

Agenda Council

Date:	Monday, 17 July 2023 on the rising of the Special Council meeting
Venue:	Town Hall, St Annes, FY8 1LW
	<p>Mayor : Councillor Cheryl Little Deputy Mayor : Councillor Peter Anthony</p> <p>Leader : Councillor Karen Buckley Deputy Leader : Councillor Richard Redcliffe</p> <p>Councillors Frank Andrews, Tim Armit, Mark Bamforth, Liz Bickerstaffe, Julie Brickles, Damian Buckley, Edward Collins, Peter Collins, Chris Dixon, Martin Evans, Kelly Farrington, Susan Fazackerley MBE, Joanne Gardner, Ellie Gaunt, Gail Goodman JP, Noreen Griffiths, Gavin Harrison, Paul Hayhurst, Karen Henshaw JP, Paul Hodgson, John Kirkham, Jordan Ledger, Matthew Lee, Michelle Morris, Ed Nash, Jayne Nixon, Sandra Pitman, Andrew Redfearn, Vince Settle, William Taylor, Tommy Threlfall, Viv Willder, Michael Withers.</p>

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1	<p>Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.</p>	1
2	<p>Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 24 May 2023 as a correct record.</p>	1
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The code of conduct for members can be found in the council’s constitution at
<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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REPRESENTATIONS

REPORT OF	MEETING	DATE	ITEM NO
DEPUTY CHIEF EXECUTIVE	COUNCIL	17 JULY 2023	5

QUESTIONS FROM MEMBERS OF THE PUBLIC

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

No questions have been received from members of the public before the requisite deadline for publication of the agenda.

If any questions are received before the constitutional deadline, which is, for the purpose of this meeting, 4.30pm on Tuesday, 11th July 2023, they will be circulated prior to the meeting for members' information, under separate cover.

Article 15 – Public Speaking at meetings of the Council and its Committees

15.01 Questions from Members of the Public at Full Council Meetings

- (a) Any resident of the Council's district may, subject to (b), submit a question to be asked at an ordinary meeting of the council.
- (b) Questions will only be asked under (a) if:
 - (i) the question has been given in writing to the proper officer before 4.30 p.m. on the fourth working day before the meeting (this means that if the meeting is to be held on a Monday, the question must be given before 4.30 p.m. on the Tuesday before);
 - (ii) the question will take no longer than two minutes to ask;
 - (iii) the maximum number of questions is not exceeded; and
 - (iv) The Head of Governance is satisfied that the question as submitted does not take the form of, or substantially comprise, recitations of fact or expressions of opinion, instead of a question.
- (c) The 'proper officer' means the Chief Executive, the Deputy Chief Executive or any officer in the governance team.
- (d) The maximum number of questions at each meeting is four.
- (e) The Leader of the Council will be given at least 24 hours' notice of any questions to be asked under this rule.
- (f) The question will be put at the meeting by the person who has submitted the question or, if the person is not present or does not wish to put the question themselves, by the Chief Executive or another senior officer, and will be answered by the Leader of the Council or any other member nominated by them, so long as that member has consented before the meeting.
- (g) If the question was put by the person who submitted it, that person may then ask one supplementary question, which must arise out of the answer given to the original question and take no longer than two minutes to ask, and the member who answered the original question must answer the supplementary question.
- (h) No debate will be allowed arising out of a question asked or answer given under this rule.
- (i) No person may ask more than one question under this rule at any meeting.

REPRESENTATIONS

REPORT OF	MEETING	DATE	ITEM NO
DEPUTY CHIEF EXECUTIVE	COUNCIL	17 JULY 2023	6
QUESTIONS FROM MEMBERS OF THE COUNCIL			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

One question has been received from a member of the council before the requisite deadline for publication of the agenda.

If any further questions are received before the constitutional deadline, which is, for the purpose of this meeting, 4.30pm on Tuesday, 11th July 2023, they will be circulated prior to the meeting for members' information, under separate cover.

Part 4 – Rules of Procedure

9 Questions from Members of the Council

9.1 A councillor may, subject to 9.2, ask a question of the Leader of the Council or the chairman of a committee at an ordinary meeting of the council.

9.2 Questions may only be asked under 9.1 if:

- (i) The councillor who wants to ask the question has given it in writing to the Deputy Chief Executive before 4.30 p.m. on the fourth working day before the meeting (this means that if the meeting is to be held on a Monday, the question must be given before 4.30pm on the Tuesday before) and has identified who they want to answer it;
- (ii) The question is relevant to the terms of reference of the committee whose chairman is to answer it, or is to be answered by the leader of the council;
- (iii) The question will take no longer than two minutes to ask; and
- (iv) At the time the question is given to the Deputy Chief Executive, no more than four questions to be asked under this rule at the meeting concerned have previously been given to them.

9.3 The member who is to answer the question will be given at least 24 hours' notice of it.

9.4 The question must be answered at the meeting by the member to whom it is directed, unless:

- (i) the member is not present, or
- (ii) the question is directed to the leader of the council,

in either of which cases, the Leader of the Council may nominate any other member to answer, so long as that member has consented before the meeting.

9.5 The councillor who has asked the question may then ask one supplementary question, which must arise out of the answer given to the original question and take no longer than two minutes to ask, and the member who answered the original question must answer the supplementary question.

9.6 No debate will be allowed arising out of a question asked or answer given under this rule.

9.7 No councillor may ask more than one question under this rule (excluding supplementary questions under 9.5) at any meeting.

Question 1 - received from Councillor Hodgson on 7th July 2023

"In the Conservatives, Fylde Councils election leaflet in May 2023, it stated that Fairhaven Lake will be De-silted to improve the water quality for water sports.

Could you please advise: -

- 1) How the de-silting will be done and how will the silt be disposed of?*
- 2) When will this work take place and how long will it take?*
- 3) What is the total cost of the work?*
- 4) Has this project been agreed by full council and is it in the current budget for 2023 / 2024"*

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF PROJECTS AND REGENERATION	COUNCIL	17 JULY 2023	7

FULLY FUNDED BUDGET INCREASE - ST ANNES EVENT SQUARE PROJECT

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The St Annes Event Square Project is the first project to be delivered as part of the St Annes Masterplan, adopted by the Council in July 2022. The Event Square will provide a dedicated facility for hosting events on St Annes Road West, which will complement other locations in St Annes that host significant events across the year. The Council will then be able to use the new events space to deliver most events to be delivered under the St Annes Events Programme; a new project to be funded via the Fylde’s UK Shared Prosperity allocation in 2024/2025, as well as enabling events to be hosted by existing partner organisations and yet to be identified private events companies.

The recommendations within the report seek to establish the budget for the project, which is £1.5m. The funding contributions to this budget figure are made up of existing funding on the capital programme, external match funding and additional funding from the capital investment reserve.

Details regarding the initial scope of the scheme and the outline programme for delivery are included within the body of the report. The target for completion of the project is June 2024.

RECOMMENDATIONS

The Council are requested to:

Approve a fully funded addition to the Council’s Capital Programme for the total sum of £1,500,000 (£1,000,000 in 2023/24 and £500,00 in 2024/25) to the St Annes Event Square Project, of which £857,000 in 2023/2024 shall be provided from the Council’s Capital Investment Reserve, £160,000 funding from UK Shared Prosperity Programme (UKSPF) in 2023/2024, £250,000 in 2024/2025 is to be met from external funding provided by Lancashire County Council and capital virements of £233,000 in 2023/24.

SUMMARY OF PREVIOUS DECISIONS

Executive Committee – 4 July 2023

It was resolved;

To recommend to Council, approval of a fully funded addition to the Council’s Capital Programme for the total sum of £1,500,000 (£1,000,000 in 2023/24 and £500,00 in 2024/25) to the St Annes Event Square Project, of which £857,000 in 2023/2024 shall be provided from the Council’s Capital Investment Reserve, £160,000 funding from UK Shared Prosperity Programme (UKSPF) in 2023/2024, £250,000 in 2024/2025 is to be met from external funding provided by Lancashire County Council and capital virements of £233,000 in 2023/24 as detailed at point 2 below.

To approve capital virements totalling £233,000 from the existing Capital Programme in 2023/2024, consisting of £123,000 from St Annes Regeneration Schemes and £110,000 from the St Annes Road West – Square to Pier Link and Gateway, to the St Annes Event Square Project.

To authorise the proposed expenditure of £160,000 in respect of the scheme as detailed within this report and approve the award of a contract for multi-disciplinary professional design services to BDP Ltd.

To note the expenditure of £89,530.50 for Project and Cost Management Services as detailed within this report and note the award of a contract to Gosling Consulting Ltd via the Rise Framework under delegated powers given in the Council's Financial Procedure Rules in consultation with the Leader of the Council and the Chief Executive.

To note that a further report will be issued to the Committee in respect of the main contractor appointment to deliver the works and the authorisation of the capital works expenditure.

Planning Committee - 27th July 2022

It was resolved:

That, Members consider the final draft of the St Annes Town Centre and Island Masterplan and that, subject to the incorporation of any amendments that the Committee consider necessary, adopt the masterplan as a framework to guide future investment and development projects in the resort.

That the St Annes Town Centre and Island Masterplan and companion documents be used to support applications for grant funding and to secure financial contributions from developments (Sn 106) in the borough to ensure the future vitality of the town centre and the island.

Finance and Democracy Committee – 13 September 2021

It was RESOLVED to grant delegated authority to the Director of Development Services to award the contract for the St Annes Town Centre and Island Health Check and Masterplan

Finance and Democracy Committee - 29 July 2021

It was RESOLVED to approve a fully funded revenue budget increase of £120,000 for 2021/2022, of which £108,000 is funded from the Lancashire Economic Recovery Grant from Lancashire County Council and a further £12,000 is funded from the funding volatility reserve for the commissioning of the Island Regeneration Programme Masterplan.

Planning Committee - 28 July 2021

It was RESOLVED: To recommend to the Finance & Democracy Committee approval of a fully funded revenue budget increase of £120,000 for 2021/2022, of which £108,000 is funded from the Lancashire Economic Recovery Grant from Lancashire County Council and a further £12,000 is funded from the funding volatility reserve for the commissioning of the Island Regeneration Programme Masterplan.

Finance and Democracy Committee - 29 July 2021 -

Confirmation of Working Groups

It was RESOLVED to confirm the membership of the following working groups: St Annes Programme Board – To appoint the Leader and Deputy Leader to the working group.

Finance and Democracy Committee – 28 September 2020

Town Centre Working Group Update and Proposals to Support the Regeneration of St Annes Town Centre - It was RESOLVED:

to approve a revenue funded budget increase for 2020/21 in the sum of £150,000, to be funded from the Funding Volatility Reserve, to provide for the commissioning of a vision/strategy for St Annes Town Centre, such vision to include a town centre health check and be informed by the survey results and working group proposals for St Annes, and The Town Centre Working Group be consulted regarding the commissioning of this work.

Planning Committee – 16 September 2020

Town Centres Working Group Update and Proposals to Support the Regeneration of St Annes Town Centre -To recommend that the Finance & Democracy Committee approve a revenue funded budget increase for 2020/21 in

the sum of £150,000, to be funded from the Funding Volatility Reserve, to provide for the commissioning of a vision/strategy for St Annes Town Centre, such vision to include a town centre health check and be informed by the survey results and working group proposals for St Annes.

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

REPORT

BACKGROUND

1. The Executive Committee, at its meeting on 4 July, considered the first scheme to come forward as part of the St Annes Masterplan. Following consultation conducted through the Town Centre Working Group, a consensus emerged that the key issues to be addressed in St Annes should include:
 - a. Provision of a dedicated events space within the Town Centre
 - b. Improvement to lighting, particularly on the ‘darker’ side-streets
 - c. Improvements to signage and wayfinding
 - d. Improvements to CCTV infrastructure.
2. These priorities form the key strategic brief for the creation of a coordinated set of capital projects to be formalised, developed, and delivered to achieve these objectives. This report focuses on the provision of an events space on St Annes Road West, a project which is taken directly from the Masterplan.

SCHEME DETAILS

3. Early scoping work was undertaken to assess the available design options for delivery of a events space and the initial options were presented to Leadership Board for a steer in April 2023. The options were designed to narrow the focus of the scheme and establish an initial budget and parameters of project scope, to enable the procurement of a multi-disciplinary team to design and manage the scheme. The initial budget has been set at £1.5m, this includes all necessary fees, survey costs, contingency and delivery of the works, after discussion with the Leadership Board the recommendation set out in this report is put forward for the committee to consider.
4. The option selected reduces the scope of the scheme included within the Masterplan which was estimated at £2.5m. The £1.5m option will include following key elements:
 - a. EITHER a large events space but with a reduced specification in terms of material quality and fittings OR a reduced event space area to maintain the quality of material and fittings and described in the Masterplan
 - b. Upgraded pedestrian surfaces and crossings.
 - c. Feature lighting
 - d. Provision for services diversions
 - e. Coordination with the separate CCTV upgrade project
 - f. Provision of street furniture and planters (of a reduced quantity or specification of that as described in the Masterplan)
 - g. ‘Pop-up’ shelter structure to mark the events space.
5. The appointed design team will work also work up plans for an extension of the feature lighting into the darker streets and design a new signage and wayfinding scheme for St Annes as a resort.

6. A RIBA Stage 2 Concept Design plan prepared by BDP, which shows the initial vision of the scheme is included within Appendix A of this report (which is to follow).

COST BREAKDOWN OF THE SCHEME

The table below contains the initial RIBA Stage 1 budget, which will be refined at each gateway stage within the project as more detailed design becomes available.

Table 1: Cost Breakdown of the Scheme:

Element	Budget Allowance	Notes
Construction Budget	£1,050,000	To include the scope elements detailed above
Professional Fees, Surveys and statutory fees	£300,000	Surveys include (but not exhaustive) topographical, GRP, site investigation, arboriculture, all planning surveys, statutory fees, LCC fees. Professional fees include Project and Cost Management, Landscape Design, Principal Designer (CDM), Transport and Highways consultant, planning consultant, services engineer, civil and structural engineer.
Sub Total	£1,350,000	
Contingency	£150,000	10% of total budget
Total Budget	£1,500,000	

FUNDING BREAKDOWN OF THE SCHEME

7. The recommendations within the report detail the main funding sources for the scheme and quantify the additional amount of funding required from the capital investment reserve to create the £1.5m budget for the scheme.
8. The purpose of this section of the report is to reconcile the existing amounts on the capital programme (previously earmarked for earlier versions of regeneration schemes within St Annes that were put on hold pending the preparation of the Masterplan), confirm the additional match funding sources for the scheme and confirm the exact amount of additional funding which is required from the capital investment reserve. This information is summarised in the table below.

Table 2: Funding Breakdown of the Scheme:

Funding Source	Existing Capital Programme Item	Amount	Notes
St Annes Regeneration Schemes	Yes	£123,000	Previously allocated to the Pier Link project – now superseded by the decision to prioritise the events square
St Annes Road West – Square to Pier Link and Gateway	Yes	£110,000	As above
UKSPF Capital Match Funding	No	£160,000	As per approved UKSPF Investment Plan
LCC Match Funding	No	£250,000	As per a commitment given by the LCC Portfolio Holder for Economic Development

Additional contribution from the Capital Investment Reserve (CIR)	No	£857,000	As recommended by Leadership Board. The un-committed balance on the CIR after accounting for other capital schemes in the capital programme funded from the reserve and the £857k commitment recommended in this report will be £2.573m.
Total		£1,500,000	

IMPLICATIONS	
Finance	The report seeks approval from Council for the approval of a fully funded addition to the Council's Capital Programme for the total sum of £1,500,000 (£1,000,000 in 2023/24 and £500,00 in 2024/25) to the St Annes Event Square Project, of which £857,000 in 2023/2024 shall be funded from the Council's Capital Investment Reserve (CIR), £160,000 from UK Shared Prosperity Programme (UKSPF) in 2023/2024, £250,000 in 2024/2025 from external funding provided by Lancashire County Council and capital virements of £233,000 from the existing Capital Programme in 2023/2024, (£123,000 from St Annes Regeneration Schemes and £110,000 from the St Annes Road West – Square to Pier Link and Gateway. The un-committed balance on the CIR after accounting for other capital schemes in the capital programme funded from the reserve and the £857k commitment recommended in this report will be £2.573m.
Legal	The various stages of the project will need to be procured in line with the Public Contracts Regulations 2015 (where applicable) and the council's own procurement rules.
Community Safety	There are no implications
Human Rights and Equalities	There are no implications
Sustainability and Environmental Impact	There are no implications
Health & Safety and Risk Management	There are no implications

LEAD AUTHOR	CONTACT DETAILS	DATE
Charlie Richards	Charlie.richards@fylde.gov.uk	26/6/2023

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
St Annes Masterplan	September 2022	https://new.fylde.gov.uk/st-annes-town-centre-masterplan/

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF PROJECTS AND REGENERATION	COUNCIL	17 JULY 2023	8
FULLY FUNDED BUDGET INCREASE – UK SHARED PROSPERITY FUND			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

In April 2022 the Government announced a new £2.6billion investment programme titled UK Shared Prosperity Fund (UKSPF), to replace old EU structural funding. As part of the funding allocation process, the Council prepared and submitted an Investment Plan in August 2022 which was then approved by Government in December 2022.

Fylde's allocation of UKSPF monies amounts to £2.6m, to be defrayed over 3 financial years until the end of 2024/2025. An Investment Plan details where the funding will be concentrated across the 3 investment themes as set out the Government's UKSPF guidance documents. The Investment Plan has been approved by the UKSPF Partnership Group, which brings together a cross section of key stakeholders including representatives from businesses, elected members, education and skills, and the community sectors.

In January 2023, Council approved a fully funded addition to the Council's Capital Programme for 2022/23 in the sum of £82,500 and a fully funded addition to the Council's revenue base budget of £258,288 to the 'UK Shared Prosperity Funding' scheme, to be met from external funding provided by the Department of Levelling Up, Housing and Communities (DLUHC).

This report provides the latest update on the UKSPF programme and recommends an in-year increase to the Council's Capital Programme for 2023/24 of £267,500 and an in-year increase to the revenue base budget for 2023/24 of £374,076, and a budget increase to the Capital Programme for 2024/25 of £714,214 and a budget increase to the revenue base budget for 2024/25 of £966,714, all of which are fully funded via the UKSPF allocation.

RECOMMENDATION

The Council are requested to:

1. Approve of a fully funded addition to the Council's Capital Programme in 2023/24 in the sum of £267,500 and in 2024/25 in the sum of £714,214 and an addition to the revenue base budget in 2023/24 in the sum of £374,076 and in 2024/25 in the sum of £966,714, fully funded additions to the 'UK Shared Prosperity Funding' scheme, to be met from external funding provided by the Department of Levelling Up, Housing and Communities based on the latest indicative figures provided as at 5th December 2022.

SUMMARY OF PREVIOUS DECISIONS

Executive Committee – 4 July 2023

It was resolved to:

recommend to Council, approval of a fully funded addition to the Council's Capital Programme in 2023/24 in the sum of £267,500 and in 2024/25 in the sum of £714,214 and an addition to the revenue base budget in 2023/24 in the sum of £374,076 and in 2024/25 in the sum of £966,714, fully funded additions to the 'UK Shared Prosperity Funding' scheme, to be met from external funding provided by the Department of Levelling Up, Housing and Communities based on the latest indicative figures provided as at 5th December 2022.

CORPORATE PRIORITIES

Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

REPORT

1. The UK Shared Prosperity Fund was launched by the Government on 13th April 2022. The fund replaces old EU structural funding which was administered by unitary authorities to provide economic development and regeneration initiatives.
2. The government describes the fund as *"a central pillar of the UK government's ambitious Levelling Up agenda and a significant component of its support for places across the UK. It provides £2.6 billion of new funding for local investment by March 2025, with all areas of the UK receiving an allocation from the Fund via a funding formula rather than a competition. It will help places right across the country deliver enhanced outcomes and recognises that even the most affluent parts of the UK contain pockets of deprivation and need support"*.
3. There are 3 main investment themes contained within the UK Shared Prosperity Fund, under each of these themes a number of projects have been developed to ensure the Council achieves the outcomes and outputs expected over the lifetime of the Fund. The themes are:
 - **Communities and Place**
 - **Supporting Local Business**
 - **People and Skills**
4. To access the funding allocation, lead local authorities were required to complete an Investment Plan setting out how the funding would be used. As part of the preparation of the Investment Plan, a local partnership group was formed to define Fylde's priorities and project activity. The partnership group includes representation from across the public, private, education and third sectors.
5. Fylde's Investment Plan was submitted to Government on 29 July 2022. On the 5 December 2022 it was announced the Investment Plan had been approved and following receipt of the signed Memorandum of Understanding, year one payment was received and credited to the council's bank account on 30 December 2022.
6. Fourteen projects have been identified for delivery across Fylde under the three investment themes of the UKSPF programme, these projects will achieve the Interventions, Outcomes and Outputs expected by DLUHC as set out in the Investment Plan. A number of these projects are underway, including public realm in Lytham and supporting the visitor economy, two new business support partnerships including the North West Aerospace Alliance providing specialist expertise to the aerospace, automotive and advanced engineering and manufacturing sectors, and East Lancashire Chamber delivering their award winning 'Chamber Low Carbon' project to support businesses with their sustainability, reduce their energy costs and their carbon footprint.
7. In order to support young people who are disengaged, also referred to as NEET (16-19 year olds not in education, employment or training), AFC Fylde Community Foundation (AFC FCF) are delivering a project which

provides a range of engagement, mentoring and training opportunities with the aim of getting young people ready for work and/or training and educational opportunities.

8. A contract for £62,200 was let recently to AFC FCF as an exempt contract under the qualified informal procedure for Year 2 delivery (2023-24). As the council's contract procedure rules require, the Head of Service formally reports the letting of the contract to this committee. This procedure rule was used due to AFC FCF being the only local deliverer of this type of support identified and they had been delivering the same activity funded via European funding and was therefore at risk. Government had specifically stated that those People and Skills projects at risk due to European funding coming to an end should have provision made within local Investment Plans. AFC FCF were named as the original local deliverer within the Investment Plan submitted to Government and had already successfully delivered the Year 1 project (Jan-March 2023) when the contract for Year 2 was awarded.
9. In addition, a Feasibility and Baseline Study has recently been commissioned to enable the Council to better understand the value and capacity of the community, voluntary, faith and social enterprise sectors who operate across the borough supporting individuals and groups, be it with basic IT skills or community transport.
10. A full breakdown of Fylde's UKSPF projects underway and in the pipeline are attached at Appendix A.
11. Following the initial meeting of the Partnership Group on the 25 July 2022 to discuss and approve the Investment Plan, as agreed a further update was provided to the group in February 2023.
12. The first UKSPF reporting period to government ended 31 March 2023 and a full report was returned to DLUHC by the deadline of 2 May 2023. Should the report be approved, it is anticipated that Year 2 funding will be received by the end of June/early July 2023 at which point a further update will be provided to the Partnership Group.

IMPLICATIONS	
Finance	The Council is asked to approve of a fully funded addition to the Council's Capital Programme in 2023/24 in the sum of £267,500 and in 2024/25 in the sum of £714,214 and an addition to the revenue base budget in 2023/24 in the sum of £374,076 and in 2024/25 in the sum of £966,714, fully funded additions to the 'UK Shared Prosperity Funding' scheme, to be met from external funding provided by the Department of Levelling Up, Housing and Communities based on the latest indicative figures provided as at 5 th December 2022.
Legal	None
Community Safety	None
Human Rights and Equalities	None
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	None

LEAD AUTHOR	CONTACT DETAILS	DATE
Charlie Richards	Charlie.richards@fylde.gov.uk 01253 658520	26/06/2023

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
None		

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
OFFICE OF THE CHIEF EXECUTIVE	COUNCIL	17 JULY 2023	9
CORPORATE PLAN 2020-2024: PROGRESS REVIEW			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The report provides an update on progress against the actions in the Corporate Plan up to June 30th 2023, with commentary on progress and performance status. The Corporate Plan forms part of the strategic planning framework which determines resource allocation across the council.

Members are asked to note that the COVID pandemic led to significant changes in resource allocation, responsibilities, and priorities for at least two years of the Corporate Plan period 2020 to 2024.

RECOMMENDATION

That the Council approves the progress made against the Corporate Plan actions outlined in Appendix 2 of the report for the period up to the end of June 2023.

SUMMARY OF PREVIOUS DECISIONS

The Corporate Plan 2020-2024 draft was approved by [Full Council on February 10th 2020](#)

The Corporate Plan 2020-2024 refresh was approved by [Full Council on 19th October 2020](#)

CORPORATE PRIORITIES

Economy – To create a vibrant and healthy economy	√
Environment – To deliver services customers expect	√
Efficiency – By spending money in the most efficient way	√
Tourism – To create a great place to live and visit	√

REPORT

1. The Council produces a four-year Corporate Plan that outlines the priority objectives and outcomes the authority will deliver on behalf of the Fylde community, the current 2020 to 2024 Corporate Plan was approved at [Full Council on 19th October 2020](#) and is included as Appendix 1.
2. Appendix 2 outlines progress against the actions agreed up to June 2023. The actions in the Corporate Plan 2020-24 have a target delivery date that they are measured against. The actions and the target delivery dates were agreed prior to the pandemic and were reviewed and revised after taking into consideration the impact the pandemic had on resources and priorities.

3. The Corporate Plan is reviewed on a regular basis taking account of any changes that may need to be made in response to policy, regulation, or legislative change during the period of the plan. Commentary is included on the status of each action with some not necessarily having a defined start and end, the implementation of an activity (the action) becomes an ongoing function, this will be taken into consideration when the next iteration of the four-year plan is developed over the coming months.
4. Corporate Plan actions were aligned to the programme committees providing them with a framework that links the business of the committee to the agreed corporate strategic objectives ensuring that the outcomes from the Corporate Plan within the remit of the committee are delivered. The appointed lead members for service areas under the new governance arrangements will pick up the outstanding actions in the current plan.
5. The plan contains 82 actions, of which 73% (60) have been completed, 13 have yet to reach the target date (or revised target date where appropriate) set and 9 actions are in progress on track to be completed. A revised target completion date has been set for some of the actions, in many cases the delay has been because resources needed to be diverted to unforeseen priorities and workload during the pandemic and the pandemic recovery period. Other reasons include additional time required for works or decisions from external partners also impacted by the organisational and workplace changes because of the pandemic.
6. The Corporate Plan forms part of the Council's budget and policy framework and must be approved by Full Council, members are asked to approve the progress made against the Corporate Plan outlined in Appendix 2 of the report for the period up to the end of June 2023.
7. Performance against the plan is captured and monitored through the performance management framework that can be viewed online at <http://fyldeperformance.inphase.com> any time by any stakeholder.
8. The current plan will conclude in March 2024, work will start in the Autumn on the 2024-2028 Corporate Plan that will reflect member priorities, emerging regulation, and some initiatives that will carry forward from the current plan.

IMPLICATIONS	
Finance	There are no direct financial implications because of this report.
Legal	There are no direct legal implications as a result of this report, implications are considered part of the service planning process.
Community Safety	There are no direct community safety implications as a result of this report, implications are considered part of the service planning process.
Human Rights and Equalities	There are no direct human rights or equalities implications as a result of this report, implications are considered part of the service planning process.
Sustainability and Environmental Impact	There are no direct sustainability or environmental implications as a result of this report, implications are considered part of the service planning process.
Health & Safety and Risk Management	There are no direct health & safety or risk management implications as a result of this report, implications are considered part of the service planning process.

LEAD AUTHOR	CONTACT DETAILS	DATE
Allan Oldfield, Chief Executive	Allan.oldfield@fylde.gov.uk 01253 658658	June 2023
Alex Scrivens, Corporate Improvement and Engagement Manager	Alex.scrivens@fylde.gov.uk 01253 658543	

BACKGROUND PAPERS

Name of document	Date	Where available for inspection
Corporate Plan 2020-24	04/11/2022	Plan on page version - available online Booklet Version - available online
Performance Information	04/11/2022	http://fyldeperformance.inphase.com

ATTACHED DOCUMENTS:

APPENDIX 1: [The Corporate Plan 2020-2024](#)

APPENDIX 2: Corporate Plan 2020-24: Progress to June 2023

Fylde Council Corporate Plan 2020/24

Economy

Environment

Efficiency

Tourism

AMBITIONS

To create a vibrant and healthy economy we will:

- Develop & deliver Master Plans for the town centres
- Support and promote appropriate development
- Facilitate improved transport infrastructure and connectivity
- Maximise the use of all council owned assets
- Work with partners to attract new employment and create vibrant economic communities
- Retain and enhance the identity of our local communities

To deliver services customers expect we will:

- Reduce the use of plastics & increase recycling
- Enhance the natural environment
- Improve coast and countryside accessibility
- Create clean, safe and healthy communities
- Provide high quality parks and open spaces
- Provide safe, clean and accessible coast and countryside facilities
- Provide coastal defences and drainage infrastructure to protect against flooding
- Implement energy efficient initiatives
- Reduce anti-social behaviour, disorder and crime

By spending money in the most efficient way we will:

- Keep council tax as low as possible whilst delivering first class services
- Adopt a 'Customer First Attitude'
- Actively seek feedback to improve service delivery
- Apply technology to deliver services in the most efficient way possible
- Continuously review every service to meet changing customer expectation
- Champion and enhance the reputation of the council
- Keep customers informed through open and transparent communication

To create a great place to live and visit we will:

- Provide high quality leisure, tourism, arts, sports and recreation facilities
- Deliver and support a diverse programme of events across the Fylde coast and countryside
- Develop and promote unique destination points across the coast and countryside
- Maintain public swimming provision
- Provide parking solutions that meet the needs of residents, workers and visitors
- Support and facilitate heritage and arts

ACTIONS

- Develop policy to protect the character of communities i.e. heritage assets, listed features, town centres
- Implement means of influencing legislation for leasehold arrangements on residential dwellings
- Work in collaboration with partners to deliver:
 - M55 Link Road scheme
 - Improved transport infrastructure e.g. rural bus routes, cycling lanes
 - A passing loop on the South Fylde railway line
- Deliver enough houses of appropriate type, tenure, design, density and mix to meet local need
- Work with partners in town centres to:
 - increase shopping footfall and the retail offer
 - encourage activity after 6pm
 - implement a zero-tolerance litter policy
 - provide car parking to attract customers
- Consult with stakeholders to secure the future use of Lytham Institute in accordance with the purpose of the Trust
- Develop the Enterprise Zone through the Fylde Coast partnership attracting employment and new industry
- Support the regeneration of our towns and villages
- Deliver next phase of St Anne's regeneration
- Deliver Kirkham High Street regeneration project
- Progress Lytham regeneration programme
- Apply the Commercial Strategy to council assets and future investment to secure best value
- Work with local business and partners to improve town centre shopping experiences and markets
- Explore opportunities for income generation from use of natural assets i.e. location filming, event hire
- Channel business rates funding opportunities to economic development.
- Review leases and Service Level Agreements
- Develop an Economic Recovery Plan post Covid-19

- Implement carbon reduction policies including; plastics reduction, tree planting, energy efficiency and recycling
- Design education and awareness programmes to support carbon reduction policies and actions
- Work with partners to deliver the carbon reduction policy actions i.e. reduce, re-use, recycle, tree planting
- Identify priority locations for tree planting to include numbers and types of trees
- Develop coast & countryside walks and pathways, improving signage and incorporating ranger events
- Educate and enforce to prevent littering, fly tipping, illegal signage, dog fouling and anti-social activity
- Develop the cemetery & crematorium project to address parking, green energy efficiency and long-term expansion
- Work with partners on flood prevention measures and drainage infrastructure to protect properties
- Engage with partners on health & wellbeing issues in the community and assist residents with accessing support
- Further reduce the number of empty homes and encourage the development of quality energy efficient affordable homes to rent or buy
- Create and maintain high quality parks and open spaces working with volunteer groups to achieve Green Flags
- Maintain our seaside award and work toward Blue Flag status
- Explore opportunities to introduce electric car charging points
- Proactively enforce against illegal encampments
- Deliver a regeneration programme for St Anne's coastal strip including sea defences
- Deliver public realm and drainage infrastructure to enhance rural areas
- Take action on partnership priorities such as anti-social behaviour, nuisance and environmental disorder.

- Implement measures to seek grant funding, sponsorship, advertising and partnership working
- Explore income generating opportunities and maximise return from assets in line with the commercial policy
- Develop innovative ways of using signage, including advertising, use of digital screens to communicate with customers
- Promote the resident's car parking permit and simplify the offer
- Provide access to council services through all possible means with particular focus on the most vulnerable
- Enable customers to provide feedback on service at the point of delivery and use it to improve the service
- Review all emergency plans and incorporate measures for responding to incidents
- Use bin stickers and vehicles to promote council services
- Review the Public Space Protection Orders as means of enforcement
- Implement a code of conduct scheme for professional / multiple dog walkers
- Implement the signage strategy to create greater awareness of what is available, how we perform and enhance our reputation
- Support the Boundary Commission with the review of Fylde for 2023
- Review bus shelter provision and maintenance including income generating opportunities
- Implement new toilet provision at locations based on demand and investigate income opportunities
- In collaboration support the development of the Greater Lancashire Plan
- Explore Combined Authority options for Lancashire along with local government re-organisation

- Deliver an events programme that covers the coast and countryside including:
 - Strengthening our existing events
 - Investigating new opportunities
 - Marketing and promoting events
 - Supporting galas, club days and carnivals
- Represent the council on Lowther Trust ensuring the purpose of the Trust is achieved and the council's interests are protected
- Deliver the Fairhaven Lake project to include:
 - Completing the National Lottery Heritage Fund (NLHF) project, including Improved facilities i.e. café, car parking, kiosk etc.
 - Introduce Adventure Golf and other activities
- Promote the Parks Development approach to partnerships across the Borough on parks and open space
- Work in partnership with Lytham Hall to enhance and preserve the Grade 1 listed asset
- Pursue museum accreditation of LSA art collection with Arts Council England and explore options available for display with partners
- Work with LCC to develop car parking options for the coastal promenades and manage overnight parking provision
- Develop leisure offer along the coast to cater for residents and visitors all year round eg, pier, Island, Fairhaven
- Review motor home parking provision

Version: 03/09/20

Corporate Plan 2020-24: ACTIONS & UPDATES



Overall Corporate Plan Actions Status	
Number of Actions Completed	60
Number of Actions in progress	9
Number of Actions not yet due	13
Percentage of all Actions Achieved by the target date	73%

Actions	Due Date	Commentary to date	STATUS?
Finance and Democracy - Cllr K Buckley			
Consult with stakeholders to secure the future use of Lytham Institute in accordance with the purpose of the Trust	HIGH Q1 2022/23	The council and the Charity Commission have both completed formal consultations on the objects.	Completed
Develop the Enterprise Zone through the Fylde Coast partnership attracting employment and new industry (Outcome: Annual report against the EZ performance in terms of tenants and jobs)	MED Q4 2021/22	The annual report was presented to the F&D Committee in September. The report confirmed the contribution and support made by Fylde Council and outlined the progress being made at the Enterprise Zone in terms of attracting new business and employment.	Completed
Apply the Commercial Strategy to council assets and future investment to secure the best value (Outcome: Annual asset management plan reported to a committee)	MED Q3 2023/24	The Asset Management Plan has been delayed because of resource availability, capacity and skill set requirements. The completion target has been revised to December 30 th , 2023.	Not Due
Channel business rates funding opportunities to economic development (Outcome: Approved policy statement)	HIGH Q2 2021/22	Business rates funding from the EZ diverted to support economic development opportunities has been happening with financial support to the M55 Link Road. A policy statement has been included in the revised Commercial Strategy.	Completed
Develop an Economic Recovery Plan post-Covid-19 (Outcome: recovery plan approved and reported on)	HIGH Q4 2020/21	A COVID Road Map Recovery Plan was agreed and implemented which identified the actions and resources required to manage the recovery process in Fylde.	Completed
Explore income-generating opportunities and maximise the return from assets in line with the commercial	MED Q2 2021/22	The Commercial Strategy has been revised and presented before the committee for approval. The strategy includes the approach to income generation.	Completed

policy (Outcome: A revised commercial strategy that includes a process for income-generating proposals and asset use)			
Provide access to council services through all possible means with a particular focus on the most vulnerable (Outcome: Publication of post-pandemic engagement channels)	MED Q3 2021/22	All-access channels are operating and promoted with DDA and protected characteristics considered in developing all stakeholder engagement.	Completed
Enable customers to provide feedback on service at the point of delivery and use it to improve the service (Outcome: Review 24/7 feedback process and re-publish)	MED Q3 2021/22	The resident survey is available at any time and customer-facing service areas are operating a 'how did we do?' survey developed and piloted for front facing services.	Completed
Support the Boundary Commission with the review of Fylde for 2023 (Outcome: Review signed off at council)	HIGH Q3 2021/22	The work on the Boundary Review is complete, the council and community stakeholders were fully engaged, and the final proposals have been published.	Completed
In collaboration support the development of the Greater Lancashire Plan (Outcome: Approval of the plan with a clear benefit for Fylde included)	MED Q1 2022/23	Members and officers have been directly engaged with the development of the Lancashire 2050 initiative that has superseded the Greater Lancashire Plan, representing Fylde interests.	Completed
Explore Combined Authority options for Lancashire along with local government re-organisation (Outcome: Fylde position agreed at the full council)	MED Q4 2023/24	A Combined Authority has been replaced by a County Deal option. Lancashire authorities are discussing possible governance structures and clarification from central government on the role of districts – target has been revised but is not determined by Fylde.	In Progress
Planning Committee - Cllr T Fiddler			
Develop a policy to protect the character of communities i.e. heritage assets, listed features, and town centres (Action split as below)			
- Outcome: Adopt Built Heritage Strategy	MED Q3 2023/24	A Heritage Strategy with an action plan has been produced. Following the completion of the local listings project, which is available on the heritage pages of the council's website at: https://new.fylde.gov.uk/resident/planning/listed-buildings/ completion of the local list of registered parks and gardens is being progressed – target revised.	In Progress
- Outcome: Complete Local Listings Project	MED Q4 2022/23	Work to review buildings for inclusion in the local list has been completed.	Completed
- Outcome: Develop a Local list of Registered Parks and Gardens	MED Q4 2023/24	Revised target – delay due to pandemic and resources.	Not Due
- Outcome: Complete Conservation Area Appraisal Review	MED Q4 2023/24	Revised target – delay due to pandemic and resources.	Not Due
Implement means of influencing legislation for leasehold arrangements on residential dwellings	HIGH Q4 2020-21	This matter was addressed at a national level with the Leasehold Reform (Ground Rent) Act 2022 came into force on 30 June 2022. The Act put an end to ground rents for most new long residential leasehold properties in England and Wales.	Completed
Work in collaboration with partners to deliver: the M55 Link Road scheme	HIGH Q4 2023/24	Construction of the road is underway and scheduled for completion in 2024	In progress

Deliver enough houses of the appropriate type, tenure, design, density and mix to meet the local need (Action split as below)			
- Outcome: Local Plan Partial Review - policy H2 addresses a mix of new market housing schemes	MED Q2 2021/22	Policy H2 was amended with the adoption of the Fylde Local Plan (incorporating partial review) on 7 December 2021	Completed
- Outcome: Local Plan Partial Review - policy H4 addresses Affordable Housing in general terms	MED Q2 2021/22	Policy H4 was amended with the adoption of the Fylde Local Plan (incorporating partial review) on 7 December 2021	Completed
- Outcome: Complete and adopt Affordable Housing SPD	MED Q3 2021/22	The Affordable Housing SPD was formally adopted on 29 September 2021.	Completed
Work with partners in town centres to increase shopping footfall and the retail offer (Outcome: develop events programme including specialist markets)	HIGH Q3 2021/22	STEP & St Annes Town Council have events scheduled, markets in St Annes & Kirkham, work is in place and ongoing with all partners	Completed
- Outcome: Appoint Town Centres Manager	HIGH Q4 2020/21	The dedicated appointment was made, and the role is now integrated into the economic development function permanently.	Completed
- Outcome: Complete St Anne's Town Centre Strategy	HIGH Q2 2021/22	Master Plan completed and approved by the committee	Completed
Work with partners in town centres to encourage activity after 6 pm (Outcome: Encourage residential uses in town centres e.g. living over the shop)	HIGH Q3 2023/24	Additional work on policy and Master Plan outcomes/activity required a revised target date set	In Progress
Support the regeneration of our towns and villages (Action split as below)			
- Outcome: deliver 106 public realm schemes - Wesham Community Centre	HIGH Q4 2020/21	The Section 106 and capital funding from Fylde Council have been transferred to the Parish Council responsible for delivering the project. Work has commenced to deliver new Village Green.	Completed
- Outcome: deliver 106 public realm schemes - Elswick village green	MED Q4 2021/22	The project was completed and opened summer of 2022	Completed
- Outcome: deliver 106 public realm schemes - Wrea Green village centre	MED Q2 2022/23	Works completed and signed off	Completed
Deliver the next phase of St Anne's regeneration (Action split as below)			
- Outcome: Complete Pier Link	HIGH Q3 2023/24	The scheme is now part of Levelling Up bid fund – the target date revised	In Progress
- Outcome: Complete projects emerging from St Anne's Town Strategy	HIGH Q4 2023/24	The target date not passed	Not due
Deliver Kirkham High Street regeneration project (Action split as below)			
- Outcome: Deliver Future High Street Fund Programme	HIGH Q4 2023/24	Target date not passed	Not due
- Outcome: Deliver Heritage Action Zone Programme	HIGH Q4 2023/24	The target date not passed	Not due

Progress Lytham regeneration programme (Action split as below)			
- Outcome: Central Beach Lighting Scheme	MED Q3 2023/24	Project delivered based on the current funding available – additions can be made if further funding is available	Completed
- Outcome: Clifton Street Refurbishment	MED Q4 2023/24	Funding delays and resources directed to higher priority projects – revised target date set	In Progress
Further, reduce the number of empty homes and encourage the development of affordable homes (Outcome: Develop empty homes strategy)	HIGH Q2 2022/23	The Affordable Housing Officer is in post the work is being delivered through this new role.	Completed
Tourism and Leisure - Cllr M Sayward			
Explore opportunities for income generation from the use of natural assets i.e. location filming, event hire (Outcome: production and agreement of a filming directory which is available to promote location filming in Fylde)	MED Q2 2021/22	Policy and process in place and operational bringing in income for the council.	Completed
Develop coast & countryside walks and pathways, improving signage and incorporating ranger events (Action split as below)			
· Outcome: Investigation of the cost and logistics to produce information on digital walks and trails in Fylde	MED Q1 2021/22	Rural Fylde and Wyre walks are available as a downloadable PDF of the Discover Fylde website.	Completed
· Outcome: Production of a programme of walks led by the Rangers	MED Q2 2021/22	A programme of walks is published and delivered each year.	Completed
· Outcome: Completion of agreed signage improvements.	HIGH Q4 2021/22	Signage on the walks and pathways has been upgraded, improved, and replaced, the maintenance and regular review of the pathways, walks and signage is the party of ongoing service delivery.	Completed
Create and maintain high-quality parks and open spaces working with volunteer groups to achieve Green Flags (Outcome: Submission of annual Green Flag Park Awards applications were considered achievable)	HIGH Q1 2022/23 and annually	Working with community and volunteer groups is established and in place, and Green Flags have been awarded and retained.	Completed
Maintain our seaside award and work toward Blue Flag status (Outcome: Submission of annual Seaside Award application. Consideration of submission of Blue Flag Beach Award application if applicable).	HIGH Q1 2021/22	The seaside award has been achieved and re-awarded. The need to have 'Excellent' bathing water quality for Blue Flag status means that the award cannot be achieved at present but the necessary works to meet the other essential criteria have been delivered e.g. accessibility and toilet provision.	Completed
Implement the signage strategy to create greater awareness of what is available and enhance our reputation (Outcome: delivery of the agreed programme of signage improvements)	HIGH Q4 2021/22	A signage strategy has been agreed upon that covers assets and activities across the council not just T&L-related. The actions in the strategy will be delivered through the communications and technical services teams as part of the operational service plans.	Completed
Deliver an events programme that covers the coast and countryside including (Action split as below)			

· Strengthening our existing events (Outcome: Review existing support provided).	MED Q4 2021/22	A post-event review is carried out after every event with 'lessons learnt' shared and implemented.	Completed
· Investigating new opportunities (Outcome: Investigate possible new opportunities for events).	HIGH Q4 2021/22	New events are considered and have been implemented with varying success / lessons learnt.	Completed
· Marketing and promoting events (Outcome: Production of an annual programme of events and publication on Discover Fylde).	HIGH Q2 2021/22	All known events are published on Discover Fylde and promoted on all media channels.	Completed
· Supporting galas, club days and carnivals (Outcome: Provide support and assistance towards galas/club days/carnivals).	HIGH Q2 2021/22	Support arrangements are in place including physical resources (bunting, chairs, staging, signage), event management advice, training, marketing, promotion, waste management etc.	Completed
Represent the council on Lowther Trust ensuring the purpose of the Trust and the council's interests are protected (Outcome: Attend regular monthly meetings).	MED Q1 2021/22	The council has Member and officer representation on the Trust Board with regular reports/updates shared and published.	Completed
Completing Fairhaven Lake National Lottery Heritage Fund (NLHF) project, including i.e. café, car parking, kiosk etc. (Outcome: Completion of physical project improvements).	HIGH Q4 2021/22	The majority of the commitments in the lottery bid have been implemented and are operational / in use.	Completed
Introduce Adventure Golf and other activities (Outcome: Completion of Adventure Golf project and introduction of a full events diary for the Lake).	HIGH Q1 2022/23	The facility is completed and operational, generating income for the council.	Completed
Promote the Parks Development approach to partnerships across the Borough on parks and open space (Outcome: Present and promote the parks development approach to parish and town councils).	MED Q3 2021/22	The Parks Development approach has been shared, widely used and essential when seeking to secure any capital funding from the council.	Completed
Work in partnership with Lytham Hall to enhance and preserve the Grade 1 listed asset (Outcome: Continue ongoing liaison and support to Lytham Hall).	MED Q1 2021/22	Effective and productive working partnerships are in place with Heritage North West (the tenant), the Lytham Hall Foundation Trust (a local charity) and Lytham Town Trust (the landlord).	Completed
Pursue museum accreditation of LSA art collection with Arts Council England and options for display with partners (Action split as below)			
· Outcome: Apply for museum accreditation	HIGH Q3 2022/23	The Working Group required additional time to consider the impact of accreditation, the target was revised.	Not Due
· Outcome: Investigate options for exhibition venues	HIGH Q3 2021/22	Lytham Hall has been approved as a dedicated exhibition venue.	Completed
Develop leisure offer along the coast to cater for residents and visitors all year round e.g., pier, Island, Fairhaven (Outcome: Devise a programme for complimentary leisure offer along the coast)	HIGH Q1 2022/23	Implemented through the events, concessions, leisure developments/offers with improvements outlined in the St Annes Master Plan.	Completed

Operational Management - Cllr R Small			
Improved transport infrastructure e.g. rural bus routes, and cycling lanes (Outcome: evidence of process /structures in place to engage with partners that deliver bus routes and cycle lanes)	LOW Q1 2021/22	Close partnerships with the upper tier have led to the cycle path and highway improvements through direct works and Section 106 arrangements.	Completed
A passing loop on the South Fylde railway line - (Outcome: complete GRIP 3 Strategic Outline Business Case)	HIGH Q3 2021/22	The GRIP 3 Strategic Outline Business Case has been completed with sign-off from all stakeholders	Completed
Implement a zero-tolerance litter policy (Outcome - measures in place to issue FPNs if warnings are unheeded)	MED Q2 2021/22	Policy statement approved – anyone caught littering or evidenced fly-tipping will be issued PCN.	Completed
Provide car parking to attract customers (Outcome: clean, well signed, clearly marked, easy to use/pay car parks)	HIGH Q1 2021/22	Clean, well signed, clearly marked, easy to use/pay car parks – with new machines and upgraded signage implemented and operational realising income for the council. Regular surveys provide details on the next phase of improvements each year.	Completed
Review leases and Service Level Agreements (Outcome: evidence/policy/process of lease review in place given the practice of reviewing leases would be ongoing)	LOW Q4 2021/22	Every lease and service level agreement includes the requirement for a review in the agreement or lease that must deliver the best value for money with ongoing improvements.	Completed
Educate and enforce to prevent littering, fly-tipping, illegal signage, dog fouling and anti-social activity (Outcome: measures in place to advise and educate on litter management and enforce as / when required)	MED Q3 2021/22	The council has invested significant funding in communication, cleansing, environmental health, and corporate teams to educate and enforce anti-social behaviours covered under PSPO legislation. An established dedicated environmental enforcement team is supported by rangers, communication officers and other enforcement roles in the council.	Completed
Develop the cemetery & crematorium project to address parking, green energy efficiency long-term expansion (Outcome: a project plan is in place with time frames for delivery of the development of the facility and surrounding location)	LOW Q3 2021/22	A cross-party working group has agreed on capital projects including the purchase of additional land, infrastructure improvements and green efficiency improvements. Individual projects will be brought to the committee for recommendation as appropriate.	Completed
Explore opportunities to introduce electric car charging points (Outcome: policy/process in place to engage with providers and include in future schemes on council-owned assets where necessary/appropriate)	LOW Q4 2021/22	Delivery of electric vehicle charging points is part of the zero-carbon commitment adopted by the council. Rapid charging points have been installed in four car parks. The Council will tender for fast-charging points to be installed on long-stay council car parks. The council aims to work with LCC to plan and implement on-street electric charging points.	Completed
Deliver a regeneration programme for St Anne's coastal strip including sea defences (Outcome: the report from the initial work outlining the requirements and costing for the sea defence work including business displacement cost and any added public realm)	HIGH Q2 2021/22	Master plan and Island Sea Defence projects are in place and approved or waiting for planning.	Completed
Implement measures to seek grant funding, sponsorship, advertising, and partnership working (Outcome: policy/process in place to explore)	MED Q1 2022/23	Policy drafted and in place.	Completed

sponsorship and advertising opportunities across all service activities)			
Develop innovative ways of using signage, including advertising, and digital screens to communicate with customers (Outcome: new coastal signage in place, digital screens in use and borough entrance / welcome schemes in place)	LOW Q1 2022/23	New and additional coastal signage are in place both digital and traditional, and reviews and upgrades are implemented each year.	Completed
Promote the resident's car parking permit and simplify the offer (Outcome: evidence of a campaign to support resident parking and review of the scheme carried out)	LOW Q1 2021/22	The scheme is regularly promoted on social media and in the Council's weekly newsletters. Car park tickets will advertise the scheme on the back. Amendments to the scheme have been proposed to encourage the use of the town centre car parks outside of peak hours – part of a continuous review to improve the offer.	Completed
Review all emergency plans and corporate measures for responding to incidents (Outcome: One-Stop Shop for Emergency Plans and out-of-hours operations/support in place under designated officer)	MED Q4 2022/23	A full review has taken place, introducing new procedures and equipment to safeguard officers and high-risk facility areas.	Completed
Use bin stickers and vehicles to promote council services (Outcome: to extend advertising and sponsorship, also include key corporate messages)	LOW Q4 2023/24	Revised target set to allow for the inclusion of other council assets, some measures already in place.	In Progress
Review the Public Space Protection Orders as means of enforcement (Outcome: this is part of the earlier objective about littering enforcement would be better to wrap enforcement into one objective with the same deadline and direction on the appetite of tolerance)	LOW Q3 2023/24	The target date not passed	Not due
Implement a code of conduct scheme for professional/multiple dog walkers (Outcome: scheme in place and offer for dog walkers to sign up)	LOW Q4 2022/23	The code of conduct developed by the Kennel Club will be adopted and proposed to all local professional dog walkers to receive council accreditation.	In Progress
Review bus shelter provision and maintenance including income-generating opportunities (Outcome: review completed, and advertising options are in place)	LOW Q3 2023/24	Resource shortage – the revised target set	In Progress
Implement new toilet provision at locations based on demand and investigate income opportunities (Outcome: a report that outlines the history and issues of toilet provision in Fylde so that any assessment of need/demand has a framework within which to work and understanding the longer-term implications)	MED Q4 2021/22	New facilities delivered across the Borough	Completed
Work with LCC to develop car parking options for the coastal promenades and manage overnight parking provision (Outcome: Agreed proposals for any provision of overnight parking/motor homes i.e., locations,	HIGH Q4 2023/24	Options to resolve this have been reviewed and are being considered in partnership with LCC. Additional motorhome parking facilities have been provided on council owned car parks.	Not Due

facilities etc. and measure with LCC to prevent overnight parking on residential streets)			
Review motor home parking provision (Outcome: as above a clear plan on whether motor homes are properly accommodated or not)	HIGH Q1 2021/22	Motorhome parking provision by Fylde has been reviewed with spaces allocated for motor homes included in all coastal car parks.	Completed
Environmental, Health and Housing - Cllr T Threlfall			
Implement carbon reduction policies including plastics reduction, tree planting, energy efficiency and recycling (Outcome: A Carbon Reduction Strategy with actions and targets)	MED Q4 2023/2024	The target date not passed	Not due
Design education and awareness programmes to support carbon reduction policies and actions (Outcome: As above)	MED Q4 2023/2024	The target date not passed	Not due
Work with partners to deliver the carbon reduction policy actions i.e., reduce, re-use, recycle, tree planting (Outcome: As above)	MED Q4 2023/2024	The target date not passed	Not due
Identify priority locations for tree planting to include numbers and types of trees (Outcome: to work with the Working Group established by the Planning Committee to influence this)	MED Q3 2021/2022	The Carbon Neutral Working Group have taken the lead and identified suitable locations for trees to be planted i.e. 15 trees in 15 parishes project. The working group will seek to identify additional planting opportunities across the borough.	Completed
Work with partners on flood prevention measures and drainage infrastructure to protect properties (Outcome: Flooding Working Group to complete its work and bring recommendations forward for consideration)	HIGH Q1 2022/2023	A flood working group is in place and recommendations are made to appropriate partners led by a dedicated post employed by Fylde Council.	Completed
Engage with partners on health & well-being issues in the community and assist residents with accessing support (Outcome: To build on the partnership working established as part of the pandemic response and to continue to work with partners on developing initiatives to support the good health of the community)	HIGH Q1 2022/2023	Pandemic response actions delivered and enhanced long-term community partnerships in place with a dedicated resource to facilitate.	Completed
Proactively enforce against illegal encampments (Outcome: Planning enforce infringements on private land. Legal Team, in consultation with Env Health officers will respond to infringements on council land)	HIGH Q3 2021/2022	Illegal encampments on council land are successfully addressed through the established process. The planning enforcement team implement an approved process to administer regulations and policy to address illegal encampments on land owned/rented by the occupants.	Completed
Deliver public realm and drainage infrastructure to enhance rural areas (Outcome: to deliver capital projects on drainage initiatives)	HIGH Q4 2023/2024	The target date not passed	Not due

Action on partnership priorities such as anti-social behaviour, nuisance, and environmental disorder (Outcome: to establish a team to respond to anti-social behaviour through education, with enforcement as a final deterrent, and to evaluate the success of the team in the autumn of 2021)	LOW Q1 2022/2023	New EA posts are in place and permanent resources agreed upon, community protection warnings and notices are issued for anti-social behaviour.	Completed
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DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF GOVERNANCE	COUNCIL	17 JULY 2023	10

ADJUSTMENT TO COMMITTEE ALLOCATIONS

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

Councillor Brickles has left the Independent group and will sit as a non-aligned councillor. As a result, the political balance calculations and resulting committee allocations should be adjusted. The council is invited to accept the adjustment and appoint a non-aligned councillor to the seat formerly occupied by Councillor Brickles as an Independent.

RECOMMENDATION

1. Allocate the seat on the Community Focus Scrutiny Committee currently occupied by Councillor Brickles as a member of the Independent group to a non-aligned councillor in accordance with the principles of political balance, and appoint a non-aligned councillor to the seat.

SUMMARY OF PREVIOUS DECISIONS

The council allocated committee seats in accordance with the principles of political balance at the annual meeting on 24 May.

CORPORATE PRIORITIES

Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

REPORT

APPOINTMENT OF COMMITTEES

1. Councillor Julie Brickles has left the Independent group of councillors. She has not joined another political group and so will sit as a non-aligned, or ungrouped, councillor.
2. The Local Government and Housing Act 1989 requires the council to calculate the membership of committees in accordance with the requirements of political balance set out in the act. The four principles of political balance were set out and discussed in a [report to the annual meeting](#) of the council in May.

3. The effect of Councillor Brickles' decision is that one seat which had been allocated to the Independent group should instead be allocated to a non-aligned councillor¹. It is suggested that this should be the seat on the Community Focus Scrutiny Committee currently occupied by Councillor Brickles as a member of the Independent group.
4. Though the seat must be allocated to a non-aligned councillor, it is up to the council which of the two non-aligned councillors (Councillors Brickles and Hayhurst) to appoint to it.

IMPLICATIONS	
Finance	None arising from the report.
Legal	Political balance is a legal requirement for most committees of the council.
Community Safety	None arising from the report.
Human Rights and Equalities	None arising from the report.
Sustainability and Environmental Impact	None arising from the report.
Health & Safety and Risk Management	None arising from the report.

LEAD AUTHOR	CONTACT DETAILS	DATE
Ian Curtis	ian.curtis@fylde.gov.uk 01253 658506	7 June 2023

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
N/A		

¹ See section 16(2) of the Local Government and Housing Act 1989 as modified by regulation 16 of the Local Government (Committees and Political Groups) Regulations 1990

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEPUTY CHIEF EXECUTIVE	COUNCIL	17 JULY 2023	11

NOMINATIONS TO OUTSIDE BODIES

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The report deals with nominations to Outside Bodies and Working Groups.

Appointments to Outside Bodies are made annually at Full Council.

In line with the Protocol for Members on Outside Bodies (Part 5f of the Council’s Constitution), every member serving on an outside body is required to complete a reporting form every six months, which is to be submitted to the Executive Committee.

RECOMMENDATIONS

Council is invited to nominate members to the outside bodies.

SUMMARY OF PREVIOUS DECISIONS

Full Council approves appointments to Outside Bodies annually.

CORPORATE PRIORITIES	
Economy - To create a vibrant and healthy economy	✓
Environment - To deliver services customers expect	✓
Efficiency - By spending money in the most efficient way	✓
Tourism - To create a great place to live or visit	✓

REPORT

1. The Council makes a number of appointments to outside bodies in each municipal year.
2. Previously the programme committees would be asked to review the current appointments to the Outside Bodies within the remit of their committee and at the same time, consider the value, in terms of contribution to the council, of retaining representation i.e. should the council continue to dedicate a resource.
3. As a result of the election and the changes both to membership and committee structure, the Council is invited to make nominations for appointments to outside bodies.
4. The table below includes the name of the body/group, the role/purpose and frequency of the meetings.

5. It is important that the members nominated to represent the Council on outside bodies/working groups have an appropriate interest in the body/partnership/subject, can commit to positively represent the Council and be available to commit the time to attend the majority of the meetings involved.
6. The current protocol, Part 5f of the Constitution, requires members to produce regular reports about the outside bodies on which they serve, currently every six months.

Outside bodies/partnerships			
Outside body / partnerships	Role/Purpose	Frequency of meetings	Representative
BAE Systems Co-ordination	Liaison with major employer in Fylde to explore opportunities of mutual interest, particularly in relation to environmental priorities	Ad hoc	Lead Member for the Environment
Blackpool Airport EZ Project Board	Responsible for the operational delivery of the two EZs, with a remit encompassing activity including commercial, financial, development, legal, planning, land, infrastructure, and highways works and, marketing and promotion.	As required	Deputy Leader
Community Project Fund	Decision making body allocating small grants to local volunteer groups and organisations from the Community Project Fund	Decision making is via email	The Mayor
Community Safety Partnership	Partnership meeting with Police, Fire and other partners.	Quarterly	Lead Member for Social Wellbeing
Duty to Co-operate – Planning	Joint member/officer steering group established to oversee the work under the Duty to Cooperate.	Ad hoc	Chairman of Planning Lead Member for Economic Development
Fylde Citizens Advice Bureau	CAB provide free independent, impartial advice to residents on their rights, responsibilities and services available to them.	Every two months	Two representatives required
Fylde Coast YMCA Partnership Board	To represent the Council on the YMCA Partnership Board.	Quarterly	One representative required
Fylde & Wyre Health & Wellbeing Partnership	Partnership that links the activities of the CCG, local authorities and health providers to ensure they are all working to address the priority health needs of the community preventing waste and duplication.	Meets every two months	Lead Member for Social Wellbeing
Fylde Peninsular Water Management Group	Partnership between the Environment Agency, United Utilities, Blackpool, Fylde and Wyre Councils, LCC and Keep Britain Tidy. It looks at 3 aspects of water management, coastal defence, bathing water quality and surface water management.	Quarterly	Lead Member for the Environment
Growth Lancashire Ltd	FBC signed up to Growth Lancashire Ltd to commission work for Kirkham Futures and a representative is required to sit on the Board.	Quarterly	Leader of the Council

Lancashire Enterprise Partnership (LEP) Joint Scrutiny Committee	Lancashire County Council Scrutiny Committee	Every 2 months	Chairman of Planning
Lancashire Health and Wellbeing Board	Representatives of all the district councils together with Lancashire County Council focusing on Health and Wellbeing. Meets at locations across Lancashire.	Every 2 months	Lead Member for Social Wellbeing
Lancashire Health and Adult Services Scrutiny Committee	Non-voting co-opted district member. To review and scrutinise issues around public health and health inequalities. To discharge the statutory health overview and scrutiny functions under the provisions of the Health and Social Care Act 2012.	Every 2 months	One representative required
Lancashire Waste Partnership	15 Lancashire waste authorities at both officer and member level in an active approach to integrated waste management across the whole county area	Every 2 months	Lead Member for Customer and Operational Services
Local Government Association General Assembly (LGA)	The General Assembly, the 'Parliament of Local Government', meets once a year, and is the only LGA decision making forum which all authorities in full membership are eligible to attend and to vote.	Annually	Leader of the Council
Lowther Trust	To represent the Council as a Trustee in the management of the Lowther Trust	Meets monthly	Lead Member for Tourism and Culture
Lytham Town Trust	To represent the Council as a Director on the Lytham Town Trust.	Quarterly	One representative required
North West Employers Organisation	Provides a network of support, advice and consultancy regarding human resources, policy and practice, leadership, development, organisational design and performance. It works with regional and national partners representing North West authorities as employers including consultation on pay and conditions.	Quarterly (4xp/a)	Deputy Leader
North West of England & the Isle of Man Reserve Forces & Cadets Association	To support and maintain Armed Forces Reserves and Cadets in North West England.	Annually with two optional outside days	One representative required
One Fylde	To act as a Trustee of the organisation. The trust works with and supports people with learning disabilities, formally Ormerod Trust.	Every two months	One representative required
Park View 4 U Group	Supports the running of the park and facilities available.	Ad hoc but at least quarterly	One representative required
PATROL	Organisation that co-ordinates the independent adjudication service (Traffic Penalty Tribunal) which Local Authorities have to support as part of the Traffic Management Act 2004 to enforce parking in our area. The funding for PATROL comes from a levy set by the Joint Committee, which is formed by Member representatives from each Local Authority, and currently stands at £0.50 per Penalty Charge Notice (PCN) issued.	Infrequently but online	Lead Member for Customer and Operational Services

	In addition to setting fees the Committee forms an over-sight of the work of the adjudicators as well as reviewing compliance by all Local Authorities.		
Police Crime Commissioner Panel	The Panel is a joint committee made up of representatives from the 15 local authorities in the Lancashire Police Force area. This Panel is politically balanced.	Every two months	Lead Member for Social Wellbeing
South Fylde Line Community Rail Partnership	The group comprises Northern Rail, Arriva North West, Network Rail, Lancashire County Council, Fylde Council, Blackpool Council the Police. Its aim is to improve both the passenger usage and facilities on the line by considering ways of accessing government and other grants and new projects to promote increased use as an alternative to private transport. It forms one of the lines within the Lancashire Community Rail Partnership as approved by the Department of Transport.	Quarterly	One representative required
Springfield Site Stakeholder Group	To act as a channel of communication between local community, Westinghouse, Springfield Fuels Ltd, the Nuclear Decommissioning Authority (NDA) and Regulatory Authorities. To scrutinise Springfields emergency and environmental plans.	Every six months	Two representatives required

IMPLICATIONS

Finance	No implications arising from this report
Legal	No implications arising from this report
Community Safety	No implications arising from this report
Human Rights and Equalities	No implications arising from this report
Sustainability and Environmental Impact	No implications arising from this report
Health & Safety and Risk Management	No implications arising from this report

LEAD AUTHOR	CONTACT DETAILS	DATE
Democratic Services	democracy@fylde.gov.uk	19/06/2023

BACKGROUND PAPERS

Name of document	Date	Where available for inspection
None		

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF GOVERNANCE	COUNCIL	17 JULY 2023	12

COSMETIC PIERCING AND SEMI-PERMANENT SKIN COLOURING

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

In March this year the Public Protection Committee considered a report recommending the extension of regulatory control in the council’s area to the presently unregulated practices of cosmetic piercing and semi-permanent skin colouring. This would be achieved by extending the application of sections 14-17 of the Local Government (Miscellaneous Provisions) Act 1982 to cover those practices and by adding them to the scope of the council’s byelaws.

While the Public Protection Committee has delegated authority to extend the application of sections 14-17 of the 1982 act, only the council can make or amend byelaws. The committee therefore recommended the byelaw changes to council. The report asks members to consider the proposed byelaw changes and pass the necessary resolutions to bring them about.

RECOMMENDATION

1. that the Council carry out the necessary procedures to make, and seek confirmation by the Secretary of State of, byelaws as set out in the appendix, which will bring cosmetic piercing and semi-permanent skin colouring to the scope of the council’s byelaws.

SUMMARY OF PREVIOUS DECISIONS

At Public Protection Committee 23rd March 2023:-

1. Apply Sections 14 to 17 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Local Government Act 2003 to the council’s area in respect of the regulation of Cosmetic Piercing, Acupuncture, Tattooing, Permanent and Semi Permanent Skin Colouring and Electrolysis, with effect from 1 May 2023.
2. Recommend that the Council carry out the necessary procedures to make, and seek confirmation by the Secretary of State of, byelaws as set out in the appendix, which will add cosmetic piercing and semi-permanent skin colouring to the scope of the council’s byelaws

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	
Tourism – To create a great place to live and visit	✓

REPORT

1. On 23rd March 2023, the Public Protection Committee passed a resolution to adopt the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Local Government Act 2003, which would extend the scope of the council's registration scheme in relation to the regulation of Cosmetic Piercing, Acupuncture, Tattooing, Permanent and Semi Permanent Skin Colouring and Electrolysis, with effect from 1 May 2023.
2. As power to make or amend byelaws cannot be delegated to a committee, the committee also recommended that the council carry out the necessary procedures to make and seek confirmation of byelaws that would add cosmetic piercing and semi-permanent skin colouring to the scope of the current byelaws.
3. Once the Council meeting has resolved to make the byelaws, they must be submitted to the Secretary of State for confirmation. At least one clear month before applying for confirmation, notice of the Council's intention to apply for confirmation must be given in one or more local newspapers circulating the area to which the byelaws will apply.
4. A copy of the byelaws must be deposited at the Council offices and be open to public inspection without charge, at all reasonable times of the month. The byelaws could not come into effect until they have been confirmed.

IMPLICATIONS	
Finance	No further implications arising directly from the report.
Legal	The Council has a duty to protect public safety and prevent transmission of diseases.
Community Safety	The Council has a duty to protect public safety and prevent transmission of diseases.
Human Rights and Equalities	No further implications arising directly from the report.
Sustainability and Environmental Impact	No further implications arising directly from the report.
Health & Safety and Risk Management	The Council has a duty to protect public safety and prevent transmission of diseases.

LEAD AUTHOR	CONTACT DETAILS	DATE
Anita Elliott	Email – anita.elliott@fylde.gov.uk	12 April 2023

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Current byelaws for acupuncture, ear piercing, electrolysis, and tattooing.	8 th April 1986	https://new.fylde.gov.uk/wp-content/uploads/2019/05/documents-original-10.pdf
Tattooing and body piercing guidance toolkit	July 2013	https://www.cieh.org/media/2004/tattooing-and-body-piercing-guidance-toolkit-july-2013.pdf

Attached documents
Model byelaws

MODEL BYELAWS

Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis

Byelaws for the purposes of securing the cleanliness of premises registered under sections 14(2) or 15(2) or both of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in such premises and of persons registered under sections 14(1) or 15(1) or both of the Act and persons assisting them and of securing the cleansing and, so far as appropriate, sterilisation of instruments, materials and equipment used in connection with the practice of acupuncture or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis, or any two or more of such practice and businesses made by in pursuance of sections 14(7) or 15(7) or both of the Act.

Interpretation

1.—(1) In these byelaws, unless the context otherwise requires—

“The Act” means the Local Government (Miscellaneous Provisions) Act 1982;

“client” means any person undergoing treatment;

“hygienic piercing instrument” means an instrument such that any part of the instrument that touches a client is made for use in respect of a single client, is sterile, disposable and is fitted with piercing jewellery supplied in packaging that indicates the part of the body for which it is intended, and that is designed to pierce either—

- (a) the lobe or upper flat cartilage of the ear, or
- (b) either side of the nose in the mid-crease area above the nostril;

“operator” means any person giving treatment, including a proprietor;

“premises” means any premises registered under sections 14(2) or 15(2) of the Act;

“proprietor” means any person registered under sections 14(1) or 15(1) of the Act;

“treatment” means any operation in effecting acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis;

“the treatment area” means any part of premises where treatment is given to clients.

(2) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

2.—(1) For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that—

- (a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;
- (b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilised for each treatment, is suitably stored after treatment and is disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;

- (e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected—
 - (i) immediately after use; and
 - (ii) at the end of each working day.
- (f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;
- (g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, and “No Eating or Drinking” is prominently displayed there.

(2)(a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

(3)(a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

3.—(1) For the purpose of securing the cleansing and so far as is appropriate, the sterilisation of needles, instruments, jewellery, materials and equipment used in connection with treatment—

- (a) an operator shall ensure that—
 - (i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—
 - (aa) is clean and in good repair and, so far as is appropriate, is sterile;
 - (bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilised.
 - (ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;
 - (iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;
 - (iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;
 - (v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilised before re-use.
- (b) a proprietor shall provide—
 - (i) adequate facilities and equipment for—
 - (aa) cleansing; and
 - (bb) sterilisation, unless only pre-sterilised items are used.
 - (ii) sufficient and safe gas points and electrical socket outlets;
 - (iii) an adequate and constant supply of clean hot and cold water on the premises;
 - (iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.

4.—(1) For the purpose of securing the cleanliness of operators, a proprietor—

- (a) shall ensure that an operator—
 - (i) keeps his hands and nails clean and his nails short;
 - (ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;
 - (iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);
 - (iv) wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with another client;
 - (v) does not smoke or consume food or drink in the treatment area; and
- (b) shall provide—
 - (i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and
 - (ii) suitable and sufficient sanitary accommodation for operators.

(2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities that the proprietor provides need not be for the sole use of the operator.

(3) Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable examination gloves that have not previously been used with another client if—

- (a) the client is bleeding or has an open lesion on an exposed part of his body; or
- (b) the client is known to be infected with a blood-borne virus; or
- (c) the operator has an open lesion on his hand; or
- (d) the operator is handling items that may be contaminated with blood or other body fluids.

5. A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).

6. The byelaws relating to *state subject matter* that were made by *insert name* on the *insert date* and were confirmed by *insert name of confirmation authority* on *insert date* are revoked.

COUNCIL'S SIGNATURE

COUNCIL'S SEAL

The foregoing byelaws are hereby confirmed by the Secretary of State for Health
on _____ and shall come into operation on _____

Member of the Senior Civil Service

Department of Health

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on premises. Section 16(9) of the Local Government (Miscellaneous Provisions) Act 1982 provides that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act. A person who contravenes section 16(9) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale (see section 16(10)).

Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 also provides that any person who contravenes these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under Part VIII of the Act is found guilty of contravening these byelaws the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of the person's registration. A court which orders the suspension of or cancellation of a person's registration may also order the suspension or cancellation of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under the relevant sub-sections of section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

Nothing in these byelaws extends to the practice of acupuncture, or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis by or under the supervision of a person who is registered as a medical practitioner, or to premises in which the practice of acupuncture, or business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis is carried out by or under the supervision of such a person.

Nothing in these byelaws extends to the practice of acupuncture by or under the supervision of a person who is registered as a dentist, or to premises in which the practice of acupuncture is carried out by or under the supervision of such a person.

The legislative provisions relevant to acupuncture are those in section 14. The provisions relevant to treatment other than acupuncture are in section 15.

The key differences in the application of requirements in respect of the various treatments are as follows:

*The references in the introductory text to provisions of section 14 (acupuncture) of the Local Government (Miscellaneous Provisions) Act 1982 **only apply to acupuncture.***

*The references in the introductory text to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Local Government (Miscellaneous Provisions) Act 1982 **do not apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 14 (acupuncture) **only apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) **do not apply to acupuncture.***

*The requirement in paragraph 2(2) that treatment is given in a treatment area used solely for giving treatment **applies to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis but not to ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirement in paragraph 2(3) that the floor of the treatment area be provided with a smooth impervious surface **applies to tattooing, semi-permanent skin-colouring and cosmetic piercing but not to acupuncture or electrolysis or ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirements relating to dye or a container used to hold dye used for treatment in paragraphs 3(1) (a) (iv) and (v) **apply to tattooing and semi-permanent skin-colouring.***

*The requirement in paragraph 4(1)(a)(iii) that an operator wears disposable examination gloves that have not previously been used with another client **does not apply to acupuncture otherwise than in the circumstances described in paragraph 4(3).***

*The provisions of paragraph 4(2) in relation to washing facilities **apply to cosmetic piercing using only a hygienic piercing instrument.***

*The exception whereby the byelaws do not apply to treatment carried out by or under the supervision of a **dentist applies only to acupuncture (see section 14(8) of the Act).***

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF GOVERNANCE	COUNCIL	17 JULY 2023	13
REGULATION OF INVESTIGATORY POWERS ACT (RIPA) POLICY			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

Under the Regulation of Investigatory Powers Act 2000, the council must have in place a system of authorising, recording and reviewing any surveillance that it carries out that is covered by the act. Its system must comply with the act, regulations and codes of practice. It must have its own RIPA policy.

It is good practice for the council to evaluate and review its RIPA policy annually. There are no proposed changes to the policy this year.

RECOMMENDATION

Council is recommended to endorse the RIPA policy as updated.

SUMMARY OF PREVIOUS DECISIONS

The council is invited annually to note the use made by the council of surveillance powers and adopt or endorse the council's RIPA policy. The council last did so at its meeting on 4 July 2022.

The Audit and Governance Committee receives quarterly reports on the council's use of surveillance powers.

CORPORATE PRIORITIES

Economy – To create a vibrant and healthy economy	√
Environment – To deliver services customers expect	
Efficiency – By spending money in the most efficient way	
Tourism – To create a great place to live and visit	

REPORT

THE RIPA FRAMEWORK

1. The Regulation of Investigatory Powers Act 2000 (RIPA) regulates covert investigations by a number of bodies, including local authorities. It was introduced to ensure that individuals' rights are protected while also ensuring that law enforcement and security agencies have the powers, they need to do their job effectively.
2. Fylde Council is therefore included within RIPA framework with regard to the authorisation of both directed surveillance and of the use of covert human intelligence sources.
3. Directed surveillance includes the covert surveillance of an individual in circumstances where private information about that individual may be obtained. A covert human intelligence source ("CHIS") is a person

who, pretending to be someone that they are not, builds up a relationship of trust with another person for the purpose of obtaining information as part of an investigation.

4. RIPA introduced a mandatory system of authorisation and review for surveillance activities. Only certain people can be designated to authorise surveillance. Authorisations must be approved by the Magistrates' Court. There must be a centrally retrievable record of authorisations.
5. As well as the act, the RIPA framework includes statutory instruments and codes of practice issued by the Home Office. Each public authority that can use RIPA must have its own RIPA policy. Inspectors from the Investigatory Powers Commissioners Office ("IPCO") can inspect any public authority's RIPA compliance. The inspections can be rigorous and thoroughgoing.

CONSIDERATION OF RIPA POLICY

6. There have been no changes to legislation, guidance or caselaw since the last review that would support a change to the present policy. The policy as revised is attached and is recommended for reoption.

IMPLICATIONS	
Finance	There are no financial implications arising from this report
Legal	Authorisation of surveillance activity gives that surveillance "lawful authority" for the purposes of the European Convention on Human Rights.
Community Safety	CCTV cameras have the capability of being used for purposes falling within the ambit of RIPA. If they were so used, a RIPA authorisation would need to be obtained.
Human Rights and Equalities	See the comments under "Legal"
Sustainability and Environmental Impact	No implications
Health & Safety and Risk Management	Failure to comply with the statutory requirements would lead to an adverse report by the regulator.

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BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Employees' Guide: RIPA	June 2021	Town Hall, Lytham St Annes

Attached documents

Appendix 1 – 2023 RIPA Employees' Guide Policy



Employees' Guide

Regulation of Investigatory Powers Act 2000

Directed Surveillance and Use of Covert Human Intelligence Sources

				Ref. Number	FP 78
Authorised By	Allan Oldfield	Job title	Chief Executive	Issue Date	Dec 2014
Author	Ian Curtis			Revision No	Jun 2022
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Revised June 2022

1 Introduction

- 1.1 The Regulation of Investigatory Powers Act 2000 (RIPA) regulates covert investigations by a number of bodies, including local authorities. It was introduced to ensure that individuals' rights are protected while also ensuring that law enforcement and security agencies have the powers they need to do their job effectively.
- 1.2 Fylde Council is therefore included within the RIPA framework with regard to the authorisation of both [Directed Surveillance](#) and of the use of [Covert Human Intelligence Sources](#).
- 1.3 The purpose of this guidance is to:
- explain the scope of RIPA and the circumstances where it applies
 - provide guidance on the authorisation procedures to be followed.
- 1.4 The Council has had regard to the Code of Practice produced by the Home Office in preparing this guidance. It is available on the Internet at www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice.
- 1.5 This policy is reviewed annually by the full council. Additionally, reports on the use of authorisations under RIPA are made to the council's Audit and Standards Committee on a quarterly basis.
- 1.6 In summary RIPA requires that when the Council undertakes [directed surveillance](#) or uses a [covert human intelligence source](#), these activities must satisfy certain conditions and be authorised by an officer with delegated powers and approved by a Justice of the Peace.
- 1.7 The authorising officers for the council are the chief executive and the deputy chief executive.
- 1.8 There are special rules that apply where the Council intends to undertake [directed surveillance](#) or use a [covert human intelligence source](#) and the surveillance or use of the source is likely to result in [confidential material](#) or privileged material being acquired. In those circumstances, the chief executive must authorise the use of the source. Nobody else can authorise the surveillance or use of the source unless the chief executive is absent.
- 1.9 The same special rules apply where the council intends to use a [covert human intelligence source](#) who is under 18 years old, or who is vulnerable. A person is vulnerable if he or she is or may be in need of community care services by reason of mental or other disability, age or illness and who is or

may be unable to take care of himself, or unable to protect himself against significant harm or exploitation. Again, the chief executive must authorise the use of such a source. Nobody else can authorise the surveillance or use of the source unless the chief executive is absent.

- 1.10 The council will only use a person who is vulnerable as a covert human intelligence source in the most exceptional circumstances, and will not use any person who is under 16 years old.
- 1.11 Authorisation and approval under RIPA gives lawful authority to carry out [surveillance](#) and the use of a source. Obtaining authorisation and approval helps to protect the Council and its officers from complaints of interference with the rights protected by Article 8(1) of the European Convention on Human Rights which is now enshrined in English law through the Human Rights Act 1998. This is because any interference with the private life of citizens will be “in accordance with the law”. Provided activities undertaken are also “reasonable and proportionate”, they will not be in contravention of Human Rights legislation.
- 1.12 It should be noted that the Council cannot authorise [Intrusive Surveillance](#). Investigators should familiarise themselves with the provisions of chapters 5 and 6 of the [Code of Practice](#) on Covert Surveillance to ensure a good understanding of the limitation of powers within RIPA.
- 1.13 Deciding when authorisation is required involves making a judgment. [Paragraph 2](#) sets out some factors you will need to consider. If you are in any doubt, seek the advice of an Authorising Officer, if they are in doubt they will seek advice from the Head of Governance. While it is always safer to get authorisation, many kinds of investigation may not involve the use of the kinds of surveillance covered by RIPA.
- 1.14 The Head of Governance has responsibility for maintaining a centrally retrievable record of authorisations under RIPA and for overseeing:
 - 1.14.1 the integrity of the process in place within the authority to authorise and seek approval of directed surveillance;
 - 1.14.2 compliance with Part II of the 2000 Act, Part III of the 1997 Act and with the codes of practice;
 - 1.14.3 engagement with the Investigatory Powers Commissioner’s Office (“IPCO”) and inspectors when they conduct their inspections, and
 - 1.14.4 where necessary, overseeing the implementation of any post-inspection action plans.

- 1.15 Before any officer of the Council undertakes or commissions any [surveillance](#) of any individual or individuals they need to assess whether the activity comes within RIPA. In order to do this the following key questions need to be asked.

2 Directed Surveillance

2.1 What is meant by Surveillance?

"Surveillance" includes:

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

2.2 When is surveillance directed?

Surveillance is 'Directed' for the purposes of RIPA if it is [covert](#) and is undertaken:

- a) for the purposes of a [specific investigation](#) or a [specific operation](#);
- b) in such a manner as is likely to result in the obtaining [of private information](#) about a person (whether or not one is specifically identified for the purposes of the investigation or operation); and
- c) otherwise than by way of an [immediate response](#) to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation to be sought for the carrying out of the [surveillance](#).

2.3 Is the surveillance covert?

Covert surveillance is that carried out in a manner **calculated** to ensure that subjects of it are unaware it is or may be taking place.

If activities are open and not hidden from the subjects of an investigation, the RIPA framework will normally not apply.

2.4 Is it for the purposes of a specific investigation or a specific operation?

For example, are Town Hall CCTV cameras which are readily visible to anyone walking around the building covered?

The answer is not if their usage is to monitor the general activities of what is happening in the car park. If that usage, however, changes, RIPA may apply.

For example, if the CCTV cameras are targeting a particular known individual, and are being used in monitoring his activities, that has turned into a specific operation. However, the operation will only require authorisation if the surveillance is covert.

2.5 Is it in such a manner that is **likely** to result in the obtaining of private information about a person?

"Private information" is any information relating to a person's private or family life.

An investigation that merely gathers intelligence about a person's use of public spaces and premises open to the public would not by itself usually be likely to result in the obtaining of private information.

For example, the fact that a person has visited a particular pub and spoke to another particular person on a particular occasion will not be private information about either of them. But recording information about what they talk about may be. Private information may also be obtained if several records about what the person did in a public place are analysed together to produce a pattern of behaviour.

If it is likely that observations will not result in the obtaining of private information about a person, then it is outside RIPA framework. However, the use of 'test purchasers' may involve the use of [covert human intelligence sources](#) (see later). If in doubt, speak to your Authorising Officer.

2.6 Otherwise than by way of an immediate response to event or circumstances where it is not reasonably practicable to get authorisation

The Home Office gives the example of an immediate response to something happening during the course of an observer's work, which is unforeseeable.

However, if as a result of an immediate response, a [specific investigation](#) subsequently takes place that brings it within RIPA framework.

2.7 Is using the internet or social media to get information about in individual directed surveillance?

The internet and social media can be valuable resources for investigations. If you use the internet or social media just to identify individuals who might be of interest, you will probably not be doing directed surveillance and would not have to obtain RIPA authorisation. But if you are using them to build up a more complete picture of someone's behaviour and habits, you might need to consider obtaining an authorisation.

The key consideration is whether you are getting private information. If you are only using information you could get the information by casual browsing, that is not likely to be private information. But if you are visiting a site or feed multiple times, or combining information from a number of online sources, to help you with your investigation of an individual, the position may be different. You be carrying out directed surveillance and need an authorisation. The former Office of Surveillance Commissioners issued guidance on when the use of social media and the internet might need authorisation under RIPA. You can read the guidance at [appendix 4](#). You can also look at paragraphs 3.10 to 3.17 of the [Code of Practice](#).

3 Is the Surveillance Intrusive?

3.1 [Surveillance](#) becomes intrusive if it:

- a) is carried out in relation to anything taking place on any **residential premises** or in any **private vehicle**; and
- b) involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device; or
- c) Is carried out by means of a surveillance device in relation to anything taking place on any residential premises or in any private vehicle but is carried out without that device being present on the premises or in the vehicle, where the device is such that it consistently provides information of the same quality and detail as might be expected to be obtained from a device actually present on the premises or in the vehicle.

3.2 Surveillance is also automatically deemed to be intrusive if it relates to certain kinds of premises which are, at the time of the surveillance, being used for legal consultations. The premises are prisons, courts, police stations, legal practitioners' offices and high security hospitals.

The council cannot carry out intrusive surveillance.

4 Covert use of Human Intelligence Source (CHIS)

- 4.1 A person is a Covert Human Intelligence Source if:
- a) he establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paragraph b) or c),
 - b) he covertly uses such a relationship to obtain information or provide access to any information to another person; or
 - c) he covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.
- 4.2 A purpose is covert, in relation to the establishment or maintenance of a personal or other relationship, if and only if the relationship is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of that purpose.
- 4.3 An example of a CHIS would be an officer or other person who pretends to form a friendship with a suspect, but who is really using that relationship to secretly obtain information from the suspect.
- 4.4 It would be unusual for the council to use a CHIS, but if you do so, you need to obtain authorisation

5 Authorisations, approvals, renewals and cancellations

5.1 The Process for Authorisation and Approval

- 5.1.1 Obtaining authorisation and approval is a two-stage process. The first stage is to obtain authorisation from an Authorising Officer. Details of Authorising Officers and their remits are in [paragraphs 1.7 to 1.10](#).
- 5.1.2 The second stage is to obtain approval from a Justice of the Peace. This involves applying to the magistrates' court. The council will follow the Home Office [guidance on applying for approval](#). Only qualified lawyers or officers authorised by the council under [section 223 of the Local Government Act 1972](#) can make the application for approval and appear in court.

5.1.3 A Justice of the Peace, in considering giving approval to an authorisation, must consider whether the statutory tests have been met and whether the use of the surveillance technique is necessary and proportionate.

5.1.4 An authorisation or renewal is not effective until it has been approved by a Justice of the Peace. The investigating officer should not begin the authorised surveillance until it has been approved.

5.2 The Conditions for Authorisation

5.2.1 Directed Surveillance

5.2.1.1 For [directed surveillance](#) no officer shall grant an authorisation for the carrying out of directed surveillance unless he believes:

- a) that an authorisation is **necessary** for the purpose of preventing or detecting crime or of preventing disorder and
- b) the authorised [surveillance](#) is **proportionate** to what is sought to be achieved by carrying it out.

5.2.1.2 In order to ensure that authorising officers have sufficient information to make an informed decision it is important that detailed records are maintained. As such the [forms](#) listed in the Appendix are to be completed where relevant.

5.2.1.3 Authorisations should provide enough flexibility to avoid the need for amendments to accommodate minor changes in the times or methods of surveillance, while still facilitating effective monitoring of compliance with the authorisation.

5.2.2 Covert Use of Human Intelligence Sources

5.2.2.1 The same principles apply as for [Directed Surveillance](#). (see paragraph [5.1.1](#) above), but there are some additional requirements. The person authorising use of a CHIS must believe that management arrangements for the source satisfy requirements laid down in RIPA and relevant regulations. The requirements are set out in [Appendix 3](#).

5.2.2.2 The conduct so authorised is any conduct that:

- a) is comprised in any such activities involving the use of a [covert human intelligence source](#), as are specified or described in the authorisation;
- b) relates to the person who is specified or described as the person to

whose actions as a covert human intelligence source the authorisation relates; and

- c) is carried out for the purposes of, or in connection with, the investigation or operation so specified or described.

5.2.2.3 In order to ensure that authorising officers have sufficient information to make an informed decision it is important that detailed records are maintained. As such the [forms](#) listed in appendix 2 are to be completed where relevant.

5.2.2.4 It is also sensible to make any authorisation sufficiently wide enough to cover all the means required, while still facilitating effective monitoring of compliance with the authorisation.

5.3 Requirements of RIPA

5.3.1 All authorisations **must** be in **writing**. The Appendix to this guidance refers to standard [forms](#), which must be used. **Officers must direct their mind to the circumstances of the individual case with which they are dealing when completing the form.**

5.3.2 Although it is possible to combine two authorisations in one form the Council's practice is for separate forms to be completed to maintain the distinction between [Directed Surveillance](#) and the use of a [source](#).

5.3.3 Authorisations lapse, if not renewed, three months from the date of approval by the Magistrates Court for directed surveillance and twelve months from date of approval by the Magistrates Court for the conduct or use of a [covert human intelligence source](#). **Nevertheless, the authorising officer must ensure that each authorisation specifies an expiry date.**

5.3.4 The person who originally granted the authorisation can renew it in the same terms at any time before it ceases to have effect. If the person who originally granted the authorisation is unavailable, another [person entitled to grant a new authorisation](#) can renew it. Authorisations may be renewed more than once, provided they continue to meet the criteria for authorisation. Any renewal will not be effective unless approved by the Magistrates Court.

But, for the conduct of a [covert human intelligence source](#), an Authorised Officer should not renew unless a review has been carried out and that person has considered the results of the review when deciding whether to renew or not. A review must cover what use has been made of the source, the tasks given to them and information obtained.

5.3.5 The benefits of obtaining an authorisation are described in [paragraph 7](#) below.

5.4 Factors to Consider

5.4.1 Any [person giving an authorisation](#) should first satisfy him/herself that the authorisation is **necessary** on particular grounds and that the surveillance is **proportionate** to what it seeks to achieve. This will include consideration of the guidance in paragraphs 3.3 to 3.6 of the [Covert Surveillance and Property Interference Code of Practice](#).

5.4.2 Particular consideration should be given to **collateral intrusion** on or interference with the privacy of persons other than the subject(s) of [surveillance](#). Such collateral intrusion or interference would be a matter of especial concern in cases where there are special sensitivities, for example in cases of premises used for any form of medical or professional counselling, advice or therapy.

5.2.8 An application for an authorisation should include **an assessment of the risk** of any collateral intrusion or interference. The authorising officer must take this into account when considering the proportionality of the surveillance.

5.4.3 Those carrying out the [covert surveillance](#) should inform the Authorising Officer if the operation/investigation unexpectedly interferes with the privacy of individuals who are not the original subjects of the investigation or covered by the authorisation in some other way. In some cases the original authorisation may not be sufficient and consideration should be given to whether a separate authorisation is required.

5.4.4 Any person giving an authorisation will also need to be aware of particular **sensitivities in the local community** where the surveillance is taking place or of similar activities being undertaken by other public authorities which could impact on the deployment of surveillance. Where the Authorising Officer considers that conflicts might arise they should consult a senior police officer before granting the authorisation.

5.5 Home Surveillance

5.5.1 The fullest consideration should be given in cases where the subject of the surveillance might reasonably expect a high degree of privacy, for instance at his/her home, or where there are special sensitivities.

5.6 Spiritual Counselling

No operations should be undertaken in circumstances where investigators believe

that surveillance would lead to them intrude on spiritual counselling between a Minister and a member of his/her faith. In this respect, spiritual counselling is defined as conversations with a Minister of Religion acting in his/her official capacity where the person being counselled is seeking or the Minister is imparting forgiveness, absolution of conscience or counselling concerning appropriate repentance. "Minister of Religion" does not necessarily imply a paid office.

5.7 Confidential Material

5.7.1 RIPA does not provide any special protection for [confidential material](#). Nevertheless, such material is particularly sensitive, and is subject to additional safeguards under this guidance.

5.7.2 In general, any application for an authorisation that is likely to result in the acquisition of confidential material should include an assessment of how likely it is that confidential material will be acquired. Special care should be taken where the target of the investigation is likely to be involved in handling confidential material. Such applications should only be considered in exceptional and compelling circumstances with full regard to the proportionality issues this raises.

5.7.3 The following general principles apply to confidential material acquired under authorisations:

- Those handling material from such operations should be alert to anything that may fall within the definition of confidential material. Where there is doubt as to whether the material is confidential, advice should be sought from the Head of Governance before further dissemination takes place;
- Confidential material should not be retained or copied unless it is necessary for a specified purpose;
- [Confidential material](#) should be disseminated only where an appropriate officer (having sought advice from the Head of Governance) is satisfied that it is necessary for a specific purpose;
- The retention or dissemination of such information should be accompanied by a clear warning of its confidential nature. It should be safeguarded by taking reasonable steps to ensure that there is no possibility of it becoming available, or its content being known, to any person whose possession of it might prejudice any criminal or civil proceedings related to the information.
- [Confidential material](#) should be destroyed as soon as it is no longer

necessary to retain it for a specified purpose.

5.8 Combined authorisations

A single authorisation may combine two or more different authorisations under RIPA. Combined authorisations must not include [intrusive](#) surveillance activity.

5.9 Partnership working

The council's human resources service and fraud investigation services are outsourced to other councils. As the tasking authority, it is Fylde's responsibility to provide the authorisation. This means that where the outsourced human resources or fraud investigation service wishes to carry out [directed surveillance](#) or use a [CHIS](#), authorisation must be obtained from an appropriate [Authorising Officer](#) of Fylde Council. An authorisation sought or granted by an officer of the council providing the outsourced service would not be valid under RIPA and would not give lawful authority for the activity.

6 Handling and disclosure of product

6.1 Control of material

6.1.1 Material acquired through covert surveillance or the use of a CHIS will always be personal information. This means that it must be handled in accordance with [data protection laws](#). Fylde Council will be the data controller for all material produced in an operation authorised on the application of Fylde Council, regardless of whether it is physically in the possession of Fylde or of a partner organisation. The paragraphs below set out the procedures for handling material.

6.1.2 If the procedures allow the material to be shared or given to another person or body, that person or body must agree to comply with the procedures equivalent to those set out below. They must also agree not to share or give any of the material to any other person or body. If the other person or body does not agree, the material should not be shared or given to them unless Fylde Council's data protection officer has agreed in writing.

6.2 Copying

6.2.1 Except as mentioned below, you should not make copies of any material unless needed for the purposes of the investigation it forms part of, any other investigation that it is relevant to, or legal proceedings connected with them. Apart from this, you can only make copies for certain statutory purposes. "Making copies" includes not only copying the whole of the material, but also making extracts summaries or records which identify themselves as the

product of the surveillance or CHIS.

6.2.2 You should not send any material via email or any other method of transmission which is not secure, even within Fylde Council.

6.3 Storage

6.3.1 If the material is digital, you must store it in a password protected file, and must not disclose the password to any other person. Under no circumstances should any material be kept in a shared drive or put on a memory stick or other storage device, unless it is required to be disclosed as part of any legal procedure, in which case it must be password protected.

6.3.2 If material is held as hard copy, it must be secured and locked in such a way that no person not concerned with the investigation has access to it.

6.4 Destruction

6.4.1 Material must be destroyed once it is no longer needed. Material is deemed to be no longer needed five years after the earliest of the following has happened: (a) any legal proceedings in which the material is part of the evidence, or is unused information, have concluded (including the conclusion of any appeal) and the material is not needed in connection with any other ongoing or contemplated legal proceedings; (b) a decision has been made to not proceed with legal proceedings in connection with the operation for which the material was obtained and the material is not needed in connection with any other ongoing or contemplated legal proceedings; or (c) a review as contemplated by 6.4.2 below has concluded that there is no material possibility of the material being used in any legal proceedings.

6.4.2 Any stored material should be reviewed by the officer in charge of the investigation for which it was obtained no later than one year after it was obtained, and subsequently at intervals of no more than one year to decide whether there is a realistic possibility of it being used in any legal proceedings.

6.4.3 There is nothing in RIPA that prevents material obtained through the proper use of the authorisation procedures from being used in other investigations. However, you should always bear in mind that the purpose of your surveillance is governed by its authorisation. If the purpose changes, you will need to seek a new authorisation.

7 The Use of Covert Human Intelligence Sources

7.1 The [Authorising Officer](#) must consider the continuing safety and welfare of

any employee to be used as a [CHIS](#), and the foreseeable consequences to others of the tasks they are asked to carry out. He should assess any risk to the employee **before** authorisation is given.

- 7.2 The Council's practice is **not** to use an employee acting as a source to infiltrate existing criminal activity, or to be a party to the commission of criminal offences, even where this is within the limits recognised by law.
- 7.3 The Authorising Officer must believe that the use of an employee as a source is proportionate to what it seeks to achieve. He should satisfy himself that the likely degree of intrusion into the privacy of those potentially affected is proportionate to what the use of the source seeks to achieve. Accurate and proper records should be kept about the source and tasks undertaken.
- 7.4 Particular care should be taken in circumstances where people would expect a high degree of privacy or where, as a consequence of the authorisation, [confidential material](#) is likely to be obtained.

8 Confidential material

RIPA does not provide any special protection for confidential material. Nevertheless, such material is particularly sensitive, and is subject to additional safeguards under the relevant Home Office [Code](#). In general, any application for an authorisation that is likely to result in the acquisition of confidential material should include an assessment of how likely it is that confidential material will be acquired.

9. Central Register of Authorisations

- 9.1 RIPA requires a central register of all authorisations to be maintained. The Head of Governance or his nominated representative maintains this register.
- 9.2 Whenever an authorisation is granted the [Authorising Officer](#) must arrange for the following details to be forwarded by e-mail to the Head of Governance or nominated representative. Receipt of the e-mail will be acknowledged.
- Whether it is for [Directed Surveillance](#) or [CHIS](#) ;
 - Applicants name, job title and directorate;
 - Applicant's address and Contact Number;
 - Identity of 'Target';
 - Authorising Officer and Job Title; (in line with delegation scheme)
 - Date of Authorisation;
 - Whether the special provisions for urgent authorisation were used and, if so, why;

- Whether the investigation or operation is likely to result in obtaining [confidential material](#); and
- The first date for review.

A copy of the authorisation should be sent either with the notification or to follow as soon as practicable afterwards.

9.3. The Head of Governance or person nominated to maintain the register of authorisations will:

- a) Review the authorisation and draw the authorising officer's attention to any issues or problems with it;
- b) Check that arrangements have been made to seek approval of the authorisation from the Magistrates Court and to forward details of the approval for inclusion on the central record when granted;
- c) Remind [authorising officers](#) of the expiry of authorisations;
- d) Check that surveillance does not continue beyond the authorised period;
- e) At the anniversary of each authorisation, remind authorising officers to consider the destruction of the results of [surveillance](#) operations;
- f) At the fifth anniversary of each authorisation, remind authorising officers to consider destruction of the forms of authorisation, renewal or cancellation.

9.4 It is each director's responsibility to securely retain all authorisations, renewals and cancellations within their directorate. These records are confidential and should be retained for a period of five years from the ending of the authorisation. Once the investigation is closed (bearing in mind court proceedings may be lodged some time after the initial work) the records held by the directorate should be disposed of in an appropriate manner (e.g. shredded).

10 Cancellation of authorisations [moved from elsewhere in the Guide]

10.1 [Authorising Officers](#) are reminded of the guidance relating to the retention and destruction of confidential material as described in paragraph [5.2.9.3](#) above.

10.2 Authorising Officers are responsible for ensuring that authorisations undergo

timely reviews and are cancelled promptly after directed surveillance activity is no longer necessary. It is good practice for a cancellation application to describe the activity undertaken, any material acquired and how that material is to be managed.

10.3 Authorising Officers must ensure that the relevant details of each authorisation are sent to the [designated officer](#) for registration as described in [paragraph 8](#) above.

6.4 The authorised officer should retain applications for [directed surveillance](#) for 5 years. Where it is believed that the records could be relevant to pending or future criminal proceedings, they should be retained for a suitable further period, commensurate to any subsequent review.

11 **Benefits of Obtaining Authorisation under RIPA.**

11.1 **Authorisation of surveillance and human intelligence sources**

RIPA states that

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

However, the corollary is not true – i.e. if you do **not** obtain RIPA authorisation it does not make any conduct unlawful (e.g. use [of intrusive surveillance](#) by local authorities). It just means you cannot take advantage of any of the special RIPA benefits.

11.2 RIPA states that a person shall not be subject to any civil liability in relation to any conduct of his which -

- a) is incidental to any conduct that is lawful by virtue of authorisation; and
- b) is not itself conduct for which an authorisation is capable of being granted under a relevant enactment and might reasonably be expected to have been sought in the case in question

12 **Scrutiny and Tribunal**

[IPCO](#) regulates conduct carried out under RIPA. The Commissioner provides independent oversight of the use of investigatory powers by intelligence agencies, police forces and other public authorities. This includes authorising [directed surveillance](#) and the use of [covert human intelligence sources](#).

APPENDIX 1.

Definitions from RIPA

- **“Confidential Material”** consists of:
 - a) matters subject to legal privilege;
 - b) confidential personal information; or
 - c) confidential journalistic material.

- **“Matters subject to legal privilege”** includes both oral and written communications between a professional legal adviser and his/her client or any person representing hi/her client, made in connection with the giving of legal advice to the client or in contemplation of legal proceedings and for the purposes of such proceedings, as well as items enclosed with or referred to in such communications. Communications and items held with the intention of furthering a criminal purpose are not matters subject to legal privilege (see Note A below)

- **“Confidential Personal Information”** is information held in confidence concerning an individual (whether living or dead) who can be identified from it, and relating:
 - a) to his/her physical or mental health; or
 - b) to spiritual counselling or other assistance given or to be given, and

which a person has acquired or created in the course of any trade, business, profession or other occupation, or for the purposes of any paid or unpaid office (see Note B below). It includes both oral and written information and also communications as a result of which personal information is acquired or created. Information is held in confidence if:

- c) it is held subject to an express or implied undertaking to hold it in confidence; or
 - d) it is subject to a restriction on disclosure or an obligation of secrecy contained in existing or future legislation.
- **“Confidential Journalistic Material”** includes material acquired or created for the purposes of journalism and held subject to an undertaking to hold it in confidence, as well as communications resulting in information being acquired for the purposes of journalism and held subject to such an undertaking.

Note A. *Legally privileged communications will lose their protection if there is evidence, for example, that the professional legal adviser is intending to hold or use them for a criminal purpose; privilege is not lost if a professional legal adviser is properly advising a person who is suspected of having committed a criminal offence. The concept of legal privilege shall apply to the provision of professional legal advice by any agency or organisation.*

Note B. *Confidential personal information might, for example, include consultations between a health professional or a professional counsellor and a patient or client, or information from a patient's medical records.*

APPENDIX 2.

1. RIPA 2000 PART II **APPLICATION** FOR AUTHORITY FOR DIRECTED SURVEILLANCE
2. RIPA 2000 PART II APPLICATION FOR **RENEWAL** OF DIRECTED SURVEILLANCE
3. RIPA 2000 PART II APPLICATION FOR **CANCELLATION** OF DIRECTED SURVEILLANCE
4. RIPA 2000 PART II **REVIEW** OF DIRECTED SURVEILLANCE
5. RIPA 2000 PART II APPLICATION FOR **CHANGE OF CIRCUMSTANCES** OF DIRECTED SURVEILLANCE

APPENDIX 3

Management arrangements for CHIS

[From RIPA, section 29(5)]

- a) that there will at all times be a person holding an office, rank or position with the relevant investigating authority who will have day-to-day responsibility for dealing with the source on behalf of that authority, and for the source's security and welfare;
- (b) that there will at all times be another person holding an office, rank or position with the relevant investigating authority who will have general oversight of the use made of the source;
- (c) that there will at all times be a person holding an office, rank or position with the relevant investigating authority who will have responsibility for maintaining a record of the use made of the source;
- (d) that the records relating to the source that are maintained by the relevant investigating authority will always contain particulars of all such matters (if any) as may be specified for the purposes of this paragraph in regulations made by the Secretary of State; and
- (e) that records maintained by the relevant investigating authority that disclose the identity of the source will not be available to persons except to the extent that there is a need for access to them to be made available to those persons.

The matters specified in paragraph (d) are the following (see The Regulation of Investigatory Powers (Source Records) Regulations 2000)

:

- (a) the identity of the source;
- (b) the identity, where known, used by the source;
- (c) any relevant investigating authority other than the authority maintaining the records;
- (d) the means by which the source is referred to within each relevant investigating authority;
- (e) any other significant information connected with the security and welfare of the source;
- (f) any confirmation made by a person granting or renewing an authorisation for the conduct or use of a source that the information in paragraph (d) has been considered and that any identified risks to the security and welfare of the source have where appropriate been properly explained to and understood by the source;
- (g) the date when, and the circumstances in which, the source was recruited;
- (h) the identities of the persons who, in relation to the source, are discharging or have discharged the functions mentioned in section 29(5)(a) to (c) of the 2000 Act or in any order made by the Secretary of State under section 29(2)(c);
- (i) the periods during which those persons have discharged those responsibilities;

- (j) the tasks given to the source and the demands made of him in relation to his activities as a source;
- (k) all contacts or communications between the source and a person acting on behalf of any relevant investigating authority;
- (l) the information obtained by each relevant investigating authority by the conduct or use of the source;
- (m) any dissemination by that authority of information obtained in that way; and
- (n) in the case of a source who is not an undercover operative, every payment, benefit or reward and every offer of a payment, benefit or reward that is made or provided by or on behalf of any relevant investigating authority in respect of the source's activities for the benefit of that or any other relevant investigating authority.

APPENDIX 4

Covert surveillance of Social Networking Sites (SNS)

[From paragraph 289, OSC Procedures and Guidance 2016]

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

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

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

289.3 It is not unlawful for a member of a public authority to set up a false identity but it is inadvisable for a member of a public authority to do so for a covert purpose without authorisation for directed surveillance where private information is likely to be obtained. The SRO should be satisfied that there is a process in place to ensure compliance with the legislation. Using photographs of other persons without their permission to support the false identity infringes other laws.

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