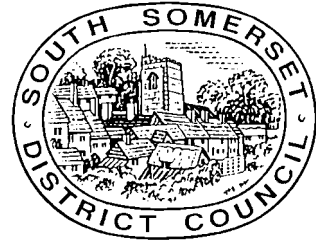


South Somerset District Council

Notice of Meeting



**South Somerset
District Council**

Making a difference where it counts

Thursday 21st May 2015

7.30 pm

**Council Chamber
Council Offices
Brympton Way
Yeovil
BA20 2HT**

(disabled access is available at this meeting venue)



All members of Council are requested to attend the Annual meeting.

The public and press are welcome to attend.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Angela Cox, Democratic Services Manager**, website: www.southsomerset.gov.uk

This Agenda was issued on Wednesday 13 May 2015.

Ian Clarke, Assistant Director (Legal & Corporate Services)

This information is also available on our website
www.southsomerset.gov.uk



South Somerset District Council Membership

Chairman: Mike Best

Dean Ruddle
Marcus Barrett
Clare Aparicio Paul
Jason Baker
Cathy Bakewell
Mike Beech
Neil Bloomfield
Amanda Broom
Dave Bulmer
Tony Capozzoli
John Clark
Nick Colbert
Adam Dance
Gye Dibben
Sarah Dyke-Bracher
John Field
Nigel Gage
Carol Goodall
Anna Groskop
Peter Gubbins

Henry Hobhouse
Kaysar Hussain
Tim Inglefield
Val Keitch
Andy Kendall
Jenny Kenton
Mike Lewis
Sarah Lindsay
Mike Lock
Tony Lock
Paul Maxwell
Sam McAllister
Graham Middleton
David Norris
Graham Oakes
Sue Osborne
Tiffany Osborne
Ric Pallister
Stephen Page
Crispin Raikes

Alan Smith
Rob Stickland
Shane Pledger
Wes Read
David Recardo
Jo Roundell Greene
Sylvia Seal
Gina Seaton
Peter Seib
Garry Shortland
Angie Singleton
Sue Steele
Andrew Turpin
Linda Vijeh
Martin Wale
William Wallace
Nick Weeks
Colin Winder
Derek Yeomans

Information for the Public

The meetings of the full Council, comprising all 60 members of South Somerset District Council, are held at least 6 times a year. The full Council approves the Council's budget and the major policies which comprise the Council's policy framework. Other decisions which the full Council has to take include appointing the Leader of the Council, members of the District Executive, other Council Committees and approving the Council's Consultation (which details how the Council works including the scheme allocating decisions and Council functions to committees and officers).

Members of the Public are able to:-

- attend meetings of the Council and its committees such as Area Committees, District Executive, except where, for example, personal or confidential matters are being discussed;
- speak at Area Committees, District Executive and Council meetings;
- see reports and background papers, and any record of decisions made by the Council and Executive;
- find out, from the Executive Forward Plan, what major decisions are to be decided by the District Executive.

Meetings of the Council are scheduled to be held monthly at 7.30 p.m. on the third Thursday of the month in the Council Offices, Brympton Way although some dates are only reserve dates and may not be needed.

The agenda, minutes and the timetable for council meetings are published on the Council's website – www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions

The Council's Constitution is also on the web site and available for inspection in Council offices.

The Council's corporate aims which guide the work of the Council are set out below.

Further information can be obtained by contacting the agenda co-ordinator named on the front page.

South Somerset District Council – Council Aims

Our key areas of focus are: (all equal)

- Jobs – a strong economy which has low unemployment and thriving businesses
- Environment – an attractive environment to live in with increased recycling and lower energy use
- Homes – decent housing for our residents that matches their income
- Health & Communities – communities that are healthy, self-reliant and have individuals who are willing to help each other

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South Somerset District Council

Thursday 21 May 2015

Agenda

1. Election of Chairman

To elect a Chairman for the ensuing year. (Following the election the formal Declaration of Acceptance of Office will be read and signed.)

2. Appointment of Vice-Chairman

To appoint a Vice-Chairman for the ensuing year. (Following the appointment the Vice-Chairman will read and sign the formal Declaration of Acceptance of Office.)

3. Apologies for Absence

4. Minutes

To approve and sign the minutes of the previous meeting held on Thursday, 5th March 2015.

5. Declarations of Interest

In accordance with the Council's current Code of Conduct (adopted July 2012), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. As a result of the change made to the Code of Conduct by this Council at its meeting on 15th May 2014, where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council. If you have a prejudicial interest you must comply with paragraphs 2.9(b) and 2.9(c) of the Code.

6. Public Question Time

Items for Discussion

7. **Chairman's Engagements** (Pages 1 - 2)
8. **Appointment of Member Level Bodies 2015/16** (Pages 3 - 17)
9. **Termination of shared Chief Executive Officer (CEO) arrangements with East Devon District Council** (Pages 18 - 20)
10. **Annual review of the Regulation of Investigatory Powers Act 2000 (RIPA)** (Pages 21 - 50)
11. **Report of Executive Decisions** (Pages 51 - 58)
12. **Audit Committee** (Pages 59 - 60)
13. **Scrutiny Committee** (Pages 61 - 62)
14. **Motions**

There were no Motions submitted by Members.
15. **Questions Under Procedure Rule 10**

No questions were submitted by Members under Procedure Rule 10.
16. **Date of Next Meeting** (Page 63)

Agenda Item 7

Chairman's Engagements

5th March

Mike attended the opening of Curry Rivel Village Hall's extension. South Somerset District Council had given the Village Hall Committee £8000 towards this project.

13th March

At the invitation of the Chairman of East Devon District Council, Mike and Liz attended the Civic Evening which was held at the River Cottage HQ in Axminster.

22nd March

At the invitation of the High Sheriff of Somerset, Mr. Richard Lloyd, Mike and Liz attended the Legal Service at Wells Cathedral which saw The Hon Mrs. Nelson sworn in as the next High Sheriff of Somerset.

25th March

Mike and Carol attended the South Somerset Music Spectacular which took place at Westlands.

27th March

Mike and Liz hosted the Council's Civic Evening at The Octagon Theatre where guests enjoyed the Yeovil Amateur Operatic Society's production of The King and I.

11th April

Mike attended the opening of a new play area at King Arthur Drive in Larkhill Road.

19th April

Mike attended the Scouts County Awards at Shepton Mallet.

20th April

At the invitation of the Mayor and Mayoress of Yeovil, Carol and John attended their Civic Day.

22nd April

At the invitation of Yeovil Town Council, Mike and Liz attended the Mayor's Charity Evening Flying Colours at The Octagon.

23rd April

Mike and Carol attended an evening in the Wardroom at RNAS Yeovilton hosted by Jock Alexander the Commodore of Yeovilton.

26th, 27th and 29th April

Mike and Liz visited HMS Somerset which meant staying on board whilst the ship was at sea.

26th April

Carol attended the annual St. George's Day parade at Chard.

11th May

At the invitation of the Chairman of Somerset County Council, Mike and Liz attended "Somerset Day", the first official celebration of Somerset Day at the Museum in Taunton.

12th May

The Mayor of Taunton Deane invited Mike to a Thanksgiving Service to celebrate his mayoral year at St. Michael's Church in Creech St. Michael.

15th May

Mike was due to attend the Bridgwater Town Mayor Making Annual Meeting Ceremony and Reception to be held at the Town Hall in Bridgwater.

19th May

Carol was due to attend the Yeovil Town Council Mayor Making Ceremony at the Baptist Church in Yeovil.

20th May

At the invitation of Taunton Deane Borough Council, Mike was due to attend the Annual Meeting of the Council and Mayor Making Ceremony to be held at the County Cricket ground in Taunton.

Agenda Item 8

Appointment of Member Level Bodies 2015/16

Lead Officer: Ian Clarke, Assistant Director (Legal & Corporate Services)
Contact Details: ian.clarke@southsomerset.gov.uk or (01935) 462184

Purpose of the Report

This report seeks approval to appoint member-level bodies (committees and working groups etc.) for the municipal year 2015/2016.

Recommendations

It is recommended that:

- (1) Subject to Article 7.03 of the Constitution, the Council appoint the Leader of the Council for a period of four years, starting on the day of his/her election and ending on the day of the post 4-year Council election annual meeting.
- (2) The Leader appoint a Deputy Leader to hold office (subject to Article 7.03) until the end of the term of office of the Leader.
- (3) Council establish the District Executive Committee with the terms of reference as set out in Appendix A and with the powers and functions as set out in Part 3 of the Council's Constitution.
- (4) The Leader appoint between 1 and 8 further District Executive Members.
- (5) The Council re-establish the following member-level bodies for 2015/2016.
 - Scrutiny Committee (14 members)
 - Audit Committee (10 members)
 - 4 Area Committees (geographical representation)
 - Regulation Committee (14 members)
 - Licensing Committee (15 members)
 - Appointments Committee (8 members)
 - Standards Committee (6 District Council members plus 5 co-optees)
- (6) The Council appoint members to the bodies listed in recommendation (5) above having regard to the principles of political balance where appropriate as set out in paragraph 8 of this report.
- (7) The Council appoint Chairmen and Vice Chairmen of the bodies listed in (5) above, with the exception of the Area Committees who will be appointed by the Councillors of that Committee.

- (8) The Council agree that the bodies appointed in (5) above will operate in accordance with their existing terms of reference (as attached at Appendix A) and the scheme of delegation set out in Part 3 of the Constitution.
- (9) The Council agree to appoint members to Council wide panels and partnerships as listed in paragraph 3 of the report.
- (10) The Council agree to appoint members to the Council wide outside bodies as listed in Appendix C and note that all other appointments to outside bodies will be made by the Area Committees for area specific issues.
- (11) The Council note the membership of the Council's Independent Members' Remuneration Panel.
- (12) The Council agree the continuation of Council Procedure Rule 40(B) - Appointment of substitute Members at meetings of Committees.
- (13) The Council confirm the Council's annual meetings timetable as attached at Appendix B.

1. Background

This report asks Council and the Leader to appoint its committees and other member level bodies for the new quadrennium and municipal year. The bodies are listed below. The report also asks the Council to appoint its representatives on outside bodies.

All party groups have been asked for their nominations to serve on the committees and the **nominations received from party groups will be circulated to members prior to the meeting.**

2. Member-Level Bodies

The Council and Leader are asked to appoint the following bodies with the terms of reference as set out in Part 3 of the Constitution, and attached as Appendix A.

a. District Executive

Leader of the Council, Deputy Leader and between 1 and 8 further Executive Members.

In accordance with the Constitution the Council, the Executive Leader appoints between 1 and 8 further Executive Members. The Leader then maintains the list of responsibilities allocated to individual Executive members, which is reported in Part 3 of the Constitution.

b. Scrutiny Committee

Political Balance

14 members (LD 7, Cons 6, Ind 1)

The Council has agreed that the Chairman of the Scrutiny Committee and one Vice Chairman shall be appointed from each of the two minority groups and one Vice Chairman to be appointed from the majority group.

c. Audit Committee

Political Balance

10 Members (LD 5, Cons 4, Ind 1)

d. Area Committees

Area based committees are exempt from political balance requirements, and comprise the wards as set out below:

Area East Committee	Area North Committee	Area South Committee	Area West Committee
Blackmoor Vale Bruton Camelot Cary Ivelchester Milborne Port Northstone Tower Wincanton	Burrow Hill Curry Rivel Hamdon Isle Moor Langport and Huish Martock St Michael's South Petherton Turn Hill Wessex	Brympton Coker Yeovil (All Wards) Yeovil Without	Blackdown Chard (All Wards) Crewkerne Eggwood Ilminster Neroche Parrett Tatworth and Forton Windwhistle

e. Regulation Committee

Political Balance

14 Members (LD 7, Cons 6, Ind 1)

The Council has previously agreed that the Committee should, as far as practicable, also be appointed in geographical balance. For the area that the Chairman comes from there shall be 4 members appointed, and 3 members from the other areas.

f. Licensing Committee

Not required to be appointed in political balance

15 Members (currently LD 9, Cons 5, Ind 1)

g. Appointments Committee

Political Balance

8 Members (LD 4, Cons 3, Ind 1)

h. Standards Committee

Political Balance

6 members (LD 3, Cons 2 Ind 1) one of whom may be a member of the Executive (appointed by the Leader of Council).

The nominated independent members are:

Christopher Borland and Peter Forrester.

The parish representatives are:

Elizabeth Glashier, Godfrey Townrow and one vacancy.

The Council meeting will be adjourned at this time to allow the Area Committees to appoint their Chairmen for the year. In the event of an Area Committee not being able to reach a decision on this appointment, the Council may appoint the Chairman.

3. Council Wide Panels, Partnerships and Working Parties

The Council is also asked to re-appoint the following Council-wide panels, partnerships and working parties:

a. Appeals Panel

This Panel, which considers and determines appeals by staff in accordance with the Council's Disciplinary Procedure comprises a pool of 8 members from which members are drawn to sit on the appeals as required. As this Panel makes decisions, regard has to be given to political proportionality.

b. Local Strategic Partnership

The Council has established a Local Strategic Partnership to implement a community strategy for the district. The Council's current representative on the Partnership is the Leader of the Council and the four Area Chairmen.

c. South West Internal Audit Partnership Ltd

The Members Board was established to oversee the work of the Audit Partnership, a Company Limited by Guarantee from 1st April 2013, and has one member appointed by this Council.

d. Housing and Exceptions Appeals Panel

This is a joint officer/members panel which determines applies in respect of homelessness applications. There are currently two members who serve on the panels as required.

e. Police and Crime Panel

This Joint Committee was established by the Police Reform and Social Responsibility Act 2011 and was operational from July 2012. This requires one representative from each authority in the Avon and Somerset Police area.

f. Somerset Waste Board

This Joint Committee consists of 2 representatives from each Partner Authority in Somerset.

g. PATROL Joint Committee (Parking and Traffic Regulation Outside London)

This Joint Committee consists of one representative from each Partner Authority in Somerset to deal with car park ticket appeals from the public if they are not in agreement to the decision given by the issuing authority. This is a requirement under CPE (Civil Parking Enforcement) legislation.

h. Somerset Growth Board

The Somerset Growth Board has been established to ensure the Somerset Growth Plan is integrated with the economic agendas of the Local Enterprise Partnership and other key partners. It is anticipated that this appointment will be the Portfolio Holder for Environment and Economic Development.

4. Outside Bodies

The Council will be asked to make appointments to outside bodies as listed in Appendix C.

All other outside body appointments will be made by the Area Committees at their first ordinary meeting following the Annual Council meeting.

5. Council Constitution - Scheme of Delegation and Terms of Reference

The Member-level scheme of delegation and terms of reference for the above Council committees and panels are set out in Part 3 of the Constitution.

The District Council's Constitution sets out how the Council operates, how decisions are made, and the procedures that are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

6. Independent Members' Remuneration Panel

Council are asked to note that the following people were appointed to the Independent Members' Remuneration Panel in May 2013 to serve for 3 years:

Mr John Hawkins
Mrs Gill Spence

Mr Chris Williams
Two vacancies

A further report will be presented to Council when the Panel are required to meet.

7. Meetings Timetable

The meetings timetable for 2015/2016 is attached at Appendix B for confirmation.

8. Political Balance and Memberships

In accordance with the Local Government and Housing Act 1989 the Council is required to review the representation on committees and to allocate seats to political groups on the basis of the overall political composition of the Council. The exceptions to this rule are area based committees, the District Executive, Licensing Committee and other panels.

The current political composition of the Council is as follows:

Liberal Democrat	29 seats	48.33%
Conservative	28 seats	46.67%
Independent	3 seats	5.00%

The principles of political proportionality embodied in the Act are:-

- (a) that not all seats are allocated to the same political group;
- (b) that a political group with an overall majority gets a majority of seats allocated;
- (c) subject to (a) and (b) that the total number of seats each political group has on all ordinary committees is in proportion to that group's share of the total council elected membership; and
- (d) subject to (a) and (c) that each political group has the same proportion of seats as it holds on the council as a whole.

The Council has a duty therefore to allocate seats in accordance with these principles, as far as reasonably practicable. The Council can however waive political balance if no member votes against.

The political balance on Committees which are required to be in balance is:

	Seats	Lib Dems	Cons	Ind
Scrutiny Committee	14	7	6	1
Audit Committee	10	5	4	1
Regulation Committee	14	7	6	1
Standards Committee	6	3	2	1
Appointments Committee	8	4	3	1
Appeals Panel	8	4	3	1
Total seats	60	30	24	6

Member Level Bodies not required to be in political balance:

	Seats	Lib Dems	Cons	Ind
Licensing Committee	15	9	5	1

The appointments to the Executive and the Area Committees are also not required to be in political balance.

Background Papers: *All published*

Terms of Reference of Committees and Panels

1. District Executive

General

The District Executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution. It is responsible for all executive functions and those local choice functions specified as being the responsibility of the District Executive.

Specifically

The District Executive shall:

- Co-ordinate the policy objectives of the Council, monitor progress towards the corporate objectives, and give the Area Committees strategic direction.
- Consider recommendations from Area Committees, Scrutiny Committee, Audit Committee and Portfolio holders on policy development and change.
- Recommend key priorities for the Council and the overall policy framework including the Community Strategy.
- Agree core minimum standards for service delivery.
- Consider Referrals from Area Committees on matters, which have major policy or resource implications.
- Keep under review the Council's financial affairs and receive reports from the Head of Financial Services on matters for which he/she is responsible.
- Recommend the Capital Programme, revenue budgets and the level of Council Tax.
- Agree resource allocation procedures and processes, including service planning and performance review arrangements.
- Receive reports on matters relating to the overall staff establishment, discipline, training and welfare, and performance monitoring.
- Approve strategic disposals and acquisition including:
 - leases
 - sales of land valued in excess of £10,000

2. Area Committees

General

Each Area Committee shall monitor service delivery in its area, provide leadership for its communities, and take decisions on regulatory matters such as planning applications and statutory orders. They shall also take executive decisions as specifically delegated by the Executive.

Specifically

The Area Committees shall:

- a. Within their area, take decisions in respect of non-executive functions as listed in section 3 of the Constitution; and take executive decisions as set out section 4 of Part 3 of this Constitution. They may also take all other non-executive (regulatory) decisions required to be made by the Council and affecting their area only, and which are not reserved to be taken by any other committee, or the Council itself.
- b. Determine planning applications within its area subject to guidelines in respect of referrals to the Regulation Committee.
- c. Discuss any matter of interest to the area.
- d. Oversee and monitor the operation of services in their area.
- e. Oversee capital schemes to include budgetary control in cases where this has been delegated by the District Executive.
- f. Manage local regeneration projects within financial limits agreed by District Executive.
- g. Prepare Area Action Plans.
- h. Make nominations to serve on outside bodies.
- i. Form working groups and panels subject to budgetary constraints and notification to the District Executive.
- j. Approve sales of land up to the value of £10,000.
- k. Play an enabling role by taking opportunities to provide services and benefits for the people of the area in collaboration with external agencies.
- l. Foster a close working relationship with Town and Parish Councils in the area.
- m. Consult and consider the views of the public on area priorities and provide opportunities for public participation, working in collaboration with external agencies.
- n. Submit to the District Executive ideas for improvements to services or innovative ways of working which may be of interest or benefit to other Areas.
- o. Contribute towards the formulation of district-wide policies.

- p. Be responsible for the local area aspects of the Community Plan.
- q. The following decisions need to be referred to the District Executive: matters of policy which have district wide significance, matters that might have an impact on more than one area (planning matters will be referred to the Regulation Committee in accordance with agreed guidelines) expenditure not covered by an approved budget or within the approved capital programme, sales of land over £10,000.

3. Scrutiny Committee

The Scrutiny Committee shall monitor and scrutinise the performance of the Council and its services and make recommendations on any issue for which the Council is responsible or which affects the local community including those services provided by outside agencies. The Committee will undertake or commission reviews of policy, including value for money checks and keep an overview of the Council's political management arrangements.

The Scrutiny Committee is not able to take decisions but makes recommendations to either the District Executive or the full Council.

There are three main elements to the work of the Committee:

- a. The Scrutiny Committee is able to "call in" decisions taken by the Executive or Area Committees but not implemented. It can ask the District Executive or Area Committee to re-consider its decision.
- b. The Committee is able to review the implementation of decisions and ask the District Executive or full Council to look at a particular area of policy in respect of which the decision was made.
- c. The Committee is able to undertake detailed reviews of issues either within or outside the council

Overview Commissions

An Overview Commission that comprises all of the non-executive members supports the Scrutiny Committee in undertaking reviews in line with the functions set out above.

Reviews are undertaken on a 'Task and Finish' basis as directed by the Scrutiny Committee. The Scrutiny Committee receives the final reports of the Overview Commissions along with regular updates.

All non-executive members support the committee and are invited to participate in reviews on a 'Task and Finish Project' basis as directed by the main Scrutiny Committee.

The Overview Commissions will be encouraged to use various review methods and to engage the wider community wherever possible. Relevant co-optees may be invited to participate in a Commission, bearing in mind the potential contribution of residents and partners.

The Commissions will meet informally and are not subject to the Access to Information Rules. As task and finish groups they will be able to meet and take evidence in public but this will not be a requirement. It will be for each Commission to decide its own working arrangements that best meet the needs of a particular review.

4. Audit Committee

The purpose of the Audit Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance, to the extent that it affects the authority's exposure to risk and weakens the control environment and to oversee the financial reporting process.

The Audit Committee should review the Code of Corporate Governance seeking assurance where appropriate from the Executive or referring matters to management on the scrutiny function.

The terms of reference of the Audit Committee are:

Internal Audit Activity

1. To approve the Internal Audit Charter and annual Internal Audit Plan;
2. To receive quarterly summaries of Internal Audit reports and seek assurance from management that action has been taken;
3. To receive an annual summary report and opinion, and consider the level of assurance it provides on the council's governance arrangements;
4. To monitor the action plans for Internal Audit reports assessed as "partial" or "no assurance;"
5. To consider specific internal audit reports as requested by the Head of Internal Audit, and monitor the implementation of agreed management actions;
6. To receive an annual report to review the effectiveness of internal audit to ensure compliance with statutory requirements and the level of assurance it provides on the council's governance arrangements;

External Audit Activity

7. To consider and note the annual external Audit Plan and Fees;
8. To consider the reports of external audit including the Annual Audit Letter and seek assurance from management that action has been taken;

Regulatory Framework

9. To consider the effectiveness of SSDC's risk management arrangements, the control environment and associated anti-fraud and corruption arrangements and seek assurance from management that action is being taken;
10. To review the Annual Governance Statement (AGS) and monitor associated action plans;
11. To review the Local Code of Corporate Governance and ensure it reflects best governance practice. This will include regular reviews of part of the Council's Constitution and an overview of risk management;
12. To receive reports from management on the promotion of good corporate governance;

Financial Management and Accounts

13. To review and approve the annual Statement of Accounts, external auditor's opinion and reports to members and monitor management action in response to issues raised;
14. To provide a scrutiny role in Treasury Management matters including regular monitoring of treasury activity and practices. The committee will also review and recommend the Annual Treasury Management Strategy Statement and Investment Strategy, MRP Strategy, and Prudential Indicators to Council;
15. To review and recommend to Council changes to Financial Procedure Rules and Procurement Procedure Rules;

Overall Governance

16. The Audit Committee can request of the Assistant Director – Finance and Corporate Services (S151 Officer), the Assistant Director – Legal and Corporate Services (the Monitoring Officer), or the Chief Executive (Head of Paid Services) a report (including an independent review) on any matter covered within these Terms of Reference;
17. The Audit Committee will request action through District Executive if any issue remains unresolved;
18. The Audit Committee will report to each full Council a summary of its activities.

5. Standards Committee

The purpose of the Standards Committee is to:-

- promote and maintain high standards of conduct by Members and Co-opted Members;
- advise, train or arrange to train Members and Co-opted Members of the Council on matters relating to the Authority's Members' Code of Conduct and wider propriety issues, including issuing guidance where appropriate;
- recommend the adoption or revision of any Council Codes of Conduct for Members and Co-opted Members, and to monitor the operation of such code(s) of conduct;
- deal with the assessment and determination of complaints under the Members' Code of Conduct relating to Members and Co-opted Members (other than where the power to deal with such matters has been delegated to and exercised by the Monitoring Officer). Where the investigation finds evidence of a failure to comply with the Code of Conduct and a local resolution is not appropriate or not possible, then a Hearing Panel of the Committee (comprising 3 voting members of the Standards Committee agreed by the Monitoring Officer in consultation with the Committee Chairman) will consider and decide the complaint;
- to take decisions in respect of a Member and Co-opted Member who is found on hearing to have failed to comply with the Code of Conduct;
- advise on the management of statutory and other registers of interest and gifts / hospitality received;
- advise the Council on possible changes to the Constitution (except the Council and Cabinet Schemes of Delegation) in relation the key documents and protocols dealing with members conduct and ethical standards

Note: the powers of the Committee apply in respect of the district and parish councils, except where stated.

6. Regulation Committee

The Committee shall:

- Determine applications for planning permission referred from the Area Committees in accordance with the approved guidelines set out in this document.
- Pass 2nd Resolutions in respect of significant Council applications for planning permission.

7. Licensing Committee

The Committee shall be responsible for those licensing functions listed in Part 3 of the Constitution as being the responsibility of the Committee. This will include licensing matters referred to it by officers in accordance with the Officer Scheme of Delegation. These include, but are not limited to, contested premises licences/ club premises certificates/ temporary event notices, and applications for private hire and hackney carriage licences where the officer considers the application should be determined by members. The Committee shall also be responsible for all the functions assigned to it under the Licensing Act 2003, Gambling Act 2005 and the Charities Act 2006.

8. Appointment Committee

The Committee shall make appointments to director level or deputy director level posts in accordance with the Human Resources Management Rules (as detailed in Part 4 of the Council's Constitution)

9. Appeals Panel

The Panel shall be constituted in line with the Council's Disciplinary Procedures.

South Somerset District Council

Programme of Meetings of Council and Committees – 2015/2016

Meeting	Day	Time	2015								2016				
			May	Jun	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Council	Thurs	7.30pm	21*	(18)	16	(20)	17	(15)	19	(17)	21	25**	17	(21)	19*
District Executive	Thurs	9.30am	-	4	2	6	3	1	5	3	7	4	3	7	5
Area Committee - South	Wed	2.00pm	-	3	1	5	2	7	4	2	6	3	2	6	4
Area Committee - East	Wed	9.00am	-	10	8	12	9	14	11	9	13	10	9	13	11
Area Committee - West	Wed	5.30pm	-	17	15	19	16	21	18	16	20	17	16	20	18
Area Committee - North	Wed	2.00pm	-	24	22	26	23	28	25	16	27	24	23	27	25
Scrutiny Committee	Tues	10.00am	-	2	30 June	4	1	29 Sep	3	1	5	2	1	5	3
Audit Committee	Thurs	10.00am	28	25	23	27	24	22	26	17	28	25	24	28	26
Regulation Committee	Tues	10.00am	-	16	21	18	15	20	17	15	19	16	15	19	17
Licensing Committee	Tues	10.00am	-	9	-	11	-	13	-	8	-	9	-	12	-
Standards Committee	Tues	2.15pm	-	9	-	-	-	13	-	-	-	9	-	-	-

* Annual Meeting of Council - May

** Council Budget and Council Tax Setting Meeting – February

Dates in brackets () for Council are reserve dates which will only be engaged if required.

Appointments to Outside Bodies to be agreed by Council

Organisation	Councillor Appointed for 2014/15	Party
Board of Governors for Yeovil District Hospital NHS Foundation Trust	Mrs Lesley Boucher	
Board of Governors for Musgrove Park Hospital NHS Foundation Trust	Sue Steele	Cons
LGA General Assembly	Ric Pallister	Lib Dem
LGA Gypsy Working Group	Ric Pallister	Lib Dem
Parrett Drainage Board	Roy Mills Patrick Palmer Mike Lewis	Lib Dem Ind Cons
South West Provincial Employers	Tim Carroll	Lib Dem
South West Councils	Tim Carroll	Lib Dem
Health & Well-Being Board	Sylvia Seal	Lib Dem
Somerset Water Management Partnership	Patrick Palmer	Ind
Somerset Building Preservation Trust	Henry Hobhouse	Lib Dem
Somerset Rivers Authority	New appointment	
South Somerset Disability Forum	One representative only from 2015	

Agenda Item 9

Termination of shared Chief Executive Officer (CEO) arrangements with East Devon District Council

Lead Officer: Ian Clarke, Assistant Director (Legal & Corporate Services)
Contact Details: ian.clarke@southsomerset.gov.uk or (01935) 462184

1. Purpose of the Report

1.1 This report invites members to agree that the current arrangements with East Devon District Council (EDDC) in relation to the sharing of a Chief Executive be terminated.

2. Public Interest Summary

2.1 At its meeting in May 2014 Council agreed to (i) extend the existing agreement with EDDC to receive the services of the joint Chief Executive Officer (CEO) for the purpose of the council's functions in accordance with section 113 of the Local Government Act 1972 until 30th September 2018 subject to earlier termination as set out in the report considered by members at that time to allow for changing circumstances for either Council in terms of where their strategic direction or opportunities lie.

2.2 It is clear that the future financial environment will pose even greater challenges for local authorities, adoption of the recommendations in this report will continue to deliver management savings through reducing the management costs of running this organisation.

3. Recommendations to Full Council

That Council agrees:-

1. To terminate the existing agreement to receive the services of the joint chief executive for the purpose of the council's functions in accordance with section 113 of the Local Government Act 1972;
2. To delegate the terms of any notice period, notice arrangements and termination costs (up to the maximum amount set out in this report to the Assistant Director – Finance & Corporate Services in consultation with the Leader of Council and Group Leaders
3. that a report on the proposed future management arrangements be presented to council for approval without delay;
4. a maximum compensatory sum of £112,333 is approved with an allocation of £38,416 from Unallocated Balances (with the remainder being funded from the 2015/16 salary saving) subject to negotiation with East Devon District Council;
5. that £88,700 is added to the Medium Term Financial Plan as a saving for 2016/17.

4. Background

4.1 In 2000, SSDC employed a CEO and 6 Directors but by 2008 we had reduced to a CEO and 2 Directors as a part of a continuous process of increasing the efficiency of the Council and reducing management costs whilst maintaining high service standards. The Council then agreed on 25th February 2010 to enter into an arrangement with EDDC whereby this Council agreed to effectively share their Chief Executive on a 50:50

basis. The agreement underpinning this arrangement commenced on 22nd March 2010 and was capable of being terminated between April and September 2015 on 12 months' notice being served between April and September 2014. This agreement was extended by both Councils in May 2014 to give certainty to both organisations running up to the 2015 elections whilst acknowledging that post 2015 the position might change for both.

- 4.2 A part of the CEO's role over these past 5 years has been to improve the efficiency of the organisation as well as to nurture senior level talent at SSDC. This part of the journey has now been completed and our recent award of IIP Gold accreditation is a visible demonstration of this.
- 4.3 It is now felt that the council's succession plan and the organisation itself has matured to the point where we can consider a further step change and let Mark return to East Devon to pursue the demanding strategic agenda which faces East Devon, Exeter and Teignbridge.
- 4.4 Local Authorities across the UK still face some significant saving targets in order to balance the books as part of the Government's continuing drive to reduce the cost of the public sector. That approach seems likely to continue with promises of further reduction in Central Government funding.
- 4.5 If the recommendation is approved by Council then joint discussions with East Devon relating to the notice period and termination of the contract will take place immediately.
- 4.6 It is not intended to replace the CEO post with an external appointment. There are a number of options available to the council in terms of future management arrangements and structural organisation. The proposal is that senior managers and members examine and consider the various management options that are available and present a report to members with a recommendation for members to approve and adopt. Clearly it is important that certainty be given to both staff and members as soon as possible and the intention is to present this report to members within the next few months. In the meantime Ian Clarke will undertake the role as Acting CEO.

5. Financial Implications

- 5.1 The maximum compensatory element payable under the contract to East Devon if notice is given on the 1st June 2015 is a maximum of £112,333 but this has still to be negotiated if Members agree the recommendations.
- 5.2 The budget for 2015/16 for the arrangement is £88,700. If members agree the recommendation £38,416 will be funded from Unallocated Balances with the remainder being funded from the remaining 2015/16 budget.
- 5.3 The budget of £88,700 will then be added to the Medium Term Financial Plan in 2016/17 as an ongoing saving.

6. Corporate Priority Implications

- 6.1 Links to SSDC's Corporate Plan (2012-2015) include:
 - Providing well managed, cost effective services valued by our residents.

7. Carbon Emissions and Climate Change Implications

- 7.1 None arising from this report.

8. Equality and Diversity Implications

8.1 None arising from this report.

9. Background Papers

9.1 Reports to District Executive April 2014 and Council May 2014

Agenda Item 10

Annual review of the Regulation of Investigatory Powers Act 2000 (RIPA)

Lead Officer: Donna Parham, Assistant Director (Finance & Corporate Services)
Contact Details: Donna.parham@southsomerset.gov.uk or 01935 462225

Reason for the Report:

The Council must have arrangements in place to ensure compliance with the Regulation of Investigatory Powers Act 2000 (RIPA) and those arrangements are subject to inspection by the Office of Surveillance Commissioners (OSC). This is achieved through the adoption of a set of Policy and Procedures that ensure compliance with the requirements of the legislation. The Council has had arrangements and procedures in place for authorising and conducting necessary surveillance since 2002. Members should review the use of RIPA and set the policy at least once per year. They should also consider internal reports on use of RIPA periodically to ensure it is being used consistently with the policy and that the policy remains fit for purpose.

Recommendations

That Council:-

1. notes the Council's use of Regulation of Investigatory Powers Act 2000 (RIPA) powers.
2. Approve and adopt the revised Regulation of Investigatory Powers Act 2000 Policy and Procedures attached at Appendix 2.

Background

RIPA provides a statutory mechanism to make sure that the way investigatory powers are used by organisations like councils and government departments complies with human rights law, in particular the European Convention on Human Rights.

As mentioned above the Council must have arrangements in place to ensure compliance and is subject to inspection by the (OSC).

RIPA was introduced in order to provide the correct balance between an individual's right to privacy under the Human Rights Act 1998 and the proper use of data and surveillance by public authorities, such as the police and local councils, who are entrusted by law to carry out certain enforcement duties. The Act identifies certain areas where carrying out these enforcement duties will inevitably conflict with individuals' rights to privacy. The main areas which are of concern to the Council are:

- The use of directed surveillance; and
- The use of covert human intelligence sources (CHIS).

Some of the Council's activities necessarily require surveillance as part of their enforcement functions such as benefit fraud investigations, environmental, planning and licensing enforcement and other fraud investigations. However, the use of RIPA powers by the Council has been very limited (**Appendix 1**). This summary shows there have only been two authorisations sought since 2008 which reflects the fact that the powers are used very

much as a “last resort” and other means of obtaining the necessary evidence are relied upon first.

The Council has had arrangements and procedures in place for authorising and conducting necessary surveillance since 2002; training for practitioners from relevant services and authorising officers has been provided and the current policy and procedures were adopted in October 2013 following changes in the legislation and a previous inspection.

In October 2014 the Office of Surveillance Commissioners carried out another routine inspection of the Council’s arrangements for managing the use of RIPA authorisations. The Inspector commended the Council for having a comprehensive RIPA policy and procedure and training strategy and also found that responsible senior managers had a good grasp of the key issues. The main recommendation made was to include guidance on the use of social networking sites and internet within the Policy and Procedures now that these are now more commonly being used as an investigative tool.

The revised policy and procedures (**Appendix 2**) therefore includes a new section on social networking / internet and is based upon current legislation, Home Office Codes of Practice and OSC procedures and guidance. The Policy and Procedures also include details of the Authorising Officers, all of whom have had recent relevant training for their authorising role.

How this report links to Corporate Priorities

Maintaining up-to date policy and procedures and reporting on their use will ensure that the Council complies with its legislative duties under RIPA.

Equality and Diversity Implications

Equality Impact Assessment - This report has been prepared in accordance with the Council's Diversity and Equality Policies.

Financial Implications

There are no financial considerations associated with this report.

Legal Implications

Surveillance investigations which are not authorised could leave the Council open to legal challenge by individuals who consider that there has been an intrusion of their privacy.

Risk Assessment

An up to date policy, properly trained officers and regular monitoring of the use of RIPA reduces the risks that would accompany any improper use.

Appendix 1

Use of RIPA powers by South Somerset District Council

Year	No. Authorisations	Type of Authorisation	Service Requesting
2008	0		
2009	0		
2010	1	Directed Surveillance	Benefit Fraud
2011	0		
2012	0		
2013	1	Communication Data	Environmental Services
2014	0		
2015	0		

Appendix 2



CORPORATE POLICY & PROCEDURES GUIDE

ON

THE REGULATION OF INVESTIGATORY POWERS ACT 2000

(‘RIPA’)

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- G Conduct and Use of a Covert Human Intelligence Sources (CHIS)**
- H Authorisation Procedures**
- I Working With Other Agencies**
- J Record Management**
- K Concluding Remarks of the Senior Responsible Officer**

Appendix 1 - List of Authorising Officer Posts

Appendix 2 - RIPA Flow Chart

Appendix 3 – Form of RIPA Authorising Officer Certificate

NB:

The Regulation of Investigatory Powers Act 2000 ('RIPA') refers to 'Designated Officers'. For ease of understanding and application, this Corporate Policy & Procedures Guide refers to 'Authorising Officers'. Such Officers can only act under RIPA if they have been duly certified by the Council's Assistant Director Legal & Corporate Services (or his authorised deputy for such purposes). For the avoidance of doubt, all references to duly certified Authorising Officers in this Guide are the same as references to 'Designated Officers' under RIPA.

A. Introduction and Key Messages

1. This South Somerset District Council ('SSDC') *Corporate Policy & Procedures Guide on the Regulation of Investigatory Powers Act 2000 ('RIPA')* is based on the requirements of RIPA and the Home Office's Codes of Practice on Covert Surveillance and Covert Human Intelligence Sources ('CHIS'). Further explanation of these terms is given below, but it can be said immediately that what we in SSDC are primarily concerned with is covert surveillance and not CHIS.
2. The authoritative position on RIPA is, of course, the Act itself (and the interpretation of the Act by the courts). Any officer who is unsure about any aspect of this Guide should contact, at the earliest possible opportunity, the Council's Assistant Director Legal & Corporate Services who is the Senior Responsible Officer (SRO) for RIPA, for advice and assistance. Appropriate training and instruction will be organised by the SRO for relevant Authorising Officers and other appropriate senior managers. Further information and guidance on RIPA can be found on the Home Office website and the website of the Office of Surveillance Commissioners.
3. Once approved, copies of this Guide and the RIPA authorisation forms will be placed on the SSDC InSite intranet, a list of useful websites linking to legislation and guidance documents will also be placed on the intranet. The Guide minus the appendices will be put on the SSDC public website.
4. Since the introduction of the Protection of Freedoms Act 2012 the authorisation procedure must now undergo judicial scrutiny. Following an internal authorisation being made by an authorising officer judicial approval by a Justice of the peace at the Magistrates Court is necessary before the surveillance can take place.
5. The SRO will maintain (and check) the Corporate Register of all RIPA authorisations, reviews, renewals, cancellations and rejections as well as the judicial applications and approvals. However, it is the responsibility of the relevant Authorising Officer to ensure that the SRO receives a copy of any completed RIPA form within 1 week of the date of authorisation, review, renewal, cancellation or rejection or judicial approval.
6. RIPA and this Guide are important for the effective and efficient operation of the Council's actions with regard to covert surveillance and the use of CHIS. This Guide will be reviewed every 6 months by the SRO to keep it up to date. Authorising Officers and other officers involved with RIPA are asked to bring any suggestions for the improvement of this Guide to the attention of the SRO at the earliest possible opportunity (in writing please). The Council wishes to ensure that RIPA procedures are continuously monitored and improved or updated as necessary.
7. In terms of monitoring e-mails and internet usage, it is important to recognise the interplay and overlaps with the Council's e-mail and internet policies and guidance, together with the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000, the Data Protection Act 1998 and its Codes of Practice. RIPA forms should be used where relevant and they will be only relevant where the criteria listed on the RIPA forms are fully met.
8. **If you are in any doubt about RIPA, this Guide or the related legislative provisions, please consult the SRO at the earliest possible opportunity.**

B. Council's Policy Statement

1. SSDC takes its statutory responsibilities seriously and it will at all times act in accordance with the law and take action that is both necessary and proportionate to the discharge of such statutory responsibilities. In that regard, the SRO is duly authorised by SSDC to keep this Guide up to date and 'user friendly'; and to amend, delete, add or substitute any provisions of this Guide as he deems necessary, whereupon such amendments, deletions, additions or substitutions shall stand as duly approved by SSDC. For administrative and operational effectiveness, the SRO is also authorised to add or substitute officers authorised for the purposes of RIPA (known as 'Authorising Officers') – see Appendix 1.

C.**Authorising Officer Responsibilities**

1. It is essential that Authorising Officers in those Services take personal responsibility for the effective and efficient operation of this policy Guide.
2. The SRO will ensure the authority have sufficient numbers of officers (after suitable training and instruction on RIPA and this policy Guide) duly certified to act as Authorising Officers.
3. The Authority will also ensure that all relevant members of staff likely to use RIPA are suitably trained as 'Applicants' for seeking RIPA authorisation, so as to avoid common mistakes appearing on RIPA forms. This can be done in conjunction with the SRO
4. Authorising Officers will need to ensure that relevant staff in their Service all follow the procedures set out in this Guide and do not undertake or carry out any type of surveillance without first obtaining the relevant RIPA authorisation.
5. Authorising Officers must also pay particular attention to Health and Safety issues that may arise from any proposed surveillance or CHIS activity. Under no circumstances should an Authorising Officer approve any RIPA form until s/he is satisfied that the health and safety of Council employees/agents has been suitably addressed and a risk assessment carried out. Risks should be minimised as far as possible. Health and safety considerations and risks should be proportionate to the surveillance or CHIS activity being proposed. If an Authorising Officer is in any doubt, s/he should obtain prior guidance on these issues from his/her Service Manager, the Council's Safety Adviser and/or the SRO.
6. Authorising Officers must also ensure that RIPA forms (originals or copies) sent to the SRO (or any other relevant authority) are sent in sealed envelopes and marked 'Strictly Private & Confidential'.

D. General Information on RIPA

1. The Human Rights Act 1998 (which enacted much of the European Convention on Human Rights and Fundamental Freedoms 1950 into UK domestic law) requires SSDC (and agencies working on its behalf) to respect the private and family life of citizens, their home and their correspondence. See Article 8 of the European Convention.
2. However, the European Convention does not make this an absolute right, but a qualified right. Accordingly, in certain circumstances SSDC may interfere with the citizen's right mentioned above if such interference is:
 - (a) in accordance with the law;
 - (b) necessary; and
 - (c) proportionate.
3. RIPA provides a statutory mechanism for authorising covert surveillance and the use of a 'covert human intelligence source' ('CHIS'), such as undercover agents. (SSDC will rarely use a CHIS and the advice of the SRO must be sought before any authorisation is sought for the use of a CHIS). RIPA seeks to ensure that any interference with an individual's right under Article 8 of the European Convention is necessary and proportionate. In doing so, RIPA seeks to ensure that both the public interest and the human rights of individuals are suitably balanced. This balancing exercise has to be carried out every time that action is taken that may affect an Article 8 right, as it is part of the assessment of the proportionality of the proposed action.
4. Directly employed SSDC staff and external agencies working for SSDC are covered by RIPA during the time they are working for SSDC. Therefore, all external agencies used by SSDC must comply with RIPA. Work carried out by agencies on SSDC's behalf must be properly authorised by an SSDC RIPA designated Authorising Officer. Authorising Officers are those whose posts appear in Appendix 1 to this Guide (as may be added to or substituted by the SRO).
5. If the correct RIPA procedures are not followed, evidence could be disallowed by the courts, a complaint of maladministration could be made to the Ombudsman, and the Council could be ordered to pay compensation. If this happened, the good reputation of the Council would be damaged and the matter would undoubtedly be the subject of adverse press and media comment. Therefore, it is essential that all SSDC staff and agents involved with RIPA regulated activities comply with the procedures set out in this Guide, and any further guidance that may be issued from time to time by the SRO.
6. A flowchart of the procedures to be followed appears at Appendix 2.

E. What RIPA Does and Does Not Do

1. RIPA does:

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

2. RIPA does not:

- make unlawful conduct which is otherwise lawful.
- prejudice or disallow any existing powers available to SSDC to obtain information by any means not involving conduct regulated by RIPA. For example, it does not affect SSDC's current powers to obtain information from the DVLA about the keeping of a vehicle or from the Land Registry about the ownership of a property.

3. If an Authorising Officer or any officer is in doubt about the above or any other aspect of RIPA, s/he should ask the Assistant Director Legal & Corporate Services BEFORE any directed surveillance and/or CHIS is applied for, authorised, renewed, cancelled or rejected. As stated elsewhere, CHIS applications must in any case be subject to prior legal advice before they are submitted.

F. Types of Surveillance

1. 'Surveillance' includes
 - monitoring, observing, listening to people, watching or following their movements, listening to their conversations and similar activities.
 - recording anything mentioned above in the course of authorised surveillance.
 - surveillance by, or with the assistance of, appropriate surveillance devices.

Surveillance can be overt or covert.

2. Overt Surveillance

Most of the surveillance carried out by the Council will be done overtly - there will be nothing secretive, clandestine or hidden about it. In many cases officers will be behaving in the same way as a normal member of the public (e.g. in the case of most test purchases carried out by Environmental Health for food hygiene or other purposes), or will be going about Council business openly (e.g. a car parks inspector walking through a Council car park).

3. Similarly, surveillance will be overt if the subject has been told it will happen. Examples could be where a noisemaker is warned (preferably in writing) that noise will be recorded if the noise continues; or where an entertainment licence is issued subject to conditions, and the licensee is told that officers may visit without notice or without identifying themselves to the owner/proprietor to check that the conditions are being met. Such a warning should be repeated if the surveillance is prolonged – say every 2 months.

4. Covert Surveillance

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

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

6. Directed Surveillance

Directed Surveillance is surveillance that:

- is covert; and
- is not intrusive surveillance (see definition below - the Council must not carry out any intrusive surveillance);
- is not carried out as an immediate response to events that would otherwise make seeking authorisation under the Act unreasonable (e.g. spotting something suspicious without prior knowledge and continuing to observe it); and

- is undertaken for the purpose of a specific investigation or operation in a manner likely to obtain private information about an individual (whether or not that person is specifically targeted for purposes of an investigation). (Section 26(10) RIPA).
7. Private information in relation to a person includes any information relating to his private and family life, his home and his correspondence. The fact that covert surveillance occurs in a public place or on business premises does not mean that it cannot result in the obtaining of private information about a person. Prolonged surveillance of a single person will undoubtedly result in the obtaining of private information about that person - and other persons who he contacts or with whom he associates.
 8. Similarly, although overt town centre CCTV cameras do not normally require authorisation, an authorisation will be required if the camera is used for a specific purpose that involves prolonged surveillance of a particular person. The way a person runs their business may also reveal information about their private life and the private lives of others.
 9. For the avoidance of doubt, only those officers designated and certified to be 'Authorising Officers' for the purpose of RIPA can authorise 'Directed Surveillance' - and only if the RIPA authorisation procedures set out in this Guide and effective from the operative date are followed. Authorising Officers not yet 'certified' for the purposes of RIPA cannot carry out any such procedures, including approving or rejecting RIPA authorisations. Further, notwithstanding anything to the contrary in the Council's 'Schedule of Functions Delegated to Officers' (i.e. the officer delegation scheme) as set out in the Council's Constitution, or in any other statutory provisions, RIPA Authorising Officers cannot delegate their power of authorisation to another officer unless that officer is also an Authorising Officer for RIPA purposes (and listed in Appendix 1), in which case the officer would be authorising in his/her own right. If in doubt, check with the SRO. Officers will bear personal responsibility for ensuring correct RIPA authorisation procedures.
 10. **Intrusive Surveillance**
This is when surveillance:
 - is covert;
 - relates to activities inside 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 it was in the premises or vehicle.
 11. Intrusive surveillance can only be carried out by the police and certain other law enforcement agencies. Council officers must not carry out intrusive surveillance.

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

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

G. Conduct and Use of a Covert Human Intelligence Source ('CHIS')

Who is a CHIS?

1. Someone who establishes or maintains a personal or other relationship for the covert purpose of covertly using or covertly disclosing information obtained by that relationship. In common parlance, an 'undercover' police officer or, indeed, council officer. The archetypal CHIS would be a police officer carrying out an undercover drugs investigation where the 'target' does not know the officer's true identity. It would be most unusual for a local authority to use a CHIS.
2. RIPA does not apply in circumstances where members of the public volunteer information to the Council as part of their normal civic duties, or where the public contact telephone numbers set up by the Council to receive information.

What must be authorised?

3. The Conduct or Use of a CHIS requires prior authorisation.
 - **Conduct of a CHIS means:** 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.
 - **Use of a CHIS means:** Inducing, asking, or assisting a person to act as a CHIS and the decision to use a CHIS in the first place.
4. The Council can only use a CHIS if the RIPA procedures in this Guide are followed. As mentioned above, it will be most unusual for the Council to use a CHIS. **THE ADVICE OF THE SRO MUST BE SOUGHT BEFORE ANY AUTHORISATION IS SOUGHT FOR THE USE OF A CHIS.**

Juvenile Sources

5. Special safeguards apply to the use or conduct of juvenile sources (i.e. sources under 18 years of age). On no account can a child under 16 years of age be authorised to give information against his or her parents. **Only the Chief Executive and Head of Paid Services are authorised by the Council to use Juvenile Sources**, as there are other onerous requirements that apply.

Vulnerable Individuals

6. A Vulnerable Individual is a person who is or may be in need of community care services by reason of mental or other disability, age or illness, and who is or may be unable to take care of himself or herself, or unable to protect himself or herself against significant harm or exploitation.
7. A Vulnerable Individual will only be authorised to act as a source in the most exceptional circumstances. **Only the Chief Executive and Head of Paid Services are authorised by the Council to use Vulnerable Individuals**, as there are other onerous requirements that apply.

Test Purchases

8. As mentioned above, carrying out test purchases will not require the purchaser to establish a relationship with the supplier for the covert purpose of obtaining information. Therefore, the purchaser will not normally be a CHIS. For example,

authorisation would not normally be required for test purchases carried out in the ordinary course of business (e.g. walking into a shop and purchasing a product over the counter).

9. However, developing a relationship with a person working in the shop for the purpose of obtaining information about the seller and his/her business (e.g. the seller's suppliers who are supplying illegally imported products) will require authorisation as a CHIS. Similarly, using mobile hidden recording devices or CCTV cameras to record what is going on in the shop will require authorisation as directed surveillance. A combined authorisation can be given for a CHIS_and also for directed surveillance.

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

10. Persons who complain about anti-social behaviour (such as playing music too loudly) and who are asked to keep a diary of incidents will not normally be a CHIS, as they are not required to establish or maintain a relationship for a covert purpose. Recording the level of noise (e.g. the decibel level) will not normally capture private information; therefore, it does not require authorisation.
11. Recording sound on private premises could constitute intrusive surveillance unless it is done overtly. It will be possible to record noise levels without it being intrusive surveillance if the noisemaker is given written warning that such recording or monitoring will occur. (Such a warning should be repeated at least every 2 months if the operation is on-going). Placing a stationary or mobile video camera outside a building to record anti-social behaviour on residential estates will require prior authorisation.

Social Networking and Internet Site

12. Rapidly increasing use of the Internet and social networking sites across communities and businesses has resulted in law enforcement having access to an array of investigative tools, Social network sites (and other 'open source' intelligence resources) contain a wealth of information, intelligence and evidence about suspects, victims, witnesses, members of organised crime groups and other aspects of crime and anti-social activity.
13. Although social networking and internet sites are easily accessible, if they are going to be used during the course of an investigation, consideration must be given about whether RIPA authorisation should be obtained.
14. Care must be taken to understand how the social media site being used works. 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.
15. Whilst it is the responsibility of an individual to set privacy settings to protect against unsolicited access to their private information on a social networking site, and even though the 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. Where privacy settings are available but not applied the data may be considered open source and an authorisation is not usually required. If you are scoping (this includes an initial look at someone through open source material) no authority would be required, however if from this you then identify the subject and a plan is made for the gathering of evidence and you access the same websites to monitor that person a RIPA authority must be considered. You must consider any collateral intrusion on third parties when accessing websites.

You should keep details of the websites accessed, information obtained and your reasons for using the website and the information gained or for discounting it from your investigation.

16. If it is necessary and proportionate for the Council to covertly breach 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 the officer (ie the activity is more than mere reading of the site's content). This could occur if the officer covertly asks to become a 'friend' of someone on a social networking site.
17. CHIS authorisation is only required when using an internet trading organisation such as E-bay or Amazon Marketplace in circumstances when a covert relationship is likely to be formed. The use of disguised purchaser details in a simple, overt, electronic purchase does not require a CHIS authorisation, because no relationship is usually established at this stage.

H. Authorisation Procedures

1. Directed surveillance and the use of a CHIS can only be lawfully carried out if properly authorised and in strict accordance with the terms of the authorisation. Appendix 2 gives a flow chart of the authorisation process from application consideration to recording of information. Although this flow chart covers both Directed Surveillance and CHIS authorisations, remember that CHIS forms must not be completed without obtaining prior legal advice, as CHIS authorisations will be very unusual.
2. Once the Authorising officer has authorised the application, an application must be made on the correct form to the Magistrates Court for the Justice of the Peace to authorise.

Authorising Officers

3. Forms can only be signed by Authorising Officers holding a 'RIPA Authorising Officer Certificate' issued by the SRO (as shown at Appendix 3). Authorising Officer posts are listed in Appendix 1. Any Authorising Officer filling a post shown in Appendix 1 and holding such a Certificate can sign the forms.
4. Appendix 3 training will be kept up to date by the SRO and revised as necessary. If a Service Manager wishes to add, delete or substitute a post, s/he must refer such a request to the SRO for consideration. The SRO is authorised to add, delete or substitute posts listed in Appendix 1.
5. Remember that RIPA authorisation procedures are separate from powers delegated to officers under the Council's 'Schedule of Functions Delegated to Officers' (forming part of the SSDC Constitution). RIPA procedures are governed by this Guide. RIPA authorisations are for specific investigations only, and they must be renewed or cancelled once the specific surveillance is complete or about to expire. The authorisations do not lapse with time.

Training Records

6. Proper training in RIPA procedures will be given or approved by the SRO before Authorising Officers are issued with a RIPA Authorising Officer Certificate enabling them to sign RIPA forms. RIPA training already undertaken or to be undertaken will need to be verified and approved by the SRO. Instruction on RIPA procedures will be by means of a one-to-one meeting with the SRO (or his nominated representative). The issue of a RIPA Authorising Officer Certificate will be confirmation that the Authorising Officer has been properly trained in RIPA procedures. The SRO will keep a 'Central Register of Issued RIPA Authorising Officer Certificates' containing copies of Certificates issued to individual officers.
7. If the SRO considers at any time that an Authorising Officer has not fully complied with the requirements of this Guide, or is no longer properly trained in RIPA procedures or requires additional training, the SRO is duly authorised to revoke that Officer's RIPA Authorising Officer Certificate until such time as he is satisfied that the Certificate should be re-issued. SRO will need to be satisfied that the Officer concerned is a fit and proper person to be an Authorising Officer for RIPA purposes. RIPA forms cannot be signed by an officer who does not hold a RIPA Authorising Officer Certificate.

Application Forms

8. Only the current RIPA forms downloadable from the Home Office Security (Surveillance) website (and also available on the SSDC intranet or from the SRO) must be used. Any other forms used after the operative date will be rejected by Authorising Officers and/or the SRO. Remember that CHIS forms must not be completed without obtaining prior legal advice, as CHIS authorisations will be very unusual. In respect of all forms, while we will do our best to ensure that the version on the intranet is the latest version, it is good practice to check the Home Office website (as above) to ensure that the SSDC version is the current version. Do not rely on the intranet version being the latest version.
9. **Types of Directed Surveillance Forms**
- Application for Authorisation to Carry Out Directed Surveillance
Review of a Directed Surveillance Authorisation
Application for Renewal of a Directed Surveillance Authorisation
Cancellation of Directed Surveillance Authorisation
10. **Types of CHIS Forms – not to be used without obtaining prior legal advice**
- Application for Authorisation of the Conduct or Use of a CHIS
Review of CHIS Authorisation
Application for Renewal of CHIS Authorisation
Cancellation of CHIS Authorisation
11. Any boxes not needed on the form(s) must be clearly marked as being 'NOT APPLICABLE', 'N/A' or a line put through the box. Great care must also be taken to ensure that accurate information is used and inserted in the correct boxes. Reasons for any refusal of an application must also be put on or stapled to the form and the form retained for future audits. Such refusal reasons must be signed and dated by the Authorising Officer.

Grounds for Authorisation

12. Directed Surveillance or the Conduct and Use of a CHIS can be authorised by the Council only on the following ground:
- For the prevention or detection of crime or preventing disorder
- 12A The Crime being investigated can only be an offence punishable on summary conviction or indictment by a maximum term of at least 6 months imprisonment or is an offence under:
- i) Section 146 of the Licensing Act 2003 (sale of alcohol to children)
 - ii) Section 147 of the Licensing Act 2003 (allowing the sale of alcohol to children)
 - iii) Section 147A of the Licensing Act 2003 (persistently selling alcohol to children)
 - iv) Section 77 of the Children and Young Persons Act 1933 (sale of tobacco etc to persons under eighteen).

Assessing the Application Form

13. Before an Authorising Officer signs a form, s/he must:
- (a) Have regard to this Corporate Policy & Procedures Guide, the training provided or approved by the SRO and any other guidance and advice issued by the SRO on such matters generally, or the authorisation sought specifically;
 - (b) Satisfy his/herself that the RIPA authorisation is:
 - (i) in accordance with the law;
 - (ii) necessary in the circumstances of the particular case on the ground mentioned in paragraph 10 above; and
 - (iii) proportionate to what it seeks to achieve;
 - (c) In assessing whether or not the proposed surveillance is proportionate the authorizing officer must be satisfied that the surveillance is proportionate to the mischief under investigation, that it is proportional to the degree of anticipated intrusion on the target and others and it is the only option after considering other appropriate means of gathering the information. The least intrusive method will be considered proportionate by the courts;
 - (d) Take into account the risk of intrusion into the privacy of persons other than the specified subject of the surveillance (called 'Collateral Intrusion'). Measures must be taken wherever practicable to avoid or minimise collateral intrusion as far as possible, and this issue may be an aspect of determining proportionality;
 - (e) Set (and diarise) a date for review of the authorisation and review on that date;
 - (f) Allocate a Unique Reference Number (URN) for the application as follows:

Year / Service Code (see *Appendix 1*) / Number of Application

e.g. 2006/HRB/01
 - (g) Ensure that the RIPA Service Register is duly completed, and that a copy of the RIPA form is forwarded for inclusion in the SRO's Central Register within 1 week of the relevant authorisation, review, renewal, cancellation or rejection.

Additional Safeguards when Authorising a CHIS

14. When authorising the conduct or use of a CHIS, the Authorising Officer must also:
- (a) be satisfied that the conduct and/or use of the CHIS is proportionate to what is sought to be achieved;
 - (b) be satisfied that appropriate arrangements are in place for the management and overseeing of the CHIS. These arrangements must address health and safety issues by the carrying out of a formal and recorded risk assessment;

- (c) consider the likely degree of intrusion for all those potentially affected;
- (d) consider any adverse impact on community confidence that may result from the use or conduct of the CHIS or the information obtained; and
- (e) ensure that records contain particulars of the CHIS and that they are not available except on a 'need to know' basis.

Judicial Approval

15. The judicial approval process introduced by the Protection of Freedoms Act 2012 and effective from 1st November 2012 requires that once the form has been approved by the Authorising Officer, judicial approval of a Justice of the Peace at the Magistrates Court is necessary.

The JP will decide whether a local authority grant or renewal of an authorization or notice to use RIPA should be approved and it will not come into effect unless and until it is approved by a JP. Although it is possible for local authorities to request judicial approval for the use of more than one technique at the same time, in practice, as different considerations need to be applied to different techniques, this would be difficult to perform with the degree of clarity required. As a rule authorisations or notices should be submitted separately for each different technique.

Following the authorisation or renewal of an application the Authorising Officer must forward the authorisation and supporting documents to a Legal Officer, who will liaise with the investigation officer and assist in the making of an application to the Magistrates Court for judicial approval. The forms for this application will be kept by the SRO or are found on the Home Office website.

The Legal Officer assist in obtaining a court hearing date and time and will if necessary attend court along with the Authorising Officer or the Investigating Officer whoever is the most appropriate, to give evidence of the case and the technique required.

In emergency situations applications can be made to the Court outside usual office hours, Authorising Officers are advised to refer to Appendix 4. In such cases the investigating officer will need to provide two partially completed judicial application forms so that one can be retained by the JP. The Investigating Officer will have to provide a copy of the application form signed by the authorisation officer to the court on the next working day.

A copy of the signed Judicial Application form must be retained and sent to the SRO who will place it on the central register and enter it on the spreadsheet. There is not a requirement for the JP to consider either cancellations or internal reviews.

Duration of Authorisations

16. The authorised RIPA form must be reviewed in the time stated and cancelled once it is no longer needed. The authorisation to carry out/conduct the surveillance lasts for a maximum of 3 months from authorisation for Directed Surveillance, and 12 months from authorisation for a CHIS. However, whether or not the surveillance is carried out or conducted in the relevant period has no bearing on the authorisation becoming spent. In other words, authorised RIPA

forms do not expire. The authorised forms have to be reviewed and/or cancelled once they are no longer required.

17. An urgent oral authorisation (if not already ratified in a written authorisation) will cease to have effect after 72 hours, beginning with the time when the authorisation was granted.
18. Authorisations can be renewed in writing before the maximum period has expired. The Authorising Officer must consider the matter afresh, including taking into account the benefits of the surveillance to date and any collateral intrusion that has occurred. Renewal's must be authorised by a JP, an application being made in the way described above.
19. The renewal will begin on the day when the authorisation would have expired. In exceptional circumstances, renewals may be granted orally in urgent cases (but see above) and they last for a period of seventy-two hours only.

I. Working With Or Through Other Agencies

1. When another agent or agency (such as a private investigator) has been instructed by or on behalf of the Council to undertake any action under RIPA, this Guide and the appropriate RIPA forms and Judicial approval mentioned must be used by the Council officers concerned (in accordance with the normal RIPA procedures) and the agency advised and kept informed of the various RIPA requirements. They must be made explicitly aware of what they are authorised to do by means of written instructions from the instructing officer, with a copy of the written instructions countersigned by the agency by way of acknowledgement of their instructions and returned to the instructing officer to be kept on the case file. If for reasons of urgency oral instructions are initially given, written confirmation must be sent (and acknowledged) within 4 working days. Officers should be satisfied that agencies are RIPA competent and RIPA trained before they are used, and a written record of that satisfaction (and the evidence for it) must be placed on the SSDC case file.
2. When some other agency (e.g. Police, Customs & Excise, Inland Revenue etc):
 - (a) wishes to use the Council's resources (e.g. CCTV surveillance systems), that agency must use its own RIPA procedures. Before any Council officer agrees to allow the Council's resources to be used for the other agency's purposes, s/he must obtain a copy of that agency's completed RIPA form for the Council's records (a copy of which must be passed to the SRO for the Central Register), or relevant extracts from the agencies RIPA form which are sufficient for the purposes of protecting the Council and the use of its resources;
 - (b) wishes to use the Council's premises for their own RIPA authorised action, the Council officer concerned should normally co-operate with such a request, unless there are security or other good operational or managerial reasons as to why the Council's premises should not be used for the agency's activities. The request must be put in writing and any consent from the Council must also be in writing. Suitable insurance or other appropriate indemnities may need to be sought from the other agency to protect the Council's legal position (the Council's Insurance Officer and/or the SRO can advise on this issue). However, in such cases the Council's own RIPA forms should not be used as the Council is only 'assisting' and not being 'involved' in the RIPA activity of the external agency.
3. With regard to 2(a) above, if the Police or other agency wish to use Council resources for general surveillance (as opposed to specific RIPA authorised operations), an appropriate letter requesting the proposed use (and detailing the nature and extent of the use, duration, who will be undertaking the general surveillance, the purpose of it, and why it is not subject to RIPA) must be obtained from the Police or other agency before any Council resources are made available for the proposed use. The insurance/indemnity considerations mentioned above may still need to be addressed.
4. **If in doubt, please consult with the SRO at the earliest opportunity.**

J. Record Management

1. The Council must keep a detailed record of all authorisations, renewals, cancellations and rejections generated by Services and a Central Register of all authorisation forms will be maintained and monitored by the SRO.

2. **Records maintained in the individual Service**

The following documents must be retained by the relevant Service Manager or his/her designated RIPA Service Co-ordinator (such Co-ordinator to be appointed by the Service Manager and the name notified to the SRO)

- Copies of any completed application form together with any supplementary documentation, plus notification of the approval given by the Authorising Officer;

- A copy of the signed Judicial Approval;
- 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, together with the supporting documentation submitted when the renewal was requested;
- a copy of any cancellation of an authorisation;
- the date and time when any instruction was given by the Authorising Officer and a note of that instruction;
- the Unique Reference Number for the authorisation (URN).

3. Each form will have a URN. The Service Manager or RIPA Service Co-ordinator will issue the relevant URN to applicants. The cross-referencing of each URN takes place within the forms for audit purposes. The relevant Service code to be followed is shown in Appendix 1. Rejected forms will also have URN's.

4. A 'Surveillance Log Book' will be completed by the investigating officer(s) to record all operational details of authorised covert surveillance. Once completed, the Log Book will be passed to the Service Manager or the designated RIPA Service Co-ordinator for safe keeping in a secure place. Each Service will also maintain a 'Surveillance Log Book Issue and Movement Register' for such Surveillance Log Books. The maintenance of the latter Register will be the responsibility of the Service Manager or the designated RIPA Service Co-ordinator. The SRO will prescribe the form of the latter Registers and Services must substantially follow that form.

Central Register maintained by the Assistant Director Legal & Corporate Services

5. Authorising Officers must forward details of each issued RIPA form to the SRO for keeping on the Central Register within 1 week of the issue of the authorisation, review, renewal, cancellation or rejection. The SRO will monitor forms, give appropriate guidance from time to time, and amend this Guide, as necessary.

6. The Council will retain records for a period of at least three years from the ending of the authorisation. The Office of the Surveillance Commissioners (OSC) can audit and review the Council's policies and procedures, and individual authorisations.

K. Concluding Remarks of the SRO

1. Where there is an interference with a European Convention right such as the right to respect for private and family life guaranteed under Article 8 of Convention, and where there is no other source of lawful authority for the interference, or if it is held to be unnecessary and disproportionate in the particular circumstances, the consequences of not obtaining or not following the correct authorisation procedures set out in RIPA, RIPA Regulations and associated Codes of Practice may be that the action taken (and the evidence obtained) will be held by a court to be an infringement of a Convention right (possibly more than one) and thus unlawful behaviour under Section 6 of the Human Rights Act 1998. This could result in the Council losing a case and having costs (and possibly damages) awarded against it. Following this Guide should ensure that this does not happen.
2. It needs to be stressed that the concept of proportionality, i.e. proportional action, is very important under RIPA and under human rights. Action that is disproportionate in terms of the end to be achieved when judged against the Convention right infringed will be unlawful, even if a RIPA authorisation has been issued. Therefore, it is probably best to err on the side of caution when considering if covert surveillance is really required for an investigation. If the information can be obtained by other overt means, then it should be. Ask yourself the question: "Do I really need to do this, what will be the effect on others if I do it, and is there any other way to achieve the same ends?" Weigh it all in the balance. If possible, do a file note of your reasoning.
3. Authorising Officers must exercise their minds as to their RIPA obligations every time they are asked to sign a form. They must never sign or rubber stamp form(s) without thinking about both their personal responsibilities and the Council's responsibilities under RIPA, the Human Rights Act 1998 and the European Convention. Again, ask yourself the question: "Do I really need to do this, what will be the effect on others if I do it and is there any other way to achieve the same ends?" Weigh it all in the balance. If possible, do a file note of your reasoning.

Definition of Roles

(1) SRO – Senior Responsible Officer

Assistant Director of Legal & Corporate Services, maintains central records of authorisations and collating the authorisations, reviews, renewals and cancellations also has oversight of submitted RIPA documents. Is responsible for – integrity of the process, comply with RIPA and its regulatory framework, engage with the Commissioners and Inspectors when they conduct an inspection, oversee the implementation of recommendations made by the OSDC to ensure authorizing officers are of the appropriate standard

(2) RIPA Co-ordinating Officer

Legal Services Manager organises training and raises awareness.

(3) RIPA Authorising Officer

Is certified to authorise applications before referral to the Magistrates Court.

(4) RIPA Services Co-ordinating Officer

Officer in relevant service who ensures relevant RIPA documents are retained.

4. For further advice and assistance on RIPA, please contact the SRO. Contact details are provided at the front of this Guide.

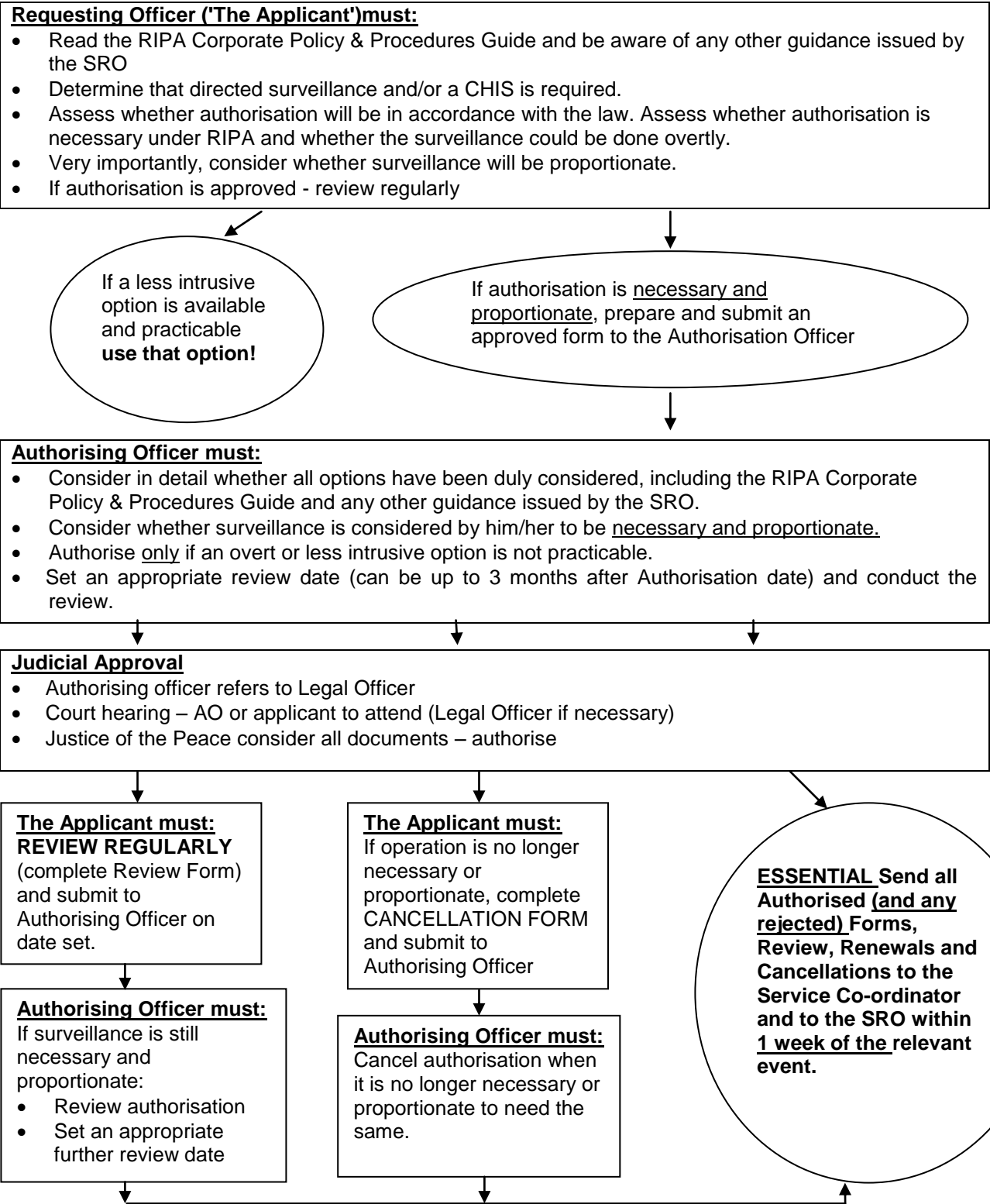
List of Authorising Officer Posts

<u>Post</u>	<u>Service Identifier</u>
Legal Services Manager	LSM
Assistant Director Economy	AECO
Assistant Director Environment	AENV
Assistant Director Finance & Corporate Services	AFCS

IMPORTANT NOTES

- A. Even if a post is identified in the above list, the persons currently employed in such posts are not authorised to sign RIPA forms (including a renewal or cancellation) unless s/he has been certified by the SRO to do so by the issue of a RIPA Authorising Officer Certificate.
- B. Only the Chief Executive and the head of Paid services are authorised to sign forms relating to Juvenile Sources and Vulnerable Individuals (see paragraph G of this Guide).
- C. If a Service Manager wishes to add, delete or substitute a post, s/he must refer such request to the SRO for consideration.
- D. If in doubt, ask the SRO BEFORE any directed surveillance and/or CHIS is authorised, renewed, rejected or cancelled.

RIPA FLOW CHART



NB: If in doubt, ask the SRO BEFORE any directed surveillance and/or CHIS is authorised, renewed, cancelled, or rejected. Appropriate Managers will designate one of their staff to be a Service Co-ordinator for the purpose of RIPA and advise the SRO accordingly. CHIS forms are not to be used without prior legal advice.



SOUTH SOMERSET DISTRICT COUNCIL

**RIPA AUTHORISING OFFICER CERTIFICATE
No. [] / 20**

I HEREBY CERTIFY that the Officer whose personal details are given below is an Authorising Officer for the purposes of authorising covert surveillance and the use and/or conduct of Covert Human Intelligence Sources ('CHIS') under the provisions of the Regulation of Investigatory Powers Act 2000.

It is further certified that this Officer has received training to perform such authorisation procedures.

Certificate issued to: [Full name of Officer]

Job Title:

Service:

Location:

Certificate date:

(signed)

**Ian D Clarke
Senior Responsible Officer
Assistant Director Legal & Corporate Service (Monitoring Officer)
South Somerset District Council**

(PLEASE NOTE: This certificate and the authorisation granted by it is personal to the officer named in it and cannot be transferred. Any change in personal details must be notified in writing to the Assistant Director Legal & Corporate Services immediately. This certificate can be revoked at any time by the Assistant Director Legal & Corporate Services by written revocation issued to the officer concerned. It is the named officer's personal responsibility to ensure full compliance with RIPA authorisation procedures and to ensure that s/he is fully trained in such procedures and that such training is kept up to date).

MAGISTRATES' COURTS IN AVON AND SOMERSET OTHER THAN BRISTOL

Procedure for dealing with Applications/Warrants out-of-hours

i.e. between: **5pm and 8.30 am Mondays – Thursdays**
 5pm on Friday and 8.30am Monday
 Bank Holidays

(but please note the at the Magistrates Court sits at Bristol and Taunton on Saturdays and Bank Holidays at 10am and where possible applications should be made to the Court rather than using the Out of Hours procedures on these days)

PLEASE MAKE EVERY EFFORT TO RESTRICT APPLICATIONS TO THOSE OF EXTREME URGENCY. NON URGENT APPLICATIONS MAY NEED TO BE REFUSED.

APPLICATIONS BY OTHER AGENCIES

- **Agencies may only make contact with a Legal Adviser via the Avon and Somerset Constabulary Force Control Inspector Telephone 08454 567000**
- Force Control Inspector/his staff shall contact a Legal Adviser working in the area where the application is sought giving contact details of the agency to enable the Legal Adviser to contact the person requesting the warrant/making the application under the Children Act 1989. **Agency staff must not retain any contact details.**
- Where the officer is unable to contact a legal adviser in his/her area, he/she should make contact with a Legal Adviser in nearest proximity.
- The person making the application/requesting the warrant will give the Legal Adviser a summary of the nature of the application and its urgency.
- Legal Adviser then to make contact with a Magistrate who is able to hear the application.
- Arrangements to be agreed between the Legal Adviser and the agency regarding the venue and time the application to be heard.
- Agency staff may be required to collect the Legal Adviser from his/her home address and then go to the Magistrates home, returning the Legal Adviser thereafter. The Legal Adviser will have the discretion to make other arrangements where the need arises.
- Applications under the children Act 1989: The list of Legal Advisers states who can deal with these applications. (Only Legal Advisers with delegated powers are able to deal with applications for emergency process under Part IV of the Children Act, 1989). Please direct the application in the first instance to a Legal Adviser working in the area where order sought.

Agenda Item 11

Report of Executive Decisions

Lead Officer: Angela Cox, Democratic Services Manager

Contact Details: angela.cox@southsomerset.gov.uk or (01935) 462148

This report is submitted for information and summarises decisions taken by the District Executive and Portfolio Holders since the last meeting of Council. The decisions are set out in the attached Appendix.

A meeting of the District Executive was held on 2nd April 2015.

Members are invited to ask any questions of the Portfolio Holders.

Background Papers

All Published

Ric Pallister, Leader of the Council
Angela Cox, Democratic Services Manager
angela.cox@southsomerset.gov.uk or (01935) 462148

Appendix

Portfolio	Subject	Decision	Taken By	Date
Environment & Economic Development	Waste Fees and Charges 2015/16	The Portfolio Holder for Environment & Economic Development has agreed to approve the proposed waste fees and charges as recommended by SSDC.	Portfolio Holder	20/02/15 Executive Bulletin No. 662
Strategy & Policy	Quarterly Performance and Complaints Monitoring Report - 3rd Quarter 2014/15	The District Executive noted the corporate performance monitoring report.	District Executive	05/03/15
Finance & Spatial Planning	Adoption of the South Somerset Local Plan	District Executive recommended to Council. <ol style="list-style-type: none"> 1. To accept the conclusions of the Inspector's Report and approve the necessary Main Modifications to make the South Somerset Local Plan (2006 – 2028) sound (Appendix A); 2. To approve the Additional Modifications (Appendix C); 3. To endorse the adoption version of the South Somerset Local Plan (2006 – 2028) (Appendix B) and recommend that Full Council adopt the South Somerset Local Plan (2006 – 2028); 4. To approve the Adoption Statement (Appendix D), Sustainability Appraisal Adoption Statement (Appendix E), and revised Policies Maps (Appendix F); and 5. Delegate responsibility to the Assistant Director for Economy in consultation with the Portfolio Holder for Finance and Spatial Planning to make any final minor text amendments which may be necessary to enable the Adopted South Somerset Local Plan (2006 – 2028) and Policies Map to be published. 	District Executive	05/03/15
Leisure & Culture Leader of the Council	District-Wide Voluntary Sector Grants 2015-16 – overview report	District Executive agreed to note the overview of funding to voluntary sector and community organisations made both district wide and in the areas during 2014/15 and the proposed funding for 2015/16 to the organisations detailed in agenda items 9 to 13.	District Executive	05/03/15

Leisure & Culture	Funding for South Somerset Voluntary & Community Action (SSVCA)	District Executive agreed to: 1. approve funding for South Somerset Voluntary & Community Action (SSVCA) of £74,260 for 2015/16. 2. the current Service Level Agreement (SLA) being rolled forward for another year enabling a full review of our funding for SSVCA with a new agreement in place from 2016/17.	District Executive	05/03/15
Environment & Economic Development	Funding for Access For All (Formerly known as South Somerset Disability Forum)	District Executive approved funding for Access For All of £8,000 for 2015/16.	District Executive	05/03/15
Leisure & Culture	Funding for District-wide Health and Well-being Grants 2015/16	District Executive approved levels of funding for Actiontrack, Take Art, Somerset Art Works and Somerset Film in 2015/16, as set out in Appendix 2 of the agenda report. (Actiontrack £2,000, Take Art £10,500. Somerset Art Works £3,500 and Somerset Film £2,000).	District Executive	05/03/15
Leisure & Culture	Service Level Agreement with Somerset Rural Youth Project	District Executive agreed to: 1. note the report and the work being carried out in our rural communities through the service level agreement. 2. continue to support the work carried out by the Somerset Rural Youth Project (SRYP) with a £8,000 grant to cover 1 year's work agreed through a service level agreement (SLA).	District Executive	05/03/15
Leisure & Culture	Funding for South Somerset Citizen's Advice Bureau (SSCAB)	District Executive agreed to approve funding for South Somerset Citizens Advice Bureau of £121,730 for 2015-16.	District Executive	05/03/15
Strategy & Policy	Access from Memorial Hall car park to land at the rear of the Dolphin Hotel, Wincanton	District Executive refused entry to land at the rear of the Dolphin Hotel, Wincanton by way of an access easement or licence agreement, and the gap to be stopped up as soon as practicable after appropriate notice has been served.	District Executive	05/03/15

Environment & Economic Development	Establishment of the Somerset Growth Board	District Executive agreed that: 1. South Somerset District Council endorses the Somerset Chief Executive and Leaders Group proposal to establish a Somerset Growth Board; 2. An annual financial contribution of £4,570 to be found from Unallocated Balances is made towards the Growth Board's core costs for a notional period of three years, subject to annual review. 3. South Somerset District Council's representative on the Board will be the Portfolio Holder for Environment and Economic Development.	District Executive	05/03/15
Finance & Spatial Planning	Retail Relief from Business Rates	District Executive recommend to Council: (a) that the Council uses its discretionary powers to award Transitional Relief in accordance with Government guidance; (b) note that the Retail Relief limit has been increased from £1,000 to £1,500 for 2015/16; (c) note that the enhanced Small Business Rates Relief Scheme has been extended for a further year; (d) note the government's views on rate relief for childcare providers.	District Executive	05/03/15
Finance & Support Services	Loan to Somerset Waste Partnership for Waste Vehicles	That District Executive agreed to: a) Note the reduced requirement to £1.9025 million for the loan to the Somerset Waste Partnership; b) Approve the interest rate of PWLB plus 1% is applied at the date the loan is exercised; c) Note that at current rates this reduces the interest due by £18,100 per annum. The actual interest due however will be dependent on rates at the time of the loan.	District Executive	05/03/15

Leisure & Culture	Huish Academy Artificial Grass Pitch Project	That District Executive agreed to: Approve subject to the terms and conditions set out in the proposed Letter, Award Agreement and the Standard Terms and Conditions of Award, that South Somerset District Council has agreed to Award Huish Episcopi Academy a section 106 grant of £290,172 towards the construction of a Third Generation (3G) Artificial Grass Pitch and supporting ancillary facilities on the basis that these facilities and the school playing fields will be available for community use, consisting of: i. £193,686 of section 106 contributions that have been paid to the Council. ii. £96,486 of section 106 contributions where payment is subject to trigger clauses being reached within the relevant S106 agreements presenting a degree of risk to Huish Episcopi Academy that those monies may not be received by the Council.	District Executive	05/03/15
Leader of the Council	Community Right to Bid - Assets of Community Value	District Executive noted the report.	District Executive	05/03/15
Strategy & Policy	Somerset Armed Forces Community Covenant Partnership Update	District Executive noted the report.	District Executive	05/03/15
Strategy & Policy	Monthly Performance Snapshot	District Executive noted the monthly performance snapshot data.	District Executive	05/03/15
Property & Climate Change	SSDC promotion of free cavity wall insulation scheme for South Somerset residents	The Portfolio Holder for Property and Climate Change has agreed to: 1. endorse this council's association with and promotion of the free cavity wall insulation scheme offered by the Centre for Sustainable Energy (CSE); 2. authorise the Centre for Sustainable Energy (CSE) to use the South Somerset District Council logo in communications relating to this scheme.	Portfolio Holder	Executive Bulletin No. 664 06/03/15
Strategy & Policy	Consent for disposal of a property in Yeovil by Yarlington Housing Group	The Portfolio Holder for Strategy and Policy has agreed to approve consent for the disposal of number 53 Earle Street, Yeovil by Yarlington Housing Group, on the proviso that Yarlington Housing Group give an undertaking to reinvest the net sums raised in new housing in Yeovil.	Portfolio Holder	Executive Bulletin No. 666 20/03/15

Strategy & Policy	Presentation from Highways Contractor on flood prevention works on the A303	District Executive agreed to note the presentation on flood prevention works on the A303, provided by the Highway Contractor.	District Executive	02/04/15
Leader of the Council Strategy & Policy	South Somerset Together (SST) Strategic Partnership	District Executive:- 1. Noted the achievements of the South Somerset Together Partnership in 2014/15; 2. Endorsed the revised partnership agreement as presented.	District Executive	02/04/15
Strategy & Policy	Adoption of a Balanced Rural Lettings Policy	District Executive agreed to formally adopt the balanced Rural Lettings Policy.	District Executive	02/04/15
Finance & Spatial Planning	South Somerset District Council Advertising Policy	District Executive approved the new SSDC Advertising Policy (as amended).	District Executive	02/04/15
Finance & Spatial Planning	Loan to Kingsdon Parish Council Executive	District Executive approved a loan of £27,500 to Kingsdon Parish Council, to be repaid over 10 years, from available capital resources subject to a first charge being made on the land.	District Executive	02/04/15
Finance & Spatial Planning	Designation of Neighbourhood Area – South Petherton Parish	That District Executive agreed to designate the Civil Parish of South Petherton as a Neighbourhood Area for the purposes of preparing a Neighbourhood Plan as set out in the Localism Act 2011.	District Executive	02/04/15
Strategy & Policy	Safer Somerset Partnership – Update Report	District Executive:- 1. agreed to continue fully supporting the activities of the Safer Somerset Partnership; 2. agreed to help fund the partnership statutory activities and set an upper limit of funds (£3,000) to be made available for finance year 2016/17 with the addition of £3,000 to the Medium Term Financial Plan 2016/17 on the agreement that all of the SSP responsible authorities fund a similar amount.	District Executive	02/04/15

Strategy & Policy	Review of the Affordable Housing Development Partnership	<p>The Portfolio Holder for Strategy and Policy has agreed to:-</p> <p>(a) confirm appointment of four Housing Associations as main partners, initially for a four year period but subject to annual review, as follows</p> <ol style="list-style-type: none"> a. Bournemouth Churches Housing Association b. Knightstone Housing Association c. Stonewater Housing d. Yarlinton Housing <p>(b) confirm that SHAL (Sedgemoor Housing Association Limited) shall be in reserve in the event that:-</p> <ol style="list-style-type: none"> a. one of the above Associations declines the offer of main partner status or b. one of the above Associations fails their first annual review or c. it becomes desirable to appoint a fifth main partner in the light of the degree of overlap across the County following similar reviews undertaken by either Sedgemoor District Council or Taunton Deane Borough Council <p>(c) confirm that in addition to the above, Aster Housing Group and South Western Housing Society are confirmed as accredited Housing Associations.</p> <p>(d) confirm that, subject to completion of the final verification check, Hastoe Housing is also confirmed as an accredited Housing Association.</p> <p>(e) confirm that, should they wish to apply in the next few months, accredited status will be awarded immediately to Selwood Housing.</p> <p>(f) confirm that, for 2015/16 the main partnership fee will be raised to £2,000, and that it may be raised again in 2016/17, or later, but any further increase will be limited to no more than the fee charged by Mendip District Council.</p>	Portfolio Holder	Executive Bulletin No. 669 10/04/15
Strategy & Policy	Investment in Housing: Lavers Oak, Martock (Confidential)	<p>NOT FOR PUBLICATION by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972</p> <p>This report contains exempt information relating to the financial or business affairs of any particular person (including the authority holding that information).</p>	Portfolio Holder	Executive Bulletin No. 669 10/04/15

Strategy & Policy	Affordable Housing Development Programme: West Hendford	The Portfolio Holder for Strategy and Policy has approved the allocation of a further £748,000 grant subsidy to Stonewater Housing Association from the unallocated affordable housing reserve towards the proposed scheme at West Hendford, Yeovil.	Portfolio Holder	Executive Bulletin No. 671 24/04/15
Strategy and Policy	Consent for disposal of a property in Stocklinch by Yarlinton Housing Group	The Portfolio Holder for Strategy and Policy has agreed to the disposal of number 1, Owl Street, Stocklinch by Yarlinton Housing Group, on the proviso that Yarlinton give an undertaking to reinvest the net sums raised in new housing in the local area.		Executive Bulletin No. 673 12/05/15

Agenda Item 12

Audit Committee

This report summarises the items considered by the Audit Committee on 25th March 2015

External Audit Plan for 2015/16

Members were introduced to Mrs Elizabeth Cave, new engagement lead for the audit. She introduced the Audit Plan 2015/16 and made particular reference to the following points:

- Financial pressures, responses and challenges going forward ensuring planning arrangements for future risks regarding the financing changes;
- Diagram showing the Grant Thornton Audit Approach;
- Significant and other risks identified;
- Key dates , Year-end fieldwork to start 3rd August 2015

Members were content to note the Audit Plan.

RESOLVED: That members noted the Audit Plan for 2015/16.

Internal Audit Charter Annual Review

The Audit Manager, SWAP confirmed that the Internal Audit Charter remained exactly the same as approved by Committee in February last year.

Audit Committee members were content to agree to the Charter in advance of the forthcoming financial year.

RESOLVED: That the Internal Audit Charter be agreed.

2015/16 SWAP Internal Audit Plan (Agenda Item 8)

The Audit Manager, SWAP, presented the report as detailed in the agenda. He made reference to the Key Control Audits and the necessary liaison with the Assistant Director (Finance & Corporate Services) and Lead officers to ensure effective audit management. Members were happy to agree the Internal Audit Plan.

RESOLVED: That the Audit Committee agreed the Internal Audit Plan of 369 days for April 2015 to March 2016.

Health, Safety and Welfare - Annual Report (Agenda Item 9)

The Civil Contingencies Manager presented the agenda report and updated members on the major incident regarding an SSDC Building Control Officer. She told members that she had recently been informed by the Health & Safety Executive that they were to take no further action regarding this incident as they were satisfied with the case.

The Civil Contingencies Manager also told members that new CDM regulations will come into force shortly and this would positively address issues regarding site safety and in particular the responsibilities of domestic projects and site risk assessment.

She also made reference to relevant case law as set out in the agenda and in response to members queries informed them:

- Would seek further information from the H & S Executive regarding the Building Control incident. Once more information was known she would update members once more.
- Pleased to report the number of incidents reported was lower than that of last year.

Members were content to note the report.

RESOLVED: That members noted and commented on the report.

Risk Management Update (Confidential Item) (Agenda Item 12)

RESOLVED: That the Audit Committee:-

1. noted the change to the risk appetite as agreed with Management Board.
 2. noted the new risk management report "Monitoring dashboard" and comments made accordingly.
-

Councillor Derek Yeomans,
Chairman of Audit Committee

Agenda Item 13

Scrutiny Committee

This report summarises the work of the Scrutiny Committee since the last Council meeting.

Items considered during Scrutiny Committee 31st March 2015 (April meeting)

At their April meeting, members of the Scrutiny Committee considered a report they had requested from the Assistant Director – Health and Wellbeing, looking at the Ninesprings Café, Education and Information Centre.

Members had asked that a report be prepared that outlined how this successful project was delivered and how any learning could be shared across the organisation. The report outlined the key stages of the project which had spanned over a number of years and had resulted in a highly regarded community resource.

Members were pleased to note that the centre and café were doing well and congratulated the volunteers for their work and support. Thanks were also expressed to the Project team for the successful delivery of such a high profile project.

A further update report was requested in 12 months time.

In addition to this, the Committee made the following comments on the reports due to be considered by District Executive:

South Somerset Together

Members were pleased to note the progress of SST and how well the partnership now seemed to be working.

Adoption of Balanced Rural Lettings policy

Scrutiny thanked officers for their hard work and obvious expertise in this area. Scrutiny felt that the explanation of the shading on the maps should be made clearer, for example there seemed to be differed reasons for an areas being shown as white. Scrutiny felt that the maps should be reviewed quite frequently and requested that an update report is made to Scrutiny in 12 months time.

South Somerset District Council Advertising Policy

As part of the Budget Task and Finish Group members had already discussed and supported the principle of income generation through advertising. Some members commented that there needed to be a fine balance and whilst general principles of health and well-being should be promoted, this should not prevent local industries such as Wincanton Racecourse or local cider producers being able to advertise. Members also commented that some members of the public may not agree with SSDC taking an advertising approach but in the current financial climate all sources of income generation

need to be explored. Scrutiny requested that an update report is presented in 12 month's time.

Loan to Kingsdon Parish Council

Scrutiny were content to agree the recommendation but sought clarification on the following:

- Has the capability of Kingsdon Parish Council to repay the loan been assessed?
- Is there a limit to the amount or quantity of loans that SSDC could make?

Safer Somerset Partnership

Scrutiny queried what the difference is between the Yeovil One Team and the previous LAGs and further queried if the One Team approach would be extended across the district?

Finally, members received an 'End of Term report' outlining the key successes of the authority's Scrutiny function over the past 4 years. The report provided a review of the work of the Scrutiny function over the past 4 years. Many members had given a significant amount of time to deliver successful Task and Finish reviews and had made a real difference to a number of services and residents – the rewards gained were validation of the work undertaken. Members commented that the list of reviews included in the report could be used as a training tool for newly elected members to demonstrate the potential of Scrutiny.

Members further commented that what makes Scrutiny so effective at SSDC is that we have three sides that can work effectively and sensibly together.

*Sue Steele, Chairman of Scrutiny Committee
Emily McGuinness, Scrutiny Manager (01935) 462566*

Agenda Item 16

Date of Next Meeting

Members are asked to note that the next scheduled meeting of the Full Council will take place on **Thursday, 17th July 2015** in the Council Chamber, Council Offices, Brympton Way, Yeovil **commencing at 7.30 p.m.**

The reserve date of 19th June will only be engaged if there is any urgent business to progress.