

## Notice of Meeting

# Joint Public Protection Committee

A shared service provided by Bracknell Forest Council  
and West Berkshire Council

**Thursday 26 January 2023 at 7.30pm**

Venue: Council Chamber, Bracknell Forest Council, Time  
Square, Market Street, Bracknell, RG12 1JD

**Note:** This meeting will be streamed live here:

<https://www.westberks.gov.uk/jointpublicprotectioncommittee-live>

**To:** Councillors John Harrison (Bracknell Forest Council), John Porter (Bracknell Forest Council), Thomas Marino (West Berkshire Council) and James Cole (West Berkshire Council)

### Part I

	<b>Page No.</b>
1 <b>Apologies</b> To receive any apologies for absence.	1 - 2
2 <b>Minutes</b> To approve as a correct record the Minutes of the meeting of this Committee held on 5 October 2022.	3 - 10
3 <b>Declarations of Interest</b> Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from the meeting when the matter is under consideration, and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Disclosable Pecuniary Interest is not entered on the register of Members' Interests, the Monitoring Officer must be notified of the interest within 28 days.	11 - 12

**Public Protection Partnership Agenda - Thursday, 26 January 2023** *(continued)*

- 4 **Notice of Public Speaking and Questions** 13 - 14  
To note those agenda items which have received an application for public speaking.  
A period of 30 minutes will be allowed for members of the public to ask questions submitted under notice.  
The Partnership welcomes questions from members of the public about their work.  
Subject to meeting certain timescales, questions can relate to general issues concerned with the work of the Partnership or an item which is on the agenda for this meeting. For full details of the procedure for submitting questions please contact Democratic Services.
- 5 **Forward Plan** 15 - 16  
To detail future items that the Committee will be considering.
- 6 **2023/24 Service Plan: Public Protection Partnership** 17 - 68  
To consider the Public Protection Partnership Service Plan for 2023/24.
- 7 **Public Protection Partnership Q3 Service Update** 69 - 88  
To inform the Committee of the performance of the Public Protection Partnership in line with the operating model and business plan, and provide an update setting out service delivery in the period up to the end of Q3.
- 8 **Regulation of Investigatory Powers** 89 - 162  
To set out the outcome of the recent inspection by the Investigatory Powers Commissioners Office.
- 9 **Any other items the Chairman considers to be urgent** 163 - 164

**Contact Officer:**

Stephen Chard, Legal and Democratic Services, West Berkshire Council, Council Offices, Market Street, Newbury, RG14 5LD

**Email:** [stephen.chard@westberks.gov.uk](mailto:stephen.chard@westberks.gov.uk) **Tel:** 01635 519462



JPPC – 26 January 2023

## **Item 1 – Apologies for absence**

Verbal Item

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## JOINT PUBLIC PROTECTION COMMITTEE

### Minutes of the meeting held on

WEDNESDAY, 5 OCTOBER 2022

**BRACKNELL FOREST COUNCIL, TIME SQUARE, MARKET STREET, BRACKNELL,  
RG12 1JD**

**Present:** James Cole, Thomas Marino (Chairman), John Harrison and Peter Heydon (Substitute)

**Also Present:** Rosalyn Gater (Team Manager - Commercial), Sean Murphy (Public Protection Manager), Suzanne McLaughlin (Principal Environmental Health Officer), Stephen Chard (Democratic Services Manager), Councillor John Porter, Moira Fraser (Public Protection Partnership), Kevin Gibbs (Bracknell Forest Council) and Damian James (Chair of the PPP Joint Management Board)

### PART I

#### 13 Minutes

The Minutes of the previous meeting held on 13 June 2022 were approved as a true and correct record and signed by the Chairman.

#### 14 Matters Arising

**Action 1: Water Safety Partnership** – Sean Murphy explained that the installation of defibrillators alongside water safety cabinets was being progressed with the Water Safety Partnership.

Action points 2, 3 and 4 had been completed.

**Action 5: Terms of Reference** – Moira Fraser confirmed that, following receipt of advice from the Monitoring Officer, the quorum for the Committee could be reduced to two Members. As a result, this had been reflected in the revised Terms of Reference. The document had been presented for approval in the new template for West Berkshire Council Constitution documents.

**RESOLVED that the revised Terms of Reference be approved.**

#### 15 Declarations of Interest

No declarations of interest were received.

#### 16 Notice of Public Speaking and Questions

No public questions were received.

#### 17 Forward Plan

The Forward Plan was noted with the addition of one further item for the meeting in December 2022:

An update on Partner Authorities Investigatory Powers (highlighted in the Quarter 1 Performance Report).

**18 Revenue Budget 2023/24 including Proposed Fees and Charges Schedule**

Sean Murphy introduced the report (Agenda Item 7) which set out the Public Protection Partnership's (PPP's) draft revenue budget for 2023/24, including fees and charges for 2023/24.

The report sought approval for the draft budget, and the draft fees and charges schedule prior to submission to Bracknell and West Berkshire Councils as part of their budget setting process in accordance with the Inter-Authority Agreement (IAA).

The report also sought agreement of the recharge to Wokingham Borough Council with respect to the services provided to Wokingham under the shared service agreement effective on the 1 April 2022.

The proposed budget was outlined within paragraph 5.17 of the report. The budget, excluding pressure bids, was proposed to increase by 6.54%. This was largely influenced by cost of living and salary increases.

The budget setting process for 2022/23 identified that additional funding would be required to support the current management structure for two years whilst the service was re-configured following the departure of Wokingham. This additional funding would not be needed post this two year period.

One item of service investment identified for 2023/24 was for the appointment of an officer specialising in bringing empty homes back into use. This area of work aligned with the housing priorities of both local authorities.

Funding was also available for crime prevention, detection of crime and to reduce the fear of crime in line with the policy for utilising money recovered from proceeds of crime work.

In response to a query from Councillor Peter Heydon, Sean Murphy explained that the cost of living increase was predicted at 2% for the current financial year with 4% predicted for 2023/24. This figure could be adjusted prior to final budgets being approved by the two Councils in March 2023.

Councillor James Cole sought reassurance, when considering increases to costs, that the financial contribution being sought from Wokingham Borough Council was at a sufficient level. Sean Murphy confirmed that the contribution was proposed to increase in line with the 6.54%. The level of contribution was regularly reviewed.

Fees and charges were either statutory or discretionary and were largely aligned across Bracknell and West Berkshire.

Moira Fraser explained that in order to achieve cost recovery, the generic hourly rate was proposed to increase from £59 per hour (set in 2021/22) to £64 (an 8.5% increase). To clarify, the cost of a service was calculated by multiplying the time taken for an activity with the hourly rate.

It was noted that statutory consultation would take place in relation to the fees and charges for hackney carriage and private hire drivers, vehicles and operators.

Sean Murphy explained that an updated position would be provided at December's meeting. This would include further information on the implications for businesses of lost income following Covid.

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Councillor John Porter raised questions in relation to other Private Hire and Hackney Carriage charges. In response, Moira Fraser explained that the fee proposed for a change of address was £16 as it was a 15 minute verification process. The current charge of £10.50 did not achieve cost recovery. Moira further explained that the time period of 15 minutes was the minimum unit for charging. This was something that could be reviewed if Members felt this was needed.

Councillor Porter voiced concern at the £84 charge for Disclosure and Barring Service (DBS) checks, viewing it as being too high. Moira Fraser advised that this was a discussion point with the taxi trade.

Councillor Porter felt that the charge for the knowledge test should be reduced when considering that drivers had access to satellite navigation systems. Sean Murphy explained that licensees needed to pass a test to evidence their understanding of legal requirements and knowledge of local areas, this incurred a charge. However, officers agreed to explore alternative options as a way of reducing costs and would report back.

Councillor Porter opined that the fees for street trading consents should be standardised across Bracknell and West Berkshire. For example, Bracknell charged for ice cream vans whereas West Berkshire did not. Sean Murphy advised that West Berkshire did levy a charge for ice cream vans, but this was a rare instance of a fee variation between the two local authorities. West Berkshire's annual fee for 2023/24 was proposed at £1,487 (there was not a separate fee for ice cream vans). This fee was almost double that charged by Bracknell Forest for ice cream vans, which was based on a fee set some time ago when ice cream vans began to be considered as street trading. It would likely create difficulties for traders to experience what would be a high increase to bring it up to the West Berkshire fee.

This specific matter and potential alternative options would be discussed further at Bracknell's Licensing Committee being held later in October.

### **RESOLVED that:**

- **The draft revenue budget, including the fees and charges, set out in this report had been considered by the Committee.**
- **The percentage split set out in paragraph 4.3 of the report be agreed.**
- **The contributions set out in paragraph 5.17 of the report be recommended to partner Councils along with the fees and charges.**
- **Partner Councils be asked to consider the investment bid identified in paragraph 5.9 of the report.**
- **The contribution request from Wokingham Borough Council be agreed as set out in paragraph 5.17 of the report.**
- **The policy position in relation to monies received under the Asset Recovery Incentivisation Scheme (which was approved at the 14 March 2017 JPPC meeting) remains the policy to be applied to spend/allocate any monies received under the scheme.**

## **19 PPP Private Sector Housing Policy**

Rosalynd Gater introduced the report which provided an update on the work of the Public Protection Partnership (PPP) within Environmental Health Sector Housing and which highlighted the high level priorities which the Service would undertake over the next three years. She described some of the work that would be undertaken by the team.

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They would handle issues and complaints arising in relation to the private rented sector and Registered Social Landlords (RSLs). Reactive and proactive work would take place with Houses in Multiple Occupancy (HMOs), caravan sites and park homes.

The team continued to be heavily involved in Homes for Ukraine. This included the inspection of the homes in question and welfare checks.

A number of premises had converted from commercial to residential use and it was the intention to be more proactive in inspecting these premises and resolving any issues.

The team would work closely with Building Control, the Royal Berkshire Fire and Rescue Service, and the Government's Joint Inspection Team in relation to the standards of high rise buildings.

The contract for conducting house condition surveys had been tendered in West Berkshire and work would commence soon. Bracknell Forest would follow should they wish to proceed. A combination of virtual surveys and information already held would be used to assess stock and identify where attention was needed.

Efforts would be made to identify and work with unlicensed HMOs and caravan sites, and bring them to compliance.

Liaison was taking place with landlords via the Landlord's Forum held in both local authority areas. The benefits of a landlord accreditation scheme would also be investigated.

In line with the Government's levelling up agenda, officers would be ensuring that private sector housing was at the standard of RSLs with mitigation measures put in place in cases where standards needed to be raised. As part of the cost of living project, the team would be resolving issues of damp and cold. A fuel poverty project was being explored.

Councillor John Harrison commented that this work was very timely. He referred to a Member workshop held in Bracknell Forest for the refreshed Housing Strategy which contained a focus on bringing empty homes back into use as high standard accommodation.

Councillor James Cole queried the number of empty homes. Rosalynd Gater explained that while some information was held, it was hoped to understand the situation much more widely once the housing survey had been conducted.

A typographical error was noted for correction on page nine of the Policy. This should refer to areas of added value.

Councillor John Porter queried what action would be taken for unlicensed HMOs and caravan sites. Rosalynd Gater advised that HMOs would be registered where applicable. She added that formal enforcement action would be taken if necessary by the Case Management Unit.

### **RESOLVED that:**

- **The PPP's role in relation to Housing be noted.**
- **The direction that the PPP are taking in Environmental Health Sector Housing be approved.**

## **20 Bracknell Forest Council - Contaminated Land Inspection Strategy**

Suzanne McLaughlin introduced the report which provided an opportunity for the Joint Public Protection Committee (JPPC) to consider the updated strategy drafted under the Environmental Protection Act 1990 (the Act) in relation to contaminated land which would allow Bracknell Forest Council to discharge the duties placed on it by the Act.



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The JPPC was being asked to make a recommendation to Bracknell Forest Council's Executive to adopt the revised strategy and guidance.

The Strategy was a requirement of the Act. It had been thoroughly reviewed and took account of both legislative updates and relevant Bracknell Forest strategies.

Local authorities were required to undertake an assessment of its area for contaminated land. In cases where a risk was identified to health and/or the environment, it was necessary to undertake remedial action to reduce the risk to an acceptable level.

A prioritisation exercise was undertaken in Bracknell in 2012 which did identify some suspected contamination and remedial action had been taken via the planning process.

The planning process continued to be used for remediation and officers routinely reviewed planning applications and put forward conditions where contamination was a factor to ensure the site was suitable for use. The Strategy included comments from Development Control.

In response to a question from Councillor James Cole, Suzanne explained that it was a requirement for separate strategies to be produced for each local authority area. She expected West Berkshire's Strategy to come forward within this Municipal Year.

Damian James clarified that the Committee was being asked to recommend approval of this Strategy by the Bracknell Forest Executive. The same would happen for West Berkshire in due course.

**RESOLVED to recommend to the Bracknell Forest Council Executive that it adopts the revised strategy without modification.**

### 21 **Public Protection Partnership Service Update and Q1 Report for 2022/23**

Sean Murphy introduced the report which informed the Committee of the performance of the Public Protection Partnership, in line with the operating model and business plan, and provided an update setting out performance during the first quarter of 2022/23. Sean outlined the following key points:

**Finance** – the PPP was currently reporting an underspend of £100k. This was predominantly due to staffing vacancies and staff costs being met by Homes for Ukraine funding.

Further information on income streams would be provided at the next meeting.

**Staffing** – there had been a number of vacancies in the service at the beginning of 2022/23. Some posts had been filled and others had recently gone out to advert (Environmental Health and Animal Health Officers).

Investment in staff was key. Trainees had been recruited. Initially their training would cover all areas, but individuals could then focus on a specialist area.

A 'grow your own' approach was also being rolled out. Expressions of interest had been received from seven existing members of staff wanting to develop their knowledge base.

**ICT** – there was optimism that the single system would be in place by 31 October 2022 and a data transfer to the new system was ongoing.

**Accommodation checks** – this was an addition to the Work Programme and related to Homes for Ukraine. This included reviews of new accommodation for people from Ukraine who had moved onto new accommodation after their initial six month placement had ended.

## JOINT PUBLIC PROTECTION COMMITTEE - 5 OCTOBER 2022 - MINUTES

**Cost of Living** – another addition to the Work Programme. The Service had a role in supporting individuals and businesses. This was being worked on across the two local authorities in order to share best practice and offer joint provision.

**Engagement events** – six very successful events had been held to date and further dates were planned.

**Legal** – Bracknell Forest and West Berkshire Councils were jointly inspected by the Investigatory Powers Commissioners Office and positive feedback had been reported. A full report would be provided to the Committee.

The report also described recent legal action that had been taken in Bracknell Forest, West Berkshire and Wokingham.

Moira Fraser then provided an update on the format for performance monitoring. This was provided via the new Performance Management Framework agreed last time. In some cases data continued to be collected for new performance measures in order to obtain a full picture. She pointed out that residential and commercial data was now being reported separately. Moira also highlighted that comparisons with previous reports were made difficult by the withdrawal of Wokingham.

Councillor Peter Heydon made reference to a Welfare Steering Group in place in Bracknell Forest and queried if linkages were being made between this and the PPP's work. Sean Murphy agreed to make contact with the lead officer responsible for the steering group to ensure this was happening. He also advised of a similar group in West Berkshire (a sub-group of the Health and Wellbeing Board).

Councillor Heydon then queried whether the underspend would remain with the service or was there a risk of it being used to offset pressures elsewhere. Sean Murphy clarified that it was for the Committee to determine use of any underspend. A carry forward of funds was agreed from 2021/22 and it was likely that the same would be proposed from this financial year. It was often the case that the Service operated with an underspend.

A typographical error was noted within the report. This was corrected to record the underspend of £100k.

Councillor James Cole praised the many positive aspects of the report. He did however query the time taken to establish the new IT system. Sean Murphy acknowledged that this had been time consuming and the new system was overdue. He was however optimistic that the new single system would be in place by the end of October 2022.

Councillor Cole then queried areas of concern. Sean Murphy considered recruitment to be the highest cause for concern. Staff retention was positive but recruitment was a difficulty which was a national issue. Recruitment efforts were ongoing.

Members were asked to comment on the report format which contained a blend of narrative and data. Members were supportive of the format which provided a comprehensive report.

### **RESOLVED that:**

- **The 2022/23 Quarter One performance for the Public Protection Service be noted.**
- **The Service Update be noted.**

## **22 Air Quality Status Reports 2021**

Suzanne McLaughlin introduced the report which informed the Joint Public Protection Committee (JPPC) of the submission and results of the annual air quality reports for Bracknell Forest and West Berkshire Councils. The reports provided the monitoring data and action plan progress for the calendar year 2021. The reports had been provided to

**JOINT PUBLIC PROTECTION COMMITTEE - 5 OCTOBER 2022 - MINUTES**

the Department of Environment, Food and Rural Affairs (DEFRA) and the feedback received was incorporated in the documentation.

The report also informed the JPPC that the annual air quality report for Wokingham Borough Council, written by the PPP, had also been submitted with the results received and passed on to Wokingham Borough Council in accordance with the revised arrangements following their departure from the Partnership.

Covid-19 lockdown periods continued to influence air quality patterns. Air pollution had increased between the 2021 and 2020 reports (as expected), but the 2021 levels were still lower than pre Covid levels. Suzanne added that the overall trend for the last five years was a decrease.

Air quality action plans had been produced for both areas and further work was ongoing with relevant colleagues involved.

Councillor James Cole commended the positive reports. He did however query if further action needed to be taken to encourage schools to participate in anti-idling work. Suzanne advised that schools in higher risk areas were being involved in this DEFRA project. Installation of equipment had been an issue in some cases, but where this was not possible on school sites, the equipment was installed within a close proximity.

Councillor John Harrison was pleased to note the complimentary responses from DEFRA to the reports for both areas. He was also pleased to see air quality improvements as a result of changes that had been made to busy junctions.

Councillor Tom Marino added that he was encouraged by DEFRA's comments.

**RESOLVED that:**

- **The contents of the two Air Quality Annual Status Reports be noted as set out in the appendices.**
- **The feedback from DEFRA on the reports be noted.**
- **The progress made on the measures to improve air quality, set out in each report, be noted.**
- **The ongoing and planned future maintenance to improve air quality be approved.**
- **The Committee note that the Air Quality Status Report, produced by the PPP on behalf of Wokingham Borough Council, had been submitted to DEFRA, the results received and both had been passed on to the authority for processing under their governance arrangements.**

**23 Any other items the Chairman considers to be urgent**

None raised.

*(The meeting commenced at 7.00pm and closed at 8.15pm)*

**CHAIRMAN** .....

**Date of Signature** .....

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JPPC – 26 January 2023

## **Item 3 – Declarations of Interest**

Verbal Item

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JPPC – 26 January 2023

## **Item 4 – Public Speaking and Questions**

Verbal Item

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JPPC – 26 January 2023

## **Item 5 – Forward Plan**

Verbal Item

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# Public Protection Business Plan 2023/24 – Summary Report

<b>Committee considering report:</b>	Joint Public Protection Committee
<b>Date of Committee:</b>	26 January 2023
<b>Portfolio Member:</b>	Councillor Tom Marino
<b>Report Author:</b>	Sean Murphy
<b>Forward Plan Ref:</b>	JPPC

## 1 Purpose of the Report

- 1.1 Identify the relevant details of the Inter Authority Agreement (IAA) and sets out how the PPP intends to operate through the delivery of the Service Plan.

## 2 Recommendation

- 2.1 That the Committee (subject to any amendments) **APPROVE** the Service Plan.

## 3 Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	If approved the Business Plan will set out a framework for effective use of the revenue budget allocated to PPP by the partner authorities in delivering the functions. The base revenue budget for 2023/24 stands at £3.3M with a projected income of £600K. Challenges around budget and income are dealt with in the report and Business Plan.
<b>Human Resource:</b>	Appended to the Service Plan is the latest Workforce Strategy which sets out the service approach to recruitment and resourcing of staffing. The approach is built around recruitment of Level 4 Apprentices and developing existing staff to Level 6 or through other qualification routes.  The current establishment for the service is also set out in Business Plan along with the structure.

<b>Legal:</b>	<p>The IAA that set up the Public Protection Partnership effectively delegates responsibility for the strategic direction of the joint service to the Public Protection Joint Committee. The responsibilities of the committee are set out in Schedule 1 to the agreement.</p> <p>The consideration and approval of the Business Plan is part of the fulfilling of the obligation of the Committee to set strategic direction for the service.</p>			
<b>Risk Management:</b>	The Business Plan has appended to it the current risk matrix for the service.			
<b>Property:</b>	No implications at this stage.			
<b>Policy:</b>	If approved the Business Plan and associated policies would set out the over-arching delivery model for the service. It includes key policy principles, establishes how decisions will be made on service priorities, performance monitoring and budget and other resource management. It also sets out the delivery ethos for the service including aim, objectives and values.			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		

<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		
<b>Environmental Impact:</b>	X			The proposals in the Business Plan will have a positive impact.
<b>Health Impact:</b>	X			Consider whether the proposal will have any health impact. Provide details here.
<b>ICT Impact:</b>		X		The Business Plan sets out the ICT implications and further ICT support will be needed.
<b>Consultation and Engagement:</b>	Joint Management Team			

## 4 Executive Summary

- 4.1 The IAA at Schedule 5 sets out the initial priorities identified by the Councils along with the strategic aims of the service. This Business Plan sets out how the service will be delivered to ensure the priorities are addressed.
- 4.2 The initial key priority areas identified for the service are community protection; protection and improving health; protection of the environment; supporting prosperity and economic growth and the delivery of effective and improving service. There is a strong emphasis on prioritisation of those areas with the highest detriment and protection of our most vulnerable residents. The Strategic Assessment (approved by this Committee in September 2021) and Work Plan (approved in December 2021) set out how the priorities will be delivered on a practical level.
- 4.3 At the heart of delivering effective and improving services is the implementation of the National Intelligence Model. This model is designed to identify the key areas of delivery against identified priorities. This is developed through a control strategy that considers how each priority area can be tackled using three areas of intervention namely prevention, intelligence and enforcement. It is often the case that all three will be deployed to tackle a specific area of detriment e.g. doorstep crime, neighbourhood nuisance, licensing matters etc.
- 4.4 Another key area of delivery is through partnership working. The Business Plan sets out a range of partners we intend to work with. These include internal partners such as Adult Social Care, Housing and Public Health as well as external partners such as the police,

fire and rescue service and other local authorities. This links back to the sharing of information and intelligence which is crucial to the effective and efficient delivery of the service. It is also important to work closely with partners to ensure that further efficiencies can be derived and to ensure that those in need of support and assistance get the support and assistance they need.

## 5 Supporting Information

### Background

- 5.1 The Public Protection Partnership commenced on the 9<sup>th</sup> January 2017. It is now a little over six years old as a service with an end date of 2027. Initially a three authority service with Bracknell, West Berkshire and Wokingham, a decision was made by Wokingham to leave the Partnership on the 31<sup>st</sup> March 2022. On the 1<sup>st</sup> April 2022 the partnership entered into a new shared delivery service with Wokingham for the delivery of a range of services including trading standards, case management, intelligence, financial investigations and air quality.
- 5.2 The development of this latest Business Plan follows three challenging years for the service. Two were dominated by the operational response to Covid19 across all three areas which saw the service operate on seven day basis for twenty-two months followed by our part in the delivery of the Homes for Ukraine Scheme and the response to the cost of living challenges. Amidst all of this Wokingham exited the Partnership after eleven years for joint working arrangements including the original shared service.
- 5.3 Looking ahead the service now faces immediate and longer term challenges. We have a significant loss of licensing income from our 2019/20 base which is estimated this year to be on the order of £150k-£180K. Some of this income was falling before the pandemic but undoubtedly the pandemic hastened the decline. The service has only managed to cover this through vacancies and grant funding for other areas of work such as investigations and Homes for Ukraine. This leads on to the second major challenge. The Business Plan sets out our approach to manage both issues.
- 5.4 The Business Plan before the Committee today also produces the 'high level' risk matrix, the agreed performance measures and the 'Workforce Strategy'. Additionally it references other key documents previously approved by the Committee including the current Strategic Assessment, Work Delivery Plan, Communication Strategy and Training and Development Plan in turn presenting a comprehensive summary of service provision for the Committee.
- 5.5 Members of the Committee will receive regular updates on service delivery and performance whilst Members across the Councils will receive regular updates from the service as well as the opportunity to hold the service to account through overview and scrutiny mechanisms.
- 5.6 Finally, the Councils have achieved so much through the delivery of shared protective services. Residents and legitimate businesses enjoy high levels of protection through the effective communication aimed at allowing them to make informed choices but also the effective use of enforcement and deployment of critical mass and expertise. In 2016 the Councils received a business case for the development of the shared service. All

elements of the business case have been achieved but some like staff recruitment and development will receive additional focus this year.

## 6 Recommendations

6.1 It is recommended that the Committee:

1. **NOTES** the challenges the service faces on 2023/24
2. **APPROVES** the draft Business Plan subject to any amendments
3. **RESOLVES** that the Committee receives regular reports on the implementation of the Business plan and associated policies and strategies.

## 7 Conclusion

7.1 The Joint Management Board considers the Service Plan to be the most effective way to progress the PPP and deliver against the objectives as stated in the IAA.

## 8 Appendices

8.1 Appendix A - Draft Business Plan

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## **2023/24 Service Plan: Public Protection Partnership**

Version: 1.0 final  
Date: 17/01/2023

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*This service plan is not for external publication*

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# **1. Introduction**

## **1.1 Foreword by Joint Committee Chairman**

{to be added once considered by JPPC}

## **1.2 Service Manager Commentary**

- 1.2.1 The Service has faced a range of challenges since its formation in January 2017. We are now past the halfway point in terms of the original agreement and this service plan sets out how we intend to deliver the service in the coming year and in the context of the new shared service arrangement with Wokingham Borough Council.
- 1.2.2 So much has happened since January 2017. The challenges of any shared service were evident in the early days as staff and each Council adjusted to the new arrangements. We then went through a restructure in 2018 followed by a period of instability caused by the loss of key personnel.
- 1.2.3 Between 2020 and early 2022 the Service played a key role in all three Councils operational response to Covid19 which included business enforcement, outbreak investigation, business advice, support for events and local contact tracing. In 2022 the Service has supported Bracknell and West Berkshire Councils deliver on the implementation of the Homes for Ukraine Scheme and the response to the Cost of Living challenges facing many in our communities.
- 1.2.4 Another key event of 2021/22 was the decision by Wokingham Borough Council to bring back in-house its environmental health and licensing functions from the 1<sup>st</sup> April 2022. On the same day Wokingham entered into an arrangement for the delivery of a number of functions including trading standards, case management, financial investigations, intelligence and air quality. This arrangement is also set to run until January 2027.
- 1.2.5 A priority going forward is the need to review the service to take account of the impacts of Wokingham leaving the partnership and entering into a new arrangement and in so doing creating a structure that will deliver for the residents of all three Council areas for the next four years. This is the biggest single service improvement priority of 2023/24 along with embedding of the new single system.
- 1.2.6 The service has much to be proud of in terms of the protections and support it has afforded to residents and businesses, as well as its contribution to the wider local delivery agendas. In acknowledging this I want to recognise the support and scrutiny provided by The Joint Public Protection Committee and the Councils more widely as well as the Joint Management Board. Finally I want to acknowledge the committed, adaptable and professional team that deliver the service.

## **2. Aims and Objectives**

### **2.1 Vision**

To protect our communities through the use of effective communication, intelligence and enforcement.

### **2.2 Mission**

The purpose of the service is to:

- Provide information to people to enable them to make informed decisions and understand their rights and responsibilities.
- Create an atmosphere where legitimate and compliant businesses can thrive and not have their interests undermined by those who choose not to comply.
- Protect the health, wellbeing and safety of the communities we serve.
- Respond to emerging issues and needs.

### **2.3 Values**

Our values have a major influence on the way we want to be seen:

- Objectivity in decision making.
- To act at all times with best of intentions.
- An approach to service delivery which is professional on every level.
- Invest in our people.

### **2.4 Aims**

- Schedule 5 of the IAA outlines the strategic aims: The sharing of expertise and best practice.
- The creation of greater resilience and robustness to cope with unforeseen challenges such as disease outbreaks, large scale investigations or loss of key personnel.
- Sharing and developing resources to drive efficiency and effectiveness including systems and areas of specialist knowledge such as legal, finance and investigative skills.
- Eliminating duplication by needing to do things only once across all locations and elements of the service; for example procedures and standard documentation.
- Building on the success and innovation of the partners to agreement and learning from each other and implementing that learning.
- The effective use of communication to protect communities and enhance the reputation of the Partnership and the Councils.

- Reduce costs by operating jointly.
- Making effective use of partnership funding, service specific grants and monies received from the Proceeds of Crime Incentivisation Scheme.
- Development of the Service in ways which drive further efficiencies and service improvements.
- Playing our role and enhancing our reputation on a regional and national level.

## 2.5 Scope of the Service

Each area of work carried out by the Service originates from a legal requirement placed on local authorities. It is stated in each Agreement the mechanism by which delegation is achieved. The functions of the shared service include:

- |   |   |
|---|---|
| • Air quality management                      | • Health and Safety at Work                   |
| • Animal warden                               | • Health promotion                            |
| • Animal welfare                              | • Industrial pollution                        |
| • Case Management                             | • Licensing (alcohol and regulated activity)  |
| • Contaminated land                           | • Metrology                                   |
| • Communicable diseases                       | • Overloaded vehicles and weight restrictions |
| • Community education                         | • Pest and vermin enforcement                 |
| • Community mediation                         | • Petroleum storage                           |
| • Consumer advice                             | • Primary Authority                           |
| • Doorstep crime                              | • Private sector housing                      |
| • Environmental nuisance protection           | • Product safety                              |
| • Explosives storage                          | • Public health                               |
| • Fair trading                                | • Unfair trading                              |
| • Financial investigations                    | • Scams                                       |
| • Fraud and counterfeiting                    | • Taxi licensing                              |
| • Food and Feed safety, standards and hygiene | • Underage sales                              |
| • Gambling                                    | • Private water supplies                      |

## 2.6 Governance

There are distinct governance arrangements for the two separate agreements i.e. the IAA for Bracknell / West Berkshire and the IAA for PPP / Wokingham. The governance arrangements are as follows:

### **2.6.1 Joint Public Protection Committee**

This is the top tier of governance consisting of Bracknell and West Berkshire Executive Member with responsibility for Environmental Health, Licensing and Trading Standards. In addition each Partner nominates a second Member to represent the Council (as opposed to Executive) interests and one or more substitute Members.

The purpose of the Committee is primarily to determine on matters of policy and strategic direction for the partnership, including considering and determining applications to be part of the Partnership or the services provided by it. Additionally the Committee will have financial oversight to ensure that budgets are being well managed, to understand any risks that may arise during the term of the agreement, keep under review the agreed percentages and proposing a budget and fee structure.

### **2.6.2 Joint Management Board**

The JMB advises the Committee and consists of nominated Lead Officers (LO) from each of the Partners. These are currently:

- Damian James – Assistant Director – Contract Services – Bracknell Forest Council
- Eric Owens – Service Director – Development and Regulation – West Berkshire Council
- Ed Shaylor – Head of Public Protection – Wokingham

### **2.6.3 Joint Service Management Team**

The Joint Management Team have a range of responsibilities including:

- Effective day to day delivery of the Public Protection Service
- Providing budget and performance information for the Joint Committee, Joint Management Board and Individual Lead Officers.
- Proposing policy, strategy, service plans and priorities for the JPPC, Executive, Full Council, Licensing Committees etc.
- Managing the budget and resources on a day to day basis and ensuring money is appropriately spent.

Currently the Joint Management Team consists of the following officers:

- Sean Murphy – Public Protection Manager / Acting Service Director (West Berkshire)
- George Lawrence – Strategic Manager – Community and Trading Standards
- Rosalynd Gater – Strategic Manager – Programme
- Alison Beynon – Strategic Manager – Case Management and Governance
- JMB and JMT are supported by Karen Hughes – PA / Management Support Officer.

The functional divisions across the Strategic management team include responsibility for Licensing, Partnership Support, Environmental Quality and Housing.

## 2.7 Licensing

2.7.1 Bracknell and West Berkshire continue to have a distinct Committee for the purposes of licensing decisions and the setting of the following policies:

- Licensing Policy – for the purposes of the Licensing Act 2003.
- Gambling Policy – for the purposes of the Gambling Act 2005.
- All Taxi and Private Hire Matters.
- All other policy matters which are delegated to each of the Partners' Licensing Committees as part of their Constitution.

2.7.2 Constitutional and procedural advice to the Licensing Committee will remain the responsibility of each Partner's legal and associated democratic services. This is to maintain the in-house knowledge and consistency that members expect and that is appropriate for local accountability. This is also the case for any associated meetings in the delivery of the Licensing Committee.

2.7.3 For Sub-Committees, local members will have full control of their delegated functions. The Service will ensure that each and every case referred to the appropriate Sub-Committee is properly made and in accordance with the requirements of the relevant legislation. Appeals and challenges to Licensing Committee decisions will be managed and defended by each Partner in line with their own policies. Any technical licensing advice required in the process will be provided by the Service.

## 3.0 Looking ahead – 2023/27

### 3.1 Resources - Budget

The in-scope net revenue budget as of 1 April 2023 is as follows:

Authority	23/24 Base Budget	23/24 One-off Pressure
Bracknell	£1,104,790	£110,000

<b>Forest</b>		
<b>West Berkshire</b>	<b>£1,706,960</b>	<b>£158,000</b>
<b>Wokingham</b>	<b>£489,020</b>	
<b>Total Budget</b>	<b>£3,300,770</b>	<b>£268,000</b>

Income for 2023/24 is predicted at £600K

Ring-fenced grant funded income is expected to be in the order of £200K

### 3.2 Resources – Staffing

The current FTE and vacancy rate by function are set out below:

<b>Functional Area</b>	<b>Employed FTE</b>	<b>Vacant FTE</b>
<b>Licensing</b>	6.53	4.88
<b>Environmental Health</b>	29.53	2.38
<b>Trading Standards</b>	12.49	2.87
<b>Intelligence Unit</b>	1.5	0.0
<b>Case Management</b>	3.86	1.0
<b>Partnership Support</b>	5.84	1.0
<b>Investigations</b>	2.0	2.0
<b>Financial Investigations</b>	2.0	0.0
<b>Governance, Policy and Systems</b>	2.5	1.0
<b>Trainees</b>	3.0	1.0
<b>Total</b>	<b>68.25</b>	<b>17.13</b>

The structure for the Public Protection Service is shown in **Appendix 1** and is effective from 1 April 2023.

### 3.3 Commentary on Resourcing

- 3.3.1 Beyond 2023/24 there is a likely £270K deficit in the salary budget. This resulted from the need to maintenance of the existing management structure through the transition period of Wokingham leaving the partnership which was seen as crucial for service continuity and delivery.
- 3.3.2 The service is faced with a number of options including the deletion of operational vacancies, increased income or restructuring. A great deal of work is going on to re-balance the service through the delivery of a workforce strategy focussed on a 'grow our own' where we investing in apprenticeships, post graduate professional qualifications and post-entry training for both new and existing officers. A major challenge is that vacancies are not evenly spread across the service with areas such as licensing, private sector housing and investigations facing severe difficulties



and high agency costs. This can be mitigated by the movement of staff/work within the service but will require retraining of some staff.

- 3.3.3 Income is falling not rising. Many aspects of licensing activity have seen a significant fall in income. Some of this decline had already started pre-covid, such as gambling premises which have been closing for a number of years through to taxi and private hire vehicles who were facing competition from operators such as Uber. Covid saw many leave the sector and there is no sign that many of these will return due to corporate use of private hire declining and competition increasing. Therefore we need a systemic review of income based services to manage the new reality.
- 3.3.4 This leaves open a range of other options ranging from possible extension of the shared service to structural changes to the service. Options will be brought back to Committee early in the new municipal year.

### **3.4 Key Transformational Activities**

- 3.4.1 The key transformational challenges for the service are balancing the budget to provide long term stability and delivering on an effective workforce strategy that reflects that recruitment of qualified and experienced officers is problematic and likely to get worse, whilst at the same time the use of agency staff is unsustainable in the context of the budget difficulties.

#### **Lost Income**

- 3.4.2 At the time of writing it would appear that our long term income loss will be in the region of £150K per annum as a result of falling licensing revenue that began before the pandemic and accelerated as a result of the pandemic. The reduction is across all sectors including taxi and private hire, gambling premises, licenced premises and licensable animal welfare activities such as daily home dog boarding.
- 3.4.3 The service will need a fundamental review in 2023/24 to deliver an officer structure that takes account of the new income levels and the use of new technology through the single system. We also need to move to delivering a lot more in-house such as animal welfare inspections and safeguarding and disability awareness training.
- 3.4.4 Finally we will also need to review our entire discretionary fee base in the context of the reduce cohort of licence holders that provide the income base to deliver the service as well as the effects of inflation on the service cost base.

#### **Post Wokingham Service Cost Base**

- 3.4.5 The decision by Wokingham to leave the partnership has left us with a systemic challenge in our cost base. One of the key strengths the service has is the vast array of expertise at strategic and operational management level. Many of the managers also manage complex workloads in their own right.

- 3.4.6 However most of the savings of the shared service over the years arose from the consolidation of the management structure delivering significant cost benefits. Some of those have been mitigated by the decision by Wokingham to continue to share a number of services with us including trading standards, case management etc. Nevertheless around £270K per year of the entire management costs are only funded on a temporary basis with funding ending in 2023/24.

### **Workforce Strategy**

- 3.4.7 The answer to the cost challenges partly lies in the delivery of an effective workforce strategy. It is clear that going forward there will need to a major re-distribution of work in the service delivered through a new structure where investment in apprentices, trainees and upskilling of existing staff will be a critical element. The Workforce Strategy is produced as **Appendix 2** the current Training and Development Plan can be found here: [8a. Training and Development Plan.pdf \(westberks.gov.uk\)](https://www.westberks.gov.uk/8a-Training-and-Development-Plan.pdf)

### **System Implementation**

- 3.4.8 The Single system needs to be effectively implemented in order that maximum efficiencies can be achieved. This includes encouraging business and residents to engage with the use of on-line forms and payments. In addition the final areas of data – Wokingham Trading Standards data – need to be migrated and the final legacy system closed.

## **3.5 Key Operational Priorities**

### **Integrated Operating Model**

- 3.5.1 The Service will be managed using an approach which firmly links the development of local knowledge, professional risk management and the gathering of information to generate intelligence. This operating model, known as the ‘National Intelligence Model’ is considered very effective in explaining why, on a daily basis, officers follow a particular course of action.

This is vital in the current financial climate and ensures that Members are well briefed on the service priorities, staff receive better tasking and direction and that public protection matters are more clearly defined. There are specific products that are generated as a result of this operating model:

- 1) **Strategic Assessment** – The Committee are asked to regularly set the priorities for the service based on an overview of local demand, local priorities and emerging and urgent issues. Wider Member involvement in priority setting also takes place and this set of proposed priorities is put before the Committee for consideration. This is supplemented from time to time with a priority review to make in-year adjustments as a result of emerging issues such as Covid, Homes for Ukraine, cost of living or most recently damp and mould.

- 2) **Work Plan** - Once the priorities are agreed the Committee will then also be asked to consider a work plan (control strategy) that sets out exactly how each of the priorities will be delivered through the 'PIE' model as follows:
  - Preventative advice and actions
  - Intelligence gathering and building the intelligence picture
  - Enforcement
  
- 3) **Tactical Assessment** – The JMT will focus on the more immediate issues being dealt with and review their priorities and resource allocation on an ongoing basis.
  
- 4) **Problem Profile** – Under the guidance and direction of the assessments, Team Managers (4th Tier) will set up projects to deal with a specific type of problem (e.g. under-age sales, poor air quality, unlicensed trading or noise nuisance) and which may be defined to a particular geographical area.
  
- 5) **Subject Profile** - Under the guidance and direction of the assessments, Operational Team Managers will set up projects to deal with criminal or other activity perpetrated by specific individuals or group of individuals.
  
- 6) **Tactical Tasking** – This is the process where Operational Managers will agree how to use resources to deliver the projects, programmes and investigations. This will generally relate to the agreed priorities or sometimes to urgent emerging issues and the availability of resources at the specific point in time.
  
- 7) **Service Updates and Performance Reporting** – Each quarter the JPPC will receive a service update which includes a summary of the work area of the service along with an update on emerging issues, communications, legal actions, use of resources and key performance data. This in itself fulfils another obligation on the Committee to review service delivery and the effectiveness of the use of resources.

## Information and Intelligence

3.5.2 'Information' is data of any description and in the context of the Service might be:

- Profile of businesses operating in the area
- Profile of residents in a particular area including health and inequalities
- Previous interactions with businesses and residents
- Open access data from the internet
- Matter arising from other plans such as community safety plans, crime reduction and health and wellbeing plans

'Intelligence' is the gathering of information and processing it, this could include:

- Evaluation of information to identify links between people and places

- Information through the use of specialist reporting such as Noise App, Safe Streets App and interactive mapping tool for dog fouling.
- Analysis of enquiries (includes service requests and complaints) made by residents to target hotspots of criminal behaviour
- Review of complaints about businesses to generate a list of inspections and audits
- Conduct a 3 year historical survey of all noise investigations to identify communities at risk from noise
- Produce risk profiles for individuals who may be targeted by criminals e.g. rogue trading
- Organising data collected into ward level profiles to engage with local members, town and parish councils etc.

### **Current Operational Priorities**

3.5.3 The current cross-cutting priorities for the service are:

- E-Crime
- Protection of the Environment and Climate Change
- Protecting Vulnerable Adults and Children
- Safeguarding (including Modern Slavery)
- Safer Streets

The current specific priority areas for the service are:

- Accidents in Commercial Settings
- Improved Air Quality
- Alcohol and Tobacco Harm Reduction
- Animal Welfare
- Nutrition and Childhood Obesity
- Covid19 Recovery
- Doorstep Crime and Marketing Fraud
- Environmental Protection
- Food Safety and Standards
- Housing Standards in the Private Rented Sector
- Impact of Noise on Communities
- Unsafe Consumer Goods
- Water Safety

3.5.4 The current Strategic Assessment can be found here: [PPP STRATEGIC ASSESSMENT \(westberks.gov.uk\)](#) and the current Delivery Plan can be found here: [Public Protection Service Delivery Plan 2021-23 \(westberks.gov.uk\)](#).

## **3.6 The Importance of Communication**

### **External Communication**

3.6.1 The operating model itself relies on a two way dialogue with the communities we serve. We want to be able to help individuals make informed choices and take steps to reduce the risk of harm, whilst at the same time we need the public and businesses to report matters of concern to us in order that we can build our intelligence picture, help and assist where we can, and track down the perpetrators of crime and other harms.

3.6.2 We have a number of communication routes. Digital routes include:

- The PPP Website – [Home - PPP \(publicprotectionpartnership.org.uk\)](https://publicprotectionpartnership.org.uk)
- Facebook - [Public Protection Partnership | Newbury | Facebook](#)
- Twitter - [Public Protection Partnership \(@PublicPP\\_UK\) / Twitter](#)

We also make use of direct contact with businesses through on-line seminars and briefings, direct electronic mail-outs and through targeted bulletins such as the licensing bulletin.

### **Internal Communication**

3.6.3 Internal communication is equally important. There are identified a whole range of audiences for the purposes of communication. In terms of staff these include a mixture of in-person and virtual whole service briefings supplemented by written briefings and update e-mails. All teams have regular meetings. There are also a series of targeted briefings. Examples of this include the Covid response and the updates on the move to a single system.

3.6.4 Other regular internal briefings include the Member Bulletins. These consist of a regular Bulletin giving a wider service update highlighting progress against priorities and specific operations, court outcomes etc. alongside targeted bulletins on specific work areas such as housing, Homes for Ukraine, licensing, water safety etc. These are supplemented by briefings on priorities, targeted briefings on areas such as housing and licensing training. The regular bulletin will in future have a variation that can be shared with parish councils.

3.6.5 The delivery of the communication approach is underpinned by the Communication Strategy that is updated and is considered by JPPC from time to time. The current communication strategy can be found here: [COMMUNICATIONS STRATEGY \(westberks.gov.uk\)](https://www.westberks.gov.uk/communications-strategy)

## **3.7 Working in Partnership**

3.7.1 The service considers partnership working as critical to the effective delivery of the priorities of the Councils.

### **Internal Partnership Working**

3.7.2 There are a wide range of internal partners. They range from Housing (housing standards and homelessness) to Adult and Children's Services (safeguarding), and Public Health to Waste (environmental crime). The service also participates in a number of internal working groups including:

- Customer Services Programme Group
- Health and Safety Working Groups
- Equalities Working Group
- Homes for Ukraine Working Group
- Cost of Living Working Group
- Housing Board

3.7.3 The service also regularly supports other services by sharing knowledge and expertise that it has in areas such as enforcement. The recent Overview and Scrutiny at Bracknell (which the service contributed too) made a number of recommendations that involve partnership working that the service will be taking forward.

### **External and Multi Agency Partnership Working**

3.7.4 The service works with many external partners. Our key working partner is Wokingham Borough Council with whom we share a number of areas of service provision including trading standards, case management, financial investigations and air quality work.

3.7.5 Beyond this other key partners include Thames Valley Police whom we work with on a whole range of enforcement matters including trading standards and licensing through to regional crime teams whom trading standards work with on a regular basis. We work closely with Royal Berkshire Fire and Rescue Service on housing and enforcement matters. With respect to housing we also work with a range of Housing Associations with regular liaison meetings. We do regular joint training sessions with these key partners.

3.7.6 The Councils are also Members of the Trading Standards South East partnership which also feeds into the national trading standards network. More about the trading standards partnership working can be found here: [Welcome to National Trading Standards](#)

3.7.7 Finally officers participate (and in some cases Chair) a number of multi-agency / authority working groups including:

- Safety Advisory Groups
  - Regional specialist groups – e.g. Berkshire EH Managers
  - Trading Standards South East and related focus and working groups
  - National Groups – e.g. NTSB, ACTSO, ACEHO, FSA Focus Groups
  - Thames Valley Police Licensing Liaison
  - Thames Valley Police LPA Tasking
  - Community Safety Partnerships and working groups
  - Health and Wellbeing Board
-

- Water Safety Partnership

### 3.8 Key Performance Measures

3.8.1 The key performance measures and measures of volume for 2023/24 are set out in **Appendix 3** to this report.

### 3.9 Risk

3.9.1 In addition to the production of the assessments and the control strategy, the JMT will ensure that each function of the Service (see Appendix 1), and any other relevant issues such as management capacity or availability of technical expertise will be evaluated for the following risks:

- Public Safety
- Public Health
- Finance
- Reputation
- Political

The evaluation will be a professional judgement based on accumulated knowledge, current data and predicted trends from a wide variety of sources.

The JMT employ a matrix system to monitor service controls and regularly review control measures. Where 'red' risks are identified i.e. where one is considered significant and requires management intervention, an action plan will be issued to guide the Service back towards a more tolerable level of risk.

This usually identifies a change in resource allocation, work pattern/methodology or an injection of new resource based on successful bidding. Scores are ranked 1-4 in both impact and likelihood, with gross and net ratings stated (before and after controls are implemented). Each functional team is then monitored for progress and trends, based on the demands on the service and any change in local situation.

3.9.2 The current risk register for the Service is at **Appendix 4** to this plan.

### 4.0 Conclusion

4.1 The Councils have much to be proud of when it comes to delivering high quality protective services to their residents and businesses. The shared service arrangement over the last six years has delivered efficiency, critical mass and expertise that have allowed us to achieve much from responding to Covid to investigating and prosecuting significant criminality. As was stated in the introduction there have been challenges but some of our greatest challenges lie ahead.

4.2 The delivery of an effective workforce strategy through investing in our people is a primary focus but also is balancing the budget to reflect the loss of Wokingham from the partnership and the long term fall in income. The continued delivery of

intelligence led, focussed and high quality services will remain our primary focus and the Committee will receive regular reports on progress as well as options for future delivery.



# Appendices

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Appendix 1. Structure Chart 2023/24 and Team Responsibilities

Appendix 2. Workforce Strategy

Appendix 3. Performance Measures for 2023 /24

a. Measures of volume

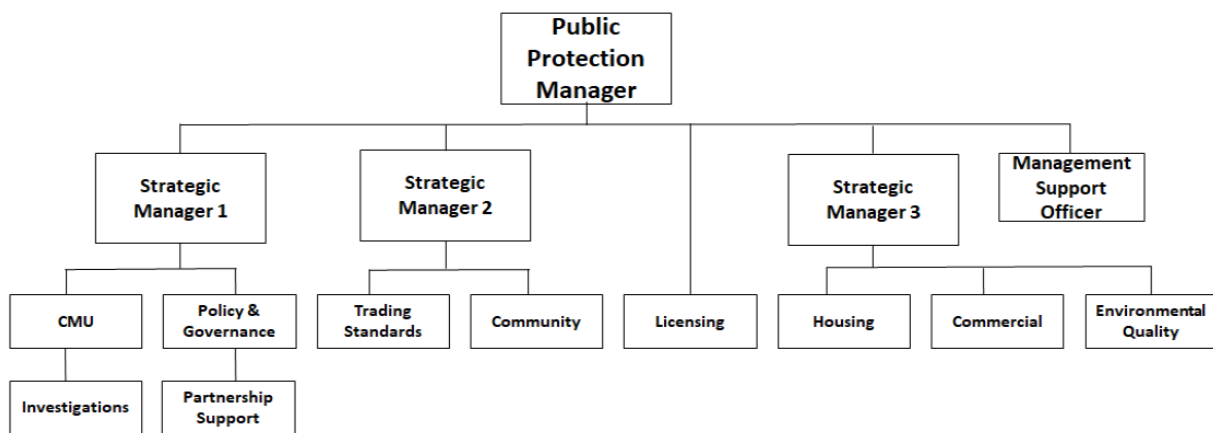
b. Key performance indicators

Appendix 4. Risk register 2023/24

## Appendix 1 – Functions and team responsibilities

The Public Protection Partnership service is made up of the following teams and managed by 3 Strategic Managers, and 8 Principal Officers:

- Case Management Unit (CMU)
- Community
- Trading Standards
- Compliance & Programme (Housing, Environmental Quality and Commercial)
- Licensing
- Partnership Support
- Policy and Governance



**Case Management Unit (CMU) Team** is responsible for:

- Legal process and case management
- Proceeds of Crime Unit
- Legal systems

**Community Team** is responsible for:

- Domestic nuisance
- Pests and vermin
- Animal Warden Service
- Public Health Funerals

**Trading Standards Team** is responsible for:

- Fair trading
- Product safety
- Animal health and welfare
- Food standards

- Agriculture standards
- Metrology
- Fraud
- Counterfeiting
- Age restricted products
- Level 1 investigations
- Petroleum and explosives

**Investigations Team** is responsible for:

- Complex fraud and fair trading matters
- Level 2 (regional) and Level 3 (national) funded investigations

**Compliance & Programme Team** is responsible for:

- Private sector housing standards
- Houses of Multiple Occupation
- Regulated caravan sites
- Homes for Ukraine housing standards
- Air Quality
- Planning Applications – conditions and discharge
- Private water supplies
- Commercial nuisance
- Permitted pollutant discharges
- Food hygiene and safety
- Health and Safety including refugee and asylum facilities
- Infectious disease control
- Accident investigation
- Safety Advisory Group

**Licensing Team** is responsible for:

- Licensed gambling, alcohol, refreshment and entertainment venues
- Taxi and Private Hire vehicle, drivers and operators
- Animal welfare establishments
- Street trading
- Treatments
- Personal licences
- Street and house to house collections
- Applications

**Partnership Support Team** is responsible for:

- Customer service

- Finance

**Policy & Governance Team** is responsible for:

- Governance – JPPC, Licensing and Sub-Committees
- Systems and QMS
- Training and development / Apprenticeship Programme
- Communications

# Workforce Planning Strategy

**January 2023**

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## 1. BACKGROUND AND INTRODUCTION

### 1.1 Background and summary

PPP employs around 80 permanent officers across a variety of professional and technical support roles and 12 casual and/or Agency staff. It operates a number of contracts on behalf of other services and has a business plan which seeks further growth.

The changing demands and fluctuating priorities faced by services such as PPP require considered, careful and measured ways of managing the important resource of its workforce.

The Public Protection Partnership (**PPP**) consists of three local government regulatory roles:

1. Trading Standards,
2. Environmental Health, and
3. Licensing.

These roles are professionally based, broad in remit and ultimately open to legal challenge if not carried out correctly.

There are also a significant number of roles which are in place to support the professional officers for example ensuring the customer interface is maintained and quality of data and information.

<b>The PPP Workforce Aim</b>
To have a workforce which is qualified, experienced and well trained and fit for purpose.

We recognise the benefit of workforce planning as a method of keeping disruption to a minimum and aim for a dynamic and skilled workforce able to use core skills to minimise issues presented by workforce changes and exterior pressures.

The complexities of the service and the way in which it is delivered mean that the certainty and ability of detailed future planning of the workforce is harder than in some industries, however we will plan generically and aim to build in flexibility wherever possible.

This strategy (and associated documents) draws upon published material from a range of organisations<sup>1</sup> and should provide a solid platform for future decisions about investing in recruitment, skills and abilities which best place the service to deliver against its aims.

### 1.2 Current workforce profile

#### 1.2.1 Age

The service has split of age ranges with some apprentice/school leaver roles through to a number of staff at or near retirement age. In particular of the currently filled posts around 13% are already on flexible retirement arrangements, reached retirement age or are able to take retirement within the next 3 years.

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<sup>1</sup> Health Education England (2016/17), NHS Education for Scotland (2016/17), Institute for Employment Studies (2008)

### **1.2.2 Working patterns and contract type**

As of January 2023, the majority of employees are on permanent full time contracts, and there are minimal numbers of casual and/or agency employed at any given time. The total FTE across the service equates to 68.25.

Agency staff are employed on a case by case basis and with current rules the service carries out assessment of these for compliance with IR35 requirements.

### **1.2.3 Gender**

Total workforce identifying as Male is 30% (24) and Female is currently 70% (56). This is a change from the proportion in 2020 of 25% and 75% respectively.

### **1.2.4 Staff location**

The service is split across 3 locations with new staff being appointed to the central Theale office. For those appointed prior to this office opening (Sept 2017) the split was Newbury 44%, Wokingham 26%, Bracknell 17% and Theale 14%. Theale now dominates in terms of staff base as all new appointments in recent years have been to the Theale base. However, since the changes in the Wokingham partnership in 2022, all previously Wokingham based staff have relocated to alternative offices across Theale and Bracknell Forest mostly. There are a few trading standard officers who are still able to operate out of Wokingham for practical purposes.

### **1.2.5 Absence**

The size of the PPP means that it is likely that from time to time there will be staff experiencing extended periods of absence from work. The levels experienced within service in the last 3 years is below average.

### **1.2.6 Professional Roles**

The recognised professional roles are:

- Lawyers/Solicitors
- Trading Standards Officers
- Environmental Health Officers
- Licensing Officers

There are 29 officers who are accredited as qualified officers, each requiring between 20-30 hours of Continuing Professional Development. In addition there are a number of Accredited Financial Investigators and Senior Authorised Officers (for Proceeds of Crime) which are professionally recognised roles.

## **1.3 Current Workforce within Service Delivery Model**

The PPP is a new way of delivering regulatory services at local authority level. Most councils across the country operate at either city/borough, unitary or county level which means the services are on a far smaller scale or split amongst different providers. By combining them at this level we are able to deliver a 'best value' service which will provide our stakeholders a cheaper, better quality and more comprehensive package.



We aim to avoid potential drawbacks of this service model by ensuring our workforce remain competent within their own professional fields at the same time as broadening their abilities to deliver in other areas. They can then provide resilience in the other fields as well as having a useful awareness of the range of activities performed by those services.

The PPP has a range of different provider roles which will affect its workforce planning;

- **Direct service provider** – directly delivering the Regulatory Services functions within the 3 council areas. The workforce will be effected by budget cuts, political changes of priority etc.
- **External service provider** – contracting with other services and councils to deliver on their behalf.
- **Technical Specialist Contractors** – we currently have a number of specialist contracts services such as Animal Health Inspections, out of hours stray dog collection and management of air quality monitoring units.

PPP recognises the benefit of building in workforce resilience to interior changes and exterior pressures and addresses this in a number of ways including:

- Preserving budget to pay for temporary staff when necessary. E.g. during times of legislative change, emergency issues (e.g. Foot and Mouth outbreak) or lengthy national investigations.
- Having budget to pay staff overtime where necessary to ensure delivery of Service commitments, e.g. attendance at large events such as music festivals, or inspections of food operators.
- Upskilling staff and maintaining a number of generalist staff who can undertake a broad spectrum of tasks.
- Consistent re-evaluation of workflow and resources through our tasking system (weekly meetings to address workloads and pressures upon the service).

## 1.4 Current workforce challenges

The main challenges that are currently faced by the service workforce include:

- Financial uncertainties
- Political uncertainties
- Workforce profile and approaches
- Attracting new (professional) members of staff
- Developing professional officer roles
- Clarification of roles and responsibilities across a shared service

## 1.5 Strategy for dealing with the workforce challenges

Structural uncertainties - The service is continually evolving, with uncertainty on which teams, professions or officers will be undertaking particular tasks now and in the future, and therefore the level of 'manpower' required in those areas.

The PPP will work to maintain records of staff, their training to understand the resourcing available at any one point. The use of Strategic Tasking to guide resourcing of teams and priority work areas will give clarity in decision making for all. There is also a need to recognise certain

activities may require a specialist officer and that it is acceptable to “buy in” the skill for the short term.

Historic issues – For some there remains a ‘silo’ professional approach and out of date ideas of service delivery, this makes results in less fluent workforce planning.

The PPP will ensure the structure, which embeds the national intelligence model, has a clear workflow and through Strategic and Tactical tasking we focus resources and appropriate skills to priority work. Training should be in line with the service needs supported by the individual training and development plans stemming from their appraisals. Maintaining a broad skill base across the service will enable officers to work in any team with the appropriate management support.

Political uncertainties – There remains uncertainty concerning legislative and economic uncertainties and changes. Local political uncertainties can affect the shaping of the service and include financial constraints.

Through the Strategic and Tactical tasking processes the service will ensure that horizon scanning and local/national issues are considered within priority setting. Changes in legislation will be reviewed and staffing impacts and training needs assessed. The service is open to “buying in” technical specialists for short term projects or investigations but it will always be reviewed against the benefits of supporting internal staff to develop new skills. Linking into internal management and strategy groups will ensure our work is aligned with the Council Plans for each authority.

Workforce demographic – The recruitment of new staff within enforcement roles has attracted more experienced officers, with a number of field officers having possibly already retired from another service (e.g. Police). The workforce is therefore at risk whereby officers decide move towards reducing hours to balance work and retirement choices and/or leaving within a short space of time from recruitment. Staff may also leave if there are more opportunities for career development away from the service.

The PPP will develop clear career development paths to ensure new staff into the service are certain of the opportunities to develop and learn from those more experienced staff. The use of mentoring and coaching from those staff who may be near retirement is essential to minimising the risk and improving resilience should those officers move on. We will develop an apprentice scheme with the aim of bringing younger staff into the workforce and “growing our own” in hard to recruit to posts.

Workforce demographic – Whilst bringing in valuable knowledge & experience, having an aging and/or stagnated workforce can have negative affect. For example, officers may no longer reflect general society and can be stuck in dated working methodology and ideals.

The PPP will ensure we have a workforce who are able to deliver the needs of our communities regardless of the age of the workforce. As a service we need to recognise this issue and ensure we have good information sharing, training and an understanding of our customer needs to manage this. We can gain support from the internal services in each authority to ensure our services are designed for interacting with all sectors of our population using technology to our advantage in delivering this. We also need to support change in a fast moving and ever changing environment.

Attracting new members of staff – Current recruitment has identified that attracting new staff to the service in the professional fields of Environmental Health and Trading Standards has proved difficult. Factors such as the competitiveness of salaries, location (size of area) and current market availability of qualified professionals. This is something recognised by West Berkshire Council and not unique to the PPP.

The PPP will work with the Joint Management Board members and the support services (HR) within the authorities to review the current arrangements and ensure that the uniqueness of the service is recognised. The culture of “growing your own” is already in place with a number of staff having been supported through gaining qualifications within the PPP and a number of apprentice roles in place. As a service we possess a clear career progression path so staff can see the potential opportunities for development.

**Internal issues within the service – There remains a need to understand better roles and legacy issues around pay (related to TUPE arrangements).**

The PPP needs clear identification of roles and responsibility with clarity and consistency needed on Job Descriptions across the service. The service requires one set of JD’s for each role and a review of the job titles to ensure officers and managers are clear on expectations and requirements of their roles.

## 1.6 The role of professional bodies

The professions within PPP all have their own professional bodies as listed below.

Professions	Organisations
Environmental Health	<b>The Chartered Institute of Environmental Health (CIEH)</b> <a href="https://www.cieh.org/">https://www.cieh.org/</a>
Case Management	<b>The Law Society</b> <a href="https://www.lawsociety.org.uk/">https://www.lawsociety.org.uk/</a>
Licensing	<b>The Institute of Licensing (IoL)</b> <a href="https://www.instituteoflicensing.org/">https://www.instituteoflicensing.org/</a>
Trading Standards	<b>The Chartered Trading Standards Institute (CTSI)</b> (and local Southern Branch) <a href="https://www.tradingstandards.uk/">https://www.tradingstandards.uk/</a> <b>The National Trading Standards (NTS)</b> <a href="https://www.nationaltradingstandards.uk/">https://www.nationaltradingstandards.uk/</a> <b>Trading Standards South East (TSSE)</b> <a href="https://www.tsse.org.uk/">https://www.tsse.org.uk/</a>

The role of these bodies vary but generally they champion, lobby, assist, organise and promote the work of the professions.

In order for PPP to operate to potential, the support and training offered by these (and other) organisations is maximised to ensure our workforce remains competent and that the service remains relevant. To this end, most staff receive regular updates from the bodies and should act upon any ‘action points’ accordingly. The IoL and TSSE are particularly active in promoting training courses and legal updates covering the full range of tasks undertaken by the service.

By using the support of the bodies we ensure,

- Our professional and ‘generalist’ workforce maintain their competency,

- Lead officers continue to keep their high level of expected expertise,
- We benefit from the ‘horizon scanning’ from other organisations across the country which can enable us to restructure or revise ourselves early.

## 1.7 Apprentices

The PPP (through West Berkshire Council - the “Employer”) are signed up to the recruitment through the National Apprenticeship Scheme.

PPP have made use of these funds to help with the training of new field officers by using one of the approved courses. In particular, 4 Regulatory Compliance Officer Level 4 roles, and is in place to deliver a number of professional and specialist roles at Level 6 during 2023, including 2 environmental health officers, and 2 trading standards officers.

This training takes between 18 months (L4) & 4 years (L6) and has an end of course assessment once completed. The training is not stand alone but undertaken whilst performing basic normal work tasks within the service under the control of more experienced officers.

It is anticipated this training will assist in creating new officers to the professions by giving them foundation level skill and knowledge allowing them to develop further within the regulatory field. These officers can then remain as Regulatory Services staff with the intention of assisting with lower level work across the 3 services or they can use it as a step in progression towards training as a fully qualified officers within one of the professions and undertaking higher level work.

The Scheme only pays for the training of the officer, so the service must pay for the officer’s salary. If the training and support offered by the scheme proves beneficial and valuable it is hoped that salaries may be found to pay for these posts (possibly from those older officers who retire).

The two main advantages of the apprenticeship scheme should be the ability to grow our own officers to the needs of the service as well as the encouragement for experienced officers to act as mentor’s and develop in this area too.

## 2. SKILLS DEVELOPMENT

### 2.1 Staff groupings

Staffing within the service can be defined at a number of levels and may relate to technical knowledge and competency, specific skill sets (finance) or management responsibilities:

- **‘Trainees/Apprentices’**  
E.g. Trainee Regulatory Services Officer
- **‘Operational Support’**  
E.g. Applications, Customer Care and Finance officers.
- **‘Generalists’**  
E.g. Trading Standards Fair Trading Officers, Environmental Control or Licensing Technical Officers who undertake a broad spectrum of tasks
- **‘Professional’**  
E.g. Trading Standards, Environmental Health or Licensing Officers with more qualifications.
- **‘Subject Matter Experts’**

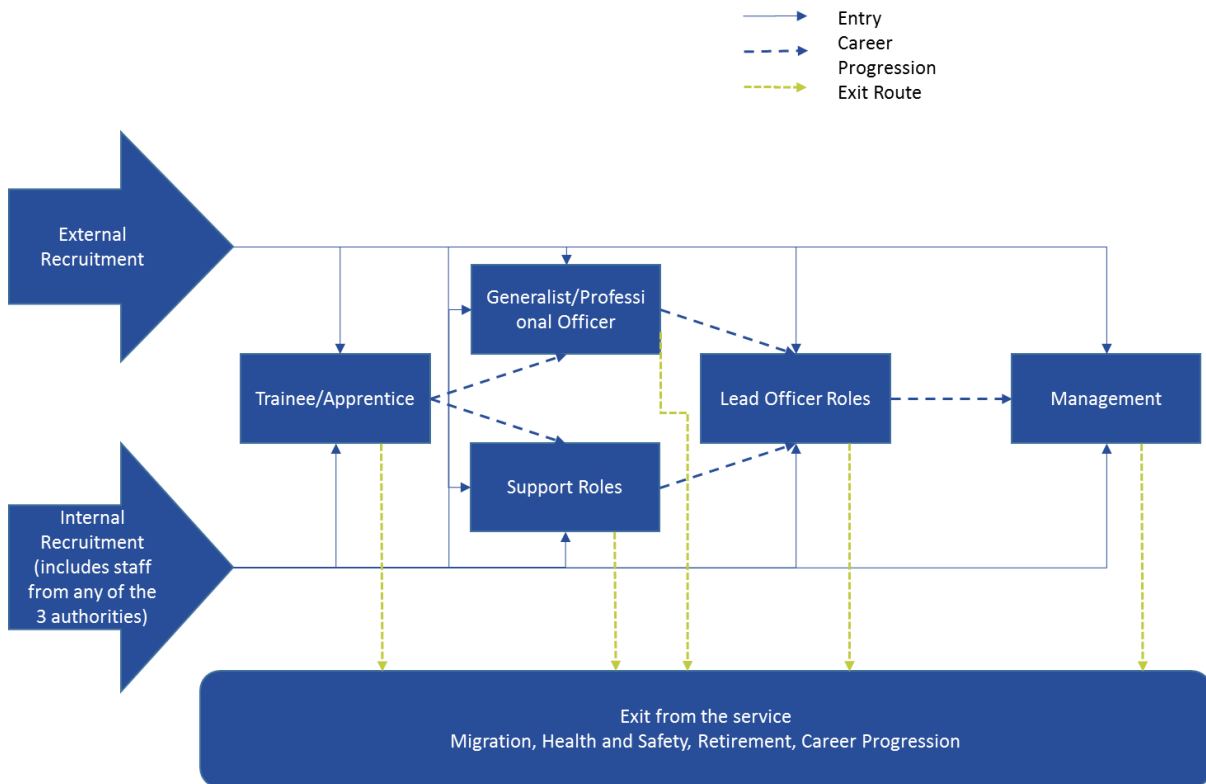
- E.g. Lead Officers for Contaminated Land, Food legislation or Financial Investigators
- **'Cross Cutting'**  
E.g. Intelligence officers, disclosure officers
- **'Managers'**  
E.g. Principal, Strategic etc.

These roles (including Entry and Exit points) are outlined in more detail in APPENDIX A.

### 3. THE WORKFORCE SYSTEM<sup>2</sup>

The diagram below shows the stages and general route through the workforce system within PPP.

Wastage can occur between each stage through promotion to other posts, resignation, retirement or other reason.



### 4. SKILLS RESILIENCE (Learning and Development)

We recognise within the Training and Development Plan that there are key areas to focus on within the service. Whilst Professional Competence and Personal Development are important to overall service delivery we have to recognise that improving our communication with the customer, quality statement writing and other core skills are key as the other areas will fall down if the basics are not right.

<sup>2</sup> Workforce planning guide – Institute for Employment Studies (2008)

#### 4.1 Core Skills

- Communication
- Problem solving
- Investigation techniques
- Interviewing under caution
- Handling complaints
- Managing expectations
- Understanding the PPP operating model

#### 4.2 Management and Leadership Skills

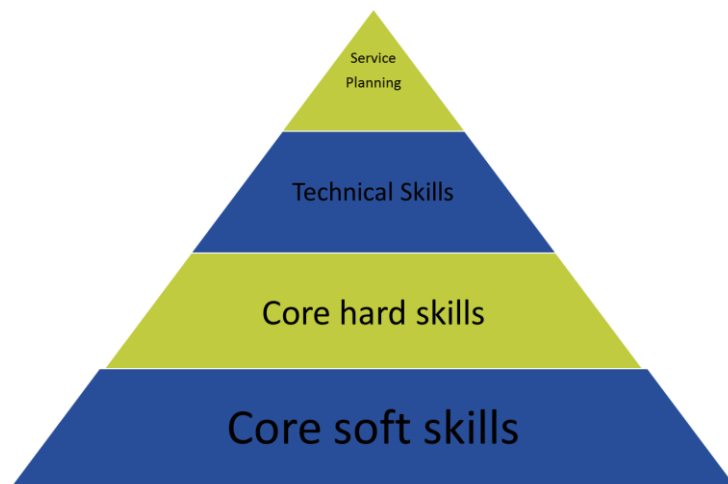
- Managing change
- Performance management
- Project management
- Budget control
- Analysing intelligence products

#### 4.3 Technical Skills

- Conducting financial investigation
- Conducting profession/sector specific enforcement
- Handling communications data

#### 4.4 Service Development Skills

- Service promotion
- I.T. and service delivery



APPENDIX D sets out the summary of the Draft Learning and Development plan. This is a live document as it needs to reflect the management of external and internal factors which are constantly evolving.

## 5. UNDERSTANDING SERVICE CAPACITY

Functional Area	Employed FTE	Vacant FTE
Licensing	5.53	5.88
Environmental Health	29.53	2.38
Trading Standards	12.49	2.87
Intelligence Unit	1.5	0.0
Case Management	3.86	1.0
Partnership Support	5.84	1.0
Investigations	2.0	2.0
Financial Investigations	2.0	0.0
Governance, Policy and Systems	2.5	1.0
Trainees	3.0	1.0
<b>Total</b>	<b>68.25</b>	<b>17.13</b>

## 5.1 Managers

The Management Team comprises of 1 Service Manager, 3 Strategic Managers, & 8 Principal Officers and Partnership Support Manager. There are other managers within the system however they are senior officers within one of the other roles.

## 5.2 Professional

Whilst the service retains a number of professional officers there has been an issue with recruitment and a number of part time workers shows a significant difference. All managers listed above are also Professional Officers who are no longer involved in day to day support.

## 5.3 Support

Support staff can be considered as all non-operational staff. This includes customer delivery, governance, case management and Intel functions. There are also support officers within the licensing team who process and advice on licensing applications.

## 5.4 Subject Matter Experts

Historically these have been the more technical specialist roles. As a service we have not appointed too many of these roles for some time. The most recent being to an Enforcement Officer (Animal Health) which is a specific role which requires specialist knowledge of a discrete area of work. This is often an area where we have lacked resilience and requires careful workforce planning.

## 5.5 Generalist

This role encompasses a majority of operational enforcement roles, ranging from discreet responsibilities, such as fly-tipping enforcement to general enforcement in all matters linked to licensing enforcement, trading standards and environmental health.

## 5.6 Cross cutting

These roles have developed as a theme to promote cross cutting issues across PPP. There are a number of roles in their existing format which naturally cross cut the service such as Victim Support Officer but there are also more niche roles which are currently a “bolt on” to existing day to day operational work such as Safeguarding Lead and Training Lead. Cross cutting roles would also include community public health officer functions, such as the support with confidence scheme management, smoking cessation and alcohol reduction.



## A. Workforce Profiles

### Entry Point for Roles

#### Operational Support

The entry point for most PPP operational support staff is external recruitment. These staff may already be experienced in this type of work or as the service continues to encourage apprenticeships we hope to train apprentices who can then become permanent staff.

Such is the expansion of the service, that this has created a need for Technical Leads within this group of staff.

#### Regulatory Service Officer

The introduction of RSO's is a positive addition to the service in its future planning. Level 4 trained staff will have a level of knowledge (and experience) which would enable them to 'hit the ground running' in most aspects of regulatory controls throughout the service. Knowledge and skills will develop through mentorships, senior officer support and shared learning will continue grow as subsequent cohort join.

The service will create a 'bank' of RSOs who are qualified to level 4 Compliance, who in-turn will be guided into professional roles to fill the expected vacancy appears.

The service will maintain that;

1. Professional officers will be as comprehensively and broadly qualified as possible – to give the flexibility to rotate between teams & deliver different aspects of service depending on service need.
2. RSO's will be provided with a career pathway that will enable them to remain in their current role or to become qualified officers in one of the professions.
3. Training and opportunities to develop will be fairly offered and balanced with service needs and sustainable.

#### Professional Generalist

The operating model for PPP demands high quality professionals capable of acting in a multi-disciplinary way. There are distinct skills required of staff that operate in this capacity and normal entry to this grouping would be as a trainee.

Currently the group is made up of staff with professional qualifications or demonstrate expertise in problem solving and communication. The level of independence and delegated authority allowed is directly proportionate to qualification, skills and experience.

Most staff will be affiliated or registered with a professional body and be able to demonstrate a track record of CPD (Continual Professional Development).

#### Technical Specialist

Working alongside the *Professional Generalist*, the nature and complexity of PPP workloads requires some staff to enhance their knowledge in specific areas.

These areas will be determined by the current strategic priorities and entry to this grouping is likely to be internal development of trainees.

Currently the group is made up of staff with professional affiliations who have significant experience in a particular function. There will be demonstrable CPD in these areas of specialism throughout the group.

### **Managers**

The current management structure demonstrates a mix of backgrounds. Requirements at this level tend to be around recognised management qualifications and experience of managing staff. Future entry will be focussed on internal development of senior professional and operational support staff.

## **Exit Point for Roles**

### **Operational Support**

In recent years some staff that have left this group to become trainees and move into the Professional Generalist or Technical Specialist group. There has been some natural wastage but no identifiable trends.

### **Professional Generalist and Technical Specialist**

These two groups suffer from natural wastage in the main and within the next 10 years or so, a significant proportion will reach retirement age. Succession planning is key and we seek to address this by actively taking on younger staff where possible and to ensure we have collaborative working between the older more experienced staff and the less experienced ones to ensure that experience is not lost when those older ones go.

### **Managers**

The creation of PPP and subsequent reorganisations have resulted in changes at management level. Natural wastage is the most common staff loss in this group apart from a few recent redundancies. Recent examples indicate that people leave for promotions, relocation of family and changes in work patterns as a result of shared services.


## APPENDIX 3 – Performance Indicators and Measures of Volume

Service Requests Data – Info attached for information to quarterly reports to establish trends – issued monthly to JMB

**Table 1: Environmental Health and Licensing for PPP**

<b>Public Protection Partnership</b>   Bracknell Forest West Berkshire	Bracknell	West Berkshire	PPP	
	Q1	Q1	Q1	Comments
Housing				
Dog Warden				
Food Hygiene Related				
Health and Safety (including accidents reported)				
Licensing				
Planning				
Pest				
Noise - Commercial				
Noise - Non-commercial				
All Bonfire/Smoke				
Anti-Social Behaviour				
Envirocrime				
Flytipping				
Other (e.g. other nuisances, cont. Land, private water supplies, burials, enclosed smoking)				
<b>Grand Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	

**Table 2: Trading Standards only, including commissioned services.**

 Bracknell Forest West Berkshire Wokingham	Bracknell	West Berkshire	Wokingham	PPP	
	Q1	Q1	Q1	Q1	Comments
Door Step/Scam/No cold calling zones					
What are my rights? (Business)					
What are my rights? (Consumer)					
Trading Standards Notifications					
Misleading Description					
Unsafe goods					
Food Standards					
Animal Health					
Weight Restrictions					
Other (e.g. counterfeit goods, under age sales)					
<b>Grand Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	

**Measures of Volume – No targets as they are cumulative measures of volume (include trend information)**

Measure	2021/22 Outturn	Q1	Q2	Q3	Q4	2022/23 Outturn
Number of Fols Received*						
Number of Service Complaints/Comments*						
Number of Councillor and MP Enquiries*						
Number of operations conducted based on intelligence relating to age restricted products*						
Number of PPP articles and press releases published on the PPP website						
Number of page views on PPP Website						
Number of PPP Facebook posts						
Number of PPP Twitter posts						
Number of new PPP Twitter followers						
Number of Facebook New Followers						
Number of caravan site visits (programmed and reactive) *						
Number of food inspections carried out (includes those by alternative enforcement strategy) *						
Number of new food businesses registered*						
Number of HMO licenses issued*						
Number of housing visits carried out (excl Ukraine)*						
Percentage of Food Premises that have scored 0 (Urgent Improvement Necessary) in accordance with FHRS * (shown as denominator and numerator)						
Percentage of Food Premises that have scored 1 (Major Improvements Necessary) in accordance with FHRS * (shown as denominator and numerator)						
Percentage of Food Premises that have scored 5 (Very Good) in accordance with FHRS * (shown as denominator and numerator)						

Measure	2021/22 Outturn	Q1	Q2	Q3	Q4	2022/23 Outturn
Percentage of Licensing Applications under the Licensing Act 2003 that proceed to a hearing						




\* will be reported by authority

Key	
▲	Increased since previous quarter
▶	Same as previous quarter
▼	Decreased since previous quarter

### Test Purchase Data

Product	Q1		Q2		Q3		Q4		Outturn
	BFC	WBC	BFC	WBC	BFC	WBC	BFC	WBC	
	Visits	Passes	Visits	Passes	Visits	Passes	Visits	Passes	
Alcohol									
Tobacco									
Spray Paint									
Knives									
Fireworks									
Solvents									
E-Cigs									

## Key Performance Indicators Public

Type	Measure	2021/22 Outturn	Q1	Q2	Q3	Q4	2022/23 Outturn
Statutory IAA Local	Key						
IAA	% of service users satisfied with the Public Protection Partnership						
Local	% of Trading Standards requests for advice from business responded to within 3 working days						
IAA	Management of budget to within 1% of baseline						
IAA	Management of income to within 5% of budget						
Statutory	% of valid TEN's and Late TENS processed for consultation within 3 working days						
Local	% of Premise licensing applications (New and Variations) processed within 28 days or 56 days if they proceed to a hearing						
Local	% of valid Taxi licensing applications and renewals (Hackney/Private Hire Drivers and Vehicles) processed within five days						
Local	% of valid general licensing applications and renewals processed within five days						
Statutory	% of local authority pollution prevention and control (LAPPC)						

Type	Measure	2021/22 Outturn	Q1	Q2	Q3	Q4	2022/23 Outturn
	inspections, that are due, carried out						
Local	% of inspected food businesses that score at least 3 on the food hygiene rating scale during reporting period						
Local	% of licensed premise inspections*, that are due by risk rating schedule, completed						

\* This would not include caravans or HMOs



## Annual Key Performance Indicators Public

	Measure	2021/22 Outturn	2022/23 Outturn	
Statutory	Submit Annual Air Quality Reports to DEFRA by 30 June			
Statutory	Submit to JMB the Annual Food Safety, Food Standards and Feed Service Plan in accordance with the Food Standard Agency Code of Practice			
Local	Four During Performance Inspections carried out on high profile events per annum			
Local	% of inspected food businesses on each score of the food hygiene rating scale		0 = 1 = 2 = 3 = 4 = 5 =	
Local	% of caravan sites due an inspection inspected within the reporting period			
Local	% of food hygiene inspections completed, that are due, as per FSA recovery plan			
Local	% of food standards inspections completed, that are due, as per FSA recovery plan			
Local	% of food premises rated as 0 or 1 on the FHRS at the start of the year that are broadly compliant (3 score or above) by their next full inspection visit (subject to pending enforcement action) for premises with inspections due in reporting period			

## Local Indicators for Bracknell Forest Council

Measure of Volume	2021/22 Outturn	Q1	Q2	Q3	Q4	2022/23 Outturn
<b>Fly Tipping / Waste Duty of Care Incidents</b>						
Number of fly tipping / waste 'duty of care' incidents referred to PPP						
Number investigated						
Number of warnings issued						
Number of formal cautions issued						
Number of Fixed Penalty Notices issued						
Number of Prosecutions						
<b>Waste Carriers</b>						
Number of vehicles checked for waste carriers licence						
Number of compliant waste carriers						
Number of non-compliant waste carriers						
Number of non-compliant waste carriers brought into compliance						
<b>Abandoned Vehicles</b>						
Number of abandoned vehicles reported						
Number of abandoned vehicles traced						
Number of abandoned vehicles removed						

## Local Indicators for West Berkshire Council

Measure of Volume	2021/22 Outturn	Q1	Q2	Q3	Q4	2022/23 Outturn	Comments
<b>Weight Restrictions</b>							
Number of observations made							
Number of breaches of restrictions observed							
Number of warnings issued							
Number of cautions issued							
Number of Prosecutions with guilty verdict							
Number of Prosecutions with not guilty verdict							
Number of fines							
Value of fines							

## Key Performance Indicators Private

Measure	2021/22 Outturn	Target	Comments
% of service users satisfied with the Public Protection Partnership		N/a	
% of employees to have had an appraisal in last 18 months		90%	
% of reported envirocrime incidents appropriately responded to in 3 working days		75%	
% of reported door step crime incidents appropriately responded to within 1 working day		90%	
% of reported noise cases (non Commercial) appropriately responded to in 3 working days		75%	
% of reported commercial noise incidents responded to within 3 working days		75%	
% of general Trading Standards requests responded to within 3 working days		75%	
% of licensing complaints/requests for advice that are responded to within 3 working days		90%	
% of planning consultations responded to within the local planning authority's timescales (15 Days)		90%	
% of reported enquiries regarding air pollution appropriately responded to in 3 working days		75%	




**PUBLIC PROTECTION - Strategic Risk Register**







<b>Team</b>	Public Protection Partnership
<b>Management Board</b>	Damian James, Eric Owens (Ed Shaylor)
<b>Managers</b>	Sean Murphy

<b>Date of Review</b>	10/01/23
<b>Date of Next Review</b>	10/02/23

- Likelihood**
- 1 Unlikely to occur across a 3year period
  - 2 May occur across a 3year period
  - 3 Likely to occur across a 3 year period
  - 4 Certain to occur across a 3 year period

- Impact**
- 1 Minor financial/political/reputational incident
  - 2 Significant financial/political/reputational incident
  - 3 Major financial/political/reputational incident
  - 4 Extreme financial/political/reputational incident

No	Risk	Cause/Trigger	Consequences	Gross Rating			Existing Controls	Net Rating			Owner	Direction of Risk and comments
				Likely hood	Impact	Score		Likely hood	Impact	Score		
1	Low staff levels.	Poor staff retention Failure to recruit Cost of living increases Poor career prospects Forced vacancies due to financial restrictions	Increase in complaints requiring manager involvement Low scores in customer feedback - failed PI Cllr involvement in complaints Negative press/media coverage Complaints to Committees e.g. Scrutiny and Licensing Scrutiny from shared service partners.	3	3	9	Workforce planning in place to secure qualified staff for future Apprentice programme in place.(4 new apprentices employed) 10 officers undertaking various professional training courses Central Gov guidance amending policy (e.g. food standards interventions) to focus on high risk and combat shortages nationally. QMS covering staff professional development in place. PO post in place to support L&D Business continuity arrangements to minimise single points of failure and risk management for service users TTG and Strategic tasking in place to ensure work balance Regular updates with shared service partners (JMB meet fortnightly). Continual recruitment exercises for technical and specialist staff where vacancy/budget permits	2	3	6	Service managers	
2	Unavailability of technically competent staff	High demand levels from residents/businesses/members Staff turnover Reduction in Employee budget Staff absence Managers with insufficient time to audit workforce skills.	Limited criminal investigation e.g. vulnerable people being exploited. Failure to deliver statutory duties including responses to government agencies and emergency services. Missed acute health incidents e.g. human and animal infectious diseases, mental health impact from fraud or noise pollution. Missed chronic health issues e.g. air quality assessment, private water supplies, contaminated land, and poor housing standards. Failure to gather intelligence for priority identification e.g. managers making poor decisions about what type of cases to investigate.	3	3	9	Business continuity arrangements to minimise single points of failure and risk management for service users TTG and Strategic tasking in place to ensure work balance Regular updates with shared service partners (JMB meet fortnightly). Continual recruitment exercises for technical and specialist staff where vacancy/budget permits	2	3	6	Service managers	
3	Breaches of Data Protection and failed Fol returns.	Management structures which lack capacity to respond to requests and data analysis. Loss of data capture and lack of ability to report, monitor and manage data. Loss in Intel	ICO investigation requiring management response Potential ICO fine. Sensitive data lost to the public Negative media coverage Loss of credibility	2	3	6	QMS and corporate support in place covering data handling and security. Mandatory training in this area monitored (Agency) support officer in place to co-ordinate Fol/DPA/SAR requests across PPP in place. Single system in its infancy - training required for reports etc.	2	3	6	Service managers	

4	Failure to meet service level agreements	Management structures which lack capacity to review performance data, conduct appraisals and 1-1's. Inability to produce, monitor and manage dataset. Loss of service user requests and untimely response and resolutions Breaches of KPI and targets.	Loss of confidence from Members/Senior Officers Reduced staff morale Scrutiny from shared service partners.	3	3	9	Performance management presented each quarter to JPPC. Business continuity arrangements to minimise single points of failure and risk management for service users TTG and Strategic tasking in place to ensure work balance Regular updates with shared service partners (JMB meet fortnightly). PO for governance in post Single system development underway	2	3	6	Service managers	Dataset unreliable due to system changes currently 
5	Failure to implement a fully integrated IC system	Loss of technically competent staff	Inefficient and ineffective decisions as a result of poor data quality. Incomplete or wrong formal returns to government departments/agencies. Failure to identify performance issues.	3	3	9	As above. System support specialist in post Project manager in post to deliver single IC system	2	3	6	Service managers	Dataset unreliable due to system changes currently 
6	Poor customer satisfaction.	Slow response and resolution times Poor attitude/approach from staff Poor advice given Expensive services Lack of services Increase in reactive workload	Increase in complaints requiring manager involvement Low scores in customer feedback - failed PI Cllr involvement in complaints Negative press/media coverage Complaints to Committees e.g. Scrutiny and Licensing Scrutiny from shared service partners.	3	3	9	Performance monitoring across management team. Internal auditing in place Regular updates with shared service partners. Wider accessible feedback opportunity in place e.g. QR codes on inspection forms, follow-up calls, survey monkey links to presentations).	2	3	6	Service managers	No notable rise in service complaints. Compliments included in performance report 
7	Low staff morale.	Poor staff retention Failure to recruit Cost of living increases Poor career prospects Increase in reactive workload Lack of management communication	Low scores in customer feedback - failed PI. Reduced productivity - implication for service PI's. Increase in management time required to motivate staff.	2	3	6	Routine team meetings. Routine performance meetings. Accessible management team. Clear career progression procedures. Good quality training provision. Regular updates with shared service partners.	2	3	6	Service managers	Key is maintaining regular communication 
8	Staff H&S	Lack of appreciation of risk Poor oversight of staff	Injured staff Civil claim against the authority Negative media coverage Scrutiny from shared service partners.	2	3	6	Comprehensive QMS on workplace risk assessment and lone working procedures in place. Mandatory training in place and monitored. Corporate H&S support in place.	1	3	3	Service managers	Lone working arrangements are still being finalised but a temporary measure is in place 
9	Budget, inc. loss of income, underspend, overspend (change in contract)	Economic factors which lead to reduced income levels. Management structures which lack capacity to review Agresso.	Pressure on Service/Directorate budgets	3	3	9	Comprehensive QMS. Active internal auditing. Routine meetings with Finance.	3	3	9	Service managers	Significant reduction in licensing income 
<b>Areas to Watch</b>		<b>1. Effect of Vacancies, restructure and apprenticeships - see structure chart for details.</b> <b>2. Effect of income streams meeting minimal service resources needed e.g. Licensing function.</b>										

## Public Protection Partnership Q3 Service Update

<b>Committee considering report:</b>	Joint Public Protection Committee
<b>Date of Committee:</b>	26 January 2023
<b>Chair of Committee:</b>	Thomas Marino
<b>Date JMB agreed report:</b>	16 January 2023
<b>Report Author:</b>	Sean Murphy
<b>Forward Plan Ref:</b>	JPPC

### 1. Purpose of the Report

- 1.1 To inform the Committee of the performance of the Public Protection Partnership in line with the operating model and business plan and provide an update setting out service delivery in the period up to the end of Q3.

### 2. Recommendations

The Committee:

- 2.1 **NOTES** the Service Update since the last meeting.

### 3. Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	<p>The 2022/23 budget for the Public Protection Partnership was agreed at the September 2021 meeting.</p> <p>The service continues to receive additional grant funding arising from the Homes for Ukraine Scheme as well as support for larger investigations.</p> <p>In addition the service carried forward approximately £145K underspend from 2021/22 following agreement at the June 2022 meeting.</p> <p>As at the end of Quarter 3 the service is predicting an under spend of £80K.</p> <p>There is now a clearly identified long term structural loss of licensing income in the order of £150-£180K per annum from the 2019 base. Had it not been for the carry forward, vacancies and the additional grant funding the outturn would have been an over spend. This is identified as a priority for 2023/24 in the Business Plan for consideration elsewhere on this agenda.</p> <p>Agency costs are a significant issue for the service. At the time of writing the number of agency staff is being reduced to two. This will have impact on operational delivery particularly in areas such as inspections and audits.</p>

<b>Human Resource:</b>	<p>There are no direct personnel implications arising from this paper other than to note the Service started the year with a number of vacancies at all levels of the service. Three areas are a particular priority for recruitment namely trading standards, licensing and private sector housing.</p> <p>The Committee previously received reports on the move to focus the workforce strategy on the investment in training and development of new and existing staff.</p> <p>Advertisements for four apprentice roles were placed during Q2 and three level 4 Trainee Regulatory Compliance joined the Service in Q3. A further recruitment exercise to fill the remaining apprenticeship post will be undertaken in Q4.</p> <p>Details are set out in the body of the report.</p>			
<b>Legal:</b>	<p>There are no direct legal implications arising from this report. The Inter-Authority Agreement charges the Joint Public Protection Committee with the responsibility to oversee service delivery and performance including financial performance. This report discharges this responsibility.</p>			
<b>Risk Management:</b>	<p>We will continue to manage risk in line with the prevailing situation and corporate policies. The risk register is regularly scrutinised by the Joint Management Board (JMB) which meets fortnightly. The JMB considers the red risk action plans at these meetings. The service maintains both a Strategic and Operational Risk Register.</p> <p>The current risk matrix appears as an Appendix to the Business Plan elsewhere on this agenda.</p>			
<b>Property:</b>	<p>There are no direct property implications arising from this report.</p>			
<b>Policy:</b>	<p>There are no direct policy implications arising from this paper. It should be noted that the Inter-Authority Agreement (IAA) places a responsibility on the Joint Public Protection Committee (JPPC) to determine service policies and priorities and also to maintain oversight of performance and service delivery.</p>			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				
<b>A</b> Are there any aspects of the proposed		✓		No implications



decision, including how it is delivered or accessed, that could impact on inequality?				
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		No implications
<b>Environmental Impact:</b>	✓			<p>It is anticipated that the new ways of working will continue to deliver reductions in travel for the team.</p> <p>In addition one of the aims of the Partnership is to deliver better outcomes, including environmental ones, for people living and working in Bracknell Forest and West Berkshire</p>
<b>Health Impact:</b>	✓			The proposals create no direct health impacts on staff. They do however set out progress against community based health protection measures and initiatives.
<b>ICT or Digital Services Impact:</b>	✓			<p>The use of ICT on service delivery has been transformational. Telephone conferencing, MS Teams and Zoom continue to be employed in the day today running of the service.</p> <p>The JPPC will continue to meet in accordance with the decisions made by West Berkshire Council, as the host authority, about meeting arrangements. The Licensing Committees will be conducted under the meeting arrangements of their individual authorities.</p> <p>The Service will continue to make use of the website and social media platforms to improve the customer journey and keep residents and businesses informed.</p>
<b>PPP Priorities :</b>	✓			This information sets out how the Service has maximised the use of resources to deliver against the JPPC priorities particularly around health protection, protection of vulnerable people and environmental protection on a risk led basis. The priority relating to effective and efficient service delivery has been at the core of arrangements.

<b>Data Impact:</b>		✓		None
<b>Consultation and Engagement:</b>	There is regular engagement with staff as well as senior officer and Member briefings in each of the authorities that form the PPP. Further Member engagement sessions are planned in the coming months. Taxi Licensing Liaison meetings are also conducted with the taxi trade.			
<b>Other Options Considered:</b>	None. It is a requirement of the IAA to report on the performance of the service.			

#### 4. Executive Summary

- 4.1 The Committee is required by the terms of the Inter-Authority Agreement (IAA) to keep under review the performance and delivery of the Public Protection Service. Generally, the Committee will receive updates on aspects of performance and any emerging issues, achievements and priorities.
- 4.2 This report sets out the Quarter 3 service delivery update. Unfortunately due the fact we are in the middle of transition to our single new case management system and have a large backlog of data being updated (due to the two month system down-time) that we are unable to produce a detailed performance report to this meeting. The Q3 data will be tabled at the March 2023 report to this Committee.

#### 5. Finances and Resources

- 5.1 The JPPC is mandated to keep under review the budget. There are now significant pressures within the service. Licensing income is now in the region of £150K-£180K below the historically high levels in 2019. Income was in decline before the pandemic with for example the taxi trade in Bracknell facing pressure from app based operators and gambling premises closing. The impact of the pandemic on income was significant. Many taxi and private hire vehicles and drivers left the fleet and never returned. More gambling premises closed and there were implications with respect to animal boarding from new ways of working. The decisions to align fees in various budget cycles has also added to the impact.
- 5.2 The service has balanced the books by conducting grant funded work where appropriate. The use of agency staff has also severely impacted the budget. These have been deployed for the agreed recovery programme in areas such as food safety and standards but also to cover vacancies in areas such as licensing. Other agency staff have been almost entirely grant funded.
- 5.2 The Q3 outturn prediction for the Service is report an under spend of £80k which is largely due to injections of grant funding to support investigations and the Homes for Ukraine Scheme.

#### 6. Customer and Business Satisfaction Rates

- 6.1 In the year to Q3 82% of respondents to these surveys described the service as 'excellent' or 'good' and 18% as fair. There were no negative ratings.

- 6.2 During Q3 the team dealt with a total of 71 Freedom of Information requests which took over 62 hours to process. The team also processed 25 queries from councillors, and the local MPs.
- 6.3 Six service complaints were received. The number of complaints were slightly less than the same period in 2021/22 where eight were received.

## 7. Human Resources

- 7.1 The key staffing updates are:
- The inability to recruit permanently to professionally qualified posts remains a significant risk to the Service and is set out in our current risk matrix. In order to address this the Service is implementing a program to recruit Apprentices to assist with filling some of these vacant posts.
  - Three of the four Level 4 Trainee Regulatory Compliance Apprenticeship posts were filled during Quarter 3 and we are out to recruitment to the fourth role.
  - The Apprentices have all started their Level 4 apprenticeship which should take around fourteen months to complete. Dependent on performance they may then be able to join a level 6 apprenticeship in environmental health or trading standards or enter the licensing route to qualification.
  - In addition existing staff have been invited to apply for options to upskill from technical posts to professional posts or to apply to enter the level 4 apprenticeship scheme. As a result three level 6 trading standards apprentices and three level 6 environmental health apprentices are likely to commence in the coming months. Additionally staff have also come forward to enter other training routes.
  - No other roles were recruited to in Q3 however we have recently recruited a Lead Licensing Applications Officer and are out to advert for a post in housing.

## 8. ICT

- 8.1 The new single system cloud based IT system went live on the 12<sup>th</sup> December 2022. This saw the transfer of all West Berkshire and Bracknell data. This followed a period of over two months where the service had no live system leaving us with a significant backlog of data entry. This was more than twice the anticipated period of downtime.
- 8.2 Work continues to rectify areas of data transfer which are causing difficulties with system functionality but large parts of the system are fully functional. Optimising the use of the on-line portal (which was one of the key features of the system) is a significant part of our identified transformation programme.
- 8.3 There is one final piece of data transfer and that is in respect of the Wokingham trading standards data. At the time of writing that transfer is about to commence and it is anticipated will be complete by the end of February 2023 meaning the existing legacy system contract will not need renewing in April 2023.

## 9. Property

- 9.1 The key property highlights are as follows:

- Both Bracknell Forest and West Berkshire Councils have implemented arrangements built around a model of hybrid working. It has now been confirmed that the 'home worker' hybrid status will extend to all staff regardless of which building they are based in.
- Hybrid working is proving effective. Staff are required to be in the office an average of two days per week. This will be monitored as it is seen as desirable that staff do work together on a regular basis.
- Regardless of where staff are based accessible local delivery will always remain a key focus in-line with the partner Councils requirements.

## 10. Risk Management

10.1 The Committee is asked to note that:

- The Joint Management Board which meets fortnightly, maintains both a Strategic and an Operational Risk Register which is reviewed during these meetings.
- The current risk register can be found as an appendix to the Business Plan elsewhere on this agenda.
- The key risks at this time are:
  - The inability to recruit and retain professional staff
  - Loss of income
  - The failure to implement the new single system effectively

## 11. PPP – Additional Programme Work

### Homes for Ukraine

- 11.1 In West Berkshire the PPP hosted Homes for Ukraine Support Hub which came together at the end of March, to help meet the needs of hosts sponsoring Ukraine guests that are coming over to the UK under the Homes for Ukraine Scheme. Within the hub the Team have built strong relationships with the local community groups helping to assist the Ukraine guests settling in to their new environment. The Team provide a number of roles including DBS checks, updating data, organising accommodation checks, being a single point of contact for all queries, confirming residency, community engagement and welfare. The team move to a new strategic migration function on the 23<sup>rd</sup> January 2022.
- 11.2 In both Bracknell and West Berkshire PPP Officers have been undertaking accommodation checks to confirm that the accommodation is suitable to house the number of guests being accommodated. At the time of writing around 360 inspections had been completed. There are very few new host inspections however we are now undertaking a number of inspections to facilitate re-hosting arrangements.

### Cost of Living

11.3 The Public Protection Service has been leading on the strategy to respond to the Cost of Living rises for West Berkshire and currently hosts the Cost of Living Hub for West Berkshire. We have been assisting both councils with communication of key messages for residents as well as focussing delivery around cost of living related issues such as scams, cold homes etc.

## 12. Communication and Engagement

12.1 Since the last report to Committee:

- Officers have dealt with eleven press enquiries.
- Officers have issued nine press releases, published 38 articles on the website and conducted one radio interview
- We are actively looking at new communication routes and in particular the engagement with the local community based App 'Next Door' as route to getting out key messages.
- We have created a dedicated page on the PPP website for resources for parishes, this includes useful links for residents and businesses as well as posters for them to display based on our services and how and when to contact us. We are also committed to working closely with the parishes on how best to disseminate information to them on current topics.
- Q3 press releases included an article about a Trading Standards seizure of counterfeit mobile phone products in West Berkshire, a request for help from Bracknell residents in identifying fly tipping offenders in Great Hollands Square, Bracknell and a release which was picked up in the National Press (Telegraph, Mirror and The Sun) regarding Electric Blanket Testing in partnership with Royal Berkshire Fire & Rescue. In total there were 14 articles over Q3 in which the Public Protection Partnership was mentioned in external news stories.
- Our social media activity also reflected some of the above events and press releases.
- The Communication Officer in PPP continues to work closely with West Berkshire and Bracknell Forest communication teams and liaises with them on a regular basis regarding our campaigns. We also share our press releases for their distribution, as well as both continuing to share relevant posts on each other's social media platforms.

Target	2021/22 Outturn	Q1	Q2	Q3	Q4	2022/23 Outturn
Facebook – No of New Followers *		53	48	90		
Facebook – No of Posts	464	89	73	98		
Twitter – No of New Followers	67	7	11	4		

Target	2021/22 Outturn	Q1	Q2	Q3	Q4	2022/23 Outturn
Twitter – No of Tweets	451	65	46	95		
Website – No of Visits	85,293	30,887	23,540	16942		
Website – No of Articles	142	29	15	38		

12.2 During Q3 there were a number of face to face engagement events that the team participated in:

- A week of electric blanket safety awareness including testing between the 31 October and 04 November 2022 alongside colleagues at the Royal Berkshire Fire and Rescue Service. This was conducted in Bracknell, West Berkshire and Wokingham.
- Presentations on tobacco and alcohol harm at the icollege, Theale Green School, Little Heath and St Bartholmews Schools.
- Rogue trader advice to schools forum at The Avenue Centre Tilehurst in November 2022.
- Worked with Bracknell Forest colleagues on the mapping of food outlets and sports/recreational sites in Bracknell Forest as part of work on the obesity agenda through November and December.
- Attended Schools Careers events at The Downs, Willink and St Bartholmews Events where we promoted the work of the Partnership and provided information on apprenticeship opportunities within the Service as well as the wider Council. Further events are planned in Bracknell schools.
- Taxi Trade Liaison Group meetings with the trade in both Bracknell and West Berkshire were held in October 2022.

## Community and Trading Standards (including Investigations Team)

12.3 During Q3 the unit has been very busy and some of the highlights are set out below.

- Officers were also involved in researching complaints relating to the integrity of hot water bottles and their use-by dates following national reports of accidents involving hot water bottles.
- The service has seen an increase in cost of living related enquiries and projects.
- The team have updated the PPP website with information relating to the rising cost of living and pressures on businesses and community in ensuring

compliance with regulations to maintain safety and well-being across the borough. For example, product safety and housing, fuel type restrictions, and rental conditions.

- Over the coming months, officers will be looking at enforcement and advice options designed to ensure homes remain heat efficient; specifically, the application of minimum energy efficiency standards in domestic rental premises as well as fair trading by landlords.
- To ensure that the used cars on sale in our area are roadworthy, as described and, whether sold face to face or online, that a consumers statutory rights are not being denied, officers undertook a used car sales exercise. This involved using intelligence and information gathered on the 20 most complained about used car sales companies across the PPP areas.
- In December the Trading Standards Service conducted a joint operation with Thames Valley Police resulting in the seizure of eight vehicles on suspicion of breaching product safety regulations. This matter is now under investigation.
- Following the concerning increase in vaping amongst teenagers, the team have pulled together a project involving communications, presentations and enforcement for products that are unsafe and illegal to be sold from shops across the areas.
- Trading Standards Officers seized a number of suspected illegal vaping products from premises in West Berkshire and Bracknell Forest.
- In December Trading Standards Officer seized a number of suspected phone accessories from a premise in West Berkshire.
- Food standards sampling programmes have included mycotoxins, meat species, dairy free claims and pesticide residues.
- Trading Standards oversaw the implementation of the Avian Influenza controls measures.
- Trading Standard's officers were alerted to a 'novel' item which was a self-feeding baby pillow product that had entered the UK market. Use of this product posed a significant threat to life and officers contacted a number of outlets who may have had this product up for sale to ensure they were removed. Fortunately, no sellers were identified as selling the products and were pleased to be given sound advice.
- Working alongside police colleagues a number of arrests were made with respect to investigations of fraud, unfair trading and money laundering.
- 27 fly tipping incidents in Bracknell were reported to the service. This lead to 27 investigations and 4 files submitted to the Case Management Unit resulting in the issuing of 2 fixed penalties and 2 commencements of legal proceedings. A number of matters are still under investigation.

- Finally, inspections took place pre-firework season, and two significant seizures were undertaken by trading standards officers for unregulated and dangerous storage.

### 13. Commercial (Food Safety and Health and Safety)

13.1 This has been a busy period for the Commercial Team. Highlights include:

- The team continue to work through the backlog of Food Hygiene Inspections brought about by the Covid pandemic when many premises were closed and the officers were redeployed to work on Covid control and enforcing the Covid restrictions.
- In addition to the planned inspections we are still receiving a number of new food premises Registrations. New Food Businesses, by law, are required to Register with us as the Local Authority Food Enforcement team 28 days before opening. We can offer assistance and are inspecting these using a risk based priority assessment.
- Reactive work, which includes requests for help and complaints in relation to food safety or health and safety from the public, employer and employees, continue to come into the team. We also receive formal notifications of accidents through a RIDDOR automated system (Reporting of Injuries, Diseases and Dangerous Occurrences). All notifications are assessed by an authorised Health and Safety Enforcement Officer and there is a determination (based on an instruction from HSE Health and Safety Executive) to ascertain which of these accidents requires mandatory investigation. Should it be required we also have the ability to carry out discretionary investigations.

13.2 In addition we received an application form a farm to be registered as an egg packing centre as they had expanded its laying hen flock and wanted to be able to market its eggs to retail and catering establishments. The premises is a small family run farm that has historically held registration as an egg production establishment that undertakes egg sales at an onsite farm shop.

Conditional approval was granted by Environmental Health to the farm following an Officers onsite inspection in September 2022. In January 2023 we upgraded its approval to full following the farms demonstration of its ability to grade its eggs; by class and size, mark them with its APHA packing centre code and package and label them with sufficient consumer information, for off farm sales.

Due consideration of the Avian Flu guidance published for the South East at the time and enhanced biosecurity measures at the farm meant some Environmental Health audits were undertaken remotely and through desktop audit, in agreement with the farm.

Becoming a registered and approved egg packing centre has successfully enabled the farm to go on to supply local and neighbouring authority retail and catering establishments.



- 13.3 In response to representation from Environmental Health, a food premises from a well-known national chain voluntarily removed their outside seating and tables, as a temporary measure, following customers concerns regarding pigeons in the area being entering the premises. In addition they printed customer information, detailing preferred pigeon etiquette to help resolve the issue.

## 14. Licensing (Including Applications and Licensing Governance)

- 14.1 The team are facing significant challenges with vacancies and this is being addressed through our workforce strategy. Two temporary members of staff have been employed. To assist with recruitment we have revisited the current job descriptions and they are currently being evaluated. We have recently recruited a Lead Officer for Applications who is also an experienced Licensing Officer.
- 14.2 The team has been working alongside Thames Valley Police and Community Safety on a programme of activity to address our 'safer streets' priority and aimed at reducing violence against women and girls.
- 14.3 Consultation was conducted in two significant areas namely, taxi and private hire policy implementation and fees and charges for 2022/23. Both licensing Committees will receive updates this quarter.
- 14.4 One Private Hire Operator licence was revoked in Q3. This is now subject to an appeal.
- 14.5 No Sub-Committee / Panel meetings have taken place in this quarter.

## 15. Private Sector Housing

- 15.1 In addition to business as usual activity the team has also undertaken the following work during Q3:
- 15.2 Following the tragic death of toddler Awaab Ishak, in connection with mould caused by damp conditions in the home, Department for Levelling Up, Housing and Communities DLUHC have requested information from Local Authorities regarding housing standards in private rented properties in England. DLUHC have been in contact separately with Registered Social Landlords.

Should tenants have issues with their landlord, and these are not resolved, they can contact the Environmental Health Housing team who provides information to residents and landlords of private rented sector premises, and who enforces housing standards in private rented sector and registered social landlords.

PPP made their response to DLUHC by 30<sup>th</sup> November 2022, and in the response detailed the work we have done and are doing to ensure the damp and mould is mitigated in the private rented sector by the landlord.

### **Activity for Damp and Mould Season 2022-23**

We have been preparing for the Damp and Mould season for the last few months.

- The PPP Damp and Mould leaflet has been updated and revised – this has been put on social media and the website and sent to all residents who contact us regarding damp and mould. It is being sent to GP surgery's, CAB offices, etc, to encourage reporting of issues and to help signpost the EH Housing service.
- The Principal Lead for housing is carrying out a triage on all service requests coming through. Where this involves damp and mould the resident is immediately contacted and the issues are talked through, photographs are requested so that the visit can be prioritised and the damp and mould leaflet sent. The PEHO discusses what the resident can do practically while waiting for the visit from the housing officer, this can include taking the photos so that we can see the extent of the issue and thereby allowing the resident to start to clean down walls etc. We also advise contact is made with a GP where the tenant is elderly, immunocompromised or there are children affected.
- We need to be realistic and not raise the expectations of the resident. In many cases the damp and mould can be the result of heating and ventilation issues, and this is where changes to reduce condensation and therefore damp and mould would be looked at. Advice is always given. Where the damp ingress is attributed to a structural defect (penetrating damp, rising damp etc.) we will take a stepped approach with the landlord, informal action to secure compliance to use of HHSRS and notices. For the winter months all damp and mould will result in HHSRS assessments, with associated formal action where required.
- The PEHO has briefed PPP Partnership Support Team so that the correct information is taken when tenants ring in (including whether they are residing in a social landlord premises) so that the process can be as efficient as possible
- In anticipation of the number of issues in Social Housing PPP Officers have held meetings with the main providers in our areas and have ensured open lines of communication and developed a joint working protocol for ensuring works are carried out
- PPP Officers have developed links with Adult Social Care and Children's services so that there is 2 way communication where safeguarding issues are noted
- We have BOB referral in place– this is where the NHS Doctors surgery will give out information on how to contact the EH Housing Team where patients present with respiratory issues
- For many years PPP have operated as a service that is Intelligence Lead, and as such we hold Tactical Tasking Group meetings. In this way we can divert officers into areas where there is a need and where the priority is highest. Officers are diverted into housing from other disciplines, especially during this damp and mould season
- Officers who deal with this type of service request to carry out assessments are trained and hold certificates as being HHSRS competent.

- A follow up response is required detailing the number of damp and mould complaints we have received from tenants against their private landlord, along with detail of actions taken. This should be with DLUHC by 27<sup>th</sup> January 2023.
- The team are seeing the effects of the cold season on the number of damp and mould cases that have come through. As this has coincided with the press reports on the tragic death of Awaab Ishak, and the cost of living crisis which means more people are having problems heating their homes, the numbers of tenants coming to us for help is high. In addition we are seeing serious cases of damp and mould, and where children are involved, we are working with early help teams to get situations resolved.

15.3 We are involved with Landlord Forums in the 2 LA areas, we are currently finalising arrangements for an online Forum in West Berkshire at the end of January.

15.4 Business to Residential premises conversion project update - Work is ongoing to complete desktop risk assessments of all properties requiring inspection and data gathering of information regarding individual properties is taking place. Officers have begun the physical inspections of the properties, they are being carried out jointly with Building Control and the Fire Service. The issues found during the inspections are being followed up to ensure action is taken. This project will continue with further inspection visits.

## 16. Environmental Quality

16.1 The team have continued to undertake work to protect the health and wellbeing of our residents through focused projects, planned inspection programmes and responding to complaints. Some key activity undertaken during Quarter 3 included:

- Anti-Idling training (see 17.2) and launch of anti-idling signage will start in Q4.
- System training and setting up Pollution Prevention and Control module.
- Newbury Racecourse Christmas Carnival proactive monitoring re noise and lighting – pre-opening and during as well as reactive work during the event, which included working with the event management and their acoustic consultant to ensure compliance with the noise management plan.
- Ongoing proactive odour monitoring at a commercial site with Abatement Notice served.
- Review of air quality monitoring programme for 2023 calendar year for all three partner authorities.
- Preparation of Drinking Water Inspectorate 2022 returns which are due by the 31 January 2023. Bracknell Forest Council's report has now been submitted and West Berkshire Council's version is being finalised.

- Nitrite and nitrate failure at a Private Water Supply serving 16 properties, Regulation 18 notice served.

## 16.2 DEFRA grant work: PM<sub>2.5</sub> monitoring at schools

After successfully procuring a supplier for the monitoring and reporting of PM<sub>2.5</sub> concentrations at 42 schools, we have been underway with the first and second tranches of a three tranche monitoring programme. AECOM have so far provided reports for 28 schools, with all showing compliance with the PM<sub>2.5</sub> annual mean limit set in Defra's Air Quality Objectives. Two schools have shown a minor exceedance less than 5% above the PM<sub>2.5</sub> guideline set by the World Health Organization (WHO), which is much stricter than Defra's objective, but not enforced in the UK.

It should be noted that these comparisons against the annual mean objectives have been made using three months' worth of data so should be considered only as indicative. Monitoring at the remaining schools in the programme has, by the end of Q3, now commenced and contact will be made with school representatives to consider any appropriate next steps, for example, improving school travel plans or undertaking targeted action to address engine idling.

## 16.3 Anti-idling training in Bracknell Forest

PPP Officers met with the Bracknell Forest Civil Enforcement Team to deliver anti-idling training, focused on collecting information about the location and occurrence of idling vehicles in Bracknell when CEOs are out conducting their usual duties. The aim is to address idling through behaviour change and to encourage drivers to switch off their engines where appropriate. Leaflets have been produced with information to explain the dangers of idling, and to help dispel some common myths about the topic. Data collected from the initiative will help us to better understand the problem and be used to tailor behaviour change measures, like best locations to place new signage.

## 16.4 Defra 2022/23 Grant Application

In the autumn of 2022 PPP submitted an application to Defra's air quality grant scheme to fund a new project. The new project aims to satisfy Defra's requirement for projects that will improve knowledge and information about air quality and steps individuals can take to reduce their exposure to air pollution, and/or projects that include measures that deal with particulate matter. Funding has therefore been requested for a project which looks to optimise key signalised junctions through the collection of particulate matter data. The project would operate as an extension of the ADEPT project which has been completed in West Berkshire.

The aim would be to ensure optimal traffic management whilst improving particulate matter concentrations at the junctions. Funding has also been requested for the delivery of a new website which will act as a hub for air quality information, guidance, data and other resources – with specific areas targeted for different audiences like schools and businesses.

Finally, the project would also deliver a new 'accreditation' scheme targeted at traders selling domestic burning fuels to recognise responsible traders and provide residents with a resource to understand the best places to buy their fuel. This scheme will also

be accompanied by a campaign raising awareness about domestic burning. We will be notified of the outcome in March 2023.

## 17. Legal Update

- 17.1 Bracknell Forest Council and West Berkshire Council were jointly inspected by the Investigatory Powers Commissioners Office (IPCO). One of the matters for considered during the course of that inspection was the issue of Member oversight of the measures in place and actions being taken by the Councils. The outcome of this inspection is covered in another report elsewhere on this agenda.
- 17.2 The Case Management Unit updated the entire investigation procedures and file format in this quarter. The new file format provides a more streamlined approach that ensures that all of the information needed by CMU when considering a case file is in one document. The system has now been launched and staff have received a briefing on the changes.
- 17.3 The liaison arrangements with Wokingham Legal Services continue to work well as CMU continue to manage cases for all Wokingham public protection functions both within PPP and in-house.
- 17.4 The Case Management Unit has continued to see a steady flow of new cases coming through and has dealt with a number of matters before both the Magistrates Courts and the Crown Court. Although the Court system has been running at a more normal pace during this quarter, there are still significant delays particularly with the listing of Crown Court trials. This is partly due to the backlog of cases which has been further impacted by the Criminal Bar strike action. Recent legal actions include:

### ***Puppy Seller***

Puppy seller pleaded guilty to eight offences contrary to the Consumer Protection from Unfair Trading Regulations 2008. The prosecution case was that the defendant had misled three consumers by false representations as to the health, breed, age, vaccination, and microchip status of three puppies advertised for sale on Gumtree. The Crown Court sentenced by way of an 18 month Community Order with a requirement to complete 180 hours of unpaid work. The Defendant was also ordered to pay compensation of £4,850 to the three consumers for the costs they had incurred in veterinary treatment and bills.

### ***Taxi Driver Appeal***

Successfully defended an appeal against the decision to refuse to grant a home to school driver's licence following the non-disclosure of previous convictions. The question for the Court was whether the appellant was a 'fit and proper' person within the meaning of s.51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976. The appeal was dismissed and the local authority's decision was found to be correct both in fact and law

### ***Counterfeit Goods***

Counterfeit clothing items surrendered and a warning issued following a small number of counterfeit items being seized from a residential property. Forfeiture and destruction of counterfeit items ensures that the items cannot end up back on the market.

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## 18. Appendices

### APPENDIX A – Communications Update

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## 19. Background Papers:

None

### Subject to Call-In:

Yes:                      No: X

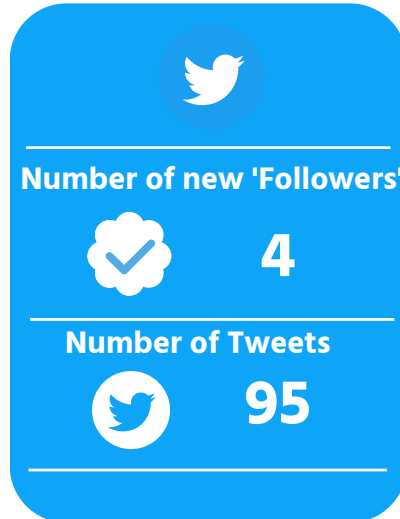
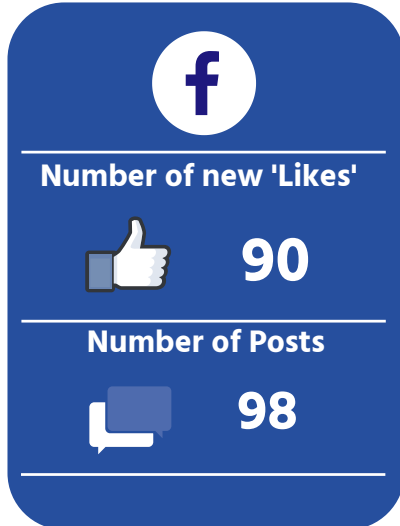
**Wards affected:** All Wards

### Officer details:

Name:	Sean Murphy
Job Title:	Public Protection Partnership Manager
Tel No:	01635 519840
E-mail:	<a href="mailto:sean.murphy@westberks.gov.uk">sean.murphy@westberks.gov.uk</a>

---

## PPP Comms Summary Q3 - 2022/23



### Top Facebook and Twitter Post of the quarter

#### Facebook



**Puppy seller convicted of breaching Consumer Protection from Unfair Trading Regulations. Mr. Stokes had mislea...**

24 November at 17:26 · 🌐

Post reach  
3,339

Post engagement  
418

#### Twitter

**Public Protection Partnership @PublicPP\_UK**

Our thoughts are with all those affected by the tragic incident in Solihull.

We're urging everyone to be aware of the dangers of frozen rivers, lakes, and ponds.

Please take a look at the [@RBFRSofficial](https://bit.ly/3iZHrhq) website for advice:  
<https://bit.ly/3iZHrhq>  
<https://twitter.com/RBFRSofficial/status/1602284514339962881>

Impressions	800
Total engagements	4
Likes	3
Profile clicks	1

	New Followers	No. Posts
<b>October</b>	<b>7</b>	<b>31</b>
<b>November</b>	<b>39</b>	<b>38</b>
<b>December</b>	<b>44</b>	<b>29</b>

## Top 3 Performing Facebook Posts in Q3



**Puppy seller convicted of breaching Consumer Protection from Unfair Trading Regulations. Mr. Stokes had mislea...**

24 November at 17:26 · 

Post reach  
**3,339**


Post engagement  
**418**




**Dog Owners give your dog the best Christmas present ever in 2 easy steps... Step 1 - Make sure they have a do..**

Published by Lisa Barnes  · 19 December 2022 at 14:44 · 

Post impressions   
**2,268**

Post reach   
**2,268**


Post engagement   
**54**




**Does your house have damp and mould? One of the main causes of damp and mould in your home is...**

Published by Lisa Barnes  · 23 November at 14:47 · 

Post impressions   
**1,183**

Post reach   
**1,148**

Post engagement   
**140**





## New Followers

## No. Tweets

<b>October</b>	<b>4</b>	<b>28</b>
<b>November</b>	<b>-1</b>	<b>38</b>
<b>December</b>	<b>1</b>	<b>29</b>

## Top Performing Twitter Posts in Q3

### Public Protection Partnership @PublicPP\_UK

Our thoughts are with all those affected by the tragic incident in Solihull.

We're urging everyone to be aware of the dangers of frozen rivers, lakes, and ponds.

Please take a look at the [@RBFRSofficial](https://bit.ly/3iZHrhq) website for advice:  
<https://bit.ly/3iZHrhq>  
<https://twitter.com/RBFRSofficial/status/1602284514339962881>

Impressions	800
Total engagements	4
Likes	3
Profile clicks	1



### Public Protection Partnership

@PublicPP\_UK

Halloween 🎃 Update from [@ThamesVP](#)

Halloween and Trick or Treating can be great fun for the young. However it is often an upsetting time for more vulnerable and elderly residents.

See link below for 'No Trick or Treat' poster and advice.

<https://publicprotectionpartnership.org.uk/news-articles/halloween-update-from-thames-valley-police/> ... [pic.twitter.com/XAJoS5qQTo](https://pic.twitter.com/XAJoS5qQTo)

Impressions	530
Total engagements	3
Retweets	2
Media engagements	1



### Public Protection Partnership

@PublicPP\_UK

West Berkshire Councillors agree to support a motion which would see members of the taxi trade licensing electric/hybrid taxis and private hire vehicles being offered a remittance on their vehicle licence fee.

For more information see link below:

<https://publicprotectionpartnership.org.uk/news-articles/west-berkshire-council-supports-motion-to-help-taxis-go-greener/> ... [pic.twitter.com/DPwimviKBE](https://pic.twitter.com/DPwimviKBE)

Impressions	418
Total engagements	4
Retweets	2
Likes	1
Detail expands	1

<b>Month</b>	<b>Visitors</b>	<b>Articles Published</b>
<b>October</b>	<b>6,641</b>	<b>13</b>
<b>November</b>	<b>5,943</b>	<b>14</b>
<b>December</b>	<b>4,358</b>	<b>11</b>

## Social Platforms Traffic

Number of views to website from social media posts.

	<b>Facebook</b>	<b>Twitter</b>
<b>October</b>	<b>246</b>	<b>14</b>
<b>November</b>	<b>446</b>	<b>250</b>
<b>December</b>	<b>170</b>	<b>178</b>

## Other Media Coverage

Number of press enquires to PPP in Q3 - 11

Number of press releases sent out from PPP in Q3 - 9

Number of radio interviews with PPP in Q3 - 1

Number of TV programmes with PPP coverage in Q3 - 0

Number of article's published online mentioning PPP in Q3 - 14

## Regulation of Investigatory Powers

<b>Committee considering report:</b>	Joint Public Protection Committee
<b>Date of Committee:</b>	26 January 2023
<b>Chair of Committee:</b>	Councillor Thomas Marino
<b>Date JMB agreed report:</b>	22 November 2021
<b>Report Author:</b>	Sean Murphy
<b>Forward Plan Ref:</b>	JPPC

### 1. Purpose of the Report

- 1.1 To set out the outcome of the recent inspection by the Investigatory Powers Commissioners Office.

### 2. Recommendations

- 2.1 Members are asked to **NOTE** the content of this report.
- 2.2 **RECOMMEND** to both Councils that the IPCO views on wider Member oversight be implemented as each Council feels appropriate.
- 2.3 **AGREE** that the subject of surveillance forms the basis of a PPP special Member briefing bulletin.

### 3. Implications and Impact Assessment

Implication	Commentary			
<b>Financial:</b>	None			
<b>Human Resource:</b>	None			
<b>Legal:</b>	The PPP approach is designed to fit into the wider requirements of Council policy and the specific requirements of the Regulation of Investigative Powers Act 2000 (RIPA) and the Protection of Freedoms Act 2011.			
<b>Risk Management:</b>	The PPP operate a range of quality management documents that are designed to minimise the risks associated with conducting surveillance.			
<b>Property:</b>	None			
<b>Policy:</b>	Each partner Council has its own RIPA policy which have now been aligned.			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>

<b>Equalities Impact:</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x		Each policy, procedure and guidance note is designed to ensure that surveillance is conducted appropriately with regards to equality impact i.e. each case on its own merit and appropriate scrutiny about decisions relating to conducting surveillance.
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		
<b>Environmental Impact:</b>		x		
<b>Health Impact:</b>		x		
<b>ICT or Digital Services Impact:</b>		x		
<b>PPP Priorities :</b>		x		Surveillance is a key part of the PPP's overall toolkit to achieve its priorities.
<b>Data Impact:</b>		x		Data retention is an important feature of the surveillance process and there are appropriate controls within each policy, procedure and guidance note.
<b>Consultation and Engagement:</b>	Report will be presented to the Joint Public Protection Committee for information			
<b>Other Options Considered:</b>	None			

## 4. Introduction

- 4.1 In December 2021 the Committee received a report on the use of overt and covert surveillance within the Public Protection Service.
- 4.2 The report set out how the Service delivers its many enforcement and investigative responsibilities on behalf of all three partner authorities. A number of these may require monitoring or surveillance in some form, including noise monitoring, CCTV for flytipping, body worn cameras and investigations into on-line criminal activity. Very little covert activity takes place.

- 4.3 The Regulation of Investigatory Powers Act 2000 (RIPA) was introduced to ensure that surveillance and other intelligence gathering complies with the European Convention on Human Rights ('The Convention'), importantly Article 8 (the right to a private and family life) and Article 6 (the right to a fair trial). Article 8 is a 'qualified right'. RIPA provides a framework by which covert surveillance can be undertaken lawfully, notwithstanding that it breaches Convention rights such as the right to privacy and family life. Where covert surveillance is proportionate and necessary, and is undertaken with the appropriate authorisation, the surveillance will be lawful.
- 4.4 The use of overt public space CCTV is governed by the Protection of Freedoms Act 2011 which requires this to be conducted in line with CCTV policy of the Council.
- 4.5 Access to communications data such as telephone and e-mail subscribers is governed by Communications is regulated by the Investigatory Powers Act 2016 and an local authorities can only access such data through an approved Single Point of Contact (SPOC) which in our case is the National Anti-Fraud Network. Local authorities cannot intercept communication under any circumstances and therefore steps need to be taken when seizing communication devices to ensure this does not happen.
- 4.6 Where surveillance is undertaken in a lawful manner, the Council will not be liable for damages for interference with an individual's Convention rights. Further the risk of evidence being ruled inadmissible in criminal proceedings is reduced.
- 4.7 The PPP engages in low levels of the types of activity which are covered by this legislation and where it is, there is liaison with the Councils Senior Responsible Officer to ensure appropriate records are kept, in line with each partner's individual policy.
- 4.8 The Investigatory Powers Commissioner's Office (IPCO) provide independent oversight of the use of investigative powers by intelligence agencies, the police and other public authorities. Monitoring takes place via annual returns and inspections, which take place approximately every three years. The PPP has supported each partner's Legal Services in the preparation and response to IPCO inspections which have taken place over the last few years. Oversight of public space CCTV is the responsibility of the Surveillance Camera Commissioner. All data must be handled in accordance with data protection legislation under the jurisdiction of the Information Commissioner.
- 4.9 In 2022 West Berkshire and Bracknell Forest were subject to a joint inspection by IPCO. This was the first joint inspection that reflected the fact that the Public Protection Service was a shared service and was one of the services most likely to deploy overt and covert surveillance. The two authorities had also been moving towards common policies for both RIPA and CCTV and expertise in the Public Protection Service was shared with other Council services.
- 4.10 Both authorities were represented by their respective Senior Responsible Officer appointed for the purpose of the Act and the Public Protection Manager attended as an authorising officer and to provide answers to questions of technical application. A number of items were requested prior to the inspection including the latest policies on RIPA and Social Media. These can be found at Appendix A and B to this report.
- 4.11 Although the inspection was joint one each authority received individual feedback which given the commonality of processes were similar. The RIPA Codes issued under the Regulation of Investigatory Powers Act 2002 require democratic oversight of the

use of powers. RIPA is delegated to the Committee under the Inter-Authority Agreement and this report along with the previous one fulfil that obligation.

## **5. Outcomes of the Inspection**

### **5.1 RIPA Policy**

The recently updated policy is common to both Bracknell and West Berkshire. The policy was regarded as fit for purpose although it was agreed that the Policy should have a specific section on 'retention, review and destruction' of material. A copy of the Policy as submitted for review is at Appendix A to this report.

### **5.2 Social Media Policy**

As identified in the Strategic Assessment eCrime is a cross-cutting service priority. Monitoring of any social media activity is a matter that is sometimes necessary for crime detection purposes but has to be handled carefully and in accordance with the law and IPCO guidance. The fact that an individual has 'open' or public settings on a social media account does not mean that they consent to any public authority accessing their data. Investigating officers discuss these risks with their manager and/or the Senior Investigating Officer to evaluate the risks and decide whether they are likely to need to conduct surveillance covered by RIPA.

Officers are aware that they must remain cognoscente of the impacts that their actions can have upon the rights and freedoms of third parties when using social media. Many steps have been taken to train relevant staff and to raise awareness of this issue in order to ensure that if officers access Social Media for work related purposes do so in an appropriate manner. Any specific operations are conducted by specially trained staff. Examples of situations where a social media account may be monitored include illegal sales of waste services, sales of counterfeit or smuggled goods, illegal sales of pets or fraud and unfair trading.

The policy deployed by the Councils was described as 'accurate and aligning with latest guidance contained in codes of practice'. The inspector also noted that records were kept of activity and it was agreed that further management oversight of records would be desirable to ensure the policy was being consistently applied.

### **5.3 Democratic Oversight**

The Inspector was given a copy of the previous report to this Committee which he indicated satisfied the requirements of paragraph 4.47 of the Home Office Covert Surveillance and Property Interference Code of Practice. It was felt that more should be done to put the oversight and control of these powers before a wider Member audience and it was suggested that the relevant 'governance committee' could be one such forum.

### **5.4 Training of Staff, Authorising Officers and SRO**

All staff involved in enforcement are trained to understand the basic requirements around overt and covert surveillance to ensure that they don't find themselves in a situation where they are conducting unlawful surveillance. The service also engages specialist external advice in relation to policies and training.

The Inspector noted that all relevant authorising officers and each SRO had received updated training with the specified period of three years. West Berkshire Officers were trained in 2021 and Bracknell Officers had refresher training as recently as November 2022.

Finally the Inspector noted the attempts to raise staff awareness beyond the Public Protection Service and in particular that over 100 staff at Bracknell had received awareness training on the surveillance risks associated with social media describing it as an 'impressive figure' which would significantly reduce risk. It is proposed to now conduct similar training.

*It is worth noting that Bracknell Members have also received briefings on overt and covert surveillance and CCTV.*

## 5.5 Authorisations

Finally two authorisations were reviewed in full by the Inspector. Advice was given on areas where applications could be strengthened.

The use of non RIPA surveillance considerations was also explained to the Inspector to ensure that surveillance wasn't deployed by officers without authorisation where it would be necessary and that regardless principles of necessity and proportionality remained at the heart of activity.

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## 6. Appendices

### Appendix A – RIPA Policy submitted to IPCO

### Appendix B – Social Media Policy submitted to IPCO

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#### Subject to Call-In:

Yes:

**Wards affected:** All Wards

#### Officer details:

Name: Sean Murphy  
Job Title: Public Protection Manager  
Tel No: Sean.Murphy@westberks.gov.uk  
E-mail: 01635 519840

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# **Regulation of Investigatory Powers Act 2000 (RIPA)**

## **Policy and Guidance**

## Contents

### Section      **PART A - Introduction & RIPA General**

1.      Introduction
2.      Scope of Policy
3.      Background to RIPA and Lawful Criteria
4.      Consequences of Not Following RIPA
5.      Independent Oversight

### Section      **PART B - Surveillance, Types and Criteria**

6.      Introduction
7.      Surveillance Definition
8.      Overt Surveillance
9.      Covert Surveillance
10.     Intrusive Surveillance Definition
11.     Directed Surveillance Definition
12.     Private Information
13.     Confidential or Privileged Material
14.     Lawful Grounds
15.     Test Purchases
16.     Urgent Cases
17.     Surveillance for Preventing Disorder
18.     CCTV
19.     Automatic number Plate Recognition (ANPR)
20.     Internet and Social Media Investigations
21.     Surveillance Outside of RIPA
22.     Joint Agency Surveillance
23.     Use of Third-Party Surveillance
24.     Surveillance Equipment

### Section      **PART C - Covert Human Intelligence Sources (CHIS)**

25.     Introduction
26.     Definition of CHIS
27.     Vulnerable CHIS
28.     Lawful Criteria
29.     Conduct and Use of a Source
30.     Handler and Controller
31.     Undercover Officers
32.     Tasking
33.     Risk Assessments
34.     Use of Equipment by a CHIS
35.     CHIS Management
36.     CHIS Record Keeping
- 36.1.   Centrally Retrievable Record of Authorisations
- 36.4.   Individual Source Records of Authorisation and Use of CHIS
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## **PART A Introduction & RIPA General**

### **1. Introduction**

- 1.1 The performance of certain investigatory functions of Local Authorities may require the surveillance of individuals or the use of undercover officers and informants. Such actions may intrude on the privacy of individuals and can result in private information being obtained and as such, should not be undertaken without full and proper consideration. The Regulation of Investigatory Powers Act 2000 (RIPA) governs these activities and provides a means of ensuring that they are carried out in accordance with law and subject to safeguards against abuse.

All surveillance activity can pose a risk to the Council from challenges under the HRA or other processes. Therefore, it must be stressed that all staff involved in the process must take their responsibilities seriously which will assist with the integrity of the Council's processes, procedures and oversight responsibilities.

In preparing this policy the Council has followed the RIPA Codes of Practice (August 2018), Office of Surveillance Commissioners (OSC) Procedures and Guidance 2016 (still current).

If having read this document you are unclear about any aspect of the process, seek the advice from the Public Protection Manager.

### **2. Scope of Policy**

- 2.1 The purpose of this Policy is to ensure there is a consistent approach to the authorisation process and undertaking of surveillance activity that is carried out by the Council. This includes the use of undercover officers and informants, known as Covert Human Intelligence Sources (CHIS). This will ensure that the Council complies with the Regulation of Investigatory Powers Act 2000 (RIPA).
- 2.2 This document provides guidance on the authorisation processes and the roles of the respective staff involved.
- 2.3 The policy also provides guidance on surveillance which it is necessary to undertake by the authority but cannot be authorised under the RIPA legislation. This is referred to as surveillance outside of RIPA and will have to be compliant with the Human Rights Act. (See section 3).
- 2.4 The policy also identifies the cross over with other policies and legislation, particularly with the Human Rights Act, Data Protection Act and the Criminal Procedures Investigations Act.
- 2.5 All RIPA covert activity will have to be authorised and conducted in accordance with this policy, the RIPA legislation and Codes of Practice. Therefore, all officers involved in the process will have regard to this document and the statutory RIPA Codes of Practice issued under section 71 RIPA (current version issued in August 2018) for both Directed Surveillance and the use of Covert Human Intelligence Sources (CHIS). The

Codes of Practice are available from: <https://www.gov.uk/government/collections/ripa-codes#current-codes-of-practice>

### 3. Background to RIPA and Lawful Criteria

- 3.1 On 2<sup>nd</sup> October 2000 the Human Rights Act 1998 (HRA) came into force making it potentially unlawful for a Local Authority to breach any article of the European Convention on Human Rights (ECHR).
- 3.2 Article 8 of the European Convention on Human Rights states that: -
  - 1) Everyone has the right of respect for his private and family life, his home and his correspondence.
  - 2) There shall be no interference by a Public Authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health and morals or for the protection of the rights and freedoms of others.
- 3.3 The right under Article 8 is a qualified right and Public Authorities can interfere with this right for the reasons given in 3.2 (2) above if it is necessary and proportionate to do so.
- 3.4 Those who undertake Directed Surveillance or CHIS activity on behalf of a Local Authority may breach an individual's Human Rights, unless such surveillance is **lawful**, consistent with Article 8 of the ECHR and is both **necessary** (see section 42) and **proportionate** (see section 43) to the matter being investigated.
- 3.5 RIPA provides the legal framework for lawful interference to ensure that any activity undertaken, together with the information obtained, is HRA compatible.
- 3.6 However, under RIPA, Local Authorities can now only authorise Directed Surveillance for the purpose of preventing or detecting conduct which constitutes a criminal offence which is punishable (whether on summary conviction or indictment) by a maximum term of at least six months imprisonment; (serious crime criteria) or involves the sale of alcohol or tobacco to children. (See Sec 14)
- 3.7 The **lawful criteria for CHIS** authorisation is **prevention and detection of crime and prevention of disorder** and the offence does not have to have a sentence of 6 months imprisonment.
- 3.8 Furthermore, the Council's authorisation can only take effect once an order approving the authorisation has been granted by a Justice of the Peace (JP).
- 3.9 RIPA ensures that any surveillance which is undertaken following authorisation and approval from a Justice of the Peace is lawful. Therefore, it protects the authority from legal challenge. It also renders evidence obtained lawful for all purposes.

## 4. Consequences of Not Following RIPA

4.1 Although not obtaining authorisation does not make the authorisation unlawful per se, it does have some consequences: -

- Evidence that is gathered may be inadmissible in court;
- The subjects of surveillance can bring their own claim on Human Rights grounds i.e. the Council have infringed their rights under Article 8;
- If a challenge under Article 8 is successful, the Council would receive reputational damage and could face a claim for financial compensation;
- The Government has also introduced a system of tribunal to deal with complaints. Any person who believes that their rights have been breached can have their complaint dealt with by the Investigatory Powers Tribunal (IPTC) (See Complaints section 66)
- It is likely that the activity could be construed as an error and therefore have to be investigated and a report submitted by the Senior Responsible Officer to the Investigatory Powers Commissioner's Office (IPCO). (See Sec 65 Errors)

## 5. Independent Oversight

5.1 RIPA was overseen by the Office of Surveillance Commissioners (OSC). However, from 1 Sept 2017 oversight is now provided by the Investigatory Powers Commissioner's Office (IPCO). They are the independent inspection office whose remit includes providing comprehensive oversight of the use of the powers to which the RIPA code applies, and adherence to the practices and processes described in it. They also provide guidance to be followed which is separate to the codes.

5.2 They have unfettered access to all locations, documentation and information systems as is necessary to carry out their full functions and duties and they will periodically inspect the records and procedures of the Council to ensure the appropriate authorisations have been given, reviewed, cancelled, and recorded properly.

5.3 It is the duty of any person who uses these powers to comply with any request made by a Commissioner to disclose or provide any information they require for the purpose of enabling them to carry out their functions. Therefore, it is important that the Council can show it complies with this Policy and with the provisions of RIPA.

## **PART B Surveillance, Types and Criteria**

### **6. Introduction**

6.1 It is important to understand the definition of surveillance; what activities are classed as surveillance and the different types of surveillance covered by RIPA and the HRA. Surveillance can be both overt and covert and depending on their nature, are either allowed to be authorised under RIPA or not. There are also different degrees of authorisation depending on the circumstances.

### **7. Surveillance Definition**

#### **7.1 Surveillance is:**

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

### **8. Overt Surveillance**

8.1 Overt surveillance is where the subject of surveillance is aware that it is taking place, either by way of signage such as in the use of CCTV or because the person subject of the surveillance has been informed of the activity. Overt surveillance is outside the scope of RIPA and therefore does not require authorisation. However, it still must take account of privacy under the Human Rights Act and be necessary and proportionate. Any personal data obtained will also be subject of the Data Protection Act. Overt CCTV cameras (fixed or portable) are also subject to both the Information Commissioners and CCTV Commissioners respective codes of practice. These are dealt with by the Council's Code of Practice on CCTV.

### **9. Covert Surveillance**

9.1 Covert Surveillance is defined as "surveillance which is carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place" and is covered by RIPA. Covert surveillance is categorised as either **intrusive** or **directed** (see below).

### **10. Intrusive Surveillance**

10.1 West Berkshire Council has no authority in law to carry out Intrusive Surveillance. It's only the Police and other law enforcement agencies that can lawfully carry out intrusive surveillance.

10.2 Intrusive surveillance is defined in section 26(3) of the 2000 Act as covert surveillance that:

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

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

10.4 A risk assessment of the capability of equipment being used for surveillance on residential premises and private vehicles, such as high-powered zoom lenses, should be carried out to ensure that its use does not meet the criteria of Intrusive Surveillance.

## **11. Directed Surveillance Definition**

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

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

## **12. Private information**

12.1 By its very nature, surveillance may involve invading an individual's right to privacy. The level of privacy which individuals can expect depends upon the nature of the environment they are in at the time. For example, within an individual's own home or private vehicle, an individual can expect the highest level of privacy. The level of expectation of privacy may reduce if the individual transfers out into public areas.

12.2 The Code of Practice provides guidance on what is private information. They state private information includes any information relating to a person's private or family life. As a result, private information is capable of including any aspect of a person's private or personal relationship with others, such as family and professional or business relationships.



- 12.3 Whilst a person may have a reduced expectation of privacy when in a public place, covert surveillance of that person's activities in public may still result in the obtaining of private information. This is likely to be the case where that person has a reasonable expectation of privacy even though acting in public and where a record is being made by a Public Authority of that person's activities for future consideration or analysis. Surveillance of publicly accessible areas of the internet should be treated in a similar way, recognising that there may be an expectation of privacy over information which is on the internet, particularly where accessing information on social media websites.
- 12.4 Private life considerations are particularly likely to arise if several records are to be analysed together in order to establish, for example, a pattern of behaviour, or if one or more pieces of information (whether or not available in the public domain) are covertly (or in some cases overtly) obtained for the purpose of making a permanent record about a person or for subsequent data processing to generate further information. In such circumstances, the totality of information gleaned may constitute private information even if individual records do not. Where such conduct includes covert surveillance, a Directed Surveillance authorisation may be considered appropriate.
- 12.5 Private information may include personal data, such as names, telephone numbers and address details. Where such information is acquired by means of covert surveillance of a person having a reasonable expectation of privacy, a Directed Surveillance authorisation is appropriate.
- 12.6 Information which is non-private may include publicly available information such as, books, newspapers, journals, TV and radio broadcasts, newswires, websites, mapping imagery, academic articles, conference proceedings, business reports, and more. Such information may also include commercially available data where a fee may be charged, and any data which is available on request or made available at a meeting to a member of the public.
- 12.7 There is also an assessment to be made regarding the risk of obtaining collateral intrusion which is private information about persons who are not subjects of the surveillance (see section 44).

### **13. Confidential or Privileged Material**

- 13.1 Particular consideration should be given in cases where the subject of the investigation or operation might reasonably assume a high degree of confidentiality. This includes where the material contains information that is legally privileged, confidential journalistic material or where material identifies a journalist's source, where material contains confidential personal information or communications between a Member of Parliament and another person on constituency business. Directed Surveillance likely or intended to result in the acquisition of knowledge of confidential or privileged material must be authorised by the Chief Executive.
- 13.2 Advice should be sought from the Public Protection Manager and / or Legal Services if it is believed that any surveillance may have unintentionally resulted in the obtaining of confidential or privileged material. The advice given in such circumstances must be followed and records kept of advice and actions.

## 14. Lawful Grounds

- 14.1 As mentioned earlier the Lawful Grounds for Directed Surveillance is a higher threshold for Local Authorities and cannot be granted unless it is to be carried out for the purpose of preventing or detecting a criminal offence(s) and it meets the serious crime test i.e. that the criminal offence(s) which is sought to be prevented or detected is:
- 1) Punishable, whether on summary conviction or on indictment, by a maximum term **of at least 6 months of imprisonment**, or,
  - 2) Would constitute an offence under sections 146, 147 or 147A of the Licensing Act 2003 or section 7 of the Children and Young Persons Act 1933 (see 1.4 above). This is the only ground available to the Council and hence the only justification.
- 14.2 Preventing or detecting crime goes beyond the prosecution of offenders and includes actions taken to avert, end or disrupt the commission of criminal offences.

## 15. Test Purchases

- 15.1 Test purchase activity does not in general require authorisation as a CHIS under RIPA as vendor-purchaser activity does not normally constitute a relationship as the contact is likely to be so limited. However, if a number of visits are undertaken at the same establishment to encourage familiarity, a relationship may be established and authorisation as a CHIS should be considered. If the test purchaser is wearing recording equipment and is not authorised as a CHIS, or an adult is observing, consideration should be given to granting a Directed Surveillance authorisation if the surveillance meets the Directed Surveillance threshold which is covert surveillance which is likely to obtain private information and the offence carries 6 months or involves the sale of alcohol or tobacco to children. It is important that in all circumstances a consideration of RIPA and the likelihood of obtaining private information takes place as well as any considerations under the HRA. The use of recording equipment will require additional considerations.
- 15.2 When conducting covert test purchase operations at more than one establishment, it is not necessary to construct an authorisation for each premise to be visited but the intelligence must be sufficient to prevent "fishing trips". Premises may be combined within a single authorisation provided that each is identified at the outset. Necessity, proportionality, and collateral intrusion must be carefully addressed in relation to each of the premises. It is unlikely that authorisations will be considered proportionate without demonstration that overt methods have been considered or attempted and failed. (Sec 245 OSC Procedures & Guidance 2016)

## **16. Urgent cases**

- 16.1 There is no provision to authorise urgent oral authorisations under RIPA for urgent cases as all authorisations have to be approved by a J.P. If surveillance was required to be carried out in an urgent situation or as an immediate response, this would still have to be justified as necessary and proportionate under HRA. This type of surveillance is surveillance outside of RIPA. (see section 21 below).

## **17. Surveillance for Preventing Disorder**

- 17.1 RIPA Authorisation for the purpose of preventing disorder can only be granted if it involves a criminal offence(s) punishable (whether on summary conviction or indictment) by a maximum term of at least 6 months' imprisonment. Surveillance for disorder not meeting these criteria would need to be carried out as surveillance outside of RIPA. (See below)

## **18. CCTV**

- 18.1 For the purposes of this policy, CCTV now is included under 'Surveillance Camera Systems' Section 29(6) Protection of Freedoms Act 2012. ∴ "Surveillance camera systems" is taken to include:

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

This includes

- Conventional town centre CCTV;
  - Body Worn Video (BWV)
  - Automatic Number Plate Recognition (ANPR);
  - Deployable mobile overt mobile camera systems.
  - Drones
- 18.2 Surveillance camera systems are subject to both the Surveillance Camera Code of Practice and the ICO CCTV Code of Practice titled 'In the Picture'
- 18.3 The use of the conventional town centre CCTV systems operated by the Council do not normally fall under the RIPA regulations. However, it does fall under the Data

Protection Act 2018, the Surveillance Camera Code 2013, Information Commissioner's Office (ICO) 'In the picture: a data protection code of practice for surveillance cameras and personal information' and the Councils CCTV policy. However, should there be a requirement for the CCTV cameras to be used for a specific purpose to conduct surveillance it is likely that the activity will fall under Directed Surveillance and therefore require an authorisation.

- 18.4 Operators of the Councils CCTV system need to be aware of the RIPA issues associated with using CCTV and that continued, prolonged systematic surveillance of an individual may require an authorisation.
- 18.5 On the occasions when the CCTV cameras are to be used in a Directed Surveillance situation either by enforcement officers from relevant departments within the Council or outside Law Enforcement Agencies such as the Police, West Berkshire Council CCTV policy should be followed where relevant as well as the RIPA Codes of Practice.
- 18.6 The CCTV staff are to have a copy of the authorisation form in a redacted format, or a copy of the authorisation page. If it is an urgent oral authority from the Police, a copy of the applicant's notes are to be retained or at least some other document in writing which confirms the authorisation and exactly what has been authorised. It is important that the staff check the authority and only carry out what is authorised.
- 18.7 This definition will include body worn video (BWV) and overt cameras deployed to detect waste offences such as fly-tipping. This definition has far reaching implications as the use of any cameras that meet the requirement will have to be used in a manner that complies with the codes of practice mentioned above and the Data Protection Act.

## **19. Automatic Number Plate Recognition (ANPR)**

- 19.1 Automated Number Plate Recognition (ANPR) does not engage RIPA if it is used for the purpose it is registered for, such as traffic flow management or safety and enforcement within car parks. However, it is capable of being a surveillance device if used in a pre-planned way to carry out surveillance by monitoring a particular vehicle by plotting its locations, e.g. in connection with illegally depositing waste (fly-tipping).
- 19.2 Should it be necessary to use any ANPR systems to monitor vehicles, the same principles apply where a RIPA or Non RIPA process is followed.

## **20 Internet and Social Media Investigations**

- 20.1 Online open-source research is widely regarded as the collection, evaluation and analysis of material from online sources available to the public, whether by payment or otherwise to use as intelligence and evidence.
- 20.2 The use of online open source internet and social media research techniques has become a productive method of obtaining information to assist the Council with its regulatory and enforcement functions. It can also assist with service delivery issues and debt recovery. However, the use of the internet and social media is constantly evolving and with it the risks associated with these types of enquiries, particularly

regarding breaches of privacy under Article 8 Human Rights Act (HRA) and other operational risks.

- 20.3 The internet is another method of carrying out surveillance (See definition section 7) and a computer is a surveillance device. Repeat viewing of individual 'open source' sites for the purpose of intelligence gathering and data collation may constitute Directed Surveillance. Activities of monitoring through, for example, a Facebook profile for a period of time and a record of the information is kept for later analysis or evidential purposes is likely to require a RIPA authorisation. Where covert contact is made with another person on the internet a CHIS authority may be required.
- 20.4 Where this is the case, the application process and the contents of this policy is to be followed.
- 20.5 Where the activity falls within the criteria of surveillance or CHIS outside of RIPA, again this will require authorising on a non RIPA form which will be authorised internally.
- 20.6 There is a detailed separate corporate policy that covers online open source research which should be read and followed in conjunction with this policy.
- 20.6 There is considerable information regarding conducting internet research in both the Surveillance and CHIS codes of practice, together with the Procedures and Guidance document issued by the inspectors (IPCO). This has been compiled into a separate document which is available from the Public Protection Manager.

## 21. Surveillance Outside of RIPA

- 21.1 As already explained, for Directed Surveillance the criminal offence must carry a **6-month prison sentence** (Directed Surveillance crime threshold) or relate to the sale of alcohol or tobacco to children. This means that there are scenarios within an investigation that do not meet this threshold, however it is necessary to undertake surveillance. This will fall outside of RIPA. Examples include:
- Surveillance for anti-social behaviour disorder which do not attract a maximum custodial sentence of at least six months imprisonment.
  - Planning enforcement prior to the serving of a notice or to establish whether a notice has been breached.
  - Most licensing breaches.
  - Safeguarding vulnerable people.
  - Civil matters.
  - Disciplinary surveillance (see below).
- 21.2 In the above scenarios they are likely to be a targeted surveillance which are likely to breach someone's article 8 rights to privacy. Therefore, the activity should be conducted in way which is HRA compliant, which will include it being necessary and proportionate.
- 21.3 Non RIPA surveillance also includes **staff disciplinary surveillance** in serious disciplinary investigations. Guidance dictates that this type of surveillance must be

compliant with the Monitoring at Work Guidance issued by the Information Commissioner. This is to ensure that it complies with the HRA.

- 21.4 Should the investigation also involve a criminal offence which meets the RIPA criteria such as fraud, the option to carry out the surveillance under RIPA should be considered. However, it must be a genuine criminal investigation with a view to prosecuting the offender.
- 21.5 Should it be necessary to undertake disciplinary surveillance advice should be sought from the Legal Services Manager.
- 21.6 As part of the process of formally recording and monitoring non RIPA surveillance, a non RIPA surveillance application form should be completed and authorised by an Authorising Officer. A copy of the non RIPA surveillance application form can be obtained from the Public Protection Manager.
- 21.7 The SRO will therefore maintain an oversight of non RIPA surveillance to ensure that such use is compliant with Human Rights legislation. Records of all non-RIPA surveillance will be retained in line with the requirements for authorisations granted under RIPA.
- 21.8 The RIPA codes also provide guidance that authorisation under RIPA is not required for the following types of activity:
  - General observations as per section 3.33 in the codes of practice that do not involve the systematic surveillance of an individual or a group of people and should an incident be witnessed the officer will overtly respond to the situation.
  - Use of overt CCTV and Automatic Number Plate Recognition systems.
  - Surveillance where no private information is likely to be obtained.
  - Surveillance undertaken as an immediate response to a situation.
  - Covert surveillance not relating to criminal offence which carries a maximum sentence of 6 months imprisonment or relate to the sale of alcohol or tobacco to children (this is likely to be surveillance outside of RIPA).
  - The use of a recording device by a CHIS in respect of whom an appropriate use or conduct authorisation has been granted permitting them to record any information in their presence.
  - The covert recording of noise where the recording is of decibels only or constitutes non-verbal noise (such as music, machinery or an alarm), or the recording of verbal content is made at a level which does not exceed that which can be heard from the street outside or adjoining property with the naked ear. In the latter circumstance, the perpetrator would normally be regarded as having forfeited any claim to privacy. In either circumstance this is outside of RIPA.

## **22. Joint Agency Surveillance**

- 22.1 In cases where one agency is acting on behalf of another, it is usually for the tasking agency to obtain or provide the authorisation. For example, where surveillance is carried out by Council employees on behalf of the Police, authorisation would be sought by the Police. If it is a joint operation involving both agencies, the lead agency should seek authorisation.
- 22.2 Council staff involved with joint agency surveillance are to ensure that all parties taking part are authorised on the authorisation form to carry out the activity. When staff are operating on another organisation's authorisation they are to ensure they see what activity they are authorised to carry out and make a written record. They should also provide a copy of the authorisation to the RIPA Co Ordinator. This will assist with oversight of the use of Council staff carrying out these types of operations. Line Managers should be made aware if their staff are involved in this type of surveillance.

## **23. Use of Third-Party Surveillance**

- 23.1 In some circumstances it may be appropriate or necessary for West Berkshire Council to work with third parties who are not themselves a Public Authority (such as an individual, company or non-governmental organisation) to assist with an investigation. Where that third party is acting in partnership with or under the direction of the Council, then they are acting as an agent to the Council and any activities that the third party conducts which meet the RIPA definitions of Directed Surveillance should be authorised. This is because the agent will be subject to RIPA in the same way as any employee of the Council would be. The Authorising Officer should ensure that the agents are qualified or have the necessary skills to achieve the objectives. They should also ensure that they understand their obligations under RIPA. If advice is required, please contact the Legal Services Manager.
- 23.2 Similarly, a surveillance authorisation should also be considered where the Council is aware that a third party (that is not a Public Authority) is independently conducting surveillance and the Council intends to make use of any suitable material obtained by the third party for the purposes of a specific investigation.

## **24. Surveillance Equipment**

- 24.1 The Council will maintain a central register of all surveillance equipment such as cameras and noise monitoring devices. This will require a description, Serial Number, an explanation of its capabilities.
- 24.2 The register will be held and maintained by the RIPA Co-ordinator.
- 24.3 All equipment capable of being used for Directed Surveillance such as cameras etc. should be fit for purpose for which they are intended.
- 24.4 When completing an Authorisation, the applicant must provide the Authorising Officer with details of any equipment to be used and its technical capabilities. The Authorising

Officer will have to take this into account when considering the intrusion issues, proportionality and whether the equipment is fit for the required purpose. The Authorising Officer must make it clear on the Authorisation exactly what equipment if any they are authorising and in what circumstances.



## **PART C.. Covert Human Intelligence Sources (CHIS)**

### **25. Introduction**

- 25.1 RIPA covers the activities of Covert Human Intelligence Sources (CHIS) which relates not only to sources commonly known as informants (members of the public providing the Council with information), but also the activities of undercover officers. It matters not whether they are employees of the Council, agents or members of the public engaged by the Council to establish or maintain a covert relationship with someone to obtain information.
- 25.2 Not all human source activity will meet the definition of a CHIS. For example, a source may be a public volunteer or someone who discloses information out of professional or statutory duty or has been tasked to obtain information other than by way of a covert relationship. However, Officers must be aware that such information may have been obtained in the course of an ongoing relationship with a family member, friend or business associate. The Council has a duty of care to all members of the public who provide information to us and appropriate measures must be taken to protect that source. How the information was obtained should be established to determine the best course of action. The source and information should also be managed correctly in line with CPIA and the disclosure provisions.
- 25.3 Recognising when a source becomes a CHIS is therefore important as this type of activity may need authorisation. Should a CHIS authority be required, all of the staff involved in the process should make themselves fully aware of the contents of this Policy and the CHIS codes of Practice.
- 25.4 Advice should always be sought from the Public Protection Manager where consideration is given to the use of CHIS.

### **26. Definition of CHIS**

- 26.1 Individuals act as a covert human intelligence sources (CHIS) if they:
- i) establish or maintain a covert relationship with another person to obtain information.
  - ii) covertly give access to information to another person, or
  - iii) disclose information covertly which they have obtained using the relationship or they have obtained because the relationship exists.
- 26.2 A relationship is established, maintained or used for a covert purpose if and only if it is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the purpose. This does not mean the relationship with the Council Officer and the person providing the information, as this is not covert. It relates to how the information was either obtained or will be obtained. Was it or will it be obtained from a third party without them knowing it was being passed on to the Council? This would amount to a covert relationship.
- 26.3 It is possible, that a person will become engaged in the conduct of a CHIS without a public authority inducing, asking or assisting the person to engage in that conduct. An authorisation should be considered, for example, where a public authority is aware that

a third party is independently maintaining a relationship (i.e. “self-tasking”) in order to obtain evidence of criminal activity, and the public authority intends to make use of that material for its own investigative purposes. (Section 2.26 Codes of CHIS Codes of Practice

## **27. Vulnerable and Juvenile CHIS**

- 27.1 Special consideration must be given to the use of a Vulnerable Individual as a CHIS. A ‘Vulnerable Individual’ is a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of himself, or unable to protect himself against significant harm or exploitation. Any individual of this description, or a Juvenile as defined below, should only be authorised to act as a source in the most exceptional circumstances and only then when authorised by the Chief Executive (or, in his absence, the Deputy Chief Executive).
- 27.2 Special safeguards also apply to the use or conduct of Juvenile Sources; that is sources under the age of 18 years. On no occasion should the use or conduct of a source under 16 years of age be authorised to give information against his parents or any person who has parental responsibility for him.
- 27.3 If the use of a Vulnerable Individual or a Juvenile is being considered as a CHIS you must consult the Service Director – Children’s Services before authorisation is sought as authorisations should not be granted in respect of a Juvenile CHIS unless the special provisions contained within the Regulation of Investigatory Powers (Juveniles) Order 2000; SI No. 2793 are satisfied.

## **28. Lawful Criteria**

- 28.1 The lawful criteria for CHIS authorisation is **prevention and detection of crime and prevention of disorder**. The serious crime criteria of the offence carrying a 6-month sentence etc. does not apply to CHIS.

## **29. Conduct and Use of a Source**

- 29.1 The way the Council use a CHIS for covert activities is known as ‘the use and conduct’ of a source.
- 29.2 The use of a CHIS involves any action on behalf of a Public Authority to induce, ask or assist a person to engage in the conduct of a CHIS, or to obtain information by means of the conduct of a CHIS.
- 29.3 The conduct of a CHIS is establishing or maintaining a personal or other relationship with another person for the covert purpose of:
- a. Using such a relationship to obtain information, or to provide access to information to another person, or
  - b. Disclosing information obtained by the use of such a relationship or as a consequence of such a relationship or

c. Is incidental to anything falling within a and b above.

- 29.4 In other words, an authorisation for conduct will authorise steps taken by the CHIS on behalf, or at the request, of a Public Authority.
- 29.5 The use of a source is what the Authority does in connection with the source, such as tasking (see section 32), and the conduct is what a source does to fulfil whatever tasks are given to them or which is incidental to it. The Use and Conduct require separate consideration before authorisation. However, they are normally authorised within the same authorisation.
- 29.6 Care should be taken to ensure that the CHIS is clear on what is or is not authorised at any given time, and that all the CHIS's activities are properly risk assessed. Care should also be taken to ensure that relevant applications, reviews, renewals and cancellations are correctly performed. (Section 210 CHIS Codes of Practice)
- 29.7 Careful consideration must be given to any particular sensitivities in the local community where the CHIS is being used and of similar activities being undertaken by other public authorities which could have an impact on the deployment of the CHIS. Consideration should also be given to any adverse impact on community confidence or safety that may result from the use or conduct of a CHIS or use of information obtained from that CHIS. (Section 3.18 CHIS Codes of Practice)

### **30. Handler and Controller**

- 30.1 Covert Human Intelligence Sources may only be authorised if the following arrangements are in place:
- That there will at all times be an officer (the **Handler**) within the Council who will have day to day responsibility for dealing with the source on behalf of the authority, and for the source's security. The Handler is likely to be the investigating officer.
  - That there will at all times be another officer within the Council who will have general oversight of the use made of the source; (**Controller**) i.e. the line manager.
  - That there will at all times be an officer within the Council who has responsibility for maintaining a record of the use made of the source. See CHIS record keeping (see section 36)
- 30.2 The **Handler** will have day to day responsibility for:
- Dealing with the source on behalf of the Local Authority concerned;
  - Risk assessments
  - Directing the day to day activities of the source;
  - Recording the information supplied by the source; and

- Monitoring the source's security and welfare.
- Informing the Controller of concerns about the personal circumstances of the CHIS that might effect the validity of the risk assessment or conduct of the CHIS

30.3 The **Controller** will be responsible for:

- The management and supervision of the "Handler" and
- General oversight of the use of the CHIS;
- maintaining an audit of case work sufficient to ensure that the use or conduct of the CHIS remains within the parameters of the extant authorisation.

### 31. Undercover Officers

31.1 Oversight and management arrangements for **undercover operatives**, while following the principles of the Act, will differ, in order to reflect the specific role of such individuals as members of the Council. The role of the handler will be undertaken by a person referred to as a '**cover officer**'. (Section 6.9 CHIS Codes of Practice).

### 32. Tasking

32.1 Tasking is the assignment given to the source by the Handler or Controller such as by asking them to obtain information, to provide access to information or to otherwise act, incidentally, for the benefit of the Council. 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.

32.2 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 member of the public is asked to maintain a record of all vehicles arriving and leaving a specific location or to record the details of visitors to a neighbouring house. A relationship has not been established or maintained in order to gather the information and a CHIS authorisation is therefore not available. A Directed Surveillance, may need to be considered where there is a possible interference with the Article 8 rights of an individual.

32.3 Authorisations should not be drawn so narrowly that a separate authorisation is required each time the CHIS is tasked. Rather, an authorisation might cover, in broad terms, the nature of the source's task.

### 33. Risk Assessments

33.1 The Council has a responsibility for the safety and welfare of the source and for the consequences to others of any tasks given to the source. It is a requirement of the codes that a risk assessment is carried out. This should be submitted with the authorisation request. The risk assessment should provide details of how the CHIS is going to be handled. It should also take into account the safety and welfare of the CHIS

in relation to the activity and should consider the likely consequences should the role of the CHIS become known. The ongoing security and welfare of the CHIS after the cancellation of the authorisation should also be considered at the outset.

## **34. Use of Equipment by a CHIS**

- 34.1 If a CHIS is required to wear or carry a surveillance device such as a covert camera it does not need a separate intrusive or Directed Surveillance authorisation, provided the device will only be used in the presence of the CHIS. It should be authorised as part of the conduct of the CHIS.
- 34.2 CHIS, whether or not wearing or carrying a surveillance device, in residential premises or a private vehicle, does not require additional authorisation to record any activity taking place inside those premises or that vehicle which takes place in their presence. This also applies to the recording of telephone conversations. This should have been identified at the planning stage.

## **35. CHIS Management**

- 35.1 The operation will require managing by the Handler and Controller which will include ensuring that the activities of the source and the operation remain focused and there is no status drift. It is important that the intrusion is assessed to ensure the operation remains proportionate. The security and welfare of the source will also be monitored. The Authorising Officer should maintain general oversight of these functions.
- 35.2 During CHIS activity, there may be occasions when unforeseen actions or undertakings occur. Such incidences should be recorded as soon as practicable after the event and if the existing authorisation is insufficient, it should either be dealt with by way of a review and re-authorised (for minor amendments only) or it should be cancelled, and a new authorisation obtained before any further action is carried out. Similarly, where it is intended to task a CHIS in a new significantly different way than previously identified, the proposed tasking should be referred to the Authorising Officer, who should consider whether a separate authorisation is required. This should be done in advance of any tasking and details of such referrals must be recorded. Any new authorisation will require approval of a Justice of the Peace.

## **36. CHIS Record Keeping**

### **36.1 Centrally Retrievable Record of Authorisations**

- 36.2 A centrally retrievable record of all authorisations is held by West Berkshire Council. This record contains the relevant information to comply with the Codes of Practice. These records are updated whenever an authorisation is granted, renewed or cancelled and are available to the Investigatory Powers Commissioner (IPCO) upon request.
- 36.3 The records are retained for 5 years from the ending of the authorisation.

#### **36.4 Individual Source Records of Authorisation and Use of CHIS**

36.5 Detailed records must be kept of the authorisation and the use made of a CHIS. An authorising officer must not grant an authorisation for the use or conduct of a CHIS unless they believe that there are arrangements in place for ensuring that there is at all times a person with the responsibility for maintaining a record of the use made of the CHIS. The Regulation of Investigatory Powers (Source Records) Regulations 2000; SI No: 2725 details the particulars that must be included in these records.

36.6 The particulars to be contained within the records are;

- a. The identity of the source;
- b. The identity, where known, used by the source;
- c. Any relevant investigating authority other than the authority maintaining the records;
- d. The means by which the source is referred to within each relevant investigating authority;
- e. Any other significant information connected with the security and welfare of the source;
- f. Any confirmation made by a person granting or renewing an authorisation for the conduct or use of a source that the information in paragraph (d) has been considered and that any identified risks to the security and welfare of the source have where appropriate been properly explained to and understood by the source;
- g. The date when, and the circumstances in which the source was recruited;
- h. Identity of the Handler and Controller (and details of any changes)
- i. The periods during which those persons have discharged those responsibilities;
- j. The tasks given to the source and the demands made of him in relation to his activities as a source;
- k. All contacts or communications between the source and a person acting on behalf of any relevant investigating authority;
- l. The information obtained by each relevant investigating authority by the conduct or use of the source;
- m. Any dissemination by that authority of information obtained in that way; and

- n. In the case of a source who is not an undercover operative, every payment, benefit or reward and every offer of a payment, benefit or reward that is made or provided by or on behalf of any relevant investigating authority in respect of the source's activities for the benefit of that or any other relevant investigating authority.

36.7 The person maintaining these records is the RIPA Co-ordinator specified for the purpose of the operation.

36.8 Public authorities are also encouraged to maintain auditable records for individuals providing intelligence who do not meet the definition of a CHIS. This will assist authorities to monitor the status of a human source and identify whether that person should be duly authorised as a CHIS. This should be updated regularly to explain why authorisation is not considered necessary. Such decisions should rest with those designated as Authorising Officers within Public Authorities. (Section 7.5 CHIS Codes of Practice).

### **36.9. Further Documentation**

36.10 In addition to the above, when appropriate records or copies of the following, as are retained by West Berkshire Council for 5 years:

- A copy of the authorisation together with any supplementary documentation and notification of the approval given by the authorising officer;
- A copy of any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested;
- The reason why the person renewing an authorisation considered it necessary to do so;
- Any authorisation which was granted or renewed orally (in an urgent case) and the reason why the case was considered urgent;
- Any risk assessment made in relation to the CHIS;
- The circumstances in which tasks were given to the CHIS;
- The value of the CHIS to the investigating authority;
- A record of the results of any reviews of the authorisation;
- The reasons, if any, for not renewing an authorisation;
- The reasons for cancelling an authorisation; and
- The date and time when any instruction was given by the authorising officer that the conduct or use of a CHIS must cease.

- A copy of the decision by a Judicial Commissioner on the renewal of an authorisation beyond 12 months (where applicable).

36.11 The records kept by the Council should be maintained in such a way as to preserve the confidentiality, or prevent disclosure of the identity of the CHIS, and the information provided by that CHIS. (Sec 7.7 CHIS Codes of Practice)

36.12 The relevant application forms are available at:

<https://www.gov.uk/government/collections/ripa-forms--2>

References in these forms to the 'Code' are to the [Covert Human Intelligence Sources Code of Practice](#), which should be consulted for further guidance.

## **PART D. RIPA Roles and Responsibilities**

### **37. The Senior Responsible Officer (SRO)**

37.1 The nominated Senior Responsible Officer is Sarah Clarke – Service Director – Strategy and Governance. The SRO with responsibilities for:

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

### **38. RIPA Co-Ordinator**

38.1 The RIPA Co-Ordinator who is the person designated by the Service Lead – Legal and Democratic Services is responsible for storing all the original authorisations, reviews, renewals and cancellation forms and the signed approval or refusal documentation



from the JP. This will include any authorisations that have not been authorised by the Authorising Officer or refused by a JP.

38.2 The RIPA Co-ordinator will: -

- Keep the copies of the forms for a period of at least 5 years;
- Keep the Central Register (a requirement of the Codes of Practice) of all of the authorisations, renewals and cancellations;
- reference number. This will also identify and monitor expiry and renewal dates.
- Along with, Directors, Service Managers, Authorising Officers, and the Investigating Officers must ensure that any electronic and paper records relating to a RIPA investigation are used, retained or destroyed in line with the Councils Information Management policies, departmental retention schedules and the Data Protection Act 2008. (DPA)
- Provide administrative support and guidance on the processes involved.
- Monitor the authorisations, renewals and cancellations with a view to ensuring consistency throughout the Council;
- Monitor each department's compliance and act on any cases of non-compliance;
- Provide training and further guidance and awareness of RIPA and the provisions of this Policy; and Review the contents of this Policy.

### **39. Managers Responsibility and Management of the Activity**

39.1 Line Managers within each department of the Council are responsible for ensuring that in all cases where surveillance is required, due consideration is given to the need for covert surveillance before application is made for authorisation. That includes the consideration of using overt action, routine enquiries or inspections which are less intrusive.

39.2 If authorised it is important that all those involved in undertaking Directed Surveillance activities, including Line Managers, are fully aware of the extent and limits of the authorisation. There should be an ongoing assessment for the need for the activity to continue including ongoing assessments of the intrusion. All material obtained, including evidence, should be stored in line with relevant legislation and procedures to safeguard its integrity and reduce a risk of challenge. (See use of material as evidence section 60)

39.3 Line Managers should also ensure that the relevant reviews (see section 52), renewals (see section 53) and cancellations (see section 54) are completed by the applicant in accordant with the codes and the dates set throughout the process.

#### **40. Investigating Officers/Applicant**

- 40.1 The applicant is normally an investigating officer who completes the application section of the RIPA form. Investigating Officers should think about the need to undertake Directed Surveillance or the use of a CHIS before they seek authorisation and discuss it with their Line manager. Investigating Officers need to consider whether they can obtain the information or achieve their objective by using techniques other than covert surveillance.
- 40.2 The applicant or some other person must carry out a feasibility study as this should be seen by the Authorising Officer. The person seeking the authorisation should then complete the application form having regard to the guidance given in this Policy and the statutory Codes of Practice. There should not be any real delay between the feasibility study and the completion of the application form to ensure that the details within the application are accurate and will not have changed. The form should then be submitted to the Authorising Officer for authorisation.
- 40.3 The Applicant and / or Authorising Officer will attend court to seek the approval of a JP. and if approved and involved in the covert activity they must only carry out what is authorised and approved. They, or some other person will also be responsible for the submission of any reviews, renewals and cancellations.

#### **41. Authorising Officers**

- 41.1 The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 prescribes that for Local Authorities the Authorising Officer shall be a Director, Head of Service, Service Manager or equivalent as distinct from the officer responsible for the conduct of an investigation.
- 41.2 Appendix A lists the Authorising Officers within the Council who can grant authorisations all of which are at Service Manager Level or above.
- 41.3 The role of the Authorising Officers is to consider whether to authorise, review, or renew an authorisation. They must also officially cancel the RIPA covert activity. Authorising Officers must have been trained to an appropriate level so as to have an understanding of the requirements in the Codes of Practice and that must be satisfied before an authorisation can be granted.
- 41.4 Authorising Officers should not be responsible for authorising investigations or operations in which they are directly involved. Where an Authorising Officer authorises such an investigation or operation, the central record of authorisations should highlight this, and it should be brought to the attention of a Commissioner or Inspector during their next inspection.
- 41.5 Authorisations must be given in writing by the Authorising Officer by completing the relevant section on the authorisation form. When completing an authorisation, the case should be presented in a fair and balanced way. In particular, all reasonable efforts should be made to take into account information which weakens the case for the authorisation.
- 41.6 Authorising Officers must explain why they believe the activity is both necessary (see section 42) and proportionate (see section 43), having regard to the collateral intrusion.

They must also consider any similar activity which may be taking place, or sensitivities in the area.

- 41.7 They also need to explain exactly what they are authorising, against who, in what circumstances, where etc. and that the level of the surveillance is appropriate to achieve the objectives. It is important that this is made clear on the authorisation as the surveillance operatives are only allowed to carry out what is authorised. This will assist with avoiding errors.
- 41.8 If any equipment such as covert cameras are to be used, the Authorising Officer should know the capability of the equipment before authorising its use. This will have an impact on collateral intrusion, necessity and proportionality. They should not rubber-stamp a request. It is important that they consider all the facts to justify their decision. They may be required to justify their actions in a court of law or some other tribunal.
- 41.9 Authorising Officers should examine the feasibility study conducted by the applicant. This will assist with determining what should be authorised as mentioned above.
- 41.10 The Authorising Officer may be required to attend court to explain what has been authorised and why.
- 41.11 Authorised Officers must acquaint themselves with the relevant Codes of Practice issued by the Home Office regarding RIPA and the current Procedures and Guidance issued by IPCO.
- 41.12 Cutting and pasting or using template entries should not take place as this would leave the process open to challenge.**

## **42 Necessity**

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

## **43. Proportionality**

- 43.1 If the activities are deemed necessary, the Authorising Officer must also believe that they are proportionate to what is sought to be achieved by carrying them out. This involves balancing the seriousness of the intrusion into the privacy of the subject of the operation (or any other person who may be affected) against the need for the activity in investigative and operational terms.
- 43.2 The authorisation will not be proportionate if it is excessive in the overall circumstances of the case. Each action authorised should bring an expected benefit to the investigation or operation and should not be disproportionate or arbitrary. The fact that a suspected offence may be serious will not alone render the proposed actions proportionate. Similarly, an offence may be so minor that any deployment of covert techniques would be disproportionate. No activity should be considered proportionate if the information which is sought could reasonably be obtained by other less intrusive means.
- 43.3 When explaining proportionality, the Authorising Officer should explain why the methods and tactics to be adopted during the surveillance is not disproportionate.
- 43.4 The codes provide guidance relating to proportionality which should be considered by both applicants and Authorising Officers:
- Balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;
  - Explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
  - Considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result;
  - Evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented.

#### **44. Collateral Intrusion**

- 44.1 Before authorising applications for Directed Surveillance, the Authorising Officer should also take into account the risk of obtaining collateral intrusion which is private information about persons who are not subjects of the surveillance.
- 44.2 Staff should take measures, wherever practicable, to avoid or minimise unnecessary intrusion into the privacy of those who are not the intended subjects of the surveillance. Where such collateral intrusion is unavoidable, the activities may still be authorised, provided this intrusion is considered proportionate to what is sought to be achieved. The same proportionality tests apply to anticipated collateral intrusion as to intrusion into the privacy of the intended subject of the surveillance.
- 44.3 All applications must include an assessment of the risk of collateral intrusion and detail the measures taken to limit this to enable the Authorising Officer fully to consider the proportionality of the proposed actions. This is detailed in a section within the authorisation form.

- 44.4 In order to give proper consideration to collateral intrusion, an Authorising Officer should be given full information regarding the potential scope of the anticipated surveillance, including the likelihood that any equipment deployed may cause intrusion on persons or property other than the subject(s) of the application. If an automated system such as an online search engine is used to obtain the information, the Authorising Officer should be made aware of its potential extent and limitations. Material which is not necessary or proportionate to the aims of the operation or investigation should be discarded or securely retained separately where it may be required for future evidential purposes. It may also need retaining under CPIA. The Authorising Officer should ensure appropriate safeguards for the handling, retention or destruction of such material, as well as compliance with Data Protection Act requirements.
- 44.5 Where it is proposed to conduct surveillance activity specifically against individuals who are not suspected of direct or culpable involvement in the overall matter being investigated, interference with the privacy of such individuals should not be considered as collateral intrusion but rather as intended intrusion.
- 44.6 In the event that authorised surveillance unexpectedly and unintentionally interferes with the privacy of any individual other than that already authorised, the authorising officer should be informed by submitting a review form. Consideration should be given in any such case to the need for any separate or additional authorisation.
- 44.7 Where a Public Authority intends to access a social media or other online account to which they have been given access with the consent of the owner, the authority will still need to consider whether the account(s) may contain information about others who have not given their consent. If there is a likelihood of obtaining private information about others, the need for a Directed Surveillance authorisation should be considered, particularly (though not exclusively) where it is intended to monitor the account going forward.

## **PART E. The Application and Authorisation Process**

### **45. Relevant Forms**

- 45.1 For both Directed Surveillance and CHIS authorisations there are 4 forms within the process. They are:
- Authorisation
  - Review
  - Renewal
  - Cancellation
- 45.2 All the forms can be obtained from the Government Website at

## 46. Duration of Authorisations

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

### Durations detailed below:

<b>Directed Surveillance</b>	3 Months
<b>Renewal</b>	3 Months
<b>Covert Human Intelligence Source</b>	12 Months
<b>Renewal</b>	12 months
<b>Juvenile Sources</b>	4 Months
<b>Renewal</b>	4 Months

- 46.2 It is the responsibility of the Investigating Officer to make sure that the authorisation is still valid when they undertake surveillance.

## 47. Applications / Authorisation

- 47.1 The applicant or some other person must carry out a feasibility study and intrusion assessment as this should be submitted to the Authorising Officer. The person seeking the authorisation should then complete the application form having regard to the guidance given in this Policy and the statutory Codes of Practice. There should not be any real delay between the feasibility study and the completion of the application form to ensure that the details within the application are accurate and will not have changed. The form should then be submitted to the Authorising Officer for authorisation.
- 47.2 When completing an application for authorisation, the applicant must ensure that the case for the authorisation is presented in the application in a fair and balanced way. In particular, all reasonable efforts should be made to take into account information which weakens the case for the or authorisation. This is a requirement of the codes.
- 47.3 All the relevant sections must be completed with sufficient information to ensure that applications are sufficiently detailed for the Authorising Officer to consider Necessity, Proportionality having taken into account the Collateral Intrusion issues **Cutting and pasting or using template entries should not take place as this would leave the process open to challenge.**
- 47.4 If it is intended to undertake both Directed Surveillance and the use of a CHIS on the same surveillance subject, the respective authorisation should be completed and the

respective procedures followed. Both activities should be considered separately on their own merits.

- 47.5 All applications will be submitted to the Authorising Officer via the Line Manager of the appropriate enforcement team in order that they are aware of the application and activities being undertaken by the staff. The Line Manager will perform an initial quality check of the application. However, they should not be involved in the sanctioning of the authorisation. The form should then be submitted to the Authorising Officer. ([Speak to me re this](#))
- 47.6 Applications whether authorised or refused will be issued with a unique number (obtained from the RIPA Co-Ordinator) by the Authorising Officer taken from the next available number in the central record of authorisations which is held by the RIPA Coordinator.
- 47.7 If not authorised, feedback will be provided to the applicant and the application will be forwarded to the RIPA Co-Ordinator for recording and filing. If having received the feedback, the applicant feels it is appropriate to re submit the application, they can do so and it will then be considered again.
- 47.8 Following authorisation, the applicant will then complete the relevant section of the judicial application/order form (Appendix) Although this form requires the applicant to provide a brief summary of the circumstances of the case, this is supplementary to and does not replace the need to supply a copy and the original RIPA authorisation as well.

#### **48. Arranging the Court Hearing**

- 48.1 It will be necessary within office hours to contact the administration at the Magistrates' Court to arrange a hearing. The hearing will be in private and heard by a single JP. The application to the JP will be on oath.
- 48.2 Officers who may present the application at these proceedings will need to be formally designated by the Council under section 223 of the Local Government Act 1972 to appear, be sworn in and present evidence or information as required by the JP. If in doubt as to whether you are able to present the application seek advice from [?????](#).  
[Speak to me re this](#)

#### **49. Attending the Hearing**

- 49.1 The applicant will attend the hearing; however, the Authorising Officer will also attend the hearing. Upon attending the hearing, the officer must present to the JP the partially completed judicial application/order form, the original and a copy of the RIPA application/authorisation form, together with any supporting documents setting out the case. The original RIPA authorisation should be shown to the JP but will be retained by the Council so that it is available for inspection by IPCO, and in the event of any legal challenge or investigations by the Investigatory Powers Tribunal (IPT).
- 49.2 The JP will read and consider the RIPA authorisation and the judicial application/order form Appendix. They may have questions to clarify points or require additional reassurance on particular matters. These questions are supplementary to the content of the application form. **However, the forms and supporting papers must by**

**themselves make the case. It is not sufficient for the Council to provide oral evidence where this is not reflected or supported in the papers provided.**

- 49.3 The JP will consider whether they are satisfied that at the time the authorisation was granted or renewed, there were reasonable grounds for believing that the authorisation was necessary and proportionate. In addition, they must be satisfied that the person who granted the authorisation was an appropriate Designated Person within the Council to authorise the activity and the authorisation was made in accordance with any applicable legal restrictions, for example, the crime threshold for Directed Surveillance.

## **50. Decision of the Justice of the Peace (JP)**

- 50.1 The JP has a number of options which are:
- 50.2 **Approve or renew an authorisation.** If approved by the JP, the date of the approval becomes the commencement date for the duration of the three months and the officers are now allowed to undertake the activity.
- 50.3 **Refuse to approve or renew an authorisation.** The RIPA authorisation will not take effect and the Council may **not** use the technique in that case.
- 50.4 Where an application has been refused, the applicant may wish to consider the reasons for that refusal. If more information was required by the JP to determine whether the authorisation has met the tests, and this is the reason for refusal, the officer should consider whether they can reapply. For example, if there was information to support the application which was available to the Council, but not included in the papers provided at the hearing.
- 50.5 For, a technical error (as defined by the JP), the form may be remedied without going through the internal authorisation process again. The officer may then wish to reapply for judicial approval once those steps have been taken.
- 50.6 **Refuse to approve or renew and quash the authorisation.** This applies where the JP refuses to approve or renew the authorisation and decides to quash the original authorisation. However, the court must not exercise its power to quash the authorisation unless the applicant has had at least 2 business days from the date of the refusal in which to make representations. If this is the case, the officer will inform the Legal who will consider whether to make any representations.
- 50.7 The JP will record their decision on the order section of the judicial application/order form. The court administration will retain a copy of the Council's RIPA application and authorisation form and the judicial application/order form. The officer will retain the original authorisation and a copy of the judicial application/order form.
- 50.8 The Council may only appeal a JP decision on a point of law by judicial review. If such a concern arises, Legal will decide what action if any should be taken.
- 50.9 There is a Home Office chart showing the above procedure at Appendix B.

## **51. Post Court Procedure**



- 51.1 It will be necessary to work out the cancellation date from the date of approval and ensure that the applicant and the Authorising Officer is aware. The original application and the copy of the judicial application/order form should be forwarded to the RIPA Co-Ordinator. A copy will be retained by the applicant and if necessary by the Authorising Officer. The central register will be updated with the relevant information to comply with the Codes of Practice and the original documents filed and stored securely.
- 51.2 Where dates are set within the process such as reviews, they must be adhered to. This will help with demonstrating that the process has been managed correctly in line with the Codes of Practice and reduce the risk of errors.

## **52. Reviews**

- 52.1 When an application has been authorised and approved by a JP, regular reviews must be undertaken by the Authorising Officer to assess the need for the surveillance to continue.
- 52.2 In each case the Authorising Officer should determine how often a review should take place at the outset. This should be as frequently as is considered necessary and practicable. Particular attention is drawn to the need to review authorisations frequently where the surveillance provides a high level of intrusion into private life or significant collateral intrusion, or confidential information. They will record when they are to take place on the application form. This decision will be based on the circumstances of each application. However, reviews will be conducted on a monthly or less basis to ensure that the activity is managed. It will be important for the Authorising Officer to be aware of when reviews are required to ensure that the applicants submit the review form on time.
- 52.3 Applicants should submit a review form by the review date set by the Authorising Officer. They should also use a review form for changes in circumstances to the original application which would include a change to the level of intrusion so that the need to continue the activity can be re-assessed. However, if the circumstances or the objectives have changed considerably, or the techniques to be used are now different, a new application form should be submitted, and it will be necessary to follow the process again and be approved by a JP. The applicant does not have to wait until the review date if it is being submitted for a change in circumstances.
- 52.4 Line managers of applicants should also make themselves aware of when the reviews are required to ensure that the relevant forms are completed on time.
- 52.5 The reviews are dealt with internally by submitting the review form to the Authorising Officer. There is no requirement for a review form to be submitted to a JP.
- 52.6 The results of a review should be recorded on the central record of authorisations.

## **53. Renewal**

- 53.1 A renewal form is to be completed by the applicant when the original authorisation period is about to expire but Directed Surveillance or the use of a CHIS is still required.

- 53.2 Should it be necessary to renew an authorisation for Directed Surveillance or CHIS, this must be approved by a JP.
- 53.3 Applications for renewals should not be made until shortly before the original authorisation period is due to expire. However, they must take account of factors which may delay the renewal process (e.g. intervening weekends or the availability of the relevant Authorising Officer and a JP to consider the application).
- 53.4 The applicant should complete all the sections within the renewal form and submit the form to the Authorising Officer for consideration.
- 53.5 Authorising Officers should examine the circumstances with regard to Necessity, Proportionality and the Collateral Intrusions issues before making a decision to renew the activity. A CHIS application should not be renewed unless a thorough review has been carried out covering the use made of the source, the tasks given to them and information obtained. The Authorising Officer must consider the results of the review when deciding whether to renew or not. The review and the consideration must be documented.
- 53.6 If the Authorising Officer refuses to renew the application, the cancellation process should be completed. If the Authorising Officer authorises the renewal of the activity, approval must be sought from a JP.
- 53.7 A renewal takes effect on the day on which the authorisation would have ceased and lasts for a further period of three months for Directed Surveillance and 12 months for a CHIS..

#### **54. Cancellation**

- 54.1 The cancellation form is to be submitted by the applicant or another investigator in their absence. The Authorising Officer who granted or last renewed the authorisation must cancel it if they are satisfied that the Directed Surveillance no longer meets the criteria upon which it was authorised. Where the Authorising Officer is no longer available, this duty will fall on the person who has taken over the role of Authorising Officer or the person who is acting as Authorising Officer.
- 54.2 As soon as the decision is taken that Directed Surveillance should be discontinued, the applicant or other investigating officer involved in the investigation should inform the Authorising Officer. The Authorising Officer will formally instruct the investigating officer to cease the surveillance, noting the time and date of their decision. This will be required for the cancellation form. The date and time when such an instruction was given should also be recorded in the central record of authorisations.
- 54.3 The Investigating Officer submitting the cancellation should complete in detail the relevant sections of the form and include the period of surveillance and detail if any images were obtained, particularly any images containing innocent third parties. The Authorising Officer should then take this into account and issues instructions regarding the management and disposal of the images etc. See sections 58 to 65 Safeguarding and the Use of Surveillance Material below.
- 54.4 The cancellation process should also be used to evaluate whether the objectives have been achieved and whether the applicant carried out what was authorised. This check

will form part of the oversight function. Where issues are identified including errors (see section 65), they will be brought to the attention of the Line Manager and the Senior Responsible Officer (SRO). This will assist with future audits and oversight and comply with the Codes of Practice.

- 54.5 When cancelling a CHIS authorisation, an assessment of the welfare and safety of the source should also be assessed, and any issues identified.
- 54.6 All cancellations must be submitted to the RIPA Controller for inclusion in the central Record and storing securely with the other associated forms.
- 54.7 Do not wait until the 3 month period is up to cancel. Cancel it at the earliest opportunity when no longer necessary and proportionate. Line Managers should be aware of when the activity needs cancelling and ensure that staff comply with the procedure.**

## **Part F Central Record and Safeguarding the Material**

### **55. Introduction**

- 55.1 Authorising Officers, applicants and Line Managers of relevant enforcement departments may keep whatever records they see fit to administer and manage the RIPA application process. This includes the legal obligations under the Criminal Procedures and Investigations Act. However, this will not replace the requirements under the Codes of Practice, which includes the fact that the Council must hold a centrally held and retrievable record.

### **56. Central Record**

- 56.1 The centrally retrievable record of all authorisations will be held and maintained by **the** RIPA co-ordinator. It will be regularly updated whenever an authorisation is applied for, refused, granted, renewed or cancelled. The record will be made available to the relevant Commissioner or an Inspector from IPCO, upon request.
- 56.2 All original authorisations and copies of Judicial applications/order forms whether authorised or refused, together with review, renewal and cancellation documents, must be held by the case officer and a copy sent as soon as practical to the RIPA Controller who will be responsible for maintaining the central record of authorisations. They will ensure that all records are held securely with no unauthorised access. If in paper format, they must be forwarded in a sealed envelope marked confidential.
- 56.3 The documents contained in the centrally held register should be retained for at least three years for Directed Surveillance and five years for CHIS applications from the ending of the authorisation or for the period stipulated by the Council's document retention policy, whichever is greater. The centrally held register contains the following information:

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

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

- The original of each application, review, renewal and cancellation, copy of the judicial application/order form, together with any supplementary documentation of the approval given by the Authorising Officer;
- The frequency and result of reviews prescribed by the Authorising Officer;
- The date and time when any instruction to cease surveillance was given;
- The date and time when any other instruction was given by the Authorising Officer;
- A record of the period over which the surveillance has taken place. This should have been included within the cancellation form.

56.5 These documents will also be retained for three years from the ending of the authorisation or for a period of one year beyond the conclusion of any legal proceedings whichever is the longer period.

## **57. Safeguarding the Use of Surveillance and CHIS Material**

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

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

## **58. Authorised Purpose**

58.1 Dissemination, copying and retention of material must be limited to the minimum necessary for authorised purposes. For the purposes of the RIPA codes, something is necessary for the authorised purposes if the material:

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

## **59. Handling and Retention of Material**

59.1 As mentioned above, all material associated and obtained with an application will be subject of the provisions of the Data Protection Act (DPA) 2018 and CPIA Codes of Practice. All officers involved within this process should make themselves aware of the provisions within this legislation and how it impacts on the whole RIPA process. Material obtained, together with relevant associated paperwork should be held securely. Extra care needs to be taken if the application and material relates to a CHIS.

- 59.2 Material required to be retained under CPIA should be retained until a decision is taken whether to institute proceedings against a person for an offence or if proceedings have been instituted, at least until the accused is acquitted or convicted or the prosecutor decides not to proceed with the case.
- 59.3 Where the accused is convicted, all material which may be relevant must be retained at least until the convicted person is released from custody, or six months from the date of conviction, in all other cases.
- 59.4 If the court imposes a custodial sentence and the convicted person is released from custody earlier than six months from the date of conviction, all material which may be relevant must be retained at least until six months from the date of conviction.
- 59.5 If an appeal against conviction is in progress when released, or at the end of the period of six months, all material which may be relevant must be retained until the appeal is determined.
- 59.6 If retention is beyond these periods it must be justified under DPA. Each relevant service within the Council may have its own provisions under their Data Retention Policy which will also need to be consulted to ensure that the data is retained lawfully and for as long as is necessary.

## **60. Use of Material as Evidence**

- 60.1 Material obtained through Directed Surveillance, may be used as evidence in criminal proceedings. The admissibility of evidence is governed primarily by the common law, the Criminal Procedure and Investigations Act 1996 (CPIA), the Civil Procedure Rules, section 78 of the Police and Criminal Evidence Act 1996 and the Human Rights Act 1998.
- 60.2 Ensuring the continuity and integrity of evidence is critical to every prosecution. Accordingly, considerations as to evidential integrity are an important part of the disclosure regime under the CPIA and these considerations will apply to any material acquired through covert surveillance that is used in evidence. When information obtained under a covert surveillance authorisation is used evidentially, the Council will be able to demonstrate how the evidence has been obtained, to the extent required by the relevant rules of evidence and disclosure.
- 60.3 Where the product of surveillance could be relevant to pending or future criminal or civil proceedings, it should be retained in accordance with established disclosure requirements. In a criminal case the codes issued under CPIA will apply.
- 60.4 There is nothing in RIPA which prevents material obtained under Directed Surveillance authorisations from being used to further other investigations

## **61. Dissemination of Information**

- 61.1 It may be necessary to disseminate material acquired through the RIPA covert activity within the West Berkshire Council or shared outside with other Councils or agencies, including the Police. The number of persons to whom any of the information is disclosed, and the extent of disclosure, should be limited to the minimum necessary.

It must also be in connection with an authorised purpose as set out in section 58 above. It will be necessary to consider exactly what and how much information should be disclosed. Only so much of the material may be disclosed as the recipient needs; for example, if a summary of the material will suffice, no more than that should be disclosed.

- 61.2 The obligations apply not just to West Berkshire Council as the original authority acquiring the information, but also to anyone to whom the material is subsequently disclosed. In some cases, this will be achieved by requiring the latter to obtain permission from West Berkshire Council before disclosing the material further. It is important that the Officer In Charge (OIC) of the enquiry considers these implications at the point of dissemination to ensure that safeguards are applied to the data.
- 61.3 A record will be maintained justifying any dissemination of material. If in doubt, seek advice.

## **62. Storage**

- 62.1 Material obtained through covert surveillance and CHIS authorisations, and all copies, extracts and summaries of it, must be handled and stored securely, so as to minimise the risk of loss. It must be held so as to be inaccessible to persons who are not required to see the material (where applicable). This requirement to store such material securely applies to all those who are responsible for the handling of the material. It will be necessary to ensure that both physical and IT security and an appropriate security clearance regime is in place to safeguard the material.

## **63. Copying**

- 63.1 Material obtained through covert surveillance may only be copied to the extent necessary for the authorised purposes set out above. Copies include not only direct copies of the whole of the material, but also extracts and summaries which identify themselves as the product of covert surveillance, and any record which refers to the covert surveillance and the identities of the persons to whom the material relates.
- 63.2 In the course of an investigation, **????? Council** must not act on or further disseminate legally privileged items unless it has first informed the Investigatory Powers Commissioner that the items have been obtained.

## **64. Destruction**

- 64.1 Information obtained through covert surveillance, and all copies, extracts and summaries which contain such material, should be scheduled for deletion or destruction and securely destroyed as soon as they are no longer needed for the authorised purpose(s) set out above. If such information is retained, it should be reviewed at appropriate intervals to confirm that the justification for its retention is still valid. In this context, destroying material means taking such steps as might be necessary to make access to the data impossible.

## **Part G. Errors and Complaints**

### **65. Errors**

65.1 Errors can have very significant consequences on an affected individual's rights. Proper application of the surveillance and CHIS provisions in the RIPA codes and this Policy should reduce the scope for making errors.

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

- Relevant error and
- Serious error.

### **65.3 Relevant Error**

65.4 An error must be reported if it is a "**relevant error**". A relevant error is any error by a Public Authority in complying with any requirements that are imposed on it by any enactment which are subject to review by a Judicial Commissioner. This would include compliance by public authorities with Part II of the 2000 Act (RIPA). This would include compliance with the content of the Codes of Practice.

65.5 Examples of relevant errors occurring would include circumstances where:

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

65.6 All relevant errors made by Public Authorities must be reported to the Investigatory Powers Commissioner by the Council as soon as reasonably practicable and a full report no later than ten working days. The report should include information on the cause of the error; the amount of surveillance conducted, and material obtained or disclosed; any unintended collateral intrusion; any analysis or action taken; whether any material has been retained or destroyed; and a summary of the steps taken to prevent recurrence.

### **65.7 Serious Errors**

65.8 The Investigatory Powers Commissioner must inform a person of any relevant error relating to that person if the Commissioner considers that the error is a serious error and that it is in the public interest for the person concerned to be informed of the error. The Commissioner may not decide that an error is a serious error unless they consider that the error has caused significant prejudice or harm to the person concerned. The fact that there has been a breach of a person's Convention rights (within the meaning of the Human Rights Act 1998) is not sufficient by itself for an error to be a serious error.



65.9 It is important that all staff involved in the RIPA process report any issues to the Service Lead / Manager so they can be assessed as to whether it constitutes an error which requires reporting.

## **66. Complaints**

66.1 Any person who reasonably believes they have been adversely affected by surveillance activity by or on behalf of the Council may complain in accordance with the Councils Complaints Procedure. A complaint can also be made to the official body which is the Investigatory Powers Tribunal (IPT). They have jurisdiction to investigate and determine complaints against any Public Authority's use of RIPA powers, including those covered by this Policy.

66.2 Complaints should be addressed to:

The Investigatory Powers Tribunal

PO Box 33220

London

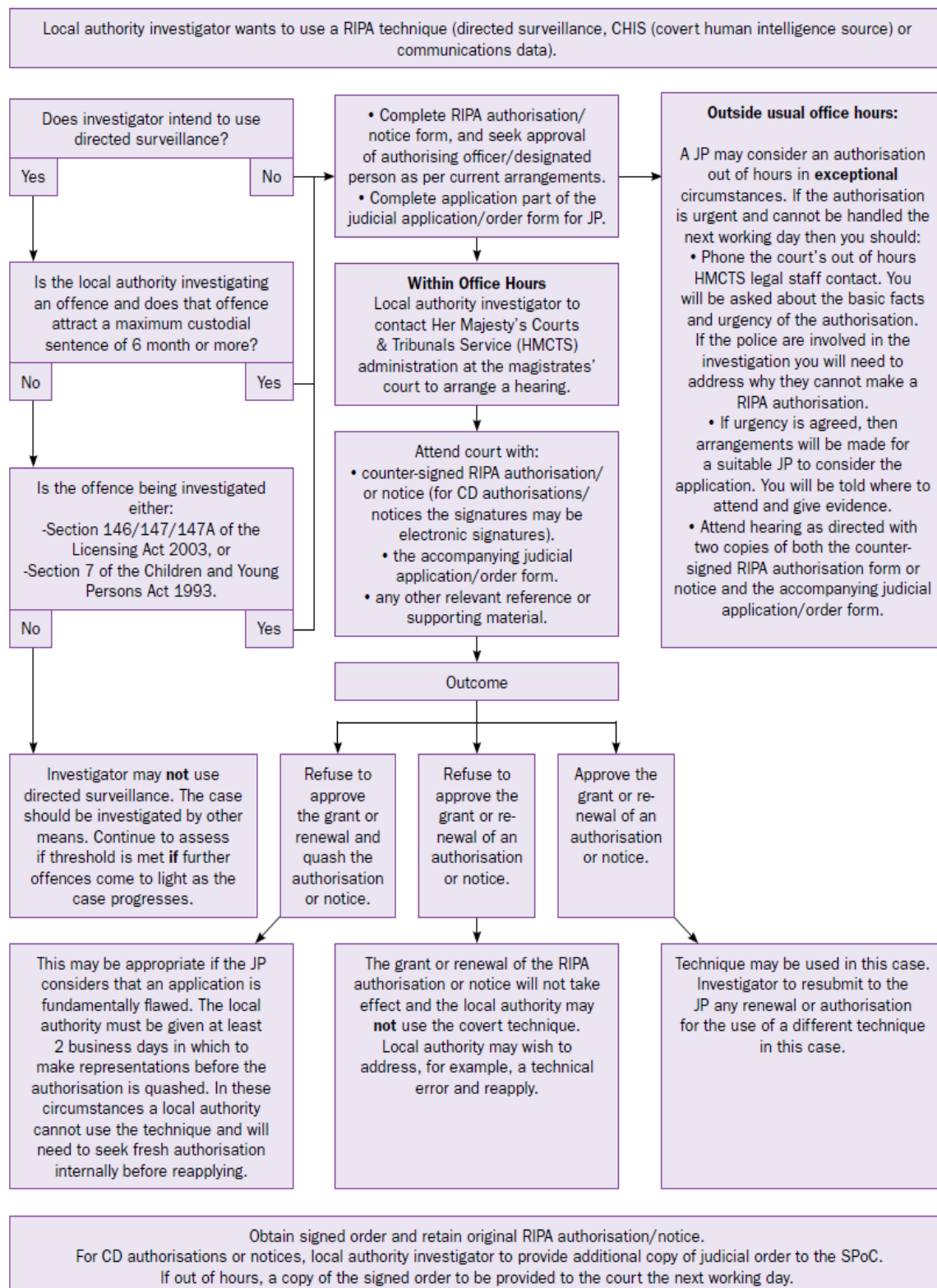
SW1H 9ZQ

## Appendix A – Relevant Officers

<b>Name</b>	<b>Job Title</b>	<b>Role</b>
Sarah Clarke	Service Director – Strategy and Governance	SRO
Sean Murphy	Public Protection Manager	Authorising Officer
Leigh Hogan	Legal Services Manager	Authorising Officer
Eric Owen	Director – Development and Regulation	Authorising Officer
Shiraz Sheikh	Service Lead – Legal and Democratic	Authorising Officer
Tbc		
Tbc		

## Appendix B

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





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JPPC – 26 January 2023

## **Item 9 – Any Other Urgent Items**

Verbal Item

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