed by the Annual Satisfaction Survey.

Annual Corporate Satisfaction Survey

5. The tables below show satisfaction rates arising from the Annual Corporate Satisfaction Survey 2007.

Service	% Satisfaction	Increased
Overall Satisfaction	55.6	Yes
Complaints Handling	40.4	Yes
Street Cleaning	74.9	Yes
Household Waste Collection	88.2	Yes
Waste Recycling	69.6	Yes
Sports and Leisure Facilities	51	No
Museums and Galleries	22.2	No
Theatres and Concert Halls	22.7	No
Parks and Open Spaces	59.7	No

6. The above table shows a generally high satisfaction level, most of which have increased since the 2006/07 survey especially in relation to high profile services.

Location Analysis

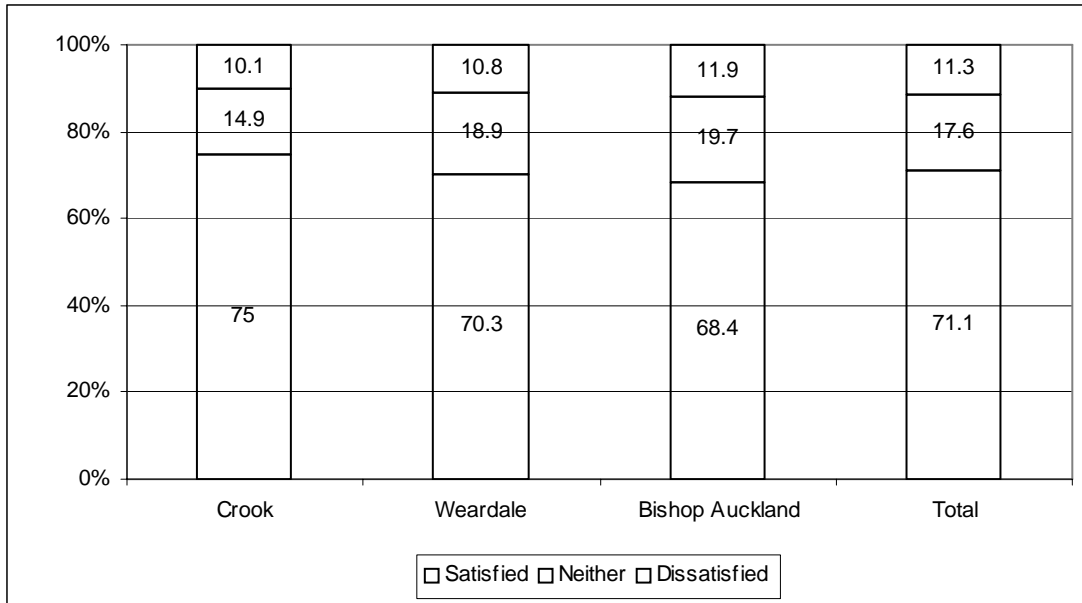
7. The questions below are based around the satisfaction with the council itself and the area in which the respondents live. Questions with regards to satisfaction with the services the council provide are explained later in the report.

Satisfaction with the local area.

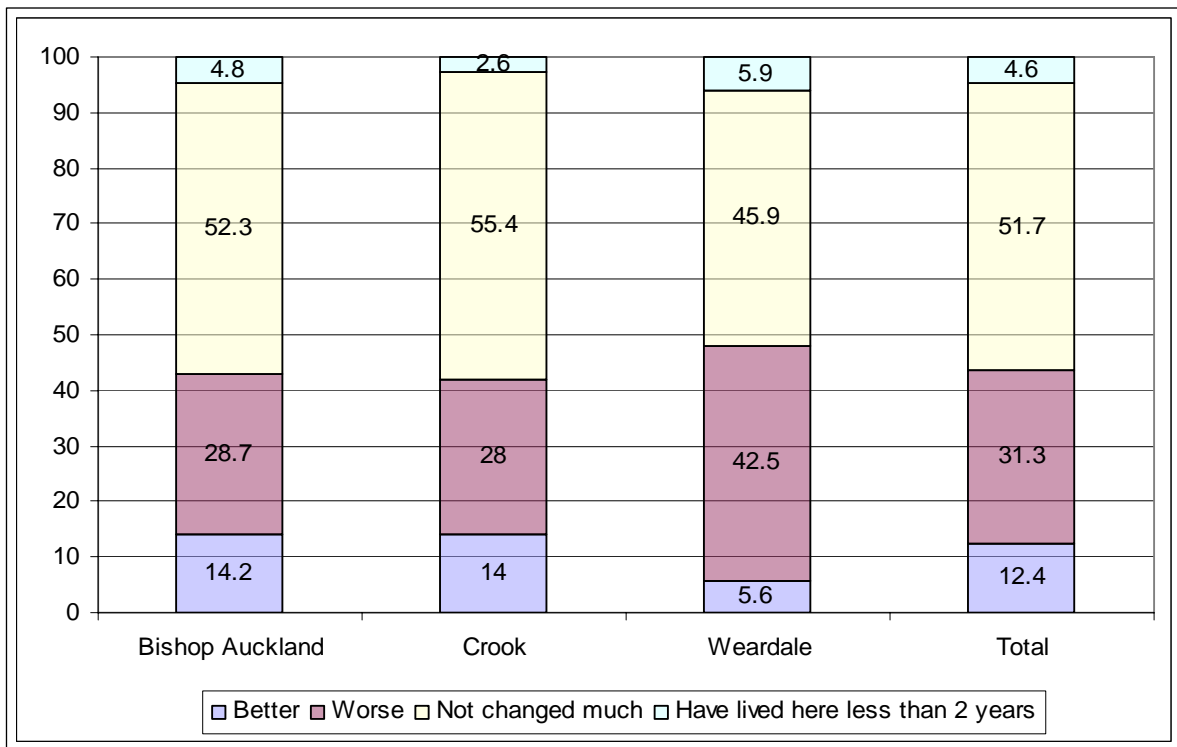
8. Question 3 asked – Overall, how satisfied are you with your local area as a place to live? and Q4 asked – On the whole, do you think that over the past two years your local area has got better or worse as a place to live?
9. From the table below it can be seen that Wear Valley as a place to live has 71.1% satisfaction. However, there is a high percentage of people thinking it has got worse over the past two years particularly from the Weardale area with 42.5% stating it has got worse and overall 31.3% believe the area of Wear Valley has got worse. 12.4% think the area has got better with the majority of 51.7% considering that the area ‘not to have changed’.

	Q3: Satisfaction (%)			Q4: Improvement (%)			
	Satisfied	Neither	Dissatisfied	Better	Worse	Not changed	Have lived here less than 2 years
Weardale	70.3	18.9	10.8	5.6	42.5	45.9	5.9
Crook	75.0	14.9	10.1	14	28	55.4	2.6
Bishop Auckland	68.4	19.7	11.9	14.2	28.7	52.3	4.8
Total	71.1	17.6	11.3	12.4	31.3	51.7	4.6

Satisfaction with local as a place to live, by area of district



Perception of improvement over the last 2 years, by area of district

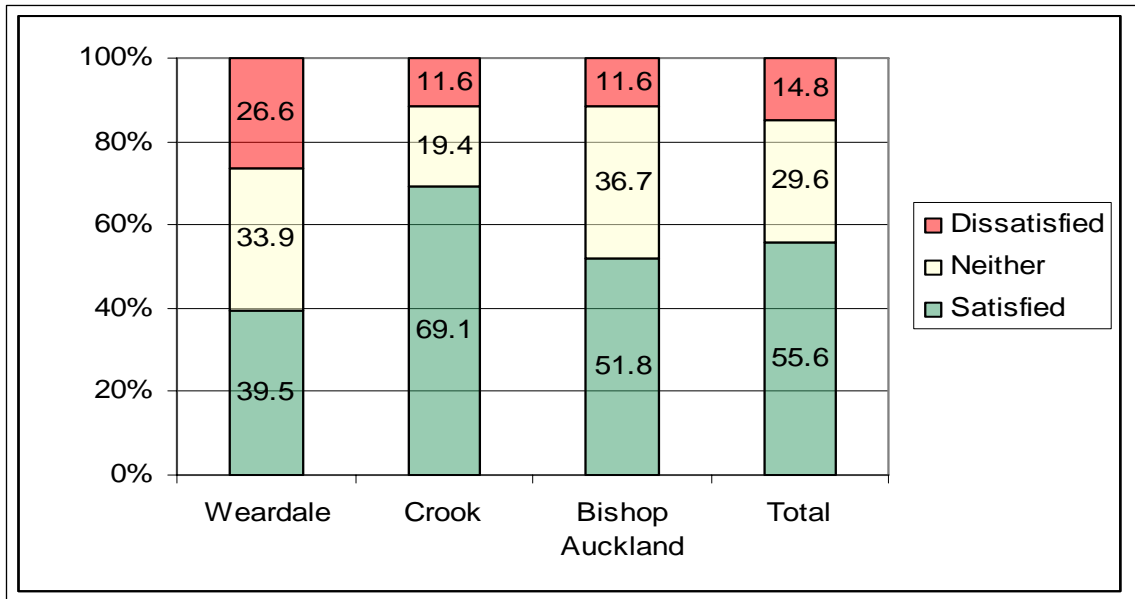


Overall satisfaction with the Authority

- Question 18 asked Taking everything into account, how satisfied or dissatisfied are you with the way the authority runs things. Overall 55.6% of respondents were satisfied but as you can see from the chart below the results are fairly varied between the areas. 26.6% of Weardale respondents are dissatisfied with the way that the authority runs things and only 39.5% are satisfied. Whereas, 69.1% of

respondents from Crook and 51.8% from Bishop Auckland rare satisfied and 11.6% in each area dissatisfied.

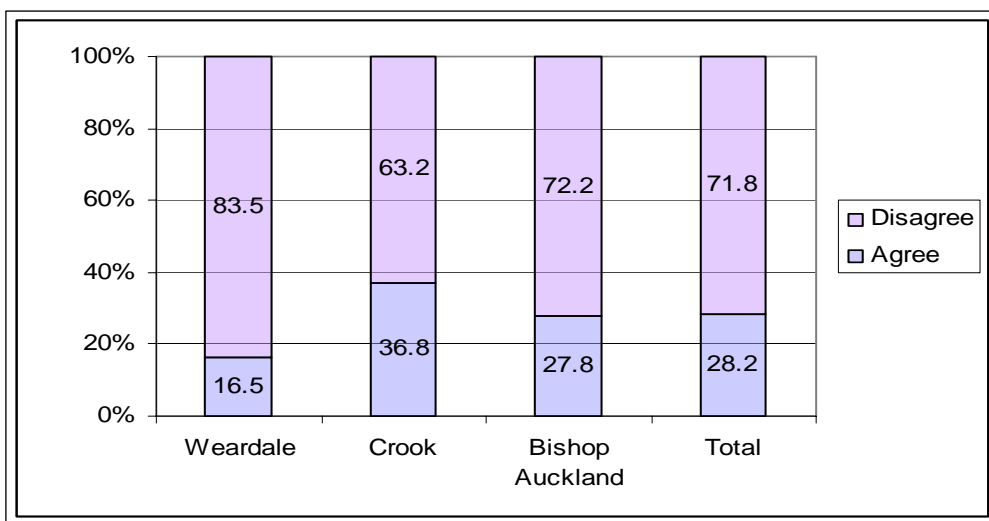
Satisfaction with the Authority as a whole



Local decision making

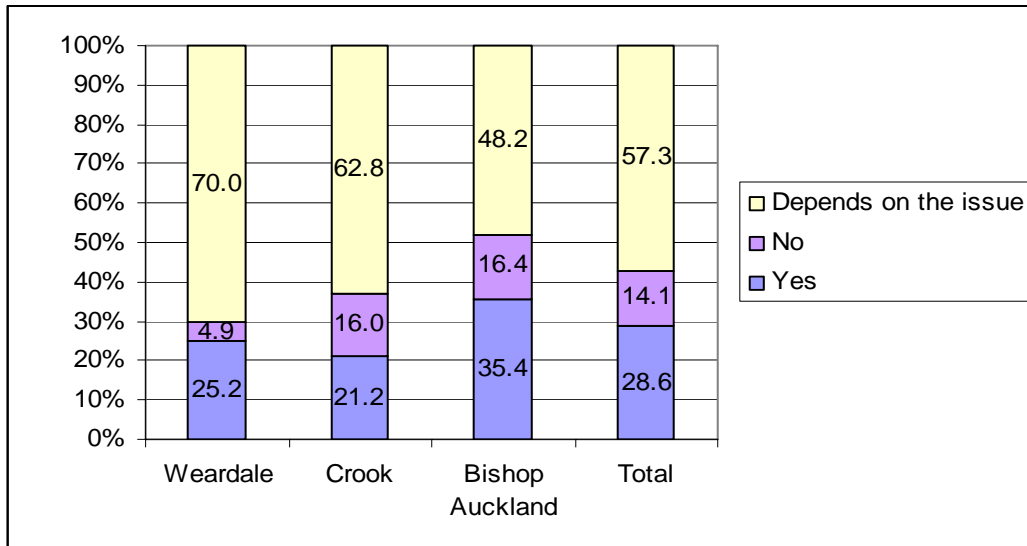
11. Question 29 asked ‘ Do you agree or disagree that you can influence decisions affecting your local area? Question 31 asked Generally speaking, would you like to be more involved in the decisions your council makes that affect your local area?
12. The chart below shows 6.5% of respondents from Weardale were significantly less likely to agree that they can influence decisions affecting their local areas, whereas 36.8% of respondents in crook agreed and 27.8% agreed in Bishop Auckland.

Agree/ disagree that can influence decisions affecting your local area?



13. The chart below shows that respondents from Bishop Auckland were most interested in becoming more involved in the decisions the council makes that effects their local area, 25.2% from Weardale and 21.2% in Crook. This response is dependant on what the topic or issue in question.

Would you like to be more involved in the decisions the Council makes that affect your local area?



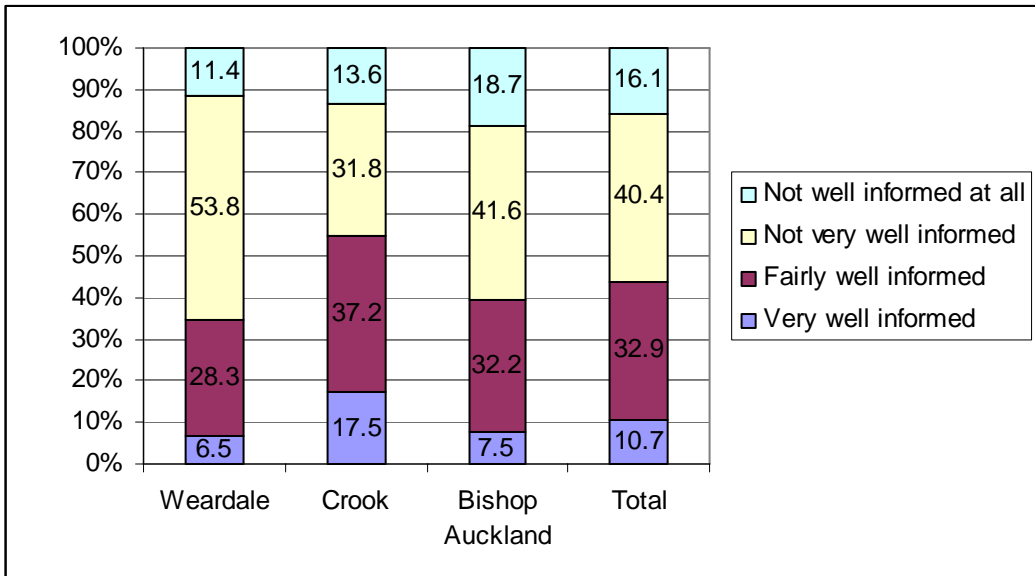
14. The next few charts show what people how well informed they feel about particular topics and what they see are problems in the three areas surveyed.

Information about your council and its services

15. Question 19 asked respondents ‘how well informed do you feel about the following:
- How you can get involved in local decision making
 - Whether the council is delivering on it promises, and
 - What the council is doing to tackle anti-social behaviour.

16. 54.7% of respondents from Crook, 39.7% of respondents from Bishop Auckland and 34.8% of respondents from Weardale state they are well informed about how to get involved in local decision making. However, more than half of the respondents from Weardale feel they are not very well informed at 65.2%, closely followed by Bishop Auckland at 60.3%.

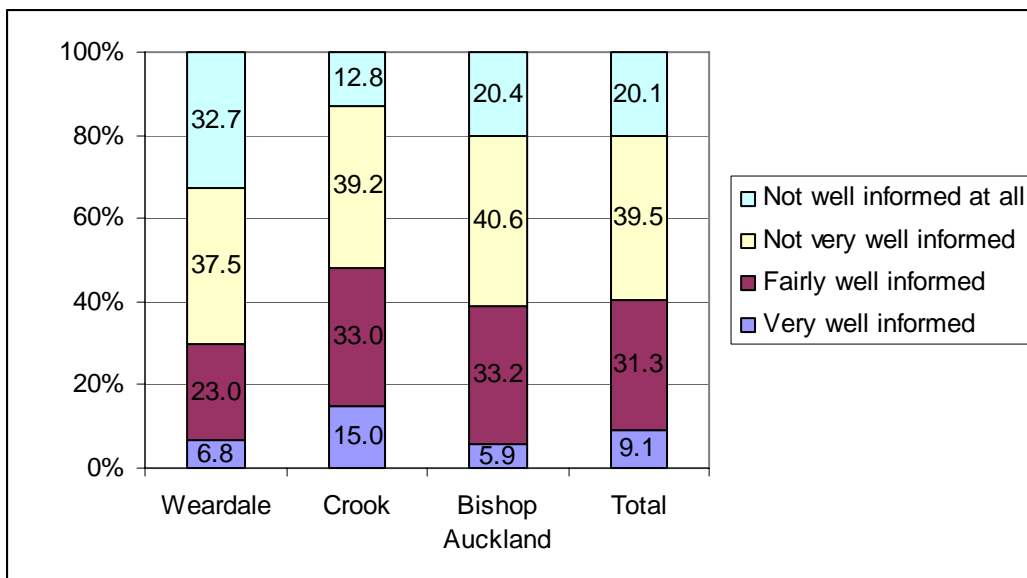
Well informed about how to get involved in local decision making?



Delivering on promises

17. 68.2% of respondents from Weardale and 61% of respondents in Bishop Auckland feel they are not very well informed on how the council is delivering on its promises. Crook follows closely with 52%.

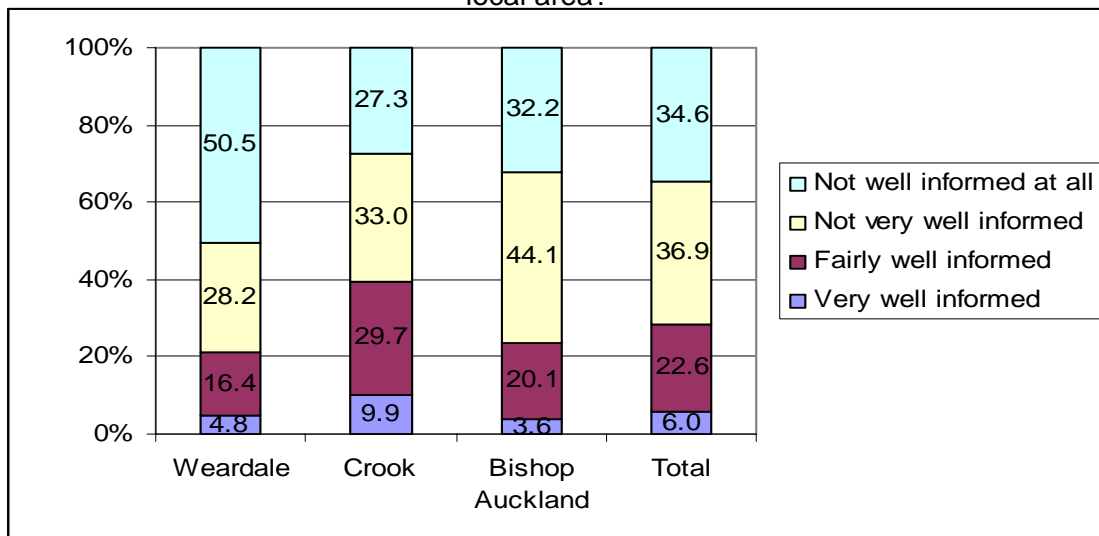
Well informed about whether the Council is delivering on its promises?



Anti-Social Behaviour

18. Overall, 71.5% of all respondents feel not very well informed about what the council is doing to tackle anti-social behaviour in your local area. 78.7% of respondents from Weardale are not very well informed, closely followed by Bishop Auckland at 76.3% and 60.3% of respondents in Crook. However, 39.6% of respondents in Crook feel informed about anti-social behaviour, 23.07% in Bishop Auckland and 21.2% in Weardale.

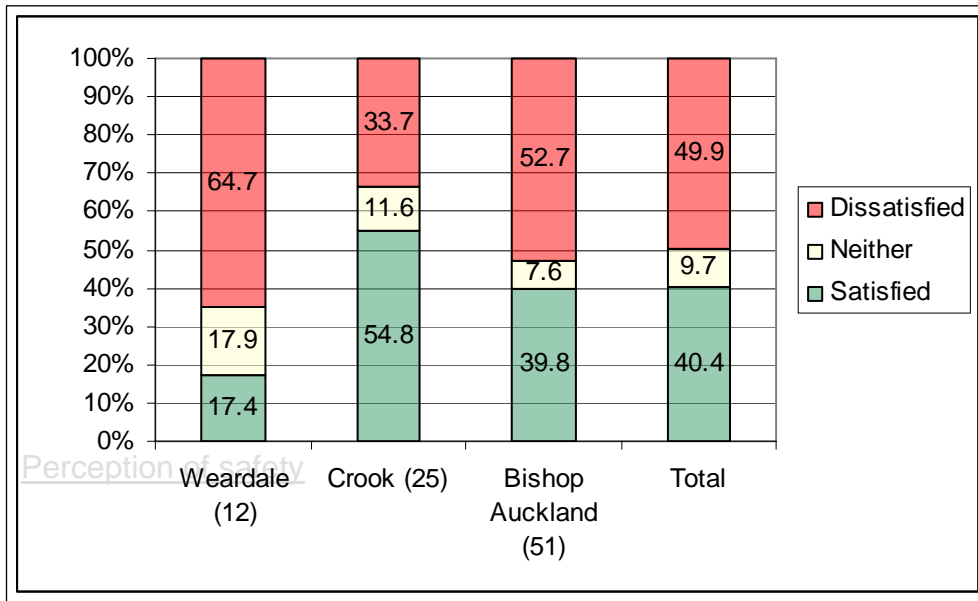
Well informed about what the Council is doing to tackle anti-social behaviour in your local area?



Satisfaction with complaints handling

19. Question 22 asked 'How satisfied or dissatisfied are you with the way in which your complaint(s) was (were) handled? A total of 40.4% of respondents were satisfied who had contacted the council with a complaint within the last 12 months. Nearly half of respondents were dissatisfied at 49.9%.
20. 64.7% of respondents were dissatisfied from Weardale and 52.7% were dissatisfied from Bishop Auckland who had contacted the council with a complaint within the last 12 months.
21. From the chart below it can be seen that 54.8% of respondents from Crook are satisfied with the way that their complaints were handled.

Satisfaction with Complaints Handling

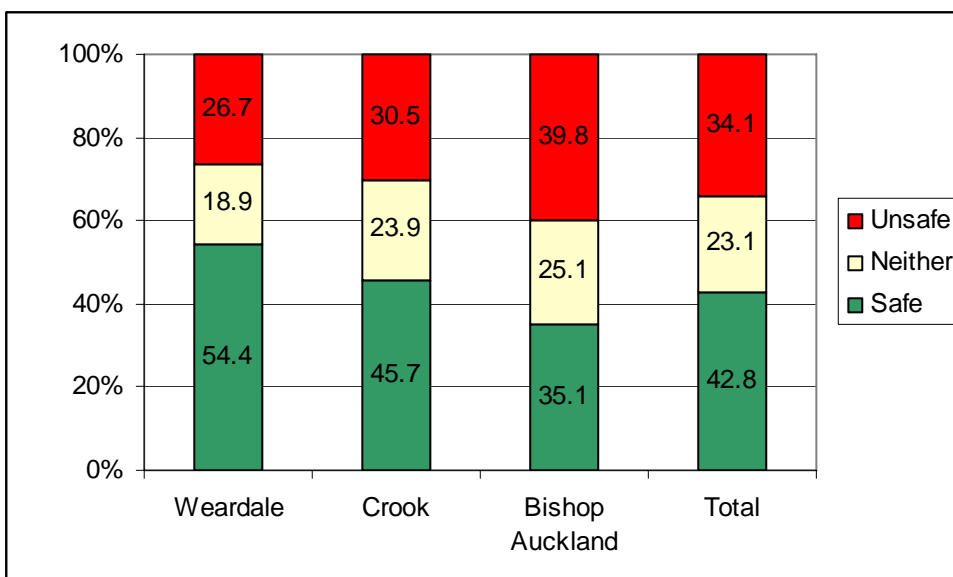


22. Question 3 asked 'how safe or unsafe do you feel when outside in the Wear Valley:

- After dark
- During the day?

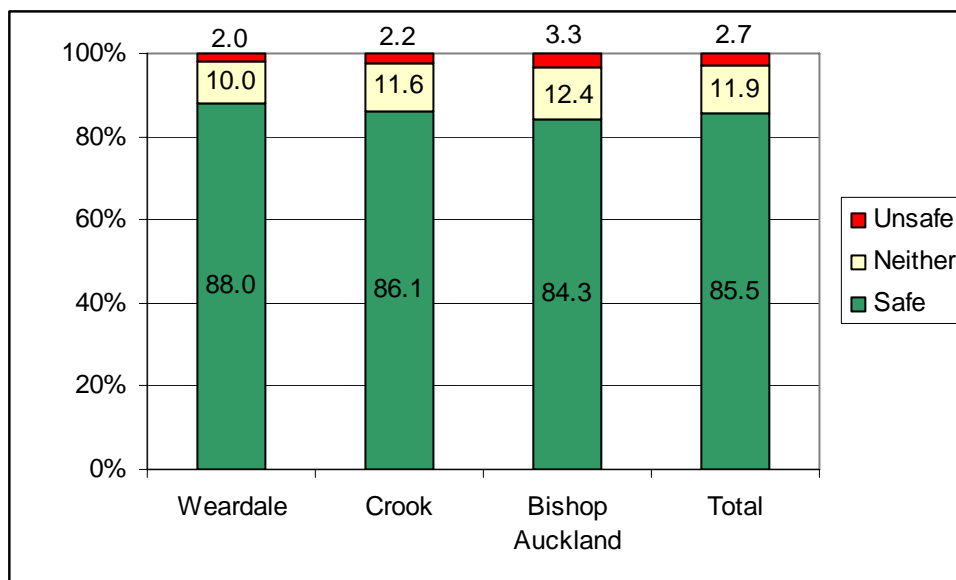
23. While there is a high percentage of respondents not very well informed with what the authority is doing to tackle anti-social behaviour, a total of 42% of respondents feel safe in the dark. When narrowed down into location 39.8% of respondents in Bishop Auckland feel unsafe after dark, 26.7% of respondents in Weardale and 30.5% of respondents in Crook. 54.4% of respondents feel safe after dark in Weardale, 45.7% in Crook but only 35.1% in Bishop Auckland.

Perception of safety when outside in Wear Valley after dark



24. During the day, in Bishop Auckland 84.3% of respondents feel safe, 88% of respondents in Weardale and 86.1% of respondents in Crook feel safe.

Perception of safety when outside in Wear Valley during the day

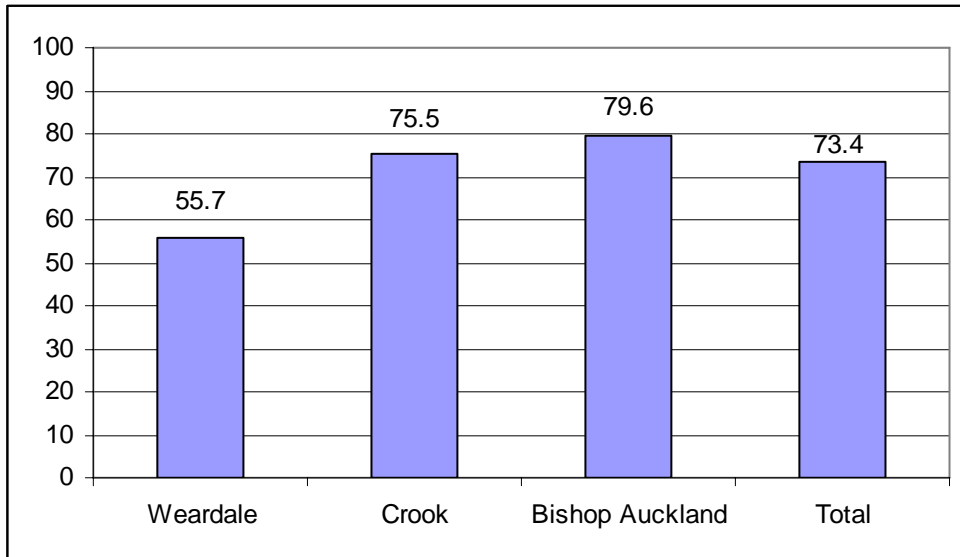


25. Question 5 asked people 'how much of a problem do you think are...
- parents not taking responsibility for the behaviour of their children?
 - teenagers hanging around on the streets?
 - people being attacked because of their skin colour, ethnic origin or religion?

Parents not taking responsibility for the behaviour of their children

26. 76% of Bishop Auckland respondents and 75.5% of Crook respondents believe parents are not taking responsibility for their children whereas, only just over half of Weardale respondents thought it was a very big to fairly big problem at 55.7%.

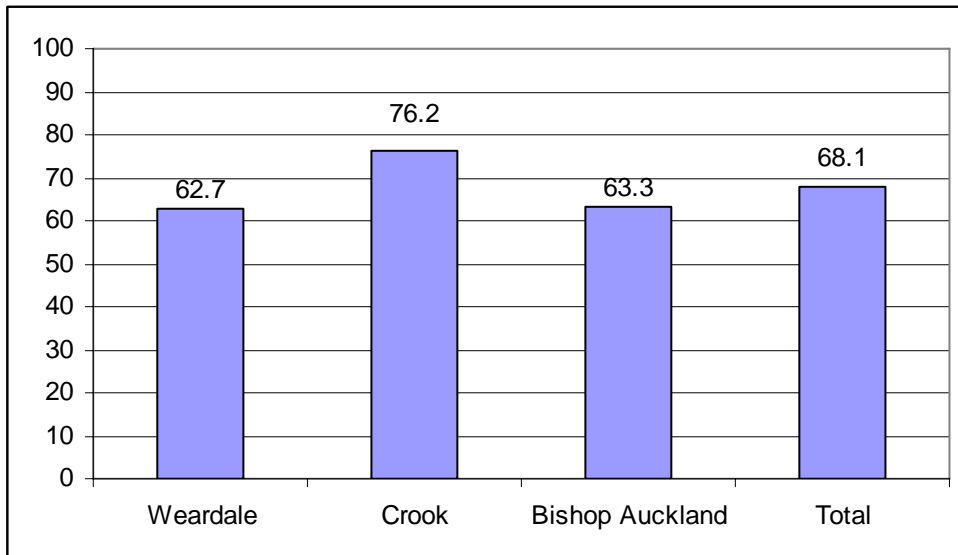
Parents not taking responsibility for the behaviour of their children's
(very big' + 'fairly big' % response)



Teenagers hanging around on the streets

27. From the results it can be seen that Crook has the highest problem with children hanging around on the streets with 76.2% of respondents stating it is a problem.

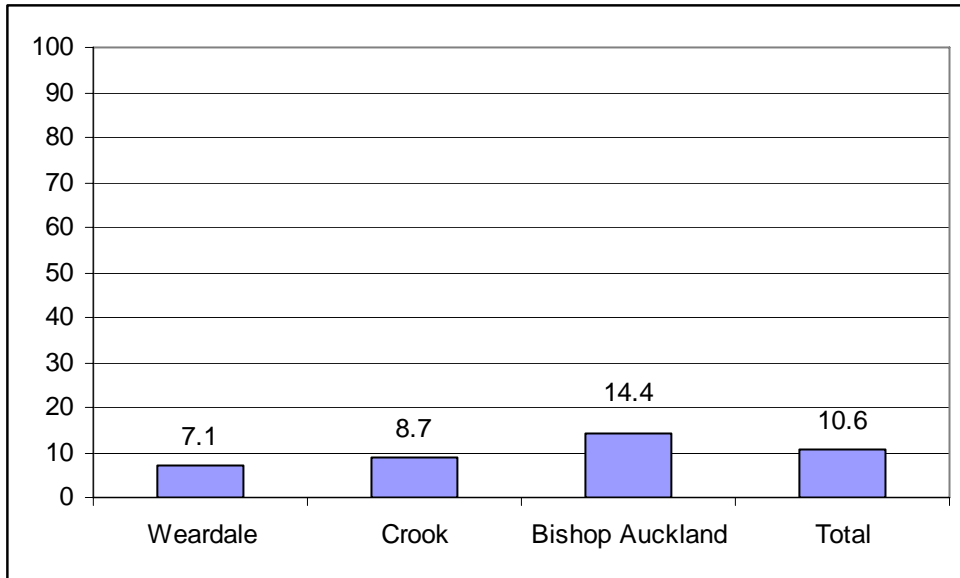
Teenagers hanging around on the streets'



People being attacked because of their skin colour, ethnic origin or religion

28. In total 10.6% of all respondents thought that people being attacked a very big to fairly big problem. The highest being in Bishop Auckland with 14.4%, 8.7% in Crook and 7.1% in Weardale.

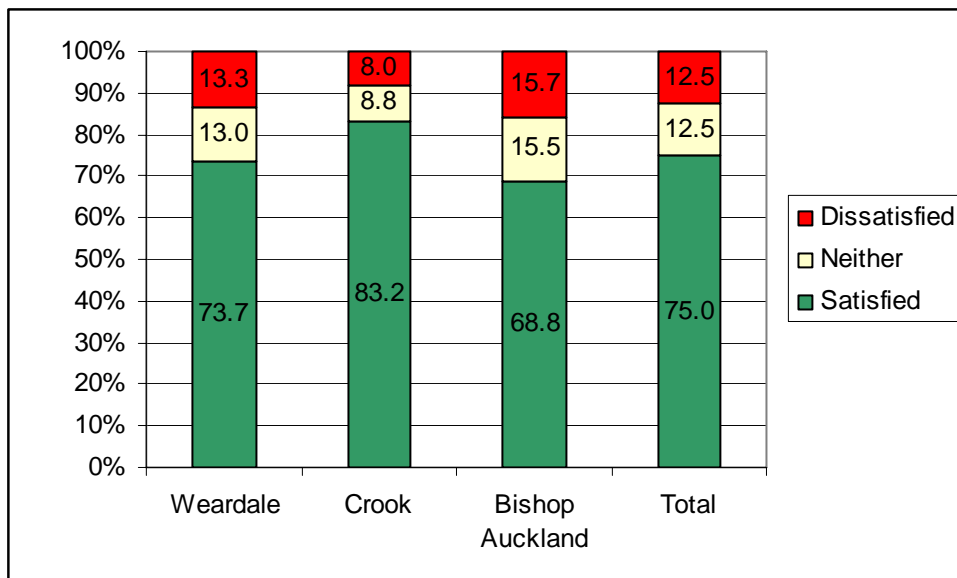
People being attacked because of their skin colour, ethnic origin or religion



Waste and litter services

29. Question 9 asked 'how satisfied or dissatisfied are you that Wear Valley District Council has kept this land clear of litter and refuse?'
30. Three quarters (75.0%) of all respondents were satisfied that the is clear of litter and refuse Satisfaction was highest in Crook with 83.2%, and lowest in Bishop Auckland, 68.8%.

Land kept clear of litter and refuse

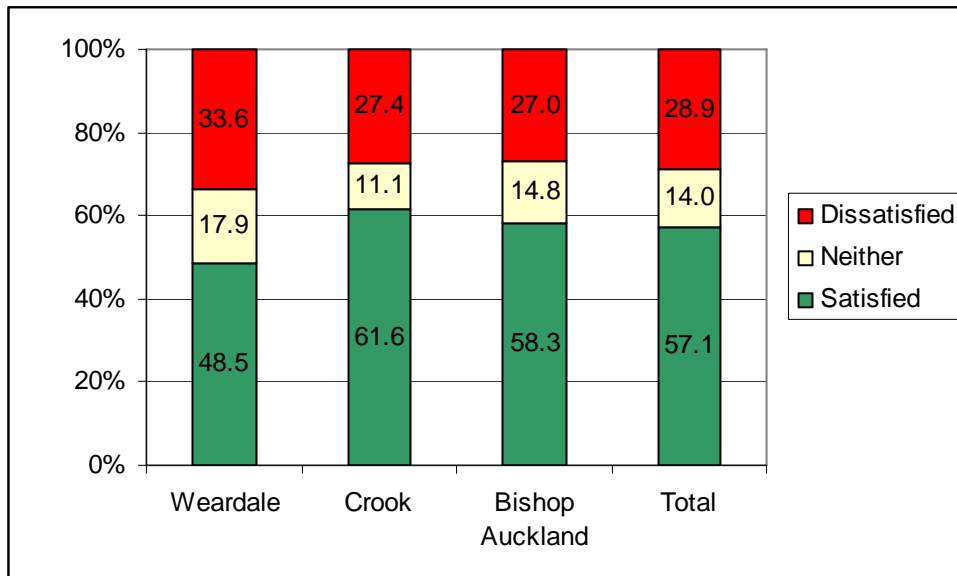


Doorstep recycling collection

31. Question 11 asked respondents to 'indicate whether you are satisfied or dissatisfied with each of the following elements of the service that we provide:

- The container provided for items of recycling.
32. Only 57.1% of all respondents said that they were satisfied with the container provided, whilst 28.9% were dissatisfied.
 33. In Crook 61.6% were satisfied with the container provided for items of recycling, whilst Weardale were least likely to be satisfied 48.5%, and most likely to be dissatisfied 33.6%.

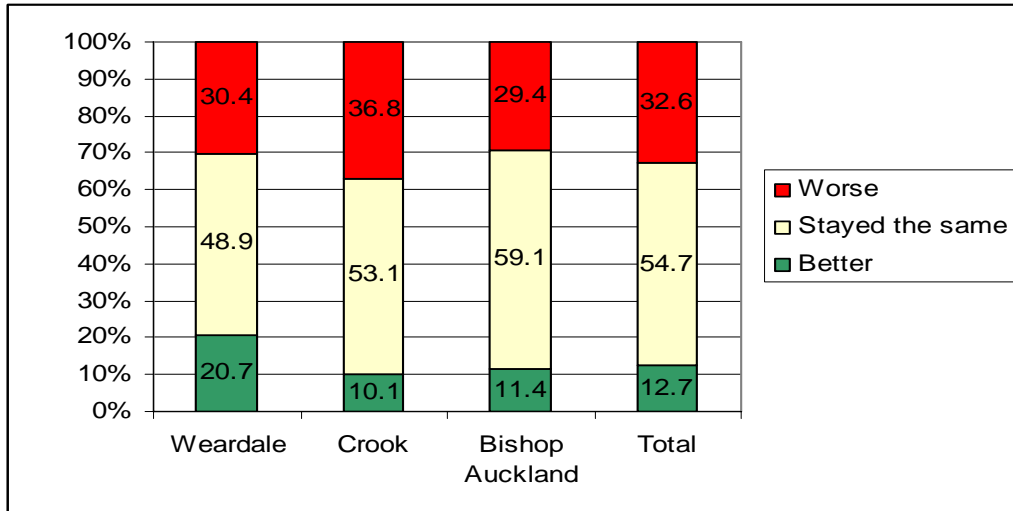
How satisfied are you with the container provided for items of recycling?



Sport and Leisure Facilities

34. Question 15 asked, for each of the following services provided by Wear Valley District Council, do you think the service has got better or worse over the last three years, or has it stayed the same?
e) Sport/ leisure facilities
35. In all areas the major opinion was that the service provided by 'sport/ leisure facilities' had 'stayed the same' over the last three years.

Improvement of Sport/ Leisure facilities over the last three years



findings

Weardale

36. Overall, from the location analysis it can be seen that respondents are generally satisfied with:
- Wear Valley as a place to live, but do not believe the area has improved much over the past two years with nearly half stating it has got worse,
 - Unfortunately not even half of the respondents are satisfied with the authority overall,
 - More than three quarters of respondents disagree that they can influence decisions affecting their local area,
 - A quarter of people would like to be more involved in the decisions the council makes that affect their local area, yet nearly three quarters said it would depend on the issue as to whether they wanted to be involved. More than half of the respondents do not feel well informed about whether the council is delivering on its promises. Over three quarters of respondents do not believe they are well informed on what the council is doing to tackle anti-social behaviour,
 - Over half of respondents are not satisfied with how their complaint was handled in the last 12 months,
 - More than half of the respondents feel safe after dark and over three quarters feel safe during the day.
 - Just over half of respondents believe that parents not taking responsibility for their children's behaviour is a very big, fairly big problem, over half see teenagers hanging around the streets is a big to fairly big problem and people being attacked in the street

because of their skin colour, ethnic origin or religion is not seen as a problem.

- Nearly three quarters of respondents were satisfied with waste and litter services and nearly half of the respondents are satisfied with the door step recycling collection with regards to the container provided and nearly half of respondents believe the sports and leisure facilities have stayed the same over the last three years.

Bishop Auckland

37. Overall, respondents are satisfied with:

- With Wear Valley as a place to live and over half believe it has stayed the same over the past two years.
- Just over half of the respondents are satisfied with the authority as a whole, yet nearly three quarters disagree that they can influence decisions affecting their local area and nearly half said they would like to be more involved in the decisions that the council makes in their local area but it would depend on the issue.
- Over half of the respondents state they are not very well informed about how to get involved in local decision making, how the council is delivering on its promises and what the council is doing to tackle anti-social behaviour.
- More than half of respondents are dissatisfied with the way their complaints were handled in past 12 months.
- Bishop Auckland has the highest amount of respondents who do not feel safe after dark and the lowest of respondents who feel safe in the day.
- Bishop Auckland also has the highest amount of respondents who feel that parents are not taking responsibility for the behaviour of their children, people being attacked because of their skin colour, ethnic origin or religion and the second highest for teenagers hanging around the streets which are seen as very big to fairly big problems.
- Satisfaction with waste and litter services is lowest in Bishop Auckland yet, over half of the respondents are satisfied with the container provided for items for recycling, and the majority of respondents believe the leisure and sport facilities have stayed the same over the last three years with the lowest level of dissatisfaction out of the three areas.

Crook

38. Overall, respondents are satisfied with:

- With the local area as a place to live with three quarters of respondents satisfied. With half of the respondents believing that as a place to live it has stayed the same.

- Nearly three quarters of the respondents are satisfied with the way the authority runs things, which is the most satisfied area out of the three areas.
- Over half of the respondents disagree that they can influence decisions affecting their local area and nearly the same amount would like to be more involved in the decisions the council makes that affect their local area depending on the issue.
- Over half of respondents state they are well informed about how to get involved in local decision making but over half do not feel well informed on whether the council is delivering on its promises or what the council is doing to tackle anti-social behaviour.
- Crook has the highest rate of satisfaction with regards to complaints handling in the past 12 months.
- Nearly half of the respondents feel safe when outside after dark and over three quarters feel safe when outside during the day.
- Crook has the highest very big to fairly big problem with teenagers hanging around the street and the second highest concern with parents not taking responsibility for the behaviour of their children.
- Crook has the highest satisfaction score for the land being kept clear of litter and refuse, the container provided for items of recycling, but has the lowest level of satisfaction for improvement of sport and leisure facilities over the last three years and the highest amount of respondents who say it has got worse over the last three years out of the three locations.

conclusion

39. There is a varied level of satisfaction across the three locations; it could be perceived that the people living closer to the council offices are more satisfied than those further a field.
40. More information on what the council is doing and how to get involved in decision making is required. Information on procedures could be sent out with Wear Valley Matters so residents are more informed on what the stages are within the procedure, for example the complaints procedure.
41. Responses for the questions asked around problems in the area have similar responses in all three areas which mean's behaviour of children and teenagers hanging around the streets needs to be addressed.

human resource implications

42. There are no human resource implications associated with this report.

financial implications

43. There are no financial implications associated with this report.

legal implications

44. There are no legal implications associated with this report.

RECOMMENDED

- i) That the information in the report be noted and Officers be instructed to establish three separate focus groups to discuss the main findings in this report, in line with the Communication and Engagement Strategy.

Officer responsible for the report
Michael Laing
Chief Executive
Ext 368

Author of the report
Emily Butler
Policy & Research Officer
Ext.448

POLICY & STRATEGIC DEVELOPMENT COMMITTEE

23 JANUARY 2008

Report of the Community Support Manager
RISK REGISTER UPDATE

purpose of the report

1. To update Members on the measures put in place and the progress made towards managing down the risks faced by the Community Department.

background

2. A key line of enquiry within the Use of Resources Assessment relates to the extent to which we manage our risks and keep Members informed of both the risks we face and the measures put in place to manage them.
3. A risk register update was provided to Members in August 2007, which set out the actions taken to manage the risks identified within the Department's Service Plan. Annex J to this report provides a further update in order to give assurance to Members that the Department is effectively managing those risks.

conclusion

4. From the table at Annex J, it can be seen that several issues have already been addressed while others have seen substantial progress. A significant amount of work has already been undertaken to minimise the Department's risk exposure; however, the Department remains focussed on further managing down our exposure through the implementation of additional measures and the continual monitoring of our situation.

RECOMMENDED that Members note the report.

Officer responsible for the report

Gary Ridley
Strategic Director of Resource Management
Ext. 227

Author of the report

Mark Farren
Community Support Manager
Ext. 345

COMMUNITY DEPARTMENT SERVICE PLAN RISKS

Risk Scores: Probability - 1 = Unlikely 2 = Possible 3 = Likely
 Impact - 1 = Negligible 2 = Moderate 3 = Significant

Ser	Council Plan Action	Risks to the Department	Risk Score			Responsible Officer	Actions to Minimise	Progress to Date
			Prob.	Impact	Total			
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
1	ALMO Governance.	Establishment of ALMO creates governance and performance implications.	2	3	6	Strategic Director	Examine and monitor performance and governance implications of ALMO.	<ul style="list-style-type: none"> Regular progress and liaison meetings continue. Reports on performance to committee.
2	Reduce sickness absence.	Absent staff cause negative impact on service delivery.	2	2	4	Strategic Director	Ensure all staff receive training and understand the sickness absence procedure.	<ul style="list-style-type: none"> Initial training completed and follow-on training will be incorporated into Departmental Training Plan. Regular sickness reports discussed by Departmental Management Team.
3	Improve recycling and composting rates.	<ul style="list-style-type: none"> Lack of capacity to manage additional waste. Increased costs and lack of value for money 	2	3	6	District Services Manager	Work with partners to improve efficiency in waste management.	<ul style="list-style-type: none"> Waste Strategy due early 2008. Home composting bins being supplied free to interested households. Recycled materials contract due to be tendered.
		Lack of co-operation from customers.	2	2	4		Raise awareness of customers through literature and campaigns.	Continued promotion of recycling via events & leaflets.

Ser	Council Plan Action	Risks to the Department	Risk Score			Responsible Officer	Actions to Minimise	Progress to Date
			Prob.	Impact	Total			
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
4	The number of homes meeting the DHS.	Capital programme does not deliver decent homes on target.	2	3	6	AD Policy & Resources	Continued use of Delivery Plan and ALMO Liaison function to monitor performance	<ul style="list-style-type: none"> Regular progress & liaison meetings continue. Reports on performance to committee. Community Support Manager appointed as main ALMO Liaison. Capital Projects Manager due to be appointed early 2008 and role will include focus on details of DHS issues.
							Establish Housing Sub-Committee to oversee investment and delivery	Agreement reached in Dec 07 to establish Sub-Committee.
5	Number of Community groups established and engaging with the Council or participating in the Community Empowerment Network / Increasing % of people who feel they can engage and influence decisions.	<ul style="list-style-type: none"> Council unable to manage community groups and use findings of consultation constructively and across all service areas. Negative perceptions of Council. 	2	2	4	Community Support Manager	Ensure systems are in place to collect, use and feedback information to customers and partners.	<ul style="list-style-type: none"> Community Involvement Team now in place. Work underway to develop consultation plan. Neighbourhood Arrangements Officers appointed
							Establish a Citizens Panel.	<ul style="list-style-type: none"> Extensive promotion of Citizens Panel completed. Formal recruitment of Panel due Dec 2007/Jan2008.

Ser	Council Plan Action	Risks to the Department	Risk Score			Responsible Officer	Actions to Minimise	Progress to Date
			Prob.	Impact	Total			
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
6	Increasing percentage of people who feel satisfied with Wear Valley as a place to live.	Dissatisfaction with community focused services as a result of underperformance.	1	3	3	AD Neighbourhood Services	Undertake regular satisfaction research and use findings to inform service development and improvement.	<ul style="list-style-type: none"> Linking in with triennial survey, satisfaction in various areas of service delivery agreed as strategically important targets. Plan for Citizens Panel (see above) will further develop knowledge in this area.
7	BV126, BV127a, BV127b, BV128 BV174, BV175, BV225. Crime Indicators	<ul style="list-style-type: none"> Rising crime rates and fear of areas impacting on the sustainability of areas. Increased fear of crime. 	2	3	6	Community Safety Manager	Working with organisations and local partners to reduce crime and tackle fear of crime.	Continual liaison & partnership meeting with relevant organisations.
							Enact the Community Safety Strategy.	Community Safety Strategy implementation underway.

Ser	Council Plan Action	Risks to the Department	Risk Score			Responsible Officer	Actions to Minimise	Progress to Date
			Prob.	Impact	Total			
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
8	Reduced incidences of chronic disease (e.g. cardiovascular disease).	Impact on housing, benefit provision and social care provision for residents suffering from chronic diseases.	3	2	6	Community Fitness Manager	<ul style="list-style-type: none"> • Raise awareness of health issues. • Ensure services are accessible for all customers. • Continue to provide healthy living and leisure services. 	<ul style="list-style-type: none"> • Fixed & community based leisure provision continue to provide increasing leisure opportunities. • 5 Legacy gyms now operating. • Leisure Strategy agreed 09 Jan 08. • Mainstreaming bids and enhanced partnership working being sought to ensure provision can continue.
						AD Policy & Resources	Achieve decent homes in the public and private sector.	<ul style="list-style-type: none"> • DHS contractor now appointed by D&VHs and programme started. • Private sector grants continue to be offered to bring properties up to DHS. • Additional DFGs (£0.4 million in Oct 07) to enable residents to adapt homes for lifestyle changes. • Landlord Accreditation Scheme due for full roll-out in early 2008.

Ser	Council Plan Action	Risks to the Department	Risk Score			Responsible Officer	Actions to Minimise	Progress to Date
			Prob.	Impact	Total			
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
9	Reduction in proportion of adults who are obese.	Services are not diverse enough to meet individual health need.	2	1	2	Community Support Manager	<ul style="list-style-type: none"> • Raise awareness of health issues. • Ensure services are accessible for all customers. • Continue to provide healthy living and leisure services. 	<ul style="list-style-type: none"> • As above. • Council recently received national award in recognition of obesity work.
10	An LDF which reflects the needs and aspirations of Wear Valley.	Evidence base is inaccurate therefore actions do not address needs.	2	3	6	Principal Housing Strategy Manager	LDF is developed in consultation with and using evidence from various stakeholders.	Continual consultation with partners. <ul style="list-style-type: none"> • Strategic Housing market Assessment close to completion via LSP. • Housing needs survey currently subject to tender.
							Undertake a Strategic Housing Market Assessment and a Housing Needs Survey.	

Ser	Council Plan Action	Risks to the Department	Risk Score			Responsible Officer	Actions to Minimise	Progress to Date
			Prob.	Impact	Total			
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
11	Improved Value for Money Score/Deliver Gershon efficiency Savings.	<ul style="list-style-type: none"> Waste of resources. Impact on CPA rating. Providing services that do not reflect value for money for our customers. Spend does not reflect corporate / community priorities 	2	3	6	AD Policy & Resources	<ul style="list-style-type: none"> Establish VFM monitoring in performance management frameworks e.g. benchmarking. Channels for assessing and implementing efficiency savings are in place. Enable staff to monitor outcomes in relation to spend, priorities and customer satisfaction. 	<ul style="list-style-type: none"> Monitoring of budgets on monthly basis. Value for money considerations included in committee reports. Efficiency savings identified and passed to VFM Officer. Budgets aligned to priorities and needs. PIT investigations completed into Refuse, Parks and Leisure. Several savings and growth bids submitted as part of 08/09 budget process. Establishment of Citizens Panel (see above) will assist with identifying priorities.
12	Improved organisational capacity to engage with communities and develop priorities and programmes that meet identified community need.	<ul style="list-style-type: none"> Services are not delivered in the best interests of service users. Basis for decision making is not accurate; therefore actions do not address needs. 	2	3	6	Community Support Manager	<ul style="list-style-type: none"> Development of a Citizens Panel. Community Involvement Team in post. Undertake annual self assessment as part of performance management. 	<ul style="list-style-type: none"> Community Involvement Team in place. Citizens Panel to be recruited in Dec 2007 – Jan 2008. Department involved with customer profile project to help target services.

Ser	Council Plan Action	Risks to the Department	Risk Score			Responsible Officer	Actions to Minimise	Progress to Date
			Prob.	Impact	Total			
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
13	Year on year improving CPA score achieved at self-assessment.	CPA score is not re-categorised to good.	1	3	3	Strategic Director	<ul style="list-style-type: none"> Continue to liaise with external/ internal audit to target areas of improvement. Examination of KLOE's. 	<ul style="list-style-type: none"> Department contributed fully to recent Peer Review and is presently implementing plans to rectify issues identified. Community Support Manager tasked to develop action plan for further development based on final re-categorisation report. Department continuing to build evidence base of real outcomes.
14	Improved satisfaction scores from surveys conducted with all Council stakeholders.	Resources only focussed on data collection and not data use.	2	2	4	Community Support Manager	<ul style="list-style-type: none"> Ensure follow up to results and findings. 	<ul style="list-style-type: none"> Monitoring reporting on satisfaction on various key services agreed as a specific target. Proposals for new performance and improvement meeting structure being developed.



POLICY AND STRATEGIC DEVELOPMENT

23 January 2008

Report of the Strategic Director for Resource Management **SECTION 106 FUND – EXPENDITURE**

purpose of the report

1. To advise members of the current requests received for funding of more than £20,000 from the s106 fund and to recommend a response to each request. Additionally, to advise members of the response to recent requests for funding of less than £20,000.

background

2. On 8th August 2007, the Council agreed to introduce a protocol to distribute money received under s106 agreements. The report set out the legal and planning policy background and recommended an approach to be adopted in the future. The Council receives money under s.106 agreements for specific purposes, as set out in the terms of the agreement. The money received may be spent on those specific purposes.
3. It was agreed that a group would be established, comprising of AD Legal and Admin services, AD Finance and IT, Head of Planning and Head of Leisure. The group will act in accordance with the protocol and will, broadly, carry out 2 functions –
 - assess requests for funding from groups wishing to access the s106 fund
 - compile a list of suitable projects which could use s106 funds.

assessments

4. The Council has received a number of requests for funding over £20,000 in recent months. These are detailed on part A of the attached table, together with the group's recommendation in each case. Should the recommendations be approved, the relevant group member will carry out the action noted. The Council has also received a number of requests for funding less than £20,000. These are detailed on part B of the attached table, together with the outcome in each case. Members are asked to note the response in each case.

implications

Financial & Legal Implications – the Council receives money under the terms of s106 agreements. This money is allocated to specific wards, relating to the location of development. It is for the Council to determine how the money should be allocated, within the constraints of the s106 agreements. All of the payments referred to in this

report are within the terms of the relevant s106 agreements and there is money available to meet these requests. All grant recipients are required to comply with the Council's grant scheme conditions.

Human Resource Implications – some of the schemes rely on delivery by Council officers. These schemes are encompassed in existing work schedules and will not compromise service delivery.

Crime and Disorder Implications – some of the schemes provide diversionary activities which have been shown to have a positive impact on the incidence of crime and disorder.

Health & Safety – All grant recipients must conduct health and safety risk assessments and take appropriate action (including maintaining insurance cover) in order to meet Council grant scheme conditions.

Equality & diversity – All grant recipients must demonstrate that facilities funded by s106 funds are available to all sections of the community, without distinction.

RECOMMENDED

It is recommended that -

1. The recommendations of the group, as set out in the attached table, be approved.

Officer responsible for the report

Gary Ridley

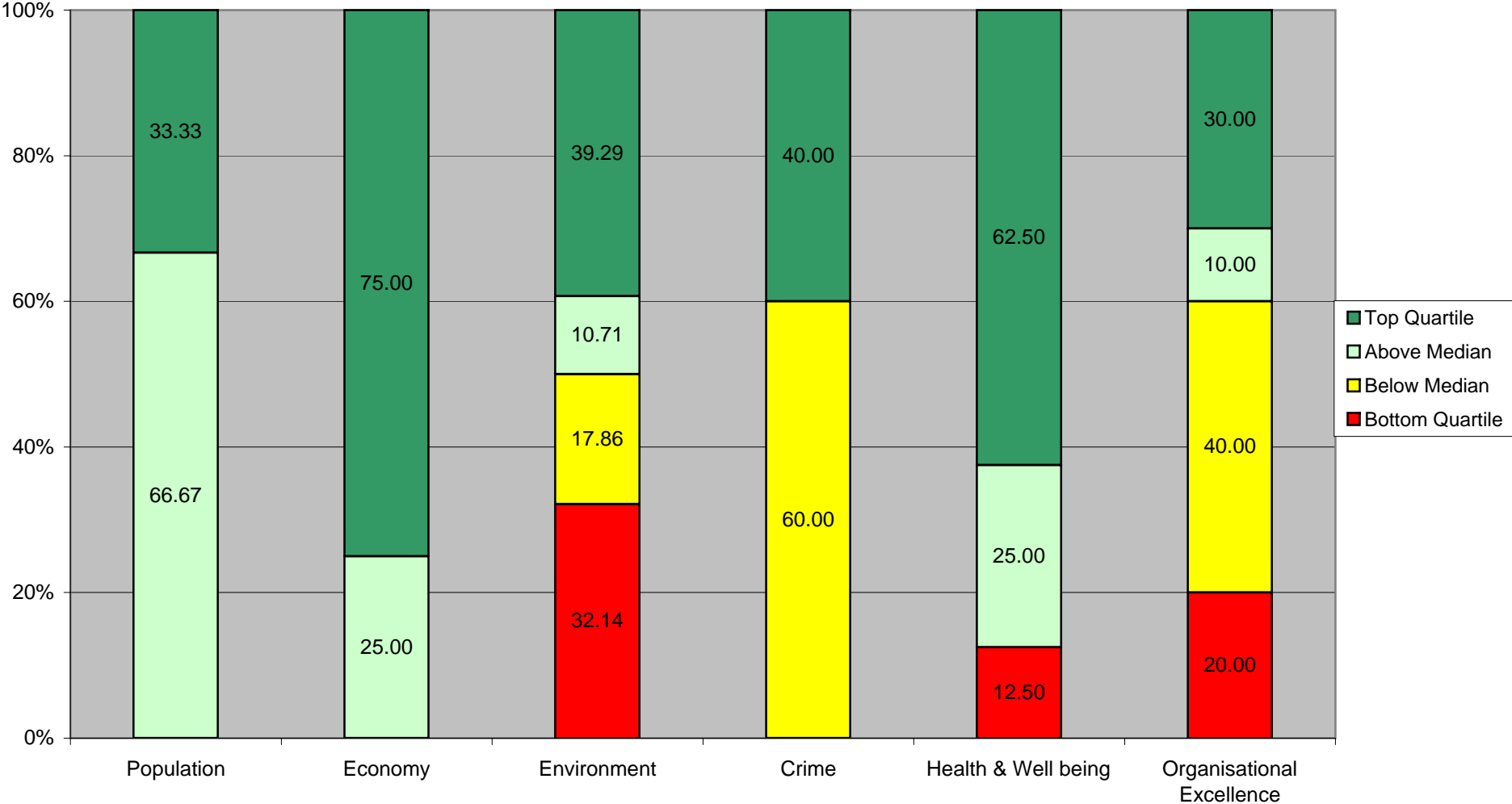
Strategic Director – Resource Management

Author of the report

Anna Barker

A.D. – Legal Services

Annex D - BVPI quartiles by Corporate Objective





**WEAR
VALLEY**
DISTRICT COUNCIL

WEAR VALLEY DISTRICT COUNCIL

The Regulation of Investigatory Powers Act 2000

Procedures Document

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1. INTRODUCTION

The Regulation of Investigatory Powers Act 2000 (RIPA) provides a legal framework for the control and regulation of surveillance and information gathering techniques, which Public Bodies undertake in the conduct of their duties. The need for such control has arisen from the enactment of the Human Rights Act 1998 (HRA) and more specifically Article 8 of the European Convention on Human Rights. Article 8 states:

ARTICLE 8 RIGHT TO RESPECT FOR PRIVATE AND FAMILY LIFE.

- 1) *Everyone has the right to 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 or morals, or the protection of the rights and freedoms of others.*

The right to respect for private and family life is a qualified right and public authorities can lawfully interfere with that right for the reasons given in Part 2 of Article 8. It is RIPA that provides the legal framework for such lawful interference.

Scope of this Procedural Document

The Act provides a permissive regime for surveillance and information gathering techniques undertaken by all public bodies including the Intelligence Services, Police, Armed Forces, Customs and Excise and Local Authorities. This document is intended to cover the surveillance and information gathering techniques, which are most appropriate to Local Authority work.

Other techniques, such as some of those listed below, which are not regularly undertaken by Local Authorities in relation to members of the public, would also come within the scope of RIPA, are not covered in this document.

- The interception of any communication such as postal, telephone or electronic communications without both the sender and receiver's permission.
- The covert use of surveillance equipment within any premises or vehicle including business premises and vehicles with the intention of covertly gathering information about the occupant/s of such

premises or vehicles, unless undertaken as part of a CHIS¹ authorisation.

- The use of any person, other than a Wear Valley District Council employee or agent, to establish or use a **covert relationship**² with another person in order to gather, disclose or disseminate information which results from the relationship in the conduct of local authority business.
- The use of any person under the age of 18, whether or not a Wear Valley District Council employee, to establish or use a covert relationship with another person in order to gather, disclose or disseminate information which results from that relationship in the conduct of local authority business.
- The control and disclosure of information held on computer or paper records covered by the Data Protection Act.

If it is intended to carry out such activity further guidance should be sought from the RIPA Monitoring Officer.

The interference of telecommunications sent and received by staff is mentioned in Section 3.

Local Authorities are restricted in the type of surveillance and information gathering techniques, which can be authorised and undertaken under RIPA. These are contained within Part II of the Act and relate to **directed covert surveillance (DCS)** and the use of **covert human intelligence sources. (CHIS)** and some **Communications Data**.

Part II of the Act came into force in September 2000 and therefore all investigations which involve covert surveillance or the use of a CHIS subsequent to this date and following the publication of this policy document should be undertaken in accordance with the authorisation procedures contained in the document. It is strongly recommended that authorisation is obtained where **private information** is intended to be gathered using covert surveillance techniques or a CHIS, whether or not that person is the target of the investigation. The Act not only covers the observation of members of the public but would also cover the observation of staff and members as part of an internal investigation.

This document does not address the assessment of risks that officers might encounter during investigations. Normal departmental policies on identifying such risks should be adopted if it is perceived that any risk might arise from a specific operation. In this context references to risk assessment in the codes of practice refer to the risk of collateral intrusion. See comments in Section 5.

¹ See later guidance on Covert Human Intelligence Sources (CHIS)

² Further guidance on the interpretation of text highlighted in bold can be found in the Glossary of Terms.

Surveillance Commissioner and Tribunals

The Government has appointed a Surveillance Commissioner to review how Public Authorities implement the requirements of RIPA. The Commissioner has wide ranging powers of access and investigation. It is likely that the Council will receive periodic visits from the Commissioner's staff and therefore it is essential that everyone who engages in RIPA type activities is fully aware of this law and this procedure.

A tribunal system has been set up to deal with complaints from any person who considers that a Public Authority has breached a Convention Right in contravention of the HRA. The Home Office has published a set of information leaflets on this topic. Copies have been sent to all Council Offices. These should be available to the public at all times.

Further Assistance

Further guidance on any issue surrounding RIPA can be obtained from the Home Office RIPA web site: <http://security.homeoffice.gov.uk/ripa/>

Information can also be obtained from the RIPA Monitoring Officer. Copies of the codes of practice in relation to both covert surveillance and the use of covert human intelligence sources should also be available for public reference at all Council public offices. Copies can be viewed and downloaded from the web site and are available from the RIPA Monitoring Officer.

2. COVERT SURVEILLANCE

There are two categories of **covert surveillance**:

- Intrusive Surveillance and
- Directed Surveillance

Intrusive Surveillance

Intrusive surveillance is defined as covert surveillance that:

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

If the device is not located on the premises or in the vehicle, it is not intrusive surveillance 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.

OFFICERS OF THE LOCAL AUTHORITY CANNOT AUTHORISE INTRUSIVE SURVEILLANCE.

Operations, which involve intrusive surveillance, are limited to the Intelligence Services, Armed Forces, MOD, Police and HM Customs and Excise. The majority of covert surveillance undertaken by local authority officers would fall within the category of Directed Surveillance.

If it is considered that surveillance, which is intended to be undertaken, may fall within the scope of intrusive surveillance, then further guidance should be sought from the RIPA Monitoring Officer.

Directed Surveillance

Directed surveillance [referred to in this document as Directed Covert Surveillance (DCS)] is defined as surveillance which is covert, but not intrusive and undertaken:

- a) for the purpose of a specific investigation or operation
- b) in such a manner as is likely to result in the obtaining of **private information** about a person (whether or not that person is the target of the investigation or operation); and

- c) in a planned manner and not by way of an **immediate response** whereby it would not be reasonably practicable to obtain an authorisation prior to the surveillance being carried out.

The flow chart at Appendix 2 and the scenarios in Appendix 4 provide some guidance on when an authorisation for DCS would be required.

It should be noted that it is irrelevant where the subject of the DCS is when he is being observed; e.g. at work.

Covert Human Intelligence Sources

The term Covert Human Intelligence Source (CHIS) is used to describe people who are more commonly known as informants and are used more widely by the Police and other similar organisations than by Local Authorities. However, a CHIS would also include work by officers working “undercover” whereby a **covert relationship** is established with another person. Local Authority officers may undertake such activity.

This document only relates to situations when a CHIS authorisation would be required for undercover work by Local Authority officers owing to the infrequent and exceptional circumstances when someone other than a Local Authority employee would be used. If any officer contemplates using any person, who is not a Wear Valley District Council employee, as a CHIS then they should contact the RIPA Monitoring Officer for further advice before proceeding.

A person is a CHIS if:

- a) he/she establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paragraph (b) or (c).
- b) he/she covertly uses a relationship to obtain information or to provide access to any information to another person or
- c) he/she covertly discloses information obtained by the use of such a relationship, or as a consequence of the existence of such a relationship.

The flowchart at Appendix 2 and the scenarios at Appendix 4 provide some guidance as to when an authorisation for use of a CHIS is required.

N.B. If a CHIS uses surveillance equipment in the conduct of his/her covert activity, a separate authorisation for DCS is **not** required. This would also apply to a situation when the recording device is being used within a private residence or vehicle if the CHIS had been invited into the residence or vehicle. The Council does not have any specialist equipment.

It is considered that a typical test purchase exercise that does not go beyond what would be considered to be a normal transaction would not be considered as a CHIS activity. If the activity would not fall within the rule on entrapment then it would not be CHIS activity.

3. RECORDING OF TELEPHONE CONVERSATIONS

The recording of telephone calls between two parties when neither party is aware of the recording **cannot be undertaken**, except under a Warrant granted under Part 1 of RIPA. The Secretary of State only grants such warrants and it is not envisaged that such activity would fall within the remit of Local Authority investigations. If it is thought that such surveillance is to be undertaken then further guidance should be sought from the RIPA Monitoring Officer.

However there may be situations where either the caller or receiver consents to the recording of the telephone conversation and, in such circumstances a Part 1 warrant is not required. This type of surveillance should be authorised either as DCS or if it is a CHIS making or receiving the telephone conversation (usually an officer working “undercover”) as a CHIS authorisation.

Where as part of an already authorised DCS or CHIS a telephone conversation is to be recorded by the Officer or the CHIS then no special or additional authorisation is required.

The recording of telephone conversations for purposes not connected with investigatory powers does not fall within this guidance document.

Interception of Telecommunications

As mentioned in the introduction, Part 1 of the Act does not affect Local Authorities save as to say that under Part 1 the Telecommunications (Lawful Business Practice) (Interception of Communication) Regulations 2000 – S.I. 2000/2699 have been made. These regulations permit the Council without further authorisation to lawfully intercept its employees’ e-mail or telephone communications and monitor their Internet access for the purposes of prevention or detection of crime or the detection of unauthorised use of these systems. Further advice on these should be sought from the RIPA Monitoring Officer.

The Regulation of Investigatory Powers (Communications Data) Order 2003 allows local authorities to access certain types of communications data subject to their having a “Competent Person” in place- otherwise known as a Single Point of Contact.

Single Point of Contact (SPOC)

The Home Office Code of Practice recommends that all authorities who use these powers appoint an Officer to act as the SPOC. The role of the SPOC is to:

- assess whether it is reasonably practicable to obtain the communications data requested,

- advise applicants/authorising officers on the types of communications data that can be obtained;
- to check that the Application for Communications Data Form is properly completed and authorised; and
- to liaise with the service providers on obtaining the communications data requested.

Officers requesting an Application for Communications Data need to complete the Form and submit it to the SPOC to check that it is completed properly. The Authorising Officer will need to check with the SPOC to make sure the Application has been completed properly and is properly authorised.

Applicatin for Communications Form

Authorisations can only be granted under the Regulations “for the purpose of preventing or detecting crime or preventing disorder”. Information which can be obtained through service providers is as follows:-

Customer Data

- Name of Customer- Subscriber information, such as “ who is the subscriber of phone no 123 456 789
- “who is the subscriber of email account abc@abc123zyz?” or “ who is the
- subscriber or who is entitled to post to web space www.abc123zyz.co.uk?”
- Addresses for billing, delivery, installation
- Contact telephone numbers
- Abstract personal records provided by the subscriber to the service provider
- Subscriber’s account information
- Services the customer subscribes to

Service Data

- The periods during which the customer used the services
- Information about the provision and use of forwarding and re-direction services by postal and telecommunications service providers
- “Activity”, including itemised records of telephone calls (numbers called), internet connections,
- dates and times/duration of calls, text messages sent
- Information about the connection, disconnection and reconnection of service
- Information about the provision of conference calling, call messaging, call waiting and call barring telecommunications services

- Records of postal items, records of parcel consignment, delivery and collection
- “Top-up” details for pre-pay mobile phones- credit/debit card, voucher/e-top up details.

4. PROCEDURE FOR OBTAINING AUTHORISATION FOR DCS OR USE OF A CHIS

The flowchart in Appendix 2 shows the steps that are required in the authorisation procedure.

Authorising Officers

Up until 5 January 2004 the “assistant chief officer responsible for management of an investigation” was allowed to authorise surveillance. After that date (Statutory Instrument 3771 of 2003) power to issue authorisation was extended to include a “service manager or equivalent”. However, the authorising officer should not normally be directly involved in the surveillance (Para 4.14 Code of guidance).

In Wear Valley District Council the Authorising Officer can only be one from the authorised list a copy of which is attached at Appendix 1.

There is no provision for officers of a lower rank to grant authorisations, even in cases of urgency.

Authorisation for DCS or the use of a CHIS must be given in writing by the Authorising Officer, except in urgent cases, when authorisation may be given verbally, although in such instances the procedural differences and duration of verbal authorisations, as below, should be noted.

Appendix 1 sets out those officers empowered to grant authorisations.

Action to be taken by the Person Applying for Authorisation

Officers are advised to discuss the need to undertake DCS or the use of a CHIS with their line manager before seeking authorisation. Prior to seeking an authorisation, the officer should explore non-covert options to find the information as an alternative to pursuing covert techniques. Any comments by the line manager should be entered onto the application form. **Moreover, applicants should fully describe the proportionality of the intended surveillance, assess and document any collateral intrusion and provide an action plan to minimise it.** It is likely that in some instances the line manager will also be the Authorising Officer in such cases there is no need to insert the line manager’s comments.

The Application for Authorisation Forms for DCS and CHIS operations are shown in Appendix 3. These forms will be available on line on Lotus notes under RIPA. The applicant should complete Parts 1 and 2 of the form having regard to the guidance below. If the situation is urgent, verbal authorisation should be obtained from the appropriate Authorising Officer. If verbal authorisation is granted, then the applicant must, as soon as is reasonably practicable complete an authorisation form, including DCS

Form Sections 3.16 – 3.18, CHIS Form Sections 3.18 – 3.20 which deal with reasons why the situation was considered urgent.

Monitoring Officer Validation. The Monitoring Officer will randomly call the Authorising Officers to validate their signature as part of the authorisation sampling procedure.

Following authorisation or refusal, the RIPA Monitoring Officer will require a copy of the application.

Urgent Authorisations

If an urgent authorisation is required, a phone call must be made at the earliest opportunity to an Authorising Officer. The phone call will include all information as to the reasons why an urgent authorisation is required so that the Authorising Officer is able to make an informed decision based on the facts presented. Any Authorising Officer is able to give an urgent authorisation. The applicant should note the time of the request and it is the applicant's responsibility to complete all necessary forms upon their return. Urgent authorisations should only be considered where an activity is taking place where an operation has not already been organised and to delay directed surveillance could lose vital evidence. Urgent authorisations require the same considerations as written applications concerning such things as collateral intrusion and exploring other means of obtaining information.

5. GUIDANCE ON THE COMPLETION OF PARTS 1 AND 2 OF APPLICATION FORMS FOR DCS & CHIS

Only the application forms as shown in Appendix 3 should be used for DCS and CHIS authorisations. The type of authorisation requested should be selected from the title of the form.

Applications for Directed Covert Surveillance.

Section numbers relate to the DCS application form; the numbers in brackets are the equivalent sections on the CHIS application form.

Part 1: Applicant's Details

This section should include the details of the officer who is requesting the authorisation and any File Reference (if relevant) to which the investigation relates.

Part 2: Application Details

Section 1 (2.1) Give details of the Authorising Officer and his position in the Authority. The authorising officer must be one from the authorised list.

Section 2 For DCS applications, a brief description of the activity to be undertaken should be given together with the reason for the action i.e. to gather information relating to: illegal activity; issues concerning public health or safety; matters affecting rights and freedoms of individuals.

Section 3 (2.2) The appropriate ground/s on which authorisation is considered necessary should be indicated. The preventing or detecting crime box should be selected in these circumstances.

Section 4. (2.3) This can include details of the criminal activity, which would arise or continue if DCS/CHIS was not used.

Section 5 (2.4) In this section the applicant must explain how and why the DCS/CHIS is a proportionate method for obtaining the information. This should include:

- reasons why covert surveillance is the most appropriate course of action;
- what overt methods have been used to resolve the problem or find out the information that is requested and
- details of the criminal activity which would arise or continue if DCS was not used.
- The severity of allowing the situation to continue without direct action.

Section 6 To include the surveillance equipment to be used, the observation position to be taken and details of any premises or vehicles to

be used. If the Council is asking a third party to conduct the DCS details of the third party should be specified.

Section 7 – Details of the subject or target of the DCS should be provided. In certain circumstances it might be necessary to state that the identity of the subject is unknown.

Section 8 – Explain in precise terms the type of information, which is required as a result of the DCS.

Section 9 (2.9) Details of any collateral intrusion must be provided. This would include gathering information about friends or family members of the target and other members of the public who are likely to come into the surveillance zone. Furthermore, **the applicant must include an action plan to demonstrate how they will control collateral intrusion.** For example by ensuring any surveillance is focused on the target and is not indiscriminate. Collateral intrusion is central to concerns about abuse of the investigatory powers. Therefore, applicants are advised to give this section special regard. Applicants should provide as much detail as possible to enable Authorising Officers to make an informed decision concerning the surveillance's necessity and proportionality.

Section 10 (2.10) This section requires an indication of the likelihood of obtaining **confidential and religious information and material, including: matters of legal privilege; confidential personal information; and confidential journalistic information.** Such material is regarded as particularly sensitive and the likelihood of obtaining such information should be fully considered in terms of the proportionality issues which it raises. Special care should be taken when handling, retaining or disseminating such information. (See later – Handling of Material)

THE CHIEF EXECUTIVE IS THE ONLY ONE WHO CAN GRANT AN AUTHORISATION THAT MAY INVOLVE THE ACQUISITION OF CONFIDENTIAL MATERIAL.

Section 11 (2.11) Time and Date when the surveillance is to commence.

Section 12. (2.12) To be completed by officer seeking authorisation.

The applicant should sign and date the application and submit the form to their line manager to make any comments at the end of Part 2.

The form should be considered by the Authorising Officer who should complete Part 3.

6. ACTION TO BE TAKEN BY THE AUTHORISING OFFICER

The Authorising Officer must first consider whether it is **necessary** for the DCS to be undertaken or CHIS to be used under one or more of the permitted reasons under the Act. Secondly he/she must decide whether the risk of interfering with a person's private and family life, whether or not the person is the target (collateral intrusion) of the surveillance, is **proportionate** to the objective which is to be achieved. Clearly the more serious the matter being investigated, the more likely that surveillance will be proportionate.

The risk of collateral intrusion is perhaps the most important consideration that the Authorising Officer has to deal with. If the form does not contain sufficient information to enable the Authorising Officer to consider the full extent of the risk further details should be sought.

Particular consideration should be given to circumstances where confidential or religious material may be obtained. In such circumstances the Chief Executive must consider the application.

Authorisation can only be given if the DCS or use of a CHIS is necessary for the following reasons;

- For the purpose of preventing and detecting crime or of preventing disorder

The Authorising Officer must complete section 13 of the application for authorisation. In this section the Authorising Officer must make reference to the type of surveillance, the equipment to be used, the identity of the subjects, the location, and the operational parameters. **This section needs to be filled out in detail to demonstrate that the Authorising Officer has considered proportionality and collateral intrusion.** Moreover, this information is needed to demonstrate they have taken this information into account when approving or refusing an application. Only in circumstances where verbal authorisation has been given previously is it necessary to complete DCS Form Sections 16 to 18, CHIS Form Sections 3.18 – 3.20

If approved the authorisation should state that the period is three months, no more or no less, in the case of DCS authorisations, and twelve months, no more no less, for CHIS authorisations.

A copy of the completed authorisation form, whether approved or refused, should be sent to the RIPA Monitoring Officer. A copy of the form should be retained by the Authorising Officer and a further copy returned to the Applicant for retention on the investigation file.

7. DURATION OF AUTHORISATIONS

DCS authorisations will cease to have effect three months, no more and no less, from the date of approval and CHIS authorisations, twelve months, no more and no less, from the date of approval, unless cancelled by the authorising officer.

Urgent verbal authorisations will cease to have effect after 72 hours, beginning with the time when the authorisation was granted; unless subsequently endorsed by written authorisation.

It will be the responsibility of the officer in charge of the investigation to ensure that any DCS or use of a CHIS is only undertaken under an appropriate and valid authorisation. Therefore, the investigating officer should be mindful of the date when authorisations and renewals will cease to have effect. The RIPA Monitoring Officer shall also perform a monitoring role in this respect **but the primary responsibility rests with the officer in charge of the investigation.**

Reviews of authorisations

The Authorising Officer should carry out regular reviews of Directed Surveillance authorisations. In carrying out a review, the Authorising Officer should complete the review form, retain a copy, and send a copy to the monitoring officer.

If the application may involve the acquisition of confidential or religious material the Chief Executive then becomes the Authorising Officer and must consider the application.

Renewals

An Authorising Officer may renew an authorisation before it would cease to have effect if it is necessary for the authorisation to continue for the purpose for which it was given. Such renewal extend the authorisation period for a further three months beginning with the day on which initial authorisation would cease to have effect, but for the renewal. Authorisation may be granted more than once, provided they are reviewed and continue to meet the criteria for authorisation. Applications for renewal must not be made more than seven days before the authorisation is due to expire.

The officer requesting the renewal should complete Parts 1 and 2 of the Application to Renew a DCS or CHIS form (Appendix 3) and submit this to the Authorising Officer for consideration and completion of Part 3. The Authorising Officer must consider the application for the renewal in relation to the original purpose for which authorisation was granted, taking into account any change in circumstances. In considering a renewal the

authorising officer should also consider what the regular reviews of the directed surveillance operations have suggested.

If the reason for requiring the authorisation has changed from the purpose for which it was originally granted, then the outstanding authorisation should be cancelled and new authorisation sought.

All completed renewal forms must be immediately sent to the RIPA Monitoring Officer. A copy of the form should be retained by the Authorising Officer and a further copy sent to the Applicant for retention on the investigation file.

Cancellations

All authorisations, including renewals, must be cancelled if the reason why DCS or use of a CHIS was required no longer exists. This will occur in most instances when the purpose for which surveillance was required has been achieved and officers must be mindful of the need to cancel any authorisation which has been issued. The person in charge of the investigation is responsible for making sure that the authorisations are cancelled when it is no longer needed.

To cancel an authorisation, the person in charge of the investigation to which the authorisation relates should complete Parts 1 and 2 of the Cancellation of Authorisation form (Appendix 3). The form should be submitted to the Authorising Officer for endorsement of Part 3.

All completed cancellation forms must be sent to the RIPA Monitoring Officer. A copy of the form should be retained by the Authorising Officer and a further copy sent to the Applicant for retention on the investigation file.

8 HANDLING MATERIAL OBTAINED FROM DCS AND CHIS OPERATIONS

Material or product, such as: written records (including notebook records); video and audio tape; photographs and negatives; and electronic files, obtained under authorisation for DCS or CHIS operations should be handled, stored and disseminated according to the following guidance:

Where material is obtained during the course of an investigation which might be relevant to that investigation, or another investigation, or to pending or future civil or criminal proceedings, then it should **not** be destroyed, but retained in accordance with the established disclosure requirements having regard to the Criminal Procedure and Investigations Act 1996 and Civil Procedure Rules. Further guidance on this can be obtained from the RIPA Monitoring Officer.

Where material is obtained, which is not related to a criminal or other investigation or to any person who is the subject of the investigation, and there is no reason to suspect that it will be relevant to any future civil or criminal proceedings, it should be destroyed immediately.

Material may be used in investigations other than the one which authorisation was issued for. However use of such material outside the Local Authority, or the Courts, should only be considered in exceptional circumstances.

Where material obtained is of a confidential nature then the following additional precautions should be taken:

- Confidential material should not be retained or copied unless it is necessary for a specific purpose
- Confidential material should only be disseminated, on legal advice, that it is necessary to do so for a specific purpose
- Confidential material which is retained should be marked with a warning of its confidential nature. Safeguards should be put in place to ensure that such material does not come into the possession of any person which might prejudice any civil or criminal proceedings.
- Confidential material should be destroyed as soon as it is no longer necessary to retain it for a specific purpose.

If in doubt about what constitutes confidential material and the handling of such material then the advice should be sought from the appropriate RIPA Codes of Practice or from the RIPA Monitoring Officer.

9. THE ROLE OF THE RIPA MONITORING OFFICER

All applications for authorisation (including those that have been refused), renewals and cancellations will be retained for a period of at least five years by the RIPA Monitoring Officer.

In addition to the above the RIPA Monitoring Officer shall:

Keep a register of all applications for authorisations whether finally granted or refused.

Ensure that a random number of applications are validated to confirm authorisation procedure is followed.

Create and maintain a database for the purpose of identifying and monitoring expiry dates and renewal dates although the responsibility for this is primarily that of the Officer in charge of the investigation.

Consider all authorisations for the purpose of monitoring types of activities being authorised to ensure consistency and quality throughout the Council.

Assist all departments in identifying and fulfilling training needs.

Review, when necessary, RIPA policy and procedures.

Assist Council staff to keep abreast of RIPA developments.

10. GLOSSARY OF TERMS

Surveillance

Includes:

- monitoring observing or listening to persons, their movements, their conversations or their other activities or communication;
- recording anything monitored, observed or listened to in the course of surveillance;
- surveillance by or with the assistance of a surveillance device; and
- the interception of a communication in the course of its transmission by means of a postal service or telecommunication system if it is one sent by, or intended for, a person who has consented to the interception of the communication.

But does not include:

- the conduct of a covert human intelligence source in obtaining or recording (whether or not using a surveillance device) any information which is disclosed in the presence of the source;
- general targeting of a problem area, or covert observations of a premises which does not involve systematic surveillance of an individual, even where such observation may involve the use of equipment which reinforces normal sensory perception, such as binoculars or cameras.
- The general use of CCTV systems, because the public are aware of their use i.e. they are overt.

Covert Surveillance (DCS)

Means 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.

Covert Relationship

Means a relationship conducted in a manner calculated to ensure that one or more of the parties to the relationship is unaware of its purpose.

Covert Human Intelligence Source (CHIS)

A person who establishes or maintains a personal or other relationship with another person for the covert purpose of:

using such relationship to obtain information or to provide access to any information to another person or

covertly disclosing information obtained by the use of such a relationship or as a result of the existence of such a relationship

where the relationship is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of its purpose or (in the case of disclosure of information) it is disclosed in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the disclosure in question.

Surveillance Device

Means any apparatus designed for use in surveillance.

Residential Premises

Means any premises occupied by any person, however temporary, for residential purposes or otherwise as living accommodation (including hotel or prison accommodation), but does not include common areas to such premises.

Premises also include any vehicle or moveable structure used within the definition above.

Private Vehicle

Means any vehicle which is used primarily for private purposes of the person who owns it or otherwise has a right to use it, but would not include any person whose

right to use the vehicle arises from making payment for a particular journey.

Vehicle also includes any vessel, aircraft or hovercraft.

Private Information Includes any information relating to a person's private or family life.

Private life also includes activities of a professional or business nature (Amann v Switzerland [2000] 30ECHR843)

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

Immediate Response Includes a response to circumstances or events which by their very nature, could not have been foreseen.

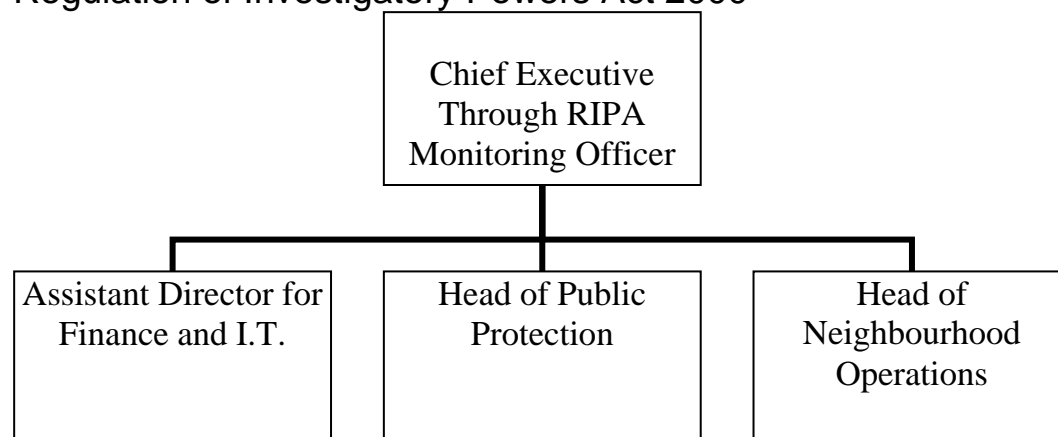
Collateral Intrusion Includes situations where there is a risk of the surveillance resulting in private information being obtained about persons other than the subject of the surveillance.

Confidential Material Includes:
matters subject of legal privilege;
Confidential personal information; or
Confidential journalistic material.

Matters subject of Legal Privilege Includes both oral and written communications between a professional legal adviser and his/her client or any person representing his/her client, made in connection with the giving of legal advice to the client or in contemplation of legal proceedings and for the purposes of such proceedings, as well as items enclosed with or referred to in such communications. Communications and items held with the intention of furthering a criminal purpose are not matters subject to legal privilege.

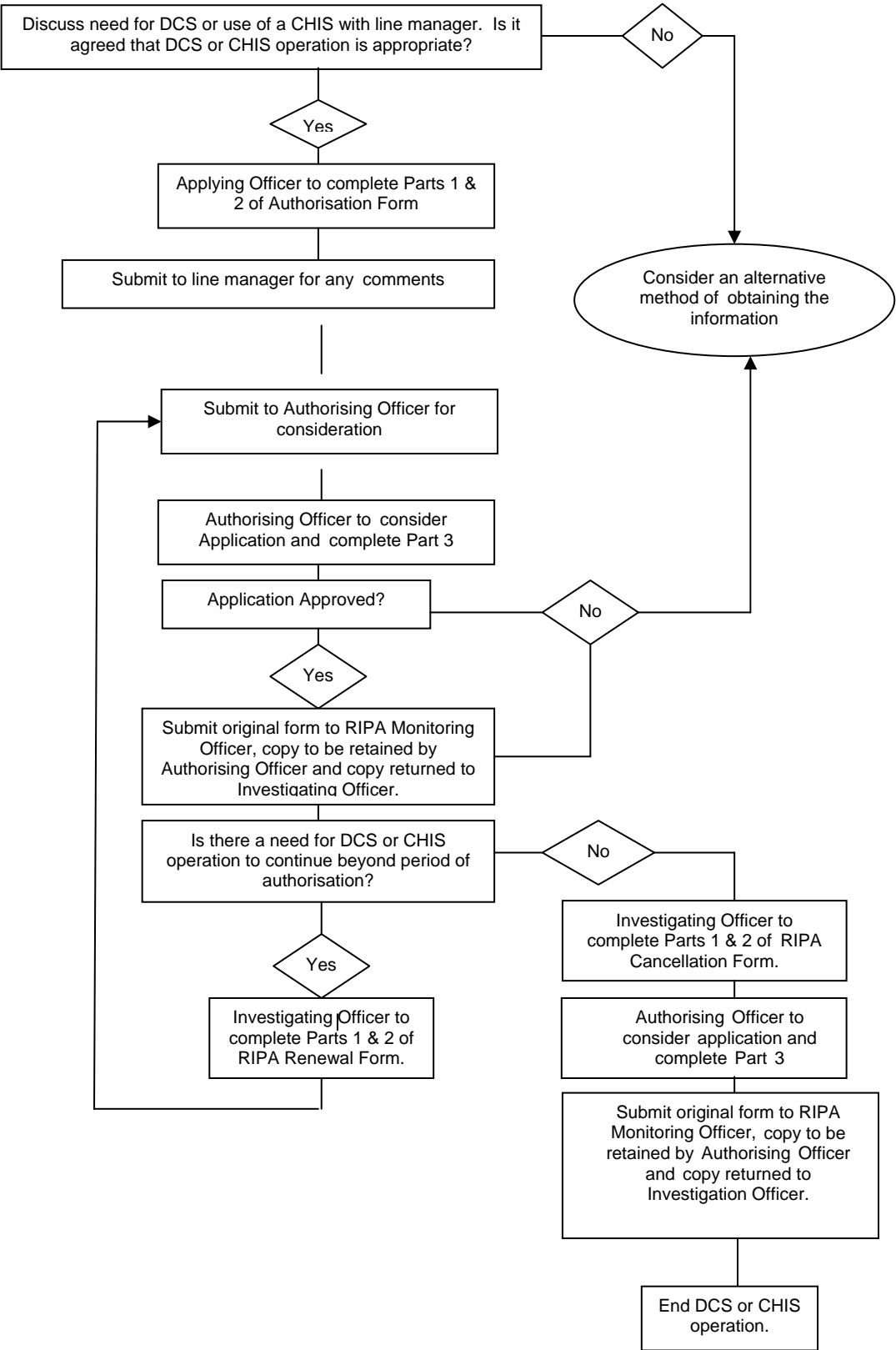
Authorising Officers

The following officers are Authorising Officers in respect of Regulation of Investigatory Powers Act 2000

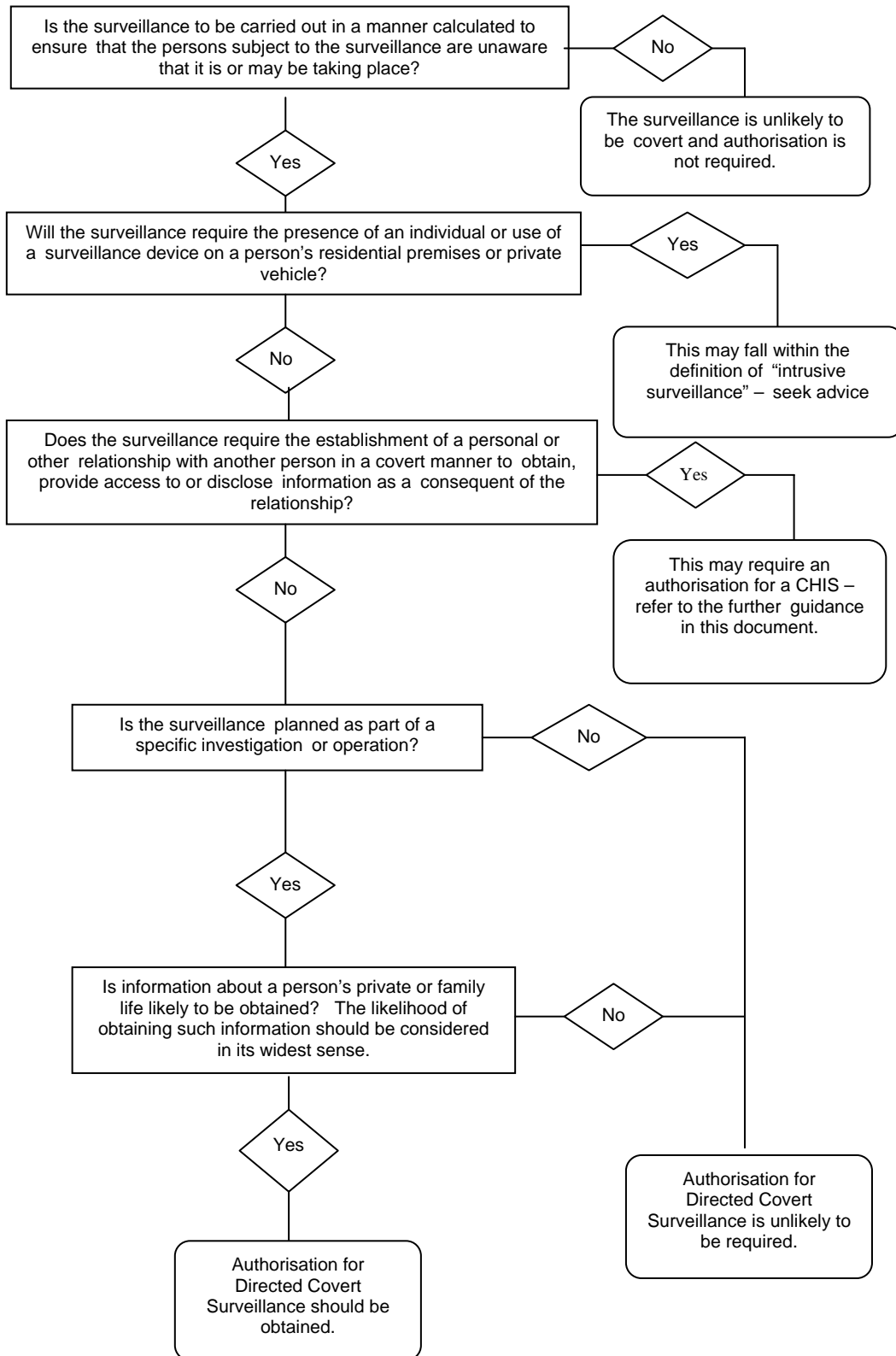


Appendix 2

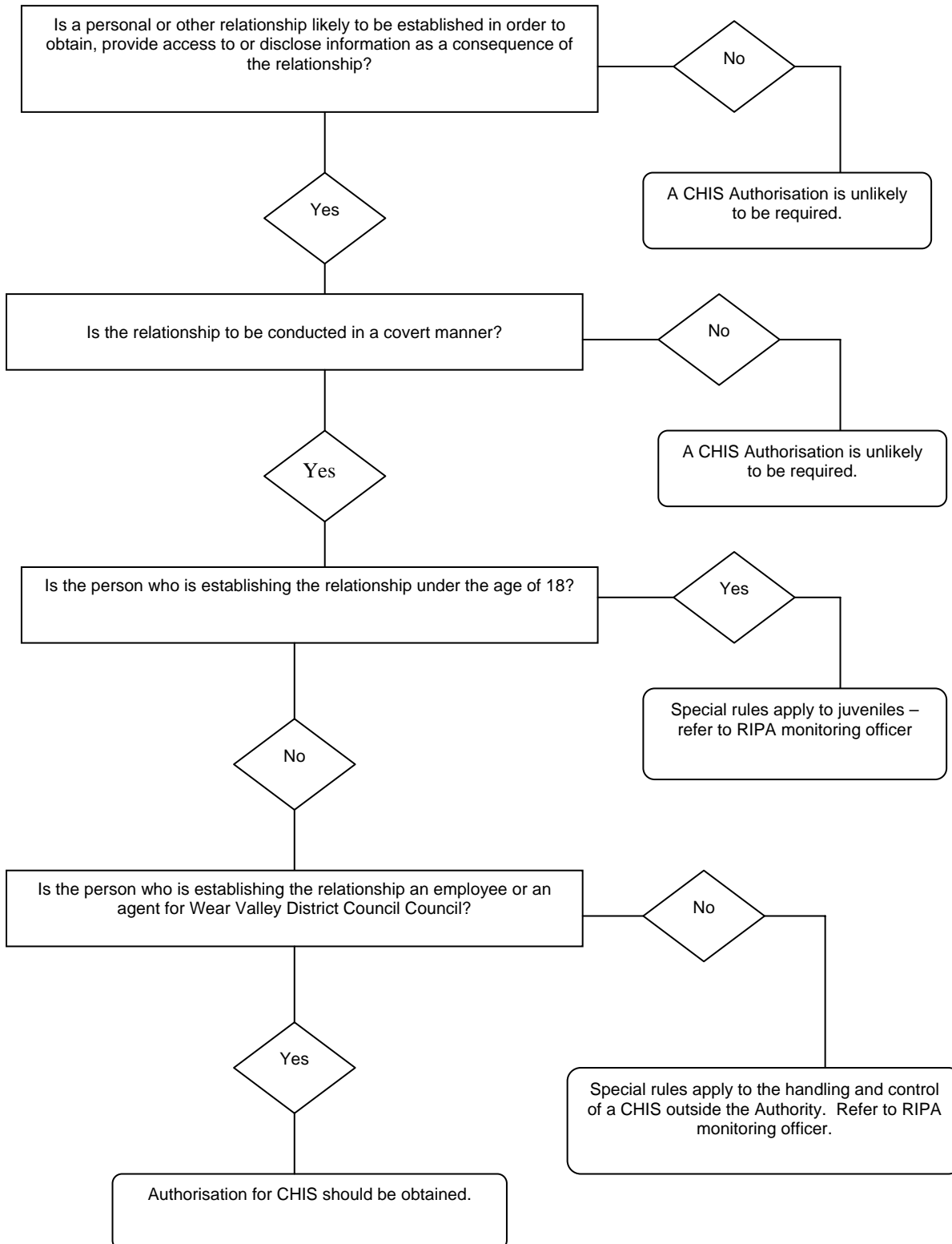
Procedure for Obtaining RIPA Authorisation



Determination of whether DCS Authorisation is Required



Determination of Whether CHIS Authorisation is Required



REGULATION OF INVESTIGATORY POWERS ACT 2000

POLICY AND GUIDANCE

Introduction

- 1 The Regulation of Investigatory Powers (RIPA) Act 2000 requires that authorities who are entitled to undertake “directed surveillance” and the use of “covert human intelligence sources” (CHIS), to have a formal policy for managing these activities. Wear Valley District Council has the authority to carry out these activities and this policy is drafted to ensure that we comply with the legislation.
- 2 The Council needs to have a policy and a list of prescribed persons at service manager or equivalent level or above, to authorise directed surveillance or the use of covert human intelligence sources. It also requires that we identify areas of our responsibility that may possibly throw up a need for these activities.
- 3 The legislation requires us to establish formal procedures for authorising and monitoring the use of directed surveillance and covert human intelligence as well as having a nominated person responsible for overseeing these activities.

Background

- 4 In England, Wales and Northern Ireland, RIPA has the following parts:
 - Part I (Chapter I) deals with interception of communications;
 - Part I (Chapter II) deals with the access and disclosure of communications data (other than in the course of transmission);
 - Part II deals with intrusive surveillance, directed surveillance and use and conduct of covert human intelligence sources (known as a ‘CHIS’), which are more recognisable as agents, informants or undercover officers;
 - Part III deals with the investigation of electronic data protected by encryption; and
 - Part IV provides oversight mechanisms, the establishment of complaints procedures and codes of practice.

- 5 Part I (Chapter I), Part II and Part IV of RIPA were in effect from 2 October 2000. Part II provides public authorities (which include local authorities) with new authorisation mechanisms to undertake covert surveillance and use of covert human surveillance sources. In addition, there are formal authorisation procedures and codes of practices, which public authorities should comply with.
- 6 Since 5 January 2004 (when Statutory Instrument 3771 of 2003 came into force) local authorities may only authorise directed surveillance when it is “for the purpose of preventing or detecting crime or of preventing disorder”.
- 7 Part II of RIPA provides a statutory basis to safeguard against challenges under Article 8 of the European Convention on Human Rights (ECHR) and creates a system of authorisations for various types of surveillance and the conduct and use of covert human intelligence sources (CHIS). In common with other Parts of the Act, the provisions themselves do not impose a requirement on public authorities to seek or obtain an authorisation where, under the Act, one is available (see section 80 RIPA). Nevertheless, the consequences of not obtaining an authorisation under this Part may be, where there is interference by a public authority with Article 8 rights and there is no other source of authority, that the action is unlawful by virtue of section 6 of the HRA.
- 8 . It should also be noted that local authorities do not have any power to intercept communications (Part I Chapter II) or carry out intrusive surveillance activities (Part II).**
- 9 Part II covers the use of surveillance (both intrusive and directed surveillance) and the conduct and use of covert human intelligence sources (agents, informants and undercover officers).
- 10 Local authorities are not able to carry out intrusive surveillance. However, a designated officer within a local authority can authorise the use of directed surveillance and the conduct and use of a covert human intelligence source (CHIS).
- 11 The definitions for directed surveillance and CHIS can be found in section 26(2) and section 26(8) of the act, respectively. The Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) Order 2000 (SI 2000 no. 2417) prescribes the officers who may grant an authorisation.
- 12 Up until 5 January 2004 the “assistant chief officer responsible for management of an investigation” was allowed to authorise surveillance. After that date (Statutory Instrument 3771 of 2003) power to issue authorisation was extended to include a “service manager or equivalent”. However, the authorising officer should not normally be directly involved in the surveillance (Para 4.14 Code of guidance).
- 13 For local authorities both directed surveillance and the conduct and use of a CHIS can be authorised by an service manager or equivalent officer or the officer responsible for the management of an investigation (“investigation manager”) or similarly designated officer within the local authority.
- 14 An authorising officer will have to consider prior to granting an order whether an authorisation is:

- Necessary on one of the grounds provided in section 28(3) or 29(3) RIPA;
- Proportionate i.e. not a sledgehammer to crack a nut (section 28(2)(b) or section 29(2)(b)); and
- Non-discriminatory (Article 14 ECHR)

Aims of the Policy

- 13 The Council recognises its responsibility to ensure that officer's acting on it's behalf comply with the Act and adopts the following Policy in relation to the Regulation of Investigatory Powers Act 2000
- 14 The aims of the policy are:-
- a) To ensure that the action is necessary on the grounds that it is **“for the purpose of preventing or detecting crime or of preventing disorder” as provided in section 28(3)**
 - b) To ensure that surveillance is undertaken only if evidence cannot be obtained by other means.
 - c) To ensure that action is proportionate to the activity being investigated
 - d) To ensure a consistent approach to surveillance by all officers
 - e) To ensure that the action is non-discriminatory

RIPA Monitoring Officer

- 15 The Assistant Director Legal and Democratic Services will act as the Council's officer responsible for monitoring authorisations on behalf of the Chief Executive. They will also be known as the RIPA Monitoring Officer.
- 16 Copies of Authorisations must be forwarded to the RIPA Monitoring Officer within 10 working days. The RIPA Monitoring Officer will maintain a central record of all surveillance operations. These records will be kept for a minimum period of five years to enable the Chief Surveillance Commissioner to examine them in any review of procedures.
- 17 Copies of any extensions to authorisations, any cancellation orders, and authorisation reviews will be forwarded to the RIPA Monitoring Officer within 10 working days

- 18 The RIPA Monitoring Officer will present an Annual Report in February to the Corporate Management Team and the Policy and Strategic Development Committee summarising all surveillance activities undertaken by the Council.
- 19 The RIPA Monitoring Officer will be responsible for ensuring that Authorisations have been issued in accordance with this Policy and that no surveillance to which this Policy applies is carried out unless properly authorised

Authorisation of Surveillance

- 20 The following postholders are authorised to act as Authorising Officers for the purpose of authorising surveillance in accordance with this Policy

Public Protection Manager
Assistant Director Head of Neighbourhood Operation
Assistant Director for Finance and Information Technology

- 21 Any officer seeking to undertake surveillance covered by RIPA must seek approval from an Authorised Officer using the forms attached as annexes to this Policy.

Length of orders

- 22 A Directed Surveillance Authorisation lasts for 3 months unless cancelled or renewed. All authorisations must be cancelled when they are no longer necessary or proportionate. In urgent cases the designated person may orally authorise surveillance for 72 hours, where the person to whom the designated person spoke will compile a written record. A renewal of a directed surveillance authorisation lasts for a further period of 3 months.
- 23 A Covert Human Intelligence Source Authorisation lasts for 12 months unless cancelled or renewed. All authorisations must be cancelled when they are no longer necessary or proportionate. In urgent cases the designated person may authorise the conduct and use of a CHIS orally for 72 hours, where the person to whom the designated person spoke will compile a written record. A renewal of a CHIS authorisation lasts for a further period of 12 months.
- 24 There are standard forms that will require completion, providing evidence to the authorising officer that the criteria and grounds for surveillance have been fulfilled. (Attached as annexes to this policy).

Procedures

- 25 Any officer seeking to undertake directed surveillance or to use CHIS will need to seek approval from an authorised officer using the approved forms shown as annexes to this report.
- 26 The officer responsible for the conduct of the operations will forward one copy of the approval to the RIPA Monitoring Officer. Any extensions to approved orders are also to be forwarded for monitoring.

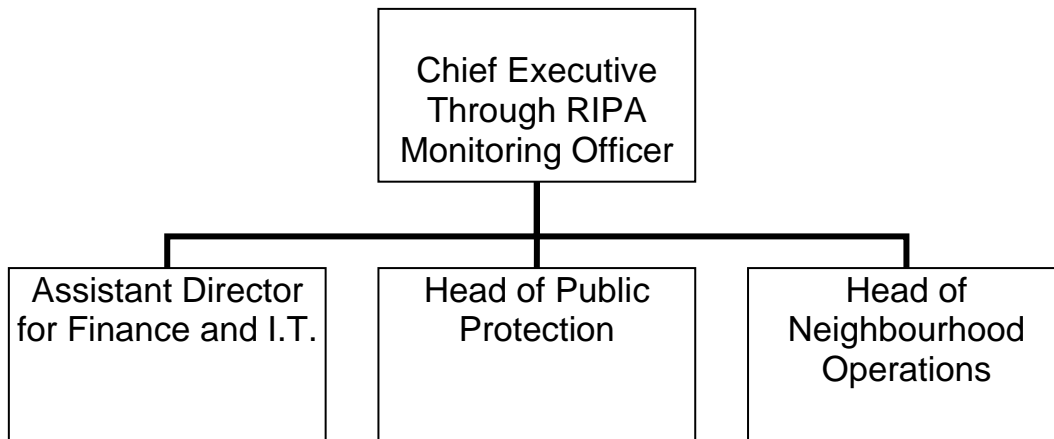
- 27 During the course of an operation, an authorizing officer will conduct regular reviews as necessary. When completed these will be forwarded to the Monitoring Officer
- 28 On completion of surveillance operations a formal cancellation order should be completed by the officer in charge of the operation, approved by a nominated authorising officer and a copy forwarded to the RIPA Monitoring Officer for retention.
- 29 Copies of all necessary forms are attached as annexes to this policy.
- 30 Section 29(5) of the act specifies additional matters in relation to covert human intelligence sources. Where these are used the designated authorising officer must be satisfied of each of the following are complied with:
- That there is a responsible officer with day-to-day responsibility for dealing with the source and for the source's security and welfare;
 - That there is another officer with general oversight of the use to be made of the source; and
 - That there is an officer responsible for maintaining a proper record of the use being made of the source which would include ensuring the security of the record where it may disclose the identity of the source.
- 31 In other words, there must be at least two officers with responsibility for dealing with a human intelligence source and the designated person must be satisfied that their duties are properly prescribed and allocated. All of these matters must form part of the written record.

Single Point of Contact (SPOC) for intercepting Telecommunications

- 32 The Regulation of Investigatory Powers (Communications Data) Order 2003 allows local authorities to access certain types of communications data subject to their having a "Competent Person" in place- otherwise known as a Single Point of Contact.
- 33 The Home Office Code of Practice recommends that all authorities who use these powers appoint an Officer to act as the SPOC. The role of the SPOC is to:
- assess whether it is reasonably practicable to obtain the communications data requested,
 - advise applicants/authorising officers on the types of communications data that can be obtained;
 - to check that the Form is properly completed and authorised; and
 - to liaise with the service providers on obtaining the communications data requested.
- 34 The Authorisations can only be granted under the Regulations "for the purpose of preventing or detecting crime or preventing disorder". Information which can be obtained through service providers is as follows

Organisation and Structure

- 35 The organisation and structure for approving, implementing and monitoring the Council's arrangements is as shown below.



- 36 It will be the responsibility of each Director to draw up Departmental Procedures which implement the policy and procedures set out in this Policy
- 37 The Council undertakes to provide suitable training to all staff who may from time to time be required to comply with the provisions of the Policy.

Still needs to have SPOC and communications Material inserted. We need to decide whether that will be included and what it entails.

**Section 106 Money
Grant Funding Requests**

PART A – REQUESTS FOR COMMITTEE DECISION

Applicant	Purpose	Amount sought	Ward Member Comments	Recommendation
Oakley Cross play area	Replacement & relocation of play area	£100,000	Cllr Douthwaite fully supports.	Approve - (submitted estimate for £80,000 but this doesn't include all necessary items – it is advised that £100k is more realistic figure)
Middlewood Green Play area	Replace existing play facilities and upgrade to include new landscaping and facilities.	£60,000	Cllr Douthwaite fully supports.	Approve
West Auckland regeneration project- WVDC	West Auckland Pant	£30,000	Cllrs Mairs & Ferguson support	Approve in principle, subject to receipt of further information
Groundwork on behalf of residents	Toronto play area	£56,000	Cllr Zair supports	£38,000 available & £18,000 due. Approve subject to receipt of £18,000 and consultation with other ward members

PART B – REQUESTS DETERMINED UNDER DELEGATED POWERS

Applications Approved

Applicant	Purpose	Amount approved	Ward Member Comments	Decision
Bishop Auckland Sports Development	Bishop Auckland college football programme (linked to St John's development)	£17,000	Ward councillors to be informed	Approved as s106 agreement expressly provides for this project
Witton le Wear Community Centre	Improvements to community centre	£12,000	Ward councillors to be informed	Approved as s106 agreement expressly provides for this project
Crook Cricket Club (Sept 07)	(1) Grass cutter (2) Fencing & storage (3) Club house improvements (4) Improved facilities	£9,630 paid (£19,980 sought)	Ward Councillors support	Approved in part for new provision – no funding for routine maintenance items.
Crook Cricket Club (Nov 07)	Cricket Pitch Covers	£10,490	Cllr Mowbray supports	Agreed, subject to comments of other ward members
Glenholme Youth Club	Improved facilities – creation of boxing ring and associated costs – seeking contribution towards costs of £10,000. (N.B. The Council has also supported this project through the small capital schemes which provided boxing ring)	£5,000	Cllr Mowbray supports	Approved in relation to equipment, subject to consultation with other ward members
Bishop Auckland Cricket Club	(1) Improved practice facilities (2) Renovate club house	£10,000 (£40,000 sought but there are other competing applications for limited funding in this ward)	Cllr Zair – supports in principle but need to balance other demands e.g. rugby club and play scheme in Toronto (costs £56k)	Agreed to partially fund in principle subject to confirmation of clubmark application (club also to be asked to report on outcomes following grant)

Grey Gardens Community Gym	To retain legacy gym equipment	£10,000 (money not yet available)	Cllr Taylor fully supports	Approved - subject to receipt of money from developer & consultation with other ward members
Witton Park Memorial Park	New play equipment	£6,897 (money not yet available)	Cllr Yorke supports	Approved subject to receipt of money from developer & consultation with other ward member.
Escomb Community Play Area	New play equipment	£6,020 (money not yet available)	Cllr Yorke supports	Approved subject to receipt of money from developer & consultation with other ward member.

The following requests were refused

Applicant	Purpose	Request	Reason for Decision
N.E. Theatre Organ Assoc.	(1) Maintain & develop music tuition (2) Renovate venue	£35,000	Section 106 money is sought in accordance with the terms of the Wear Valley District Local Plan. This provides that contributions are sought towards recreational facilities. In planning terms, this is taken to mean sports, children's play and public open space provision. Regrettably, it is not possible to use s.106 money for any other purpose.
West Auckland Community Association	(1) Disabled toilet (2) Kitchen extension (3) outside seating area	£40,000	Section 106 money is sought in accordance with the terms of the Wear Valley District Local Plan. This provides that contributions are sought towards recreational facilities. In planning terms, this is taken to mean sports, children's play and public open space provision. Regrettably, it is not possible to use s.106 money for any other purpose. NB The council has since allocated £23,000 towards this scheme under the Community Capital Funding Scheme
SLAM	Contribution towards refurbishment of Spectrum Leisure Centre.	£100,000	No s106 money available in Willington at present. NB The council has since allocated £250,000 towards this scheme under the Community Capital Funding Scheme

Tow Law FC	Improved facilities.	£20,000	No s106 money available in Tow Law at present NB The council has since allocated £19,000 towards this scheme under the Youth Provision Funding Scheme
Thistleflat Play Area	Car park for play area	£20,000	Deferred to consider planning issues and alternative means of provision.