



# TONBRIDGE & MALLING BOROUGH COUNCIL

## EXECUTIVE SERVICES

---

---

**Chief Executive**

Julie Beilby BSc (Hons) MBA

Gibson Building  
Gibson Drive  
Kings Hill, West Malling  
Kent ME19 4LZ  
West Malling (01732) 844522

---

**NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.**

Contact: Committee Services  
[committee.services@tmbs.co.uk](mailto:committee.services@tmbs.co.uk)

15 June 2018

To: MEMBERS OF THE GENERAL PURPOSES COMMITTEE  
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the General Purposes Committee to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Monday, 25th June, 2018 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

## A G E N D A

### PART 1 - PUBLIC

- |    |                          |       |
|----|--------------------------|-------|
| 1. | Apologies for absence    | 5 - 6 |
| 2. | Declarations of interest | 7 - 8 |

3. Minutes 9 - 14

To confirm as a correct record the Minutes of the meeting of General Purposes Committee held on 29 January 2018

**Matters for Recommendation to the Council**

4. Human Resources Strategy Update 15 - 28

*The Human Resources Strategy (HR Strategy) provides an overview of the Council's approach to managing its employees. It is updated annually to identify "improvement priorities", such as changes to the Council's personnel policies.*

5. Investigatory Powers Commissioner's Office Inspection Report - 29 - 60  
the Regulation of Investigatory Powers Act 2000

*In order to ensure that public authorities carry out covert activities in a lawful manner, the Investigatory Powers Commissioner's Office (IPCO) conducts regular reviews of the Council's policies and procedures.*

**Matters submitted for Information**

6. Health and Safety Annual Report 2017/18 61 - 72

*Presentation of the Annual Health and Safety Report for 2017/18.*

7. Urgent Items 73 - 74

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

**Matters for consideration in Private**

8. Exclusion of Press and Public 75 - 76

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**PART 2 - PRIVATE**

**Decisions to be taken under Delegated Powers**

9. Establishment Changes 77 - 92

LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual

*The report sets out for approval a number of establishment changes recommended by Management Team.*

10. Waste and Street Scene Services 93 - 110

LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual

*The report sets out a number of permanent and temporary staffing changes in Waste and Street Scene Services.*

11. Urgent Items 111 - 112

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

## **MEMBERSHIP**

Cllr O C Baldock (Chairman)  
Cllr L J O'Toole (Vice-Chairman)

Cllr M A C Balfour  
Cllr Mrs S Bell  
Cllr P F Bolt  
Cllr M A Coffin  
Cllr Mrs M F Heslop  
Cllr N J Heslop

Cllr B J Luker  
Cllr D Markham  
Cllr S C Perry  
Cllr R V Roud  
Cllr C P Smith  
Cllr M Taylor

Apologies for absence

This page is intentionally left blank

Declarations of interest

This page is intentionally left blank



## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **GENERAL PURPOSES COMMITTEE**

**Monday, 29th January, 2018**

**Present:** Cllr O C Baldock (Chairman), Cllr M A C Balfour, Cllr P F Bolt, Cllr M A Coffin, Cllr B J Luker, Cllr S C Perry, Cllr R V Roud, Cllr C P Smith and Cllr M Taylor

Councillors Mrs J A Anderson, D J Cure, N J Heslop, D Lettington, Mrs A S Oakley and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors L J O'Toole (Vice-Chairman), Mrs S Bell and Mrs M F Heslop

### **PART 1 - PUBLIC**

#### **GP 18/1 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

#### **GP 18/2 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the General Purposes Committee held on 20 November 2017 be approved as a correct record and signed by the Chairman.

### **MATTERS FOR RECOMMENDATION TO THE COUNCIL**

#### **GP 18/3 LOCALISM ACT - PAY POLICY**

The report of the Director of Central Services advised that the Localism Act 2011 required local authorities to review their pay policy statements for each financial year. The report summarised the requirements of the Act and presented an updated Pay Policy Statement for 2018/19. It was noted that there had been no changes in the Council's remuneration policy and the substantive content of the updated statement was identical to that adopted by the Council in February 2012.

**RECOMMENDED:** That the Pay Policy Statement 2018/19 set out in Annex 1 to the report be commended for adoption by the Council.

**\* Referred to Council**

**DECISIONS TAKEN UNDER DELEGATED POWERS IN  
ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE  
CONSTITUTION****GP 18/4 PAY AWARD 2018**

Consideration was given to the report of the Chief Executive which examined a range of factors relevant to the issue of a pay award for employees in 2018/19. These included prevailing economic conditions, comparative pay settlements, movement in the retail price and consumer price indices and the Council's budget position.

Reference was made to the provision for pay inflation of 2% in the Medium Term Financial Strategy and the need for the Council to maintain the ability to recruit and motivate staff with the appropriate skills to meet the employment challenges ahead. Members were advised that employees had been fully informed of the financial challenges facing the authority through the Joint Employee Consultative Committee and Unison. It was proposed to offer a 2% award for 2018/19 in line with the national offer (upon which agreement had not yet been reached). It was noted that there was nothing to preclude a further report to the Committee should the national pay agreement prove different to the current offer.

**RESOLVED:** That a 2% pay award from 1 April 2018 be approved.

**GP 18/5 ANNUAL REVIEW OF WHISTLEBLOWING POLICY**

The report of the Director of Finance and Transformation gave details of the outcome of the annual review of the Council's Whistleblowing Policy and its consideration by the Audit Committee on 22 January 2018. The Committee noted that the Policy, once approved, would be circulated to all staff with computer access and made available on the Council website.

**RESOLVED:** That the Whistleblowing Policy set out at Annex 1 to the report be approved.

**MATTERS SUBMITTED FOR INFORMATION****GP 18/6 GENDER PAY GAP REPORT 2016/17**

The report of the Director of Central Services summarised the legislative context for gender pay gap reporting and incorporated the outcomes of the gender pay gap analysis for 2016/17.

**RESOLVED:** That the outcomes of the gender pay gap analysis, as set out in section 1.2 of the report, be noted.

**MATTERS FOR CONSIDERATION IN PRIVATE****GP 18/7 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

**RESOLVED:** That as public discussion would disclose exempt information, the following matters be considered in private.

**PART 2 - PRIVATE****DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION****GP 18/8 ESTABLISHMENT CHANGES**

**(LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)**

The report of the Director of Central Services set out for approval a number of establishment changes arising from the ongoing operational management of the Council's services.

**RESOLVED:** That the proposals and establishment adjustments set out in the report be endorsed as follows:

- (1) the extension of the grades attaching to posts DG0009, DJ0003, and DF0101 (from 3/4 to 3/4/5) from 1 December 2017;
- (2) the establishment of a new Civil Enforcement Officer Supervisor post, scale 4, 37 hours per week with effect from 1 February 2018;
- (3) the hours of the Senior Administration Officer post DE0513 scale 4/5 be reduced from 37 to 22.5 per week with effect from 1 February 2018;
- (4) the hours of the Administration Officer post DE0505 scale 2/3 be reduced from 25 to 22.5 per week with effect from 1 February 2018;
- (5) the establishment of a temporary scale 6 Senior Waste & Enforcement Support Officer 21.5 hours per week with immediate effect until 31 March 2019;
- (6) the increase in the hours of post DG02013 Waste & Enforcement Support Officer scale 4 from 15 to 30.5 hours per week with effect from 1 February 2018;

- (7) the deletion of post DG2014 Waste & Enforcement Support Officer scale 4, 15.5 hours per week with effect from 1 February 2018;
- (8) the establishment of the post of Emergency Planning & Business Continuity Support Officer grade SO, 15 hours a week with effect from 1 February 2018;
- (9) the creation of a budget of £35,000 to fund anticipated enhancements to the Council's staff emergency call out arrangements, and the delegation of authority to Management Team to determine the details of these arrangements;
- (10) the reduction of the hours of post DB0201 Personnel & Development Manager from 37 to 22.5 per week with effect from the commencement of the employment of the new Personnel Adviser;
- (11) the establishment of a post of Personnel Adviser, 37 hours per week, M9 with effect from 1 February 2018;
- (12) the hours of post DA1001 Building & Facilities Manager, M6 be reduced from 37 to 22.5 per week with effect from 1 February 2018;
- (13) the balance of £5,957 remaining from the re-structure within Central Services be ring fenced pending further adjustments to the establishment;
- (14) the reduction in the hours of post DF0528 Overpayment Recovery Assistant scale 3/4 from 37 to 22.5 hours per week with effect from 1 April 2018;
- (15) the deletion of vacant post Clerical Support Officer DF0513 scale 1/2, 20 hours per week with effect from 1 February 2018;
- (16) a new post of Overpayment Recovery Clerk scale 1/2, 37 hours per week be established with effect from 1 February 2018;
- (17) the post of Systems and Support Manager DF0521 SO/M9 be deleted with effect from 1 February 2018;
- (18) a new post of Revenue & Benefits Business Support Manager M8, 37 hours per week be created with effect from 1 February 2018 and the existing incumbent of post DF0521 be re-deployed to this post;

- (19) the post of Revenue & Benefits Liaison Manager DF0907 SO/M9 be deleted with effect from 1 February 2018;
- (20) the savings of £42,284 from the establishment changes outlined in paragraph 1.7 to the report be ring fenced pending a review of the Revenue and Benefits team;
- (21) the post of Exchequer Services Manager DF0403 M8, 22.5 hours per week be deleted with effect from 1 April 2018;
- (22) the post of Payroll Officer DF0406 SO, 28 hours per week be deleted with effect from 1 April 2018;
- (23) a new post of Exchequer Services and Systems Manager M9/M8, 37 hours per week be created with effect from 1 April 2018 and the existing incumbent of post DF0406 be re-deployed to this post;
- (24) the hours of post DF0409 Exchequer Assistant scale 2/3 be reduced from 32 hours to 22.5 hours per week with effect from 1 April 2018; and
- (25) the hours of post DF0412 Exchequer Assistant scale 2/3 be increased from 30 to 37 per week with effect from 1 April 2018.

The meeting ended at 8.18 pm

This page is intentionally left blank

## TONBRIDGE & MALLING BOROUGH COUNCIL

### GENERAL PURPOSES COMMITTEE

25 June 2018

#### Report of the Director of Central Services

#### Part 1- Public

#### Matters for Recommendation to Council

### **1 HUMAN RESOURCES STRATEGY UPDATE**

The Human Resources Strategy (HR Strategy) provides an overview of the Council's approach to managing its employees. It is updated annually to identify "improvement priorities", such as changes to the Council's personnel policies.

The updated Hr Strategy attached as Annex 1 to this report advises the Committee on progress in achieving the improvement priorities in the Human Resources Strategy (HR Strategy) for April 2017 – March 2018, and identifies actions to be implemented in the period April 2018 – March 2019. The updated Strategy in Annex 1 also contains the statutory equality monitoring required by the Equality Act 2010.

#### **1.1 Overview of updates to the HR Strategy**

- 1.1.1 Section 3 of the updated HR Strategy lists progress against the improvement priorities identified in 2017/18. The Committee will note that the majority of the identified actions have been achieved.
- 1.1.2 Section 4 of the HR Strategy reports the outcomes of equality monitoring of staffing issues in 2017/18. The Council's Management Team have not discerned evidence of discrimination against any of the protected characteristic groupings listed in the Equality Act 2010.
- 1.1.3 Section 5 of the HR Strategy advises the Committee of the improvement priorities that have been so far identified for 2018/19. This section is referred to as The Workforce Development Plan (WDP) because periodically various external agencies, government departments etc. request information about the Council's WDP.

#### **1.2 Legal Implications**

- 1.2.1 The reporting of the outcomes of the Council's HR equalities monitoring is a statutory requirement of the Equalities Act 2010.

### **1.3 Financial and Value for Money Considerations**

- 1.3.1 All of the actions listed in Section 5 of the attached Annex will be resourced from existing budgets.

### **1.4 Risk Assessment**

- 1.4.1 The Workforce Development Plan in Section 5 of the HR Strategy complies with one of the recommended requirements of the Annual Governance Statement (part of the statement of accounts).

### **1.5 Recommendations**

- 1.5.1 The Committee is commended to note the outcomes of the equality monitoring as reported in Section 4 of the HR Strategy and to recommend the actions listed in Section 5 to Council.

Background papers:

contact: Delia Gordon

Nil

Adrian Stanfield  
Director of Central Services



## **HUMAN RESOURCES STRATEGY (incorporating the Pay and Workforce Strategy)**

### **1 The Council's Vision**

The Council's vision for the next two years is:

To be a financially sustainable Council that delivers good value services, provides clear leadership and, with our partners, addresses the needs of the Borough.

### **2 Human Resource Strategy**

The Human Resources Strategy is about recognising and developing the crucial contribution of every employee. This is prompted by the expectation/aspiration that all employees will:

- be customer focused
- be corporately aware
- demonstrate a "can do" approach to work
- appreciate the Council as a good employer
- consider themselves as colleagues in a joint endeavour to achieve the corporate vision.

Working with partners, external service providers, and other authorities, the Council will give ongoing consideration to the further development of the Strategy. The Strategy will be updated annually and will identify improvement priorities for the year ahead. The annual update will also report on the achievement of the improvement priorities identified the previous year.

Four key "building blocks" are used to inform and direct human resource activities. These are:

- Leadership and Management
- Effective Recruitment and Retention
- Communication and Team Working
- Workforce Development.

The Sections below provide an overview of the Council's current approaches to developing these "building blocks".

#### **Leadership and Management Development**

We want managers and supervisors throughout Tonbridge & Malling Borough Council to meet their responsibilities to their colleagues by providing leadership, direction, purpose and support.

- Managers and supervisors will be expected to proactively seek out opportunities for service transformation and to set standards.
- All managers and supervisors will contribute to developing an organisational climate that encourages innovation, by encouraging their staff to engage positively in service transformation and in developing new ways of working.
- Corporate working will be promoted throughout the Council.
- All managers and supervisors will be expected to behave in accordance with the Council's Supervisory and Management Capability Checklists.
- Up to date advice, training and support on Council policies and procedures for dealing with a range of employee relations issues will ensure consistency of management style.
- New managers and supervisors will be equipped for their role by participating in appropriate training and development activities.
- Throughout their careers with the Council managers and supervisors will have opportunities to attend training and development events that reflect their responsibilities.

### **Effective Recruitment & Retention**

We want an employment package that attracts and retains capable people who are committed to delivering excellent services to the community.

- We will balance internal progression with external recruitment so that the Council continuously reinvigorates its talent pool, and that appropriate succession planning ensures an appropriately skilled workforce for the future.
- We will endeavour to attract suitable applicants by clear job descriptions, person specifications and advertisements.
- There will be a fair and consistent recruitment and selection framework that supports diversity within the workforce and that is regularly inspected by our internal audit team. Our workforce broadly reflects the ethnic and gender distribution of the residents of the borough.
- We will offer employees a fair and competitive rate for the job that reflects the principles of equal pay. We will ensure equal status for part-time staff. In 2017/18 of a workforce of 274 permanent employees, 103 were employed on a part time basis.

- Wherever possible, we will offer employees flexible working opportunities that reflect the diversity of the workforce and facilitate a healthy Work Life Balance.
- We will ensure that working environments are safe and healthy. The Council is currently accredited with the ROSPA Gold Award.
- We will foster a supportive management ethos that recognises and values everyone's contribution.
- We will offer employees suitable training and development opportunities.

### **Communication and Team Working**

We want to create a climate of trust, honesty and involvement. We recognise the need for open and honest two-way communication.

- We will maintain a system of annual individual appraisals and regular team briefings across the organisation.
- We will maintain a constructive relationship with accredited employee representatives and the Trade Union (Unison). There is an effective Joint Employee Consultative Committee which provides an opportunity for elected members, managers and employees to debate staffing issues.
- We will honour the Council's commitment to trust, honesty and involvement by working through employee relations issues according to the procedures specified in the Grievance, Disciplinary, Capability, Anti-Bullying and Harassment and Confidential Reporting Codes of Practice/Procedures.
- We will ensure that corporate information is easily accessible and will continue to develop the use of information technology for this purpose. All employees can access relevant corporate policies and e-learning modules on the Council's intranet.
- We will encourage development of a culture of corporate and co-operative working across the Council.
- We will encourage employees to influence the shape of future service delivery in an environment that embraces transformation and partnership working.

### **Workforce Development**

We want employees to know how their contribution fits into the bigger picture, and to have the skills, knowledge and information they need to do their job effectively. We want them to feel committed to the Council and to enjoy coming to work.

- We will provide new employees with information about their job and employment package.
- Every new employee will undergo a customised induction process.
- All employee's will have an annual performance appraisal which will review their performance over the past year, set personal objectives for the year ahead, and identify any training and development needs.
- All employees will have access to training and development activities that are linked with their individual objectives as well as those of the service to which they belong.
- We will deal firmly and fairly with poor performance.
- On return from absence due to sickness, all employee's will engage in a return to work interview with their line manager that will attempt to identify any organisational factors which may have contributed towards their illness.

### **3 Achievement of Improvement Priorities for the period April 2017 to March 2018**

<b>Action</b>	<b>Progress</b>
<p><u><i>Developing leadership capacity</i></u></p> <p>i) Provide structured development opportunities that enhance management capacity and enable succession planning that takes account of the anticipated departure of many senior staff over the next 5 years.</p>	<p>The Housing Services Improvement Manager has undertaken a short course entitled "Effective Performance Management and Analysis". The Engineering Manager has completed the "IOSH Managing Safety course". The Health Team Leader has completed an "Introduction to Management" course.</p> <p>Many other opportunities have been taken to develop managerial capacity through project work, work shadowing and the re-distribution of duties when colleagues flexibly retire.</p>

<p><u><i>Developing the skills and capacity of the workforce</i></u></p> <p>i) Support the development of appropriate officers in skill sets required to meet current legislation/service requirements.</p>	<ul style="list-style-type: none"> <li>➤ There have been 296 instances of employees undertaking off the job seminars, workshops or short courses, and, in addition, 124 e-learning courses were completed.</li> <li>➤ One of the trainee Planning Officers has completed further units in the BA Urban and Environmental Planning.</li> </ul>
<p><u><i>Organisational development</i></u></p> <p>i) Continue to re-align the Council's Establishment with its re-defined priorities.</p> <p>ii) Continue to develop the knowledge base of elected Members in response to changes in legislation, Government initiatives etc.</p>	<ul style="list-style-type: none"> <li>➤ 55 adjustments to job roles, changes in working patterns, and job re-grades have been agreed at the meetings of the General Purposes Committee in June, and October 2017 and February 2018.</li> <li>➤ Officers have provided Member briefings on a range of topics such as planning (including the Local Plan), housing and, licensing, at Committee and Advisory Board meetings.</li> </ul>
<p><u><i>Resourcing, recruitment and retention</i></u></p> <p>i) Provide work placements to local schools.</p> <p>ii) Explore opportunities for providing apprenticeship placements.</p>	<ul style="list-style-type: none"> <li>➤ Numerous work placement opportunities have been provided for Year 10 and 11 students.</li> <li>➤ In the absence of any applicants for the Council's Customer Services apprenticeships, when 2 junior posts became available in Financial Services these were advertised as providing apprenticeship opportunities at the established pay rate (as opposed to apprenticeship pay</li> </ul>

<p>iii) In response to an increase in “hard to fill “ posts given a lack of supply in certain professions re-structure Personnel Services to facilitate the recruitment of an HR Advisor with expertise in this field.</p>	<p>rates) for the roles. There were 3 applicants for these posts, unfortunately none of whom were suitable. The Council has also attempted to provide Higher Level Apprenticeships in planning but unfortunately the Institute for Apprenticeships has surprisingly not yet approved the national framework for the delivery of this programme. The Council continues to consider whether or not vacancies for posts provide suitable apprenticeship opportunities, and will promote such opportunities when they arise.</p> <p>➤ The re-structure of Personnel Services was approved at the meeting of this Committee in January 2018 and a suitable appointment has subsequently been made.</p>
<p><u>Pay and Reward</u></p> <p>The Council continues to adhere to the public sector pay restraint set by The Government.</p>	<p>The Council awarded a 2% pay settlement for 2018/19.</p>

## 4 Equalities Monitoring 2017/18

In accordance with Equality legislation, the Authority is legally obliged to consider how our activities as an employer affect people who share different protected characteristics.

The information included in the tables below shows the outcomes of this monitoring for the period 2017/18. For the sake of comparison, a percentage analysis of the demographic profile of the Borough according to gender, ethnicity and disability is shown in Table 10 and a breakdown of the race, disability, gender and age distributions of the workforce in Tables 11 & 12.

In accordance with commitments made in the Equality Impact Assessment of the Flexible Working Policy the outcomes of the monitoring of the return rates from maternity leave and applications for flexible working are included in Tables 8 & 9.

**Table 1 – Analysis of applications for jobs**

<b>Total Applicants</b>	559
Male	222
Female	337
Disabled	21
Ethnic Minority	79

<b>Shortlisted</b>	71
Male	31
Female	40
Disabled	5
Ethnic Minority	8

<b>Appointed</b>	20
Male	7
Female	13
Disabled	4
Ethnic Minority	3

**Table 2 – Analysis of Promotions**

<b>Promotions</b>	8
Male	5
Female	3
Disabled	0
Ethnic Minority	0

**Table 3 – Analysis of Disciplinary Hearings**

<b>Hearings</b>	4
Male	4
Female	0
Disabled	0
Ethnic Minority	0

**Table 4 – Analysis of Capability Hearings**

<b>Hearings</b>	7
Male	2
Female	5
Disabled	0
Ethnic Minority	0

**Table 5 – Analysis of Grievance Hearings**

<b>Cases</b>	3
Male	2
Female	1
Disabled	0
Ethnic Minority	0

**Table 6 –Instances of staff within the Council receiving training for which a direct cost has been incurred.**

<b>Total</b>	<b>White</b>	<b>Non White</b>	<b>Male</b>	<b>Female</b>	<b>Disabled</b>
172	165	4	61	111	6

**Table 7 – Applications for changes to working patterns and flexible working, and success rates**

<b>Nature of the request</b>	<b>Requests</b>	<b>Requests granted</b>
Flexible retirement	8	8
Reduction/increase in working hours or change in working pattern	23	23

**Table 8 – Return rates from maternity leave**

<b>Category</b>	<b>Number</b>
Number of employees on maternity leave in 17/18	2
Number still on maternity leave in 2018/19	1
Number of employees who left the Council's employment on or shortly after returning from maternity leave	0
Number who returned to employment with the Council.in 17/18	1

**Table 9 – Demographic analysis of the Borough**

<b>Equality Characteristic</b>	<b>Percentage</b>
Male	48



Female	52
White	96
Ethnic Minority	4
Permanently sick or disabled	3

**Table 10 – Gender, disability and race distribution of the workforce**

In March 2017 there were 274 employees, of which 103 were part time.

<b>Equality Characteristic</b>	<b>Headcount</b>
Gender	Male – 94 Female - 180
Disability	Employees who consider themselves to be disabled – 5
Ethnicity	White – 227 Black – 2 Asian or Asian Black – 3 Other Asian – 0 Mixed - 1

Note – any discrepancies in the totals above are due to employees not disclosing personal information.

**Table 11 – Age distribution of the workforce**

<b>Age range</b>	<b>Number of employees</b>
Up to 19	1
20 - 25	13
26 - 35	34
36 - 45	62
46 - 55	97
56 - 65	55
Over 65	12

## **5 Workforce Development Plan April 2018 – March 2019**

### **Developing leadership capacity**

- Continue with the provision of structured development opportunities that enhance our management capacity and enable succession planning that takes account of the potential departure of many experienced staff over the next five years.

### **Developing the skills and capacity of the workforce**

- Continue to support the ongoing professional development of staff, and to equip them with the knowledge and skills required to deliver services, to respond to changes introduced by the Government, and to the Council's transformational agenda. Specific areas of need will be identified during the 2018/19 performance appraisal process.
- Continue to equip staff with the digital skills required to support changes in the way we work.
- Continue to equip staff with the knowledge and skills required to support the Council's Emergency Plan.

### **Organisational Development**

- Consider the impact on the Council's policies of any proposals from the Government to amend existing employment legislation, and re-align the Council's HR policies with the timetable for any proposed amendments.
- Continue to provide briefings for Members on legislative change etc. at Committee meetings and Advisory Boards, and, where appropriate commission dedicated training sessions on cross cutting corporate issues such as safeguarding children and vulnerable adults.

### **Resourcing, recruitment & retention**

- Continue to re-align the Council's Establishment to address shifting requirements for service delivery.
- Continue to explore options with other Councils for shared service delivery.
- Continue to explore alternative service delivery models.
- Develop a bespoke recruitment strategy on a case by case basis for hard to fill posts.
- Continue to ensure that work placements are provided to local schools.
- Explore opportunities for offering apprenticeships within the Council.
- Identify roles for new recruits to the Council in the Council's Emergency Plan.

### **Pay and Reward**

- Track the benefits package offered by our competitors for staff and keep the Council's package under review (ongoing).
- Review the Pay Policy Statement (by March 2019).

This page is intentionally left blank

## TONBRIDGE & MALLING BOROUGH COUNCIL

### GENERAL PURPOSES COMMITTEE

25 June 2018

#### Report of the Director of Central Services

#### Part 1- Public

#### Matters for recommendation to Council

#### **1 INVESTIGATORY POWERS COMMISSIONER'S OFFICE –INSPECTION REPORT- THE REGULATION OF INVESTIGATORY POWERS ACT 2000**

##### **1.1 Introduction**

1.1.1 In order to ensure that public authorities carry out covert activities in a lawful manner, the Investigatory Powers Commissioner's Office (IPCO) conducts regular reviews of our policies and procedures. IPCO took over the powers and duties of the former Office of Surveillance Commissioners (OSC). On 1 February 2018 His Honour Brian Barker, Assistant Surveillance Commissioner, carried out a telephone- based review of our surveillance practices. Following that telephone discussion, he concluded that a written report could be presented without the need for him to visit our offices. A copy of his report is attached at Annex 1.

1.1.2 The Assistant Surveillance Commissioner noted that the Council does not utilise the powers vested under RIPA frequently, preferring to use overt methods. There had been no uses of directed surveillance since the last inspection in 2014. Regardless of this he recognised that the Council do take their responsibilities under the legislation seriously. He did, however, note that there were a number of opportunities which the Council could take to ensure enforcement officers remained aware of the need for authorisation in specified circumstances, and promote access to resources for those officers. He therefore made a number of recommendations as follows:

- Minor amendments to the Corporate Surveillance Guidance;
- Inclusion on advice on use of social media;
- Updating of officers is a priority and a further training session in the court of the year (this is being arranged with Act Now training- a specialist provider of RIPA training)

1.1.3 The amendments recommended, including specific advice in the Corporate Guidance regarding social media, have been incorporated into the amended Corporate Surveillance Guidance which is attached as Annex 2.

- 1.1.4 In addition, whilst not making a formal recommendation, the Assistant Surveillance Commissioner suggested that a dedicated intranet resource could be set up, containing the corporate guidance, and the former OSC's procedures and guidance document. The intranet resource is now live, and relevant surveillance materials are being added to that page so that enforcement officers and those involved in authorisation have relevant materials easily available.
- 1.1.5 It was also proposed by the Assistant Surveillance Commissioner that information concerning RIPA should be given to new Members as part of induction training.

## **1.2 Financial and Value for Money Considerations**

- 1.2.1 The operation of the surveillance policy has negligible financial impact upon the Council.

## **1.3 Risk Assessment**

- 1.3.1 Authorisations under RIPA provide lawful authority for the Council to carry out covert surveillance, subject to the approval of a Magistrate. Failure to comply with the requirements of the Act may render the enforcement activity unlawful, and lead to the exclusion of evidence obtained through surveillance.

## **1.4 Policy Considerations**

- 1.4.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## **2. Recommendation**

- 2.1 That the Committee notes the Inspection report of the Assistant Surveillance Commissioner;
- 2.2 That the Committee RECOMMEND to Council that the revised guidance at Annex 2 be approved.

Background papers:

None

contact: Adrian Stanfield  
Director of Central Services

The Rt. Hon Lord Justice Fulford  
Investigatory Powers Commissioner,  
PO Box 29105  
London SW1V 1ZU

February 2<sup>nd</sup>, 2018.

**INSPECTION REPORT  
REGULATION OF INVESTIGATORY POWERS ACT, PART II  
TONBRIDGE AND WEST MALLING BOROUGH COUNCIL**

Inspector: His Honour Brian Barker CBE, Q.C.  
Assistant Surveillance Commissioner.

**Introduction**

1. The Borough Council serves a population of about 127,000, covering an area of approximately 93 square miles in the mid west of Kent from the North Downs at Burnham in the north to the town of Tonbridge in the south. The area is mainly agricultural with remnants of the hop industry and has a number of ancient sites and buildings of historical interest
2. The Council operates on a leader and Cabinet basis. It has 54 councillors representing 24 wards; a number of those wards are within Tonbridge. The Mayor, Cllr Roger Dalton, is the first citizen and is elected annually. The office holder carries out civic and ceremonial duties and chairs full council meetings and acts as ambassador to promote the Council's name at home and elsewhere. There are 27 Parish Councils within the Borough representing their communities and providing services for them.
3. The Chief Executive, Julie Beilby, is supported by a senior team of four Directors namely of Financial Services, of Planning Housing and Environmental Health, of Central Services, and of Street Scene, Leisure and Technical Services.
4. The address for correspondence is Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent ME19 4LZ.
5. The last inspection was conducted by Kevin Davis, Surveillance Inspector, on November 27<sup>th</sup> 2014. There had been two uses of directed surveillance since the previous inspection, both of high standard, but none since the enactment of the Protection of Freedoms Act 2012. He noted the preference for the use of overt methods to drive the enforcement agenda and concluded that appropriate training and sound policies and procedures were in place.

6. There have been no subsequent applications. The reasons follow a familiar pattern. Benefit fraud investigation work has gone to the DWP and residual minor fraud investigations are dealt with by a team shared with Gravesham Borough Council. Following the 2012 legislation the number of potential offences meeting the custodial threshold decreased substantially and there has been a shift in policy to the use of overt investigation.
7. Based on the information provided and on a helpful and detailed phone conversation with Kevin Toogood, Principal Litigation Solicitor and Co-ordinating Officer, it is my view that it is sufficient to present a written report without the necessity of a visit.

**Previous Recommendations:**

8. None specified.

**Central Records and Forms:**

9. Mr. Toogood holds the computerized Central Record on a secure drive and the produced compliant records since the last inspection confirm the lack of applications. He has access to the current forms and has available the *Home Office Guides*. He will add the *Office of Surveillance Commissioners Procedures and Guidance 2016*.

**RIPA Policy and Structure:**

10. The "*Corporate Surveillance Guidance*" was last reviewed in December 2013. It is a clear and helpful guide for officers to requirements and procedure containing seventeen pages (including Communications Data) with two appendices.
11. Although balanced and solid, it is due for a review and update and there are a few areas where some changes and additions would add to its value and breadth. It would be useful in the initial summary provided at 1.1 to have reference to the *Home office Codes of Practice* (current edition is 2014), and this would be convenient position to add a reference, with link, to the *Office of Surveillance Commissioners' Procedures and Guidance 2016*.
12. Additionally in this 'Summary' section the two principal rules can be set out for maximum impact. Namely that it is the policy of the Borough Council that covert surveillance under the *RIPA* will only be considered as a last resort (I appreciate that there are later references at 4.1, 7.3 and



Appendix 2, point 1.) Second, although clear at the conclusion of the document, underlining the importance of initial consultation with the Senior Responsible Officer/Director of Central Services at the earliest opportunity if such action is contemplated.

13. It is pleasing to see in 'Background' (1.2) that the interaction with Article 8 of the Human Rights Act 1988 is clearly explained, and that any officer will have undertaken appropriate training before conducting *RIPA* investigations
14. An informative, and not often seen, section is 2.2 'Confidential Material; and an impressive chapter 'Identifying Direct Surveillance' is at 4 which gets the important points across through a series of every day questions and answers.
15. The definition for *Covert Human Intelligence Sources* is dealt with at section 5, although it is made clear that it the policy of the Borough Council not to use a *CHIS*, and if there is any potential for a person to become a *CHIS* then guidance should be sought from the Chief Executive or the Director of Central Services. Although aware of their legal responsibilities, the team recognize they do not have the experience or expertise to authorize the use of a *CHIS* and should such situation and should a situation arise would pass matters over to local Kent Police with whom there is a good working relationship.
16. The roles and responsibilities of the Senior Responsible Officer and the Co-ordinating Officer are helpfully listed at 7.1 – although Mr Toogood's name needs to be substituted for that of his predecessor.
17. Authorisation, properly, receives quality coverage at 7.2 through to 7.4. It would be convenient for the reader to add after the first sentence the names and contact details of the deputed Authorising Officers: the Chief Executive and the four Directors.
18. I notice that the second sentence of section 7.3 'Who can give Authorisations?' makes the point that an authority to undertake surveillance will only be given by the Chief Executive or in her absence by a member of the management team. I understand that this is a hold over reflecting the practice of a previous Chief Executive. It seems to me that this places an unnecessary burden on the busy Chief Executive and this a responsibility properly residing in the deputed Authorising Officer, or if necessary in the Director of Central Services. It is, however, the task of the Chief Executive to handle any of those rare cases involving juveniles (mentioned at 7.5.2[b]) or which are in the sensitive or confidential category.
19. The topics of the Authorising Officer exercising his/her mind independently and not operating in 'rubber stamp' mode, and the careful

consideration necessary in addressing collateral intrusion are both clearly addressed in section 7.4.

20. The necessary procedure for obtaining approval from the local Magistrates' Court brought about by the 2012 legislation is dealt with in section 7.5. Which type of officer should attend in support has been a subject of debate, but the preferred practice is for the Authorising Officer to attend if possible to field any questions from the Bench as he/she will have come to an independent judgment in conducting the authorization process. (see para. 292 on of *OSC Procedures and Guidance 2016*).
21. The care needed when other agencies have been instructed on behalf of the Council to undertake actions under *RIPA*, or when other agencies wish to use the Borough Council's resources or premises for their own actions is properly noted in section 9.
22. Two other updating points. Oral applications mentioned at part 10.1.(a) were abolished by the Protection of Freedoms Act 2012 and all applications now require judicial approval. Under 'Records' at section 11 any new application placed in the central register must be accompanied by an URN
23. A useful summary of the steps necessary for an Investigating Officer to take is covered in a page and a half as the second appendix, and this is designed to provide a succinct overview and 'check list.' It would be worthwhile to review points 6 and 7 on initial authorization, and also point 8 which is the job of the Co-ordinating Officer.
24. The single clear deficiency within the document is the lack of guidance regarding the use of social media. This area has been a particular concern of the Commissioner in the recent past and reference is made at *para. 289 of the OSC Procedures and Guidance 2016*
25. This topic, however, has not been missed and I understand was the subject of the training by the Kent Police officers from the Community Safety Partnership just prior to the last inspection. This led to the production of a short and separate Guidance reference document circulated to all investigative officers, and provided to me within the papers.
26. A further aspect to be incorporated dealing with the almost inevitable interrogation of social media and personal accounts occurs during an investigation, is the necessity for an officer to be aware and to avoid the possibility of slipping inadvertently into a *RIPA* situation without authorization having been considered. A combination of the above points should form the basis of a separate subject inserted into the Corporate Guidance, perhaps between existing parts 5 and 6.

*see recommendation*

### **Training:**

27. There has been no formalized training since November 2014, although Kevin Toogood has recently contacted a specialist officer from the local Kent Police in order to arrange a refresher session; and a full updating session, possibly in collaboration with a neighbouring authority, is on the agenda for later this year.
28. The need for raising and maintaining awareness of *RIPA* and its scope is appreciated and news and changes are distributed to those affected when they arise. The intranet is a useful tool in this regard and Mr Toogood was attracted by the idea of a dedicated *RIPA* page where an outline of the purposes and the extent of the Act, as well as the Corporate Guidance and other reference sources could be found in one place, or easily accessed through links.

*see recommendation*

### **Councillors:**

29. The last report of any activity was made to the General Purposes Committee in 2014 focusing on the last Inspection Report. The recent Annual reviews of corporate governance to the Executive have not included *RIPA* because of the lack of information to note, but the advantage of that vehicle to include a 'non-usage' section so as to trigger awareness among the elected members should be taken.
30. Newly elected members receive a wide ranging induction package and *RIPA* will be part of the induction for the next batch of members.

### **CCTV:**

31. A jointly owned system with Tunbridge Wells Borough Council was instated in 1997 covering a number of towns, and expenditure is now met in full by the two Authorities. The last authorized request for use by the police was in 2011. The control rooms at Tunbridge Wells and Sevenoaks are managed Sharon Wright who won a national award in 2016 for her outstanding work. Accepted protocols and policies are in place and an independent audit of the facility dated March 2107 was highly complementary in all areas.
32. Consideration, however, is being given to the future of the system due to financial constraints and the likely closing of the Tunbridge Wells Town Hall and the moving of that authority to a new civic centre.

## **Conclusions:**

33. Mr. Toogood is comparatively new in post and readily accepts that other more pressing issues have taken priority. Nevertheless, there is a close working relationship with the experienced Mr Stanfield the Senior Responsible Officer as well as continuing support from the Chief Executive. He recognizes that lack of use both in investigation and supervision can lead to 'rustiness' and already has taken steps to improve knowledge and understanding. Despite the unlikelihood of use, it is still important that investigative officers should be in a position to 'recognise a CHIS situation when they see one' and this requirement should be borne in mind in future training.
34. I note a clear desire that the Borough Council takes its responsibilities under the legislation seriously and to have sound working systems and guidance in place despite the move away from covert investigation. There can be confidence that with immanent 'brushing up', should the need for use arise in the future, surveillance will be performed in a compliant and effective manner.

## **Recommendations:**

35. *(i) minor amendments to the Corporate Surveillance Guidance*  
*(ii) inclusion of advice on use of social media*  
*(iii) updating of officers as a priority and a further training session in the course of the year*

**Brian Barker**  
**Assistant Surveillance Commissioner.**



## **CORPORATE SURVEILLANCE GUIDANCE**

### **THE REGULATION OF INVESTIGATORY POWERS ACT 2000**

# CORPORATE SURVEILLANCE GUIDANCE

## THE REGULATION OF INVESTIGATORY POWERS ACT 2000

### CONTENTS

<b>1.</b>	<b>Introduction &amp; Background .....</b>	<b>4</b>
1.1	Summary	
1.2	Background	
1.3	Review	
1.4	Scope	
<b>2.</b>	<b>General.....</b>	<b>5</b>
2.1	Definition of Surveillance	
2.2	Confidential Material	
<b>3.</b>	<b>Directed and Intrusive Surveillance .....</b>	<b>6</b>
3.1	Directed Surveillance	
3.2	Intrusive Surveillance	
<b>4.</b>	<b>Identifying Directed Surveillance .....</b>	<b>7</b>
4.1	Is the surveillance covert?	
4.2	Is the surveillance for the purposes of a specific investigation or a specific operation?	
4.3	Is the surveillance in such a manner that is likely to result in the obtaining of private information about a person?	
4.4	Is the surveillance otherwise than by way of an immediate response to events or circumstances where it is not reasonable practicable to get authorisation?	
<b>5.</b>	<b>Covert Human Intelligence Sources.....</b>	<b>8</b>
5.1	Definition	
<b>6.</b>	<b>Communications Data.....</b>	<b>9</b>
6.1	Definition	
<b>7.</b>	<b>Authorisation Procedure.....</b>	<b>10</b>
7.1	Management Structure	
7.2	Authorisations	
7.3	Who can give Authorisations?	
7.4	Grounds for Authorisation – the ‘necessary & proportionate’ test	
7.5	Approval of Magistrate	
7.6	Authorisation of Communications Data – Special Procedure for SPoC	
7.7	Urgency	
7.8	Standard Forms	

<b>8.</b>	<b>Activities by other Public Authorities .....</b>	<b>14</b>
<b>9.</b>	<b>Joint Investigations.....</b>	<b>14</b>
<b>10.</b>	<b>Duration, Renewals and Cancellation of Authorisations .....</b>	<b>14</b>
10.1	Duration	
10.2	Reviews	
10.3	Renewals	
10.4	Cancellations	
<b>11.</b>	<b>Records.....</b>	<b>15</b>
11.1	Central record of all Authorisations	
11.2	Central record of Authorisations and Notices	
11.3	Records maintained in the department	
<b>12.</b>	<b>Retention and Destruction .....</b>	<b>17</b>
<b>13.</b>	<b>Consequences of Ignoring RIPA .....</b>	<b>17</b>
<b>14.</b>	<b>Scrutiny of Investigatory bodies .....</b>	<b>17</b>
<b>Appendices .....</b>		<b>18</b>
1.	Process Map for Communications Data	
2.	Specific Guidance to Investigators	

## 1. INTRODUCTION

### 1.1 Summary

The Regulation of Investigatory Powers Act 2000 ('RIPA') brought into force the regulation of covert investigation by a number of bodies, including local authorities. RIPA regulates a number of investigative procedures, the most of recent of which is the access to communications data. This document is intended to provide officers with guidance on the use of covert surveillance, Covert Human Intelligence Sources ('Sources') and the obtaining and disclosure of communications data under RIPA. Officers must take into account the Home Office Codes of Practice issued under RIPA a copy of RIPA is available at this link: <http://www.legislation.gov.uk/ukpga/2000/23/contents> ~~(RIPA and the Codes of Practice may be found at [www.security.homeoffice.gov.uk](http://www.security.homeoffice.gov.uk)).~~ ~~[and on the intranet here: [insert link](#)]~~

The Home Office Code of Practice is available here: <https://www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice> ~~[and on the intranet here: [insert link](#)]~~

Regard should also be had to the Office of Surveillance Commissioners' Procedures and Guidance 2016 [link here](#).

All forms are available online on the Home Office website as follows: -  
<http://security.homeoffice.gov.uk/ripa/publication-search/ripa-forms/>

~~[link no longer available- [link to intranet pages???](#)]~~

It is the policy of TMBC that use of covert surveillance, where available, is a measure of last resort to be considered only when all other avenues have been exhausted.

If you are considering the use of directed surveillance, or Covert Human Intelligence Sources please contact the Director of Central Services at the earliest possible opportunity for advice.

### 1.2 Background

The Human Rights Act 1998 requires the Council, and organisations working on its behalf, pursuant to Article 8 of the European Convention, to respect the private and family life of citizens, his home and his correspondence. The European Convention did not, however, make this an absolute right, but a qualified right. Accordingly, in certain circumstances, the Council may interfere in the citizen's right mentioned above, if such interference is:

- (a) in accordance with the law
- (b) necessary (as defined in this document); and
- (c) proportionate (as defined in this document)

RIPA provides a statutory mechanism for authorising certain types of surveillance. It seeks to ensure that any interference with an individual's right under Article 8 of the European Convention is necessary and proportionate. In doing so, RIPA seeks to ensure both the public interest and the human rights of individuals are suitably balanced.



If the correct procedures are not followed, evidence may be disallowed by the courts, a complaint of maladministration could be made to the Ombudsman, and/or the council could be ordered to pay compensation. It is essential, therefore, that all involved with RIPA comply with this document and any further guidance that may be issued, from time to time, by the Director of Central Services.

Each officer of the Council with responsibilities for the conduct of investigations, shall, before carrying out any investigation involving RIPA, undertake appropriate training to ensure that investigations and operations that he/she carries out will be conducted lawfully.

### **1.3 Review**

RIPA and this document are important for the effective and efficient operation of the Council's actions with regard to surveillance. This document will, therefore be kept under review by the Director of Central Services. Authorising Officers must bring any suggestions for continuous improvement of this document to the attention of the Director of Central Services at the earliest possible opportunity.

## 1.4 Scope

RIPA covers the authorisation of directed surveillance, the authorisation of sources and the authorisation of the obtaining of communications data. Communications data includes information relating to the use of a postal service or telecommunications system but does not include the contents of the communication itself, contents of e-mails or interaction with websites. An authorisation under RIPA will provide lawful authority for the investigating officer to carry out surveillance.

In terms of monitoring e-mails and internet usage, it is important to recognise the interplay and overlap with the Council's e-mail and internet policies and guidance, the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 and the Data Protection Act 1998. RIPA forms should be used where **relevant** and they will only be relevant where the **criteria** listed on the forms are fully met.

## 2. GENERAL

### 2.1 Definition of Surveillance

'Surveillance' includes:

- a) monitoring, observing or listening to persons, their movements, their conversations or their other activities or communication;
- b) recording anything monitored, observed or listened to in the course of surveillance; and
- c) surveillance by or with the assistance of a surveillance device.

Surveillance includes the interception of postal and telephone communications where the sender or recipient consents to the reading of or listening to or recording of the communication. This is a form of directed surveillance.

### 2.2 Confidential Material

Particular care should be taken in cases where the subject of the investigation or operation might reasonably expect a high degree of privacy, or where confidential information is involved. Confidential information consists of matters subject to legal privilege, confidential personal information or confidential journalistic material.

Applications in which the surveillance is likely to result in the acquisition of confidential material will only be considered in exceptional and compelling circumstances with full regard to the proportionality issues this raises.

The Authorising Officer shall give the fullest consideration to any cases where the subject of the surveillance might reasonably expect a high degree of privacy, for instance in his or her home.

Where a likely consequence of surveillance would result in the acquisition of confidential material, the investigating officer must seek authority from the Chief Executive, or, in her absence, the Director of Central Services.

### 3. DIRECTED AND INTRUSIVE SURVEILLANCE

#### 3.1 Directed Surveillance

Directed surveillance is surveillance which is covert, but not intrusive, and undertaken:

- a) for the purposes of a specific investigation or specific operation;
- b) in such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation); and
- c) 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 under RIPA to be sought for the carrying out of the surveillance.

#### 3.2 Intrusive Surveillance

That surveillance becomes intrusive if the covert surveillance:

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

RIPA further defines intrusive and directed surveillance as surveillance which:-

- a) is carried out by means of a surveillance device in relation to anything taking place on any residential premises or in any private vehicle; but
- b) is carried out without that device being present on the premises or in the vehicle, is not intrusive unless the device is such that it 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

Therefore directed surveillance turns into intrusive surveillance if it is carried out involving anything that occurs on residential premises or any private vehicle and involves the presence of someone on the premises or in the vehicle or is carried out by means of a surveillance device.

If the device is not on the premises or in the vehicle, it is only intrusive surveillance if it consistently produces information of the same quality as if it were.

Where surveillance is carried out by a device designed or adapted principally for the purpose of providing information about the location of a vehicle, the activity is directed surveillance.

Commercial premises and vehicles are therefore excluded from intrusive surveillance.

Currently, local authorities are not authorised to carry out intrusive surveillance.

## **4. IDENTIFYING DIRECTED SURVEILLANCE**

**Ask yourself the following questions:**

### **4.1 Is the surveillance covert?**

Covert surveillance is any surveillance that 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.

If your activities are not hidden from the subjects of your investigation, you are not within the RIPA framework at all. In many cases, Officers will be behaving in the same way as a normal member of the public (eg in the case of most test purchases), and/or will be going about Council business openly (eg a market inspector walking through markets).

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

It should be noted that if the same outcome can be achieved by overt means then those means need to be fully explored in the first instance. Covert surveillance must only be undertaken when there is no less invasive way of achieving the outcome.

### **4.2 Is the surveillance for the purposes of a specific investigation or a specific operation?**

Although, the provisions of the Act do not normally cover the use of overt CCTV surveillance systems, since members of the public are aware that such systems are in use, there may be occasions when public authorities use overt CCTV systems for the purposes of a specific investigation or operation. For example, if the CCTV cameras are targeting a particular known offender. In such cases, authorisation for directed surveillance may be necessary.

### **4.3 Is the surveillance in such a manner that is likely to result in the obtaining of private information about a person?**

Private information includes any information relating to a person's private or family life. The concept of private information should be broadly interpreted to include an individual's private or personal relationship with others. It includes an individual's business and family relationships. Family life itself should be treated as extending beyond the formal relationships created by marriage.

### **4.4 Is the surveillance otherwise than by way of an immediate response to events or circumstances where it is not reasonably practicable to get authorisation?**

Directed surveillance does not include covert surveillance carried out by way of an immediate response to events or circumstances which, by their very nature, could not have been foreseen. For example, a police officer would not require an authorisation to conceal himself and observe a suspicious person that he came across in the course of a patrol.

However, if as a result of that immediate response, you undertake a specific investigation you will need authorisation.

## 5. COVERT HUMAN INTELLIGENCE SOURCES

### 5.1 Definition

A person is a source if:

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

A source may include those referred to as agents, informants and officers working undercover.

A purpose is covert, in relation to the establishment or maintenance of a personal or other relationship, if and only if, the relationship is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the purpose.

A relationship is used covertly, and information obtained is disclosed covertly, if and only if it is used or disclosed in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the use or disclosure in question.

The use of a source involves inducing, asking or assisting a person to engage in the conduct of a source, or to obtain information by means of the conduct of such a source.

This covers the use of professional witnesses to obtain information and evidence. For example, it will include professional witnesses retained by the Council to pose as tenants to obtain information and evidence against alleged nuisance perpetrators.

Carrying out test purchases will not require the purchaser to establish a relationship with the supplier with the covert purpose of obtaining information and, therefore, the purchaser will not normally be a CHIS. For example, authorisation would not normally be required for test purchases carried out in the ordinary course of business (eg walking into a shop and purchasing a product over the counter). By contrast, developing a relationship with a person in the shop, to obtain information about any breaches of legislation will require authorisation as a CHIS. Similarly, using mobile hidden recording devices or CCTV cameras to record what is going on in the shop will require authorisation as directed surveillance.

The Code of Practice states that the provisions of RIPA are not intended to apply in circumstances where members of the public volunteer information to the police or other authorities, as part of their normal civic duties, or to contact numbers set up to receive information (such as Crimestoppers, Customs Confidential, the Anti Terrorist Hotline, or the Security Service Public Telephone Number). Members of the public acting in this way would not generally be regarded as sources.

If there is an allegation of a noise nuisance a request to the complainant to keep a diary of times and dates that the nuisance takes place would not constitute use of a CHIS.

However, if a public volunteer was asked to obtain further information such as additional details of lifestyle, vehicle registrations etc then that person could become a CHIS.

***Although an authorisation under RIPA will provide lawful authority for the use of a source it is the policy of this Council that the use of a CHIS is not permitted. If there is any doubt that there is the potential for a person to become a CHIS then guidance should be sought from the Chief Executive, Director of Central Services or Chief Internal Auditor before any action is taken.***

## **5A. SOCIAL MEDIA**

### **5A.1 Guidelines for the use of Social Media in Conducting Investigations**

These Guidelines apply to all forms of social media including but not limited to Facebook, Twitter and LinkedIn:

For Facebook and Twitter, officers are to use their real name, but the account set up using their own TMBC email addresses. Personal facebook accounts must not be used.

These profiles are to be "overt" and "sterile": overt, in that there is no attempt to disguise the fact that the profile is the officer in question and identified with a TMBC email address; and sterile, in that *no content* is to be entered onto that profile. You must not make friend requests or use messaging or chat features. In twitter, you must not "follow", tweet, re-tweet or message.

All security settings must be engaged at the most secure setting.

Only information available on the public profile of a target or known associate may be accessed. No attempt must be made to access any private information such as that only viewable by "friends".

We do not consider that a single or occasional visit to a public profile or page amounts to directed surveillance. It is the electronic equivalent to a "drive past". However, officers must consider whether an operation will require continuous systematic monitoring of a profile. In this instance, a Directed Surveillance Authorisation (DSA) may be required.

Officers need to maintain awareness that a program of continuous or regular monitoring of a profile or social media account may amount to Directed Surveillance requiring a DSA. Targeted monitoring to "keep an eye" on a person of interest should be avoided. Advice should be sought at the earliest possible opportunity if there are concerns that proposed social media-based investigation might become Directed Surveillance.

In line with our existing policy, a DSA will only be considered in the event that all overt methods have been exhausted.

## 6. COMMUNICATIONS DATA

### 6.1 Definition

This covers any conduct in relation to a postal service or telecommunications system for obtaining communications data and the disclosure to any person of such data. For these purposes, communications data includes information relating to the use of a postal service or telecommunications system but does not include the contents of the communication itself, content of emails or interaction with websites.

Communications data includes subscribers details, names and addresses and telephone numbers of those contacted, billing addresses, account information, web addresses visited etc.

Two types of data (Customer Data or Service Data) are available to local authorities and, when making an application for obtaining or disclosing such data, the applicant must specify exactly which type of information is required from within each of the subscriber data and service use data.

#### a) Customer data – (Subscriber data, RIPA s21(4))

Customer data is the most basic. It is data about users of communication services.

This data includes:

- Name of subscriber
- Addresses for billing, delivery, installation
- Contact telephone number(s)
- Abstract personal records provided by the subscriber (e.g. demographic information)
- Subscribers' account information – bill payment arrangements, including bank, credit/debit card details
- Other services the customer subscribes to.

#### b) Service data – (Service Use data, RIPA s21(4)(b))

This relates to the use of the service provider's services by the customer, and includes:

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

- Records of postal items, such as records of registered, recorded or special delivery postal items, records of parcel consignment, delivery and collection
- 'Top-up' details for prepay mobile phones – credit/debit card, voucher/e-top up details

A third type of data (traffic data) is not accessible to local authorities.

## **7. MANAGEMENT / AUTHORISATION PROCEDURE**

### **7.1 Management Structure**

The Senior Responsible Officer for RIPA compliance is Adrian Stanfield, Director of Central Services and Monitoring Officer. This officer is responsible for

- the integrity of the process in place within Tonbridge and Malling Borough Council to authorise directed surveillance and the use of a CHIS
- compliance with RIPA
- engagement with the Office of the Surveillance Commissioner and inspectors when they conduct their inspections, and
- where necessary, overseeing the implementation of any post-inspection action plans recommended or approved by a Commissioner.
- ensuring all authorising officers are of an appropriate standard in light of any recommendations in the inspection reports prepared by the Office of Surveillance Commissioners.

Day to day responsibility for RIPA compliance will fall to ~~Cliff Cochrane, Senior Legal Officer~~ Kevin Toogood, Principal Solicitor (Litigation) & RIPA ~~Monitoring Co-ordinating~~ Officer. He will be responsible for

- maintenance of the Central Record of Authorisations
- collation of RIPA authorisations, reviews, renewals and cancellations
- oversight of the RIPA process/ RIPA training
- raising RIPA awareness within the Council

### **7.2 Authorisations**

Authorisation is required for the use of directed surveillance, for the conduct and use of sources and for the conduct in relation to a postal service or telecommunication system and the disclosure to any person of such data.

Any officer who undertakes investigations on behalf of the Council shall seek authorisation in writing for any directed surveillance or for the conduct and use of any source.

Any officer wishing to engage in conduct in relation to a postal service and telecommunication system for obtaining communications data and the disclosure to



any person of such data must also seek authorisation, the procedure and procedure of which differs slightly and is outlined in paragraph 7.6.

### 7.3 Who can give Authorisations?

By law, the 'Authorising Officer' for local authority purposes is any Director, Head of Service, service manager or equivalent.

The use of RIPA is seen as a last resort when all other forms of investigation have been undertaken. Therefore the number of applications made by officers of this Council will be minimal. Except in cases involving juveniles, or cases which are sensitive or confidential, a An authority to undertake surveillance will only be given by the Director of Central Services, Director of Finance and Transformation, Director of Planning, Housing and Environmental Health or Director of Street Scene, Leisure & Technical Services, the Chief Executive] and should be sought from the member of Management Team responsible for the service concerned with the RIPA application. ~~In her absence the authority can be given by the Member of Management Team responsible for the service concerned with the RIPA application.~~

For cases involving juveniles, or cases which are sensitive or confidential, authorisation may only be given by the Chief Executive (see 7.5.2 below).

It will be the responsibility of Authorising Officers who have been duly certified to ensure their relevant members of staff are also suitably trained as 'applicants' so as to avoid common mistakes appearing on forms for RIPA authorisations.

Training will be given, or approved by the Director of Central Services, before Authorising Officers are certified to sign any RIPA forms. A certificate of training will be provided to the individual and a central register of all those individuals who have undergone training or a one-to-one meeting with the Director of Central Services on such matters, will be kept by the Director of Central Services.

Authorising Officers will also ensure that staff who report to them follow this guidance document and do not undertake or carry out any form of surveillance without first obtaining the relevant authorisations in compliance with this document.

Authorising Officers must also ensure that, when sending copies of any forms to the Director of Central Services, the same are sent in sealed envelopes and marked 'Strictly Private and Confidential'.

Any equipment to be used in any approved surveillance must be properly controlled, recorded and maintained for audit purposes.

#### Contact details for the Authorising Officers:

Chief Executive, Julie Beilby ext 6002

Director of Central Services, Adrian Stanfield ext 6346

Director of Finance and Transformation, Sharon Shelton ext 6092

Director of Planning, Housing and Environmental Health, Steve Humphrey ext 6256

Director of Street Scene, Leisure and Technical Services, Robert Styles ext 6160

### 7.4 Grounds for Authorisation – the 'necessary & proportionate' test

An Authorising Officer has a number of obligations within the provisions of the Act, which must be met before carrying out any form of surveillance.

An Authorising Officer shall not grant an authorisation for the carrying out of directed surveillance, or for the use of a source or for the obtaining or disclosing of communications data unless he believes:

- a) that an authorisation is necessary and
- b) the authorised investigation is proportionate to what is sought to be achieved by carrying it out

For local authority investigations, authorisation is “**necessary**” in the circumstances of the particular case only if it is for the purpose of

- (i) preventing or detecting crime\* (Directed Surveillance);
- (ii) preventing or detecting crime or preventing disorder (CHIS)

\*Authorising Officers within local authorities are restricted from authorising the carrying out of Directed Surveillance unless it is for the purpose of preventing or detecting a criminal offence and meets the following additional conditions –

- the criminal offence which is sought to be prevented or detected is punishable, on summary conviction or on indictment, by a maximum term of at least 6 months imprisonment; or
- 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. These offences all relate to the sale of tobacco or alcohol to underage children.

Conduct is not deemed “**proportionate**” if the pursuance of the legitimate aim listed above will not justify the interference if the means used to achieve the aim are excessive in the circumstances. Any conduct must meet the objective in question and must not be arbitrary or unfair nor must the impact on any individuals or group be too severe. The conduct must also be the least invasive method of achieving the end and the risk of intrusion into the privacy of persons other than those who are directly the subjects of the investigation must be assessed and taken into account (see Collateral Intrusion below).

Careful consideration needs to be made by authorising officers of all of these points. Such consideration needs to be demonstrated on the authorisation form in the relevant parts. Authorising Officers must exercise their minds every time they are asked to sign a form. They must never sign or rubber stamp the form without thinking about their personal and the Council’s responsibilities. Any boxes not needed on the form/s must be clearly marked as being ‘not applicable’ or a line put through the same. Great care must also be taken to ensure accurate information is used and inserted in the correct boxes. Reasons for any refusal of an application must also be kept on the form and retained for future audits.

Authorising officers should not be responsible for authorising investigations or operations in which they are directly involved.

### **Collateral Intrusion**

Before authorising investigative procedures, the Authorising Officer shall also take into account the risk of intrusion into the privacy of persons other than those who are directly the subjects of the investigation or operation (collateral intrusion). The investigating officer shall take measures, wherever practicable, to avoid or minimise

unnecessary intrusion into the lives of those not directly connected with the investigation or operation.

An application for an authorisation shall include an assessment of the risk of any collateral intrusion. The Authorising Officer shall take this into account, when considering the proportionality of the surveillance.

Where an operation unexpectedly interferes with the privacy of individuals who were not the subject of surveillance or covered by the authorisation in some other way, the investigating officer should immediately inform the Authorising Officer.

## **7.5 Approval of Magistrate**

- 7.5.1 An internal authorisation for Directed Surveillance or the deployment of a CHIS will not take effect until such time (if any) as a Magistrate has made an order approving it. An approval is also required for the renewal of an authorisation to use either of these techniques.

The approval of a Magistrate can only be given if the Magistrate is satisfied that

- a) There were reasonable grounds for the authorising officer approving the application to believe that the Directed Surveillance or deployment of a CHIS was necessary and proportionate and that there remain reasonable grounds for believing so;
- b) The authorising officer was of the correct seniority within the organisation i.e. a Director, Head of Service, Service Manager or equivalent.
- c) The granting of the authorisation was for the prescribed purpose i.e. preventing or detecting a criminal offence (and satisfies the Serious Offence Test for Directed Surveillance (see paragraph 7.4 above))
- d) Any other conditions set out in any order under Part 2 of RIPA are satisfied (none at present).

- 7.5.2 In addition to the above, where the authorisation is for the deployment of a CHIS, the Magistrate must be satisfied that:

- a) The provisions of section 29(5) of RIPA have been complied with. This requires the Borough Council to ensure that there are officers in place to carry out roles relating to the handling and management of the CHIS as well as the keeping of records (as per the Regulation of Investigatory Powers (Source Records) Regulations 2000 (SI 2000/2725)).
- b) Where the CHIS is under 16 or 18 years of age, the requirements of the Regulation of Investigatory Powers (Juveniles) Order 2000 (SI 2000/2793) have been satisfied. This sets out rules about parental consent, meetings, risk assessments and the duration of the authorisation. Note that the authorisation of such persons to act as a CHIS must come from the Chief Executive.
- c) Where the application is for the renewal of a CHIS authorisation, a review has been carried out by the Borough Council and the magistrate has considered the results of the review.

It is best practice, as set out in paragraph 292 of the OSC Procedures and Guidance 2016, that the Authorising Officer is not required to apply in person however the Investigating Officer may be required to should attend the Magistrates' Court to support the application and field any questions from the bench. There is no need to give notice to either the subject of the authorisation or their legal representatives.

## **7.6 Special Procedure for Authorisation of and Issuing of Notices in respect of Communications Data**

7.6.1 The Act provides two different ways of authorising access to communications data; through an authorisation under Section 22(3) and by a notice under Section 22(4). An authorisation would allow the authority to collect or retrieve the data itself. A notice is given to a postal or telecommunications operator and requires that operator to collect or retrieve the data and provide it to the authority serving the notice. An Authorising Officer (known as the 'Designated Person') decides whether or not an authorisation should be granted or a notice given.

7.6.2 In order to illustrate, a Section 22(3) authorisation may be appropriate where:

- the postal or telecommunications operator is not capable of collecting or retrieving the communications data;
- it is believed the investigation may be prejudiced if the postal or telecommunications operator is asked to collect the data itself;
- there is a prior agreement in place between the authority and the postal or telecommunications operator as to the appropriate mechanisms for the disclosure of data.

7.6.3 Applications for the obtaining and disclosure of communications data may only be made by officers of the Council. Reference should be made to the process map at Appendix 1 for guidance as to the process to be followed.

7.6.4 Notices and, where appropriate, authorisations for communications data must be channelled through single points of contact ("SPoCs") in the authority. The SPoC for Tonbridge and Malling Borough Council is David Buckley (Chief Internal Auditor). The SPoC is able to advise authorising officers as to whether an authorisation or notice is appropriate.

7.6.5 The SPoC:

- a) where appropriate, assesses whether access to the communications data is reasonably practical for the postal or telecommunications operator;
- b) advises applicants and authorising officers on the practicalities of accessing different types of communications data from different postal or telecommunications operators;
- c) provides safeguards for authentication;
- d) assesses the cost and resource implications to both the authorisation and postal or telecommunications operator.

7.6.6 Applications to obtain communications data should be made on the standard form and submitted in the first instance to the Spoc, and if appropriate will forward the application to the Designated Person for either the authorisation of conduct or the issuing of a notice.

- 7.6.7 An internal authorisation or notice to obtain communications data will not take effect until such time (if any) as a Magistrate has made an order approving it. An approval is also required for the renewal of an authorisation or notice.

The approval of a Magistrate can only be given if the Magistrate is satisfied that

- a) There were reasonable grounds for the Designated Person to believe that obtaining communications data was necessary and proportionate and that there remain reasonable grounds for believing so;
  - b) The Designated Person was of the correct seniority within the organisation i.e. a Director, Head of Service, Service Manager or equivalent;
  - c) The granting or renewal of the application was for the prescribed type of communications data to be acquired for the prescribed purpose (i.e. subscriber and service use data) to be acquired only for the purpose of preventing or detecting crime or preventing disorder);
  - d) Any other conditions set out in any order under Chapter 2 of Part 1 of RIPA are satisfied (none at present).
- 7.6.8 If approved by a Magistrate, the Designated Person will return the authorisation or notice to the SPoC who will then liaise with the postal / telecommunications company. The disclosure of data under a notice will only be made to the Designated Person or to the Council's SPoC.
- 7.6.9 Communications data, and all copies, extracts and summaries of it must be handled and stored securely. The requirements of the Data Protection Act 1998 and the principles of the Criminal Procedure and Investigations Act 1996 must be strictly followed.

## **7.7 Standard Forms**

Other than urgent grants or renewals for which oral authorisations are acceptable, authorisations must be in writing.

Standard forms for seeking directed surveillance and source authorisations are available online from the Home Office website as follows: -

<http://security.homeoffice.gov.uk/ripa/publication-search/ripa-forms/>

## **8. ACTIVITIES BY OTHER PUBLIC AUTHORITIES**

- 8.1 The investigating officer shall make enquiries of other public authorities e.g. the police or DWP whether they are carrying out similar activities if he considers that there is such a possibility in order to ensure that there is no conflict between the activities of this Council and those other public authorities.

## **9. JOINT INVESTIGATIONS**

- 9.1 When some other agency has been instructed on behalf of the Council to undertake any action under RIPA, this document and the forms in it must be used (as per normal procedure) and the agency advised or kept informed, as necessary, of the various requirements. They must be made aware explicitly what they are authorised to do.

When some other agency (eg police, Her Majesties Revenues & Customs, The Department for Work and Pensions etc):

- (a) wish to use the Borough Council's resources (eg CCTV surveillance systems), that agency must use its own RIPA procedures and, before any officer agrees to allow the Council's resources to be used for the other agency's purposes, he must obtain a copy of that agency's RIPA form for the record and/or relevant extracts from the same which are sufficient for the purposes of protecting the Council and the use of its resources
- (b) wish to use the Council's premises for their own RIPA action, the officer should, normally, co-operate with the same, unless there are security or other good operational or managerial reasons as to why the Council's premises should not be used for the agency's activities. In such cases, the Council's own RIPA forms should not be used as the Council is only assisting and not being involved in the RIPA activity of the external agency.

In terms of (a), if the police or other agency wish to use the Council's resources for general surveillance, as opposed to specific RIPA authorisations, an appropriate letter requesting the proposed use, remit, duration, details of who will be undertaking the general surveillance and the purpose of it must be obtained from the police or other agency before any Council resources are made available for the proposed use.

## **10. DURATION, RENEWALS AND CANCELLATION OF AUTHORISATIONS**

### **10.1 Duration**

Authorisations must be reviewed in the time stated and cancelled once no longer needed.

An authorisation, once judicially approved will expire after a period of seventy-two hours, beginning with the time when the grant of the authorisation or, as the case may be, its latest renewal takes effect;

In the case of a CHIS, 12 months from the grant of authorisation

- ~~a) 72 hours if granted or renewed orally beginning with the time of the grant or last renewal, or~~
- ~~c) a written authorisation will cease to have effect at the end of three months from the date of grant or latest renewal for directed surveillance. In the case of a CHIS the written authorisation will cease to have effect (unless renewed) at the end of a period of 12 months beginning with on the day on which it took effect (1 month in the case of juveniles)~~
- ~~d) one month from the date of written notice or authorisation for communications data, or earlier if cancelled under Section 23(8) of the Act.~~

However, whether the surveillance is carried out/conducted or not in the relevant period, does not mean that the authorisation is spent. Authorisations do not expire, they have to be reviewed, or cancelled if no longer required.

### **10.2 Reviews**



The Authorising Officer shall undertake regular reviews of authorisations to assess the need for the surveillance to continue. The results of a review should be recorded on the central record of authorisations. Where the surveillance provides access to confidential information or involves collateral intrusion the officer should conduct frequent reviews.

Standard review forms for directed surveillance are attached at Appendix 5.

### 10.3 Renewals

Authorisations may be renewed more than once, if necessary, and the renewal should be kept/recorded as part of the central record of authorisations. **Please note that renewals require the approval of a Magistrate (see paragraph 7.5).**

Authorisations can be renewed in writing shortly before the maximum period has expired. An authorisation cannot be renewed after it has expired. The authorising officer must consider the matter afresh, including taking into account the benefits of the surveillance to date and any collateral intrusion that has occurred. The renewal will begin on the day when the authorisation would have expired.

The Authorising Officer who granted or last renewed the authorisation must cancel it if he is satisfied that the investigative procedure no longer meets the criteria upon which it was authorised.

Standard renewal forms for the authorisation of directed surveillance are available from the Home Office website as follows: -

<http://security.homeoffice.gov.uk/ripa/publication-search/ripa-forms/>

### 10.4 Cancellations

An Authorising Officer shall cancel a notice or authorisation as soon as it is no longer necessary, or the conduct is no longer proportionate to what is sought to be achieved. The duty to cancel a notice falls on the authorising officer who issued it.

In the case of a notice issued in respect of communications data, the relevant postal or telecommunications operator will be informed of the cancellation.

Standard cancellation forms for the authorisation of directed surveillance are available from the Home Office website as follows: -

<http://security.homeoffice.gov.uk/ripa/publication-search/ripa-forms/>

## 11. RECORDS

The Council must keep a detailed record of all authorisations, reviews, renewals, cancellations and rejections in departments and a central register of all such forms will be maintained by the Director of Central Services. Each new application placed in the central register will be given a Unique Reference Number (URN).

In relation to communications data, the designated SpoC will retain the forms and the Director of Central Services will have access to such forms as and when required.

### 11.1 Central record of all Authorisations

The Director of Central Services shall hold and monitor a centrally retrievable record of all authorisations. The Authorising Officer must notify and forward to the Director of Central Services whenever a notice or authorisation is granted, renewed or cancelled to ensure that the records are regularly updated. The record will be made available to the relevant Commissioner or an Inspector from the Office of Surveillance Commissioners. These records will be retained for a period of at least three years from the ending of the authorisation. A record will be kept of the dates on which the authorisation notice is started and cancelled.

## **11.2 Central record of Authorisations and Notices**

Authorising Officers must forward details of each form to the Director of Central Services for the central record, within 1 week of the authorisation, review, renewal, cancellation or rejection. The Director of Central Services will monitor the same and give appropriate guidance, from time to time, or amend this document as necessary. The record shall contain the following information:

- a) the type of authorisation or notice
- b) the date the authorisation or notice was given;
- c) name and rank/grade of the authorising officer;
- d) the unique reference number (URN) of the investigation or operation;
- e) the title of the investigation or operation, including a brief description and names of subjects, if known;
- f) whether the urgency provisions were used, and if so why;
- g) if the authorisation or notice is renewed, when it was renewed and who authorised the renewal, including the name and rank/grade of the authorising officer;
- h) whether the investigation or operation is likely to result in obtaining confidential information;
- i) the date the authorisation or notice was cancelled.

## **11.3 Records maintained in the Service**

The Relevant Manager shall maintain the following documentation, which need not form part of the centrally retrievable record:

- a) a copy of the application and a copy of the authorisation or notice together with any supplementary documentation and notification of the approval given by the authorising officer;
- b) a record of the period over which the surveillance has taken place;
- c) the frequency of reviews prescribed by the authorising officer;
- d) a record of the result of each review of the authorisation or notice;
- e) a copy of any renewal of an authorisation or notice, together with the supporting documentation submitted when the renewal was requested;
- f) the date and time when any instruction was given by the authorising officer.
- g) the unique reference number for the authorisation (URN)

Each form must have a URN. The authorising officers will issue the relevant URN to applicants. The cross-referencing of each URN takes place within the form for audit purposes. Rejected forms will also have URN's.

## **12. RETENTION AND DESTRUCTION**



- 12.1 Material obtained from properly authorised surveillance or a source may be used in other investigations. Arrangements shall be in place for the handling, storage and destruction of material obtained through the use of covert surveillance, a source or the obtaining or disclosure of communications data. Authorising Officers must ensure compliance with the appropriate data protection requirements and any relevant Corporate Procedures relating to the handling and storage of material.
- 12.2 Where the product of surveillance could be relevant to pending or future proceedings, it should be retained in accordance with established disclosure requirements for a suitable period and subject to review.

### **13. CONSEQUENCES OF IGNORING RIPA**

- 13.1 RIPA states that if authorisation confers entitlement to engage in a certain conduct and the conduct is in accordance with the authorisation, **then it shall be lawful for all purposes.**

Where there is interference with the right to respect for private and family life guaranteed under Article 8 of the European Convention on Human Rights, and where there is no other source of lawful authority, the consequence of not obtaining an authorisation under RIPA may be that the action is unlawful by virtue of section 6 of the Human Rights Act 1998.

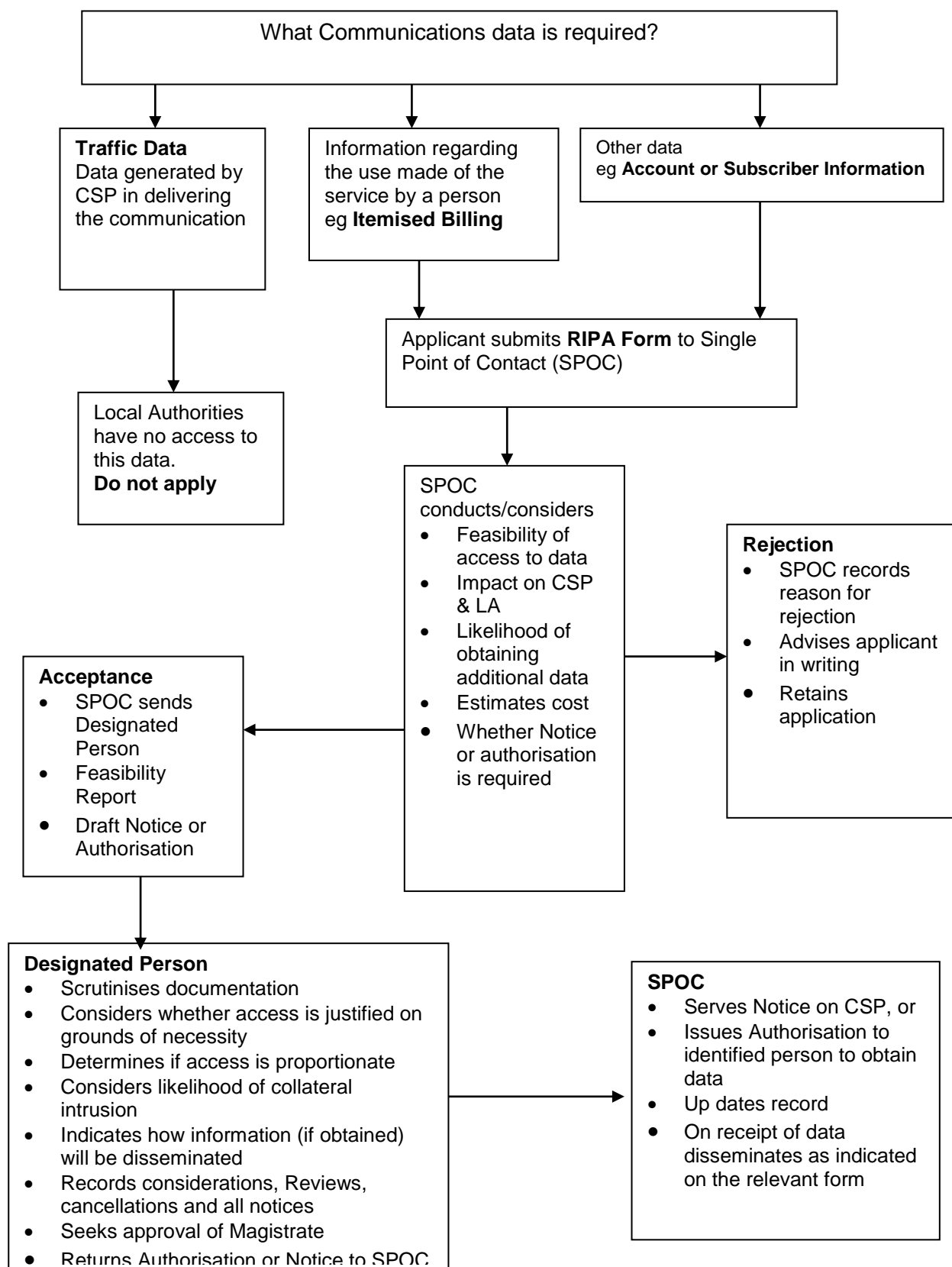
Officers shall seek an authorisation where the directed surveillance, the use of a source or the obtaining or disclosure of communications data is likely to interfere with a person's Article 8 rights to privacy by obtaining private information about that person, whether or not that person is the subject of the investigation or operation. Obtaining an authorisation will ensure that the action is carried out in accordance with law and subject to stringent safeguards against abuse.

### **14. SCRUTINY OF INVESTIGATORY BODIES**

- 14.1 The Office of Surveillance Commissioners (OSC) has been established under RIPA to facilitate independent scrutiny of the use of RIPA powers by the investigatory bodies that are subject to it. The Commissioners will inspect Councils to ensure compliance with RIPA and can audit/review the Council's policies and procedures, and individual authorisations. Further detail can be found at [www.surveillancecommissioners.gov.uk](http://www.surveillancecommissioners.gov.uk)
- 14.2 There is also a statutory complaints system welcomed by the Council. The Investigatory Powers Tribunal has been established under RIPA to deal with complaints from members of the public about the use or conduct by public authorities of these powers. The Tribunal is separate from the OSC. The Council welcomes this external scrutiny. It expects its officers to co-operate fully with these statutory bodies and to bring forward any proposals for improvement that may follow on from an inspection report or a Tribunal hearing.

**IF IN DOUBT ADVICE MUST BE SOUGHT FROM  
THE DIRECTOR OF CENTRAL SERVICES**

## Process Map for Accessing Communications Data



## Specific Guidance to Investigators

1. Before authorisation for surveillance can be sought the Investigating Officer must have exhausted all possible means of obtaining the evidence that is required.
2. When the Investigating Officer feels that surveillance is the only option available they should discuss the case with the Investigation Manager. If in the opinion of the Investigation Manager surveillance is the only option left he will authorise the Investigating Officer to reconnoitre the area in which the surveillance is to take place. (The vernacular term for this is 'a drive by', but any reconnaissance must be far more thorough than simply driving past to 'have a look').
3. The fact that permission for reconnaissance has been given must be recorded on the case notes.
4. During the reconnaissance the Investigating Officer should be:
  - a) looking for the best vantage points to set up the observation post taking into account 'ten to two' vision of the subject, ease of following, etc.
  - b) making careful and detailed notes concerning Collateral Intrusion and how this can be avoided and minimised.
  - c) checking if material of a confidential nature may be obtained and how this can be avoided.
  - d) as best practice the Investigating Officer should draw a plan of the area, marking all the relevant details.
5. The Investigating Officer will then complete an Application for Directed Surveillance form.
6. This form is then to be checked by either the Chief Internal Auditor or the Investigation Manager, who will then pass the form to the ~~Chief Executive or Chief Finance Officer~~ relevant service Director (or Chief Executive where required) for authorisation.
7. The ~~Chief Executive or Chief Finance Officer~~ relevant Director (or Chief Executive where required) will apply the Surveillance Code of Practice and determine if authorisation should be given.
8. Once authorisation has been given the ~~Investigation Manager~~ Co-ordinating Officer will log this fact on the Control Matrix. There after the ~~Investigation Manager~~ Co-ordinating Officer will maintain the Matrix and apply the required controls.
9. A copy of the authorisation and all the accompanying paperwork will be sent, in a secure manner, to the Council's Director of Central Services. An application will then be made to the Magistrates Court for approval of the authorisation.
10. If approved by the Magistrates Court, the Director of Central Services will notify the Investigating Officer and Authorising Officer and provide a copy of the approval for their records. This will be recorded on the Control Matrix by the Co-ordinating Officer.
11. The Investigating Officer will conduct the surveillance in accordance with all legislation and codes of practice they are required to follow.

12. On starting the surveillance the Investigating Officer will make a note in their QB50 (or equivalent notebook) that they are starting surveillance. They will then keep a record of the surveillance – they will follow the points set out in the pneumonic-mnemonic ADVOKATE<sup>1</sup> and the requirements of R v Turnbull<sup>2</sup>. At the end of the surveillance they will make a note in their QB50 that the surveillance has ended.
13. At the earliest opportunity the Investigating Officer will have their surveillance record signed by the Investigation Manager who will ensure the various requirements have been met.
14. The surveillance record will be kept as evidence.
15. If a renewal of the authorisation is required the Investigating Officer will discuss the matter with the Investigation Manager. If in the opinion of Investigation Manager a renewal is justified then a Renewal Application form will be completed and processed – note that the authorisation of a renewal application will also require the approval of the Magistrates Court before it comes into effect.
16. If the need for surveillance ends before the expiry date either by the Investigating Officer reporting this fact, or if this is the opinion of the Investigation Manager when reviewing the operation, then a cancellation form must be completed.
17. Once an operation has been cancelled surveillance must cease. If, for any reason, there is a need to commence surveillance again then fresh authorisation must be sought.
18. ALL details and evidence obtained must be retained in line with current legislation. Needless to say evidence that disproves an allegation must be treated with the same regard as that which does prove the allegation.

---

<sup>1</sup> Amount of time, Distance, Visibility, Obstructions, Known or seen before, Any reason to remember, Timelapse between first and subsquence description, Errors between 1st description and actual appearance

<sup>2</sup> [1977] QB 224

## TONBRIDGE & MALLING BOROUGH COUNCIL

### GENERAL PURPOSES COMMITTEE

25 June 2018

#### Report of the Director of Planning, Housing and Environmental Health

#### Part 1- Public

#### Matters for Information

#### **1      SUMMARY OF THE ANNUAL HEALTH AND SAFETY REPORT 2017/18**

**1.1**    H&S is well recognised throughout the Council and forms part of the Risk Management Strategy. It is important that Health and Safety is fully integrated across the Council and into all of its activities. The Health and Safety Officer (HSO) has been developing new systems and processes designed to ensure that Services can further embed a proactive approach to managing their risks. A Corporate Health and Safety Group has been established recently which although in its early stages, already indicates that this Group will be key in disseminating health and safety messages and will also help provide an overarching view and assurance function that risks are being managed well within the Council.

1.2    The full report is attached in Annex 1.

#### **1.2    Legal Implications**

1.2.1    None

#### **1.3    Financial and Value for Money Considerations**

1.3.1    None

#### **1.4    Risk Assessment**

1.4.1    Not Applicable

#### **1.5    Equality Impact Assessment**

1.5.1    The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

#### **1.6    Policy Considerations**

1.6.1    None

Background papers:

Nil

contact: Sally Rollings  
Health and Safety Officer

Steve Humphrey  
Director of Planning, Housing and Environmental Health

## Health & Safety Annual Report



## Contents

<b>SUMMARY &amp; ACHIEVEMENTS .....</b>	<b>3</b>
<b>KEY PRIORITIES FOR 2018/2019 .....</b>	<b>3</b>
<b>1.0 INTRODUCTION.....</b>	<b>3</b>
<b>2.0 FIRE SAFETY.....</b>	<b>4</b>
2.1 Fire Procedures	
2.2 Fire Training	
2.3 Fire Safety Policy	
2.4 Fire Risk Assessments	
<b>3.0 LEGIONELLA .....</b>	<b>4</b>
3.1 Legionella Risk Assessments	
3.2 Legionella Policy	
<b>4.0 CORPORATE HEALTH AND SAFETY .....</b>	<b>5</b>
4.1 Corporate Health and Safety Group	
4.2 Health and Safety Induction	
4.3 Staff Intranet	
<b>5.0 INSPECTIONS.....</b>	<b>5</b>
5.1 H&S inspections of TMBC premises	
5.2 Event safety	
<b>6.0 FIRST AID.....</b>	<b>6</b>
<b>7.0 LONE WORKING .....</b>	<b>6</b>
<b>8.0 RISK MANAGEMENT .....</b>	<b>6</b>
<b>9.0 INTENAL AUDIT .....</b>	<b>6</b>
<b>10.0 CONSTRUCTION (DESIGN AND MANAGEMENT) CDM.....</b>	<b>7</b>
<b>11.0 NEW AND REVIEWED HEALTH AND SAFETY POLICIES AND PROCEDURES.....</b>	<b>7</b>
11.1 The Corporate Health and Safety Policy	
11.2 The Management of Legionella Policy	
11.3 The Fire Safety Management Policy	
<b>12.0 HEALTH AND SAFETY TRAINING .....</b>	<b>7</b>
<b>13.0 ACCIDENT AND INCIDENTS.....</b>	<b>8</b>
13.1 Incident reporting (IR1)	
13.2 RIDDOR	
13.3 Incident Statistics for 2017/2018	



## SUMMARY

This report highlights the Health and Safety (H&S) developments and key activities over the past year. It gives an indication of how H&S is managed within TMBC and highlights some of the corporate functions and achievements that ensure the safety of staff is always a primary goal.

### Achievements

- Successful implementation of Fire Safety Management Policy, new fire procedures for Gibson and Tonbridge castle
- Transferring the accident and incident reporting system and the Display Screen Equipment form from paper to an online system
- Successful Internal Audit report with only three minor observations to be addressed
- Setting up a Corporate Health and Safety Group
- Corporate risk assessments reviewed
- Health and safety risks within phase 1&2 of the Tonbridge swimming pool roof project managed successfully

### KEY PRIORITIES FOR 2018/2019

- To review the lone working practices of each Service and review the corporate approach and policy
- To raise the profile and further embed the incident reporting system with Management actively encouraging fuller use of the system
- To work with individual services to monitor performance on their Health and Safety Systems; risk assessments; checklists; incident reporting and to establish a process with services so that risk assessments are placed on a central drive and monitored
- To establish a corporate process to assist Services engaging the work of contractors and a process for monitoring key requirements under the Construction (Design and Management) Regulations 2015
- Ensure all 2<sup>nd</sup> Tier Managers are aware of their responsibilities as set out in the Fire Safety Policy

## 1.0 INTRODUCTION

H&S is well recognised throughout TMBC and forms part of the Risk Management Strategy. It is important that H&S is fully integrated across the Council and into all of its activities. The Health and Safety Officer (HSO) has been developing new systems and processes designed to ensure that Services can further embed a proactive approach to managing their risks. A Corporate Health and Safety Group has been established recently which although in its early stages, already indicates that this Group will be key in disseminating health and safety messages and will also help provide an overarching view and assurance function that risks are being managed well within the Council.

## **2.0 FIRE SAFETY**

### **2.1 Fire procedures**

These procedures have been simplified and the roles of Fire wardens and Incident Controllers were introduced in March 2017 at Gibson West (Old) and Gibson East (New) and at Tonbridge Castle in November 2017.

Fire Drills at each location have been completed at least once in 2017, but the aim for 2018 is to ensure that at least two drills happen at each location to ensure that Fire Wardens, Incident Controllers and Staff are all familiar with the evacuation procedure in an emergency.

### **2.2 Fire training**

Thirty members of staff nominated as Fire Wardens, attended fire training in June 2017 and got the opportunity to carry out training using the fire extinguishers. The Fire Safety Policy indicates that Fire Wardens should be available in all areas throughout TMBC occupied properties. Managers have the responsibility to ensure that there are sufficient Fire Wardens and that they carry out their monthly checks.

### **2.3 Fire safety policy**

This new policy was introduced in 2017 to ensure that Fire safety was being managed at a high level within TMBC. Everyone has a responsibility within the Policy to take care of themselves whilst at work and to understand and follow the fire procedures for their location. Other responsibilities are also highlighted for Fire Wardens, Directors, Heads of Service and the HSO.

As part of the review all elements of Fire Safety were reviewed, including:

- Staff were reminded to read the Fire procedure for their location
- Any incidents related to fire or a near miss would be reported on an IR1 incident form completed
- Any lessons learnt and actions identified from the drills were implemented
- Fire risk assessments were to be reviewed starting in January 2018
- Fire extinguishers are regularly checked monthly by fire wardens
- Fire wardens received fire safety training in June 2017
- Fire wardens were reminded of the importance of carrying out their monthly checks as part of their duties and their managers have a responsibility to ensure this is completed
- The HSO carries out an fire safety audit every 6 months to ensure the elements of the policy are working effectively

### **2.4 Fire risk assessments**

These were due for review in early 2018, on their 2 yearly cycle. Duncan White, Building Control was appointed as the competent person to complete these. Duncan has recently completed the Leisure Trust locations. The other assessments are due to be completed in March/April with the HSO accompanying Duncan to gain assurance that we are managing our fire risk in the best way.

Each Fire risk assessment will have an action plan that is then analysed and prioritised by Property Services in liaison with the HSO.

## **3.0 LEGIONELLA**

### **3.1 Legionella risk assessments**

Risk assessments are required to be carried out under the Legionella L8 Regulations to ensure that the risk of any person contracting legionella is reduced to a minimal from any hot or cold water supply. TMBC appointed an external consultant to not only provide specialist advice but also carry out the risk assessments within an agreed timescale for our properties which included the Leisure Trust facilities.

The recommendations from these risk assessments are then prioritised and an action plan drawn up. The expectation from the current risk assessments should be that the risk on all sites is low and actions are minimal.

### **3.2 Legionella policy**

The current policy has been reviewed to reflect the changes made to L8 in 2014. The emphasis is on risk assessment and ensuring that any monitoring we undertake is relevant and recorded. The Legionella Office Study Group (OSG) have had the opportunity to comment on the changes. The final draft will be sent to Management Team (MT) and the current Office Study Group is to be disbanded as Legionella is now a standing item on the newly formed Corporate Health and Safety Group.

Legionella refresher training is due to take place in March/April for all those key staff who have involvement or responsibilities to managing legionella. This will provide the opportunity for those staff to become familiar with the new policy as well.

## **4.0 CORPORATE HEALTH AND SAFETY**

### **4.1 Corporate Health and Safety Group**

The first meeting was held in February 2018 and will run quarterly. The minutes from the meeting will go to Management Team.

This has been set up to provide a regular platform for staff representatives from each service area to have the opportunity to engage in the developments of health and safety and provide links to staff with up to date information that is required to provide a safe working environment.

### **4.2 Health and safety induction**

The HSO runs sessions for all new starters to TMBC covering fire evacuation, policies and procedures, risk assessment, first aid, e-learning etc. Line managers are responsible for ensuring that new staff are booked on to this training. Within the last year the HSO has completed inductions for all those new starters brought to the attention of the HSO. But on comparing new starter numbers, it appears that 15% of new staff did not attend this training because some managers are not making the bookings with the HSO. This was identified as an issue by Internal Audit.

### **4.3 Staff intranet**

Key Health and Safety documents are located on a health and safety section within Staffnet which the HSO updates.

## **5.0 INSPECTIONS**

### **5.1 H&S inspections of TMBC premises**

The aim for each premises is to have a regular Health and Safety inspection carried out by the HSO, the frequency of which is determined by level of risk. A report is then sent to those with responsibilities for that site with recommendations. The HSO requires feedback from the managers within 6 weeks indicating how they are progressing with the recommendations. The Leisure Trust sites are due to be completed in March/April'18. Of the sites inspected, the majority of actions identified were of a medium to low level risk. Updated action plans have been received from those sites and it has been encouraging to see that not many actions remain outstanding and if they are, there is a plan to address them in the longer term.

## 5.2 Event safety

The HSO reviews applications in relation to the Health and Safety aspects for events on our premises. Primarily looking at key risks and how the event organiser intends on managing these safely and reducing any risks down to the lowest reasonably level. These are then reported back to Leisure Services. At present the system does not provide a coherent approach to looking at the relevant information we request which could lead to relevant items being missed. Documentation needs to be collated and accessible for all the relevant staff involved to see and comment within one online system, as there is a risk of miscommunication and oversight of details on the present system. An online system would also provide an opportunity for the event application form to be redesigned and TMBC's expectations and requirements to be clearly indicated on this.

## 6.0 FIRST AID

First Aid is currently co-ordinated by Gill Fox who took on this role in January 2018. Gill will be updating the first aid notices around the Gibson Buildings and Tonbridge Castle and Staffnet. With assistance from the HSO, Gill will ensure that there is sufficient coverage throughout TMBC on the numbers of trained first aiders and keep the intranet first aid information up to date.

## 7.0 LONE WORKING

Corporately the Council are signed up to a security company 'Emprise' that provides a facility for staff to log in and out by means of a phone call when they are going to be Lone Working. Some individual services e.g. licensing and the C.E.O's have already adopted other means of managing lone working which better suit the service needs. To ensure that there is a coherent approach to managing this risk, the HSO is presently reviewing the lone worker arrangements and service specific risk assessments and will be updating the Lone Working Policy.

## 8.0 RISK MANAGEMENT

### 8.1 Risk assessments

All corporate risk assessments have been reviewed and are accessible via Staff Net. These cover general area relating to ladders, manual handling, confined spaces, the use of office equipment, the use of general cleaning equipment etc.

The expectation through the Health and Safety Policy is that Services not only use the Corporate risk assessments but they also have identified and assessed their individual service risks and have put in place control measures to reduce these.

The HSO will monitor the effectiveness of Service risk assessments. It has been suggested at the Corporate Health and Safety Group that Services should make their risk assessment visible and accessible on the 'I' or 'H' drive on the computer server. This could then provide a better understanding of our service risks and will help the HSO to monitor these assessments for effectiveness and to reduce any duplication.

## 9.0 INTENAL AUDIT

As part of the agreed Audit plan for 2017/2018, Corporate Health and Safety was audited to provide assurance that the Council, it's Officers, Members and Visitors are adequately protected by the policies and practices in place to manage Health and Safety.

The Audit concluded that corporate health and safety was rated as '**Substantial**' and that good progress had been made over a breadth of areas. There were only three recommendations from the report:

**[1]** Fire Drills to be carried out twice a year at each site

[2] Fire wardens to confirm that they do their monthly checklist

[3] To find a workable solution so that the HSO is informed of a new starter so a Health and Safety induction can be completed.

## **10.0 CONSTRUCTION (DESIGN AND MANAGEMENT) - CDM**

The CDM regulations were changed in 2015 and the HSO identified a possible gap in our management system for contractors. To gain a fuller understanding of these changes and how it will affect the Council, the HSO in March 2018 attended a course to understand the implications and identify where improvements related to this area may be required.

The new regulations are risk assessment based and have a degree of flexibility within them. Although the expectations from the Approved Code of Practice indicates that further monitoring of contractors and sub-contractors should be carried out and recorded. The HSO needs to have discussions with relevant Services to understand where we can make improvements to our systems for monitoring our contractors and what we should be ensuring when taking on new ones.

## **11.0 NEW AND REVIEWED HEALTH AND SAFETY POLICIES AND PROCEDURES**

### **11.1 The Corporate Health and Safety Policy**

This has been reviewed and circulated via Net consent for all staff to read. Although there were no major changes this document is reviewed on a yearly basis.

### **11.2 The Management of Legionella Policy**

This has been reviewed and changed considerably to reflect legislation and organisational changes. This has been circulated to relevant parties i.e. Leisure Trust and other key members of staff involved in legionella. The corporate risk assessment is now incorporated as an annex in this document.

### **11.3 Potentially Violent Persons Procedure**

A new online system for administering this system has been introduced with the majority of staff now being able to 'search' and 'view' for a potentially violent person before undertaking a lone working visit. The procedure was changed to reflect this new system and to ensure that staff are now aware of their responsibilities to having access to such sensitive data and how to effectively report any person which they may feel could be potentially violent.

### **11.3 The Fire Safety Management Policy**

A new policy, this was introduced in August 2017. The policy outlines the roles and responsibilities of all staff, managers and fire wardens. It also sets out how TMBC will meet its statutory obligations under the Fire Safety Order 2015.

## **12.0 HEALTH AND SAFETY TRAINING**

Online training is available for all staff, and currently all new starters have to complete a number of these courses which include fire safety, moving and handling and general health and Safety awareness. To ensure that staff keep up to date with general online training requirements it is going to be beneficial for a programme of mandatory training to be introduced on rotational basis for all staff to complete.

Any additional training for staff related to Health and Safety should be identified through individual requirements of Services and staff appraisals.

Corporate training related to fire safety has been carried out as mention in 3.1 and Legionella training is due to commence in April 2018 for key staff who have responsibility towards the management of legionella.

## 13.0 ACCIDENT AND INCIDENTS

### 13.1 Incident reporting (IR1)

The online form for reporting accident and incidents of a significant nature has been well received. The HSO feels that there is still under reporting in this area and will be trying to raise the profile of this throughout the next year. The breadth of what is expected to be reported has significantly increased from the previous paper system with the following being reportable:

*Slip, trip and fall	*Accident/incident caused by a bite	*Manual handling
*Violence/abuse/harassment	*Falling object	*Contact with animals
*Work related ill health	*Collapse of structure	*Road traffic incident
*Fire	*Contact with heat	*Repetitive strain injury
*Property damage	*Contact with machinery	*Moving vehicle
*Dangerous goods	*Infectious Agent	*Other
*Water related	*Hazardous substance/chemical exposure	*Medical emergency/illness
		natural causes

Whether it is a member of staff, the public or a contractor, if there is an incident that results in harm or a near miss incident it should be reported on an Incident (IR1) Form. Incident reporting not only helps to identify and manage any risks but we can learn lessons from these that can be shared throughout the organisation.

### 13.2 RIDDOR

Only one incident in the financial year resulted in being reportable under The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations. This was a 'casual' member of staff working for Electoral Role Services who was injured carrying a piece of equipment. This was investigated and as a result a risk assessment is now in place for work in polling stations which should be communicated to all staff before commencing any work in this area.

### 13.3 Incident Statistics for 2017/2018

Accident and Incidents reported through the system to Corporate Health and Safety has been low. As listed in 13.1 there is a breadth of categories of accident and incidents that may occur that should be reported on the corporate IR1 incident form for review and comment by the Manager and the Health and Safety Officer. The form is quick and easy to use with drop down boxes which allow for quick completion. There appears to be a number of possible reasons why the reporting system is not used fully:

- Staff not realising what to report and understanding the importance of reporting
- A reluctance to use the form as lots of 'issues' are dealt with locally but are not recorded as incidents
- A general culture that unless it is a 'classic' incident that has caused harm to an employee then staff would not automatically think to complete a IR1 form
- Staff not prompted to complete an IR1 incident form by Managers

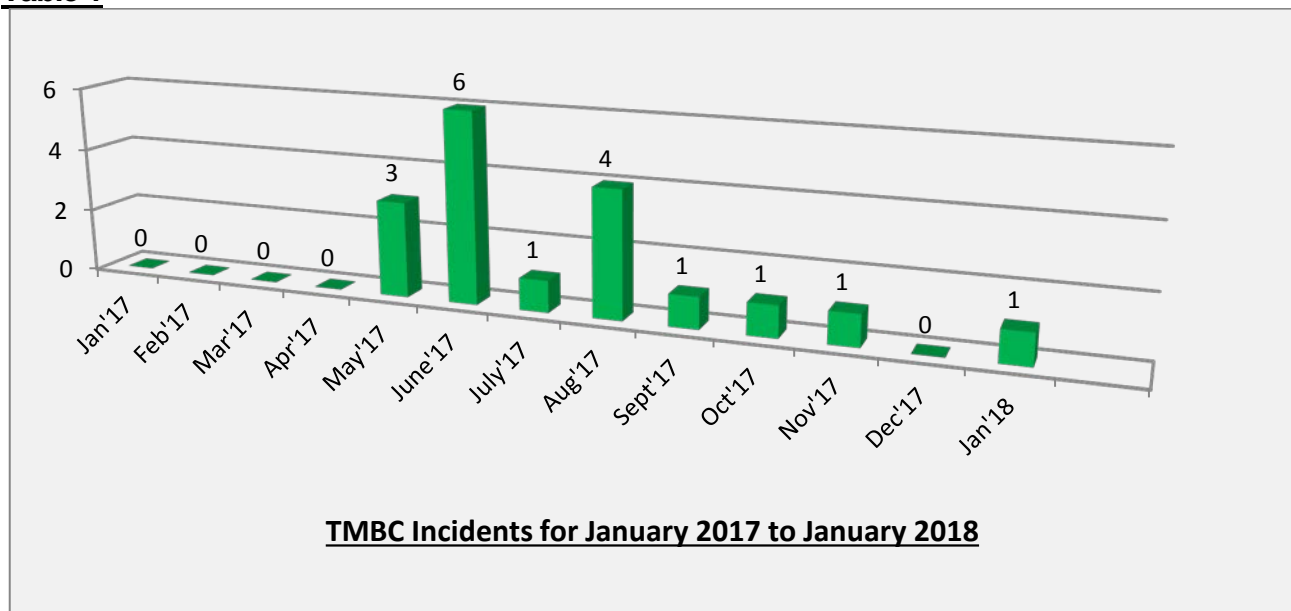
**Table 1**

Table 1 clearly indicates that the Spring and Summer months see an increase in incident activity. There are no other trends or hotspots identified.

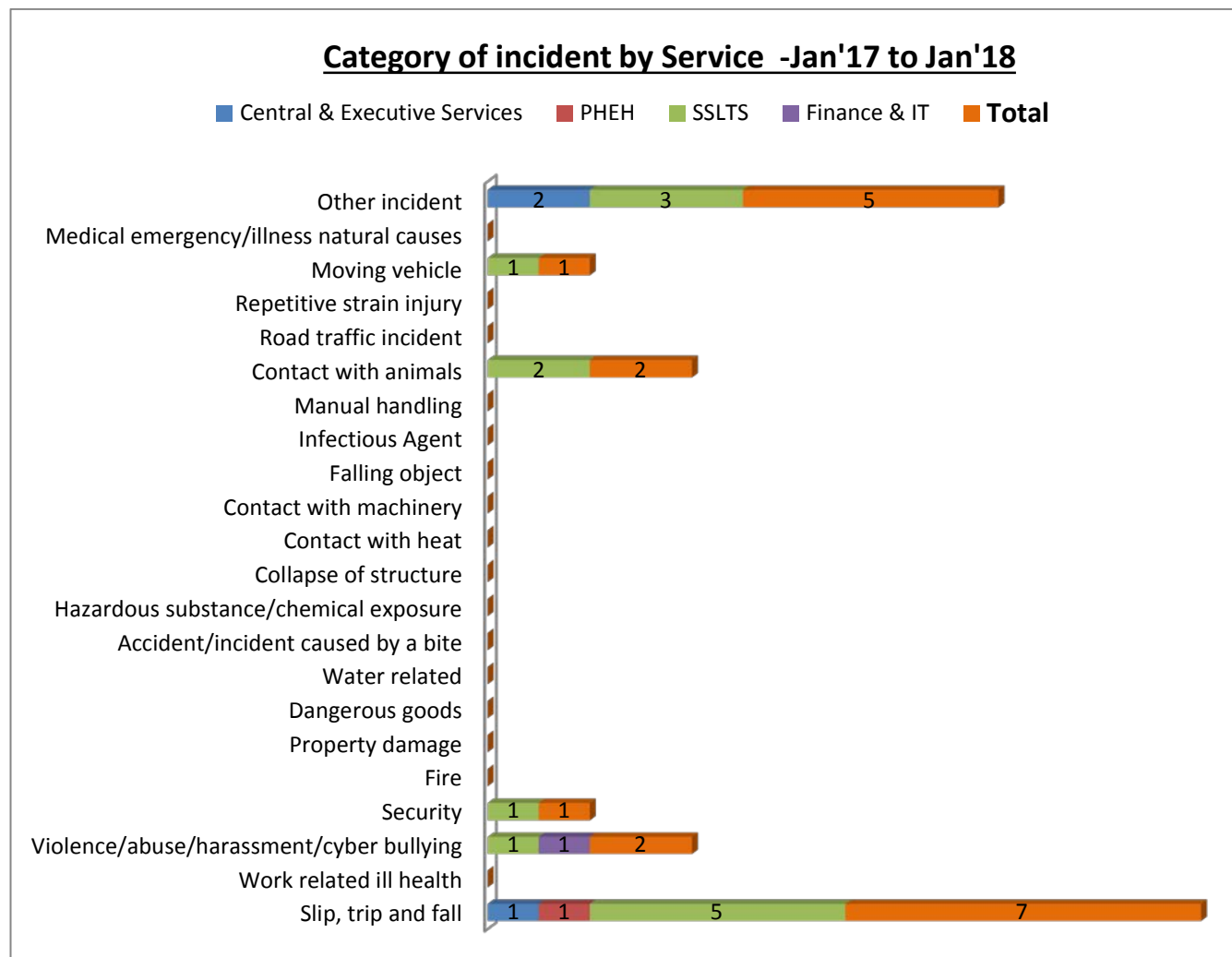
**Table 2**

Table 2 shows the type of categories being reported. It is encouraging to see that Leisure Service use the incident system well but throughout the Council, managers need to encourage further use of the system.

This page is intentionally left blank



# Agenda Item 7

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

This page is intentionally left blank

# Agenda Item 8

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT  
INFORMATION**

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank



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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank



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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank



Document is Restricted

This page is intentionally left blank

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

This page is intentionally left blank