

# CABINET

Thursday, 14 December 2006

10.00 a.m.

Conference Room 1,  
Council Offices,  
Spennymoor

# AGENDA and REPORTS

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যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান অথবা যদি আপনার একজন ইন্টারপ্রেটারের প্রয়োজন হয়, তাহলে দয়া করে আমাদের সাথে যোগাযোগ করুন।

本文件可以翻譯為另一語文版本，或製作成另一格式，如有此需要，或需要傳譯員的協助，請與我們聯絡。

यह दस्तावेज़ यदि आपको किसी अन्य भाषा या अन्य रूप में चाहिये, या आपको आनुवाद-सेवाओं की आवश्यकता हो तो हमसे संपर्क करें

ਜੇ ਇਹ ਦਸਤਾਵੇਜ਼ ਤੁਹਾਨੂੰ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਜਾਂ ਕਿਸੇ ਹੋਰ ਰੂਪ ਵਿਚ ਚਾਹੀਦਾ ਹੈ, ਜਾਂ ਜੇ ਤੁਹਾਨੂੰ ਗੱਲਬਾਤ ਸਮਝਾਉਣ ਲਈ ਕਿਸੇ ਇੰਟਰਪ੍ਰੈਟਰ ਦੀ ਲੋੜ ਹੈ, ਤਾਂ ਤੁਸੀਂ ਸਾਨੂੰ ਦੱਸੋ।

یہ دستاویز اگر آپ کو کسی دیگر زبان یا دیگر شکل میں درکار ہو، یا اگر آپ کو ترجمان کی خدمات چاہئیں تو براۓ مہربانی ہم سے رابطہ کیجئے۔

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**Democratic Services**



**01388 816166**

## AGENDA

**1. APOLOGIES**

**2. DECLARATIONS OF INTEREST**

To notify the Chairman of any items that appear in the agenda in which you may have an interest.

**3. MINUTES**

To confirm as a correct record the Minutes of the meeting held on 30<sup>th</sup> November 2006. (Pages 1 - 4)

### KEY DECISION

#### LEISURE AND CULTURE PORTFOLIO

**4. FEASIBILITY STUDY, ARTS RESOURCE - SPENNYMOOR LEISURE CENTRE**

Report of Director of Leisure Services. (Pages 5 - 12)

### OTHER DECISIONS

#### HOUSING PORTFOLIO

**5. PRIVATE SECTOR HOUSING RENEWAL - NEIGHBOURHOOD RENEWAL ASSESSMENT**

Report of Director of Neighbourhood Services. (Pages 13 - 16)

### STRATEGIC LEADERSHIP PORTFOLIO

**6. REGULATION OF INVESTIGATORY POWERS ACT 2000: GOING FORWARD: IMPLEMENTING IMPROVEMENT**

Report of Solicitor to the Council. (Pages 17 - 86)

**7. BUDGET FRAMEWORK - 2007/08 TIMESCALE**

Report of Head of Financial Services. (Pages 87 - 90)

### SCRUTINY REVIEW

**8. OVERVIEW AND SCRUTINY COMMITTEE 1 - REVIEW OF SICKNESS MANAGEMENT**

Report of Review Group. (Pages 91 - 110)

### MINUTES

**9. OVERVIEW AND SCRUTINY COMMITTEE 1**

To consider the minutes of the meeting held on 21<sup>st</sup> November 2006. (Pages 111 - 114)

## 10. ANY OTHER BUSINESS

Lead Members are requested to inform the Chief Executive or the Head of Democratic Services of any items they might wish to raise under this heading by no later than 12 noon on the day preceding the meeting. This will enable the Officers in consultation with the Chairman to determine whether consideration of the matter by the Cabinet is appropriate.

B. Allen  
Chief Executive

Council Offices  
SPENNYMOOR  
6<sup>th</sup> December 2006

Councillor R.S. Fleming (Chairman)

Councillors Mrs. A.M. Armstrong, Mrs. B. Graham, A. Hodgson, M. Iveson, D.A. Newell, K. Noble, R.A. Patchett and W. Waters

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### ACCESS TO INFORMATION

Any person wishing to exercise the right of inspection in relation to this Agenda and associated papers should contact Gillian Garrigan, on Spennymoor 816166 Ext 4240

# Item 3

## SEDGEFIELD BOROUGH COUNCIL CABINET

Conference Room 1,  
Council Offices,  
Spennymoor

Thursday,  
30 November 2006

Time: 10.00 a.m.

**Present:** Councillor R.S. Fleming (Chairman) and

Councillors Mrs. A.M. Armstrong, Mrs. B. Graham, A. Hodgson,  
D.A. Newell, K. Noble and W. Waters

**In**

**Attendance:** Councillors W.M. Blenkinsopp, Mrs. B.A. Clare, Mrs. K. Conroy,  
Mrs. J. Croft, Mrs. A.M. Fleming, A. Gray, G.C. Gray, B. Hall, J.E. Higgin,  
B. Meek, J.P. Moran, G. Morgan, Mrs. E.M. Paylor, A. Smith, T. Ward and  
J. Wayman J.P

**Apologies:** Councillors M. Iveson and R.A. Patchett

**CAB.112/06 DECLARATIONS OF INTEREST**  
Members had no interests to declare.

**CAB.113/06 MINUTES**  
The Minutes of the meeting held on 16<sup>th</sup> November 2006 were confirmed  
as a correct record and signed by the Chairman.

**CAB.114/06 CALL OUT SERVICE FOR EMERGENCY HOUSING REPAIRS (KEY  
DECISION)**

The Lead Member for Housing presented a report regarding the above  
(For copy see file of Minutes).

Members were reminded that Cabinet at its meeting on 29<sup>th</sup> June 2006  
had agreed that the future provision of the call out service for emergency  
housing repairs be subject to market testing and that in assembling an in  
house bid, the need to secure continuous provision of the service  
throughout the year had to be recognised and consideration given to  
negotiating a contractual agreement with the relevant Trade Unions.

It was reported that the tendering exercise had been completed, however,  
it was not possible to award the contract within existing budgets. It was  
therefore necessary to re-tender the service with a revised specification,  
reflecting existing service standards whilst maintaining the requirement for  
the service to be delivered within a contracted agreement.

**RESOLVED :** *That the call-out service be re-tendered with a revised  
specification, reflecting current service standards  
whilst maintaining the requirement for the service to  
be delivered within a contracted agreement.*

**CAB.115/06 IMPLEMENTATION OF CHANGES TO THE RIGHT TO BUY LEGISLATION**

The Lead Member for Housing presented a report regarding the Council's option to exercise the first right of refusal to buy back a property purchased under Right to Buy provisions after 15<sup>th</sup> August 2005 and the waiving of the claw back of Right to Buy discount in certain circumstances. (For copy see file of Minutes)

- RESOLVED :*
1. *That the Director of Housing, in consultation with the Director of Neighbourhood Services, be authorised to agree the repurchase properties sold in accordance with the Right to Buy requirements after 15th August 2005, subject to the requirements set out in paragraph 3.2 of the report.*
  2. *That the Director of Housing be authorised to agree the waiving of the claw back of the Right to Buy discount subject to the requirements set out in Paragraph 4.2. of the report.*

**CAB.116/06 OVERVIEW AND SCRUTINY REVIEW GROUP REPORT - REVIEW OF THE COUNCIL'S COMMUNITY NEWSPAPER INFORM**

Consideration was given to a schedule detailing the Cabinet's response and action plan to the recommendations made by the Overview and Scrutiny Review Group regarding the Council's Community Newspaper Inform. (For copy see file of Minutes)

*RESOLVED :* *That the schedule be agreed.*

**CAB.117/06 AREA FORUMS**

Consideration was given to the Minutes of the following meetings:

Area 2 Forum	-	31 <sup>st</sup> October 2006
Area 1 Forum	-	6 <sup>th</sup> November 2006
Area 3 Forum	-	8 <sup>th</sup> November 2006
Area 4 Forum	-	14 <sup>th</sup> November 2006

(For copies see file of Minutes).

*RESOLVED :* *That the reports be received.*

**CAB.118/06 OVERVIEW AND SCRUTINY COMMITTEE 3**

Consideration was given to the Minutes of the meeting held on 7<sup>th</sup> November 2006. (For copy see file of Minutes).

*RESOLVED :* *That the report be received.*

## **EXCLUSION OF PRESS AND PUBLIC**

*RESOLVED: That in accordance with Section 100(a)(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they may involve the likely disclosure of exempt information as defined in Paragraphs 3 and 4 Schedule 12a of the Act.*

### **CAB.119/06 FUTURE OF GROUNDS MAINTENANCE CONTRACT 2 AND LINKS TO POTENTIAL FOR NEIGHBOURHOOD DELIVERY OF STREET SCENE SERVICES (KEY DECISION)**

The Lead Member for Environment presented a report regarding the options available upon termination of Grounds Maintenance Contract 2 to unlock the potential for neighbourhood working and deliver services locally. (For copy see file of Minutes).

*RESOLVED : That the recommendations detailed in the report be adopted.*

### **CAB.120/06 PROCUREMENT OF HOUSING CAPITAL PROGRAMME AND REPAIRS AND MAINTENANCE SERVICE 2007 - 2012 (KEY DECISION)**

The Lead Member for Housing presented a report detailing the critical activities and key matters for consideration in the procurement of the housing capital programme and repairs and maintenance service for the period 2007 to 2012. (For copy see file of Minutes).

The Leader of the Council thanked officers for preparing a comprehensive and detailed report.

*RESOLVED : That the recommendations detailed in the report be adopted.*

### **CAB.121/06 ASSET MANAGEMENT - INDUSTRIAL PROPERTY SALE OF INDUSTRIAL UNIT 1702C WHINFIELD DRIVE, AYCLIFFE INDUSTRIAL PARK (KEY DECISION)**

The Leader of the Council presented a report regarding an offer received to purchase the above industrial unit. (For copy see file of Minutes).

*RESOLVED : That the recommendation detailed in the report be adopted.*

**Published on 1<sup>st</sup> December 2006.**

**Any key decisions contained in these Minutes will be implemented on Monday 11<sup>th</sup> December 2006, five working days after the date of publication unless they are called in by three Members of the relevant Overview and Scrutiny Committee in accordance with the call in procedure rules.**

#### **ACCESS TO INFORMATION**

Any person wishing to exercise the right of inspection, etc., in relation to these Minutes and associated papers should contact Gillian Garrigan, on Spennymoor 816166 Ext 4240

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# Item 4

## KEY DECISION

REPORT TO CABINET  
14 DECEMBER 2006

REPORT OF DIRECTOR OF  
LEISURE SERVICES

### Portfolio: Leisure and Culture

### Feasibility Study, Arts Resource – Spennymoor Leisure Centre

#### 1 SUMMARY

- 1.1 Following an audit of arts provision within the Borough of Sedgefield undertaken by Arts UK in 2004, it was clear that a gap in provision existed. In 2005 a further study was commissioned to establish precisely the nature of the gap in Arts provision and identify the scope of provision, its preferred location, how additional arts provision would complement existing facilities within the Borough and to rigorously test the demand for any proposals.
- 1.2 The outcome of 2 years of research is an Arts Resource based at Spennymoor Leisure Centre with total capital required to deliver the facility, in the region of £3m.

#### 2 RECOMMENDATION

- 2.1 That Cabinet agree in principle to the development of an Arts Resource at Spennymoor Leisure Centre.
- 2.2 That Sedgefield Borough Council's capital commitment to the project must be within the region of 20% of the total capital build costs and should not exceed £700,000.
- 2.3 That Cabinet agree that the project will not be progressed beyond the feasibility stage until all necessary capital funding from external sources is in place and there is full sign off of the revenue implications of the project, both of which will be subject to further reports to Cabinet.

#### 3 DETAIL

- 3.1 The Arts Audit in 2004 commissioned by the Borough Council provided an opportunity to map existing physical arts provision and to investigate arts programmes that were being developed within each facility. It was clear from that study that a great deal of artistic activity was taking place in the Borough but what appeared to be missing was a central facility for the Borough to concentrate its arts activity specifically around education, participation and attracting professional artists into the Borough.
- 3.2 Once this mapping exercise had been undertaken, there was a call to carry out an Overview and Scrutiny assessment of arts development across the Borough and this piece of work was concluded in August 05.
- 3.3 Cabinet at their meeting in March 06 adopted the action plan that came out of the Overview and Scrutiny Committee which confirmed the Borough Council's

commitment to the arts with particular reference to placing art at the strategic centre of specific council policies and also giving authority to further investigate arts provision to reflect on the 3 key outputs, education, participation and professional artists.

- 3.4 In 2005, Xsite were commissioned to build on the work of the arts audit and be reflective of the Overview & Scrutiny Committee's action plan.
- 3.5 Their report in February 2006 confirmed the outcome of rigorous consultation with professional artists, voluntary sector organisations and statutory agencies. Their study concluded that what would compliment existing provision and reflect the demands of those involved in the consultation would be an arts resource.
- 3.6 The timing of this work coincided with the development of the gymnastics centre at Spennymoor Leisure Centre and the confirmation of the plans to reshape the accommodation within the Leisure Centre which would also include a new fitness suite fully funded by the private sector which members can look forward to in the autumn of 2007.
- 3.7 Cabinet are well aware of the need to develop within the Spennymoor Leisure Centre the physical area between the gymnastics centre and the new fitness suite and the arts resource would provide the opportunity of investing with a specific purpose.
- 3.8 Shown at appendix 1 of the report is the footprint of space which would be developed as an arts resource. Appendix 2 shows an indicative programme covering various art forms which is reflective of the consultation contained in the research documents.

#### **4 FINANCIAL IMPLICATIONS**

- 4.1 It is anticipated that the overall capital cost for the project is around £3m. A summary breakdown of the expenditure and income is contained at appendix 3.
- 4.2 Sources of funding
  - 4.2.1 Given the requirement to invest in the area of Spennymoor Leisure Centre which would be required under the Council's Asset Management Plan, this report is suggesting that a cap of £700,000 is attached to the project which is in the region of 20% contribution towards the total.
  - 4.2.2 An Arts Resource at Spennymoor meets the regeneration definition for capital investment and therefore is eligible for funding from this source.
  - 4.2.3 Discussions with Arts Council of England and funding consultants have allowed us to be quite confident of leveraging specific external grants.
  - 4.2.4 Clearly the project will also rely on other sources of capital whether they be European money or single programme, trusts and foundation money, these funding sources are less certain.

### 4.3 Revenue Implications

- 4.3.1 Officers and consultants have been at pains to develop the project to ensure that it is not ticket reliant, unlike stand alone theatres, the arts resource will have a performing arts programme which can be tailored to the level of revenue costs acceptable to the Council.
- 4.3.2 The Business Plan which is available for detailed inspection identifies that in the 3<sup>rd</sup> year of operation (2011/2012); revenue costs for the arts resource could be in the region of £45,000 per annum (at 2006/07 prices). In subsequent years this could rise to £100,000 per annum if the high levels of staffing and marketing and promotion expenditure required in the first 3 years of the project are to be maintained, but officers feel that at this stage of the development, the level of expenditure may not be required at that level.
- 4.3.3 It is clear that relevant officers of the Council would need to be engaged in the rigorous assessment of the proposed business plan and clearly this assessment would be subject to future reports to Cabinet.

## 5 **CONSULTATION**

- 5.1 Both Arts UK who undertook the Arts Audit and Xsite who undertook the audit findings, consulted with 250 groups, organisations and individuals within the Borough and elsewhere both regionally and nationally. Information was gathered from face to face interviews, telephone interviews, public meetings, desk research and questionnaires. In total organisations and individuals represented over 36,000 people and the proposed arts resource is reflective of the view and aspirations of those individuals.

## 6 **LINKS TO CORPORATE AMBITIONS**

- 6.1 The Arts Resource is able to make a positive contribution towards helping to deliver the Council's corporate ambitions. The health agenda will be addressed by providing more opportunities for key target groups of people to participate in a range of cultural activities.
- 6.2 More job and volunteering opportunities will be available and the project will improve the external environment of the town adding to the evening economy offer, while a programme designed around more constructive use of leisure time will help to build stronger communities.

## 7 **OTHER MATERIAL CONSIDERATIONS**

### 7.1 Risk Management

The project is heavily reliant upon external sources of funding. The primary risk is not being able to assemble the amount of third party funding required.

Albeit that the project is to refurbish existing accommodation rather than a new build, there are still financial risks associated with inflation within the building industry. Revenue costs must be managed in a prudent fashion and it will be necessary to ensure a reasonable balance between fixed and variable costs.

7.2 Sustainability

Compliance with the Council's energy policies in respect of efficient utilisation of energy must be built in to the contractual terms.

7.3 Equality and Diversity

An access plan is contained within the feasibility study document written by Xsite to ensure best practice.

7.4 Crime and Disorder

With a diverse artistic programme geared to youth culture, the arts resource will add to facilities which will provide opportunities for all young people to spend their leisure time in a constructive way.

7.5 Human Rights and Social Inclusion

N/A

7.6 Health and Safety

N/A

**Contact Officer:** Mr Phil Ball  
**Telephone No:** (01388) 816166 ext : 4386  
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**Ward(s)**

**Key Decision Validation:**  
Affecting two or more wards  
Expenditure over £100,000

**Background Papers**

I&DeA Arts at the Strategic Centre report, 2002

Arts Audit, May 2004

Spennymoor Arts Resource Feasibility study by Arts UK, August 2005

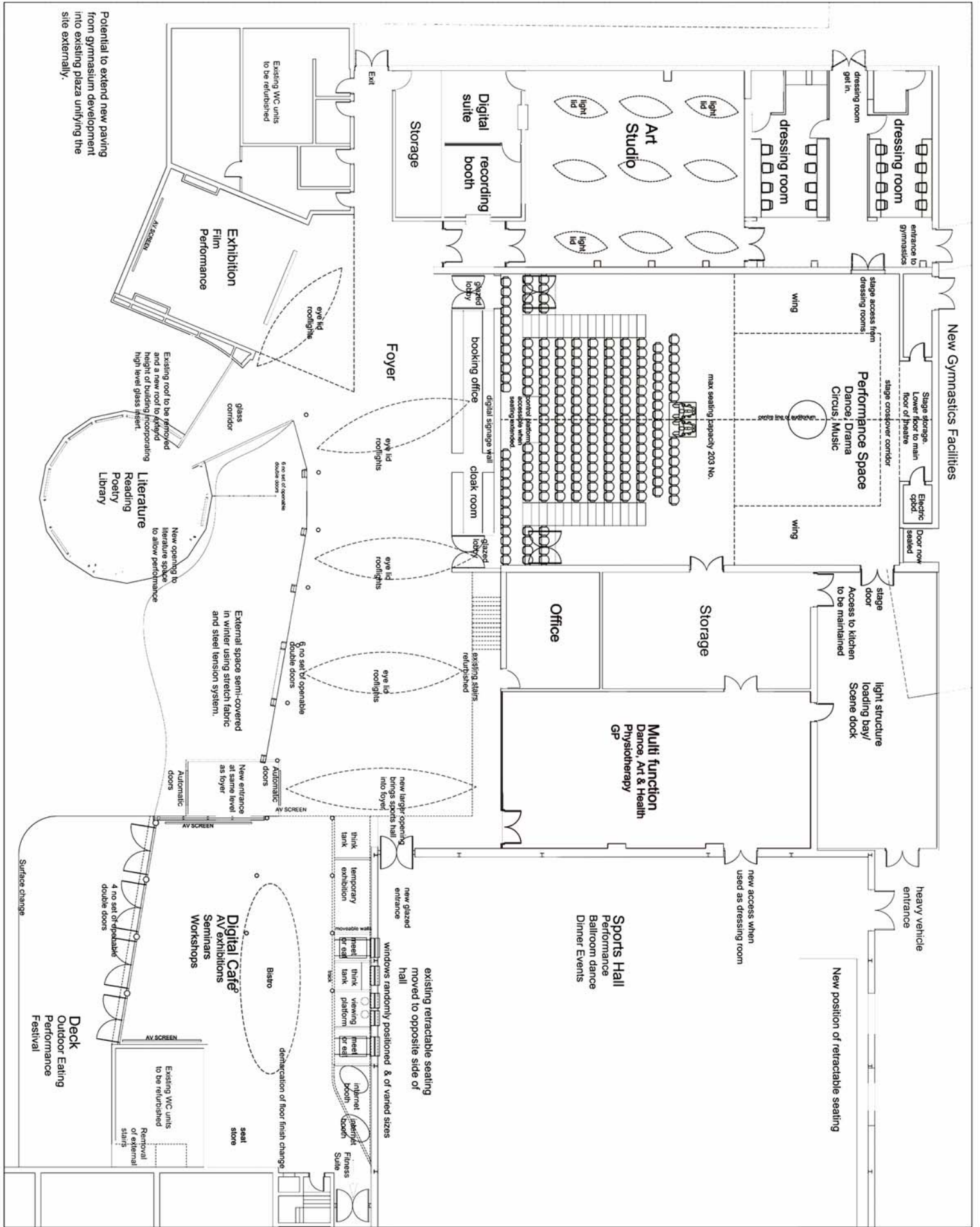
Overview and Scrutiny Committee Action Plan

Spennymoor Leisure Centre Arts Resource Centre: Xsite Architecture, June 06

Spennymoor Arts resource Business Plan, Brian Debenham, November 2006

**Examination by Statutory Officers**

	<b>Yes</b>	<b>Not Applicable</b>
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>



## Appendix 2

PROGRAMME	Spennymoor Arts Resource	Settlement	Spennymoor Town Hall	Greenfield Art and Community College	Bishop Auckland Town Hall	Gala Theatre Durham	Darlington Arts Centre	Darlington Civic Theatre	ARC Stockton
Circus programme/facilities									
Cinema facilities									
Digital festival									
Community and Amateur Exhibitions									
Hire of facilities for wedding/conferences									
Artists and Sports Personality presentations									
Drama Residencies (Primary Schools)									
Drama Residencies (Secondary Schools)									
Dance Residencies (Primary Schools)									
Dance Residencies (Secondary Schools)									
Dance company visits/talks/training									
Children's Theatre									
Music Gigs Folk/World/Jazz									
Music Pop/Rock									
Classical Music series									
Amateur company programme									
Community/schools music events									
Comedy store									
Tea dances									
Salsa dances									
Community drama classes									
Community youth theatre									
Community youth dance									
Arts and Health									
Resident company workshops									
Choral singing									
Dance programme educational									
Drama Programme educational									
Music programme professional performance									
Busking programme									
Outdoor music festival									
Outdoor sculpture/lighting programme									
Meetings									
Dance and drama professional performances									
Studio facilities for artists/companies in residence									
Community workshops									
Community performances									
Office facilities for artists/organisations									

## Appendix 3

<b>Illustrative Capital Budget</b>	
<b>Expenditure</b>	
Building Works	£1,764,363
Professional Fees	£294,901
Additional Site works	£201,646
Kitchen relocation	£100,000
New Staffing Costs	£220,690
New Marketing Costs	£60,000
Start up Programme	£60,000
Furniture and Equipment	£180,000
Contingency	£218,400
<b>Total Capital Costs</b>	<b>£3,100,000</b>
<b>Income</b>	
Arts Council England	£500,000
Big Lottery	£500,000
ERDF	£400,000
Single Programme	£400,000
Public Art Regeneration Funds	£50,000
SBC Capital Investment Programme	£700,000
Trusts and Foundations	£500,000
Other Partnership Funding	£50,000
<b>Total Income</b>	<b>£3,100,000</b>



# Item 5

REPORT TO CABINET

14<sup>TH</sup> DECEMBER 2006

REPORT OF DIRECTOR OF  
NEIGHBOURHOOD SERVICES

## Portfolio – Housing

### Private Sector Housing Renewal – Neighbourhood Renewal Assessment

#### 1. SUMMARY

- 1.1 The Council has identified the three priority communities of Chilton West, Dean Bank and Ferryhill Station for housing led regeneration through housing renewal. Each area has a significant proportion of pre 1919 terraced housing and is facing a number of issues including static or falling house prices, high levels of empty properties, increased private landlord ownership and a deteriorating quality of life for residents.
- 1.2 The Master plan for the regeneration of the priority areas of Dean Bank, Ferryhill Station and Chilton West was adopted on 13<sup>th</sup> July 2006 following a report to Cabinet. The report set out the proposed scope and direction of the intervention highlighted in the Masterplan and identified the projected costs for the redevelopment of sites across the three priority neighbourhoods.
- 1.3 In order to ensure that the interventions proposed by the Masterplan remain valid, it will be necessary to carry out Neighbourhood Renewal Assessments (NRA) for the groups of properties affected in Dean Bank and Chilton West. The aim of an NRA is to confirm the most satisfactory course of action for the properties identified in the Masterplan remains valid.

#### RECOMMENDATIONS

1. That an approach to procuring the specialist consultancy required to undertake the NRA's required to support the delivery of the Masterplan during its first three years as detailed be approved.
2. That tenders be invited from those firms with the relevant expertise and specialist knowledge to carry out Neighbourhood Renewal Assessments as required to support delivery of the Master Plan under procurement Procedure Rule 6.
3. That a further report be presented on the outcomes of procurement.

### **3. Background**

- 3.1** The Masterplan was adopted by Cabinet on 13<sup>th</sup> July 2006 and the Council is committed to delivering the housing led regeneration of the three priority areas of Chilton West, Dean Bank and Ferryhill Station.
- 3.2** Guidance issued to local authorities working in areas with poor housing, environmental and socio- economic challenges by the Department of Communities and Local Government (DCLG) formerly the Office of the Deputy Prime Minister, recommends undertaking a Neighbourhood Renewal Assessment (NRA) before carrying out any intervention. This method provides a systematic approach by which local authorities can assess the socio economic benefits of any preferred options to determine if it is the most satisfactory course of action. It is the tool used to underpin delivery of the Master plan and provide the basis of the Statement of Reasons for any subsequent Compulsory Purchase Order (CPO). It is unlikely that any CPO would be confirmed without undertaking a robust NRA therefore such assessment will be vital in the progress of this element of the Masterplan. An NRA was completed in relation to Ferryhill Station in February 2006.
- 3.3** Given the need to ensure that the assessment is up to date prior to the implementation of a CPO it is envisaged that the NRA's will be procured as required during the first three years of the Masterplan. The programme is split into two phases for Dean Bank and Chilton West and it is therefore envisaged that four individual NRA's will be required to support the proposed CPO's.
- 3.4** The process of NRA requires specialist professional expertise, due to the specialist nature of the works to be undertaken and the need to be flexible with the timing for commissioning the work, it is appropriate to invite tenders only from the limited number of firms with the relevant experience and expertise to deliver the service.
- 3.5** It is therefore recommended that the services of a specialist provider be secured for this work under the terms of Procedure Rule 6.

### **4 RESOURCE IMPLICATIONS**

It is envisaged that the indicative cost of the consultants to carry out NRA's for Dean Bank and Chilton West based on the previous NRA carried out at Ferryhill Station will be in the region of £35,000, (£8,750 per each of the four NRA's). The Consultants' fee will be met from the Single Housing Investment Pot (SHIP) funding secured for 2006/08. Any variations to these arrangements will be reported to Cabinet.

### **5 CONSULTATIONS**

This report has been prepared after consultation with the Masterplan delivery project management team.

## **6 OTHER MATERIAL CONSIDERATIONS**

### **Links to Corporate Ambitions / Values**

**6.1** The Community Strategy Outcomes include a Borough with Strong Communities where residents can access a good choice of high quality housing. The Council's ambitions mirror the Community Strategy outcomes and are articulated through the Corporate Plan and the Medium Term Financial Plan. Our ambitions include delivering a Borough with Strong Communities with good quality affordable housing in safe neighbourhoods. Undertaking an NRA in the priority communities of Dean Bank and Chilton West will play a direct role in the delivery of these ambitions.

### **6.2 Risk Management**

Undertaking an NRA in the priority communities of Dean Bank and Chilton West, along with effective programme management arrangements will reduce the potential risks of budget overspend and will aid the successful outcome of the programme.

### **6.3 Health & Safety**

The engagement of a specialist provider to undertake the Neighbourhood Renewal Assessments will ensure that no significant Health and Safety issues arise.

### **6.3 Equality & Diversity**

The Council's duties in terms of promoting equality and diversity have been taken into account in the recommendation arising from this report.

### **6.5 Sustainability**

One of the objectives of Neighbourhood Renewal Assessment is to improve the housing choices available to meet current and future demand and to support economic growth by providing modern attractive homes in sustainable neighbourhoods, which will contribute to the delivery of sustainable communities throughout the Borough.

### **6.6 Crime & Disorder**

The Council's duty under Section 17 of the Crime & Disorder Act 1998 has been taken into account in considering undertaking a Neighbourhood Renewal Assessment.

## 6.7 Legal & Constitutional

The guidance relating to Neighbourhood Renewal Assessment issued by the Office of the Deputy Prime Minister in 2004 and the Planning & Compulsory Purchase Act 2004 have been considered in the recommendation arising from this report

## 7. OVERVIEW AND SCRUTINY IMPLICATIONS

None

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<b>Contact Officer</b>	Angela Stephenson
<b>Telephone Number</b>	01388 816166 Ext. 4279
<b>E-mail address</b>	<a href="mailto:astephenson@sedgefield.gov.uk">astephenson@sedgefield.gov.uk</a>

**Wards:** All

### **Background Papers:**

ODPM Guidance relating to Neighbourhood Renewal Assessment  
Coalfields Housing Renewal - Masterplanning - Report to Cabinet  
Private Sector Housing Capital Programme and the Single Housing investment Programme Round 2 - Report to Cabinet  
Older Private Sector Housing Regeneration – Developing The Capacity To Deliver Housing Renewal – Report to Cabinet

### **Examination by Statutory Officers**

	Yes	Not Applicable
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

# Item 6

## REPORT TO CABINET

14TH DECEMBER 2006

## REPORT OF SOLICITOR TO THE COUNCIL

### PORTFOLIO: STRATEGIC LEADERSHIP

### REGULATION OF INVESTIGATORY POWERS ACT 2000: GOING FORWARD: IMPLEMENTING IMPROVEMENTS

#### 1. SUMMARY

- 1.1 This report follows the report to Cabinet by the Council's Solicitor on the 5th October 2006 upon the key findings from the recent visit of the Office of Surveillance Commissioners.
- 1.2 This report makes recommendations for the implementation of the findings of the report of the Office of Surveillance Commissioners.
- 1.3 There is attached to this report, a copy of a revised corporate policy and procedures document on the Act, compiled by the Council's Solicitor, having regard to best practice in leading authorities in the field, to the recommendations of the Office of Surveillance Commissioners and in light of consultations which have taken place with key officers within the Council.
- 1.4 The new policy has implications for the Constitution as set out in this report.
- 1.5 The opportunity has also been taken to review training arrangements. The deployment of CCTV facilities across the range of enforcement activities of the Council will be dealt with in a separate report by the Director of Neighbourhood Services.

#### 2. RECOMMENDATIONS

- 2.1 That the Corporate Policy and Procedures document on the Regulation of Investigatory Powers Act 2000 be approved.
- 2.2 Cabinet resolves and recommends to Council as follows:-
  - (a) that all surveillance exercises, including covert surveillance be conducted by the Council in accordance with the terms of the Act and the Corporate Policy and Procedures document.
  - (b) that only the Chief Executive shall be permitted to authorise a surveillance exercise, under Section 29 of the Act, involving use of covert human intelligence sources (CHIS) or any staff investigations in consultation with the Solicitor to the Council, and

- (c) that this report be referred to all officers conducting enforcement functions which may carry out covert surveillance; that the policy be available on the Council's Intranet.
- (d) that the Solicitor to the Council be authorised to take all necessary steps to conclude satisfactory arrangements as regards corporate procedures and raising awareness of the Corporate Policy and Procedures document with appropriate officers in the Council.
- (e) to authorise the Solicitor to the Council to oversee training arrangements on RIPA, to suspend authorisation of officers where further training is required and to generally keep the policy document up to date and be responsible for regular review of the Central Register of Authorisations.
- (f) that the Solicitor to the Council be responsible for an annual review report to Cabinet in February each year upon the operating of the Act; that the Central Register of Authorisations be similarly reviewed on a quarterly basis.
- (g) that the effective date for the operation of the policy shall be 24th February 2007.
- (h) that the Head of Environmental Services and Head of Housing Management and Public Health Services Manager be authorising officers for the purposes of Section 28 of the Act in relation to their duties and functions.
- (i) that Council be recommended to approve all consequential changes to the Constitution (CE51/CE52 Officer Delegations refer).

### **3. DETAIL**

3.1 The inspection of the Office of Surveillance Commissioners on the 22nd June 2006 resulted in a number of key recommendations which have previously been notified to the Cabinet:

- That the Council's policy and updates should now be consolidated into a single policy and procedure document.
- That steps should be taken to review the sparing use of the legislation in terms of the Council's own enforcement activity and recognise the scope/potential for greater use in such activities of its CCTV operations. The Director of Neighbourhood Services will report separately on this aspect.
- That the Co-ordinating Group of Officers be reinstated.
- That training arrangements be reviewed with an emphasis on inhouse training.

3.2 Going forward in the light of these recommendations, the RIPA Co-ordination Working Group has since been established and has taken a number of steps:-

- Reviewed existing corporate policies and procedures in the light of best practice elsewhere, recommendations from the Council's Solicitor and views expressed by relevant officers.
- Agreed to meet quarterly to review the Council's approach to the implementation of the Act, to review training arrangements and to ensure that officers are fully updated as changes to the legislation arise.

3.3 Subject to approval of the arrangements in this report, it had been agreed that the first training programme will take place in mid-January 2007 and will serve to provide induction upon the terms of the new Corporate Policy Document and Procedures.

#### **4. CORPORATE POLICY AND RESOURCE IMPLICATIONS**

4.1 Ongoing training, review and additional working group activities of this kind are bound to have financial implications but are likely to be containable within existing budgets.

4.2 The work will further support and enhance the effectiveness of authorised officers under this legislation and serve, in particular, to support the Council's corporate objectives in the following areas:-

- Healthy Borough – Safeguarding Public Health
- Prosperous Borough – Tackling Disadvantage
- Attractive Borough:
  - Ensuring cleaner, greener environment;
  - Reducing waste
- Borough with Strong Communities – Promoting Safer Neighbourhoods

#### **5. CONSULTATION**

5.1 This report has been the subject of detailed consideration via the Council's RIPA Co-ordination Working Group of Officers and consultations have already taken place with the Office of Surveillance Commissioners following their review report.

#### **6. CONSTITUTIONAL IMPLICATIONS**

6.1 If accepted, a number of the recommendations have implications for the Constitution and it is recommended that the Standards Committee be appraised of those changes at its meeting on the 8th February 2007, and subject to such appraisal, be presented for approval to Council on the 23rd February 2007.

## 7. OTHER MATERIAL CONSIDERATIONS

- 7.1 None specifically, save that in terms of legal and risk management implications, these proposals, if accepted, will reduce the risk of legal challenge and increase the Council's effectiveness in carrying out all forms of enforcement activity.

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**Wards:** N/A

**Key Decision Validation:** N/A

### Background Papers

Report to Cabinet – RIPA 2000 – 20th June 2002  
Report to Council – RIPA 2000 – Amendments to the Constitution – 26th June 2002  
Report to Council – RIPA 2000 – 20th December 2002  
Report to Council – Review of Delegations – RIPA 2000 – 7th November 2003  
Report to Cabinet – Office of Surveillance Commissioners Report – 3rd June 2004  
Report to Cabinet – RIPA 2000 – 25th November 2004  
Regulation of Investigatory Powers Act 2000  
Acquisition and Disclosure of Communications Data: Revised Draft Code of Practice  
MO/SBC12 – RIPA 2000 – Inspection by the OSC  
MO/SBC13 – Increasing Awareness of the RIPA 2000  
MO/SBC14 – RIPA 2000 – Increasing Awareness  
MO/SBC16 – Monitoring of Employees' Communications in the Workplace – the effect of Data Protection Act, the RIPA and related legislation  
MO/SBC19 – Use of Authorisation Checklist  
MO/SBC24 – OSC Report and Update  
MO/SBC27 – Report on RIPA 2000 to Cabinet – 3rd June 2004  
MO/SBC34 – Review of Guidance: Questions and Answers for Local Authorities: OSC – Advice and Guidance – RIPA Q&A for Local Authorities  
MO/SBC35 – Covert Human Intelligence Code of Practice – Re-Issue  
MO/SBC36 – Re-Issue: RIPA Forms for Practitioners  
MO/SBC37 – RIPA: Singlepoint Guidance  
MO/SBC38 – RIPA Update New Regulations  
MO/SBC/39 – Home Office Guide CCTV  
Draft Code of Practice Part I Chapter II (Home Office)  
Lord Colville's Report : 22nd June 2006 : Restricted – not for publication.  
Report to Cabinet : RIPA 2000 : Update/Review – 5th October 2006



## Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Council's Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Council's S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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**CORPORATE POLICY AND PROCEDURES DOCUMENT  
ON THE  
REGULATION OF INVESTIGATORY POWERS ACT 2000  
(RIPA)**

**Version 1**

**Effective date: 24th February 2007**

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**CONTENTS PAGE**

	<b><u>Page No</u></b>
<b>A</b> Introduction and Key Messages .....	<b>3</b>
<b>B</b> Policy Statement .....	<b>4</b>
<b>C</b> Effective Date of Operation and Authorised Officer Responsibilities .....	<b>5</b>
<b>D</b> General Information on RIPA .....	<b>6</b>
<b>E</b> What RIPA Does and Does Not Do .....	<b>7</b>
<b>F</b> Types of Surveillance .....	<b>8</b>
<b>G</b> Conduct and Use of a Covert Human Intelligence Source (CHIS) .....	<b>11</b>
<b>H</b> Acquisition of Communications Data .....	<b>13</b>
<b>I</b> Authorisation Procedures .....	<b>14</b>
<b>J</b> Working with / through Other Agencies .....	<b>18</b>
<b>K</b> Record Management .....	<b>19</b>
<b>L</b> Concluding Remarks .....	<b>20</b>

**Appendix 1 - List of Authorised Officer Posts**

**Appendix 2 - RIPA Flow Chart**

**Appendix 3 - RIPA A Forms : Directed Surveillance**

**Appendix 4 - RIPA B Forms : Covert Human Intelligence Source (CHIS)**

## INTRODUCTION

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1. This Corporate Policy & Procedures Document is based upon the requirements of The Regulation of Investigatory Powers Act 2000 ('RIPA') and the Home Office's Code of Practices on Covert Surveillance and Covert Human Intelligence Sources (covert surveillance would be used only rarely and in exceptional circumstances).
2. The authoritative position on RIPA is, of course, the Act itself and any Officer who is unsure about any aspect of this Document should contact, at the earliest possible opportunity, the Solicitor to the Council for advice and assistance. Appropriate training and development will be organised and training will be given to relevant Authorised Officers and other senior managers.
3. The Solicitor to the Council will maintain and check the Corporate Register of all RIPA authorisations, reviews, renewals, cancellations and rejections. It is the responsibility of the relevant Authorised Officer, however, to ensure the Solicitor to the Council receives a copy of the relevant Forms within 1 week of authorisation, review, renewal, cancellation or rejection.
4. RIPA and this Document are important for the effective and efficient operation of the Borough Council's actions with regard to covert surveillance and Covert Human Intelligence Sources. This Document will, therefore, be kept under annual review by the Solicitor to the Council. Authorised Officers must bring any suggestions for continuous improvement of this Document to the attention of the Solicitor to the Council at the earliest possible opportunity.
5. In terms of monitoring e-mails and internet usage, it is important to recognise the important interplay and overlaps with the Borough Council's e-mail and internet policies and guidance, the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000, the Data Protection Act 1998 and its draft Code of Practice. RIPA forms should be used where **relevant** and they will be only **relevant** where the **criteria** listed on the Forms are fully met.
6. If you are in any doubt on RIPA, this Document or the related legislative provisions, please consult the Solicitor to the Council, at the earliest possible opportunity.
7. The Solicitor to the Council will issue regular updates to supplement and replace parts of this Policy. This and updated versions will be published on the Intranet for member/officer access on a confidential basis

Dennis Hall  
2006

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## B. POLICY STATEMENT

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1. This Council takes seriously its statutory responsibilities and will, at all times, act in accordance with the law and take necessary and proportionate action in these types of matters. In that regard, the Solicitor to the Council, is duly authorised by the Council to keep this Document up to date and to amend, delete, add or substitute relevant provisions, as necessary. For administration and operational effectiveness, the Solicitor to the Council is also authorised to add or substitute Officers authorised for the purpose of RIPA.
2. The Council's Cabinet on 14<sup>th</sup> December 2006, resolved as follows:
  - (a) that all covert surveillance exercises conducted by the Council should comply with the requirements of RIPA;
  - (b) that only the Chief Executive shall be permitted to authorise a covert surveillance exercise under Section 29 of the Act, involving use of covert human intelligence sources (CHIS) or any staff investigations, in consultation with the Solicitor to the Council; and
  - (c) that this Report be referred to all officers conducting enforcement functions which may carry out covert surveillance.
  - (d) That the Policy be available on the Council intranet
3. There have now been two external reviews and further reports to the Cabinet Committee will be made at least annually.
4. This Document was circulated during the Autumn of 2006 to the OSC, relevant Chief Officers and other Senior Managers, in draft format. The Council's Cabinet resolved as follows:-
  - (i) approve the attached Draft 'Corporate & Policy Procedure Document on RIPA'; and
  - (ii) authorise the Solicitor to the Council to do all that is necessary to conclude the matter with the OSC subject to any further inspection, establish the necessary corporate procedures and ensure all departments implement and comply with the Corporate Policy & Procedures Document .
  - (iii) authorise the Solicitor to the Council to oversee training arrangements on RIPA, to suspend authorisation of officers where training is required; to generally keep this Policy up to date and be responsible for annual policy review and a quarterly review of the Central Register of Authorisations.



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## C. EFFECTIVE DATE OF OPERATION AND AUTHORISED OFFICER RESPONSIBILITIES

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1. It is essential that Chief Officers and Authorised Officers in their Departments take personal responsibility for the effective and efficient operation of this Document.
2. The Solicitor to the Council has and will ensure that sufficient numbers of Authorised Officers from each Department are, after suitable training on RIPA and this Document, duly certified to take action under this Document.
3. It will be the responsibility of Authorised Officers who have been duly certified to ensure their relevant members of staff are also suitably trained as 'Applicants' so as to avoid common mistakes appearing on Forms for RIPA authorisations.
4. Authorised Officers will also ensure that staff who report to them follow this Corporate Policy & Procedures Document and do not undertake or carry out any form of covert surveillance without first obtaining the relevant authorisations in compliance with this Document.
5. Authorised Officers must also pay particular attention to Health and Safety issues that may be raised by any proposed surveillance activity. Under no circumstances, should an Authorised Officer approve any RIPA form unless, and until s/he is satisfied the health and safety of Council employees/agents are suitably addressed and/or risks minimised, so far as is possible, and proportionate to/with the surveillance being proposed. If an Authorised Officer is in any doubt, s/he should obtain prior guidance on the same from his/her Chief Officer, the Council's Health & Safety Officer and/or the Solicitor to the Council.
6. Authorised Officers must also ensure that, when sending copies of any forms to the Solicitor to the Council (or any other relevant authority), the same are sent in **sealed** envelopes and marked '**Strictly Private & Confidential**'.
7. The effective date of operation is 24th February 2007 (Cabinet approval 14th December 2006).



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## D. GENERAL INFORMATION ON RIPA

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1. The Human Rights Act 1998 (which brought much of the European Convention on Human Rights and Fundamental Freedoms 1950 into UK domestic law) requires the Council, and organisations working on its behalf, pursuant to Article 8 of the European Convention, to respect the private and family life of citizens, his home and his correspondence.
2. The European Convention did not, however, make this an absolute right, but a qualified right. Accordingly, in certain circumstances, the Council may interfere in the citizen's right mentioned above, if such interference is:-
  - (a) in accordance with the law;
  - (b) necessary; and
  - (c) proportionate.
3. The Regulation of Investigatory Powers Act 2000 ('RIPA') provides a statutory mechanism (i.e. 'in accordance with the law') for authorising **covert surveillance** and the use of a '**covert human intelligence source**' ('CHIS') – e.g. undercover agents. It now also permits Public Authorities to now compel telecommunications and postal companies to obtain and release communications data to themselves, in certain circumstances. It seeks to ensure that any interference with an individual's right under Article 8 of the European Convention is necessary and proportionate. In doing so, the RIPA seeks to ensure both the public interest and the human rights of individuals are suitably balanced.
4. Directly employed Council staff and external agencies working for the Council are covered by the Act for the time they are working for the Council. All external agencies must, therefore, comply with RIPA and the work carried out by agencies on the Council's behalf must be properly authorised by one of the Council's designated Authorised Officers. Authorised Officers are those whose posts appear in **Appendix 1** to this Document and, duly added to or substituted by the Solicitor to the Council.
5. If the correct procedures are not followed, evidence may be disallowed by the courts, a complaint of maladministration could be made to the Ombudsman, and/or the Council could be ordered to pay compensation. Such action would not, of course, promote the good reputation of the Council and will, undoubtedly, be the subject of adverse press and media interest. It is essential, therefore, that all involved with RIPA comply with this Document and any further guidance that may be issued, from time to time, by the Solicitor to the Council.
6. A flowchart of the procedures to be followed appears at **Appendix 2**.

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## **E. WHAT RIPA DOES AND DOES NOT DO**

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1. **RIPA does:**

- require prior authorisation of directed surveillance.
- prohibit the Council from carrying out intrusive surveillance.
- compels disclosure of communications data from telecom and postal companies.
- require authorisation of the conduct and use of a CHIS.
- require safeguards for the conduct and use of a CHIS.
- permit the Council to obtain Communications records from Communications Companies.

2. **RIPA does not:**

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

3. If the Authorised Officer or any Applicant is in any doubt, s/he should ask the Solicitor to the Council BEFORE any directed surveillance and/or CHIS is authorised, renewed, cancelled or rejected.

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## F. TYPES OF SURVEILLANCE

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1. **‘Surveillance’** includes

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

**Surveillance can be overt or covert.**

2. **Overt Surveillance**

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

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

4. **Covert Surveillance**

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

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

6. **Directed Surveillance**

Directed Surveillance is surveillance which:-

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

- is undertaken for the purpose of a **specific investigation** or operation in a manner **likely to obtain private information** about an individual (whether or not that person is specifically targeted for purposes of an investigation). (*Section 26(10) of RIPA*).
  - is for the prevention or detection of crime or prevention of disorder.
7. **Private information** in relation to a person, includes any information relating to his private and family life, his home and his correspondence. The fact that covert surveillance occurs in a public place or on business premises does not mean that it cannot result in the obtaining of private information about a person. Prolonged surveillance targeted on a single person will undoubtedly result in the obtaining of private information about him/her and others that s/he comes into contact, or associates, with. The way a person runs his/her business may also reveal information about his or her private life and the private lives of others.
8. Similarly, although overt town centre CCTV cameras do not normally require authorisation, if the camera(s) are to be directed for a specific purpose to observe particular individual(s)/events, authorisation will be required.
9. **For the avoidance of doubt, only those Officers designated to be ‘Authorised Officers’ for the purpose of RIPA can authorise ‘Directed Surveillance’ IF, AND ONLY IF, the RIPA authorisation procedures detailed in this Document are followed. For further information about authorised officers, please see Appendix 1.**
10. **Intrusive Surveillance**
- This is when it:-
- is covert;
  - relates to residential premises and private vehicles; and
  - involves the presence of a person in the premises or in the vehicle or is carried out by a surveillance device in the premises/vehicle. Surveillance equipment mounted outside the premises will not be intrusive, unless the device consistently provides information of the same quality and detail as might be expected if they were in the premises/vehicle.
11. **This form of surveillance can be carried out only by police and other law enforcement agencies. Council Officers must not carry out intrusive surveillance.**

12. **Examples of different types of Surveillance**

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

**Further information**

13. Further guidance on Directed Surveillance can be found in the Home Office’s Statutory Code of Practice on surveillance, a copy of which can be found at:

<http://security.homeoffice.gov.uk/ripa/publication-search/ripa-cop/covert-cop?view=Binary>

The Code of Practice will need to be referred to throughout the process but specifically when completing Form A1.

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## **G. CONDUCT AND USE OF A COVERT HUMAN INTELLIGENCE SOURCE (CHIS)**

---

### **Who is a CHIS?**

1. Someone who establishes or maintains a personal or other relationship for the covert purpose of helping the covert use of the relationship to obtain information.
2. RIPA does not apply in circumstances where members of the public volunteer information to the Council as part of their normal civic duties, or to contact numbers set up to receive information.

### **What must be authorised?**

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

### **Juvenile Sources**

5. Special safeguards apply to the use or conduct of juvenile sources (i.e. under 18 year olds). On no occasion can a child under 16 years of age be authorised to give information against his or her parents.

### **Vulnerable Individuals**

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

### **Test Purchases**

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

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

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

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

**Further information**

12. Further guidance on CHIS can be found in the Home Office's Statutory Code of Practice on surveillance, a copy of which can be found at:

<http://security.homeoffice.gov.uk/ripa/publication-search/ripa-cop/human-cop?view=Binary>

The Code of Practice will need to be referred to throughout the process, but specifically when completing Form B1.

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## **H. ACQUISITION OF COMMUNICATIONS DATA**

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### **What is Communications Data?**

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

### **Procedure**

2. Sedgefield Borough Council has an agreement with Singlepoint to process applications for communications data. Singlepoint acts as a 'Clearing House' which co-ordinates the passing of requests to communications service providers and passing the data back to the local authority.
3. Further information on the acquisition of communications data can be found in Singlepoint's Customer Procedures, a copy of which can be accessed by double clicking on the icon which appears below on the intranet version of this document:

CustomerProcess.pdf

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4. If a request for communications data is required then contact the Solicitor to the Council for further guidance. Extensions of authorisations or any procedure to be followed in acquiring/authorising the acquisition of Communications data should be raised with the Solicitor to the Council who will determine the procedure to be followed in compliance with both the Act and Singlepoint.



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## **I. AUTHORISATION PROCEDURES**

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1. Directed surveillance and the use of a CHIS can only be lawfully carried out if properly authorised, and in strict accordance with the terms of the authorisation. **Appendix 2** provides a flow chart of process from application consideration to recording of information.

### **Authorised Officers**

2. Forms can only be signed by Authorised Officers who hold a Certificate from the Solicitor to the Council. Authorised posts are listed in **Appendix 1**. This Appendix will be kept up to date by the Solicitor to the Council, and added to as needs require. If a Chief Officer wishes to add, delete or substitute a post, s/he must refer such request to the Solicitor to the Council for consideration, as necessary.
3. All RIPA authorisations, are for specific investigations only, and must be renewed or cancelled once the specific surveillance is complete or about to expire. **The authorisations do not lapse with time!**

### **Training Records and the need for Training**

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

### **Application Forms**

6. Only the approved RIPA forms set out in this Document must be used. Any other forms used, will be rejected by the Authorised Officer and/or the Solicitor to the Council. This Document will be supplemented with regular updating material which may supersede these materials. The updates should be read in conjunction with this Document.
7. **'A Forms' (Directed Surveillance) – See Appendix 3**

Form A 1	<b>Application</b> for Authority for Directed Surveillance
Form A 2	<b>Renewal</b> of Directed Surveillance Authority
Form A 3	<b>Review</b> of Directed Surveillance Authority
Form A 4	<b>Cancellation</b> of Directed Surveillance

8. **'B Forms' (CHIS) – See Appendix 4**

Form B 1	<b>Application</b> for Authority for Conduct and Use of a CHIS
Form B 2	<b>Renewal</b> of Conduct and Use of a CHIS
Form B 3	<b>Review</b> of Conduct and Use of a CHIS
Form B 4	<b>Cancellation</b> of Conduct and Use of a CHIS

**Grounds for Authorisation**

9. Directed Surveillance (A Forms); the Conduct and Use of the CHIS (B Forms) can be authorised by the Council only on the grounds of preventing or detecting crime or preventing disorder. **No other grounds are available to local authorities.**

**Assessing the Application Form**

10. Before an Authorised Officer signs a Form, **s/he must:-**
- (a) Be mindful of this Corporate Policy & Procedures Document, the Training provided by the Solicitor to the Council and any other guidance issued, from time to time, by the Solicitor to the Council on such matters;
  - (b) Satisfy his/herself that the RIPA authorisation is:-
    - (i) **in accordance with the law;**
    - (ii) **necessary** in the circumstances of the particular case (or that the information cannot reasonably be obtained by overt means) on one of the grounds mentioned in paragraph 9 above; **and**
    - (iii) **proportionate** to what it seeks to achieve,
  - (c) In assessing whether or not the proposed surveillance is proportionate, consider whether there are any other non-intrusive methods, and if there are none, whether the proposed surveillance is no more than necessary to achieve the objective, as the **least intrusive method will be considered proportionate by the courts.**
  - (d) Take into account the risk of intrusion into the privacy of persons other than the specified subject of the surveillance (**Collateral Intrusion**). Measures must be taken wherever practicable to avoid or minimise (so far as is possible) collateral intrusion and the matter may be an aspect of determining proportionality;
  - (e) Set a date for review of the authorisation and review on that date;
  - (f) In consultation with the Solicitor to the Council (after making a request to him) allocate a Unique Reference Number (URN) for the application as follows:-

Year / Department / Number of Application

- (g) Ensure that any RIPA Departmental Register is duly completed, and that a copy of the RIPA Forms (and any review/cancellation of the same) is forwarded to the Solicitor to the Council's Central Register, **within 1 week of the relevant authorisation, review, renewal, cancellation or rejection**. In the case of notices compelling disclosure of communications data, a copy of the notice must be attached to the authorisation form.

### **Additional Safeguards when Authorising a CHIS**

11. When authorising the conduct or use of a CHIS, the Authorised Officer **must also**:-
- (a) be satisfied that the **conduct** and/or **use** of the CHIS is proportionate to what is sought to be achieved;
  - (b) be satisfied that **appropriate arrangements** are in place for the management and oversight of the CHIS and this must address health and safety issues through a risk assessment;
  - (c) consider the likely degree of intrusion of all those potentially affected;
  - (d) consider any adverse impact on community confidence that may result from the use or conduct or the information obtained; and
  - (e) ensure **records** contain particulars set out in SI 2000/2725 and are not available except on a need to know basis.

### **Urgent Authorisations**

12. Urgent authorisations should not be necessary. In exceptional circumstances, however, urgent authorisations may be given orally if the time that would elapse before a written authorisation can be granted would be likely to endanger life or jeopardise the investigation or operation for which the authorisation was being given.
13. It will not be urgent where the need for authorisation has been neglected or is of the Officer's own making.
14. Urgent authorisations last for no more than 72 hours. They must be recorded in writing on the standard form as soon as practicable and the extra boxes on the form completed to explain why the authorisation was urgent.

### **Duration**

15. The Form **must be reviewed in the time stated and cancelled** once it is no longer needed. The 'authorisation' to carry out/conduct the surveillance lasts for a maximum of 3 months (from authorisation) for Directed Surveillance, and 12 months (from authorisation) for a CHIS. However, whether the surveillance is carried out/conducted or not, in the relevant period, does not mean the 'authorisation' is 'spent'. In other words, **the Forms do not expire!** The forms have to be reviewed and/or cancelled (once they are no longer required)!

16. Urgent oral authorisation, if not already ratified in a written authorisation, will cease to have effect after 72 hours, beginning with the time when the authorisation was granted.
17. Authorisations can be renewed in writing when the maximum period has expired. The Authorising Officer must consider the matter afresh, including taking into account the benefits of the surveillance to date, and any collateral intrusion that has occurred.
18. The renewal will begin on the day when the authorisation would have expired. In exceptional circumstances, renewals may be granted orally in urgent cases and last for a period of seventy-two hours.

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## J. WORKING WITH/THROUGH OTHER AGENCIES

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1. When some other agency has been instructed on behalf of the Council to undertake any action under RIPA, this Document and the Forms in it must be used (as per normal procedure) and the agency advised or kept informed, as necessary, of the various requirements. They must be made aware explicitly what they are authorised to do.
2. When some other agency (e.g. Police, Department of Works and Pensions, Customs & Excise, HM Revenues and Customs, etc):-
  - (a) wish to use the Council's resources (e.g. CCTV surveillance systems), that agency must use its own RIPA procedures and, before any Officer agrees to allow the Council's resources to be used for the other agency's purposes, s/he must obtain a copy of that agency's RIPA form for the record (a copy of which must be passed to the Solicitor to the Council for the Central Register) or relevant extracts from the same which are sufficient for the purposes of protecting the Council and the use of its resources;
  - (b) wish to use the Council's premises for their own RIPA action, and is expressly seeking assistance from the Council, the Officer should, normally, co-operate with the same, unless there are security or other good operational or managerial reasons as to why the Council's premises should not be used for the agency's activities. Suitable insurance or other appropriate indemnities may be sought, if necessary, from the other agency for the Council's co-operation in the agent's RIPA operation. In such cases, however, the Council's own RIPA forms should not be used as the Council is only 'assisting' not being 'involved' in the RIPA activity of the external agency.
3. In terms of 2(a), if the Police or other Agency wish to use Council resources for general surveillance, as opposed to specific RIPA operations, an appropriate letter requesting the proposed use, extent of remit, duration, who will be undertaking the general surveillance and the purpose of it must be obtained from the Police or other Agency before any Council resources are made available for the proposed use.
4. **If in doubt, please consult with the Solicitor to the Council at the earliest opportunity.**

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## **K. RECORD MANAGEMENT**

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1. **The Council must keep a detailed record of all authorisations, renewals, cancellations and rejections in Departments and a Central Register of all Authorisation Forms will be maintained and monitored by the Solicitor to the Council.**

2. **Records maintained in the Department**

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

- a copy of the Forms together with any supplementary documentation and notification of the approval given by the Authorising Officer;
  - a record of the period over which the surveillance has taken place;
  - the frequency of reviews prescribed by the Authorised Officer;
  - a record of the result of each review of the authorisation;
  - a copy of any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested;
  - the date and time when any instruction was given by the Authorised Officer;
  - the Unique Reference Number for the authorisation (URN).
3. Each form will have a URN. The Solicitor to the Council will issue the relevant URN to Applicants on request. The cross-referencing of each URN takes place within the Forms for audit purposes. Rejected Forms will also have URN's.

### **Central and Training Registers maintained by the Solicitor to the Council**

4. Authorised Officers must forward details of each Form to the Solicitor to the Council for the Central Register, within 1 week of the authorisation, review, renewal, cancellation or rejection. The Solicitor to the Council will monitor the same and give appropriate guidance, from time to time, or amend this Document, as necessary.
5. The Council will retain records for a period of at least three years from the ending of the authorisation. The Office of the Surveillance Commissioners (OSC) can audit/review the Council's policies and procedures, and individual authorisations.
6. The Solicitor to the Council shall maintain a register of training undertaken by all relevant personnel.

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## L. CONCLUDING REMARKS

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

Dennis Hall  
2006

## **Background Papers**

Report to Cabinet – RIPA 2000 – 20th June 2002  
Report to Council – RIPA 2000 – Amendments to the Constitution – 26th June 2002  
Report to Council – RIPA 2000 – 20th December 2002  
Report to Council – Review of Delegations – RIPA 2000 – 7th November 2003  
Report to Cabinet – Office of Surveillance Commissioners Report – 3rd June 2004  
Report to Cabinet – RIPA 2000 – 25th November 2004  
Regulation of Investigatory Powers Act 2000  
Acquisition and Disclosure of Communications Data: Revised Draft Code of Practice  
MO/SBC12 – RIPA 2000 – Inspection by the OSC  
MO/SBC13 – Increasing Awareness of the RIPA 2000  
MO/SBC14 – RIPA 2000 – Increasing Awareness  
MO/SBC16 – Monitoring of Employees’ Communications in the Workplace – the effect of  
Data Protection Act, the RIPA and related legislation  
MO/SBC19 – Use of Authorisation Checklist  
MO/SBC24 – OSC Report and Update  
MO/SBC27 – Report on RIPA 2000 to Cabinet – 3rd June 2004  
MO/SBC34 – Review of Guidance: Questions and Answers for Local Authorities: OSC –  
Advice and Guidance – RIPA Q&A for Local Authorities  
MO/SBC35 – Covert Human Intelligence Code of Practice – Re-Issue  
MO/SBC36 – Re-Issue: RIPA Forms for Practitioners  
MO/SBC37 – RIPA: Singlepoint Guidance  
MO/SBC38 – RIPA Update New Regulations  
MO/SBC39 – Home Office Guide CCTV  
Draft Code of Practice Part I Chapter II (Home Office)  
Lord Colville’s Report : 22nd June 2006 : Restricted – not for publication.  
Report to Cabinet : RIPA 2000: Update/Review – 5th October 2006

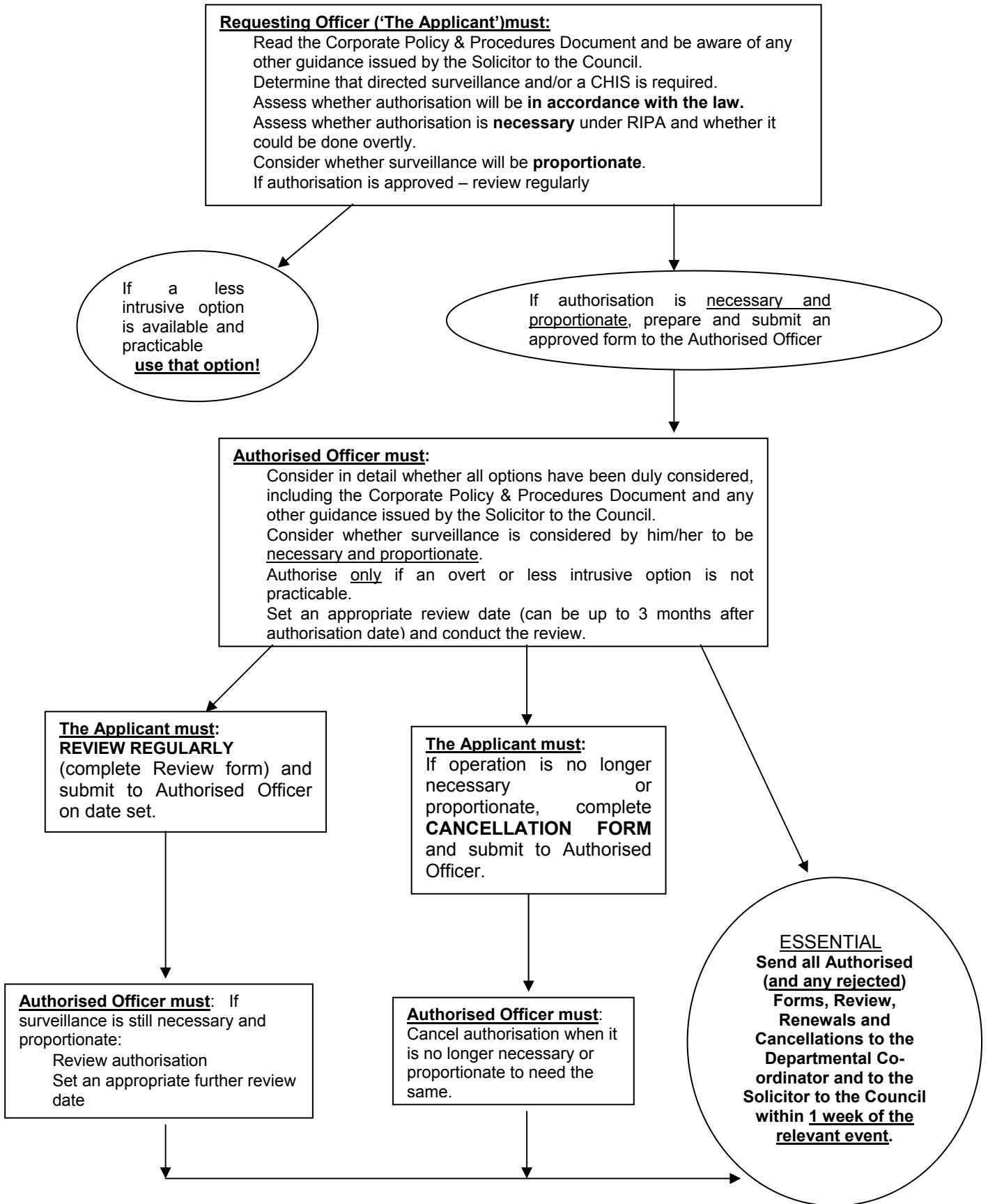


## APPENDIX 1

List of Authorised Officer Posts

	Regulation of Investigatory Powers Act 2000	
CE51 (formerly CE74)	<p>Authority to grant authorisations under Section 28 (Authorisation and Directed Surveillance) that the Solicitor to the Council only shall have authority to appoint designated persons for the purposes of Section 22 of the Act.</p> <p>That only the Chief Executive, in consultation with the Solicitor to the Council, shall have power to authorise covert surveillance exercises under Section 29 of the Act, involving a CHIS or any exercises involving staff investigations.</p>	<p>Solicitor to the Council</p> <ul style="list-style-type: none"> <li>*Director of Neighbourhood Services.</li> <li>*Director of Resources.</li> <li>*Head of Financial Services.</li> <li>*Director of Housing.</li> <li>*Head of Housing Management</li> <li>*Head of Environmental Services</li> <li>*Public Health Services Manager</li> </ul> <p><i>*Specifically linked to those duties and functions for which they are responsible.</i></p>
CE52 (formerly CE75)	<p>Authority to keep a central register of authorisations granted and generally monitor the issue of authorisations and procedures generally; to oversee training arrangements; to suspend authorisation of officers where training is required; to report annually to Cabinet on the operation of the Act</p>	<p>Solicitor to the Council</p>

**RIPA FLOW CHART**



**NB: If in doubt, ask the Solicitor to the Council BEFORE any directed surveillance and/or CHIS is authorised, renewed, cancelled, or rejected. Chief Officers will designate one of their staff to be a Departmental Co-ordinator for the purpose of RIPA and advise the Solicitor to the Council, accordingly.**

## RIPA A FORMS : DIRECTED SURVEILLANCE

**Form A1** : Application for authorisation to carry out directed surveillance.

**Form A2** : Application for Renewal of Form A1.

**Form A3** : Review of Form A1.

**Form A4** : Cancellation of Form A1.

**NB: If in doubt, ask the Solicitor to the Council BEFORE any directed surveillance and/or CHIS is authorised, renewed, cancelled or rejected.**

# SEDGEFIELD BOROUGH COUNCIL

**STRICTLY PRIVATE  
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**FORM A1: APPLICATION FOR AUTHORISATION TO  
CARRY OUT DIRECTED SURVEILLANCE  
PART II OF THE REGULATION OF INVESTIGATORY  
POWERS ACT 2000 (RIPA)**

**Guidance Note:**

1. Please refer to the Policy as appropriate.
2. Applicants and Authorised Officers must comply, in full, with the Act and the Council's Corporate Policy & Procedures Document and any other guidance issued, from time to time, by the Solicitor to the Council. If in doubt, contact the Solicitor to the Council, Dennis Hall, Council Offices, Spennymoor, County Durham, DL16 6JQ. Tel: 01388 816166. Fax: 01388 817251. E-mail: dahall@sedgefield.gov.uk
3. Copy of completed forms must be sent (once authorised or rejected) to the Solicitor to the Council within 1 week of the authorisation, rejection, renewal or cancellation for the Central Register.
4. All boxes in this form must be completed. NOT APPLICABLE, N/A or lines must be put through irrelevant boxes.

<b>Subject of Surveillance:</b>		<b>Unique Reference Number (URN) :</b>	/ /
			Year/ Dept/ Number

<b>Public Authority</b> <i>(including full address)</i>			
<b><u>Name of Applicant</u></b>		<b>Unit/Branch /Division</b>	
<b>Full Address</b>			
<b>Contact Details</b>			

<b>Investigation/Operation Name (if applicable)</b>	
<b>Investigating Officer (if a person other than the applicant)</b>	
<b>DETAILS OF APPLICATION</b>	
Give rank or position of authorising officer in accordance with the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003; No. 3171. <sup>1</sup>	
<b>2. Describe the purpose of the specific operation or investigation.</b>	
<b>3. Describe in detail the surveillance operation to be authorised and expected duration, including any premises, vehicles or equipment (e.g. camera, binoculars, recorder) that may be used.</b>	
<b>4. The identities, where known, of those to be subject of the directed surveillance.</b>	
<ul style="list-style-type: none"> <li>• Name:</li> <li>• Address:</li> <li>• DOB:</li>   <li>• Other information as appropriate:</li> </ul>	

<sup>1</sup> For local authorities: The exact position of the authorising officer should be given. For example, Head of Trading Standards.

**5. Explain the information that it is desired to obtain as a result of the directed surveillance.**

**6. Identify on which grounds the directed surveillance is necessary under Section 28(3) of RIPA. Delete those that are inapplicable. Ensure that you know which of these grounds you are entitled to rely on.(SI 2003 No.3171)**

- In the interests of national security;
- For the purpose of preventing or detecting crime or of preventing disorder;
- In the interests of the economic well-being of the United Kingdom;
- In the interests of public safety;
- for the purpose of protecting public health;
- for the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department;

**7. Explain why this directed surveillance is necessary on the grounds you have identified [Code paragraph 2.4]**

**8. Supply details of any potential collateral intrusion and why the intrusion is unavoidable. [Bear in mind Code paragraphs 2.6 to 2.10.]  
Describe precautions you will take to minimise collateral intrusion**

**9. Explain why this directed surveillance is proportionate to what it seeks to achieve. How intrusive might it be on the subject of surveillance or on others? And why is this intrusion outweighed by the need for surveillance in operational terms or can the evidence be obtained by any other means? [Code paragraph 2.5]**

**10. Confidential information. [Code paragraphs 3.1 to 3.12]**

INDICATE THE LIKELIHOOD OF ACQUIRING ANY CONFIDENTIAL INFORMATION:

**11. Applicant's Details.**

<b>Name (print)</b>		<b>Tel No:</b>	
<b>Grade/Rank</b>		<b><u>Date</u></b>	
<b>Signature</b>			

**12. Authorising Officer's Statement. [Spell out the "5 Ws" – Who; What; Where; When; Why and HOW– in this and the following box. ]**

I hereby authorise directed surveillance defined as follows: [*Why is the surveillance necessary, whom is the surveillance directed against, Where and When will it take place, What surveillance activity/equipment is sanctioned, How is it to be achieved?*]

--

**13. Explain why you believe the directed surveillance is necessary. [Code paragraph 2.4]  
Explain why you believe the directed surveillance to be proportionate to what is sought to be achieved by carrying it out. [Code paragraph 2.5]**

--

**14. (Confidential Information Authorisation.) Supply detail demonstrating compliance with Code paragraphs 3.1 to 3.12**

--



<b><u>Date of first review</u></b>			
<b>Programme for subsequent reviews of this authorisation: [Code paragraph 4.22]. Only complete this box if review dates after first review are known. If not or inappropriate to set additional review dates then leave blank.</b>			
<b>Name (Print)</b>		<b>Grade Rank /</b>	
<b>Signature</b>		<b>Date and time</b>	
<b>Expiry date and time [ e.g.: authorisation granted on 1 April 2005 - expires on 30 June 2005, 23.59 ]</b>			

<b>15. Urgent Authorisation [Code paragraphs 4.17 and 4.18]: Authorising officer: explain why you considered the case so urgent that an oral instead of a written authorisation was given.</b>
<b>16. If you are only entitled to act in urgent cases: explain why it was not reasonably practicable for the application to be considered by a fully qualified authorising officer</b>

<b>Name (Print)</b>		<b>Grade/ Rank</b>		
<b>Signature</b>		<b>Date and Time</b>		
<b>Urgent authorisation Expiry date:</b>		<b>Expiry time:</b>		
<i>Remember the 72 hour rule for urgent authorities – check Code of Practice.</i>	e.g. authorisation granted at 5pm on June 1 <sup>st</sup> expires 4.59pm on 4 <sup>th</sup> June			

**NB: A copy of this Form, once it has been authorised or refused, together with a copy of the original authorisation must be sent to the Solicitor to the Council within 1 week of signing for placing on the Sedgefield Borough Council’s central register**

# SEDGEFIELD BOROUGH COUNCIL

**STRICTLY PRIVATE  
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## FORM A2 : APPLICATION FOR RENEWAL OF A DIRECTED SURVEILLANCE AUTHORISATION

**(Please attach a copy of the original authorisation)**

### PART II OF THE REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

**Guidance Note:**

1. Please refer to the Policy as appropriate.
2. Applicants and Authorised Officers must comply, in full, with the Act and the Council's Corporate Policy & Procedures Document and any other guidance issued, from time to time, by the Solicitor to the Council. If in doubt, contact the Solicitor to the Council, Dennis Hall, Council Offices, Spennymoor, County Durham, DL16 6JQ. Tel: 01388 816166. Fax: 01388 817251. E-mail: dahall@sedgefield.gov.uk
3. Copy of completed forms must be sent (once authorised or rejected) to the Solicitor to the Council within 1 week of the authorisation, rejection, renewal or cancellation for the Central Register.
4. All boxes in this form must be completed. NOT APPLICABLE, N/A or lines must be put through irrelevant boxes.

**SECTION 1 (To be completed by the Applicant)**

<b>Subject of Surveillance:</b>		<b>Unique Reference Number (URN) :</b>	/ /
			Year/ Dept/ Number

<b>Public Authority</b> <i>(including full address)</i>	
--	--

<b>Name of Applicant:</b>		<b>Unit/ Division:</b>	
<b>Full Address:</b>			
<b>Contact Details:</b>			

<b>Investigation/ Operation Name: (if applicable)</b>	
<b>Renewal Number</b>	

**Details of renewal:**

<b>1. Renewal numbers and dates of any current and previous renewals:</b>	
<b>Renewal Number</b>	<b>Date:</b>

<b>2. Detail any significant changes to the information provided in the original authorisation, as it applies at the time of the renewal:</b>

<b>3. Detail the reasons why it is NECESSARY to continue with the directed surveillance:</b>

**4. Detail why the directed surveillance is still PROPORTIONATE to what it seeks to achieve:**

**5. Indicate the content and value to the investigation or operation of the information so far obtained by the directed surveillance:**

**6. Give details of the results of the regular reviews of the investigation or operation:**

**7. Applicant's Details:**

**Name (Print):**

**Tel No:**

**Job Title:**

**Date:**

**Signature:**

**SECTION 2 (To be completed by the Authorised Officer)**

**8. Authorised Officer's Comments: This box must be completed.**

**9. Authorised Officer's Statement:**

I, \_\_\_\_\_ hereby authorise [or reject] the renewal of the directed surveillance operation as detailed above. The renewal of this authorisation will last for 3 months unless renewed in writing.  
 This authorisation will be reviewed frequently to assess the need for the authorisation to continue.

**Name (Print):** ..... **Job Title:**

**Signature:** ..... **Date:**

**Renewal From:** ..... **Time:** ..... **Date:**

<b>Date of first review:</b>	
<b>Date of subsequent reviews of this authorisation:</b>	

**NB: A copy of this form, once it has been authorised or rejected must be sent to the Solicitor to the Council within 1 week of the authorisation or rejection for placing the Sedgefield Borough Council's central register.**

# SEDGEFIELD BOROUGH COUNCIL

**STRICTLY PRIVATE  
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## FORM A3: REVIEW OF A DIRECTED SURVEILLANCE AUTHORISATION

### PART II OF THE REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

**Guidance Note:**

1. Please refer to the Policy as appropriate.
2. Applicants and Authorised Officers must comply , in full, with the Act and the Council’s Corporate Policy & Procedures Document and any other guidance issued, from time to time, by the Solicitor to the Council. If in doubt, contact the Solicitor to the Council, Dennis Hall, Council Offices, Spennymoor, County Durham, DL16 6JQ. Tel: 01388 816166. Fax: 01388 817251. E-mail: dahall@sedgefield.gov.uk
3. Copy of completed forms must be sent (once authorised or rejected) to the Solicitor to the Council within 1 week of the authorisation, rejection, renewal or cancellation for the Central Register.
4. All boxes in this form must be completed. NOT APPLICABLE, N/A or lines must be put through irrelevant boxes.

**SECTION 1 (To be completed by the Applicant)**

<b>Subject of Surveillance:</b>		<b>Unique Reference Number (URN) :</b>	/ /
			Year/ Dept/ Number

<b>Public Authority</b> <i>(including full address)</i>			
<b>Name of Applicant:</b>		<b>Unit/Division:</b>	

<b>Full Address:</b>					
<b>Contact Details:</b>					
<b>Operation Name</b>		<b>Form A1 URN</b>			
			<b>(Dept)</b>	<b>(Year)</b>	<b>(Number)</b>
<b>Date of authorisation or last renewal:</b>		<b>Expiry date of authorisation or last renewal:</b>			

<b>Form A2 URN</b>			
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**Details of review:**

<b>1. Review number and dates of any current and previous reviews:</b>	
<b>Review Number:</b>	<b>Date:</b>

<b>2. Summary of the investigation/operation to date, including what private information has been obtained and the value of the information so far obtained:</b>



**3. Detail the reasons why it is NECESSARY to continue with the directed surveillance:**

**4. Explain how the proposed activity is still PROPORTIONATE to what it seeks to achieve:**

**5. Detail any incidents of collateral intrusion and the likelihood of any further incidents of collateral intrusions occurring:**

**6. Give details of any confidential information acquired or accessed and the likelihood of acquiring confidential information:**

**7. Applicant's Details:**

<b>Name (Print):</b>	<b>Tel No:</b>
<b>Job Title:</b>	<b>Date:</b>
<b>Signature:</b>	

**SECTION 2 (To be completed by the Authorised Officer)**

**8. Authorised Officer's Comments, including whether or not the directed surveillance should continue:**

--

**9. Authorised Officer's Statement:**

I, [insert name], hereby agree that the directed surveillance investigation/operation as detailed above should [continue until its next review/renewal] [or be cancelled immediately].

<b>Name (Print):</b> .....	<b>Job Title:</b>
<b>Signature:</b>	<b>Date:</b>

<b>10. Date of next review:</b>	
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**NB: A copy of this form, once it has been authorised or rejected must be sent to the Solicitor to the Council within 1 week of the authorisation or rejection for placing the Sedgefield Borough Council's central register.**

# SEDGEFIELD BOROUGH COUNCIL

**STRICTLY PRIVATE  
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## FORM A4 : CANCELLATION OF A DIRECTED SURVEILLANCE AUTHORISATION

### PART II OF THE REGULATION OF INVESTIGATORY

### POWERS ACT (RIPA) 2000

**Guidance Note:**

1. Please refer to the Policy as appropriate.
2. Applicants and Authorised Officers must comply , in full, with the Act and the Council’s Corporate Policy & Procedures Document and any other guidance issued, from time to time, by the Solicitor to the Council. If in doubt, contact the Solicitor to the Council, Dennis Hall, Council Offices, Spennymoor, County Durham, DL16 6JQ. Tel: 01388 816166,. Fax: 01388 817251. E-mail: dahall@sedgefield.gov.uk
3. Copy of completed forms must be sent (once authorised or rejected) to the Solicitor to the Council within 1 week of the authorisation, rejection, renewal or cancellation for the Central Register.
4. All boxes in this form must be completed. NOT APPLICABLE, N/A or lines must be put through irrelevant boxes.

**SECTION 1 (To be completed by the Applicant)**

<b>Subject of Surveillance:</b>		<b>Unique Reference Number (URN) :</b>	/ /
			Year/ Dept/ Number

<b>Public Authority</b> <i>(Including full address)</i>	
--	--

<b>Name of Applicant:</b>		<b>Unit/Division:</b>	
<b>Full Address:</b>			
<b>Contact Details:</b>			

<b>Investigation/ Operation Name: (if applicable)</b>			
<b>Form A1 URN:</b>		<b>Form A2 URN:</b>	<b>Form A3 URN:</b>

**Details of cancellation:**

<b>1. Explain the reason(s) for the cancellation of the authorisation:</b>

<b>2. Explain the value of surveillance in the operation:</b>

**SECTION 2 (To be completed by the Authorised Officer)**

<b>3. Authorised Officer's statement:</b>				
I, [insert name], hereby authorise the cancellation of the directed surveillance investigation/operation as detailed above.				
<table style="width: 100%;"> <tr> <td style="width: 50%;"><b>Name (Print):</b> .....</td> <td style="width: 50%;"><b>Job Title:</b> .....</td> </tr> <tr> <td><b>Signature:</b></td> <td><b>Date:</b></td> </tr> </table>	<b>Name (Print):</b> .....	<b>Job Title:</b> .....	<b>Signature:</b>	<b>Date:</b>
<b>Name (Print):</b> .....	<b>Job Title:</b> .....			
<b>Signature:</b>	<b>Date:</b>			

**4. Time and Date of when the Authorised Officer instructed the surveillance to cease:**

**Date:**

**Time:**

**5. Authorisation cancelled:**

**Date:**

**Time:**

**NB: A copy of this form, once it has been authorised or rejected must be sent to the Solicitor to the Council within 1 week of the authorisation or rejection for placing the Sedgefield Borough Council's central register.**



## RIPA B FORMS : COVERT HUMAN INTELLIGENCE SOURCE (CHIS)

### Additional Notes on CHIS (This is an extract from Home Office Code of Practice on CHIS)

#### MANAGEMENT OF SOURCES

##### Tasking

1. Tasking is the assignment given to the source by the persons defined at sections 29(5)(a) and (b) of the 2000 Act, asking him to obtain information, to provide access to information or to otherwise act, incidentally, for the benefit of the relevant public authority. Authorisation for the use or conduct of a source is required prior to any tasking where such tasking requires the source to establish or maintain a personal or other relationship for a covert purpose.
2. The person referred to in section 29(5)(a) of the 2000 Act will have day to day responsibility for:
  - dealing with the source on behalf of the authority concerned;
  - directing the day to day activities of the source;
  - recording the information supplied by the source; and
  - monitoring the source's security and welfare;
3. The person referred to in section 29(5)(b) of the 2000 Act will be responsible for the general oversight of the use of the source.
4. In some instances, the tasking given to a person will not require the source to establish a personal or other relationship for a covert purpose. For example a source may be tasked with finding out purely factual information about the layout of commercial premises. Alternatively, a Trading Standards Officer may be involved in the test purchase of items which have been labelled misleadingly or are unfit for consumption. In such cases, it is for the relevant public authority to determine where, and in what circumstances, such activity may require authorisation.
5. It is not the intention that authorisations be drawn so narrowly that a separate authorisation is required each time the source is tasked. Rather, an authorisation might cover, in broad terms, the nature of the source's task. If this changes, then a new authorisation may need to be sought.
6. It is difficult to predict exactly what might occur each time a meeting with a source takes place, or the source meets the subject of an investigation. There may be occasions when unforeseen action or undertakings occur. When this happens, the occurrence must be recorded as soon as practicable after the event and, if the existing authorisation is insufficient it should either be updated and re-authorised (for minor amendments only) or it should be cancelled and a new authorisation should be obtained before any further such action is carried out.

7. Similarly where it is intended to task a source in a new way or significantly greater way than previously identified, the persons defined at section 29(5)(a) or (b) of the 2000 Act must refer the proposed tasking to the authorising officer, who should consider whether a separate authorisation is required. This should be done in advance of any tasking and the details of such referrals must be recorded.

### **Management responsibility**

8. Public authorities should ensure that arrangements are in place for the proper oversight and management of sources, including appointing individual officers as defined in section 29(5)(a) and (b) of the 2000 Act for each source.
  9. The person responsible for the day-to-day contact between the public authority and the source will usually be of a rank or position below that of the authorising officer.
  10. In cases where the authorisation is for the use or conduct of a source whose activities benefit more than a single public authority, responsibilities for the management and oversight of that source may be taken up by one authority or can be split between the authorities.
- 10(a) Suitable records must be kept about the CHIS's activities.

### **Security and welfare**

11. Any public authority deploying a source should take into account the safety and welfare of that source, when carrying out actions in relation to an authorisation or tasking, and to foreseeable consequences to others of that tasking. Before authorising the use or conduct of a source, the authorising officer should ensure that a risk assessment is carried out to determine the risk to the source of any tasking and the likely consequences should the role of the source become known. The ongoing security and welfare of the source, after the cancellation of the authorisation, should also be considered at the outset.
12. The person defined at section 29(5)(a) of the 2000 Act is responsible for bringing to the attention of the person defined at section 29(5)(b) of the 2000 Act any concerns about the personal circumstances of the source, insofar as they might affect:
  - the validity of the risk assessment
  - the conduct of the source, and
  - the safety and welfare of the source.
13. Where deemed appropriate, concerns about such matters must be considered by the authorising officer, and a decision taken on whether or not to allow the authorisation to continue.

**Form B1:**        **Application** for authorisation of the **Use** or **Conduct** of a Covert Human Intelligence Source (CHIS).

**Form B2:**        Application for **Renewal** of Form B1.

**Form B3:**        **Review** of Form B1.

**Form B4:**        **Cancellation** of Form B1

**NB: If in doubt, ask the Solicitor to the Council BEFORE any directed surveillance and/or CHIS is authorised, renewed, rejected or cancelled.**



# SEDGEFIELD BOROUGH COUNCIL

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## FORM B1: APPLICATION FOR AUTHORISATION OF THE USE OR CONDUCT OF A COVERT HUMAN INTELLIGENCE SOURCE (CHIS)

### PART II OF THE REGULATION OF INVESTIGATORY

### POWERS ACT 2000 (RIPA)

**Guidance Note:**

1. Please refer to the Policy as appropriate.
2. Applicants and Authorised Officers must comply, in full, with the Act and the Council's Corporate Policy & Procedures Document and any other guidance issued, from time to time, by the Solicitor to the Council. If in doubt, contact the Solicitor to the Council, Dennis Hall, Council Offices, Spennymoor, County Durham, DL16 6JQ. Tel: 01388 816166. Fax: 01388 817251. E-mail: dahall@sedgefield.gov.uk
3. Copy of completed forms must be sent (once authorised or rejected) to the Solicitor to the Council within 1 week of the authorisation, rejection, renewal or cancellation for the Central Register.
4. All boxes in this form must be completed. NOT APPLICABLE, N/A or lines must be put through irrelevant boxes.

**SECTION 1 (To be completed by the Applicant)**

<b>Subject of Surveillance:</b>		<b>Unique Reference Number (URN) :</b>	/ /
			Year/ Dept/ Number

<b>Public Authority</b> <i>(including full address)</i>			
<b><u>Name of Applicant</u></b>		<b>Unit/Branch /Division</b>	
<b>Full Address</b>			
<b>Contact Details</b>			

<b>Investigation/ Operation Name</b> (if applicable)	
---	--

**DETAILS OF APPLICATION**

**1. Give rank or position of authorising officer in accordance with the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003; No. 3171.<sup>2</sup>**

--

**2. Describe the purpose of the specific operation or investigation.**

--

**3. Describe in detail the purpose for which the source will be tasked or deployed.**

--

**4. Describe in detail what the source will be tasked to do or how the source will be deployed.**

--

<sup>2</sup> For local authorities: The exact position of the authorising officer should be given. For example, Head of Trading Standards.

**5. Identify on which grounds the conduct or the use of a source is necessary under Section 29(3) of RIPA. Delete those that are inapplicable. Ensure that you know which of these grounds you are entitled to rely on.(SI 2003 No.3171)**

- In the interests of national security;
- For the purpose of preventing or detecting crime or of preventing disorder;
- In the interests of the economic well-being of the United Kingdom;
- In the interests of public safety;
- for the purpose of protecting public health;
- for the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department;

**6. Explain why this conduct or use of a source is necessary on the grounds you have identified [Code paragraph 2.4]**

**7. Supply details of any potential collateral intrusion and why the intrusion is unavoidable. [Bear in mind Code paragraphs 2.6 to 2.10.]**

**Describe precautions you will take to minimise collateral intrusion**

**8. Explain why this conduct or use of a source is proportionate to what it seeks to achieve. How intrusive might it be on the subject(s) of surveillance or on others? And why is this intrusion outweighed by the need for a source in operational terms or can the evidence be obtained by any other means? [Code paragraph 2.5]**

**9. Confidential information. [Code paragraphs 3.1 to 3.12]**

INDICATE THE LIKELIHOOD OF ACQUIRING ANY CONFIDENTIAL INFORMATION:

**10. Applicant's Details.**

<b>Name (print)</b>		<b>Grade/Rank/Position</b>	
<b>Signature</b>		<b>Tel No:</b>	
<b>Date</b>			

**11. Authorising Officer's Statement. [Spell out the "5 Ws" – Who; What; Where; When; Why and HOW– in this and the following box. ]**

I hereby authorise the conduct or the use of a covert human intelligence source defined as follows: [*Why is the conduct or use of the source necessary, with Whom will the source establish or maintain a relationship for a covert purpose or to covertly use the relationship, What conduct is being authorised, Where and When will the source undertake the conduct authorised, How will the source undertake the conduct authorised?*]

This authorisation will cease to have effect at the end of a period of 12 months unless renewed. The authorisation will be reviewed frequently to assess the need for the authorisation to continue.

**12. Explain why you believe the conduct or use of the source is necessary. [Code paragraph 2.4]  
Explain why you believe the conduct or use of the source to be proportionate to what is sought to be achieved by carrying it out. [Code paragraph 2.5]**

**10. (Confidential Information Authorisation.) Supply detail demonstrating compliance with Code paragraphs 3.1 to 3.12**

**11. Date of first review:**

**12. Programme for subsequent reviews of this authorisation: [Code paragraphs 4.19 and 4.20]. Only complete this box if review dates after first review are known. If not or inappropriate to set additional review dates then leave blank.**

13. Authorising Officer's Details			
Name (Print)		Grade/Rank/Position	
Signature		Date	

**14. Urgent Authorisation [Code paragraphs 4.17 and 4.18]: Authorising officer: explain why you considered the case so urgent that an oral instead of a written authorisation was given.**

--

**15. If you are only entitled to act in urgent cases: explain why it was not reasonably practicable for the application to be considered by a fully qualified authorising officer**

--

**19. Authorising Officer of urgent authorisation**

Name (Print)		Grade/Rank/Position	
Signature		Date and Time	
Urgent authorisation Expiry date:		Expiry Time:	

*Remember the 72 hour rule for urgent authorities – check Code of Practice [Code Paragraph 4.18]. e.g. authorisation granted at 5pm on June 1<sup>st</sup> expires 4.59pm on 4<sup>th</sup> June*

**NB: A copy of this Form, once it has been authorised together with a copy of the original authorisation must be sent to the Solicitor to the Council within 1 week of signing for placing on the Sedgefield Borough Council's central register**

# SEDGEFIELD BOROUGH COUNCIL

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## FORM B2: APPLICATION FOR RENEWAL OF A COVERT HUMAN INTELLIGENCE SOURCE (CHIS) AUTHORISATION

(please attach the original authorisation)

### PART II OF THE REGULATION OF INVESTIGATORY

### POWERS ACT 2000 (RIPA)

**Guidance Note:**

1. Please refer to the Policy as appropriate.
2. Applicants and Authorised Officers must comply , in full, with the Act and the Council’s Corporate Policy & Procedures Document and any other guidance issued, from time to time, by the Solicitor to the Council. If in doubt, contact the Solicitor to the Council, Dennis Hall, Council Offices, Spennymoor, County Durham, DL16 6JQ. Tel: 01388 816166. Fax: 01388 817251. E-mail: dahall@sedgefield.gov.uk
3. Copy of completed forms must be sent (once authorised or rejected) to the Solicitor to the Council within 1 week of the authorisation, rejection, renewal or cancellation for the Central Register.
4. All boxes in this form must be completed. NOT APPLICABLE, N/A or lines must be put through irrelevant boxes.

**SECTION 1 (To be completed by the Applicant)**

<b>Subject of Surveillance:</b>		<b>Unique Reference Number (URN) :</b>	/ /
			Year/ Dept/ Number

<b>Public Authority</b> <small>(including full address)</small>	
--	--

<b>Name of Applicant:</b>		<b>Unit/Division:</b>	
<b>Full Address:</b>			

<b>Contact Details:</b>			
<b>Investigation /Operation Name: (if applicable)</b>			
<b>Renewal relates to Form B1:</b>	(Dept)	(Years)	(Number)

**Details of renewal:**

<b>1. Renewal numbers and dates of any current and previous renewals:</b>	
<b>Renewal Number:</b>	<b>Date:</b>
<b>2. Detail any significant changes to the information in the previous authorisation:</b>	
<b>3. Detail any significant changes to the information as listed in the original authorisation as it applies at the time of the renewal:</b>	



**4. Detail why it is NECESSARY to continue with the authorisation, including details of any tasking given to the source:**

**5. Detail why the use or conduct of the source is still PROPORTIONATE to what it seeks to achieve:**

**6. Detail the use made of the source in the period since the grant of authorisation or, as the case may be, latest renewal of the authorisation:**

**7. List the tasks given to the source during that period and the information obtained from the conduct or use of the source:**

**8. Detail the results of regular reviews of the use of the source:**

--

**9. Give details of the review of the risk assessment on the security and welfare of using the source:**

--

**10. Applicant's Details:**

<b>Name (Print):</b>		<b>Tel No:</b>	
<b>Job Title:</b>		<b>Date:</b>	
<b>Signature:</b>			

**SECTION 2 (To be completed by the Authorised Officer)**

**11. Authorised Officer's Comments: This box must be completed.**

--

**12. Authorised Officer's Statement:**

I hereby [authorise] [reject] the renewal of the conduct/use of the source as detailed above. The renewal of this authorisation will last for 12 months unless further renewed in writing.

This authorisation will be reviewed frequently to assess the need for the authorisation to continue.

**Name (Print):** ..... **Job Title:**

**Signature:** ..... **Date:**

**Renewal Time:** ..... **Date:**  
**From:**

<b>Date of first review:</b>	
<b>Date of subsequent reviews of this authorisation:</b>	

**NB: A copy of this Form, once it has been authorised together with a copy of the original authorisation must be sent to the Solicitor to the Council within 1 week of signing for placing on the Sedgefield Borough Council's central register**

# SEDGEFIELD BOROUGH COUNCIL

<b>STRICTLY PRIVATE &amp; CONFIDENTIAL</b>
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## FORM B3: REVIEW OF A COVERT HUMAN INTELLIGENCE SOURCE (CHIS) AUTHORISATION

### PART II OF THE REGULATION OF INVESTIGATORY

### POWERS ACT 2000 (RIPA)

**Guidance Note:**

1. Please refer to the Policy as appropriate.
2. Applicants and Authorised Officers must comply, in full, with the Act and the Council's Corporate Policy & Procedures Document and any other guidance issued, from time to time, by the Solicitor to the Council. If in doubt, contact the Solicitor to the Council, Dennis Hall, Council Offices, Spennymoor, County Durham, DL16 6JQ. Tel: 01388 816166. Fax: 01388 817251. E-mail: dahall@sedgefield.gov.uk.
3. Copy of completed forms must be sent (once authorised or rejected) to the Solicitor to the Council within 1 week of the authorisation, rejection, renewal or cancellation for the Central Register.
4. All boxes in this form must be completed. NOT APPLICABLE, N/A or lines must be put through irrelevant boxes.

**SECTION 1 (To be completed by the Applicant)**

<b>Subject of Surveillance:</b>		<b>Unique Reference Number (URN) :</b>	/ /
			Year/ Dept/ Number

<b>Public Authority</b> <i>(including full address)</i>	
--	--

<b>Name of Applicant:</b>		<b>Unit/Division:</b>	
<b>Full Address:</b>			
<b>Contact Details:</b>			
<b>Operation Name:</b>		<b>Form B1 URN:</b>	

<b>Date of authorisation or last renewal:</b>		<b>Expiry date of authorisation or last renewal:</b>	
		<b>Form B2 URN:</b>	

**Details of review:**

<b>1. Review number and dates of any current and previous reviews:</b>	
<b>Review Number:</b>	<b>Date:</b>

<b>2. Summary of the investigation/operation to date, including what information has been obtained and the value of the information so far obtained:</b>

<b>3. Detail the reasons why it is NECESSARY to continue with using a Covert Human Intelligence Source:</b>

<b>4. Explain how the proposed activity is still PROPORTIONATE to what it seeks to achieve:</b>

**5. Detail any incidents of collateral intrusion and the likelihood of any further incidents of collateral intrusions occurring:**

--

**6. Give details of any confidential information acquired or accessed and the likelihood of acquiring confidential information:**

--

**7. Give details of the review of the risk assessment on the security and welfare of using the source:**

--

**8. Applicant's Details:**

<b>Name (Print):</b>		<b>Tel No:</b>	
<b>Job Title:</b>		<b>Date:</b>	
<b>Signature:</b>			

**SECTION 2 (To be completed by the Authorised Officer)**

**9. Authorised Officer's Comments, including whether or not the use or conduct of the source should continue:**

--

<b>10. Authorised Officer's Statement:</b>	
I hereby agree that the use or conduct of the source as detailed above should [continue until its next review/renewal][or be cancelled immediately].	
Name (Print): ..... Job Title:	
Signature: ..... Date:	
Date of next review:	

**NB: A copy of this Form, once it has been authorised together with a copy of the original authorisation must be sent to the Solicitor to the Council within 1 week of signing for placing on the Sedgefield Borough Council's central register**

# SEDGEFIELD BOROUGH COUNCIL

**STRICTLY PRIVATE  
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## FORM B4 : CANCELLATION OF AN AUTHORISATION FOR THE USE OR CONDUCT OF A COVERT HUMAN INTELLIGENCE SOURCE

### PART II OF THE REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

**Guidance Note:**

1. Please refer to the Policy as appropriate.
2. Applicants and Authorised Officers must comply , in full, with the Act and the Council's Corporate Policy & Procedures Document and any other guidance issued, from time to time, by the Solicitor to the Council. If in doubt, contact the Solicitor to the Council, Dennis Hall, Council Offices, Spennymoor, County Durham, DL16 6JQ. Tel: 01388 816166. Fax: 01388 817251. E-mail: dahall@sedgefield.gov.uk
3. Copy of completed forms must be sent (once authorised or rejected) to the Solicitor to the Council within 1 week of the authorisation, rejection, renewal or cancellation for the Central Register.
4. All boxes in this form must be completed. NOT APPLICABLE, N/A or lines must be put through irrelevant boxes.

**SECTION 1 (To be completed by the Applicant)**

<b>Subject of Surveillance:</b>		<b>Unique Reference Number (URN) :</b>	/ /
			Year/ Dept/ Number
<b>Public Authority</b> <i>(including full address)</i>			
<b>Name of Applicant:</b>		<b>Unit/Division:</b>	
<b>Full Address:</b>			
<b>Contact Details:</b>			



<b>Investigation/Operation Name: (if applicable)</b>			
<b>Form B1 URN:</b>		<b>Form B2 URN:</b>	<b>Form B3 URN:</b>

**Details of cancellation:**

<b>1. Explain the reason(s) for the cancellation of the authorisation:</b>

<b>2. Explain the value of the source in the operation:</b>

**SECTION 2 (To be completed by the Authorised Officer)**

<b>3. Authorised Officer's statement:</b>				
I, [insert name], hereby authorise the cancellation of the use or conduct of the source as detailed above.				
<table> <tr> <td><b>Name (Print):</b> .....</td> <td><b>Grade:</b> .....</td> </tr> <tr> <td><b>Signature:</b> .....</td> <td><b>Date:</b> .....</td> </tr> </table>	<b>Name (Print):</b> .....	<b>Grade:</b> .....	<b>Signature:</b> .....	<b>Date:</b> .....
<b>Name (Print):</b> .....	<b>Grade:</b> .....			
<b>Signature:</b> .....	<b>Date:</b> .....			

<b>4. Time and Date of when the Authorised Officer instructed the use of the source to cease:</b>		
<table> <tr> <td><b>Date:</b> .....</td> <td><b>Time:</b> .....</td> </tr> </table>	<b>Date:</b> .....	<b>Time:</b> .....
<b>Date:</b> .....	<b>Time:</b> .....	

<b>5. Authorisation cancelled:</b>	<b>Date:</b>	<b>Time:</b>
------------------------------------	--------------	--------------

**NB: A copy of this notice, once it has been authorised together with a copy of the authorisation must be sent to the Solicitor to the Council within 1 week of the authorisation for placing on the Sedgefield Borough Council's central register**

# Item 7

REPORT TO CABINET

14th DECEMBER 2006

REPORT OF THE HEAD  
OF FINANCIAL SERVICES

**Portfolio: STRATEGIC LEADERSHIP**

## **BUDGET FRAMEWORK – 2007/2008 TIMETABLE**

### **1. SUMMARY**

In accordance with the Council's Constitution, Cabinet is required to publicise a timetable for making proposals to the Council for the adoption of the annual Budget and its arrangements for consultation.

The attached Appendix proposes a timetable for the adoption of the 2007/2008 Budget and arrangements for consultation, which will accommodate the requirements of the Constitution.

### **2. RECOMMENDATION**

2.1 That the timetable be approved, as shown on the attached Appendix.

### **3. DETAIL**

3.1 Part 4 Section C – Budget and Policy Framework Procedure Rules of the Council's Constitution requires Cabinet to publicise a timetable for making proposals to the Council for the adoption of a Budget and its arrangements for consultation. A proposed timetable is shown in the attached Appendix.

3.2 At the Cabinet Meeting to be held on Thursday, 11<sup>th</sup> January 2007, I intend to present a report which will set the scene for next year's Budget, including a summary of the initial Budget requirements, details of the Revenue Support Grant and Housing Subsidy Settlements and suggested spending targets for each of the Cabinet portfolio areas.

3.3 In terms of the arrangements for Overview and Scrutiny of the budget process this year, I have agreed that each individual Committee will again consider their own portfolio of services and the formal consultation process will begin 4<sup>th</sup> January and end 31<sup>st</sup> January 2007. Special Overview and Scrutiny Committee meetings have been agreed with the Chairmen and Vice-Chairmen for 23<sup>rd</sup>, 24<sup>th</sup> and 25<sup>th</sup> January 2007 for Overview and Scrutiny Committees 1/2/3 respectively.

3.4 Cabinet, at its meeting on Thursday 15<sup>th</sup> February 2007, will be able to consider the views expressed by the Overview and Scrutiny Committees, as well as considering the views of Council Taxpayers, who will have participated in Focus Group meeting held in accordance with the Council Taxpayers' Consultation process, which is in its fifth year.

3.5 After taking those views into account, Cabinet will then approve the Budget proposals and make recommendations to the Council at a Special Meeting to be held on Friday, 23<sup>rd</sup> February 2007, when the level of council Tax will be determined, taking into account the precept requirements of the County Council, Police Authority, Fire and Rescue Service and Town and Parish Councils. The Special Council Meeting on the 23<sup>th</sup> February 2007 is the earliest date possible for determining the Council Tax as this date is influenced by the date on which precepts of the County Council, Police Authority, Fire and Rescue Service and Town and Parish Councils are received.

3.6 The statutory deadline by which the level of Council Tax must be determined is Friday, 11<sup>th</sup> March 2007. Part 4 Section C – Budget and Policy Framework Procedure Rules (2e to 2h) of the Council's Constitution provide specific procedures where Council resolves to amend the recommendations of Cabinet (an in-principle decision). The period in between the Special Council Meeting on Friday, 23<sup>th</sup> February and the statutory deadline for determining the Council Tax on 11<sup>th</sup> March does provide sufficient time to comply with the arrangements set out in the Constitution.

#### **4. FINANCIAL IMPLICATIONS**

4.1 As the purpose of this report is to identify the timetable for the Budget process, there are no financial implications to be considered.

#### **5. CONSULTATION**

5.1 The Council's three Overview and Scrutiny Committees will be consulted as part of the Budget process. A representative sample of Council Taxpayers is also being consulted as part of the Budget process.

#### **6. OTHER MATERIAL CONSIDERATIONS**

##### **6.1 Links to Corporate Objectives/Values**

The timetable has been established to ensure that all appropriate actions are undertaken during the process of determining the 2007/08 budget in that the Council is:

- *Consulting the appropriate representatives of service users, customers and partners;*
- *Being responsible with and accountable for public finances.*
- *Being open, accessible, equitable, fair and responsive to the public.*

##### **6.2 Risk Management**

If this timetable is not met, the Council could suffer an adverse cash flow in not being able to collect Council Tax from Council Taxpayers from the beginning of the financial year on the 1<sup>st</sup> April 2007. This timetable has therefore been devised to ensure that the appropriate statutory deadline to determine the level of Council Tax can be achieved.

##### **6.3 Health and Safety**

No additional implications have been identified.

**6.4 Equality and Diversity**

No Equality and Diversity implications have been identified as the purpose of this report is to identify the timetable for the budget process.

**6.5 Legal and Constitutional**

The appropriate Legal and Constitutional implications have been taken into account in determining this timetable

No other 'Material Considerations' have been identified.

**Contact Officer:** Harold Moses  
**Telephone No.:** 01388 816166 ext. 4385  
**E-mail:** hmoses@sedgefield.gov.uk

**Background Papers:** The Constitution – Part 4 Section C – Budget and Policy Framework Procedure Rules.

**Examination by Statutory Officers:**

	Yes	Not Applicable
1. The report has been examined by the Council's Head of the Paid Service or his representative.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Council's S.151 Officer or his representative.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Management Team has approved the report.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**BUDGET FRAMEWORK – 2007/2008 TIMETABLE****IN ACCORDANCE WITH THE CONSTITUTION, PART 4 – RULES OF PROCEDURE,****C – BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

<b><u>Committee</u></b>	<b><u>Report Distributed</u></b>	<b><u>Meeting Date</u></b>
<b>CABINET</b>		
• To consider Budget Framework	Wednesday 3/1/2007	Thursday 11/1/2007
<b>OVERVIEW &amp; SCRUTINY</b>		
• Consultation Process	Begins Thursday 4/1/2007	Ends Wednesday 31/1/2007
• Overview & Scrutiny 1	Monday 15/1/2007	Tuesday 23/1/2007
• Overview & Scrutiny 2	Tuesday 16/1/2007	Wednesday 24/1/2007
• Overview & Scrutiny 3	Wednesday 17/1/2007	Thursday 25/1/2007
<b>CABINET</b>		
• To consider views of the Council Taxpayers' Forums	)	
	)	
	)	
• To consider view of Overview & Scrutiny Committees	) Wednesday 7/2/2007	Thursday 15/2/2007
	)	
• To approve the Budget proposals and make recommendations to Council	)	
	)	
<b>COUNCIL</b>		
• To consider recommendations from Cabinet	)	
	)	
	)	
• To consider views from Council Taxpayers' Forums	) Thursday 15/2/2007	Friday 23/2/2007
	)	
	)	
• To determine the Council Tax level	)	

# **OVERVIEW AND SCRUTINY COMMITTEE 1**

## **REVIEW OF SICKNESS MANAGEMENT**

### **REPORT OF THE REVIEW GROUP**

#### **Members of the Review Group**

Councillor B. Hall (Chair)

Councillor Mrs K Conroy

Councillor D.M. Hancock

Councillor Mrs I Jackson-Smith

Councillor G. Morgan

Councillor K. Thompson

# **C**ONTENTS

	<i><b>Page</b></i>
<b>Chairman’s Introduction</b>	<b>3</b>
<b>Summary &amp; Recommendations</b>	<b>4</b>
<b>Background</b>	<b>8</b>
<b>Research</b>	<b>11</b>
<b>Main Findings</b>	<b>13</b>
<b>Appendix 1 – Summary of Survey Findings</b>	<b>18</b>



## **CHAIRMAN'S INTRODUCTION**

Efficient management of Sickness Absence could lead to a reduction in sickness absence levels within the Council. The purpose of this review is to investigate what the Council is doing now and to determine what can be done in the future in relation to the management and control of sickness absence.

The Review has been carried out by a small group of Councillors, supported by Officers from the Council's Democratic Services Section who have gathered the detailed information for the review. Information has also been obtained from the Council's Principal Human Resources Officer together with an input from Directors, Heads of Service, Employees and Trade Unions. Following a wide ranging review, a number of recommendations have been made for consideration by Cabinet.

I would like to thank all who have contributed to the review and look forward to developments arising from its conclusions and recommendations.

**Councillor Brian Hall**  
**Chairman of the Sickness Management Review Group**

# SUMMARY

## Membership of the Review Group

Councillor B. Hall (Chairman) and  
Councillors Mrs I Jackson-Smith, Mrs K Conroy, K Thompson, G. Morgan and  
D.M. Hancock

## Objectives of the Review

To investigate what the Council is doing now and to determine what can be done in the future in relation to the management and control of sickness absence.

## Contribution to the Council's Ambitions and Community Outcomes

The Council's Ambitions and Community Outcomes are shown in its Annual Corporate Plan. This Review contributes towards the Council's Corporate Values of Investing in Our People (Employees), Be responsible with and accountable for public finances and Being open, accessible, equitable, fair and responsive to the public.

## Process/Methodology

The Review Group gathered information and evidence as follows:

- a) Through meetings between May 2006 and October 2006.
- b) Through presentations by  
Mr A Boddy, Head of Organisational Development  
Mr P Brennan, Principal Human Resource Officer (Strategy)  
Mrs H Darby, Principal Human Resource Officer (Strategy)  
Mr J Thompson, Health & Safety Manager  
Ms D Carr, Company Health  
Ms S Davison, Company Health  
Mrs L. Hope, Senior Payments Officer
- c) Through meetings with  
Brian Allen, Chief Executive  
Phil Ball, Director of Leisure Services  
Glyn Hall, Director of Neighbourhood Services  
Colin Steel, Director of Housing  
Harold Moses, Head of Financial Services  
Pat McCourt, Amalgamated Engineering & Electrical Union (AEEU)  
Ian Lowery, Union of Construction, Allied Trades and Technicians  
Bob Kent, GMB  
Malcolm Gray, Unison  
Focus Group of Sedgfield Borough Council Staff

- d) Through analysis of responses to a Questionnaire which was issued to a sample of 250 members of staff from all Services within the Council.
- e) Comparing experiences from Scrutiny Reviews carried out by the following Local Authorities:  
 Birmingham City Council  
 Cardiff City Council  
 Darlington Borough Council  
 Durham County Council
- f) Chartered Institute of Personnel Development, Absence Management Tools.
- g) Visit to Sickness Management Event at 3M, Newton Aycliffe.

## **Conclusions and Recommendations**

An extensive review has been carried out to establish what the Council is doing now and to determine what can be done in the future in relation to the management and control of sickness absence.

The Review Group has made a number of recommendations, that if delivered, may improve the Management of Sickness Absence and lead to a reduction in sickness levels.

## **Recommendations**

### ***Code of Practice and Procedures***

The Employee Survey reported that staff have a good understanding of absence procedures. The Review Group acknowledges work that has been undertaken over recent years to update the Code of Practice and the introduction of Company Health to provide Occupational Health Services. The Review Group considered in detail proposed procedures contained within a revised Code of Practice for sickness management.

Management of Sickness Absence within the Council requires focus on early intervention and procedures that are applied consistently throughout the Council.

- 1. The proposed procedures for the Management of Sickness Absence, Occupational Health Referrals and Occupational Sick Pay be supported.***

## ***Roles and Responsibilities***

Management of Sickness absence is a priority and requires expertise to proactively monitor absence rates, deal with Occupational Health referrals

and provide performance information on a monthly basis. This expertise lies within Human Resources rather than Payments Section.

**2. Specific elements of Sickness Management administration be transferred to Human Resources in order to better enable Occupational Health referrals and performance monitoring.**

### **Performance Information**

Throughout the review, Chief Officers and Trade Unions identified reducing sickness absence as a priority. Detailed performance information is available and should be reported to Members on a regular basis to effectively monitor sickness absence within the Council and be made available to managers as necessary so they can effectively manage sickness.

- 3. Sickness Absence statistics, by department and overall, be reported to:**
- **The Leaders Meetings – Quarterly Basis**
  - **Strategic Leadership Group – every meeting**
  - **Management Team - monthly basis**
  - **Heads of Service – monthly basis**
- 4. Detailed information relating to sickness absence be made available to managers as necessary to assist them to effectively manage sickness.**
- 5. Section-based sickness absence statistics be incorporated into service plans.**

### **Training**

It was reported to the Review Group that there is a need for training for managers to be undertaken to ensure that sickness management procedures are delivered consistently and enable managers to have the relevant skills to carry out their role.

**6. The Organisational Development Plan specifically includes training for appropriate managers relating to 'Absence Management'.**

## **Occupational Health**

There is evidence of proactive working between Occupational Health, Human Resources and Council Departments. Company Health Limited have a fundamental role to play in proactively managing sickness absence. Their key objectives should be monitored and the services they provide promoted to employees of the Council.

- 7. Quarterly progress meetings be held between Human Resources, Payments and Occupational Health to monitor Sickness Management.**
- 8. Information on services provided by Occupational Health be publicised and communicated to employees and managers.**

# BACKGROUND

## History

A Code of Practice relating to Sickness Management was introduced in 1999 together with new reporting procedures. Training was provided for all relevant managers. A number of reviews have been undertaken since 1999.

The introduction of Best Value Performance Indicators (BVPI) in 2000 required Sickness Absence performance to be reported in the Council's Best Value Performance Plan. A Sickness Working Group was established to monitor performance within the Council.

A Best Value Review of Human Resources and Payments Section was carried out during 2002/03. This review involved the Council's Human Resources Section carrying out a benchmarking exercise comparing existing policies and procedures with top performing authorities, other public sector organisations and private companies. Following the Best Value Review, a revised Code of Practice and reporting procedures were introduced in line with best practice models.

The most recent review of Sickness Absence, carried out in 2005, gave focus on a proactive approach known as 'Wellness Management'. This approach included the procurement of Occupational Health Services, approval of an Occupational Health and Safety Strategy, introduction of a Stress Management Policy and identified links to Family Friendly Policies.

Additional funding was invested into proactive methods of sickness management that included introducing a health surveillance programme, counselling and physiotherapy services.

The Code of Practice for Sickness Management was updated to reflect outcomes of this review.

Taking account of previous reviews, this scrutiny review aims to focus on what the Council is doing now and to determine what can be done in the future in relation to the management and control of sickness absence.

## Performance Management

The Council has the duty to report sickness absence performance on an annual basis. This is measured through the Department for Communities and Local Government's Best Value Performance Indicator 12 (BV12) 'The number of working days/shifts lost to the Local Authority due to sickness absence'.

The purpose of this indicator is to monitor the level of sickness absence within Local Authorities.

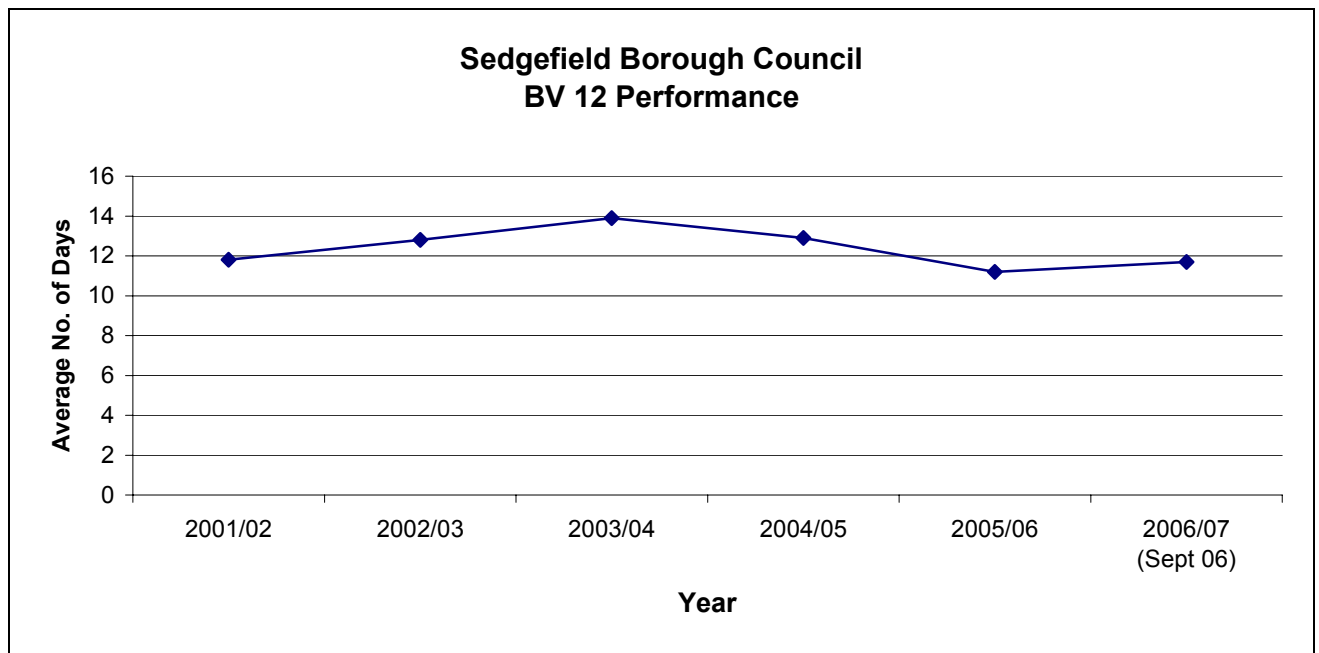


Chart 1

Chart 1, identifies that performance has fluctuated since 2001/02 to 2005/06. Performance at year-end improved during 2004/05 and 2005/06 resulting with an average of 11.2 days per employee. However, the graph has identified that sickness absence has increased to an average of 11.7 days per employee for the first six months of 2006/07.

### Top Quartile Targets

Local authorities should aim to reach top quartile targets. These are based on the performance level of the top performers from the previous financial year.

For 2004/05 District Council Performance Quartiles are as follows:

<b>Top Quartile</b>	<b>8.48 days</b>
<b>Average</b>	<b>9.78 days</b>
<b>Median</b>	<b>9.59 days</b>
<b>Lower Quartile</b>	<b>11.10 days</b>

Performance Quartiles for 2005/06 are not released until Autumn 2006. It is anticipated that overall performance has improved nationally, therefore the Council is likely to remain in the lower quartile. It was reported to the Review Group that 65% of North East Councils are also in the lower quartile for performance.

These findings reflect a survey carried out by The Employers' Organisation that reported the North East of England has the highest rates of Sickness Absence within England.

Sickness Absence performance is a priority for Chief Officers and has been identified as a key message within the Annual Audit and Inspection Letter, that identified action is needed by the Council to *'Build upon and sustain efforts to reduce sickness absence'*<sup>1</sup>.

### **Gershon Efficiencies**

In 2003, Sir Peter Gershon conducted a review on Public Sector Efficiency to identify opportunities and proposals to deliver sustainable efficiencies in the use of resources in central and local government.

The Council is expected to achieve Gershon efficiency savings of 2.5% per annum during the period 2005-06 to 2007-08, compared to their 2004-05 baseline. A reduction in sickness absence will contribute to Gershon efficiency savings. These savings can arise from an increase in productive time, reduced cost of managing sickness absence and reduced need for temporary or agency workers. During 2005-06 the reduction of sickness absence from 12.9 days to 11.2 days, resulted in a notional efficiency saving of £106,890.

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<sup>1</sup> Audit Commission – Annual Audit and Inspection Letter 2005



# RESEARCH

The Review Group gathered evidence from presentations and discussions with Human Resources, Company Health and Payments Section. A series of meetings with Chief Officers and focus group sessions with Staff and Trade Unions was carried out to undertake research relating to sickness management procedures within the Council. A survey was issued to 250 members of staff. The Review Group was invited to attend an event on proactive measures to deal with Sickness Management and General Health and Safety at 3M in Newton Aycliffe.

## **Presentations & Discussions**

The purpose of the presentations and discussions held with Human Resources, Company Health and Payments section was to inform members of the Review Group of the existing:

- Management of Sickness Absence
- Code of Practice and Procedures
- Performance Levels
- Occupational Health services provided by Company Health Ltd.

## **Chief Officer Meetings**

The Review Group held individual meetings with the Council's Chief Executive, Directors, and Head of Financial Services. The purpose and aims of these meetings was to obtain their views and opinions with regard to:

### ***Chief Executive***

- Levels of Sickness Absence
- Existing Policy and Procedures
- Reporting Mechanisms for Sickness Absence
- Commitment from Management Team to reduce levels of Sickness Absence
- Raising the Profile of Sickness Absence.

### ***Directors and Head of Financial Services***

- Information regarding sickness absence levels within their department
- Establish whether existing policies and practices are effective and are operating effectively to monitor and control sickness absence
- Performance management of Sickness Absence within their Department
- Reducing absence referral period, reviewing trigger points and return to work discussions following each period of absence.

### **Sedgefield Borough Council Staff Focus Group Meeting**

A focus group meeting was held with staff from all departments within the Council. The purpose of the focus group meeting was to obtain staff views in relation to:

- Knowledge of the Council's Policy and Procedures
- Management of Sickness Absence within the Council
- Trigger Points and reducing long term sickness
- Services Provided by Occupational Health.

### **Trade Union Focus Group Meetings**

Focus group meetings were held with representatives from AEEU, GMB, UCATT and Unison. The purpose of these meetings was to obtain the views and opinions of Trade Union representatives with regard to:

- The Council's Code of Practice and Procedures for Sickness Absence
- Establish whether the existing Code of Practice and Procedures are effective and are operating effectively to monitor and control sickness absence
- Trigger Points and reducing long term sickness
- Suggestions to improve sickness absence rates.

### **Employee Survey**

In June 2006, a survey was issued to a sample of 250 members of staff from all Services within the Council which was to be completed anonymously. The objectives of the Survey were to receive feedback from members of staff with regard to:

- Knowledge of Occupational Health and services provided
- Knowledge of sickness absence procedures.

A total of 86 completed surveys were received giving at response rate of 34%.

### **Sickness Management Event**

Members of the Review Group were invited to attend an event on proactive measures to deal with Sickness Management and General Health and Safety at 3M in Newton Aycliffe.

The Event was hosted by 3M included advice and information on:

- Alcohol & Drug Abuse
- Blood Pressure and Cholesterol Tests
- Body Mass Index Scores
- Physiotherapy.

## **MAIN FINDINGS**

The Main findings from research gathered by the Review Group are identified below as either positive findings or issues to be addressed.

### **Positive Findings**

The Employee Survey reported that staff have a good understanding of absence procedures, 96% of respondents reported that they were 'Aware of the Council's Sickness Absence Code of Practice'. All responses to the survey said they would 'contact their manager or designated person at work on the first day of absence' and 99% replied that 'they had to make contact on each day of work before 10.00a.m.' with 96% responding that they felt 'obliged to give their employer a reason for absence'.

The survey also reported that 94% of respondents said they 'will send in a medical certificate to cover absence from day 8 and 85% replied that they 'would be happy to be referred to Occupational Health beyond day 14'.

Information received from presentations and meetings with Staff, Chief Officers and Trade Unions reported that the Council is a 'caring employer' and supports the principles of 'Investors in People'. The Council has adopted sixteen of the twenty Chartered Institute of Personnel Development absence management tools, the remaining four are not in keeping with the Investors in People philosophy.

Throughout the Review, Chief Officers and Trade Unions have identified reducing Sickness absence as a priority. Detailed performance information is available and is discussed at Strategic Leadership Group, Overview and Scrutiny Committee 1 and Management Team.

Trade Union representatives attend a health and safety group where preventative measures to avoid injury at work are considered. This not only benefits the employee but also helped reduce and prevent claims against the Council.

There is evidence of proactive working between Occupational Health, Human Resources and Council Departments.

Trade Union representatives gave full support to revisions to existing procedures that would result in reducing sickness absence and encouraging employees to return to work. The proposed procedures within the revised Code of Practice will be discussed with Trade Unions through the Joint Consultative Group prior to a decision being made.

## **Issues to be addressed**

Information was reported to the Review Group to consider what the Council could do to improve the management and control of sickness absence. The Review Group highlighted the following issues:

- Code of Practice and Procedures
- Roles and Responsibilities
- Information
- Training
- Occupational Health.

### ***Code of Practice and Procedures***

The Council regards regular attendance at work as essential in order to optimise organisational performance. There are currently two documents relating to sickness management, these are the Sickness Code of Practice and the Sickness Absence Management information sheet.

The Sickness Code of Practice details procedures to be followed by the employee in the event of sickness absence. This includes:

- How, who and when to report an event of Sickness
- Forms to be completed
- Procedure for returning to work
- Information regarding 'repeated short term absence'
- Information on producing medical certification

The Sickness Absence Management information sheet details procedures for Managers/Supervisors to complete, this relates to

- Short Term Sickness
- Long Term Sickness
- Sickness Monitoring

The current Code of Practice details actions taken to address short and long term absence issues but has led to a lack of consistency and poor communication. The Review Group was informed that the existing Code of Practice deals satisfactorily with individual requirements for reporting sickness absence and sick pay arrangements. However, information received from meetings with Chief Officers indicates that the current Code of Practice is not applied consistently throughout the Council.

Following meetings with Chief Officers, the Review Group requested that the existing Code of Practice and procedures be reviewed based on the comments and views put forward.

The Review Group was presented with draft copies of a revised set of procedures to deal with the management of sickness absence. The aim of these procedures is to ensure that a fair and consistent approach to managing

sickness absence is maintained, in order to promote the health and welfare of all employees and ensure overall effectiveness and productivity. The procedures seek to operate within accepted best practice and current legislation. The three proposed procedures are for:

- Management of Sickness Absence
- Occupational Health Referrals
- Occupational Sick Pay

These procedures detail the specific responsibilities, chains of communication and responsibility, support mechanisms, reference points for formal action and a more proactive role for Human Resources. The focus of these procedures is on early intervention that will require more effective procedures for Managers, Human Resources and Occupational Health. The procedures would also assist to the Council's contingency arrangements in the event of an outbreak of Pandemic Flu.

The Review Group agreed that the draft procedures were of best practice and supported their aims and objectives.

### ***Roles and Responsibilities***

The Council's Payments Section currently manage sickness absence, their responsibilities include triggering Occupational Health referrals to Human Resources, producing performance reports and ensure staff are paid correctly. At present, a referral to Occupational Health is forwarded to Human Resources after a member of staff has been absent for one month.

The Review Group considered the length of time before a referral was made to Occupational Health. Based on best practice it was suggested it be reduced to 15 days. A reduction was supported by Chief Officers and Trade Unions. The Employee Survey reported that 85% 'would be happy to be referred to Occupational Health beyond day 14'.

Departments are expected to submit accurate absence returns on a weekly basis and information is applied to the payroll system. The Council's Payments Section have responsibility to ensure that correct certification is obtained, i.e. self-certification sick note for the first seven days of absence, and a Doctor's note thereafter. The Review Group noted that it is sometimes difficult to obtain self-certification notes from employees.

Payments Section produced statistics on sickness absence as part of the reporting of the Council's performance indicators. A series of meetings had been held with departments to inform them of information that is available from the payroll system. This system is capable of tailoring and developing reports to assist managers to deal with sickness absence.

The priority for Payments Section is to ensure that staff are paid correctly and on time. The Review Group was informed that sickness information received from Departments sometimes does not include relevant information and, due

to other priorities, Payments Section do not have the resources to remind Departments of their responsibilities for absence returns.

The Review Group acknowledge that sickness absence statistics are important and there is need for a robust system to monitor sickness absence.

Human Resources have the expertise to proactively monitor absence rates, deal with referrals to Occupational Health, provide advice and information to managers, liase with Occupational Health and provide performance information on a monthly basis. This view was supported by Chief Officers and Occupational Health.

### ***Performance Information***

Detailed performance information held by Payments Section is available and can be requested. Performance reports can be broken down by department, section, long term and short term sickness absence. However, feedback from meetings with Chief Officers felt that this information is not regularly issued should produced on a monthly basis to enable departments to effectively monitor sickness absence.

Sickness absence is reported at each meeting of the Strategic Leadership Group and included in performance reports to Overview & Scrutiny Committee 1 on a six monthly basis. Performance of sickness absence is reported to officers through Management Team, however, reporting to departmental meetings is inconsistent.

The Review Group was informed that sickness absence reports were not being routinely issued to all departments to monitor performance. This information should be issued to departments on a monthly basis, and could be integrated in the performance management framework via discussions at section meetings and incorporated into Service Plans. Monthly performance reports would enable departments to effectively monitor their sickness levels and may lead to improved performance.

The Review Group recommend that Performance Reports are to be issued to Directors and reported at each meeting of Strategic Leadership Group, Management Team on a monthly basis and to The Leaders meeting on a quarterly basis. Information should be made available to managers as necessary to assist them to effectively manage sickness.

### ***Training***

Meetings with Chief Officers, and focus group meetings with Trade Unions identified a need for absence management training for managers. Delivery of training, thorough the Council's Organisational Development Plan, will ensure responsibilities are delivered consistently and enable managers to have the relevant skills to carry out their role. Any changes identified within the proposed procedures for reporting sickness will be required to be communicated to staff.

## ***Occupational Health***

Following a tendering exercise, Company Health Limited were contracted for three years to provide Occupational Health Services for the Council in April 2005. The contract is to provide an Occupational Health Advisor led service and includes monthly input from an Occupational Health Physician. The contract requires Company Health to provide a full remit of Occupational Health interventions. Counselling, training and physiotherapy is available to the Council at an additional cost.

The Occupational Health contract is managed by the Council's Human Resource Department and the key objectives of the arrangement are:

- To establish links with the Councils Human Resource Department
- Develop health surveillance programmes
- Develop working relationships with managers and key personnel
- Participation with key development initiatives.

To develop these objectives, the Review Group recommend that Quarterly progress meetings be held between Human Resources, Payments Section and Occupational Health to monitor and agree actions of Sickness Management.

The Employee Survey reported that 65% of respondents 'know how to contact Occupational Health Services', however, 51% of respondents 'were not aware of services provided by Occupational Health'. The Review Group recommend that information on services provided by Occupational Health are publicised and communicated to employees and managers.

Further information on this review can be obtained from  
*Jonathan Slee, Scrutiny Support Officer: Tel 01388 816166 ext.4362.*

## SURVEY RESULTS

<b>Occupational Health Survey June 2006</b>					
<b>86 questionnaires returned</b>					
<b>Response Rate - 34%</b>					
		<b>Agree</b>	<b>Disagree</b>		
<b>Q1.</b>	<i>I know how to contact the Occupational Health Service that my employer provides</i>	65	35		
<b>Q2.</b>	<i>I would be happy to be referred to the Occupational Health Department if I remained absent beyond day 14</i>	85	15		
<b>Q3.</b>	<i>I know it is necessary to provide the Occupational Health Nurse with confidential details related to my absence in order to receive the appropriate OH advice</i>	78	22		
<b>Q4.</b>	<i>I am aware of the service offered by Occupational Health</i>	49	51		
		<b>Yes</b>	<b>No</b>	<b>3</b>	<b>2</b>
<b>Q5.</b>	<i>I have used the services of the Occupational Health Department in the last 12 months</i>	21	79		
<b>Q6.</b>	<i>Please indicate the services you have used and provide a satisfaction rating</i>				
	<i>Medical (Pre-employment)</i>	6			
	<i>General Health Check (weight, blood pressure, advice etc.)</i>	31	19	6	
	<i>In response to a Health Promotion Campaign</i>	6			
	<i>Referred because of long term illness</i>	6			6
	<i>As part of vaccination programme</i>	38	19	6	6
	<i>Counselling</i>	13			13
	<i>Physiotherapy</i>				
	<i>To undergo a work - related health check (driver screening, hearing test etc.)</i>	38	6	19	6
		<b>Agree</b>	<b>Disagree</b>		
<b>Q7.</b>	<i>I am aware of the Council's Sickness Absence Code of Practice and know what to do when I cannot attend work because I am sick</i>	96	4		
		<b>9am</b>	<b>10am</b>	<b>11am</b>	<b>Noon</b>
<b>Q8.</b>	<i>I know I need to make contact on each day of absence before</i>	33	66	1	



		<b>Agree</b>	<b>Disagree</b>	
<b>Q9.</b>	<b><i>I am obliged to give my employer a reason for my absence</i></b>	96	4	
		<b>Always</b>	<b>Sometimes</b>	<b>Never</b>
<b>Q10.</b>	<b><i>I find it easier to say I am sick than give other reasons for my absence</i></b>		13	87
		<b>Agree</b>	<b>Disagree</b>	
<b>Q11.</b>	<b><i>I know that I can ask for special leave rather than sick leave when unable to attend work for non-health related reasons</i></b>	71	29	
		<b>Always</b>	<b>Sometimes</b>	<b>Never</b>
<b>Q12.</b>	<b><i>I contact either my manager or the designated person at work on the first day of my absence</i></b>	100		
<b>Q13.</b>	<b><i>I ring in every day for my first 3 days of absence</i></b>	89	4	7
<b>Q14.</b>	<b><i>I get a friend or relative to ring in on my behalf</i></b>		22	78
<b>Q15.</b>	<b><i>I contact either my manager or the designated person at work again on my fourth day of absence</i></b>	39	31	30
<b>Q16.</b>	<b><i>I consult my GP immediately when my absence has gone beyond 7 days</i></b>	94	6	
<b>Q17.</b>	<b><i>I send in a medical certificate from my GP that should cover my absence starting from day 8</i></b>	99		1
<b>Q18.</b>	<b><i>I have a 'return to work' interview with my manager when I come back to work after 3 days of absence</i></b>	38	24	38
<b>Q19.</b>	<b><i>When on long absence, either my manager or the Human Resources Section kept in touch with me regularly</i></b>	50	28	22

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# Item 9

## SEDGEFIELD BOROUGH COUNCIL OVERVIEW & SCRUTINY COMMITTEE 1

Conference Room 1,  
Council Offices,  
Spennymoor

Tuesday,  
21 November 2006

Time: 10.00 a.m.

**Present:** Councillor B. Hall (Chairman pro temp) and  
Councillors Mrs. K. Conroy, Mrs. J. Croft, J.M. Khan, B. Meek, G. Morgan  
and Mrs. E.M. Paylor

**In Attendance:** Councillors Mrs. B.A. Clare, Mrs. J. Gray, D.M. Hancock, J.E. Higgin,  
J.P. Moran, A. Smith, T. Ward and J. Wayman J.P

**Apologies:** Councillors R.S. Fleming, A. Gray, K. Henderson, J.G. Huntington,  
J.K. Piggott, G.W. Scott and Mrs. I. Jackson Smith

### **OSC(1).19/06 DECLARATIONS OF INTEREST**

Members had no declarations of interests to submit.

### **OSC(1).20/06 MINUTES**

The Minutes of the meeting held on 10<sup>th</sup> October 2006 were confirmed as a correct record and signed by the Chairman. (For copy see file of Minutes).

### **OSC(1).21/06 HALF YEARLY REPORT ON COMPLAINTS RECEIVED BY CORPORATE COMPLAINTS STAFF**

Consideration was given to a report of the Chief Executive outlining the complaints/issues received by the Corporate Customer Relations staff in the Chief Executives Department in the period 1<sup>st</sup> April 2006 to 30<sup>th</sup> September 2006. Figures were also provided for the period 1<sup>st</sup> April 2005 to 30<sup>th</sup> September 2005 to enable comparisons to be made. (For copy see file of Minutes).

It was reported that the number of complaints/issues dealt with by the Corporate Complaints staff had decreased from 561 in the first six months of 2005/06 to 394 in the same period in 2006/07. This was a decrease of 30%.

The report identified the number of complaints received within each service area and the nature of the complaint.

The main area of complaint related to services provided by the Housing Department. It was pointed out, however, that the total number of complaints about the services provided by the Housing Department had reduced from 297 to 153. The number of justified complaints had fallen from 74 to 16. This was a reduction of 78.38%.

There had also been a substantial decrease in the number of complaints about the maintenance service. The total number of justified complaints was equal to 0.08% of the total number of repairs completed in the six months April to September 2006.

Members were reminded that an additional £240,000 had been allocated for repairs to deal with a backlog of low priority repairs that had built up in 2005/06. These repairs had been programmed and undertaken as part of a planned maintenance scheme.

It was reported that although there had been an increase in the number of complaints about Housing Management, 39 complaints were from one tenant. Only 2 complaints, which related to the same incident, were found to be justified.

No justified complaints were made about housing improvements.

With regard to adaptations for the benefit of people with disabilities it was explained in the annual report for 2006 the Director of Housing had reviewed the service area and a number of actions to improve the services had been incorporated.

An additional £350,000 had been allocated for adaptations in the 2005/06 financial year to help clear the backlog which had built up. As a result no complaints had been made about adaptations for the benefit of people with disabilities in 2006/07.

Specific reference was made to complaints made against the Development Control section.

It was explained that although 8 complaints were made against the service, only one was found to be justified.

Members queried what remedial action was taken in cases where the Council failed to consult with appropriate residents on planning applications. It was pointed out that in cases where the Council had failed to consult compensation would be given.

It was explained that corporate complaints staff aimed to respond to 100% of complaints and enquiries within ten working days. It was reported that 98.9% had been achieved in the first half of the current year, compared with 99.3% in the first half of 2005/06. The average time to respond to an enquiry/complaint in the first half of the current year had improved to 1.6 days compared with 1.8 days in the first half of 2005/06.

The Committee was advised of the complaints procedure whereby complainants had the right to complain to the Local Government Ombudsman if they had exhausted the Borough's Complaints Procedure.

In the first six months of 2006/07 9 cases were investigated and decided by the Ombudsman. The Council was found not guilty of maladministration in any of these cases.

*AGREED : That the half year report be received and the full year report for 2006/07 be prepared for consideration at a future meeting.*

**OSC(1).22/06 OVERVIEW AND SCRUTINY REVIEW GROUP REPORT: SICKNESS MANAGEMENT**

The Chairman of the Review Group presented the report of the Sickness Management Review Group, which had been established to investigate what the Council was doing in relation to the management and control of sickness absence and to determine what could be done in the future. (For copy see file of Minutes).

It was explained that the Review Group had gathered information and evidence through meetings, presentations by officers, analysis of responses to a questionnaire which had been issued to a sample of employees from all services within the Council, comparing experiences from Scrutiny reviews carried out by other local authorities, the Chartered Institute of Personnel Development Absence Management tools and a visit to a sickness management event at 3M, Newton Aycliffe.

The Review had focused on the following aspects: -

- Code of Practice and Procedures
- Roles and Responsibilities
- Performance Information
- Training
- Occupational Health

The conclusions and recommendations formulated by the Review Group for consideration by Cabinet were set out in the report.

Members queried whether levels of sickness absence varied between departments. It was explained that the Neighbourhood Services Department had higher levels of sickness absence as a result of the diversity of the department and the nature of the work that was carried out.

In response to a Member's question regarding trends in sickness absence it was explained that the main reasons for sickness absence were muscular skeletal problems and stress related illnesses.

The Council was taking preventive measures against stress related illnesses. Training had been arranged for all managers and stress management was being promoted through Occupational Health.

Members were informed that Occupational Health also provided a physiotherapy service.

*RECOMMENDED: That the report and recommendations contained therein be submitted to Cabinet for consideration.*

**OSC(1).23/06 WORK PROGRAMME**

Consideration was given to a report of the Chairman of the Committee setting out the Committee's Work Programme for consideration and review. (For copy see file of Minutes).

It was pointed out that both the Review of Inform and Sickness Management were completed. Topics for future reviews therefore needed to be identified.

It was suggested that the Committee consider the success of the job evaluation exercise.

*AGREED :*                    1. *That the Work Programme be noted.*

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**ACCESS TO INFORMATION**

Any person wishing to exercise the right of inspection, etc., in relation to these Minutes and associated papers should contact Mrs. L. Walker Tel 01388 816166 Ext 4237 email [lwalker@sedgefield.gov.uk](mailto:lwalker@sedgefield.gov.uk)