

POLICY SCRUTINY COMMITTEE

Tuesday, 15 February 2022

6.00 pm

Committee Rooms 1-2, City Hall

| | |
|-----------------------|---|
| Membership: | Councillors Bill Bilton (Chair), Calum Watt (Vice-Chair), Liz Bushell, Jane Loffhagen, Bill Mara, Mark Storer and Pat Vaughan |
| Substitute member(s): | Councillors Gary Hewson |
| Officers attending: | Angela Andrews, Kate Bell, Paula Cade, Democratic Services, Pat Jukes, Andrew McNeil, Becky Scott and Matt Smith |

A G E N D A

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| Please note that, in accordance with the Members' Code of Conduct, when declaring interests members must disclose the existence and nature of the interest, and whether it is a disclosable pecuniary interest (DPI) or personal and/or pecuniary. | |
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You are asked to resolve that the press and public be excluded from the

meeting during the consideration of the following item(s) because it is likely that if members of the press or public were present, there would be disclosure of 'exempt information'

SECTION B

12. ICT Security Policies

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Present: Councillor Bill Bilton (*in the Chair*),
Councillor Calum Watt, Councillor Liz Bushell, Councillor
Bill Mara, Councillor Alan Briggs and Councillor
Rebecca Longbottom

Apologies for Absence: Councillor Jane Loffhagen, Councillor Mark Storer and
Councillor Pat Vaughan

20. Confirmation of Minutes - 5 October 2021

RESOLVED that the minutes of the meeting held on 5 October 2021 be confirmed.

21. Declarations of Interest

No declarations of interest were received.

22. Localised Council Tax Support Scheme 2022/23

Martin Walmsley, Head of Shared Revenues and Benefits

- a. presented the proposed scheme for Local Council Tax Support for the financial year 2022/23, as part of the formal consultation period, as well as regarding proposals made in relation to an Exceptional Hardship Payments Scheme.
- b. gave the background to the scheme as detailed at paragraph 2 of the report and advised that there were currently 8870 residents claiming Council Tax Support in Lincoln.
- c. advised that there were 2,704 pensioners in receipt of Council Tax Support and they were protected under the legislation so that they would not be affected by any changes made to the Council Tax Support Scheme.
- d. further advised that there were 6166 working claimants who would be affected by any changes made to the scheme, and such any potential reduction in support being provided. Unless a decision by the Council was made to apply scheme changes to vulnerable working-age customers, the localised Council Tax Scheme.
- e. highlighted the impacts of Covid-19 on the amount of Council Tax Scheme awarded, with significant increases in caseload and cost of the scheme as detailed at paragraph 3 of the report.
- f. referred to paragraph 4 of the report and gave an overview of the current Council Tax Support Scheme.
- g. advised that based on the current core elements of the existing scheme, caseload increases of 0% and 5% had been modelled, along with Council Tax increases of 1.9% and 2.5%. These were summarised in Appendix 1 of the report which gave an indication of the potential cost and savings to

the City of Lincoln. Also included was the potential value for non-collection (based on projected collection in the tax base of 98.75%)

- h. explained that as a billing authority the Council could decide whether or not to amend core elements of its Council Tax Support scheme each year. Officers were proposing options for consultation to change certain core elements of the scheme which were summarised at Appendix 1 of the report.
- i. referred to paragraph 5.3 and 5.4 of the report and explained the technical amendments and assumptions that had been made in developing the modelling for each Council Tax Support Scheme.
- j. explained option 2 the 'All Working Age' Banded scheme as detailed at paragraph 5.6 of the report and advised that it was an option put forward and would make a fundamental change to the way that the Council Tax Support Scheme was calculated for all working-age customers.
- k. referred to paragraph 5.7 of the report and explained the 'De Minimis' Scheme which was put forward as option 3.
- l. referred to paragraph 5.8 of the report which detailed the Exceptional Hardship Payments Scheme and proposed that the Exceptional Hardship Budget be increased from £20,000 to £25,000 for 2022/23.
- m. asked for committee's consideration and comments as part of the formal consultation process.

Members discussed the Exceptional Hardship Scheme and supported the proposed increase in budget to £25K which they felt was reasonable considering the current circumstances.

The committee discussed in detail the options proposed and were minded to support option 2 which was the "All Working Age" banded scheme. It was felt that this option would be the best option for residents and would also be more streamlined for the Council to administer. Members questioned how many residents would 'lose out' in the scheme and requested information on which band would be affected by this. Martin Walmsley, Head of Shared Revenues and Benefits responded that the scheme would be continued to be modelled based on the case load, to reduce the number of 'losers' as much as possible. The information on the affected band would be circulated to members following the meeting and be included within the Executive report.

RESOLVED that

- 1. option 2 "All Working Age" Banded Scheme, as set out in paragraph 5.6 of the report be supported.
- 2. the proposed increase of the £5,000 to £25,000, in the Exceptional Hardship fund for 2022/23 to top up Council Tax support awards in appropriate cases be supported.

23. Draft City of Lincoln Council Decarbonisation Strategy and Action Plan Report

Kate Bell, Climate Change Manager

- a. presented the City of Lincoln Council's Decarbonisation Strategy and Action plan for consideration prior to referral to Executive for approval.
- b. advised that full Council had passed a motion to Declare a Climate and Environmental Emergency which resolved to deliver a carbon neutral vision for Lincoln by 2030.
- c. referred to a draft copy of the Decarbonisation Plan at Appendix 1 of the report and advised that the plan set out how the council intended to achieve net zero carbon for its own operations and services and contribute towards Lincoln's area wide carbon neutral ambitions.
- d. explained that the basis of the draft Decarbonisation Plan was to provide a comprehensive assessment of the carbon impact of the Councils own operations which included a calculation of our carbon footprint and an action plan.
- e. advised that the plan identified eight decarbonisation pathways which included Carbon data where available and identified key challenges and opportunities for each pathway towards a net zero carbon target by 2030.
- f. advised that the plan would need to be reviewed and updated annually to reflect emerging knowledge and understanding to ensure the council achieved a net zero carbon target by 2030.
- g. invited committee's questions and comments.

Question: Referred to the decarbonising of Lincoln Central Market and asked if officers were confident that net zero carbon would be achieved.

Response: A full plan had been put in place and an application for funding had been submitted. The gas had been removed and the building had been insulated, also the majority of the electricity used would be renewable.

Question: Asked if there were plans to decarbonise City Hall.

Response: There were detailed feasibility works planned as part of a larger piece of work regarding how the building would be used in the future.

Question: Referred to the Action Plan at Appendix 1 of the report and asked when the "Reuse and Recycle all IT waste" would be completed.

Response: Further information was required from IT. The action plan was a working document and would be updated regularly.

Question: Asked if there would be more trees planted in Lincoln.

Response: There was funding available for trees, the City Council were working with Lincolnshire County Council to identify suitable locations. The tree coverage in Lincoln City was significantly higher than some rural areas and therefore it was about managing and maintaining the current tree coverage in the City. A tree strategy would be produced in future.

RESOLVED that the Decarbonisation Strategy and Action Plan be supported and referred to Executive for consideration.

24. Resident Engagement, Building Safety

Chris Morton, Resident Involvement Manager

- a. presented to Policy Scrutiny Committee the draft Resident Engagement Strategy for building safety for comments prior to referral to Executive.
- b. gave the background to the Strategy as detailed at paragraph 2 of the report and advised that following the Grenfell tragedy in 2017 the government launched a review to improve building safety in Higher Risk Residential Buildings.
- c. advised that the Resident Engagement Strategy for Lincoln had been developed in consultation with elected members, staff and the Lincoln Tenants Panel. It was also in line with the best practise from the housing sector.
- d. explained that the strategy set out the Council's approach to engaging with residents and had three main strands:
 - Information and understanding
 - Resident and landlords' responsibilities
 - Action to take in the event of a fire
- e. referred to the Action Plan at Appendix 2 of the report and advised that to deliver the Engagement Strategy the Council would need to meet all of the actions contained within the action plan.
- f. invited committee's questions and comments

Question: Referred to the Building Safety Bill and asked if the strategy had been written prior to the legislation being passed.

Response: The Strategy had been written based on the best practice that had been received. The Strategy and Action Plan could be amended if necessary once the legislation was passed.

Question: Referred to the Action Plan at Appendix 1 of the report and asked if the Building Safety Manager was a new role that would be appointed to or if it was covered by existing posts.

Response: A response would be circulated following the meeting.

The Chair commented that it was important to have someone who was responsible for the Action Plan and requested that Executive provide resources as necessary to support this.

RESOLVED that the Resident Engagement Strategy for building safety be supported and referred to Executive for approval.

25. Health Scrutiny Update

The Chair of Policy Scrutiny Committee updated members of the business that had been discussed at the Health Scrutiny meeting held on 13 October 2021, these were:

- Lincolnshire Acute Services Review
- General Practice Access
- Lincolnshire Clinical Commissioning Group – Support for General Practice

He further advised that he had raised the question regarding the significant disparities in the health of people living in different wards in Lincoln and had received a response from Public Health who felt that they were doing all they could to address the issue. The City of Lincoln Council was currently gathering and reviewing data which would be used to develop an action plan to address this issue and would be brought to a future committee.

RESOLVED that the report be noted.

26. Policy Scrutiny Work Programme 2021-22 and Executive Work Programme Update

The Democratic Services Officer:

- a. presented the report 'Policy Scrutiny Work Programme 21-22 and Executive Work Programme Update'.
- b. presented the Executive Work Programme November 2021 – October 2022.
- c. requested councillors to submit items they wished to scrutinise from the Executive Work Programme and policies of interest.
- d. invited members questions and comments.

Members made no further comments or suggestions regarding the Policy Scrutiny work programme.

RESOLVED that:

1. the work Policy Scrutiny work programme be noted.
2. the Executive work programme be noted.

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SUBJECT: VISION 2025 – 3-YEAR DELIVERY PLAN 2022 - 2025

DIRECTORATE: CHIEF EXECUTIVE’S

REPORT AUTHOR: ANGELA ANDREWS, CHIEF EXECUTIVE AND TOWN CLERK

1. Purpose of Report

1.1 To seek Policy Scrutiny’s comments on the draft core delivery plan for the final three years of Vision 2025.

2. Executive Summary

2.1 Vision 2025 was approved in February 2020, but due to the onset of the Covid-19 pandemic was never officially launched and in some areas of activity, progress on the initial plans has been affected.

2.2 As the council moves back to a new business as usual situation, a mid-term review on the proposals in the original vision was undertaken. As part of this work, the effect of covid-19 on the health of our residents has been considered – and as a result, a new focus on physical and mental health developed for the way forward.

2.3 The attached three-year Delivery Plan (Appendix A) should be considered as an addendum to Vision 2025 as there are no changes to the core priorities, aspirations or values identified in that document.

3. Background

3.1 Following the successful completion of the three-year strategic plan ‘Vision 2020’ in late 2019, a new five-year strategic plan ‘Vision 2025’ was developed by senior management and members and approved by Executive on 24 February 2020, before being adopted by Council.

Vision 2025 provided the priorities and aspirations as well as a high-level view of how these would be achieved. The detail of what needed to be done each year to work towards the end goal was to be delivered through a specific Annual Delivery Plan (ADP) for each year, in which individual projects would be agreed by management and Portfolio Holders for each priority.

3.2 The Year one ADP was in the process of gaining agreement from Leadership for roll out at the Growth Conference, when in March 2020 Covid-19 hit and severely impacted the council’s ability to deliver beyond critical services.

The launch of the Growth Conference and the Annual Delivery Plan was immediately deferred, and services were re-focussed on service recovery.

2020/21 has seen most services recover to a 'new' normal, however, this is not necessarily the same as pre-covid times. As well as business as usual - we are still facing:

- Additional service demands as customers start to bring up requests they have held on to during the pandemic
- The reintroduction of some cyclical inspections (e.g. in Private Sector Housing, Food Health & Safety and in Housing)
- Regaining access to houses where residents have not wanted us to access from health concerns (e.g. Housing, Disabled Facility Grant's)
- Trying to restore income levels to nearer pre-covid levels (e.g. Parking, Leisure)
- The need to help the High Street recover (e.g. progressing the Town Fund, and the Welcome Back Fund)

3.3 As we move towards 2022/23 and onwards, focus is now firmly on the process of delivering our strategic aims. Due to the financial and resource effects of the Covid-19 impact, we are not in a place to completely pick up where we were, so the new three-year plan has been developed with flexible timescales.

It is important to note that not all projects will be able to start in 2022/23 and not all projects will complete by 2025 – however, the aim is to progress as quickly as possible, and the results of the public consultation will help prioritisation of workload.

3.4 It should be recognised that although the pandemic did significantly affect the council's ability to progress in all aspects of Vision 2025 – this does not mean that there has been no progress. In fact, it is worth noting the level of projects that have been continued with:

- Western Growth Corridor/Swanpool project – planning permission has been granted to progress this major development
- Market improvements have commenced
- Funding has been sought and achieved to support Greyfriars
- The city centre vibrancy programme – is now funded by Town Deal
- The Cornhill improvements are almost complete
- New affordable housing has been built on Rookery Lane
- We have additional move on accommodation to support homeless people
- The Trusted Landlord Scheme is in place and will be pushed further
- De Wint Court extra care sheltered housing scheme is complete
- Crematorium refurbishment has been completed with a new chapel and new cremators as well as additional parking
- Resident's parking schemes have been consulted on and will progress
- We have used the Welcome Back Fund to support high street recovery
- Safer Streets programme is being implemented currently
- The Boultham Park restoration (phase 2) is well underway
- A start has been made on the Heritage Action Zone project to improve the look of our high street and condition of key buildings
- We have started the creation of more wildflower meadows
- Electric vehicles charging points are being installed in new council properties
- Recruitment of new business to the Lincoln Social Responsibility Charter
- Funding found to sustain the rough sleepers and homelessness teams
- The carbon action survey and staff travel surveys are now completed
- We have a roadmap to zero carbon events programme in place

- We have a decarbonisation Strategy and Management plan
- We have achieved Environmental management accreditation

4. Development of the Mid-term Vision 2025 review

4.1 As services showed strong signs of recovery from the effects of the pandemic, the Executive group made the decision to review progress towards Vision 2025 plans, and importantly, what steps can now be taken to re-start the programme in earnest.

4.2 The five existing priorities and their aspirations will not be changed as it was determined that they still meet the needs of the city and our residents.

They remain as:

- Let's drive inclusive economic growth
- Let's reduce all kinds of inequality
- Let's deliver quality housing
- Let's enhance our remarkable place
- Let's address the challenge of climate change

4.3 However, as part of in-depth discussions at Portfolio Holder level, members highlighted key areas to be considered when considering the way forward:

- The economic recovery plan for the city
- The health and inequalities faced by residents as we move out of the pandemic
- Provision for more greening projects across the city

These key points were a significant part of the review of project priorities.

4.4 The resulting Vision 2025 mid-term review (**Appendix A**) contains a range of projects spread across the five priorities and 25 aspirations, however, this is a three-year plan and thus there are minimal specific dates given at project level, so that workload can be spread to match available resource as well as meet customer priorities.

4.5 Consultation with the public, businesses and the voluntary sector started on the 18 January 2022, and will complete on 10 February 2022. The consultation primarily asks for prioritisation of key existing projects, and the results from this will form part of the final report to Executive and the prioritisation of the project start dates over the next three years.

5. Strategic Priorities

5.1 By the very nature of the Strategic Plan, the Vision 2025 ADP effects all five priorities in driving them forwards. Projects included cover all five priorities, but the specific effects will be monitored via each individual project plan as it is developed, presented and approved for commencement.

6. Organisational Impacts

6.1 **Finance (including whole life costs where applicable)**

This report refers to a selection of projects which will each individually be reported to the appropriate decision maker – and will include financial aspects where appropriate

6.2 **Legal Implications including Procurement Rules**

This report refers to a selection of projects which will each individually be reported to the appropriate decision maker – and will include legal implications where appropriate

6.3 **Equality, Diversity and Human Rights**

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

Care has been taken when developing the Vision 2025 mid-term review to consider all aspects of equality, and whilst this retained the specific Priority for “Reducing all kinds of Inequality” which specifically tackles some aspects of equality – all other projects identified will also consider this throughout their initiation, planning and delivery. In addition consultation has been carried out which will reflect any E&D concerns raised.

7. **Risk Implications**

7.1 **(i) Options Explored** – Resource (financial and people) is a key risk and has been considered when reviewing which projects to tackle/continue in years three-five.

7.2 **(ii) Key risks associated with the preferred approach** – One Council, Health, and Legacy projects are to be the key focus initially, but changes in the working environment such as TFS requirements and the pandemic legacy will be built in as well.

8. **Recommendation**

8.1 Policy Scrutiny is asked to review and comment on the content of the mid-term review, prior to consideration by Executive.

Is this a key decision? Yes

Do the exempt information categories apply? No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?

No

How many appendices does the report contain?

One

List of Background Papers:

None

Lead Officer:

Pat Jukes, Business Manager, Corporate Policy
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Vision 2025 Interim Review

February 2022



CITY OF
Lincoln
COUNCIL

Together, let's deliver
Lincoln's ambitious future



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Foreword

Vision 2025 sets out the priorities and aspirations over a five-year plan. However, following the pandemic faced by the world and still affecting this country and this city, we need to review actions planned to ensure they meet Lincoln residents' emerging needs.



The consequences of the pandemic have impacted us all, our home lives, our children's education, our working lives, our financial situation, and our health. It's been clear from the early stages of the pandemic that some groups are more affected than others, including the elderly, the disabled, people with limited income and those from some minority communities. One aspect has become clear, after two years of changes, people are still facing their own individual challenges, and in many cases, this is health related, both physical and mental, and at a time when our health services are under considerable pressure.

The council has a key role to play not just in working with our partners to develop the economic sustainability of our city – but also in supporting partners and other key providers to ensure that the health of our residents is placed as a high priority.

As we move towards the start of a new financial year, we see this as an opportunity to refocus our resources towards prevention and addressing those areas, including health inequalities, that will be needed most in the next three-year period, and into the future. This is an opportunity to review and relaunch Vision 2025, ensuring that the actions we take to meet our priorities will help tackle those needs. As a starting point City of Lincoln Council is already working with our Lincolnshire District Council counterparts to look at how and where we can jointly support the Health agenda across the County. The following sections will take you through our action plan for the next three years.

Angela Andrews

Chief Executive & Town Clerk

Cllr Ric Metcalfe

Leader



Together, let's deliver
Lincoln's ambitious future



Introduction

This review is positioned as an addendum to the original five-year plan Vision 2025, which although originally launched in March 2020, was almost immediately affected by the impact of the Covid 19 pandemic.

The Vision, the five priorities and the aspirations under each priority agreed under consultation - are still relevant and there is no requirement to change these. However, we will ensure promoting positive health for the city will be a key feature within these goals wherever possible. That means that we do need to review the activities originally planned to achieve these goals to ensure that our limited resources are used in the most effective way.

As a nation we are facing a backlog of untreated health issues as well as a raft of indirect impacts such as obesity, excess alcohol consumption, poor quality private sector housing conditions and increasing anti-social behaviour, causing health inequalities to widen, especially in our deprived areas of Lincoln.

One change now in place is that instead of an annual delivery plan, we have developed a three-year plan which will be resourced as appropriate over the next three years. There are several new projects proposed which will support the work of partners in helping tackle health inequalities exacerbated by the pandemic.

Over the first two years of the Vision, there were several projects that continued to be progressed and some are now complete. However, with continued restrictions on our funding, there are some proposals that will either be deferred or no longer be progressed. As this is a three-year plan, the projects mentioned later will not all start in 2022, they will be phased appropriately to meet residents' needs and when resources are available.

The following pages are a reminder of our Vision, Priorities and Aspirations

Our vision

Together, let's deliver Lincoln's ambitious future

The strategic priorities that underpin our vision:

Let's drive inclusive economic growth

Let's enhance our remarkable place

Let's reduce all kinds of inequality

VISION 2025

Let's address the challenge of climate change

Let's deliver quality housing

Our aspirations

The aspirations that underpin our five strategic priorities

Let's drive inclusive economic growth

- ▶ Let's build a strong, viable, inclusive and prosperous future for Lincoln
- ▶ Let's continue to help businesses prosper
- ▶ Let's support a culture of innovation
- ▶ Let's attract investment
- ▶ Let's continue to make things happen

Let's deliver quality housing

- ▶ Let's provide housing which meets the varied needs of our residents
- ▶ Let's work together to tackle homelessness in Lincoln
- ▶ Let's improve housing standards for all
- ▶ Let's build thriving communities
- ▶ Let's help people have a sense of belonging

Let's address the challenge of climate change

- ▶ Let's ensure our development approach reduces our carbon footprint
- ▶ Let's set the Lincoln standard for sustainable zero carbon development
- ▶ Let's make walking, cycling and the use of public transport the best and favourite way to move around Lincoln
- ▶ Let's ensure the city's infrastructure is fully adaptable and resilient to the challenges of climate change
- ▶ Let's make our existing housing and business premises energy efficient

Let's reduce all kinds of inequality

- ▶ Let's improve the health and quality of life for people living in Lincoln
- ▶ Let's help people succeed
- ▶ Let's provide help to the most vulnerable in our city
- ▶ Let's help people feel safe and welcome in their communities
- ▶ Let's help more businesses embrace corporate social responsibility

Let's enhance our remarkable place

- ▶ Let's show the world what Lincoln has to offer
- ▶ Let's cherish and enhance our natural environment
- ▶ Let's preserve the unique character of our city
- ▶ Let's deliver a rich and varied cultural experience
- ▶ Let's provide interesting, exciting and vibrant places to enjoy

Let's drive inclusive economic growth

Introduction from Portfolio Holder

Clr Neil Murray



Let's drive
inclusive
economic
growth

“Inclusive economic growth covers many areas, so in the next three years we will focus on ensuring the Town Deal programme starts delivering as soon as possible as it has potential to improve so many aspects of residents lives including their prosperity and health. In addition, sustainable developments such as the Swanpool project, and the markets project, along with regeneration, and improved digitalization, will be pivotal in supporting investment and the growth of a diverse economy”

Let's build a strong, viable, inclusive, and prosperous future for Lincoln

As part of tackling the wider determinants of health, we will develop an 'Inclusive Growth Strategy' reviewing economic inequalities such as low income and skill sets. Working with partners, we will deliver key schemes from the Lincoln Transport Strategy including Neighbourhood mobility hubs, as well as reviewing our own parking strategy in the light of changes caused by the pandemic. The Transport Taskforce will review all forms of movement in and around the city to improve sustainable and healthy connectivity. Progressing the Western Growth Corridor Swanpool project will create an inclusive, sustainable community within the heart of Lincoln, with much needed new housing.

Let's continue to help businesses prosper

We will continue to develop the city centre with a mix of city centre living and new retail offerings. The Town Deal has already funded a feasibility study for Tentercroft Street to review opportunities for a mixed-use development in that area, and funding bids will be submitted to hopefully allow us to take the project forward. Following on from the successful Cornhill developments, we will now develop the Central Market and City Square to deliver a sustainable and vibrant indoor and outdoor market offer as well as to revitalise our heritage building.

Let's support a culture of innovation

We will support the private sector in continued growth of the digital sector, with the aim of providing affordable access to broadband for all premises and homes in the city and the development of digital skills for residents who need it. We will develop a City of Lincoln Council strategy to support the continued growth of start-up and small businesses, particularly in high growth sectors.

Let's attract investment

As Lincoln is receiving £19m Government funding for the Town Deal - a programme of specifically designed projects has been built to ensure the Town Deal Partnership delivers key aims. We are applying for funding to develop a masterplan for the Waterside East area of the city. If successful, further funding will be sought to deliver the masterplan.

We will establish a Place Board with our partners that will promote Lincoln as a visitor, business, and educational destination.

Let's continue to make things happen

We will complete the review of the local plan, which will provide a blueprint for the next 20 years of how the city can continue to grow and develop. In addition, we will improve the look of the High Street through the Heritage Asset Programme - continuing the excellent progress already made in the cultural, physical intervention and community engagement strands of



this key project delivering high quality heritage led regeneration, which includes a range of projects including the Central Market, St Mary's Guildhall and Shopfronts improvements.

Let's reduce all kinds of inequality



Let's reduce
all kinds of
inequality

Introduction from Portfolio Holder

Cllr Sue Burke

"Inequality of all types is an issue faced by many in our city, however, in the after-effects of the pandemic the concern is that health inequality has increased, particularly for the most vulnerable in our society. Whilst focus will be placed on this area, we will continue to deliver improvements in other areas too"

Let's improve the health and quality of life for people living in Lincoln

We will hold a concerted campaign to promote the use of all our parks and open spaces to ensure that residents can make the most of our green spaces. Through the development of a District Health and Wellbeing Strategy, we will work in partnership with the Primary Care Network to explore options for supporting projects such as volunteering, helping isolation as well as looking for opportunities for co-location through a 'one public estate' project. As part of the safer streets programme, we will introduce CCTV on all primary pedestrian routes out of the city centre.

Let's help people succeed

The Inclusive Growth Strategy will look at how we can assist residents who need skills support, and will encourage working with training providers, businesses, and partners to increase opportunities for local people to access training and employment. We will continue to work with partners to maximise the support and advice available to young people as we recover from covid.

Let's provide help to the most vulnerable in our city

We will continue our programme to eradicate the need for rough sleeping by disadvantaged groups, with teams supporting those on the street needing help for mental health, drug, or homelessness problems. In addition, we will also continue to tackle local street drinking, begging and anti-social behaviour in city centre to avoid an adverse effect on the experience

for residents and visitors alike. We aim to develop a 'Community Development Toolkit' for local Ward Councillors to support them in delivering their role effectively.

Let's help people feel safe and welcome in their communities

We will continue to deliver the Sincil Bank Revitalisation project with the aim of making the area a better place for people to live and work. We have already developed the new Community Hub in Sincil Bank - to address community needs, develop the skills of residents and encourage businesses to locate to the area. We will continue to develop plans for further regeneration and community cohesion activities in the area.

Let's help more businesses embrace corporate social responsibility

We will develop a corporate approach to social value that will ensure our Social Value Policy is embedded within our procurement practices where relevant and proportionate to do so. We will review how Social Value generated through procured contracts is used, to ensure a consistent approach across the authority to ensure the best outcome for our residents.



Let's deliver quality housing



Introduction from Portfolio Holder

Cllr Donald Nannestad

“The link between good housing and good health is very clear. Affordable, safe, warm, and secure homes contribute towards good mental and physical wellbeing. We will do everything possible to meet housing demand whilst improving the quality of housing across the city”

Let's provide housing which meets the varied needs of our residents

We will continue to increase the supply and number of affordable homes in the city - over the next three years we will progress several schemes to develop new housing. This includes completing the Rookery Lane development, starting work on Hermit Street as well as progressing masterplans for several other sites such as Queen Elizabeth Road. As part of this we will review all specifications to ensure that net zero carbon and best practice guidelines are adopted.

Let's work together to tackle homelessness in Lincoln

We will continue to improve temporary accommodation options across all sectors – this includes delivering additional move-on accommodation for former rough sleepers, as well as reviewing other options for example new builds. We plan to work with the private sector to deliver a reduction in the number of properties with a category 1 hazard outstanding, at the same time sourcing and securing additional, good quality accommodation in the private rental sector to reduce pressure on social housing.

Let's improve housing standards for all

Whilst we have the Lincoln decent homes standards applied to our own housing stock, we also want to address the condition of the private rented sector in the City and the high proportion of rented properties that do not yet meet the decent homes standard. To make this happen we will continue to push the Trusted Landlord scheme; we will pursue grant funding to help address issues of poor insulation and heating within the private sector; and

we will develop a selected licensing scheme - a new tier of licensing to capture those properties falling below the HMO threshold.

Let's build thriving communities

We will continue with our plans to regenerate the Sincil Bank area. Plans that are underway or being considered include projects around – developing more open green spaces; plans for housing in Hermit Street; consideration of how to best use the Palmer Street garage site; a redesign of traffic flows and the inclusion of resident parking as well as plans for cleaner safer streets. If resources permit, we would like to hold, on a ward-by-ward basis, mini neighbourhood assessments, to determine how we could improve our housing estates in the future, improving their look and feel, and thus increasing the esteem of the tenure.

Let's help people have a sense of belonging

We will complete the De Wint extra care supported housing scheme early in 2022 and then commence letting tenancies to those in need of them. Following the opening, we will then undertake an options appraisal survey of sheltered housing bedsit schemes.

Progression with the World of Work programme development, (on hold due to Covid) will be restarted in 2023 with Abbey Access Centre and Lincoln College. This project is initially aimed at council tenants, and will bring together the council, local businesses, charities, and education providers to provide a work experience-based training course for those who are currently out of work but wish to return into employment.



Let's enhance our remarkable place



Let's enhance
our remarkable
place

Introduction from Portfolio Holder

Cllr Bob Bushell

"Lincoln is already a remarkable place and has assets that can help improve the health and wellbeing of our residents. We will do more by promoting further use of our parks and open spaces and making the most of our leisure facilities. We will provide events to encourage people to get out and about; as well as protecting our heritage now and for the future"

Let's show the world what Lincoln has to offer

As the city emerges from the effects of the pandemic, along with our partners Lincoln BIG and Visit Lincoln, we will use the government's 'Welcome Back Fund' to ensure residents and visitors alike feel safe in returning to a refreshed and deep cleaned city centre. We have delivered the second crematorium chapel, and new car park spaces to extend the capacity of our crematorium and will ensure these blend comfortably with the existing facilities.

Let's cherish and enhance our natural environment

As a city blessed with the one of the highest percentage of green space in the country, we will further enhance our natural environment by developing a tree planting scheme to further increase tree canopy cover in the city, as well as working with our grounds maintenance contractor to increase wildlife verges and meadows. Working with Lincoln BIG, we also want to maximise impact of current green spaces in the city centre, through creative thinking e.g. green walls, vertical gardens, redesign of current spaces. Further infrastructure investment is needed in the Park Ward area – for example a new residents parking scheme and re-modelled navigation across the area and greening the area will be a core principle incorporated into the designs. We will also look to tackle long standing problems with littering, fly tipping and bins left on streets in a wider area of the city.

Our partners Lincs Trust has funding for the first phase of two new projects to improve biodiversity. They are working on a pilot project to create some small improvements in biodiversity adjacent to the river including creation of channels, pools, and fish refuge. The second is biodiversity improvements to Brayford Pool with the creation of 'bio haven floating habitats' scheme.

We will also be preparing for some major changes in our waste collection services over next 4 to 5 years supporting the development of consistent policies for waste across Lincolnshire, within the Lincolnshire Waste Partnership, including waste enforcement policies.

Let's preserve the unique character of our city

We will progress the Heritage Action Zone Programme. We have already started preparation work on St Mary's Guildhall, with the aim of stabilising the building through use of HAZ funding pending applications for further funding streams and we will also submit the second-round funding bid to progress the overall Greyfriars project. In addition, in the latter part of the three-year plan we will start preparing the development of a digital heritage trail using our online heritage database called ARCADE.

Let's deliver a rich and varied cultural experience

As a key activity, if funding can be found, during this plan we will develop a programme that could potentially support a City of Culture bid in 2029. Work has already started on the development of a Cultural Compact and utilisation of the Heritage Action Zone Cultural Programme. We will also re-institute the 10-year vision for the Christmas Market to transform it from a retail experience to a cultural experience.

Let's provide interesting, exciting, and vibrant places to enjoy

We will complete the Boutham Park phase 2 - the transformation of the park including the Lake renovation and associated edge treatments, supported by a comprehensive community engagement project. In conjunction with Sport England and Active Lincolnshire we will help produce an all-encompassing Leisure Strategy for the City. This will enable us to complete a scoping exercise to identify the needs of a new leisure village and the key stakeholders that will need to be involved. And not forgetting our younger residents, we will complete the development of the Whitton's Park Play area as well as develop a Strategy to focus investment appropriately in new play areas.



Let's address the challenge of climate change



Introduction from Portfolio Holder

Cllr Bob Bushell and Climate Champion

Cllr Lucinda Preston

“After declaring a climate emergency in July 2019, the most important thing we need to do is to follow up on the commitments we made. We will work with partners on the Lincoln Climate Commission and deliver our Climate Action Plan to manage the impact of climate change locally, and to improve residents’ health”

Let's ensure our development approach reduces our carbon footprint

We will create a strategy for the city which ensures a joined-up approach to all energy, transport, waste, water, and digital projects for the future.

Let's set the Lincoln standard for sustainable zero carbon development

We will follow up on the commitments made in the Climate declaration, working with our partners in the Lincoln Climate Commission to develop and then deliver our Climate Action Plan. Consultations on the Plan will start in January 2022 and are expected to complete in July 2022. In the council we will stop using single-use plastics ourselves internally and at all city council events and we will encourage our partners to do the same.

Let's make walking, cycling and the use of public transport the best and favourite way to move around Lincoln

We will promote sustainable transport options through support for funding bids for appropriate projects. In addition, we will campaign to support people in reducing their own carbon footprint.



Let's ensure the city's infrastructure is fully adaptable and resilient to the challenges of climate change

As part of Town Fund Board vision, we will ensure that all new infrastructure projects are supported to ensure they are adaptable to climate change and buildings are low or zero carbon wherever possible.

Let's make our existing housing and business premises energy efficient

We will complete an annual review and update of the Council's Environmental Management Plan in June to September each year. We will maintain the independent assessment by Investors in the Environment for the Green Accreditation that we have already achieved, and we will set up a dashboard to monitor ongoing performance. The City of Lincoln council decarbonisation action plan was approved in December 2021. As part of this we will make our current and future business premises as energy efficient as possible, reviewing and implementing the commitments within the environmental policies annually.

As the opportunity arises, we will explore further options to move towards an electrical fleet, including the refuse fleet, as part of the next contract renewals, accepting this will require significant investment.



SUBJECT: DRAFT AFFORDABLE WARMTH STRATEGY

DIRECTORATE: DIRECTORATE OF MAJOR DEVELOPMENTS

REPORT AUTHOR: KATE BELL, CLIMATE CHANGE MANAGER

1. Purpose of Report

- 1.1 The purpose of this report is to request that the Policy Scrutiny Committee consider and comment on the draft Affordable Warmth Strategy and refer to the Executive for approval.

2 Background

- 2.1 The Council adopted the last Affordable Warmth Strategy in 2009 which set out a plan for reducing the negative impact of fuel poverty on the City. The Strategy was in place until 2016 and since then the Council's affordable warmth and fuel poverty agenda has not been reviewed or updated in line with more recent Government and CoLC policies.
- 2.2 Since 2016 the Council have continued to engage with the Home Energy in Lincolnshire Partnership (HELP) which has more recently merged with North Lincolnshire and North East Lincolnshire Councils to form the Greater Lincolnshire Energy efficiency Network (GLEEN)
- 2.3 Since 2019 GLEEN created a Project Officer post to manage the Lincs 4 Warmer Homes (L4WH) scheme support residents in Greater Lincolnshire to access ECO3 and Warm Homes funding and appoint accredited energy efficiency installers on behalf of the residents to undertake the work.
- 2.4 To date the L4WH scheme has engaged with 119 households in Lincoln, 32 in relation to ECO3 funding and 20 for the Warm Homes Fund. 23 households were able to benefit from ECO3 funding to support energy efficiency improvements to their home. Only 7 households were identified as suitable for Warm Homes Funding, of which 1 gas heating installation has been completed and 4 are due to have gas heating installations completed by February 2022.
- 2.5 The Warm Homes Fund and Project Officer post is due to come to an end in March 2022. At the moment there are no confirmed plans in place to extend the L4WH scheme in 22/23. However discussions are underway between Local Authorities to work collaboratively to deliver the Sustainable Warmth Programme where possible.
- 2.6 In August 2020, Government announced £2b Green Homes Grant with the purpose of stimulating a green recovery through investment into the UK energy efficiency and low carbon sectors, significantly reducing CO2 emissions from housing to mitigate climate change as well as reducing instances of fuel poverty.
- 2.7 In February 2021 the Government published the Sustainable Warmth Strategy¹ which outlines Government support for vulnerable households in England. The Strategy sets out its ambition to work towards all homes having a minimum Energy Performance Certificate (EPC) band C rating by 2030.

¹ [Sustainable Warmth – Protecting Vulnerable Households in England.](#)

2.8 In May 2021 the City Council, as part of a consortium bid with the Midlands Energy hub were allocated £479,600 capital funding to retrofit up to 40 energy inefficient homes in Lincoln during 2021/22.

2.9 In October 2021 the City of Lincoln Council were awarded £2,203,194 direct from BEIS and £545 500 from the Midlands Energy Hub to deliver the Sustainable Warmth Programme in 2022/23. The Council is currently liaising with North Kesteven District council and West Lindsey District Council to consider opportunities to jointly manage the scheme across central Lincolnshire.

3 Affordable Warmth Strategy

3.1 A new and updated Affordable Warmth Strategy for Lincoln is necessary following the recent changes in national, regional and local policies to address fuel poverty.

3.2 The draft Affordable Warmth strategy brings together the success of our partnership approach to ensure that all sectors are working together to tackle fuel poverty effectively. The strategy reflects the objective of the Council's Housing Strategy 2021 – 2026 to improve housing standards for all and contributes to the Council's ongoing work to achieve a net zero carbon target by 2030.

3.3 Key objectives of the Lincoln Affordable Warmth Strategy 2021 - 2026:

- To reduce the number of Lincoln residents that are in fuel poverty, targeting those with the highest fuel poverty gap.
- To improve our processes for identifying residents who are in fuel poverty or at risk of ill health due to a cold home.
- To increase the number of homes in Lincoln with domestic energy efficiency ratings of C, one of the key ways in which the City can tackle the Climate Emergency.

3.4 A key challenge highlighted by the strategy is the recent increase in the level of fuel poverty in Lincoln. The latest available data for Lincoln shows that the City has the second highest level of fuel poverty of all districts in Lincolnshire. In 2019 the total estimated number of households meeting the government's fuel poverty criteria was 6568. The implications of the Covid Pandemic and the significant rise in global, wholesale gas prices are likely to have pushed more households in Lincoln into fuel poverty.

3.5 The Strategy sets out the following priorities to deliver affordable warmth over the next 5 years:-

- Raise Awareness of Affordable Warmth.
- Improving the Energy Efficiency of All Housing in Lincoln.
- Deliver a Co-ordinated approach to Affordable Warmth.

3.6 **The Affordable Warmth Strategy can be viewed in appendix 1** and sets out what the City of Lincoln Council will do to help lift residents out of fuel poverty and overcome the health effects of cold, damp, draughty living conditions. It also explains what action the Council will take to improve collaboration and co-ordination among the wide variety of organisations that are working to tackle fuel poverty.

4 Corporate Strategic Priorities

4.1 **Let's address the challenge of climate change**

The priorities and actions in the draft Affordable warmth Strategy contribute towards the Council's commitments to reach a net zero carbon target by 2030.

4.2 **Let's deliver quality housing**

The priorities and actions in the draft Affordable Warmth Strategy contribute towards the Quality Housing objective 'Let's Improve housing standards for all.'

4.3 **Let's reduce all kinds of inequality**

The priorities and actions in the draft Affordable Warmth Strategy contribute towards the Inequality objective 'Let's provide help to the most vulnerable in our city.'

5. **Organisational Impacts**

5.1 **Finance**

The Affordable Warmth Strategy has no direct financial implications. Subject to the strategy being approved, delivery of actions will be funded under existing budgets or through external funding.

5.2 **Legal Implications including Procurement Rules**

The Affordable Warmth Strategy has no legal implications

5.3 **Equality, Diversity and Human Rights**

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees. It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities.

An Equality with Human Rights Analysis has been completed and the conclusion confirms that the Affordable Warmth Strategy (AWS) includes consideration of protected characteristics as part of the objectives and actions set out to address fuel poverty.

6. **Risk Implications**

6.1 Options Explored

- 1) To progress the Affordable Warmth Strategy and deliver the actions set out to address fuel poverty which delivers the Council's Vision 2025 ambitions.
- 2) To reduce the scale and ambition of the Affordable Warmth Strategy and deliver the actions over a longer timescale to relieve pressure on Council resources.

6.2 **Key risks associated with the preferred approach**

The preferred approach, option 1, relies on the Council to continue to be able to secure external funding to deliver energy efficiency measures and having the necessary Council resources. The Council will need to review the actions identified in the Strategy regularly over the next five years to ensure they remain deliverable.

7. Recommendation

7.1 Policy Scrutiny Committee are asked to consider the draft Affordable Warmth Strategy and decide whether it should be referred to the Executive for approval.

How many appendices does the report contain? One

List of Background Papers: None

Lead Officer: Kate Bell, Climate Change Manager



City of Lincoln Council

DRAFT Affordable Warmth Strategy

2022-27

1 Foreword



Councillor Donald Nannestad
Deputy Leader and Portfolio
Holder for Quality Housing.

A basic requirement of life is a home that is both warm and dry. However some residents find themselves living in poorly insulated properties that have inefficient, ineffective heating systems that are expensive to run.

Couple this with low incomes and this can lead to people being forced to choose between heating their home and buying food. The consequences of cold damp homes is the deterioration of health especially amongst the vulnerable in our society, exacerbating conditions such as asthma, arthritis and mental health, while increasing the risk of heart disease and strokes.

Tackling fuel poverty can have far-reaching benefits, from reducing health risks and relieving pressure on health services, to cutting carbon emissions, contributing to our fight to tackle the climate emergency.

Our new strategy sets out what we will do over the next five years to ensure that all residents in Lincoln have a warm place to call home. I'm confident it can make a real difference to the lives of many of our residents.



Councillor Bob Bushell, Portfolio Holder for Remarkable Place and Climate Change.

Improving domestic energy efficiency is one of the most effective ways to tackle fuel poverty. It's shocking that the average annual fuel bill is three times higher for those living in the least efficient homes in comparison to those in the most efficient homes (Band A-C). Our residents are spending their hard-earned money heating inefficient homes that retain heat so poorly, or simply can't afford to do so and go without.

Not only does improving domestic energy efficiency help reduce fuel poverty, it also helps tackle the Climate Emergency by reducing domestic carbon emissions, which account for 35% of Lincoln's carbon emissions.

This is why we are prioritising domestic energy efficiency in both our fuel poverty strategy and our emerging Climate Emergency Strategy, which will be published in 2022.

With growing attention on the pressing issue of the Climate Emergency and the impact of domestic emissions, our strategy aims to ensure that we leverage as much Government funding as possible, focusing on reducing energy loss and installing renewable energy measures to support fuel poor households in Lincoln, whilst helping to tackle the Climate Emergency.

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2 Executive Summary

Ensuring quality housing for all our residents will be a key part of Lincoln's Vision 2025 strategic priorities. A home should be warm, comfortable and affordable, providing a healthy environment that encourages good health and well-being. When a household is unable to keep their home heated to an adequate temperature, they are said to be in fuel poverty. This is often the result of a combination of low income, high fuel prices and poor energy efficiency.

Fuel poverty is a considerable issue in Lincoln, with 15.4 per cent of residents living in fuel poverty in 2019, the most recent available open data . Since 2020 the COVID-19 pandemic has resulted in many consumers seeing reduced income and therefore an increased number of households may now be struggling with their energy bills, especially during Winter.¹ In addition evidence from the UK Health Security Agency (UKHSA) shows that fuel poverty puts households at greater risk from the worst effects of Covid-19.²

Over recent years, the City of Lincoln council working with the Greater Lincolnshire Energy Efficiency Network (GLEEN) have been working to tackle fuel poverty in county. Since 2018 GLEEN have successfully bid for nearly £784,800 funding towards projects delivering gas connections and central heating to 200 fuel poor households as well as training and advice in health and housing issues.

We have also continued to fund the Big Energy Saving Network, currently held with YMCA Lincolnshire, which provides advice and outreach services to help reduce fuel bills and maximise income, as well as practical home improvement work to increase energy efficiency.

This Affordable Warmth strategy brings together the success of our partnership approach to ensure that all sectors are working together to tackle fuel poverty effectively. The strategy reflects the objective of the Council's Housing Strategy 2021 – 2026 to improve housing standards for all and contributes to the Council's ongoing work to achieve a net zero carbon target by 2030.

Key objectives of the Lincoln Affordable Warmth Strategy 2021 - 2026:

- To reduce the number of Lincoln residents that are in fuel poverty, targeting those with the highest fuel poverty gap.
- To improve our processes for identifying residents who are in fuel poverty or at risk of ill health due to a cold home.

¹ [Sustainable warmth: protecting vulnerable households in England \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

² [Public health annual report 2021: rising to the challenges of COVID-19 | Local Government Association](#)

- To increase the number of homes in Lincoln with domestic energy efficiency ratings of C, one of the key ways in which the City can tackle the Climate Emergency.

3 Introduction

The ability to live in comfortable warm surroundings is today taken for granted by most people, but for some, in particular those that are disadvantaged or the more vulnerable in the community it is a constant struggle to keep their home warm during the winter months. This is particularly relevant given the impact coronavirus (COVID-19) can have on respiratory systems, where symptoms may make individuals more vulnerable to cold exacerbated ill-health.

In September 2021 the wholesale rise in gas prices has led to the collapse of multiple energy suppliers and raised fears of increased bills over Winter. This is of particular concern for those households who find themselves on low incomes, unable to afford to heat their homes.

“The Covid19 pandemic has once again brought the connection between poor, overcrowded housing and health and wellbeing into stark relief. A legacy of the pandemic must be a renewed determination to ensure that everyone has access to a decent, affordable home.” John Bibby, Chief Executive of the Association of Retained Council Housing

What is Fuel Poverty?

Fuel poverty occurs when a household cannot keep its home warm, well-lit and with hot water at an acceptable cost. In 2013, the government adopted the new definition of fuel poverty, with the “Low Income High Costs” (LIHC) indicator, that categorises a household as fuel poor when it has:

- An income below the poverty line (including if meeting its required energy bill would push it below the poverty line); and
- Higher than typical energy costs (higher than the median).

Being on the poverty line, refers to household income below 60% of the average. Also, in terms of the median energy costs, according to Ofgem, the average dual fuel variable tariff is approximately £92 per month or £1,106 a year (as of September 2021).³

In practice, we recognise that some households do not meet these criteria but may still struggle to keep their home warm. Our strategy aims to support households in Lincoln that cannot afford to heat their home to an adequate temperature.

What causes Fuel Poverty?

³ [Retail market indicators | Ofgem](#)

Residents tend to be in fuel poverty as a result of one or more of the following three key drivers:

❖ Low income

Households experiencing fuel poverty earn less than half of the average UK household income, at just £10,325 a year.⁴ Households on a lower income are more likely to experience fuel poverty as they are required to spend a higher proportion of their income on keeping their home warm.

❖ High fuel prices

When national fuel prices go up, households are required to spend a higher proportion of their income on heating. Fuel price rises push more people into fuel poverty and increase the fuel poverty gap of those households that are already fuel poor.

The price a household pays for fuel can also vary based on how the energy supplier sets its tariffs and how households pay their bills. For example a fixed tariff sets the energy price for a fixed period, whilst a standard tariff can vary. Households tend to pay higher prices when paying by cash or cheque on receipt of a bill than those paying by direct debit.

For households with a pre payment meter they are able to pay small amounts often, but it's usually a more expensive way to pay for energy.⁵ Fuel poverty charity [National Energy Action \(NEA\)](#) warns that the average increase of £153 for prepayment customers and £139 from those paying by direct debit using a default tariff is likely to result in more utility debt, 500,000 extra households in fuel poverty and an increase in preventable deaths this winter.⁶

❖ Poor energy efficiency

The cost of heating a home can differ greatly depending on its energy efficiency. When a home is very inefficient, it costs a lot to keep it heated to a comfortable temperature as energy is wasted, normally due to an inefficient heating system or lack of insulation.

The energy efficiency of a home is measured by a SAP (Standard Assessment Procedure) rating, numbered from 0 (low efficiency) – 100 (high efficiency) and banded from A-G. The SAP rating is shown on an Energy Performance Certificate (EPC), which also includes estimated costs for heating the home and recommended measures for improving the home's energy efficiency.

All homes let or sold since 2008 must have an EPC, which remains valid for 10 years. Average annual fuel costs for the least efficient properties (Band G) were three times higher (£2,861) than costs for the most efficient properties (£939) (Band A-C) in 2017 in England.

Households living in homes with poor energy efficiency will spend more on fuel to keep their home adequately heated and are more likely to be fuel poor.

⁴ [What is fuel poverty? | usave.co.uk](#)

⁵ [Decide if prepayment is right for you - Citizens Advice](#)

⁶ [500,000 at risk of fuel poverty after tomorrow's price rises - NEA](#)

❖ Household behaviours

As well as these three key drivers, inefficient use of energy through particular behaviours can also increase fuel bills and increase the risk of fuel poverty. Examples include:

- Having the heating on whilst nobody is at home.
- Keeping windows open when the heating is on.
- Leaving household appliances on when they are not being used.

What are the consequences of Fuel Poverty?

Cold, damp homes, which are inadequately heated or ventilated, have been repeatedly linked to ill health and early deaths amongst the most vulnerable. This link gives rise to, and exacerbates, several medical conditions including hypothermia, cardiovascular disease, and respiratory illnesses such as bronchitis, childhood asthma and pneumonia etc. Cold homes also impact on conditions such as rheumatism, arthritis and those people with poor mobility, thus increasing the risk of falls and other household accidents.

The effect of cold, damp homes can also have a negative effect on people's mental health, leading to stress and anxiety which may be compounded by high bills, fuel debt and other related factors. Poor living conditions will impact on a householder's sense of wellbeing and their perception of quality of life.

Other compounding factors must also be brought into the equation as these may contribute to or exacerbate fuel poverty. For example, those households that contain one or more individuals that require higher indoor temperature levels due to health conditions or because they are more sedentary and spend longer periods in the home. This might be a household that includes very young children, pensioners, or those with long-term illnesses or disabilities.

Although not necessarily in receipt of benefit, these households tend to be on lower incomes and have less capital to improve their homes. In terms of fuel poverty these households are deemed to be 'vulnerable'.

The City of Lincoln Affordable Warmth Strategy aims to assist its residents move out of fuel poverty and will facilitate support and actions to improve the health and well-being of the city's more vulnerable households.

4 The National Context

The UK Sustainable Warmth Strategy 2021

In February 2021 the Government published the Sustainable Warmth Strategy⁷ which outlines Government support for vulnerable households in England. The Strategy sets out its ambition to work towards homes being EPC Band C by 2030, with interim milestones (contained in the 2015 fuel poverty strategy):

- As many fuel-poor homes as is reasonably practicable to Band E by 2020.
- As many fuel-poor homes as is reasonably practicable to Band D by 2025.

Key actions contained in the strategy (some of which have already been announced) include:

- Investment of £60m to retrofit social housing, and £150m invested in the Home Upgrade Grant.
- A review of the Decent Homes Standard.
- Expand the Energy Company Obligation (ECO) – a requirement for larger domestic energy suppliers to install heating, insulation or other energy efficiency measures in the homes of people who are low income and vulnerable or fuel poor.
- Invest in energy efficiency of households through the £2bn Green Homes Grant, with a renewed focus on low income households to install energy efficient and low carbon heating measures in their homes.

Decent Homes Standards

The Charter for Social Housing Residents: Social Housing White Paper published on 17 November 2020 announced a review of the Decent Homes Standard to understand if it is right for the social housing sector today. [A decent home: definition and guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/92421/charter-for-social-housing-residents-social-housing-white-paper)

The Government have commenced a review of the Decent Homes Standard which is being conducted in two parts.

Part 1 will run from Spring to Autumn 2021 and will seek to understand the case for change to criteria within the Decent Homes Standard. If the case for change is made, part 2 will run from Autumn 2021 to Summer 2022 and will consider how decency should be defined.

It is anticipated that the Government's main outcome will be a refreshed Decent Homes Standard.

⁷ [Sustainable Warmth – Protecting Vulnerable Households in England.](#)

Minimum Energy Efficiency standards (MEES)

The Energy Efficiency Regulations 2015, (as amended most recently by the Energy Efficiency Regulations 2019) introduced a minimum energy efficiency standard for the private rented sector.

- Since 01 April 2018, landlords of relevant domestic private rented properties must not grant a tenancy to new or existing tenants if their property has an EPC rating of F or G (as shown on a valid EPC for the property)
- Since April 2020, landlords must not continue letting a relevant domestic property which is already let if that property has an EPC rating F or G (as shown on a valid EPC for the property). Landlords were encouraged to take action to ensure that their properties reached EPC E by the deadline of 01 April 2020.

The Government has committed to upgrade as many private rented sector homes as possible to Energy Performance Certificate (EPC) Band C by 2030, where practical, cost-effective and affordable.⁸ In September 2020 the Government consulted on a suite of policy proposals towards achieving this target and we are awaiting the outcome of the consultation.

Heat and Buildings Strategy 2021

In October 2021 the Government published the Heat and Buildings Strategy⁹ The strategy sets out the government's plan to significantly cut carbon emissions from the UK's 30 million homes and workplaces in a simple, low-cost and green way whilst ensuring this remains affordable and fair for households across the country.

The strategy builds on the commitments made in Clean growth: transforming heating¹⁰, our Energy white paper¹¹ and the Prime Minister's 10 point plan¹². The strategy aims to provide a clear direction of travel for the 2020s, set out the strategic decisions that need to be taken this decade, and demonstrate how the Government plan to meet our carbon targets and remain on track for net zero by 2050.

Government sets out plan to drive down the cost of low carbon heating technologies like heat pumps, working with industry to ensure that in future they are no more expensive to buy and run for consumers as fossil fuel boilers households to benefit from £5,000 government grants through £450 million Boiler Upgrade Scheme to help install low-carbon heating systems, part of more than £3.9 billion of new funding to decarbonise heat and buildings £60 million innovation fund launched to make clean heat systems smaller and easier to install and cheaper to run funding supports

⁸

⁹ <https://www.gov.uk/government/publications/heat-and-buildings-strategy>

¹⁰ <https://www.gov.uk/government/publications/heat-decarbonisation-overview-of-current-evidence-base>

¹¹ <https://www.gov.uk/government/publications/energy-white-paper-powering-our-net-zero-future>

¹² <https://www.gov.uk/government/publications/the-ten-point-plan-for-a-green-industrial-revolution/title>

government's confirmed ambition for all new heating systems installed in UK homes from 2035 to be low carbon.

UK Net Zero Strategy 2021

In October 2021 the Government published the Net Zero Strategy¹³ which commits to providing £3.9 billion of new funding for decarbonising heat and buildings, including the new £450 million 3-year Boiler Upgrade Scheme, so homes and buildings are warmer, cheaper to heat and cleaner to run.

Home Energy Conservation Act 1995

The Home Energy Conservation Act 1995 (HECA) requires all 326 local authorities in England to submit reports to the Secretary of State demonstrating what energy conservation measures they have adopted to improve the energy efficiency of residential accommodation within that LA's area. This covers measures to improve properties in the owner-occupier, private rented sector, and social rented sector. The Department of Business Energy & Industrial Strategy (BEIS) uses data submitted through Local Authority's HECA returns to inform policy thinking on energy efficiency, and to build an ongoing picture of local and national energy efficiency policy delivery. Since 2013 the City of Lincoln Council has submitted a bi-annual progress report.

The Care Act 2014

A fundamental component of the Care Act is the 'suitability of accommodation' in meeting the at home care and support needs of older and vulnerable people. The Act and the accompanying regulations and guidance outline how housing can support a more integrated approach. Of particular note:

- A general duty to promote wellbeing makes reference to suitable accommodation.
- Housing is not just the 'bricks and mortar', also includes housing related support or services.
- Housing must be considered as part of an assessment process that may prevent, reduce or delay an adult social care need.
- Information and advice should reflect housing options, as part of a universal service offer.
- Care and support delivered in an integrated way with cooperation with partner bodies, including housing.

¹³ <https://www.gov.uk/government/news/uks-path-to-net-zero-set-out-in-landmark-strategy>

5 The Local Context

Lincoln is a city with huge ambitions. The vision for the city is

'Homes are sustainable and fuel efficient, fuel poverty is a thing of the past.'

The Council's Vision 2025 sets out a range of projects that focus on improving the health of residents of Lincoln and ensuring they have and can live the best quality of life. [vision-2025-strategic-plan \(lincoln.gov.uk\)](https://www.lincoln.gov.uk/vision-2025-strategic-plan)

The Affordable Warmth Strategy will complement the Council's existing policies and strategies to support our most vulnerable residents.

Local Policies to address fuel poverty.

The Council produces strategies that set the housing priorities for Lincoln, and what we are going to do to address them. On 22 February 2021 the Council formally adopted the Lincoln Housing Strategy 2020-25. This Housing Strategy sets out how we will work together with our partners across the public, private and voluntary sectors to meet housing demand and improve standards across all tenures.

The Housing Strategy seeks to deliver quality housing through three objectives:

- Providing housing which meets the varied needs of our residents;
- Building sustainable communities;
- Improving housing standards for all.

Improving the housing condition is important because we know that living in a cold, damp home can have a detrimental effect on the health and wellbeing of residents of all ages. The City of Lincoln Council through this Affordable Warmth Strategy and its key partnerships intend to fulfil this ambition by raising living standards across the City through improving energy efficiency and reducing fuel poverty.

The City of Lincoln Council's Private Housing Health Assistance Policy¹⁴ seeks to:

- To provide advice, information and support on repair, maintenance and adaptation of properties across the City.
- To offer a health based framework of assistance to vulnerable groups & households, including those with a long term health condition.
- Whilst it is recognised that it is the home owner's responsibility to maintain their own properties the Council will target limited resources to those that are most vulnerable or have a health condition and are not able to maintain their own properties which could impact on their independent living.
- Private landlords will not be eligible for any grants under this policy. Landlords have a duty to maintain their properties free from hazards and the Council will exercise their enforcement powers as appropriate to ensure that safe and healthy standards are attained in the private rented sector. In

¹⁴ [private-housing-health-assistance-policy-2018-22 \(lincoln.gov.uk\)](https://www.lincoln.gov.uk/private-housing-health-assistance-policy-2018-22)

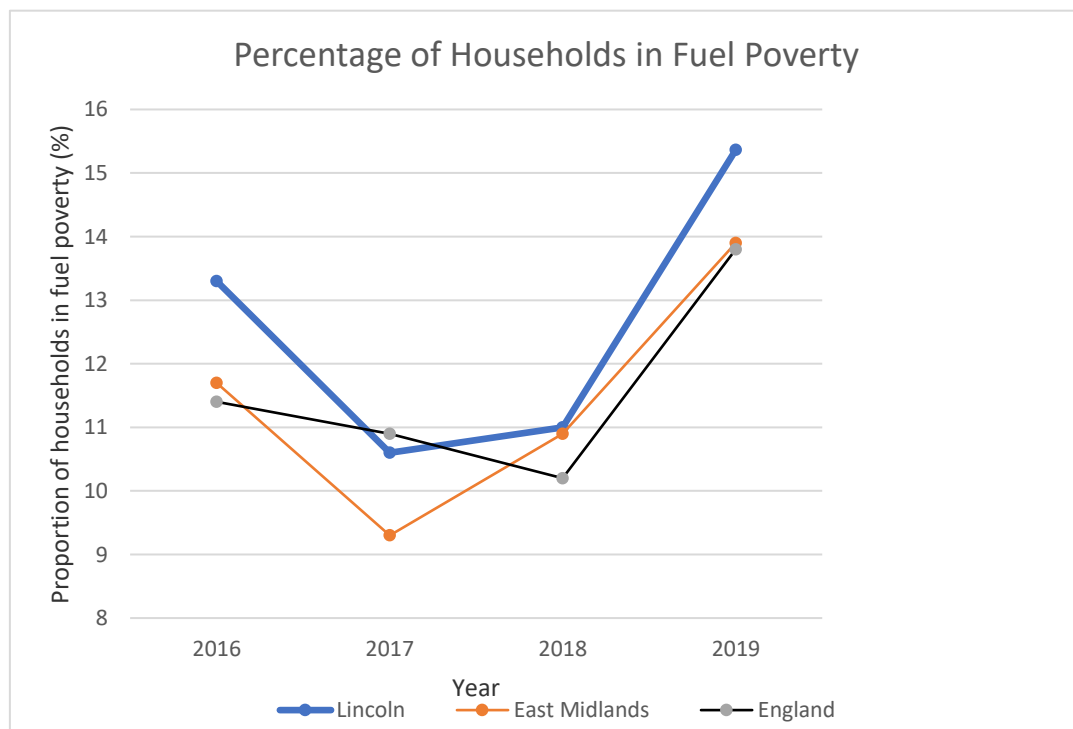


certain circumstances the tenant maybe eligible to apply for a grant under this policy, this will be considered on a case by case basis.

- To contribute to the aims of the Better Care Fund, principally to reduce delayed transfers of care, minimise avoidable hospital admission and facilitate early or timely discharge from hospital by tackling housing related matters.
- To facilitate an increase in the number of vulnerable households able to heat their homes at reasonable cost.
- To assist disabled people with adaptations to facilitate their movement in and around their home thereby improving their quality of life.
- In offering assistance the Council will promote relevant services offered by other organisations.
- To treat individuals fairly as required by the Equality Act 2010 and ensure that an individual's rights under Data Protection and human rights legislation are protected.

Fuel Poverty in Lincoln

The latest available data for Lincoln, shows that the City has the second highest level of fuel poverty of all districts in Lincolnshire. Between 2016 and 2019, the proportion of Lincoln households in fuel poverty from 13.3% in 2016 to 15.4% in 2019. This is proportionally higher than the England and East Midlands percentage figures. In 2019 the total estimated number of households meeting the government's fuel poverty criteria was 6568.¹⁵



[Sub-regional fuel poverty data 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/981910/2021-sub-regional-fuel-poverty-tables.xlsx)

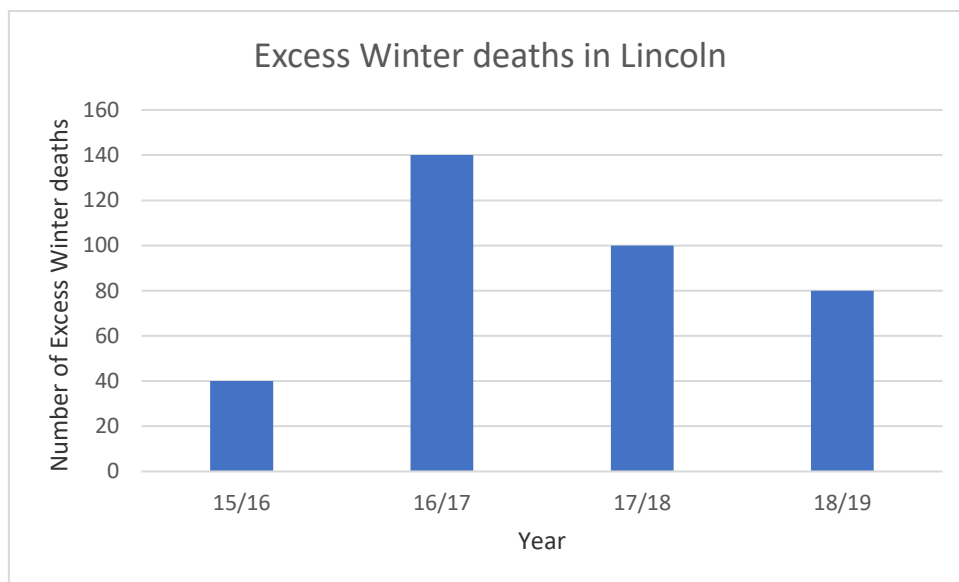
The World Health Organisation (WHO) estimates that 30 per cent of excess Winter Deaths are attributable to cold homes. The following chart shows that in Lincoln

¹⁵

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/981910/2021-sub-regional-fuel-poverty-tables.xlsx



there are on average 73 excess winter deaths per year. Therefore the average number of cold related excess winter deaths in Lincoln is 27. The Department of Health in 2009 estimated that for every cold-related death there are eight non-fatal hospital admissions.¹⁶ For Lincoln, this means that for the 27 cold-related deaths that occur each winter, there are at least 216 hospital admissions.



The National fuel poverty charity NEA highlighted that millions of people in cold homes are at greater risk this winter, as COVID-19 intensifies seasonal stresses for those on lowest incomes and in the least efficient homes.¹⁷

The energy efficiency of homes in Lincoln has improved since the introduction of the Energy Performance Certificate in 2008. A programme of investment in Lincoln's council homes has raised the average SAP from 61.37 in 2016 to 70.31 in 2021.

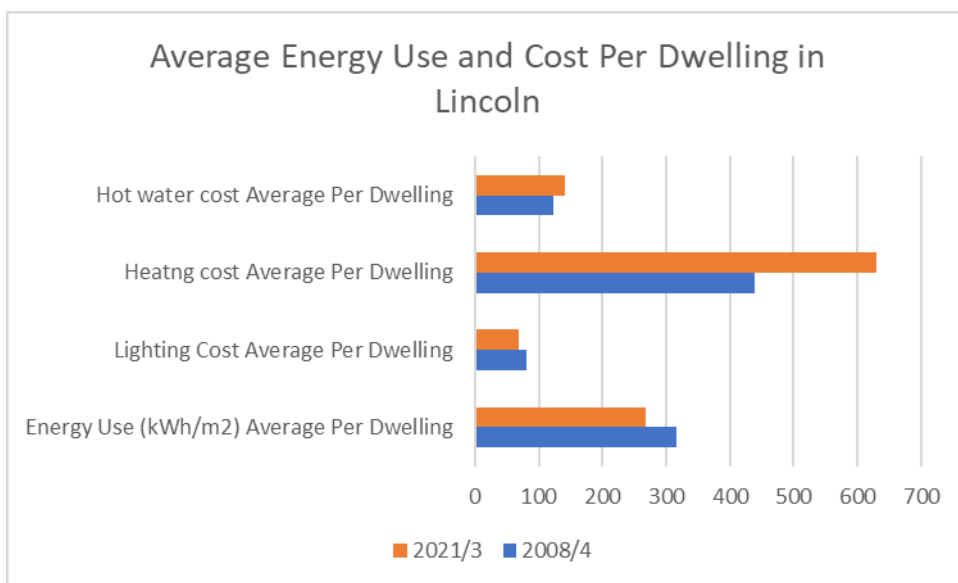
The average SAP for all homes in Lincoln, in the table below, shows that privately owned and rented homes in Lincoln are more energy inefficient. It is therefore a priority in this Affordable Warmth Strategy to work with households and landlords to improve the average SAP for Lincoln properties over the next 5 years.

| | Average SAP |
|-----------------------------|-------------|
| Council Stock: | 70.3 |
| Private Sector: | 48 |
| Owner Occupier: | 47 |
| Housing Association: | 66 |
| Private Rented: | 49 |

¹⁶ [the-health-impacts-of-cold-homes-and-fuel-poverty.pdf \(instituteofhealthequity.org\)](#)

¹⁷ [New ONS figures reveal cold homes death toll - NEA](#)

The average household energy consumption in Lincoln has also reduced since 2012, however as the graph below shows the average cost of energy has increase by 22%.



[Energy Performance of Buildings Certificates - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

The rise in energy cost is due to the rise in whole sale energy process leading to higher costs to the consumer for heating and hot water. The cost of lighting has actually reduced by 6% due to the availability of more energy efficient lighting appliances. The UK began phasing out the sale of higher-energy halogen lightbulbs in 2018 under EU-wide rules.

6 Progress So Far



Greater Lincolnshire Energy Efficiency Network (GLEEN)

The Greater Lincolnshire Energy Efficiency Network (GLEEN) brings together the main parties involved in the development of strategies and initiatives to tackle fuel poverty through improving the energy efficiency of homes and reducing energy costs.

The remit and main purpose of GLEEN is to coordinate home energy efficiency advice and affordable warmth schemes across the Greater Lincolnshire area and collaborate to fulfil statutory Home Energy Conservation Act (**HECA**) duties.

In October 2020 GLEEN published an Energy Company Obligation Local Authority Flexible Eligibility Statement of Intent (SOI) signed by all Local Authorities in Greater Lincolnshire.¹⁸ The purpose of the SOI is to extend eligibility for Energy Company Obligation (ECO) funding from people who are in receipt of qualifying means tested and disability benefits to:

1. People who are fuel poor (FP) – living on a low income and in a home with high heating costs; and
2. People who are living on a low income and are vulnerable to the effects of living in a cold home.

In March 2020 GLEEN set up the Lincs 4 Warmer Homes (L4WH) Scheme through a Partnership Agreement with Local Authorities in Greater Lincolnshire. The scheme is managed by North East Lincolnshire Council and supports residents to access ECO and Warm Homes funding and appoint accredited installers from the L4WH framework. More information about the scheme available on the Council's website [Green and sustainable living – City of Lincoln Council](#)

Safe Warm and Well

The Council has a statutory duty for the provision of mandatory Disabled Facilities Grants under the provisions of the Housing Grants, Construction & Regeneration Act 1996. In addition, the Council has the discretion to provide flexible assistance to help improve living conditions as determined by the

¹⁸ [Energy Company Obligation Local Authority Flexible Eligibility Statement of Intent \(nelincs.gov.uk\)](#)

Council in adopting Article 3 of the Regulatory Reform Order (Housing Assistance) (England & Wales) Order 2002.

The discretionary scheme provides support to owner occupiers over the age of 65, or those with chronic or severe health conditions affected by poor housing conditions who need to undertake essential repairs to their home to remain safe and healthy.

Green Homes Grant Local Authority Delivery Scheme

In 2021 the Council received £479,600 from the Midlands Energy Hub to deliver a trial of the Green Homes Grant Local Authority Delivery Scheme (LAD1). LAD 1 funding can be used to help cover the cost of a wide range of retrofit measures, including roof and wall insulation, double glazing windows and other low carbon heating solutions. The scheme is available to owner occupiers or tenants with a household income of less than £30 000 per year.

The scheme is currently underway and has identified 40 homes in Lincoln and is working with the residents and installers to improve the energy efficiency of their homes to PAS 2035 standard. The scheme is due to be completed by March 2022.

In November 2021 the Council secured an additional £2.8 million from the Government's Sustainable Warmth Fund to improve the energy efficiency of an additional 250 homes by April 2023. The council will continue to seek to secure funding to raise the average SAP of private sector homes and reduce fuel poverty wherever possible.

7 Priorities Going Forward

Raise Awareness of Affordable Warmth

The efforts to combat fuel poverty in the UK have often been hampered by the poor knowledge that residents have of affordable warmth and its potential benefits. Homeowners have not prioritised spending on insulation measures and have only requested advice after serious problems have occurred. The importance of affordable warmth is now beginning to be recognised through schemes such as the Home Information Packs, but this is still only a catalyst for action when people come to move house.

This priority focuses on the need to ensure the profile of fuel poverty and the Affordable Warmth Strategy are raised through promotions and training to allow better cross partnership commitment and fuel poverty awareness between agencies, stakeholders and partners.

Improving the Energy Efficiency of All Housing in Lincoln

To successfully tackle fuel poverty, it is important that the housing stock across all tenures is brought up to a minimum standard. This priority focuses on ensuring a better standard of housing is available and that where possible those properties are future proofed against fuel poverty and climate change.

Deliver a Co-ordinated approach to Affordable Warmth

This priority centres on the need to ensure high-level awareness, resource and information sharing across all agencies to address fuel poverty in the community. A well-coordinated approach is characterised by clear identification of need, planned and effective use of resources and the utilising of innovative solutions to ensure everyone benefits from affordable warmth measures.

The City of Lincoln Council will continue to work with the Greater Lincolnshire Energy efficiency Network to deliver a joined up approach to address fuel poverty. We will seek to collaborate with our neighbouring councils within central Lincolnshire, wherever possible, to improve the efficiency of services to our residents.

8 Affordable Warmth Action Plan

| No. | Action | Priority | Responsibility | Delivery |
|-----|--|--|---|---------------------------------|
| 1 | To carry out appropriate housing energy advice and support activities on how to achieve affordable warmth through lifestyles changes, accessing cheaper energy tariffs, and taking advantage of government and energy company grants to improve the energy efficiency of people's homes. | Raise Awareness of Affordable Warmth | Climate Change Manager | Ongoing throughout the Strategy |
| 2. | To develop further collaborative working with the Greater Lincolnshire Energy Efficiency Network to raise awareness of the health impact of living in cold homes | Deliver a Co-ordinated approach to Affordable Warmth | Climate Change Manager/Private Sector Housing Team Leader | Ongoing throughout the Strategy |

| | | | | |
|----|---|--|--|---|
| | | Improving Health and Well-Being | | |
| 3. | To identify homes where an excess cold hazard exists and to take appropriate action to reduce the hazard. This may include the use of external grant funding or enforcement action in the case of privately-rented accommodation and internal and external financial assistance for vulnerable owner occupiers. | Improving Health and Well-Being | Private Sector Housing Team | Ongoing throughout the Strategy |
| | To review and implement the Council's Statement of Intent on delivering ECO Flexible Eligibility to reach as many vulnerable households as possible. | Improving the Energy Efficiency of All Housing in Lincoln | Private Sector Housing Team Leader/ Climate Change Manager | September 2023 |
| | To continue to utilise discretionary funding to expediate the discharge from hospital, of vulnerable residents into a warm and safe home environment. | Improving Health and Well-Being | Private Sector Housing Team | Ongoing throughout the Strategy |
| | To deliver the Sustainable Warmth Programme to improve the energy performance of fuel poor homes. | Improving the Energy Efficiency of All Housing in Lincoln | Climate Change Manager | Ongoing throughout the Strategy |
| | To continue to identify external sources of funding that could be accessed to support affordable warmth work e.g. Sustainable Warmth, | Improving Health and Well-Being Improving the Energy Efficiency of All Housing in Lincoln | Climate Change Manager | Spring 2022 Social Housing decarbonisation Fund. August 2022 Sustainable Warmth Fund for 2023/24 |

SUBJECT: LINCOLN TENANTS' PANEL CONSTITUTION

DIRECTORATE: HOUSING AND INVESTMENT

REPORT AUTHOR: PAULA CADE, INTERIM RESIDENT INVOLVEMENT MANAGER

1. Purpose of Report

1.1 To present proposed amendments to Lincoln Tenants' Panel (LTP) constitution and to take account of this committee views to these changes prior to seeking approval from Executive.

2. Background

2.1 The LTP constitution sets out how the Lincoln Tenants' Panel is to operate. This is reviewed on an annual basis. The last constitutional amendments were agreed by Executive on 26 February 2018 and a copy of this constitution is attached at Appendix 1 to this report

The proposed revised constitution is shown at Appendix 2.

2.2 The current LTP constitution requires that any proposed changes to the constitution may only be made by a two-thirds majority of voting members attending an Annual General Meeting or an Extraordinary General Meeting called for the purpose.

The amended constitution proposes that the requirement for an annual general meeting is removed and that a general meeting takes place every 3 years or that an extra-ordinary meeting is called in the event of any changes to the constitution, or any other issues deemed to require a decision by LTP. Therefore this revised constitution if agreed will require an extra-ordinary general meeting to be arranged to formally adopt and sign the constitution.

2.3 Executive must approve any amendments to the constitution.

3. Summary of the main proposed changes to the LTP constitution

3.1 LTP members will no longer represent specific areas or estates and will be expected to cover all council housing estates within the city. This is being changed to reflect the fact LTP will be operating with a more strategic mindset and concentrating on helping the council improve services, rather than focusing on single issues on the estates they live on.

| New Constitution | Amended | Old Constitution | Current |
|------------------|--|------------------|---|
| 2.2 | Removes the requirement for seats be based on geographical areas | 2.2 | Seats are currently based on geographical areas |

3.2 This will also mean that LTP members will cover all council housing areas in the city and be expected to attend events in all areas.

3.3 LTP members will no longer be elected onto the panel but instead must pass a selection process. This will involve completing an application form and undergoing an informal interview. This will give LTP more control over who joins the panel to ensure applicants have the basic capability and show commitment to carry out the role.

| New Constitution | Amended | Old Constitution | Current |
|------------------|---|------------------|---|
| 2.4 | Sets out a selection process for LTP members to include an application and interview scored against a set criteria Maximum numbers of set as remains at 18 | 2.4 | There are 18 seats geographical seats that can be applied for including one for a leaseholder |

3.4 LTP members seats are not time limited, members will have a review after their first six months and LTP will have the ability to ask a member to stand down immediately if they have not passed the review.

| New Constitution | Amended | Old Constitution | Current |
|------------------|--|------------------|------------------------------------|
| 2.7 | Seats are not time limited, but members are subject to a review after 6 months | 2.3 | Seats are limited to a 4 year term |

3.5 To become chair or vice-chair LTP members will now have to apply for this position. All candidates will be subject to a selection process, with an independent person making a decision on the candidate who is most suited to the position.

The chair and vice-chair will serve a three year term, which is an extension of the current one year term.

| New Constitution | Amended | Old Constitution | Current |
|------------------|---|------------------|--|
| 8.4 | The chair and vice chair will be selected for a 3 year term | 3.1 | The chair and vice chair are elected for a 12 month term |
| 8.5 | LTP members can either apply themselves or be nominated for the position(s). An independent person (or council official) will select the most appropriate candidate against a specified criteria. | | |

- 3.6 For LTP positions e.g. HSSC and ARCH, LTP members will no longer be elected, but similar to the above, will have to go through a selection process. This will be conducted by the chair and vice chair and the resident involvement team. Appointments will be made based on how well the candidate meets the role description for the positions.

| New Constitution | Amended | Old Constitution | Current |
|------------------|--|------------------|--|
| 6.3 | LTP members can apply for the position of Housing Scrutiny Sub Committee, applicants will be judged for the suitability of the role against the role description for the position. | 6.3 | The positions on Housing Scrutiny Sub Committee are elected on an annual basis |

LTP members will now be expected to attend 100 per cent of meetings, where as in the past the only requirement was for them not to miss three meetings in a row.

| New Constitution | Amended | Old Constitution | Current |
|------------------|--|------------------|--|
| 2.5 | This refers to a document which is in development which sets out the role and responsibilities of LTP members which includes attendance requirements and exemptions, such as sickness, holidays. The | 3.9 | LTP members who miss 3 or more meetings in a row are expected to give reasons and could be asked to stand down |

| | | | |
|--|---------------------------------------|--|--|
| | aim is for a high level of attendance | | |
|--|---------------------------------------|--|--|

- 3.7 The code of conduct has had a complete re-write and is now referred to in the constitution as **Values and Behaviour Agreement**

| New Constitution | Amended | Old Constitution | Current |
|------------------|---|------------------|--|
| 10 | A new set of values and behaviours have been agreed and are included as appendix to the proposed constitution | 9 | This section about the code of conduct has been removed. |

- 3.8 LTP meetings are now be held in a hybrid working system of virtual meetings and some face to face meetings. This was introduced due to Coronavirus epidemic and will be continued.

| New Constitution | Amended | Old Constitution | Current |
|------------------|---|------------------|--|
| 3.7 | A mix of virtual meetings and face to face meetings will included | 3.8 | Meetings usually take place at City Hall |
| 3.7 | A minimum of 3 meetings a year are proposed | 3.5 | Meetings take place every 4 weeks. |

- 3.9 Expenses that LTP members can claim now include IT and internet expenses which are paid with vouchers to offset the costs.

| New Constitution | Amended | Old Constitution | Current |
|------------------|--------------------------------|------------------|---|
| 3.8 | Includes IT and Internet costs | 3.10 | This was not included in expenses that can be claimed |

- 3.10 It is proposed that a three yearly general meeting takes place as opposed to an annual general meeting with the option to call extra-ordinary meetings as and when required

| New Constitution | Amended | Old Constitution | Current |
|------------------|---|------------------|--|
| 6.1 | Three yearly general meetings to take place as opposed to an annual general meeting with the option to call | 6.1 | States there will be an annual general meeting with the option to call extra-ordinary meetings as and when required. |

| | | | |
|--|--|--|---|
| | extra-ordinary meetings as and when required | | The requirement for an annual general meeting has been removed. |
|--|--|--|---|

3.11

| New Constitution | Amended | Old Constitution | Current |
|------------------|---|------------------|---|
| 6.3 | 4 members of LTP including the chair and vice chair to sit on Housing Overview and Scrutiny Sub Committee in an advisory role for 3 years. LTP will need to apply and be assessed for these positions | 6.3 | Annually 4 members of LTP including the chair and vice chair to sit on Housing Overview and Scrutiny Sub Committee in an advisory role for one year |

3.12 LTP have a place on the Association for Retained Council Housing (ARCH) tenants' board. This position is a two year term and members must reapply at the end of each two year period.

| New Constitution | Amended | Old Constitution | Current |
|------------------|---|------------------|--------------|
| 6.4 | LTP have a place on the Association for Retained Council Housing (ARCH) tenants' board. This position is a two year term and members must reapply at the end of each two year period. LTP members will need to apply and be assessed for this position | NA | Not included |

3.13

| New Constitution | Amended | Old Constitution | Current |
|------------------|---|------------------|---|
| 8.4 | The chair and vice-chair will serve a term of three years. They can hold these positions for a maximum of three terms | 3.1 | States a 12 month term for the chair and vice chair |
| 8.7 | Chair and vice-chair can attend meetings with senior council staff on behalf of the panel | NA | Not included |

| | | | |
|--|--|--|--|
| | but must keep the panel informed of discussions. | | |
|--|--|--|--|

- 3.14 A new Values and Behaviour Agreement have been agreed with LTP to replace the existing code of conduct

LTP outlined a memorandum of understanding for consideration as part of their constitution. Each point identified has been incorporated into the constitution instead of becoming an appendix for ease of understanding. Some points were duplicated from the constitution and some were addition points

| New Constitution | Amended | Old Constitution | Current |
|------------------|--|------------------|---|
| Section 11 | New Officers and Councillors working together have been proposed | Section 10 | Officers and Councillors section has been removed |

- 3.15 The section on equality has been updated to take account and briefly explain the duties set out in the 'The Public Sector Equality Duty';

| New Constitution | Amended | Old Constitution | Current |
|------------------|---|------------------|---|
| Section 16 | New text inserted to update the Public Sector Equality Duty | Section 15 | The section about discrimination has been removed |

- 3.16 LTP are proposing to introduce a selection criteria for LTP members and no longer use a process of elections.

| New Constitution | Amended | Old Constitution | Current |
|------------------|--|------------------|--|
| 2.4 | The proposed selection criteria is set out in this section | Section 18 | The section about Election Procedures has been removed as it is proposed that LTP will need to meet a selection criteria |

- 3.17 As LTP are no longer proposing to hold an Annual General Meeting, this section has been amended to reflect this.

| New Constitution | Amended | Old Constitution | Current |
|------------------|--|------------------|---|
| 17.1 | It is proposed that amendments to the constitution are carried out at extra-ordinary meeting or the three yearly general meeting | 17.1 | This set out the requirement for an annual general meeting or extra -ordinary meeting to be held to |

| | | | |
|--|--|--|-------------------------------------|
| | | | make amendments to the constitution |
|--|--|--|-------------------------------------|

3.18 The revised constitution has been subject to scrutiny and amendments by the Council's Data Protection Officer

| New Constitution | Amended | Old Constitution | Current |
|--|-----------------|--|---------------------|
| 16.4 | Updated wording | 15.3 | Out of date wording |
| Appendix 1 Confidentiality Agreement | Updated wording | Confidentiality Agreement | Out of date wording |
| Appendix 2 Designated Persons Panel | Updated wording | Appendix 2 Designated Persons Panel | Out of date wording |
| Appendix 3 Data Protection Principles | Updated wording | Appendix 3 Data Protection Principles | Out of date wording |

It should be noted that some appendices included in the current signed constitution have been removed from the revised constitution as they are working / procedural documents.

These are:

- **Application / nomination form**
- **Expenses form**
- **Skills and knowledge matrix**

5. Strategic Priorities

5.1 Let's deliver quality housing

The revised code of conduct will mean that LTP are fully equipped to deal with any issues that arise and will allow LTP to keep carrying out their role representing council tenants.

6. Organisational Impacts

6.1 Finance (including whole life costs where applicable)

There are no financial consequences as a result of the report.

6.2 Legal Implications including Procurement Rules

There are no direct legal implications as a result of this report.

6.3 Equality, Diversity and Human Rights

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

-

An Equality Impact Assessment has been carried out, is attached at Appendix 3 and there were no issues of concern.

6.4 Human Resources

There are no direct implications as a result of this report.

6.5 Land, Property and Accommodation

There are no direct implications as a result of this report.

6.6 Significant Community Impact

There is no significant community impact.

6.7 Corporate Health and Safety implications

There are no health and safety implications as a result of this report.

7. Risk Implications

7.1 (i) Options Explored

None.

7.2 (ii) Key risks associated with the preferred approach

Failure to properly implement the constitution would lead LTP unable to effectively carry out their role.

8. Recommendation

8.1 That Policy Committee provides comments to be passed onto the Executive.

| | |
|--|--------|
| Is this a key decision? | Yes/No |
| Do the exempt information categories apply? | No |
| Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply? | No |
| How many appendices does the report contain? | 2 |
| List of Background Papers: | None |

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The Lincoln Tenants' Panel Constitution

Document Control

| | |
|---------------------------|---|
| Organisation | City of Lincoln Council |
| Title | Lincoln Tenants' Panel Constitution |
| Date | 21 March 2018 |
| Approvals | Executive 26 February 2018 LTP AGM 21 March 2018 |
| Version | V.6.0 |
| Protective Marking | Not Protectively Marked |

Amendment history

| | | |
|----------------|---|------------------|
| V. 2.01 | Proposed amendments for Executive to consider by Director of Housing & Legal Services | 11 November 2013 |
| V. 2.02 | Suggestions received from LTP to be considered by the Executive | 25 November 2013 |
| V. 3.0 | Version approved by Executive | 25 November 2013 |
| V. 3.01 | Proposed draft amendments including the Terms of Reference for the Designated Tenant Panel and Data Protection Principles | 19 February 2014 |
| V.4.0 | Proposed amendments to rolling programme of elections and other minor changes. | 25 March 2015 |

| | | |
|--------------|--|---------------|
| V.5.0 | Clarification that the code of conduct can apply outside of meetings, clause for vice-chair to take over as chair until the next election, minor technical changes. | 23 March 2016 |
| V.6.0 | Changes to the code of conduct and appeals procedure. Creation of a Next Gen seat on the panel, specific offence for breach of LTP comms protocol and other minor changes. | 21 March 2018 |

1.0 Aims of the Lincoln Tenants' Panel

Primary responsibility for delivering the City of Lincoln Council's social housing objectives and responsibilities lies with the Council's Executive who govern local authority housing services. The Lincoln Tenants' Panel has been established by the City Council as an elected group to represent tenants across the city. In accordance with the principles of co-regulation set out in the Regulatory Framework for Social Housing in England, it aims to bring together tenants to act as a consultative panel to the City of Lincoln Council in the discharge of its housing landlord functions as a Registered Provider of Social Housing as follows:

- 1.1 LTP represents the interests of all council tenants and leaseholders in meetings with officers and members of the Council.
- 1.2 LTP acts as the lead consultative panel for the Council on matters relating to the Council's housing landlord functions and the management and maintenance of council housing to ensure that, through LTP, tenants are given a wide range of opportunities to:
 - Influence and be involved in the formulation of the Council's housing management policies and the housing business plan
 - Influence and be involved in the making of decisions about how housing related services are delivered, including the setting of service standards
 - Influence and be involved in the scrutiny of the performance of housing management services and the making of recommendations to the Council about how performance might be improved.
- 1.3 LTP will be consulted on an annual basis on the Housing Business Plan and associated housing capital and revenue budgets (the Housing Investment Programme and Housing Revenue Account) including proposed changes to such budgets and new initiatives.
- 1.4 LTP will be consulted on the Council's Tenant Involvement Strategy and on the formulation of any local service standards (or "local offers") to supplement the national housing standards set out in the Regulatory Framework.
- 1.5 LTP will monitor and scrutinise the service delivery and performance of the Council's housing landlord service in delivering services against the national housing standards and any agreed "local offers" and will make any recommendations for improvements to service delivery that it considers appropriate to the Council's Executive Committee or Director of Housing & Community Services at it considers appropriate.
- 1.6 LTP, have elected from amongst its members a Designated Tenants Panel to act as a "Designated Person" for the purposes of the Housing Ombudsman complaints scheme. Please see attached this Panel's Terms of Reference at Appendix 2.
- 1.7 LTP will receive copies of minutes and notes of all meetings of working groups and Tenant Forums for information and may consider any matters and recommendations referred to it from such groups.

1.8 LTP meetings will be open to other tenants and the public generally and all agendas and reports and papers submitted to LTP for consideration will be made available to the public on request and via the Council's website unless the matter under consideration contains personal or commercially sensitive information considered to be "exempt information" as defined by the Local Government Act 1972.

2.0 Membership of LTP

2.1 Membership of the panel is open to all council tenants and leaseholders of the City of Lincoln Council who meet the eligibility criteria set out below.

2.2 LTP will comprise of tenant & leaseholder representatives as follows:

- 17 members representing the various areas/estates in the city as follows:
 - Birchwood, Moorland, Ermine East, Ermine West and St Giles: **two members each**;
 - Bracebridge/Manse, Hartsholme, Stamp End, Tower, Newport/Burton Road, City Centre and West End: **one member each**;
- **One member** from each of the working groups;
- **One leaseholder**
- **One Next Gen Group** member (Younger Persons' Panel).

2.3 Members are elected for a maximum of four years but can stand for re-election to the panel at the end of this period. The four-year term will commence from the last AGM.

2.4 In the event of one of the 18 seats for estate or leaseholder representative becoming vacant either at the end of the current incumbent's term of office or as a result of a vacancy occurring as a result of the resignation of the current elected representative the procedure for filling the resulting vacancy shall be as follows:

- The vacancy will be advertised to tenants through communication channels and on the Council's website and nominations will be invited from persons who meet the eligibility criteria set out in paragraph 2.5. Such nominations must be supported by at least 2 other tenants/leaseholders and or a recognised tenants and residents association.
- Where more than one nomination is received the Resident Involvement Team will organise a postal ballot of tenants in the estate/area for the vacant seat concerned (or a postal ballot of leaseholders if the vacancy is for a leaseholder representative).
- Where only one nomination is received the tenant/leaseholder concerned will be declared as elected to LTP unopposed, providing they meet the eligibility criteria set out in paragraph 2.5.

In the event of one of the LTP representatives on the working group seats becoming vacant either at the end of the current incumbent's term of office or as a result of a vacancy occurring as a result of the resignation of the current working group representative the procedure for filling the resulting vacancy shall be as follows:

- The working group will be asked to nominate and elect a replacement representative to serve on LTP from amongst its members at its next scheduled meeting.

2.5 To be eligible to sit on the LTP, the following criteria must be met. Candidates must:

- be a secure tenant of the City of Lincoln Council (so your name must be on the tenancy as tenant or joint tenant) or a City Of Lincoln Council leaseholder.
- be over 18 years of age
- not be in breach of our conditions of tenancy for which Notice of Seeking Possession or court action is outstanding. If a member of LTP is served with such a notice or court action while serving on the LTP, they will no longer be entitled to sit on the LTP until the breach is put right in full, including costs
- not be employed by the City Of Lincoln Council.
- not be an Elected Member of the City Of Lincoln Council. Anyone standing for election in the City or County Council elections is not allowed to be involved in the LTP from the date the list of candidates is publicly announced until the election is over. This condition applies to LTP members and elected Members seeking re-election. The only exception to this rule will be that the Portfolio Holder for Housing may attend at the invitation of the LTP Chair.

2.7 Membership should be encouraged to be representative of the wider tenant body as a whole in terms of both geographical area and equality and diversity.

2.8 Members should abide by the LTP equality and diversity statement of intent.

2.9 If any dispute remains unresolved between either members of the panel or between officers and elected members of the council and members of the panel an external independent mediator will be appointed. The cost of this will be split between the Tenant Participation Budget and a council budget.

3.0 How the LTP operates

- 3.1 LTP will elect its own Chair and Vice-Chair from its tenant and leasehold members when a vacancy occurs. The Chair and Vice-Chair will hold these positions for a term of 12 months before having to stand for re-election. Positions for Housing Sub and Scrutiny Committee will be elected following the Annual General Meeting.
- 3.2 The Resident Involvement Team will prepare the agendas for meetings and take minutes, they will also send LTP members the agenda and any further information needed a minimum of five working days before the next LTP meeting. The Resident Involvement Team will also provide any other reasonable secretarial and administrative support. Information will be made available in other formats if requested.
- 3.3 It is the responsibility of LTP members to ensure that they are prepared for the meeting by reading all the relevant papers and bringing them to the meeting.
- 3.4 The LTP minutes will be sent to all appropriate officers for information and action and will be provided to the Housing Scrutiny Sub-Committee.
- 3.5 The LTP will meet at a minimum of four week intervals in line with the schedule of meetings of the Executive of the Council. Council officers who have prepared reports for Executive Committee on behalf of Housing Services should ensure that they are submitted to LTP in advance of the Executive Committee for consultation/comment by LTP. The final report to Executive Committee should state whether LTP members have been consulted, and record their views and comments to enable Executive Committee to take such comments into account in arriving at its decision.
- 3.6 The LTP will be consulted on matters agreed in the HRA Business Plan and Housing Revenue Account.
- 3.7 Special meetings of the LTP may be arranged to discuss specific issues.
- 3.8 Meetings of the LTP usually take place at City Hall, as this is a central location and has disabled access. However, from time to time this may vary.
- 3.9 A tenant representative who does not attend three consecutive LTP meetings will be asked to explain the reasons for their absence and, if no satisfactory explanation is provided, may be asked to stand down by a majority decision of the Panel. If the individual attends the meeting to give an explanation, he or she will be asked to leave the room whilst the issue is discussed by Panel members and that person will be invited to re-attend the meeting to hear the decision of the Panel.
- 3.10 Appropriate travel and childcare expenses are paid to tenant and leaseholder members attending LTP and committee meetings and training sessions. Claim forms are available.
- 3.11 Remote voting on decisions is not allowed, except for urgent decisions on expenditure under £300 and these must be carried out using the delegated budget authority.

4.0 Training protocol

- 4.1 When becoming a member of LTP tenants will be offered a training plan and all new members will be required to undertake induction training.
- 4.2 The abilities and skills required of LTP members are summarised in Appendix 1. Membership of LTP will enable tenant and leaseholder representatives to develop these skills and the Resident Involvement Team will develop an individual training programme for each LTP member on an annual basis to assist tenant representatives to acquire these skills where necessary. The individual training programme will be agreed with each individual tenant representative and the overall tenant development programme and training budget will be reported to LTP on an annual basis.
- 4.3 LTP members will be informed at the beginning of each financial year what financial resources are available for training purposes.
- 4.4 LTP will be kept informed of what external training events are available to them. Decisions on which events to access will be based on the resources available and whether the event meets their training needs.
- 4.5 All LTP members will have equal access to training opportunities and no tenant representative will be excluded from accessing training unless they are in breach of the Code of Conduct requirements in section 9.2
- 4.6 In order to make maximum use of resources, attendees at training events will be encouraged to use the most cost effective methods of transport available, including car sharing where appropriate.
- 4.7 LTP members will be required to feedback to the next LTP meeting on any training that they have attended. This is also a requirement under the code of conduct see section 9.
- 4.8 LTP members who are scheduled to attend any events should provide as much notice as possible if they are not able to attend.

5.0 Quorum

- 5.1 LTP meetings are only in quorum if 50% or more of occupied seats of the membership is in attendance.

6.0 Annual General Meeting

- 6.1 LTP will hold an Annual General Meeting no later than the 31 March of each year. The panel will agree a work plan for the following year. Not less than 21 days' notice will be given for this meeting. In addition elections for representation for Housing Scrutiny Sub-Committee will follow the AGM.
- 6.2 Members must be present at the AGM to be eligible to vote, proxy votes will not be accepted.

6.3 From its membership the LTP elects 4 members, which should include the Chair and Vice Chair, to sit on the Housing Scrutiny Sub-Committee in an advisory role and as agreed by the Council's Executive.

6.4 In the event of an LTP member being unable to attend Housing Scrutiny Sub-Committee a nominated substitute may attend in their place.

7.0 **LTP Meetings**

7.1 The Resident Involvement Team will prepare agendas for LTP meetings. The agenda will be based on the LTP work programme.

7.2 LTP members and officers should notify the Resident Involvement Team of specific agenda items 6 working days before the meeting.

7.3 Any Other Business should be relevant to the aims of LTP.

7.4 LTP agendas, reports and minutes which are in the public domain will be published the City Council's website. Agendas, reports and minutes which contain "exempt information" will be made available to members of LTP

7.5 Agenda items and reports that contain "exempt information" will be printed on green paper, and the Chair will put a resolution to the meeting to exclude the press and public prior to consideration of that item.

8.0 **Roles and Responsibilities of Chair and Vice Chair**

8.1 **Chair/Vice Chair**

8.1.1 The Chair should welcome members and others to the meeting.

8.1.2 The Chair will provide a brief report to LTP, bringing LTP up-to-date with LTP news, meetings and events since the previous meeting.

8.1.3 The Chair should ensure everyone has a fair opportunity to speak in debates at meetings and avoid getting into argument as their main task is to chair the meeting

8.1.4 Speakers should go through the Chair and keep to the subject being discussed.

8.1.5 If things are getting heated, a five-minute time out adjournment can be called for at the discretion of the Chair or Council officers.

8.1.6 The Vice Chair will deputise for the Chair when necessary. Members present can elect an acting chair in the absence of the Chair and Vice Chair.

8.1.7 The vice-chair will automatically assume the position of chair until the next elections, in the event that the chair steps down.

8.1.8 LTP members must have been on the panel for a continuous period of 12 months before being eligible to stand for Chair or Vice-Chair.

9.0 Code of Conduct

9.1 The Agenda

- 9.1.1 LTP members and officers will be able to add items no later than 6 working days before the meeting.
- 9.1.2 A quarterly budget summary will be provided by the Resident Involvement Team. The accounts should be signed off by the Chair or Vice-chair.

9.2 Behaviour of LTP Members

- 9.2.1 LTP members will observe and stick to the agenda and its timings (guided by the Chair). They should follow the guidance of the Chair in the conduct of the meeting.
- 9.2.2 The physical layout of meetings should benefit all members.
- 9.2.3 LTP members should follow the agenda and not introduce items during the meeting. Meetings should start at the stated time.
- 9.2.4 Late arrivals should enter the meeting quietly and not disrupt the meeting with apologies until an appropriate moment in time is available.
- 9.2.5 LTP members should not use offensive or discriminatory language or remarks.
- 9.2.6 If people want to speak during the meeting they should first indicate to the Chair by the show of hands.
- 9.2.7 Everyone should speak one at a time, avoiding cross talking, and allow others to finish what they are saying.
- 9.2.8 LTP members should be courteous to each other both in meetings and outside of them and work together to seek the best possible solution to problems being discussed.
- 9.2.9 LTP members should bear in mind the rights of individual residents and the duties of staff when proposing solutions to problems.
- 9.2.10 Mobile telephones should be switched off or put on to silent mode during meetings. Emergency calls should be taken outside the meeting.
- 9.2.11 Wherever possible jargon should be avoided and if used a full explanation should be given.
- 9.2.12 LTP members are acting on behalf of all tenants and leaseholders, so no personal issues should be raised during meetings. Any personal issues should be dealt with via the normal procedures and not during meetings.
- 9.2.13 Identity badges should be worn when on LTP business.

- 9.2.14 LTP members should not disclose to another person any information, which is marked as confidential or verbally stated to be confidential at a meeting. All LTP members will be required to sign and abide by the attached Confidentiality Agreement.
- 9.2.15 LTP members should not approach the press as a LTP representative, the Chair and Vice-Chair are the only members who may approach the press as LTP representatives. If the Chair or Vice Chair are concerned as to whether to respond to the press or not they ought to contact the Communication Office at City Hall or the Resident Involvement Team for advice before proceeding.
- 9.2.16 Any correspondence sent on behalf of LTP should be shared with all LTP members.
- 9.2.17 LTP members who make referrals will ensure these are related to housing or the neighbourhood they represent, and that wherever possible, they have been reported via the normal channels before being referred (e.g. reporting repairs to Customer Services).
- 9.2.18 When representing LTP at other meetings, members should also observe the rules laid down by the constitution.
- 9.2.19 LTP members should follow the LTP communications protocol when contacting the council about LTP matters. LTP members who don't follow the protocol could be subject to disciplinary action.
- 9.2.20 All LTP members will be asked to sign to say they abide by the LTP constitution when joining the panel.
- 9.2.21 If a problem arises with other LTP members, the member shall notify the Chair or Vice-Chair in writing.
- 9.2.22 Any enquiries about the service to be reported to the Resident Involvement Team, the Chair, or Vice-Chair to take the appropriate action.
- 9.2.23 All apologies for meetings/training/conferences should go through the Chair or Vice-Chair.
- 9.2.24 Members attending training/meetings will feedback a report to LTP, which could be a verbal report.
- 9.2.25 LTP members must not bring the Panel or the Council into disrepute, which could include discussing LTP business outside meetings and in public.
- 9.9.26 If an LTP member does not abide by the above code of conduct, they will be given a verbal warning by the Chair. If they do not abide by the code of conduct again they will be given a written warning by the Chair. If this happens a third time, then a report will be prepared by the Chair and will be presented to a subsequent formal meeting. The individual may be suspended or dismissed from the panel by the LTP members at the formal meeting subject to a majority vote to that effect. The chair can take advice from officers where needed.

If the LTP member commits a serious breach of the code of conduct, they can be dismissed without first receiving a verbal or written warning. Serious breaches will be defined as an action that amounts to gross misconduct under the City of Lincoln Council's disciplinary policy. Relevant officers should be consulted about what classes as gross misconduct.

The chair and vice-chair will decide when a breach has occurred and if it warrants a warning or is serious enough to result in suspension with immediate effect pending the decision by the panel. The Portfolio Holder and the City Solicitor (or suitable deputies) should be consulted before a decision is made. A record of this consultation and any recommendations should be kept. A report will be prepared by the Chair, with support of the Resident Involvement Manager, and the individual LTP member should then be notified of the suspension and issued with the report as to action to be considered at the next formal meeting.

Any verbal or written warnings issued will be kept on file for a period of 12 months from issue. After this period the verbal or written warnings will be removed and the record erased.

If the Chair or Vice-Chair do not abide by the code of conduct the Director of Housing (or suitable deputy) will lead proceedings.

- 9.9.27 Any LTP member who is deemed not to have complied with the Code of Conduct will have the right to appeal and will be treated in an open and fair manner. Any appeals must be submitted within seven calendar days, this period will start from the date the LTP member receives formal notification they have breached the code of conduct.

The appeal will be sent to a relevant and independent outside body who will review the decision made by LTP and will provide conclusions relating whether to:

- Uphold the decision made by LTP
- Recommend an alternative course of action (e.g. reduce the punishment)
- Overturn the decision made by LTP

The advice provided by the outside body will be taken into consideration by LTP, there will be no further scope for either LTP or the LTP member who made the appeal to ask for further reviews or appeals. Any charge made by the outside body will be met from the LTP budget.

The procedure for administering any appeals received will be as follows:

- LTP member must make a written appeal to the outside body (detailed in the formal LTP decision letter)
- This should be submitted to the single point of contact (SPOC) as per the LTP communications protocol
- The SPOC will then submit the following documents to the outside body:
 - Copy of the appeal submitted
 - Evidence provided by LTP to show the code of conduct has been breached
 - Documents to show how LTP reached their decision that the code of conduct had been broken.
- The outside body will consider all documents and report back with their

advice to the council

- The Director of Housing and Regeneration (or suitable deputy) will then prepare a report in consultation with Legal Services and Human Resources (if appropriate) and will detail the outcome of the appeal
- The Report will then be submitted to LTP
- LTP member who has appealed to be notified of the outcome.

10.0 **Officers and Councillors**

10.1 If an officer or councillor wishes to speak at a LTP meeting they will need to make a request to the Chair and/or the Resident Involvement Team, indicating what they wish to discuss and how long they wish to speak so it can be planned into the agenda.

10.2 Meetings of LTP, once called to order by the Chair at the appointed time, will be conducted in public in the presence of elected members, officers and any other tenants, members of the public or media that may be present unless the item(s) under discussion contain "exempt information" in which case the public and media may be requested to leave. LTP members will be provided with facilities to meet in private for up to 1 hour prior to the published scheduled meetings of LTP for the purposes of formulating and agreeing the line of questioning and detailed scrutiny questions to be put to officers and elected members in the formal LTP meeting. Similarly any request supported by the majority of LTP members and made through the Chair for facility to meet in private at another time of their choosing for the purposes of formulating and agreeing the line of questioning and detailed questions to be put to officers and members in the formal LTP meeting will be agreed.

10.3 Officers and councillors will respect all the ground rules of the meetings.

10.4 Officers and councillors will respect that LTP members are volunteers and are not a political organisation. Individual or political lobbying will not be allowed in LTP meetings.

10.5 When officers receive requests for information and referrals from LTP they will acknowledge these if they cannot give a reply within 10 days and give some indication of timings for a full reply and/or action in accordance with an agreed Communication Protocol.

10.6 Officers and Councillors are not able to vote.

10.7 LTP members can request officers and councillors to leave the room during the meeting.

11.0 **Minutes**

11.1 Draft minutes will be agreed firstly with any speakers who were at the meeting, followed by the Chair

11.2 Minutes will be sent out to LTP members no later than 5 working days before the next meeting and will be submitted to the next meeting of LTP for approval.

12.0 Decision Making

12.1 Decisions will be voted on by a show of hands or by secret ballot if requested by a LTP member and a majority of LTP members in attendance at the meeting are in favour of a secret ballot. In order for a decision to be passed it will require a majority vote of the LTP members at the meeting.

12.2 The Chair will have the second and casting vote.

13.0 Confidentiality

13.1 The LTP may deal with “exempt information” including personal and commercially sensitive information, so discretion and care must be exercised during and after meetings. Any information about the personal circumstances of anyone must be treated in confidence and not be disclosed to anyone not on the panel. LTP members should refrain from mentioning specific individual cases that may cause embarrassment or identification of an individual.

13.2 LTP members will also be asked to sign a confidentiality agreement when they join.

13.3 Each LTP member shall not disclose any confidential information belonging to the council or any third party which it shall have obtained as a consequence of carrying out duties under this constitution unless the expressed written permission has been obtained by the third party or the council.

13.4 Each LTP member shall ensure they comply with the Data Protection Act 1998. Attached at Appendix 3 are the Data Protection Principles showing the framework of requirements under the Act.

14.0 Personal interest

14.1 Members on the panel must not expect favourable treatment by housing staff or the panel itself, nor should they be treated any less favourably; for example in the completion of a repair or the allocation of a property.

14.2 Members must use the normal procedures for reporting repairs and other enquiries relating to their own tenancy or on behalf of other tenancies.

14.3 Members must notify the panel if they have any personal interest, financial or otherwise, in any matters it considers. Individual members may need to abstain from discussions and decisions on a particular item.

15.0 Discrimination

15.1 No member may be excluded or discriminated against for any reason by any other panel member.

15.2 Discriminatory language must not be used in meetings.

15.3 All those who attend meetings have the right to be treated with dignity and

respect, regardless of their race, colour, ethnic or national origins, nationality, gender, marital status, age, sexuality, religion, or any other matter which causes people to be treated with injustice.

16.0 Election procedures

- 16.1 LTP members will be elected for a period of 4 years in accordance with the arrangements set out in paragraph 2.4 of the constitution.
- 16.2 Tenants eligible to stand for election to LTP must be nominated and seconded by at least two other tenants / leaseholders.
- 16.3 Invitations for the available LTP seats will be extended to all tenants living within the area covered by the vacant seat(s).
- 16.4 One seat on LTP will be reserved for a leaseholder representative and a member of Next Gen.
- 16.5 Members of the Resident Involvement Team will facilitate this process and provide all necessary support for LTP members.
- 16.6 The Resident Involvement Team will ensure that there is an impartial observer to oversee the election process at the LTP Annual General Meeting.
- 16.7 Elections for LTP members and LTP committee positions are conducted on a majority basis and in the event of a tie the successful candidate will be selected by the drawing of lots by a council officer who is not part of the resident involvement team.

17.0 Amendments to the Constitution

- 17.1 Changes to the constitution may be made only by a two-thirds majority of the voting members attending an Annual General Meeting or an Extraordinary General Meeting called for this purpose. Any amendments proposed by the LTP are to be referred to the Executive for consideration and approval.
- 17.2 Notice of the Annual General Meeting and any Extraordinary General Meeting and the purpose for which it was called shall be given to all members of the Panel not less than 21 days before the meeting.
- 17.3 The chair and vice-chair have authority to sign an amended constitution on behalf of the rest of the LTP members.

18.0 Dissolution of LTP

- 18.1 LTP may only be dissolved at an Annual General Meeting or an Extraordinary General Meeting called for this purpose. The dissolution of LTP will require a two-thirds majority voting at this meeting.
- 18.2 In the event of the dissolution of LTP any outstanding funds will be returned to the City Of Lincoln Council. Any assets (financial or otherwise) acquired independently

of the Council will be disposed of in accordance with the aims of LTP by donating these to an organisation with similar objectives.

19.0 Resignations

- 19.1 All resignations should be made in writing to the Resident Involvement Team. Where a LTP member verbally indicates they wish to resign this should be confirmed in writing within two working days.
- 19.2 If confirmation of the resignation is not received in writing within 7 working days the Resident Involvement Team will contact the person who has verbally resigned to seek clarification.
- 19.3 LTP members can withdraw their resignation in writing within seven calendar days of submission.
- 19.4 If a written resignation is not received within 21 calendar days of the LTP member verbally stating they wish to resign the resignation will be automatically confirmed.


20.0 Signatories to the Constitution

On behalf of the Lincoln Tenants' Panel


.....

Chair of the Lincoln Tenants' Panel

Date 21-3-18


.....

Vice-chair of the Lincoln Tenants' Panel

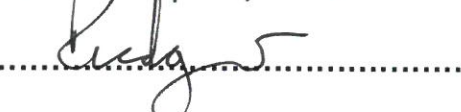
Date 21-3-18

On behalf of the City of Lincoln Council


.....

Portfolio Holder for Housing

Date 21/3/18


.....

Strategic Director of Housing & Regeneration

Date 21-3-18

Lincoln Tenants' Panel Nomination/Application form

YOUR NOMINATION

IMPORTANT Nomination Forms must be completed and returned to the Housing Department. Your form will not be valid unless the information given is correct.

Your name (in full):

Address:

.....

Daytime telephone number:

Name & address of nominees. (Your nomination must be supported by at least 2 City of Lincoln tenants/leaseholders or a recognised tenants & residents association)

.....

.....

PLEASE TICK WHERE APPROPRIATE:

- 1. I am a City of Lincoln tenant **OR** leaseholder
- 2. I am over 18 years of age
- 3. I have held a tenancy with the City Council for at least 1 year
- 4. I am not employed by the City Council or by a prospective housing management contractor

I certify that the above information is correct and that I consent to my nomination.

Signature

Date

Please send your completed nomination form to the:

Resident Involvement Team
Tenancy Services
City Hall
Beaumont Fee
Lincoln
LN1 1DE

Lincoln Tenants' Panel (LTP) **Confidentiality Agreement**

From time to time, members of LTP may deal with difficult and sensitive issues. Discretion and care must be exercised during and after meetings. Information about the individual circumstances of anyone, including LTP members, must be treated in confidence and not be discussed outside of the meeting. Individual cases will not be discussed.

As a member of the Lincoln Tenants' Panel of City Of Lincoln Council, I agree that I will not, without the written consent of City Of Lincoln Council, disclose to any other person or organisation, a copy of any document, or any information contained in such a document, that I have received during my work for the Lincoln Tenants' Panel. I shall use such information only for the purposes of fulfilling my responsibility as a member of Lincoln Tenants' Panel.

I will not use any information gained during my work for Lincoln Tenants' Panel for individual, personal or financial gain.

I understand that any breach of this rule will result in exclusion from LTP.

Signed

Name -----

Address -----

Estate/Area represented -----

Working group represented -----

Accepted By (Officer) -----

LINCOLN TENANTS' PANEL

Expenses Claim

Name and Address:.....
.....
.....

| Date | Receipt Number | Purpose of Claim (if travelling expense, please include method of transport) | Total Mileage or Fare | Amount Claimed (£) |
|-------------|-----------------------|--|------------------------------|---------------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | Total | |

I Certify that the above is a true record

Signature

Date

You must attach receipts for all claims. Please return this to the Resident Involvement Team, Directorate of Housing and Community Services, City Hall, Beaumont Fee, Lincoln LN1 1DE.

Appendix 1

Lincoln Tenants' Panel's Training Protocol Skills & Knowledge Matrix

| | Abilities and skills | What does this include? | Essential or desirable |
|----|--|---|------------------------|
| 1. | To be able to work as a team member. | <ul style="list-style-type: none"> Develop and maintain constructive working relationships with all colleagues, including other tenant representatives, officers and elected members | Essential |
| 2. | To be able to plan and review activities, and assess options. | <ul style="list-style-type: none"> Critically assess information. Agree work objectives. Plan activities. Contribute to decision making. Monitor and review progress. | Essential |
| 3. | To be able to be an effective committee member. | <ul style="list-style-type: none"> Time and commitment to attend meetings. Commitment to read papers in advance and evaluate information provided with ability to provide constructive challenge and comment. Make effective contributions to the decision process. Able to articulate views clearly. | Essential |
| 4. | Understanding of and commitment to supporting equality and diversity | <ul style="list-style-type: none"> Understand and embrace the principles equality and diversity Support for maintaining and developing a diverse panel that adequately reflects the needs of the community. | Essential |
| 5. | To be able to contribute effectively to consultation processes. | <ul style="list-style-type: none"> Identify people and groups who need to be consulted. Identify appropriate methods of consultation. Ensure consultation is organised effectively. Evaluate and review outcomes. | Essential |

| | | | |
|----|---|--|-----------|
| | | <ul style="list-style-type: none"> Suggest improvements. | |
| 6. | Willingness to take up relevant training and development opportunities. | <ul style="list-style-type: none"> Identify own training needs. Attend training when required. | Essential |
| 7. | To be able to present information clearly | <ul style="list-style-type: none"> Organising and presenting written information. Presenting verbal information clearly. | Desirable |
| 8. | To be able to understand the framework of resident involvement structure | <ul style="list-style-type: none"> Operate within the standing orders and the constitution. Raise matters in an appropriate manner, in line with the code of conduct. | Essential |
| 9. | To be able to contribute to marketing and communication strategies aligned with the corporate plan. | <ul style="list-style-type: none"> Identify marketing opportunities and take part in marketing activities. | Desirable |
| 10 | Financial awareness | Evaluate and review basic financial information. | Desirable |
| 11 | Ability to influence and monitor housing services. | <ul style="list-style-type: none"> Interpret performance data. Review performance and suggest additional improvements. | Desirable |
| 12 | To be able to establish and maintain working relationships with other organisations. | <ul style="list-style-type: none"> Ability to build effective community relations. Develop working relationships with officers and elected members Working collaboratively with partner agencies, local authorities and other housing associations. Ability and willingness to engage in public relations opportunities. | Desirable |

Appendix 2



DESIGNATED TENANT PANEL

TERMS OF REFERENCE FOR THE LINCOLN TENANTS' PANEL ACTING AS A 'DESIGNATED PERSON' FOR THE PURPOSE OF LANDLORD SERVICES COMPLAINTS

Statement of Intent

The purpose of the Lincoln Designated Tenant Panel (the Panel) is to enable the Panel to play a role in helping to resolve complaints received from tenants of the City of Lincoln Council (the Landlord) locally, potentially using powers to refer complaints to the Housing Ombudsman Service where local resolution is not possible.

1 Aims, objectives and intended outcomes

1.1 The Panel's aims and objectives are:

- to use local knowledge and relationships to work with tenants¹ and the Landlord to find local solutions to complaints and problems raised by tenants
- to constructively challenge the Landlord and tenants so that they can sort things out for themselves wherever possible

¹ These terms of reference refers throughout to tenants as a collective term that applies to all persons who receive services from the Landlord, including tenants, leaseholders, shared homeowners and other services. The term could also apply to other members of the public who could potentially receive services or who are affected by services provided by the Landlord.

- to be part of a local democratic framework providing support to tenants

1.2 The intended outcomes of the work of the Panel include the following:

- tenants complaints, problems and issues will be resolved more effectively, quickly and locally, wherever possible without the need to involve the Housing Ombudsman Service (the Ombudsman), to the satisfaction of tenants and the Landlord
- greater local knowledge of tenant concerns and issues will help tenants to participate in improving services
- positive and empowering relationships will be developed between tenants and the Landlord that will help to raise the ability of tenants to shape their housing service
- positive relationships will develop between the Panel and other designated persons.

1.3 To achieve these aims, objectives and outcomes, the Panel will work in partnership with the Landlord. The Panel will also seek constructive relationships with local Councillors and MPs.

2 Remit and powers

2.1 The Panel has been recognised by the Landlord to act as a Designated Tenant Panel for purposes of referring complaints to the Ombudsman. The Panel's recognition was discussed and agreed with the Landlord's tenants. The Panel is listed on the Ombudsman's Register of Tenant Panels.

2.2 The Panel's formal legal power is to refer complaints to the Ombudsman, which it will do in the following circumstances:

- the Panel considers that a complaint cannot be resolved locally and the Panel considers that there is merit in referring the complaint to the Ombudsman
- the complaint falls within the Ombudsman's remit
- the Landlord's complaints procedure has been exhausted
- the complainant wishes the complaint to be referred to the Ombudsman

- 2.3 The Panel will make recommendations and suggestions to the Landlord regarding changes to the Landlord's service that may prevent complaints arising, and regarding how complaints are dealt with by the Landlord.
- 2.4 The Panel will negotiate with the Landlord regarding how it may be involved in complaints handling at earlier stages of complaints, although the Panel does not adopt its formal "designated" status until a complaint has exhausted the Landlord's complaints procedure. This links with paragraph 6 below.
- 2.5 The Panel will be publicised and accessible to all tenants of the Landlord. The Panel will respond to all enquiries from tenants with a view to resolving problems and issues at the earliest possible occasion working in partnership with the Landlord.

3 Delegated authority

- 3.1 For avoidance of doubt, the Panel will have no delegated authority and no decision-making powers in relation to the Landlord. The Panel will enable discussion between it and Landlord staff regarding complaints issues, who may have delegated authority to implement changes, or who will refer decision making matters to the level within the Landlord where delegated authority rests.
- 3.2 Staff members will be responsible for Landlord liaison with the Panel and for referring specific complaints matters as appropriate. They will also ensure that strategic matters raised by the Panel are referred appropriately within the Landlord.

4 Membership and remit of the Panel

- 4.1 The Panel are bound by their Constitution which outlines all roles and responsibilities.

5 Data Protection

- 5.1 The Panel are required under the Data Protection Act 1998 to follow the principles set out below:-
 - a) Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless certain circumstances apply

- b) Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
- c) Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- d) Personal data shall be accurate and, where necessary, kept up to date.
- e) Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- f) Personal data shall be processed in accordance with the rights of data subjects under this Act.
- g) Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- h) Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

5.2 Personal data includes the names, addresses, dates of birth, family or medical history of individuals.

5.3 An individual will be required to sign an authority that they authorise the Landlord to release personal information them to the Designated Person.

5.4 City of Lincoln officers can further give advice regarding this.

6 Conflict of Interest

6.1 If the individual bringing the complaint to the Panel is known to a member of the Panel, that member should abstain from discussions and decisions on that particular item. An individual is known to a member if they have a personal association with them which a reasonable person would deem to prejudice the fair resolution or outcome of the complaint. This would include any involvement in an individual's formal complaints procedure.

6.2 Alternatively if the member has any financial interest in the individual or their business, then they should abstain from taking part in the discussions and decisions on that item

6.3 Members must notify the lead member of the Designated Tenant Panel as soon as possible if they have any personal interest, financial or otherwise in any matter considered.

Appendix 3



DATA PROTECTION ACT

PRINCIPLES

1. **Personal data shall be processed fairly and lawfully** and, in particular, shall not be processed unless –

(a) at least one of the conditions in Schedule 2 is met, and

(b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.

2. **Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.**
3. **Personal data shall be adequate, relevant and not excessive** in relation to the purpose or purposes for which they are processed.
4. **Personal data shall be accurate and, where necessary, kept up to date.**
5. **Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.**
6. **Personal data shall be processed in accordance with the rights of data subjects under this Act.**
7. **Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.**

8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

(Further information is available from Legal Services or <http://www.ico.org.uk/>)

The Lincoln Tenants' Panel Constitution

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| 1.0 | Aims of the Lincoln Tenants' Panel (LTP) |
| 1.1 | Primary responsibility for delivering the City of Lincoln Council's social housing objectives and responsibilities lies with the Council's Executive who govern local authority housing services. The Lincoln Tenants' Panel has been established by the City Council as an elected group to represent tenants across the city. In accordance with the principles of co-regulation set out in the Regulatory Framework for Social Housing in England, it aims to bring together tenants to act as a consultative panel to the City of Lincoln Council in the discharge of its housing landlord functions as a Registered Provider of Social Housing as follows: |
| 1.2 | LTP represents the interests of all council tenants and leaseholders in meetings with officers and members of the Council. |
| 1.3 | <p>LTP acts as the lead consultative panel for the Council on matters relating to the Council's housing landlord functions and the management and maintenance of council housing to ensure that, through LTP, tenants are given a wide range of opportunities to:</p> <ul style="list-style-type: none"> • Influence and be involved in the formulation of the Council's housing management policies and the housing business plan • Influence and be involved in the making of decisions about how housing related services are delivered, including the setting of service standards • Influence and be involved in the scrutiny of the performance of housing management services and the making of recommendations to the Council about how performance might be improved. |
| 1.4 | <p>LTP will be consulted on the Housing Business Plan and associated housing capital and revenue budgets (the Housing Investment Programme and Housing Revenue Account) including proposed changes to such budgets and new initiatives.</p> <p>LTP and the council will work in partnership to improve services for tenants and fulfil their role as set out in this constitution</p> |
| 1.5 | LTP will be consulted on the Council's Tenant Involvement Strategy and on the formulation of any local service standards (or "local offers") to supplement the national housing standards set out in the Regulatory Framework. |
| 1.6 | LTP will monitor and scrutinise the service delivery and performance of the Council's housing landlord service in delivering services against the national housing standards and any agreed "local offers" and will make any recommendations for improvements to service delivery that it considers appropriate to Housing Scrutiny Sub Committee or Director of Housing & Investment at it considers appropriate. |

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| 1.7 | <p>LTP will agree a work programme that focuses on a number of key areas with the Director of Housing and Investment or relevant Assistant Directors. The council will provide a reasonable level of support to allow LTP to complete the work programme. In line with the agreed work programme COLC will involve LTP in changes to policies and services and keep LTP updated of progress made.</p> <p>The council can refuse to support items not on the agreed work programme, where it is judged this would have an impact on staff resource and time.</p> |
| 1.8 | <p>LTP will put forward all recommendations for service changes to the DHI and the relevant assistant director for a decision. These recommendations should follow work being carried out from the agreed LTP work programme. A full response from the Assistant Director will be given to LTP, this will state if recommendations have been accepted or otherwise, where they haven't been accepted a reason will be given.</p> |
| 1.9 | <p>LTP will provide constructive feedback to the council, that can be used to help improve services. LTP will only raise concerns where there is sufficient evidence and a systematic failing can be shown.</p> <p>LTPs remit can also cover other council functions that affect residents at a community level, e.g., refuse collection, parks and green space. Any work under this remit must be agreed by the council and not affect LTP's primary responsibilities to deliver its main role around HRA issues.</p> |
| 1.10 | <p>LTP select from amongst its members a Designated Tenants Panel to act as a "Designated Person" for the purposes of the Housing Ombudsman complaints scheme. This Panel's Terms of Reference were agreed by the Council's Executive Committee on and are shown in Appendix 3.</p> |
| 1.11 | <p>LTP will receive copies of minutes and notes of all meetings of working groups and Tenant Forums for information and may consider any matters and recommendations referred to it from such groups.</p> |
| 1.12 | <p>LTP meetings will be open to other tenants and the public generally and all agendas and reports and papers submitted to LTP for consideration will be made available to the public on request and via the Council's website unless the matter under consideration contains personal or commercially sensitive information considered to be "exempt information" as defined by the Local Government Act 1972.</p> <p>LTP will not deal with individual residents' enquires but can ask residents to send enquires to LTP@lincoln.gov.uk</p> |
| 1.13 | <p>The Council will Support LTP activities by providing resources to allow the panel to operate, send officers to meetings and providing information for all agreed projects that are listed on the agreed work plan. However, the council can refuse to provide information if there is a legal basis for doing so, this will be where the information would be considered 'Part B' under the council's</p> |

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| | committee system |
| 1.14 | The council will support the LTP in provision meetings in line with the agreed LTP work programme, with a degree of reasonable flexibility to deal with any emerging issues throughout the year. LTP can submit an updated work programme |
| 1.15 | Involve LTP at a strategic level in developing the HRA business plan, this should be in line with spirit of the new and existing legislation and guidance. |
| 1.16 | In line with the agreed work programme COCL will involve LTP up to date on planned significant service and policy changes |
| 1.17 | The Council will allow LTP to meet with senior housing staff and members (Director of Housing, Assistant Directors and Housing Portfolio Holder) to discuss LTP matters and any concerns LTP might have with the housing service. |
| 1.18 | The council will set out full timescales of when LTP's recommendations for service changes will be implemented |
| 2.0 | Membership of LTP |
| 2.1 | <p>There are 18 seats on LTP</p> <p>Membership of the panel is open to all council tenants and leaseholders of the City of Lincoln Council who meet the eligibility criteria set out below.</p> <p>To be eligible to sit on the LTP, the following criteria must be met. Candidates must:</p> <ul style="list-style-type: none"> • be a secure tenant of the City of Lincoln Council (so your name must be on the tenancy as tenant or joint tenant) or a City Of Lincoln Council leaseholder. • be over 18 years of age • not be in breach of our conditions of tenancy for which Notice of Seeking Possession or court action is outstanding. If a member of LTP is served with such a notice or court action while serving on the LTP, they will no longer be entitled to sit on the LTP until the breach is put right in full, including costs • not be employed by the City Of Lincoln Council. • not be an Elected Member of the City Of Lincoln Council. Anyone standing for election in the City or County Council elections is not allowed to be a member of the LTP from the date the list of candidates is publicly announced until the election is over. This condition applies to LTP members and elected Members seeking re-election. Please note that members, in particular the Portfolio Holder for Housing, may attend at the invitation of the LTP Chair. |

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| 2.2 | Membership should be encouraged to be representative of the wider tenant body as a whole in terms of both geographical area and equality and diversity. |
| 2.3 | If any dispute remains unresolved between either members of the panel or between officers and elected members of the council and members of the panel an external independent mediator will be appointed. The cost of this will be split between the Tenant Involvement Budget and a council budget. |
| 2.4 | LTP members must pass a selection process to join the panel. This will consist of completing an application form and attending an informal interview. Potential members must either demonstrate the potential to meet the skills and experience criteria or demonstrate their ability and willingness to gain these skills. This will be assessed through their application form and the informal interview. At the interview responses will be scored against the skills criteria. The maximum number of seats available is 18. |
| 2.5 | The LTP member role description is a separate document to the constitution which is available on request from the resident involvement team. |
| 2.6 | The application and selection process will be co-ordinated by the resident involvement team. |
| 2.7 | Successful candidates will be offered a position on LTP. This position is not time limited, however new LTP members will have their positions reviewed after the first six months. This will be carried out by the resident involvement team in conjunction with the Chair/Vice-Chair. New LTP members must meet their agreed attendance requirements, show a basic capability for the role and not be subject to any verbal warnings. Where an LTP member fails to meet this criterion, they can be asked to stand down immediately. Procedures and guidance for the review will be set out for transparency to new members . |
| 3.0 | How the LTP operates |
| 3.1 | The Resident Involvement Team will prepare the agendas for meetings and take minutes, they will also send LTP members the agenda and any further information needed a minimum of five working days before the next LTP meeting. The Resident Involvement Team will also provide any other reasonable secretarial and administrative support. Information will be made available in other formats if requested. |
| 3.2 | It is the responsibility of LTP members to ensure that they are prepared for the meeting by reading all the relevant papers and bringing them to the meeting. |
| 3.3 | The LTP minutes will be sent to all appropriate officers for information and action and will be provided to the Housing Scrutiny Sub-Committee. |
| 3.4 | Council officers who have prepared reports for Executive Committee on behalf |

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| | of Housing Services should ensure that they are submitted to LTP in advance of the Executive Committee for consultation/comment by LTP. The final report to Executive Committee should state whether LTP members have been consulted and record their views and comments to enable Executive Committee to take such comments into account in arriving at its decision. |
| 3.5 | The LTP will be consulted on matters which are included in the HRA Business Plan and Housing Revenue Account. |
| 3.6 | Special meetings of the LTP may be arranged to discuss specific issues. |
| 3.7 | The majority of LTP meetings will be held virtually but there will be face to face meetings. There must be a minimum of three evening meetings a year. |
| 3.8 | Appropriate travel, internet, IT/computer and childcare expenses are paid to tenant and leaseholder members attending LTP and committee meetings and training sessions. Claim forms are available on request from the resident involvement team. |
| 3.9 | Remote voting on decisions is not allowed, except for urgent decisions on expenditure under £300 and these must be carried out using the budget available to LTP. |
| 4.0 | Training protocol |
| 4.1 | When becoming a member of LTP tenants will be offered a training plan and all new members will be required to undertake induction training. |
| 4.2 | Membership of LTP will enable tenant and leaseholder representatives to develop these skills and the Resident Involvement Team will develop an individual training programme for each LTP member on an annual basis to assist tenant representatives to acquire these skills where necessary. The individual training programme will be agreed with each individual tenant representative and the overall tenant development programme and training budget will be reported to LTP on an annual basis. |
| 4.3 | LTP members will be informed at the beginning of each financial year what financial resources are available for training purposes. |
| 4.4 | LTP will be kept informed of what external training events are available to them. Decisions on which events to access will be based on the resources available and whether the event meets their training needs. |
| 4.5 | All LTP members will have equal access to training opportunities and no tenant representative will be excluded from accessing training unless they are in breach of the Code of Conduct requirements |
| 4.6 | In order to make maximum use of resources, attendees at training events will be encouraged to use the most cost-effective methods of transport available, including car sharing where appropriate. |
| 4.7 | LTP members will be required to feedback to the next LTP meeting on any |

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| | training that they have attended. |
| 4.8 | LTP members who are scheduled to attend any events should provide as much notice as possible if they are not able to attend. |
| 5.0 | Quorum |
| 5.1 | LTP meetings are only in quorum if 50% or more of occupied seats of the membership is in attendance. |
| 6.0 | Three Yearly General Meeting and Extra-ordinary Meetings |
| 6.1 | LTP will hold a General Meeting every three years and Extra-ordinary meetings as required. Not less than 21 days notice will be given for the above meetings. |
| 6.2 | Members must be present at the general meeting to be eligible to vote, proxy votes will not be accepted. |
| 6.3 | LTP has four seats on the council's Housing Scrutiny Sub Committee and one LTP member as a substitute. When a position is available, LTP members can apply for the position of Housing Scrutiny Sub Committee, applicants will be considered for the suitability of the role against the role description for the position. This will be undertaken by the resident involvement team and the chair and vice-chair. The role description for this is available through the Resident Involvement Team. Changes to the role description must be agreed by the Resident Involvement Manager or suitable representative. Positions will be held for a term of three years, after that point they can reapply for a further three years, following the application process. |
| 6.4 | LTP have a place on the Association for Retained Council Housing (ARCH) tenants' board. This position is a two year term and members must reapply at the end of each two year period. When a position is available, LTP members can apply for the position, applicants will be judged for the suitability of the role against the role description for the position. This will be undertaken by the Resident Involvement Team and the chair and vice-chair. The role description is available through the Resident Involvement Team. Changes to the role description must be agreed by with the Resident Involvement Manager or suitable representative. Positions will be held for a term of three years, |
| 7.0 | LTP Meetings |
| 7.1 | The Resident Involvement Team will prepare agendas for LTP meetings. The agenda will be based on the LTP work programme. |
| 7.2 | LTP members and officers should notify the Resident Involvement Team of specific agenda items 6 working days before the meeting. |

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| 7.3 | Any Other Business should be relevant to the aims of LTP. |
| 7.4 | LTP agendas, reports and minutes which are in the public domain will be published the City Council's website. Agendas, reports and minutes which contain "exempt information" will be made available to members of LTP |
| 7.5 | Agenda items and reports that contain "exempt information" will be printed on green paper, and the Chair will put a resolution to the meeting to exclude the press and public prior to consideration of that item. |
| 8.0 | Roles and Responsibilities of Chair and Vice Chair |
| 8.1 | <p><u>The Chair</u></p> <ul style="list-style-type: none"> • should welcome members and others to the meeting. • will provide a brief report to LTP, bringing LTP up-to-date with LTP news, meetings and events since the previous meeting. • should ensure everyone has a fair opportunity to speak in debates at meetings and avoid getting into argument as their main task is to chair the meeting • Speakers should go through the Chair and keep to the subject being discussed. • If things are getting heated, a five-minute time out adjournment can be called for at the discretion of the Chair or Council officers. |
| 8.2 | <p><u>The Vice Chair</u></p> <ul style="list-style-type: none"> • will deputise for the Chair when necessary. Member's present can elect an acting chair in the absence of the Chair and Vice Chair. • will automatically assume the position of chair until the appointment of the new chair as required |
| 8.3 | LTP members must have been on the panel for a continuous period of 12 months before being eligible to stand for Chair or Vice-Chair. |
| 8.4 | The chair and vice-chair will serve a term of three years. They can hold these positions for a maximum of three terms |
| 8.5 | Where there is a vacancy for a chair or vice-chair position, LTP members can either apply themselves or be nominated for the position(s). A list of candidates will be submitted to an independent person, who will conduct interviews against the agreed Chair and Vice-chair role description, with support from the resident involvement team. The independent person will select the most appropriate candidate against this criteria. Where it is not possible to appoint an outside independent person, then a senior officer from the City of Lincoln Council will carry this out. |
| 8.6 | The chair and the vice-chair can be asked to stand down from these roles if they demonstrate a significant lack of capability for the roles. |
| 8.7 | Chair and vice-chair can attend meetings with senior council staff on behalf of the panel but must keep the panel informed of discussions. |

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| | <p>Chair and vice-chair can attend meetings with senior council staff on behalf of the panel but must keep the panel informed of discussions.</p> <p>The chair and Vice Chair can be asked to stand down if they show lack of capacity to carry out their roles and responsibilities.</p> |
| 8.9 | Further information about the role descriptions for chair and vice chair are available through the resident involvement team |
| 9.0 | The Agenda |
| 9.1 | LTP members and officers will be able to add items no later than 6 working days before the meeting. |
| 9.2 | A quarterly budget summary will be provided by the Resident Involvement Team. The accounts should be signed off by the Chair or Vice-chair. |
| 10 | Values and behaviour agreement |
| 10.1 | LTP members are required to abide by the agreed values and behaviour agreement. These are set out In Appendix 4> |
| 10.2 | The chair and the vice-chair should keep order at meetings. During a meeting w/ an LTP member does not abide by the agreement, the chair or vice-chair should remind them of the terms of the agreement. |
| 10.3 | Where an alleged breach of the Values and Behaviour agreement has taken place, then an investigation will take place. This will be undertaken by the LTP members on the Designated Tenants' Panel. A minimum of two members (not involved with alleged breach) must be available for a case investigated. If the designated tenants panel is unable to form, then an independent third person will be appointed to act in this role. The designated tenants' panel will decide if a breach has occurred and what sanction to apply. |
| 10.4 | <p>The sanctions that can be applied are:</p> <ul style="list-style-type: none"> • Informal warning • Verbal warning • Written warning • Final warning • Dismissal. |
| 10.5 | <p>Informal and verbal warnings should be issued for minor or first occasions of a breach. Written and final warnings should be issued for repeat or more serious breaches. Dismissal should only take place where the breach amounts to gross misconduct, under the council's disciplinary policy. Before a sanction is applied the designated tenants panel must consult the resident involvement team. Where a final written warning or dismissal will be applied. The director of housing and investment or suitable deputy and the council's legal team should be consulted.</p> |

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| | <p>If the alleged breach of the 'Values and Behaviour Agreement is deemed possible gross misconduct, then the LTP members should be suspended whilst the investigation takes place.</p> <p>The LTP member has the right to appeal the decision. In this case an independent third party will be appointed. All appeals should be submitted to the resident involvement team within seven calendar days of receiving notification of a breach being proved.</p> |
| 11.0 | Officers and councillors working together |
| 11.1 | If an officer or councillor wishes to speak at a LTP meeting they will need to make a request to the Chair and/or the Resident Involvement Team, indicating what they wish to discuss and how long they wish to speak so it can be planned into the agenda. |
| 11.2 | <p>Meetings of LTP, once called to order by the Chair at the appointed time, will be conducted in public in the presence of elected members, officers and any other tenants, members of the public or media that may be present unless the item(s) under discussion contain "exempt information. In which case the public and media may be requested to leave.</p> <p>LTP members will be provided with facilities to meet in private for up to 1 hour prior to the published scheduled meetings of LTP for the purposes of formulating and agreeing the line of questioning and detailed scrutiny questions to be put to officers and elected members in the formal LTP meeting.</p> <p>Similarly, any request supported by the majority of LTP members and made through the Chair to meet in private at another time of their choosing for the purposes of formulating and agreeing the line of questioning and detailed questions to be put to officers and members in the formal LTP, meeting will be agreed.</p> |
| 11.3 | Officers and councillors will respect all the ground rules of the meetings. |
| 11.4 | Officers and councillors will respect that LTP members are volunteers and are not a political organisation. Individual or political lobbying will not be allowed in LTP meetings. |
| 11.5 | When officers receive requests for information and referrals from LTP they will acknowledge these if they cannot give a reply within 10 days and give some indication of timings for a full reply and/or action |
| 11.6 | Officers and Councillors are not able to vote. |
| 11.7 | LTP members can request officers and councillors to leave the room during the meeting. |
| 11.8 | The Council will answer enquires from LTP within 10 working days to explain why they are unable to do and agree a timescale for a response. |

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| 11.9 | Allow LTP to meet with senior housing staff and members (Director of Housing, Assistant Directors and Housing Portfolio Holder) to discuss LTP matters and any concerns LTP might have with the housing service. Any meetings must be arranged by prior agreement. |
| 12.0 | Minutes |
| 12.1 | Draft minutes will be agreed firstly with any speakers who were at the meeting, followed by the Chair |
| 12.2 | Minutes will be sent out to LTP members no later than 5 working days before the next meeting and will be submitted to the next meeting of LTP for approval. |
| 13.0 | Decision Making |
| 13.1 | Decisions will be voted on by a show of hands or by secret ballot if requested by a LTP member and a majority of LTP members in attendance at the meeting are in favour of a secret ballot. For a decision to be passed it will require a majority vote of the LTP members at the meeting. |
| 13.2 | The Chair will have the second and casting vote. |
| 14.0 | Confidentiality |
| 14.1 | The LTP may deal with “exempt information” including personal and commercially sensitive information, so discretion and care must be exercised during and after meetings. Any information about the personal circumstances of anyone must be treated in confidence and not be disclosed to anyone not on the panel. LTP members should refrain from mentioning specific individual cases that may cause embarrassment or identification of an individual. |
| 14.2 | LTP members will also be asked to sign a confidentiality agreement when they join. This is shown in Appendix 1. |
| 14.3 | Each LTP member shall not disclose any confidential information belonging to the council or any third party which it shall have obtained as a consequence of carrying out duties under this constitution unless the expressed written permission has been obtained by the third party or the council. |
| 14.4 | Each LTP member shall ensure they comply with the Data Protection Act 2018, UK GDPR and any other legislation or common law principles in relation to data protection and confidentiality. Attached at Appendix 2 are the Data Protection Principles showing the framework of requirements under the legislation. |
| 15.0 | Personal interest |
| 15.1 | Members on the panel must not expect favourable treatment by housing staff or the panel itself, nor should they be treated any less favourably; for example in the completion of a repair or the allocation of a property. |

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| 15.2 | Members must use the normal procedures for reporting repairs and other enquiries relating to their own tenancy or on behalf of other tenancies. |
| 15.3 | Members must notify the panel if they have any personal interest, financial or otherwise, in any matters it considers. Individual members may need to abstain from discussions and decisions on a particular item. |
| 16.0 | Equality, Diversity and Human Rights Statement |
| 16.1 | <p>The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.</p> <p>It requires that public bodies have due regard to the need to:</p> <ul style="list-style-type: none"> Eliminate discrimination Advance equality of opportunity Foster good relations between different people when carrying out their activities |
| 16.2 | No member may be excluded or discriminated against for any reason by any other panel member. |
| 16.5 | Discriminatory language must not be used in meetings. |
| 16.4 | All those who attend meetings have the right to be treated with dignity and respect, regardless of their race, colour, ethnic or national origins, nationality, gender, marital status, age, sexuality, religion, or any other matter which causes people to be treated with injustice. |
| 17.0 | Amendments to the Constitution |
| 17.1 | Changes to the constitution may be made only by a two-thirds majority of the voting members attending the General Meeting or an Extraordinary General Meeting called for this purpose. Any amendments proposed by the LTP are to be referred to the Executive for consideration and approval. |
| 17.2 | The chair and vice-chair have authority to sign an amended constitution on behalf of the rest of the LTP members. |
| 18.0 | Dissolution of LTP |
| 18.1 | LTP may only be dissolved at a General Meeting or an Extraordinary General Meeting called for this purpose. The dissolution of LTP will require a two-thirds majority voting at this meeting. |
| 18.2 | In the event of the dissolution of LTP any outstanding funds will be returned to the City Of Lincoln Council. Any assets (financial or otherwise) acquired independently of the Council will be disposed of in accordance with the aims of LTP by donating these to an organisation with similar objectives. |
| 19.0 | Resignations |

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| 19.1 | All resignations should be made in writing to the Resident Involvement Team. Where a LTP member verbally indicates they wish to resign this should be confirmed in writing within two calendar days. |
| 19.2 | If confirmation of the resignation is not received in writing within 7 calendar days the Resident Involvement Team will contact the person who has verbally resigned to seek clarification. |
| 19.3 | LTP members can withdraw their resignation in writing within seven calendar days of submission. |
| 19.4 | If a written resignation is not received within 21 calendar days of the LTP member verbally stating they wish to resign the resignation will be automatically confirmed. |
| 20 | <u>Signatories to the Constitution</u> |
| | <p><u>On behalf of the Lincoln Tenants' Panel</u></p> <p>.....</p> <p>Chair of the Lincoln Tenants' Panel</p> <p>Date.....</p> <p>.....</p> <p>Vice-chair of the Lincoln Tenants' Panel</p> <p>Date.....</p> |

On behalf of the City of Lincoln Council

.....

Portfolio Holder for Housing

Date.....

.....

Director of Housing & Regeneration

Date.....

Appendix 1

Lincoln Tenants’ Panel (LTP)
Confidentiality Agreement

From time to time, members of LTP may deal with difficult and sensitive issues. Discretion and care must be exercised during and after meetings. Information about the individual circumstances of anyone, including LTP members, must be treated in confidence and not be discussed outside of the meeting. Individual cases will not be discussed.

As a member of the Lincoln Tenants’ Panel of City of Lincoln Council, I agree that I will not, without the written consent of City of Lincoln Council, disclose to any other person or organisation, a copy of any document, or any information verbally or otherwise, that I have received during my work for the Lincoln Tenants’ Panel. I shall use such information only for the purposes of fulfilling my responsibility as a member of Lincoln Tenants’ Panel.

I will not use any information gained during my work for Lincoln Tenants’ Panel for individual, personal or financial gain.

I understand that any breach of this rule will result in exclusion from LTP and any breach of data protection laws may result in criminal prosecution or fines.

Signed

Name

Address

.....

Estate/Area represented

Working group represented

Appendix 2



Data Protection Principles

The Panel are required under the Data Protection Act 2018 and UK GDPR to follow the principles set out in Article 5(1) of UK GDPR that require that personal data shall be:

- (a) processed lawfully, fairly and in a transparent manner in relation to individuals ('lawfulness, fairness and transparency');
- (b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes ('purpose limitation');
- (c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');
- (d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');
- (e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the UK GDPR in order to safeguard the rights and freedoms of individuals ('storage limitation');
- (f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality')."

Article 5(2) adds that:

"The controller shall be responsible for, and be able to demonstrate compliance with, these principles ('accountability')."

Further information is available from the Data Protection Officer, Legal Services and www.ico.org.uk

The Panel are required under the Data Protection Act 2018 and UK GDPR to follow the principles set out in Article 5(1) of UK GDPR that require that personal data shall be:

- (a) processed lawfully, fairly and in a transparent manner in relation to individuals ('lawfulness, fairness and transparency');
- (b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes ('purpose limitation');
- (c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');
- (d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');
- (e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the UK GDPR in order to safeguard the rights and freedoms of individuals ('storage limitation');
- (f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality')."

Article 5(2) adds that:

"The controller shall be responsible for, and be able to demonstrate compliance with, these principles ('accountability')."

Further information is available from the Data Protection Officer, Legal Services and www.ico.org.uk

Appendix 3



DESIGNATED TENANT PANEL

TERMS OF REFERENCE FOR THE LINCOLN TENANTS' PANEL ACTING AS A 'DESIGNATED PERSON' FOR THE PURPOSE OF LANDLORD SERVICES COMPLAINTS

Statement of Intent

The purpose of the Lincoln Designated Tenant Panel (the Panel) is to enable the Panel to play a role in helping to resolve complaints received from tenants of the City of Lincoln Council (the Landlord) locally, potentially using powers to refer complaints to the Housing Ombudsman Service where local resolution is not possible.

1 Aims, objectives and intended outcomes

1.1 The Panel's aims and objectives are:

- to use local knowledge and relationships to work with tenants² and the Landlord to find local solutions to complaints and problems raised by tenants

² These terms of reference refers throughout to tenants as a collective term that applies to all persons who receive services from the Landlord, including tenants, leaseholders, shared homeowners and other services. The term could also apply to other members of the public who could potentially receive services or who are affected by services provided by the Landlord.

- to constructively challenge the Landlord and tenants so that they can sort things out for themselves wherever possible
- to be part of a local democratic framework providing support to tenants

1.2 The intended outcomes of the work of the Panel include the following:

- tenants complaints, problems and issues will be resolved more effectively, quickly and locally, wherever possible without the need to involve the Housing Ombudsman Service (the Ombudsman), to the satisfaction of tenants and the Landlord
- greater local knowledge of tenant concerns and issues will help tenants to participate in improving services
- positive and empowering relationships will be developed between tenants and the Landlord that will help to raise the ability of tenants to shape their housing service
- positive relationships will develop between the Panel and other designated persons.

1.3 To achieve these aims, objectives and outcomes, the Panel will work in partnership with the Landlord. The Panel will also seek constructive relationships with local Councillors and MPs.

2 Remit and powers

2.1 The Panel has been recognised by the Landlord to act as a Designated Tenant Panel for purposes of referring complaints to the Ombudsman. The Panel's recognition was discussed and agreed with the Landlord's tenants. The Panel is listed on the Ombudsman's Register of Tenant Panels.

2.2 The Panel's formal legal power is to refer complaints to the Ombudsman, which it will do in the following circumstances:

- the Panel considers that a complaint cannot be resolved locally and the Panel considers that there is merit in referring the complaint to the Ombudsman
- the complaint falls within the Ombudsman's remit
- the Landlord's complaints procedure has been exhausted

- the complainant wishes the complaint to be referred to the Ombudsman

- 2.3 The Panel will make recommendations and suggestions to the Landlord regarding changes to the Landlord's service that may prevent complaints arising, and regarding how complaints are dealt with by the Landlord.
- 2.4 The Panel will negotiate with the Landlord regarding how it may be involved in complaints handling at earlier stages of complaints, although the Panel does not adopt its formal "designated" status until a complaint has exhausted the Landlord's complaints procedure. This links with paragraph 6 below.
- 2.5 The Panel will be publicised and accessible to all tenants of the Landlord. The Panel will respond to all enquiries from tenants with a view to resolving problems and issues at the earliest possible occasion working in partnership with the Landlord.

3 Delegated authority

- 3.1 For avoidance of doubt, the Panel will have no delegated authority and no decision-making powers in relation to the Landlord. The Panel will enable discussion between it and Landlord staff regarding complaints issues, who may have delegated authority to implement changes, or who will refer decision making matters to the level within the Landlord where delegated authority rests.
- 3.2 Staff members will be responsible for Landlord liaison with the Panel and for referring specific complaints matters as appropriate. They will also ensure that strategic matters raised by the Panel are referred appropriately within the Landlord.

4 Membership and remit of the Panel

- 4.1 The Panel are bound by their Constitution which outlines all roles and responsibilities.

5 Data Protection

- 5.1 The Panel are required under the Data Protection Act 2018 and UK GDPR to follow the principles set out below:-

Article 5(1) of UK GDPR requires that personal data shall be:

- (a) processed lawfully, fairly and in a transparent manner in relation to individuals ('lawfulness, fairness and transparency');
- (b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes ('purpose limitation');
- (c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');
- (d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');
- (e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the UK GDPR in order to safeguard the rights and freedoms of individuals ('storage limitation');
- (f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality')."

Article 5(2) adds that:

"The controller shall be responsible for, and be able to demonstrate compliance with, these principles ('accountability')."

- 5.2 Personal data includes the names, addresses, dates of birth, family or medical history of individuals. Personal data means any information related to an identified or identifiable person (the data subject). This includes an individual who can be identified directly or indirectly.
- 5.3 UK GDPR has expanded the definition of personal data to reflect changes in technology and includes online identifiers such as an IP address and location data where they directly or indirectly identify

individuals. Data which has been pseudonymised (key coded with reference to additional data) can also fall within the definition of personal data depending on how difficult it is to attribute the pseudonym to a particular individual.

5.4 There are special categories of personal data also referred to as sensitive data which require extra protection. These categories are personal data revealing and concerning:

- racial or ethnic origin (for example CCTV images of individuals attending a place of worship or arrangements to allow a staff member to pray);
 - political opinions (not made public by the data subject);
 - religious or philosophical beliefs (for example veganism or atheist);
 - trade union membership;
 - genetic or biometric data (for example fingerprints, DNA, eye and voice/face recognition);
 - mental or physical health (for example sickness records, occupational health reports);
 - sex life;
 - sexual orientation (including transgender and gender reassignment).
- Criminal offence data and criminal prosecutions data including investigations are also considered to require extra protection

5.5 An individual will be required to sign an authority that they authorise the Landlord to release personal information them to the Designated Person.

5.6 City of Lincoln officers can further give advice regarding this.

6 Conflict of Interest

6.1 If the individual bringing the complaint to the Panel is known to a member of the Panel, that member should abstain from discussions and decisions on that particular item. An individual is known to a member if they have a personal association with them which a reasonable person would deem to prejudice the fair resolution or outcome of the complaint. This would include any involvement in an individual's formal complaints procedure.

6.2 Alternatively if the member has any financial interest in the individual or their business, then they should abstain from taking part in the discussions and decisions on that item

6.3 Members must notify the lead member of the Designated Tenant Panel as soon as possible if they have any personal interest, financial or otherwise in any matter considered.

Appendix 4

Values and Behaviours Agreement

LTP members are required to abide by the agreed values and behaviour agreement. These are set out In Appendix 4>

We give full commitment to LTP

- Agree to attend all required meetings
- Give apologies if we cannot attend a meeting
- Understand that we can be asked to leave the panel if we don't maintain satisfactory attendance without good reason
- Agree to fully deliver the role of an LTP member
- Will attend all required training sessions.

Behaviour:-We will

- Be polite, courteous and to each other at all times, including outside of meetings
- Politely disagree with each other's views
- Not discriminate against other LTP members for any reason
- Not to speak to council staff about LTP business without first discussing with the rest of the panel first
- Understand that time at meetings is limited and that others might also want a say
- Switch off our mobiles during meetings
- Wear identity badges when carrying LTP duties and business

If we have a complaint about another LTP members, we should politely point this out at the time or report it to the chair or vice-chair.

Attitude-We

- Work as a team to ask questions at meetings and it's not about individuals asking questions
Understand that this means I might not get chance to ask 'my question' but as long as the question gets asked, that is what matters
- Give regular updates about projects we are working on and other LTP members should not interfere with the project
- Give ideas and proposals a fair hearing
- Accept that not all ideas and proposals can be agreed to

Selflessness-We are there for the tenants

- We are here to work with the council to ensure tenants receive a good service and will challenge the council constructively where required.

- We make decisions and vote objectively to benefit all tenants
- We will act impartially and represent all tenants

Integrity-We will uphold the reputation of the panel by

- Being politely towards council staff, elected members and other residents at all times
- Providing critical but constructive feedback to staff
- Not being overly critical of an officer's service if they are present and should consider whether LTP can speak to them privately first
- Not discussing panel business outside of meetings (including the media without the consent of the Chair and Vice Chair). The Chair and Vice Chair are required to consult the Council's Communication Team or Resident Involvement Team about any media engagement
- Not using our position to gain any favourable service and should go through customer services for service requests. This includes requests for friends or family
- Not raising personal; matters at a meeting, apart from where this is to be used as an example of poor or good service
- By not discussing other LTP members with anyone else and speak negatively about them.

SUBJECT: REVISED TENANT INVOLVEMENT STRATEGY 2022 TO 2025

DIRECTORATE: HOUSING AND INVESTMENT

REPORT AUTHOR: PAULA CADE, INTERIM RESIDENT INVOLVEMENT MANAGER

1. Purpose of Report

1.1 To seek approval for the revised Tenant Involvement Strategy 2022 to 2025 which replaces the 2018 to 2021 strategy.

2. Background

2.1 The revised Tenant Involvement Strategy for 2022 to 2025 (Appendix 1) has now been developed.

2.2 The regulatory Framework for social housing and the social housing white paper requires social housing landlords to have a transparent Tenant Involvement Strategy in place.

3. What we have achieved over the last three years

3.1 Since we launched our last tenant involvement strategy, despite the coronavirus pandemic, we are proud of what we have achieved to improve our tenant involvement service and the willingness of tenants and leaseholders to participate in this.

3.2 Our annual report to tenants and Home magazine continues to be published so tenants and leaseholders can keep up to date with our achievements and performance. They detail house building, improvements (Decent Homes and Lincoln Standard of housing), scheduled and responsive repairs, tenancy management including tenancy breaches, anti-social behaviour, rental income and the estate environment, as well as tenant involvement in these activities.

3.3 Tenants and leaseholders have contributed in many of the ways set out in our menu of involvement. The pandemic has encouraged the use of digital communication, such as Facebook and Zoom, and made it easier for people to get involved.

3.4 We have also reached out to people through fun days and roadshows, which has allowed even more people to get involved and find out more about effect of service changes and gain their views on our agreed future plans.

4. Objectives of the revised Tenant Involvement Strategy

4.1 We have agreed four objectives for our Tenant Involvement Strategy. These are:

1. Co-design services with residents
2. Facilitate community engagement
3. Communicate key messages to residents
4. Co-regulate with Lincoln Tenants' Panel
5. Expand the ways residents can get involved.

4.2 By involving tenants and leaseholders in these ways will help us to jointly deliver the top priorities identified.

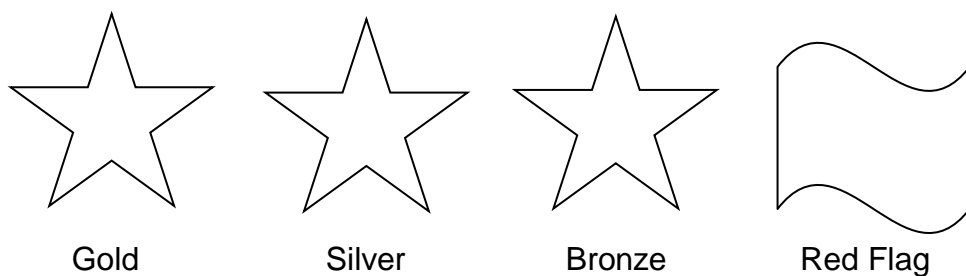
5. **Delivering the action plan and monitoring outcomes of the strategy**

5.1 The resident involvement team will take the lead in the delivery of the strategy and action plan. The action plan is shown at Appendix A to the strategy.

5.2 Throughout the lifetime of the strategy the resident involvement team will review the strategy with Lincoln Tenants Panel to ensure the objectives are being met and activities are providing value for money.

5.3 Housing Scrutiny Sub Committee and housing managers will receive updates about progress and have the opportunity to provide input into the strategy.

5.4 The Lincoln Tenants' Panel will assess the progress of the strategy using a rating system as follows:



5.5 As part of the launch of our strategy Lincoln Tenants Panel will have carry out an initial assessment to give us a starting position against which we can monitor outcomes.

6. **Let's deliver quality housing**

6.1 The revised Strategy will mean that tenants have tenants continue to have a range of opportunities to get involved to shape housing services.

7. **Finance**

7.1 There are no direct financial implications

8. **Legal Implications**

8.1 There are legal implications

9. **Equality, Diversity and Human Rights**

- 9.1 The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.
- 9.2 An Equality and Human Rights Impact Assessment has been carried out. There are no issues arising from this.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

10. Risk Implications

- 10.1 (i) Failure to deliver effective tenant involvement

11. Recommendation

- 11.1 This committee is asked to approve the revised Tenant Involvement Strategy 2022 to 2025

Is this a key decision? No

Do the exempt information categories apply? No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply? No

How many appendices does the report contain? 1

List of Background Papers: None

Lead Officer: Paula Cade, Interim Resident Involvement Manager

Paula.cade@lincoln.gov.uk

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Tenant Involvement Strategy 2022-2025

Foreword from the Tenants' Panel Chair

“The Lincoln Tenants' Panel support this Tenant Involvement Strategy and welcome the many opportunities it brings for tenants and leaseholders to have their say about how services are provided over the next three years and beyond. The information used to develop this strategy has been sourced based on our joint experience with tenants, best practice, legislation and guidance from our government.”

“Lincoln Tenants' Panel has dedicated a lot of time in shaping services and will to continue to do this.”

Foreword from the Council's Portfolio Holder for housing

We are grateful to our Tenants' Panel for the time and effort they have given in helping understand the needs and aspirations of tenants. We continue to work closely together, sharing information and developing our housing service. Transparency with our tenants is very important to us and we have a very challenging future ahead of us. “

Introduction

The delivery of an excellent housing service requires high levels of performance, value for money and tenant satisfaction. In 2018 (the year the latest our tenant satisfaction survey was undertaken) 86% of tenants reported that they were either very or fairly satisfied with the overall service received.

Coronavirus (COVID-19) Pandemic

The Coronavirus pandemic has caused major disruption and has led to a range of lock down measures to tackle the spread of the virus. These restrictions have changed the ways in which we operate and have limited our ability to interact with and serve customers.

Many of our contractors and suppliers have been affected and this has led to delays in many projects and programmes of work. We continue to monitor and respond to the situation. However, it is unlikely that we will return to the 'old normal' and will need to develop new and better ways to deliver housing services.

The new Tenant Involvement Strategy works closely with the Vision 2025 document, the City of Lincoln Council's strategic plan that sets out our long-term vision of:

“Together, let's deliver Lincoln's ambitious future”

It also sets out the council's strategic priorities:

- Let's deliver quality housing
- Let's drive economic growth
- Let's reduce inequality
- Let's enhance our remarkable place
- Let's address the challenge of climate change.

The Tenant Involvement Strategy will help contribute to meeting Vision 2025 by helping to 'deliver quality housing' as well contributing to the other strategic priorities set out above. The next section goes into further detail and expands on these points.

Why do we involve tenants?

Involving tenants and residents is crucial in helping us to deliver outstanding housing services and without their input it would be difficult to provide quality services to tenants that meet their expectations.

The principles of effective involvement are that tenants and residents can:

- Have a choice that matters
- Help to get services right for all
- Hold the council to account for the decisions made
- Empower themselves through learning new skills and gain experience
- Empower communities through involvement.

A new charter introduced by the Government, the Charter for social housing residents (government Social Housing White Paper 2020) sets out what every social housing tenant should expect from their council:

To be safe in your home
To know how your landlord is performing
To have complaints dealt with promptly and fairly
To be treated with respect
To have your voice heard by your landlord
To have a good quality home and neighbour to live in
Be supported to take a step to ownership

New tenant satisfaction measures to be introduced by the Government

New tenant satisfaction measures are being introduced to assess how well we are performing against the standards. These are:

Theme

Overall

- Tenant satisfaction with overall service

Keeping properties in good repair

- Homes that do not meet the Decent Homes Standard (DHS). The Decent

- Homes Standard requires homes that are warm, weatherproof and have reasonably modern facilities)
- Repairs completed within target timescales
 - Tenant satisfaction with repairs
 - Tenant satisfaction with time taken to complete most recent repairs
- Maintaining building safety*
- Gas safety
 - Fire safety
 - Asbestos safety
 - Water safety
 - Lift safety
 - Tenant satisfaction that home is well maintained and safe to live in
- Effective handling of complaints*
- Number of complaints received
 - Complaints responded to within Complaint Handling Code timescales
 - Tenant satisfaction with landlord's approach to handling of complaints
 - Tenant knowledge of how to make a complaint
- Respectful & helpful engagement*
- Tenant satisfaction that the landlord listens to views and acts on them
 - Tenant satisfaction that the landlord keeps tenants informed about things that matter to them
 - Agreement that the landlord treats tenants fairly & with respect
- Responsible neighbourhood management*
- Number of Anti-social-behaviour (ASB) cases
 - Tenant satisfaction that the landlord keeps communal areas clean, safe and well maintained
 - Tenant satisfaction that the landlord makes a positive contribution to neighbourhoods
 - Tenant satisfaction with the landlord's approach to handling of ASB

)

The Existing Regulatory Framework and the White Paper

Under the existing regulatory framework existing and this white paper, we are committed to making this happen

Some of the standards set out in the existing regulatory that relate to involving tenants include:

- Supporting the formation and activities of tenant panels or equivalent groups and responding in a constructive and timely manner to them
- Consulting with tenants about services by setting out clearly the costs and benefits of relevant service options and changes to services,
- Consulting tenants at least once every three years on the best way of involving tenants in the governance and scrutiny of the organisation's housing management service.
- Tenants should be given the opportunity get involved in:
 - their landlord's housing related policies and strategic priorities
 - making of decisions about how housing related services are delivered, including the setting of service standards
 - scrutinising performance and the making of recommendations to their landlord about how performance might be improved.

In addition to this, revised consumer standards from the white paper are:

Safety

Landlords' safety responsibilities including safety within the home and in communal areas

Quality

Quality of the home, communal spaces and services to tenants.

Neighbourhood

Landlords' role, working with other agencies to contribute to the wellbeing of neighbourhoods in which tenants live

Transparency

Landlords' role in making information accessible to tenants including roles and responsibilities within landlords, so tenants know who is responsible for matters relating to consumer standards.

Safety

Engagement and accountability

Engagement between landlords and tenants, including how complaints are handled. Landlords' accountability to tenants and treating tenants with fairness and respect.

Tenancy

Requirements on landlords in respect of tenancies, including allocations policies and opportunities for tenants to move

How the Government will ensure we comply with the standards set out above

The Government wants to

- See a transformed consumer regulatory regime which holds landlords to account in maintaining good quality homes and services, prioritising safety, treating tenants respectfully and being transparent with information. In short, our housing service will be inspected.
- Retain the principle of co-regulation, as it ensures that the focus is on driving good outcomes for existing and future tenants
- Introduce new regime for regulating social housing. This will give tenants confidence that their landlord is being properly scrutinised,
- Put safety at the heart of social housing regulation
- Make social landlords more transparent and accountable
- Strengthen the regulator's powers to enforce

Building and Fire Safety

Following the tragic events of the Grenfell fire in 2017, the Government introduced several measures to improve fire and building safety especially in high rise blocks and buildings of multiple occupancy.

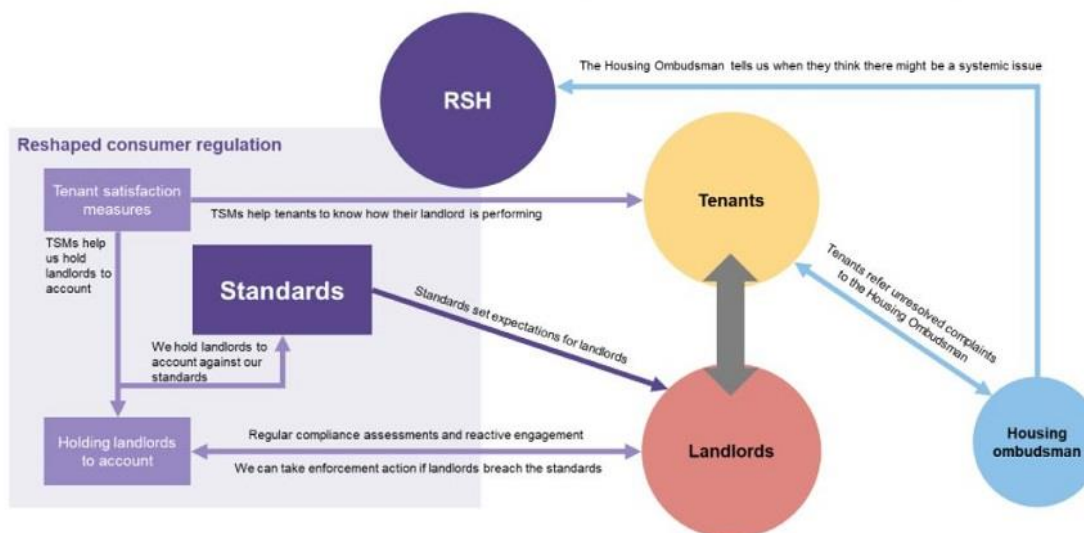
Building and fire safety reforms are currently coming into force alongside the white paper.

These reforms are being developed to help ensure your home is safe and that you feel safe.

A Building Safety Engagement action plan has been developed to look at getting 'buy in' for tenants and leaseholders living in flats by ensuring fire safety management and emergency plans are enacted, we need to find innovative ways of engaging with tenants and leaseholders.

Bringing it all together

This chart shows how the government wants to bring everything together:



What these things mean

Housing Ombudsman

Resolve complaints and disputes between individual residents and landlords

Regulator of Social Housing

Ensures the social housing sector is well run and viable and can deliver homes for residents.

Sets standards for landlords and can act if they are breached.

Building Safety Regulator

Will help ensure residents of all high rise buildings are safe.

Will oversee safety and performance of all buildings.

Department for Levelling Up, Housing and Communities

Puts forward legislation

Directs regulators and ombudsmen

Sets rent rules

Tenant and leaseholder involvement is crucial to implementing the changes and we have set out how we intend to do this over the next 3 years in this strategy in consultation with our Tenants' Panel.

Our Vision for our new strategy is to:

'To provide a range of ways for tenants and leaseholders to get involved and using this to co-design of services and improvements.'

Our Objectives:

We have agreed four objectives for our Tenant Involvement Strategy. These are:

- 1. Co-design services with residents**
- 2. Facilitate community engagement**
- 3. Communicate key messages to residents**
- 4. Co-regulate with Lincoln Tenants' Panel**
- 5. Expand the ways residents can get involved.**

By involving tenants and leaseholders in these ways will help us to jointly deliver the top priorities identified.

We have developed an action plan which show we intend to achieve our objectives, which can be found at the end of this document.

We have also consulted with tenants and leaseholders to find out what they see as their top priorities:

Top priorities for Tenants

- Improving services
- Investing more in home and estate improvements
- Building new council houses
- Improving the estate environment

Top Priorities for leaseholders

- Improve communication to ensure leaseholders views are taken into account

These priorities are also reflected in the council's overall vision 2025 to deliver quality housing

- Let's provide housing which meets the varied needs of residents
- Let's improve housing standards for all
- Let's build thriving communities
- Let's help people have a sense of belonging
- Let's ensure our development approach reduces our carbon footprint
- Let's set the Lincoln Standard for sustainable zero carbon development

What have we achieved so far

Our annual report to tenants and Home magazine continues to be published so tenants and leaseholder can keep up to date with our achievements and performance, however publications will more timely and digital generally and no longer be published at set intervals. They detail house building, improvements (Decent Homes and Lincoln Standard of housing), scheduled and responsive repairs, tenancy management including tenancy breaches, anti-social behaviour, rental income and the estate environment, as well as tenant involvement in these activities.

Since we launched our last tenant involvement strategy, despite the coronavirus pandemic, we are proud of what we have achieved to improve our tenant involvement service and the willingness of tenants and leaseholders to participate in this.

Tenants and leaseholders have contributed in many of the ways set out in our menu of involvement (see below). The pandemic has encouraged the use of digital communication, such as Facebook and Zoom, and made it easier for people to get involved.

We have also reached out to people through fun days and roadshows, which has allowed even more people to get involved and find out more about effect of service changes and gain their views on our agreed future plans.

Our menu of involvement

There are many ways in which tenants and leaseholders can become involved and these can be tailored to suit each individual. Our menu of involvement shows some of the options available:

- Lincoln Tenants' Panel, focus groups and forums
- Consultation and satisfaction surveys
- Mystery shopping
- Estate and tenant inspections of services
- Community and resident groups and their representatives/spokes person
- Community projects
- Consultations, events and roadshows
- Home magazine and the Annual Report to tenants, including writing and editing for these
- Following, commenting and messaging us on our social media
Facebook page: City of Lincoln Council – Resident Involvement

Support for tenant and resident involvement

New technology presents exciting opportunities, and we will take full advantage of this.

Training and support are in place to help anyone who wants to get involved from IT skills and support, out of pockets expenses, travel costs, catering to childcare costs. Tenants are encouraged to talk to the resident involvement team about their learning and support needs to enable them to participate in any of our involvement options.

Reward vouchers are also available to our Tenant Panel Members and for other involvement activities.

We are always willing to discuss new ways tenants and leaseholder can get involved as we understand that 'one size' does not fit all. Timing, accessibility and creating an inclusive and co-ordinated strategy allows us to meet the aspirational outcomes together.

In addition, we have a dedicated resident involvement team who will co-ordinate resident involvement across the organisation and provide support for involved tenants.

Recruitment

Successful delivery of the strategy will also require sufficient numbers of tenants being involved. It is therefore critical that efforts are made to retain those already taking part and to recruit new tenants to the groups.

Equality, Diversity and Human Rights Statement

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

Our tenant involvement strategy does not discriminate and aims to involve tenants and leaseholders regardless of their age, gender, sexual orientation, race, culture, beliefs, or disability.

Climate Change

The Council is committed to working with tenants and leaseholders to find new solutions to reduce carbon emissions. Our repairs service and investment in our housing can have a significant impact on climate change locally. Reducing carbon emissions is a big challenge for our housing service, now and in the future.

Our Climate change and the need for decarbonisation Strategy sets out our objectives;

- Let's ensure our development approach reduces our carbon footprint
- Let's set the Lincoln standard for sustainable zero carbon development
- Let's make walking, cycling and the use of public transport the best and favourite way to move around Lincoln
- Let's ensure the city's infrastructure is fully adaptable and resilient to the challenges of climate change
- Let's make our existing housing and business premises energy efficient

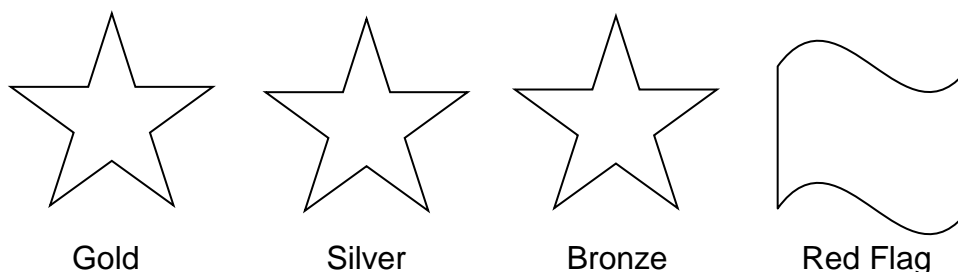
Practical tips and ways to get involved can be found in our Climate Change Commission at (www.lincolnclimate.org.uk)

Delivering and monitoring outcomes of the strategy

The resident involvement team will take the lead in its delivery. Throughout the lifetime of the strategy the resident involvement team will review the strategy with Lincoln Tenants Panel to ensure the objectives are being met and activities are providing value for money.

Housing Scrutiny Sub Committee and housing managers will receive updates about progress and have the opportunity to provide input into the strategy.

The Lincoln Tenants' Panel will assess the progress of the strategy using a rating system as follows:




As part of the launch of our strategy Lincoln Tenants Panel have carried out an initial assessment to give us a starting position against which we can monitor outcomes.

Feedback on the strategy

We welcome your views on our resident involvement strategy. You can:

- * ✉ email us at: LTP@lincoln.gov.uk
- * ☎ phone us on 01522 873398

Tenant Involvement Strategy 2022 to 20

- *  visit us at Facebook-search City of Lincoln Council-Resident Involvement.

Appendix A-Action Plan

| Objective | Action | Progress | Lincoln Tenants' Panel Assessment |
|---|---|----------|-----------------------------------|
| <p>Co-design services with residents</p> <p>Expand the way residents can get involved</p> | <p>Housing Revenue Account Business Plan</p> <p>Involve tenants and leaseholders Housing Revenue Account Business Plan review and delivery plan:</p> <p>Agree on what tenant and leaseholder involvement is needed to successfully deliver any actions</p> | | |
| | <p>Ensure that internal procedures for involving tenants in decision making are fit for purpose, for example that, any decisions taken demonstrate the level of tenant involvement in the process leading to the decision made</p> | | |
| | <p>Continue to resource tenant involvement:</p> <p>Agree the level of tenant involvement and the level of resources that should be available to deliver service changes</p> | | |

| | | | |
|---|--|--|--|
| | | | |
| | Review customer feedback and use it to improve services, ensuring a record is kept demonstrating how feedback has been used. | | |
| | Carry out consultation with residents on the estate improvement programme | | |
| | Develop and deliver the building safety engagement strategy and deliver the actions set out within it | | |
| | Develop an on-line training module for tenants and staff to educate the importance and requirement for tenant involvement in service delivery and development. | | |
| Support joint working opportunities for tenants to share best practice with other social landlord tenants and supporting bodies | | | |

| Objective | Action | Progress | Lincoln Tenants Panel Assessment |
|--|---|----------|----------------------------------|
| <p>Facilitate community involvement</p> | <p>Neighbourhood and Community groups</p> <p>Promote wider community involvement and:</p> <p>Target hard to reach groups such as leaseholders and young people to get involved in housing services</p> | | |
| | <p>Gain feedback from the neighbourhood boards and community groups to inform service improvement</p> | | |
| | <p>Assist in the delivery of community projects as agreed within the housing service plan</p> | | |

| | | | |
|--|--|--|--|
| | Involve tenants and leaseholders from community groups in involvement activities | | |
| | Support tenant representatives to support community groups in their areas | Councillors have agreed to act as a communication channel when surveys are carried out to engage with hard-to-reach groups | |

| Objective | Action | Progress | Lincoln Tenants Panel Assessment |
|--|--|----------|----------------------------------|
| Communicate key messages and increase digital engagement Expand the ways residents can get involved | Implement a continuous reporting model for performance by increasing the frequency and methods used to publish information | | |
| | Home Publications Publish timely information throughout the year and publish this digitally and in user friendly formats | | |
| | Annual Report | | |

| | | | |
|--|---|---|--|
| | Publish timely performance data and the Annual Report to Tenants each year and publish this digitally and in user friendly formats | | |
| | Help volunteers to use platforms, such as Zoom and Microsoft Teams to give better access to involvement opportunities | | |
| | Creatively and continually develop our menu of involvement | | |
| | Ensure our menu of involvement is inclusive and allows tenants with specific needs to take part and promote equality and diversity throughout the housing service | Councillors have agreed to act as a conduit when surveys are carried out to engage wit hard to reach groups | |

| Objective | Action | Progress | Lincoln Tenants Panel Assessment |
|-------------------------|-------------------------------------|----------|----------------------------------|
| Co-regulate with | Continue to support and develop LTP | | |
| | Agree annual workplan with agreed | | |

| | | | |
|------------------------------|---|--|--|
| Lincoln Tenants Panel | officer attendance as required | | |
| | Implement the revised constitution | | |
| | Agree and implement a programme of reviews into areas of the service where LTP have concerns about improvements | | |
| | Carry out joint inspections of sample voids properties to check that they are at standard before letting (voids are the current vacant properties). | | |
| | Review complaints to inform service improvements | | |
| | Jointly monitor performance through Housing Scrutiny Sub Committee. | | |
| | Develop an annual planner for involvement activities and training and monitor its delivery | | |

Appendix B-Risks that threaten delivery of the strategy

There are a number of risks that could potentially threaten full delivery of the strategy. These have been set out in the table below.

| Risk | Consequence | Controls in place |
|---|---|--|
| Lack of residents involved. | Insufficient numbers involved result in groups not running or operating effectively. | Recruitment plan in place that continually recruits tenants. Quickly address issues that might cause involved tenants to leave. |
| Members of staff not complying with resident involvement duties/guidelines. | Residents not consulted or involved, leading to complaints and potentially leading to a regulatory breach. This could also lead to a legal challenge. | Staff awareness training to be carried out. |
| Key involved residents leave e.g. LTP chairperson. | Groups lose leadership and/or coordination and stop running. | Succession plans to be put in place for key groups. |
| Disagreements between involved residents. | Groups stop running for a period of time or completely collapse. | Adequate terms of references in place. Resident involvement team to provide mediation. |
| Weak or no terms of reference in place for groups | Groups are not able to run due to a lack of clear processes in place. | Resident involvement team to offer advice to groups on terms of references. |
| Insufficient budget in place | Lack of a budget would mean groups could not pay for meeting rooms, equipment or training. This could severely restrict their ability to operate. | Resident Involvement team and LTP to monitor the involvement budget. |

SUBJECT: CORPORATE DOCUMENT REVIEW

DIRECTORATE: CHIEF EXECUTIVE'S AND TOWN CLERK

REPORT AUTHOR: BECKY SCOTT - LEGAL SERVICES MANAGER
PAT JUKES – BUSINESS MANAGER – CORPORATE POLICY

1. Purpose of Report

- 1.1 To provide an overview of corporate documents which have been approved by Full Council and Executive.

2. Executive Summary

- 2.1 The Council has many policies and strategies which have been approved by Full Council and the Executive and provide an essential framework for officers and/or members to work to. This report gives an overview of what these policies and strategies are to members.

3. Background

- 3.1 This Committee is, under its terms of reference, tasked with ensuring that the Council's policies meet the 'needs and aspirations' of the citizens of Lincoln. A project was commenced pre-pandemic to consider what corporate documents the Council had approved so that this Committee could review the position and ensure that they were both relevant and up to date, and to identify any gaps which may be evident.
- 3.2 There are a number of documents which also provide advice and guidance to officers and/or members which do not require approval, however support the work undertaken by the Council. These have been highlighted separately with the owners of the documents over the past few months to ensure that the review process is being undertaken as required in specific areas.
- 3.3 Therefore, the attached list has been compiled, at Appendix A, with the assistance of senior managers. The documents can all be found on the Council's system called Netconsent, albeit the Constitution is on the website only.
- 3.4 Members are asked to assist in the review of this list, and provide comments accordingly.

4. Strategic Priorities

- 4.1 By taking stock and thereafter monitoring these documents, the Council can be assured that there is an adequate framework in place to support the work and delivery of services accordingly and that in turn will assist in the delivery of the strategic priorities.

5. Organisational Impacts

5.1 Finance (including whole life costs where applicable)

There are no financial implications arising from this report.

5.2 Legal Implications including Procurement Rules

The corporate documents within the attached list may have a legal framework which is considered during their development and review.

5.3 Equality, Diversity and Human Rights

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

Again, any such impact is considered during the development/review of the corporate documents.

6. Risk Implications

6.1 (i) Options Explored

This work is needed to keep track of the corporate documents we hold as an organisation.

6.2 (ii) Key risks associated with the preferred approach

None

7. Recommendation

7.1 That the list of corporate documents attached is considered and commented on accordingly.

Is this a key decision? No

Do the exempt information categories apply? No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply? No

How many appendices does the report contain?

One

List of Background Papers:

None

Lead Officer:

Becky Scott, Legal Services Manager
Telephone (01522) 873441

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| Document Type | Document Name | Author Job Title |
|--|--|--|
| Communications Policies | Advertising Policy | Communications Manager |
| Corporate Food, Health and Safety Policies | Food Sampling Policy | Food, Health & Safety Manager |
| Environmental Health Policies | Contaminated Land Inspection Strategy | Scientific Officer - Contaminated Land |
| Human Resources Policies | Disturbance Policy | HR Associate |
| Human Resources Strategies | People Strategy | HR & WBL Manager |
| Legal and Freedom of Information Policies | RIPA Policy | Legal Services Manager |
| Major Developments Policies | Environmental Policy | Climate Change Manager |
| PPASB Policies | Noise Nuisance Policy | PPASB & Licensing Service Manager |
| BDIT Policies | Information Security Policy | Business Development & IT Manager |
| Building Control Policies | Building Control General Policy | Building Control Team Leader |
| Building Control Policies | Dangerous Structure and Demolition Policy | Building Control Team Leader |
| Building Control Policies | Enforcement Policy | Building Control Team Leader |
| Building Control Policies | Site Inspection Policy | Building Control Team Leader |
| Building Control Policies | Plans assessment and advisory service policy | Building Control Team Leader |
| CCTV Policies | Code of Practice | CCTV Manager |
| Corporate Food, Health and Safety Policies | Corporate H&S Policy 2019-2023 | Food, Health & Safety Manager |
| Corporate Food, Health and Safety Policies | Health, Safety and Welfare Policy | Food, Health & Safety Manager |
| Corporate Food, Health and Safety Policies | Asbestos Policy | Food, Health & Safety Manager |
| Corporate Policy Guidance | Local Performance Management Framework | Business Manager - Corporate Policy |
| Corporate Policy Guidance | Corporate Governance Framework (Code) | Business Manager - Corporate Policy |
| Corporate Policy Policies | COLC Fairtrade Policy | Strategic Senior Policy Officer |
| Corporate Policy Policies | Gatherwell Data Protection Policy | Strategic Senior Policy Officer |
| Corporate Policy Policies | Protection from Source of Crime and Disorder | Strategic Senior Policy Officer |
| Corporate Policy Policies | Social Responsibility in Gambling Policy | Strategic Senior Policy Officer |
| Corporate Policy Policies | Fair and Open Gambling Policy | Strategic Senior Policy Officer |
| Corporate Policy Policies | Implementation Procedures Policy | Strategic Senior Policy Officer |
| Corporate Policy Policies | Children and Vulnerable Persons Protection Polic | Strategic Senior Policy Officer |
| Corporate Policy Policies | Equality, Diversity and Human Rights Policy | Business Manager - Corporate Policy |
| Corporate Policy Strategies | Corporate Consultation Strategy | Business Manager - Corporate Policy |
| Corporate Policy Strategies | be | Business Manager - Corporate Policy |

| | | |
|------------------------------|---|---|
| Corporate Policy Strategies | Vision 2025 - Annual Delivery Plan | Business Manager - Corporate Policy |
| Customer Services Policies | Confidentiality Policy (Welfare Team) | Customer Services Manager |
| Customer Services Policies | Conflict of Interests Policy (Welfare officers) | Customer Services Manager |
| Customer Services Strategies | Customer Experience Strategy | Customer Services Manager |
| Finance Policies | Procurement Card Policy | Banking Officer |
| Finance Policies | Financial Procedure Rules | Financial Services Manager |
| Finance Policies | Anti bribery policy | Audit Manager |
| Finance Policies | Anti-Money Laundering | Audit Manager |
| Finance Policies | Counter Fraud Policy | Audit Manager |
| Finance Strategies | Medium Term Financial Strategy 2017-2022 | Financial Services Manager |
| Finance Strategies | Risk Management Strategy | Chief Finance Officer |
| Finance Strategies | Treasury Management Strategy | Group Accountant |
| Housing Guidance | Trusted Landlord Scheme | Housing Standards and Enforcement Officer |
| Housing Policies | Family Intervention Policy | Tenancy Services Manager |
| Housing Policies | Rent Arrears Recovery Policy | Tenancy Services Manager |
| Housing Policies | Safeguarding Policy | Safeguarding Officer |
| Housing Policies | Lettings Policy | Assistant Director - Housing Management |
| Housing Strategies | Homelessness Strategy | Housing Solutions & Support Manager |
| Housing Strategies | Rough Sleeping Strategy | Housing Solutions & Support Manager |
| Housing Strategies | Tenant Involvement Strategy | Resident Involvement Manager |
| Housing Strategies | Tenancy Strategy | Tenancy Services Manager |
| Housing Strategies | Housing Strategy | Strategy and Investment Manager |
| Human Resources Policies | Dignity at Work Policy | HR and Payroll Team Leader |
| Human Resources Policies | Transgender Policy | HR and Payroll Team Leader |
| Human Resources Policies | Substance Misuse Policy | HR and Payroll Team Leader |
| Human Resources Policies | Sickness Policy | HR and Payroll Team Leader |
| Human Resources Policies | Trade Union Policy | HR and Payroll Team Leader |
| Human Resources Policies | Code of Conduct | HR and Payroll Team Leader |
| Human Resources Policies | Acting Up Policy | HR and Payroll Team Leader |
| Human Resources Policies | Training Policy | HR & WBL Manager |
| Human Resources Policies | Volunteer and Work Experience Policy | HR and Payroll Team Leader |
| Human Resources Policies | Smoking Policy | HR and Payroll Team Leader |

| | | |
|---|--|-----------------------------------|
| Human Resources Policies | Severe Weather Disruption Policy | HR and Payroll Team Leader |
| Human Resources Policies | Maternity/Paternity/Adoption Leave Policy | HR and Payroll Team Leader |
| Human Resources Policies | Recruitment Policy | HR and Payroll Team Leader |
| Human Resources Policies | Whistleblowing Policy | Audit Manager |
| Human Resources Policies | Stress Policy | HR Associate |
| Human Resources Policies | Flexible Retirement Policy | HR Associate |
| Human Resources Policies | Train Season Ticket Loan Policy | HR Associate |
| Human Resources Policies | Probation Policy | HR Associate |
| Human Resources Policies | Long Service Award and Retirement Gift Policy | HR Associate |
| Human Resources Policies | Management of Change | HR Associate |
| Human Resources Policies | Flexible Working Policy | HR Associate |
| Human Resources Policies | Homeworking Policy | HR Associate |
| Human Resources Policies | Capability Policy | HR Associate |
| Human Resources Policies | Job Evaluation Policy | HR Associate |
| Human Resources Policies | Disciplinary Policy | HR Associate |
| Human Resources Policies | Death in Service Policy | HR Associate |
| Human Resources Policies | Leave Entitlement Policy | HR Associate |
| Human Resources Policies | Gift and Hospitality Corporate Guidance | HR Associate |
| Human Resources Policies | Pensions Policy Statement | HR Associate |
| Human Resources Policies | Redundancy Compensation Payments Scheme | HR Associate |
| Human Resources Policies | Mutually Agreed Resignation Scheme (MARS) | HR Associate |
| Human Resources Policies | Grievance Procedure | HR Associate |
| Human Resources Policies | Travel Policy | HR Associate |
| Information Governance and Data Protection Policies | Data Protection Breach Management Policy | Data Protection Officer |
| Information Governance and Data Protection Policies | Legal Responsibilities Policy | Data Protection Officer |
| Information Governance and Data Protection Policies | Information Sharing Policy | Data Protection Officer |
| Information Governance and Data Protection Policies | Data Quality Policy | Data Protection Officer |
| Information Governance and Data Protection Policies | Records Management Policy | Data Protection Officer |
| Information Governance and Data Protection Policies | Data Protection Policy | Data Protection Officer |
| Information Governance and Data Protection Policies | Information Governance Policy | Data Protection Officer |
| Information Governance and Data Protection Policies | Special Category and Criminal Offence Data Polic | Data Protection Officer |
| Legal and Freedom of Information Policies | Freedom of Information & EIR Policy | Data Protection Officer |
| Licensing Policies | Animal Policy | PPASB & Licensing Service Manager |

| | | |
|-----------------------------------|--|---------------------------------------|
| Licensing Policies | Statement of Licensing Policy | Licensing Team Leader |
| Licensing Policies | Gambling Policy | Licensing Team Leader |
| Licensing Policies | Sex Establishment Policy | Licensing Team Leader |
| Licensing Policies | Hackney Carriage & Private Hire Policy | Licensing Team Leader |
| Major Developments Policies | Christmas Market Environmental Policy | Climate Change Manager |
| Major Developments Strategies | Town Investment Plan | Principal Development Officer |
| Major Developments Strategies | Growth Strategy 2014-2034 | Major Developments Director |
| Planning Policies | HMO SPD | Planning Manager |
| Planning Policies | Code of Practise | Planning Manager |
| Planning Strategies | Central Lincolnshire Local Plan | Planning Policy Manager |
| PPASB Policies | Domestic Abuse Workplace Policy | PPASB & Licensing Service Manager |
| PPASB Policies | Anti-Social Behaviour Policy | PPASB & Licensing Service Manager |
| PPASB Policies | Fixed Penalty Notice Policy | PPASB & Licensing Service Manager |
| Procurement Policies | Contract Procedure Rules | Procurement Manager |
| Procurement Policies | Social Value Policy | Procurement Manager |
| Procurement Strategies | Local Purchasing Strategy | Procurement Manager |
| Recreation and Leisure Strategies | Physical Activity Strategy | Leisure Sport & City Services Manager |
| Revenues and Benefits Policies | North Kesteven Customer Feedback Policy | Revenues and Benefits Manager |
| Revenues and Benefits Policies | North Kesteven Customer Feedback Policy Apper | Revenues and Benefits Manager |
| Revenues and Benefits Policies | North Kesteven Customer Feedback Policy Apper | Revenues and Benefits Manager |
| Revenues and Benefits Policies | Fraud Sanction Policy | Revenues and Benefits Manager |
| Revenues and Benefits Policies | LHA Safeguarding Policy | Revenues and Benefits Manager |
| Revenues and Benefits Policies | Constitution and TOR - Shared Revenues and Ber | Revenues and Benefits Manager |
| Revenues and Benefits Policies | West Lindsey Discretionary Rate Relief Policy | Revenues and Benefits Manager |
| Revenues and Benefits Policies | Section 13A Policy | Revenues and Benefits Manager |
| Revenues and Benefits Policies | North Kesteven Discretionary Relief Policy | Revenues and Benefits Manager |
| Revenues and Benefits Policies | Fair Collection and Debt Recovery Policy | Revenues and Benefits Manager |
| Revenues and Benefits Policies | COLC Discretionary Relief Policy | Revenues and Benefits Manager |
| Revenues and Benefits Policies | Business Rates Growth Policy | Revenues and Benefits Manager |

**SUBJECT: REGULATION OF INVESTIGATORY POWERS ACT 2000
(RIPA) UPDATE**

DIRECTORATE: CHIEF EXECUTIVE’S AND TOWN CLERK

REPORT AUTHOR: BECKY SCOTT, LEGAL SERVICES MANAGER

1. Purpose of Report

- 1.1 To report the number of authorisations under RIPA since the last report to Executive and seek comments on the revised Policy.

2. Background

- 2.1 The Council has a RIPA Policy which cover implications for all staff who investigate suspected criminal offences and other breaches of regulations for which the Council is responsible. The Policy includes the procedures for obtaining authorisations and together these explain:

- the purpose of the Act in relation to the Council’s functions
- the circumstances which it applies to
- how to make sure that it is complied with
- functions of the Central Register
- process for authorisations
- details for authorisations
- and provides guidance on the use of Social Media in investigation as well as guidance on the use of Covert Human Intelligence Source (CHIS) and how to obtain a CHIS authorisation

- 2.2 The RIPA Policy was firstly approved by the Executive in June 2016, and has since been amended. The Policy has now been further reviewed and updated. The changes are highlighted in Appendix A which is a tracked change version with the amendments underlined. These include the following:-

- Updating some administrative elements
- including the updated Social Media guidance and form which have previously been issued as guidance alongside the policy, to add weight to those requirements
- included additional information about reporting breaches
- incorporating the use of drones for Covert Surveillance
- Expands on the legal test of necessary and proportionality to help officers understand these and the Directed Surveillance Crime Threshold.
- Formalising the ability of the Monitoring Officer to review complaints from members of the public arising from our use of a RIPA or CHIS authorisation
- Sets out guidance for Authorising Officers on the review, renewal

- and cancellation of authorisations
- Recognises a duty of care to a CHIS
- Inserts links to the government CHIS and Directed Surveillance forms.

A clean version is attached at Appendix B.

- 2.3 The Council was inspected by the Investigatory Powers Commissioner's Office on in July 2019. The report stated:-

The inspection has shown that City of Lincoln Council has appropriate written procedures, appropriate training and a robust system of permissions with good management oversight prior to anyone conducting social media research, which legitimately avoids the need for covert authorisations.

...
There was abundant evidence of good practice. The investment in training, the existence of sound policies and procedures, as well as the existence of good management and legal oversight of research that could require a RIPA authorisation if not correctly managed, demonstrated that City of Lincoln Council has made appropriate and reasonable efforts to guard against unauthorised RIPA activity.

Officers do not know whether a further inspection will be done, however it has been suggested that this would be a remote one rather than face to face in future. The Council has recently received a request by the Investigatory Powers Commissioner's Office for our annual return in respect of authorisations.

- 2.4 In August 2018 the following revised Codes were implemented:-

- a) Covert Surveillance and Property Interference
- b) Covert Human Intelligence Sources

The Codes are referenced in the RIPA policy.

- 2.5 We have previously issued a briefing note to all relevant managers about the use of Social Media as a result of the revised Codes being implemented and provided additional guidance about this area. This was rolled out in Netconsent. The Codes did not change the legislation in any way, nor affect the content of the Council's policy, however it gives more guidance on the term 'private information' and provides examples about how to apply the Codes and the legislation.
- 2.6 The Legal team most commonly offer support to service areas as and when they are investigating issues which could benefit from using social media, as opposed to advising on seeking formal authorisations to carry out surveillance.
- 2.7 This policy, if approved, will be taken into Service Managers Forum and rolled out on Netconsent for relevant enforcement teams and an offer will be made to give tailored training by the Legal Services team as required.
- 2.8 There have been no authorisations applied for nor obtained through the Magistrate's Court to carry out any covert surveillance since the last report to Executive, when there were also none. This is something which we are obliged to

report to Executive under the framework.

3 Organisational Impacts

3.1 Finance

There are no finance implications in this report.

3.2 Legal Implications

As outlined in the report.

3.3 Equality, Diversity & Human Rights

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

The Council's RIPA policy enhances transparency in decision-making. For any authorisation applied for, the Council will ensure that requests consider any potential impact on individuals and groups who share protected characteristics.

4. Risk Implications

4.1 (i) Options Explored

It is a requirement to review this policy and update it accordingly.

4.2 (ii) Key risks associated with the preferred approach

None.

5. Recommendation

5.1 That members note this report and provide comments on the revised Policy.

Is this a key decision? No

Do the exempt information categories apply? No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply? No

How many appendices does Two

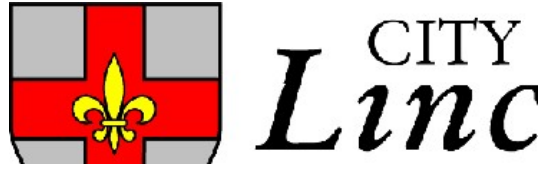
the report contain?

List of Background Papers:

None

Lead Officer:

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(01522) 873441



REGULATION OF INVESTIGATORY POWERS ACT 2000

POLICY

Document Control

| | |
|--------------------------------|--|
| Organisation | City of Lincoln Council |
| Title | Regulation of Investigatory Powers Act 2000 Policy |
| Author – name and title | Becky Scott, Legal Services Manager |
| Owner – name and title | Becky Scott, Legal Services Manager |
| Date | July 2018 |
| Approvals | Executive |
| Filename | |
| Version | V 2.0 |
| Protective Marking | Official |
| Next Review Date | January 2023 |

Document Amendment History

| Revision | Originat or of change | Date of change | Change description |
|--------------------------|-----------------------|----------------|--|
| 1 st Revision | Becky Scott | May 2016 | Updating officer details from previous policy and including the CHIS guidance in the policy rather than a separate document |
| 2 nd Revision | Becky Scott | July 2018 | No changes however reported to Executive |
| 3 rd Revision | Becky Scott | July 2021 | Changes to authorisations, incorporates technological advances and how to report errors along with some administrative changes |

1. GENERAL

- 1.1 The Regulation of Investigatory Powers Act 2000 (RIPA) came into force on the 25th September 2000. The main purpose of the Act is to ensure that individual's rights are protected whilst allowing law enforcement and security agencies to do their jobs effectively and act proportionately.
- 1.2 Under Section 28 and 29 of RIPA, it has implications for all staff who investigate suspected criminal offences and other breaches of regulations for which the Council is responsible in regards to Directed Surveillance and Covert Human Intelligence Sources (CHIS).
- 1.3 This Policy includes the attached 'Guidance to Staff on Use of Covert Human Intelligence Sources (CHIS)' (Appendix A). This together with the Policy outlines the procedures for obtaining authorisations and together these explain:
- the purpose of the Act in relation to the Council's functions
 - the circumstances which it applies to
 - which authorities can use the powers
 - who should authorise each use of power
 - the use that can be made of the material gained
 - how to make sure that it is complied with
 - functions of the Central Register
 - process for authorisations
 - details for authorisations
 - independent judicial oversight
 - a means of redress for the individual

The use and conduct of a CHIS will be referred to generally in this Policy, and where appropriate, it is important that officers familiarise themselves with the more detailed Guidance to Staff on use of a CHIS in Appendix A.

1.4 The policies and procedures set out in this Policy replace all those previously in circulation within the Council. This Policy can also be found on Netconsent~~the Council's intranet.~~

1.5 The City of Lincoln Council is NOT empowered to undertake:

- Intrusive Surveillance or
- Entry onto or interference with property or wireless telegraphy

4.41.6 The Policy is based on the provisions of RIPA, the Home Office Codes of Practice on Covert Surveillance and Property Interference and the use of CHIS as well as the Home Office Guidance to Local Authorities in England and Wales on the Judicial Approved Process for RIPA and the Crime Threshold for Directed Surveillance.

When implementing this Policy, the Officer and the Authorising Officer must ensure that there is compliance with the Home Office Codes of Practice on CHIS and covert surveillance. This can be found at:

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

1.7 4.6—The provisions of RIPA do not cover authorisations for the use of overt CCTV surveillance systems. Members of the public are aware that such systems are in use for their own protection and to prevent crime. However authorisation maybe required if a CCTV camera is to be used for surveillance as part of a specific investigation or operation otherwise than as an immediate reaction to events. In such circumstances authorisation may either be required by the Council's Authorising Officer or it may come from the police. Where authorisation is given by the police then a record of this authorisation must be kept and officers must ensure that any surveillance is kept within the terms of this authorisation.

1.8 The Covert Surveillance Codes of Practice has kept pace with technology and now acknowledges that Drones can now be used to conduct covert surveillance. Any Council Officers using a drone as part of their duties must adhere to this policy and the ICO's CCTV code of Practice or any Civil Aviation Authority Regulations.

1.9 There is a Flowchart at the end of this Policy to summarise the requirements of the RIPA.

2.0 THE PURPOSE OF RIPA

2.1 Many teams in the Council find themselves having to undertake investigations of some kind or another from time to time. For some officers it is the essence of their job.

2.2 In the vast majority of cases, investigations can be carried out overtly, i.e. in circumstances where the person under investigation is made aware that he or she is being investigated. Investigations will be carried out overtly wherever possible. Where an operation can be carried out overtly RIPA does not apply.

2.3 However, investigations have the potential to interfere with an individual's human rights, particularly those under Article 8 of the European Convention of Human Rights which provides that "everyone has the right to respect for his private and family life" And where there is likely to be an infringement on these rights, it must be considered necessary and proportionate ~~considered~~.

2.4 Article 8 goes on to say that public authorities (which the Council is one) must not interfere with this right unless such interference is;

(a) In accordance with the law

- (b) Necessary for certain specified purposes, including public safety, the prevention of disorder and crime, for the protection of health and morals and the protection of the rights and freedom of others.

Local authorities are required to respect the private and family life of citizens, their homes and correspondence in accordance with the Humans Rights Act 1998. This is a qualified right where interference permissible where it is necessary and proportionate and carried out in accordance with the law. RIPA authorisations amount to an approved interference.

- 2.5 Section 6 of the Human Rights Act 1998 makes it unlawful for a Council to act in a way which is incompatible with this or any other right under the European Convention. If it does so, section 7 gives the victim the right to bring proceedings against the Council, or challenge its actions in any proceedings brought against him or her. Section 8 empowers the courts to grant an injunction and in exceptional cases to award damages against the Council.
- 2.6 The main purpose of RIPA is to provide a framework for ensuring that any interference with human rights resulting from the use of the investigatory powers regulated by the Act will be in accordance with the law.
- 2.7 Proper authorisation of the use of investigatory powers under RIPA will therefore:
- Ensure that the evidence gathered is not challenged in the courts under section 7 of the Human Rights Act 1998
 - Protect the Council against claims under section 8 of the Human Rights Act 1998 for acting in a manner incompatible with an individual's rights under the European Convention.

3. WHEN DOES RIPA APPLY?

- Intercepting communications
- Acquiring communications data
- Intrusive surveillance
- Directed surveillance
- The use of covert human intelligence sources
- Gaining access to electronic data protected by encryption

3.1 Council's powers are regulated by Part II of RIPA and are limited to:

- Directed surveillance
- The use of covert human intelligence sources

3.2 "Surveillance" includes;

- monitoring, observing, or listening to persons, their movements, their conversations or other activities or communications

- recording anything monitored, observed, or listened to in the course of surveillance
 - surveillance by or with the assistance of a surveillance device (e.g. any apparatus designed or adapted for use in surveillance)
- 3.3 Surveillance is “**covert surveillance**” if it is carried out in a manner that is calculated to ensure that person being monitored, observed or listened to etc is not aware of it.
- 3.4 Covert surveillance can be authorised under the act if it is either **Intrusive** or **Directed**.
- 3.5 Surveillance is “**intrusive**” if it is covert surveillance of anything taking place on residential premises or in a private vehicle AND it involves the investigator being on the premises or using a surveillance device (e.g. a bug or concealed camera). Local Authorities cannot undertake this type of surveillance.
- 3.6 Surveillance is “**directed**” if it is ALL of the following:
- covert
 - not intrusive
 - undertaken for a specific investigation or a specific operation
 - likely to result in obtaining private information about anyone (NB not necessarily the person targeted)
 - planned in advance
- 3.7 Even carefully directed surveillance can result in private information being obtained about persons other than the target. For example, if premises are under observation because it is suspected that an offence is being committed there, it is likely that private information about innocent visitors to the premises could be obtained as well as information about the suspected offender. Such intrusion on the privacy of people other than the target is referred to as “collateral intrusion”. Where collateral intrusion is likely, the surveillance could be “directed surveillance” even if no private information about the suspect is sought or obtained.
- 3.8 Private information is any information relating to a person’s private or family life. It may include personal data, such as names, telephone numbers and address details. It includes (but is not restricted) to information about a person’s private or family life and includes the way in which a person conducts his business and professional life. The common sense approach is to interpret the expression broadly and to recognise that it is highly likely that surveillance directed at individuals or groups of individuals will result in obtaining private information about them and/or other people they come into contact with. Where covert surveillance is unlikely to result in obtaining private information about a person (and there will be no interference with Article 8 rights) there is no requirement for authorisation under the Act.
- 3.9 Surveillance which is not planned in advance, but is undertaken by way of an immediate response to events or circumstances which make it impractical to obtain authorisation, is not regarded as directed surveillance. Thus if an investigating officer notices something suspicious by chance, he or she can continue to keep the suspect

under observation without the need for written authorisation. However, returning to the scene subsequently to resume observations would require authorisation.

- 3.10 It may sometimes be necessary to use the internet to gather information prior to or during an operation which could amount to Directed Surveillance. When the internet is likely to be used as part of an investigation it will be important to consider whether the proposed activity is likely to interfere with an individual's Article 8 rights and should only be used when necessary and proportionate. Where it is considered that private information is likely to be obtained, an authorisation must be sought. Please see paragraph 18 on social media and Appendix B, which must be adhered to before accessing an individual's social media page.

Use of Directed Surveillance (or deployment of a CHIS) could potentially be used by the Council in an investigation as a means of obtaining information. Use of either must be authorised. There are designated officers within the Council ('Authorising Officers') who are able to authorise such activity. The authorising officer must consider the detailed legal tests when deciding whether to authorise the covert activity. If the authorising officer does authorise the activity, it is still subject to a judicial process and an application must be made to the Magistrates by Legal Services for approval of the authorisation. No Directed Surveillance or the deployment of a CHIC can take place until Magistrates approval is obtained.

- 3.12 If you consider that you might wish or need to carry out Directed Surveillance or deploy a CHIS as part of an investigation or even if you are not certain whether the activities you are proposing require a RIPA authorisation, seek advice from Legal Services.

- 3.13 Most of the surveillance carried out by the Council will be "Overt." This means there is nothing secret about it, it is not clandestine or hidden. It will also be overt if the subject has been told it will happen (for example when we investigate noise complaints we write to the noisemaker and tell them that we will be putting in noise monitoring equipment to record the noise.

- 3.14 Local Authorities can't authorise "property interference." This is entry onto or interference with property or with wireless telegraphy.

- 3.15⁴ Officers intending to undertake surveillance should therefore consider whether all the criteria set out in the above paragraphs apply to the operation. If so they should obtain authority in advance in accordance with this guidance.

Remember:

- **Overt activities DO NOT need authorisation**
- **Intrusive surveillance CANNOT be authorised**

4 AUTHORISING OFFICERS

- 4.1 There are comparatively few instances in which Directed Surveillance is likely to be necessary or justified. Most investigations can be carried out by other means.

Consequently the Council has designated the following officer to authorise Directed Surveillance:

- **Chief Executive – Angela Andrews**

- 4.2 Authorised Officers shall have the appropriate training. Additional Authorising Officers will be nominated in writing by the Monitoring Officer following the Monitoring Officer being satisfied that they are appropriately trained to undertake the task.
- 4.3 An Authorisation acquired in accordance with RIPA, providing the statutory tests are met will provide the Council with a lawful basis in which to carry out covert surveillance activities which are likely to result in the officers involved obtaining private information about an individual.

5. MONITORING OFFICER

- 5.1 The RIPA Monitoring Officer is Carolyn Wheater (City Solicitor) and the Deputy is Becky Scott (Legal & Democratic Services Manager)
- 5.2 The Monitoring Officer's role is to be fully aware of the contents of this policy, its implementation and updating relevant officers as to the requirements of the legislation.
- 5.3 The Monitoring Officer will receive and investigate complaints by members of the public who reasonably believe they have been adversely affected by surveillance activities carried out by the Council.

6. APPLYING FOR AUTHORITY

- 6.1 This is a two-stage process. Firstly, an authorisation must be obtained from the Authorising Officer. Secondly, approval must be obtained from a Justice of the Peace. This involves Legal Services applying to a Magistrates Court.

Written authorisations must be completed whenever an investigation involves the use of Directed Surveillance. This provides lawful authority to carry out Covert Surveillance. Authorisations for Directed Surveillance must be in writing. Authorisation must be sought before any proposed surveillance is undertaken. The Legal Services team will be able to provide advice as to the procedure to be followed when seeking authorisation and will represent the Council at the Magistrates Court to make the application. -

- 6.2 Investigating officers seeking authorisation for Directed Surveillance should do so on the standard forms issued by the Home Office. Two copies of the form should be completed. Those seeking authorisation should ensure that the standard form is the latest version by downloading the form from the Home Office web site www.homeoffice.gov.uk (simply type RIPA forms into the search engine) or checking this with the Legal & Democratic Services Manager.

<https://www.gov.uk/government/publications/application-for-use-of-directed-surveillance>

6.3 Using the standard forms helps both applicants and authorising officers to ensure that the Act is complied with and in particular will focus their attention on the crucial issues of justifying the need for the surveillance and its proportionality to the objective. There are separate forms for issuing, reviewing, renewing and cancelling authorisations for both Directed Surveillance and the use of CHIS ([the forms for a CHIS can be found in Appendix A](#)),

<https://www.gov.uk/government/publications/renewal-form-for-directed-surveillance>

<https://www.gov.uk/government/publications/review-of-use-of-directed-surveillance>

<https://www.gov.uk/government/publications/cancellation-of-use-of-directed-surveillance-form>

6.5 All applications for authorisation of Directed Surveillance must be in writing and record as a minimum:

- The grounds on which authorisation is sought. Note that the power to authorise surveillance exists only for the prevention and detection of crime and disorder and no other purpose for local authorities.
- An assessment of the Directed Surveillance Crime Threshold. Directed Surveillance can only be authorised under RIPA to prevent or detect criminal offences that are either punishable, whether on summary conviction or indictment, by a minimum term of at least 6 months imprisonment. There are certain specified offences relating to the underage sale of alcohol or tobacco, which are exempt from the Directed Surveillance Crime Threshold. This also means that the Council can't authorise the use of Directed Surveillance to investigate disorder that does not involve criminal offences, or to investigate low level offences, which may include, for example, littering, dog control and fly-posting.

6.4 The person granting an authorisation for Directed Surveillance must believe that this is necessary. If they believe that it is necessary they must also believe that it is proportionate to the aim sought to be achieved by Directed Surveillance. When considering Proportionality the following factors are relevant:-

- Consideration of why the Directed Surveillance is proportionate to what it seeks to achieve.
- An analysis of what other options for gathering the information have been considered and that Directed Surveillance is necessary.
- Balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;

- Explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
- Considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result;
- Evidencing, as far as reasonably practicable, what other methods have been considered and why they were not implemented.
- Balancing the seriousness of the intrusion into the privacy of the subject of the operation (or any other person who may be affected) against the need for the activity in investigative and operational terms and consideration of the potential for Collateral Intrusion and why it is justified.
- The likelihood of acquiring any confidential or privileged material and the details of such material including material subject to legal privilege. -

Fundamentally the use of covert surveillance must be proportionate to the issue being investigated.

Authorisation will not be proportionate if it is excessive in the circumstances of the case. Each action authorised should bring an expected benefit to the investigation or operation and should not be disproportionate or arbitrary. No activity will be considered proportionate if the information which is sought could reasonably be obtained by other less intrusive means. All surveillance should be carefully managed to meet the objective in question and must not be arbitrary or unfair.

6.5 When assessing proportionality the following points should be considered:

- Balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence.
- Explaining how and why the methods adopted will cause the least possible intrusion on the subject and others
- Considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result
- Evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented.

6.4.16.5.1 The following should be considered as best working practices:

- Applications should avoid repetition of information
- Information contained in applications should be limited to that required by the relevant legislation
- Where it is foreseen that other agencies will be involved, these should be detailed in the application
- Authorisations should not generally be sought for activities already authorised following an application by the same or a different Council.

7 GRANTING AUTHORITY

7.1 Before granting authority for Directed Surveillance, the Authorising Officer must believe it is “necessary” in the circumstances of the particular ground only:

- To prevent or detect particular types of criminal offences;
- And these offences must be either punishable, whether on summary conviction or indictment, by a maximum term of at least 6 months or criminal offences related to the underage sale of alcohol and tabacotobacco (it must meet the Directed Surveillance Crime Threshold).

~~The Council can not authorise the use of Directed Surveillance to investigate disorder that does not involve criminal offences or to investigate low-level offences ie; littering, dog control and fly posting.~~ Officers must satisfy themselves that what they are investigating is a criminal offence. If at any time during the investigation it becomes clear that the activity being investigated does not amount to a criminal offence or is a less serious offence which does not meet the threshold the Directed Surveillance Authorisation must be cancelled.

~~The test for necessary needs to include a consideration of why it is necessary to use Directed Surveillance.~~

7.2 The test for necessary needs to include a consideration of why it is necessary to use Directed Surveillance. All other grounds identified on the forms must be deleted. Directed surveillance or the use of a CHIS will not be necessary if there are other means of obtaining the required evidence. Therefore consideration must be given to other means of obtaining this evidence before Directed Surveillance or the use of a CHIS is considered and this should be documented.

7.3 As well as believing that the authorisation is necessary, the Authorised Officer will also have to be satisfied that the proposed surveillance is proportionate to the objective.

This is not always an easy test to apply, but as a general rule:

- Covert surveillance should not be used where there are alternative means of obtaining the required information
- Unduly intrusive methods should not be used to obtain information about trivial contravention of offences.

7.4 In this context it is important to bear in mind the risk of Collateral intrusion as well as the effect on the target.

7.5 An Authorising Officer must give their authorisation in writing. They should not be responsible for authorising operations in which they are directly involved. All authorisations must be recorded in the centrally retrievable record of authorisation.

7.6 A written application for Directed Surveillance should describe any conduct to be authorised and the purpose of the investigation. It should include:

- The reasons why the authorisation is necessary ~~in this~~ the particular case and on what grounds
- The nature of the surveillance
- The identities (if known) of the subject of the surveillance
- A summary of the intelligence case and appropriate unique intelligence references where applicable
- An explanation of the information which is desired to be obtained as a result of the surveillance
- The details of any potential Collateral Intrusion and why this intrusion is justified
- The details of any Confidential Information which is likely to be obtained as a consequence of the surveillance
- The reasons why the surveillance is considered proportionate to what it seeks to achieve

A subsequent record should also be made of whether authorisation was given or refused, by whom and the time and date this happened.

7.7 Authorisation will cease to have effect (unless renewed or cancelled) at the end of a period of 3 months beginning on the day ~~when~~ the Authorisation was granted.

8 COLLATERAL INTRUSION AND CONFIDENTIAL INFORMATION

8.1 Before authorising Directed Surveillance the Authorising Officer should take into account the risk of obtaining private information about persons who are not the intended subjects of the activity. This is known as Collateral Intrusion.

8.2 Measures should be taken, wherever practicable, to avoid or minimize unnecessary intrusion into the privacy of those who are not the subject of the Directed Surveillance. Where Collateral Intrusion is unavoidable, the activities may still be authorised providing this Collateral Intrusion is considered proportionate to the aims of the intended intrusion. Any Collateral Intrusion should be kept to the minimum necessary to achieve the objectives of the operation. All applications should include an assessment of the risk of any Collateral Intrusion and detail the measures taken to limit this to enable the Authorising Officer to properly consider the proportionality of the surveillance in light of the Collateral Intrusion.

8.3 –The risk of Collateral Intrusion must be addressed on the application form. The reasons why Collateral Intrusion is unavoidable and the steps taken to minimise it, must also be set out on the form.

8.4 The form also requires the officer to consider the likelihood of acquiring Confidential Information to be assessed. Confidential Information consists of:

- matters subject to legal privilege (i.e. advice and instructions which are confidential as between legal advisors and their clients)
- confidential personal information about a person's physical or mental health, or spiritual counselling
- confidential journalistic material (i.e. information which a journalist has acquired on a confidential basis)

8.3 If confidential information is likely to be obtained, the Chief Executive is required to be the Authorising Officer.

8.4 Having satisfied themselves about all of the above matters, Authorising Officers must ensure that all the relevant sections of both copies of the application form are completed and signed. One copy of the completed and signed form should be retained within the department and the original is to go on the Central Register.

9 JUDICIAL APPROVAL

9.1 –Under amendments made to the Act by The Protection of Freedoms Act 2012 the Council must now make an application to the Magistrates Court in order to obtain judicial approval. The Council must obtain an order approving the grant or renewal of an authorisation from a Justice of the Peace (JP) before it can take effect.

9.2 No activity permitted by the authorisation granted by the Authorising Officer may be undertaken until the approval of the Magistrates Court of that authorisation has been obtained. An Authorising Officer who intends to approve and application for the use of Directed Surveillance must immediately inform the Monitoring Officer and legal Services in order that the application can be made to the Magistrates Court.

9.32 –The JP will consider whether or not the authorisation for the use of Directed Surveillance is necessary and proportionate. They will need to be satisfied that at the time the authorisation was granted or renewed or notice was given or renewed there were reasonable grounds for believing that the authorisation or notice was necessary and proportionate. If the Justice of the Peace is satisfied that the statutory tests have been met and that the use of Directed Surveillance is necessary and proportionate they will issue an order approving the grant or renewal of authorisation as described in the application.

9.43 –A RIPA application to a JP is a legal proceeding; this application will be made by Legal Services on behalf of officers with sign off by the RIPA Monitoring Officer. Investigating officers may need to attend and should be prepared to present their evidence to court. The hearing will be a closed one. It is very important that all the evidence relied upon in the application is contained within the forms and supporting papers. They must- make the case, it is not sufficient to provide oral evidence where the oral evidence given is- not reflected in the papers. Oral evidence should support the documents and should not be used to expand them or present information or evidence that is not already in the papers.

10 DURATION, REVIEW, RENEWAL AND CANCELLATION OF AUTHORISATIONS

10.1 If at any time before an authorisation would cease to have effect, and the Authorising Officer considers it necessary for the authorisation to continue for the purpose for which it was given he/she may approve a renewal in writing for a further period of three months, beginning with the day when the authorisation would have expired but for the renewal.

Authorisations may be renewed more than once, provided they continue to meet the criteria for authorisation.

10.2 Regular reviews of all authorisations should be undertaken to assess the continuing need for Direct Surveillance. The results of the review should be recorded and retained for 3 years. Where Directed Surveillance involves a high level of Collateral Intrusion or where Confidential Information is likely to be obtained, reviews should be undertaken more frequently.

10.32 Where possible a review should be undertaken by the original Authorising Officer. Where, for whatever reason this is not possible, the review should be undertaken by an officer who would be entitled to grant a new authorisation in the same terms.

10.43 –Any proposed or unforeseen changes to the nature or extent of the surveillance operation which may result in further or greater Collateral Intrusion must be brought to the attention of the Authorising Officer through a review. The Authorising Officer must consider whether the proposed changes are proportionate. Any changes must be highlighted at the next renewal.

10.54 –Authorisations are of limited duration unless renewed. Their duration is 3 months.

A renewal must be authorised prior to the expiry of the original Authorisation but it runs from the expiry date and time of the original Authorisation. It should not be renewed until shortly before the original Authorisation period is due to expire. Authorisations may be renewed more than once if they are still considered necessary and proportionate and approved by a JP.

As renewals are subject to the approval by the Magistrates Court, Authorising Officers must advise the Monitoring Officer and Legal Services immediately when they are minded to grant a renewal.

Whilst applications for renewals should not be made until shortly before the original authorisations period is due to expire, officers must take into account factors which may delay the renewal process (the availability of the Authorising Officer, Legal Services and court listings).

~~10.5 –However, this does NOT mean that authorisations, once granted, can be filed and forgotten.~~

10.66 Authorising Officers cannot simply allow an authorisation to run its course and expire. An authorisation must be cancelled if it is no longer needed, or if it no longer matches the basis on which it was granted. The need for cancellation may arise

before an authorisation is due for review. It is, therefore essential that the investigating officer should draw the attention of the Authorising Officer to any relevant developments and for the Authorising Officer to pro-actively monitor the use being made of the authorisation.

10.77 Formal reviews must be carried out on the date(s) specified in the Authorisation, this should not be later than one months following authorisation. The relevant forms direct Authorising Officers to the matters to be considered on a review. In general terms the considerations are the same as those to be taken into account when first issuing an authorisation.

10.88 An authorisation may be renewed at any time before it expires. All applications for renewal of authorisations for Directed Surveillance should record:

- whether the renewal is the first renewal, or the dates of any previous renewal
- any significant changes to the information on which the authorisation was last issued or renewed
- the reasons why it is necessary to continue with the surveillance
- an estimate of the length of time the surveillance will continue to be necessary.
- the content and value to the investigation of the information so far obtained.
- the results of regular reviews of the investigation or operation.

10.99 Authorisations may be renewed more than once provided that they continue to meet the criteria for Authorisation. Any person who is entitled to grant a new Authorisation can renew an Authorisation.

~~10.11~~ Authorisations must be cancelled if the Directed Surveillance as a whole no longer meets the criteria upon which it was authorised.

10.100 All reviews, cancellations and renewals must be recorded on the relevant forms, which should be completed in duplicate. The forms direct Authorising Officers towards the relevant considerations to be taken into account.

10.114 Reviews, renewals and cancellations should be carried out by the Authorised Officer who first issued the relevant Authorisation. The details of any renewal should be centrally recorded.

10.12 Authorising Officers are required to ensure that:

- Authorisations have been properly cancelled at the end of the period of surveillance
- Surveillance does not continue beyond the authorisation period
- Current authorisations are regularly reviewed
- Ensure the timely destruction of the results of surveillance operations

11. CENTRAL REGISTER

11.1 A centrally retrievable record of all authorisations should be held by the Council and updated whenever an Authorisation is granted, renewed or cancelled. This information must be held for three years from the end of each Authorisation. If there is reason to believe that any of the information obtained as a result of the authorisation might be relevant to further civil or criminal proceedings then this should not be destroyed but should be retained in accordance with established disclosure requirements. The record should be made available to the relevant Commissioner or Inspector from the Office of Surveillance Commissioners upon request.

11.2 The record must contain the following information:

- The date that the Authorisation was given
- The name and position of the Authorising Officer
- The unique reference number (URN) of the investigation, its title and a brief description of the names and subjects (if known)
- The details of the attendance at the Magistrates, the date of the attendance, the determining Magistrate, the decision of the court and the time and date of the decision
- The date of any reviews
- If the Authorisation has been renewed when it was renewed, who authorised the renewal (name and position of the officer)
- Whether the investigation is likely to result in obtaining any Confidential Information
- The date the Authorisation was cancelled.
- Where the application is refused, the grounds or reasons for refusal given by the Authorising Officer or the Justice of the Peace.

11.3 The following documentation should also be centrally retrievable for at least three years following the end of the Authorisation:

- A copy of the Application and a copy of the Authorisation with any supplementary documentation and notification of the approval given by the Authorising Officer.
- A record of the period over which the surveillance has taken place
- The frequency of the reviews prescribed by the Authorising Officer
- A record of the results of each review of the Authorisation
- A copy of any renewal of an Authorisation with any supporting documents submitted when the renewal was requested.
- Date and time when any instruction to cease surveillance was given
- A copy of the order approving or otherwise the grant for renewal of an Authorisation from a JP.

11.2 The Central Register is kept by the RIPA Monitoring Officer, who will also retain an excel spreadsheet of the Central Register. The RIPA Monitoring Officer is responsible for maintaining the Central Register.

12 KEEPING RECORDS

- 12.1 Quite apart from the statutory requirement that Authorisations should be in writing, there is ~~self-evidently~~~~self-evidently~~ a need to keep proper records so that the protection of the Act can be relied upon in any legal proceedings if needs be.
- 12.2 As outlined earlier, two copies of every Authorisation, review, renewal or cancellation should be completed. One should be retained by the department and the original sent to the RIPA Monitoring Officer, to be put onto the Central Register. The Authorising Officer is responsible personally for ensuring that copies of those documents are sent to the RIPA Monitoring Officer, within one week.
- 12.3 Forms should be handed over personally or sent in a sealed envelope marked "Private and Confidential".
- 12.4 The handling, storage and destruction of material obtained through an operation must be done so in accordance with the requirements of the ~~Data Protection Act 1998~~General Data Protection Regulation and the Council's policies.
- 12.5 Material gathered under RIPA through Directed Surveillance which has been properly Authorised can be used to further other investigations.

12.512.6 Each service department undertaking Directed Surveillance must ensure that adequate arrangements are in place for the secure handling, storage and destruction of material obtained through the use of covert surveillance.

13 HEALTH AND SAFETY

- 13.1 Authorising Officers are reminded of the need to ensure that the health and safety implications of undertaking investigations are taken into account.
- 13.2 This, of course, applies whether or not Covert Surveillance is taking place, but in certain circumstances the level of risk to employees may be increased by covert activity. The risk must be properly assessed and steps taken to minimise it.

14 WORKING WITH/THROUGH OTHER AGENCIES

- 14.1 –In certain circumstances it may be necessary for the Council to work with other agencies on a surveillance operation. When this is the case the Council should try to avoid ~~the~~ duplication of Authorisations. Where there has been duplication this will not affect the lawfulness of the activities conducted.
- 14.1 When another agency has been instructed on behalf of the Council to undertake any action under RIPA, this ~~policy document~~ and the forms in it must be used (as per normal procedure) and the agency advised or kept informed, as necessary, of the various requirements.
- 14.3 When another agency (e.g. the Police, Customs and Excise, Inland Revenue etc); -

- wish to use the Council's resources (e.g. CCTV) that agency must use its own RIPA procedures and before an officer agrees to allow the Council's resources to be used by any agency they must obtain a copy of that agency's RIPA form for the record (a copy of which must be passed to the RIPA Monitoring Officer for the Central Register).
- wish to use the Council's premises for their own RIPA action the officer should, normally co-operate with the same, unless there are security or other good operational or managerial reasons as to why the City Council's premises should not be used for the agency's activities. Suitable insurance or other appropriate indemnities may be sought, if necessary, from the agency. In such cases the Council's own RIPA forms should not be used as the Council's role is simply to assist in the RIPA activity.

14.4 If the Police or other agency want to use the Council resources for general surveillance, as opposed to specific RIPA operations, an appropriate letter requesting the proposed use, extent of remit, duration, who will be undertaking the general surveillance and the purpose of it must be obtained from the Police or other Agency before any Council resources are made available for the proposed use. If in doubt please consult with the RIPA Monitoring Officer or the Legal Services Manager at the earliest opportunity.

15 TRAINING

15.1 The RIPA Monitoring Officer should ensure that all officers who are required to undertake investigations receive relevant RIPA training and appropriate refresher training. However, any investigating officer who feels that they need further training or refresher training should raise this with their supervisor at the earliest opportunity. It is the responsibility of all investigating officers to ensure that they keep up to date with any developments or changes to RIPA. In house training can be sought by contacting Legal Services. ~~Separate training on authorisation procedures will be available for the designated Authorising Officer.~~

16 SENIOR RESPONSIBLE OFFICER (SRO)

- 16.1 The Council has appointed the City Solicitor as the SRO who is responsible for the following:-
- The integrity of the process in place within the Council to authorise Directed Surveillance.
 - For ensuring that all Authorising Officers are of an appropriate standard in light of any recommendations in the inspection reports prepared by the Office of the Surveillance Commissioner.
 - -Compliance with Part II of the 2000 Act, Part III of the 1997 Act and with this code;

- Engagement with the Commissioners and Inspectors when they conduct their inspections, and
- Address any post inspection action plans recommended or approved by a Commissioner.

17 REVIEW AND PUBLICATION

- 17.1 The Policy will be reviewed annually and any changes presented to the Executive on an annual basis to comply with the Codes, the legislation and to ensure that it is being used consistently. It may be amended from time to time in light of any developments in the law and experience of the operation to ensure that it remains fit for purpose. Staff are encouraged to raise any issues they may have with the Legal & Democratic Services Manager.
- 17.2 The Executive shall review the Council's use of RIPA annually in accordance with the Code of Practice on Covert Surveillance and Property Interference.

18 SOCIAL MEDIAL

- 18.1 It is important to be aware that the use of social media in an investigation could, depending on how it is used and the type of information likely to be obtained, constitute covert activity that requires authorisation under RIPA.
- 18.2 Researching 'open source' material would not require authorisation but return visits to these sites in order to build up a profile could change this position and may constitute Directed Surveillance and need an authorisation. As such before any integration of social media is undertaken a social media access request form (attached at Appendix B) must be completed and signed by one of the Council's solicitors.
- 18.3 Officers should not use false personae (a false social media profile or handle) or their own social media to undertake any authorised social media searches. The Council's own social media accounts must be used for this.

19 ERRORS AND BREACHES OF RIPA

- 19.1 An error must be reported if it is a Relevant Error (as defined under section 231(9) RIPA. An example of Relevant Errors occurring would include circumstances where Surveillance or the use of a CHIS has taken place without the lawful authority.
- 19.2 All Relevant Errors made by the Council of which it is aware must be reported to the IPC as soon as reasonably practicable and no later than 10 working days.
- 19.3 Once the error has been identified, the Council must take steps to confirm the fact of an error as quickly as it is reasonably practicable to do so. Where it is subsequently confirmed that an error has occurred and that the error is notified to the

Commissioner, the Council must also inform the commissioner of when it was initially identified that an error may have taken place.

19.4 A full report must be sent to the Investigatory Powers Commissioner as soon as reasonably practicable in relation to any relevant error, including details of the error. The report should include information on the cause of the error, the amount of surveillance conducted and any material obtained or disclosed, any collateral intrusion, any analysis of the action taken, whether any material has been retained or destroyed and a summary of the steps taken to prevent recurrence.

19.5 If the Investigatory Powers Commission considers the error to be a serious error and that it is in the public interest for the person concerned to be informed of the error, they must inform them. An error is a serious error where it is considered to have caused significant prejudice to the person concerned. When deciding whether it is in the public interest for the person concerned to be informed of the error, the Commissioner must in particular consider:

- The seriousness of the error and its effect on the person concerned
- The extent to which disclosing the error would contravene the public interest and be prejudicial to: national security, the prevention or detection of serious crime, the economic well-being of the United Kingdom or the continued discharge of function of any of the security and intelligence services.

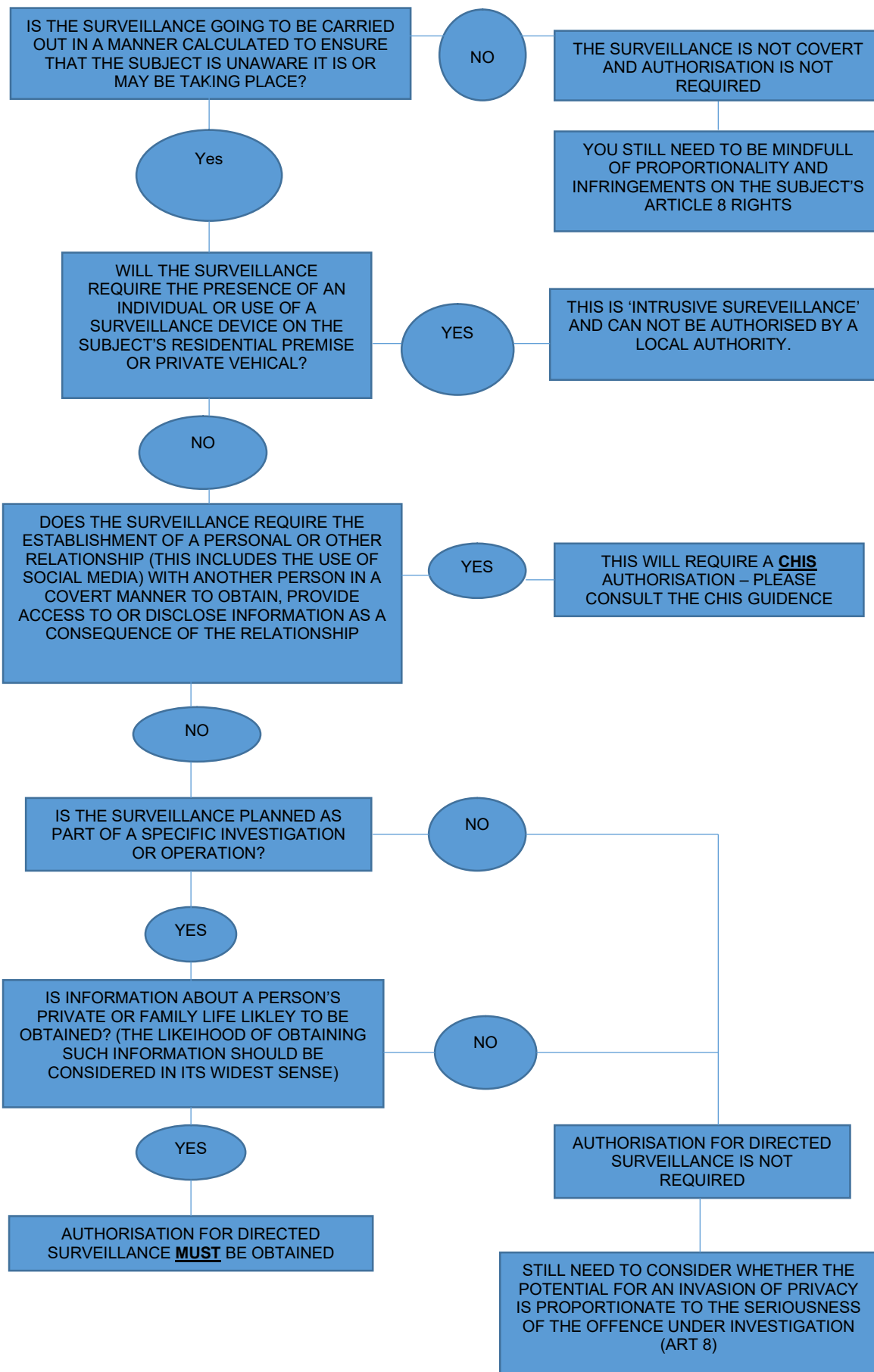
19.6 When informing a person of a Serious Error, the Commissioner must inform the person of any rights that they may have to apply to the Investigatory Powers Tribunal and provide such details of the error as the Commission considers to be necessary for the exercise of these rights.

19.7 Evidence gathered where RIPA has not been complied with may not be admissible in Court. Any perceived breach of this policy or the RIPA procedures should be reported to the Monitoring Officer. Where the breach relates to an active court case this should also be raised with the Solicitor instructed in this case. These should be reported as soon as they come to light.

2018 OTHER SOURCES OF ADVICE

2018.1 Detailed guidance on the operation of RIPA is available in Codes of Practice published by the Home Office and available on their website www.homeoffice.gov.uk. Advice is also available from the RIPA Monitoring Officer and Legal Services.

IS A DIRECTED SURVEILLANCE AUTHORISATION REQUIRED?



APPENDIX A

GUIDANCE TO STAFF ON USE OF COVERT HUMAN INTELLIGENCE SOURCES

This Guidance **must** be read in conjunction with the City of Lincoln Council's Policy on Regulation of Investigatory Powers Act 2000 (RIPA)

1. GENERAL POLICY

- 1.1 Please refer to the policy on RIPA for an explanation of the Regulation of Investigatory Powers Act 2000 and how this affects the Council.
- 1.2 The procedure and guidance set out in this Guidance is based on the provisions of RIPA, the Home Office Codes of Practice on the use of CHIS and the Home Office Guidance to Local Authorities in England and Wales on the Judicial Approved Process for RIPA and the Crime Threshold for Directed Surveillance. When implementing any procedure or policy contained within this guidance the officer and the Authorising Officer must ensure that there is compliance with the Home Office Codes of Practice on CHIS. This can be found at:

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

~~1.3~~ ~~1.3~~—There is a Flowchart at the end of this Policy to summarise the requirements of RIPA.

~~1.4~~ To be clear, there is no use of a CHIS merely because a person offers information to the Council that may be material to the investigation of an offence, but there would be if the authority asks that person to obtain further information. If a person has a relationship with another person which is not established or maintained for a covert purpose, the fact that he or she does in fact covertly disclose information to the local authority will not require an authorisation and that person will not be a CHIS.

~~4.31.5~~ It is not only a person outside of the employment of the Council who may be used as a source. If a member of staff is intended to be used as a CHIS, appropriate training must be given to that staff member.

2. COVERT HUMAN INTELLIGENCE SOURCES

- 2.1 A person is a “covert human intelligence source” (CHIS) if:
 1. –They establish or maintain a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within 2) or 3)
 2. They covertly use such a relationship to obtain information or to provide access to any information to another person; or

3. They covertly disclose information obtained by the use of such a relationship or as a consequence of the existence of such a relationship

2.2 In this context, a source of information acts covertly if he or she establishes and maintains a relationship which is conducted in a manner which is calculated to ensure that the other person is unaware that the relationship is being used for the purposes listed above.

2.3 A relationship that is used covertly, and the 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. Where a person acting in their role for the Council is intending to engage with members of the public online without disclosing their identity or purpose, a CHIS authorisation may be needed and the Council's RIPA Policy should be consulted and the Social Media Access form should be used.

2.4 When applied to a relationship "established" means "set-up." It does not require, as "maintains" does, endurance over any particular period. Repetition is not always necessary to give rise to a relationship but whether or not a relationship exists depends on all the circumstances including the length of time of the relationship and the nature of any covert activity.

2.5 The use of a CHIS involves inducing, asking or assisting a person to engage in the conduct of a CHIS or to obtain information by means of the conduct of such a CHIS.

2.6 RIPA regulates the "conduct and use" of covert human intelligence sources. An officer therefore requires authority both to act as a CHIS in person and to use anyone else (e.g. a member of the public or private investigator) as a CHIS.

2.7 Officers should carefully consider whether any potential human source of information might be a CHIS and if so to secure the necessary authority in accordance with this guidance and accompanying documents. It is worth noting that a person meets the CHIS criteria even if they volunteer information to an officer. Officers should ensure that they are familiar with the Home Office Code of Practice on the use of Covert Human Intelligence Sources and also seek advice from Legal Services if necessary.

2.8 There are separate forms to be completed for the use of a CHIS and for reviewing, renewing and cancelling the use of a CHIS. These need to be completed by the officer and signed by the Authorising Officer. These forms and guidance on them can be here:

<https://www.gov.uk/government/publications/application-for-the-use-of-covert-human-intelligence-sources-chis>

<https://www.gov.uk/government/publications/reviewing-the-use-of-covert-human-intelligence-sources-chis>

<https://www.gov.uk/government/publications/renewal-of-authorisation-to-use-covert-human-intelligence-sources>

3. AUTHORISING THE USE OF A CHIS

- 3.1 The need to make use of a CHIS is likely to be even more infrequent than for Direct Surveillance. It involves additional considerations and procedures. Authority to authorise the conduct or use of a CHIS can only be granted by the Authorising Officer as outlined in the Policy. The Council has resolved that this must be in conjunction with the RIPA Monitoring Officer.
- 3.2 Before authorising the conduct or use of a CHIS the Authorising Officer will not only need to take into account the general considerations as outlined in the main guidance on RIPA but will also need to be satisfied that the appropriate arrangements are in place for:
- The management and oversight of a CHIS by a designated officer who will also have responsibility for the CHIS's security and welfare
 - Record keeping
 - Ensuring that any records disclosing the identity of the CHIS are only made available on a strict "need to know" basis.
- 3.3 Vulnerable individuals and juveniles should only be used as sources in the most exceptional circumstances and special rules apply in these cases. Only the Chief Executive may authorise use of a juvenile or vulnerable CHIS.

"Vulnerable individuals" are defined as people in need of community care services by reason of physical, mental or other disability, age or illness and who are unable to take care of themselves or protect themselves against significant harm or exploitation.

"Juveniles" are persons under 18 years of age. Special safeguarding rules apply to the use or conduct of juveniles as sources. Under no circumstance should the use or conduct of a CHIS under 16 be authorised to give information on their parents or any person who has parental responsibility for them. Any authorisation for the use or conduct of a juvenile CHIS will only be for 1 month's duration as opposed to 12 months for all other CHIS.

Those authorised to grant the use of CHIS's will be extremely reluctant to issue authorisations for the use of vulnerable individuals or juveniles.

Where a CHIS is under the age of 16 years old the Council must ensure that an appropriate adult is present at all meetings between the juvenile source and any person representing the investigating authority.

- 3.4 Before authorising the use or conduct of a source, the Authorising Officer should take into account the risk of interference with the private and family life of persons who are not the intended subjects of the CHIS activity. This is known as Collateral

Intrusion, a definition of Collateral Intrusion can be found in the RIPA Guidance above.

- 3.5 Measures should be taken, wherever practicable, to avoid or minimize interference with private and family life of those who are not the intended subjects of the CHIS activity. Where Collateral Intrusion is unavoidable, the activities may still be authorised providing this Collateral Intrusion is considered proportionate to the aims of the intended intrusion. Any Collateral Intrusion should be kept to the minimum necessary to achieve the objectives of the operation. All applications should include an assessment of the risk of any Collateral Intrusion and detail the measures taken to limit this to enable the Authorising Officer to properly consider the proportionality of the operation in light of the Collateral Intrusion.
- 3.6 The Authorising Officer who grants an authorisation should, where possible, be responsible for considering subsequent renewals of the Authorisation and any relevant security and welfare issues. The Authorising Officer will stipulate the frequency of formal reviews and The Controller should maintain an audit of case work sufficient to ensure that the use or conduct of the CHIS remains within the parameters of the Authorisation. This does not prevent additional reviews being conducted in response to the changing circumstances of an operation.
- 3.7 In some cases a single Authorisation may cover more than one CHIS. However it is only likely to be appropriate in situations where the activities to be authorised, the subjects of the operation, the interference with the private and family life, the likely Collateral Intrusion and the environmental or operational risk assessments are the same.
- 3.8 ~~As of 1st November 2012 the Council now has to obtain an order from a Justice of the Peace (JP) approving the grant or renewal of any Authorisation for the use of CHIS before Authorisation can take effect and the operation be carried out. This is similar to the procedure outlined in the RIPA Policy and Legal Services advice is required to undertake this application.~~

The JP will consider whether or not the Authorisation for the use of a CHIS was necessary and proportionate. They will need to be satisfied that at the time the authorisation was granted or renewed or notice was given or renewed there was reasonable grounds for believing that the Authorisation or notice was necessary and proportionate. If the Justice of the Peace is satisfied that the statutory tests have been met and that the use of a CHIS is necessary and proportionate they will issue ~~an~~ order approving the grant or renewal of Authorisation as described in the application.

~~3.9~~ 3.9 Authorisation for an adult CHIS (unless renewed) is for 12 months from the date of approval by the JP.

3.10 Regular reviews of the authorisations should be undertaken by the Authorising Officer to assess whether it remains necessary and proportionate to use a CHIS and whether the authorisation remains justified. The review should include:

- The use made of the CHIS during the period authorised

- The tasks given to the CHIS
- The information obtained from the CHIS
- If appropriate to the Authorising Officer's remit, the reasons why executive action is not possible at this stage.

Results of the review must be retained for at least 5 years. In each case it is up to the Authorising Officer to determine the frequency of a review. This should be as often as is considered necessary and proportionate but should not prevent reviews being conducted in response to changing circumstances. Where there are any significant or substantive changes to the nature of the operation, consideration should be given as to whether it is necessary to apply for a new authorisation.

3.11 CHIS authorisations can be renewed on more than one accession if necessary and provided that they continue to meet the criteria for authorisation. All renewals are subject to authorisation from a Justice of the Peace.

4. **Necessity and Proportionality**

- 4.1 The Act requires that the Authorising Officer (and then the JP) must believe that an Authorisation for the use or conduct of a CHIS is necessary and proportionate in the circumstances of the particular case for the purpose of preventing or detecting crime or of preventing disorder.
- 4.2 If it decides that the use of a CHIS is necessary the person granting the authorisation must then believe that the use is proportionate to what is sought to be achieved by the conduct and use of that CHIS. This involves balancing the intrusiveness of that CHIS on the target and others who might be affected by it against the need for the CHIS to be used in investigative and operational terms.
- 4.3 The use of a CHIS will not be proportionate if it is excessive in the circumstances of the case. Each action authorised should bring an expected benefit to the investigation or operation and should not be disproportionate or arbitrary. No activity will be considered proportionate if the information which is sought could reasonably be obtained by other less intrusive means.
- 4.4 When considering this the following factors are relevant:-
 - Balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;
 - Explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
 - Considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result;
 - Evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented.

Fundamentally the use of covert surveillance must be proportional to the issue being investigated

The test for necessary needs to include a consideration of why it is necessary to use covert surveillance

4.5 The use of a CHIS should be carefully managed to meet the objective in question and sources must not be used in an arbitrary or unfair way.

5.0 **Special Considerations for authorisation**

5.1 Care should be taken in cases where the subject might reasonably expect a high level of privacy or where Confidential Information is involved. Please refer to the RIPA Policy for more detailed guidance on Confidential Information. Confidential Information could be legally privileged information, or information which carries medical or journalistic confidentiality. In cases where legally privileged material or other Confidential Information might be acquired the use or conduct of a CHIS can only be authorised by the Authorising Officer.

6.0 **Officers Required**

6.1 Two officers are required for the management of a CHIS: The Handler who has day-to-day responsibility and will be the contact for receipt of information, and The Controller who has general oversight.

6.2 Tasking the CHIS is the responsibility of The Handler with reference to The Controller. It is important to ensure that Authorisation is not drawn up so narrowly that new authorisation must be sought each time the CHIS is tasked however it can be difficult to predict the needs of an operation at the time of Authorisation and where an operation changes officers must ensure that the existing Authorisation is sufficient. Where it is not it should be cancelled and new Authorisation should be sought.

6.3 The Handler will have the day to day responsibility for:

- Dealing with a CHIS on behalf of the authority concerned
- Directing the day to day activities of the CHIS
- Recording the information supplied by the CHIS
- Monitoring the CHIS's security and welfare.

6.4 The Controller will be responsible for the management and supervision of the Handler and the general use and oversight of the CHIS.

6.5 Where the authorisation is for the use or conduct of a CHIS whose activities benefit more than a single public authority, responsibilities for the management and oversight of that CHIS may be taken up by one authority or can be split between the authorities. The Controller and Handler of a CHIS need not be from the same

authority. The public authorities involved must lay out in writing their agreed oversight arrangements.

7.0 Keeping Records

7.1 Record keeping must be in accordance with The Regulation of Investigatory Powers (Source Records) Regulation S.I 2000; No 2725. Relevant officers will have their attention drawn to those specific requirements whenever an authorisation is issued and specific advice given as to how they should be complied with in the circumstances of the case. Consideration should be given to the management of any requirement to disclose information tending to reveal the existence or identity of a CHIS to or in court.

7.2 —A centrally retrievable record of all authorisations should be maintained. These records need only contain the name, code name, or unique identifying reference of the CHIS, the date the Authorisation was granted, renewal or cancellation and an indication as to whether the activities were self-authorised. These records should be made available to the relevant Commissioner or Inspector from the Office of Surveillance Commissioners upon request.

7.3 These records should be retained for a period of at least five years from the ending of the authorisation to which they relate. In retaining records consideration must be given to the duty of care owed to the CHIS, the likelihood of future criminal or civil proceedings relating to information supplied by the CHIS or activities undertaken and the responsibilities and obligations under the [General Data Protection Regulations](#). ~~Data Protection Act~~. All records kept should be maintained in such a way so as to preserve the confidentiality and prevent disclosure of the identity of the CHIS and the information provided by the CHIS.

7.4 Records or copies of the following, as appropriate, should be kept for at least five years:

- A copy of the authorisation together with any supplementary documentation and notification of the approval given by the Authorising Officer
- A copy of any renewal of an Authorisation, together with the supporting documentation submitted when the renewal was requested
- The reason / reasons why the person renewing an Authorisation considered it necessary to do so.
- Any risk assessment made in relation to a CHIS
- The circumstances in which tasks were given to the CHIS
- A record of the results of any reviews of the Authorisation
- The reasons, if any, for not renewing the Authorisation
- The reasons for cancelling an Authorisation
- The date and time when any instruction was given by the Authorising Officer that the conduct or use of a CHIS must cease
- A copy of the decision by an Ordinary Commissioner on the renewal of an authorisation beyond 12 months.

7.5 There must be arrangements in place for the secure handling, storage and destruction of material obtained through the use or conduct of a CHIS. This will be done in compliance with the General Data Protection Regulations ~~Data Protection Act 1998~~ and the Council's policies.

8.0 Security and Welfare

8.1 Before authorising the use or conduct of a CHIS the Authorising Officer must ensure that a risk assessment is carried out to determine the risk to the CHIS of any tasking and the likely consequences should the role of the CHIS become known. The ongoing security and welfare of the CHIS must be considered once the operation has terminated. This is to be carried out by the Corporate Health and Safety team.

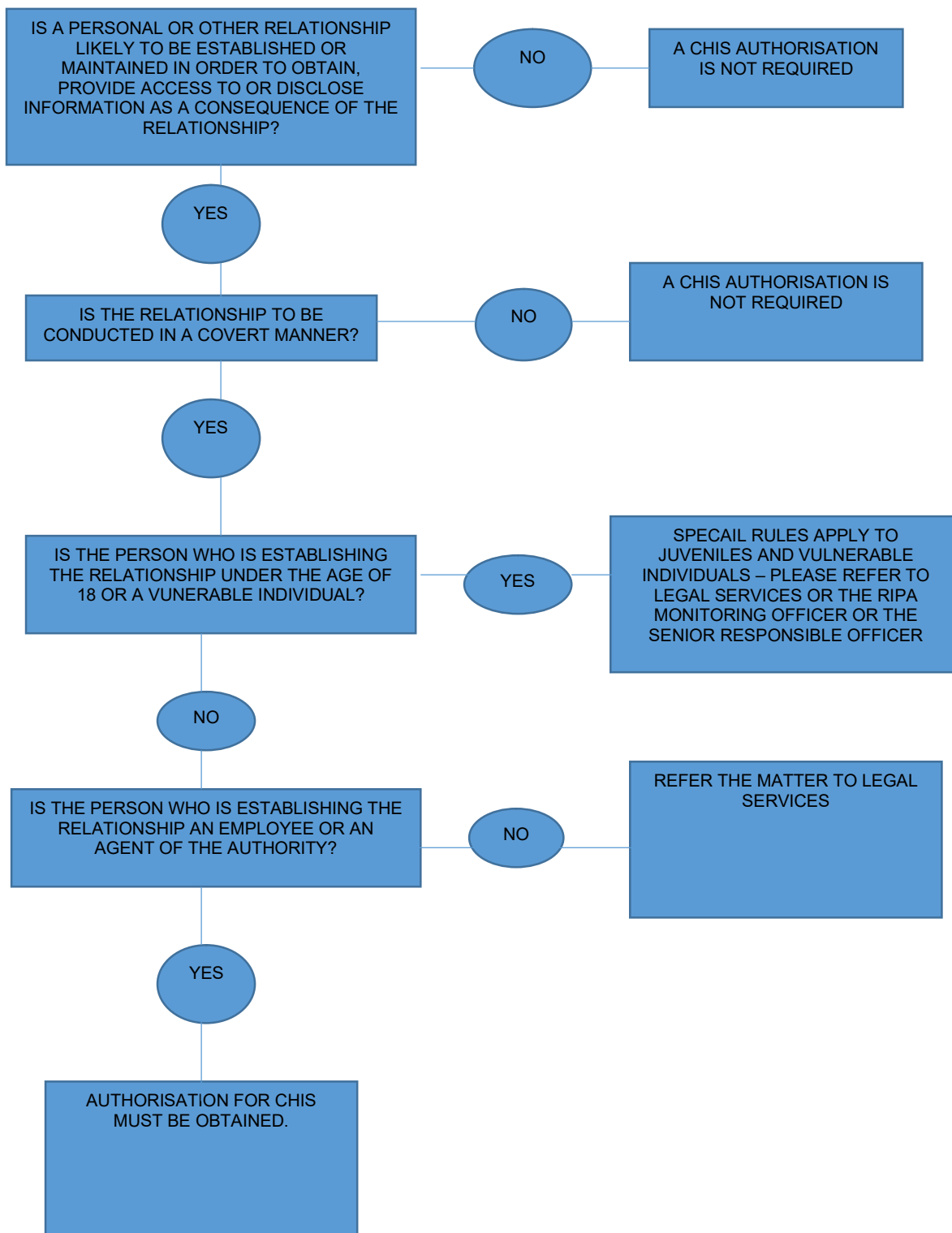
8.2 The Handler is responsible for bringing to the attention of the CHIS Controller any concerns about the personal circumstances of the CHIS insofar as they might affect:

- The validity of the risk assessment
- The conduct of the CHIS
- The safety and welfare of the CHIS

Where appropriate, concerns about such matters must be brought to the attention of the Authorising Officer and a decision must then be taken on whether or not to allow the Authorisation to continue.

8.3 The Council recognises a duty of care to its covert sources and it is important that a risk assessment and management approach is taken with regard to the welfare of the source. The risk to the source may not only be physical but also psychological, for example stress.

IS A CHIS AUTHORISATION REQUIRED?



APPENDIX B

REQUEST TO ACCESS SOCIAL MEDIA FOR INVESTIGATIVE PURPOSES

FOR GUIDENCE FILLING OUT THIS FORM PLEASE REFER TO THE RIPA SOCIAL MEDIA GUIFDENCE ON NETCONSENT.

Social Media are “websites and applications which enable users to create and share content or to participate in Social Networking” For the avoidance of doubt this includes social networking sites.

THIS FORM ONLY ALLOWS YOU TO ACESS SOCIAL MEDIA SITES VIA COMMUNICATIONS, IT DOES NOT GIVE YOU AUTHORITY TO ACCESS THEM THOUGH YOUR OWN PERSONAL ACCOUNTS OR PERSONAL DEVICES.

LEAD OFFICER

SERVICE MANAGER

WHICH SOCIAL MEDIA / NETWORKING SITE DO YOU WISH TO ACCESS?

.....
.....

DOES THE TARGET HAVE PRIVACY SETTINGS APPLIED ON THESE SITES? Y / N / UNKNOWN

NATURE AND PURPOSE OF INVESTIGATION:

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IF YOU ARE INVESTIGATING AN OFFENCE DOES THE OFFENCE CARRY A 6 MONTH CUSTODIAL SENTENCE OR LONGER IF THE SUSPECT IS CONVICTED? Y / N

IF YES, WHAT IS THE MAXIMUM CONVICTION FOR THE OFFENCE?

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WHAT INFORMATION DO YOU HOPE TO FIND ON THE SITE?

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.....
IT MUST BE PROPORTIONATE TO BREACH AN INDIVIDUAL'S ARTICLE 8 RIGHT, PLEASE EXPLAIN WHY YOU CONSIDER THIS BREACH TO BE PROPORTIONATE FOR THE PURPOSES OF THIS INVESTIGATION:

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OUTLINE THE RISK (IF ANY) OF COLLATERAL INTRUSION?

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COMMENTS FROM LEGAL SERVICES

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SOLICITOR.....

DATE

PLEASE RETAIN A SIGNED COPY OF THIS FORM FOR YOUR FILE. COMMUNICATIONS WILL ALSO RETAIN A COPY OF THIS FORM.

ONCE THIS FORM HAS BEEN SIGNED BY LEGAL SERVICES IT WILL ENTITLE YOU TO VIEW A SUSPECTS SOCIAL MEDIA PAGE OR SOCIAL NETWORKING PAGE ONCE (VIA COMMUNICATIONS) AND RECORD YOUR FINDINGS.

SHOULD THE CASE GO TO COURT YOU MAY NEED TO VISIT THE SOCIAL MEDIA / SOCIAL NETWORK SITE AGAIN TO UPDATE YOUR FINDINGS, THIS FORM AUTHOMATICALLY ENTITLES YOU TO ACCESS THE SAME SOCIAL MEDIA OR SOCIAL NETWORKING SITED ONCE MORE PRIOR TO COURT IN ORDER TO UPDATE YOUR INFORMATION AND GIVE THE COURT CURRENT DETAILS. THE SITE CAN ONLY BE ACCESSED A SECOND TIME FOR THE PURPOSES OF A COURT HEARING AND YOU MUST ACCESS THE SOCIAL MEDIA / SOCIAL NETWORKING SITES THOUGH COMMUNICATIONS.

IF YOU NEED TO ACCESS THIS SITE MORE THAN TWICE THIS COULD BE DIRECTED SURVEILLANCE AND YOU WILL NEED TO SPEAK TO A MEMBER OF LEGAL SERVICES AS YOU MAY REQUIRE RIPA AUTHORISATION FROM THE COURTS BEFORE YOU CAN DO THIS.

I CONFIRM I HAVE READ AND UNDERSTOOD THE ABOVE

.....

DATE

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CITY OF
Lincoln
COUNCIL

REGULATION OF INVESTIGATORY POWERS ACT 2000

POLICY

Document Control

| | |
|--------------------------------|--|
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| Owner – name and title | Becky Scott, Legal Services Manager |
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Document Amendment History

| Revision | Originat or of change | Date of change | Change description |
|--------------------------|------------------------------|-----------------------|--|
| 1 st Revision | Becky Scott | May 2016 | Updating officer details from previous policy and including the CHIS guidance in the policy rather than a separate document |
| 2 nd Revision | Becky Scott | July 2018 | No changes however reported to Executive |
| 3 rd Revision | Becky Scott | January 2021 | Changes to authorisations, incorporates technological advances and how to report errors along with some administrative changes |

1. GENERAL

- 1.1 The Regulation of Investigatory Powers Act 2000 (RIPA) came into force on the 25th September 2000. The main purpose of the Act is to ensure that individual's rights are protected whilst allowing law enforcement and security agencies to do their jobs effectively and act proportionately.
- 1.2 Under Section 28 and 29 of RIPA, it has implications for all staff who investigate suspected criminal offences and other breaches of regulations for which the Council is responsible in regards to Directed Surveillance and Covert Human Intelligence Sources (CHIS).
- 1.3 This Policy includes the attached 'Guidance to Staff on Use of Covert Human Intelligence Sources (CHIS)' (Appendix A). This together with the Policy outlines the procedures for obtaining authorisations and together these explain:
 - the purpose of the Act in relation to the Council's functions
 - the circumstances which it applies to
 - which authorities can use the powers
 - who should authorise each use of power
 - the use that can be made of the material gained
 - how to make sure that it is complied with
 - functions of the Central Register
 - process for authorisations
 - details for authorisations
 - independent judicial oversight
 - a means of redress for the individual

The use and conduct of a CHIS will be referred to generally in this Policy, and where appropriate, it is important that officers familiarise themselves with the more detailed Guidance to Staff on use of a CHIS in Appendix A.

- 1.4 The policies and procedures set out in this Policy replace all those previously in circulation within the Council. This Policy can also be found on Netconsent.
- 1.5 The City of Lincoln Council is NOT empowered to undertake:
 - Intrusive Surveillance or
 - Entry onto or interference with property or wireless telegraphy
- 1.6 The Policy is based on the provisions of RIPA, the Home Office Codes of Practice on Covert Surveillance and Property Interference and the use of CHIS as well as the Home Office Guidance to Local Authorities in England and Wales on the Judicial Approved Process for RIPA and the Crime Threshold for Directed Surveillance. When implementing this Policy, the Officer and the Authorising Officer must ensure

that there is compliance with the Home Office Codes of Practice on CHIS and covert surveillance. This can be found at:

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

- 1.7 The provisions of RIPA do not cover authorisations for the use of overt CCTV surveillance systems. Members of the public are aware that such systems are in use for their own protection and to prevent crime. However authorisation maybe required if a CCTV camera is to be used for surveillance as part of a specific investigation or operation otherwise than as an immediate reaction to events. In such circumstances authorisation may either be required by the Council's Authorising Officer or it may come from the police. Where authorisation is given by the police then a record of this authorisation must be kept and officers must ensure that any surveillance is kept within the terms of this authorisation.
- 1.8 The Covert Surveillance Codes of Practice has kept pace with technology and now acknowledges that Drones can now be used to conduct covert surveillance. Any Council Officers using a drone as part of their duties must adhere to this policy and the ICO's CCTV code of Practice or any Civil Aviation Authority Regulations.
- 1.9 There is a Flowchart at the end of this Policy to summarise the requirements of the RIPA.

2.0 THE PURPOSE OF RIPA

- 2.1 Many teams in the Council find themselves having to undertake investigations of some kind or another from time to time. For some officers it is the essence of their job.
- 2.2 In the vast majority of cases, investigations can be carried out overtly, i.e. in circumstances where the person under investigation is made aware that he or she is being investigated. Investigations will be carried out overtly wherever possible. Where an operation can be carried out overtly RIPA does not apply.
- 2.3 However, investigations have the potential to interfere with an individual's human rights, particularly those under Article 8 of the European Convention of Human Rights which provides that "everyone has the right to respect for his private and family life" And where there is likely to be an infringement on these rights, it must be considered necessary and proportionate.
- 2.4 Article 8 goes on to say that public authorities (which the Council is one) must not interfere with this right unless such interference is;
 - (a) In accordance with the law
 - (b) Necessary for certain specified purposes, including public safety, the prevention of disorder and crime, for the protection of health and morals and the protection of the rights and freedom of others.

Local authorities are required to respect the private and family life of citizens, their homes and correspondence in accordance with the Human Rights Act 1998. This is a qualified right where interference is permissible where it is necessary and proportionate and carried out in accordance with the law. RIPA authorisations amount to an approved interference.

- 2.5 Section 6 of the Human Rights Act 1998 makes it unlawful for a Council to act in a way which is incompatible with this or any other right under the European Convention. If it does so, section 7 gives the victim the right to bring proceedings against the Council, or challenge its actions in any proceedings brought against him or her. Section 8 empowers the courts to grant an injunction and in exceptional cases to award damages against the Council.
- 2.6 The main purpose of RIPA is to provide a framework for ensuring that any interference with human rights resulting from the use of the investigatory powers regulated by the Act will be in accordance with the law.
- 2.7 Proper authorisation of the use of investigatory powers under RIPA will therefore:
- Ensure that the evidence gathered is not challenged in the courts under section 7 of the Human Rights Act 1998
 - Protect the Council against claims under section 8 of the Human Rights Act 1998 for acting in a manner incompatible with an individual's rights under the European Convention.

3. WHEN DOES RIPA APPLY?

- Intercepting communications
- Acquiring communications data
- Intrusive surveillance
- Directed surveillance
- The use of covert human intelligence sources
- Gaining access to electronic data protected by encryption

3.1 Council's powers are regulated by Part II of RIPA and are limited to:

- Directed surveillance
- The use of covert human intelligence sources

3.2 "Surveillance" includes;

- monitoring, observing, or listening to persons, their movements, their conversations or other activities or communications
- recording anything monitored, observed, or listened to in the course of surveillance
- surveillance by or with the assistance of a surveillance device (e.g. any apparatus designed or adapted for use in surveillance)

- 3.3 Surveillance is “**covert surveillance**” if it is carried out in a manner that is calculated to ensure that person being monitored, observed or listened to etc is not aware of it.
- 3.4 Covert surveillance can be authorised under the act if it is either **Intrusive** or **Directed**.
- 3.5 Surveillance is “**intrusive**” if it is covert surveillance of anything taking place on residential premises or in a private vehicle AND it involves the investigator being on the premises or using a surveillance device (e.g. a bug or concealed camera). Local Authorities cannot undertake this type of surveillance.
- 3.6 Surveillance is “**directed**” if it is ALL of the following:
- covert
 - not intrusive
 - undertaken for a specific investigation or a specific operation
 - likely to result in obtaining private information about anyone (NB not necessarily the person targeted)
 - planned in advance
- 3.7 Even carefully directed surveillance can result in private information being obtained about persons other than the target. For example, if premises are under observation because it is suspected that an offence is being committed there, it is likely that private information about innocent visitors to the premises could be obtained as well as information about the suspected offender. Such intrusion on the privacy of people other than the target is referred to as “collateral intrusion”. Where collateral intrusion is likely, the surveillance could be “directed surveillance” even if no private information about the suspect is sought or obtained.
- 3.8 Private information is any information relating to a person’s private or family life. It may include personal data, such as names, telephone numbers and address details. It includes (but is not restricted) to information about a person’s private or family life and includes the way in which a person conducts his business and professional life. The common sense approach is to interpret the expression broadly and to recognise that it is highly likely that surveillance directed at individuals or groups of individuals will result in obtaining private information about them and/or other people they come into contact with. Where covert surveillance is unlikely to result in obtaining private information about a person (and there will be no interference with Article 8 rights) there is no requirement for authorisation under the Act.
- 3.9 Surveillance which is not planned in advance, but is undertaken by way of an immediate response to events or circumstances which make it impractical to obtain authorisation, is not regarded as directed surveillance. Thus if an investigating officer notices something suspicious by chance, he or she can continue to keep the suspect under observation without the need for written authorisation. However, returning to the scene subsequently to resume observations would require authorisation.
- 3.10 It may sometimes be necessary to use the internet to gather information prior to or during an operation which could amount to Directed Surveillance. When the internet

is likely to be used as part of an investigation it will be important to consider whether the proposed activity is likely to interfere with an individual's Article 8 rights and should only be used when necessary and proportionate. Where it is considered that private information is likely to be obtained, an authorisation must be sought. Please see paragraph 18 on social media and Appendix B, which must be adhered to before accessing an individual's social media page.

Use of Directed Surveillance (or deployment of a CHIS) could potentially be used by the Council in an investigation as a means of obtaining information. Use of either must be authorised. There are designated officers within the Council ('Authorising Officers') who are able to authorise such activity. The authorising officer must consider the detailed legal tests when deciding whether to authorise the covert activity. If the authorising officer does authorise the activity, it is still subject to a judicial process and an application must be made to the Magistrates by Legal Services for approval of the authorisation. No Directed Surveillance or the deployment of a CHIC can take place until Magistrates approval is obtained.

- 3.12 If you consider that you might wish or need to carry out Directed Surveillance or deploy a CHIS as part of an investigation or even if you are not certain whether the activities you are proposing require a RIPA authorisation, seek advice from Legal Services.
- 3.13 Most of the surveillance carried out by the Council will be "**Overt.**" This means there is nothing secret about it, it is not clandestine or hidden. It will also be overt if the subject has been told it will happen (for example when we investigate noise complaints we write to the noisemaker and tell them that we will be putting in noise monitoring equipment to record the noise.
- 3.14 Local Authorities can't authorise "**property interference.**" This is entry onto or interference with property or with wireless telegraphy.
- 3.15 Officers intending to undertake surveillance should therefore consider whether all the criteria set out in the above paragraphs apply to the operation. If so they should obtain authority in advance in accordance with this guidance.

Remember:

- **Overt activities DO NOT need authorisation**
- **Intrusive surveillance CANNOT be authorised**

4 AUTHORISING OFFICERS

- 4.1 There are comparatively few instances in which Directed Surveillance is likely to be necessary or justified. Most investigations can be carried out by other means. Consequently the Council has designated the following officer to authorise Directed Surveillance:

- **Chief Executive – Angela Andrews**

- 4.2 Authorised Officers shall have the appropriate training. Additional Authorising Officers will be nominated in writing by the Monitoring Officer following the Monitoring Officer being satisfied that they are appropriately trained to undertake the task.
- 4.3 An Authorisation acquired in accordance with RIPA, providing the statutory tests are met will provide the Council with a lawful basis in which to carry out covert surveillance activities which are likely to result in the officers involved obtaining private information about an individual.

5. MONITORING OFFICER

- 5.1 The RIPA Monitoring Officer is Carolyn Wheater (City Solicitor) and the Deputy is Becky Scott (Legal Services Manager)
- 5.2 The Monitoring Officer's role is to be fully aware of the contents of this policy, its implementation and updating relevant officers as to the requirements of the legislation.
- 5.3 The Monitoring Officer will receive and investigate complaints by members of the public who reasonably believe they have been adversely affected by surveillance activities carried out by the Council.

6. APPLYING FOR AUTHORITY

- 6.1 This is a two-stage process. Firstly, an authorisation must be obtained from the Authorising Officer. Secondly, approval must be obtained from a Justice of the Peace. This involves Legal Services applying to a Magistrates Court.

Written authorisations must be completed whenever an investigation involves the use of Directed Surveillance. This provides lawful authority to carry out Covert Surveillance. Authorisations for Directed Surveillance must be in writing. Authorisation must be sought before any proposed surveillance is undertaken. The Legal Services team will be able to provide advice as to the procedure to be followed when seeking authorisation and will represent the Council at the Magistrates Court to make the application.

- 6.2 Investigating officers seeking authorisation for Directed Surveillance should do so on the standard forms issued by the Home Office. Two copies of the form should be completed. Those seeking authorisation should ensure that the standard form is the latest version by downloading the form from the Home Office web site www.homeoffice.gov.uk (simply type RIPA forms into the search engine) or checking this with the Legal Services Manager.

<https://www.gov.uk/government/publications/application-for-use-of-directed-surveillance>

- 6.3 Using the standard forms helps both applicants and authorising officers to ensure that the Act is complied with and in particular will focus their attention on the crucial issues of justifying the need for the surveillance and its proportionality to the

objective. There are separate forms for issuing, reviewing, renewing and cancelling authorisations for both Directed Surveillance and the use of CHIS (the forms for a CHIS can be found in Appendix A),

<https://www.gov.uk/government/publications/renewal-form-for-directed-surveillance>

<https://www.gov.uk/government/publications/review-of-use-of-directed-surveillance>

<https://www.gov.uk/government/publications/cancellation-of-use-of-directed-surveillance-form>

6.5 All applications for authorisation of Directed Surveillance must be in writing and record as a minimum:

- The grounds on which authorisation is sought. Note that the power to authorise surveillance exists only for the prevention and detection of crime and disorder and no other purpose for local authorities.
- An assessment of the Directed Surveillance Crime Threshold. Directed Surveillance can only be authorised under RIPA to prevent or detect criminal offences that are either punishable, whether on summary conviction or indictment, by a minimum term of at least 6 months imprisonment. There are certain specified offences relating to the underage sale of alcohol or tobacco, which are exempt from the Directed Surveillance Crime Threshold. This also means that the Council can't authorise the use of Directed Surveillance to investigate disorder that does not involve criminal offences, or to investigate low level offences, which may include, for example, littering, dog control and fly-posting.

6.4 The person granting an authorisation for Directed Surveillance must believe that this is necessary. If they believe that it is necessary they must also believe that it is proportionate to the aim sought to be achieved by Directed Surveillance. When considering Proportionality the following factors are relevant:-

- Consideration of why the Directed Surveillance is proportionate to what it seeks to achieve.
- An analysis of what other options for gathering the information have been considered and that Directed Surveillance is necessary.
- Balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;
- Explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
- Considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result;

- Evidencing, as far as reasonably practicable, what other methods have been considered and why they were not implemented.
- Balancing the seriousness of the intrusion into the privacy of the subject of the operation (or any other person who may be affected) against the need for the activity in investigative and operational terms and consideration of the potential for Collateral Intrusion and why it is justified.
- The likelihood of acquiring any confidential or privileged material and the details of such material including material subject to legal privilege.

Fundamentally the use of covert surveillance must be proportionate to the issue being investigated.

Authorisation will not be proportionate if it is excessive in the circumstances of the case. Each action authorised should bring an expected benefit to the investigation or operation and should not be disproportionate or arbitrary. No activity will be considered proportionate if the information which is sought could reasonably be obtained by other less intrusive means. All surveillance should be carefully managed to meet the objective in question and must not be arbitrary or unfair.

6.5 When assessing proportionality the following points should be considered:

- Balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence.
- Explaining how and why the methods adopted will cause the least possible intrusion on the subject and others
- Considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result
- Evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented.

6.5.1 The following should be considered as best working practices:

- Applications should avoid repetition of information
- Information contained in applications should be limited to that required by the relevant legislation
- Where it is foreseen that other agencies will be involved, these should be detailed in the application
- Authorisations should not generally be sought for activities already authorised following an application by the same or a different Council.

7 GRANTING AUTHORITY

7.1 Before granting authority for Directed Surveillance, the Authorising Officer must believe it is “necessary” in the circumstances of the particular ground only:

- To prevent or detect particular types of criminal offences;
- And these offences must be either punishable, whether on summary conviction or indictment, by a maximum term of at least 6 months or criminal offences related to the underage sale of alcohol and tobacco (it must meet the Directed Surveillance Crime Threshold).

Officers must satisfy themselves that what they are investigating is a criminal offence. If at any time during the investigation it becomes clear that the activity being investigated does not amount to a criminal offence or is a less serious offence which does not meet the threshold the Directed Surveillance Authorisation must be cancelled.

7.2 The test for necessary needs to include a consideration of why it is necessary to use Directed Surveillance. All other grounds identified on the forms must be deleted. Directed surveillance or the use of a CHIS will not be necessary if there are other means of obtaining the required evidence. Therefore consideration must be given to other means of obtaining this evidence before Directed Surveillance or the use of a CHIS is considered and this should be documented.

7.3 As well as believing that the authorisation is necessary, the Authorised Officer will also have to be satisfied that the proposed surveillance is proportionate to the objective.

This is not always an easy test to apply, but as a general rule:

- Covert surveillance should not be used where there are alternative means of obtaining the required information
- Unduly intrusive methods should not be used to obtain information about trivial contravention of offences.

7.4 In this context it is important to bear in mind the risk of Collateral Intrusion as well as the effect on the target.

7.5 An Authorising Officer must give their authorisation in writing. They should not be responsible for authorising operations in which they are directly involved. All authorisations must be recorded in the centrally retrievable record of authorisation.

7.6 A written application for Directed Surveillance should describe any conduct to be authorised and the purpose of the investigation. It should include:

- The reasons why the authorisation is necessary in this particular case and on what grounds
- The nature of the surveillance
- The identities (if known) of the subject of the surveillance
- A summary of the intelligence case and appropriate unique intelligence references where applicable

- An explanation of the information which is desired to be obtained as a result of the surveillance
- The details of any potential Collateral Intrusion and why this intrusion is justified
- The details of any Confidential Information which is likely to be obtained as a consequence of the surveillance
- The reasons why the surveillance is considered proportionate to what it seeks to achieve

A subsequent record should also be made of whether authorisation was given or refused, by whom and the time and date this happened.

7.7 Authorisation will cease to have effect (unless renewed or cancelled) at the end of a period of 3 months beginning on the day the Authorisation was granted.

8 COLLATERAL INTRUSION AND CONFIDENTIAL INFORMATION

8.1 Before authorising Directed Surveillance the Authorising Officer should take into account the risk of obtaining private information about persons who are not the intended subjects of the activity. This is known as Collateral Intrusion.

8.2 Measures should be taken, wherever practicable, to avoid or minimize unnecessary intrusion into the privacy of those who are not the subject of the Directed Surveillance. Where Collateral Intrusion is unavoidable, the activities may still be authorised providing this Collateral Intrusion is considered proportionate to the aims of the intended intrusion. Any Collateral Intrusion should be kept to the minimum necessary to achieve the objectives of the operation. All applications should include an assessment of the risk of any Collateral Intrusion and detail the measures taken to limit this to enable the Authorising Officer to properly consider the proportionality of the surveillance in light of the Collateral Intrusion.

8.3 The risk of Collateral Intrusion must be addressed on the application form. The reasons why Collateral Intrusion is unavoidable and the steps taken to minimise it, must also be set out on the form.

8.4 The form also requires the officer to consider the likelihood of acquiring Confidential Information to be assessed. Confidential Information consists of:

- matters subject to legal privilege (i.e. advice and instructions which are confidential as between legal advisors and their clients)
- confidential personal information about a person's physical or mental health, or spiritual counselling
- confidential journalistic material (i.e. information which a journalist has acquired on a confidential basis)

8.3 If confidential information is likely to be obtained, the Chief Executive is required to be the Authorising Officer.

- 8.4 Having satisfied themselves about all of the above matters, Authorising Officers must ensure that all the relevant sections of both copies of the application form are completed and signed. One copy of the completed and signed form should be retained within the department and the original is to go on the Central Register.

9 JUDICIAL APPROVAL

- 9.1 Under amendments made to the Act by The Protection of Freedoms Act 2012 the Council must now make an application to the Magistrates Court in order to obtain judicial approval. The Council must obtain an order approving the grant or renewal of an authorisation from a Justice of the Peace (JP) before it can take effect.
- 9.2 No activity permitted by the authorisation granted by the Authorising Officer may be undertaken until the approval of the Magistrates Court of that authorisation has been obtained. An Authorising Officer who intends to approve and application for the use of Directed Surveillance must immediately inform the Monitoring Officer and legal Services in order that the application can be made to the Magistrates Court.
- 9.3 The JP will consider whether or not the authorisation for the use of Directed Surveillance is necessary and proportionate. They will need to be satisfied that at the time the authorisation was granted or renewed or notice was given or renewed there were reasonable grounds for believing that the authorisation or notice was necessary and proportionate. If the Justice of the Peace is satisfied that the statutory tests have been met and that the use of Directed Surveillance is necessary and proportionate they will issue an order approving the grant or renewal of authorisation as described in the application.
- 9.4 A RIPA application to a JP is a legal proceeding; this application will be made by Legal Services on behalf of officers with sign off by the RIPA Monitoring Officer. Investigating officers may need to attend and should be prepared to present their evidence to court. The hearing will be a closed one. It is very important that all the evidence relied upon in the application is contained within the forms and supporting papers. They must make the case, it is not sufficient to provide oral evidence where the oral evidence given is not reflected in the papers. Oral evidence should support the documents and should not be used to expand them or present information or evidence that is not already in the papers.

10 DURATION, REVIEW, RENEWAL AND CANCELLATION OF AUTHORISATIONS

- 10.1 If at any time before an authorisation would cease to have effect, and the Authorising Officer considers it necessary for the authorisation to continue for the purpose for which it was given he/she may approve a renewal in writing for a further period of three months, beginning with the day when the authorisation would have expired but for the renewal.

Authorisations may be renewed more than once, provided they continue to meet the criteria for authorisation.

- 10.2 Regular reviews of all authorisations should be undertaken to assess the continuing need for Direct Surveillance. The results of the review should be recorded and retained for 3 years. Where Directed Surveillance involves a high level of Collateral Intrusion or where Confidential Information is likely to be obtained, reviews should be undertaken more frequently.
- 10.3 Where possible a review should be undertaken by the original Authorising Officer. Where, for whatever reason this is not possible, the review should be undertaken by an officer who would be entitled to grant a new authorisation in the same terms.
- 10.4 Any proposed or unforeseen changes to the nature or extent of the surveillance operation which may result in further or greater Collateral Intrusion must be brought to the attention of the Authorising Officer through a review. The Authorising Officer must consider whether the proposed changes are proportionate. Any changes must be highlighted at the next renewal.
- 10.5 Authorisations are of limited duration unless renewed. Their duration is 3 months.

A renewal must be authorised prior to the expiry of the original Authorisation but it runs from the expiry date and time of the original Authorisation. It should not be renewed until shortly before the original Authorisation period is due to expire. Authorisations may be renewed more than once if they are still considered necessary and proportionate and approved by a JP.

As renewals are subject to the approval by the Magistrates Court, Authorising Officers must advise the Monitoring Officer and Legal Services immediately when they are minded to grant a renewal.

Whilst applications for renewals should not be made until shortly before the original authorisations period is due to expire, officers must take into account factors which may delay the renewal process (the availability of the Authorising Officer, Legal Services and court listings).

- 10.6 Authorising Officers cannot simply allow an authorisation to run its course and expire. An authorisation must be cancelled if it is no longer needed, or if it no longer matches the basis on which it was granted. The need for cancellation may arise before an authorisation is due for review. It is, therefore essential that the investigating officer should draw the attention of the Authorising Officer to any relevant developments and for the Authorising Officer to pro-actively monitor the use being made of the authorisation.
- 10.7 Formal reviews must be carried out on the date(s) specified in the Authorisation, this should not be later than one month following authorisation. The relevant forms direct Authorising Officers to the matters to be considered on a review. In general terms the considerations are the same as those to be taken into account when first issuing an authorisation.
- 10.8 An authorisation may be renewed at any time before it expires. All applications for renewal of authorisations for Directed Surveillance should record:

- whether the renewal is the first renewal, or the dates of any previous renewal
- any significant changes to the information on which the authorisation was last issued or renewed
- the reasons why it is necessary to continue with the surveillance
- an estimate of the length of time the surveillance will continue to be necessary.
- the content and value to the investigation of the information so far obtained.
- the results of regular reviews of the investigation or operation.

10.9 Authorisations may be renewed more than once provided that they continue to meet the criteria for Authorisation. Any person who is entitled to grant a new Authorisation can renew an Authorisation. Authorisations must be cancelled if the Directed Surveillance as a whole no longer meets the criteria upon which it was authorised.

10.10 All reviews, cancellations and renewals must be recorded on the relevant forms, which should be completed in duplicate. The forms direct Authorising Officers towards the relevant considerations to be taken into account.

10.11 Reviews, renewals and cancellations should be carried out by the Authorised Officer who first issued the relevant Authorisation. The details of any renewal should be centrally recorded.

10.12 Authorising Officers are required to ensure that:

- Authorisations have been properly cancelled at the end of the period of surveillance
- Surveillance does not continue beyond the authorisation period
- Current authorisations are regularly reviewed
- Ensure the timely destruction of the results of surveillance operations

11. CENTRAL REGISTER

11.1 A centrally retrievable record of all authorisations should be held by the Council and updated whenever an Authorisation is granted, renewed or cancelled. This information must be held for three years from the end of each Authorisation. If there is reason to believe that any of the information obtained as a result of the authorisation might be relevant to further civil or criminal proceedings then this should not be destroyed but should be retained in accordance with established disclosure requirements. The record should be made available to the relevant Commissioner or Inspector from the Office of Surveillance Commissioners upon request.

11.2 The record must contain the following information:

- The date that the Authorisation was given
- The name and position of the Authorising Officer
- The unique reference number (URN) of the investigation, its title and a brief description of the names and subjects (if known)

- The details of the attendance at the Magistrates, the date of the attendance, the determining Magistrate, the decision of the court and the time and date of the decision
- The date of any reviews
- If the Authorisation has been renewed when it was renewed, who authorised the renewal (name and position of the officer)
- Whether the investigation is likely to result in obtaining any Confidential Information
- The date the Authorisation was cancelled.
- Where the application is refused, the grounds or reasons for refusal given by the Authorising Officer or the Justice of the Peace.

11.3 The following documentation should also be centrally retrievable for at least three years following the end of the Authorisation:

- A copy of the Application and a copy of the Authorisation with any supplementary documentation and notification of the approval given by the Authorising Officer.
- A record of the period over which the surveillance has taken place
- The frequency of the reviews prescribed by the Authorising Officer
- A record of the results of each review of the Authorisation
- A copy of any renewal of an Authorisation with any supporting documents submitted when the renewal was requested.
- Date and time when any instruction to cease surveillance was given
- A copy of the order approving or otherwise the grant for renewal of an Authorisation from a JP.

11.2 The Central Register is kept by the RIPA Monitoring Officer, who will also retain an excel spreadsheet of the Central Register. The RIPA Monitoring Officer is responsible for maintaining the Central Register.

12 KEEPING RECORDS

12.1 Quite apart from the statutory requirement that Authorisations should be in writing, there is self-evidently a need to keep proper records so that the protection of the Act can be relied upon in any legal proceedings if needs be.

12.2 As outlined earlier, two copies of every Authorisation, review, renewal or cancellation should be completed. One should be retained by the department and the original sent to the RIPA Monitoring Officer, to be put onto the Central Register. The Authorising Officer is responsible personally for ensuring that copies of those documents are sent to the RIPA Monitoring Officer, within one week.

12.3 Forms should be handed over personally or sent in a sealed envelope marked "Private and Confidential".

- 12.4 The handling, storage and destruction of material obtained through an operation must be done so in accordance with the requirements of the General Data Protection Regulation and the Council's policies.
- 12.5 Material gathered under RIPA through Directed Surveillance which has been properly Authorised can be used to further other investigations.
- 12.6 Each service department undertaking Directed Surveillance must ensure that adequate arrangements are in place for the secure handling, storage and destruction of material obtained through the use of covert surveillance.

13 HEALTH AND SAFETY

- 13.1 Authorising Officers are reminded of the need to ensure that the health and safety implications of undertaking investigations are taken into account.
- 13.2 This, of course, applies whether or not Covert Surveillance is taking place, but in certain circumstances the level of risk to employees may be increased by covert activity. The risk must be properly assessed and steps taken to minimise it.

14 WORKING WITH/THROUGH OTHER AGENCIES

- 14.1 In certain circumstances it may be necessary for the Council to work with other agencies on a surveillance operation. When this is the case the Council should try to avoid duplication of Authorisations. Where there has been duplication this will not affect the lawfulness of the activities conducted.
- 14.1 When another agency has been instructed on behalf of the Council to undertake any action under RIPA, this policy and the forms in it must be used (as per normal procedure) and the agency advised or kept informed, as necessary, of the various requirements.
- 14.3 When another agency (e.g. the Police, Customs and Excise, Inland Revenue etc); -
- wish to use the Council's resources (e.g. CCTV) that agency must use its own RIPA procedures and before an officer agrees to allow the Council's resources to be used by any agency they must obtain a copy of that agency's RIPA form for the record (a copy of which must be passed to the RIPA Monitoring Officer for the Central Register).
 - wish to use the Council's premises for their own RIPA action the officer should, normally co-operate with the same, unless there are security or other good operational or managerial reasons as to why the City Council's premises should not be used for the agency's activities. Suitable insurance or other appropriate indemnities may be sought, if necessary, from the agency. In such cases the Council's own RIPA forms should not be used as the Council's role is simply to assist in the RIPA activity.

14.4 If the Police or other agency want to use the Council resources for general surveillance, as opposed to specific RIPA operations, an appropriate letter requesting the proposed use, extent of remit, duration, who will be undertaking the general surveillance and the purpose of it must be obtained from the Police or other Agency before any Council resources are made available for the proposed use. If in doubt please consult with the RIPA Monitoring Officer or the Legal Services Manager at the earliest opportunity.

15 TRAINING

15.1 The RIPA Monitoring Officer should ensure that all officers who are required to undertake investigations receive relevant RIPA training and appropriate refresher training. However, any investigating officer who feels that they need further training or refresher training should raise this with their supervisor at the earliest opportunity. It is the responsibility of all investigating officers to ensure that they keep up to date with any developments or changes to RIPA. In house training can be sought by contacting Legal Services.

16 SENIOR RESPONSIBLE OFFICER (SRO)

16.1 The Council has appointed the City Solicitor as the SRO who is responsible for the following:-

- The integrity of the process in place within the Council to authorise Directed Surveillance.
- For ensuring that all Authorising Officers are of an appropriate standard in light of any recommendations in the inspection reports prepared by the Office of the Surveillance Commissioner.
- Compliance with Part II of the 2000 Act, Part III of the 1997 Act and with this code;
- Engagement with the Commissioners and Inspectors when they conduct their inspections, and
- Address any post inspection action plans recommended or approved by a Commissioner.

17 REVIEW AND PUBLICATION

17.1 The Policy will be reviewed annually and any changes presented to the Executive on an annual basis to comply with the Codes, the legislation and to ensure that it is being used consistently. It may be amended from time to time in light of any developments in the law and experience of the operation to ensure that it remains fit for purpose. Staff are encouraged to raise any issues they may have with the Legal Services Manager.

17.2 The Executive shall review the Council's use of RIPA annually in accordance with the Code of Practice on Covert Surveillance and Property Interference.

18 **SOCIAL MEDIAL**

18.1 It is important to be aware that the use of social media in an investigation could, depending on how it is used and the type of information likely to be obtained, constitute covert activity that requires authorisation under RIPA.

18.2 Researching 'open source' material would not require authorisation but return visits to these sites in order to build up a profile could change this position and may constitute Directed Surveillance and need an authorisation. As such before any integration of social media is undertaken a social media access request form (attached at Appendix B) must be completed and signed by one of the Council's solicitors.

18.3 Officers should not use false personae (a false social media profile or handle) or their own social media to undertake any authorised social media searches. The Council's own social media accounts must be used for this.

19 **ERRORS AND BREACHES OF RIPA**

19.1 An error must be reported if it is a Relevant Error (as defined under section 231(9)_RIPA. An example of Relevant Errors occurring would include circumstances where Surveillance or the use of a CHIS has taken place without the lawful authority.

19.2 All Relevant Errors made by the Council of which it is aware must be reported to the IPC as soon as reasonably practicable and no later than 10 working days.

19.3 Once the error has been identified, the Council must take steps to confirm the fact of an error as quickly as it is reasonably practicable to do so. Where it is subsequently confirmed that an error has occurred and that the error is notified to the Commissioner, the Council must also inform the commissioner of when it was initially identified that an error may have taken place.

19.4 A full report must be sent to the Investigatory Powers Commissioner as soon as reasonably practicable in relation to any relevant error, including details of the error. The report should include information on the cause of the error, the amount of surveillance conducted and any material obtained or disclosed, any collateral intrusion, any analysis of the action taken, whether any material has been retained or destroyed and a summary of the steps taken to prevent recurrence.

19.5 If the Investigatory Powers Commission considers the error to be a serious error and that it is in the public interest for the person concerned to be informed of the error, they must inform them. An error is a serious error where it is considered to have caused significant prejudice to the person concerned. When deciding whether it is in the public interest for the person concerned to be informed of the error, the Commissioner must in particular consider:

- The seriousness of the error and its effect on the person concerned
- The extent to which disclosing the error would contravene the public interest and be prejudicial to: national security, the prevention or detection of serious crime, the economic well-being of the United Kingdom or the continued discharge of function of any of the security and intelligence services.

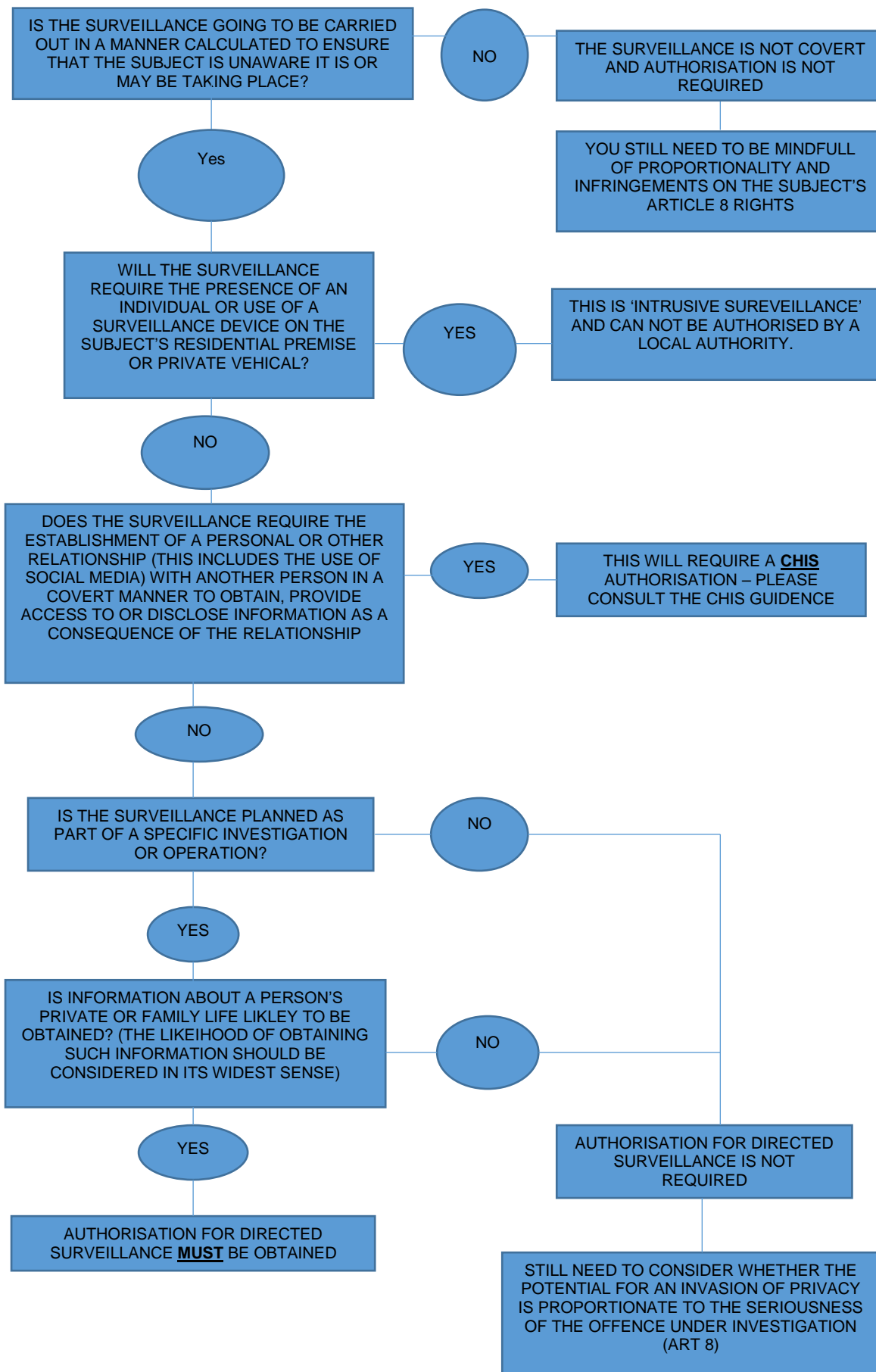
19.6 When informing a person of a Serious Error, the Commissioner must inform the person of any rights that they may have to apply to the Investigatory Powers Tribunal and provide such details of the error as the Commission considers to be necessary for the exercise of these rights.

19.7 Evidence gathered where RIPA has not been complied with may not be admissible in Court. Any perceived breach of this policy or the RIPA procedures should be reported to the Monitoring Officer. Where the breach relates to an active court case this should also be raised with the Solicitor instructed in this case. These should be reported as soon as they come to light.

20 OTHER SOURCES OF ADVICE

20.1 Detailed guidance on the operation of RIPA is available in Codes of Practice published by the Home Office and available on their website www.homeoffice.gov.uk. Advice is also available from the RIPA Monitoring Officer and Legal Services.

IS A DIRECTED SURVEILLANCE AUTHORISATION REQUIRED?



APPENDIX A

GUIDANCE TO STAFF ON USE OF COVERT HUMAN INTELLIGENCE SOURCES

This Guidance **must** be read in conjunction with the City of Lincoln Council's Policy on Regulation of Investigatory Powers Act 2000 (RIPA)

1. GENERAL POLICY

- 1.1 Please refer to the policy on RIPA for an explanation of the Regulation of Investigatory Powers Act 2000 and how this affects the Council.
- 1.2 The procedure and guidance set out in this Guidance is based on the provisions of RIPA, the Home Office Codes of Practice on the use of CHIS and the Home Office Guidance to Local Authorities in England and Wales on the Judicial Approved Process for RIPA and the Crime Threshold for Directed Surveillance. When implementing any procedure or policy contained within this guidance the officer and the Authorising Officer must ensure that there is compliance with the Home Office Codes of Practice on CHIS. This can be found at:

<https://www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice>
- 1.3 There is a Flowchart at the end of this Policy to summarise the requirements of RIPA.
- 1.4 To be clear, there is no use of a CHIS merely because a person offers information to the Council that may be material to the investigation of an offence, but there would be if the authority asks that person to obtain further information. If a person has a relationship with another person which is not established or maintained for a covert purpose, the fact that he or she does in fact covertly disclose information to the local authority will not require an authorisation and that person will not be a CHIS.
- 1.5 It is not only a person outside of the employment of the Council who may be used as a source. If a member of staff is intended to be used as a CHIS, appropriate training must be given to that staff member.

2. COVERT HUMAN INTELLIGENCE SOURCES

- 2.1 A person is a "covert human intelligence source" (CHIS) if:
 1. They establish or maintain a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within 2) or 3)
 2. They covertly use such a relationship to obtain information or to provide access to any information to another person; or
 3. They covertly disclose information obtained by the use of such a relationship or as a consequence of the existence of such a relationship

- 2.2 In this context, a source of information acts covertly if he or she establishes and maintains a relationship which is conducted in a manner which is calculated to ensure that the other person is unaware that the relationship is being used for the purposes listed above.
- 2.3 A relationship that is used covertly, and the 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. Where a person acting in their role for the Council is intending to engage with members of the public online without disclosing their identity or purpose, a CHIS authorisation may be needed and the Council's RIPA Policy should be consulted and the Social Media Access form should be used.
- 2.4 When applied to a relationship "established" means "set-up." It does not require, as "maintains" does, endurance over any particular period. Repetition is not always necessary to give rise to a relationship but whether or not a relationship exists depends on all the circumstances including the length of time of the relationship and the nature of any covert activity.
- 2.5 The use of a CHIS involves inducing, asking or assisting a person to engage in the conduct of a CHIS or to obtain information by means of the conduct of such a CHIS.
- 2.6 RIPA regulates the "conduct and use" of covert human intelligence sources. An officer therefore requires authority both to act as a CHIS in person and to use anyone else (e.g. a member of the public or private investigator) as a CHIS.
- 2.7 Officers should carefully consider whether any potential human source of information might be a CHIS and if so to secure the necessary authority in accordance with this guidance and accompanying documents. It is worth noting that a person meets the CHIS criteria even if they volunteer information to an officer. Officers should ensure that they are familiar with the Home Office Code of Practice on the use of Covert Human Intelligence Sources and also seek advice from Legal Services if necessary.
- 2.8 There are separate forms to be completed for the use of a CHIS and for reviewing, renewing and cancelling the use of a CHIS. These need to be completed by the officer and signed by the Authorising Officer. These forms and guidance on them can be here:

<https://www.gov.uk/government/publications/application-for-the-use-of-covert-human-intelligence-sources-chis>

<https://www.gov.uk/government/publications/reviewing-the-use-of-covert-human-intelligence-sources-chis>

<https://www.gov.uk/government/publications/renewal-of-authorisation-to-use-covert-human-intelligence-sources>

<https://www.gov.uk/government/publications/cancellation-of-covert-human-intelligence-sources-chis>

3. AUTHORISING THE USE OF A CHIS

- 3.1 The need to make use of a CHIS is likely to be even more infrequent than for Direct Surveillance. It involves additional considerations and procedures. Authority to authorise the conduct or use of a CHIS can only be granted by the Authorising Officer as outlined in the Policy. The Council has resolved that this must be in conjunction with the RIPA Monitoring Officer.
- 3.2 Before authorising the conduct or use of a CHIS the Authorising Officer will not only need to take into account the general considerations as outlined in the main guidance on RIPA but will also need to be satisfied that the appropriate arrangements are in place for:
- The management and oversight of a CHIS by a designated officer who will also have responsibility for the CHIS's security and welfare
 - Record keeping
 - Ensuring that any records disclosing the identity of the CHIS are only made available on a strict "need to know" basis.
- 3.3 Vulnerable individuals and juveniles should only be used as sources in the most exceptional circumstances and special rules apply in these cases. Only the Chief Executive may authorise use of a juvenile or vulnerable CHIS.

"Vulnerable individuals" are defined as people in need of community care services by reason of physical, mental or other disability, age or illness and who are unable to take care of themselves or protect themselves against significant harm or exploitation.

"Juveniles" are persons under 18 years of age. Special safeguarding rules apply to the use or conduct of juveniles as sources. Under no circumstance should the use or conduct of a CHIS under 16 be authorised to give information on their parents or any person who has parental responsibility for them. Any authorisation for the use or conduct of a juvenile CHIS will only be for 1 month's duration as opposed to 12 months for all other CHIS.

Those authorised to grant the use of CHIS's will be extremely reluctant to issue authorisations for the use of vulnerable individuals or juveniles.

Where a CHIS is under the age of 16 years old the Council must ensure that an appropriate adult is present at all meetings between the juvenile source and any person representing the investigating authority.

- 3.4 Before authorising the use or conduct of a source, the Authorising Officer should take into account the risk of interference with the private and family life of persons who are not the intended subjects of the CHIS activity. This is known as Collateral Intrusion, a definition of Collateral Intrusion can be found in the RIPA Guidance above.

- 3.5 Measures should be taken, wherever practicable, to avoid or minimize interference with private and family life of those who are not the intended subjects of the CHIS activity. Where Collateral Intrusion is unavoidable, the activities may still be authorised providing this Collateral Intrusion is considered proportionate to the aims of the intended intrusion. Any Collateral Intrusion should be kept to the minimum necessary to achieve the objectives of the operation. All applications should include an assessment of the risk of any Collateral Intrusion and detail the measures taken to limit this to enable the Authorising Officer to properly consider the proportionality of the operation in light of the Collateral Intrusion.
- 3.6 The Authorising Officer who grants an authorisation should, where possible, be responsible for considering subsequent renewals of the Authorisation and any relevant security and welfare issues. The Authorising Officer will stipulate the frequency of formal reviews and The Controller should maintain an audit of case work sufficient to ensure that the use or conduct of the CHIS remains within the parameters of the Authorisation. This does not prevent additional reviews being conducted in response to the changing circumstances of an operation.
- 3.7 In some cases a single Authorisation may cover more than one CHIS. However it is only likely to be appropriate in situations where the activities to be authorised, the subjects of the operation, the interference with the private and family life, the likely Collateral Intrusion and the environmental or operational risk assessments are the same.
- 3.8 As of 1st November 2012 the Council now has to obtain an order from a Justice of the Peace (JP) approving the grant or renewal of any Authorisation for the use of CHIS before Authorisation can take effect and the operation be carried out. This is similar to the procedure outlined in the RIPA Policy and Legal Services advice is required to undertake this application.

The JP will consider whether or not the Authorisation for the use of a CHIS was necessary and proportionate. They will need to be satisfied that at the time the authorisation was granted or renewed or notice was given or renewed there was reasonable grounds for believing that the Authorisation or notice was necessary and proportionate. If the Justice of the Peace is satisfied that the statutory tests have been met and that the use of a CHIS is necessary and proportionate they will issue an order approving the grant or renewal of Authorisation as described in the application.

- 3.9 Authorisation for an adult CHIS (unless renewed) is for 12 months from the date of approval by the JP.
- 3.10 Regular reviews of the authorisations should be undertaken by the Authorising Officer to assess whether it remains necessary and proportionate to use a CHIS and whether the authorisation remains justified. The review should include:
- The use made of the CHIS during the period authorised
 - The tasks given to the CHIS
 - The information obtained from the CHIS

- If appropriate to the Authorising Officer's remit, the reasons why executive action is not possible at this stage.

Results of the review must be retained for at least 5 years. In each case it is up to the Authorising Officer to determine the frequency of a review. This should be as often as is considered necessary and proportionate but should not prevent reviews being conducted in response to changing circumstances. Where there are any significant or substantive changes to the nature of the operation, consideration should be given as to whether it is necessary to apply for a new authorisation.

- 3.11 CHIS authorisations can be renewed on more than one accession if necessary and provided that they continue to meet the criteria for authorisation. All renewals are subject to authorisation from a Justice of the Peace.

4. **Necessity and Proportionality**

- 4.1 The Act requires that the Authorising Officer (and then the JP) must believe that an Authorisation for the use or conduct of a CHIS is necessary and proportionate in the circumstances of the particular case for the purpose of preventing or detecting crime or of preventing disorder.
- 4.2 If it decides that the use of a CHIS is necessary the person granting the authorisation must then believe that the use is proportionate to what is sought to be achieved by the conduct and use of that CHIS. This involves balancing the intrusiveness of that CHIS on the target and others who might be affected by it against the need for the CHIS to be used in investigative and operational terms.
- 4.3 The use of a CHIS will not be proportionate if it is excessive in the circumstances of the case. Each action authorised should bring an expected benefit to the investigation or operation and should not be disproportionate or arbitrary. No activity will be considered proportionate if the information which is sought could reasonably be obtained by other less intrusive means.
- 4.4 When considering this the following factors are relevant:-
- Balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;
 - Explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
 - Considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result;
 - Evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented.

Fundamentally the use of covert surveillance must be proportional to the issue being investigated

The test for necessary needs to include a consideration of why it is necessary to use covert surveillance

4.5 The use of a CHIS should be carefully managed to meet the objective in question and sources must not be used in an arbitrary or unfair way.

5.0 **Special Considerations for authorisation**

5.1 Care should be taken in cases where the subject might reasonably expect a high level of privacy or where Confidential Information is involved. Please refer to the RIPA Policy for more detailed guidance on Confidential Information. Confidential Information could be legally privileged information, or information which carries medical or journalistic confidentiality. In cases where legally privileged material or other Confidential Information might be acquired the use or conduct of a CHIS can only be authorised by the Authorising Officer.

6.0 **Officers Required**

6.1 Two officers are required for the management of a CHIS: The Handler who has day-to-day responsibility and will be the contact for receipt of information, and The Controller who has general oversight.

6.2 Tasking the CHIS is the responsibility of The Handler with reference to The Controller. It is important to ensure that Authorisation is not drawn up so narrowly that new authorisation must be sought each time the CHIS is tasked however it can be difficult to predict the needs of an operation at the time of Authorisation and where an operation changes officers must ensure that the existing Authorisation is sufficient. Where it is not it should be cancelled and new Authorisation should be sought.

6.3 The Handler will have the day to day responsibility for:

- Dealing with a CHIS on behalf of the authority concerned
- Directing the day to day activities of the CHIS
- Recording the information supplied by the CHIS
- Monitoring the CHIS's security and welfare.

6.4 The Controller will be responsible for the management and supervision of the Handler and the general use and oversight of the CHIS.

6.5 Where the authorisation is for the use or conduct of a CHIS whose activities benefit more than a single public authority, responsibilities for the management and oversight of that CHIS may be taken up by one authority or can be split between the authorities. The Controller and Handler of a CHIS need not be from the same authority. The public authorities involved must lay out in writing their agreed oversight arrangements.

7.0 Keeping Records

- 7.1 Record keeping must be in accordance with The Regulation of Investigatory Powers (Source Records) Regulation S.I 2000; No 2725. Relevant officers will have their attention drawn to those specific requirements whenever an authorisation is issued and specific advice given as to how they should be complied with in the circumstances of the case. Consideration should be given to the management of any requirement to disclose information tending to reveal the existence or identity of a CHIS to or in court.
- 7.2 A centrally retrievable record of all authorisations should be maintained. These records need only contain the name, code name, or unique identifying reference of the CHIS, the date the Authorisation was granted, renewal or cancellation and an indication as to whether the activities were self-authorised. These records should be made available to the relevant Commissioner or Inspector from the Office of Surveillance Commissioners upon request.
- 7.3 These records should be retained for a period of at least five years from the ending of the authorisation to which they relate. In retaining records consideration must be given to the duty of care owed to the CHIS, the likelihood of future criminal or civil proceedings relating to information supplied by the CHIS or activities undertaken and the responsibilities and obligations under the General Data Protection Regulations. All records kept should be maintained in such a way so as to preserve the confidentiality and prevent disclosure of the identity of the CHIS and the information provided by the CHIS.
- 7.4 Records or copies of the following, as appropriate, should be kept for at least five years:
- A copy of the authorisation together with any supplementary documentation and notification of the approval given by the Authorising Officer
 - A copy of any renewal of an Authorisation, together with the supporting documentation submitted when the renewal was requested
 - The reason / reasons why the person renewing an Authorisation considered it necessary to do so.
 - Any risk assessment made in relation to a CHIS
 - The circumstances in which tasks were given to the CHIS
 - A record of the results of any reviews of the Authorisation
 - The reasons, if any, for not renewing the Authorisation
 - The reasons for cancelling an Authorisation
 - The date and time when any instruction was given by the Authorising Officer that the conduct or use of a CHIS must cease
 - A copy of the decision by an Ordinary Commissioner on the renewal of an authorisation beyond 12 months.
- 7.5 There must be arrangements in place for the secure handling, storage and destruction of material obtained through the use or conduct of a CHIS. This will be done in compliance with the General Data Protection Regulations and the Council's policies.

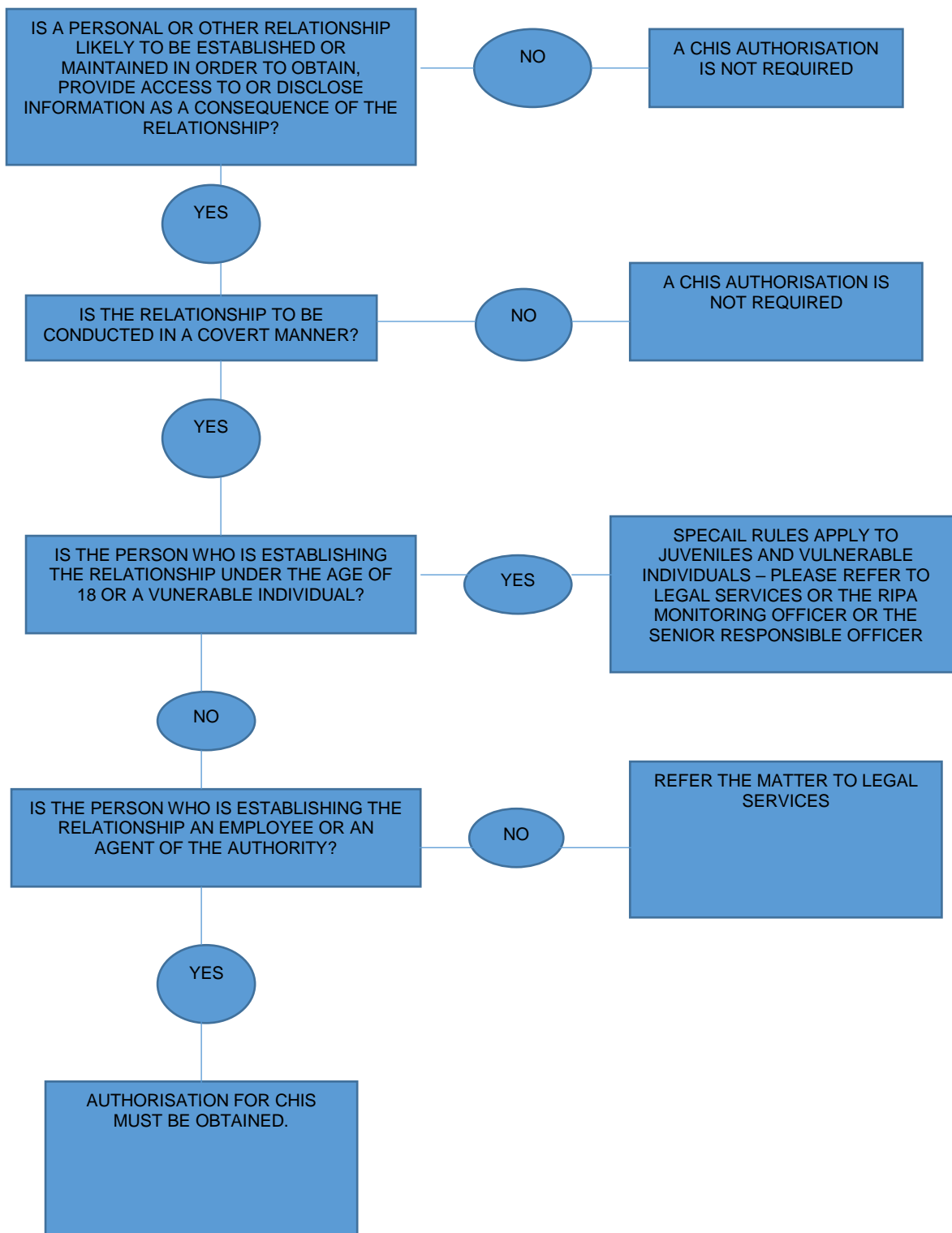
8.0 **Security and Welfare**

- 8.1 Before authorising the use or conduct of a CHIS the Authorising Officer must ensure that a risk assessment is carried out to determine the risk to the CHIS of any tasking and the likely consequences should the role of the CHIS become known. The ongoing security and welfare of the CHIS must be considered once the operation has terminated. This is to be carried out by the Corporate Health and Safety team.
- 8.2 The Handler is responsible for bringing to the attention of the CHIS Controller any concerns about the personal circumstances of the CHIS insofar as they might affect:
- The validity of the risk assessment
 - The conduct of the CHIS
 - The safety and welfare of the CHIS

Where appropriate, concerns about such matters must be brought to the attention of the Authorising Officer and a decision must then be taken on whether or not to allow the Authorisation to continue.

- 8.3 The Council recognises a duty of care to its covert sources and it is important that a risk assessment and management approach is taken with regard to the welfare of the source. The risk to the source may not only be physical but also psychological, for example stress.

IS A CHIS AUTHORISATION REQUIRED?



APPENDIX B

REQUEST TO ACCESS SOCIAL MEDIA FOR INVESTIGATIVE PURPOSES

FOR GUIDENCE FILLING OUT THIS FORM PLEASE REFER TO THE RIPA SOCIAL MEDIA GUIFDENCE ON NETCONSENT.

Social Media are “websites and applications which enable users to create and share content or to participate in Social Networking” For the avoidance of doubt this includes social networking sites.

THIS FORM ONLY ALLOWS YOU TO ACESS SOCIAL MEDIA SITES VIA COMMUNICATIONS, IT DOES NOT GIVE YOU AUTHORITY TO ACCESS THEM THOUGH YOUR OWN PERSONAL ACCOUNTS OR PERSONAL DEVICES.

LEAD OFFICER

SERVICE MANAGER

WHICH SOCIAL MEDIA / NETWORKING SITE DO YOU WISH TO ACCESS?

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DOES THE TARGET HAVE PRIVACY SETTINGS APPLIED ON THESE SITES? Y / N / UNKNOWN

NATURE AND PURPOSE OF INVESTIGATION:

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IF YOU ARE INVESTIGATING AN OFFENCE DOES THE OFFENCE CARRY A 6 MONTH CUSTODIAL SENTENCE OR LONGER IF THE SUSPECT IS CONVICTED? Y / N

IF YES, WHAT IS THE MAXIMUM CONVICTION FOR THE OFFENCE?

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WHAT INFORMATION DO YOU HOPE TO FIND ON THE SITE?

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IT MUST BE PROPORTIONATE TO BREACH AN INDIVIDUAL'S ARTICLE 8 RIGHT, PLEASE EXPLAIN WHY YOU CONSIDER THIS BREACH TO BE PROPORTIONATE FOR THE PURPOSES OF THIS INVESTIGATION:

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OUTLINE THE RISK (IF ANY) OF COLLATERAL INTRUSION?

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COMMENTS FROM LEGAL SERVICES

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SOLICITOR.....

DATE

PLEASE RETAIN A SIGNED COPY OF THIS FORM FOR YOUR FILE. COMMUNICATIONS WILL ALSO RETAIN A COPY OF THIS FORM.

ONCE THIS FORM HAS BEEN SIGNED BY LEGAL SERVICES IT WILL ENTITLE YOU TO VIEW A SUSPECTS SOCIAL MEDIA PAGE OR SOCIAL NETWORKING PAGE ONCE (VIA COMMUNICATIONS) AND RECORD YOUR FINDINGS.

SHOULD THE CASE GO TO COURT YOU MAY NEED TO VISIT THE SOCIAL MEDIA / SOCIAL NETWORK SITE AGAIN TO UPDATE YOUR FINDINGS, THIS FORM AUTHOMATICALLY ENTITLES YOU TO ACCESS THE SAME SOCIAL MEDIA OR SOCIAL NETWORKING SITED ONCE MORE PRIOR TO COURT IN ORDER TO UPDATE YOUR INFORMATION AND GIVE THE COURT CURRENT DETAILS. THE SITE CAN ONLY BE ACCESSED A SECOND TIME FOR THE PURPOSES OF A COURT HEARING AND YOU MUST ACCESS THE SOCIAL MEDIA / SOCIAL NETWORKING SITES THOUGH COMMUNICATIONS.

IF YOU NEED TO ACCESS THIS SITE MORE THAN TWICE THIS COULD BE DIRECTED SURVEILLANCE AND YOU WILL NEED TO SPEAK TO A MEMBER OF LEGAL SERVICES AS YOU MAY REQUIRE RIPA AUTHORISATION FROM THE COURTS BEFORE YOU CAN DO THIS.

I CONFIRM I HAVE READ AND UNDERSTOOD THE ABOVE

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DATE

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POLICY SCRUTINY COMMITTEE

15 FEBRUARY 2022

| | |
|----------------------|---|
| SUBJECT: | POLICY SCRUTINY WORK PROGRAMME 2021/22 AND EXECUTIVE WORK PROGRAMME UPDATE |
| REPORT BY: | CHIEF EXECUTIVE & TOWN CLERK |
| LEAD OFFICER: | CLAIRE TURNER, DEMOCRATIC SERVICES OFFICER |

1. Purpose of Report

1.1 To present the Policy Scrutiny Committee Work Programme for 2021/22 and receive comments and considerations from members with items for the municipal year 2021/2022 and to advise Members of the items that are on the current edition of the Executive Work Programme.

2. Background

2.1 The work programme is attached at **Appendix A**.

2.2 The Constitution provides for the publication of the Executive Work Programme on a monthly basis detailing key decisions/ exempt para (Section B) items to be taken by the Executive, a committee of the Executive or a Member of the Executive during the period covered by the programme. This is attached at **Appendix B** and has been provided to assist members in identifying items for inclusion within the work programme.

3. Recommendation

3.1 That Members give consideration to the Policy Scrutiny Work Programme for 2021/22 and update where appropriate to include items which they wish to consider from the Executive Work Programme as required.

List of Background Papers: None

Lead Officer: Claire Turner, Democratic Services Officer
Telephone 873619

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Policy Scrutiny Committee Work Programme – Timetable for 2021/22

15 June 2021

| Item(s) | Responsible Person(s) | Comments |
|---|--------------------------|----------------|
| Public Toilet Review | Steve Bird | |
| Health Scrutiny Update | Chair of Policy Scrutiny | Regular Report |
| Policy Scrutiny Work Programme 2021 -2022 | Democratic Services | Regular Report |

24 August 2021

| Item(s) | Responsible Person(s) | Comments |
|---|--------------------------|----------------|
| Policy Scrutiny Work Programme 2020-2022 Update | Democratic Services | Regular Report |
| City of Lincoln Council Environmental Policy' | Kate Bell | |
| The Consultation & Engagement Strategy | Pat Jukes | |
| Draft Local Plan Consultation | Toby Forbes- Turner | |
| Protecting Vulnerable People | Paula Burton | Annual Update |
| Health Scrutiny Update | Chair of Policy Scrutiny | Regular Report |

5 October 2021

| Item(s) | Responsible Person(s) | Comments |
|---|-----------------------|----------------|
| Policy Scrutiny Work Programme 2020 -2021 | Democratic Services | Regular Report |
| St Peters Passage PSPO | Francesca Bell | |

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|------------------------|--------------------------|----------------|
| Health Scrutiny Update | Chair of Policy Scrutiny | Regular Report |
|------------------------|--------------------------|----------------|

23 November 2021

| Item(s) | Responsible Person(s) | Comments |
|--|--------------------------|----------------|
| Building Safety-Resident Engagement Strategy | Chris Morton | |
| Draft COLC Decarbonisation Strategy and Action Plan Report | Kate Bell | |
| City of Lincoln Council CTS Scheme 2022/23 | Martin Walmsley | |
| Policy Scrutiny Work Programme 2020-2021 Update | Democratic Services | Regular Report |
| Health Scrutiny Update | Chair of Policy Scrutiny | Regular Report |

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11 January 2022 – Postponed

| Item(s) | Responsible Person(s) | Comments |
|---|--------------------------|----------------|
| Policy Scrutiny Work Programme 2021-2022 Update | Democratic Services | Regular Report |
| Corporate Policy Review | Becky Scott | |
| RIPA Policy Update | Becky Scott | |
| Affordable Warmth Strategy | Kate Bell | |
| Health Scrutiny Update | Chair of Policy Scrutiny | Regular Report |

15 February 2022

| Item(s) | Responsible Person(s) | Comments |
|---|--------------------------|----------------|
| Vision 2025 Mid-Term Review Delivery Plan | Pat Jukes | |
| LTP Constitution | Paula Cade | |
| Tenant Involvement Strategy | Paula Cade | |
| Corporate Policy Review | Becky Scott | |
| RIPA Policy Update | Becky Scott | |
| Affordable Warmth Strategy | Kate Bell | |
| IT Security Policies | Matt Smith | |
| Health Scrutiny Update | Chair of Policy Scrutiny | Regular Report |
| Policy Scrutiny Work Programme 2022-2023 Update | Democratic Services | Regular Report |

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15 March 2022

| Item(s) | Responsible Person(s) | Comments |
|---|--------------------------|----------------|
| Scrutiny Annual Report | Democratic Services | Annual Report |
| Policy Scrutiny Work Programme 2022-2023 Update | Democratic Services | Regular Report |
| Review of Facilities Strategy | Steve Lockwood | |
| Contaminated Land Inspection Strategy | Steve Lockwood | |
| Health Scrutiny Update | Chair of Policy Scrutiny | Regular Report |
| Recycling- paper and card collections proposal | Steve Bird | |

EXECUTIVE WORK PROGRAMME

February 2022 - December 2022

NOTES

1. The Leader in consultation with the Chief Executive and Town Clerk prepares an Executive Work Programme to cover a period of twelve months.
2. The Executive Work Programme contains matters which the Leader has reason to believe will be the subject of a key decision during the period covered by the Plan or Executive decisions which are likely to be taken in private.
3. A Key Decision is one which is likely:
 - a) to result in the Local Authority incurring expenditure which is , or the making of savings which are, significant having regard to the Local Authority's budget for the service or function to which it relates; or
 - b) to be significant in terms of its effect on communities living or working in an area comprising 2 or more wards in the area of the local authority.
4. Whilst the majority of the Executive's business at the meetings listed in the Executive Work Programme will be open to the public and media organisations to attend, there will be some business to be considered that contains, for example, confidential, commercially sensitive or person information.

This document serves as formal notice under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that certain items in the Executive Work Programme will be considered in private because the item contains exempt information under Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) and that the public interest in withholding the information outweighs the public interest in disclosing it. If an item is to be considered in private this will indicated on the individual decision notice.

If you have any queries, please telephone 01522 873387 or email democratic.services@lincoln.gov.uk.

EXECUTIVE WORK PROGRAMME SUMMARY

| Date of Decision | Decision | Decision: Summary | Decision Taken By | Key Decision | Exempt Information |
|-------------------------|---|--|--------------------------|---------------------|---------------------------|
| 21 February 2022 | Draft Building Safety Engagement Strategy | To approve the Resident Engagement Strategy for Building Safety 2021 | Executive | No | Public |
| 21 February 2022 | Medium Term Financial Strategy 2022-2027 | To recommend for referral to Full Council the Medium Term Financial Strategy 2022-2027 along with the Capital Strategy 2022-2027. | Executive | No | Public |
| 21 February 2022 | Council Tax 2022-2023 | To approve for referral to Full Council the Council Tax requirement and overall levels of Council Tax for 2022-23 | Executive | No | Public |
| 21 February 2022 | Council House and Garage Rents 2022/2023 | To agree the basis of rent calculation for changes to individual Council houses and garage rent prior to seeking approval of Council. | Executive | Yes | Public |
| 21 February 2022 | Lincoln Central Market | Details of progressing to entering into a contract for delivery | Executive | Yes | Private |
| 21 February 2022 | Operational Performance Quarterly Monitoring Report | To present to Members a summary of the operational performance position for quarter three of the financial year 2021/22 (from Oct 2021 to December 2021) | Executive | No | Public |
| 21 February 2022 | Financial Monitoring Quarterly Review | To present to Executive the third quarter's financial performance 2021/22 | Executive | No | Public |
| 21 February 2022 | Strategic Risk Register Quarterly Review | To provide the Executive with a status report of the revised Strategic Risk Register as at the end of the third quarter 2021/22. | Executive | No | Partly Private |

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|------------------|---|---|-----------|-----|---------|
| 21 February 2022 | Living Wage Report | To recommend to Executive the proposed increase to the living wage | Executive | Yes | Public |
| 21 February 2022 | Pay Policy 2022/23 | To request Executive approval for the COLC Pay policy 2022/23, prior to referral to Council. | Executive | No | Public |
| 21 February 2022 | Vision 2025 - 3-Year Delivery Plan | Executive is asked to approve the Vision 2025 Annual Delivery Plan for 2022/23, for submission to Council | Executive | Yes | Public |
| 21 February 2022 | Lincare Review | To agree a way forward for the Lincare services following a review of the current service | Executive | Yes | Private |
| 21 February 2022 | HRA Business Plan | To outline an update of HRA Business Plan | Executive | Yes | Public |
| 21 February 2022 | HR Policies | | Executive | No | Public |
| 21 March 2022 | Recycling- paper and card collections proposal | To formally commit to the Lincolnshire Waste Partnership initiative to undertake separate paper and card collections, alternate to existing general recycling collections, where it can reasonably be accommodated. | Executive | Yes | Public |
| 21 March 2022 | Greetwell Place Managed Workspace - Future Arrangements | Nature of the City Council's involvement in the operation of Greetwell Place | Executive | Yes | Private |
| 21 March 2022 | Sustainable Warmth Strategy | To approve the Strategy | Executive | No | Public |
| 21 March 2022 | Lincoln City Profile 2021-2022 | To approve Lincoln City Profile 2021-22 for publication. | Executive | No | Public |

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|---------------|---|---|-----------|-----|----------------|
| 21 March 2022 | Hermit Street Regeneration | Project Approval | Executive | Yes | Private |
| 21 March 2022 | Central Lincolnshire Local Plan: Proposed Submission | Recommend a formal response to the Proposed Submission version of the Local Plan on behalf of the Council. | Executive | No | Public |
| 12 April 2022 | CCTV Code of Practice Review | Renewal of CoP, including any recommended changes. | Executive | No | Public |
| 24 May 2022 | Financial Monitoring Quarterly Review | To present to Executive the fourth quarter's financial performance 2021/22 | Executive | No | Public |
| 24 May 2022 | Strategic Risk Register Quarterly Review | To provide the Executive with a status report of the revised Strategic Risk Register as at the end of the fourth quarter 2021/22. | Executive | No | Partly Private |
| 24 May 2022 | Operational Performance Quarterly Monitoring Report | To present to Members a summary of the operational performance position for quarters four of the financial year 2021/22 (from January 2022 to March 2022) | Executive | No | Public |
| 24 May 2022 | Treasury Management Stewardship & Actual Prudential Indicators Report 2021/22 (Outturn) | To report on the annual Treasury Management Stewardship Report under regulations issued under the Local Government Act 2003. | Executive | No | Public |

| | |
|-----------------------|--|
| SUBJECT: | EXCLUSION OF THE PRESS & PUBLIC |
| DIRECTORATE: | CHIEF EXECUTIVE & TOWN CLERK |
| REPORT AUTHOR: | CAROLYN WHEATER, MONITORING OFFICER |

1. Purpose of Report

1.1 To advise members that any agenda items following this report are considered to contain exempt or confidential information for the reasons specified on the front page of the agenda for this meeting.

2. Recommendation

2.1 It is recommended that the press and public be excluded from the meeting at this point as it is likely that if members of the press or public were present there would be disclosure to them of exempt or confidential information.

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