



GUILDFORD  
BOROUGH

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**Tom Horwood**  
Joint Chief Executive  
Guildford & Waverley  
Borough Councils

Contact Officer:

Carrie Anderson, Senior Democratic  
Services Officer

16 August 2023

Dear Councillor,

Your attendance is requested at a meeting of the **EXECUTIVE** to be held in the Council Chamber, Millmead House, Millmead, Guildford, Surrey GU2 4BB on **THURSDAY, 24 AUGUST 2023** at 6.00 pm.

Yours faithfully

Tom Horwood  
Joint Chief Executive  
Guildford & Waverley  
Borough Councils

#### **MEMBERS OF THE EXECUTIVE**

Chairman:

Councillor Julia McShane (Leader of the Council & Lead Councillor for  
Housing)

Vice-Chairman:

Councillor Tom Hunt (Deputy Leader of the Council & Lead Councillor for  
Regeneration)

Councillor Angela Goodwin, Lead Councillor for Engagement and Customer  
Services

Councillor Catherine Houston, Lead Councillor for Commercial Services

Councillor Richard Lucas, Lead Councillor for Finance and Property

Councillor Carla Morson, Lead Councillor for Community and Organisational  
Development

Councillor George Potter, Lead Councillor for Planning, Environment and  
Climate Change

Councillor Merel Rehorst-Smith, Lead Councillor for Regulatory and  
Democratic Services



### **WEBCASTING NOTICE**

This meeting will be recorded for live and/or subsequent broadcast on the Council's website in accordance with the Council's capacity in performing a task in the public interest and in line with the Openness of Local Government Bodies Regulations 2014. The whole of the meeting will be recorded, except where there are confidential or exempt items, and the footage will be on the website for six months.

If you have any queries regarding webcasting of meetings, please contact Committee Services.

### **QUORUM 3**

## THE COUNCIL'S STRATEGIC FRAMEWORK (2021- 2025)

### **Our Vision:**

A green, thriving town and villages where people have the homes they need, access to quality employment, with strong and safe communities that come together to support those needing help.

### **Our Mission:**

A trusted, efficient, innovative, and transparent Council that listens and responds quickly to the needs of our community.

### **Our Values:**

- We will put the interests of our community first.
- We will listen to the views of residents and be open and accountable in our decision-making.
- We will deliver excellent customer service.
- We will spend money carefully and deliver good value for money services.
- We will put the environment at the heart of our actions and decisions to deliver on our commitment to the climate change emergency.
- We will support the most vulnerable members of our community as we believe that every person matters.
- We will support our local economy.
- We will work constructively with other councils, partners, businesses, and communities to achieve the best outcomes for all.
- We will ensure that our councillors and staff uphold the highest standards of conduct.

### **Our strategic priorities:**

#### Homes and Jobs

- Revive Guildford town centre to unlock its full potential
- Provide and facilitate housing that people can afford
- Create employment opportunities through regeneration
- Support high quality development of strategic sites
- Support our business community and attract new inward investment
- Maximise opportunities for digital infrastructure improvements and smart places technology

#### Environment

- Provide leadership in our own operations by reducing carbon emissions, energy consumption and waste

- Engage with residents and businesses to encourage them to act in more environmentally sustainable ways through their waste, travel, and energy choices
- Work with partners to make travel more sustainable and reduce congestion
- Make every effort to protect and enhance our biodiversity and natural environment.

### Community

- Tackling inequality in our communities
- Work with communities to support those in need
- Support the unemployed back into the workplace and facilitate opportunities for residents to enhance their skills
- Prevent homelessness and rough-sleeping in the borough

## Agenda

**Item  
No.**

**1 Apologies for absence**

**2 Local code of conduct - disclosable pecuniary interest**

In accordance with the local Code of Conduct, a councillor is required to disclose at the meeting any disclosable pecuniary interest (DPI) that they may have in respect of any matter for consideration on this agenda. Any councillor with a DPI must not participate in any discussion or vote regarding that matter and they must also withdraw from the meeting immediately before consideration of the matter.

If that DPI has not been registered, the councillor must notify the Monitoring Officer of the details of the DPI within 28 days of the date of the meeting.

Councillors are further invited to disclose any non-pecuniary interest which may be relevant to any matter on this agenda, in the interests of transparency, and to confirm that it will not affect their objectivity in relation to that matter.

**3 Minutes (Pages 7 - 14)**

To confirm the minutes of the meeting of the Executive held on 20 July 2023.

**4 Leader's announcements**

**5 Vehicle replacement programme for 2024/25 \* (Pages 15 - 20)**

**6 Review of Guildford Borough Council's Covert Investigative Powers Policy and Alignment with the Policy of Waverley Borough Council (Pages 21 - 72)**

**7 Executive Working Groups 2023 (Pages 73 - 116)**

Key Decisions:

Any item on this agenda that is marked with an asterisk is a key decision. The Council's Constitution defines a key decision as an executive decision which is likely to result in expenditure or savings of at least £200,000 or which is likely to have a significant impact on two or more wards within the Borough.

Under Regulation 9 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, whenever the Executive intends to take a key decision, a document setting out prescribed information about the key decision including:

- the date on which it is to be made,
- details of the decision makers,
- a list of the documents to be submitted to the Executive in relation to the matter,
- how copies of such documents may be obtained

must be available for inspection by the public at the Council offices and on the Council's website at least 28 clear days before the key decision is to be made. The relevant notice in respect of the key decisions to be taken at this meeting was published as part of the Forward Plan on 27 July 2023.

## Executive

\* Councillor Julia McShane (Chairperson)  
Councillor Tom Hunt (Vice-Chair)

* Councillor Angela Goodwin	Councillor Carla Morson
* Councillor Catherine Houston	* Councillor George Potter
* Councillor Richard Lucas	* Councillor Merel Rehorst-Smith

\*Present

Councillors Councillor Fiona White and Councillor Vanessa King, were also in attendance.

### **EX9 Apologies for Absence**

Apologies for absence received from Councillors Tom Hunt and Carla Morson.

### **EX10 Local Code of Conduct - Disclosable Pecuniary Interest**

There were no declarations of interest.

### **EX11 Minutes**

The minutes of the meeting held on 22 June 2023 were agreed as a correct record. The Chairman signed the minutes.

### **EX12 Leader's Announcements**

The Leader informed the Executive that the Community Wellbeing team had just been named a finalist in the prestigious BBC "Make a Difference Awards". Out of thousands of nominations, Community Wellbeing really stood out as a shining example of dedication and commitment to improving the lives of those around us. The Leader congratulated the team for this amazing nomination.

Residents would shortly be asked to check that their electoral registration details were up to date. From 4 August we would begin emailing or writing to every household in the borough, encouraging residents to respond as soon as they could. In particular, we would like potential first-time voters to be aware of their

right to register. This included 16-17 year olds who could register ahead of their 18<sup>th</sup> birthday.

The Leader noted that there was potential funding available for climate change projects, and organisations and community groups were encouraged to contact our Climate Change Officer [nat.prodger@guildford.gov.uk](mailto:nat.prodger@guildford.gov.uk) to find out more.

Last month, the Surrey Environment Partnership (SEP) waste reduction scheme, Rethink Waste, was rolled out to the whole of Surrey. Any resident with a Surrey postcode could now join the scheme, take part and start receiving rewards for reducing their waste. Further details were available on the SEP website.

### **EX13 General Fund Budget update**

The Executive considered a full Council report written by the Chief Executive and Chief Finance Officer that set out a revised General Fund budget statement for 2023/24. The annual budget had been submitted to full Council in February, at which point a deficit was identified and it was agreed that the Joint Management Team would undertake a comprehensive financial review to identify a set of measures to address this deficit and to present a restated budget in July 2023. A number of factors were identified in the report as having influenced the council's financial position and these were presently common to many other councils. Those factors included increasing demand for services, the state of the UK economy over the last year (with high inflation and rising interest rates), and a succession of government funding reductions over many years. For Guildford, a significant factor was the effect of rising interest rates in regard to borrowing in support of various infrastructure and regeneration projects that had increased the Council's overall debt.

The report set out the findings of the comprehensive financial review and recommended actions to mitigate and reduce the risk of the Council reaching a declaration of a Section 114 notice and a financial recovery plan. A S114 Notice would require the Council to cease all non-essential expenditure and reduce operational and service delivery costs immediately. The report included recommendations to establish a task force to deliver the financial recovery plan.

The report had been considered by the Corporate Governance and Standards Committee (CGSC) at a specially convened meeting earlier in the week. The comments arising from that meeting including suggested amendments to the various recommendations were set out in the Supplementary Information Sheet and proposed that the restated budget for 2023/24 include a budget for Planning resources and that a cross-party Executive working group be created to operate



in a support and councillor communication role. The CGSC also proposed the Executive note the findings in the report rather than to endorse them.

The report was introduced to the Executive by the Lead Councillor for Finance and Property.

It was observed that the report was comprehensive, robust, and honest. The public and press had been informed of the content of the report as the council proceeded to address the financial issues with openness and transparency.

The CGSC recommendations were accepted in full with the exception of the recommendation to 'note' the findings of the report, the Executive preferred to revert to the original wording of the report and 'endorse' the findings.

Executive comments included the importance of the inclusion for the business case for additional planning resources as it was a priority for the Council to improve performance and would result in savings in the longer term.

The creation a cross-party working group was acceptable.

RESOLVED:

To recommend to full Council on 25 July 2023:

- (1) To approve the restated 2023-24 General Fund Revenue budget, including the business case for additional planning resources.
- (2) To approve the repurposing of earmarked reserves as detailed in the report.
- (3) To endorse the findings in the report.
- (4) To note the response by the Chief Finance (Section 151) Officer to the S114(3) duty and his recommended immediate actions including a range of expenditure controls, which will be managed through a Financial Control Panel consisting of Senior Officers and chaired by the Section 151 Officer.
- (5) To note that a financial recovery plan is being developed by the Chief Finance Officer in liaison with the Joint Management Team, together with milestones and delivery targets, to be reported to October Full Council for approval.
- (6) To endorse the management action of establishing a task force to deliver the financial recovery plan at pace, to provide the capacity, skills, and capability to support recovery.

- (7) To note that the Executive will set up an executive working group for the following purposes:
- a) to receive and comment on regular updates on the Council's preparations for the Medium-Term Financial Plan restatement in October and its implementation;
  - b) to provide a sounding board for the Executive and officers on the options that are coming forward to close the projected financial gap; and
  - c) to guide wider communication with councillors and beyond
- (8) To note that expenditure controls as a feature of how the Council conducts its business will remain in place until such time that the MTFP is balanced, and that such controls shall be determined by the Chief Finance Officer and the Chief Executive, in consultation with the Lead Councillor for Finance and Property.
- (9) To authorise the Chief Finance Officer and Chief Executive to draw down earmarked funding to provide capacity to address and deliver the financial recovery plan and note that the Chief Finance Officer will continue to engage with expert external assistance and advice.
- (10) To endorse the proposal to develop an asset disposal strategy to optimise the revenue impact from the divestment (via sale or otherwise) of the Council's assets and address the need to pay off debt, utilising external advice and support to ensure that best value returns are achieved.
- (11) To agree that a revised Medium-Term Financial Plan be brought to the Executive and Council in October 2023 and then reported quarterly to the Corporate Governance and Standards Committee.

Reason:

To enable the Council to set a balanced budget, which is a statutory requirement and a robust Medium-Term Financial Plan.

**EX14 Temporary Shared Staffing Arrangements**

On 6 July 2021, Guildford Borough Council and Waverley Borough Council each agreed to create a single management team and bring forward business cases for future collaboration. An inter authority agreement was entered into in April 2022 to govern the arrangements for such jointly appointed staff.

The Executive considered a report seeking to provide authority to enable opportunities relating to staffing to be realised on a temporary basis pending any formal decisions regarding the Transformation and Collaboration Programme in the future.

It was important to ensure that officers had sufficient agility in operational decision making and to be able to embrace opportunities that might arise regarding temporary staffing arrangements. Such arrangements were likely to be beneficial to both councils in terms of cost, efficiency and skills, whilst retaining flexibility for any future longer-term arrangements brought about through the Transformation and Collaboration Programme.

Executive approval was sought to support the principle of shared staffing arrangements, where they support the Transformation and Collaboration Programme, and for the Joint Chief Executive to be able to approve such arrangements where there was a business case to do so.

The report was introduced by the Lead Councillor for Regulatory and Democratic Services.

The Executive noted the mandate awarded to officers previously to take forward the Inter-Authority Agreement at management level had so far provided both councils with around £400,000 in saved staffing costs. Post-election, with new administrations in place in both councils, it was considered a good point in time to move forward. The Executive agreed that proposals offered a more agile staff team that would facilitate collaborative opportunities as they arose. It was also suggested that the proposals would similarly offer development opportunities for staff.

**RESOLVED:**

- (1) That the principle of sharing staff between Guildford Borough Council and Waverley Borough Council, on a temporary basis, where appropriate to support the collaboration programme be approved.
- (2) That the Joint Chief Executive be authorised to approve, subject to a business case, future temporary staff sharing arrangements between Guildford Borough Council and Waverley Borough Council, to support the collaboration and transformation programme.
- (3) That the Joint Executive Head of Legal and Democratic Services be authorised to enter into an agreement between Guildford Borough Council and Waverley Borough Council for the sharing of their staff on a temporary basis.

Reasons:

- (1) To ensure that officers had sufficient agility in operational decision making to embrace opportunities that may arise regarding temporary staffing arrangements, that are likely to be beneficial to both councils in terms of cost, efficiency and skills, whilst retaining flexibility for any future longer-term arrangements brought about through the Transformation and Collaboration Programme.
- (2) To ensure that there was a robust governance process around the sharing of staff on an interim basis, including arrangements for the sharing of costs, terminating any such agreements and resolving any disputes in a fair and transparent manner.

**EX15 Appointments to External Organisations 2023-27**

The council appointed councillors to many types of organisations including local charities, community groups and joint local authority advisory bodies for which they undertook a range of governance or advisory roles. Most councils appoint councillors to external organisations with a view to developing positive working relationships with them for the benefit of their residents and local communities.

Following a major review in 2016-17, the Council made a number of changes both to the type of external organisation to which councillors were appointed, and to the manner by which those appointments were made.

In essence, these changes were as follows:

- To appoint councillors only to such external organisations that:
  - (i) support the Council's Corporate priorities, and/or
  - (ii) assist in delivery of Council services, and/or
  - (iii) are using Council facilities
- To appoint one councillor to each of these external organisations (plus a deputy) for a four-year term of office following Borough Council elections.

In addition, the Democratic Services and Elections Manager was given authority to appoint councillors where there was no contest. Contested vacancies were to be determined by either the Executive or Full Council.

During June and July, councillors had been consulted on the vacancies available and the only contested appointment was in relation to the Guildford Philanthropy

Fund Panel in respect of which Councillors Geoff Davis and Vanessa King had been nominated.

The Guildford Philanthropy Fund Panel was designated as a vacancy for the Executive to determine as it was a body created by the Executive in 2014. It was currently run by the Community Foundation for Surrey and assisted disadvantaged residents across the borough.

Both councillors had provided a written submission in support of their application which were set out in Appendix 2 to the report and the Executive was invited to consider which councillor should be appointed.

Councillor Vanessa King was in attendance at the meeting and spoke in support of her nomination.

The Executive considered the written submissions from both councillors and the oral address of Councillor King. It was noted that both candidates showed good qualities for the role, but that Councillor Davis had previously been appointed to this role and had opportunities to be appointed to available vacancies on other organisations. Consequently, the Executive

**RESOLVED:**

That Councillor Vanessa King be appointed to the Guildford Philanthropy Fund Panel for the period 2023-2027, and that should he choose to accept, Councillor Geoff Davis be appointed as deputy.

Reason:

To ensure that the Council is represented on the Guildford Philanthropy Fund Panel.

The meeting finished at 6.37 pm

Signed .....

Date .....

Chairman

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Executive Report

Ward(s) affected: All.

Report of Director of Community Wellbeing

Author: Chris Wheeler, Executive Head of Environmental Services

Tel: 01483 445030

Email: Chris.Wheeler@guildford.gov.uk

Lead Councillor responsible: George Potter

Tel: 07518 995615

Email: george.potter@guildford.gov.uk

Date: 24 August 2023

## **Vehicle Replacement Programme for 2024/25**

### **1. Executive Summary**

This report sets out the anticipated vehicle replacements for 2024/25.

### **2. Recommendation to Executive**

That the Executive resolves to:

1. Approve the programme of replacement vehicles for 2024/25 and approve the moving of £2.15m from the provisional capital programme to the approved capital programme; and
2. Delegate authority to the Executive Head of Environmental Services to carry out a compliant procurement process, award the contracts to the successful tenderers, and, in consultation with the Executive Head of Legal & Democratic Services and the Lead Councillor, enter into relevant contracts (it is anticipated there will be at least two contracts but will be dependent if the vehicles come from the same provider).

### 3. Reason(s) for Recommendation:

To allow for the replacement of the waste and garden waste vehicles in 2024.

**Is the report (or part of it) exempt from publication? No**

### 4. Purpose of Report

To set out the vehicle replacements for the 2023/24 year and to bring forward £2.15 million from the provisional capital programme to the approved capital programme to enable the purchase of vehicles in line with the decision of the Executive.

### 5. Strategic Priorities

The purchase of vehicles is to support core operational delivery of services, including on waste, parking, street cleaning and grounds maintenance. Having a modern, reliable and well-maintained fleet is critical to high quality service delivery. In support of the key strategic priority of Protecting the Environment, our approach to vehicle drive trains is an Electric Vehicle first approach unless the electric approach is not viable either financially or operationally.

### 6. Background

6.1 The following 11 vehicles are recommended for replacement in 2024/25

Service Unit	Vehicle / Equipment (replacement)
Waste	Replace one 2013 - 7.5 tonne Garden Waste vehicle
Waste	Replace four 2016 – 26t garden waste vehicles
Waste	Replace one 2014 – 18t domestic collection vehicle
Waste	Replace three 2013 – 26t domestic waste vehicle
Waste	Replace two 2013 – 7.5 tonne domestic waste collection vehicles



- 6.2 These vehicles are like for like replacement and are of an age and use where they are presenting increasing reliability issues which in turn affects service quality and cost and are in need of replacement at the earliest opportunity in 2024.
- 6.3 We have actively reviewed the remainder of the fleet nearing their planned replacement cycle in the light of the council's challenging financial position. These are mainly light vehicle and in general these are in good condition and a reasonable age profile and as such we would recommend extended operational life. Therefore, we are not currently recommending replacements other than refuse vehicles for the 2024/25 year.
- 6.4 We estimate that the price of these replacements will be around £2.15m subject to tender.
- 6.5 We have actively considered alternative propulsion, such as Electric Vehicles (EV). However, EV dustcarts are still an emerging technology which does lead to service and cost risks and we do not have the infrastructure to support an EV fleet without significant investment in a depot that is planned to be closed within a year of these vehicles arriving. Finally, the capital cost of these vehicles is approximately twice that of standard vehicles, making them approximately £160,000 per vehicle more expensive on an 8 year life than the equivalent diesel vehicle, after taking into account potential operating savings. Hydrogen fuel cell technology is being increasingly used within buses but is further behind EV for other uses such as dustcarts and may be an option to consider in the future.

## **7. Key Risks**

The waste services are predominantly statutory (domestic refuse and recycling) with the remainder (commercial waste and garden waste) being contractual. We actively seek to maximise the life of the fleet. However, as vehicles age, those with heavier use, such as garden waste vehicles, become less dependable and cost more to keep on the road. Whilst the repair costs are a consideration, the main focus of the service is ensuring service delivery. A modern and

well maintained fleet is critical to reliable and consistent service provision. Delays to replacing the vehicles identified here risk significant service disruption.

## **8. Financial Implications**

The estimated cost of procuring the identified waste vehicles is £2.15m. This is within the council's planned capital expenditure. This level of capital investment will result in a revenue impact of around £150,000 per annum based on current interest rates which is covered within the existing capital financing budget.

## **9. Legal Implications**

The Executive Head of Environmental Services will ensure, in consultation with the Council's procurement manager, that a compliant procurement exercise is undertaken, that is lawful and in accordance with the Council's Procurement Procedure Rules.

The Executive Head of Environmental Services will assess the results of the procurement exercise(s) and make an officer decision, subject to the delegation being approved by the Executive, to award the contract to the successful tenderer, in consultation with the Council's in-house legal team and the Lead Councillor.

## **10. Human Resource Implications**

No HR implications have been identified.

## **11. Equality and Diversity Implications**

This duty has been considered in the context of this report and it has been concluded that there are no equality and diversity implications arising directly from this report.

## **12. Climate Change/Sustainability Implications**

- 12.1 The recommendation is for like-for-like replacements so the decision will be neutral in terms of carbon emissions. We do expect to move depots in 2025 and infrastructure to support EV is being

built into the design of the new depot. This will enable us to review future refuse collection vehicle propulsion as EV technology continues to improve and become more affordable. It should be noted that although these vehicles, once purchased, will have a potential life beyond 2030, we could consider a shorter life if the technology improves, and the climate and business case support an earlier replacement of these vehicles.

- 12.2 We had considered the amount of carbon that could potentially be reduced by adopting alternative propulsion. Early indications based on the use of 12,000 litres of diesel per year and using an estimate of reduced carbon of around 2.7 kilos per litre gives a potential reduction in carbon of around 32 tons per year per 26t dustcart once we are in a position to move to alternative propulsion.
- 12.3 It should be noted that we would normally expect a life for refuse vehicles of 7-8 years. However, there is always flexibility to either extend their life subject to the condition of the vehicles or shorten their life should wider circumstances such as changes in legislation resulting in service change or opportunities. For example, the relative cost of alternative fuel vehicles means that changing earlier would result in net cost reductions.

### **13. Summary of Options**

Alternative options would be to further delay replacement or further investigate viable alternative propulsion, such as EV or hydrogen, however this will result in delays and increased service reliability risks.

### **14. Conclusion**

- 14.1 We have identified 11 refuse collection vehicles that need replacing to ensure these services remain reliable and high quality. We have actively reviewed other vehicles entering their end of life and confirmed that we can extend a number of vehicles with minimal service risk and delay demand on the council's capital resources.

- 14.2 We are recommending a like-for-like replacement, with a view to introducing more EV or other zero carbon propulsion vehicles as technology improves and our infrastructure, in a new depot, is better suited to support a change in propulsion.

**15. Background Papers**

None.

**16. Appendices**

None.

## **Guildford Borough Council**

Report to: Executive

Date: 24 August 2023

Ward(s) affected: All

Report of Director: Transformation & Governance

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Lead Councillor responsible: Merel Rehorst-Smith

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Email: merel.rehorst-smith@guildford.gov.uk

Report Status: Open

# **Review of Guildford Borough Council's Covert Investigative Powers Policy and alignment with the Policy of Waverley Borough Council**

## **1. Executive Summary**

- 1.1 The Executive is asked to adopt the draft policy in Appendix 1 to this report. The Executive is also asked to note that the Audit & Risk Committee at Waverley Borough Council is being asked to recommend an identical policy to Waverley Borough Council, with a view to both councils updating their current policies to reflect best practice, and to put the councils in the position of separate but aligned policies. This would reflect the current position of maintaining sovereignty but the policy being aligned to support and facilitate future collaboration between the councils should that be forthcoming.

- 1.2 The Regulation of Investigatory Powers Act 2000 (RIPA) (as amended by the Protection of Freedoms Act 2012 (POFA)) and the Investigatory Powers Act 2016 (IPA) set out a regulatory framework for the use of covert investigatory techniques by public authorities who must also adhere to the published Codes of Practice. The purpose of the legislation is to regulate powers to access information in a manner that is compatible with the Human Rights Act 1998, particularly Article 8 - the right to respect for private and family life.
- 1.3 Interference with these rights must be necessary and proportionate. Guildford Borough Council is committed to implementing the provisions of RIPA (and associated legislation) to ensure that any covert surveillance and/or obtaining of Communications Data is undertaken lawfully and is necessary and proportionate to alleged offences.
- 1.4 It should be noted that the Council only uses covert surveillance powers exceptionally. In the last five years, the Council has only used its powers twice, once in February 2019 and once in August 2021. Both uses were in relation to directed surveillance.
- 1.5 The proposed policy:
  - describes the investigative techniques local authorities are allowed to use and the limited circumstances in which they can be used;
  - outlines the need for authorisation, training and identifies examples of what exactly would constitute regulated activity; and
  - seeks to outline the roles and responsibilities of various officers under the policy to ensure best practice and a consistency in approach when exercising RIPA and IPA powers.
- 1.6 The legislation and Codes of Practice are frequently amended, and this policy seeks to give up-to-date details of those changes. It will help the Council to comply with the requirements of the Investigatory Powers Commissioner's Officer (IPCO) Inspectorate and also provide guidance to those who use these powers.

- 1.7 As there is now a Joint Management Team, some roles described within this policy, are shared across both Guildford and Waverley Councils and it makes sense for the policy to reflect this, and for Guildford and Waverley to have aligned policies so the responsibilities of shared officers are clear and consistent.
- 1.8 The draft policy draws the best parts and examples from each individual policy into one shared document.

Options considered:

- Maintaining two different policies, one for each council. (This is not recommended as both policies needed updating and as some of the personnel needed to fulfil these roles are based across the councils; it therefore makes sense to have the same policy and consistency).
  - Adopt a joint policy for Guildford and Waverley – this is not recommended at the current time as it would not reflect the current status of two separate councils with limited collaboration in place, restricted to the Joint Management Team.
  - Adopt two separate policies for Guildford and Waverley which are aligned – to reflect the separate sovereignty but enable and facilitate collaborative working whilst providing consistency and clarity for the roles and responsibilities of joint senior officers - in its current drafted form at Appendix 1. This is the recommended course of action.
- 1.9 This report was considered by the Corporate Governance and Standards Committee on 27 July 2023 and it was recommended that the Executive adopt the proposed Guildford Covert Surveillance and Investigative Powers Policy and Procedure.

**2. Recommendation to Executive**

- 2.1 That the draft Policy in Appendix 1 to this report be adopted, subject to the same policy being adopted by Waverley Borough Council.

**3. Reasons for Recommendation:**

- 3.1. To align the policies of Guildford and Waverley and to improve consistency in reporting, monitoring and approval of covert surveillance and acquisition of communications data.
- 3.2. To ensure the integrity of the processes in place for the use of directed surveillance, covert human intelligence sources (CHIS) and acquiring communications data.
- 3.3. To maintain compliance with the Legislation and Codes of Practice that govern Investigatory powers and the Human Rights
- 3.4. To ensure collaborative engagement with IPCO and their inspectors
- 3.5. To ensure staff are fully trained and aware of their powers, duties and the authorisation process.

**4. Exemption from publication**

- 4.1 This report is not exempt from publication.

**5. Purpose of Report**

- 5.1. To inform the Council of proposed changes to the Covert Surveillance Policy and to agree a Policy that can be adopted by Guildford with the same policy being adopted by Waverley.
- 5.2. To streamline and update the Policy to reflect the most recent changes in law and changes in personnel responsible for different roles.

**6. Strategic Priorities**

- 6.1. To be a trusted, efficient, innovative, and transparent Council by publishing the framework we will operate under.
- 6.2. To ensure local, open, participative government



- 6.3. To comply with our value that we ensure that our councillors and staff uphold the highest standards of conduct.
- 6.4. To use all techniques available to ensure effective regulation and enforcement.

## **7. Background**

- 7.1 Historically, both Guildford and Waverley have had their own separate and quite different policies in relation to covert surveillance. Guildford's Policy combined policy with practice and procedure and had some good examples to help illustrate when the power came into play. However, the policy was lacking in detail in some areas, particularly in relation to error reporting and social media usage guidance. Waverley had a relatively short policy document, which referred to a detailed procedural document. They also had a separate social media guidance document. Both policies were somewhat out of date in respect of Communications Data terminology and procedure as implemented by the IPA.
- 7.2 The draft policy at Appendix 1 aims to combine the best parts of both councils' documents into a coherent policy, which covers policy, practice, procedure, examples and social media guidance.
- 7.3 This policy applies to all employees of Guildford Borough Council, including those working from home or at non-Council locations. It also applies to councillors, consultants, agency staff and contractors working for the Council and external organisations working with the Council, whilst engaged on Council business. Provided the same Policy is adopted by Waverley Borough Council, that too will also apply to all their employees, councillors, consultants, agency staff and external organisations working on Council business. Hence, there will be clarity and consistency of both councils having an identical policy for employees and others employed jointly by the two councils or working collaboratively on joint or shared services or projects. The two councils having an identical policy will also put them in a strong position to support any future decisions to progress and extend the current collaborative working.

- 7.4 This policy applies to the authorisations of directed surveillance, CHIS and acquisition of communications data and other related activities.
- 7.5 The IPCO regularly inspects councils on their usage and compliance with the legislation and the contents of this draft policy has sought to address concerns raised in past inspections. It should be noted that Waverley Borough Council underwent an inspection from the IPCO in June 2023 and there were no matters of non-compliance raised. Guildford Borough Council is expecting an inspection from the IPCO in 2023-24.
- 7.6 By outlining different roles, responsibilities and procedure and training requirements it is hoped that there will be more clarity in the safe use of the councils' powers under these Acts, which are in turn a very useful enforcement tool to uphold the regulatory and enforcement duties of the councils.

## **8. Consultations**

- 8.1. Liaison has taken place between Guildford and Waverley Legal Services and the Data Protection Officer for Guildford and Fraud Investigative Officer at Waverley.

## **9. Key Risks**

- 9.1. Non-compliance with RIPA and associated legislation or the Human Rights Act, leading to non-admissibility of evidence, claims for compensation, maladministration, or criminal sanctions.
- 9.2. Criticism and negative results in IPCO inspections.

## **10. Financial Implications**

- 10.1 Training costs of approximately £2,000 - in order to comply with the training requirements in the policy. (NB. it is proposed these costs will be shared with other councils across Surrey.)

## **11. Legal Implications**

- 11.1 Having a policy which is not up to date with legislation and Codes of Practice, could lead to non-compliance with RIPA and associated legislation or the Human Rights Act.
- 11.2 If data is obtained unlawfully this could lead to non-admissibility of evidence, which would affect our ability to prosecute offences.
- 11.3 New criminal offences have been enacted under the IPA in relation to obtaining or disclosing data unlawfully.

## **12. Human Resource Implications**

- 12.1. None identified.

## **13. Equality and Diversity Implications**

- 13.1 We have had due regard to the aims of the Public Sector Equality Duty (Equality Act 2010) and our statutory duty under section 149 of the Equality Act 2010, when drafting this policy.
- 13.2 This duty has been considered in the context of this report and it has been concluded that any equality and diversity implications are adequately addressed in the processes outlined.
- 13.3 The policy itself does seek to safeguard juvenile and vulnerable sources and warns against employment of covert techniques in a disproportionate manner.
- 13.4 The considerations and authorisations that any application for the use of covert techniques must pass, will mean that any use will be necessary and proportionate, and consideration will have been given to collateral intrusion and the Human Rights Act.
- 13.5 Therefore, when the policy and legislative framework is followed, powers can only be employed in a balanced and non-discriminatory way. Powers can only be employed in a specific range of circumstances and checks and balances are in place.

## **14. Climate Change/Sustainability Implications**

14.1. There are no direct climate change or sustainability implications arising from this report. The Council must manage risk effectively, especially risks relating to programmes and projects, to achieve its goal of being net-zero carbon by 2030.

## **15. Summary of Options**

15.1 The officers' preferred option is that the Council adopts the new policy as drafted (Appendix 1), which is up to date as to current legislation and helps to align the two councils' policies on usage of investigatory powers. Once approved by both councils, this document will replace:

1. GBC's Covert Surveillance Policy and Procedure version 1 (2022)
2. WBC's RIPA Policy version 2.0 (2023)
3. WBC's Regulation of Investigative Powers Act 2000 – Procedural Guide (2023)
4. Waverley social media in investigations procedure and guidance note.

15.2 The Executive could adopt the new aligned policy with such amendments as it may see fit. However, the Executive should be mindful that any amendments it makes may not be adopted by Waverley Borough Council which would negate the benefits of having an aligned and identical policy.

15.3 The Executive could refuse to adopt the new policy and keep the separate and different policy framework for each borough Council. Along with not aligning to two authorities, there is also a risk that the policies are not compliant with the current guidance.

## **16. Conclusion**

16.1 It is recommended that the new aligned policy is agreed and adopted as it contributes to consistent Practice across both Boroughs

and updates the policies in line with changes in legislation and personnel.

## **17. Background Papers**

RIPA 2000 - [Regulation of Investigatory Powers Act 2000 \(legislation.gov.uk\)](https://legislation.gov.uk)

IPA 2016 - [Investigatory Powers Act 2016 \(legislation.gov.uk\)](https://legislation.gov.uk)

NAFN – Investigatory powers guidance booklet [NAFN Investigatory Powers Act Guidance Booklet.pdf \(local.gov.uk\)](https://www.local.gov.uk)

Protection of Freedoms Act 2012 - [Protection of Freedoms Act 2012 \(legislation.gov.uk\)](https://legislation.gov.uk)

Excerpts from the HRA 1998: [Human Rights Act 1998 \(legislation.gov.uk\)](https://legislation.gov.uk)

Guildford 2022 policy

RIPA codes of Practice - [RIPA codes - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

RIPA Forms - [RIPA forms - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

## **18. Appendices**

Appendix 1: Proposed Guildford Covert Surveillance and Investigative Powers Policy and Procedure

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# **Guildford Borough Council**

## **Covert Surveillance and Investigative Powers Policy and Procedure**

### **Document Information**

Version: 1.0

This document replaces: All previous policies and procedural guides from Guildford Borough Council

Service Policy Owner: Guildford Borough Council Legal and Democratic Services

Governance: Monitoring Officer in consultation with Corporate Governance & Standards Committee (GBC) – Followed by recommendation to the Executive

Date of approval: TBC

Next review date: October 2024

Target Audience: All staff

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# PART 1 – Definitions & Policy

## Definitions:

### “Article 8 – Right to respect for private and family life”

Everyone has the right to respect for his private and family life, his home and his correspondence.

There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

### “Collateral Intrusion”

The risk of intrusion into the privacy of persons other than those who are directly the subjects of the investigation or operation

### “Communications Data”

This covers the obtaining of Communications Data and disclosure to any person of such data. Communications Data relates to the use of a postal service or telecommunications system but does not include the contents of the communication itself, content of emails or interaction with websites.

### “Confidential Journalistic Material”

This relates to material acquired or created for journalism purposes and subject to an undertaking to hold it in confidence, as well as communications resulting in information acquired for the purposes of journalism and held subject to such an undertaking.

### “Confidential Material”

This is information where the subject of the operation may reasonably expect a high degree of privacy, or where confidential information is involved - including matters subject to legal privilege, confidential personal information - e.g., medical records or journalistic material.

### “Confidential Personal Information”

This is information held in confidence relating to the physical or mental health of any identifiable individual (living or dead). This may include oral or written communications subject to an express or implied undertaking to hold the information in confidence. The definition above applies only in the context of covert surveillance and differs from the definitions of sensitive personal data used in guidance on data protection matters.

### “Covert”

In general, covert is defined as something carried out in a manner calculated to ensure that the subject of the surveillance is unaware of it.

If activities are not hidden from the subjects of your investigation, you are not within the RIPA Legislation framework at all.

Similarly, surveillance is overt if the subject has been told it will happen

“Covert Human Intelligence Source (CHIS)”

Under the 2000 Act, a person is a CHIS if: they establish or maintain a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within Section 26(8)(b) or (c); they covertly use such a relationship to obtain information or to provide access to any information to another person; or they covertly disclose information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.

A relationship is established or maintained for a covert purpose if and only if it is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the purpose. A relationship is used covertly, and information obtained is disclosed covertly, if and only if the relationship is used or the information is disclosed in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the use or disclosure in question. This can therefore include undercover officers, public informants and, in some circumstances, people who make test purchases.

“Covert Surveillance”

This includes the three covert surveillance techniques that councils have the power to use: Directed Surveillance, the use of a CHIS and the obtaining of Communications Data

“Data Protection Legislation”

Means all applicable data protection and privacy legislation in force from time to time in the UK including the UK GDPR, the Data Protection Act 2018, the Privacy and Electronic Communications Directive 2002/58/EC (as updated by Directive 2009/136/EC) and the Privacy and Electronic Communications Regulations 2003 (SI 2003/2426) as amended.

“Directed Surveillance”

As defined by the Home Office’s [Covert Surveillance Code of Practice](#) (2018) this is surveillance which is covert (i.e. the subject does not know they are under surveillance), but not Intrusive, and is undertaken:

- For the purposes of a specific investigation or operation
- In a way likely to result in obtaining private information about a person (whether or not specifically identified for the purposes of the investigation)
- Not as an immediate response to events of such a nature that it would be unreasonable and impracticable for an authorisation under RIPA Legislation to be sought

### “Entity Data”

This data is about entities or links between them and describes or identifies the entity but does not include information about individual events. Entities could be individuals, groups and objects (such as mobile phones or other communications devices).

Entity Data covers information about a person or thing, and about links between a telecommunications service, part of a telecommunication system and a person or thing, that identify or describe the person or thing. This means that individual communication devices such as phones, tablets and computers are entities. The links between a person and their phone are therefore Entity Data but the fact of or information about communications between devices on a network at a specific time and for a specified duration would be Events Data.

Examples of Entity Data include:

- ‘Subscriber checks’ such as “who is the subscriber of phone number 01234 567 890?”, “who is the account holder of e-mail account example@example.co.uk?” or “who is entitled to post to web space?”;
- ‘Subscribers’ or account holders’ account information, including names and addresses for installation, and billing including payment method(s), details of payments;
- Information about the connection, disconnection and reconnection of services to which the subscriber or account holder is allocated or has subscribed (or may have subscribed) including conference calling, call messaging, call waiting and call barring telecommunications services;
- Information about apparatus or devices used by, or made available to, the subscriber or account holder, including the manufacturer, model, serial numbers and apparatus codes; and
- Information about selection of preferential numbers or discount calls.

### “Events Data”

Events Data identifies or describes events in relation to a telecommunication system which consist of one or more entities engaging in an activity at a specific point, or points, in time.

Events Data covers information about time-bound events taking place across a telecommunication system at a time interval. Communications Data is limited to communication events describing the transmission of information between two or more entities over a telecommunications service. This will include information which identifies, or appears to identify, any person, apparatus or location to or from which a communication is transmitted. It does not include non-communication events such as a change in address or telephone number for a customer.

Examples of Events Data include, but are not limited to:

- Information tracing the origin or destination of a communication that is, or has been, in transmission (including incoming call records);
- Information identifying the location of apparatus when a communication is, has been or may be made or received (such as the location of a mobile phone);
- Information identifying the sender or recipient (including copy recipients) of a communication from data comprised in or attached to the communication;
- Routing information identifying apparatus through which a communication is or has been transmitted (for example, file transfer logs and e-mail headers – to the extent that content of a communication, such as the subject line of an e-mail, is not disclosed); itemised telephone call records (numbers called);
- Itemised internet connection records;
- Itemised timing and duration of service usage (calls and/or connections);
- Information about amounts of data downloaded and/or uploaded;
- Information about the use made of services which the user is allocated or has subscribed to (or may have subscribed to) including conference calling, call messaging, call waiting and call barring telecommunications services.<sup>1</sup>

“Intrusive Surveillance”:

Directed Surveillance becomes Intrusive if carried out involving anything that occurs on residential premises or any private vehicle and involves the presence of someone on the premises or in the vehicle or is carried out by means of a surveillance device.

If the device is not on the premises or in the vehicle, it is only Intrusive surveillance if it consistently produces information of the same quality as if it were.

Where surveillance is carried out by a device designed mainly for providing information about a vehicle’s location, the activity is Directed Surveillance.

Surveillance involving commercial premises and commercial vehicles does not fall within the definition of Intrusive surveillance. (Unless legally privileged instructions/advice are likely to be given on the premises)

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<sup>1</sup> Definition taken from Communications Data Codes of Practise

Please note Local Authorities are not allowed to carry out Intrusive Surveillance.

“Necessary”

*The exercise is deemed “necessary” if it passes the necessary authorisation criteria (i.e., the detection or prevention of crimes – different seriousness levels depending on which technique you are using) – See Section below “The Necessity Test”. The applicant and AOs must also be able to demonstrate that there were no other means of obtaining the same information in a less intrusive or overt method (e.g., obtaining statements from witnesses where possible) and should evidence as far as reasonably practicable what other methods were considered and why they were not implemented.*

“Proportionate”

The exercise is not “Proportionate” if it is excessive in relation to the case. Consideration should be given into the scale of the operation, the methods used and the impact on privacy would be excessive in relation to the allegation.

The proposed methods used in the operation must meet required objective and must not be arbitrary or unfair nor must the impact on any individuals/groups be too severe.

Methods used should be the least invasive needed to achieve the investigation’s aims.

“RIPA Legislation”:

The Regulation of Investigatory Powers Act 2000 (RIPA), Protection of Freedoms Act 2012(POFA) , the Investigatory Powers Act 2016 (IPA) and other related legislation set out the process to be followed when using covert investigatory techniques.

RIPA Codes of Practise have also been published which must be read and followed.

“Serious Crime Threshold “–

The offence being investigated must pass this threshold is Events Data is sought:

- S263(1) of the IPA 2016

“Serious crime” means crime where—

(a) the offence, or one of the offences, which is or would be constituted by the conduct concerned is an offence for which a person who has reached the age of 18 (or, in relation to Scotland or Northern Ireland, 21) and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of 3 years or more, or

(b) the conduct involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

“Surveillance”:

Surveillance includes:

Monitoring, observing or listening to persons, their movements, conversations or other activities or communication.

Recording anything monitored, observed or listened to.

Surveillance by or with the assistance of a surveillance device

*“The Necessity Test”*

Directed Surveillance: the exercise is deemed Necessary if it is to prevent or detect a crime that would attract a maximum prison sentence of at least six months (or underage sale of alcohol or tobacco products)<sup>2</sup>

CHIS: the exercise will be deemed Necessary if it is for the purpose of preventing or detecting crime or preventing disorder

Communications Data: where “Events Data” is sought, it must be Necessary to prevent or detect a “Serious Crime”, where “Entity Data” is sought it must be for the purpose of detecting or preventing crime or preventing disorder<sup>3</sup>

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<sup>2</sup> Section 7A The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010

<sup>3</sup> Section 60A 8 (b) Investigatory Powers Act 2016

## Policy

### Executive Summary

This policy is designed to give guidance to officers who use or authorise the use of Covert Surveillance in a lawful, Necessary, Proportionate and authorised manner. This will ensure that any evidence gained during an operation is lawful and admissible in Court and meets the aims of the investigation.

The use of investigatory powers by the local authority is governed by Legislation.

The Legislation allows the Council to interfere with the right to private and family life under article 8 of the Human Rights Act 1998 (“Article 8 rights” – see definitions) in limited circumstances that amount to covert surveillance. The use of covert surveillance must be Necessary and Proportionate to the alleged offence.

The Council is committed to implementing the provisions of the Legislation to ensure that any covert surveillance is undertaken properly and lawfully.

RIPA Legislation limits local authorities to using three covert investigation techniques, collectively referred to as Covert Surveillance. The use of Directed Surveillance and CHIS techniques must be authorised internally by an Authorising Officer (AO) and then by a Magistrate.

Directed Surveillance can only be used where Necessary to investigate a suspected crime or disorder with a maximum prison sentence of at least six months or offences related to underage sale of alcohol/tobacco<sup>4</sup> and Proportionate, balancing the seriousness of the intrusion into privacy against the seriousness of the offence and whether the information can be obtained by other means.

Communications Data can only be obtained where Necessary and Proportionate, and Events Data is subject to the “Serious Crime Threshold”.

In the case of Communication Data, the application must be made to the Office of Communications Data Authorisation (OCDA) through an accredited Single Point of Contact (SPoC). The Council accesses these services through NAFN (National anti-fraud network).

Where unauthorised evidence-gathering interferes with Article 8 rights, and where there is no other lawful authority for it, the consequence may be that the evidence was gathered unlawfully. Courts may therefore disallow the evidence, a complaint of maladministration could be made to the Ombudsman or Investigatory Powers Tribunal, and the Council may have to pay compensation.

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<sup>4</sup> offences under—(i) section 146, 147, 147A of the Licensing Act 2003 (re sale of alcohol to children) ;(ii) section 7 of the Children and Young Persons Act 1933 (sale of tobacco, etc, to persons under eighteen) (iii) section 91 & 92 of the Children and Families Act 2014 (purchase of tobacco, nicotine products etc. on behalf of persons under 18, prohibition of sale of nicotine products).

The Investigatory Powers Act 2016 also introduced new offences in relation to unlawfully obtaining and unlawfully disclosing Communications Data.

The Legislation presents some difficult judgments which must be made from time to time. Whilst individual services can and do operate their own procedures, this is an issue which affects the Council corporately and staff will never be criticised for seeking advice. Legal Services wish to stress that they welcome the opportunity to discuss scenarios with officers, as this is an area in which matters must be decided on a case-by-case basis and scenarios are not static and thus advice and solutions must be kept under review.

## Commitment of the Council

The Council will:

1. Obtain judicial authorisation and ensure that any the action is carried out lawfully
2. Put in stringent safeguards against abuse
3. Comply with Legislation and any relevant statutory guidance issued.
4. Provide training for all staff that may use Covert Surveillance, as identified by the relevant Executive Heads of Service
5. Ensure all AOs are suitably trained and that this training is refreshed on an annual basis
6. Monitor its own working practice on a regular basis and review this policy
7. Welcome scrutiny from the Investigatory Powers Tribunal (IPT) and periodic inspections from the Investigatory Powers Commissioner's Office (IPCO).
8. Cooperate fully with the IPT and IPCO and implement any proposals or changes which may be suggested.

## Scope of this policy and procedural document

This Policy applies to all employees working for the Council, including those working from home or at non-Council locations. It also applies to councillors, consultants, agency staff and contractors working for the Council and external organisations working with the Council, whilst engaged on Council business. If or where this policy conflicts with any statute, regulation or Code of Practice, those documents take priority over this policy.

This policy applies to the authorisations of Directed Surveillance, sources (CHIS) and acquisition of Communications Data.

Authorisations under RIPA Legislation should be made **where relevant** and will only be relevant where the **criteria** listed on the authorisation forms are fully met.

In particular, RIPA Legislation is not relevant to the following activities:

- Covert surveillance by way of an immediate response to events
- Covert surveillance as part of general observation



- Covert surveillance not related to core functions
- Overt use of CCTV and ANPR systems, which are regulated by Data Protection Legislation (includes body-worn cameras<sup>5</sup>)

Where RIPA Legislation is not relevant, the Data Protection Legislation is likely to regulate the use and obtaining of any evidence relating to any living individual. In these cases, the officer responsible must carry out a Privacy Impact Assessment (PIA) and seek advice from the Data Protection Officer (DPO).

## **Governance roles, responsibilities and communication**

### ***Senior Responsible Officer (SRO)***

The Executive Head of Legal & Democratic Services is the Senior Responsible Officer (SRO) who is responsible for:

- Integrity of processes for management of CHISs and Directed Surveillance and applications for Communications Data
- Compliance with Part 2 of RIPA 2000 and the associated Codes
- Oversight of the reporting of errors to the relevant Commissioner and identification of both the cause(s) of errors and the implementation of processes to minimise the repetition of errors
- Engagement with IPCO inspectors when they conduct inspections
- Engaging with Members - who in accordance with the Code of Practise should review/consider internal reports on use to ensure this is consistent with policy and that the policy remains fit for purpose
- Where necessary, oversight of the implementation of post-inspection action plans approved by the relevant oversight Commissioner
- Ensuring appropriate training is available for AOs or relevant staff
- Ensuring that policies are fit for purpose and that AOs are competent.

### ***RIPA Coordinating Officer***

Legal Services - Litigation is the RIPA Coordinating Officer. The RIPA Coordinating Officer will:

- Provide a Unique Reference Number (URN) to the Investigating Officer (IO)
- Monitor and keep the central record of authorisations and refusals
- Record the date, time and local of Judicial approval
- Record all renewals and cancellations

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<sup>5</sup> Unless specifically directed/targeted to a person - in a planned manner - as part of an investigation then would become Directed Surveillance (if not immediate response)– see example in the Appendices

- Provide advice on the use of covert surveillance
- Provide governance support to the SRO as required or directed
- Maintain a central register of all equipment capable of being used for Directed Surveillance
- Maintain a central register of all training
- Maintain a record and keep copies of agent agreement forms
- Keep a database for identifying and monitoring expiry dates and renewal dates
- Along with AOs and the IOs must ensure that any electronic and paper records relating to a RIPA Legislation investigation are used, retained or destroyed in line with the Council's Information Management policies, departmental retention schedules and the Data Protection Legislation.
- Monitor each department's compliance and act on any cases of non-compliance.

### ***Single Point of Contact (SPoC) for Communications Data***

The Council will use the SPoC service provided by the National Anti-Fraud Network (NAFN) each council will have an officer who manages the account.

#### **The SPoC:**

- Assesses whether access to the Communications Data is reasonably practical for the postal or telecommunications operator
- Advises applicants and AOs on the practicalities of accessing different types of communications data from different postal or telecommunications operators
- Provides safeguards for authentication
- Assesses cost and resource implications to both the authorisation and postal or telecommunications operator
- Provide quality assurance checks to ensure that applications consistently comply with IPA standards and to a sufficient level to meet OCDA and IPCO scrutiny;
- Monitor those applications which are returned for rework or rejected by OCDA and determine the reasons why;
- Provide organisational and/or individual training as and where necessary sharing best practice advice and support;
- Be the point of contact between public authorities and OCDA; (NOTE: Applicants will not be able to contact OCDA).
- Sends application on to the OCDA for approval

#### ***Authorising Officers (AOs)***

- The role of the AOs is to authorise, review, renew and cancel Directed Surveillance or use of a CHIS.
- AOs should not be responsible for authorising investigations or operations in which they are directly involved. If this does happen, if urgency requires

it, the Central Record of Authorisations should highlight this, and it should be brought to the attention of a Commissioner or Inspector during their next inspection.

- The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 prescribes that for local authorities the AO shall be a Director, Head of Service, Service Manager or equivalent as distinct from the officer responsible for the conduct of an investigation.
- A designated AO must qualify both by rank and by competence. Officers who wish to be designated must have been trained to an appropriate level so as to have an understanding of the Act and the requirements that must be satisfied before an authorisation can be granted.
- The forms to be utilised by AOs can be found in Appendix D
- AO must complete the relevant section on the application form and explain exactly what they are authorising (what is within the application or less), against who, in what circumstances, where etc. It is important that this is very clear as the surveillance operatives are only allowed to carry out what is authorised. This will assist with avoiding errors. They must explain why the surveillance is Necessary and Proportionate to what it seeks to achieve, taking into account the Collateral Intrusion issues, and that the level of the surveillance is appropriate to achieve the objectives.
- If any equipment such as covert cameras, video cameras is to be used, the AO should know the capability of the equipment before authorising its use. This will have an impact on Collateral Intrusion, necessity, and proportionality. They should not rubber-stamp a request.
- AOs are also responsible for carrying out regular and meaningful reviews of applications which they have authorised and also for the cancellation of authorisations –authorisations should be cancelled when no longer Necessary or renewed in good time and should not be allowed to expire or lapse. AOs should record and retain notes of all decisions
- AOs must acquaint themselves with the relevant Codes of Practice issued by the Home Office and the latest updates in RIPA Legislation. See link in Appendix D (these are the current versions as of June 2023)
- AOs must demonstrate that the proposed activity is Necessary for the prevention or detection of a crime which either carries a maximum sentence of at least six months' imprisonment or is an offence relating to the sale of alcohol or tobacco products to minors, when authorising Directed Surveillance. (As to the definition of "detecting crime", see RIPA 2000 section 81(5).)
- AOs also need to consider if confidential information will be gained, (see definitions section) in which case the matter must be referred to the Chief Executive
- AOs must also satisfy themselves that the application is Necessary and Proportionate in the particular circumstances – taking into account Article 8 Rights and Collateral Intrusion. (See definitions section)

- The ICPO envisages that the AO will make the judicial application (although this may not always be possible, and can be delegated to IO or Legal Services)

### ***Investigating Officers (IOs)***

- IOs should think about the need to undertake Directed Surveillance or CHIS before they seek legal advice with a view to authorisation. IOs need to consider whether they can obtain the information by using techniques other than covert surveillance. There is nothing that prevents an IO discussing the issue of surveillance beforehand and this policy requires officers to discuss with Legal Services.
- IOs may need to:
  1. Identify the objective(s)
  2. Describe the nature of the surveillance and identities (if known)
  3. Provide supporting information and intelligence
  4. Conduct location research and feasibility study
  5. Identify Collateral Intrusion and detail how to manage this
  6. Consider who, what why where when and how
  7. Detail why the activity is Necessary and Proportionate
  8. Prepare risk assessments
- IOs must ensure a feasibility study has been conducted as this may be required to be seen by Legal Services and the AO. The person seeking the authorisation should then complete the application form having regard to the guidance given in this policy and the statutory Codes of Practice.
- The form should then be submitted to the AO for authorisation who must also take advice from Legal Services.

### ***Training***

The SRO is responsible for ensuring relevant members of staff are suitably trained as AOs and IOs so as to avoid common mistakes appearing on forms for RIPA Legislation authorisations.

Training will be given, and completed, before AOs are certified to sign any authorisation forms. A certificate of training will be provided to the individual and a central register of all those individuals who have had training, will be kept by the RIPA Coordinating Officer.

This training must be refreshed annually.

### ***Activities by other Authorities***

Care is needed to ensure that there is no conflict between the activities of this Council and other public authorities. The IO should make enquiries of other authorities (such as the police) to find out whether they are carrying out similar activities if he/she considers that there is such a possibility.

### ***Joint Investigations (collaborative working)***

When some other agency has been instructed on behalf of the Council to undertake any action under RIPA Legislation, this document and the forms in it,

must be used (as for the normal procedure) and the agency advised or kept informed of the various requirements. They must be made aware explicitly of what they are authorised to do.

They must also fill out the Agent's agreement form, found in the Appendices, a copy of which should be passed to the RIPA Coordinating Officer.

When another agency (e.g., the Police, HM Revenue & Customs) wishes to use the Council's resources or premises, that agency must use their own Covert Surveillance procedure and forms and a copy should be passed to the RIPA Coordinating Officer.

If the police or other agency wish to use Council resources for general surveillance (as opposed to specific covert investigations), they must request this in writing. This must include remit, duration, details of who will be undertaking the general surveillance and the purpose of it before any Council resources are made available.

A copy of the letter must be sent to the RIPA Coordinating Officer for the central record.

## **Complaints**

Complaints about Covert Surveillance should be made under the Council's Corporate Complaints Policy.

The SRO may review the conduct of particular operations at any time.

## **Review of this policy and procedure**

RIPA Legislation and this document are important for effective and efficient operation of the Council's actions on surveillance. Therefore, the SRO will keep this document under review. AOs must bring any suggestions for continuous improvement of this document to the attention of the SRO at the earliest possible opportunity.

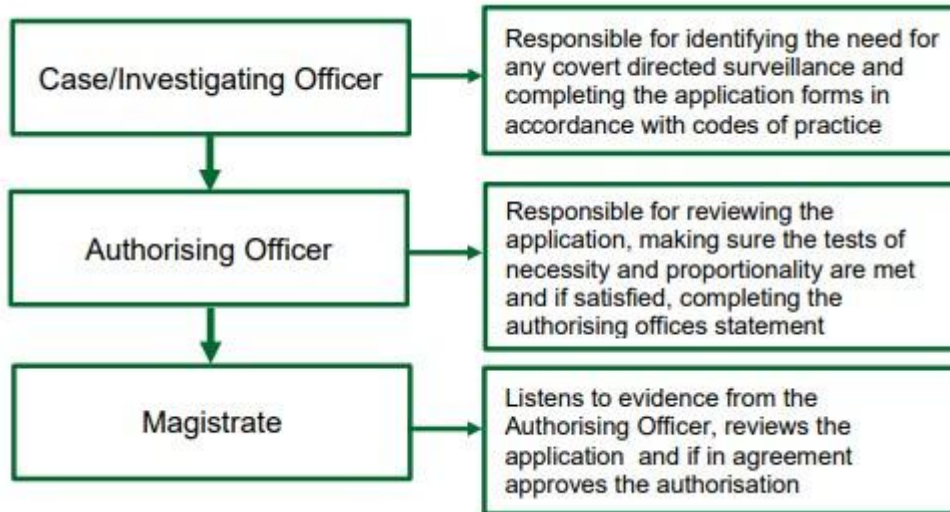
This policy will be reviewed by the Corporate Governance and Standards Committee at Guildford and then go before the full council for approval.

The SRO will review the policy every year in consultation with the Committees above.

## Part 2 – Procedure

### Summary of the authorisation procedure

Three individuals are involved in granting authorisation for covert **Directed Surveillance and the use of a CHIS**:



The following is an overview of the authorisation procedure.

IOs must obtain a unique reference number from the RIPA Coordinating Officer (Legal Services) for any planned, covert operation for which they intend to apply for authorisation.

#### **Directed surveillance**

For Directed Surveillance and use of CHIS, IOs must submit the application form for Directed Surveillance (latest version found on the internet) to a designated AO – There is a list of those eligible to act as AOs at Appendix A, but as eligibility will also depend on having completed the training, please contact the Legal Team for a list of AOs when needed.

Where a likely consequence of surveillance is the acquisition of Confidential Material<sup>6</sup>, the IO must, always seek authority from the Chief Executive.

Applications for the renewals and cancellations of surveillance must be authorised by the same AO where possible.

Once authorised, the AO will ensure that the administration at the [Magistrates Court](#) is contacted (email: [SurreySussexMC@justice.gov.uk](mailto:SurreySussexMC@justice.gov.uk)) to arrange a hearing for judicial approval. The current application for judicial approval form as published by the Home Office, must be used for this purpose.<sup>7</sup>

<sup>6</sup> See definitions section

<sup>7</sup> See Appendix D

## Authorisation of surveillance

*Activity requiring authorisation*

<b>INTRUSIVE SURVEILLANCE</b> <b>Council cannot authorise</b>	<b>DIRECTED SURVEILLANCE</b> <b>Authorisation needed</b>	<b>COVERT HUMAN INTELLIGENCE SOURCE</b> <b>Authorisation needed</b>
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Authorisation is required for the following activities:

- Directed Surveillance
- Use of sources (CHIS)
- The acquisition or disclosure of Communications Data

Officers conducting investigations on the Council's behalf must seek authorisation in writing for Directed Surveillance and use of CHISs. In the case of Communications Data, they must make a colleague of AO Level or above aware when submitting the application through the NAFN.

The authorisations must be set out on the latest forms : [RIPA forms - GOV.UK \(www.gov.uk\)](http://www.gov.uk) [Home Office forms](#) which should not be adapted or modified unless authorised by the SRO.

### ***Unique Reference Numbers (URNs)***

Each application for authorisation must have a Unique Reference Number (URN). The officer applying for authorisation must first obtain the next available URN from the RIPA Coordinating Officer. Rejected forms will therefore also have URNs.

### ***Authorising Officers (AOs) – roles and responsibilities***

Once an application in relation to Covert Surveillance has been received, the AO should consider the form and undertake the Necessity Test. The AO must complete the relevant section of the form explaining why in his/her opinion the surveillance is Necessary and Proportionate and that any Collateral Intrusion has been considered. They should also detail the exact activity being authorised, who against etc. in the relevant authorisation section on the form.

### ***Authorising the acquisition of Confidential Material***

If the application is for Confidential Material, the IO must seek authority from the Chief Executive. The fullest consideration must be given to any cases where the subject of the Surveillance might reasonably expect a high degree of privacy.

Applications where the Surveillance could result in the acquisition of Confidential Material will be considered only in exceptional and compelling circumstances. The IO and the Chief Executive must have full regard to the proportionality issues this raises.

### ***Authorising the acquisition of Directed Surveillance***

Surveillance is only covert if it carried out in a way calculated to ensure the subject specific investigation is unaware of it. RIPA authorisation is required for Covert Surveillance undertaken in a way likely to result in private information being obtained. It is not Directed Surveillance if it is in immediate response to events.

The AO must ensure that the Directed Surveillance has passed the Necessity test. The exercise is deemed Necessary if it is to prevent or detect a crime that would attract a maximum prison sentence of at least six months (or underage sale of alcohol or tobacco products).<sup>8</sup>

The AO must also consider if the Directed Surveillance is Proportionate and any associated Collateral Intrusion.

Local Authorities are not permitted to undertake Intrusive Surveillance (see definitions section). Operatives will have to take particular care when using surveillance devices that Directed Surveillance does not become Intrusive (i.e., if device can see inside a property or car with the detail and quality that would be expected were the device present inside these places)

### ***Authorisation for the use of sources (CHIS)***

Prior to authorising the use of a CHIS, the AO must be satisfied that the operation is Necessary for the purpose of preventing or detecting crime or preventing disorder. They must then consider the use to be Proportionate and any associated Collateral Intrusion.

A source may include those referred to as agents, informants and officers working undercover.

Whilst the council is not in the practise of using CHISs, arrangements must be in place and Legal Services should be consulted should the event arise. There may also be situations where a person who is not originally a CHIS becomes one, so officers need to be alert to this fact.

The AO shall ensure that arrangements are in place for the proper oversight and management of sources, including appointing individual officers for each source. The AO shall carry out a risk assessment **before** authorising the source. The assessment should include provisions for the source's safety and welfare, and as such should be updated throughout the duration of the authorisation.

The person responsible for the day-to-day contact between the public authority and the source should be named in the application

Officers using a source shall consider the safety and welfare of that source (even after cancellation of the authorisation), and the foreseeable consequences to others of the tasks they are asked to carry out.

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<sup>8</sup> Section 7A The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010



The use of a CHIS may only be authorised if arrangements are in place including the following:

- That there will at all times be an officer within the council who will have day to day responsibility for dealing with the source on behalf of the authority, and for the source's security, (the handler).
- That there will at all times be another officer within the council who will have general oversight of the use made of the source; (controller).
- That there will at all times be an officer within the council who has responsibility for maintaining a record of the use made of the source; and
- That the records relating to the source maintained by the council will always contain particulars as laid down by the CHIS codes of practice

Only the Chief Executive can authorise the use of vulnerable individuals and juvenile sources. The Chief Executive shall consider the special safeguards or provisions applying to vulnerable individuals and juvenile sources, as set out in Cover Human Intelligence Sources revised Code of Practice, which sets out that:

- (a) security and welfare should be taken into account when carrying out actions in relation to an authorisation or tasking including foreseeable consequences to others
- (b) a risk assessment should be carried out before authorised to determine risk to source of tasking consequences should their role become known
- (c) the person responsible for the source's welfare and security should bring to the AO's attention any concerns. Where appropriate concerns about security / welfare matters should be considered by the AO and a decision made on whether the authorisation should continue.

If a source is under 16 years, please seek advice from Legal Services as different and more stringent provisions apply

If instructing an agent to be the CHIS, the agent must complete and sign the form marked "Agent's Agreement Form" contained in Appendices. The agent will be subject to RIPA Legislation and this policy in the same way as any employee of the Council would be. They may also be inspected by the IPCO in respect of each particular operation. This should be pointed out during the instruction and contract stage. Advice should be sought from Legal Services.

Once authorised by the AO any application for use of a CHIS will need judicial approval.

### ***Communications Data***

Procedural guidance for obtaining authorisation from the OCDA is available here: [NAFN Investigatory Powers Act Guidance Booklet.pdf \(local.gov.uk\)](#)

The application forms are now completed electronically via the CycComms portal The IO completes the application on the CycComms Portal. Prior to an IO submitting an application for Communications Data they will discuss the investigation and the necessity / proportionality for the request with

an AO or the Chief Executive. Thereafter the application will be scrutinised by the SPOC before being submitted to OCDA for approval. Anyone completing these forms can be given guidance.

An AO or Chief Executive must be made aware of the application and must endorse the form to this effect.

There is no longer need for judicial approval, except in cases where journalistic source materials are sought -where the application will be referred to a Judicial Commissioner within the IPCO.

Where cases are novel or contentious an officer of at least the rank of SRO must be aware of the application.

Local authorities are now only allowed to seek Entity and Events Data. Where Events Data is being sought to detect crime, that crime must meet the Serious Crime Threshold. The application must also pass the Necessity Test and be deemed Proportionate as well as giving consideration to any possible Collateral Intrusion.

NAFN will provide an annual return to the SRO so that they can comply with their reporting and submission duties.

IOs must keep records of their investigation in line with established retention periods. This includes copies of any Communications Data applications that have been made electronically.

Forms will remain on the central record for six years from date of cancellation.

### ***Acquisition of Communications Data***

The Investigatory Powers Act 2016 ('IPA') allows for the Council to acquire Communications Data from telecoms and postal operators via an authorisation procedure. Communications Data can include Entity Data or Event Data.

It does not include the content of the communications. The Council has no right to listen in to phone conversations without permission or read post or electronic communications before they have been received.

A local authority may not make an application that requires the processing or disclosure of internet connection records for any purpose.

Where "Events Data" is sought, it must be Necessary to prevent or detect a "Serious Crime", where "Entity Data" is sought it must be for the purpose of detecting or preventing crime or preventing disorder<sup>9</sup>

Communications Data, and all copies, extracts and summaries of it must be handled and stored securely.

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<sup>9</sup> Section 60A 8 (b) Investigatory Powers Act 2016

Officers must observe the requirements of the Data Protection Legislation and the principles of the [Criminal Procedure and Investigations Act 1996](#). Officers must seek advice from the Data Protection Officer (DPO) when they have questions about information security and integrity.

The Home Office has issued guidance to support the Communications Data codes of practice, both can be accessed here: [Investigatory Powers Act 2016 – codes of practice - GOV.UK \(www.gov.uk\)](#) This policy must be read in conjunction with the Code and all staff involved in the acquisition of Communications Data must have regard to the provisions.

Applications must be made through NAFN. The local authority making the application must ensure someone of at least the rank of AO in the local authority is aware the application is being made before it is submitted to an authorising officer in OCDA.

NAFN will be responsible for submitting the application to OCDA on behalf of the local authority.

Please contact the RIPA Coordinating Officer, DPO or an AO for more information.

### ***Social Media***

In some investigations, social media sites can form a useful source of intelligence. Usually, a review of open-source sites will not need authorisation. However, if reviews are carried out on the same individual with some regularity, this may amount to Directed Surveillance and authorisation should be obtained.

**Please see Appendix B “Use of Social Media in Investigations – Procedure and guidance note” for more detail and information on what permitted**

## **Duration, reviews, renewals and cancellation of authorisations**

### ***Duration***

Authorisations last for:

- Three months from date of grant or latest renewal for Directed Surveillance
- Twelve months from date of written grant for the conduct or use of a source (NB: Juvenile Sources (CHIS) 1 Month)
- One month from date of written notice or authorisation for Communications Data, or earlier if cancelled

Officers should note that the authorised period starts from the date authorisation is granted, not from the date the surveillance begins.

Authorisations must not expire. They must be kept under review, and then renewed or cancelled if no longer required.

### **Reviews**

AOs must review the operation by the date he/she has entered on the authorisation form (or latest renewal, if applicable). The review's purpose is to assess the need for the surveillance to continue, considering the specific circumstances and sensitivities of the investigation. They must cancel the authorisation if no longer needed.

AOs should record review results on the standard review form and add a copy to the central authorisations record held by the RIPA Coordinating Officer.

Where the Surveillance provides access to Confidential or sensitive Information or involves Collateral Intrusion the officer should conduct reviews more frequently.

### **Cancellations**

An AO must cancel an authorisation as soon as it is no longer Necessary, or no longer Proportionate to the objective. The duty to cancel a notice falls on the AO who issued it.

This applies to both original applications and renewals.

Authorisations must also be cancelled if the Surveillance has been carried out and the original aim has been achieved.

A copy of the original cancellation form must also be sent to the RIPA Coordinating Officer. The standard Home Office cancellation forms should be used and is available here:

[RIPA forms - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

### **Renewals**

Authorisations may be renewed more than once, if necessary, and the renewal should be kept and recorded as part of the central record of authorisations.

Authorisations can be renewed shortly before the maximum period has expired. The renewal will begin on the day the authorisation would have expired. Where renewals are timetabled to fall outside of court hours, it is the AO's responsibility to ensure the renewal is completed ahead of the deadline. (Not more than 7 working days before)

An AO must still consider all of the issues that are required for a first application before a renewal can be granted. Each renewal will need the approval of a Magistrate.

If the reason for requiring authorisation has changed from its original purpose it will not be appropriate to treat the application as a renewal. The original authorisation should be cancelled, and a new authorisation should be granted.

The AO and applicant should retain a copy of the renewal and the judicial application/order form. A copy of the original renewal form and the judicial

application/order form must also be sent to the RIPA Coordinating Officer for the central register.

An authorisation cannot be renewed after the authorised period has expired. In this case the AO must cancel the authorisation and consider the matter afresh.

Renewal forms are available here: [RIPA forms - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

## Judicial Approval

Judicial Approval is required for Directed Surveillance and the use of a CHIS.

The AO should contact [HM Courts & Tribunals Service](#) at the Magistrates' court to arrange a hearing and may delegate this to the IO or Legal Services.

The hearing is a legal proceeding, so officers must be formally designated to attend, be sworn in and present evidence or information as required. It is envisaged that the AO will usually attend as they will have the detailed knowledge of why the application was deemed Necessary and Proportionate, but it is understood that sometimes the IO will attend. However, it is important to note that the forms and supporting papers must, by themselves, make the case for authorisation. Legal Services are happy to assist if necessary.

The Magistrate should have sight of the authorisation form and the supporting documents setting out the case – including all information the authorisation relied on. The Council must retain the original documentation.

The Magistrate must be sent a partially completed judicial application form and will complete the form's order section, which will then be the official record of the Magistrate's decision.

The hearing will take in private (closed to public) and can be conducted by one Magistrate

## Reporting Errors

There is a requirement to conduct regular reviews and report all covert activity that was not properly authorised to the (IPCO) in writing as soon as the error is recognised. An "error" includes activity which should have been authorised but wasn't or which was conducted beyond the directions provided by the AO. It is therefore important that when an error has been identified it is brought to the attention of the SRO in order to comply and the notification should be made as soon as practicable.

This will require a report detailing any remedial action taken, including details of the cause, material obtained, unintended Collateral Intrusion, whether material destroyed or retained, and summary of steps taken to prevent recurrence. The Council also has a responsibility to report to the Inspector at the commencement of an inspection all activity which should have been authorised but wasn't. This is

to confirm that any direction provided by the IPCO has been followed. This will also assist with the oversight provisions of the Council's RIPA Legislation activity.

'The Reporting Errors Form' in Appendix D should be used for this purpose.

This does not apply to Covert activity which is deliberately not authorised because an AO considers that it does not meet the legislative criteria but allows it to continue. This would be surveillance outside of RIPA Legislation and should be recorded by the AO on a Sub-RIPA form.

## **The central record**

The RIPA Coordinating Officer will maintain a central register of Covert Surveillance and use of sources in order to comply with legal requirements and for quality assurance.

AOs must ensure that copies of the following are included in the Council's central record:

- Authorisation Forms (whether or not the authorisation is granted or refused)
- Review forms/Renewal forms
- Cancellation forms

The central record shall contain the following information for each case:

- The type of authorisation or notice
- The date the authorisation or notice was given
- Name and rank/grade of the AO
- The unique reference number (URN) of the investigation or operation
- Title of operation, including brief description and names of subjects, if known
- If the authorisation or notice is renewed, when it was renewed and who authorised renewal, including name and rank/grade of the AO
- Whether the operation is likely to result in obtaining confidential information
- The date the authorisation or notice was cancelled
- Where and when a Justice of the Peace or Magistrate has granted authorisation

These records will be retained for at least six years from the ending of the cancellation. A record will be kept of the dates on which the authorisation notice is started and cancelled.

AOs must provide the relevant forms to the RIPA Coordinating Officer within one week of the authorisation, review, renewal, cancellation or rejection.

AOs must ensure that any forms, sent through internal post, are in sealed envelopes using the security measures required for documents classified as “Official-Sensitive”.

This record will be monitored, and appropriate advice given from time to time. It will also be made available to the relevant Commissioner or an Inspector from the IPCO.

IOs must retain the original form with the investigation’s working file.

## **Records retention and destruction**

### ***Retention of material obtained through surveillance***

Arrangements must be in place for handling, storage and destruction of material obtained using Directed Surveillance, a CHIS or Communications Data. The AO must make the following arrangements to protect the material:

- A named officer responsible for retaining the data and disposing of it securely.
- Physical, technical/organisational measures must be in place to prevent unauthorised access to, and use of the data obtained by the surveillance.
- Physical, technical/organisational measures must be in place to prevent accidental/unauthorised loss of data obtained by the surveillance exercise.
- AOs must ensure compliance with data protection and local documented working procedures relating to the handling and storage of material.
- Material obtained from properly authorised surveillance, or a source may be used in other investigations. Where the product of surveillance could be relevant to pending or future proceedings, it should be retained in accordance with established disclosure requirements for a suitable period and subject to review.
- This applies to material which points towards or away from the suspect and the fact that the subject of the investigation may see the documents on later date should be borne in mind in the drafting of applications/findings
- Communications Data may only be held for as long as the relevant public authority is satisfied that it is still necessary for a statutory purpose. When it is no longer Necessary or Proportionate to hold such data, all copies of relevant data held by the public authority must be destroyed. Data must be deleted such that it is impossible to access at the end of the period for which it is required.
- Information obtained through Directed Surveillance or a CHIS, and all copies, extracts and summaries which contain such material, should be scheduled for deletion or destruction and securely destroyed as soon as they are no longer needed for an

authorised purpose (as outlined in relevant code of practise). If such information is retained, it should be reviewed at appropriate intervals to confirm that the justification for its retention is still valid. In this context, destroying material means taking such steps as might be necessary to make access to the data impossible.

- The AO must review whether the information should be disposed of or kept for a further length of time.
- The AO should take into consideration the status of any legal proceedings connected to the operation and the likelihood of any future legal action (including action taken by the subject(s) of the surveillance).
- The justification for any decision to keep the information must be documented and kept with the file.

The following documents must be kept, but need not form part of the central record:

- Supplementary documentation and notification of AO's approval
- Supporting documentation submitted when a renewal is requested
- Date and time when any instruction is given by the AO

### ***Covert Human Intelligence Source Records (CHIS)***

IOs must keep proper records of the authorisation and use of a source. Please see the Code of Practise for more details: [Covert Human Intelligence Sources code of practice 2022 - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

The records must contain information as to identity, security and welfare, risk assessments, recruitment information, handlers and controllers, tasks allocated, communications and all information given to or obtained from the source.

**If any officer is unsure about the provisions of the Legislation or have questions about the use of Covert Surveillance techniques, please contact Legal Services**



## Part 3 - Appendices

### Appendix A: Authorising officers

Please check with the Legal Department for the most up to date list of AOs.

**Table 1: Names of SRO and Authorising Officers (subject to training being completed)**

<b>Designation</b>	<b>Name</b>
Joint Chief Executive	Must authorise any operations using juveniles and any operations where confidential information is likely to be obtained
Senior Responsible Officer (SRO)	Joint Executive Head of Legal & Democratic Services (Monitoring Officer)
Authorising Officer 1	Joint Strategic Director, Community Wellbeing
Authorising Officer 2	Joint Strategic Director, Place
Authorising Officer 3	Joint Strategic Director, Transformation & Governance
Authorising Officer 4	Joint Executive Head Community Services
Authorising Officer 5	Joint Executive Head, Housing Services
Authorising Officer 6	Joint Executive Head, Planning Development
Authorising Officer 7	Joint Executive Head, Regulatory Services
RIPA Coordinating Officer	Legal Services – Litigation Lawyer

## **Appendix B:**

### **Use of Social Media in Investigations - Procedure and guidance note**

A guide to the Council's approach to the use of social media in relation to Regulation of Investigatory Powers Act 2000 investigations.

#### **Social Media guidance**

This guidance sets the framework on which the Council may utilise Social Media when conducting investigations into alleged offences. Whilst the use of Social Media to investigate is not automatically considered Covert Surveillance, its misuse when conducting investigations can mean that it crosses over into the realms of Covert and/or targeted surveillance, even when that misuse is inadvertent. It is therefore crucial that the provisions of the RIPA 2000, as it relates to Directed Surveillance and use of a CHIS, are followed at all times when using Social Media information in investigations. Otherwise, any evidence obtained may become inadmissible

It is recognised that the use of the internet and, in particular, social networking sites such as Facebook, can provide useful information for council staff carrying out investigations or gathering evidence when dealing with service users. However, accessing an individual's or company's internet and social networking sites may potentially fall within the definition of Covert Directed Surveillance, which would require authorisation to be sought from a Magistrates Court.

Failure to seek authorisation, when necessary, could result in the Council breaching Article 8 Rights. It is therefore important that officers adhere to the Council's policy and this guidance when considering accessing internet and social networking sites as part of an investigation or to gather evidence.

#### **Process to be followed when considering using Social Media or Social Networking Sites in Investigations**

Where an officer considers it necessary to view a social networking site to investigate an allegation or an individual, the process to be followed is:

1. Before viewing any social networking site, the officer must seek the approval of their direct line manager.
2. Officers must not use their own personal or private account when accessing social networking sites for investigations/evidence gathering, only Council accounts should be used.
3. Officers may access the main page of an individual's profile to take an initial view as to whether there is any substance to the allegation of the matter being investigated. The initial viewing must be reasonable, for example, it would not be reasonable to spend any significant amount of time searching through various pages of an individual's profile or to print out several pages just in case they may reveal something useful.

4. The DPO maintains a log recording when social networking sites are viewed for investigations/evidence gathering. Each single viewing of a company or individual's social networking site must be recorded on the log. This is to enable the Council to monitor the use of these sites for investigations/evidence gathering and use this information to review policies and guidance.
5. If it is considered that there is a need to monitor a company's or individual's social networking site, then the officer must refer the matter back to their line manager for consideration as to whether the activity constitutes Covert Surveillance. If officers are in any doubt as to whether an authorisation is required, they should seek advice from Legal Services before continuing to access a social networking site.
6. If the offence being investigated falls under RIPA Legislation, a formal Covert Surveillance application must be completed, authorised by one of the Council's AOs and then approved by a Magistrate.
7. If the offence being investigated falls outside of RIPA Legislation, a 'Sub-RIPA form must be completed and forwarded to the RIPA Coordinating Officer to be added to the log.

**What is meant by 'Social Media' for the purposes of this guidance note:**

Social Media, sometimes also referred to as a Social Network, can take many forms. Therefore, it can be difficult to provide a definitive list of sites.

Social Media will always be a web-based service that allows individuals and/or businesses to construct a public or semi-public profile. Beyond this, Social Media can be diverse, but will often have some, or all, of the following characteristics:

- An ability to show a list of other users with whom they share a connection; often termed "friends" or "followers".
- An ability to view and browse their list of connections and those made by others within the system.
- Host capabilities allowing users to post audio, photographs and/or video content that is
- viewable by others.
- Social Media can include community-based web sites, online discussions forums, chatrooms and other social spaces online.

Current examples of the popular forms of Social Media include (this list is not exhaustive and new forms can be created and others may vary or wain in popularity):

- Facebook
- Twitter
- Instagram
- LinkedIn
- Pinterest
- Tumblr

- Reddit
- Flickr
- Instagram
- Tiktok
- Snapchat
- Online dating websites

The definition of 'private information' under RIPA 2000 includes:  
"any information relating to a person's private or family life and should be taken generally to include any aspect of a person's private or personal relationship with others, including family and professional or business relationships."

### **Privacy settings**

The majority of Social Media services will allow its users to decide who can view their activity, and to what degree, through the use of privacy settings. Whilst some users are happy, or otherwise indifferent about who is able to view their information, others prefer to maintain a level of privacy.

Depending on their intentions, many users will purposely use Social Media with no privacy setting applied whatsoever. This could be due to the fact that they are actively promoting something, such as a business or event, and therefore require as many people as possible to be able to view their Social Media profile at all times; others may do so for reasons of self-promotion.

The information publicly available is known as an individual's public profile and the information is "open source".

Persons who operate public profiles on Social Media without any, or only limited, forms of privacy settings do so at their own risk.

Whilst the content or information shared by individuals on Social Media remains the property of that individual, it is nonetheless considered to be in the public domain.

A private profile is one set up on Social Media where an individual sets privacy settings to limit their content, information or interactions according to their requirements.

By setting their profile to private, a user does not allow everyone to access and use their content, and respect should be shown to that person's right to privacy under Article 8 of the Human Rights Act.

### **What activity is permitted under this policy**

For individuals who do have a presence on Social Media, a lot of what is permitted under this policy for use in investigations will depend on whether they have a public or private profile.

In practice, this means that photographs, video content or any other relevant information posted by individuals and businesses to a public profile on any Social Media platform can be viewed, recorded and ultimately used as evidence in legal proceedings, subject to the usual rules of evidence.

When considering what is available on an individual's public Social Media profile, those investigating an offence, or potential offence, should always keep in mind what relevance it has to that investigation. Only information that is relevant to the investigation at hand, and goes some way toward proving the offence, should be gathered. If there is any doubt as to whether something is relevant, then advice should be sought from Legal Services.

**What is not permitted under this policy**

When it is discovered that an individual under investigation has set their Social Media account to private, Officers should not attempt to circumvent those settings under any circumstances. Such attempts would include, but are not limited to:

- sending "friend" or "follow" requests to the individual
- setting up or using bogus Social Media profiles in an attempt to gain access to the individual's private profile
- contacting the individual through any form of instant messaging or chat function requesting access or information
- asking family, friends, colleagues or any other third party to gain access on their behalf, or otherwise using the Social Media accounts of such people to gain access, or
- any other method which relies on the use of subterfuge or deception

Officers must not use their own personal or private account when accessing social media sites for investigation and evidence gathering purposes. Only Council accounts should be used. Interaction and conversations of any kind should be avoided.

Officers should keep in mind that simply using profiles belonging to others, or indeed fake profiles, in order to carry out investigations does not provide them with any form of true anonymity. The location and identity of an officer carrying out a search can be traced through tracking of IP Addresses, and other electronic identifying markers.

One off visits or infrequent visits to an individual's Social Media profile spread over time cannot be considered "Directed Surveillance" for the purposes of RIPA Legislation. Repeated or frequent visits may cross over into "Directed Surveillance" requiring RIPA Legislation authorisation.

A person's Social Media profile should not, be routinely monitored on a daily or weekly basis, as this will require RIPA Legislation authorisation. If an officer requires more advice on this, they should contact Legal Services for advice.

Each viewing of a company or individual's social media profile for the purpose of

investigation or evidence gathering must be recorded on the case log.

**Capturing evidence**

Once content available from an individual's Social Media profile has been identified as relevant to the investigation being undertaken, it needs to be recorded and captured for the purposes of producing as evidence at any potential prosecution.

Where evidence takes the form of readable or otherwise observable content, such as text, status updates or photographs, it is acceptable for this to be copied directly from the site, or captured via a screenshot, onto a hard drive or other form of storage device, and subsequently printed to a hard copy. The hard copy evidence should then be exhibited to a suitably prepared witness statement in the normal way.

Where evidence takes the form of audio or video content, then efforts should be made to download onto a hard drive or some other storage device such as a CD or DVD. Those should then be exhibited to a suitably prepared witness statement in the normal way. Any difficulties in downloading this kind of evidence should be brought to the attention of the Council's IT Team.

When capturing evidence from an individual's public Social Media profile, steps should be taken to ensure that all relevant aspects of that evidence are recorded effectively. For example, when taking a screenshot of a person's Social Media profile, the Council Officer doing so should make sure that the time and date are visible on the screenshot in order to prove when the evidence was captured. Likewise, in relation to a specific status update or post published on the individual's profile, steps should be taken to make sure that the date and time of that status update or post is visible within the screenshot. Without this information, the effectiveness of the evidence is potentially lost as it may not be admissible in court.

When capturing evidence from a Social Media profile, steps should be taken to minimise Collateral Intrusion of inadvertently capturing third party information - either before capturing the evidence, or subsequently through redaction. This might be particularly prevalent on Social Media profiles promoting certain events, where users interact with each other by posting messages or photographs where they may make comments.

**Retention and destruction of information**

Where recorded material (in any form or media) is obtained during the course of an investigation which might be relevant to that investigation, or another investigation, or to pending or future civil or criminal proceedings, then it should not be destroyed, but retained in accordance with the Data Protection Legislation, the Freedom of Information Act 2000, CPIA and any other legal requirements, including those of confidentiality, and the Council's policies and procedures on document retention. Advice should be sought from the Data Protection Officer or Legal Services.

Personal data gathered by the Council is subject to the Data Protection Legislation. When considering whether to retain the data, the Council should:

- review the length of time it keeps personal data;
- consider the purpose(s) it holds the information for in deciding whether (and for how long) to retain it;
- securely delete information no longer needed for these purposes;  
and
- update, archive or securely delete information if it goes out of date

Due to the nature of Social Media, it is important to remember that when information produced as a hard copy is destroyed in line with this paragraph, that all digital copies of that evidence is likewise destroyed.

## **Appendix C: Examples to help you decide whether your activities are covered by this policy**

Firstly, consider:

- Is it necessary for the operation to be Covert? Could you obtain the evidence without Covert Surveillance? AOs should consider this very seriously because, if found that there was no need for Covert surveillance, the invasion of privacy may be deemed disproportionate to the investigation.
- Overt investigations (i.e., not done in a way calculated to ensure the subject is unaware of the operation) is not subject to the authorisation procedures in this policy. Overt activity includes (but is not limited to) routine patrols, observation at trouble spots, immediate response to events and overt use of CCTV.

*Examples:*

*Does the investigation involve the collection of private information?*

### **Example 1:**

***Two people talking on the street or in a bus may have a reasonable expectation of privacy over the contents of that conversation even though they are associating in public. The conversation should be considered as private information.***

The offence under investigation would need to meet the minimum penalty criteria and a Directed Surveillance authorisation would be necessary to listen in to or record the conversation as part of a specific investigation or authorisation.

(Source: [Covert Surveillance & Property Interference Revised Code of Practice 2018](#))

### **Example 2:**

***A surveillance officer intends to record a specific person giving their name and phone number to a shop assistant, in order to confirm their identity, as part of a criminal investigation.***

Although the person has disclosed these details in a public place, there is reasonable expectation that the details are not being recorded separately for another purpose. Before proceeding, the IO should make sure the alleged offence meets the minimum penalty criteria and seek a Directed Surveillance authorisation. (Source: *Covert Surveillance and Property Interference Revised Code of Practice 2018*).

*Planning Enforcement*

### **Example 3:**

***Routine activities such as Enforcement Officers looking at new building work, which has not been granted planning permission.***



This is not Directed Surveillance but falls under normal enforcement duties. RIPA 2000, section 80 provides a general saving for collecting information by lawful means such as this. However, such routine activities should not develop into Directed Surveillance.

**Example 4:**

***Officers wish to drive past a café to obtain a photo of the exterior.***

This is unlikely to require a Directed Surveillance authorisation. However, if the exercise was to establish a pattern of occupancy of the premises by someone, the accumulation of information is likely to result in private information. In the latter case, a Directed Surveillance authorisation would be required, and the offence would need to meet the minimum penalty requirements. ([Covert Surveillance Revised Code of Practice 2018](#)).

**Example 5:**

**You are conducting a site visit in response to a report from a member of the public who suspects a change of use of land, which is likely to involve criminal activity. The circumstances suggest you will need to monitor the site covertly and are likely to obtain private information about the owner and/or collateral information about other users of the site such as workers.**

This activity appears to fall within the Directed Surveillance. However, it is not legal to use Covert Surveillance to investigate crimes that would attract a custodial sentence with a minimum term of under six months (unless related to underage sale of alcohol or tobacco). You must therefore find an overt method of dealing with the offence.

**Example 6:**

**You are unable to gather conclusive evidence that illegal activity is taking place on site, but you still suspect that it is. Therefore, you decide to observe the site by driving past it periodically over the next fortnight. If you see unauthorised work taking place you will take a photo – but not covertly.**

This does not appear to fall within the definition of either Directed or Covert Human Intelligence Sources. This low-level activity is not subject to the authorisation procedures set out in this policy.

***Benefit Fraud***

**Example 7:**

**You are investigating an allegation that Mr X is claiming housing and council tax benefit even though he has been working full time for some years. Mr X did not declare on his benefit application that he had been working. You therefore intend to covertly observe him at his alleged employer's address in order to establish if he is working there. The observation will be from a vehicle and will cover a number of days.**

This appears to involve systematic surveillance of an individual and falls within the definition of Directed Surveillance, as set out in Appendix B, for the following reasons:

- The surveillance is being carried out for the purposes of a specific investigation into Mr X's alleged benefit fraud.
- The surveillance is of Mr X's personal activities and is therefore likely to produce private information about him.
- The exercise is not an immediate response to events but has been planned in respect of timing and the way in which the surveillance is to be carried out.
- It is likely that collateral material will be gathered

### *Employer Responsibilities*

#### **Example 8:**

**Recurrent thefts from staff are taking place and after considering the options, it has been suggested that the only recourse is to set up a secret camera covering the work area to catch the culprit "in the act".**

Normal business practice (i.e., the responsibilities that all employers would have in relation to staff) are outside of the RIPA Legislation controls. Therefore, the operation would need to be conducted in accordance with the Data Protection Legislation and the Privacy Impact Assessment (PIA) provisions. Use the PIA template available on the Intranet.

You must consider all of the circumstances of the case. But where the aim is to stop the offending behaviour, overt measures (e.g., overt CCTV) may be more Proportionate.

Please note that if a crime on Council premises were being investigated by the police and they are conducting the surveillance, they would be required to authorise the surveillance, not the Council.

#### **Example 9:**

**A manager has received a report from employee A that employee B is spending hours surfing the internet. The manager requests a printout of employee B's websites visited and times spent on the internet to check whether the allegations are true.**

As with the scenario above, this investigation would fall outside RIPA Legislation provisions. The Council has arrangements to ensure any staff investigations involving ICT equipment are necessary and Proportionate. Please use the Council's Privacy Impact Assessment form.

Please note that automatic, untargeted central monitoring of internet/email use carried out by ICT software, which would highlight infringements of the Council's Acceptable Use Policy is allowed under the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000.

### *Housing Management*

#### **Example 10:**

A member of the public reports that their neighbour's garden is a health hazard. You visit the site, which contains excessive rubbish and materials clearly likely to be an environmental hazard to the community. As the tenant is not at home, you

photograph the view of the garden from the road. You have not deliberately planned the photo to be taken without the tenant's knowledge and any future surveillance of the site will not be carried out in a manner calculated to ensure that the tenant is unaware of it.

This does not appear to fall within the definition of either Directed Surveillance or Covert Human Intelligence Sources as set out in Appendix A and is therefore not subject to the authorisation procedures in this policy. However, care will be required if photos are taken whilst on the premises as this may in some cases become "Intrusive Surveillance", which the Council does not have the authority to carry out.

If you gather personal data (i.e., that can be used to identify someone), this will be subject to the Data Protection Legislation and would be subject to a Privacy Impact Assessment.

#### **Example 11:**

***You have received an application for housing by someone claiming to be homeless. However, you have grounds to believe that the claim is fraudulent, so you wish to carry out surveillance of the claimant's suspected residence to establish the truth.***

This appears to fall within the definition of Directed Surveillance, as set out in Appendix B, for the following reasons:

- The surveillance is for the purposes of a specific investigation into a fraudulent application.
- The surveillance is likely to produce private information on the applicant as well as collateral information about third parties.
- The exercise is not an immediate response to circumstances but has been planned in respect of timing and the way the surveillance is to be carried out.

However, you would need to consider whether the offence is listed on the statute book as attracting a minimum custodial sentence of six months or more before proceeding with the covert elements of the investigation and applying for authorisation.

#### *Use of CCTV*

#### **Example 12:**

**An officer receives information that an individual suspected of Benefit Fraud will be going to their workplace, in the High Street and within an area monitored by CCTV. The officer wishes to use the CCTV to obtain evidence that the suspect is working.**

This is targeted use of the town centre's overt CCTV system, to conduct surveillance against that individual without his knowledge. The IO would need to apply for an authorisation for Directed Surveillance.

If you are investigating a serious criminal matter and you are unsure if your surveillance activity falls under RIPA Legislation, you should apply for authorisation in order to avoid any claim that the Council has infringed anyone's Human Rights, which could disqualify the evidence from being permitted in court.

## Appendix D: Forms

**Please check you are using the correct forms. The latest versions of the forms listed below should be downloaded from the Home Office.**

RIPA forms: [RIPA forms - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Application for use of Directed Surveillance - [application-directed-surveillanc.doc \(live.com\)](#)

Review of use of Directed Surveillance - [review-directed-surveillance.doc \(live.com\)](#)

Renewal form for Directed Surveillance - [renewal-directed-surveillance.doc \(live.com\)](#)

Cancellation of use of Directed Surveillance - [cancellation-directed-surveillan.doc \(live.com\)](#)

Application for the use of covert human intelligence sources (CHIS) - [chis-application.doc \(live.com\)](#)

Reviewing the use of covert human intelligence sources (CHIS) - [chis-review.doc \(live.com\)](#)

Renewal of authorisation to use covert human intelligence sources (CHIS) - [chis-renewal.doc \(live.com\)](#)

Cancellation of covert human intelligence sources (CHIS) - [chis-cancellation.doc \(live.com\)](#)

Application to Magistrates: [approval-order-form.doc \(live.com\)](#)

Coded of Practice can be accessed here :[RIPA codes - GOV.UK \(www.gov.uk\)](#)

Error reporting form can be accessed through IPCO or here :[IPCO Error Report Form.pdf](#)

NAFN website can be accessed here: [NAFN - National Anti-Fraud Network](#)

Agents Agreement Form - Please see Page 39

REGULATION OF INVESTIGATORY POWERS ACT 2000

AGENT'S AGREEMENT FORM

I .....(insert Agent's name)

of

.....(address)

confirm that in relation to

.....  
.....  
.....  
.....  
.....  
.....  
.....

.....(name or description of the surveillance)

I agree to comply with the Regulation of Investigatory Powers Act 2000, with all statutory provisions, statutory Codes of Practice and with Waverley and Guildford Borough Council's Policy and Social Media Guidance when undertaking any and all surveillance authorised by Waverley or Guildford Borough Council under the Regulation of Investigatory Powers Act 2000.

I acknowledge receipt of a copy of the Council's Authorisation Form reference number .....dated the.....

and I agree not to carry out any surveillance that is contrary to this authorisation.

Signed.....Dated.....  
.....

Covert Surveillance and Investigative Powers Policy and Procedure agreed and signed by:

**Executive Head of Legal & Democratic Services Guildford and Waverley Borough Councils**

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# Guildford Borough Council

Report to: Executive

Date: 24 August 2023

Ward(s) affected: N/A

Report of Director: Ian Doyle, Transformation & Governance

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Report Status: Open

## Executive Working Groups 2023

### 1. Executive Summary

- 1.1 The Executive, Leader of the Council or a lead councillor may establish working groups as set out under Procedure Rule 24 of the Council's Constitution. Under Procedure Rule 24 (k), continuation of working groups should be considered annually by the appointing body, the Executive.
- 1.2 Consequently, the Executive is asked to review the working groups and their terms of reference. As part of this review, the report asks the Executive to determine whether these groups should continue or be dissolved. Where there is a preference for certain working groups to continue, the Executive is asked to agree in respect of each group, the chairman, the terms of reference, and to appoint councillors to them.

- 1.3 This year the review of working groups sits in the context of a new Executive and amidst a period of transformation and collaboration for the Council, together with significant financial uncertainty. There will be considerations of efficiencies and resources alongside setting up the most effective means of supporting the Executive in its decision-making in delivering on the Council's corporate priorities.
- 1.4 It should be noted, at the Council meeting on 25 July 2023, and in the context of the report on the Budget that an Executive working group would be established for the following purposes:
- to receive and comment on regular updates on the Council's preparations for the Medium-Term Financial Plan restatement in October and its implementation;
  - to provide a sounding board for the Executive and officers on the options that are coming forward to close the projected financial gap; and
  - to guide wider communication with councillors and beyond
- 1.5 The draft terms of reference of the Financial Recovery Executive Working Group are set out at **Appendix 9**.

## **2. Recommendation to Executive**

- 2.1. To consider the retention of the following working groups:
- Capital, Transport & Infrastructure (CTI) Delivery Board
  - Housing Development Programme Delivery Board
  - Shaping Guildford's Future Programme Delivery Board
  - Weyside Urban Village Development Delivery Board
  - Strategic Programmes and Projects Board (previously known as Major Projects Portfolio Board)
  - Climate Change Board
  - Guildford Community Covenant Panel
  - HRA Housing Management HRA Board
  - Planning Improvement Board
  - Planning Policy Board (previously known as the Local Plan Panel)
  - Property Review Group

- 2.2. To determine in respect of each of the working groups referred to in paragraph 2.1 above:
  - (a) any change to the group's terms of reference,
  - (b) the number of councillors on the working group,
  - (c) whether the working group should be cross-party (i.e. include councillors from more than two political groups),
  - (d) the time for which the working group is expected to continue operating.
  - (e) the appointment of individual councillors to the working group, (the Executive may choose to make such appointments itself or ask political group leaders to nominate councillors for membership of the working group in accordance with the number of seats each political group has been allocated).
- 2.3 To consider the dissolution of the Community Board.
- 2.4 To agree the terms of reference for the new Financial Recovery Executive Working Group at **Appendix 9**.

### **3. Reasons for Recommendation:**

- 3.1. To assist the Executive to select or set up appropriate, properly resourced groups to provide support or undertake work on its behalf.
- 3.2. To comply with the requirement on the part of the Executive to periodically review the continuation of the various Working Groups in accordance with Council Procedure Rule 24 (k).
- 3.3. With regard to the Community Board, this group has not met since being created and has made no contribution.
- 3.4. To comply with the recommendations of the Council meeting on 25 July 2023.

### **4. Exemption from publication**

- 4.1. None.

## 5. Purpose of Report

- 5.1. This report asks the Executive to review the existing working groups and to determine whether these groups should continue as presently constituted and, if so, to make appointments to them.
- 5.2. It should be noted that other councillor task groups exist, which report to other committees. However, this report is concerned only with the working groups appointed by the Executive, the Leader, or lead councillors.

## 6. Strategic Priorities

- 6.1. The councillor working groups' work should assist in the delivery of the Council's strategic priorities as set out in the Corporate Plan.

## 7. Background

- 7.1. This report sets out in **Appendix 1**:
  - (a) an overview each of the existing Executive working groups;
  - (b) the strategic theme that each working group supports;
  - (c) the terms of reference and current composition of each working group (where terms of reference are more expansive these are set out in in **Appendices 2-9**);
  - (d) an officer recommendation for continuation or dissolution.
- 7.2. The Council agreed in 2016 that as part of the review of the Constitution, to include for the purposes of clarity and avoidance of doubt, information in Council Procedure Rules on the appointment, terms of reference, composition and duration of:
  - working groups (appointed by the Leader, a lead councillor, or the Executive) and
  - task groups (appointed by Council, a committee, or an EAB),

including the appointment of working/task group chairmen and substitutes.

- 7.3. Council Procedure Rule 24 provides that the “appointing body” (which could be the Leader, a lead councillor, or the Executive) shall determine, amongst other things, the number of councillors on a working group and may appoint individual councillors to it. Where it is necessary to alter the membership of such a working group, the lead councillor with portfolio responsibility for governance is authorised to determine any change of membership of those working groups as and when required.
- 7.4. It is proposed the existing working groups listed below be renamed ‘Delivery Boards’ and share the same terms of reference as set out in **Appendix 2**.
  - Capital, Transport & Infrastructure (CTI) Board
  - Housing Development Programme Board
  - Shaping Guildford’s Future Programme Board
  - Weyside Urban Village Development Governance Board
- 7.5. It is proposed the progress of the Delivery Boards shall be monitored by the Strategic Programmes and Projects Board under the terms of reference set out in **Appendix 3**.
- 7.6. Proposed disbandment of working groups: Community Board
- 7.7. Proposed new working groups: The Financial Recovery Executive Working Group under the terms of reference set out in **Appendix 9**.

## **8. Consultations**

- 8.1. Consultation has been undertaken with the relevant officers across the council.

## **9. Key Risks**

- 9.1. There are no key risks arising directly from this report. Evaluation of any risk will be specific to the work undertaken by each individual working group.

## **10. Financial Implications**

- 10.1. There are no financial implications arising from this report. Any proposals, projects or suggestions from the groups with financial implications will either be contained within approved budgets or considered as part of the Service and Financial Planning cycle.

## **11. Legal Implications**

- 11.1. There is no legal requirement to establish working groups, but most councils use them for purposes similar to ours. We have made provision for their operation in our Council Procedure Rules.
- 11.2. As working groups have no decision-making powers, there is no requirement for them to be politically balanced.

## **12. Human Resource Implications**

- 12.1. Working groups are serviced from within existing staffing resources; however, it should be noted that currently directors and Joint Executive Heads of Service are operating across two councils.

## **13. Equality and Diversity Implications**

- 13.1. Each Working Group, panel or board will be responsible for having due regard to the requirements of the Public Sector Equality Duty (Equality Act 2010) when making any policy recommendations.

## **14. Climate Change/Sustainability Implications**

- 14.1. Each working group, panel or board must have due regard to the Council's adopted Action Plan and act in accordance with the

commitments made by this Council to Climate Change and sustainability.

## **15. Summary of Options**

- 15.1. The Executive may modify terms of reference and create or disband working groups as it sees fit.
- 15.2. The Executive should note that the Overview and Scrutiny Committee and Executive Advisory Boards may also undertake work on its behalf.

## **16. Conclusion**

- 16.1. In the light of the information provided in this report the Executive (as the appointing body) should consider if existing working groups should continue their work or be dissolved. The Executive may also establish new working groups or revise terms of reference and composition of existing working groups or set a time by which it expects a working group to complete its work.

## **17. Background Papers**

None.

## **18. Appendices**

- Appendix 1: Table current overview of Executive councillor working groups.
- Appendix 2: Delivery Boards Terms of Reference
- Appendix 3: Strategic Programmes and Projects Board Terms of Reference
- Appendix 4: Climate Change Board Terms of Reference
- Appendix 5: HRA Housing Management HRA Board Terms of Reference
- Appendix 6: Planning Development Improvement Board Terms of Reference
- Appendix 7: Planning Policy Board (previously called Local Plan Panel) Terms of Reference
- Appendix 8: Property Review Group Terms of reference
- Appendix 9: Financial Recovery Executive Working Group

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**2023 Table showing overview of the current councillor working groups recommended to continue.**

Name of group and current number and names of appointed councillors	Date established and frequency of meetings	Terms of reference	Officer recommendation: Continue	Strategic theme
<p><b>Delivery Boards</b></p> <p>Cllr Tom Hunt (Chairperson) Membership – see terms of reference</p> <p>Lead Officer: Abi Lewis</p>	<p>Established between 2017- 2022 Each Board meets 3 times yearly</p>	<p>Delivery Boards See <b>Appendix 2</b></p> <ol style="list-style-type: none"> <li>1. Capital, Transport &amp; Infrastructure (CTI) Delivery Board</li> <li>2. Housing Development Programme Delivery Board</li> <li>3. Shaping Guildford’s Future Programme Delivery Board</li> <li>4. Weyside Urban Village Development Delivery Board</li> </ol>	<p>Continue</p>	<p>Homes and jobs Environment Community</p>

Name of group and current number and names of appointed councillors	Date established and frequency of meetings	Terms of reference	Officer recommendation: Continue	Strategic theme
<p><b>Strategic Programmes and Projects Board (previously called Major Projects Portfolio Board)</b></p> <p>All Executive Councillors</p> <p>Lead officer: Abi Lewis</p>	<p>Established January 2016 and meets 4 times per year.</p>	<p>See <b>Appendix 3</b></p>	<p>Continue</p>	<p>Governance</p>
<p><b>Climate Change Board</b></p> <p>Membership Cllr George Potter Cllr Jo Shaw Cllr Catherine Houston</p>	<p>Established by the Executive 25/08/20.</p> <p>Bi-monthly or quarterly TBC</p>	<p>See <b>Appendix 4</b></p>	<p>Continue</p>	<p>Environment</p>

Name of group and current number and names of appointed councillors	Date established and frequency of meetings	Terms of reference	Officer recommendation: Continue	Strategic theme
Cllr James Jones Cllr Richard Mills Cllr Catherine Young Cllr James Brooker Cllr Amanda Creese Chairperson TBA  Lead officers: Nat Prodger Robin Taylor	First meeting 15/10/20			
<b>Guildford Community Covenant Panel</b>  Four councillors:  Cllr Morson (Chairperson TBC)  Cllr Steve Hives (Armed Forces Champion),	Established February 2016. Meets two or three times per year.	<ul style="list-style-type: none"> <li>To develop and oversee the delivery of a covenant action plan in line with the Defence Employer Recognition Scheme Award.</li> <li>To raise the profile and needs of the armed forces</li> </ul>	Continue	Community

Name of group and current number and names of appointed councillors	Date established and frequency of meetings	Terms of reference	Officer recommendation: Continue	Strategic theme
<p>Cllr Sallie Barker (Deputy Armed Force Champion) Other membership TBC</p> <p>Lead officer: Samantha Hutchison</p>		<p>community (serving personnel, both regular and reserve, their families, veterans and cadets).</p> <ul style="list-style-type: none"> <li>• To foster closer working relationships with the local armed forces community, including the involvement of the military in local projects and events.</li> <li>• To work with the Surrey Civilian Military Partnership Board and other neighbouring councils on the delivery of relevant</li> </ul>		

Name of group and current number and names of appointed councillors	Date established and frequency of meetings	Terms of reference	Officer recommendation: Continue	Strategic theme
		<p>activities and initiatives.</p> <ul style="list-style-type: none"> <li>• To keep abreast of relevant national developments.</li> <li>• To liaise with the local business community to promote the Armed Forces Corporate Covenant and encourage support for the armed forces.</li> <li>• To promote funding bids from local organisations to the national Community Covenant Fund.</li> <li>• To support local cadet units.</li> </ul>		

Name of group and current number and names of appointed councillors	Date established and frequency of meetings	Terms of reference	Officer recommendation: Continue	Strategic theme
<p><b>HRA Housing Management HRA Board</b></p> <p>Cllr Julia McShane (Chairperson) Membership TBC</p> <p>Lead Officer: Matt Gough</p>	<p>Established: 2022</p>	<p>See <b>Appendix 5</b></p>	<p><b>Continue</b></p>	<p>Homes and jobs. Community</p>
<p><b>Planning Development Improvement Board</b></p> <p>Cllr George Potter (Chairperson)</p> <p>Cllr Fiona White Cllr Vanessa King Cllr Julia McShane Cllr Richard Mills</p>	<p>Established in July 2023</p>	<p>See <b>Appendix 6</b></p>	<p>Continue</p>	<p>Homes and jobs Environment Community</p>

Name of group and current number and names of appointed councillors	Date established and frequency of meetings	Terms of reference	Officer recommendation: Continue	Strategic theme
Cllr Sue Wyeth-Price				
<p><b>Planning Policy Board (prev. Local Plan Panel)</b></p> <p>Cllr George Potter (Chairperson)</p> <p>Cllr George Potter (Portfolio Holder and Chairperson)</p> <p>Cllr Fiona White</p> <p>Cllr Dominique Williams</p> <p>Cllr Stephen Hives</p> <p>Cllr Vanessa King</p> <p>Cllr Richard Mills</p>	Established in January 2004 and meets quarterly	See <b>Appendix 7</b>	Continue.	Homes and jobs Environment Community

Name of group and current number and names of appointed councillors	Date established and frequency of meetings	Terms of reference	Officer recommendation: Continue	Strategic theme
Cllr Catherine Anne Young Cllr Pat Oven Cllr Howard Smith  Lead officer: Stuart Harrison				
<b>Property Review Group</b>  Four councillors:  Cllr Richard Lucas (Chairperson) Cllr Julia McShane Cllr Tom Hunt Cllr Geoff Davis  Lead officer: Marieke van der Reijden	Established in 2003 and meets ten times per year	See <b>Appendix 8</b>	Continue.	Homes and jobs.  Community



Name of group and current number and names of appointed councillors	Date established and frequency of meetings	Terms of reference	Officer recommendation: Continue	Strategic theme
<b>Finance Executive Working Group</b>  Cllr Richard Lucas (Chairperson)  Cllr Joss Bigmore Cllr David Bilbé Cllr Philip Brooker Cllr Tom Hunt Cllr Julia McShane Cllr Pat Oven Cllr James Walsh	July 2023 Every 2 weeks	See <b>Appendix 9</b>	Continue	Budget

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## Strategic Programmes & Projects

### Delivery Boards Terms of Reference

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#### Purpose

The purpose of the four Delivery Boards, listed below, is to provide a robust governance and scrutiny model for the relevant Executive Councillors, and invited Board Members, to provide direction, comment, check and challenge on issues that require Member input with a focus on emerging risks, issues and problems relating the Council's major projects. The Boards will report into the Executive Strategic Programmes and Projects Board (SPPB).

The four Delivery Boards are:

- Capital, Transport and Infrastructure Delivery Board
- Housing Delivery Board
- Shaping Guildford's Future Delivery Board
- Weyside Urban Village Delivery Board

#### Membership

Boards will be chaired by the Lead Member for Regeneration who will report to the SPPB quarterly.

- Other relevant Lead Members will be invited onto relevant Deliver Boards – eg: Housing.
- Finance Lead Member will be invited onto all Delivery Boards.
- Membership will be cross party and involve wider group of Members beyond Executive.
- Up to four other Councillors as selected by the Lead Member for Regeneration.
- Where appropriate, invitations can be extended to other Councillors, officers or external parties.

Supporting officers:

- Strategic Director – Place.
- Executive Head of Regeneration and Planning Policy.
- Relevant programme/project officers and consultants.

## Role

- The Delivery Board meetings will be held three times a year.
- Key business will be:
  - To review last four months and status of risk/issues/problems/progress raised.
  - Look forward four months with focus on emerging risks/issues/progress milestones/constraints and interdependencies.
  - Agendas to focus on the above and budget issues that require direction/input rather than general project updates.
- The Boards will escalate risks/issues to SPPB where appropriate.
- Reporting will be by exception on an action log.
- Deep dives will be conducted into individual projects periodically.
- Change management governance will be in place.
- Frequency three times per annum but with additional meetings where an urgent issue requires Member consultation.
- Councillors will be expected to give their expert opinions to guide key decisions.
- Councillors are also expected to convey information back from the meetings to their groups.
- Executive Lead Members will be asked to comment on any key interfaces and dependencies that may exist between their service areas and the projects, work streams or capital programmes.

## Officers will:

- Administer the meetings.
- Provide written updates on the programme and projects to the Boards, including a dashboard covering programme, risks and budget.

- Maintain an action log.

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## Strategic Programmes & Projects Board Terms of Reference

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### Purpose

The purpose of the Strategic Programmes and Projects Board (SPPB) is to provide a robust governance and scrutiny model for the Council's extensive programme of major capital projects.

The board will mirror the Corporate Management Board (CMB) Enterprise Portfolio Board, and for the purpose of these terms of reference will receive reports from the four Delivery Boards listed below.

The Executive will make up SPPB and will be asked to provide direction, comment, check and challenge on issues that have been escalated from the Delivery Boards with a focus on emerging risks, issues and problems.

The four Delivery Boards are:

- Weyside Urban Village Delivery Board
- Housing Delivery Board
- Shaping Guildford's Future Delivery Board
- Capital, Transport and Infrastructure Delivery Board

### Membership

- The Board will be comprised of the Executive Members and chaired by the Leader.
- The Lead Member for Regeneration will report to the board on behalf of the four Delivery Boards.

Supporting officers:

- Chief Executive
- Strategic Director – Place.
- Strategic Director – Transformation & Governance and Strategic Director Community Wellbeing as required.
- Executive Head of Regeneration and Planning Policy.
- Relevant programme/project officers and consultants as and when

required.

## Role

- SPPB will be held four times a year in the Council Chamber and will be recorded.
- A schedule Executive Briefing slot will be used for the meetings.
- Key business will be:
  - To review the reports from the Delivery Boards with a focus on escalated risks/issues/problems/budget challenges and will note progress of the programmes and projects.
  - Look forward over the next quarter at any emerging risks/issues/progress milestones/constraints and interdependencies raised by the Delivery Boards.
  - Agendas will focus on the above and budget issues that require direction/input rather than general project updates.
  - Reporting will be by exception on an action log and escalations from the Delivery Boards.
- Additional meetings will be arranged where an urgent issue requires Executive consultation.
- Councillors will be expected to give their expert opinions to guide key decisions.
- Executive will be asked to comment on any key interfaces and dependencies that may exist between their service areas and the projects, work streams or capital programmes.
- Any recommendations that require a formal decision will proceed through the correct governance route to Executive and/or Council.

Officers will:

- Administer the meetings via the Democratic Services Team.
- Provide written updates on the programme and projects from the Delivery Boards, including a dashboard covering programme, and any escalated risks and budget issues.
- Maintain an action log.
- Report back from SPPB to the Delivery Boards on escalated issues.



## **Terms of Reference for Climate Change Board (“CCB”)**

### **24 August 2023 – Revision 2**

The CCB is an Executive Working Group that operates within the procedures set out in the Constitution and has overall responsibility to:

- a) monitor outcomes and strategies relating to the Climate Emergency and our Climate Change Action Plan;
- b) make recommendations to the Executive for approval, where applicable;
- c) scrutinise and support the delivery of the Climate Change Action Plan;
- d) develop partnerships with the community, businesses and other local authorities in order to co-ordinate implementation of climate change policies and projects.

#### **Declaration of a Climate Emergency**

On 23 July 2019, the Council passed a resolution declaring a Climate Emergency that requires urgent action.

On 23 February 2023, the Executive adopted the Climate Change Action Plan, containing a revised definition of the Climate Emergency and outlining the Council’s future response.

The Climate Emergency requires the Council:

1. to collaborate with partners across the Borough to evaluate and determine how and when Guildford Borough can become carbon neutral.
2. to work towards making the Council’s Scope 1 & 2 activities net-zero carbon by 2030.
3. to work towards reducing Scope 3 emissions despite the current limitations of calculation methodology.
4. to establish the necessary governance structures, investment plans and officer resources in order for the Council to build a strong foundation to deliver progressively ambitious carbon reductions across its operations.
5. to establish a borough-wide Climate Change Partnership consisting of representatives from all stakeholders across all sectors
6. to develop, within 12 months, a clear action plan and timescale for being net-zero carbon across the Council’s operations, starting with a review of what has already been achieved and plans that already been instigated.

7. to deliver a joint Member-Officer training programme to enable a shared understanding of how to deliver the above, starting in September 2019.
8. To recognise that biodiversity and air quality form part of the Climate Emergency
9. To integrate resilience and adaptation into the Climate Change Action Plan in response to current and future climate changes.

The response to the Climate Emergency will be implemented across the Council under the umbrella of the Climate Change Action Plan, with all Executive members having responsibility to ensure that the necessary actions are pursued within their individual portfolios. The CCB will monitor and scrutinise all these activities in order to ensure that there is a co-ordinated effort to implement strategies and that the Climate Change Action Plan is implemented. It will periodically review the Climate Change Action Plan and recommend or undertake supplemental activities where appropriate. Develop a Communications Action Plan that puts the Council at the forefront of promoting measures that will facilitate and encourage Guildford Borough to be carbon neutral, reduce levels of carbon emissions, and to respond to the declared Climate Emergency

The CCB will identify and consult with relevant authorities and stakeholders and will work with these organisations to assist with the implementation of the requirements of the Climate Change Action Plan.

Given the breadth of the work required, where necessary the CCB will, with the agreement of the Leader of the Council, create sub-working groups that will report to the CCB. Such working groups may include councillors, officers and external representatives whom the Leader and the CCB consider may provide appropriate advice and assistance to the Council.

### **Key Priorities**

Considering the mounting scientific evidence indicating the urgency with which action is required on reducing our impact on the climate, the board will commit to a top down approach. Specifically, the board will target four key sectors where the Council can take initiative and influence actions to address the declared Climate Emergency and tackle climate change in partnership with others; Energy, Infrastructure, Biodiversity and Business and Community.

The CCB will consider, prioritise and recommend practical measures that can be achieved in connection with each of these four sectors:

## **Energy**

Focussing on energy supply and performance, the priorities of the group will be:

- Decarbonising the energy supply
- Supporting environmentally sustainable energy supply to meet increase in demand.
- Unlocking scalable clean energy supply as an enabler for addressing climate change
- Taking measures to ensure energy supply remains resilient and secure.
- Enabling opportunities to retrofit buildings to improve energy performance.

## **Biodiversity**

Focussing on improving and increasing the biodiversity across Guildford Borough, the priorities of the group will be:

- To understand the current condition of biodiversity loss
- Identify gaps and opportunities to increase the natural environment within Guildford.
- Work with stakeholders across the borough to inform and encourage the improvement in biodiversity.

## **Infrastructure**

Focussing on planning and low carbon infrastructure, the priorities of the group will be:

- Supporting and enabling infrastructure projects that are compatible with future sustainable transport and which encourage easy modal shift for borough residents, businesses and visitors.
- Planning for low carbon building and infrastructure through planning policy and development management
- Enabling waste operations that reduce and recycle waste in ways that are carbon reducing and compatible with the sustainable future of the borough.
- Monitor flooding and water infrastructure works to ensure that solutions ensure scalable infrastructure is put in place or developed to keep up with the pace of growth in the borough.
- Foster partnerships that enable infrastructure projects to come forward

## **Businesses and communities**

Focussing on engagement and education, the priorities of the group will be:

- Engaging with stakeholders across the community to encourage and facilitate initiatives to address the climate emergency locally.
- Educating the board and fellow councillors in carbon literacy; to understand and be able to explain the basic science of climate change and how climate change will affect us both globally and locally, how to assess our climate change objectives; and how to construct our own strategies to take action on climate change.
- Ensuring scientifically accurate information is disseminated to the wider community.
- Fostering conversation and discussion around the topic of climate change, where possible and relevant
- Creating and nurturing partnerships to educate the wider public as to the challenges we face ahead.
- Recommending most effective methods for stakeholder engagement (e.g., Citizens Panel, Business engagement etc)
- Working in partnership to identify and deliver local carbon reduction projects.
- Supporting via low carbon incentives and carbon literacy campaigns

## **Roles and responsibilities**

### **Chairman**

- Chair and facilitate Board meetings, ensuring the agenda is covered and all views actively sought and considered.
- Ensure the Board remains focused on achieving its objectives and realising the expected benefits.
- Promote partnership working to engender trust amongst board members and encourage creative and collaborative relationships to develop.
- Commit to effective and efficient programme governance.

### **Board Members**

- Assist with the development, implementation and review of the strategies and champion the programme to internal/external stakeholders.
- Review papers, attend meetings and complete actions as agreed.

- Seek to reach consensus opinions within the Board wherever practicable and consider matters from other perspectives, including the public and staff.
- Agree on recommendations to go forward to the Executive for approval.

### **Senior Responsible Officers**

- Responsible for the development of strategies and action plan
- Facilitate meetings with outside stakeholders, whose input will be necessary to develop and implement the strategies.
- Assist with necessary research to develop strategies and action plan.
- Provide stability in the development, adoption and monitoring of the strategies.
- Ensure that appropriate minutes are taken and that Board papers are delivered within the required timescale.

### **Programme Manager**

- Track progress and monitor the delivery plan for the programme.
- Develop a programme risk register to align with the Corporate Risk Register

### **Meetings**

The board will meet bi-monthly.

Agenda and papers will be circulated at least five working days in advance of the meeting.

Minutes and actions will be circulated within five working days after the meeting.

A standing agenda will be provided that will include an update from the previous meeting, key decisions and new actions and the plan for taking this forward.

Copies of the minutes will be submitted to the Corporate Management Team and will be published on the council website.

## Membership

### Councillor membership:

<b>Name</b>	<b>Position</b>	<b>Role on Board</b>
Cllr George Potter	Councillor	Portfolio Holder
Cllr Jo Shaw	Councillor	Member
Cllr Catherine Houston	Councillor	Member
Cllr James Jones	Councillor	Member
Cllr Richard Mills	Councillor	Member
Cllr Catherine Anne Young	Councillor	Member
Cllr James Brooker	Councillor	Member
Cllr Amanda Creese	Councillor	Member

### Officer appointees (advisory capacity only)

<b>Name</b>	<b>Position</b>	<b>Role on Board</b>
Ian Doyle	Strategic Director	Officer
Robin Taylor	Executive Head of Organisational Development	Officer
Marieke Van der Reijden	Executive Head of Assets & Property	Officer
Vacancy	Energy Strategy Manager	Officer
Nat Prodger	Climate Change Officer	Officer
Chris Wheeler	Executive Head of Environmental Services	Officer
Vacancy	Local Economy Manager	Officer
Carrie Anderson	Democratic Services	Officer (Secretary)
Beverley Stonehouse	Communications	Officer

### External appointees (Co-optees, advisory capacity only)

<b>Name</b>	<b>Position</b>	<b>Role on Board</b>
Alastair Atkinson	GEF	Member
Prof Bob Nichol	University of Surrey	Member
Ben McCallan	Surrey County Council	Member
Sam Peters	Zero Carbon Guildford	Member

Other key officers from across the Council and representatives of external bodies may be invited to attend meetings in an advisory capacity only, as

required, at the discretion of the Chairman and/or the Board acting by majority.

**Reporting**

The Board shall, periodically, report back the results of their work, including recommendations where appropriate, to the Executive.

**Annual Review**

The terms of reference and membership of the Climate Change Board will be reviewed on an annual basis, or as required.

The Executive will annually review the continuation of the Board.

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**Guildford Borough Council**  
**Housing Management (HRA) Board**  
**Terms of Reference 2023**

**Scope**

With reference to the corporate priorities within the Homes, Jobs and Community themes of Council's Corporate Plan 2021-25:

- Maintain a level of knowledge and understanding of issues to inform the work of the Board.
- Consider and monitor progress of new development opportunities for the HRA.
- To identify resourcing and financial constraints, opportunities, and considerations to inform the development of services (including RTB and Business Planning)
- To support the development of relevant policies and procedure for the Councils landlord role to deliver service improvement.
- To consider monitoring and progress reports as necessary.
- Oversight of a risk register for the HRA.
- To monitor the delivery of the Housing Investment Programme and receive update reports on individual projects and delivery risks.
  - To ensure that proper programme and project management arrangements are in place for the HRA housing investment programme by:
    - Monitoring delivery of the Housing Investment Programme and receiving update reports on individual projects and delivery risks.
    - To review the monitoring of expenditure on the approved HRA capital programme and investigate variances.
    - To review the use of RTB receipts and take relevant action to address any areas of concern.
    - To identify a pipeline of projects and new schemes that can be developed and arrange to operationally bring them forward to business case stage for approval.

- To manage and mitigate risks across the Housing Investment programme and escalate significant risks to CMT, Executive and Corporate Governance and Standards Committee where necessary.
- To act as client for projects being delivered by Corporate Programmes under the Housing Programme Board

### **Membership (7)**

3 x Lib Dem (To include the Lead Councillor for Finance and Property and the Lead Councillor for Housing as Chairperson)

1 x R4GV

1 x Conservative

1 x Labour

1 x Guildford Greenbelt Group

### **Frequency of Meetings**

Quarterly

### **Reporting**

To the Executive annually or as required.

## **Planning Development Improvement Board Terms of Reference**

### **Aims**

The aims of the Board are to oversee and be updated on progress on the delivery of Development Management Improvements.

### **Objectives**

- The objectives of the Board are to agree and champion the Improvement Action Plan among members, officers, key stakeholders, businesses and residents.
- To develop ownership and understanding of the Improvement Action Plan with members and officers.
- To proactively monitor and oversee the management and delivery of the Improvement Action Plan.
- To identify risks and issues that could lead to the non-achievement of the Improvement Action Plan along with the required remedial actions.
- To identify opportunities for the promotion of progress in delivering the Improvement Action Plan.
- To agree updates or amendments to the Improvement Action Plan.
- To oversee the Risk Register appended to the Improvement Action Plan.

### **Status**

The Planning Development Improvement Board is an informal Board bringing together key officers and members to ensure oversight and ownership of the Improvement Plan. The Board has the right to request that officers report progress to the Overview and Scrutiny Committee, the Corporate Governance and Standards Committee and the Planning Committee.

### **Membership**

The membership of the Board is as follows:

- Lead Councillor for Development Management
- Chairman and Vice-Chairman of the Planning Committee
- Leader of the Council

- 2 other Councillors as party representatives
- Strategic Director for Place
- Executive Head – Planning Development
- Planning Performance Manager
- Representative from Finance
- Representative from PAS

### **Meeting arrangements**

- The meeting will be chaired by Lead Councillor for Development Management
- The Chair may invite other parties to attend the meeting for part or in its entirety, as and when considered beneficial.
- Frequency of meetings – meetings will be held every 6 weeks or as and when required and agreed between the members of the Board.
- Unless otherwise agreed the agenda for the meeting together with supporting papers will be circulated 5 working days before the meeting.
- Minutes of the meeting will be taken and circulated to all attendees, these Minutes will not be published or shared with non-Board Members unless agreed by all members of the Board.

## **Planning Policy Board**

### **Terms of Reference**

**24 August 2023**

#### **Membership:**

The Planning Policy Board (PPB) is a small, cross party group of councillors. One or two external representatives may be invited on an ad hoc basis when it is considered beneficial to gather feedback from a wider audience.

#### **Board Members:**

1. Cllr George Potter (Portfolio Holder and Chair)
2. Cllr Fiona White (Lib Dem)
3. Cllr Dominique Williams (Lib Dem)
4. Cllr Stephen Hives (Lib Dem)
5. Cllr Vanessa King (Lib Dem)
6. Cllr Richard Mills (Conservative)
7. Cllr Catherine Anne Young (R4GV)
8. Cllr Pat Oven (GGG)
9. Cllr Howard Smith (Lab)

#### **Role:**

- The Board's principal role is to provide support and feedback to the Planning Policy team and Executive. They are to act as a sounding board to support progress on a range of planning policy documents including the Local Plan and Supplementary Planning Documents.

#### **Responsibilities:**

- Any confidentiality rules will need to be adhered to by all Board members however there may also be instances when Board members will be expected to share documents with their respective political parties and collate/feedback any comments.

#### **Administration and frequency of meetings:**

- Meetings are to be informal with no minutes taken however any action points will be noted and reported back upon at later meetings.
- The group will meet as and when required to consider and discuss all documents on their way to the Executive and, if necessary, Full Council.

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## Property Review Group

### Terms of Reference

#### Group membership:

Name	Title	Function
Marieke van der Reijden (Chairperson)	Exec Head for Assets and Property	Assets and Property
Dawn Hudd	Strategic Director – Place	Corporate Management Team
Francesca Kosh	Deputy Head of Asset Management	Assets and Property
Mark Appleton	Asset and Property Manager	Assets and Property
Charles Wood	Asset and Property Manager	Assets and Property
VACANT	Property Surveyor	Assets and Property
Victoria Worsfold	Lead Specialist	Finance
Richard Lucas	Lead Councillor	Finance and Property
Julia McShane	Leader, Lead Councillor	Housing
Tom Hunt	Lead Councillor	Regeneration
Geoff Davis	Councillor	
Secretariat	TBC	Assets and Property

#### The group will:

- Provide the Corporate Management Board (CMB) with a strategic overview of the Council's properties excluding Council dwellings. This will include recommendations and reports to the CMB on property acquisition, disposal, development and strategic asset management.
- Meet on a six-weekly basis or more frequently if required.
- Call on the expertise and skills of other officers as required.

#### Specifically, the group will:

## **Terms of Reference**

1. Review as necessary the process for strategic management of the property estate and make recommendations for any changes to CMB.
2. Review as necessary the policies, plans and business procedures of the Council in the management and mitigation of substantive risk arising from its property portfolio and other associated undertakings, and where necessary or appropriate to make recommendations to CMB.
3. Review as necessary the performance of individual operational properties against an agreed set of criteria in accordance with the Asset Management Framework in accordance with the Asset Review Programme
4. Review annual the performance of individual investment properties against an agreed set of criteria in accordance with the Asset Management Framework in preparation for a report to the Overview and Scrutiny Committee each year followed by a report to the Executive.
5. Review and recommend for submission capital project bid business cases for works to properties as part of the corporate business planning process.
6. Review and recommend for submission the proposed planned maintenance schedule and revenue budget estimates for the year ahead as part of the corporate budget setting process.
7. Review the progress on major planned maintenance and capital projects and the expected expenditure outturn against budget, as appropriate.
8. Recommend reports or investigations as it considers necessary in respect of transactions made or proposed by the Council, in relation to commercial property in accordance with approved budgeted expenditure.
9. Review as necessary all pre-offer details, basic purchase reports and full purchase reports for proposed property acquisitions



## Property Review Group

### Terms of Reference

10. Review as necessary all property reports regarding proposed future use of an asset.
11. Review as necessary all property reports regarding proposed disposal of a property.
12. Review as necessary all property reports regarding properties owned by the Council as trustees.
13. Annually review the terms of reference.

The Group will work to the following timetable so far as possible:

Agenda programme reviews	Month
Property reports	As and when
Property acquisitions	As and when
Property sales	As and when
Investment property annual performance review	June
Strategic asset management processes	As and when
Review PRG terms of reference	September
Capital programme business cases review	October
Major planned maintenance and capital projects review	As and when
Revenue and capital budget review – current year	As and when
Property related policies, plans and procedures	As and when
Property enquiries, reports or investigations	As and when

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## **Executive Working Group – Financial Recovery 2023**

### **Purpose:**

- receive and comment on regular updates on the council's preparations for the Medium Term Financial Plan restatement in October and its implementation.
- provide a sounding board for the Executive and officers on the options that are coming forward to close our projected financial gap.
- guide wider communication with councillors and beyond.

### **Membership:**

Cllr Richard Lucas (Lead Executive Member for Finance) – Chairperson

The Leaders of the political groups and/or their nominees:

Cllr Joss Bigmore (R4GV)

Cllr David Bilbé (C)

Cllr Philip Brooker (C)

Cllr Tom Hunt (LD)

Cllr Julia McShane (Leader and LD)

Cllr Pat Oven (GGG)

Cllr James Walsh (L).

### **Officer support:**

Richard Bates – Interim Executive Head of Finance

Ian Doyle – Strategic Director

Tom Horwood – Chief Executive

Robin Taylor – Executive Head of Organisational Development

Peter Vickers – Executive Head of Finance/S151 Officer

Victoria Worsfold – Deputy Section 151 Officer

tbc - Administration

### **Meeting arrangements**

Meetings will be scheduled fortnightly from August to October 2023.

### **Review**

The terms of reference and purpose of the EWG will be reviewed in October 2023.

### **Modus operandi**

The July 2023 Council meeting agreed an action plan. The EWG will review progress and influence direction through fortnightly updates on the dashboard and consideration of associated documentation. The meetings will place fortnightly in Millmead and on Teams (i.e., hybrid). The meeting administrator will circulate to the EWG and the Executive the agenda and dashboard two working days before each EWG meeting, and the meeting notes within two working days after each meeting. The documents will also be considered at the next available Corporate Management Board, which meets weekly.

**Date: August 2023.**

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