

Agenda

Council

Date:	Monday, 15 July 2019 at - Meeting to commence on the rising of the Special Council meeting, that commences at 7:00 pm.
Venue:	Town Hall, St Annes, FY8 1LW
	<p>Mayor : Councillor Angela Jacques Deputy Mayor : Councillor Richard Redcliffe</p> <p>Leader : Councillor Sue Fazackerley MBE Deputy Leader : Councillor Karen Buckley</p> <p>Councillors Ben Aitken, Frank Andrews, Peter Anthony, Tim Armit, Mark Bamforth, Brenda Blackshaw, Paula Brearley, Julie Brickles, Alan Clayton, Delma Collins, Peter Collins, Chris Dixon, Trevor Fiddler, Ellie Gaunt, Brian Gill, Shirley Green, Noreen Griffiths, Peter Hardy, Will Harris, Gavin Harrison, Paul Hayhurst, Karen Henshaw JP, Paul Hodgson, John Kirkham, Matthew Lee, Cheryl Little, Roger Lloyd, Michelle Morris, Kiran Mulholland, Ed Nash, Sally Nash, Jayne Nixon, Linda Nulty, Liz Oades, David O'Rourke, Bobby Rigby, Michael Sayward, Vince Settle, Elaine Silverwood, John Singleton JP, Roger Small, Heather Speak, Ray Thomas, Tommy Threlfall, Stan Trudgill, Viv Willder, Michael Withers.</p>

	PROCEDURAL ITEMS:	PAGE
1	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.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 22 May 2019 as a correct record.	1
	ANNOUNCEMENTS:	
3	Mayor's Announcements	1
4	Chief Executive's Communications	1
	REPRESENTATIONS:	
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13	Regulation of Investigatory Powers Act (RIPA) Policy	28 - 50

Contact: Katharine McDonnell - Telephone: (01253) 658423 – Email: democracy@fylde.gov.uk

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
RESOURCES DIRECTORATE	COUNCIL	15 JULY 2019	5
QUESTIONS FROM MEMBERS OF THE COUNCIL			

PUBLIC ITEM

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

SUMMARY

No questions have been received from Members of the Council before the requisite deadline, as outlined in Procedural Standing Orders for Council and Committees of Part 4 of the Council's Constitution, and before the statutory deadline for publication of the agenda.

If any questions are received before the constitutional deadline, as outlined above, they will be circulated prior to the meeting for members' information, under separate cover.

Any question(s) will be heard during the Council meeting on 15 July 2019 and a response will be given by the Leader of the Council or any other member nominated by her.

REPRESENTATIONS

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	15 JULY 2019	6
QUESTIONS FROM MEMBERS OF THE PUBLIC			

PUBLIC ITEM

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

SUMMARY

As outlined in Article 15 – Public Speaking at meetings of the Council and its Committees any resident of the Councils district may, subject to various provisions of the article, ask a question at an ordinary meeting of the council.

No questions have been received from members of the public before the requisite deadline, as outlined in Article 15, before the statutory deadline for publication of the agenda.

If any questions are received before the constitutional deadline, as outlined above, they will be circulated prior to the meeting for members' information, under separate cover.

Any question(s) will be heard during the Council meeting on 15 July 2019 and a response will be given by the Leader of the Council or any other member nominated by her.

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	15 JULY 2019	7

APPOINTMENT TO COMMITTEES

PUBLIC ITEM

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

SUMMARY

Councillor Hayhurst has declined to take up seats on the Audit and Standards Committee and Environment, Health and Housing Committee that were allocated to him. In addition, Councillor Hardy has indicated his intention to become a non-aligned member. For political balance purposes this will have the effect of reducing the numbers of Independent group members on the Tourism and Leisure Committee by one, creating a vacancy for a non-aligned member.

Councillor Mulholland has agreed to take the appointment to the Audit and Standards Committee, with Councillor Hardy taking the vacant position on the Environment, Health and Housing Committee and the position on the Tourism and Leisure Committee. Councillor Hardy has also agreed to join the Member Development Steering Group.

RECOMMENDATIONS

1. Adjust the allocations of committee seats to reflect the changed political balance of the council by reallocating one seat on the Tourism and Leisure Committee from the Independent group to a non-aligned councillor;
2. Appoint Councillor Mulholland as a member of the Tourism & Leisure Committee in place of a councillor to be named at the meeting.
3. Appoint Councillor Mulholland as a member of the Audit and Standards Committee in place of Councillor Hayhurst.
4. Appoint Councillor Hardy as a member of the Environment, Health and Housing Committee in place of Councillor Hayhurst.
5. Appoint Councillor Hardy to the Member Development Steering Group.

SUMMARY OF PREVIOUS DECISIONS

The council resolved to allocate committee seats in accordance with the principles of political balance, as set out in the table contained in the minutes, at the annual meeting on 22 May.

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	
Delivering the services that customers expect of an excellent council (Clean and Green)	
Working with all partners (Vibrant Economy)	
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	
Promoting Fylde as a great destination to visit (A Great Place to Visit)	

REPORT

BACKGROUND

1. As required by legislation, committee seats for municipal year 2019-20 were allocated to members at the annual meeting of the council in May this year. The allocation was in accordance with the principles of political balance set out in the Local Government and Housing Act 1989¹ and was on the basis of the political balance of the council at that time.
2. Since the annual council meeting, two developments have occurred which has meant that it is necessary to revisit seat allocations. These have been (1) Councillor Hardy's decision to leave his political group and sit as a non-aligned member; and (2) Councillor Hayhurst's decision (having decided he would prefer a roving role rather than committing himself to one or more committees) to not take up the seats that were allocated to him on the Audit and Standards Committee and Environment, Health and Housing Committee.
3. The decision of Councillor Hardy means that one committee seat previously assigned to the Independent group now falls instead to be filled by a non-aligned councillor (or, as the legislation puts it, a person who is not a member of any political group). That seat is on the Tourism & Leisure Committee.
4. The decision of Councillor Hayhurst means that the council needs to look again at the assignment of non-aligned members to the seats allocated to them.

CONSIDERATION

5. One seat on each of the following committees should now be allocated to non-aligned members: Environment, Health & Housing, Operational Services, Tourism & Leisure, Planning. Following discussions with the three non-aligned members, it is recommended that the five committee seats allocated to nonaligned members be assigned as follows:

Environment, Health & Housing	Councillor Hardy
Operational Services	Councillor Mulholland
Tourism & Leisure	Councillor Mulholland
Planning	Councillor Mulholland
Audit & Standards	Councillor Mulholland

MEMBER DEVELOPMENT STEERING GROUP

6. The Member Development Steering Group is an internal working group and its functions are leading, co-ordinating and monitoring the Council's actions in delivering the Member Development Strategy and taking the lead on general member welfare matters and the membership of the group is cross party and the group is not required to be politically balanced. There are currently five vacancies on the Group and Councillor Hardy has indicated that he will take up one of these positions. If any other council members would like to put their names forward for inclusion within the group, this would be welcomed.

¹ Section 16, as modified by regulation 16 of the Local Government (Committees and Political Groups) Regulations 1990 in its application to councils where some members are not members of a political group.

IMPLICATIONS	
Finance	There are no financial implications arising from this report.
Legal	Section 16 of the Local Government and Housing Act 1989 (as modified by regulation 16 of the Local Government (Committees and Political Groups) Regulations 1990) requires that a proportional number of seats be allocated to non-aligned members, as well as members of political groups. It was established by the case of R v Sunderland Corporation that a councillor cannot be compelled to accept a committee seat.
Community Safety	None arising from this report.
Human Rights and Equalities	None arising from this report.
Sustainability and Environmental Impact	None arising from this report.
Health & Safety and Risk Management	None arising from this report.

LEAD AUTHOR	CONTACT DETAILS	DATE
Ian Curtis	ian.curtis@fylde.gov.uk & Tel 01253 658506	19 June 2019

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
None		

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
MONITORING OFFICER	COUNCIL	15 JULY 2019	8
APPOINTMENTS TO OUTSIDE BODIES			

PUBLIC ITEM

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

SUMMARY

The Council makes a number of appointments to outside bodies each year. In a non-election year these are confirmed at the last ordinary meeting prior to the meeting of Annual Council. Following Council's decision in 2016, the programme committees have made recommendations to the appointments from within their respective memberships, where possible.

Every member serving on an outside body is required to complete a reporting form every six months, which will be reported to the relevant programme committee to which the external partnership relates.

Those members failing to complete the information following a second reminder will be brought to the attention of Group Leaders. Group Leaders must then determine whether they wish to request a Notice of Motion at the next Council meeting as to whether the subject member should continue to represent the Council on the particular outside body.

The list of outside bodies and those members nominated to them by the committees, is attached as an appendix.

RECOMMENDATION

- To confirm nominated appointments to outside bodies for the 2019/20 municipal year, as shown in appendix 1.

SUMMARY OF PREVIOUS DECISIONS

Council are required to confirm the appointments to outside bodies annually.

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	√
Delivering the services that customers expect of an excellent council (Clean and Green)	√
Working with all partners (Vibrant Economy)	√
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	√
Promoting Fylde as a great destination to visit (A Great Place to Visit)	√

REPORT

1. The Council makes a number of appointments to outside bodies in each municipal year, in an election year the appointments are made at the first Council meeting following the Annual meeting.
2. The outside bodies to which the Council nominates, together with the names of those members nominated by the relevant programme committee, is attached as appendix 1.
3. The current protocol is that members are required to produce regular reports on the bodies on which they serve, currently every six months. These reporting forms will come to the programme committee to which the external partnership relates.
4. All reporting forms must be submitted via the online electronic reporting form; and that committee chairmen, whose members are not supplying reports, enquire whether that member wishes to continue as a representative of the outside body.
5. Nominations for the Police Crime Commissioner's Panel and Lytham Town Trust were considered at Environment, Health and Housing Committee and Tourism and Leisure Committee respectively, however due to new information regarding both positions, these will now be reconsidered by the relevant committee in the September cycle of meetings, and will return to a future Council meeting for decision.

IMPLICATIONS	
Finance	None arising from the report.
Legal	None arising from the report.
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
Tracy Manning	01253 658521	1 July 2019

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
none		

Attached documents

Appendix 1 – Nominated Representatives to Outside Bodies.

Outside bodies / partnerships attended by Elected Members	Seats Occupied	Nominations from committees
Arts Partnership for Fylde	1	Councillor Jayne Nixon
Arts Working Group	1	Councillor Vince Settle
Blackpool Airport and Hillhouse Enterprise Zone Project Board	1	Chairman of Finance and Democracy
Childrens Partnership Board	1	Councillor Will Harris
Community Projects Fund	1	The Mayor (2019/20 Councillor Angela Jacques)
Community Safety Partnership	1	Councillor Ben Aitken
Council for Voluntary Services, BWF	1	Councillor Gavin Harrison
Duty to Cooperate	2	Chairman and Vice Chairman of Planning Committee
East Lytham Working Group	1	Councillor Roger Lloyd
Education Liaison Committee (Planning)	2	Councillors Richard Redcliffe and Linda Nulty
YMCA Housing (Face to Face)	1	Councillor Viv Willder
Fairhaven and Church Scar Coastal Defence Project Board	1	Councillors Tommy Threlfall
Fairhaven Lake & Gardens Restoration Project Board	1	Councillor Cheryl Little
Fylde Arts Association	1	Councillor Jayne Nixon
Fylde Citizens Advice Bureau	3	Councillors Linda Nulty, Noreen Griffiths and John Singleton
Fylde Coast LGBT Strategic Partnership	1	Councillor Shirley Green
Fylde Coast Women's Aid	1	Councillor Viv Willder
Fylde Coast YMCA Partnership Board	1	Councillor Gavin Harrison
Fylde & Wyre Health & Wellbeing Partnership	1	Councillor Viv Willder
Fylde Peninsular Water Management Group	1	Councillor Ben Aitken
Just Good Friends	2	Councillor Viv Willder
Lancashire Health and Wellbeing Board	1	Councillor Viv Willder
Lancashire Waste Partnership	1	Chairman of Operational Management Committee
LCC Health & Scrutiny Committee	1	Councillor Viv Willder
Local Liaison Committee Springfield Works	2	Councillors Roge Lloyd and Ben Aitken
Lowther Trust	1	Councillor Roger Small
Lytham Hall Partnership	1	Councillor Shirley Green
MATAC	1	Councillor Roger Lloyd
North West Employers Organisation	1	Chairman of Finance and Democracy Committee (named substitute Councillor Vince Settle)
North West of England & the Isle of Man Reserve Forces & Cadets Association	1	Councillor Ed Nash
One Fylde (formerly Ormerod Trust)	1	Councillor Angela Jacques
PATROL	1	Councillor John Kirkham
Registered Providers (RSO) Partnership (formerly Registered Social Landlords (RSL))	1	Councillor Ben Aitken
Sintropher Working Group	1	Councillor John Kirkham
St George's Day Festival Committee	1	Councillor Cheryl Little
Key Green = a Limited Company Pink = a Limited Company that is also a Registered Charity Blue = an Unincorporated Association Grey = a Statutory Body		

Nominations received from committee for approval at full council on 15 July 2019

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	15 JULY 2019	9

INVITATION TO ACCEPT APPOINTMENT AS MAYOR 2020/21

PUBLIC ITEM

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

SUMMARY

To invite a member of the Council to accept appointment as Mayor of the Borough of Fylde for the ensuing municipal year.

RECOMMENDATION

That the Council invites Councillor Cheryl Little to accept appointment at the 2020 Annual Meeting as Mayor of the Borough of Fylde for the municipal year 2020/21.

SUMMARY OF PREVIOUS DECISIONS

The Council is invited to appoint a Mayor of the Borough of Fylde annually.

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	√
Delivering the services that customers expect of an excellent council (Clean and Green)	√
Working with all partners (Vibrant Economy)	√
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	√
Promoting Fylde as a great destination to visit (A Great Place to Visit)	√

REPORT

- Members are invited to consider nominations for the position of Mayor for the municipal year 2020/21.
- An updated seniority list is attached which shows the current position regarding this matter. The list has been compiled in accordance with the agreed Policy on the Operation of the Mayoralty.
- The 2019 election outcome meant that four members held equal position on the seniority list. In order to allow for planning to begin to be undertaken for the next mayoral year, a discussion took place with the four members holding equal position. Three ruled themselves out of being considered for the mayoral office in 2020/21 but asked for their interest to be noted for subsequent years.
- One member indicated their preference for taking up office in 2020/21.

IMPLICATIONS	
Finance	Provision is contained within the council budget for the Mayoralty.
Legal	None arising directly from the report.
Community Safety	None arising directly from the report.
Human Rights and Equalities	None arising directly from the report.
Sustainability and Environmental Impact	None arising directly from the report.
Health & Safety and Risk Management	None arising directly from the report.

LEAD AUTHOR	CONTACT DETAILS	DATE
Tracy Manning	01253 658521	

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
None		

Attached documents
Appendix 1 – 2019 Seniority List

FYLDE BOROUGH COUNCIL MAYORALTY

SENIORITY LIST – from 2020/21

	COUNCILLOR	START OF PRESENT TERM
1	CHERYL LITTLE	2007
2=	BEN AITKEN	2007
2=	KAREN BUCKLEY	2007
2=	ELAINE SILVERWOOD	2007
5	KAREN HENSHAW	2010 (past service 2003-2007)
6	FRANK ANDREWS	2010
7=	JULIE BRICKLES	2011
7=	ALAN CLAYTON	2011
7=	PAUL HODGSON	2011
7=	EDWARD NASH	2011
7=	RICHARD REDCLIFFE	2011
7=	VIV WILLDER	2011
13=	ROGER LLOYD	2015 (past service 1991-1995)
13=	ROGER SMALL	2015 (past service 1997-2011)
15=	BRENDA BLACKSHAW	2015
15=	DELMA COLLINS	2015
15=	SHIRLEY GREEN	2015
15=	VINCE SETTLE	2015
15=	RAY THOMAS	2015
20	PETER ANTHONY	DEC 2015
21	MARK BAMFORTH	FEBRUARY 2017 (past service 1991-1999 and 2014-2017)
22	JOHN KIRKHAM	MAY 2017
23	JAYNE NIXON	NOVEMBER 2017
24	SALLY NASH	APRIL 2018
25	CHRIS DIXON	AUGUST 2018
26=	TIM ARMIT	2019 (past service 2011-2015)
26=	PAULA BREARLEY	2019
26=	ELLIE GAUNT	2019
26=	BRIAN GILL	2019
26=	NOREEN GRIFFITHS	2019
26=	GAVIN HARRISON	2019

26=	WILL HARRIS	2019
26=	MATTHEW LEE	2019
26=	MICHELLE MORRIS	2019
26=	DAVID O'ROURKE	2019
26=	BOBBY RIGBY	2019
26=	MICHAEL SAYWARD	2019
26=	STAN TRUDGILL	2019
26=	MICHAEL WITHERS	2019

	KIRAN MULHOLLAND	1991 Does not wish to be considered for Mayoralty (Declared August 2009)
	THOMAS THRELFALL	1995
	PAUL HAYHURST (has already been Mayor in 2000\1)	1979
	TREVOR J. FIDDLER (has already been Mayor in 2004\5)	1979 (broken service 1995-99)
	SUSAN FAZACKERLEY (has already been Mayor 2008/9)	1987
	LIZ OADES (has already been Mayor 2010-2011)	1991
	HEATHER SPEAK (has already been Mayor 2012/13)	1999
	LINDA NULTY (has already been Mayor 2013/14)	1999
	PETER HARDY (has already been Mayor 2015-16)	1999
	JOHN SINGLETON (has already been Mayor 2017-18)	2007
	PETER COLLINS (has already been Mayor 2018-19)	2003
	ANGELA JACQUES (Mayor 2019-20)	2007

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	15 JULY 2019	10

EXTENSION OF THE TERM OF OFFICE – INDEPENDENT PERSONS

PUBLIC ITEM

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

SUMMARY

The Council is asked to consider the extension of the term of office of the three statutory Independent Persons for Standards.

RECOMMENDATION

That Mr Mozley, Mrs Broughton and Mr Horrocks, the three statutory Independent Persons pursuant to Section 28 (7) of the Localism Act 2011, be appointed for a further 12 months from 30 September 2019 to 30 September 2020.

SUMMARY OF PREVIOUS DECISIONS

11 April 2016 – Council appointed Mr Tony Mozley, Mr Brian Horrocks and Mrs Helen Broughton as statutory Independent Persons pursuant to Section 28 (7) of the Localism Act 2011, for a period of 3 years starting from 1 May 2016 until 30 September 2019.

28 January 2013 - Council appointed Mr Ellwood, Mr Mozley and Mr Horrocks for a three year term.

20 May 2015 – Council appointed Mr Ellwood and Mr Horrocks, as co-opted members, to the Chief Officers Employment Committee.

14 December 2015 – Council agreed the extension of the term of office for the Independent Person until June 2016 or until the satisfactory conclusion of the recruitment process to appoint new Independent Persons.

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

1. At the meeting of the Council in April 2016, it was agreed to appoint Mr A Mozley, Mr B Horrocks and Mrs H Broughton as statutory independent persons for standards matters pursuant to Section 28 (7) of the Localism Act 2011 until 30 September 2019.
2. In January, a review of the current standards framework, the first since the Localism Act 2011 has been undertaken by the Committee on Standards in Public Life to see if the Framework is conducive to promoting and maintaining the standards expected by the public. This report was published in January 2019. The recommendations from this report have been submitted to Government but no response has yet been made.
3. One area in the report subject to recommendation was the term of office for the Independent Persons and therefore, it is proposed to only extend for a 12-month period to allow Government to respond to the recommendation and then Council can act accordingly. As members will be aware, the three Independent Persons are shared with Blackpool Borough Council and the same recommendation went to their Council meeting on 26 June.

IMPLICATIONS	
Finance	None arising from this report
Legal	Section 28(7) of the Localism Act 2011 states the requirement to appoint at least one Independent Person for standards matters.
Community Safety	None arising from this report
Human Rights and Equalities	None arising from this report
Sustainability and Environmental Impact	None arising from this report
Health & Safety and Risk Management	None arising from this report

LEAD AUTHOR	CONTACT DETAILS	DATE
Tracy Manning	Tracy.manning@fylde.gov.uk & Tel 01253 658521	28 June 2019

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
None		

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	15 JULY 2019	11

SINGLETON PARISH COUNCIL: APPOINTMENT OF PARISH COUNCILLORS

PUBLIC ITEM

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

SUMMARY

Following the elections, Singleton Parish Council has only two members and is unable to hold a quorate meeting. The council is requested to temporarily appoint three members to the parish council to enable the parish council to function.

RECOMMENDATIONS

To authorise the Director of Resources to make an order under section 91 of the Local Government act 1972 to appoint Christopher Bailey and Michael Andrew Smith as members of Singleton Parish Council.

SUMMARY OF PREVIOUS DECISIONS

None

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	
Delivering the services that customers expect of an excellent council (Clean and Green)	
Working with all partners (Vibrant Economy)	v
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	
Promoting Fylde as a great destination to visit (A Great Place to Visit)	

REPORT

- At the recent elections, two candidates stood for election to Singleton Parish Council and were returned unopposed. The size of the parish council is five councillors, so three seats remain unfilled. The quorum for a meeting of the parish council is three, so the council is unable to meet to co-opt further members to fill the remaining vacancies.
- Legislation provides that in such circumstances, the district council may appoint persons to fill all or any of the vacancies until other councillors are elected and take up office.

3. The clerk to Singleton Parish Council has advised that two retiring councillors were unable to put in their nomination papers due to individual circumstances, but are willing to continue to serve. They are Christopher Bailey and Michael Andrew Smith. Both are believed to fulfil the legal requirements for membership.
4. Members are requested to authorise officers to make a formal order under section 91 of the Local Government Act 1972, appointing the individuals named above as members of Singleton Parish Council.

IMPLICATIONS	
Finance	No implications
Legal	No implications
Community Safety	Parish councils can play an important role in community life and cohesion.
Human Rights and Equalities	No implications
Sustainability and Environmental Impact	No implications
Health & Safety and Risk Management	No implications

LEAD AUTHOR	CONTACT DETAILS	DATE
Ian Curtis	ian.curtis@fylde.gov.uk & Tel 01253 658506	10 May 2019

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
OFFICE OF THE CHIEF EXECUTIVE	COUNCIL	15 JULY 2019	12
CORPORATE PLAN 2016-2020 PROGRESS UPDATE			

PUBLIC ITEM

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

SUMMARY

The report outlines the progress to date against Corporate Plan actions that were due to be delivered or progressed between April 2018 and March 2019.

RECOMMENDATIONS

That the Council approves the progress made against the Corporate Plan actions outlined in Appendix 2 of the report for the period April 2018 to March 2019.

SUMMARY OF PREVIOUS DECISIONS

The Corporate Plan 2016-20 was approved by Full Council on February 8th 2016.
 Progress against the Corporate Plan Full Council July 17th 2017
 Progress against the Corporate Plan Full Council July 16th 2018

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	√
Delivering the services that customers expect of an excellent council (Clean and Green)	√
Working with all partners (Vibrant Economy)	√
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	√
Promoting Fylde as a great destination to visit (A Great Place to Visit)	√

REPORT

1. The Council operates a four year Corporate Plan which outlines the key actions, targets and outcomes the Authority will deliver on behalf of the Fylde community, the current 2016 to 2020 Corporate Plan approved at Full Council on February 8th 2016 is included as Appendix 1.
2. Appendix 2 provides details of progress against the actions in the last year of the current plan (2018/19). The format for the plan is to agree actions for the current year that will contribute towards achieving the four year objectives / outcomes. The plan is reviewed on an annual basis to take account of any changes that may need to be made as a consequence of policy, regulation or legislative change.
3. The Corporate Plan takes into consideration emerging legislation, policy and changes in resources and responsibilities and is informed by partners, elected members and external organisations, including the Local Government Association, the Department for Communities and Local Government, the Department for Work and Pensions and the various professional associations that provide support on policy, governance, waste, planning, parks and environmental health. The objective is to clearly articulate for all stakeholders the strategic issues the Council plans to address over the four year period.
4. The Corporate Plan forms part of the Council's budget and policy framework and as such must be approved by Full Council, the plan for 2016 to 2020 was approved on February 8th 2016. The plan is presented as a single sided 'poster' format known as a 'plan on a page' which is user friendly and accessible for all stakeholders.
5. Each year as part of the performance management framework at Fylde the Corporate Plan is reviewed to monitor progress against actions and targets, to assess the ongoing viability of the long term outcomes and make any necessary amendments to the plan in response to recent changes i.e. policy, regulation, legislation etc.
6. The plan is part of the performance management framework approved by the Council with the actions derived from the Directorate Service Plans developed each year with the objective of delivering the outcomes agreed in the Corporate Plan – the link from the service level delivery to the strategic delivery.
7. As part of the annual service planning cycle, each directorate develops a service plan that is refreshed each year in consultation with the staff who deliver the services, together they agree actions which will contribute to council priorities. Every action is captured in [the performance management system InPhase](#) with the high priority actions added to the Corporate Plan summary page for approval by the council.
8. Performance against the plan is captured and monitored through the performance management framework and can be viewed online at <http://fyldeperformance.inphase.com> at any time by any stakeholder, the council is transparent and open about performance.
9. The new council elected in May 2019 will work to develop the next four year Corporate Plan 2020-24 over the coming months.

IMPLICATIONS

IMPLICATIONS	
Finance	There are no direct financial implications as a result of this report, implications are considered as part of the service planning process.
Legal	There are no direct legal implications as a result of this report, implications are considered as part of the service planning process.
Community Safety	There are no direct community safety implications as a result of this report, implications are considered as 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 as 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 as 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 as part of the service planning process.
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LEAD AUTHOR	CONTACT DETAILS	DATE
Allan Oldfield	allano@fylde.gov.uk 01253 658500	22 MAY 2019
Alex Scrivens	alexs@fylde.gov.uk 01253 658543	22 MAY 2019

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Corporate Plan 2016-20	February 2016	http://www.fylde.gov.uk/assets/files/9140/Corporate-Plan-v3.2-250718.pdf
Performance Information	N/A	http://fyldeperformance.inphase.com

Attached documents

APPENDIX 1: The Corporate Plan 2016-2020

APPENDIX 2: Progress against 2018/19 Actions



Let Fylde prosper

Corporate Plan 2016-2020



VALUE FOR MONEY

CLEAN & GREEN

A VIBRANT ECONOMY

A GREAT PLACE TO LIVE

A GREAT PLACE TO VISIT

PRIORITIES

Spending your money in the most efficient way to achieve excellent services we will:

- Increase income through new and existing means
- Deliver the accommodation project
- Continuously review services and assets to improve efficiency and effectiveness
- Manage and invest effectively in the council's finances
- Maximise marketing opportunities
- Create a digital council
- Champion the quality and reputation of Fylde

Delivering the services that customers expect of an excellent council we will:

- Continue to deliver high standards of cleanliness
- Mitigate the impact of the loss of the LCC waste subsidy
- Actively enforce waste and cleansing legislation
- Deliver high quality parks and open spaces
- Ensure beaches and bathing waters are clean and safe
- Build on the achievements of the In Bloom initiative
- Ensure the security of the coastal defences

Working with all partners we will:

- Improve the transport infrastructure and traffic flow
- Support Enterprise Zones
- Improve car parking
- Enhance and improve our town and village centres
- Attract new businesses and develop existing ones

Ensure Fylde continues to be one of the most desirable places to live we will:

- Achieve adoption of the Local Plan
- Deliver high standard housing that meets the need in all communities
- Implement enforcement action on unauthorised development
- Support and promote volunteers' efforts to improve their local community
- Deliver activities for all age groups
- Recognise the significance of our heritage assets
- Work with partners to improve health and wellbeing of all residents

Promoting Fylde as a great destination to visit, we will:

- Deliver and support quality events throughout the Fylde
- Maximise the natural assets of our coast and countryside by improving their facilities
- Offer an arts collection that is available to everyone
- Provide a positive first impression of Fylde
- Use technology effectively to make Fylde more accessible
- Encourage visitor feedback to improve our tourism offer

ACTIONS

- Produce and implement an investment/commercial strategy
- Explore and initiate new income streams
- Complete the accommodation project works
- Improve online services to increase efficiency, reduce transaction costs and generate income
- Produce a new Council Website with streamline content and integrate digital by preference to enable 24/7 services
- Develop digital solutions to customer and employee demand
- Review use of key assets to achieve maximum value, Public Offices, Lytham Institute, Lytham Assembly Rooms

- Focus resources on the reduction of seasonal litter
- Strive to achieve Blue Flag status for the beaches
- Produce landscape masterplan for Lytham Park Cemetery

- Engage effectively with the Local Enterprise Partnership
- Progress the re-opening of the M55/Moss Road link
- Investigate the potential of developing the digital high street
- Facilitate and support Town Centre Partnerships
- Channel business rates funding opportunities to economic development
- Contribute to the Fylde Coast Highways and Transport Masterplan
- Develop a plan for the redevelopment of The Island site as a destination point

- Tackle social isolation and health inequalities with Public Health

- Improve entrance signage and welcome points
- Work up the stage 1 development of the Fairhaven Lake Project Plan and submit stage 2 bid to Heritage Lottery Fund

Finance Yearend Statement of Accounts & Full Council Corporate Plan Updates 2018/19

Latest version of [Corporate Plan 2016-2020 v3.2](#)

Please add commentary to each update and use one of these symbols to provide a performance status....

	Completed – over performing against target or milestone achieved
	On Track – the milestone is performing within tolerance of target
	Cautionary Under Performance – moderately underperforming. Whilst the milestone has slipped from target it maybe a minor blip overall or minor action will remedy it.
	Under Performance – the milestone is under performing against target.

PROGRESS TO DATE ON THE CORPORATE PLAN 2016-20

VALUE FOR MONEY	
CORPORATE PLAN ACTIONS	STATUS
Produce and implement an investment strategy / commercial strategy	
Update: The commercial strategy has been agreed by Council and is in place	
Explore and initiate new income streams	
Update: New income streams are in place and existing income sources increased including; charges for estates management & lease renewals; wedding services at the Town hall; pre-planning advice; and sand winning. The Council will continue to explore and initiate new income streams.	
Complete the accommodation project works	
Update: Work has been finished with the car park refurbishment completed in June 2019.	
Improve online services to increase efficiency, reduce transaction costs and generate income	
Update: Improvement has been made with the development of a new transactional website with an increased number of services available online 24/7 further process re-engineering is required in some service areas where the primary technology is being upgraded.	
Produce a new Council Website with streamlined content and integrate digital by preference to enable 24/7 services	
Update: The new transactional website is operating with ongoing feedback from customer experience being used to continually improve the offer.	
Develop digital solution to customer and employee demand	
Update: Extensive use of social media platforms and digital communication groups / networks is well established along with the transactional website and intranet. Digital solutions will be part of the process re-engineering integral to the continuous service review culture at Fylde.	

Review the potential / function of all property assets in response to the need to be financially self-sustaining by 2020	
Update: Progress has been made with increased income as a result of rent reviews and concession renewals, the new structure and new personnel have adopted a more commercial approach to asset management that delivers market income.	

CLEAN & GREEN	
CORPORATE PLAN ACTIONS	STATUS
Focus resources on the reduction of seasonal litter	
Update: An increased number of larger bins in targeted locations, additional weekend resources, a more flexible and responsive workforce, joined up approach to weekend resources / personnel, dedicated beach bins, greater support to volunteer groups, plastic free and package reduction campaigns, along with a focus on litter management in event plans have all led to reduced seasonal litter.	
Strive to achieve Blue Flag status for the beaches	
Update: Signage and infrastructure required for a Blue Flag are in place or on schedule and work with partners to achieve the necessary water bathing standard is in place, the Blue Flag will be achieved once the water bathing standard has been reached.	
Produce landscape masterplan for Lytham Park Cemetery	
The Landscape Masterplan has been drafted which includes extending the cemetery to the North East, an engineering scheme to store drainage water on site, improved car parking and new roads / paths.	

A VIBRANT ECONOMY

CORPORATE PLAN ACTIONS	STATUS
Engage effectively with the Local Enterprise Partnership	
Update: The new Economic Prosperity Board (Blackpool, Fylde & Wyre) has direct representation on the LEP and necessary links to the Enterprise Zones at Blackpool Airport and Hillhouse.	
Progress the re-opening of the M55/ Moss Road link	
Update: Progress has been hindered by the ability of a private sector partner to secure funding resulting in the procurement process being suspended and unplanned further negotiations leading to delays that cannot be accurately estimated – the project is currently not on schedule.	
Investigate the potential of developing the digital high street	
Update: Public WiFi access has been provided at public locations i.e. Town Hall, Lytham Green with many other locations provided for by major private sector broadband suppliers. The digital high street concept is being incorporated into generic work on the high street revival.	
Facilitate and support Town Centre Partnerships	
Update: The three primary town centres have established business networks that are supported by the council and Town Councils where applicable.	
Channel business rates funding opportunities to economic development	
Update: The Lancashire Business Rates Pool pilot scheme includes a proportion of the funds being dedicated to economic development across Lancashire, the details of longer term arrangements for business rate locally will be known after the pilot and relevant to the next Corporate Plan.	
Contribute to the Fylde Coast Highways and Transport Masterplan	
Update: The plan is the responsibility of LCC, officers from various service areas at Fylde have all made contributions through different engagement methods.	

Develop a plan for the redevelopment of The Island as a destination point	
Update: Initial engagement and research has been carried out along with a review of the current lease arrangements and light market testing for potential investment opportunity. A bid has been made to the Environment Agency for sea defence assessment work with a view to securing funds for a project that would act as a catalyst for the redevelopment of the site.	

A GREAT PLACE TO LIVE	
CORPORATE PLAN ACTIONS	STATUS
Tackle social isolation and health inequalities with Public Health	
Update: Work between Fylde Council, Lancashire County Council Public Health, Fylde and Wyre CCG and the charity Just Good Friends is tackling loneliness and isolation across the borough. Well North have completed research on social isolation as a barrier to Health and Wellbeing in the Lytham St Annes GP surgery neighbourhood; outcomes and best practice from this work are being used by partner agencies across the Fylde.	

A GREAT PLACE TO VISIT	
CORPORATE PLAN ACTIONS	STATUS
Improve entrance signage and welcome points	
Update: Branding and design have been completed and a survey of all entrance points. The signage policy has been agreed work is ongoing to identify partners, some of which may be sponsors or advertisers, to design and fund new Borough boundary signage and welcome points.	
Work up the stage 1 development of the Fairhaven Lake Project Plan and submit stage 2 bid to Heritage Lottery Fund	
Update: The Heritage Lottery Fund bid was successful and the project team are currently delivering the agreed project plan.	

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	15 JULY 2019	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. No substantive changes are proposed to the policy this year.

RECOMMENDATION

Council is recommend 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 16 July 2018.

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

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	√
Delivering the services that customers expect of an excellent council (Clean and Green)	
Working with all partners (Vibrant Economy)	
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	
Promoting Fylde as a great destination to visit (A Great Place to 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. The Office of the Surveillance Commissioners can inspect any public authority’s RIPA compliance. The Commissioners’ inspections can be rigorous and thoroughgoing.

CONSIDERATION OF RIPA POLICY

6. The policy has been amended this year to take account of the replacement of the former Office of the Surveillance Commissioners, which had statutory oversight of RIPA, by the Investigatory Powers Commissioner’s Office, and to change some outdated web links. There are no substantive changes, and the revised policy is attached for members’ information.

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.

LEAD AUTHOR	CONTACT DETAILS	DATE
Ian Curtis	01253 658506	28 June 2019

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Employees’ Guide: RIPA	June 2019	Town Hall, Lytham St Annes

Attached documents
Appendix 1 – 2019 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 2019
End users of hard copies of this document are responsible for ensuring their copy is up to date.					

Revised June 2019

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 table and paragraphs 1.8 to 1.10 below set out the officers of the council who have delegated powers under RIPA and the extent of their powers:

Job title	Extent of power
Chief Executive	All
Directors	In connection with directorate activities
Director of Resources	In connection with council tax and housing benefits

- 1.8 Personnel matters are for RIPA purposes regarded as being within the province of the Human Resources section and not that of individual directorates. [Covert](#) surveillance of any council employee for the purpose of preventing or detecting crime arising out of their employment by the council

can therefore only be authorised by the Chief Executive or the Director of Resources.

- 1.9 In certain circumstances, use of social media sites such as Facebook, or using the internet for research in other ways could need authorisation as [directed surveillance](#) or use of a [covert human intelligence source](#). 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](#).
- 1.10 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](#) 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. Even if the chief executive is absent, only the officer acting for the time being as Head of Paid Service can authorise: no other officer can do so.
- 1.11 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. Even if the chief executive is absent, only the officer acting for the time being as Head of Paid Service can authorise: no other officer can do so.
- 1.12 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.
- 1.13 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.
- 1.14 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.

- 1.15 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.
- 1.16 The Head of Governance has responsibility for maintaining a centrally retrievable record of authorisations under RIPA and for overseeing:
 - 1.16.1 the integrity of the process in place within the authority to authorise and seek approval of directed surveillance;
 - 1.16.2 compliance with Part II of the 2000 Act, Part III of the 1997 Act and with the codes of practice;
 - 1.16.3 engagement with the Investigatory Powers Commissioner's Office ("IPCO") and inspectors when they conduct their inspections, and
 - 1.16.4 where necessary, overseeing the implementation of any post-inspection action plans.
- 1.17 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.

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.

5.1.1.2 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.

5.1.1.3 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.

5.1.2 Covert Use of Human Intelligence Sources

5.1.2.1 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](#).

5.1.2.2 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.

5.1.2.3 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.

5.1.2.4 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.

5.2 Requirements of RIPA

5.2.1 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.**

5.2.2 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](#).

5.2.3 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.**

5.2.4 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.

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

5.2.6 Factors to Consider

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](#).

5.2.7 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.

5.2.9 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.

5.2.10 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.

5.2.7 Home Surveillance

5.2.7.1 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.

5.2.8 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.

5.2.9 Confidential Material

5.2.9.1 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.

5.2.9.2 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.

5.2.9.3 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.

5.2.10 Combined authorisations

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

5.2.11 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 [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.
- 6.2 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.
- 6.3 Authorising Officers must ensure that the relevant details of each authorisation are sent to the [designated officer](#) for registration as described in [paragraph 8](#) below.
- 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.
- 6.5 [Authorising officers](#) must ensure compliance with the appropriate [data protection](#) requirements and the relevant codes of practice in the handling and storage of material. Where material is obtained by [surveillance](#), which is

wholly unrelated to a criminal or other investigation or to any person who is the subject of the investigation, and there is no reason to believe it will be relevant to future civil or criminal proceedings, it should be destroyed immediately. Consideration of whether or not unrelated material should be destroyed is the responsibility of the Authorising Officer.

- 6.6 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 Benefits of Obtaining Authorisation under RIPA.

10.1 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.

10.2 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

11 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).