

Agenda Item No 16

Executive Board

10 February 2015

**Report of the Assistant Chief Executive
and Solicitor to the Council**

High Speed 2 - HS2

1 Summary

- 1.1 This report updates Members on recent developments regarding HS2.

Recommendation to Executive Board

That the report be noted.

2 Consultation

- 2.1 The two Group spokespersons for HS2, Councillors B Moss and May, have been sent a copy of the report

3 Introduction

- 3.1 This report will provide an update on the following: the petitioning regarding Phase 1; the proposed Phase 1 Community and Business Fund; Phase 1 compensation; and Phase 2

4 Petitioning

- 4.1 As Members will be aware, this Council appeared at the Parliamentary Select Committee in October, together with the County Council. A number of issues were conceded by HS2 and the Government and the formal letter of assurance detailing these is attached as Appendix 1. These are in addition to the concessions given to the County Council
- 4.2 We still presented on a number of issues – the costs for Councils of work associated with HS2, the loss of business rates, highways issues and ecology issues. These points were on behalf of a number of other authorities and other authorities will lead on issues of interest to us when they present later. All of our points were well received by the Committee. With regard to the issue of business rates, which this Council presented on, the Committee asked HS2 and Government to look into the issue more seriously and HS2 has now commissioned consultants to look at our claims.

- 4.3 As well as the County and Borough Councils, a number of actions groups/Parish Councils, residents and the MP petitioned and were equally well received.
- 4.4 On 12 January, the Committee Chairman made a number of announcements with regard to the issues in the Borough. The points can be summarised as follows:
- Kingsbury is a special case deserving of sensitive treatment and the committee expects progress;
 - HS2's engagement record could be better, as could be the reliability of some of their data.
 - The committee predict that people in the area will make a strong claim for money out of the community and business fund (see later in this report)
 - The Committee would not be requiring any further lowering of the line in Middleton. This was a major "ask" in a number of petitions
 - The Committee requested more details about how the need to sell and wish to sell schemes applied to Water Orton
- 4.5 The announcement regarding Kingsbury is particularly welcome. One major concession by HS2 is the idea that North Warwickshire as a whole is a unique case given the Delta Junction near Coleshill/Water Orton and the split in the line between Phase 1 and 2. The area has been declared a "Special Management Zone" and "a team" (according to HS2's barrister) will be appointed to deal with the particular issues that will arise in our area.
- 4.6 In addition, the Council is discussing with HS2 through the Planning Forum a requirement for a caseworker, employed by the Borough Council but paid for by HS2, to independently look into problems with the construction of the line and to make sure the various codes and assurances are complied with. Officers will update Members as to progress on this.
- 4.7 Petitioners for the rest of the line will now be heard before the matter progresses to the House of Lords. There will be a further opportunity for this Council to petition at that stage.

5 Community and Business Fund

- 5.1 The fund will make £30m available for residents and business along the Phase 1 line. The fund is aimed at offsetting disturbance caused by the construction of the line.
- 5.2 The first thing to report is that this Council, together with the other Authorities in the 51M group, have petitioned that £30m is way too small an amount of

money. Buckinghamshire County Council will lead on this issue and it will come before the Select Committee later in the year.

- 5.3 The Government is currently working up the details of the scheme which will be open to Councils, community groups and business support organisations. It is anticipated that the first applications can be made next year and, notwithstanding the Chairman of the Select Committee's comments mentioned above, given that no minimum amount is reserved to any County or District area it will be a national competition. It is proposed therefore to start work with action groups and parish councils early this year to work up projects.

6 Phase 1 Compensation

- 6.1 Members will recall that the Governments first proposals for compensation were held to be unlawfully unfair by the High Court as part of 51M's and HS2 action groups' legal challenge, to which this Council was a party. A consultation took place last year on new proposals and last month the final scheme for Phase 1 was announced. The main features are described below and in the graphic at Appendix 2.
- 6.2 One new element is the cash offer which would give owners, in rural areas only, a payment of 10% of the open market value in order to stay in their properties. Only properties within 120m of the centre of the line would be eligible and there is a maximum payment of £100,000.
- 6.3 A second new scheme is the homeowner payment in which owners will receive an amount on a sliding scale, again to stay in their properties. Those between 120m and 180m from the centre of the line would get £22,500, 180m-240m would get £15,000 and 240m-300m £7,500. The homeowner payment will not be available until Royal Assent of the HS2 Bill.
- 6.4 Two other, previously announced, schemes are also being introduced – the voluntary purchase scheme and the need to sell scheme (the latter replacing the existing Exceptional Hardship Scheme). The voluntary purchase scheme is for rural areas only for properties within 120m of the line. As an alternative to the cash offer, the Government will buy the property.
- 6.5 The need to sell schemes applies in cases where there is a compelling need to sell such as, but not limited to, unemployment, moving for employment, divorce, ill-health and retirement.
- 6.6 Officers continue to have grave reservations about the scheme which seems to have arbitrary thresholds and not be based on reports, accepted by the Government, about the actual impact of the scheme. Officers will however take proactive steps to draw the schemes to the attention of those who will be eligible.

7 Phase 2

7.1 There is less to report with regard to Phase 2. Members of the Phase 2 community engagement team recently presented to Area Forum West and confirmed that the route will not be confirmed before the election. There will be some announcements taking the western part of the line to Crewe but that will not affect our area. This is very disappointing as is the lack of any compensation scheme for Phase 2 other than the Exceptional Hardship Scheme.

8 Environment and Sustainability Implications

8.1 The report refers to a number of concerns and issues relating to the impacts High Speed 2 HS2 will have on the borough of North Warwickshire. The various proposals and schemes will need further consideration in the future to help fully identify the impacts on local communities in North Warwickshire.

The Contact Officer for this report is Steve Maxey (719438).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

Mr Steve Maxey
Assistant Chief Executive
North Warwickshire Borough Council
The Council House,
South Street,
Atherstone,
Warwickshire,
CV9 1DE

27th October 2014

By email and by post

Dear Mr Maxey,

Assurances Relating to High Speed Rail (London – West Midlands) Bill

I am the Director of Hybrid Bill Delivery at HS2 Ltd, which is acting on behalf of the Promoter of the High Speed Rail (London – West Midlands) Bill ('the Bill') currently before Parliament. I am writing to you on behalf of the Secretary of State for Transport to set out the assurances that the Secretary of State is willing to give in order to address North Warwickshire Borough Council's (the Council) concerns regarding the impact of Phase One of HS2 (known as 'the Proposed Scheme'). The detail of each assurance is set out below in the following order:

- Special Management Zone,
- Kingsbury Road Railhead environmental mitigation, and
- Improved Public Access.

Please would you kindly confirm that the detailed wording below is acceptable and that, on the basis of these assurances, the Council will only be appearing in Select Committee on the matter of Business Rates Relief. This does not prevent the Council from appearing in support of other petitioners or petitioning the House of Lords if it considers it necessary. These assurances will be included in the Register of Undertakings and Assurances maintained by the Secretary of State.

DETAILED ASSURANCES:

In these assurances, the Nominated Undertaker means the relevant nominated undertaker appointed under the Bill as enacted and, in the period prior to the Secretary of State appointing a nominated undertaker and imposing the requirements on it referred to in these assurances, HS2 Ltd.

"HS2 Works" means works to be authorised by the Bill.

1. SPECIAL MANAGEMENT ZONE

In line with the Code of Construction Practice, the Secretary of State will require the nominated

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High Speed Two (HS2) Limited, registered in England and Wales.
Registered office: One Canada Square, London E14 5AB. Company registration number: 06791686. VAT registration number: 181 4312 30.

undertaker to ensure that appropriately experienced community engagement personnel are appointed to manage stakeholder and community relationships during the development of HS2 in North Warwickshire.

The community engagement team will include:

- A single point of contact for local authorities in the area;
- Named individual points of contact for affected property owners; and
- A senior manager accountable for effective implementation of the Code of Construction Practice in the North Warwickshire area.

The broad duties of individuals will include, but will not be limited to:

- Being the first point of contact for communities and local authorities along the line of route;
- Coordination between both proposed phases of the railway, including alignment of powers and construction approaches;
- Managing relationships with the local communities, businesses, local authorities and other stakeholders;
- Raising issues from the community within HS2 Ltd for escalation, resolution or clarification;
- Monitoring the progress of each item raised and keeping stakeholders informed of progress;
- Ensuring the HS2 stakeholder engagement framework is appropriately implemented; for the whole scheme
- Attending regular meetings with the lead contractor, local authority, local community and other stakeholders to discuss construction issues and forthcoming programmes of works; and
- Advising on the appropriate support mechanisms to be provided by the nominated undertaker which will be available to local businesses, land owners, voluntary and community organisations that may be affected by the works.

2. KINGSBURY ROAD RAILHEAD ENVIRONMENTAL MITIGATION

The Secretary of State will require the Nominated Undertaker to develop an enhanced scheme of landscape planting and earthwork bunding adjacent to the Kingsbury Road railhead additional to that proposed in the Environmental Statement (the Kingsbury Road Railhead Environmental Mitigation Scheme) to be broadly in line with that shown on the attached indicative drawing no : C223-HS2-DS-SKE-030-002475 but which may be subject to design refinement as more detailed designs for the HS2 Works are brought forward and including -

- 1 Landscape planting and additional earthworks to the south east of the site Area A
- 2 Landscape planting and additional earthworks to the north of the site on each side of the headshunt and proposed balancing pond Area B
- 3 Landscape planting between Kingsbury Road and the site Area C

The Secretary of State will require the nominated undertaker to implement the works in accordance with the the Kingsbury Road Railhead Environmental Mitigation Scheme.

In preparing the Kingsbury Road Railhead Environmental Mitigation Scheme the Nominated Undertaker will keep North Warwickshire Borough Council informed of progress and any material changes to the design.

3. IMPROVED PUBLIC ACCESS.

3.1 Review of cycle access to Birmingham Interchange Station

The Secretary of State will require the Nominated Undertaker to undertake a review of cycle access from Coleshill to the Birmingham Interchange Station during the detailed design phase and to take all reasonably practicable steps to implement the findings of such review within the powers and limits and available budget of the Bill.

3.2 Public Rights of Way

3.2.1 T17

The Secretary of State will require the Nominated Undertaker to promote, and subject to the approval of Parliament, will require the Nominated Undertaker to provide an alternative alignment for footpath T17. Such alternative alignment will be broadly in the form shown on the indicative drawing numbered C223-CSI-CV-SKE-030-000061 PO2, but may be subject to design refinement as more detailed designs for the HS2 Works are brought forward.

3.2.2 M23

The Secretary of State will require the Nominated Undertaker to provide an alternative route for footpath M23 around the proposed Kingsbury railhead. Such alternative route is to be broadly in the form shown on the indicative drawing labelled FIRST PASS CHANGE HST-RST-251B, but may be subject to design refinement as detailed designs for the HS2 Works are brought forward.

3.2.3 M23a Seeney Lane Bridleway

The Secretary of State will ensure that the Nominated Undertaker does not alter the status of bridleway M23a at Seeney Lane so as to create a Byway Open to All Traffic at this location.

4. BODYMOOR HEATH ROAD

The Secretary of State will require the Nominated Undertaker to undertake a review of traffic at Bodymoor Heath Road where it crosses the Birmingham and Fazeley canal to investigate the potential benefits of implementing traffic calming measures at this location. This review will be carried out in consultation with the Highways Authority, and undertaken during the detailed design phase of the project.

In addition to discussions relating to the above assurances, it should be noted that the Department for Transport has made an announcement regarding options for a community and business fund. It will be open to the community at Middleton to apply to this fund in relation to the proposed Heritage Trail.

In addition, I can confirm that discussions are continuing with The Old Saltleians Rugby Club with a view to reaching an agreement such that the club can continue to complete their fixtures in the area. A solution is also being sought in respect of the future of the properties situated between Kingsbury Road and the Railhead.

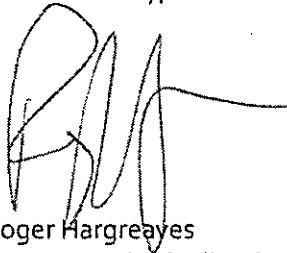
In response to your concern about the loss of environmental mitigation already put in place at the site of the proposed Kingsbury Railhead (for the purposes of mitigating the development of the Hams Hall Business and Distribution Park) I can confirm that the further environmental mitigation proposed to be implemented in both this area (at Kingsbury) and in the Faraday Avenue area in connection with the HS2 scheme will compensate for the losses at the railhead itself.

There was another matter that you raised in connection with the Kingsbury Railhead. The Railhead will be sited on Green Belt land and will be required for the project for a number of years. The Bill would confer powers of outright acquisition of the land concerned. You have sought comfort that, ultimately, when the land is no longer required for HS2 it will be restored as if it had been acquired only temporarily. The position is covered by the Bill. Paragraph 12 of Schedule 16 provides the framework that will apply to the Railhead. It provides for the restoration of sites once their use for carrying out operations ancillary to the construction of any of the scheduled works is discontinued and requires such sites to be restored in accordance with a scheme agreed with the relevant planning authority (or determined by appropriate Ministers in the absence of agreement). It follows that the railhead site will be treated for the purposes of paragraph 12 of Schedule 16 to the Bill as a site for carrying out operations ancillary to the construction of the scheduled works.

HS2 Ltd will also continue to work with North Warwickshire Borough Council in addressing the assurances outlined above and in resolving other matters contained within its petition with a view to avoiding the need for the Council to petition against the Bill in the House of Lords and against the additional provisions brought forward.

I trust that the above assurances accurately reflect the outcome of recent discussions. I am copying this letter to Alastair Lewis of Sharpe Pritchard, who I understand are your appointed parliamentary agents and Michael Summerfield (HS2 Ltd).

Yours sincerely,



Roger Hargreaves
Director, Hybrid Bill Delivery
High Speed Two (HS2) Limited

Enc.





Plan No. C223-HS2-DS-SKE-030-002475 - Environmental Mitigation

Plan No. C223-CSI-CV-SKE-030-000061 PO2

Indicative drawing labelled FIRST PASS CHANGE HST-RST-251B

Plan No. C224-ARP-HW-DSK-040-000001-RST00002756

PROPERTY SCHEMES AVAILABLE

Phase One line of route		
	Already available	Available once the line has been open for public use for a year
<p>Safeguarded area and extended homeowner protection zone</p> 	<ul style="list-style-type: none"> * Right to serve a Blight Notice * Express purchase* * Rent back 	<ul style="list-style-type: none"> * Part 1 compensation (where there is no land take)
<p>Rural support zone (RSZ)</p> 	<ul style="list-style-type: none"> * Cash offer <i>OR</i> voluntary purchase** * Need to sell scheme * Rent back 	<ul style="list-style-type: none"> * Part 1 compensation (where there is no land take)
<p>Homeowner payment zone</p> 	<ul style="list-style-type: none"> * Homeowner payments*** <ul style="list-style-type: none"> - Zone 1: 120m to 180m – £22,500 - Zone 2: 180m to 240m – £15,000 - Zone 3: 240m to 300m – £7,500 * Need to sell scheme * Rent back 	<ul style="list-style-type: none"> * Part 1 compensation (where there is no land take)
<p>Beyond</p> 	<ul style="list-style-type: none"> * Need to sell scheme * Rent back 	<ul style="list-style-type: none"> * Part 1 compensation (where there is no land take)

* Surface safeguarding only. ** Applies to rural areas only and does not extend to areas beyond bored tunnels.
 *** Applies to rural areas only and does not extend to areas beyond bored tunnels. Only available after Royal Assent to the Bill.

Agenda Item No 17

Executive Board

10 February 2015

**Report of the Assistant Chief Executive
and Solicitor to the Council**

**Regulation of Investigatory
Powers Act 2000 - Policy**

1 Summary

1.1 This report seeks Member endorsement of the revised Policy.

Recommendation to Council

That the revised Policy be adopted.

2 Consultation

2.1 No specific consultation has taken place

3 Report

3.1 The Regulation of Investigatory Powers Act 2000 ("RIPA") was introduced to give Councils a lawful basis for surveillance activities that might otherwise be a breach of Human Rights legislation.

3.2 RIPA has been revised over the years, most notably in the Protection of Freedoms Act 2012 which significantly reduced the Council's ability to undertake cover activity. In addition, that Act required any authorisation of activities to be approved by a Magistrate prior to it becoming effective.

3.3 Revised Codes of Practice were issued by the Home Office in December 2014 and the Policy has been revised to reflect all of these changes. In addition, the use of social media has increased since RIPA was introduced and Councils have been recommended to have a policy on their use of such sites in investigations. This has been included as Schedule 2 to the Policy.

3.4 The Council is periodically inspected by the Office of Surveillance Commissioners and therefore the need to regularly revise our Policy and procedures is important.

3.5 Training on the revised Policy and recent changes in the law will be given to Officers who undertake this type of work on 25 February.

3.6 Members are asked to adopt the attached Policy

The Contact Officer for this report is Steve Maxey (719438).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date
1	HM Government	Regulation of Investigatory Powers Act	2000
2	Home Office	Covert Surveillance and Covert Human Intelligence Source Codes of Practice	Dec 2014

NORTH WARWICKSHIRE BOROUGH COUNCIL

Policy on Regulation of Investigatory Powers Act 2000 (RIPA)

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SCHEDULE 1

List of the Council's Designated Persons/Authorising Officers

1.0 Purpose

The purpose of this Policy and accompanying guidance is to explain:

- the scope of RIPA – Chapter 2 of Part 1
- the circumstances where it applies, and
- the authorisations procedures to be followed.

2.0 Introduction

2.1 This policy sets out North Warwickshire Borough Council's ("the Council") position in relation to RIPA.

It sets out the practice to be followed before any covert surveillance is undertaken. The Council only carries out covert surveillance where such action is necessary, proportionate and justified and endeavours to keep such surveillance to a minimum. It recognises its obligation to comply with RIPA when such an investigation is for the purpose of preventing or detecting crime or preventing disorder and has produced this document as guidance to assist officers.

The procedures and guidance set out in this Policy are based on the provisions of RIPA, the Home Office Codes of Practice on Covert Surveillance and CHIS, the Home Office guidance to Local Authorities in England and Wales on the judicial approval process for RIPA and the crime threshold for directed surveillance and guidance issued by the Office of Surveillance Commissioners. See

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

<https://www.gov.uk/government/publications/changes-to-local-authority-use-of-ripa>

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

and

<http://surveillancecommissioners.independent.gov.uk/>.

2.2. Officers should be aware of the scope and extent of activities covered by the provisions of RIPA. In many cases, investigations carried out by Council officers will not be subject to RIPA, as they involve overt rather than covert surveillance (see below).

2.3. RIPA does:

- require prior authorisation and judicial approval of directed covert surveillance.
- prohibit the Council from carrying out intrusive surveillance.
- require prior authorisation and judicial approval of the conduct and use of a CHIS.
- require safeguards for the conduct and use of a CHIS.

2.4 RIPA does not:

- prejudice any existing powers available to the Council to obtain information by any means not involving conduct requiring authorisation under RIPA. For example, it does not affect the Council's current powers to obtain information via the DVLA or from the Land Registry as to the ownership of a property.
- Authorise the use of directed covert surveillance unless the crime threshold is met

3.0 Applications for Authorisations

3.1 The Council's designated authorising officers will consider all applications for authorisation in accordance with RIPA. Schedule 1 of this policy identifies each of the officers authorised to act as the Council's designated persons. Any incomplete or inadequate application forms will be returned to the applicant officer for amendment. The authorising officer shall in particular ensure that:-

- They are investigating a criminal offence;
- There is a satisfactory reason for carrying out the surveillance;
- The crime threshold is met or the offences relate to the underage sale of alcohol or tobacco;
- The covert nature of the investigation is necessary;
- Proper consideration has been given to collateral intrusion;
- The proposed length and extent of the surveillance is proportionate to the information being sought;
- The authorisations are reviewed and cancelled;
- Records of all authorisations are sent to Legal Services for entry on the Central Register;
- An analysis of alternative methods, other than directed covert surveillance has been considered as a way of obtaining the necessary information together with reasons why those alternatives are inappropriate. This is to ensure that RIPA powers are used as a last resort;

Once authorisation has been obtained from the authorising officer the Solicitor to the Council will attend the Magistrates' Court in order to obtain Judicial approval for the authorisation. In his absence the Principal Solicitor, or any other Officer authorised in writing by the Solicitor to the Council, will attend the Magistrates' Court.

3.2 The Act, which came into force in 2000, regulates the use of investigatory powers exercised by

various bodies including Local Authorities, and ensures that they are used in accordance with human rights. This is achieved by requiring certain investigations to be authorised by an appropriate officer and that, judicial approval is obtained before they are carried out.

3.3 The investigatory powers, which are relevant to a Local Authority, are directed covert surveillance in respect of specific operations involving criminal offences that are either punishable, whether on summary conviction or indictment by a maximum term of at least six months imprisonment, or are related to the underage sale of alcohol and tobacco and the use of covert human intelligence sources (CHIS). The Act makes it clear for which purposes they may be used, to what extent, and who may authorise their use. There are also Codes of Practice in relation to the use of these powers and these can be viewed at the link in 2.1 above

3.4 Consideration must be given, prior to authorisation as to whether or not the acquisition of private information is necessary and proportionate, i.e. whether a potential breach of human right is justified in the interests of the community as a whole, or whether the information could be obtained in other ways.

4.0 Scrutiny and Tribunal

4.1 As of 1 November 2012 the Council has to obtain an order from a Justice of the Peace approving the grant or renewal of any authorisation for the use of directed surveillance or CHIS before the authorisation can take effect and the activity be carried out. The Council can only challenge a decision of the Justice of the Peace on a point of law by way of judicial review

4.2 The Office of Surveillance Commissioners (OSC) was set up to oversee and monitor compliance with RIPA operations carried out by public authorities. The OSC has “a duty to keep under review the exercise and performance by the relevant persons of the powers and duties under Part II of RIPA”, and the Surveillance Commissioner will from time to time inspect and examine the Council’s policies, records, operations and procedures for this purpose.

4.3 In order to ensure that investigating authorities are using the powers properly, the Act also establishes a Tribunal to hear complaints from persons aggrieved by conduct, e.g., directed surveillance. Applications will be heard on a judicial review basis. Such claims must be brought no later than one year after the taking place of the conduct to which it relates, unless it is just and equitable to extend this period.

4.4 The Tribunal can order:

- Quashing or cancellation of any warrant or authorisation;
- Destruction of any records or information obtained by using a warrant or authorisation;
- Destruction of records or information held by a public authority in relation to any person.

4.5 The Council has a duty to disclose to the tribunal all documents they require if any Council officer has:

- Granted any authorisation under RIPA;

- Engaged in any conduct as a result of such authorisation.

5.0 Benefits of RIPA Authorisations

5.1 The Act states that if authorisation is given to engage in a certain conduct and the conduct undertaken is in accordance with the authorisation (including judicial approval), then it will be lawful for all purposes. Consequently, RIPA provides a defence to an accusation of an infringement of a human right.

5.2 Material obtained through properly authorised covert surveillance is admissible evidence in criminal proceedings.

6.0 Statutory Definitions

6.1 'Surveillance' includes:-

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

Surveillance can be overt or covert.

6.2 Overt surveillance will include most of the surveillance carried out by the Council - there will be nothing secretive, clandestine or hidden about it. For example, signposted CCTV cameras normally amount to overt surveillance (but see 7.2 below). In many cases, officers will be behaving in the same way as a normal member of the public and/or will be going about Council business openly.

6.2.1 Similarly, surveillance will be overt if the subject has been told it will happen. This will be the case where a noisemaker is warned 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 without identifying themselves to the owner/proprietor to check that the conditions are being met. Such warnings should be given to the person concerned in writing.

6.2.2 Overt surveillance does not require any authorisation under RIPA. Neither does low-level surveillance consisting of general observations in the course of law enforcement (for example, where a planning officer drives past a site to check whether planning conditions are being complied with). Repeated visits may amount to systematic surveillance, however, and require authorisation: if in doubt, legal advice should be sought. Home Office guidance also suggests that the use of equipment such as binoculars or cameras, to reinforce normal sensory perception by enforcement officers as part of general observation does not need to be regulated by RIPA, as long as the systematic surveillance of an individual is not involved.

6.3 Covert surveillance (s.26(9)(a)) is surveillance carried out in a manner calculated to ensure that the person subject to the surveillance is unaware that it is, or may be taking place. RIPA requires the

authorisation of two types of covert surveillance (directed surveillance and intrusive surveillance) plus the use of CHIS.

6.4 Directed surveillance (s.26(2)) is surveillance which:

- is covert; and
- is not intrusive surveillance (see definition below - the Council is prohibited by law from carrying out any intrusive surveillance);
- is not carried out in an immediate response to events where it would not be practicable to obtain authorisation under the Act;
- is undertaken for the purpose of a specific investigation or operation in a manner likely to obtain private information about an individual (whether or not that person is specifically targeted for purposes of an investigation).

6.5 Private information in relation to a person includes any information relating to his private and family life, his home and his correspondence. The fact that covert surveillance occurs in a public place or on business premises does not mean that it cannot result in the obtaining of private information about a person. The way a person runs his/her business may also reveal information about his or her private life and the private lives of others. Prolonged surveillance targeted on a single person will undoubtedly result in the obtaining of private information about him/her and others that s/he comes into contact or associates with.

6.6 Similarly, although signposted town centre CCTV cameras do not normally require authorisation, this will be required if the camera is tasked for a specific purpose which involves prolonged surveillance on a particular person or place.

6.7 Other examples of directed surveillance include:

- officers following an individual over a period to establish whether s/he is working whilst claiming benefit
- test purchases where a hidden camera or other recording device is used.

6.8 Surveillance that is unforeseen and undertaken as an immediate response to a situation normally falls outside the definition of directed surveillance and, therefore, authorisation is not required. However, if a specific investigation or operation is subsequently to follow, authorisation must be obtained in the usual way before it can commence. In no circumstance will any covert surveillance operation be given backdated authorisation after it has commenced.

6.9 Intrusive Surveillance (s.26(3)) occurs when surveillance:

- is covert;
- relates to residential premises and private vehicles; and

- involves the presence of a person in the premises or in the vehicle or is carried out by a surveillance device in the premises/vehicle. Surveillance equipment mounted outside the premises will not be intrusive, unless the device consistently provides information of the same quality and detail as might be expected if they were in the premises/vehicle.

Residential premises do not include common areas to which a person has access in connection with their use of occupation for example hotel reception area or communal stairways.

6.9.1 Directed surveillance carried out at the following locations for the purpose of legal consultation shall be treated as intrusive surveillance:

- any place in which persons who are serving sentences of imprisonment or detention, remanded in custody or committed in custody for trial or sentence may be detained;
- police stations;
- hospitals where psychiatric services are provided;
- the place of business of any professional legal adviser;
- any place used for the sittings and business of any court, tribunal, inquest or enquiry;
- any place which persons may be detained under certain circumstances provided by the Immigration Act 1971 or UK Border Act 2007.

Intrusive surveillance can be carried out only by police and other law enforcement agencies. **Council officers must not carry out intrusive surveillance.**

6.10 'Covert human intelligence source' (CHIS) (s.26(8)) is defined as a person who establishes or maintains a personal or other relationship with a person for the covert purpose of obtaining information or providing access to information to another person or covertly discloses information obtained through the use of such a relationship or as a consequence of the relationship.

6.11 'Authorising officer' in the case of Local Authorities these are specified as Assistant Chief Officers (and more senior officers), Assistant Heads of Service, Service Managers or equivalent, responsible for the management of an investigation (see Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (SI 2010/521). The Council's authorising officers are set out in Schedule 1 to this Policy.

6.12 'Applicant officer' are those Council officers who apply for RIPA authorisation.

6.13 'Crime Threshold' applies to an authorisation for directed surveillance to prevent and detect conduct which constitutes one or more criminal offences. The criminal offences must be punishable, whether on summary conviction or indictment by a maximum term of at least 6 months imprisonment, or be an offence under:-

- a) s.146 of the Licensing Act 2003 (sale of alcohol to children);
- b) s.147 of the Licensing Act 2003 (allowing the sale of alcohol to children);

c) s.147A of the Licensing Act 2003 (persistently selling alcohol to children);

d) s.7 of the Children and Young Persons Act 1933 (sale of tobacco, etc., to persons under eighteen).

7.0 When does RIPA apply?

7.1 Where the directed covert surveillance of an individual or group of individuals, or the use of a CHIS is necessary for the purpose of preventing or detecting crime or of preventing disorder.

7.2 The Council can only authorise directed covert surveillance to prevent and detect conduct which constitutes one or more criminal offences. The criminal offences must be punishable, whether on summary conviction or indictment by a maximum term of at least 6 months imprisonment, or be an offence under:-

a) s.146 of the Licensing Act 2003 (sale of alcohol to children);

b) s.147 of the Licensing Act 2003 (allowing the sale of alcohol to children);

c) s.147A of the Licensing Act 2003 (persistently selling alcohol to children);

d) s.7 of the Children and Young Persons Act 1933 (sale of tobacco, etc., to persons under eighteen).

7.3 CCTV – the normal use of CCTV is not usually covert because members of the public are informed by signs that such equipment is in operation. However, authorisation should be sought where it is intended to use CCTV to target a specific individual or group of individuals via CCTV recordings may require authorisation (from the police).

7.4 The use of RIPA powers must be in relation to the performance of a core function of the Council and not 'ordinary functions' such as employment issues or contractual arrangements. It will include criminal misconduct investigations.

8.0 Training

8.1 Each section manager shall be responsible for ensuring that relevant members of staff, involved with any aspect of covert surveillance, are aware of the Act's requirements.

8.2 The Solicitor to the Council shall ensure that refresher training is offered once a year to all services of the Council and also give advice and training on request. Applicant Officers must have received training or refresher guidance on RIPA within 2 years of the date of a request for RIPA authorisation.

9.0 Central Register and Records

9.1 A Central Register of all authorisations including the application for judicial approval, and Order form shall be retained within Legal Services. The content of the application forms and authorisations will be monitored to ensure that they comply with the Act. The Solicitor to the Council will report any breaches of this Policy or the Act's provisions to the Council's Management Team.

10.0 Overview and Scrutiny

10.1 The Solicitor to the Council shall be the Senior Responsible Officer who will:

- ensure compliance with the Council's policy, relevant RIPA legislation and guidance;
- engage with Commissioners and inspectors when the Council's inspection is due (usually every three years);
- oversee any post-inspection action plans recommended or approved by a Commissioner.

10.2 This policy shall be reviewed, and where necessary amended, at least every two years. If requiring amendment, the revised policy shall be presented to and considered by the Council's Executive Board

GUIDANCE – PART I

DIRECTED SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCE

1.0 Covert Human Intelligence Source

1.1 Put simply, this means the use of, undercover officers or professional witnesses to establish or maintain a relationship with a person which is used to obtain information and evidence that you might not otherwise acquire.

1.2 The RIPA definition (section 26) is anyone who:-

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

1.3 Any reference to the conduct of a CHIS includes the conduct of a source which falls within a) to c) or is incidental to it. References to the use of CHIS are references to inducing, asking or assisting a person to engage in such conduct.

1.4 Section 26(9) of RIPA goes on to define:-

- b) 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 that purpose; and
- c) a relationship is used covertly, and information obtained as mentioned in SS (8)(c) above and is disclosed covertly if, and only if, it is used or as the case may be 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.

1.5 The Council is only likely to use a CHIS in exceptional circumstances, and advice should be sought from the Solicitor to the Council before any authorisation is sought.

1.6 If the Solicitor to the Council deems that the use of a CHIS is appropriate the application must be authorised and judicial approval obtained.

1.7 The provisions of RIPA relating to CHIS do not apply:

- a) where members of the public volunteer information to the Council as part of their normal civic duties;
- b) where the public contact telephone numbers set up by the Council to specifically receive information;
- c) where test purchases are carried out in the normal course of business;

d) where members of the public are asked to keep diaries of incidents in relation to planning enforcement or anti social behaviour as none of these situations normally require a relationship to be established for the covert purpose of obtaining information.

1.8 If a CHIS is used, both the use of the CHIS and his or her conduct require prior authorisation and judicial approval:

a) Conduct – establishing or maintaining a personal or other relationship with a person for the covert purpose of (or incidental to the covert purpose of) obtaining and passing on information

b) Use – 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.

1.9 One person within the Council should be responsible for tasking the source, dealing with them, directing their day-to-day activities and recording information supplied by them and monitoring their welfare and security. A risk assessment MUST be carried out at the start, during and after the investigation.

1.10 Special safeguards exist for the use of juvenile individuals who are under the age of 18 years old as a CHIS. The Regulation of Investigatory Powers (Juvéniles) Order 2000 details the special provisions that should be satisfied.

1.11 Only the Chief Executive may act as the Authorising Officer to grant an authorisation for the use of a juvenile as a CHIS. Under no circumstances may a juvenile under the age of 16 be authorised to act as a CHIS against the wishes of his parents or person who has parental responsibility for him. The duration of an authorisation for the use of a juvenile as a CHIS is one month.

1.12 A vulnerable individual is a person who is or may be in need of community care services for reason of mental or other disability, age or illness or is unable to take care of himself or protect himself from significant harm or exploitation. Only in the most exceptional circumstances may an Authorising Officer grant an authorisation for the use of a vulnerable individual as a CHIS.

1.13 There is a risk that an informant who is providing information to the Council voluntarily may in reality be a CHIS even if not tasked to obtain information covertly. It is the activity of the CHIS in exploiting a relationship which is authorised in the 2000 Act, not whether the CHIS is asked to do so by the Council. Where an informant gives repeat information about a suspect or about a family and it becomes apparent that the informant may be obtaining the information in the course of a neighbourhood or family relationship it may mean that the informant is in fact a CHIS. Legal advice should always be sought in such instances before acting on the information from any such informant.

2.0 Directed Surveillance

2.1 All application forms can be found at the link in 2.1 of the main Policy. They must be fully completed by the Applicant Officer with the required details and sufficient information to enable the Authorising Officer to make an informed decision that he is satisfied and believes that RIPA is necessary and proportionate. The application form must also provide all the information required

for approval by the Judiciary. No authorisation shall be granted unless the Authorising officer is satisfied that the RIPA authorisation is:

- Necessary for either the purpose of preventing or detecting crime or the prevention of disorder that involves a criminal offence or offences that are either punishable, whether on summary conviction or indictment, by a maximum term of at least six months imprisonment or are related to the underage sale of alcohol and tobacco (see paragraph 7.2 above);
- Proportionate this means that:
 - the method of surveillance proposed is not excessive to the seriousness of the matter under investigation;
 - it must be the method that is least invasive of the individual or individuals being observed;
 - the privacy of innocent members of the public must be respected and collateral intrusion minimised (see 2.2 below); and
 - that no other form of investigation would be appropriate.

The authorisation completed by the Authorising Officer should indicate that full consideration has been given to the above points and a record should be made on the appropriate forms.

Both the applicant and authorising officer should refer themselves to their training notes regarding the completion of the RIPA forms, with particular attention to necessity and proportionality.

2.2 The authorising officer must also take into account the risk of 'collateral intrusion' i.e. intrusion on, or interference with, the privacy of persons other than the subject of the investigation, particularly where there are special sensitivities e.g. premises used by lawyers, doctors or priests for any form of medical or professional counselling or therapy. The application form must include a detailed assessment of any risk of collateral intrusion for this purpose.

2.3 Steps must be taken to avoid unnecessary collateral intrusion and minimise any necessary intrusion. The applicant officer must inform the authorising officer of any unexpected interference with the privacy of individuals who are not covered by the authorisation, as soon as these become apparent.

2.4 A single authorisation may refer to a number of individuals but relate to a single investigation and are "same fact". However, necessity, proportionality and collateral intrusion should be considered individually. If particular subjects are subsequently ruled out of the investigation, those individuals could be removed at the next review. Such circumstances could prompt an early review.

2.5 Special consideration should be given in respect of confidential information. Particular attention is drawn to areas where the subject of surveillance may reasonably expect a high degree of privacy e.g. where confidential information is involved. Confidential information consists of matters subject to legal privilege, confidential personal information or confidential journalistic material (ss 98-100 Police Act 1997).

2.5.1 Legal Privilege

This applies to Legal Consultation and includes communications or consultation between an individual and his/her legal adviser or a person representing their Client in connection with the giving of legal advice in connection with or in contemplation of legal proceedings. This also includes consultations with medical practitioners. Such information is unlikely ever to be admissible as evidence in criminal proceedings. If in doubt, the advice of the Solicitor to the Council should be sought in respect of any issues in this area.

2.5.2 Confidential Personal Information

This is oral or written information held in (express or implied) confidence, relating to the physical or mental health or spiritual counselling concerning an individual (alive or dead) who can be identified from it. Specific examples provided in the codes of practice are consultations between a health professional and a patient, discussions between a minister of religion and an individual relating to the latter's spiritual welfare or matters of medical or journalistic confidentiality.

2.5.3 Confidential Journalistic Material

This is material acquired or created for the purposes of journalism and held subject to an undertaking to hold it in confidence. It should be noted that matters considered under RIPA may not necessarily be properly regarded as confidential under Section 41 Freedom of Information Act.

3.0 Judicial Approval of Authorisations

3.1 Once the authorising officer has authorised the Directed Surveillance or CHIS the Solicitor to the Council (who completed the application form) should contact the Magistrates' Court to arrange a hearing for the authorisation to be approved by a Justice of the Peace (JP).

3.2 The Solicitor to the Council will provide the JP with a copy of the original authorisation and the supporting documents setting out the case. This forms the basis of the application to the JP and should contain all the information that is relied upon.

3.3 In addition the Solicitor to the Council will provide the JP with a partially completed judicial application/order form.

3.4 The hearing will be in the Magistrate's Court and the Solicitor to the Council will present the evidence as required by the JP. Any such evidence should be limited to the information in the authorisation.

3.5 The JP will consider whether he/she is satisfied that at the time the authorisation was given there were reasonable grounds for believing that the authorisation or notice was necessary and proportionate and whether that continues to be so. He/she will also consider whether the authorisation was given by the appropriately designated person at the correct level within the Council and whether (in the case of directed surveillance) the crime threshold has been met.

3.6 The Justice of the Peace can:

a) Approve the grant of the authorisation which means that the authorisation will then take effect;

or

b) Refuse to approve the grant of the authorisation which means the authorisation will not take effect but the Council may look at the reasons for the refusal, make amendments and re-apply for judicial approval; or

c) Refuse to approve the grant of the authorisation and quash the original authorisation. The Court cannot exercise its power to quash the authorisation unless the applicant has at least two business days from the date of the refusal in which to make representations.

4.0 Notifications to Inspector/Commissioner

4.1 The following situations must be brought to the Inspector/Commissioner's attention at the next inspection:

- Where an officer has had to authorise surveillance in respect of an investigation in which he/she is directly involved;
- Where a lawyer is the subject of an investigation or operation;
- Where confidential personal information or confidential journalistic information has been acquired and retained.

5.0 Applications for CHIS

5.1 The process is the same as for directed surveillance except that the authorisation must specify the activities and identity of the CHIS and that the authorised conduct is carried out for the purposes of, or in connection with, the investigation or operation so specified. All application forms must be fully completed with the required details to enable the Authorising Officer to make an informed decision and to be approved by the Judiciary.

6.0 URGENT AUTHORISATIONS

6.1 Urgent authorisations should not normally be necessary. However, in exceptional circumstances, if the authorisation cannot be handled on the next working day the Court's out-of-hours service can be contacted. Legal Advice should be sought from the Solicitor to the Council about whether it is appropriate to utilise this facility.

6.2 It will not be an urgent or exceptional circumstance where the need for authorisation has been neglected, or the situation is of the Applicant officer's own making.

7.0 Duration and Cancellation

7.1 Every authorisation and every renewal (except in the cases of oral authorisations or where the use of juvenile CHIS is being authorised) must be for the designated statutory period. If the operation is to only last for a short time, this is information which should be considered in the review and/or cancellation.

7.2 An authorisation for directed surveillance shall cease to have effect (if not renewed) 3 months less one day from the date of judicial approval but still requires to be cancelled using the appropriate form even if the surveillance is required for less than 3 months.

7.3 An authorisation for CHIS shall cease to have effect (unless renewed) 12 months from the date of judicial approval but it is still necessary to cancel the authorisation using the appropriate form.

NOTE:

The Applicant Officer authorised to carry out surveillance, in accordance with s.45 of the Act, must cancel each authorisation as soon as they decide that the surveillance should be discontinued. Authorisations should continue for the minimum period reasonable for the purpose they are given and then cancelled promptly.

8.0 Reviews

8.1 The Authorising Officer should review all authorisations prior to the expiry date and at intervals determined by him/herself. This should be as often as necessary and practicable. Particular attention should be paid to the possibility of obtaining confidential information. The Applicant Officer can do the necessary research and prepare the papers for the review but the actual review is the responsibility of the original Authorising Officer and should be conducted by him. Necessity and proportionality should be reconsidered if the surveillance is to continue.

8.2 The Authorising Officer should be made aware of any proposed or unforeseen changes to the nature or extent of the surveillance operation which may result in further or greater intrusion into the private life of any person by means of a review. The Authorising Officer should consider whether the proposed changes are proportionate before approving or rejecting them.

8.3 Where authorisation is given for surveillance of unidentified individuals whose identity is later established, the review should include reference to their identity. A fresh authorisation won't be necessary if the investigation remains the same.

8.4 Evidence of the review should be recorded.

9.0 Renewals

9.1 Any authorising officer may renew an existing authorisation on the same terms as the original at any time before the original ceases to have effect. This renewal must then be approved by a Justice of the Peace in the same way the original authorisation was approved. The process set out in 3 above

should be followed.

9.2 A CHIS authorisation must be thoroughly reviewed before any application for renewal is sought. Once the Authorising Officer has approved an application to renew, that application must then be approved by a Justice of the Peace in the same way that the original authorisation was approved. The process set out in 3 above should be followed.

10.0 Central Register of Authorisations

10.1 The Council must maintain the following documents:

- Copy of the application and a copy of the authorisation together with any supplementary documentation and notification of the approval given by the authorised officer;
- Copy of the order made by the judiciary;
- A record of the period over which the surveillance has taken place;
- The frequency of reviews prescribed by the authorising officer;
- A record of the result of each review of the authorisation;
- A copy of any renewal of an authorisation and order made by the judiciary and supporting documentation submitted when the renewal was requested;
- The date and time when any instruction was given by the Authorising Officer.

10.2 To comply with 10.1 above, Legal Services will hold the central register of all authorisations issued by Authorising Officers of the Council. The original copy of every authorisation, judicial order, review, renewal and cancellation issued should be lodged immediately with Legal Services in an envelope marked 'Private and Confidential'.

10.3 The Council must also maintain a centrally retrievable record of the following information:

- Type of authorisation
- Date the authorisation was given
- Date the Order was made by the Justice of the Peace
- Name and rank/grade of the Authorising Officer
- Unique reference number of the investigation/operation
- Title (including brief description and names of the subjects) of the investigation/operation;
- Whether urgency provisions were used, and if so why
- Details of renewal
- Whether the investigation/operation is likely to result in obtaining confidential information
- Date of cancellation

These records will be retained for at least 3 years and will be available for inspection by the Office of Surveillance Commissioners.

11.0 Retention of Records

11.1 All documents must be treated as strictly confidential and the Authorising Officer must make appropriate arrangements for their retention, security and destruction, in accordance with the Council's Data Protection Policy and the RIPA codes of practice. The retention period for the purposes of this guidance is three years from the ending of the period authorised.

11.2 The Council's Records Retention and Disposal Policy should be referred to which sets out how different types of records are created as part of any investigation, their storage, retrieval, maintenance, protection and final disposal. The Council also has a separate Code of Practice which covers these issues specifically for CCTV recording.

12.0 Complaints Procedure

12.1 The Council will maintain the standards set out in this guidance and the relevant Codes of Practice. The Chief Surveillance Commissioner has responsibility for monitoring and reviewing the way the Council exercises the powers and duties conferred by RIPA.

12.2 Contravention of the Data Protection Act 1998 may be reported to the Information Commissioner. Before making such a reference, a complaint concerning a breach of this guidance should be made using the Council's own internal complaints procedure. To request a complaints form, please contact the Policy Manager, North Warwickshire Borough Council, Council Offices, South Street, Atherstone, Warwickshire CV9 1DE or telephone 01827 715341.

GUIDANCE – PART II

ACQUISITION AND DISCLOSURE OF COMMUNICATIONS DATA

1.0 Acquisition and Disclosure of Communications Data

1.1 With effect from 5 January 2004, and in accordance with Chapter II of Part I of Regulation of Investigatory Powers Act (“the Act”), Local Authorities can authorise the acquisition and disclosure of ‘communications data’ provided that the acquisition of such data is necessary for the purpose of preventing or detecting crime or preventing disorder; and proportionate to what is sought to be achieved by acquiring such data.

Important: The Council is not Permitted to Intercept any Communications

1.2 The procedure is similar to that of authorisation for directed surveillance and CHIS but has extra provisions and processes. The purpose and effect of the procedure is the same i.e. to ensure proper consideration is given to permitting such investigations and to provide protection against a human rights challenge. The authorising officer is called a ‘designated person’. Judicial approval for the acquisition and disclosure of communications data is required.

2.0 What is ‘Communications Data’?

2.1 Communications Data is information relating to the use of a communications service e.g. postal service or telecommunications system. It is defined by Section 21(4) of the Act and falls into three main categories:-

Traffic Data

Where a communication was made from, to whom and when.

Service Data

Use made of service e.g. itemised telephone records.

Subscriber Data

Information held or obtained by operator on person they provide a service to.

Local Authorities are restricted to subscriber and service use data and only for the purpose of preventing or detecting crime or preventing disorder.

3.0 Designated Person

3.1 A designated person must be at least the level of Director or equivalent and in the first instance will be the Solicitor to the Council.

4.0 Application Forms

4.1 All applications must be made on a standard form – see the link at 2.1 in the main Policy.

5.0 Authorisations

5.1 Authorisations can only authorise conduct to which Chapter II of Part I of the Act applies. In order to comply with the code, a designated person can only authorise the obtaining and disclosure of communications data if:

- i) It is necessary for any of the purposes set out in Section 22(2) of the Act. (NB The Council can only authorise for the purpose set out in Section 22(2)(b) which is the purpose of preventing or detecting crime or preventing disorder); and
- ii) It is proportionate to what is sought to be achieved by the acquisition of such data (in accordance with Section 22(5) the Act).

Consideration must also be given to the possibility of collateral intrusion and whether any urgent timescale is justified.

5.2 Once a designated person has decided to grant an authorisation or a notice and judicial approval has been granted there are two methods:-

i) By authorisation of some person in the same relevant public authority as the designated person, whereby the relevant public authority collects the data itself (Section 22(3) the Act). This may be appropriate in the following circumstances:

- 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 relevant public authority and the postal or telecommunications operator as to the appropriate mechanisms for the disclosure of communications data.

ii) By notice to the holder of the data to be acquired (Section 22(4)) which requires the operator to collect or retrieve the data. Disclosure may only be required to either the designated person or the single point of contact.

5.3 The Service provider must comply with the notice if it is reasonably practicable to do so (S.22 (6)-(8) and can be enforced to do so by civil proceedings. The postal or telecommunications service can charge for providing this information.

6.0 Oral Authority

6.1 The Council is not permitted to apply or approve orally.

7.0 Single Point of Contact (SPOC)

7.1 Notices and authorisations should be passed through a single point of contact within the Council. This should make the system operate more efficiently as the SPOC will deal with the postal or

telecommunications operator on a regular basis and also be in a position to advise a designated person on the appropriateness of an authorisation or notice.

7.2 SPOCs should be in a position to:

- Where appropriate, assess whether access to communication data is reasonably practical for the postal or telecommunications operator;
- Advise applicants and designated person on whether communications data falls under Section 21(4)(a), (b) or (c) of the Act;
- Provide safeguards for authentication;
- Assess any cost and resource implications to both the public authority and the postal or telecommunications operator.

7.3 A SPOC must be accredited which involves undertaking appropriate training. The Council's SPOC is the Solicitor to the Council. The Council subscribes to the National Anti-Fraud Network who may act as the Single Point of Contact for the Council. The Council must still consider the application for apply for the information and cannot rely on the National Anti-Fraud Network to consider issues such as necessity and proportionality.

8.0 Duration

8.1 Authorisations and notices are only valid for one month beginning with the date on which the judicial approval is granted or the notice given. A shorter period should be specified if possible.

9.0 Renewal and Cancellation

9.1 An authorisation or notice may be renewed at any time during the month it is valid using the same procedure as used in the original application (including seeking judicial approval). A renewal takes effect on the date which the authorisation or notice it is renewing expires.

9.2 The code requires that all authorisations and notices should be cancelled by the designated person who issued it as soon as it is no longer necessary, or the conduct is no longer proportionate to what is sought to be achieved. The relevant postal or telecommunications operator should be informed of the cancellation of a notice.

10.0 Retention of Records

10.1 Applications, authorisations and notices must be retained until the Council has been audited by the Commissioner (see paragraph 9). Applications must also be retained to allow the Tribunal (see paragraph 9) to carry out its functions.

10.2 A record must be kept of:-

- The dates of which the authorisation or notice is started or cancelled;
- Any errors that have occurred in the granting of authorisations or giving of notices.

A report and explanation of any errors must also be sent to the Commissioner as soon as is practicable. Communications data, and all copies, extracts and summaries of it, must be handled and stored securely and the requirements of the Data Protection Act 1998 must be observed. The Solicitor to the Council will maintain a centrally retrievable register.

11.0 Oversight and Complaints

11.1 The Act provides for an Interception of Communications Commissioner whose remit is to provide independent oversight of the use of the powers contained in Part I and the code requires any person who uses the powers conferred by Chapter II to comply with any request made by the Commissioner to provide any information he requires to enable him to discharge his functions.

11.2 The Act also establishes an independent Tribunal to investigate and decide any case within its jurisdiction. Details of the relevant complaints procedure should be available for reference at the Council's public offices.

SCHEDULE 1

Designated Persons/Authorising Officers

Solicitor to the Council

In his absence:

The Chief Executive

In both of their absences:

The Deputy Chief Executive or the Assistant Chief Executive (Community Services)

Note: When the above are the Applicant Officer in a matter they may NOT authorise the same application for surveillance.

Schedule 2 – Social Media Policy

1. In December 2014, the Office of Surveillance Commissioners issued a revised version of the Procedures and Guidance document for the oversight of surveillance by public authorities. The relevant extract of that report relating to the use of Social Media is as follows:

288. The fact that digital investigation is routine or easy to conduct does not reduce the need for authorisation. Care must be taken to understand how the SNS being used works. Authorising Officers must not be tempted to assume that one service provider is the same as another or that the services provided by a single provider are the same.

288.1 Whilst it is the responsibility of an individual to set privacy settings to protect unsolicited access to private information, and even though data may be deemed published and no longer under the control of the author, it is unwise to regard it as “open source” or publicly available; the author has a reasonable expectation of privacy if access controls are applied. In some cases data may be deemed private communication still in transmission (instant messages for example). Where privacy settings are available but not applied the data may be considered open source and an authorisation is not usually required. Repeat viewing of “open source” sites may constitute directed surveillance on a case by case basis and this should be borne in mind.

288.2 Providing there is no warrant authorising interception in accordance with section 48(4) of the 2000 Act, if it is necessary and proportionate for a public authority to breach covertly access controls, the minimum requirement is an authorisation for directed surveillance. An authorisation for the use and conduct of a CHIS is necessary if a relationship is established or maintained by a member of a public authority or by a person acting on its behalf (i.e. the activity is more than mere reading of the site’s content).

288.3 It is not unlawful for a member of a public authority to set up a false identity but it is inadvisable for a member of a public authority to do so for a covert purpose without authorisation. Using photographs of other persons without their permission to support the false identity infringes other laws.

288.4 A member of a public authority should not adopt the identity of a person known, or likely to be known, to the subject of interest or users of the site without authorisation, and without the consent of the person whose identity is used, and without considering the protection of that person. The consent must be explicit (i.e. the person from whom consent is sought must agree (preferably in writing) what is and is not to be done

2. North Warwickshire Borough Council will seek to comply with the above extract in its use of social media in the exercise of its functions. In addition the Home Office Codes of practice (see 2.1 in the main policy) provide guidance on this issue – Covert Surveillance and Property Interference; paragraph 2.29.

3. 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.

4. 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.

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

6. 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".

7. 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 may be required.

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

Steve Maxey

Assistant Chief Executive and Solicitor to the Council

February 2015

Review date – February 2017

Agenda Item No 18

Executive Board

10 February 2015

**Report of the Assistant Chief Executive
and Solicitor to the Council**

Town/Parish Councils Charter

1 Summary

- 1.1 This report seeks Member approval to adopt the Town and Parish Councils Charter.

Recommendation to the Council

That the Charter be adopted.

2 Consultation

- 2.1 The Charter relates to the whole Borough and no specific consultation has therefore been undertaken.

3 Report

- 3.1 Warwickshire County Council and the Warwickshire Association of Local Councils have drafted a Charter which seeks to improve the working relationship between Town/Parish Councils and District/Borough/County Councils.
- 3.2 Officers from the District and Borough Councils contributed to the drafting of the Charter and the finalised draft is attached as the Appendix.
- 3.3 In short, the Charter is split into four sections - Improving communication, Consulting each other, Giving support and help, and Measuring how well we are doing.
- 3.4 The Charter seeks to create minimum levels of working between the parties without being prescriptive about how those relationships develop and without committing to increased levels of partnership working without individual cases having been worked up.
- 3.5 Given this, Members are asked to adopt the Charter.

The Contact Officer for this report is Steve Maxey (719438).

Warwickshire Local Councils Charter

2014

Warwickshire Local Councils' Charter

Background

There are three types of local government for Warwickshire - Warwickshire – Warwickshire County Council, North Warwickshire Borough Council, Rugby Borough Council, Stratford on Avon District Council and Warwick District Council., are referred to as Principal Councils, and Parish and Town Councils are referred to as Local Councils. This document is a framework to support a mutually beneficially working relationship between the different Councils in Warwickshire. Working better in partnership will benefit local people.

Principal Councils deliver a wide range of services across the county. Services are either for everyone (universal), targeted or specialist but all are there to meet people's needs.

Local Councils are the level of government where decisions are made or influenced at the most local level.

All Councils' values and behaviour will adhere to the Nolan Principles in public life - Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, and Leadership.

All Councils can work together to provide better services. This can be done by:

1. Improving communication
2. Consulting each other
3. Giving support and help
4. Measuring how well we are doing

1. IMPROVING COMMUNICATION: We will endeavour to:

Principal Councils

1. Encourage and support their Councillors and Officers to work with Local Councils in the area they are elected to serve.
2. Respond to letters, emails and phone calls in line with locally determined standards.
3. Provide appropriate links on websites to let Local Councils know important information.
4. Continue to develop additional information via websites that is useful to Local Councils where practicable.
5. Allow for Local Council representation on relevant Forums and Standards Committees
6. Respond to invitations from Local Councils to attend meetings of mutual interest
7. Respond to invitations to attend Warwickshire and West Midlands Association of Local Councils (WALC) Area Committees and other Local Council liaison meetings as appropriate.
8. Include awareness of the Charter in Councillor and staff induction programmes.
9. Provide names of officers in relevant departments to liaise with Local Councils

Local Councils

1. Use email and the internet, where possible, to contact the other Councils.
2. Let Principal Councillors know about the decisions and changes they make.
3. Provide Principal Councillors with agendas and minutes of meetings, and allow Principal Councillors to attend meetings and speak on matters of mutual interest.
4. Help share information from the Principal Councils with local residents.
5. Let the Principal Councils know about any issue they would like discussed at the annual meeting for their area
6. Include awareness of the Charter in councillor and staff induction programmes.

2. CONSULTING EACH OTHER: We will endeavour to:

Principal Councils

1. Ask Local Councils to comment on issues affecting their community.
2. Ask WALC to comment on issues of collective interest to Local Councils.
3. Whenever possible give at least six weeks to respond to consultations.
4. Whenever possible set deadlines that consider Local Council meeting cycles.
5. Where possible inform Local Councils in advance when a consultation is going to be issued.
6. Give feedback on responses to consultations and ensure Local Councils' views are taken into account as part of the Council's decision-making process.
7. Carry out joint consultations with partners when appropriate.
8. Ensure consultation documents for Local Councils include an executive summary and details of someone to contact.
9. Have regard to the views of Local Councils when making decisions.
10. Make sure service managers know of the need to consult Local Councils and have awareness of the Charter.

Local Councils

1. Give views to Principal Councils that represent as many local people as possible.
2. Acknowledge that Principal Council decisions are made democratically and respect decisions.
3. Consult the Principal Councils and other Local Councils about decisions which affect those councils.
4. Recognise that Principal Councils frequently have limitations and constraints when working on consultations, most notably timescales that cannot be influenced.
5. Look for flexible ways to help progress developing consultation responses e.g. a special meeting or task and finish group.
6. Involve Principal Councils in the preparation of Community Led Plans

WALC will manage a database of Local Council contact details which can be used for consultations.

3. GIVING SUPPORT AND HELP: We will endeavour to:

Principal Councils

1. Assist Local Councils to develop community led plans including Neighbourhood Plans, Parish and Town Plans and Community Appraisals and respond to issues raised in these plans.
2. Consider devolving services to Local Councils currently provided by Principal Councils on a case by case basis. Each case will be the subject to its own formal agreement for which a business case will be drawn up enabling an

assessment of value, cost, accountability, practicality and any other relevant issues.

3. Provide early notification of information requirements for the collection of the Council Tax on behalf of Local Councils and promptly pay precept payments in line with legislation and mutually agreed arrangements.
4. Consider passing on any grant allocated to Local Councils by Government to compensate for the changes to the council tax base calculations.
5. Let Local Councils have access to the Principal Council's purchasing process where this is appropriate and lawful to help keep costs down.
6. Ensures the District/Borough's Councils Remuneration Panel makes recommendations for Local Councils. A Local Council may convene the Panel and in that case the Local Council would be liable for the associated cost.
7. Resolve complaints informally whenever possible and if need be formally through the Principal Council's complaints process.
8. Provide support to Local Councils around governance and standards issues including free of charge briefing sessions.
9. Support the process for the development of new Local Councils. On request, where practical and where resources permit, offer Local Councils access to their support services, for example legal, ground maintenance and pension services to enable them to take advantage of facilities, at a mutually agreed price.
10. Work with WALC and the County Training Partnership for Local Councils to support and encourage training and development of Councillors and Clerks and will when possible send a representative to the County Training Partnership.
11. Encourage Local Councils to achieve the Quality Status through the Government's Quality Town and Parish Council Scheme. Warwickshire County Council will send a representative to the Quality Status Accreditation Panel.
12. Where legal or contractual arrangements and resources permit assist Local Councils for example with equipment for community events, to provide information and advice on such issues as fire safety, health and safety, landscape and community enhancement projects; and any other reasonable assistance as requested.
13. Provide Local Councils where possible with access to the Principal Councils' approved maintenance contractors and agreed schedules of rates and enable Local Councils to commission the Principal Councils' professional consultants for construction related work at agreed price.

Local Councils

1. Encourage the involvement of residents in local government, including encouraging electors to participate in all elections, and adhere to good practice and legislation when filling Local Council casual vacancies.
2. Help residents influence decisions and services, particularly those who have difficulty getting involved.
3. Contribute to the development of a business case for the local delivery of services provided by Principal Councils, in conjunction with neighbouring Councils where appropriate. Work with the Monitoring Officers to promote and maintain high standards of conduct of its Councillors.

4. Put in place a Code of Practice for Handling Complaints against the Council. A model is available from WALC.
5. Try to take up any training opportunities offered by the Principal Councils which are relevant to Local Councils.

The County Council will provide support to WALC.

4. MEASURING HOW WELL WE ARE DOING We will endeavour to:

Delivering these commitments will need openness, transparency, honesty and willingness to self appraisal by all parties so we can see what is working well and what needs to be improved. Each commitment can, by itself or with supporting indicators, be measured to show both the level and quality of activity. Progress will be reviewed every 12 months by officers from each Principal Council and representatives from WALC and individual Parish and Town Councils when appropriate.

Each Principal Council will appoint 'Parish Champions' to provide a link with Local Councils.

LIST OF SIGNATORIES TO THE LOCAL COUNCIL CHARTER:

NORTH WARWICKSHIRE BOROUGH COUNCIL

.....

RUGBY BOROUGH COUNCIL

.....

STRATFORD ON AVON DISTRICT COUNCIL

.....

WARWICKSHIRE COUNTY COUNCIL

.....

WARWICK DISTRICT COUNCIL

.....

WARWICKSHIRE AND WEST MIDLANDS ASSOCIATION OF LOCAL COUNCILS

.....

DATE

1 **Summary**

- 1.1 The Board is invited to delegate the designation of Neighbourhood Plan areas to the Assistant Chief Executive and Solicitor to the Council where there are no substantial objections following consultation.

Recommendation to the Council

That the designation of Neighbourhood Plans be delegated to the Assistant Chief Executive and Solicitor of the Council where it relates to Parish boundaries and there are no substantive objections.

2 **Neighbourhood Plans**

- 2.1 The Government has recognised that the length of time to designate a Neighbourhood Plan area is too lengthy. In July 2014 a consultation was carried out looking at the Neighbourhood Plan process. In December 2014 the Government produced a response document evaluating the responses and looking to make the process a lot simpler and easier for residents and businesses to produce a Plan. They are looking to introduce regulations and guidance by the end of January 2015. The December Report states:

- *where the area applied for follows parish boundaries the period will be eight weeks (we also intend shortening the minimum period that the local planning authority must allow for representations to be made from six to four weeks in these cases)*
- *for applications that include any of the areas of more than one local planning authority (even if the area applied for follows parish boundaries) the period will be 20 weeks*
- *for all other applications the period will be 13 weeks.
We propose that in all cases the time period will run from the date immediately following that on which the application is first publicised.*

- 2.2 Local information reflects the above document in terms of length of time it is taking to designate a Neighbourhood Plan area. As Members are aware there are now five Neighbourhood Plan Areas that have been designated within the Borough with a further two in the pipeline. To date it can take anything up to 4 months from the time of request to Full Council confirmation of the designation. In the first five designations there were no more than 10 replies to any one proposal. None of the replies raised objections to the actual designation but merely provided information for the Parish / Town Councils to consider in developing their Plans.
- 2.3 This report seeks delegated powers to be given to the Assistant Chief Executive and Solicitor to the Council in order that the process of designating Neighbourhood Plan areas is speeded up. Where there are no objections designation could take place within 8 weeks if not sooner. The main factor will be how quickly the consultation itself can be organised.
- 2.4 It is suggested that the process would be:
1. Parish / Town Council request designation
 2. Consultation for four weeks on designation
 3. Consideration of responses
 - o Where the designation raises no substantive objections and follows Parish boundaries the Neighbourhood Plan area be designated by delegated powers; or
 - o Where there are objections the designated is referred to Planning & Development Board.

3 Report Implications

3.1 Finance and Value for Money Implications

- 3.1.1 This suggested change to the designation process will lead to better value for money where there are no objections to a designation.

The Contact Officer for this report is Dorothy Barratt (719250)

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date
1	DCLG	Government Response to Consultation	Dec 2014

Agenda Item No 20

Executive Board

10 February 2015

Report of the Chief Executive

Member Induction 2015

1 Summary

- 1.1 The Board is invited to endorse an outline programme of induction for new members following the Borough elections in May 2015.

<p>Recommendation to the Council</p> <p>That subject to any comments raised at the meeting, the outline programme of induction attached as an Appendix to the report of the Chief Executive be approved.</p>
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2 Member Induction

- 2.1 As Members will be well aware Borough elections are to be held on 7 May 2015. Traditionally a third of the Members elected will be new to the Council and in preparation for that an outline programme of induction has been drafted. The Board is invited to consider the draft attached as an Appendix.

3 Report Implications

3.1 Finance and Value for Money Implications

- 3.1.1 Limited budget provision has been made for IT equipment for Members should they not have their own equipment or require additional lines. Similar budget provision has been made for Member Training.

3.2 Legal and Human Rights Implications

- 3.2.1 It is important that all Members are briefed on elements such as the Constitution, Code of Conduct, Officer/Member Protocol, Planning and the Council's Financial Position. These elements have been included in the outline programme.

The Contact Officer for this report is David Harris (719222)

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date
None			

MEMBER INDUCTION

Immediately after the election (on the afternoon when results are announced):

- Contact every member individually welcoming them to their new role with some contact details and directions to the Council House. *(Dem Services)*

Shortly after the election

- Member to meet with Chief Executive. Following which a representative from Democratic Services will issue Members with an induction pack including information on the day to day running of the Council, support services available and key contact details. Basics such as car parking, security passes, email addresses, office support, short tour around building etc. will also be covered. *(J Hutchinson/Dem Services)*
- Arrange for an appropriate individual to set up allowances and explain expenses system. *(Dem Services to speak to Finance)*
- Take photo and contact details for website and other publications. *(K Barrow)*
- Provide an induction (half day) with the Leader of the Council, Chief Executive, and Extended Management Team. To include Code of Conduct and Member/Officer protocol, the Council's Financial Position. To be held 2.00pm on 3 June 2015
- Provide IT equipment, appropriate training and designated member of staff within IT that Members can contact with any IT based queries. *(Dem Services to liaise with L Bird)*
- Planning Training *(Dem Services to liaise with J Brown)*

Within the first few months of appointment:

- Offer a single point of contact from the senior management structure to help the Member navigate around new processes and structures (linked to Officer responsible for Area Forum locality). *(Dem Services)*
- Offer a political mentor to support new Councillor *(Steve Maxey/Leaders of Political Groups)*.
- Facilitate visits to the ward with the new member and appropriate senior officer to discuss key issues. *(EMT)*
- Provide a comprehensive introduction to Scrutiny and the role of the Scrutiny Board. *(Linda Bird)*
- Explain and provide information about the Standards Committee. *(Steve Maxey)*
- Training Needs Survey. *(Steve Maxey)*
- A half day follow up session to be arranged for late November to pick up on any issues that need to be resolved from the first six months. *(Dem Services)*

January 2015

Agenda Item No 21

Executive Board

10 February 2015

Report of the Chief Executive and the Deputy Chief Executive

Progress Report on Achievement of Corporate Plan and Performance Indicator Targets April - December 2014

1 Summary

- 1.1 This report informs Members of the progress with the achievement of the Corporate Plan and Performance Indicator targets relevant to the Executive Board for April to September 2014.

Recommendation to Council

That Members consider the performance achieved and highlight any areas for further investigation.

2 Consultation

- 2.1 Consultation has taken place with the relevant Members and any comments received will be reported at the meeting.

3 Background

- 3.1 This report shows the third quarter position with the achievement of the Corporate Plan and Performance Indicator targets for 2014/15. This is the third report showing the progress achieved so far during 2014/15.

4 Progress achieved during 2014/15

- 4.1 Attached at Appendices A and B are reports outlining the progress achieved for all the Corporate Plan targets and the performance with the national and local performance indicators during April to December 2014/15 for the Executive Board.

- 4.2 Members will recall the use of a traffic light indicator for the monitoring of the performance achieved.

Red – target not achieved (shown as a red triangle)

Amber – target currently behind schedule and requires remedial action to be achieved (shown as an amber circle)

Green – target currently on schedule to be achieved (shown as a green star)

5 Performance Indicators

- 5.1 The current performance indicators have been reviewed by each division and Management Team for monitoring for the 2014/15 year.

6 Overall Performance

- 6.1 The Corporate Plan performance report shows that 89% of the Corporate Plan targets and 29% of the performance indicator targets are currently on schedule to be achieved. The report shows that individual targets that have been classified as red, amber or green. Individual comments from the relevant division have been included where appropriate. The table below shows the following status in terms of the traffic light indicator status:

Corporate Plan

Status	Number	Percentage
Green	17	89%
Amber	2	11%
Red	0	0%
Total	19	100%

Performance Indicators

Status	Number	Percentage
Green	2	29%
Amber	1	14%
Red	4	57%
Total	7	100%

7 Summary

- 7.1 Members may wish to identify any areas that require further consideration where targets are not currently being achieved.

8 Report Implications

8.1 Safer Communities Implications

- 8.1.1 The community safety performance indicators are included in the report.

8.2 Legal and Human Rights Implications

8.2.1 The national indicators were specified by the Secretary of State for Communities and Local Government. They have now been ended and replaced by a single list of data returns to Central Government from April 2011.

8.3 Environment and Sustainability Implications

8.3.1 Improvements in the performance and quality of services will contribute to improving the quality of life within the community. There are a number of targets and indicators included which contribute towards the priorities of the sustainable community strategy including financial inclusion, core strategy, community safety and affordable housing,

8.4 Risk Management Implications

8.4.1 Effective performance monitoring will enable the Council to minimise associated risks with the failure to achieve targets and deliver services at the required performance level.

8.5 Equality Implications

8.5.1 There are a number of equality related targets and indicators including assessing the impact of services, customer access, consultation, domestic abuse and financial inclusion highlighted in the report.

8.6 Links to Council's Priorities

8.6.1 There are a number of targets and performance indicators contributing towards the priorities of enhancing community involvement and access to services, protecting and improving our environment, defending and improving our countryside and rural heritage, to tackle crime, improving housing and making best use of our resources.

The Contact Officer for this report is Robert Beggs (719238).

Background Papers





Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date





	Action	Priority	Reporting Officer	Update	Status	Direction
NWCP 001	To ensure that we assess the impact of our services on, and actively engage with, all sections of our communities and to implement key actions agreed in the Customer Access Strategy and Consultation Action Plans relating to consultation and the provision of services and report by July 2014	Consultation and Communication	Maxey, Steve	Actions within the customer access strategy and consultation action plan continue. It is planned to do a place survey this year, after the elections.	★ Green	↑
NWCP 002	To continue to work with partners in the Coventry & Warwickshire Local Enterprise Partnership and with Hinckley and Nuneaton to maximise opportunities to gather feedback to develop the economy of the Borough and to report on progress by October in each year.	Local Employment	Barratt, Dorothy	Work is on-going	★ Green	↑
NWCP 003	To report annually in March on the work of the local Financial Inclusion Partnership including for 2014/15 activity with the CAB and Warwickshire Welfare Rights Activity and the local impact of the Welfare Reform programme	Access to Services	Trahern, Bob	Considerable work in this area continues which will be reported in full in March 2015.	★ Green	↑
NWCP 004	To further consult on a revised Site Allocation Plan and submit the same for consideration by the Planning Inspectorate by October 2014; and To submit final Development Plan documents relating to Development Management and Gypsy and Travellers by November 2014	Countryside and Heritage	Barratt, Dorothy	There has been progress on the Site Allocations Plan which has had a further round of public consultation. It is hoped that this can be formally submitted in early 2015. New timescales will need to be determined for the other documents due to pressure on staff resources.	★ Green	↑
NWCP 005	To continue to oppose a) the HS2 proposal, in partnership with other affected Councils and community action groups and press for the maximum mitigation and other benefits for the Borough and b) the principle of Opencast Mining to be reported annually	Countryside and Heritage	Barratt, Dorothy	Petitioning work is on-going. No change in relation to open cast mining	★ Green	↑

	Action	Priority	Reporting Officer	Update	Status	Direction
NWCP 008	To ensure that the Council is prepared for emergencies and has suitable emergency and business continuity plans, as required by the Civil Contingencies Act, and to review both the emergency and business continuity plans annually in March	Public Services & Council Tax	Beggs, Robert	Work is in hand to test the arrangements for the improved resilience set up within the server room in the Council House. The continuity plans in place are being reviewed to ensure the planned improvements are effective. Meetings with each division have been delayed to the new year. These will then be subject to testing and exercising later in the year. An operational test of using the Civic Suite for our emergency / continuity centre is being arranged. This will involve testing use of our telephone and IT access. The Warwickshire Local Resilience Forum has held exercises recently to test revised Strategic and Tactical response plans and preparations for an Ebola related incident.	★ Green	▲
NWCP 009	To achieve the savings required by the budget strategy including the commitment to keep Council Tax increases lower than inflation and to update the strategy to reflect future developments by October 2014	Public Services & Council Tax	Brewer, Chris	The budget strategy has been updated and was reported to this boards September meeting	★ Green	▲
NWCP 010	To carry out reviews of systems in line with the Council's review plan and explore any opportunities for shared working that may arise, with a view to achieving savings and/or increasing capacity	Public Services and Council Tax	Brewer, Chris	A review of the planning system is currently underway and discussions are being held with neighbouring authorities to identify if there are any opportunities for shared working.	★ Green	▲
NWCP 038	To complete identified improvement works to the Council's main offices, both on time and on budget, to ensure the ongoing provision of services to the local community while safeguarding the safety and security of all residents, staff and visitors who use The Council House building and seeking to make the buildings more environmentally friendly. Detailed updates on progress of the project will be regularly reported	Public Services and Council Tax	Dobbs, Richard	The improvement works to the main Council offices have now been completed and were delivered on time and under budget	★ Green	▲
NWCP 042	To continue to look for ways of narrowing the Council's capital funding gap and report annually in February	Public Services & Council Tax	Garner, Sue	Work to update the capital position has begun.	★ Green	▲

	Action	Priority	Reporting Officer	Update	Status	Direction
NWCP 072(1)	To maintain the existing level of core funding for arts and welfare organisations	Public Services & Council Tax	Powell, Simon	Live and Local continues to be funded by the Authority. Other community arts organisations (or organisations wishing to undertake an arts project) are able to apply for grants through the Local Community Projects Fund, one of which was awarded a grant in April 2014. Live and Local continues to be funded by the Authority. Other community arts organisations (or organisations wishing to undertake an arts project) are able to apply for grants through the Local Community Projects Fund, one of which was awarded grant in April 2014.	★ Green	↑
NWCP 075	To implement the Council Tax Support Scheme 2014/15 and carry out a review to enable a scheme to be set for 2015/16	Public Services and Council Tax	Trahern, Bob	It has been agreed to retain the scheme without change in 2014/15 apart from some minor changes to the treatment of self employed income to bring it in line with the rules to be followed under the Universal Credit	★ Green	↑
NWCP 076	To update the Medium Term Financial Strategy to take account of external funding changes relating to Business Rates and report by September 2014	Public Services & Council Tax	Brewer, Chris	The budget strategy has been updated and was reported to this boards September meeting	★ Green	↑
NWCP 077	To review the Council's membership of the Coventry and Warwickshire Business Rates Pool by December 2014	Public Services & Council Tax	Brewer, Chris	September Executive Board agreed to stay in the pool	★ Green	↑
NWCP 078	To continue to work with partner organisations in Coventry, Warwickshire and Hinckley to develop a City Deal with central government, if this proves beneficial to the local economy, to report as necessary	Local Employment	Maxey, Steve	The City Deal has been approved by Government and is being implemented by the Coventry and Warwickshire Joint Committee/Shadow Economic Prosperity Board. Updates are given to the Special Sub Group	★ Green	↑
NWCP 079	To work with the retailers in Atherstone, Polesworth and Coleshill to develop action plans for the use of the Portas monies and to help implement the plans	Local Employment	Maxey, Steve	The money for Atherstone and Coleshill has now been allocated in full. A number of schemes have been suggested for Polesworth and quotes are being drawn up.	★ Green	↑
NWCP 080	To continue to work with Warwickshire County Council, the Environment Agency and local communities to mitigate the effects of , and protect against, the impacts of localised flooding	Environment	Dobbs, Richard	The Council continues to work with the EA and WCC to mitigate the impact of flooding within the Borough. The Council continues to actively support the EA's Pathfinder project to support local communities affected by flooding	★ Green	↑

	Action	Priority	Reporting Officer	Update	Status	Direction
NWCP 092	To ensure we communicate effectively to help inform residents, businesses and all sections of our communities of the Council's services and priorities report on progress by October 2014	Consultation and Communication	Bird, Linda	Work is in progress and an update report is on the Agenda of the Executive Board on the 10 February.	 Amber	
NWCP 094	To ensure we communicate effectively to help inform residents, businesses and all sections of our communities of their opportunities to be involved in decision making and report on progress by October 2014	Consultation and Communication	Bird, Linda	Work is in progress and an update report is on the Agenda of the Executive Board on the 10 February.	 Amber	

Ref	Description	Section	Priority	Year End Target	Performance	Traffic Light	Direction of Travel	Comments
NWLPI 158	To respond to all complaints and requests for service within three working days	Env Health (C, L & HP)	Public Services and Council Tax	99	99	Green		
NWLPI 153	Number of domestic burglaries detected in the Local Authority area	Policy Support	Crime and Disorder	165	116	Amber		Lower levels of domestic burglary are continuing during April to December 2014. The levels are 35% lower compared to 2013/14.
NWLPI 154	Number of violent crimes in the local authority area	Policy Support	Crime and Disorder	327	421	Red		The figure shown is for violence against the person and sexual offences for April to December 2014. The levels during this period are 29% above the equivalent period in 2013/14. Analysis prepared for the Special Interest Group shows an increase in July with the level in August reducing. Increases have continued during September to December. Further analysis has been requested for the January meeting of the Special Interest Group.
NWLPI 155	The number of vehicle crimes in the local authority area	Policy Support	Crime and Disorder	354	359	Red		A spike in theft from vehicles occurred in October with 42 crimes. Theft of vehicles are increasing compared to 2013/14. 100 thefts overall compared to 108 for the full year in 2013/14.
@NW:NI032	Violent Crime Offences related to Domestic Violence	Policy Support	Crime and Disorder	84	72	Red		Information for the number of offences relating to Domestic Violence is only available for the first 2 quarters of 2014/15. 72 offences recorded which is 26% of the violent crime offences. The levels recorded are increasing to similar to previous years. The additional provision of counselling services for victims of abuse has been in place since January 2014. The progress report from DACS shows that the service has been working in Atherstone, Mancetter, Polesworth and Kingsbury. Promotion of the services is taking place with partners including health, Police, Childrens and Families and at Childrens Centres. This is to ensure robust referral processes are in place. 20 clients are receiving counselling therapy. 53 victims of domestic abuse have been assessed and offered the therapy services.

Ref	Description	Section	Priority	Year End Target	Performance	Traffic Light	Direction of Travel	Comments
@NW:NI047	People killed or seriously injured in road traffic accidents	Policy Support	Crime and Disorder	46	12	 Green		Information shown is for April to July 2014 period only with 12 ksf's recorded. 62 were recorded in the 2013/14 year overall. Fire & Rescue Service is arranging a presentation to year 13's pupils from Polesworth and Colehill High Schools on 20 January 15 about risks for young drivers.
NWLPI 162	Percentage of Freedom of Information replies dealt with within 20 days	Policy Support	Public Services & Council Tax	100	90	 Red		517 received, 464 completed within 20 days, 37 over 20 days, 16 outstanding which 14 are overdue

**Report of the Assistant Director
(Corporate Services)**

**Corporate Plan Targets related to
Consultation and Communication.**

1 Summary

- 1.1 This report provides an update on the work done to contribute to the Corporate Plan targets associated with the Council's Priority on "Consultation and Communication".

Recommendation to the Executive Board

That the report is noted.

2 Consultation

- 2.1 Officers who make up the Council's "Communications Working Group" have been consulted about the contents of this report. This group was established in 2013/14 to help coordinate external and internal communications and where necessary consultation.

3 Introduction

- 3.1 This report provides members with an overview of the structures and processes we have in place, and the actions taken during the year, which contribute towards the achievement of the following two Corporate Plan targets:-

- NWCP 092 – To ensure we communicate effectively to help inform residents, businesses and all sections of our communities of the Council's service and priorities – report on progress by October 2014.
- NWCP 094 – To ensure we communicate effectively to help inform residents, businesses and all sections of our communities of their opportunities to be involved in decision making – report on progress by October 2014.

- 3.2 These two targets are closely linked and often overlap as effective communications is essential if people are to be informed sufficiently to feel able to get involved in decision making. However, for clarity they are dealt with separately in this report.

3.3 One of the main ways we communicate and engage with people is through conversation, either face to face or on the telephone. We often forget the amount and quality of contact our staff have and the formal and informal ways they provide information, about a whole host of services, during these conversations.

4 **NWCP 092 – Communication to inform - Progress**

4.1 Key Documents - The Council has a number of ways in which it informs residents, businesses and communities of its services and priorities. At a strategic level we have the Sustainable Community Plan, the Council's Priorities and the actions to deliver them set out in the Corporate Plan. Once these are agreed they are published on the website and as hard copy, along with other key Council documents including Board reports, Financial Statement, Local Plan, Policies and Strategies.

4.2 Regular Communications - Information about Council Services is sent out to residents three times a year in the Council's north talk publication. More immediate information, such as service changes due to bad weather, is published on the Council's Website and we send out news releases which may get picked up by newspapers, radio or TV.

4.3 Social Media - All news releases, new documents and events are 'pushed out' to Facebook and Twitter. We have a good following on both and they are increasingly becoming "two-way" with questions being asked by the public and responded to by Council staff. Leisure Centres have their own Social Media presences for their customers and followers.

- Twitter was used very effectively during the building of the new Coleshill Leisure Centre by staff and the Contractor.

4.4 People can tailor some of the information they receive from us by registering on the Council's website and choosing what they are interested in, be that job vacancies, leisure special offers, planning etc.

4.5 Our internal communications, including insider and the mid-week email, play a role in effective external communications. Many staff are residents and the information provided to them, as staff, helps to improve their knowledge of services and enables them to pass this information on to customers.

4.6 Meeting and Events - The Council uses a range of meetings and events to provide information on Council services and priorities. Examples include:-

- As part of the LEADER consultation, a business event was organised in December, to inform local businesses about the financial and support services available in North Warwickshire.
- Joint work with the business sector to provide job fairs and events, to promote opportunities for training and employment, for local residents. This has then progressed so that those involved became part of the decision process.

- Promotion of Stoptober and the support services available to people who want to stop smoking. Community Development team spoke to numerous people in Atherstone on market day and gave them support packs.

5 **NWCP 094 – Communication to involve - Progress**

5.1 In addition to the mechanisms we have in place for communicating with residents, businesses and our communities the Council has a number of ways it engages to make them aware of the opportunities they have for getting involved in decision making. Progress on this in the last 12 months includes:

5.2 Area Forums – These enable local people to meet and work with the Council, Warwickshire County Council, Warwickshire Police and other partners. One specific area where they have influenced decisions and priorities relates to the on-going work with the Police Safer Neighbourhood Teams.

- The multi-agency work on addressing anti-social behaviour by a group of young people in Atherstone is a good example of public decisions influencing priorities and actions.

5.3 Consultation And involvement - The Council works to encourage people to engage and it consults local people about a range of issues either generally through a “place survey” or “budget consultation” or specifically such as on planning applications, or as tenants or on projects:-

- A range of LEADER consultation activities were organised as part of the transition year (2014) to inform the development of the Local Development Strategy. This included stakeholder consultation events, one-to-one interviews, business surveys, presentations and networking.
- Play area consultations were organised with local communities including Warton, Grendon and Westwood Road, Atherstone. Younger people were asked to complete questionnaires to find out how they like to ‘play’, followed by the community choosing one of two play area design options.
- Undertook significant amount of consultation around our Core Strategy and Site Allocations Plan with residents of the Borough and there comments were taken into consideration when we make our decisions.
- The Planning service is reviewing the way it process applications. Staff consulted people who use the service and have sought feedback from agents and applicants to assess their reaction to the changes that have been made.
- Planning is also piloting the delivery of consultation letters to neighbours when visiting a site giving them the opportunity for face to face discussion about the proposed development.
- Tenant Participation helps us achieve quality improvements within the housing service. Part of the Tenant Participation Officer’s role is to

answer questions from tenants and seek their views. Over the last 12 months new tenants and tenants in specific areas have been surveyed for their views.

- Talent Match – We have worked with young people who are not in education, employment and/or training to better understand their issues and needs. This informed a successful, Coventry and northern Warwickshire, Talent Match bid and enabled Apprenticeship mentors to be employed to give advice to young people with similar issues.
- Pathfinder Project – We have worked with others to facilitate and support local flood action groups to become more resilient including those concerned Whitacre Heath and Fillongley.

5.4 As can be seen from the range of activity described above the Council works hard to involve residents, businesses, communities and other organisations in its decision making processes. Over the next 12 months we plan to continue to work on coordinating this activity, avoiding duplication and ensuring what we learn from consultation is put to good use across the Council

6 Report Implications

6.1 Finance and Value for Money Implications

6.1.1 None

6.2 Safer Communities Implications

6.2.1 Consultation and involving communities in decisions which impact on their safety or their perception of being safe is essential if the Council and its partners are to direct their resources where they have the most effect.

6.3 Equality Implications

6.3.1 By consulting and communicating effectively with all sections of communities the Council will be able to help identify any concerns and issues regarding our services. This will help the Council meets its responsibilities under the Equality Act 2010.

6.3.2 Section 149 of the Equality Act 2010 imposes a duty on 'public authorities' and other bodies when exercising public functions to have due regard to the need to:

- a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

6.4 Environmental and Sustainability Implications

6.4.1 By consulting and communicating effectively you are more likely to create vibrant communities whereby customers feel valued plus better connected and served.

6.5 Legal and Human Rights Implications

6.5.1 There are specific duties highlighted above under the Equality Act and there are other legal requirements to consult and communicate with local residents. For example the Localism Act 2011 aims to devolve more decision making influence to individuals, local communities and councils.

6.6 Human Resources Implications

6.6.1 None

6.7 Risk Management Implications

6.7.1 None

6.8 Links to Council's Priorities

6.8.1 This report provides information on two of the Corporate Plan targets which contribute to the Consultation and Communication priority.

The Contact Officer for this report is Linda Bird (719327)

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

**Report of the Assistant Director
(Corporate Services)**

Information Security Policy

1 Summary

- 1.1 The purpose of this report is to seek approval for the Council's Information Security Policy which has been updated to ensure it reflects changes in legislation, other Council Policy and the changing nature of the threats to the Council's information.

Recommendation to the Council

That the Information Security Policy attached as Appendix A, is approved.

2 Consultation

- 2.1 The Policy was approved by Resources Board at its meeting on 26 January. In response to a question from Councillor N Dirveiks an amendment has been made, on page 10 of the Policy, to clarify the hardware approved for remote working. The report provided to that Board is attached as Appendix B as it provides background information on the Policy.
- 2.2 The draft policy was sent for consideration at the Leaders Liaison Group meeting on the 17 November 2014 and to the Council's Joint Negotiating Forum on the 16 December.

3 Introduction

- 3.1 The Council has had a formally approved information and computer security policy since 1993. Information is one of our main and most valuable assets. Information produced or processed by the Council, whether it is held on computer, paper or provided verbally, is covered by the policy.
- 3.2 It is important that the Council protects its information from all threats, internal or external, deliberate or accidental, that could disrupt or damage the work and reputation of the Council or infringe the rights of staff and citizens.

4 Report Implications

- 4.1 These are set out in the attached report to the Resources Board.

The Contact Officer for this report is Linda Bird (719327)

**Report of the Assistant Director
(Corporate Services)**

Information Security Policy

1 Summary

- 1.1 The purpose of this report is to seek approval for the Council's Information Security Policy. The policy is needed to help protect the Council's information and ensure it is used legally and effectively.

Recommendation to the Executive Board

That the updated Information Security Policy, attached as Appendix A, is approved.

2 Consultation

- 2.1 Councillors Moore, N Dirveiks and Humphreys have been sent an advanced copy of this report for comment. Any comments received will be reported verbally at the meeting.
- 2.2 The draft policy was sent for consideration at the Leaders Liaison Group meeting on the 17 November 2014 and to the Council's Joint Negotiating Forum on the 16 December.

3 Introduction

- 3.1 The Council has had a formally approved information and computer security policy since 1993. Information is one of our main and most valuable assets, information produced or processed by the Council, whether it is held on computer, paper or provided verbally is covered by the policy. It is important that the Council protects its information from all threats, internal or external, deliberate or accidental, that could disrupt or damage the work and reputation of the Council or infringe the rights of staff and citizens.
- 3.2 The Policy is one of the tools we use to give the public, our customers, service delivery partners, central Government and staff confidence in our ability to manage information safely and securely. We must be able to engender trust and reassure people that we are committed to not putting them, their finances, privacy, information or systems in jeopardy by poor security management.

- 3.3 The Policy is based on industry standards and best practice such as ISO 27001:2013 “Information Security Management Systems – Requirements” and related guidance. The Standard takes a risk-based approach to security, but it is a large, complex and comprehensive document and includes some areas that are not relevant to the Council.
- 3.4 The Policy has been updated to reflect changes in legislation, regulation and advice. We have to pay particular attention to the compliance requirements of the Government’s Public Services Network (PSN) that we have to use and which is mandated for the secure sharing of some information. We also have to comply with data security standards (PCIDSS) for card payment services set by the Purchasing Card Industry and enforced by Banks.
- 3.5 The other main drivers for the update to the policy are:-
- The increase in the number and complexity of threats to our information as a result of cyber- crime.
 - New Council Policy covering the use of Social Media.
 - Developments in technology which have an impact on how and where we can work and the partners we are able to work with.
 - Social changes which mean people expect information to be available when and where they want it and for their queries to be responded to promptly regardless of the method they use to communicate, including social media (Twitter, Facebook, Linked-in etc.)
- 3.6 The current and enforceable version of the Policy is made available on the Council’s Intranet. Information Services provide a briefing on the policy for new staff as part of their ICT Induction. Managers must reinforce this and identify specific issues and responsibilities as part of the induction of new staff or when staff change roles and at appraisal.

4 The Policy

- 4.1 The policy begins with an overarching “Information Security Policy Statement” that lays out the objectives we have for information security management.
- 4.2 The policy has been simplified so that it focuses on what staff and members need to do to maintain good security and to ensure they are working within the policy. The key information such as password standards and what is regarded as “inappropriate use” of the internet has been highlighted and brought towards the front of the policy.
- 4.3 The purely technical matters and controls, which formed Section 2 of the current policy, have been pulled out in to a separate guidance document for Information Service staff and staff with responsibility for system administration.

5 Report Implications

5.1 Finance and Value for Money Implications

5.1.1 There are no financial implications arising from this report.

5.2 Safer Communities Implications

5.2.1 Good information security helps us prevent computer related fraud and crime.

5.3 Legal and Human Rights Implications

5.3.1 The Information Security Policy addresses compliance with a number of pieces of legislation. It clearly states the Council's approach to information management and access to information. Adherence to the Policy should ensure we do not break the law in these areas or infringe people's rights.

5.4 Human Resources Implications

5.4.1 All individuals who use the Council's computer equipment, applications or information need to be aware of the Policy and its implications and sign to say they abide by it.

5.5 Risk Management Implications

5.5.1 The Council aims to take a risk based approach to security management. However, caution is needed given the prevalence of information security threats and the speed at which they are developed to get round security control measures.

5.5.2 The need to achieve compliance with Government and Banking industry security standards gives some assurance of our approach and requires us to commission an annual external security test and "health check".

5.5.3 Risk Assessments relating to various aspects of Information Security are maintained and acted up on by Information Services. The implementation of this Policy helps militate against security risks.

5.6 Links to Council's Priorities

5.6.1 Information is an important asset and, as such, its proper and secure management, as defined by this policy, contributes to the Council's priority relating to the making the best use of our resources.

5.6.2 Good, robust information and computer security helps engender trust in our online services and supports the priority to provide easier access to services.

The Contact Officer for this report is Linda Bird (719327)

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

DRAFT



North Warwickshire
Borough Council

Information Security Policy

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Information Security Introduction

Information is a vital asset and of significant value to North Warwickshire Borough Council.
The security of Information is essential to good government and public confidence.
The Council will protect its information from threats that could disrupt the Council's work or infringe the rights of staff or citizens.

It is important that citizens and organisations are able to trust the Council to obtain, use and share their information securely and responsibly. Information security management helps us to do this and shows how seriously we take our information management responsibilities.

The purpose of this policy is to set the rules which help protect the Council's information and the information it holds about its customers (individuals, businesses and organisations), the public and staff. The policy helps prevent and reduce the impact of security incidents and consequently minimises the damage that may be caused to customers, the Council and its assets.

Good information security is built on three basic components:

- Confidentiality** : Keeping information out of the wrong hands.
- Integrity** : Making sure that information is accurate and complete.
- Availability** : Ensuring the reliable and timely availability of information and services.

The Policy covers all employees, members, contractors and temporary staff working on behalf of NWBC. Aspects of this policy may be relevant to people we share information with, such as voluntary or partner organisations or who have access to the Council's information. This Policy was developed in consultation with the Unions and is endorsed and supported by the Council's Management Team and approved by the Council. Information created or processed on behalf of the Council is regarded as being owned and accessible by it as part of the Council's "business record".

Terminology

The following terms and abbreviations are used in this document;

- Information - Includes data stored on computer, transmitted, published via the internet, printed out, written, stored on a device or electronic media or spoken.
- Software - Operating systems, Applications, Games, utility software, shareware etc.
- Hardware - A physical device that can hold information or connect to the network.
- Staff - People working for, or on behalf of, the Council (officers, members, agency staff, contractors etc.)
- Manager - A member of EMT, Section Head or member of the Principle Officer email group.
- Supervisor - Staff whose job role makes them responsible for staff and their appraisal.
- Information Owner - Person identified by an EMT member as responsible for a system or data.
- "DPA" - Data Protection Act 1988
- "FOI" - Freedom of Information Act 1990
- "RIPA" - Regulation of Investigatory Powers Act 2000
- Italicized text* - The names of documents which are relevant to this Policy.

All Staff must read this Information Security Policy and sign to agree to its contents before using the Council's information, information systems, software or hardware.
Access to some systems will require staff to read and sign additional declarations.

Information Security Policy Statement

Our Information Security Policy is in place to ensure that:

- Information owned or processed by the Council is protected against threats, be they internal or external, deliberate or accidental.
- Confidentiality of information is assured – we will protect information being used by the Council from unauthorised access, use, disclosure or interception.
- Integrity of information is maintained – we will protect information from unauthorised changes or misuse, so that it can be relied upon as accurate and complete.
- Availability – information is available when and where it is needed.
- Legal, regulatory and mandatory compliance requirements are understood and met.
- Information and training on information security is up to date and available to all staff.

Approach

This Policy is based on industry guidance and on aspects of ISO 27001:2013 “Information Security Management Systems – Requirements” and related guidance.

The Council is also required to adhere to Government’s Public Services Network (PSN) security standards and the Payment Card Industry Data Security Standard in order to provide services and process payments.

The Council recognises the need to match the implementation of Security Policy to the security risk and the impact of a security breach. The policy aims to establish a fair balance between security requirements and the expectations of the Council and Staff. However, staff should have no expectation of privacy when they create, store, send or receive information using the Council’s computer equipment.

Roles and Responsibilities

- This Policy applies to all employees, members, contractors, and temporary staff working for NWBC.
- It is everyone’s responsibility to make themselves aware of the Policy and to adhere to it.
- Managers and Supervisors are directly responsible for promoting, publicising and implementing the Policy, within their services and for monitoring adherence by their staff.
- Managers have certain specific responsibilities which are identified within this Policy.
- Information Services (IS) is responsible for developing, maintaining and advising on the Policy and for ensuring the *Information Security - Technical Controls* are implemented and enforced.
- Members of Management Team and IS have roles in Information Security under Government’s PSN.

Breaches of this Policy

Policy breaches or suspected breaches should be reported to your Assistant Director and to the Assistant Director (Corporate Services) as soon after the incident as possible.

Breaches of the Policy may be regarded as a disciplinary matter and those classed as gross misconduct can lead to dismissal. The Council reserves the right to take legal action if it considers a criminal offence may have been committed in relation to a serious breach of policy.

Updates to Policy

The Policy and supporting Controls will be reviewed every four years, unless legislation or prevailing good practice requires an earlier amendment. The current and enforceable version of the policy and associated declarations are held on the Intranet. Staff will be informed by email, the Intranet or where necessary paper memo, when changes are made to the policy.

Information Security Policy – Guidance

The Policy Guidance explains the aspects of security we are all responsible for and what we must do to maintain good security and ensure we are working within the policy. There is also a separate document which set the *Information Security - Technical Controls* that Information Services and Information Owners have to comply with.

1. Information Security Policy & Organisation

The Council will ensure it has an overall Information Security Policy and any necessary supporting documents to enable it to:-

- Manage and provide direction and support for information security.
- Provide a clear hierarchy and procedures for reporting, monitoring and decision-making that adheres to relevant legislation and policy.
- Minimise and/or mitigate the risk of the authority being brought into disrepute or becoming liable to prosecution for breach of legislation, accepted working practices, or general employer responsibility.
- Define and schedule activities to test the effectiveness and application of this Policy.

General Requirements

- Staff and Members must make themselves aware of the Policy, sign the *Information Security Acceptance Declaration* and ensure they comply with the Policy.
- Staff are responsible for ensuring others working on their behalf (temporary staff, contractors, partners) are aware of and abide by the Policy when using Council Information undertaking NWBC business and have signed the *Third Party Code of Conduct* (available on the Intranet)
- Information Services (IS) will define and schedule activities to test the effectiveness of the Policy.

Incident Reporting and Liability

- If a security breach is suspected report the matter to your Assistant Director and the Assistant Director (Corporate Services) immediately. Do Not Touch anything related to the incident.
- In the event of an act that exposes the authority to risk of corporate liability the matter may be treated as a disciplinary offence, which could in some cases lead to termination of employment, and/or the authority taking legal action.

Monitoring and Restrictions

- The forms of network, user and data monitoring used by the Council are described below:
 - Incoming and outgoing emails and attachments are captured and retained within the email archive software for at least 2 years.
 - Access to categories of websites that may be regarded as inappropriate is blocked.
 - Emails and attachments are electronically scanned for inappropriate content, viruses & malicious code. Emails trapped and quarantined can be checked by IS Staff and if a Policy breach is suspected the relevant Assistant Director will be informed who may initiate further action.
- The Chief Executive or Management Team may approve the supplementation of regular electronic monitoring if it is believed that a breach of this Policy is being or has been committed. This may include, but is not restricted to, accessing the content of emails, telephone logs and website logs. Staff will be informed if directed monitoring takes place unless it is decided that covert investigations are necessary and can be done within the Regulation of Investigatory Powers Act, as amended.
- Staff involved in testing this policy, security related monitoring, reporting the analysis of findings or disciplinary proceedings relating to information security must be aware of, and abide by, relevant Council Policy and legislation, they must also respect confidentiality.
- Monitoring, as defined by RIPA, must only take place with the approval of Management Team or the Chief Executive. In addition the Council's RIPA policy must be followed and such monitoring is only now available for certain criminal offences.

2. Communications Security

The Council will ensure that staff are provided with the information they need to communicate and use information in ways that:-

- Prevent the loss, modification or misuse of information between staff and organisations.
- Minimise the risk of harm or offence due to inappropriate material.
- Enables them to take all possible care of the information they receive, use or produce.

2.1 Using or Exchanging Information (e.g. email, Internet, telephone, letter)

- Staff must abide by any specific guidance developed for the exchange or transmission of information, including email guidance, PSN compliance or PCIDSS compliance for payment data.
- Staff must abide by the *Social Media at Work Policy* and any other legislation, Council approved policy or guidance which relates to information or communications security.
- Information must only be disclosed to, or exchanged with, people or organisations that are entitled to have that information, if you are unsure ask your manager, the Policy Support Manager or the Assistant Chief Executive and Solicitor to the Council.
- The risk associated with exchanging information should be assessed and appropriate mitigating actions taken e.g. encryption or secure email.
- Sensitive, personal or confidential information must only be exchanged where desensitised or anonymised information is not sufficient and in accordance with the Data Protection Act.
- Staff transmitting or sending personal or confidential data off site must use a secure method, which includes secure GCSX email or encryption if on physical media. Note - the Council's normal email system is not sufficient to send personal data off site, including sending to other public sector bodies.
- Email or any other method of communication must not be used to commit the Council to a course of action you are not authorised to take e.g. enter into a contract or distribute confidential data.
- Personal email or social media accounts should not be used to do Council business.
- Staff may use the Council's email and Internet system for reasonable and "appropriate" non-work related use. NWBC email accounts should not be used to register on non-work related websites.
- Staff must not use NWBC equipment, accounts or work time to try to access, download, store, send or distribute material that can be construed as inappropriate or take part in inappropriate activities.

Inappropriate content and activities includes:-

- Pornographic material e.g. nakedness, sexual behaviour or sexual language.
- Discriminatory or defamatory on the grounds of race, gender, sexuality, disability, sexual orientation, religion, age or any other characteristic covered by Equalities Legislation.
- Hateful, inciting, libellous, bullying, violent or abusive including swearing.
- Participating in or encouraging any illegal activity e.g. hacking.
- Wastes work time e.g. gaming, gambling, chain mail, trading or the personal use of on-line chat, social media and networking websites.
- Divulging closely guarded, secure, sensitive or potentially damaging Council information, particularly via participation in "chat" rooms or "blogs", accidentally or on purpose.
- Developing, downloading, installing or storing unauthorised software, freeware, shareware or websites or non-work related pictures, music or video.
- Those which would breach the Council's Employee or Member Code of Conduct.

This list is not exhaustive and the Council may decide other materials or activities, which are illegal or against the rules and spirit of this or other Council Policies, are inappropriate.

- If Staff receive or accidentally access inappropriate material they must exit it immediately and inform their Line Manager and the IS Service Desk.

3. Access Control

The Council will control access to information, applications, systems and resources to help prevent unauthorised access. It will provide information for staff, through this policy and other measures, to ensure they know their responsibilities and the importance of good information security.

3.1 Access to systems – New starters, leavers and changes

- Access for staff to use any system must be formally requested by a Manager or Information Owner, using the 'Information Systems Access' form.
- Only the appropriate, minimum levels of access needed by staff to do their jobs should be requested.
- Only a Manager or Information Owner can request changes to access levels or additional access.
- Managers must ensure that people's access rights are reviewed regularly and specifically if they are due to change roles or responsibilities.
- Access rights that allow staff to carry out tasks that would usually not be permitted by other regulations will normally not be granted, e.g. raise and then approve the same order.
- Managers and/or HR must inform IS in advance of staff leaving, with advice on the retention of any data and who should be given access to it.
- Where there is a specific and pressing business need to access information held in a person's email account or personal drive this access must be formally requested via the IS Service Desk and approved by a member of EMT.

3.2 Password Standard

- The Council has a defined Password Standard, which it enforces where technically possible. It is based on industry good practice and Government security requirements.

Password Standard:

- Passwords must be at least 8 characters long.
- Passwords must not be easy to guess e.g. family names, football teams, "password".
- Passwords must contain at least one character from three of the following categories:-
 - Upper case letters (English) A-Z
 - Lower case letters (English) a-z
 - Numbers 0-9
 - Non-alphanumeric symbols e.g. ! \$ # % . , @ =)

- Password should be changed the first time staff log on to the NWBC network.
- Staff must change their password if it has been compromised or someone else knows what it is.
- Passwords must be kept secret, not written down and user id's should not be shared.
- In applications where the password standard can't technically be enforced staff should use a strong password, following Password Standard, as far as possible.

3.3 Locking Workstations

- Staff should "lock" their computer screen when they are leaving it unattended for any period of time. Screens will lock and return to a password prompt after a period of inactivity.
- Staff must not leave screens showing confidential or sensitive information. This is particularly important in public areas or where personal or financial information is used.

3.4 Remote and Mobile Access

- Technological solutions, over and above user id and password authentication, will be implemented where it is felt that the sensitivity and confidentiality of the information or the method of access requires heightened control or where hardware may become unsecured.

- The loss or theft of Council information or a device which may hold information (e.g. laptop or mobile device) must be reported to the IS Service Desk and the Policy Support Manager as promptly as possible.

4. Operations Security

The Council will protect the integrity of the information and systems it uses to prevent the loss or corruption of information or the failure of computer systems. The Council will have measure in place which act to counteract interruptions to business activities and to protect critical business processes from the effects of major failures and disasters.

4.1 Malware & Virus Protection and Prevention

- If staff become aware of a potential information security weakness or threat such as a virus they must report it to the IS Service Desk and follow any instructions given to them by IS.
- Do not open suspicious emails, email attachments, Internet links or “pop-up” programmes, particularly if they come from an unknown sender or are executable files (end with .exe, vb, scr)
- If a virus is suspected or detected IS may isolate the computer and any potentially infected media.
- Staff must not use media (CD, DVD, USB devices (memory sticks) etc) in NWBC hardware until it has been checked for viruses. This can be done on a standalone machine in Information Service.
- If staff are concerned or doubtful about information they receive or access they should seek guidance from IS Service Desk.

4.2 Printing & Information Storage and Disposal

- Staff must be aware of the legislative constraints (DPA) when they print potentially sensitive information; ensuring printouts are not left on display or unattended.
- Staff must dispose of sensitive or confidential documents using the Council’s paper recycling bins.
- Media such as hard drives, disk, tape, DVD, data cards or USB devices must be destroyed by IS.

4.3 Operations and Network Monitoring

- Staff are encouraged and expected to report abnormal, unusual or unacceptable network or application performance to the IS Service Desk for investigation.

4.4 Information Security Continuity

- ICT Disaster Recovery arrangements are tested annually and will be reviewed and updated as areas of business risk are identified and Business Continuity arrangements are developed.
- Managers must liaise with IS to validate the IS/IT elements of their Business Continuity plans.

5 Human Resources Security

Staff have a crucial role in good information security. The Council will ensure staff are aware of their responsibilities and trained to use information and systems appropriately and securely to help reduce the risk of human error, theft, fraud or misuse. The Council will ensure appropriate checks are done pre-employment and if staff change roles to help ensure their suitability.

5.1 Recruitment

- Managers must consider whether security responsibilities, over and above those generally required, need to be included in job descriptions or contracts due to the nature of the duties involved.
- Manager must liaise with HR and ensure any relevant vetting or checking is completed before staff are given access to information or systems or when staff change roles.

5.2 Training and awareness

- Staff will be provided with information on security and given the opportunity to receive training.
- Managers and supervisors must ensure staff are adequately trained to use the information systems they need to use in a safe and secure manner.
- Managers or Information Owners should make staff aware of how they are affecting the information they are using or updating and any specific needs for accuracy or confidentiality must be explained.
- Managers must identify and address information security training requirements for their staff on the basis of their job functions and the computer systems/information they are required to access.

5.3 Termination or Change of Employment

- Managers must consider and act on the security aspects of a person leaving or changing role.
- Staff must uphold their obligations towards information security under privacy laws and contractual terms.

6. Physical Security

The Council will ensure it has measures in place to prevent unauthorised access, damage and interference to information, hardware and premises. Staff will be made aware of their responsibilities in preventing the loss, damage or compromise of information or hardware.

6.1 Physical Access Control

- Staff should not try to gain access to areas they are not permitted to enter or have no need to enter.
- Staff must help maintain good security by not allowing the public or visitors into areas they are not authorised to be in and by challenging people who are in an area they are shouldn't be.
- Access controlled doors must not be left open unattended.

6.2 Environmental Control

- Only devices that have been electrically tested and approved should be used in NWBC premises.

6.3 Physical Security – e.g. Home workers, Laptops

- Staff must ensure hardware is kept securely. If there is judged to be a risk of theft hardware and particularly mobile devices or laptops should be locked away or physically secured in some way.
- Managers should ensure security risks are assessed and necessary adjustments made to protect Council equipment and information used by their home or remote workers.
- When transporting hardware or using mobile devices staff must ensure it is not left on view and it is not obviously identifiable as valuable hardware, such as a laptop computer.
- Staff must take all appropriate measures to ensure that information and hardware is not accessed or used by unauthorised people or used for unauthorised purposes.

7. Asset Management

The Council will ensure that its information and physical assets are managed effectively and receive the appropriate level of protection.

7.1 Hardware and Software Inventory Management

- No computer or network communications hardware should be moved without the agreement of IS.
- No computer, network communications hardware or software should be taken off NWBC premises without prior senior line management agreement and IS agreement.
- Staff must only use hardware owned by the Council or approved by IS to connect to the Council's network or for NWBC business.
- Staff must only use hardware or methods of connection (e.g. Citrix & security token or "Good") that are owned by the Council or approved by IS to connect to the Council's network or for NWBC business.
- Software and Hardware used on the Council's network or computer equipment must be installed by Information Services or with their approval / assistance.
- Computer hardware and software must only be disposed of by IS.

7.2 Information Storage

- Information must be stored and used in accordance with the principles of the DPA 1998 and any other legislation or NWBC policy that determines or influences its use and storage
- Staff should store and retain data as defined in the Council's *Records Retention and Disposal Policy*.
- Service or Council practice must be adhered to for information that needs to be stored and/or shared with colleagues (e.g. a shared drive or Trim folder).
- Manager should have arrangements in place that provide appropriate staff with access to other staffs business information so that services can be maintained and FOI requests completed during absences.
- Information produced or stored on any hardware (e.g. laptop), which does not connect to or synchronise with the Council's network, is NOT backed up by the Council.
- Desks should be cleared of sensitive/confidential information before they are left unattended.

8. Systems development and maintenance

The Council will ensure that security management is built into its systems and processes in order to protect the confidentiality, authenticity or integrity of information and applications.

8.1 Hardware, Software and Systems

- Staff must follow the Council's processes for the justification and purchase of hardware, software and systems, in order to ensure compatibility and adequate security controls.
- Staff must not attempt to, or actually, obtain unauthorised access to or tamper with or change hardware, information or software applications used /owned by the Council.
- Staff must not copy software, except as allowed under its licence and with the permission of IS.

8.2 Change Management

- Changes and upgrades to systems must only be done by or in consultation with IS to minimise the risk of problems and adverse impact on services.
- Changes must be planned and carried out in conjunction with the appropriate service department(s) and signed off by them.
- Minor changes (new software, moving hardware etc) must be requested via the IS Service Desk.

9. Compliance – Legalisation and Council Policy

Information management and a number of aspects of information security management are supported by legislation. Staff should make themselves aware of the legislation and abide by it in order to avoid breaches of criminal and civil law, statutory, regulatory or contractual obligations. The key pieces of legislation are listed below.

9.1 Data Protection Act 1998 (DPA) and Freedom of Information Act 2000

The Data Protection Act covers the collection, processing, storage, use and disclosure of personal data, relating to living individuals, held on computer or in paper-based systems.

The Freedom of Information Act (FOIA) gives people the right to ask for access to information recorded and held by the Council. Requests for information may be handled under different regulations based on the kind of information asked for, e.g. the:-

- Data Protection Act if the request is for personal information and is usually made by that person.
- Environmental Information Regulations (EIRs) if the request asks for environmental information.
- Freedom of information Act if the request is for general, none personal, information of public interest.

Some sensitive information should not be made available to members of the public, but the reason for withholding information must be explained.

* The Council's published procedural guidelines on DPA and FOI are available on the Intranet. Guidance and answers to specific questions or interpretation of these Acts should be obtained from the Policy Support Manager or the Assistant Chief Executive and Solicitor to the Council.

9.2 Computer Misuse Regulations 1990

The Computer Misuse Act defines a number of criminal offences, relating to hacking, copying of software, introduction of viruses, unauthorised access or modification of computer material and other similar activities. The Act was amended by Part 5 of the Police and Justice Act 2006 to strengthen the legislation around unauthorised access and penalties for helping others to commit computer misuse.

9.3 Copyright designs and Patent Act 1988

This legislation gives the creators of materials and information rights to control the ways in which their materials may be used.

The legislation places restrictions on the copying and use of copyright material including computer software, publications and images and as such unauthorised copies of information, documentation or software may not be made.

9.4 Regulation of Investigatory Powers Act 2000 (RIPA)

RIPA 2000, and The Telecommunications (Lawful Business Practice) Regulations 2000, provides a framework for monitoring activity, data and persons to assist in the detection and prevention of crime in relation to the Council's work. Interception of data or communication must be proportionate and follow the rules and principles under the Data Protection Act 1998.

Monitoring, other than that expressly mentioned in Section 1, page 4 of this policy, must not be initiated without consulting the Assistant Chief Executive and Solicitor to the Council.

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE SPECIAL SUB-GROUP

15 December 2014

Present: Councillor Sweet in the Chair

Councillors Phillips, Smith and Winter

Apologies for absence were received from Councillors Humphreys and M Stanley (substitute Councillor Winter).

1 **Disclosable Pecuniary and Non-Pecuniary Interests**

None were declared at the meeting.

2 **Development of New Indoor Leisure Facilities in Coleshill**

The Assistant Director (Leisure and Community Development) reported on the development of the new indoor leisure facilities in Coleshill.

Resolved:

That the report be noted.

3 **Combined Authorities**

The Chairman of the Sub-Group reported verbally on the outcome of the recent meeting with a number of other local Councils in respect of the possibility of combined authorities. No formal decisions were made and further meetings would be held in due course.

4 **Progress Report on Human Resources Issues**

The Assistant Director (Finance and Human Resources) reported on the progress against the Human Resources Strategy Action Plan, work being done by the Human Resources team, the sickness levels for the period of April 2014 to September 2014 and provided some further information on action taken in managing absence.

Resolved:

That the report be noted.

Chairman

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE SPECIAL SUB-GROUP

13 January 2015

Present: Councillor Sweet in the Chair

Councillors Humphreys, Phillips, Smith and Winter

An apology for absence was received from Councillor M Stanley (substitute Councillor Winter).

1 Disclosable Pecuniary and Non-Pecuniary Interests

None were declared at the meeting.

2 Combined Authorities

The Assistant Chief Executive and Solicitor to the Council updated the Sub-Group on the possibility of setting up one or more combined authorities in the Region and there was a general discussion on the issues. Further reports would be submitted to the Council in due course as the position became clearer.

3 Results of Change to the One Stop Shop Opening Hours

The Assistant Chief Executive (Community Services) reported on the outcome of the pilot agreed in 14 April 2014 to open the Council's One Stop Shop and Contact Centre on a number of days when the Council would traditionally have been closed to members of the public during 2014.

Resolved:

- a That the outcome of the pilot to open the Contact Centre and One Stop Shop be noted; and**
- b That formal consultation is started immediately with Staff and the Trade Unions on the proposals to open the Councils One Stop Shop and Contact Centre on a permanent basis from 2015/16 onwards.**

4 Exclusion of the Public and Press

Resolved:

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

5 Shared Service Proposal and Structure Change in the Revenue and Benefits Division

The Assistant Chief Executive (Community Services) reported on proposed changes to the current Revenues and Benefits staffing structure and the Sub-Group was asked to agree a suggested course of action.

Resolved:

- a That all the changes proposed in the report of the Assistant Chief Executive (Community Services) take effect from 1 February 2015 to coincide with the retirement of the Revenues and Benefits Manager;**
- b That the post of Revenues and Benefits Manager (Grade 15) be left vacant on the structure and that the managerial responsibilities attached to this post be undertaken by the Revenues and Benefits Manager from Nuneaton & Bedworth Borough Council on a 2.5 day per week arrangement initially until March 2016;**
- c That an honoraria payment as set out in the report be paid to the Senior Systems Support Officer (Grade 11) until March 2016 for undertaking additional management responsibilities as a result of the part time nature of the proposed shared management arrangement;**
- d That one day of the post of the Financial Inclusion Manager (Grade 11) be recharged to Nuneaton & Bedworth Borough Council to assist them in developing a more inclusive approach to supporting their customers for which an honoraria payment as set out in the report be paid to the Financial Inclusion Manager until 31 March 2016;**
- e That the appointment of a temporary full time customer services officer (Grade 5/6) until 31 March 2016 in order to free up the time for the Assistant Customer Contact Managers (Grade 9) to undertake non-managerial functions under the proposed part time arrangement be approved; and**
- f That the shared service collaboration arrangements proposed with Nuneaton and Bedworth Borough Council be approved and that the Assistant Chief Executive (Community Services) be authorised to agree formal governance arrangements.**

Chairman

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE LOCAL DEVELOPMENT FRAMEWORK SUB-COMMITTEE

21 January 2015

Present: Councillor Sweet in the Chair.

Councillors Butcher, Humphreys, Phillips, Smith and Winter.

Apologies for absence were received from Councillors B Moss (Substitute Councillor Winter) and Simpson.

3 Disclosable Pecuniary and Non-Pecuniary Interests

None were declared at the meeting.

4 Housing Requirement for the Sub-region

The Assistant Chief Executive and Solicitor to the Council sought Members' endorsement of a report presented to the Economic Prosperity Board on the housing requirement for the sub-region.

Resolved:

That the recommendations in the Economic Prosperity Board report attached as Appendix A to the report of the Assistant Chief Executive and Solicitor to the Council be supported.

5 Local Development Scheme (LDS) – December 2014

The Assistant Chief Executive and Solicitor to the Council presented a revised Local Development Scheme to Members.

Resolved:

That subject to an amendment to reflect the work programme contained within the Economic Prosperity Board report (Minute No 4), the Local Development Scheme be approved.

6 Meaningful Gap Assessment

The Assistant Chief Executive and Solicitor to the Council recommended the identification and designation of the area that would constitute the "Meaningful Gap", referred to in Policy NW19 of the current Core Strategy, adopted in October 2014.

Resolved:

- a That Areas 1, 2, 3, 4, 6, 8, 9 and 10 are designated as the “Meaningful Gap” for the purposes of Core Strategy Policy NW19;**
- b That Areas 5 and 7 are excluded from the Meaningful Gap and remain outside current Development Boundaries;**
- c That the meaningful gap area identified be applied as policy and be used for planning purposes from 21 January 2015; and**
- d That a public consultation be undertaken on the report and designation, subject to assessment of the responses received and that any amendment be brought back to the Sub-Committee.**

7 Community Infrastructure Levy (CIL) – Consultation on Preliminary Draft Charging Schedule, February 2015

The Assistant Chief Executive and Solicitor to the Council sought agreement to undertake a formal public consultation on the preliminary Draft Charging Schedule for the Community Infrastructure Levy (CIL) for North Warwickshire.

Resolved:

- a That the Preliminary Draft CIL Charging Schedule, attached as Appendix A to the report of the Assistant Chief Executive and Solicitor to the Council, is published for a 6 week public consultation; and**
- b That the Assistant Chief Executive be given delegated authority to make any necessary changes to the Preliminary Draft Charging Schedule and associated documents prior to public consultation, as long as these do not affect the proposed charging rates.**

8 Proposed Local Area Plan for HS2 Interchange and Adjoining Land

The Assistant Chief Executive and Solicitor to the Council sought Members' endorsement of a response sent to Solihull MBC on an initial consultation on a document called, "Proposed Local Area Plan for HS2 Interchange and Adjoining Land – Initial (Regulation 19) Consultation.

Resolved:

That the draft response be supported.

R Sweet
Chairman