



TO COUNCILLOR:

E R Barr
L A Bentley
G A Boulter
J W Boyce
Mrs L M Broadley

F S Broadley
M L Darr
B Dave
R F Eaton
D A Gamble (Vice-Chair)

J Kaufman
Mrs L Kaufman
Dr T K Khong
Mrs S B Morris (Chair)
R E R Morris

Dear Sir or Madam

I hereby **SUMMON** you to attend a meeting of the **POLICY, FINANCE AND DEVELOPMENT COMMITTEE** to be held at the **COUNCIL OFFICES, STATION ROAD, WIGSTON** on **TUESDAY, 26 MARCH 2019** at **7.00 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices
Wigston
18 March 2019

Mrs Anne E Court
Chief Executive

<u>ITEM NO.</u>	<u>AGENDA</u>	<u>PAGE NO'S</u>
1.	Apologies for Absence	
2.	Appointment of Substitutes To appoint substitute Members in accordance with Rule 4 of Part 4 of the Constitution.	
3.	Declarations of Interest Members are reminded that any declaration of interest should be made having regard to the Members' Code of Conduct. In particular, Members must make clear the nature of the interest and whether it is 'pecuniary' or 'non-pecuniary'.	
4.	Minutes of the Previous Meeting To read, confirm and sign the minutes of the previous meeting in accordance with Rule 17 of Part 4 of the Constitution.	1 - 6
5.	Action List Arising from the Previous Meeting To read, confirm and note the Action List arising from the previous meeting.	7 - 8
6.	Petitions and Deputations	

To receive any Petitions and, or, Deputations in accordance with Rule 24 of Part 4 of the Constitution.

- | | |
|---|------------------|
| 7. Proposed Corporate Plan (2019-2024) | 9 - 46 |
| Report of the Chief Executive / Head of Paid Service | |
| 8. External Audit Plan (2018/19) | 47 - 63 |
| Report of the Director of Finance & Transformation / Section 151 Officer | |
| 9. Internal Audit Operational Plan (2019/20) | 64 - 89 |
| Report of the Director of Finance & Transformation / Section 151 Officer | |
| 10. Regulation of Investigatory Powers Act 2000 (RIPA) Policy (March 2019) | 90 - 149 |
| Report of the Head of Law & Governance / Monitoring Officer | |
| 11. Naming of New Pavilion Building, Horsewell Lane | 150 - 152 |
| Report of the Economic Regeneration Team Leader | |
| 12. Services Delivery Update (March 2019) (Verbal Update) | |
| Verbal update of the Chair of the Services Delivery Committee | |

For more information, please contact:

Democratic Services

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**MINUTES OF THE MEETING OF THE POLICY, FINANCE AND DEVELOPMENT COMMITTEE
HELD AT THE COUNCIL OFFICES, STATION ROAD, WIGSTON ON TUESDAY, 5 FEBRUARY
2019 COMMENCING AT 7.00 PM**

PRESENT

Councillor Mrs S B Morris (Chair)

COUNCILLORS

E R Barr
L A Bentley
G A Boulter
J W Boyce
Mrs L M Broadley
F S Broadley
M L Darr
B Dave
R F Eaton
J Kaufman
Mrs L Kaufman

OFFICERS IN ATTENDANCE

D M Gill	(Head of Law & Governance / Monitoring Officer)
S Hinds	(Director of Finance & Transformation / Section 151 Officer)
T Maccabe	(Anti-Social Behaviour Officer)
C Raymakers	(Head of Finance, Revenues & Benefits)
S Tucker	(Democratic & Electoral Services Manager)

OTHERS IN ATTENDANCE

A Persaud (Audit Manager, CW Audit Services)

50. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillors D A Gamble, T K Khong and R E R Morris.

51. APPOINTMENT OF SUBSTITUTES

None.

52. DECLARATIONS OF INTEREST

None.

53. MINUTES OF THE PREVIOUS MEETING

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The minutes of the meeting of the previous Committee held on 27 November 2018 be taken as read, confirmed and signed.

54. ACTION LIST ARISING FROM THE PREVIOUS MEETING

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The Action List arising from the meeting of the previous Committee held on 27 November 2018 be read, confirmed and noted.

55. PETITIONS AND DEPUTATIONS

None.

56. INTERNAL AUDIT PROGRESS REPORT (Q3 2018/19)

The Committee received the report as set out on pages 11-18 of the agenda, which asked it to note the progress made in delivering the 2018/19 Audit Plan and to provide an update in relation to the implementation of internal audit recommendations.

Mr Persaud from CW Audit Services provided the Committee with a brief summary of the Audit Progress Report, which showed that of the five audits completed during the third quarter, four had been given significant assurance and one had been given moderate assurance. It was confirmed that with regard to the moderate assurance opinion in relation to Housing Repairs and Voids, responses received from management to address the remaining recommendations had been positive. The Committee requested that an update in relation to the implementation of these remaining recommendations be provided to the next meeting of the Committee in March 2019.

Overall, the Committee expressed a high level of satisfaction with the current progress made in delivering the 2018/19 Audit Plan. In particular, staff were commended on the achievement of reducing the number of actions still to be completed to 15, all of which were less than 3 months overdue.

It was moved by the Chair, seconded by J W Boyce and

UNANIMOUSLY RESOLVED THAT:

The contents of the report and appendix be noted.

57. MEDIUM TERM FINANCIAL STRATEGY (MTFS) UPDATE (FEBRUARY 2019)

The Committee received the report as set out on pages 19-28 of the agenda, which asked it to note the projected General Fund Base budget position for 2019/20 and to consider the draft Capital Programme for 2019/20.

The Committee commended the Council's continued prudent approach to balancing its finances and welcomed the risk-averse approach to managing reserves in order to provide long-term stability to the authority. It was noted that many local authorities were continuing to draw down on reserves in order to balance their budgets, an approach which is ultimately unsustainable.

The Committee stated that it was disappointing that Local Government continued to remain largely in the dark with respect to funding post 2019/20, as a result of a lack of clear direction from Central Government.

It was moved by the Chair, seconded by J Kaufman and

RESOLVED THAT:

- (i) **The overall draft Medium Term Financial Strategy and budget for 2019/20 be recommended in principle, subject to a further report to Full Council on 21 February 2019; and**
- (ii) **The levels of reserves outlined in the report be approved.**

Votes For	10
Votes Against	0
Abstentions	2

58. FINANCIAL OUTTURN REPORT (Q3 2018/19)

The Committee received the report as set out on pages 29-36 of the agenda, which asked it to note the overall Council position for the financial year 2018/19 after the third quarter.

With regard to the Capital Programme details attached at Appendix 1, a Member requested that the comments concerning the Grand Union Canal Footbridge be amended to reflect the fact that negotiations aimed at resolving the dispute over design of the bridge were ongoing, as it was felt that the description of the project being "on hold" implied that nothing was being done to move matters forward.

It was moved by the Chair, seconded by L A Bentley and

UNANIMOUSLY RESOLVED THAT:

The contents of the report and appendix be noted.

59. COLLECTION AND WRITE-OFF OF MISCELLANEOUS DEBTORS (Q3 2018/19)

The Committee received the report as set out on pages 37-40 of the agenda, which asked it to note the levels of debt owed to the Council from the third quarter of 2018/19.

A Member of the Committee sought assurance from the Head of Finance, Revenues and Benefits that the 2018/19 collection targets for Council Tax and Non-Domestic Rates (NDR) would be met by the end of the next quarter, as both were slightly behind target for the current stage of the year. The Head of Finance, Revenues and Benefits stated that there was high confidence that the NDR target would be met; however there was less confidence in respect of the Council Tax collection target, which had been narrowly missed the previous year and remained an ambitious figure during a challenging climate. Assurance was however given that even where the target is missed, the collection process continues until the debt has been fully recovered.

It was moved by the Chair, seconded by G A Boulter and

UNANIMOUSLY RESOLVED THAT:

The contents of the report be noted.

60. THIRD SECTOR AND COMMUNITY SUPPORT FUNDING REQUESTS (Q3 2018/19)

The Committee received the report as set out on pages 41-47 of the agenda, which asked it to note expenditure in the voluntary sector and consider the approval of grants

requested.

The Committee noted the proposal to extend the current contracts for advice services carried out by Helping Hands Trust and Citizens Advice for a further 12 months. A Member of the Committee suggested that beyond this period, it may be preferable for the Council to reach an arrangement with a single provider, although the Director of Finance and Transformation advised that the decision would ultimately be based on quality rather than quantity of providers.

It was moved by the Chair, seconded by J Kaufman and

UNANIMOUSLY RESOLVED THAT:

- (i) The contents of the report and appendix be noted; and**
- (ii) The contracts for advice services currently carried out by Helping Hands Trust and Citizens Advice (Leicestershire) be extended for a further 12 months under the same arrangements as currently in operation.**

61. ANTI-SOCIAL BEHAVIOUR UPDATE: PROGRESS, ISSUES & OUTCOMES (FEBRUARY 2019)

The Committee received the report as set out on pages 48-54 of the agenda, which asked it to note the Anti-Social Behaviour (ASB) related work undertaken by the Council since the adoption of its new ASB Policy in 2018.

The Committee welcomed the increased reporting of ASB in the Borough, although some Members expressed concern that the problem remains under-reported due to fear of reprisals. It was acknowledged that the number of reports was likely to have risen in part due to the Council's decision to employ a dedicated ASB Officer, which was seen as a positive in terms of producing a clearer idea of the extent and types of ASB occurring.

Whilst the Council's capacity to respond to complaints had been increased through employing a dedicated ASB Officer, Members asked what was being done to proactively enforce against ASB and what preventative measures were being pursued to stop it occurring in the first place. The Head of Law & Governance confirmed that the Council continues to work closely with partner authorities such as the Police on enforcement activity, as was demonstrated with the successful obtaining of a Closure Order for a property in Oadby. In addition, the Council is looking to organise cross-departmental enforcement activity through targeted deployment of Officers in Planning and Licensing to deal with a range of issues.

In light of a continued abuse of parking regulations outside a tanning salon in Wigston Town Centre, a Member of the Committee asked whether parking violations could be dealt with under ASB powers. The Head of Law & Governance confirmed that this type of issue was best dealt with through a civil penalty issued by the Police, as ASB powers were primarily designed for more serious offences which carried a far more punitive fine, therefore an ASB sanction could be considered disproportionate to the offence being committed in this instance. The ASB Officer undertook to liaise with the owner of the premises to see whether informal advice might be sufficient to resolve the problem.

A Member of the Committee noted that the authority had recently issued a Community Protection Notice (CPN), following an identified breach of the Council's newly adopted Drone and Model Aircraft Policy in one of the Borough's parks. It was requested that a press release should be made in respect of the CPN issued, to reinforce awareness of the new Policy and demonstrate that breaches would be dealt with swiftly through the use of

available powers.

With regard to the Council being successfully granted a Closure Order in January 2019, the Head of Law and Governance informed the Committee that the Council's ASB Officer, Thomas Maccabe, along with Faruk Bhayat from the Council's Housing team, had each received a Commendation from the Inspector at Wigston Police Station, recognising their significant contributions to securing a successful outcome.

It was moved by the Chair, seconded by G A Boulter and

UNANIMOUSLY RESOLVED THAT:

The contents of the report and appendices be noted.

62. BUSINESS RATES RELIEF FOR RETAIL PROPERTIES (2018-19)

The Committee received the report as set out on pages 55-58 of the agenda, which asked it to approve the adoption of a discretionary scheme to allow a one-thirds rates relief to retail businesses.

It was moved by J W Boyce, seconded by the Chair and

UNANIMOUSLY RESOLVED THAT:

- (i) The discretionary business rate relief scheme be approved and adopted; and**
- (ii) The criteria for determining eligibility for relief be delegated to the Revenues Team Leader, with any appeal to be made via the Head of Finance, Revenues and Benefits.**

63. PROPOSED FOOD SAFETY ENFORCEMENT POLICY (FEBRUARY 2019)

The Committee received the report as set out on pages 59-84 of the agenda, which asked it to approve and adopt the proposed Food Safety Enforcement Policy.

The Committee welcomed the detailed and comprehensive nature of the Policy, but requested the insertion of additional information to provide greater clarity on the frequency of inspections. The Head of Law & Governance confirmed that the frequency of inspections is determined by legal requirements, but agreed to insert a line into the Policy to clarify that inspections would be carried out in accordance with statutory timeframes.

It was moved by the Chair, seconded by J W Boyce and

UNANIMOUSLY RESOLVED THAT:

The proposed Food Safety Enforcement Policy (as set out at Appendix 1) be approved and adopted.

THE MEETING CLOSED AT 8.10 PM



Chair

Tuesday, 26 March 2019

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POLICY, FINANCE AND DEVELOPMENT COMMITTEE

ACTION LIST

Arising from the Meeting held on Tuesday, 05 February 2019

No.	Minute Ref. / Item of Business	*Action Details / Action Due Date	Responsible Officer(s)' Initials	Action Status
1.	56 – Internal Audit Progress Report (Q3 2018/19)	An update to be provided to the next Committee regarding progress made against the implementation of remaining Housing Repairs & Voids recommendations. <i>Due by Jun-19</i>	AdTh	On Target to Complete (Verbal update)
		The full Internal Audit Progress Report for quarter 4 for 2018/19 will be reported to the meeting scheduled in June 2019.		
2.	58 – Financial Outturn Report (Q3 2018/19)	Comments in Appendix 1 regarding the Grand Union Canal Footbridge to be amended to reflect the ongoing nature of the negotiations, as opposed to the project being on hold. <i>Due by Mar-19</i>	ChRa	Complete
3.	61 – Anti-Social Behaviour Update (February 2019)	ASB Officer to liaise with owner(s) of a tanning salon in Wigston where frequent parking violations have been occurring. <i>Due by Mar-19</i>	ThMa	Ongoing
		An update was circulated to all Committee Members by e-mail on 18 March 2019 regarding the actions undertaken so far.		
4.	61 – Anti-Social Behaviour Update (February 2019)	A press release to be issued regarding the serving of a Community Protection Notice for breach of the Council's new Drone and Model Aircraft Policy. <i>Due by Mar-19</i>	JoHa	Complete
		A press release entitled ' Drone warning issued ' was issued on the Council's own website, publicised on its various social media platforms and sent to local media publishers on 7 March 2019.		
5.	63 – Proposed Food Safety Enforcement Policy (February 2019)	A line to be inserted into the Policy clarifying that inspections would be carried out in accordance with statutory	DaGi	Complete

		timeframes. <i>Due by Mar-19</i>		
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* | All actions listed are those which are informally raised by Members during the course of debate upon a given item of business which do not form part of - but may be additional, incidental or ancillary to - any motion(s) carried. These actions are for the attention of the responsible Officer(s).



Policy, Finance and Development Committee	Tuesday, 26 March 2019	Matter for Information and Decision
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Report Title: **Proposed Corporate Plan (2019-2024)**

Report Author(s): **Anne Court (Chief Executive / Head of Paid Service)**

Purpose of Report:	The purpose of the report is to present the new proposed Corporate Plan for Members' approval to be implemented from 1 April 2019.
Report Summary:	This report presents a final draft of the new Corporate Plan ("the Plan") for 2019-2024, setting out the vision and key objectives to be delivered over the period of the Plan, together with Key Performance Indicators (KPI's) for its first year. The Plan has evolved taking account of feedback from Members and Officers.
Recommendation(s):	<p>A. That the new proposed Corporate Plan for the period 2019 to 2024 be approved by the Committee and implemented as from 1 April 2019; and</p> <p>B. Subject to recommendation A being approved, that the Corporate Plan be a working document with at least an annual review by this Committee of the progress of the Plan's key objectives and whether there needs to be any amendments to the Plan as it evolves.</p>
Responsible Strategic Director, Head of Service and Officer Contact(s):	Anne Court (Chief Executive / Head of Paid Service) (0116) 257 2602 anne.court1@oadby-wigston.gov.uk
Vision and Values:	<p>"A Strong Borough Together" (Vision)</p> <p>Accountability (V1)</p> <p>Respect (V2)</p> <p>Teamwork (V3)</p> <p>Innovation (V4)</p> <p>Customer Focus (V5)</p>
Report Implications:-	
Legal:	There are no implications directly arising from this report.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	<p>Decreasing Financial Resources (CR1)</p> <p>Key Supplier/Partnership Failure (CR2)</p> <p>Reputation Damage (CR4)</p> <p>Effective Utilisation of Assets/Buildings (CR5)</p> <p>Organisational/Transformational Change (CR8)</p> <p>Economy/Regeneration (CR9)</p>
Equalities and Equalities Assessment (EA):	The implications are as may be set out in the Initial EA Screening. Initial EA Screening (See Appendices)
Human Rights:	There are no implications arising from this report.

Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	As the author, the report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	All Members and Officers of the Council.
Background Papers:	Report entitled 'Medium Term Financial Strategy Update' to Policy Finance and Development Committee on 17 July 2018 Report entitled 'Facing the Future' to Full Council, 31 July 2018 Report entitled 'Medium Term Financial Strategy Update' to Policy Finance and Development Committee on 5 February 2019 Report entitled 'The Council's Corporate Plan (2019-2024)' to Change Management Committee on 5 March 2019 Local Government Association (LGA) Peer Review Feedback Report (March 2017)
Appendices:	1. Proposed Corporate Plan (2019-2024) 2. Initial Equality Assessment Screening

1. Proposed Corporate Plan (2019-2024)

- 1.1 The Corporate Plan ("the Plan") is the Council's overarching document which sets out the long-term vision and ambitions of the Council and its key areas of progressive priorities (refer to as "themes") to deliver that vision.
- 1.2 The current Plan expires at the end of March 2019. The proposed Plan is attached at **Appendix 1** together with an Initial EA Screening at **Appendix 2** and sets out the vision of a 'Stronger Borough Together' with the emphasis on the following three themes:-
 - "Building, Protecting and Empowering Communities";
 - "Growing the Borough Economically"; and
 - "Providing Excellent Services".
- 1.3 Under each of these themes is set out a number of key actions to deliver outcomes and under the key actions will be Key Performance Indicators (KPI's) to measure success in delivery. The KPIs' will be reported on a quarterly-basis to the Service Delivery Committee.
- 1.4 The proposed Plan also sets out a brief overview of how the Borough is made up and other points of interest, together with the key Strategies that already exist or are to be created to deliver the Plan.
- 1.5 The Council's Values, chosen by the staff, are also set out in the Plan. The existing Values have recently been reviewed by staff in a series of workshops and there was an overall majority desire to maintain the five Values of 'Accountability', 'Respect', 'Teamwork', 'Innovation' and 'Customer Focus', subject to strengthening the definitions of some of these.
- 1.6 The proposed Plan was presented to the Change Management Committee at its meeting on 5 March 2019 for comment and these have been included, either specifically or will be taken into account under the broader key objectives for action.

**Oadby and Wigston
Borough Council
Corporate Plan
2019 - 2024**

Oadby and Wigston Borough Council Corporate Plan 2019 – 2024

Introduction by the Leader and Chief Executive

Welcome to the Corporate Plan for our borough for 2019 – 2024.

Oadby and Wigston is a borough that is continuing to thrive and develop, developing our communities and economy, enabling and shaping growth and delivering services to our customers to the highest standard. This Corporate Plan sets out the way in which the Council will deliver and develop our services for the next five years, with the three new corporate objectives that serve our residents, communities, businesses and partners to the highest standards, improving our borough as a place to live, work and visit.

Our Council is one that has a sound financial footing, and it is looking to secure this footing further, whilst simultaneously improve our services and widen our delivery options – something that underpins our new 5-year Corporate Plan. We have ambitious plans to improve our already green borough, encourage businesses, both new and established to work in our borough and improve the lives of our communities.

We are a Council that continues to evolve, never rests on its successes and learns from where it has not succeeded, and as a result we can deliver fantastic services and make great things happen.

The Corporate Plan sets the overarching context for the next 5 years, and this edition also sets out how we will measure our success in 2019/20, taking a detailed look at these priorities for the forthcoming year.

Oadby and Wigston is a great place to live, work and visit. We empower our employees to be creative in how we deliver our services, and this delivers fantastic outcomes for residents, businesses, partners and visitors alike.



John Boyce
Leader of the Council



Anne Court
Chief Executive

About the Borough

Oadby & Wigston Borough Council is one of the seven district councils in Leicestershire that make up the two tier system of local government together with Leicestershire County Council.

The Borough of Oadby and Wigston is a relatively compact Borough that lies directly adjacent to and shares boundaries with the city of Leicester, a unitary authority. It also shares boundaries with Harborough District and Blaby District. The Borough has a total population of 55,800 contained within an area of around nine square miles, of which approximately two thirds is urban.

The Borough consists of three distinct communities, Oadby, Wigston and South Wigston. Each of the three areas has very different perceived levels of affluence. South Wigston has the highest level of social deprivation and is the least affluent with Oadby having the lowest level of social deprivation and is perceived as the most affluent area.

In September 2017, the borough was voted the 5th happiest place to live in the UK (Government Wellbeing Survey).



**Botanical
Gardens**

Despite the borough's compact and urban make-up, we are home to a high number of green flag award winning parks and green spaces, Brocks Hill Country Park, two golf courses, Botanical Gardens, two leisure centres, the Oval Park Training Facilities for Leicester Tigers and Leicester Race Course.

The Council currently employs over 170 staff and has a net budget of over £6m.

As a place to work, the Council strives to ensure that it is a great place to work, and this was recognised in late 2017 when the Council was awarded IIP level 6 – one of only 4 councils in the midlands to achieve this.

The Political make-up of the authority is that it has been a Liberal Democrats controlled authority since 1991, with the current make up being 26 Councillors, of which 20 are Lib-Dem, 3 Conservative, 2 Independents and 1 vacant seat. Our next local elections are in May of 2019. The Council has always, and continues to operate the "fourth option" committee system. The Council recently re-affirmed its intention to continue with this arrangement after undertaking a governance refresh with the LGA.



Brocks Hill Country Park



Bushloe House

Our Vision, Our Objectives and Our Values

Oadby and Wigston Borough Council's Vision for 2019 - 2024 is:

A Stronger Borough Together, Improving the Lives of Our Communities

This is supported by three new corporate objectives which aim to serve our residents, communities, businesses and partners to the highest standards, improving our borough as a place to live, work and visit.

Corporate Objective One:

Building, Protecting and Empowering Communities

“Be Proud of your borough as a place to live”

This objective looks to not only build suitable accommodation to meet the needs of the community, delivering housing, attract people to our borough to live, reducing homelessness and the causes of homelessness, but to also build upon our strong communities, engaging with them and building greater community cohesion.

We also want to protect our communities, not just working with the Police to tackle crime, antisocial behaviour and enforcement, but to address health needs across the borough. We will work with health partners, including the Fire Service, to improve health equality, meaning nobody should feel excluded and reducing loneliness created by the modern world.

We will empower our communities, generating positive involvement, not only through the work of Councillors within their wards and neighbourhood forums, but to engage a greater proportion of our borough, engaging with those who often feel disenfranchised. We will increase our volunteering opportunities and encourage our communities to get more involved, taking greater responsibility for where they live, work and play.

Corporate Objective Two:

Growing the Borough Economically

“Realise the aspirations of the borough, benefiting those who live and work here”

This objective aims for our borough to be the best it can be, economically. We will work with businesses – from local sole traders to multinational corporations as to how we can help businesses develop and grow within our borough whilst attracting new organisations to the borough. This will not only provide greater opportunities for employment for our residents and regeneration

opportunities, but helps our local students with opportunities to stay within the borough whereas they may be forced to look further afield for such opportunities.

The borough has a rich array of attractions that should attract people to the borough, but sadly we are not maximising these. We will market the borough as a place that is worth visiting, working with partners to create a “joined-up” approach. We will also identify what areas of demand we are lacking and look to plug those gaps – increasing the reasons to visit the borough. We will also look at our entertainment and night-time economy and look to create a sustainable and enjoyable environment where people can enjoy the borough through a host of opportunities in the evenings.

The Council will look to be more commercial in regards to generating income that can protect frontline services and not have to cut them. We will look to maximise the value our assets can provide and look at ventures that could generate commercial income rather than increase taxes on our communities.

Corporate Objective Three:

Providing Excellent Services

“Delivering those services needed to the highest standard whilst providing value for money”

This objective for our borough is to put the customer first – getting things right first time and providing services to the highest standards. The Council has always aspired to provide excellent services for all of our customers, be they Residents, Businesses, Partner Organisations or internally, meaning that we need to understand their needs. The Council has already shifted to focussing on outcome delivery, and we will ensure that we will get things right at the first opportunity we have.

The Council will aim to achieve the prestigious and nationally recognised “Customer Service Excellent Award” to demonstrate that we are achieving what we have set out to do. The award is a quality-mark award that rates how the services received by residents are delivered by the Council. We will use this award as a driver of continuous improvement and enable our staff to improve their skills which will enable further improvements in the delivery of services.

We will also be utilising technology to make life safer for our residents or the implementation of smart technology in the homes of the vulnerable to allow them instant access to services, alongside the utilisation of technologies to improve our effectiveness in delivering our services.

Our Values

The Council created its own values framework in 2017, and refreshed it in January 2019. The ARTIC values underpin the way the authority works at all levels of the organisation, with everybody we interact with. These ARTIC values are:

Accountability

Respect

Teamwork

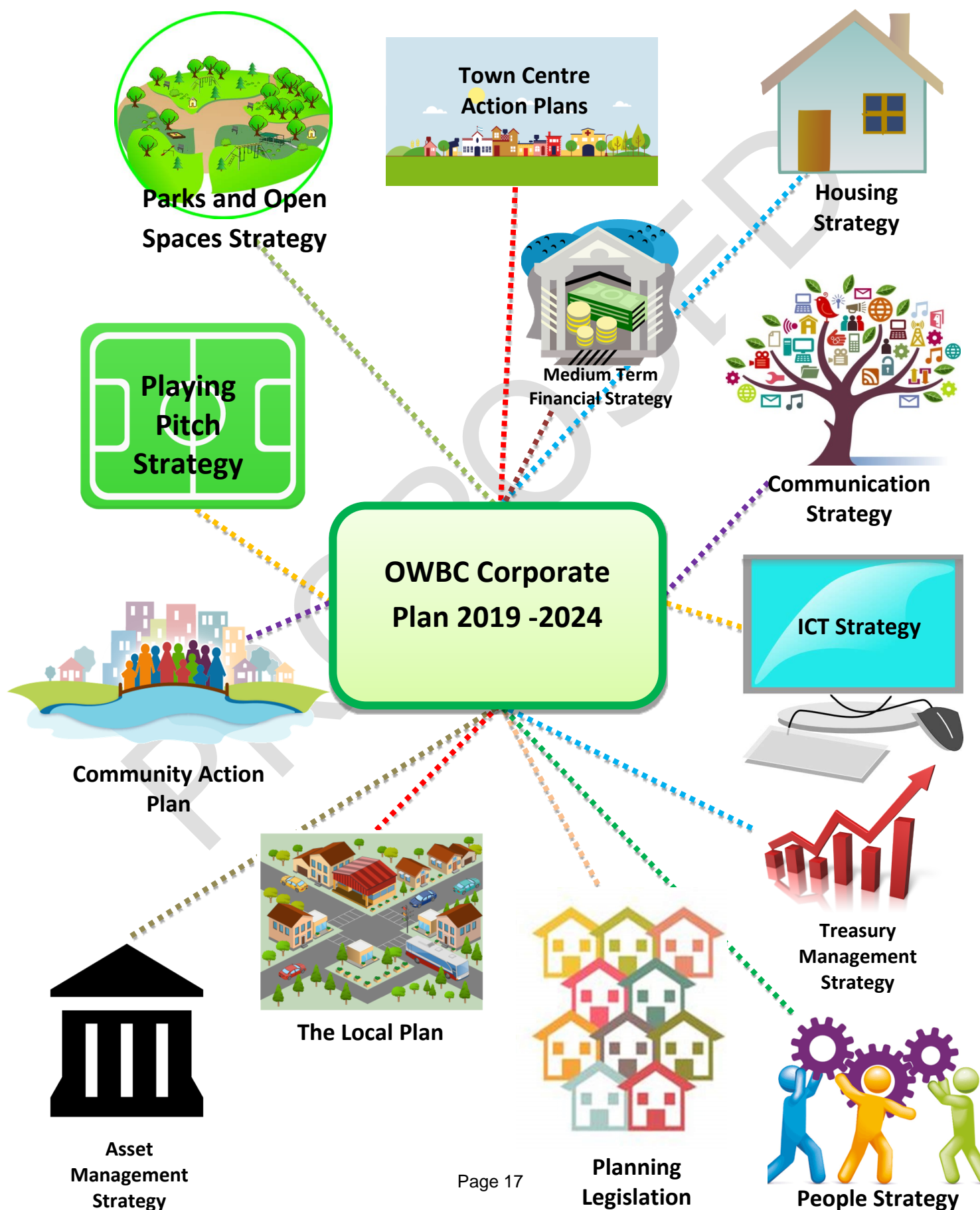
Innovation

Customer Focus



Our Plans and Strategies

Here are some of our key plans and strategies (in no order of status) that will help us deliver our objectives during 2019 - 2024



Corporate Objective One: Building, Protecting and Empowering Communities

“Delivering High Quality and Healthy Lifestyles in Communities”

We want our residents to be proud of their borough as a place to live. Over the past few years we have been developing a new Local Plan with associated Strategies which after extensive consultation sets out the vision and framework for future development of our communities up to 2031.

The new Local Plan identifies the need for housing both market and affordable, to address areas of relatively high deprivation. The Council aims to deliver diverse well designed, high quality development which raises environmental standards, reduces crime and anti-social behaviour and has active design for access to green open spaces.

Despite the urban nature of the borough and being adjacent to Leicester City, we are proud of its clean and green streets, parks and open spaces which contribute to well-being and healthy lifestyles. With the financial challenges that continue for local government we need to plan ahead on how we will continue to maintain and enhance the natural environment and work with partners to sustain this.

In the past three years, we have significantly improved upon the leisure and healthy lifestyle offer to residents through our private and public sector partnership working. There is still work to do to address recently identified health inequalities in terms of life expectancy across the borough, and work towards a consistency in health levels across the borough.

How we will achieve this		Resources
1.	Adopt and implement a new Local Plan	Staffing Resources Private and Public Sector Collaboration Internal and external funding
2.	Contribute to the delivery of strategic growth in Leicester and Leicestershire through the principles set out in the Strategic Growth Plan	Staffing Resources Private and Public Sector Collaboration
3.	By active design we will improve access to the natural environment and waterways by walking and cycling	Staffing Resources Private Sector Collaboration
4.	Implement Strategies for the future vision of our parks, open spaces, play areas and trees	Staffing Resources Internal and external funding Private Sector Organisations
5.	Build upon the contribution of volunteers and community groups to sustain green and open spaces	Internal funding External funding bids
6.	We will work proactively with private and public partners through the Health and Well Being Board to reduce the health inequalities across the borough.	Staffing Resources Public and Private Sector Collaboration Internal and external funding
7.	Bid for funding opportunities to continue delivering the Sport and Physical Activity Commissioning Plan across the Borough to engage with diverse and disadvantaged groups	Staffing Resources External Funding Public and Private Sector Collaboration
8.	Identify and consult with underrepresented groups to shape future health and physical activity programmes	Staffing Resources

How we measure success in 2019/20 (Key Performance Indicators)

How we will measure success	Baseline (2018/19)	Target	Benchmark	Frequency
BPE 1 Utilise Sport and Physical Activity Commissioning Funding to deliver activities that engage diverse community groups.	£70,000	£70,000	Local	Annual
BPE 2 Increased engagement in Sport and Physical Activity Commissioning Plan activities.	8,801	11,000	Local	Annual
BPE 3 Develop and deliver an ASB Physical Activity programme to promote social behaviours.	N/A	At least one new programme of activities delivered.	Local	Annual
BPE 4 Ensure each SPA (Sports and Physical Activities) Commissioning programme is evaluated to Public Health requirements (21 programmes)	N/A	100% of Programmes evaluated to standard.	Local	Annual
BPE 5 Improved consultation with underrepresented groups to build insight data	N/A	At least 2 groups consulted.	Local	Annual
BPE 6 Secure funding for Health and Wellbeing activities via third party funders.	N/A	At least two successful bids.	Local	Annual
BPE 7 Increase the number of volunteers the council recruits to assist with improving our borough.	N/A	Increase the volunteer numbers by 20.	Local	Annual
BPE 8 Provide development opportunities to people annually who are volunteers, community groups or instructors to enable better delivery of volunteering services.	N/A	Training at least 10 people.	Local	Annual

BPE 9	Hold the annual OWBC awards evening and increase the number of attendees to celebrate our successes.	180	200	Local	30 th November 2019
BPE 10	Attract an external health, sporting or community event to the borough to raise the profile of the borough and educate our communities.	0	1	Local	Annual
BPE 11	Install footbridge at Ervins Lock	N/A	Opening of footbridge by 31.3.20	N/A	Key Milestone
BPE 12	Open new Pavilion at Horsewell Lane	N/A	Opening of Pavilion by 31.9.19	N/A	Key Milestone
BPE 13	Provide new play area at Horsewell Lane Park	N/A	Opening of play area by 31.3.20	N/A	Key Milestone
BPE 14	Opening of outdoor gym equipment at Blaby Road Park and Willow Park	N/A	Opening of gyms by 31.3.20	N/A	Key Milestone
BPE 15	Determine major applications within 91 days or within agreed Extensions of Time	N/A	91 days	National target	Quarterly
BPE 16	Determine minor planning applications within 56 days or within agreed Extensions of Time	N/A	56 days	National target	Quarterly
BPE 17	Determine other planning applications within 56 days or within agreed Extensions of Time	N/A	56 days	National target	Quarterly
BPE 18	An appeal success rate of 70% or higher for 2019/20.	N/A	70% or higher	National target	Yearly
BPE 19	Through the implementation of parks, open spaces, play areas and trees strategies, we will have an organised approach to delivery across the borough.	N/A	Implementation of strategies by March 2020	Local	Key Milestone

BPE 20	To enable us to understand our environmental issues, we will ensure installation and activation of Air Quality Monitoring Station in Blaby Road South Wigston	N/A	Monitoring to begin by Q3	Local	Key Milestone
BPE 21	To improve the amount of recycling collected as a percentage of overall collections	TBC (final monitoring period not yet reached)	45% of collections to be recycling.	Local	Quarterly
BPE 22	To keep our environment as clean as possible.	TBC (final monitoring period not yet reached)	Achieve top quartile performance for street cleaning (detritus)	National	Quarterly

Corporate Objective One: Building, Protecting and Empowering Communities

“Making our Communities feel safe, be safe and supported”

We want our communities to feel safe, be safe and support the vulnerable. The Council works with its partners and our community to promote safety across the Borough through the Community Safety Partnership.

The Council will continue to work collaboratively with the Police to reduce incidents of anti-social behaviour and educate our communities on emerging national crime issues.

We know that we need to support vulnerable persons in our communities, whether due to homelessness, isolation, age, ethnicity, the Council will work with partners to address this and work to prevent increases in these areas.

The Council has a wide range of powers to tackle environmental crime and non-compliance with licensable activities, and by working collaboratively with partners, we will proactively utilise these to protect our communities from harm.

How we will achieve this		Resources
1.	Support the Police in deterring crime by accessing funding streams to deliver educational awareness in schools by the third sector on knife crime, County Lines and criminal exploitation of children.	External funding Staffing Resources Third Sector partners
2.	We will carry out an annual Community Safety Partnership survey to take into account the views of the community to provide guidance in where the Partnership’s resources and focus is best placed.	Staffing Resources
3.	Identify and address the apparent under reporting of hate crime , anti-social behaviour and domestic violence incidents	Staffing Resources
4.	By raising awareness and take action to safeguard those vulnerable, including against financial abuse and cyber security	Staffing Resources Public and Private Sector Collaboration
5.	Adopting a corporate approach to enforcement, utilising all skills within various departments to find effect resolutions.	Staffing Resources Public and Private Sector Collaboration
6.	We will work with those who are in persistent debt to ensure that debt is managed by sign posting to the correct advice services	Staffing Resources Public and Private Sector Collaboration

How we measure success in 2019/20 (Key Performance Indicators)

How we will measure success		Baseline (2018/19)	Target	Benchmark	Frequency
BPE 23	Utilise 100% of agreed funding received from the OPCC (Office of the Police and Crime Commissioner)	100% of funding received.	100% of funding received and utilised.	Local	6 monthly monitoring as per OPCC deadline.
BPE 24	Development of Community Safety Partnership 2019-20 Delivery Plan, meeting PCC objectives as well as partner agency priorities and managing public expectations.	Plan unanimously approved by CSP partners April/May 2018.	Plan unanimously approved by CSP partners April/May 2019.	Local	Quarter 1, Annually
BPE 25	100% of Tactical Actions agreed with the OPCC in the Community Safety Partnership's 2019-20 Delivery Plan achieved.	TBC (final monitoring period not yet reached)	100% of Tactical Actions agreed with the OPCC in the Community Safety Partnership's 2019-20 Delivery Plan achieved.	Local	6 monthly monitoring as per OPCC deadline.
BPE 26	Increased consultation responses to the Community Safety Partnership's annual Community Safety Survey.	300 responses received.	500 responses received.	Local	Quarter 3, Annually
BPE 27	Improve partner agency engagement and representation at Community Safety Partnership meetings.	N/A	All partner agencies to be represented at 75% minimum of Community Safety Partnership meetings.	Local	Quarterly/Annually

BPE 28	Reduction in number of crime and anti-social behaviour incidents recorded by Leicestershire Police in CCTV covered areas.	N/A	Quarterly review of CCTV deployment in the Borough.	Local	Quarterly
BPE 29	Promotion of 'Community Trigger' process for victims of ASB, Hate Incidents or Domestic Violence.	1 Community Trigger Review undertaken.	5 or fewer Community Trigger Reviews undertaken, with annual report published.	Local	Annually
BPE 30	Effective joint working between the Community Safety Partnership and OWBC planning teams to design out crime on new housing and retail developments.	N/A	Input on 100% of all relevant developments.	Local	Annually
BPE 31	Undertaking Food safety inspections in accordance with the food safety plan	TBC (final monitoring period not yet reached)	166 in year	National	Annual Target reported quarterly
BPE 32	Introduce new byelaws in respect of Special Treatments e.g. Tanning and Lasers to improve safety standards.	N/A	Q3	Local	Key Milestone
BPE 33	Ensure 100% registration for all miscellaneous licence (e.g. Hairdressers, Barbers, electrolysis Etc.) To improve safety standards.	N/A	March 2020	Local	Quarterly

Corporate Objective One: Building, Protecting and Empowering Communities

“Informing, Including and Understanding our Communities”

The Borough is culturally diverse with a high, older population and a large presence of young people particularly through the Leicester University campus.

At present the Council’s main form of engagement is through the Residents’ forums which are not necessarily representative of the Borough’s communities. We need to put in place a plan to increase participation and hear the voice of our communities by creating a Citizens’ Panel , increased participation of the youth council and improved engagement with your councillors.

How we will achieve this		Resources
1.	Implement a Community Engagement Action Plan that will be themed to improve the exchange of information; raise a greater understanding of local issues and delivery of services; create timely and appropriate dialogue to ensure all stakeholders views will be taken into account; increase participation to take part in the organised life of the community	Staffing Resources Third Sector Public and Private Collaboration
2.	Implement the Borough wide Citizen’s panel	Staffing Resources
3.	Produce an annual calendar of community engagement events, including festivals, events and training	Staffing Resources Public and Private Collaboration
4.	Engage hard to reach multi-cultural and faith groups	Staffing Resources
5.	To develop a Tenant and Leaseholder Involvement Strategy for our tenants	Staffing Resources
6.	Support the Youth Council to promote the voice of young persons in the Borough	Staffing Resources

How we measure success in 2019/20 (Key Performance Indicators)

How we will measure success		Baseline (2018/19)	Target	Benchmark	Frequency
BPE 34	Effectively work with the Youth Council, promoting a Youth Voice in the Borough.	10% increase in membership.	10% increase in membership per settlement area, minimum of 3 young people per area.	Local	Monthly / Annually
BPE 35	Undertake a Youth Council lead survey of young people in the Borough to identify youth needs.	N/A	150-200 responses.	Local	Quarter 2, Annually
BPE 36	Implementation of a Tenant and Leaseholder investment strategy.	N/A	Tenant and Leaseholder strategy implement by March 2020.	Local	Annual
BPE 37	Citizens Panel Recruit a minimum of 1000 to max of 3000 people across the 9 protected characteristics to sign up to the Citizen's Panel Database to enable the varied voices of the borough to be heard.	N/A	Minimum of 1000 to max of 3000 people recruited, representing the demographic makeup of the borough.	Local	Quarterly
BPE 38	Involve and engage our residents to produce an annual calendar of festivals, events and training.	5 Protected Characteristic groups involved and engaged in events and training activity.	Additional 4 Protected Characteristic groups to be engaged in events and training activity (9 in total engaged).	Local	Annual
BPE 39	Achieve the Employer Recognition Scheme Award to support the Armed Forces Covenant	N/A	To achieve Silver recognition.	National	Annual

Corporate Objective Two: Growing the Borough Economically

“Delivering Development of the Town Centres”

The Council wants to improve our three centres, making them attractive places to live, work and visit. To do this, we need to deliver significant Town and District Centre development in Oadby, Wigston and South Wigston to boost economic regeneration. Our adopted planning policies set out the development strategy for the borough and it is these policies that, alongside the need for collaborative working with the Council, businesses, residents and developers, ensure we meet our aspirations.

Improving our town centres will not only improve our local economy, but help to build on the sense of community that the borough is so proud of.

How we will achieve this		Resources
1.	We will develop a detailed bid to access funding from the Future High Streets Fund that assists in the delivery of the comprehensive development of Wigston Town Centre. This funding will increase our financial capacity to deliver our strategy sooner.	Staffing Resources Central Government Funding
2.	We will roll out the installation (following successful trials in Wigston) of publically accessible Wi-Fi in our town centres.	Staffing Resource External Funding Internal Funding
3.	We will deliver the redevelopment of Paddock Street, to include residential mixed used development (including appropriate levels of car parking and public open space).	Staffing Resources Private Sector Collaboration
4.	We will deliver the redevelopment of Sandhurst Street, to include residential mixed used development (including appropriate levels of car parking and public open space).	Staffing Resources Private Sector Collaboration
5.	We will work with the NHS and CCG to deliver a new, bespoke and high quality Doctors Surgery for South Wigston.	Staffing Resources Private Sector Collaboration Public Sector Organisations
6.	We will hold public events in our town centres to attract new visitors to our borough, such as Farmers Markets, Car Shows & Public Art Displays	Staffing Resources Private Sector Collaboration

How we measure success in 2019/20 (Key Performance Indicators)

How we will measure success		Baseline (2018/19)	Target	Benchmark	Frequency
GBE 1	To deliver at least 5 major town centre events during 19/20 across the borough.	N/A	5	Local	Annual
GBE 2	Assemble a funding package including from external sources to support the expansion of the Public Wi-Fi network in the Borough.	N/A	100% funding achieved.	Local	Annual
GBE 3	Approval of Successful Future High Street Funding Bid for the Borough	N/A	Funding bid approved (date to be confirmed)	Local	Key Milestone
GBE 4	Working with Key Businesses within the Borough, create a Town Centre Board that enables collaborative working for our town centres.	N/A	Board Created and running by Christmas 2019.	Local	Key Milestone
GBE 5	To have finalised initial proposals for the redevelopment of at least one town centre site	N/A	31/3/20	Local	Annual
GBE 6	To have finalised initial proposals for the delivery of a new doctors surgery in South Wigston	N/A	31/3/20	Local	Annual

Corporate Objective Two: Growing the Borough Economically

“Delivering on our Housing Need”

The Council has recently produced a new Housing Strategy for the borough which has helped identify the key areas of development whilst implementing the local plan. There is a need to address the requirements for suitable homes for the over 60's, enabling them to move away from their larger, existing properties to bespoke homes within the heart of the community by developing key sites across the borough. Equally, the borough has been highlighted as an area in the country where affordability is a problem, therefore the council will where possible, work with developers to ensure that this need is addressed or address it through our own developments.

The Council will also bring homes that have been empty on a long-term basis back into use, bringing additional housing back into use.

How we will achieve this	Resources
1. Develop and build housing sites that specifically cater for the aging population that do not require supported living.	Staffing Resource Private Sector Collaboration Internal Financing External Funding Bids
2. Develop a 5 year forward programme for providing high quality new council homes that the community needs, by utilising new Modular Homes technologies.	Staffing Resource Private Sector Collaboration Internal Financing External Funding Bids
3. We will work to bring existing long-term empty homes back into the market through collaborative working and direct Council interventions.	Staffing Resource Internal Financing
4. We will develop the important site at Kilby Bridge, developing new canal-side homes, either through collaborative working or direct Council intervention.	Staffing Resource Internal Financing Public Sector Organisations Private Sector Collaboration
5. Implement a strategy that develops existing council owned sites and other public sector sites, contributing towards delivering to the borough's housing requirements.	Staffing Resources Public Sector Organisations Central Government Funding One Public Estate OWBC Land Internal Financing

How we measure success in 2019/20 (Key Performance Indicators)

How we will measure success		Baseline (2018/19)	Target	Benchmark	Frequency
GBE 7	Maintain a rolling 5 year supply of housing land	Maintained	Maintained	Local	Annual
GBE 8	Reduce the number of people and families who are either homeless or in accommodation outside of the borough.	N/A	To have reviewed the Homelessness strategy and implemented agreed actions by 31 st March 2020.	Local	Annual
GBE 9	Number of Affordable Homes delivered	Target Achieved.	To ensure that the Councils targets for affordable homes on new developments are met.	Local	Annual
GBE 10	Develop a cross/cutting corporate empty homes strategy to support the Empty Homes Group.	N/A	Q3	Local	Key Milestone
GBE 11	Return 5 properties empty for 24 months or more onto the market/into occupation.	N/A	March 2020	Local	Annual
GBE 12	Ensure that all Houses in Multiple Occupation are Licensed within the statutory time frames	N/A	100%	National	Annual
GBE 13	Introduce a selective licensing scheme for all Private Sector Housing Rentals with a view to improving general house conditions across the borough.	N/A	March 2020	Local	Key Milestone

Corporate Objective Two: Growing the Borough Economically

“Attracting people and business to the Borough”

As a Borough, we not only want this to be an exciting place to live, but also a great place to work and a destination to visit. It is our aim to bring new business into the borough as part of our continuing development, and to enable those who currently work here to grow their existing offer. To do this, we have earmarked key development sites that will assist in this (alongside our Town Centre plans), and we need to build relationships with businesses to understand their needs and requirements and show them the opportunities we can offer them. We will establish excellent communications with every business in the borough, and also with those who are interested in investing in our borough. We also want to increase tourism into the borough and build upon the attractions that we currently have, such as Brocks Hill Country Park and Leicester Race Course. By working across all sectors, we can build a strong tourism offer, and also identify what we can introduce into the borough that will increase our visitor numbers.

How we will achieve this	Resources
1. We will proactively engage with developers on the delivery of new business premises through the Wigston Direction for Growth	Staffing Resources Central Government Funding LLEP
2. Act as a catalyst between developers, land owners and businesses to generate new developments in the South Wigston area, allowing for stagnant sites to be brought into use.	Staffing Resources Public Sector Organisations Central Government Funding One Public Estate
3. By having a definitive list of all businesses in the borough, the Council will proactively communicate with them on issues and development opportunities. This will be initially undertaken by holding “business breakfasts” on a regular basis.	Staffing Resources Private Sector Collaboration
4. We will relaunch the Investor and Business Prospectus for the Borough, showcasing what the borough has to offer and how we can support business to relocate and/or grow.	Staffing Resources Private Sector Collaboration
5. We will work proactively with existing key organisations within the borough - specifically Leicester University and Leicester Racecourse – to increase collaborative working with the Council, for example Sporting Events, Business Events etc.	Staffing Resources Private Sector Collaboration
6. We will create a Marketing Strategy that will pull together all elements of opportunity to work, live and visit the borough in co-ordination with partner organisations that will aid tourism.	Staffing Resources Private Sector Collaboration LLEP Public Sector Organisations

7.	As part of the Town Centre developments, we will look to broaden the range of retail units within the borough to maximise the interest and fulfil market demand.	Staffing Resources Private Sector Collaboration LLEP Central Government
8.	We will develop and promote state of the art business premises to attract inward investment and support growth of existing businesses.	Staffing Resources Internal Financing External Funding Bids OWBC Land Private Sector Collaboration

How we measure success in 2019/20 (Key Performance Indicators)

How we will measure success		Baseline (2018/19)	Target	Benchmark	Frequency
GBE 14	Review the current Investor and Business Prospectus and develop an new prospectus that will attract new business interest to the borough.	N/A	Launch new Prospectus by October 2019.	Local	Key Milestone
GBE 15	Develop an overarching Marketing Strategy for the Borough.	N/A	March 2020	Local	Key Milestone.
GBE 16	To have established a mechanism to effectively liaise with landowners, developers, businesses and the LLEP to bring forward new employment land and premises and to promote the Borough as a location for businesses to Invest.	N/A	Mechanism established to bring forward new employment land by 31/12/19	Local	Key Milestone

GBE 17	To have collaborated with key businesses in the Borough to expedite developments within the borough.	N/A	Successful arrangements made to begin delivery of housing and business sites by 31/12/19	Local	Key Milestone
GBE 18	Plan and deliver the Council's annual 'Supersonic Boom' youth festival.	1,600 people in attendance.	15% increase in number of people in attendance (taking into account conditions).	Local	Annually

PROPOSED

Corporate Objective Three: Providing Excellent Services

“Excellence for our Customers”

The Council aspires to providing excellent services for all of our customers, be they Residents, Businesses, Partner Organisations or internally. This means that we have to understand what our customers want – identifying their needs and how we can best serve them – if we are indeed the best people to serve them. By doing this, we will develop a customer focussed culture within the organisation that complements our visions and values. We are already an organisation that is focussed on the delivery of outcomes rather than outputs, and this is something that we will continue to build upon and ensuring that no matter what, we get things right at the first time of asking.

The technological evolution is continuing to develop at pace, and the organisation needs to keep abreast of these developments, not only to ensure that our systems and networks are capable of us delivering our services efficiently and effectively, but to also enable us to meet with our customers’ expectations with respect to how they can communicate and interact with the authority. This means that we will improve our web access to services, but develop applications that mean our customers can access our services or contact the council whenever they need to, and don’t have to be logged in at home or visiting the Customer Services Centre to do so.

We will also be utilising technology to make life safer for our residents, be it the utilisation of CCTV to reduce antisocial behaviour, or the implementation of smart technology in the homes of the vulnerable to allow them instant access to services.

Finally, we wish to ensure that the services we provide to those whom we provide housing feel they are receiving a service they would choose to have, rather than have a service simply delivered. Therefore we will work with our tenants to identify how we can improve, and deliver on these findings.

How we will achieve this	Resources
1. We will develop our Customer Insight function, enabling tools such as segmentation to identify better targeting of services to those who want them.	Staffing Resources Public Sector Organisations Internal Funding
2. We will create a Citizens Panel, comprising a reflection of the boroughs age/gender/religious/social demographic and utilising them to gain opinions in service development.	Staffing Resources Internal Funding
3. We will develop a contractor code of conduct that emphasises the delivery of excellence and value to our Customers.	Staffing Resources Private Sector Collaboration
4. We will develop and improve the web access for our residents that will make it easier for the Council to be contacted, issues to be reported and general feedback to be received. We will look at developing mobile applications that will generate further flexibility for our residents.	Staffing Resources Internal Funding Public Sector Partnerships

5.	We will work with partner organisations to identify those residents whom individual intervention is required in the delivery of our services, to ensure nobody is excluded from the delivery of our services.	Staffing Resources Public Sector Organisations Central Government Funding Private Sector Collaboration
6.	We will deliver continuous training to our staff with regards to health and safety, and utilise technologies to keep our staff and customers safe, such as CCTV on our vehicles and the move to wheeled bins.	Staffing Resources
7.	We will implement our Customer Service Standards (incorporating the “right first time” ethic), making them transparent and demonstrate how we meet them.	Staffing Resources
8.	We will work with our CSP partners to ensure that the rollout, management and effectiveness of the borough CCTV scheme exceed our expectations, and helps deliver a safer borough.	Staffing Resources Public Sector Organisations

How we measure success in 2019/20 (Key Performance Indicators)

How we will measure success		Baseline (2018/19)	Target	Benchmark	Frequency
PES 1	We will work with partner organisations to identify those residents whom individual intervention is required in the delivery of our services, to ensure no one is excluded from the delivery of our services. An established Disability Forum in the borough	10 members currently coordinating the Forum.	Retain the 10 coordinating Forum members, plus a membership database of 50, to work across different projects.	Local	Quarterly
PES 2	Safeguarding training delivered to all staff and Elected Members at OWBC, at an appropriate level for their roles.	N/A	100% completion.	Local	Annually
PES 3	Void times for normal voids (those not requiring major works) kept to a minimum.	N/A	20 working days	Local	Quarterly
PES 4	Average waiting time of 5 working days for homelessness appointments.	N/A	5 working days	Local	Monthly

PES 5	Improve Customer Satisfaction with the repairs service delivered by the Housing Service.	N/A	100% of repairs surveyed, with 95% satisfaction rates for those returned.	Local	Annually
PES 6	Average time taken to process new Benefit Claims	TBC (final monitoring period not yet reached)	15 days	Regional / National	Monthly / quarterly / annually
PES 7	Average time taken to process change in circumstances	TBC (final monitoring period not yet reached)	8 days	Regional / National	Monthly / quarterly / annually
PES 8	The number of online transactions submitted by residents will increase	TBC (final monitoring period not yet reached)	Target increase 30%	Local	Annually
PES 9	Develop the viability of a mobile app to better connect with our residents.	N/A	Assessment completed by Quarter 3	Local	Key Milestone
PES 10	Implement the recommendations of the mobile app assessment	N/A	Completed by Quarter 4	Local	Key Milestone
PES 10	Publish our Customer Service Standards.	N/A	Published by end of June 2019.	Local	Key Milestone
PES 11	Conduct Customer Satisfaction surveys in CSC in April and October	95%	We will achieve 95% customer satisfaction with the service in our Customer Service Centre.	Local	Annual
PES 12	Reduce the time it takes to handle complaints to meet our published standards.	N/A	We will send a full response to complaints within 15 working days in 95% of cases	Local	Annual
PES 13	Introduce Customer Satisfaction surveys for service areas across the Council to identify potential shortcomings within service areas.	N/A	Customer Satisfaction surveys will be conducted and 95% satisfaction with service delivery will be achieved	Local	Annual

PES 14	Receive accreditation for the delivery of excellent Customer Service	N/A	We will achieve the Customer Service Excellence Standard	National	Key Milestone
PES 15	Improve the level of service received in relation to Refuse and Recycling	TBC (final monitoring period not yet reached)	To have less than 30 missed refuse collections per day.	Local	Quarterly

PROPOSED

Corporate Objective Three: Providing Excellent Services

“Improving how we work”

The Council is continually reviewing the way it works to make sure that we are working and behaving in the most effective and efficient manner that enables us to deliver services over and above our customers’ expectations. The Council has already reviewed how we provide services across a number of areas and identified the best ways of doing so, be it in a shared service to provide Building Control or retaining our core services in house. However, this does not mean that we are resting on our laurels – we plan to utilise information through customer insight and consultations to identify services and expectations of our customers to design and review provision. The Council will continue to develop a culture where innovation is encouraged and a collegiate way of working is the norm. We will also invest in our staff to ensure they have the right blend of skills, experience and desire that will not only enable us to meet our customers’ needs, but exceed their expectations wherever possible.

The Council works with a number of private and public sector organisations to provide services or skills where we are unable to (i.e. building works) or are not best placed to provide (i.e. Leisure Centres), and the Council will look at how we enable these partners to be more effective and develop better ways of working.

Another area of examination is how we work is our Corporate Governance. The Council will review our governance structure to enable effective audit and scrutiny of the Council. By doing so, we will improve our internal challenge, enabling the Council to continue to develop our ways of working.

How we will achieve this	Resources
1. We will continue our Service Transformation programme, utilising our new Transformation team, working with teams, utilising feedback from customers and best practice to develop effective and efficient services	Staffing Resources Internal Funding
2. Review our ICT provision, identifying the best way of delivering ICT for OWBC and our customers.	Staffing Resources Internal Funding Public Sector Partnerships
3. We will encourage creative thinking and innovation as part our every-day working, celebrating successes and learning from where we have not succeeded.	Staffing Resources
4. We will review our administrative facilities to identify issues these cause affecting efficient working and develop a scheme that will rectify these issues, producing a great physical working environment, breaking down the physical “silos” of the current environment.	Staffing Resources Public Sector Organisations Central Government Funding Private Sector Collaboration

5.	We will develop a Regeneration body with other organisations that will enable improved delivery of local developments.	Staffing Resources Public Sector Organisations Central Government Funding Private Sector Collaboration
6.	We will invest in our workforce, with a focussed learning and development strategy that nurtures and grows the Councils talent, whilst making the organisation an attractive place to work.	Staffing Resources Internal Funding External Funding
7.	We will evolve our organisations ability to work flexibly, allow staff to work from various sites or on location without disadvantaging or hindering service delivery.	Staffing Resources Internal Funding External Funding
8.	We will review our governance arrangements and ensure that there are sufficient Audit and Scrutiny arrangements in place.	Staffing Resources

How we measure success in 2019/20 (Key Performance Indicators)

How we will measure success		Baseline (2018/19)	Target	Benchmark	Frequency
PES 16	To make Licensing services easier to use for the public, more online applications will be introduced.	N/A	Migration of the Licensing function to Uniform and moving to on-line applications by March 2020	Local	Annual
PES 17	Facilitate the migration to 'paperless committees'	N/A	Migration by March 2020	Local	Key Milestone
PES 18	Introduce on line payment process for Fixed Penalty Notices	N/A	Implemented by Q3	Local	Key Milestone
PES 19	Ensuring all Licensing Act 2003 applications dealt with in accordance with statutory time scales	N/A	100%	National	Quarterly

PES 20	Review of committee structure and democratic services – consideration of governance structure.	N/A	Q3	Local – Peer Review Target	Key Milestone
PES 21	Undertake bi - annual review of the Constitution	N/A	Q2	Local	Key Milestone
PES 22	Publication of Ethical Indicator standards to include Member Complaints, FOI, Data Protection and RIPA compliance and food inspections	N/A	First report to be published in Q1	Local	Quarterly
PES 23	Live streaming of Council meetings	N/A	Q3	Local	Key Milestone
PES 24	Ensure compliance with the Electoral Commission Performance Standards for Returning Officers and Electoral Registration Officers	N/A	100%	National	Quarterly
PES 25	Council tax Collection rate	TBC (final monitoring period not yet reached)	98.50%	Regional / National	Monthly / quarterly / annually
PES 26	NNDR collection rate	TBC (final monitoring period not yet reached)	98.50%	Regional / National	Monthly / quarterly / annually

PES 27	Reduce Former years arrears for Council Tax	TBC (final monitoring period not yet reached)	Below 3% of annual debit	Regional	Monthly / quarterly / annually
PES 28	Reduce Former years arrears for NNDR	TBC (final monitoring period not yet reached)	Below 6% of annual debit	Regional	Monthly / quarterly / annually
PES 29	Reduce Outstanding HB overpayments	TBC (final monitoring period not yet reached)	Below £700K	Regional / National	Monthly / quarterly / annually
PES 30	Reduce Current Tenant Rent Arrears	TBC (final monitoring period not yet reached)	Below 4% of collectable rent	Regional	Monthly / quarterly / annually
PES 31	Reduce Former Tenant Rent arrears	TBC (final monitoring period not yet reached)	Below £110,000	Regional	Monthly / quarterly / annually
PES 32	Redesign the way our services work to ensure effective working practices.	N/A	Redesigned processes will be implemented by Quarter 4.	Local	Key Milestone
PES 33	Migrate paper processes generally to electronic capability.	N/A	To be paper light (reduction of 60% of paper costs)	Local	Annual
PES 34	Set balanced Revenue Budget for 2020/21	Achieved balanced budget for 2019/20	Approved by Council February 2020	Local	Key Milestone

PES 35	Maintain and improve the External Auditors opinion of the authority	Achieved	Achieve unqualified opinions on the Statement of Accounts: with minimal errors, and an unqualified opinion in relation to Value for Money	National	Key Milestone
PES 36	Continue to improve value for money at the Council.	Achieved	Achieve the savings targets as identified in the MTFS.	Local	Annual



Oadby & Wigston
BOROUGH COUNCIL

EQUALITY ASSESSMENT

PART 1 - INITIAL SCREENING

Name of Policy/Function: Corporate Plan for Oadby & Wigston Borough Council 2019-2024		This is new
		This is a change to an existing policy
		This is an existing policy, Function, not previously assessed
	x	This is an existing policy/function for review to supersede the Corporate Plan up to 2019

Date of screening	25 February 2019
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1. Briefly describe its aims & objectives

The Corporate Plan is the Council's overarching document setting out the Council's vision and key priorities for the life of the plan. The Plan is owned by Oadby and Wigston Borough Council Members.

2. Are there external considerations?

e.g. Legislation/government directive etc

No

3. Who are the stakeholders and what are their interests?

Residents, businesses, external partners both public and private, staff, whose interest is that the Corporate Plan delivers a Borough that is desirable to invest, live and work.

4. What outcomes do we want to achieve and for whom?

To achieve a high level of customer satisfaction by the Plan achieving the delivery of each of the three key objectives.

The key three objectives are:

Building, Protecting and Empowering Communities
Growing the Borough Economically
Providing Excellent Services

5. Has any consultation/research been carried out?

Consultation has taken place internally with Councillors and staff to help inform the development of this Plan. Plans and policies that are already in place that feed into the Corporate Plan have been consulted on e.g. Local Plan, Community Safety Action Plan. Key Partners aims are included in the Plan and with the Plan intended to be a "living" document, key partners will have the opportunity to feed in as the Plan evolves.

6. Are there any concerns at this stage which indicate the possibility of Inequalities/negative impacts?

Consider and identify any evidence you have -equality data relating to usage and satisfaction levels, complaints, comments, research, outcomes of review, issues raised at previous consultations, known inequalities) If so please provide details.

No

7. Could a particular group be affected differently in either a negative or positive way?

Positive – *It could benefit*

Negative – *It could disadvantage*

Neutral – *Neither positive nor negative impact or not sure.*

	Type of impact, reason & any evidence
Disability	Positive- Some equality groups may benefit more from the plan than others, however, it is not envisaged that the plan would lead to a direct negative impact on any specific group.

Race (including Gypsy & Traveller)	Positive-ditto
Age	Positive - ditto
Gender Reassignment	Positive - ditto
Sex	Positive - ditto
Sexual Orientation	Positive - ditto
Religion/Belief	Positive - ditto
Marriage and Civil Partnership	Positive - ditto
Pregnancy and Maternity	Positive - ditto

8. Could other socio-economic groups be affected?

e.g. carers, ex-offenders, low incomes, homeless?

The Corporate Plan is a high level document which is supportive of building, protecting and empowering communities – the policies and plans that sit underneath this document will be prescriptive on how this will be achieved.

9. Are there any human rights implications?

Yes/No (If yes, please explain)

No

10. Is there an opportunity to promote equality and/or good community relations?

Yes/No (If yes, how will this be done?)

Yes through delivery of the Plan through the various strategies and plans that are to be implemented under the umbrella of the overarching Corporate Plan.

11. If you have indicated a negative impact for any group is that impact legal?

i.e. not discriminatory under anti-discrimination legislation

n/a

12. Is any part of this policy/service to be carried out wholly or partly by contractors?

n/a

13. Is a Part 2 full Equality Assessment required?

No

14. Date by which a Part 2 full Equality Assessment is to be completed with actions.

n/a

Please note that you should proceed to a Part 2, the full Equality Impact Assessment if you have identified actual, or the potential to cause, adverse impact or discrimination against different groups in the community.

We are satisfied that an initial screening has been carried out and a full equality assessment **is not required**.

Completed by: Anne Court

Date 25 February 2019

(Policy/Function/Report written)

Screened by: Veronika Quintyne

Date 26 February 2019

Please forward an electronic copy to: veronika.quintyne@oadby-wigston.gov.uk (Community Engagement Officer)

Equality Assessments shall be published on the Council website with the relevant and appropriate document upon which the equality assessment has been undertaken.



Policy, Finance and Development Committee	Tuesday, 26 March 2019	Matter for Information
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Report Title:

External Audit Plan (2018/19)

Report Author(s):

**Stephen Hinds (Director of Finance &
Transformation / Section 151 Officer)**

Purpose of Report:	The report details the Council's External Audit Plan to cover the 2018/19 Accounts and Financial Statements.
Report Summary:	The Audit Plan sets out the work that the Council's appointed external auditors Grant Thornton propose to do for the audit of Accounts and Financial Statements and provide an opinion of use of resources and a value for money (VFM) conclusion for 2018/19.
Recommendation(s):	That the contents of the report be noted.
Responsible Strategic Director, Head of Service and Officer Contact(s):	<p>Stephen Hinds (Director of Finance & Transformation) (0116) 257 2681 stephen.hinds@oadby-wigston.gov.uk</p> <p>Chris Raymakers (Head of Finance, Revenues and Benefits) (0116) 257 2891 chris.raymakers@oadby-wigston.gov.uk</p>
Corporate Priorities:	Effective Service Provision (CP2)
Vision and Values:	<p>"A Strong Borough Together" (Vision)</p> <p>Accountability (V1)</p> <p>Teamwork (V3)</p> <p>Innovation (V4)</p> <p>Customer Focus (V5)</p>
Report Implications:-	
Legal:	There are no implications directly arising from this report.
Financial:	The implications are as set out in this report and appendix.
Corporate Risk Management:	<p>Decreasing Financial Resources (CR1)</p> <p>Regulatory Governance (CR6)</p> <p>Increased Fraud (CR10)</p>
Equalities and Equalities Assessment (EA):	There are no implications directly arising from this report. EA not applicable.
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.

Chief Finance Officer:	As the author, the report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	None.
Background Papers:	None.
Appendices:	1. External Audit Plan (2018/19)

1. Information

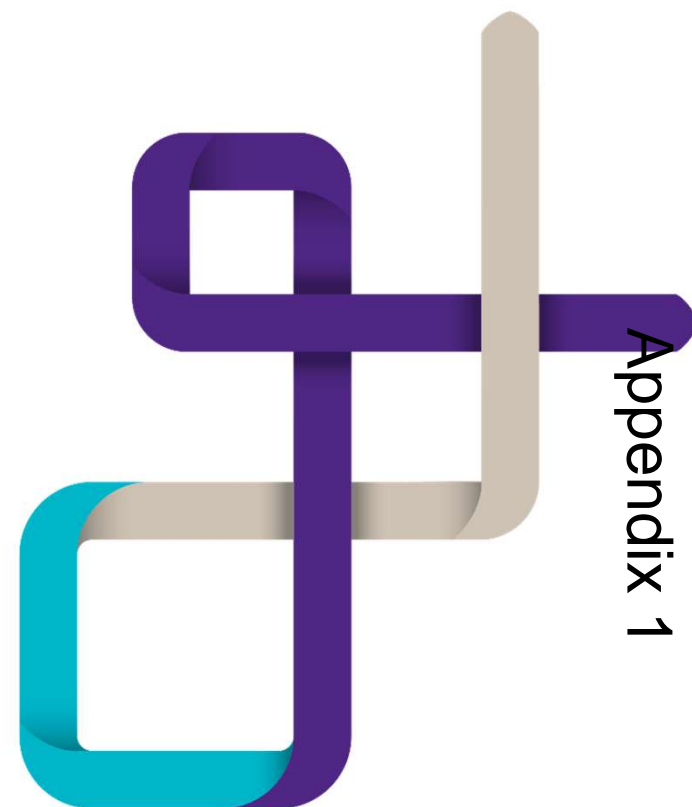
- 1.1 The Audit Plan sets out the work that the Council's appointed external auditors Grant Thornton propose to do for the audit of Accounts and Financial Statements and provide an opinion of use of resources and a value for money (VFM) conclusion for 2018/19.
- 1.2 The Audit Plan includes:
 - their audit approach;
 - their VFM audit approach; and
 - details of their audit team deliverables, timeline and fees.
- 2.** The indicative fee for this work is £32,944. The appropriate provision has been made for the costs of audit work in the Council's budget.

External Audit Plan

Year ending 31 March 2019

Oadby & Wigston Borough Council
March 2019

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**Your key Grant Thornton
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The contents of this report relate only to the matters which have come to our attention, which we believe need to be reported to you as part of our audit planning process. It is not a comprehensive record of all the relevant matters, which may be subject to change, and in particular we cannot be held responsible to you for reporting all of the risks which may affect the Authority or all weaknesses in your internal controls. This report has been prepared solely for your benefit and should not be quoted in whole or in part without our prior written consent. We do not accept any responsibility for any loss occasioned to any third party acting, or refraining from acting on the basis of the content of this report, as this report was not prepared for, nor intended for, any other purpose.

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Introduction & headlines

Purpose

This document provides an overview of the planned scope and timing of the statutory audit of Oadby & Wigston Borough Council ('the Authority') for those charged with governance.

Respective responsibilities

The National Audit Office ('the NAO') has issued a document entitled Code of Audit Practice ('the Code'). This summarises where the responsibilities of auditors begin and end and what is expected from the audited body. Our respective responsibilities are also set out in the Terms of Appointment and Statement of Responsibilities issued by Public Sector Audit Appointments (PSAA), the body responsible for appointing us as auditor of Oadby & Wigston Borough Council. We draw your attention to both of these documents on the [PSAA website](#).

Scope of our audit

The scope of our audit is set in accordance with the Code and International Standards on Auditing (ISAs) (UK). We are responsible for forming and expressing an opinion on the :

- Authority's financial statements that have been prepared by management with the oversight of those charged with governance (the Policy, Finance and Development Committee); and
- Value for Money arrangements in place at the Authority for securing economy, efficiency and effectiveness in your use of resources.

The audit of the financial statements does not relieve management or the Policy, Finance and Development Committee of your responsibilities. It is the responsibility of the Authority to ensure that proper arrangements are in place for the conduct of its business, and that public money is safeguarded and properly accounted for. We have considered how the Authority is fulfilling these responsibilities.

Our audit approach is based on a thorough understanding of the Authority's business and is risk based. We will be using our new audit methodology and tool, LEAP, for the 2018/19 audit. It will enable us to be more responsive to changes that may occur in your organisation.

Significant risks

Those risks requiring special audit consideration and procedures to address the likelihood of a material financial statement error have been identified as:

- Valuation of property, plant and equipment
- Valuation of pension fund net liability
- Management override of controls

We will communicate significant findings on these areas as well as any other significant matters arising from the audit to you in our Audit Findings (ISA 260) Report.

Materiality

We have determined planning materiality to be £420k for the Authority, which equates to 2% of your prior year gross expenditure for the year. We are obliged to report uncorrected omissions or misstatements other than those which are 'clearly trivial' to those charged with governance. Clearly trivial has been set at £21k.

Value for Money arrangements

Our risk assessment regarding your arrangements to secure value for money have identified the following VFM significant risks:

- Financial Sustainability

Audit logistics

Our interim visit took place in February and our final visit will take place in June and July. Our key deliverables are this Audit Plan and our Audit Findings Report. Our audit approach is detailed in Appendix A.

Our fee for the audit will be £32,944 for the Authority, subject to the Authority meeting our requirements set out on page 11.

Independence

We have complied with the Financial Reporting Council's Ethical Standard and we as a firm, and each covered person, confirm that we are independent and are able to express an objective opinion on the financial statements..

Key matters impacting our audit

Factors

The wider economy and political uncertainty

At a national level, the government continues its negotiation with the EU over Brexit, and future arrangements remain clouded in uncertainty. The Authority will need to ensure that it is prepared for all outcomes, including in terms of any impact on contracts, on service delivery and on its support for local people and businesses.

Local Government funding continues to be stretched with increasing cost pressures and demand from residents. To breakeven, the 2018/19 budget contained £232,500 of contingency items to be made in year and £202,000 of funding from the use of reserves. The forecast out-turn position for the year at Q3 is for £360,000 to be made in savings and efficiencies from the original budget which will reduce the need to use reserves.

Council tax makes up 64% of funding as a whole. Revenue growth budgets have been restricted and constrained to areas considered unavoidable, such as changes in legislation. Alongside other councils within Leicestershire the Council successfully bid to be a pilot for the 75% Business Rate Retention Pilots in 2019/20. As a result the Council are expecting approximately £250k of funding to assist with financial sustainability, enabling it to help meet pressure areas such as Homelessness in 2019/20. The Council has, historically, utilised reserves to balance the budget, with a significant depletion of reserves between 2014/15 and 2017/18. The 2019/20 budget does not seek to utilise them. The authority has assumed a “stand still” funding position and on this basis has estimated it would have a budget shortfall of circa £250k/£300k in 2020/21, and a further £300k in 2021/22.

While this position is far less severe than that faced by many authorities, it will still require careful planning and management.

Changes to the CIPFA 2018/19 Accounting Code

The main changes relate to the adoption of:

- IFRS 9 Financial Instruments which impacts on the classification and measurement of financial assets and introduces a new impairment model.
- IFRS 15 Revenue from Contracts with Customers which introduces a five step approach to revenue recognition.

You do not anticipate that these will have a significant impact on your accounts.

New audit methodology

We will be using our new audit methodology and tool, LEAP, for the 2018/19 audit. The new tool enables us to be even more focused and risk-based in our approach.

This is also of course our first year as your auditors, and we will continue to work with you to ensure the transition from KPMG is as smooth as possible.

Our response

- We will consider your arrangements for managing and reporting your financial resources as part of our work in reaching our Value for Money conclusion.
- We will consider whether your financial position leads to material uncertainty about the going concern of the Authority and will review related disclosures in the financial statements.

- We will keep you informed of changes to the financial reporting requirements for 2018/19 through on-going discussions and invitations to our technical update workshops.
- As part of our opinion on your financial statements, we will consider whether your financial statements reflect the financial reporting changes in the 2018/19 CIPFA Code.

- We will ensure that our resources and testing are best directed to address your risks in an effective way.

Significant risks identified

Significant risks are defined by ISAs (UK) as risks that, in the judgement of the auditor, require special audit consideration. In identifying risks, audit teams consider the nature of the risk, the potential magnitude of misstatement, and its likelihood. Significant risks are those risks that have a higher risk of material misstatement.

Risk	Reason for risk identification	Key aspects of our proposed response to the risk
The revenue cycle includes fraudulent transactions (rebutted)	<p>Under ISA (UK) 240 there is a rebuttable presumed risk that revenue may be misstated due to the improper recognition of revenue.</p> <p>This presumption can be rebutted if the auditor concludes that there is no risk of material misstatement due to fraud relating to revenue recognition.</p>	<p>Having considered the risk factors set out in ISA240 and the nature of the revenue streams at the Authority, we have determined that the risk of fraud arising from revenue recognition can be rebutted, because:</p> <ul style="list-style-type: none"> • there is little incentive to manipulate revenue recognition • opportunities to manipulate revenue recognition are very limited • the culture and ethical frameworks of local authorities, including Oadby & Wigston Borough Council, mean that all forms of fraud are seen as unacceptable <p>Therefore we do not consider this to be a significant risk for Oadby & Wigston Borough Council.</p> <p>Specific response not required as risk rebutted.</p>
Management over-ride of controls	<p>Under ISA (UK) 240 there is a non-rebuttable presumed risk that the risk of management over-ride of controls is present in all entities. The Authority faces external scrutiny of its spending and this could potentially place management under undue pressure in terms of how they report performance.</p> <p>We therefore identified management override of control, in particular journals, management estimates and transactions outside the course of business as a significant risk, which was one of the most significant assessed risks of material misstatement.</p>	<p>We will:</p> <ul style="list-style-type: none"> • evaluate the design effectiveness of management controls over journals • analyse the journals listing and determine the criteria for selecting high risk unusual journals • test unusual journals recorded during the year and after the draft accounts stage for appropriateness and corroboration • gain an understanding of the accounting estimates and critical judgements applied made by management and consider their reasonableness with regard to corroborative evidence • evaluate the rationale for any changes in accounting policies, estimates or significant unusual transactions.

Significant risks identified

Risk	Reason for risk identification	Key aspects of our proposed response to the risk
Valuation of land and buildings (Rolling revaluation)	<p>The Authority revalues its land and buildings on a rolling five-yearly basis. This valuation represents a significant estimate by management in the financial statements due to the size of the numbers involved (£78million) and the sensitivity of this estimate to changes in key assumptions. Additionally, management will need to ensure the carrying value in the Authority financial statements is not materially different from the current value at the financial statements date, for those assets not formally revalued in the year.</p> <p>We therefore identified valuation of land and buildings, particularly revaluations and impairments, as a significant risk.</p>	<p>We will:</p> <ul style="list-style-type: none"> • evaluate the processes, controls and assumptions put in place by management to ensure that the PPE valuation is not materially misstated and evaluate the design of these and whether they are sufficient to mitigate the risk of material misstatement; • assess the competence, capabilities and objectivity of management's experts (valuers) who carried out your PPE valuations; • evaluate the instructions issued by management to their management expert (a valuer) for this estimate and the scope of the valuer's work; • communicate with the valuer about the basis on which the valuation is carried out and where necessary challenge the key assumptions • review and challenge the information used by the valuer to ensure it is robust and consistent with our understanding • test revaluations made during the year to ensure they are consistent with the valuer's report and input correctly into the Council's asset register • evaluate the assumptions made by management for those assets not revalued during the year and how management have satisfied themselves that these are not materially different to current value
Valuation of the pension fund net liability	<p>The Authority's pension fund net liability, as reflected in its balance sheet as the net defined benefit liability, represents a significant estimate in the financial statements.</p> <p>The pension fund net liability is considered a significant estimate due to the size of the numbers involved (£22million in the Authority's balance sheet) and the sensitivity of the estimate to changes in key assumptions.</p> <p>We therefore identified valuation of the Authority's pension fund net liability as a significant risk, which was one of the most significant assessed risks of material misstatement.</p>	<p>We will, placing assurance on work carried out by ourselves as auditors of the Leicestershire Pension Fund:</p> <ul style="list-style-type: none"> • update our understanding of the processes and controls put in place by management to ensure that the Authority's pension fund net liability is not materially misstated and evaluate the design of the associated controls; • evaluate the instructions issued to the management expert (actuary) for this estimate and the scope of the actuary's work; • assess the competence, capabilities and objectivity of the actuary who carried out the Authority's pension fund valuation; • assess the accuracy and completeness of the information provided by the Authority to the actuary, through the Pension Fund, to estimate the liability; • test the consistency of the pension fund asset and liability and disclosures in the notes to the core financial statements with the actuarial report from the actuary; • undertake procedures to confirm the reasonableness of the actuarial assumptions made by reviewing the report of the consulting actuary (as auditor's expert) and performing any additional procedures suggested within the report; and • document and evaluate the controls surrounding the validity and accuracy of membership data; contributions data and benefits data sent to the actuary by the pension fund and the fund assets valuation in the pension fund financial statements.

We will communicate significant findings on these areas as well as any other significant matters arising from the audit to you in our Audit Findings Report in July 2019.

Other matters

Other work

In addition to our responsibilities under the Code of Practice, we have a number of other audit responsibilities, as follows:

- We read your Narrative Report and Annual Governance Statement and any other information published alongside your financial statements to check that they are consistent with the financial statements on which we give an opinion and consistent with our knowledge of the Authority.
- We carry out work to satisfy ourselves that disclosures made in your Annual Governance Statement are in line with the guidance issued by CIPFA.
- We carry out work on your consolidation schedules for the Whole of Government Accounts process in accordance with NAO group audit instructions.
- We consider our other duties under legislation and the Code, as and when required, including:
 - Giving electors the opportunity to raise questions about your 2018/19 financial statements, consider and decide upon any objections received in relation to the 2018/19 financial statements;
 - issue of a report in the public interest or written recommendations to the Authority under section 24 of the Act, copied to the Secretary of State.
 - Application to the court for a declaration that an item of account is contrary to law under Section 28 or for a judicial review under Section 31 of the Act; or
 - Issuing an advisory notice under Section 29 of the Act.
- We certify completion of our audit.

Other material balances and transactions

Under International Standards on Auditing, "irrespective of the assessed risks of material misstatement, the auditor shall design and perform substantive procedures for each material class of transactions, account balance and disclosure". All other material balances and transaction streams will therefore be audited. However, the procedures will not be as extensive as the procedures adopted for the risks identified in this report.

Going concern

As auditors, we are required to "obtain sufficient appropriate audit evidence about the appropriateness of management's use of the going concern assumption in the preparation and presentation of the financial statements and to conclude whether there is a material uncertainty about the Authority's ability to continue as a going concern" (ISA (UK) 570). We will review management's assessment of the going concern assumption and evaluate the disclosures in the financial statements.

ISA 510 (Initial Audit Engagements – Opening Balances)

ISA 510 (UK) requires that in conducting an initial audit engagement we should obtain sufficient appropriate audit evidence about whether:

- a) Opening balances contain misstatements that materially affect the current period's financial statements; and
- b) Appropriate accounting policies reflected in the opening balances have been consistently applied in the current period's financial statements

We will review the work of the predecessor auditor and determine whether we can place reliance upon it or where we will need to undertake additional audit procedures.

Materiality

The concept of materiality

The concept of materiality is fundamental to the preparation of the financial statements and the audit process and applies not only to the monetary misstatements but also to disclosure requirements and adherence to acceptable accounting practice and applicable law. Misstatements, including omissions, are considered to be material if they, individually or in the aggregate, could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

Materiality for planning purposes

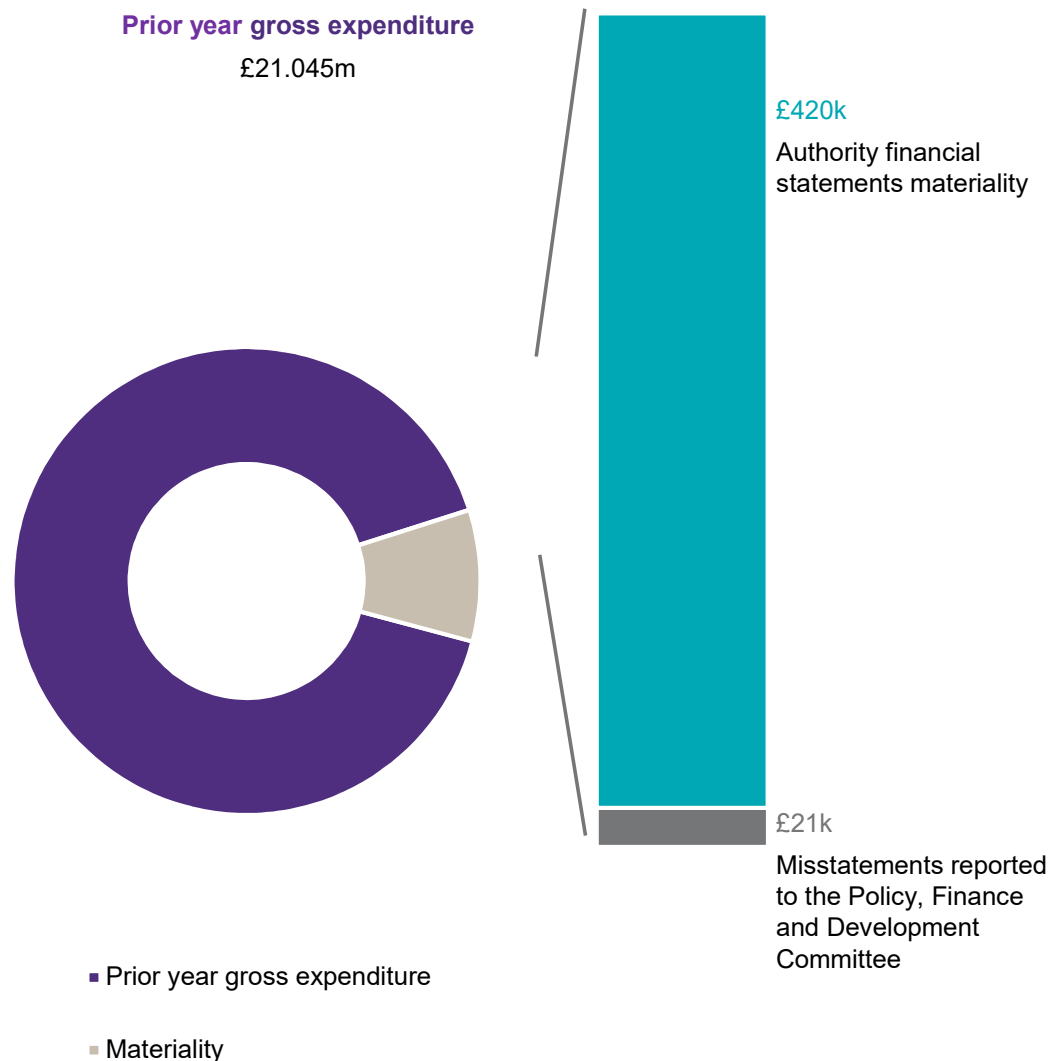
We have determined financial statement materiality at the planning stage of our audit to be £420k, which equates to 2% of your prior year gross expenditure for the year. We believe expenditure is the appropriate benchmark and this is within our expected range.

We have also set a lower level of materiality of £25k in relation to the disclosure note on the remuneration of individual senior officers, which we consider to be sensitive and of interest to the public. We reconsider planning materiality if, during the course of our audit engagement, we become aware of facts and circumstances that would have caused us to make a different determination of planning materiality.

Matters we will report to the Audit Committee

Whilst our audit procedures are designed to identify misstatements which are material to our opinion on the financial statements as a whole, we nevertheless report to the Audit Committee any unadjusted misstatements of lesser amounts to the extent that these are identified by our audit work. Under ISA 260 (UK) 'Communication with those charged with governance', we are obliged to report uncorrected omissions or misstatements other than those which are 'clearly trivial' to those charged with governance. ISA 260 (UK) defines 'clearly trivial' as matters that are clearly inconsequential, whether taken individually or in aggregate and whether judged by any quantitative or qualitative criteria. In the context of the Authority, we propose that an individual difference could normally be considered to be clearly trivial if it is less than £21k.

If management have corrected material misstatements identified during the course of the audit, we will consider whether those corrections should be communicated to the Policy, Finance and Development Committee to assist it in fulfilling its governance responsibilities.



Value for Money arrangements

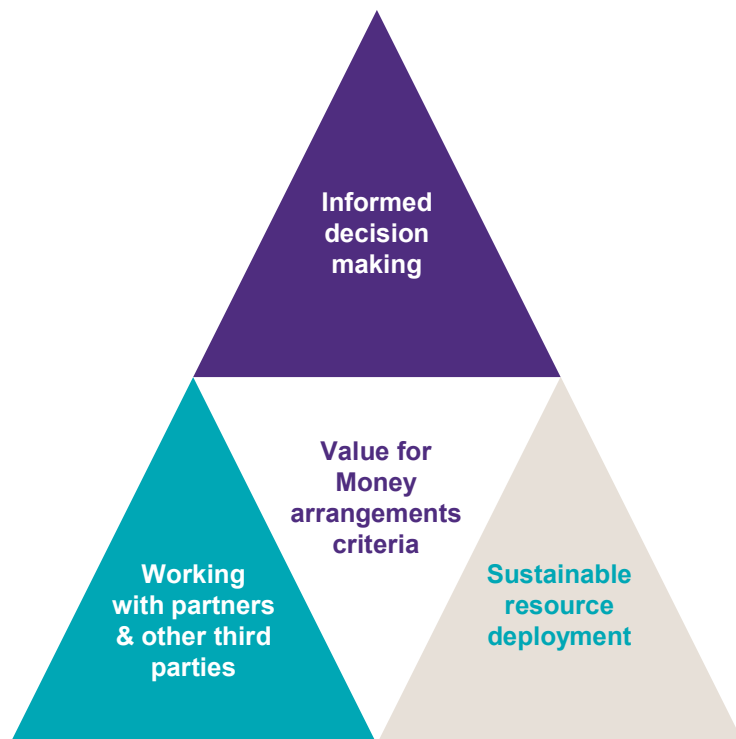
Background to our VFM approach

The NAO issued its guidance for auditors on Value for Money work in November 2017. The guidance states that for Local Government bodies, auditors are required to give a conclusion on whether the Authority has proper arrangements in place to secure value for money.

The guidance identifies one single criterion for auditors to evaluate:

"In all significant respects, the audited body takes properly informed decisions and deploys resources to achieve planned and sustainable outcomes for taxpayers and local people."

This is supported by three sub-criteria, as set out below:



Significant VFM risks

Those risks requiring audit consideration and procedures to address the likelihood that proper arrangements are not in place at the Authority to deliver value for money.

Financial Sustainability



Your current Performance Reports show the Council is on track to meet the majority of its stated strategic objectives for 2018/19. There are 101 Key Performance Indicators for your Corporate Plan Objectives. Out of the 101 indicators, 100 were due for reporting as at the end of Quarter Three. Of the 100, 79% were Green, 13% were Amber and 8% were red. There are no indicators that the overall governance of the authority is a risk at this time.

However, Local Government funding continues to be stretched with increasing cost pressures and demand from residents. To breakeven, the 2018/19 budget contained £232,500 of contingency items to be made in year and £202,000 of funding from the use of reserves. The forecast out-turn position for the year at Q3 is for £360,000 to be made in savings and efficiencies from the original budget which will reduce the need to use reserves.

The Council has, historically, utilised reserves to balance the budget, with a significant depletion of reserves between 2014/15 and 2017/18. The 2019/20 budget does not seek to utilise them. It is the opinion of the Section 151 Officer that General Fund Reserves should not drop below 10% of net expenditure i.e. remain at c£600k. The authority has assumed a "stand still" funding position and on this basis has estimated it would have a budget shortfall of circa £250k/£300k in 2020/21, and a further £300k in 2021/22.

The authority has historically been able to achieve savings through making incremental changes to services and ways of working, however, there is a growing acceptance that more challenging decisions are needed to ensure financial stability in the longer term.

Work proposed to address risk:

We will :

- review the Council's arrangements for identifying and agreeing savings plans to ensure that the Council is resilient to the increasing financial challenges of coming years.
- review the outturn for 2018/19 and the updated MTFS and gain a better understanding of the financial settlement impact, how the council plans to respond to it and also how the Council plans to remain financially sustainable in the medium to long term.

Audit logistics, team & fees



Grant Patterson, Engagement Lead

Grant's role will be to:

- lead our relationship with you;
- be a key contact for the Chief Executive, Director of Finance and Transformation and the Policy, Finance and Development Committee;
- ensure that Grant Thornton's full service offering is at your disposal; and
- take overall responsibility for the delivery of a high quality audit, meeting the highest professional standards and adding value to the Council.



Paul Harvey, Engagement Manager

Paul's role will be to manage the delivery of a high quality audit, meeting the highest professional standards and adding value to the Council.

Janette Scotchbrook, Audit Incharge

Janette's role will be to:

- be the day to day contact for Council finance staff;
- take responsibility for ensuring there is effective communication and understanding by finance team of audit requirements;
- have day to day responsibility for the running of the audit and first point of contact;
- focus on the more technical aspect of the audit and to discuss emerging national technical matters as they arise and deal with technical matters raised by the you throughout the year in a timely manner.

Audit fees

The planned audit fees are £32,944 for the financial statements audit completed under the Code, which are inline with the scale fee published by PSAA. Fees of £8,750 are planned for the Housing Benefit (Subsidy) Assurance Process, which is no longer part of the PSAA regime and is therefore treated as non audit work. In setting your fee, we have assumed that the scope of the audit, and the Authority and its activities, do not significantly change.

Our requirements

To ensure the audit is delivered on time and to avoid any additional fees, we have detailed our expectations and requirements in the following section 'Early Close'. If the requirements detailed overleaf are not met, we reserve the right to postpone our audit visit and charge fees to reimburse us for any additional costs incurred.

Early close

Meeting the 31 July audit timeframe

In the prior year, the statutory date for publication of audited local government accounts was brought forward to 31 July, across the whole sector. This was a significant challenge for local authorities and auditors alike. For authorities, the time available to prepare the accounts was curtailed, while, as auditors we had a shorter period to complete our work and faced an even more significant peak in our workload than previously.

We have carefully planned how we can make the best use of the resources available to us during the final accounts period. As well as increasing the overall level of resources available to deliver audits, we have focused on:

- bringing forward as much work as possible to interim audits
- starting work on final accounts audits as early as possible, by agreeing which authorities will have accounts prepared significantly before the end of May
- seeking further efficiencies in the way we carry out our audits
- working with you to agree detailed plans to make the audits run smoothly, including early agreement of audit dates, working paper and data requirements and early discussions on potentially contentious items.

We are satisfied that, if all these plans are implemented, we will be able to complete your audit and those of our other local government clients in sufficient time to meet the earlier deadline.

Client responsibilities

Where individual clients do not deliver to the timetable agreed, we need to ensure that this does not impact on audit quality or absorb a disproportionate amount of time, thereby disadvantaging other clients. We will therefore conduct audits in line with the timetable set out in audit plans (as detailed on page 11). Where the elapsed time to complete an audit exceeds that agreed due to a client not meeting its obligations we will not be able to maintain a team on site. Similarly, where additional resources are needed to complete the audit due to a client not meeting their obligations we are not able to guarantee the delivery of the audit by the statutory deadline. Such audits are unlikely to be re-started until very close to, or after the statutory deadline. In addition, it is highly likely that these audits will incur additional audit fees.

Our requirements

To minimise the risk of a delayed audit or additional audit fees being incurred, you need to ensure that you:

- produce draft financial statements of good quality by the deadline you have agreed with us, including all notes, the narrative report and the Annual Governance Statement
- ensure that good quality working papers are available at the start of the audit, in accordance with the working paper requirements schedule that we have shared with you
- ensure that the agreed data reports are available to us at the start of the audit and are reconciled to the values in the accounts, in order to facilitate our selection of samples
- ensure that all appropriate staff are available on site throughout (or as otherwise agreed) the planned period of the audit
- respond promptly and adequately to audit queries.

In return, we will ensure that:

- the audit runs smoothly with the minimum disruption to your staff
- you are kept informed of progress through the use of an issues tracker and weekly meetings during the audit
- we are available to discuss issues with you prior to and during your preparation of the financial statements.

Independence & non-audit services

Auditor independence

Ethical Standards and ISA (UK) 260 require us to give you timely disclosure of all significant facts and matters that may bear upon the integrity, objectivity and independence of the firm or covered persons relating to our independence. We encourage you to contact us to discuss these or any other independence issues with us. We will also discuss with you if we make additional significant judgements surrounding independence matters.

We confirm that there are no significant facts or matters that impact on our independence as auditors that we are required or wish to draw to your attention. We have complied with the Financial Reporting Council's Ethical Standard and we as a firm, and each covered person, confirm that we are independent and are able to express an objective opinion on the financial statements.

We confirm that we have implemented policies and procedures to meet the requirements of the Financial Reporting Council's Ethical Standard and we as a firm, and each covered person, confirm that we are independent and are able to express an objective opinion on the financial statements. Further, we have complied with the requirements of the National Audit Office's Auditor Guidance Note 01 issued in December 2017 and PSAA's Terms of Appointment which set out supplementary guidance on ethical requirements for auditors of local public bodies.

Other services provided by Grant Thornton

For the purposes of our audit we have made enquiries of all Grant Thornton UK LLP teams providing services to the Authority. The following other services were identified.

Service	£	Threats	Safeguards
Audit related			
Housing Benefit (Subsidy) Assurance Process	8,750	Self-Interest (because this is a recurring fee)	The level of this recurring fee taken on its own is not considered a significant threat to independence as the fee for this work is £8,750 in comparison to the total fee for the audit of £32,944 and in particular relative to Grant Thornton UK LLP's turnover overall. Further, it is a fixed fee and there is no contingent element to it. These factors all mitigate the perceived self-interest threat to an acceptable level.
Non-audit related			
None			

The amounts detailed are fees agreed to-date for audit related and non-audit services to be undertaken by Grant Thornton UK LLP in the current financial year. These services are consistent with the Authority's policy on the allotment of non-audit work to your auditors. All services have been approved by the Policy, Finance and Development Committee. Any changes and full details of all fees charged for audit related and non-audit related services by Grant Thornton UK LLP and by Grant Thornton International Limited network member Firms will be included in our Audit Findings report at the conclusion of the audit.

None of the services provided are subject to contingent fees.

Non-audit services provided prior to appointment

Ethical Standards require us to draw your attention to relevant information on recent non-audit / additional services before we were appointed as auditor. We confirm that we did not undertake any non-audit / additional services prior to appointment.

Appendices

A. Audit Approach

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Audit approach

Use of audit, data interrogation and analytics software

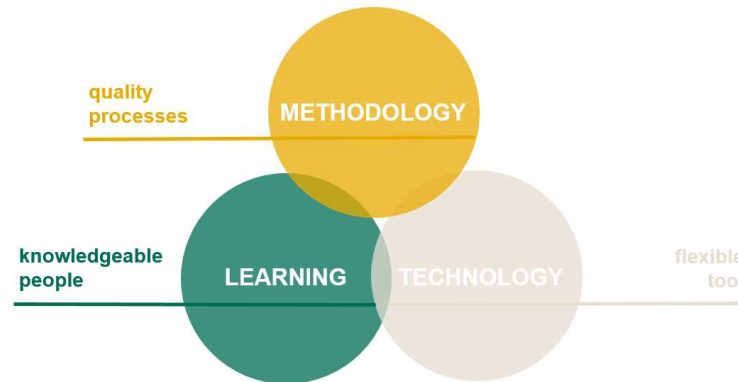
LEAP



Audit software

- A globally developed ISA-aligned methodology and software tool that aims to re-engineer our audit approach to fundamentally improve quality and efficiency
- LEAP empowers our engagement teams to deliver even higher quality audits, enables our teams to perform cost effective audits which are scalable to any client, enhances the work experience for our people and develops further insights into our clients' businesses
- A cloud-based industry-leading audit tool developed in partnership with Microsoft

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Inflo



Cloud based software which uses data analytics to identify trends and high risk transactions, generating insights to focus audit work and share with clients.



REQUEST & SHARE

- Communicate & transfer documents securely
- Extract data directly from client systems
- Work flow assignment & progress monitoring



ASSESS & SCOPE

- Compare balances & visualise trends
- Understand trends and perform more granular risk assessment



VERIFY & REVIEW

- Automate sampling requests
- Download automated work papers



INTERROGATE & EVALUATE

- Analyse 100% of transactions quickly & easily
- Identify high risk transactions for investigation & testing
- Provide client reports & relevant benchmarking KPIs



FOCUS & ASSURE

- Visualise relationships impacting core business cycles
- Analyse 100% of transactions to focus audit on unusual items
- Combine business process analytics with related testing to provide greater audit and process assurance



INSIGHTS

- Detailed visualisations to add value to meetings and reports
- Demonstrates own performance and benchmark comparisons

IDEA



- We use one of the world's leading data interrogation software tools, called 'IDEA' which integrates the latest data analytics techniques into our audit approach
- We have used IDEA since its inception in the 1980's and we were part of the original development team. We still have heavy involvement in both its development and delivery which is further enforced through our chairmanship of the UK IDEA User Group
- In addition to IDEA, we also other tools like ACL and Microsoft SQL server
- Analysing large volumes of data very quickly and easily enables us to identify exceptions which potentially highlight business controls that are not operating effectively

Appian



Business process management

- Clear timeline for account review:
 - disclosure dealing
 - analytical review
- Simple version control
- Allow content team to identify potential risk areas for auditors to focus on



Agenda Item 9



**Policy, Finance and
Development
Committee**

**Tuesday, 26 March
2019**

**Matter for
Information and
Decision**

Report Title: **Internal Audit Operational Plan (2019/20)**

Report Author(s): **Stephen Hinds (Director of Finance & Transformation / Section 151 Officer)**

Purpose of Report:	This report details the Internal Audit Operational Plan for 2019/20.
Report Summary:	Appendix 1 to this report contains the proposed Internal Audit Operational Plan ("the Audit Plan") for 2019/20.
Recommendation(s):	That the Internal Audit Operational Plan for 2019/20 (as set out in Appendix 1) be approved.
Responsible Strategic Director, Head of Service and Officer Contact(s):	Stephen Hinds (Director of Finance & Transformation) (0116) 257 2891 stephen.hinds@oadby-wigston.gov.uk
Corporate Priorities:	Effective Service Provision (CP2)
Vision and Values:	Accountability (V1) Teamwork (V3) Innovation (V4)
Report Implications:-	
Legal:	There are no implications directly arising from this report.
Financial:	The implications are as set out in the report and appendices.
Corporate Risk Management:	Decreasing Financial Resources (CR1) Reputation Damage (CR4) Effective Utilisation of Assets/Buildings (CR5) Regulatory Governance (CR6) Organisational/Transformational Change (CR8) Increased Fraud (CR10)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	As the author, the report is satisfactory.
Monitoring Officer:	The report is satisfactory.

Consultees:	Chief Finance Officer (Section 151 Officer)
Background Papers:	None.
Appendices:	<ol style="list-style-type: none"> 1. Internal Audit Operational Plan (2019/20) 2. Strategic Risk Register (March 2019)

1. Information

- 1.1 **Appendix 1** contains the proposed Internal Audit Operational Plan ("the Audit Plan") for 2019/20. The Audit Plan includes 20 audit assignments plus follow-ups, contingency and advice programmed over 270 days.
- 1.2 All audit areas are identified and linked to the Council's business objectives and strategic risks. The Council's current Strategic Risk Register is attached at **Appendix 2.**

Oadby & Wigston Borough Council

Operational Internal Audit Plan – 2019/20

February 2019

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Bringing public value to life

cw audit
internal audit services

1. Introduction

General background

This document sets out a proposed operational plan of Internal Audit coverage for the period April 2019 to March 2020.

The proposed plan supports an opinion based on an assessment of the design and operation of the Council's internal control, governance and risk management arrangements noted from our risk-based audits carried out during the year. It follows therefore that the focus of the audit plan is critical to ensuring the right level of assurance to the Council.

The aim of the plan is to:

- **Deliver a risk focused audit programme** – through detailed risk assessment across the organisation and at component level.
- **Be proactive and forward looking** – by looking at what risks the Council faces and trying to minimise these through our work.
- **Add value** - through commercial recommendations and aiming to save resources/enhance controls where possible.
- **Engage with stakeholders** – thereby achieving greater impact across the organisation.
- **Support the Policy, Finance and Development Committee** – as one of the key stakeholders and as those who are charged with governance, we will work with the Policy, Finance and Development Committee with regard to supporting its work plan for the year.

Internal Audit Charter

The standards for Internal Audit require us to explicitly detail our terms of reference/charter with you. These have been developed in accordance with relevant guidance and are attached at Appendix Two.

Public Sector Internal Audit Standards

In conducting our work as your Internal Auditors we are required to adhere to a set of standards for Public Sector Internal Auditors. We believe that we have in place suitable policies and procedures to ensure full compliance against these standards. We will, however, report any instances of non-compliance that do arise as soon as we are aware of them.

Quality Assurance

Quality assurance is driven by our own quality procedures and externally by consideration of your views. All assignments are subject to our quality control procedures; these are designed to meet the requirement of regulators, appropriate auditing standards and External Audit colleagues. Council managers are engaged throughout the assignment to allow any concerns to be raised (if necessary). It is important to us that we meet your expectations. As such it is essential we measure how satisfied you are with our services and find ways to improve our service to you.

2. Developing the plan

Our plan of work is designed to support the annual Head of Internal Audit Opinion. The required basis for forming this opinion is as follows:

- An assessment of the design and operation of the overall internal control environment, governance and risk management arrangements; and
- An assessment of the adequacy and effectiveness of controls, based upon the results of our risk based audit assignments that are reported during the course of the year.

It follows that an effective risk based audit plan, focusing the audit resources into areas of principal risk is essential.

Risk Assessment

The plan has been prepared in consultation with the Section 151 Officer and the Senior Management Team generally. It has been informed by:

- A review of the risks contained within the Council's Risk Register and Annual Governance Statement.
- Discussions with senior management to identify key auditable areas based on an assessment of current and future issues and risks.
- Our understanding of the challenges to the Council to deliver its objectives within the current economic environment and changes in local government legislation.

On the basis of this process we have identified a number of priority areas (see section 3) and the resulting Internal Audit Plan is detailed at Appendix One. We will, however, continue to review the audit plan on an ongoing basis

in response to developments and initiatives. If additional risks arise or change in priority during the year the audit plan will be reconsidered with management and, subject to Policy, Finance and Development Committee approval, amended to ensure that audit resources remain focused on the key risk areas.

3. Linking your plan to your business

The following table sets out the proposed areas of work linked through to your corporate risk register and a summary outline of the work to be undertaken.

Area	Links to Corporate Risk Register	Work outline
CORPORATE ASSURANCE		
Performance Management	All risks recorded on the Corporate Risk Register	To provide assurance on the implementation of the recently-introduced performance management framework.
Risk Management	All risks recorded on the Corporate Risk Register	Review of the Council's approach to managing risk.
Capital Programme	CR1 – Decreasing financial resources / increasing financial pressures CR5 – Effective utilisation of assets / buildings	Review of the recently amended and improved arrangements to govern the capital programme and constituent projects.
Procurement	CR1 – Decreasing financial resources / increasing financial pressures CR2 – Key supplier / partnership failure CR10 – Fraud	Assurance on processes to in place to comply with recently issued procurement strategy.
Anti-Fraud & Corruption	CR1 – Decreasing financial resources / increasing financial pressures CR4 – Reputation damage CR10 – Fraud	Benchmarking of the Council's anti-fraud and corruption arrangements against best practice guidance issued by CIPFA.
RESOURCES – FINANCE, PROCUREMENT & IT		
Budgetary Control / MTFS	CR1 – Decreasing financial resources / increasing financial pressures	To consider the adequacy and robustness of managerial control processes regarding the medium term financial strategy, budget setting and management, including a targeted review to support and assure on key areas of change/savings within the MTFS.
Financial Systems (ledger, creditors, debtors, treasury management, income management & cash receipting)	CR1 – Decreasing financial resources / increasing financial pressures CR10 – Fraud	Review of key controls over fundamental financial systems.
IT Application Security	CR4 – Reputation damage CR10 – Fraud CR11 – Cyber / IT security	Review of system administration and security arrangements maintained locally for corporate IT applications.
Software Asset Management	CR11 – Cyber / IT security	Review of arrangements for installing and maintaining software applications, including software licensing arrangements.
Website Content Management	CR4 – Reputation damage CR6 – Regulatory governance CR11 – Cyber / IT security	Review of local arrangements for maintaining website, which is hosted externally through the web unity partnership agreement, including control of content and plans to increase the use of online forms.
CORPORATE RESOURCES		
Payroll & Expenses	CR1 – Decreasing financial resources / increasing financial pressures CR10 – Fraud	To provide assurance that salaries and expenses are paid in an accurate , timely and complete manner.

Area	Links to Corporate Risk Register	Work outline
HR – Agency Staff	CR1 – Decreasing financial resources / increasing financial pressures CR6 – Regulatory governance CR10 – Fraud	Review of the arrangements for appointing and managing temporary staff through agencies, with emphasis placed on ensuring appropriate value for money and compliance with relevant legislation.
CUSTOMER SERVICES		
Benefits / Council Tax Support	CR1 – Decreasing financial resources / increasing financial pressures CR4 – Reputation damage CR6 – Regulatory governance CR10 – Fraud	Review of fundamental financial and public-facing system.
Council Tax	CR1 – Decreasing financial resources / increasing financial pressures CR4 – Reputation damage CR6 – Regulatory governance CR10 – Fraud	Review of fundamental financial and public-facing system.
Business Rates	CR1 – Decreasing financial resources / increasing financial pressure CR4 – Reputation damage CR6 – Regulatory governance CR10 – Fraud	Review of fundamental financial and public facing system.
COMMUNITY		
Housing Rents	CR1 – Decreasing financial resources / increasing financial pressures	To provide assurance that social housing rents are collected in an accurate, complete and timely manner.
Housing Strategy	CR4 – Reputation damage CR6 – Regulatory governance	To provide assurance on the arrangements in place to deliver the recently issued housing strategy.
Housing Repairs & Maintenance	CR1 – Decreasing financial resources / increasing financial pressures CR4 – Reputation damage CR6 – Regulatory governance	To provide assurance that expenditure on housing repairs and maintenance is properly controlled in accordance with financial regulations and that housing stock is maintained to an appropriate standard.
Voids Management	CR1 – Decreasing financial resources / increasing financial pressures CR6 – Regulatory governance	To provide assurance on the processes in place to ensure that void properties are re-let as soon as is practically possible.
Safeguarding	CR4 – Reputation damage CR6 – Regulatory governance	To provide assurance that the Council has appropriate arrangements in place to work with other partners to protect vulnerable adults and children residing within the Borough.

4. Reporting and relationships

4.1 Reporting Lines

The Internal Audit Charter attached at Appendix 2 outlines the reporting lines and relationships for this engagement, essentially setting out the accountability of the Head of Internal Audit to the Chief Executive, but noting that operationally in practice this accountability is delegated to the Director of Finance and Transformation. The Head of Internal Audit also has direct right of access to the Policy, Finance and Development Committee and the Chairman where required. This is also embodied in the Council's Financial Regulations.

Audit Reporting

Periodic and Assignment Reporting

Final reports relating to individual audit assignments will be reported to the relevant operational manager and Head of Service prior to submission to the Policy, Finance and Development Committee (where relevant), which will also receive a progress update at each meeting detailing progress against the plan, a summary of assignment opinions issued to date and an update in relation to the implementation of audit recommendations.

Annual Head of Internal Audit Opinion

In line with the PSIAS and expected professional practice, we will issue a formal audit opinion taking account of:

- An assessment of the design and operation of the overall internal control environment, governance and risk management arrangements; and
- An assessment of the adequacy and effectiveness of controls, based upon the results of our risk based audit assignments that are reported during the course of year.

This opinion will be formally recorded in the Internal Audit Year End Report and presented to the Policy, Finance and Development Committee. In addition to this formal opinion we will also bring to the attention of the Chief Executive, Director of Finance and Transformation and the Policy, Finance and Development Committee any Significant Internal Control Issues that we feel should be declared in your Annual Governance Statement.

4.2 Third Party Audit Arrangements

As your Internal Auditors we are required to agree with you the arrangements for forming an appropriate opinion where either you operate key systems on behalf of other organisations, or key systems are being operated by other organisations on your behalf. We recognise that the Council operates within a number of different partnership arrangements and procures and contracts various services.

Key financial/corporate systems purchased by you:

- IT services provided by Sopra Steria via Leicestershire ICT Partnership;
- Payroll provided by EMSS.

If such arrangements do come into force, you must assure yourselves that the audit arrangements in place at the organisations that host these services are sufficient for your needs and for the appropriate level of reliance for your external auditors. We recommend that you review and where appropriate update the contracts/SLAs for these purchased services to explicitly detail your right to an annual audit opinion or reserve the right of your Internal Auditor to perform their own work as deemed necessary to derive an opinion. You should liaise with your external auditors to ensure that they are comfortable with the arrangements you agree. Our audit plan has been prepared on the basis that we will not be required to perform any detailed audit work on the transaction processes operated within any such service providers but that we would, on a risk basis, review the systems operated by the Council that feed into and flow from this purchased service.

4.3 Relationships with external bodies

External Audit

We will agree a protocol of joint working arrangements where appropriate, supported by a regular programme of update meetings with External Audit. We will use these meetings to report on progress against our plan and as an opportunity to discuss any significant issues arising from our work.

Other Review Bodies

Where we intend to place formal reliance on the work of any other review body e.g. external auditor, we will undertake an appropriate audit or quality assurance exercise to ascertain the level of assurance that we can derive from that work.

Counter Fraud

Page 72 You are required to carry out counter fraud activities, to ensure sound stewardship of public funds. We will liaise as necessary with your counter fraud officers, sharing relevant audit findings and identifying joint programmes of work where appropriate.

4.4 Additional Services/Ad-hoc Work

The PSIAS requires us to define the potential role that we may have in providing ad hoc consultancy work. In providing such a service we would seek to apply the professional skills of Internal Audit through a systematic and disciplined evaluation of the policies, procedures and operations that you have put in place to ensure the achievement of your objectives. We believe that our status as Internal Auditors ensures that we can deliver such work in an independent and objective manner.

5. Delivery

5.1 The Core Audit Team

The Audit Plan will be delivered by the following team:

Team Role	Team Member	Qual	Role
Chief Internal Auditor	Tim Ridout	CCAB	Tim will oversee delivery of the audit plan, manage and deliver elements of the plan, and ensure quality assurance
Audit Manager	Anand Persaud	CCAB	Anand will manage and deliver the core plan.

5.2 Profiling Delivery

We will agree a programme of delivery for the audit plan with management. We will report on compliance against this profiled delivery through our regular progress reports to each Policy, Finance and Development Committee.

6. Recommendation

It is recommended that the Policy, Finance and Development Committee considers and approves the Internal Audit Plan 2019/20 and Internal Audit Charter.

Mark Watkins

Deputy Director, CW Audit Services

2019/20 Operational Internal Audit Plan

Area	Audit Assignment	Links to CRR	Days
Corporate assurance	Performance Management	All	10
	Risk Management	All	10
	Capital Programme	CR1, CR5	12
	Procurement	CR1, CR2, CR10	10
	Anti-Fraud and Corruption	CR1, CR4, CR10	8
	Sub-total		50
Resources – Finance, Procurement & ICT	Budgetary Control/MTFS	CR1	12
	Financial systems (ledger, creditors, debtors, treasury management, income management & cash receipting)	CR1, CR10	25
	IT Application Security	CR4, CR10, CR11	15
	Software Asset Management	CR11	10
	Website Content Management	CR4, CR6, CR11	10
	Sub-total		72
Corporate Resources	Payroll & Expenses	CR1, CR10	10
	HR – Agency Staff	CR1, CR6, CR10	12
	Sub-total		22
Customer Services	Council Tax	CR1, CR4, CR6, CR10	10
	Business Rates	CR1, CR4, CR6, CR10	10
	Benefits/Council Tax Support	CR1, CR4, CR6, CR10	10
	Sub-total		30
Community	Housing Rents	CR1	10
	Housing Strategy	CR4, CR6	12
	Housing Repairs & Maintenance	CR1, CR4, CR6	12
	Voids Management	CR1, CR6	10
	Safeguarding	CR4, CR6	10
	Sub-total		54
Follow Up / Contingency	Recommendation Tracking/Follow up		12
	Sub-total		12
Management & Advice	Audit Needs Assessment, Planning & Annual Report		10
	Policy, Finance & Development Committee/External Audit/Senior Team meetings		10
	Contract Management & ad hoc advice		10
	Sub-total		30
Total			270

INTERNAL AUDIT CHARTER

1. Definition

Internal Audit is an independent and objective appraisal service within the organisation:

- Internal Audit primarily provides an independent and objective opinion to the Accountable Officer (Chief Executive), the Board and the Policy, Finance and Development (PFD) Committee on the degree to which risk management, internal control and governance arrangements support the achievement of the organisation's agreed objectives. In addition, Internal Audit's findings and recommendations are beneficial to senior management in the audited areas. Senior management is defined as any manager with responsibility for the system under review by Internal Audit. Risk management, internal control and governance comprise the policies, procedures and operations established to ensure the achievement of objectives, the appropriate assessment of risk, the reliability of internal and external reporting and accountability processes, compliance with applicable laws and regulations, and compliance with the behavioural and ethical standards set for the organisation.
- Internal Audit also provides an independent and objective consultancy service specifically to help senior management improve the organisation's risk management, control and governance arrangements. The service applies the professional skills of Internal Audit through a systematic and disciplined evaluation of the policies, procedures and operations that management have put in place to ensure the achievement of the organisation's objectives, and through recommendations for improvement. Such consultancy work contributes to the opinion, which Internal Audit provides on risk management, control and governance. Approval for any significant additional consulting services not already included in the audit plan will be sought from the PFD Committee prior to accepting the engagement.

Please see note at the end of this Charter for further definitions.

2. Standards and Ethics

Internal Audit acknowledges the mandatory nature of the Definition of Internal Audit, the Code of Ethics and the Standards contained in the Public Sector Internal Audit Standards. Internal Audit shall also work in accordance with any performance measures agreed with the PFD Committee.

3. Independence, Objectivity and Conflicts of Interest

All internal audit activities shall remain free of influence by any element in the organisation, including matters of audit selection, scope, procedures, frequency, timing, or report content to permit maintenance of an independent and objective mental attitude necessary in rendering reports. CW Audit does not accept any roles that involve executive or direct operational responsibility or authority over any of the activities it reviews. The internal audit activity may provide assurance services where it had previously performed consulting services, provided the nature of the consulting does not impair objectivity and provided individual objectivity is managed when assigning resources to the engagement.

Individual auditors will have an impartial, unbiased attitude, characterised by integrity and an objective approach to work, and should avoid conflicts of interest. Individual auditors must declare any conflict of interest to the Head of Internal Audit. Any conflicts of interest encountered by the Head of Internal Audit must be declared to the Director of Finance and Transformation. Internal Auditors will have regard to the Committee on Standards of Public Life's Seven Principles of Public Life.

4. Authority and Accountability

Internal Audit derives its authority from the Board, the Accountable Officer and PFD Committee. The Head of Internal Audit reports on a functional basis via the PFD Committee. For administrative purposes, the Head of Internal Audit reports to the Director of Finance and Transformation. The Head of Internal Audit has a direct right of access to the Chair of the PFD Committee. The PFD Committee shall have regular private meetings with the Head of Internal Audit. The PFD Committee approves all Internal Audit plans and may review any aspect of its work.

5. Internal Audit Team

The Head of Internal Audit is responsible for ensuring the team is adequately staffed and that there is access to the full range of knowledge, skills, qualifications and experience to deliver the Internal Audit Plan in line with the PSIAS. The team will undertake regular assessments of professional competence through an on-going appraisal and development programme (i.e. Personal Development Plans and Continuing Professional Development) with training provided where necessary. Auditors also have responsibilities for applying due professional care when performing their duties. The Head of Internal Audit must hold a professional qualification.

If the Head of Internal Audit, Chief Executive, Director of Finance and Transformation or the PFD Committee consider that the level of Internal Audit resources or the terms of reference in any way limit the scope of Internal Audit, or prejudice the ability of Internal Audit to deliver a service consistent with the definition of internal auditing, they should advise the Board accordingly.

6. Scope

The Head of Internal Audit is responsible for developing and maintaining an Internal Audit Strategy for providing the Chief Executive, economically and efficiently, with objective evaluation of, and opinions on, the effectiveness of the organisation's risk management, control and governance arrangements. The Head of Internal Audit's opinion is a key element of the framework of assurance the Chief Executive needs to inform the completion of the Annual Governance Statement. This strategy will be realised through the delivery of a considered and approved annual risk based plan. To develop the risk based plan, the Head of Internal Audit consults with senior management and the board and obtains an understanding of the organisation's strategies, key business objectives, associated risks and risk management processes. The Head of Internal Audit reviews and adjusts the plan as necessary, in response to changes in the organisation's business, risks, operations, programmes, systems, and controls.

The audit plan will systematically review the policies, procedures and operations in place to:

- Establish, and monitor the achievement of, the organisations objectives.
- Identify, assess and manage the risks to achieving the organisations objectives.
- Ensure the economical, effective and efficient use of resources.
- Ensure compliance with established policies (including behavioural and ethical expectations), procedures, laws and regulations.
- Safeguard the organisation's assets and interests from losses of all kinds, including those arising from fraud, irregularity or corruption.
- Ensure the integrity and reliability of information, accounts and data, including internal and external reporting and accountability processes.

7. Approach

To ensure delivery of its objectives, Internal Audit will develop and implement an Audit Strategy. This will be prepared each year and will describe arrangements for the delivery of the internal audit service based upon knowledge of the organisation's objectives, risk assessment, and appropriate management consultation. The allocation of resources between assurance and consultative work will be set out. A detailed Annual Operational Plan will be prepared designed to implement the audit strategy. The audit strategy and annual plans shall be prepared to support the audit opinion to the Accountable Officer on the risk management, internal control and governance arrangements within the organisation. Both the strategy and annual plans will be approved by the PFD Committee and reported to the Board.

8. Reporting

Internal Audit will report formally to the PFD Committee through the following:

An annual report will be presented to confirm completion of the audit plan and will include the Head of Internal Audit opinion provided for the Accountable Officer that will support the Annual Governance Statement. The opinion must take into account the strategies, objectives and risks of the organisation and the expectations of senior management, the board and other stakeholders. The Head of Internal Audit opinion will:

- a) State the overall adequacy and effectiveness of the Council's risk management, control and governance processes;
- b) Disclose any qualification to that opinion, together with the reasons for the qualification;
- c) Present a summary of the audit work undertaken to formulate the opinion, including reliance placed on work by other assurance bodies;
- d) Draw attention to any issues internal audit judge as being particularly relevant to the preparation of the Annual Governance Statement;
- e) Compare work actually undertaken with the work which was planned and summarise performance of the internal audit function against its performance measures criteria; and
- f) Comment where necessary on compliance with the Public Sector Internal Audit Standards and internal quality assurance arrangements.

For each PFD Committee meeting a progress report will be presented to summarise progress against the plan. The findings arising from individual audit reviews will be reported in accordance with PFD Committee requirements. The PFD Committee members will be provided with copies of individual audit reports for each assignment undertaken unless the Head of Internal Audit is advised otherwise. The reports will include an action plan with target dates for completion.

Following the closure of fieldwork, Internal Audit will discuss findings with operational/local managers. Operational/Local management will receive draft reports which will include the action plans they have agreed following the discussion of findings. A copy of the draft report will also be provided to the relevant Executive Director. The draft report will give an "assurance" opinion on the area reviewed. The draft report will also indicate action ratings for individual report findings and recommendations.

Operational management will be required to respond to the draft report, stating their agreement or otherwise to the content of the report, identifying action, staff with responsibility for implementation and the dates by which action will be taken. Final reports inclusive of management comments will be issued by Internal Audit to the relevant Executive Director within 5 working days of management responses being received. The final report will be placed on the agenda for the next available PFD Committee.

Internal Audit will make provision to review the implementation of agreed action within the agreed timescales. However, where there are issues of particular concern provision may be made for follow up review within the same financial year. Issue and clearance of follow up reports shall be as for other assignments referred to above.

9. Irregularities, Fraud and Corruption

It is the responsibility of management to maintain systems that ensure the Council's resources are utilised in the manner and on activities intended. This includes the responsibility for the prevention and detection of fraud and other illegal acts.

Internal Audit shall not be relied upon to detect fraud or other irregularities. However, Internal Audit will give due regard to the possibility of fraud and other irregularities in work undertaken. Additionally, Internal Audit shall seek to identify weaknesses in control that could permit fraud or irregularity.

If Internal Audit discovers suspicion or evidence of fraud or irregularity, this will immediately be reported to the organisation's Counter Fraud Specialist in accordance with the organisation's Counter Fraud Policy and Fraud Response Plan.

10. Relationships

In order to maximise its contribution to the Board's overall framework of assurance, Internal Audit will work closely with the organisation's Director of Finance and Transformation in planning its work programme. Co-operative relationships with senior and line management enhance the ability of internal audit to achieve its objectives effectively. Audit work will be planned in conjunction with management as far as possible, particularly in respect of the timing of audit work.

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Internal Audit will meet regularly with the external auditor to consult on audit plans, discuss matters of mutual interest, discuss common understanding of audit techniques, method and terminology, and to see opportunities for co-operation in the conduct of audit work. In particular, internal audit make available their working files to the external auditor for them to place reliance upon the work of Internal Audit where appropriate

The Head of Internal Audit will establish a means to gain an overview of other assurance providers' approaches and output as part of the establishment of an integrated assurance framework. In addition the Head of Internal Audit shall make provision to form an opinion where key systems are being operated by organisation's outside of the remit of the Accountable Officer, or through a shared or joint arrangement.

11. Access

Internal Audit shall have the authority to access all the organisation's information, documents, records, assets, personnel and premises that it considers necessary to fulfil its role. This shall extend to the resources of the third parties that provide services on behalf of the organisation. All information obtained during the course of a review will be regarded as strictly confidential to the organisation and shall not be divulged to any third party without the prior permission of the Accountable Officer. However, open access shall be granted to the organisation's external auditors. In any instances of conflict this will be referred for resolution to the Director of Finance and Transformation, Chief Executive or Chair of PFD Committee as appropriate.

12. Quality Assurance

The work of internal audit is controlled at each level of operation to ensure that a continuously effective level of performance, compliant with the Public Sector Internal Audit Standards is being achieved. The Head of Internal Audit will establish a quality assurance programme designed to give assurance through internal and external review that the work of internal audit is compliant with the PSIAS and to achieve its objectives. A commentary on compliance against the Standards will be provided in the annual audit report to PFD Committee.

13. Approval, Review and Interpretation of the Charter

This Internal Audit Charter shall be reviewed annually and approved by the PFD Committee*.

* The Public Sector Internal Audit Standards require the Charter to be approved by the Board, however, for the Public Sector the following definition of Board is provided: *Audit Committee – the governance group charged with independent assurance of the adequacy of the risk management framework, the internal control environment and the integrity of financial reporting*

Strategic Risk Register (March 2019)

Ref	Risk Definition What is the headline risk/issue?	Corporate Priority	Root Cause: What is the root cause or problem? What could go wrong?	Consequence /effect: What could occur as a result, how much of a problem would it be?	Inherent Risk (no controls)			Existing Controls	Residual Risk (with controls)			Further management actions/controls	Target Score			Risk Owner	Review Date	Review Commentary
					Likelihood	Impact	Overall risk		Likelihood	Impact	Overall risk rating		Likelihood	Impact	Overall risk			
CR1	Decreasing Financial resources / Increasing Financial Pressures	Effective Service Provision	<input type="checkbox"/> Increase demand for services e.g. benefits <input type="checkbox"/> Continuing Austerity <input type="checkbox"/> Political promises <input type="checkbox"/> Change in priorities <input type="checkbox"/> Reduction in recycling value <input type="checkbox"/> Deflated housing market <input type="checkbox"/> Lack of business growth <input type="checkbox"/> Further changes in legislation <input type="checkbox"/> Pooling/Unpooling of NNDR <input type="checkbox"/> Universal Credit	<input type="checkbox"/> Cuts in services <input type="checkbox"/> Political and customer expectations not met <input type="checkbox"/> Quality of service <input type="checkbox"/> Reputation damage <input type="checkbox"/> Knock on impact on the local community and economy e.g. spiral effect <input type="checkbox"/> Legal challenge, Reduction in rent/monies owed to the council through the introduction of UC, increased homelessness adding stresses to council finances and the local economy.	5	4	20	<input type="checkbox"/> Budgetary Control processes and committee reporting <input type="checkbox"/> Medium Term Financial Strategy and HRA Business Plan - including scenario planning <input type="checkbox"/> Setting and monitoring of savings and efficiency targets <input type="checkbox"/> Annual Fees and Charges review <input type="checkbox"/> Disclosure of expenditure over £250 <input type="checkbox"/> Review of reserves and balances <input type="checkbox"/> Treasury Management and Investment Strategy <input type="checkbox"/> Prudential Indicators <input type="checkbox"/> Revised Financial Regulations <input type="checkbox"/> Business Rates Pooling , New Procurement Policy, Homelessness team increased, New income collection team created.	4	3	12	<input type="checkbox"/> Scenario planning for budgets <input type="checkbox"/> Transformation Programme across the council to improve services <input type="checkbox"/> Review of Financial Regulations <input type="checkbox"/> Training on Contract Procedure Rules	4	2	8	Director of Finance and Transformation / Head of Finance, Revenue s and Benefits.	Mar-19	Risk still active. Meetings with LGA and ministers provided insight into 2020/21 funding settlement - still unclear and anticipate that delays in Brexit outcome will affect both the settlement and when it is announced. Council is aware that a minimum savings target of £300k is needed for 2020/21 to cover inflationary costs.

Strategic Risk Register (March 2019)

Ref	Risk Definition What is the headline risk/issue?	Corporate Priority	Root Cause: What is the root cause or problem? What could go wrong?	Consequence /effect: What could occur as a result, how much of a problem would it be?	Inherent Risk (no controls)			Existing Controls	Residual Risk (with controls)			Further management actions/controls	Target Score			Risk Owner	Review Date	Review Commentary
					Likelihood	Impact	Overall risk		Likelihood	Impact	Overall risk rating		Likelihood	Impact	Overall risk			
CR2	Key Supplier/Partnership Failure	All priorities	<input type="checkbox"/> Change in circumstances <input type="checkbox"/> Capacity and competency <input type="checkbox"/> Further decline of the Economy <input type="checkbox"/> Relationship breakdown <input type="checkbox"/> Changes in legislation <input type="checkbox"/> Changes in personnel <input type="checkbox"/> Liability issues	<input type="checkbox"/> Cost implications <input type="checkbox"/> Business Continuity <input type="checkbox"/> Loss of revenue <input type="checkbox"/> Service failure <input type="checkbox"/> TUPE issues <input type="checkbox"/> Potential court action <input type="checkbox"/> Increased complaints <input type="checkbox"/> Reputation issues <input type="checkbox"/> Political damage <input type="checkbox"/> Delays	3	3	9	<input type="checkbox"/> Formal contracts and agreements including realistic notice periods <input type="checkbox"/> Tender arrangements and pre qualification financial assessments <input type="checkbox"/> Qualified internal officers to provide legal advice <input type="checkbox"/> Use of external counsel <input type="checkbox"/> Performance management of contracts, Comprehensive Contract Register, Partnership working with Local Authority Partners	3	3	9	<input type="checkbox"/> Creation of Project and Procurement Team (currently one individual) <input type="checkbox"/> Partnership and contract risk registers <input type="checkbox"/> Periodic VfM reviews of contracts when re-tendering occurs <input type="checkbox"/>	2	2	4	Head of Finance, Revenue s and Benefits, Monitoring Officer, Head of Customer Service and Transformation	Mar-10	
CR3	Political Dynamics	All priorities	<input type="checkbox"/> Change in political power <input type="checkbox"/> Change in leader <input type="checkbox"/> New members <input type="checkbox"/> Public perception changes	<input type="checkbox"/> Change in priorities <input type="checkbox"/> Change in member/officer engagement <input type="checkbox"/> Breakdown in communication <input type="checkbox"/> Inability to meet expectations <input type="checkbox"/> Reputation issues (organisational and political) <input type="checkbox"/> Reactive decision making (rather than planned) <input type="checkbox"/> Failure to follow legislative requirements e.g. equalities <input type="checkbox"/> Further strain on council finances	3	4	12	<input type="checkbox"/> Member development programmes <input type="checkbox"/> Code of Conduct <input type="checkbox"/> Policies e.g. Safeguarding/Equalities and DBS checks <input type="checkbox"/> Provision of chairing skills training <input type="checkbox"/> Constitution <input type="checkbox"/> Public consultation,	3	3	9	<input type="checkbox"/> Personal training/action plans <input type="checkbox"/> IT training for members <input type="checkbox"/> Development of member enquiry system <input type="checkbox"/> Political awareness training for officers	3	2	6	SMT	Mar-19	No change since last review

Strategic Risk Register (March 2019)

Ref	Risk Definition What is the headline risk/issue?	Corporate Priority	Root Cause: What is the root cause or problem? What could go wrong?	Consequence /effect: What could occur as a result, how much of a problem would it be?	Inherent Risk (no controls)			Existing Controls	Residual Risk (with controls)			Further management actions/controls	Target Score			Risk Owner	Review Date	Review Commentary
					Likelihood	Impact	Overall risk		Likelihood	Impact	Overall risk rating		Likelihood	Impact	Overall risk			
CR4	Reputation Damage	All priorities	<input type="checkbox"/> Litigation <input type="checkbox"/> Breakdown in a partnership <input type="checkbox"/> Failure to have regard to officers advice <input type="checkbox"/> Whistle blowing <input type="checkbox"/> Freedom of Information (Fol) <input type="checkbox"/> Inconsistent decision making <input type="checkbox"/> Poor Media Relations <input type="checkbox"/> Poor communication <input type="checkbox"/> Failure to provide or reduce services <input type="checkbox"/> Poor performance	<input type="checkbox"/> Intervention <input type="checkbox"/> Loss of public confidence <input type="checkbox"/> Ombudsman findings <input type="checkbox"/> Court costs <input type="checkbox"/> Quality of service affected <input type="checkbox"/> Breakdown in a partnership <input type="checkbox"/> Adverse publicity <input type="checkbox"/> Lower public satisfaction level <input type="checkbox"/> Time spent mitigating damage/rectifying the situation <input type="checkbox"/> Low Morale <input type="checkbox"/> Difficulties to recruit/staff retention	3	3	9	<input type="checkbox"/> Review of external communication by Heads of Service <input type="checkbox"/> Use of modern.gov <input type="checkbox"/> Whistle blowing and Anti Fraud and Corruption policies <input type="checkbox"/> Freedom of Information log <input type="checkbox"/> Qualified in house legal team <input type="checkbox"/> Officer complaints training <input type="checkbox"/> Performance reporting and Key Performance Indicators <input type="checkbox"/> Public and media consultation	3	2	6	<input type="checkbox"/> Development of Media Policy <input type="checkbox"/> Media Training - members and officers <input type="checkbox"/> Customer care and access training	2	1	2	SMT	Mar-19	Creation of Marketing and Insight Manager will assist in reducing this risk, improving our marketing, communication and customer insight.

Strategic Risk Register (March 2019)

Ref	Risk Definition What is the headline risk/issue?	Corporate Priority	Root Cause: What is the root cause or problem? What could go wrong?	Consequence /effect: What could occur as a result, how much of a problem would it be?	Inherent Risk (no controls)			Existing Controls	Residual Risk (with controls)			Further management actions/controls	Target Score			Risk Owner	Review Date	Review Commentary
					Likelihood	Impact	Overall risk		Likelihood	Impact	Overall risk rating		Likelihood	Impact	Overall risk			
CR5	Effective utilisation of Assets/Buildings	Effective Service Provision / Inclusive and Engaged Borough	<input type="checkbox"/> Failure to follow Health and Safety <input type="checkbox"/> Insurance/Public Liability <input type="checkbox"/> Financial investment <input type="checkbox"/> Contractor going into liquidation <input type="checkbox"/> Political will <input type="checkbox"/> Facility Management <input type="checkbox"/> Depreciation	<input type="checkbox"/> Loss of investment opportunities <input type="checkbox"/> Loss of income <input type="checkbox"/> Loss of capital <input type="checkbox"/> Higher revenue costs <input type="checkbox"/> Costs <input type="checkbox"/> Death or injury <input type="checkbox"/> Higher insurance premiums <input type="checkbox"/> Reputation damage <input type="checkbox"/> Public liability <input type="checkbox"/> Personal liability for corporate team e.g. corporate manslaughter	4	3	12	<input type="checkbox"/> Physical controls (e.g. Door Codes, fire alarms) <input type="checkbox"/> Designated first aiders <input type="checkbox"/> Capital Programme and HRA Business Plan - annual reiteration and regular monitoring <input type="checkbox"/> Fixed Asset Register <input type="checkbox"/> Annual valuation of property by external valuer <input type="checkbox"/> Designated Health and Safety Officer <input type="checkbox"/> Implementation of controls within Health and Safety Executive review <input type="checkbox"/> Health and Safety risk assessments <input type="checkbox"/> Designated Facilities Manager <input type="checkbox"/> Accommodation Reviewed <input type="checkbox"/> Health and safety assessments carried out on all buildings	3	3	9	<input type="checkbox"/> Revision of Asset Management Policy and Capital Expenditure Plan <input type="checkbox"/> Accommodation review <input type="checkbox"/> Consideration of holistic Asset Management database/system <input type="checkbox"/> Production of a Health and Safety Action Plan	2	1	2	Director of Finance and Transformation	Mar-19	Work on Bushloe House continues, with Conservation study to be commissioned. Areas of the site have also been identified for short-term exemplar developments.

Strategic Risk Register (March 2019)

Ref	Risk Definition What is the headline risk/issue?	Corporate Priority	Root Cause: What is the root cause or problem? What could go wrong?	Consequence /effect: What could occur as a result, how much of a problem would it be?	Inherent Risk (no controls)			Existing Controls	Residual Risk (with controls)			Further management actions/controls	Target Score			Risk Owner	Review Date	Review Commentary
					Likelihood	Impact	Overall risk		Likelihood	Impact	Overall risk rating		Likelihood	Impact	Overall risk			
CR6	Regulatory Governance	All priorities	<input type="checkbox"/> New or changes to legislation <input type="checkbox"/> Resources (staff) <input type="checkbox"/> Failure to identify new legislation	<input type="checkbox"/> Substantial fines e.g. Data Protection <input type="checkbox"/> Judicial review <input type="checkbox"/> Reputation <input type="checkbox"/> Code of conduct <input type="checkbox"/> Financial loss <input type="checkbox"/> Cost orders <input type="checkbox"/> Personal liability	3	4	12	<input type="checkbox"/> Data Protection Policy and log <input type="checkbox"/> Freedom of Information log <input type="checkbox"/> Code of Conduct and training <input type="checkbox"/> HR Induction <input type="checkbox"/> Statutory Monitoring Officer <input type="checkbox"/> Subscriptions (e.g. legal journals and LGA) and CPD of legal officers <input type="checkbox"/> Prosecution Policy <input type="checkbox"/> Dedicated Compliance Officer	1	1	1		1	1	1	Monitoring Officer	Mar-19	No change since last review
CR7	Failure to respond to a significant incident	All priorities	<input type="checkbox"/> Loss of staff <input type="checkbox"/> Loss of ICT <input type="checkbox"/> Loss of Building <input type="checkbox"/> Loss of Key supplier <input type="checkbox"/> Loss of facilities <input type="checkbox"/> Loss of systems <input type="checkbox"/> Act of God <input type="checkbox"/> Adverse Weather <input type="checkbox"/> Pandemic	<input type="checkbox"/> Insurance – higher premiums <input type="checkbox"/> Loss of essential services <input type="checkbox"/> Adverse publicity <input type="checkbox"/> Reputation damage <input type="checkbox"/> Loss of public confidence <input type="checkbox"/> Loss of income <input type="checkbox"/> Financial damage <input type="checkbox"/> Death and injury <input type="checkbox"/> Litigation risks	2	4	8	<input type="checkbox"/> Insurance policies and annual review <input type="checkbox"/> Use of Zurich Risk Management Service <input type="checkbox"/> Risk Management policies and procedures <input type="checkbox"/> Membership of Local Resilience Forum <input type="checkbox"/> Standby rota <input type="checkbox"/> IT backup, Business Continuity Plans in place	2	3	6	<input type="checkbox"/> Paperless office and increased scanning through ERDMS <input type="checkbox"/> Coordination of Out of Hours Service	2	1	2	Heads of Service	Mar-19	No change since last review

Strategic Risk Register (March 2019)

Ref	Risk Definition What is the headline risk/issue?	Corporate Priority	Root Cause: What is the root cause or problem? What could go wrong?	Consequence /effect: What could occur as a result, how much of a problem would it be?	Inherent Risk (no controls)			Existing Controls	Residual Risk (with controls)			Further management actions/controls	Target Score			Risk Owner	Review Date	Review Commentary
					Likelihood	Impact	Overall risk		Likelihood	Impact	Overall risk rating		Likelihood	Impact	Overall risk			
CR8	Organisational/Transformational Change	Effective Service Provision	<input type="checkbox"/> Restructure <input type="checkbox"/> Transformational change <input type="checkbox"/> Transferable skills <input type="checkbox"/> Reduction in funding <input type="checkbox"/> Change in personnel <input type="checkbox"/> Change in the way the council delivers services <input type="checkbox"/> Redundancy <input type="checkbox"/> Less controls in place due to limited resources	<input type="checkbox"/> Redundancy <input type="checkbox"/> Staff morale <input type="checkbox"/> Staff retention <input type="checkbox"/> Change in working practices <input type="checkbox"/> Impact on quality of service <input type="checkbox"/> Legal implications <input type="checkbox"/> HR implications <input type="checkbox"/> Reputation damage/perception <input type="checkbox"/> Financial loss <input type="checkbox"/> Possible litigation <input type="checkbox"/> Increased fraud	2	3	6	<input type="checkbox"/> Organisation review policy <input type="checkbox"/> Recruitment and selection policies and procedures <input type="checkbox"/> Union and staff consultation <input type="checkbox"/> Internal Audit <input type="checkbox"/> Staff group <input type="checkbox"/> Staff newsletters <input type="checkbox"/> Monitoring and supervision of management/1:1's <input type="checkbox"/> Training and professional qualification support Performance appraisal process	2	2	4	Workforce Strategy, Skills Matrix	1	1	1	Head of People and Performance, Head of Customer Service and Transformation	Mar-19	No change since last review

Strategic Risk Register (March 2019)

Ref	Risk Definition What is the headline risk/issue?	Corporate Priority	Root Cause: What is the root cause or problem? What could go wrong?	Consequence /effect: What could occur as a result, how much of a problem would it be?	Inherent Risk (no controls)			Existing Controls	Residual Risk (with controls)			Further management actions/controls	Target Score			Risk Owner	Review Date	Review Commentary
					Likelihood	Impact	Overall risk		Likelihood	Impact	Overall risk rating		Likelihood	Impact	Overall risk			
CR9	Economy/ Regeneration	Balanced Economic Development	<input type="checkbox"/> Further decline in the economy <input type="checkbox"/> BREXIT <input type="checkbox"/> Macro Economic triggers <input type="checkbox"/> Pooling/Unpooling of NNDR <input type="checkbox"/> Taking Control of Goods Act 2013	<input type="checkbox"/> Relocation (Business and Domestic) <input type="checkbox"/> Lack of inward investment <input type="checkbox"/> Increased demand for certain services e.g. benefits <input type="checkbox"/> Loss of value in public assets <input type="checkbox"/> Need to continually adapt/change <input type="checkbox"/> Conflicting pressures - decreased funding – increased demand <input type="checkbox"/> Spiral effect <input type="checkbox"/> Short term decision making – uncertainty <input type="checkbox"/> Increased autonomy leads to greater risk <input type="checkbox"/> Decrease in collection levels	5	4	20	<input type="checkbox"/> Medium Term Financial Strategy and scenario planning <input type="checkbox"/> Budget consultation <input type="checkbox"/> Utilisation of Treasury Management advice <input type="checkbox"/> Setting and monitoring of savings and efficiency targets <input type="checkbox"/> Debt Recovery Policy in place <input type="checkbox"/> Local Council Tax and Business Rate Retention scheme in place <input type="checkbox"/> Contract monitoring of bailiffs	4	3	12	Continue to review the opportunity to maximise funding sources including items such as Housing Companies and retail options to increase revenue.	4	2	8	Director of Finance and Transformation, Head of Planning, Development and Regeneration	Mar-19	Brexit still remains unclear, however, we have not identified any major businesses in the borough who have indicated withdrawal from the UK.

Strategic Risk Register (March 2019)

Ref	Risk Definition What is the headline risk/issue?	Corporate Priority	Root Cause: What is the root cause or problem? What could go wrong?	Consequence /effect: What could occur as a result, how much of a problem would it be?	Inherent Risk (no controls)			Existing Controls	Residual Risk (with controls)			Further management actions/controls	Target Score			Risk Owner	Review Date	Review Commentary
					Likelihood	Impact	Overall risk		Likelihood	Impact	Overall risk rating		Likelihood	Impact	Overall risk			
CR10	Increased Fraud	All priorities	<input type="checkbox"/> Dilution of internal controls due to less staff <input type="checkbox"/> Increase in unemployment <input type="checkbox"/> Reduction in benefits <input type="checkbox"/> Inflation <input type="checkbox"/> Debt <input type="checkbox"/> Opportunity <input type="checkbox"/> March 16 <input type="checkbox"/> Sub-letting of Council properties	<input type="checkbox"/> Homelessness, poverty and social deprivation <input type="checkbox"/> Financial loss <input type="checkbox"/> Resources of the authority to investigate fraud issues <input type="checkbox"/> Reputation impact <input type="checkbox"/> Litigation	3	3	9	<input type="checkbox"/> Internal and External Audit <input type="checkbox"/> Financial Regulations <input type="checkbox"/> Segregation of Duties <input type="checkbox"/> Supervision and Management <input type="checkbox"/> Investigation and disciplinary procedures <input type="checkbox"/> Litigation <input type="checkbox"/> Anti Fraud and Corruption Policy <input type="checkbox"/> Whistle blowing process <input type="checkbox"/> Tone from the top - no tolerance <input type="checkbox"/> Budgetary Control <input type="checkbox"/> Participation in National Fraud Initiative <input type="checkbox"/> Transaction review (e.g. invoices/mileage) <input type="checkbox"/> Updated Anti Fraud and Corruption Policy, NFI	2	2	4	<input type="checkbox"/> Bribery Act Risk Assessment <input type="checkbox"/> Fraud Awareness Training	1	1	1	Head of Finance, Revenue s and Benefits	Mar-19	No change since last review

Strategic Risk Register (March 2019)

Ref	Risk Definition What is the headline risk/issue?	Corporate Priority	Root Cause: What is the root cause or problem? What could go wrong?	Consequence /effect: What could occur as a result, how much of a problem would it be?	Inherent Risk (no controls)			Existing Controls	Residual Risk (with controls)			Further management actions/controls	Target Score			Risk Owner	Review Date	Review Commentary
					Likelihood	Impact	Overall risk		Likelihood	Impact	Overall risk rating		Likelihood	Impact	Overall risk			
CR11	Cyber Threat/Security. Cyber security is seen as an ICT risk and not a corporate risk that needs to be managed and monitored by senior management.	Effective Service Provision, Wellbeing for all	There is a central risk register for the Leicestershire ICT Partnership (LICTP), which is maintained by the LICTP Head of ICT, and which includes a number of cyber related risks. However, cyber security does not feature on the corporate risk register and the Senior Management Team (SMT) have not received any formal awareness on cyber risks.	<input type="checkbox"/> Financial loss <input type="checkbox"/> Resources of the authority to investigate fraud issues <input type="checkbox"/> Reputation impact <input type="checkbox"/> Litigation, Loss of data, breaches of GDPR, SMT lack of oversight	3	5	15	<input type="checkbox"/> Existing Controls in place through LICTP, Cyber Security on CRR, Staff training on Cyber Security (both personal and professional)	2	2	4	To be reported on a regular basis to SMT and regular updates to staff and members	1	1	1	Head of Customer Services and Transformation.	Mar-19	Improvements made and continue to be scheduled to our cyber security.

Agenda Item 10



Policy, Finance and Development Committee	Tuesday, 26 March 2019	Matter for Information and Decision
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Report Title: **Proposed Regulation of Investigatory Powers Act 2000 (RIPA) Policy (March 2019)**

Report Author(s): **David Gill (Head of Law & Governance / Monitoring Officer)**

Purpose of Report:	To adopt relevant and updated policies in relation to directed surveillance and covert human intelligence sources ("the proposed Policies") on the use of powers under the Regulation of Investigatory Powers Act 2000 (RIPA).
Report Summary:	The report highlights the statutory amendments to the governing legislation (which are set out at paragraph 1.2 of the report).
Recommendation(s):	A. That the contents of the report and appendices be noted; B. That the Directed Surveillance Policy (as set out at Appendix 1) be approved; and C. That the Covert Human Intelligence Sources Policy (as set out at Appendix 2) be approved.
Responsible Strategic Director, Head of Service and Officer Contact(s):	Anne Court (Chief Executive / Head of Paid Service) (0116) 257 2606 anne.court1@oadby-wigston.gov.uk David Gill (Head of Law and Governance / Monitoring Officer) (0116) 257 2626 david.gill@oadby-wigston.gov.uk
Corporate Priorities:	Effective Service Provision (CP2)
Vision and Values:	Accountability (V1)
Report Implications:-	
Legal:	The implications are as set out in the report and appendices.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	Reputation Damage (CR4) Regulatory Governance (CR6)
Equalities and Equalities Assessment (EA):	The implications are as set out in the report and appendices. EA not applicable.
Human Rights:	The implications are as set out in the report and appendices.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.

Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	As the author, the report is satisfactory.
Consultees:	None.
Background Papers:	Home Office Guidance on Covert Surveillance and Property Interference (Revised Code of Practice) (August 2018) Home Office Guidance on Covert Human Intelligence Sources (Revised Code of Practice) (August 2018)
Appendices:	<ol style="list-style-type: none"> 1. Directed Surveillance Policy (March 2019) 2. Covert Human Intelligence Sources Policy (March 2019) 3. IPCO Final Inspection Report (February 2019) 4. Sample 'Standards and Ethical Indicators Report' Template

1. Background

- 1.1 The Council has adopted a Policy for the use of powers under the Regulation of Investigatory Powers Act (RIPA) 2000 which sets out a mechanism for the internal authorisation and judicial validation of requests to undertake directed surveillance and the use of covert human intelligence sources. The Policy was last updated on 26 January 2015.

2. Information

- 2.1 This report seeks approval from Members to update and refresh that Policy so as to reflect a number of statutory amendments to the governing legislation, namely:
- 2.1.1 New Guidance issued by the Home Office in August 2018 on Covert Surveillance and Property Interference;
 - 2.1.2 New Guidance issued by the Home Office in August 2018 on the use of Covert Human Intelligence Sources; and
 - 2.1.3 The abolition of the Office of Surveillance Commissioners and its replacement by the Investigatory Powers Commissioner's Office (IPCO) in 2017 with associated amendments to the process of review.
- 2.2 The proposed Policies are attached to this report at **Appendix 1** and **Appendix 2**.

3. Recent IPCO Inspection

- 3.1 Members are also asked to note that the IPCO undertook a desktop-based documentary inspection between 2 and 12 February 2019. That inspection highlighted a number of issues with the proposed Policies as drafted, which have now been addressed within the bodies of the Policies. A copy of the IPCO's Final Inspection Report is attached at **Appendix 3**.

4. Other Matters

- 4.1 In addition, the IPCO noted that there was a lack of Member involvement in reviewing and setting the RIPA Policy. That will be addressed by Officers by the introduction of a quarterly 'Standards and Ethic Ethical Indicators Report' which will be presented to the Policy, Finance and Development Committee as part of the normal reporting cycle. A copy of a sample report template to be used for this report is attached at **Appendix 4**.

OADBY & WIGSTON BOROUGH COUNCIL

POLICY AND PROCEDURES DOCUMENT

ON

DIRECTED SURVEILLANCE

(THE REGULATION OF INVESTIGATORY POWERS ACT
2000 (RIPA))

Committee approval	Policy Finance and Development Committee 26 March 2019
Author	DM Gill
EIA	
Policy Version Number	2
Date of Policy Review	March 2020



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1. BACKGROUND

The Regulation of Investigatory Powers Act 2000 (RIPA), which came into force on 25 September 2000, was enacted in order to regulate the use of a range of investigative powers by a variety of public authorities. It gives a statutory framework for the authorisation and conduct of certain types of covert surveillance operation. Its aim is to provide a balance between preserving people's right to privacy and enabling enforcement agencies to gather evidence for effective enforcement action.

It is consistent with the Human Rights Act 1998 and creates a system of safeguards, reflecting the requirements of Article 8 of the European Convention on Human Rights (right to respect for a person's private and family life, home and correspondence). Compliance with RIPA means that any conduct authorised under it is "lawful for all purposes". This important protection derives from section 27(1) of RIPA, which gives the authorised person an entitlement to engage in the conduct which has been authorised and will protect the Council from challenges to both the gathering of, and the subsequent use of, covertly obtained information enabling it to show that it has acted lawfully.

Non-compliance may result in:

- (a) evidence being disallowed by the courts;
- (b) a complaint to the Investigatory Powers Tribunal;
- (c) a complaint of maladministration to the Ombudsman; or
- (d0) the Council being ordered to pay compensation

It is essential therefore that the Council's policies and procedures, as set out in this document, are followed. A flowchart of the procedures to be followed appears at Appendix 1.

2. OVERVIEW OF POLICY

Authorisation must be applied for in the manner provided in section 5 of this policy. Applications for directed covert surveillance are made to Authorising Officers.

All Officers making applications and Authorising Officers should be aware of and familiar with the Home Office Covert Surveillance and Property Interference Revised Code of Practice (August 2018) or any code of practice issued in replacement of this code of practice.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/742041/201800802_CSPI_code.pdf

Authorising Officers are obliged to consider all applications they receive in accordance with sections 6 and 8 of this policy. An authorisation can only be granted where the surveillance activity is necessary for the detection or prevention of crime or for preventing disorder arising from crime, meets the Directed Surveillance Crime Threshold and the Authorising Officer considers that covert surveillance is a proportionate way for the Council to obtain the desired information.

Any authorisation granted by the Authorising Officer must then be approved by a Justice of the Peace (JP) before it can be implemented. This process is set out at Section 10.

Section 11 of this policy covers the arrangements for working with or through other agencies for surveillance purposes.

Section 12 of this policy sets out the requirements for records management. This includes both departmental records and the central record which is maintained by the RIPA Co-ordinating Officer.

All officers considering seeking a RIPA authorisation **must seek advice** from the Head of Law and Governance at the earliest opportunity and in any event before an application is submitted for authorisation.

3. OVERSIGHT OF THE POLICY

The Senior Responsible Officer is responsible for the integrity of the process within Oadby and Wigston Borough Council to authorise directed surveillance, compliance with Part II of the 2000 Act, Part III of the 1997 Act and with the Code of Practice, engagement with the Commissioners and Inspectors when they conduct their inspections and where necessary, overseeing the implementation of any post inspection action plans recommended or approved by a Commissioner.

The Senior Responsible Officer shall also be responsible for ensuring that all Authorising Officers are of an appropriate standard in light of any recommendations in the inspection reports prepared by the Investigatory Powers Commissioner's Office. Where an inspection report highlights concerns about the standard of authorising officers, the Senior Responsible Officer will be responsible for ensuring the concerns are addressed.

The RIPA Co-ordinating Officer is responsible for the day to day oversight of applications and for the maintenance of the central record. The RIPA Co-ordinating Officer shall report to the Senior Responsible Officer any failings, training needs or improvements to the system.

Policy, Finance and Development Committee are responsible for ensuring that RIPA is being used consistently with this policy and that the policy remains fit for purpose. The Senior Responsible Officer will provide a report on Oadby and Wigston Borough Council's use of RIPA to the Policy, Finance and Development Committee on a quarterly basis. A summary of this report shall be made available to all members of the Council. Annually, the report shall include a review of the effectiveness of this policy and any recommendation for changes to be made. Any significant amendments to the policy shall be referred to the Policy, Finance and Development Committee for approval.

For the avoidance of doubt the Policy, Finance and Development Committee are not to be involved in making decisions on specific authorisations.

4. DEFINITIONS

Authorising Officers

Authorising Officers are senior officers of the Council who have received training in the application of RIPA. Only Authorising Officers have power to authorise directed surveillance. Authorising Officers are listed at Appendix 2.

The Policy, Finance and Development Committee

This is the body defined in the Council's Constitution at Part 3 - Responsibility for Functions -

Committee Structure.

Code of Practice

Home Office Covert Surveillance and Property Interference Revised Code of Practice (August 2018) or any code of practice issued in replacement of this code

Collateral Intrusion

Collateral intrusion is intrusion into the privacy of persons other than those who are the directly intended subjects of the investigation or operation.

Confidential Information

Confidential information consists of matters subject to legal privilege, communications between a Member of Parliament and another person on constituency matters, confidential personal information or confidential journalistic material.

Confidential personal information is information held in confidence relating to the physical or mental health or spiritual counselling concerning an individual (whether living or dead) who can be identified from it. Such information, which can include both oral and written communications, is held in confidence if it is held subject to an express or implied undertaking to hold it in confidence or it is subject to a restriction on disclosure or an obligation of confidentiality contained in existing legislation. Examples might include consultations between a health professional and a patient, or information from a patient's medical records.

Directed Surveillance

Directed Surveillance is surveillance which: -

- is covert;
- is not intrusive surveillance;
- is undertaken for the purpose of a specific investigation or operation;
- is undertaken in such a manner that it is likely that private information about an individual is obtained (whether or not that person is specifically targeted for the purposes of the investigation or operation); and
- is not carried out by way of an immediate response to events, which would make seeking authorisation under the Act reasonably impracticable.

Directed Surveillance crime threshold

The crime threshold applies only to the authorisation of directed surveillance by local authorities under RIPA, not to the authorisation of local authority use of CHIS or their acquisition of Communications Data.

Local authorities can only authorise use of directed surveillance under RIPA to prevent or detect criminal offences or disorder associated with criminal that are either:

- punishable, whether on summary conviction or on indictment, by a maximum term of at least 6 months' imprisonment; or,
- relate to the underage sale of alcohol and tobacco.

Intrusive Surveillance

This is when surveillance: -

- is covert;
- relates to anything taking place on any residential premises or in any private vehicle; and
- involves the presence of a person **on** the premises or **in** the vehicle or is carried out by means of a surveillance device in the premises/vehicle. Surveillance equipment mounted outside the premises/vehicle will not be intrusive unless the device is such that it consistently provides information of the same quality and detail as might be expected to be obtained from a device actually present on the premises or in the vehicle.

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

Online Covert Activity

This is when internet is used to gather information from social media platforms and networks, such as Facebook and Twitter, during an operation. Depending on the level and frequency of viewings this may amount to directed surveillance as a result of the enthusiastic but misguided use of social media in pursuing allegations or seeking intelligence.

Where officers use social media networks they must have regard to the Home Office guidance set out below which advises that where there is an intention to use the internet as part of an investigation and private information is likely to be obtained, consideration should be given for the need of an authorisation at the outset of the investigation and that:

- Officers must not create a false identity in order to 'befriend' or follow individuals on social networks without an authorisation under RIPA.
- Officers viewing an individual's public profile on a social network should do so only to the minimum degree necessary and proportionate in order to obtain evidence to support or refute the suspicions or allegations under investigation
- The general rule of thumb is that the researching of open source material generally would not require an authorisation, however the repeated viewing of open profiles on social networks to gather evidence or to monitor an individual's status, will require an authorisation and must only take place once a RIPA authorisation has been granted and approved by a Magistrate
- Officers should not ask family, friends, colleagues or any other third party to gain access on their behalf or otherwise use the Social Media Accounts of such people to gain access
- Officers should be aware that it may not be possible to verify the accuracy of information on social networks and, if such information is to be used as evidence, take reasonable steps to ensure its validity.

Further, where an investigator may need to communicate covertly online, for example, contacting individuals using social media websites, a CHIS authorisation should be considered.

Judicial Approval

Local authority authorisations and notices under RIPA can only be given effect once an order approving the authorisation or notice has been granted by a JP.

Private Information

Private information in relation to a person includes any information relating to his/her private and family life, home and correspondence. Prolonged surveillance targeted on a single person will undoubtedly result in the obtaining of private information about that person and possibly others with whom he/she associates.

It is also likely that surveillance of a person's commercial or business activities will reveal information about his or her private life and the private lives of others. Authorisation may, therefore, be required where surveillance is focusing on business or commercial activities.

Property Interference and Incidental Property Interference

Entry on, or interference with, property or with wireless telegraphy are only available to the Police and Intelligence services. They are not something that the Council can authorise.

However, it may be that an act of property interference (for example, trespass when deploying covert camera equipment) has to be considered when undertaking authorised Directed Surveillance. RIPA provides that a Public Authority shall not be subject to any civil liability in respect of any such conduct which is incidental to correctly authorised directed surveillance activity and for which an authorisation is not available

In such circumstances the Head of Law and Governance should be contacted to advise on Corporate risk and liability.

RIPA Co-ordinating Officer (RCO)

The Head of Law and Governance is the RCO and is responsible for the day to day oversight of applications, the maintenance of the Register and the reporting to the Senior Responsible Officer of any failings, training needs or improvements to the system.

Senior Responsible Officer

The Head of Paid Service (Chief Executive)

Surveillance

'Surveillance' includes

- monitoring, observing, listening to persons, watching or following their

movements, listening to their conversations and other such activities or communications.

- recording anything mentioned above in the course of authorised surveillance.
- Surveillance, by or with, the assistance of appropriate surveillance device(s).

Surveillance can be overt or covert.

Overt Surveillance

Surveillance will be overt if the act of surveillance is not calculated to be hidden from view, even if the motives of the person undertaking the surveillance remain concealed.

Covert Surveillance

Surveillance will be covert if it is carried out in a manner calculated to ensure that the person subject to the surveillance is unaware of it taking place.

5. THE AUTHORISATION AND APPROVAL PROCEDURE

Before undertaking a surveillance activity, written authorisation from the appropriate Authorising Officer must be obtained along with Judicial approval of the authorisation.

Exceptionally out of hours Judicial approval may be necessary.

If the authorisation is urgent and cannot wait to be handled the next working day then it may be necessary to:

- Make arrangements with the relevant HMCTS out of hour's legal staff. You will be asked about the basic facts and urgency of the authorisation.
- If the police are involved in the investigation you will need to address why they cannot make a RIPA authorisation.
- If urgency is agreed, then arrangements will be made for a suitable Justice of The Peace to consider the application. You will be told where to attend and give evidence.
- Attend the hearing as directed with two copies of both the counter-signed RIPA authorisation form or notice and the accompanying judicial application/order form.
- If the application is approved the Officer should provide the court with a copy of the signed judicial application/order form the next working day.

Applying for renewal

An officer who has received an authorisation is responsible for renewing that authorisation if the activity for which authorisation was given is expected to continue beyond the duration of the authorisation. Renewal applications should be made and judicial approval of the renewal should be sought before the initial authorisation expires. If necessary a renewal can be granted more than once.

Cancelling an authorisation

The officer responsible for undertaking the authorised surveillance must apply to have that authorisation cancelled when the investigation or operation for which authorisation was given has ended, the authorised surveillance activity has been completed, or the information sought is no longer necessary. If, during the currency of an authorisation, the Authorising Officer is satisfied that the authorisation is no longer necessary, he must cancel it. It is a statutory requirement that authorisations are cancelled as soon as they are no longer required.

No authorisation can be left to expire. All authorisations must either be renewed, if the surveillance is expected to continue beyond the duration of the authorisation, or cancelled, if the surveillance ends before the expiry date. Authorising Officers must ensure compliance with the appropriate data protection requirements and any relevant codes of practice produced by Oadby and Wigston Borough Council relating to the handling, storage and destruction of material obtained.

6. THE ROLE OF THE AUTHORISING OFFICER

Considering and granting authorisations

Authorising Officers are responsible for receiving, considering and, where appropriate, granting applications for authorisation. Authorising Officers should follow the steps set out in section 8 below when considering applications for authorisation.

An Authorising Officer is not empowered to consider an application for access to communications data. Where such an application is received by an Authorising Officer, it must be referred to the SPOC listed in Appendix 3 and the applicant must be informed.

An Authorising Officer is empowered to renew authorisations and to cancel authorisations. Authorising Officers should also review all authorisations he or she has granted from time to time.

An Authorising Officer cannot delegate their power to authorise surveillance under RIPA to anyone else.

Duration

An Authorising Officer will grant a standard written authorisation for directed surveillance for three months. The period will take effect from the date of Judicial approval. Those conducting surveillance have a statutory obligation to cancel the authorisation as soon as the need for it no longer exists (see “cancelling an authorisation” in section 5 post).

Periodic review

An Authorising Officer should conduct regular reviews of authorisations granted in order to assess the need for the authorised activity to continue. The Authorising Officer shall determine how often a review should take place with a minimum requirement that such reviews take place on a monthly basis. Authorisations should be reviewed frequently where a high level of collateral intrusion is likely (i.e. relating to other people who are not targets but who may be affected by the operation) or provides access to confidential information.

A review necessarily involves consultation with the persons involved in the surveillance activity. The Applicant must give sufficient information about the product of the surveillance for the Authorising Officer to be satisfied that the authorised activity should continue.

An Authorising Officer must cancel the authorisation if, as the result of a review, he or she is of the opinion that the grounds for granting the authorisation no longer apply and must comply with data protection requirements and Oadby and Wigston Borough Council's codes of practice.

The results of all reviews must be recorded in the central record of authorisation.

Granting a renewal

Renewal applications should be made by the Officer who applied for the initial authorisation.

When receiving a renewal application, the Authorising Officer must consider the matter afresh, including taking into account the benefits of the surveillance to date and any collateral intrusion that has occurred. The Authorising Officer must be satisfied that it is necessary and proportionate for the authorisation to continue and that the Crime threshold is still being met. The authorisation for renewal must then be approved by a JP for it to take effect.

An authorisation may be renewed and approved before the initial authorisation ceases to have effect but the renewal takes effect from the time at which the authorisation would have expired. If necessary a renewal can be granted more than once.

Cancelling an authorisation

The Authorising Officer who granted or last renewed the authorisation must cancel the authorisation if the grounds for granting the authorisation no longer apply or if the authorisation is no longer necessary or proportionate. For instance, the authorisation should be cancelled if the aims have been met or if the risks have changed.

An authorisation can be cancelled on the initiative of the Authorising Officer following a periodic review, or after receiving an application for cancellation from the Officer responsible for the surveillance activity.

7. APPLICATIONS FOR AUTHORISATIONS

When completing an application for a warrant or authorisation, the case for authorisation must be presented in the application in a fair and balanced way. In particular, all reasonable efforts should be made to take into account information which weakens the case for the authorisation.

Applications for authorisation to undertake directed surveillance must be made on the official form and sent to the relevant Authorising Officer listed in Appendix 2.

Official standard application forms can be obtained from:

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

Review

Reviews of authorisations for directed surveillance must be completed on the standard form also available from the above web-site.

Renewal

An Officer who has received an authorisation is responsible for renewing that authorisation if the activity for which authorisation was given is expected to continue beyond the duration of the authorisation. Renewal applications should be made before the initial authorisation expires, leaving sufficient time for the authorisation for renewal to be approved by a JP (see section 9 of this policy).

An application for renewal of an authorisation for directed surveillance must be made on the standard form also available from the above web-site.

The renewal application must be made to the Authorising Officer who granted the initial authorisation.

Cancellation

The Officer responsible for undertaking the authorised surveillance must apply to have that authorisation cancelled when the investigation or operation for which authorisation was given has ended, the authorised surveillance activity has been completed, or the information sought is no longer necessary. If, during the currency of an authorisation, the Authorising Officer is satisfied that the authorisation is no longer necessary, he must cancel it. It is a statutory requirement that authorisations are cancelled as soon as they are no longer required.

An application for cancellation of an authorisation must be made on the standard form also available from the above web-site.

All cancellation decisions made by an Authorising Officer with regard to directed covert surveillance must also be recorded on the standard form.

8. CONSIDERING APPLICATIONS FOR DIRECTED SURVEILLANCE

This part of the policy lists the factors which Authorising Officers should consider upon receiving an application for an authorisation for directed surveillance.

Step 1: Does the offence being investigated meet the ‘Directed surveillance crime threshold?’

An Authorising Officer must be satisfied that the crime or offence that is being investigated meets the Crime threshold. The crime or offence must be one that:

- attracts a maximum custodial sentence of six months or more; or,
- relates to the underage sale of tobacco and alcohol

If the crime or offence being investigated does not meet the threshold then an application for an authorisation for directed surveillance should not be made.

Step 2: Is authorisation needed for this activity?

An Authorising Officer must consider whether an authorisation is actually required. To require authorisation, the activity to which the application relates must be covert and must involve the obtaining of private information on an individual through directed surveillance.

An Authorising Officer should interpret the definitions broadly when determining whether an activity is covert or if private information will be obtained. When in doubt, the authorisation procedure must always be followed.

At no time can an Authorising Officer authorise any intrusive surveillance.

Step 3: Is the activity necessary and if so, why?

An Authorising Officer can only authorise an activity where s/he believes that the authorisation is necessary in the circumstances of the particular case for the purpose of preventing or detecting crime.

The Authorising Officer must be satisfied that there are no other reasonable means of carrying out the investigation, or obtaining the desired information, without undertaking the activity for which authorisation is sought, other overt means having been considered and discounted.

Authorisation should not be granted if the information sought can be obtained by other means without undertaking an activity which falls under the requirements of RIPA. Authorisation cannot be granted if it is for any purpose other than the prevention or detection of crime or for the prevention of disorder arising from crime.

Step 4: Is it proportionate?

If the activity is necessary, the Authorising Officer must also believe that the activity is proportionate. In deciding whether the proposed surveillance is proportionate they should consider:

- (i) Is the proposed covert surveillance proportional to the mischief under investigation?
- (ii) Is it proportionate to the degree of anticipated intrusion on the target and others?
- (iii) Is it the only option, other overt means having been considered and discounted?

Such considerations involve balancing the intrusiveness of the activity on the target and others, against the need for the activity in operational terms. The activity will not be proportionate if it is excessive in the particular circumstances or if the information sought could reasonably be obtained by less intrusive means. Any activity must be carefully managed to meet the objective in question and must not be arbitrary or unfair.

The following should therefore be considered in determining whether the activity for which authorisation is sought is proportionate:

- The reasons given by the applicant as to why that activity is sufficient and adequate for obtaining the information sought;
- Whether there are any other reasonable means of obtaining the information sought;
- Whether the surveillance is an essential part of the investigation;
- The type and quality of the information the activity will produce and its likely value to the investigation;
- The amount of intrusion, other than collateral intrusion, the activity will cause and whether there are ways to minimise that intrusion; and

The Authorising Officer should only authorise the activity that is the least intrusive in the circumstances. Any unnecessary intrusion, including collateral intrusion, must be minimised as much as practically possible. **The least intrusive method will be considered proportionate by the courts.**

Confidential Information

The Authorising Officer must take into account the likelihood of confidential information being acquired. Confidential information consists of matters subject to legal privilege, communications between a Member of Parliament and another person on constituency matters, confidential personal information or confidential journalistic material.

Where confidential information is likely to be acquired, authorisation should only be given in exceptional and compelling circumstances with full regard to the proportionality issues this raises. In these circumstances, the Authorising Officer must be the Head of Paid Service (Chief Executive).

Risk of Collateral Intrusion

The Authorising Officer should take into account the risk of obtaining private information about persons who are not subjects of the investigation (collateral intrusion) before authorising applications for directed surveillance. The officer requesting authorisation should describe the activity in sufficient detail to include not only named individuals but also any others who may be at risk of collateral intrusion.

Wherever practicable, measures should be taken to avoid or minimise unnecessary intrusion into the privacy of those who are not the intended subjects of the surveillance. Where such collateral intrusion cannot be avoided, the activities may still be authorised as long as the intrusion is considered proportionate to what is sought to be achieved. The same proportionality tests apply to the likelihood of collateral intrusion as to intrusion into the privacy of the intended subject of the surveillance.

The Authorising Officer must balance the intrusiveness of the activity on the target and others who might be affected by it against the need for the activity in operational terms. The Authorising Officer should discuss the proposed activity, and any proposed changes, with the applicant prior to issuing the authorisation.

It is therefore imperative that all applications include a risk assessment in respect of the likelihood of collateral intrusion and details of any measures taken to limit it. This will enable the Authorising Officer to consider fully the proportionality of the proposed actions.

To comply with the ruling in the case of *R v Sutherland*, the Authorising Officer must also fully understand the capabilities and sensitivity levels of technical equipment intended to be used, and where and how it is to be deployed. The Authorising Officer should clearly set out what activity and what surveillance equipment is authorised in order that those conducting the surveillance are clear on what has been sanctioned.

9. THE ROLE OF THE JUSTICE OF THE PEACE

Approval of initial authorisations

Where an Authorising Officer has considered and authorised an application to use directed surveillance, that authorisation must be approved by a JP before the authorisation can take effect.

Applications to the JP should be made following the procedure in section 10 of this policy.

Where an authorisation is approved by the JP that authorisation takes effect from date on which the JP granted his or her approval.

Renewals

Where an Authorising Officer has considered and authorised the renewal of an existing authorisation to use directed surveillance, that renewal must also be approved by a JP before the initial authorisation expires. The renewal will then take effect on the date the initial authorisation expires.

Cancellations and reviews

The JP does not play a role in the cancellation or review of authorisations.

10. APPLICATIONS FOR APPROVAL BY THE JUSTICE OF THE PEACE

A link to the Home Office Guidance on the full Judicial Approval Process can be found at Appendix 4. The process is as follows:

Once the Authorising Officer has approved the application, the officer requesting authorisation should contact the Listings Office at Leicester Magistrates Court to arrange a hearing.

The Authorising Officer should where practicable attend the court along with the requesting officer. Once at court, the officers should provide the JP with a copy of the original RIPA authorisation form and any supporting documents setting out the case. This forms the basis of the application and should contain all the information the officers wish to rely upon.

The JP should ensure that sufficient privacy is given to the hearing commensurate with the covert nature of the investigation (i.e. no press, public, subject or legal representative present or court staff apart from Legal Adviser). The JP will consider the papers presented and will ask any additional questions of either officer in order to conclude whether an order to approve the grant of a RIPA authorisation should be made. It is for the papers to make the case and the JP cannot rely solely on oral evidence if this is not reflected or supported by the papers.

In deciding whether or not to approve the authorisation the JP must be satisfied that:

- there are reasonable grounds to believe that the authorisation is necessary and proportionate and there remain reasonable grounds for believing that these requirements are satisfied at the time when the JP is considering the matter
- that the application has been authorised by an Authorising Officer

The original RIPA authorisation should be shown to the JP if requested but will ultimately be retained by the RIPA co-ordinating Officer for the Council's records.

The officer attending the hearing should also provide the JP with an unsigned completed judicial application/order form

The order form section of this form will be completed by the JP and will be the official record of the JP's decision. This form should be retained and provided to the RIPA co-ordinating Officer for the Council's Central Record.

11. WORKING WITH/THROUGH OTHER AGENCIES

Where Council officers undertake an investigation/operation under RIPA jointly with another public authority, it is the responsibility of the tasking authority to obtain the authorisation. For example, if the Council was asked by the police to assist in a covert surveillance operation, the police should obtain the authorisation, which would then cover the Council. In such a case, Council officers must request written confirmation from the other public authority that an authorisation is in place before taking part in any joint operation and ensure that copies of the authorisation and judicial approval relied upon are obtained from the tasking authority.

Likewise, Council officers must ensure that they have authorisation to cover other public authorities where the Council has initiated a joint operation and be prepared to provide a copy of the authorisation where appropriate.

When an agency is instructed on behalf of the Council to undertake any action under RIPA, the Council instructing officer must obtain authorisation for the action to be undertaken and keep the agent informed of the various requirements. It is essential that the agent is given explicit instructions on what they are authorised to do.

12. RECORDS MANAGEMENT

The Council must keep a detailed record of all authorisations, Judicial approvals, reviews, renewals, cancellations and rejections in the relevant services. A central record of all authorisation forms, whether authorised or rejected, will be maintained and monitored by the RIPA Co-ordinating Officer.

All Authorising Officers must send all **original** applications for authorisation to the RIPA Co-ordinating Officer. Each document will be given a unique reference number, the original will be placed on the Central Record and a copy will be returned to the applicant.

Copies of all other forms used and the original Judicial approval form must be sent to the RIPA Co-ordinating Officer bearing the reference number previously given to the application to which it refers.

Service Records

Each service must keep a written record of all authorisations issued to it, and any Judicial approval granted, to include the following:

- A copy of the application and a copy of the authorisation, together with any supplementary documentation and notification of the approval given by the Authorising Officer;
- A record of the period over which the surveillance has taken place;
- The frequency of reviews prescribed by the Authorising Officer;
- A record of the result of each review;

- A copy of any renewal of an authorisation and any supporting documentation submitted when the renewal was requested;
- The date and time when any instruction was given by the Authorising Officer, including cancellation of such authorisation.
- A copy of the order approving or otherwise the grant or renewal of an authorisation from a JP.

Central Record Maintained by the RIPA Co-ordinating Officer

A central record of all authorisation forms, whether authorised or rejected, is kept by the RIPA Co-ordinating Officer. The central record must be readily available for inspection on request by the Investigatory Powers Commissioner's Office.

The central record must be updated whenever an authorisation is granted, reviewed, renewed or cancelled. Records will be retained for a period of 6 years from the date on which the relevant criminal or civil proceedings file is closed for archive, or for such other period as determined by the internal procedures relating to the retention of the criminal or civil proceedings file.

The central record must contain the following information:

- The type of authorisation;
- The date on which the authorisation was given;
- Name/rank of the Authorising Officer;
- Details of attendances at the Magistrates Court to include date of attendances at court, the determining magistrate, the decision of the court and the time and date of that decision;
- The unique reference number (URN) of the investigation/operation. This will be issued by the Head of Law and Governance when a new application is entered in the Central Record. The applicant will be informed accordingly and should use the same URN when requesting a renewal or cancellation;
- The title of the investigation/operation, including a brief description and names of the subjects, if known;
- If the authorisation was renewed, when it was renewed and who authorised the renewal, including the name and rank/grade of the Authorising Officer;
- Whether the investigation/operation is likely to result in the obtaining of confidential information;
- In the case of a self-authorisation by the Authorising Officer, a statement in writing that he/she expressly authorised the action
- If the authorisation was reviewed, when it was reviewed and who authorised the review, including the name and rank/grade of the Authorising Officer
- The date and time that the authorisation was cancelled.

It also contains a comments section enabling oversight remarks to be included for analytical purposes.

The appointment of the Head of Law and Governance as the RIPA Co-Ordinator ensures that there is an awareness of the investigations taking place. This would also serve to highlight any unauthorised covert surveillance being conducted.

Retention and Destruction of Material

Departments must ensure that arrangements are in place for the handling, storage and destruction of material obtained through the use of covert surveillance. Confidential material must be destroyed as soon as it is no longer necessary. It must not be retained or copied unless it is necessary for a specified purpose. Where there is doubt, advice must be sought from the Head of Law and Governance or the Senior Responsible Officer.

Complaints procedure

The council will maintain the standards set out in this guidance and the Codes of Practice (See Appendix D). The Investigatory Powers Commissioner's Office (IPCO) has responsibility for monitoring and reviewing the way the council exercises the powers and duties conferred by RIPA and where errors occur they shall be reported to the IPCO.

Contravention of the Data Protection Act 2018 and the General Data Protection Regulation may be reported to the Information Commissioner. Before making such a reference, a complaint concerning a breach of this guidance should be made using the council's own internal complaints procedure.

To request a complaints form, please contact the Monitoring Officer, Bushloe House, Station Road, Wigston Leicester, LE18 2RD.

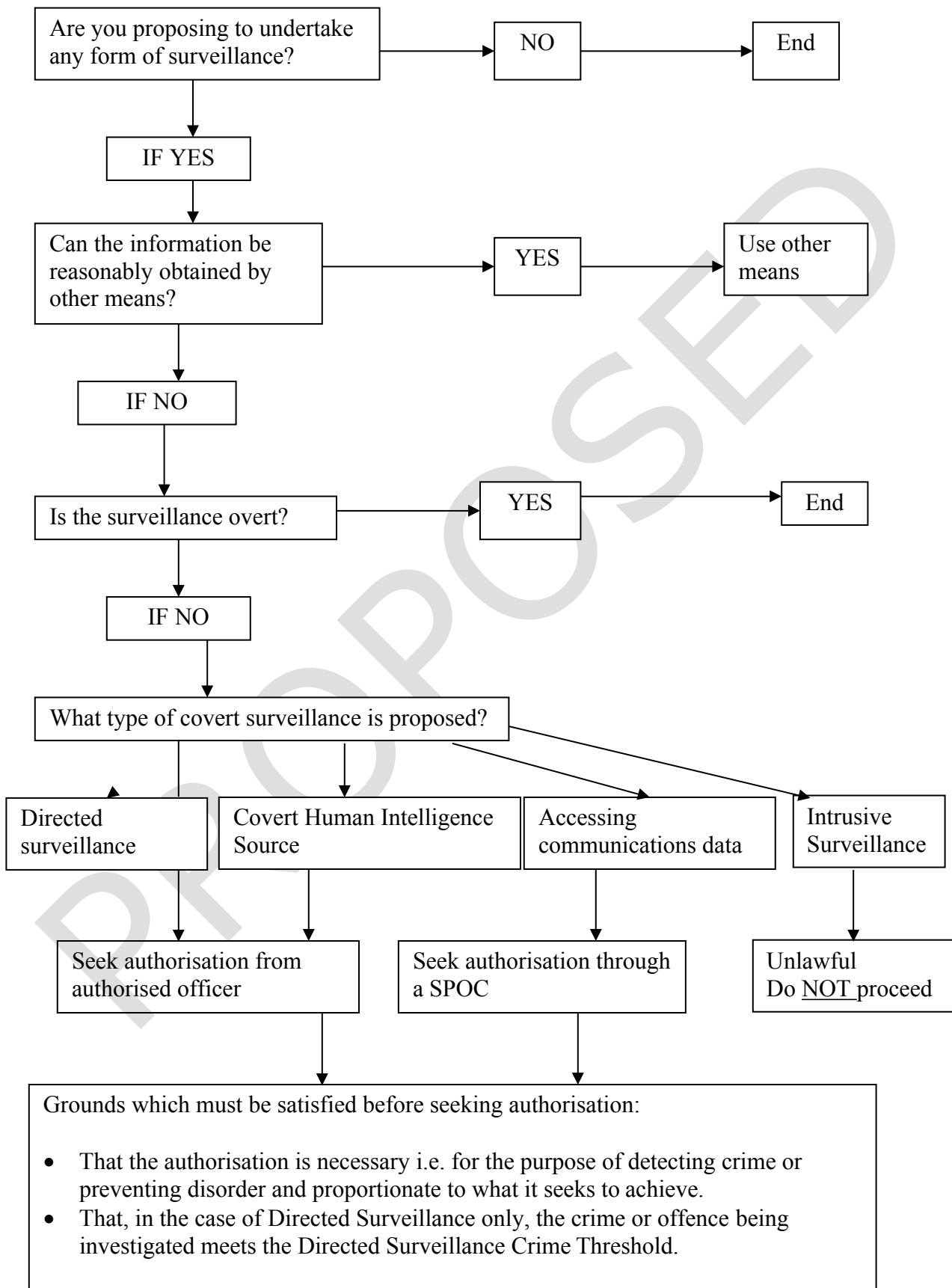
The 2000 Act also established an Independent Tribunal which investigates complaints about how RIPA is used. That Tribunal is made up of senior members of the judiciary and the legal profession and is independent of the government. The Tribunal has full powers to investigate and decide any complaint within its jurisdiction.

Details of the relevant complaints procedure can be obtained from the following address:

Investigatory Powers Tribunal, PO BOX 33220, London SWLH 9ZQ
Telephone 020 7035 3711

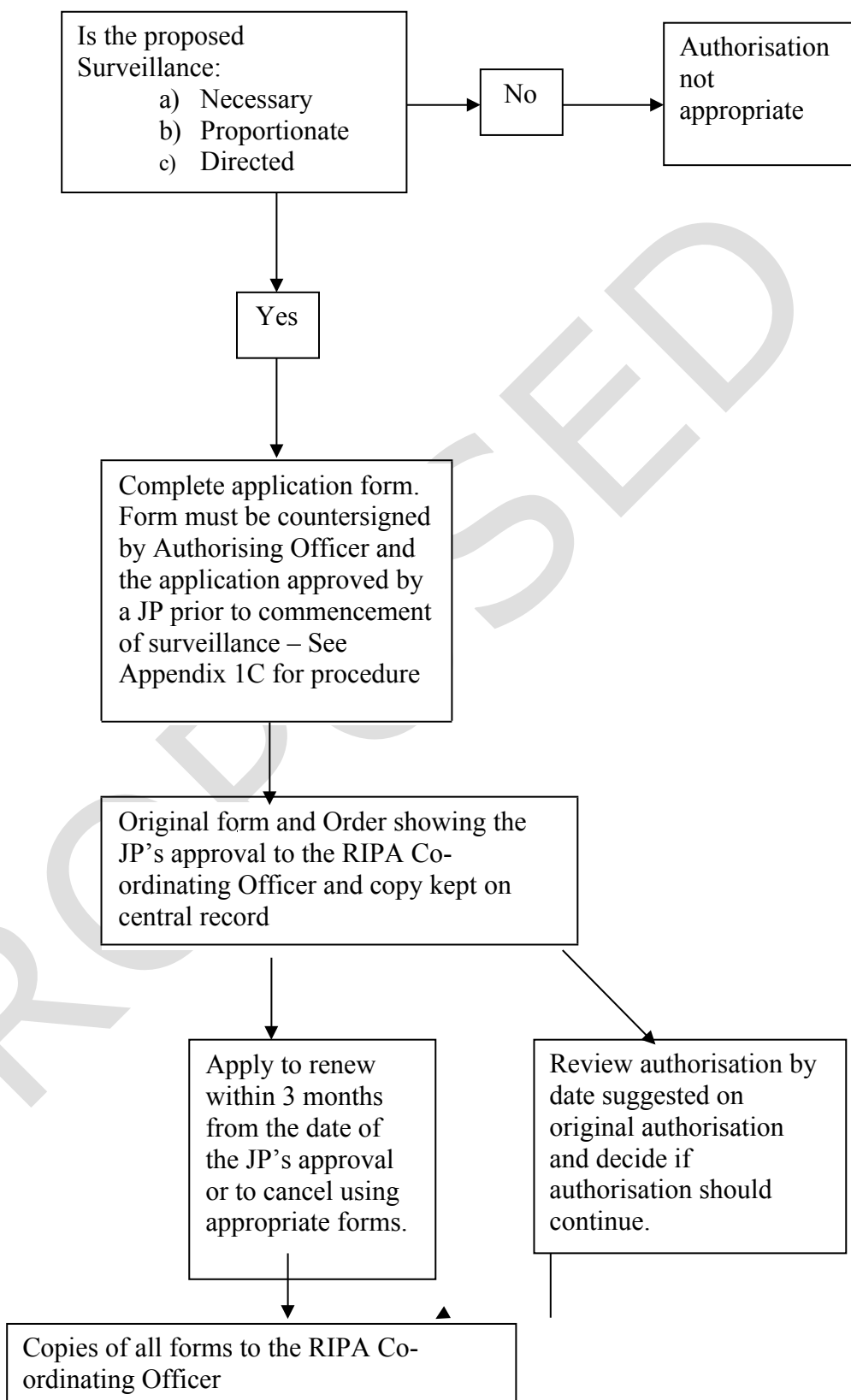
APPENDIX 1A

Do you need a RIPA authorisation?



APPENDIX 1B

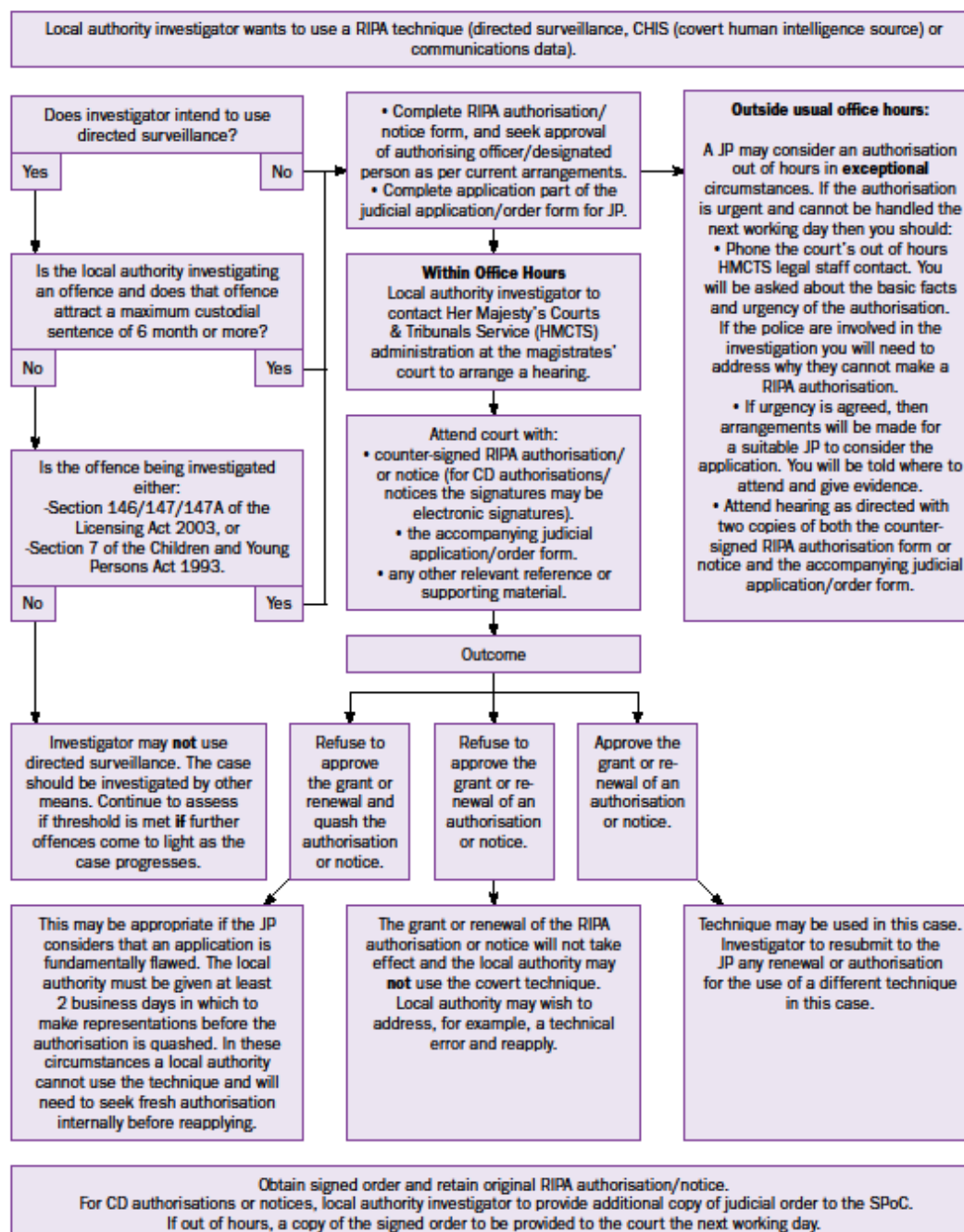
RIPA Authorisation and Approval Process for Directed Surveillance



APPENDIX 1C

ANNEX A - Extract from Home Office guidance to local authorities in England and Wales on the judicial approval process for RIPA and the crime threshold for directed surveillance.

LOCAL AUTHORITY PROCEDURE: APPLICATION TO A JUSTICE OF THE PEACE SEEKING AN ORDER TO APPROVE THE GRANT OF A RIPA AUTHORISATION OR NOTICE



APPENDIX 2

List of Authorising Officers

1. **For standard authorisations:**

Where it is not likely that confidential information will be acquired

- Chief Executive
- Director of Finance & Transformation
- Head of Law and Governance

2. **For authorisations where it is likely that confidential information will be acquired or where using a CHIS who is a juvenile (under 16) or a vulnerable individual**

- The Head of Paid Service (Ch. Executive)

In their absence:

- The Director of Finance and Business Transformation

APPENDIX 3

List of Designated Persons

Designated Persons consider applications for access to communications data.

The Council's Designated Persons are as follows:

- Chief Executive
- Director of Finance & Transformation
- Head of Law and Governance

List of SPOCs

SPOCs receive and manage applications for access to communications data as well as liaising with communications service providers for the provision of that information.

The Council's SPOC is as follows:

- The National Anti-Fraud Network

APPENDIX 4

<https://www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice>

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

PROPOSED

OADBY & WIGSTON BOROUGH COUNCIL

CORPORATE POLICY AND PROCEDURES DOCUMENT

ON

COVERT HUMAN INTELLIGENCE SOURCES

(THE REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA))

ADVISORY NOTE - IF A COVERT HUMAN INTELLIGENCE SOURCE (CHIS) IS BEING CONSIDERED URGENT ADVICE SHOULD BE SOUGHT FROM THE HEAD OF LAW AND GOVERNANCE OR THE SENIOR RESPONSIBLE OFFICER (CHIEF EXECUTIVE) BEFORE ENGAGEMENT TAKES PLACE.

Committee approval	Policy Finance and Development Committee 26 March 2019
Author	DM Gill
EIA	
Policy Version Number	2.
Date of Policy Review	March 2020



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1. BACKGROUND

The Regulation of Investigatory Powers Act 2000 (RIPA), which came into force on 25 September 2000, was enacted in order to regulate the use of a range of investigative powers by a variety of public authorities. It gives a statutory framework for the authorisation and conduct of certain types of covert intelligence operations. Its aim is to provide a balance between preserving people's right to privacy and enabling enforcement agencies to gather evidence for effective enforcement action.

It is consistent with the Human Rights Act 1998 and creates a system of safeguards, reflecting the requirements of Article 8 of the European Convention on Human Rights (right to respect for a person's private and family life, home and correspondence). Compliance with RIPA means that any conduct authorised under it is "lawful for all purposes". This important protection derives from section 27(1) of RIPA, which gives the authorised person an entitlement to engage in the conduct which has been authorised and will protect the Council from challenges to both the gathering of, and the subsequent use of, covertly obtained information enabling it to show that it has acted lawfully.

Non-compliance may result in:

- (a) evidence being disallowed by the courts;
- (b) a complaint to the Investigatory Powers Tribunal;
- (c) a complaint of maladministration to the Ombudsman; or
- (d) the Council being ordered to pay compensation.

It is essential therefore that the Council's policies and procedures, as set out in this document, are followed. A flowchart of the procedures to be followed appears at Appendix 1.

2. OVERVIEW OF POLICY

Authorisation must be applied for in the manner provided in section 7 of this policy. Applications are made to Authorising Officers.

All Officers making applications and Authorising Officers should be aware of and familiar with the Home Office Covert Human Intelligence Sources Revised Code of Practice (August 2018) or any code of practice issued in replacement of this code of practice.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/742042/20180802_CHIS_code_.pdf

Authorising Officers are obliged to consider all applications they receive in accordance with sections 6 and 8 of this policy. An authorisation can only be granted where the operational activity is necessary for the detection or prevention of crime or for preventing disorder where this involves a criminal offence(s) punishable (whether on summary conviction or indictment) by a maximum term of at least 6 months' imprisonment, and the Authorising Officer considers that covert operational activity is a proportionate way for the Council to obtain the desired information.

Any authorisation granted by the Authorising Officer must then be approved by a Justice of the Peace before it can be implemented. This process is set out at Section 10.

Section 11 of this policy sets out the requirements for records management. This includes both departmental records and the central record which is maintained by the RIPA Co-ordinating Officer.

3. OVERSIGHT OF THE POLICY

The Senior Responsible Officer is responsible for the integrity of the process within Oadby and Wigston Borough Council to authorise use of Covert Human Intelligence Sources (CHIS), compliance with Part II of the 2000 Act, Part III of the 1997 Act and with the Code of Practice, engagement with the Commissioners and Inspectors when they conduct their inspections and where necessary, overseeing the implementation of any post inspection action plans recommended or approved by a Commissioner.

The Senior Responsible Officer shall also be responsible for ensuring that all Authorising Officers are of an appropriate standard in light of any recommendations in the inspection reports prepared by the Investigatory Powers Commissioner's Office, (IPCO). Where an inspection report highlights concerns about the standard of authorising officers, the Senior Responsible Officer will be responsible for ensuring the concerns are addressed.

The RIPA Co-ordinating Officer is responsible for the day to day oversight of applications and for the maintenance of the central record. The RIPA Co-ordinating Officer shall report to the Senior Responsible Officer any failings, training needs or improvements to the system.

Policy, Finance and Development Committee shall be responsible for ensuring that RIPA is being used consistently with this policy and that the policy remains fit for purpose. The Senior Responsible Officer shall provide a report on Oadby and Wigston Borough Council's use of RIPA to Policy, Finance and Development Committee on a quarterly basis. A summary of this report shall be made available to all members of the Council. Annually, the report shall include a review of the effectiveness of this policy and any recommendation for changes to be made. Any significant amendments to the policy shall be referred to Policy, Finance and Development Committee for approval.

For the avoidance of doubt the Policy, Finance and Development Committee are not to be involved in making decisions on specific authorisations.

4. DEFINITIONS

Authorising Officers

Authorising Officers are senior officers of the Council who have received training in the application of RIPA. Only Authorising Officers have power to authorise the use of a covert human intelligence source. Authorising Officers are listed at Appendix 2.

Policy, Finance and Development Committee

This is the body defined in the Council's Constitution at Part 3 - Responsibility for Functions - Committee Structure.

Code of Practice

Home Office Covert Human Intelligence Sources Revised Code of Practice (August 2018) or any code of practice issued in replacement of this code

Collateral Intrusion

Collateral intrusion is intrusion into the privacy of persons other than those who are the directly intended subjects of the investigation or operation.

Confidential Information

Confidential information consists of matters subject to legal privilege, communications between a Member of Parliament and another person on constituency matters, confidential personal information or confidential journalistic material.

Confidential personal information is information held in confidence relating to the physical or mental health or spiritual counselling concerning an individual (whether living or dead) who can be identified from it. Such information, which can include both oral and written communications, is held in confidence if it is held subject to an express or implied undertaking to hold it in confidence or it is subject to a restriction on disclosure or an obligation of confidentiality contained in existing legislation. Examples might include consultations between a health professional and a patient, or information from a patient's medical records.

Covert Human Intelligence Sources (CHIS)

The conduct and use of a covert human intelligence source means in effect the use of an informant. In some cases this could include a test purchase or undercover Officer.

The conduct and use of a covert human intelligence source occurs when a person establishes or maintains a personal or other relationship with a person:

- for the covert purpose of using the relationship to obtain information or to provide access to any information to another person; or
- in order to disclose information covertly obtained by the use of such a relationship, or as a consequence of the existence of such a relationship.

A person may be a CHIS if they induce, ask or assist another person to engage in the conduct described above.

RIPA does not apply in circumstances where members of the public volunteer information to the Council or to contact numbers set up to receive information.

An authorisation will however be required if a relationship exists between the subject and the CHIS, even if specific information has not been sought by the public authority.

Carrying out test purchases will not require the purchaser to establish a relationship with the supplier for the purpose of obtaining information and, therefore, the purchaser will not normally be a CHIS. For example, authorisation would not normally be required for test purchases carried out in the ordinary course of business (e.g. walking into a shop and purchasing a product over the counter) although an Officer covertly watching a particular transaction may require an authorisation for directed surveillance.

By contrast, developing a relationship with a person in the shop, for example to obtain information about the seller's supplier of an illegal or unsafe product, will require authorisation as a CHIS. Similarly, using mobile hidden recording devices or CCTV cameras to record what is happening in the shop will require authorisation as directed surveillance (see separate Directed Surveillance policy). A combined authorisation can be given for a CHIS and also directed surveillance

NB Special safeguards apply to the use or conduct of vulnerable individuals or juveniles. A vulnerable individual is a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who may need protecting from exploitation. A vulnerable individual will only be authorised to act as a source in the most exceptional circumstances.

A juvenile is a young person under 18. Juveniles can be authorised as sources for four months. On no occasion can a child under 16 years of age be authorised to give information against his or her parents or anyone with parental responsibility for that child.

Judicial Approval

Local authority authorisations and notices under RIPA can only be given effect once an order approving the authorisation or notice has been granted by a Justice of the Peace (JP).

RIPA Co-ordinating Officer (RCO)

The Head of Law and Governance is the RCO is responsible for the day to day oversight of applications, the maintenance of the Register and the reporting to the Senior Responsible Officer of any failings, training needs or improvements to the system.

Senior Responsible Officer

The Head of Paid Service (Chief Executive), Oadby and Wigston Borough Council

5. THE AUTHORISATION AND APPROVAL PROCEDURE

Before undertaking use of CHIS, written authorisation from the appropriate Authorising Officer must be obtained along with Judicial approval of the authorisation.

Exceptionally out of hours Judicial Approval may be necessary.

If the authorisation is urgent and cannot wait to be handled until the next working day then it may be necessary to:

- Make arrangements with the relevant HMCTS out of hour's legal staff. You will be asked about the basic facts and urgency of the authorisation.
- If the police are involved in the investigation you will need to address why they cannot make a RIPA authorisation.
- If urgency is agreed, then arrangements will be made for a suitable Justice of The Peace to consider the application. You will be told where to attend and give evidence. Where practicable the Authorising officer should also be in attendance at the hearing.
- Attend the hearing as directed with two copies of both the counter-signed RIPA authorisation form or notice and the accompanying judicial application/order form.
- If the application is approved the Officer should provide the court with a copy of the signed judicial application/order form the next working day.

Approval in emergency cases

In most emergency situations where the police have power to act, then they are able to authorise activity under RIPA without prior JP approval. No RIPA authority is required in immediate response to events or situations where it is not reasonably practicable to obtain it e.g. when criminal activity is observed during routine duties and officers conceal themselves to observe what is happening.

Applying for renewal

An officer who has received an authorisation is responsible for renewing that authorisation if the activity for which authorisation was given is expected to continue beyond the duration of the authorisation. Renewal applications should be made and judicial approval of the renewal should be sought before the initial authorisation expires. If necessary a renewal can be granted more than once.

Cancelling an authorisation

The officer responsible for undertaking the authorised operation must apply to have that authorisation cancelled when the investigation or operation for which authorisation was given has ended, the authorised operation activity has been completed, or the information sought is no longer necessary. If the Authorising Officer is satisfied that the authorisation is no longer necessary, he must cancel it. It is a statutory requirement that authorisations are cancelled as soon as they are no longer required.

No authorisation can be left to expire. All authorisations must either be renewed, if the operation is expected to continue beyond the duration of the authorisation, or cancelled, if

the operation ends before the expiry date. Authorising Officers must ensure compliance with the appropriate data protection requirements and any relevant codes of practice produced by Oadby and Wigston Borough Council relating to the handling, storage and destruction of material obtained.

6. THE ROLE OF THE AUTHORISING OFFICER

Considering and granting authorisations

Authorising Officers are responsible for receiving, considering and, where appropriate, granting applications for authorisation. Authorising Officers should follow the steps set out in section 8 below when considering applications for authorisation.

An Authorising Officer is not empowered to consider an application for access to communications data. Where such an application is received by an Authorising Officer, it must be referred to the SPOC listed in Appendix 2 and the applicant must be informed.

An Authorising Officer is empowered to renew authorisations and to cancel authorisations. Authorising Officers should also review all authorisations he or she has granted from time to time.

An Authorising Officer cannot delegate their power to authorise operation under RIPA to anyone else.

Duration

Written authorisation for a CHIS will cease to have effect at the end of a period of twelve months beginning with the day on which it took effect (which is the date of approval by a Justice of the Peace), unless it is renewed. Those conducting operations have a statutory obligation to cancel the authorisation as soon as the need for it no longer exists (see “cancelling an authorisation” in section 5, ante).

Periodic review

An Authorising Officer should conduct regular reviews of authorisations granted in order to assess the need for the authorised activity to continue. The Authorising Officer shall determine how often a review should take place with a minimum requirement that such reviews take place on a monthly basis. Authorisations should be reviewed frequently where a high level of collateral intrusion is likely (i.e. relating to other people who are not targets but who may be affected by the operation) or provides access to confidential information.

A review necessarily involves consultation with the persons involved in the operational activity. The Applicant must give sufficient information about the product of the operation for the Authorising Officer to be satisfied that the authorised activity should continue.

An Authorising Officer must cancel the authorisation if, as the result of a review, he or she is of the opinion that the grounds for granting the authorisation no longer apply and must comply with data protection requirements and Oadby and Wigston Borough council’s codes of practice.

The results of all reviews must be recorded in the central record of authorisation.

Granting a renewal

Renewal applications should be made by the Officer who applied for the initial authorisation.

When receiving a renewal application, the Authorising Officer must consider the matter afresh, including taking into account the benefits of the operation to date and any collateral intrusion that has occurred. The Authorising Officer must be satisfied that it is necessary and proportionate for the authorisation to continue. The authorisation for renewal must then be approved by a Justice of the Peace for it to take effect.

An authorisation may be renewed and approved before the initial authorisation ceases to have effect but the renewal takes effect from the time at which the authorisation would have expired. If necessary a renewal can be granted more than once.

Cancelling an authorisation

The Authorising Officer who granted or last renewed the authorisation must cancel the authorisation if the grounds for granting the authorisation no longer apply or if the authorisation is no longer necessary or proportionate. For instance, the authorisation should be cancelled if the aims have been met or if the risks have changed.

Where necessary, the safety and welfare of the CHIS should continue to be taken into account after the authorisation has been cancelled. The Authorising Officer should be satisfied that all welfare matters have been addressed.

An authorisation can be cancelled on the initiative of the Authorising Officer following a periodic review, or after receiving an application for cancellation from the Officer responsible for the operational activity.

7. APPLICATIONS FOR AUTHORISATIONS

Before deciding on this course of action, legal advice must be sought from the Head of Law and Governance.

All council Officers must receive authorisation in writing before undertaking the conduct and use of a CHIS.

Applications for authorisation to use a CHIS must be made on the official form sent to one of the Authorising Officer listed in Appendix 2.

Official forms are available from: <https://www.gov.uk/government/collections/ripa-forms--2>

For both vulnerable individuals and juveniles only the Head of Paid Service can give authorisation.

Duration

Written authorisation for a CHIS will cease to have effect at the end of a period of twelve months beginning with the day on which it took effect (the date of approval by a Justice of the Peace), unless it is renewed.

Review

Reviews of authorisations for the conduct and use of a CHIS must be completed on the official form.

Renewal

An Officer who has received an authorisation is responsible for renewing that authorisation if the activity for which authorisation was given is expected to continue beyond the duration of the authorisation. Renewal applications should be made before the initial authorisation expires, leaving sufficient time for the authorisation for renewal to be approved by a Justice of the Peace (see section 9 of this policy).

Applications for renewal of an authorisation for the conduct and use of a CHIS must be completed on an official form.

The renewal application must be made to the Authorising Officer who granted the initial authorisation.

Cancellation

The Officer responsible for undertaking the authorised operation must apply to have that authorisation cancelled when the investigation or operation for which authorisation was given has ended, the authorised operation activity has been completed, or the information sought is no longer necessary. It is a statutory requirement that authorisations are cancelled as soon as they are no longer required.

An application for cancellation of an authorisation for the conduct and use of a CHIS must be made on an official form.

Cancellation decisions must be recorded on the same form by the Authorising Officer making the decision.

8. CONSIDERING APPLICATIONS FOR THE USE OF A CHIS

This part of the policy lists the factors which Authorising Officers should consider upon receiving an application for an authorisation for the use of a CHIS.

Step 1: Is authorisation needed for this activity?

An Authorising Officer must first consider whether an authorisation is actually required. To require authorisation, the activity to which the application relates must be covert and must

involve the manipulation of a relationship to gain any information, regardless of whether or not there is an intention to acquire private information.

An Authorising Officer should interpret the definitions broadly when determining whether an activity is covert or if the use of a CHIS is likely to result in the manipulation of a relationship, with information being obtained. When in doubt, the authorisation procedure must always be followed.

Step 2: Is the activity necessary and if so, why?

An Authorising Officer can only authorise an activity where s/he believes that the authorisation is necessary in the circumstances of the particular case for the purpose of preventing or detecting crime or of preventing disorder associated with a crime.

The Authorising Officer must be satisfied that there are no other reasonable means of carrying out the investigation, or obtaining the desired information, without undertaking the activity for which authorisation is sought, other overt means having been considered and discounted.

Authorisation should not be granted if the information sought can be obtained by other means without undertaking an activity which falls under the requirements of RIPA. Authorisation cannot be granted if it is for any purpose other than the prevention or detection of crime or for the prevention of disorder associated with a crime.

Step 3: Is it proportionate?

If the activity is necessary, the Authorising Officer must also believe that the activity is proportionate. In deciding whether the proposed activity is proportionate they should consider:

- (i) Is the proposed activity proportional to the mischief under investigation?
- (ii) Is it proportionate to the degree of anticipated intrusion on the target and others?
- (iii) Is it the only option, other overt means having been considered and discounted?

Such considerations involve balancing the intrusiveness of the activity on the target and others, against the need for the activity in operational terms. The activity will not be proportionate if it is excessive in the particular circumstances or if the information sought could reasonably be obtained by less intrusive means. Any activity must be carefully managed to meet the objective in question and must not be arbitrary or unfair.

The following should therefore be considered in determining whether the activity for which authorisation is sought is proportionate:

- The reasons given by the applicant as to why that activity is sufficient and adequate for obtaining the information sought;

- Whether there are any other reasonable means of obtaining the information sought;
- The type and quality of the information the activity will produce and its likely value to the investigation;
- The amount of intrusion, other than collateral intrusion, the activity will cause and whether there are ways to minimise that intrusion; and

The Authorising Officer should only authorise the activity that is the least intrusive in the circumstances. Any unnecessary intrusion, including collateral intrusion, must be minimised as much as practically possible. **The least intrusive method will be considered proportionate by the courts.**

Confidential Information

The Authorising Officer must take into account the likelihood of confidential information being acquired. Confidential information consists of matters subject to legal privilege, communications between a Member of Parliament and another person on constituency matters, confidential personal information or confidential journalistic material.

Where confidential information is likely to be acquired, authorisation should only be given in exceptional and compelling circumstances with full regard to the proportionality issues this raises.

In these circumstances, the Authorising Officer must be the Head of Paid Service.

Provisions for the management of the source and records

When considering applications for the use of a CHIS, an Authorising Officer must take into account the provisions of section 29 of RIPA and the Source Records Regulations (2000 SI No. 2725) made under it before authorising the conduct or use of a CHIS.

Section 29(5) requires the Authorising Officer to be satisfied that arrangements are in place for the careful management of the source and that records are maintained relating to the source which contain the particulars specified in the Source Records Regulations.

The Authorising Officer must therefore:

- (a) be satisfied that the conduct and/or use of the CHIS is both necessary and proportionate to what is sought to be achieved. This will be addressed by following the procedure provided in this section;

- (b) be satisfied that appropriate arrangements are in place for the management and oversight of the CHIS. This must address health and safety issues through a risk assessment;
- (c) consider the likely degree of intrusion of all those potentially affected;
- (d) consider any adverse impact on community confidence that may result from the use or conduct or the information obtained; and
- (e) ensure records contain specified particulars relating to the source and that the records are kept confidential.

Controller and Handler

When a CHIS is used, a 'Handler' (who can be an officer of the Council), and who must have received appropriate training, should be designated as having the day to day responsibility for dealing with the CHIS. This responsibility shall extend to security, safety and welfare of the CHIS. In addition, a 'Controller' should be designated to have the general oversight of the use made of the CHIS. These requirements also apply in cases in which the CHIS is an officer of the Council.

Vulnerable Individuals and Juveniles

Special safeguards apply to the use or conduct of vulnerable individuals or juveniles. When considering applications for the use of a CHIS, an Authorising Officer must identify whether the proposed CHIS is a vulnerable or juvenile individual. A vulnerable individual is a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who may need protecting from exploitation. A vulnerable individual will only be authorised to act as a source in the most exceptional circumstances.

A juvenile is a young person under 18. Juveniles can only be authorised as sources for one month. On no occasion can a child under 16 years of age be authorised to give information against his or her parents or anyone with parental responsibility for that child.

Before deciding on this course of action, legal advice must be sought from the Head of Law and Governance.

Where the proposed activity involves the use of a vulnerable person or juvenile as a CHIS, only the Head of Paid Service can give authorisation.

Risk of Collateral Intrusion

The Authorising Officer must consider whether there is a risk of collateral intrusion into the private life of any person not the primary subject of the investigation. The applicant should describe the activity sufficiently widely to include not only named individuals but also any others who may be at risk of collateral intrusion to enable this consideration to occur.

Where the risk of such intrusion is sufficiently significant, the Authorising Officer must determine whether a separate authorisation is required in respect of these other persons.

The person carrying out the activity must inform the Authorising Officer if the investigation or operation unexpectedly interferes with the privacy of individuals not covered by the authorisation. The Authorising Officer must then consider whether the authorisation needs to be amended and re-authorised or a new authorisation is required.

The Authorising Officer must balance the intrusiveness of the activity on the target and others who might be affected by it against the need for the activity in operational terms. The Authorising Officer should discuss the proposed activity, and any proposed changes, with the applicant prior to issuing the authorisation.

9. THE ROLE OF THE JUSTICE OF THE PEACE

Approval of initial authorisations

Where an Authorising Officer has considered and authorised an application to use a CHIS, that authorisation must be approved by a Justice of the Peace before the authorisation can take effect.

Applications to the Justice of the Peace should be made following the procedure in section 10 of this policy.

Where an authorisation is approved by the Justice of the Peace that authorisation takes effect from date on which the Justice of the Peace granted his or her approval.

Renewals

Where an Authorising Officer has considered and authorised the renewal of an existing authorisation to use a CHIS, that renewal must also be approved by a Justice of the Peace before the initial authorisation expires. The renewal will then take effect on the date the initial authorisation expires.

Cancellations and reviews

The Justice of the Peace does not play a role in the cancellation or review of authorisations.

10. APPLICATIONS FOR APPROVAL BY THE JUSTICE OF THE PEACE

A link to the Home Office Guidance on the full Judicial Approval Process can be found at Appendix 3. The process is as follows:

Once the Authorising Officer has approved the application, the officer requesting authorisation should contact the Listings Office at Leicester Magistrates Court to arrange a hearing.

The Authorising Officer should where practicable attend the court along with the requesting officer. Once at court, the officers should provide the JP with a copy of the original RIPA authorisation form and any supporting documents setting out the case. This forms the basis of the application and should contain all the information the officers wish to rely upon.

The JP should ensure that sufficient privacy is given to the hearing commensurate with the covert nature of the investigation (i.e. no press, public, subject or legal representative present or court staff apart from Legal Adviser). The JP will consider the papers presented and will ask any additional questions of either officer in order to conclude whether an order to approve the grant of a RIPA authorisation should be made. It is for the papers to make the case and the JP cannot rely solely on oral evidence if this is not reflected or supported by the papers.

In deciding whether or not to approve the authorisation the Justice of the Peace must be satisfied that:

- there were reasonable grounds for the local authority to believe that the authorisation was necessary and proportionate and there remain reasonable grounds for believing that these requirements are satisfied at the time when the Justice of the Peace is considering the matter
- that there were reasonable grounds for the local authority to believe that arrangements exist for the safety and welfare of the source that satisfy section 29(5) RIPA and there remains reasonable grounds for believing that these requirements are satisfied at the time when the Justice of the Peace is considering the matter
- that there were reasonable grounds for the local authority to believe that the requirements imposed by Regulation of Investigatory Powers (Juveniles) Order 2000 (as amended) were satisfied and there remain reasonable grounds for believing that these requirements are satisfied at the time when the Justice of the Peace is considering the matter
- that the local authority application has been authorised by an Authorising Officer
- the grant of the authorisation was not in breach of any restriction imposed by virtue of an order made under the following sections for RIPA:
 - 29(7)(a) (for CHIS)
 - 30(3) (for CHIS and Directed Operation)
- any other conditions that may be provided for by an order made by the Secretary of State were satisfied.

The original RIPA authorisation should be shown to the JP if requested but ultimately will be retained by the RIPA co-ordinating Officer for the Council's records.

The officer attending the hearing should also provide the JP with an unsigned completed judicial application/order form.

The order form section of this form will be completed by the JP and will be the official record of the JP's decision. This form should be retained and provided to the RIPA co-ordinating Officer for the Council's Central Record.

11. RECORDS MANAGEMENT

The Council must keep a detailed record of all authorisations, Judicial application/order forms, reviews, renewals, cancellations and rejections in the relevant services. A central record of all authorisation forms, whether authorised or rejected, will be maintained and monitored by the RIPA Co-ordinating Officer.

All Authorising Officers must send all **original** applications for authorisation to the RIPA Co-ordinating Officer. Each document will be given a unique reference number, the original will be placed on the Central Record and a copy will be returned to the applicant.

Copies of all other forms used and the Judicial application/order forms must be sent to the RIPA Co-ordinating Officer bearing the reference number previously given to the application to which it refers.

Service Records

Each service must keep a written record of all authorisations issued to it, and any Judicial approvals granted, to include the following:

- A copy of the application and a copy of the authorisation together with any supplementary documentation and notification of the approval given by the Authorising Officer;
- A record of the period over which the operation has taken place;
- The frequency of reviews prescribed by the Authorising Officer;
- A record of the result of each review;
- In the case of a self-authorisation by the Authorising Officer, a statement in writing that he/she expressly authorised the action
- A copy of any renewal of an authorisation and any supporting documentation submitted when the renewal was requested;
- The date and time when any instruction was given by the Authorising Officer, including cancellation of such authorisation.
- A copy of the order approving or otherwise the grant or renewal of an authorisation from a Justice of the Peace.

The profile containing the true identity of the CHIS should be confidentially stored, separately from other CHIS records.

Central Record Maintained by the RIPA Co-ordinating Officer

A central record of all authorisation forms, whether authorised or rejected, is kept by the RIPA Co-ordinating Officer. The central record must be readily available for inspection on request by the Investigatory Powers Commissioner.

The central record must be updated whenever an authorisation is granted, renewed, reviewed or cancelled. These records should be retained for a period of at least five years from the ending of the authorisations to which they relate. Where used as evidence, records will be retained for a period of 6 years from the date on which the relevant criminal or civil proceedings file is closed for archive, or for such other period as determined by the internal procedures relating to the retention of the criminal or civil proceedings file.

The central record must contain the following information:

- The type of authorisation;
- The date on which the authorisation was given;
- Name/rank of the Authorising Officer;
- Details of attendances at the Magistrates Court to include date of attendances at court, the determining magistrate, the decision of the court and the time and date of that decision;
- The unique reference number (URN) of the investigation/operation. This will be issued by the Legal Unit when a new application is entered in the Central Record. The applicant will be informed accordingly and should use the same URN when requesting a renewal or cancellation;
- The title of the investigation/operation, including a brief description and names of the subjects, if known;
- In the case of a self-authorisation by the Authorising Officer, a statement in writing that he/she expressly authorised the action
- If the authorisation was renewed, when it was renewed and who authorised the renewal, including the name and rank/grade of the Authorising Officer;
- Whether the investigation/operation is likely to result in the obtaining of confidential information;
- If the authorisation was reviewed, when it was reviewed and who authorised the review, including the name and rank/grade of the Authorising Officer
- The date and time that the authorisation was cancelled.

It also contains a comments section enabling oversight remarks to be included for analytical purposes.

Retention and Destruction of Material

Departments must ensure that arrangements are in place for the handling, storage and destruction of material obtained through the use of covert operation. Confidential material must be destroyed as soon as it is no longer necessary. It must not be retained or copied unless it is necessary for a specified purpose. Where there is doubt, advice must be sought from the Solicitor to the Council or the Senior Responsible Officer.

Complaints procedure

Complaints procedure

The council will maintain the standards set out in this guidance and the Codes of Practice (See Appendix D). The Investigatory Powers Commissioner's Office (IPCO) has responsibility for monitoring and reviewing the way the council exercises the powers and duties conferred by RIPA and where errors occur they shall be reported to the IPCO.

Contravention of the Data Protection Act 2018 and the General Data Protection Regulation may be reported to the Information Commissioner. Before making such a reference, a complaint concerning a breach of this guidance should be made using the council's own internal complaints procedure.

To request a complaints form, please contact the Monitoring Officer, Bushloe House, Station Road, Wigston Leicester, LE18 2RD.

The 2000 Act also established an Independent Tribunal which investigates complaints about how RIPA is used. That Tribunal is made up of senior members of the judiciary and the legal profession and is independent of the government. The Tribunal has full powers to investigate and decide any complaint within its jurisdiction.

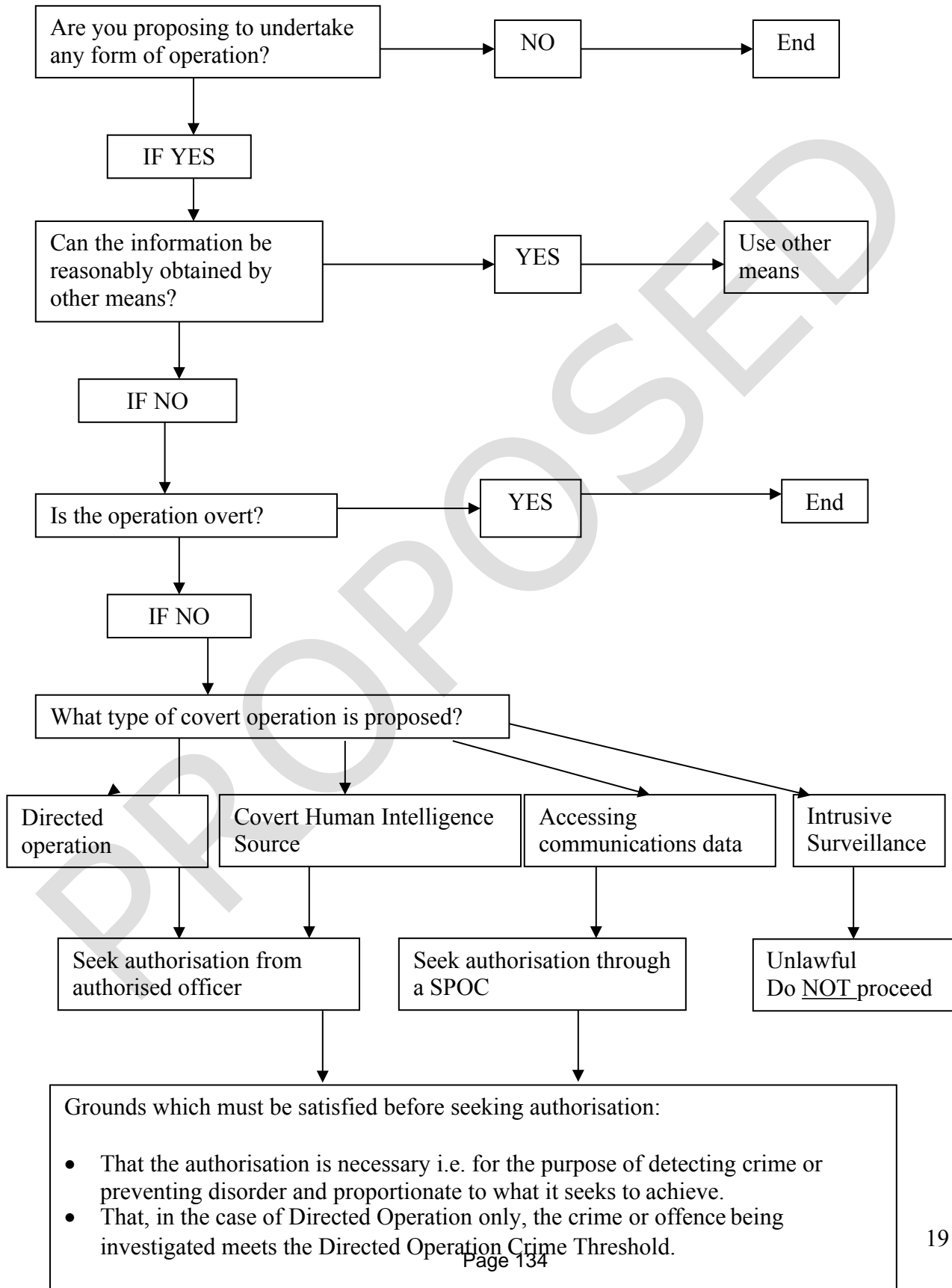
Details of the relevant complaints procedure can be obtained from the following address:

Investigatory Powers Tribunal, PO BOX 33220, London SWLH 9ZQ
Telephone 020 7035 3711

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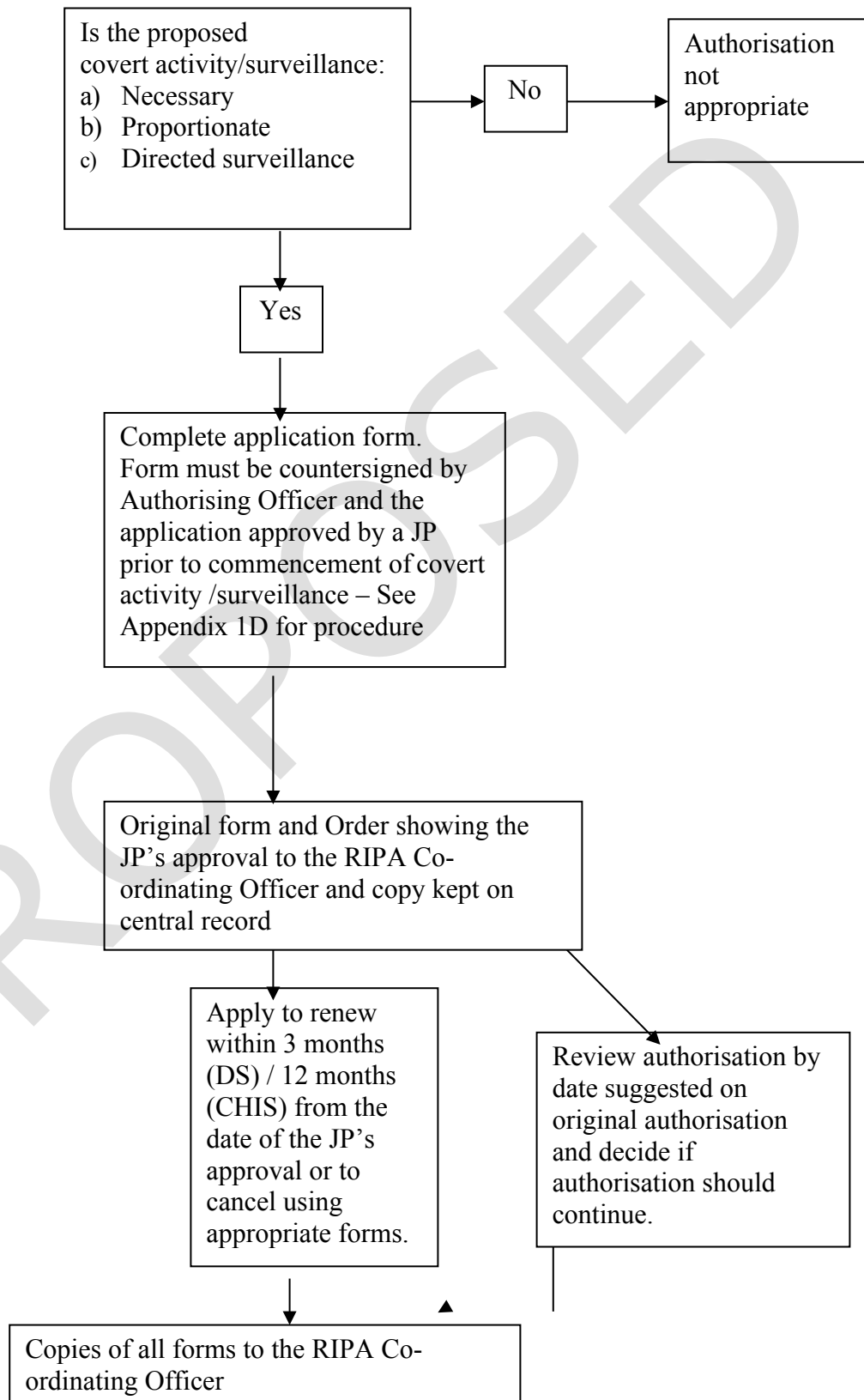
APPENDIX 1A

Do you need a RIPA authorisation?



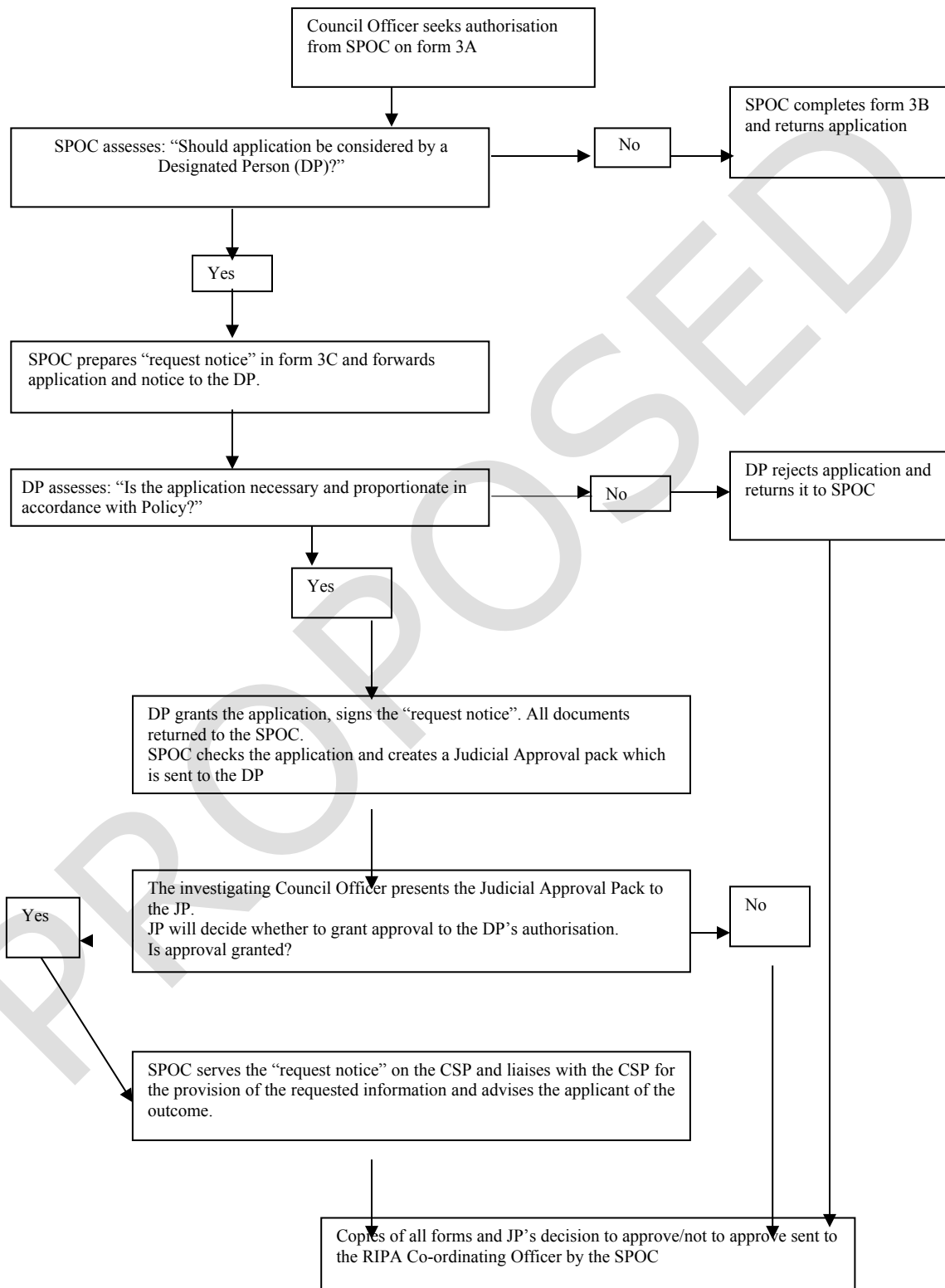
APPENDIX 1B

RIPA Authorisation and Approval Process for Directed Operation and CHIS



APPENDIX 1C

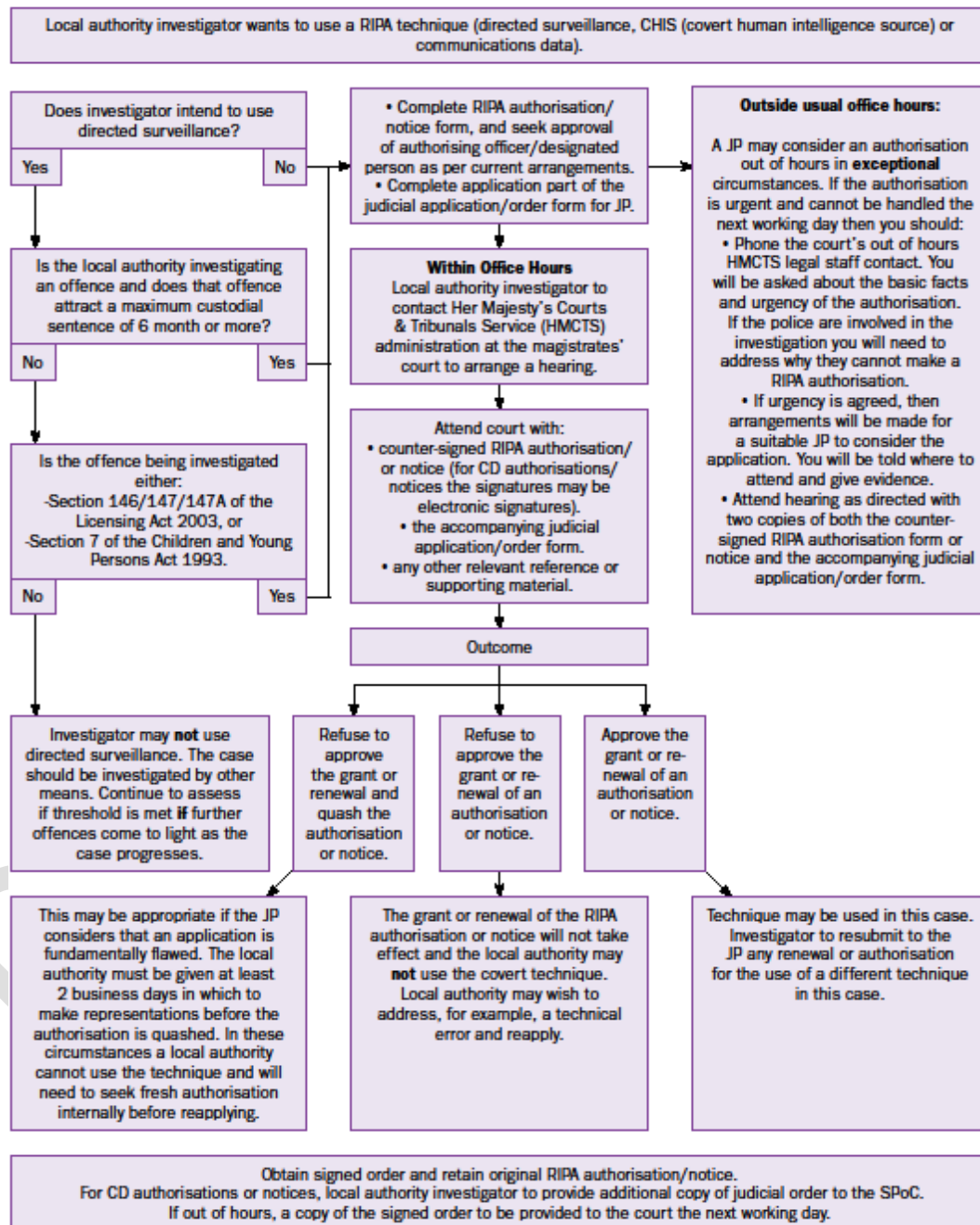
Application Process for Authorisation and Approval to Access Communications Data



APPENDIX 1D

ANNEX A - Extract from Home Office guidance to local authorities in England and Wales on the judicial approval process for RIPA and the crime threshold for directed surveillance.

LOCAL AUTHORITY PROCEDURE: APPLICATION TO A JUSTICE OF THE PEACE SEEKING AN ORDER TO APPROVE THE GRANT OF A RIPA AUTHORISATION OR NOTICE



APPENDIX 2

List of Authorising Officers

1. For standard authorisations:

Where it is not likely that confidential information will be acquired

- The Head of Paid Service
- The Director of Finance and Business Transformation
- The Head of Law and Governance

2. For authorisations where it is likely that confidential information will be acquired or where using a CHIS who is a juvenile (under 16) or a vulnerable individual

- The Head of Paid Service

In their absence:

- The Director of Finance and Business Transformation

List of SPOCs

SPOCs receive and manage applications for access to communications data as well as liaising with communications service providers for the provision of that information.

The Council's SPOC is as follows:

- The National Anti-Fraud Network

APPENDIX 3

Home Office Guidance on Local Authorities use of RIPA

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/118173/local-authority-england-wales.pdf

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

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Appendix 3



PO Box 29105, London
SW1V 1ZU

Mrs Anne Court
Chief Executive
Oadby & Wigston Borough Council
40 Bell Street
Wigston
Leicestershire
LE18 1AD

13 February 2019

Dear Mrs Court

Inspection of Oadby & Wigston Borough Council

Your Council was recently subject of a desktop-based documentary inspection by one of my Inspectors, Samantha Jones. I am grateful to you for facilitating this through your Head of Law and Governance, Mr Dave Gill who has provided the relevant materials.

The information you have provided has demonstrated a level of compliance that removes, for the present, the requirement for a physical inspection. It is anticipated that this will be undertaken when your authority's next three-yearly inspection is due.

There have been no RIPA authorisations granted by your Council since the last inspection was conducted, however it was found to have clear processes in place whereby the RIPA processes and the quality of relevant documentation would be overseen by Mr Gill as your RIPA Co-ordinating Officer.

It had been recognised prior to the inspection that the Council had not complied with the requirement to report RIPA policy to elected members on at least an annual basis, in accordance with paragraph 4.47 of the Covert Surveillance and Property Interference Code of Practice, re-issued in 2018. This is now being rectified with a report due in the first quarter of the 19/20 Municipal Year.

The following matters were identified as part of the process:

1. Training has been undertaken during the past three years by the authorising officers. Although there is only a small cadre of applicants, it is important that all officers can recognise when the activity they undertake as part of their role may well fall within the legislation. The absence of awareness amongst employees gives rise to the possibility that covert surveillance or the use of CHIS may occur unwittingly. I note it is intended that following the adoption of the new RIPA policies, a formal training session will be undertaken.

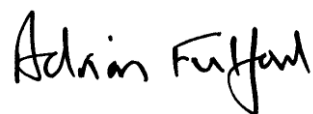
2. The policy document has been extensively revised and split into two separate draft documents. One in relation to directed surveillance the other in respect of CHIS. The following general matters in both documents need to be revisited:
 - I. Errors should be reported to the Investigatory Powers Commissioner, whilst complaints should be made to Investigatory Powers Tribunal.
 - II. Generally, the applicant should ideally be accompanied to Court by the authorising officer.
3. These additional matters should be reflected in the policy document in respect of CHIS:
 - I. All reference to surveillance should be removed.
 - II. The Juvenile CHIS sections should be amended to incorporate the Regulation of Investigatory Powers (Juveniles) (Amendment) Order 2018 (which provides for a longer period of authorisation of four months instead of one).
4. The central register should include the detailed requirement set out in the new policy.

I would be grateful if you could ensure these matters are addressed at the earliest opportunity and provide me with an update on progress within two months of receipt of this letter.

I take the opportunity here to remind you of the importance of regular, ongoing internal oversight of the actual or potential use of these powers, which should be managed through yourself as Senior Responsible Officer. I also draw attention to the increasing usefulness and accessibility of social media which can offer initial investigative leads and assist with your enforcement or other responsibilities, but it behoves you to ensure that such resources as these are used in a controlled, auditable, and well understood manner. The Home Office Covert Surveillance and Property Interference Code of Practice (2018) provides some helpful advice on this point. It would also be advisable, regardless how unlikely use of the powers might appear, to maintain refresher training on a suitably regular basis for key officers following that you have planned in coming weeks.

My Office is available to you should you have any queries following the recent desktop inspection, or at any point in the future. Contact details are provided at the foot of this letter.

Yours sincerely



The Rt. Hon. Lord Justice Fulford
The Investigatory Powers Commissioner



OADBY AND WIGSTON BOROUGH COUNCIL

STANDARDS AND ETHICAL INDICATORS

QUARTER 1 REPORT

2019-20

1. Introduction

This is the quarterly report to the Policy Finance and Development Committee detailing both the figures for the Ethical Indicators and the figures for the Local Determination of Complaints process for 2019-20.

For clarification purposes the months covered by the quarters are as follows:

Quarter 1 – 1 April to 30 June
Quarter 2 – 1 July to 30 September
Quarter 3 – 1 October to 31 December
Quarter 4 – 1 January to 31 March

The report is split into 2 parts for ease of reference; Part 1 refers to the local determination of complaints, part 2 is the table showing the ethical indicators figures.

The report will enable the Policy Finance and Development Committee to build up a picture over time of how many complaints are received and where these are coming from. The parts of the Code of Conduct which have been breached will also be recorded to enable training to be targeted effectively.

2. Part 1 – Local Determination of Complaints

The Monitoring Officer received ? complaints in Quarter 1 of 2019/20.

2.1 Source of Complaint

All of the complaints were against Borough Councillors.

2.2 Assessment Sub-committee Decisions

There have been 0 Assessment Sub-committee meetings in this quarter.

As members will be aware, the Monitoring Officer now pursues an informal dispute resolution process prior to initialling formal proceedings via the Sub-committee route.

? complaints received in this quarter are currently in that process. The ? complaint has been resolved informally.

2.3 Timeliness of Decision

The Standards for England Guidance stated that the Assessment Sub-committee should complete its initial assessment of an allegation “within an average of 20 working days” to reach a decision on what should happen with the complaint. The Council has taken this standard and adapted it under the new rules to aim to hold an Assessment Sub-committee within 20 working days of notifying the parties that informal resolution is not possible.

2.4 Review Requests

There have been no review requests in Quarter 1. Review requests can only be made following a decision of 'No further Action' by the Assessment Sub-committee where there is submission of new evidence or information by the complainant.

2.5 Subsequent Referrals

None to report – see above.

2.6 Outcome of Investigations

There were no investigations concluded in this period.

2.7 Parts of the Code Breached

This section is intended to show where there are patterns forming to enable the Policy Finance and Development Committee to determine where there needs to be further training for Councillors. Targeting training in this way makes it more sustainable and, hopefully, more effective.

So far this year, the following areas of the code were found to have been breached:

N/A

3. Part 2 – Ethical Indicators

Ref.	Performance Indicator Description	Officer Responsible for Providing Information	Q1		Q2		Q3		Q4	
			Actual 2018/19	2019/20	Actual 2018/19	2019/20	Actual 2018/19	2019/20	Actual 2018/19	2019/20
LG1	Objections to the Councils Accounts	Financial Planning Team Manager	0		0		0		0	
LG2	Follow up action relating to breaches of the Member/Officer Protocol (Members)	Head of Law and Governance Head of Law and Governance	0		0		0		0	
LG3	Disciplinary action relating to breaches of the Member/Officer Protocol (staff)	Head of People and Performance	0		0		0		0	
LG4	Number of Whistle blowing Incidents reported	Head of Law and Governance	0		0		0		0	
LG5	No. of recommendations made to improve governance procedures / policies		2		0		23		8	
LG6	No. of recommendations implemented		1		7		3		20	

Ref.	Performance Indicator Description	Officer Responsible for Providing Information	Q1		Q2		Q3		Q4	
			Actual 2018/19	2019/20	Actual 2018/19	2019/20	Actual 2018/19	2019/20	Actual 2018/19	2019/20
LG7	No. of Ombudsman complaints received	Corporate Complaints Officer								
LG7a	No. of Ombudsman complaints resolved									
LG7b	No. of Ombudsman complaints where compensation paid									
LG8	No. of Corporate Complaints received									
LG8a	No. of Corporate Complaints resolved									
LG8b	No. of Corporate Complaints where compensation paid									

- The 6 complaints received from the Ombudsman in Q1 were as follows:-
- A total of 92 corporate complaints were received during Q1 , which shows a decrease of 21% against the same period for Q1
- A total of 74 corporate complaints were resolved during Q1, which shows a decrease of 20% against the same period for Q1-
- 38 of the complaints received (35%) were for the Housing Service.
- There were 4 corporate complaints received in Q1 that resulted in compensation payments, the total amount paid was £

Ref.	Performance Indicator Description	Officer Responsible for Providing Information	Q1		Q2		Q3		Q4	
			Actual 2018/19	2019/20	Actual 2018/19	2019/20	Actual 2018/19	2019/20	Actual 2018/19	2019/20
Freedom of Information Act Indicators										
LG9	Total no. of requests received	Head of Law and Governance								
LG9a	No. of requests compliant									
LG9b	No. of Non-compliant requests									
LG9c	No of requests still open and within the 20 working days									
LG9d	Number withheld due to exemptions/fees applied									

- Commentary:

Ref.	Performance Indicator Description	Officer Responsible for Providing Information	Q1		Q2		Q3		Q4	
			Actual 2018/19	2019/20	Actual 2018/19	2019/20	Actual 2018/19	2019/20	Actual 2018/19	2019/20
Regulation of Investigatory Powers Act Indicators										
LG10	No. of Directed Surveillance authorisations granted during the quarter	Head of Law and Governance	0		0		0		0	
LG10a	No. in force at the end of the quarter		0		0		0		0	
LG10b	No. of CHIS recruited during the quarter		0		0		0		0	
LG10c	No. ceased to be used during the quarter		0		0		0		0	
LG10d	No. active at the end of the quarter		0		0		0		0	
LG10e	No. of breaches (particularly unauthorised surveillance)		0		0		0		0	
LG10f	No. of applications submitted to obtain communications data which were rejected		0		0		0		0	
LG10g	No of notices requiring disclosure of communications data		0		0		0		0	
LG10h	No of authorisations for conduct to acquire communications data		0		0		0		0	
LG10i	No of recordable errors		0		0		0		0	

Ref.	Performance Indicator Description	Officer Responsible for Providing Information	Q1		Q2		Q3		Q4	
			Actual 2018/19	2019/20	Actual 2018/19	2019/20	Actual 2018/19	2019/20	Actual 2018/19	2019/20
Anti-Social Behaviour indicators										
	Total no. of complaints received	Head of Law and Governance								
	No. of complaints Registered									
	Number of disposals									
	No of complaints still open									

Ref.	Performance Indicator Description	Officer Responsible for Providing Information	Q1		Q2		Q3		Q4	
			Actual 2018/19	2019/20	Actual 2018/19	2019/20	Actual 2018/19	2019/20	Actual 2018/19	2019/20
Food Safety Inspections										
	Number of Programmed Inspections	Head of Law and Governance								
	Number of Programmed Inspections completed									
	Number of Programmed inspections outstanding									

Agenda Item 11



**Policy, Finance and
Development
Committee**

**Tuesday, 26 March
2019**

**Matter for
Information and
Decision**

Report Title: **Naming of New Pavilion Building, Horsewell Lane**

Report Author(s): **Alex Ward (Economic Regeneration Team Leader)**

Purpose of Report:	To agree the proposed name for the new pavilion building at Horsewell Lane in Wigston, along with names for the large and small community rooms within the building.
Report Summary:	The report sets out the background for the naming of three key community elements at the new pavilion at Horsewell Lane.
Recommendation(s):	<p>A. That the new pavilion building at Horsewell Lane be named the 'Tythorn Hill Community and Sports Centre';</p> <p>B. That the large community room with the new pavilion building be named the 'Jean Crane Hall'; and</p> <p>C. That the small community room within new pavilion building be named the 'Dan Shirley Room'.</p>
Responsible Strategic Director, Head of Service and Officer Contact(s):	<p>Stephen Hinds (Director of Transformation & Finance) (0116) 257 2681 stephen.hinds@oadby-wigston.gov.uk</p> <p>Adrian Thorpe (Head of Planning, Development and Regeneration) (0116) 257 2645 adrian.thorpe@oadby-wigston.gov.uk</p> <p>Alex Ward (Economic Regeneration Team Leader) (0116) 257 2821 alex.ward@oadby-wigston.gov.uk</p>
Corporate Priorities:	An Inclusive and Engaged Borough (CP1)
Vision and Values:	"A Strong Borough Together" (Vision)
Report Implications:-	
Legal:	There are no implications arising from the report
Financial:	There are no implications arising from the report
Corporate Risk Management:	Not applicable.
Equalities and Equalities Assessment (EA):	There are no implications arising from the report. EA not applicable.
Human Rights:	There are no implications arising from the report
Health and Safety:	There are no implications arising from the report
Statutory Officers' Comments:-	

Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	The individuals or their families have been consulted with respect of the proposed naming.
Background Papers:	None.
Appendices:	None.

1. Background

- 1.1 The construction of the new pavilion building at Horsewell Lane affords the opportunity to review the name of the building whilst also facilitating naming rights within the building's community facilities to celebrate and recognise those from the Borough who have made an outstanding contribution of service to their country and the residents of Oadby & Wigston.
- 1.2 Three naming opportunities have been recognised:
 - the pavilion itself;
 - the large community hall;
 - the smaller meeting room.

The recommended naming proposals and the reasoning for this are set out below.

- 1.3 Ordinarily, matters of naming, such as street names, are not normally referred to Committee. In the case of street naming, where a new street is being named for an individual, it is usually done so following their death.
- 1.4 In this instance one of the recommended nominees is still an active member of the community and so, following discussion with the Head of Law and Governance, it was recommended that the naming proposals are brought to Committee for decision.

2. Proposed Building Name - 'Tythorn Hill Community and Sports Centre'

- 2.1 The Horsewell Lane area was part of the Wigston field system from medieval times. Tythorne Hill Field was one of the three fields utilized in a crop rotation system to enhance agricultural production. Horsewell Lane was a track way to Welford which marked the boundary between Tythorne Hill Field and Goldhill Field. The area upon which the pavilion is sited has been known as Tythorne Hill Field since at least the thirteenth century.
- 2.2 There are other references in the built environment to Tythorne Hill Field within Wigston, examples of these are set out below:
 - Tythorn Field Community Primary School;
 - Tythorn Hill Farm, Cooks Lane;
 - Tythorn Drive, Wigston Fields;
 - Tythorne Bridge, Grand Union Canal;
 - Tythorne Aqueduct, Grand Union Canal; and
 - Tythorne Lock, Grand Union Canal.
- 2.3 The proposed naming of the new pavilion therefore recognises and celebrates the historic geographical significance of Tythorne Hill Field and its long standing association with

Horsewell Lane.

3. Proposed Large Community Room Name – ‘Jean Crane Hall’

- 3.1 Jean Crane is a dedicated volunteer organiser who has devoted considerable time over many years to supporting young people in Wigston. She currently organises sessions and events at the Wigston Club for Young People as well as managing the existing club building, as part of her role as ‘Club Leader’. The Wigston Club for Young People will be a key user of the new pavilion and will add to the community vibrancy of this new facility.
- 3.2 Jean’s dedication and community service to support young people should be celebrated as an example and inspiration to all. The naming of the room after Jean is well deserved and also serves to cement the link between old and new with the integration of the Wigston Club for Young People in the new pavilion.

4. Proposed Small Community Room Name – ‘Dan Shirley Room’

- 4.1 Dan Shirley was a soldier from Wigston who died in a tragic accident whilst serving in Afghanistan in 2008. Dan was a dedicated soldier who joined the army in 1992. He served for almost 16 years and achieved the rank of Warrant Officer Class 2. During his time in the army he served with the Parachute Regiment, the Army Physical Training Corps and the Air Assault Support Regiment, Royal Logistic Corps.
- 4.2 Dan has been described by his commanding officers and colleagues as being an inspirational man who was admired and universally respected. In the context of the community and sports pavilion he was further described as being a perfect role model for young soldiers, being fit, irrepressibly enthusiastic and superbly professional. It is hoped that the naming of the room after Dan will serve as a memorial to the ultimate sacrifice that our Armed Forces personnel sometimes make and prove to be an inspiration to future generations to serve their community and perform to the best of their sporting abilities.