

EXECUTIVE

Monday, 3 October 2022

6.00 pm

**Committee Rooms 1 and 2,
City Hall, Beaumont Fee,
Lincoln, LN1 1DD**

Membership: Councillors Ric Metcalfe (Chair), Donald Nannestad (Vice-Chair), Chris Burke, Sue Burke, Bob Bushell and Neil Murray

Officers attending: Angela Andrews, Democratic Services, Kate Ellis, Jaclyn Gibson, Daren Turner, Simon Walters and Carolyn Wheeler

A G E N D A

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1. Confirmation of Minutes - 22 August 2022	3 - 8
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3. Declarations of Interest	

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.

OUR PEOPLE AND RESOURCES

4. CCTV Code of Practice Update	41 - 90
5. Exclusion of the Press and Public	91 - 92

You are asked to resolve that the press and public be excluded from the meeting during the consideration of the following items because it is likely that if members of the press or public were present, there would be disclosure to them of 'exempt information'.

In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, notice is hereby given of items which will be considered in private, for which either 28 days' notice has been given or approval has been granted by the appropriate person specified in the Regulations. For further details please visit our website at <http://www.lincoln.gov.uk> or contact Democratic Services at City Hall, Beaumont Fee, Lincoln.

These items are being considered in private as they are likely to disclose exempt information, as defined in Schedule 12A of the Local Government Act 1972. No representations have been received in relation to the proposal to consider these items in private.

SECTION B

REMARKABLE PLACE

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|----------------------------|------------------------|-----------------|
| 6. Bulky Items Collections | [Exempt Para 3] | 93 - 102 |
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QUALITY HOUSING

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| 7. Disposal of Unused Land for Provision of Supported Accommodation | [Exempt Para 3] | 103 - 154 |
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Present: Councillor Ric Metcalfe (*in the Chair*),
Councillor Donald Nannestad, Councillor Chris Burke,
Councillor Sue Burke and Councillor Bob Bushell

Apologies for Absence: Councillor Neil Murray

24. Confirmation of Minutes - 25 July 2022

RESOLVED that the minutes of the meeting held on 25 July 2022 be confirmed and signed by the Leader as a correct record.

25. Declarations of Interest

No declarations of interest were received.

26. Social Media Policy and Yammer Policy

Purpose of the Report

To seek approval of the proposed new Social Media Policy, along with the Yammer Policy, which incorporated aspects such as the council accounts available for use, employee wellbeing, the best use of social media, personal accounts, councillor use of social media and the use of a new social media networking tool for staff.

Decision

That the proposed Social Media Policy and the Yammer Policy be approved.

Alternative Options Considered and Rejected

None were considered.

Reasons for the Decision

The proposed Social Media Policy set out how the City of Lincoln Council would use social media, outline responsibility for channels, set out procedure and assist employees and councillors to manage risk.

The Yammer Policy was to be used in conjunction with the Social Media Policy by employees. Yammer was being introduced by the Council in September 2022 and would be used by employees to connect and engage with colleagues across the organisation.

Staff use of Yammer would be governed by the Social Media Policy, along with associated IT policies.

The Social Media Policy had been considered and supported by the Ethics and Engagement Committee on 10 November 2021.

It was reported that the Mayor had recently introduced a TikTok account, which was supported by the Council's Communications team. A suggestion of

introducing a corporate TikTok account would be considered, along with a suggestion to copyright future material produced by the Council. The revised Policy would be shared with all councillors and officers.

27. Operational Performance Report Q1 2022/23

Purpose of the Report

To present an outturn summary of the Council's operational performance in quarter one of 2022/23.

Decision

That the achievements described and the issues identified in the quarter one Operational Performance Report for 2022/23 be noted.

Alternative Options Considered and Rejected

None were considered.

Reasons for the Decision

The outturn summary report detailed performance against a total of 76 measures, of which 14 were below target; 23 were within target boundaries; and 22 had exceeded a higher target. A further 17 measures were volumetric, and provided context to overall service delivery. Commentaries on each measure were detailed in the report.

It was noted that the on-going effects of Covid-19 recovery, cost of living increases, staffing retention and movement, and supply shortages had impacted a range of services, full details of which were provided within Appendix A to the report. A summary of the outturn was also provided at Appendix B to the report.

There continued to be less demand for face to face appointments at City Hall. However, there had been an increase in demand for telephone appointments with Customer Services and owing to recruitment and retention issues, the waiting times for telephone calls were higher than expected. It was highlighted that the turnover of staff related to employees moving to other areas of the Council following successful recruitment. The issue of increased waiting times for calls were being considered by officers. It was noted that there were automated messages for those waiting on a call and an offer of an automated call back.

The report had been considered by the Performance Scrutiny Committee at its meeting on 18 August 2022.

28. Strategic Risk Register - Quarterly Review

Purpose of Report

To provide a status report on the revised Strategic Risk Register as at the end of the first quarter 2022/23.

Decision

That the Council's strategic risks, as at the end of quarter 1 2022/23, be noted.

Alternative Options Considered and Rejected

None were considered. The Strategic Risk Register contained the key strategic risks to the delivery of the Council's medium and longer term priorities. A failure to monitor the action that was being taken to manage those risks would undermine the Council's governance arrangements.

Reasons for the Decision

The previous update of the Strategic Risk Register had been reported in June 2022. Since the last update, the Strategic Risk Register had been refreshed and updated by the Corporate Management Team. The refresh had reviewed each risk in terms of the level of assessed risk (likelihood and impact), target risk scores, control measures in place and mitigating actions required in order to; avoid, seek, modify, transfer, or retain the risks. The refreshed register was detailed in Part B of the agenda (Minute 32 refers), as it was considered to contain exempt information.

The report had been considered by the Performance Scrutiny Committee at its meeting on 18 August 2022.

29. Building Safety Resident Engagement Strategy 2021

Purpose of Report

To seek approval of the Draft Building Safety – Resident Engagement Strategy 2021 and Action Plan, as detailed at Appendix A to the report.

Decision

That the Building Safety Resident Engagement Strategy 2021 and Action Plan be approved.

Alternative Options Considered and Rejected

None were considered.

Reasons for the Decision

Following the Grenfell tragedy in 2017, the Government had launched a review to improve building safety in Higher Risk Residential Buildings. Following the review, the Building Safety Act 2022 had been developed.

The Act contained a requirement to have a specific building safety resident engagement strategy, which set out how local authorities would involve residents in building safety and communicate key messages. The strategy covered high risk buildings, such as multi-storey blocks over 18 metres and potentially second legislation was expected to cover sheltered housing. In response to this requirement, the Council had developed a strategy for Lincoln in consultation with elected councillors, employees and the Lincoln Tenants' Panel. The draft strategy and action plan was detailed at Appendix 1 to the report. It was confirmed that the strategy applied to private leaseholders, specifically the requirement for gas and electric certificates.

The strategy had considered both the legal responsibility, whilst also exploring for innovative and engaging ways to tackle the issues around communication with residents. The strategy's wider implications around ensuring fire safety management and emergency plans had been enacted, which would result in a clear approach to meeting the legislative requirements.

The draft strategy had received the support of the Policy Scrutiny Committee at its meeting on 23 November 2021 and the Housing Scrutiny Sub-Committee on 24 January 2022.

30. Hope Wood Tree Planting Initiative

Purpose of Report

To seek agreement to use a specific Council owned site for the development of a new woodland. The proposed location was detailed at Appendix A to the report.

Decision

That the identified site, as detailed at Appendix A to the report, be transferred to Community Services to develop the site as a new woodland / wildlife habitat to improve biodiversity for the City.

Alternative Options Considered and Rejected

To not proceed with this proposal.

Reasons for the Decision

The City of Lincoln Council had declared a climate change emergency, and was taking a number of steps to drive local changes where it could, specifically to contribute to mitigating the effects of climate change. One way in which the Council proposed to achieve this was to develop a project where more trees could be planted, helping not only to make a physical change, but also to promote the benefits and value of trees in the wider city, signifying as they do, that there was still hope that the most severe impacts of climate change could be avoided.

To achieve this, it had been necessary to consider a wide range of possible sites in Council ownership, and to assess their viability for planting by being mindful of other competing pressures for development, and their existing habitat value.

The proposed site was currently grassland, approximately 3.45ha in size, and was situated between Simon's Hill allotments and the River Witham. It could be accessed from the cycle / footpath, which ran between Newark Road and Boultham Park. It was not proposed that this area would be fully open to the public for two reasons: a) public access spaces carried a higher level of maintenance requirements that imposed an extra cost and b) it would be a nature conservation area, so disturbance by the public would be minimised to protect the ecological value.

31. Exclusion of the Press and Public

RESOLVED

That the press and public be excluded from the meeting during consideration of the following item of business because it was likely that if members of the public were present there would be disclosure of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

32. Strategic Risk Register - Quarterly Review

Purpose of Report

To provide a status report on the revised Strategic Risk Register as at the end of the first quarter 2022/23.

Decision

That the Council's strategic risks, as at the end of quarter 1 2022/23, be noted.

Alternative Options Considered and Rejected

None were considered. The Strategic Risk Register contained the key strategic risks to the delivery of the Council's medium and longer term priorities. A failure to monitor the action that was being taken to manage those risks would undermine the Council's governance arrangements.

Reasons for the Decision

The previous update of the Strategic Risk Register had been reported in June 2022. Since the last update, the Strategic Risk Register had been refreshed and updated by the Corporate Management Team. The refresh had reviewed each risk in terms of the level of assessed risk (likelihood and impact), target risk scores, control measures in place and mitigating actions required in order to; avoid, seek, modify, transfer, or retain the risks. The refreshed register was detailed in Part B of the agenda (Minute 32 referred), as it was considered to contain exempt information.

The report had been considered by the Performance Scrutiny Committee at its meeting on 18 August 2022.

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SUBJECT:	FINANCIAL PERFORMANCE – QUARTERLY MONITORING
REPORT BY:	CHIEF EXECUTIVE & TOWN CLERK
LEAD OFFICER:	JACLYN GIBSON, CHIEF FINANCE OFFICER

1. Purpose of Report

1.1 To present to the Executive the first quarter’s performance (up to 30th June), on the Council’s:

- General Fund
- Housing Revenue Account
- Housing Repairs Service
- Capital Programmes

And to seek approval for changes to the capital programmes.

1.2 Financial Procedure Rules require members to receive, on a quarterly basis, a report prepared jointly by the Chief Finance Officer and Corporate Management Team commenting on financial performance to date. This report is designed to meet this requirement.

2. Executive Summary

2.1 This report covers the General Fund Revenue, Housing Revenue Account budgets and Investment Programmes for the current financial year.

2.2 The Council approved a balanced budget earlier this year, but much has changed since that point. Critically, inflation has risen to the highest level in forty years, driven in part by the effects of Covid19, global supply chain disruptions, Brexit and the war in Ukraine. The consequence of this spiralling inflation on pay, contractual and energy costs has resulted in growing financial pressures for the Council, with the General Fund forecasting a significant financial shortfall for 2022/23 and with cost pressures also in the Housing Revenue Account and Housing Repairs Service.

2.3 As a result, the Council will need to consider a range of mitigation actions if it is to retain a sustainable financial position in 2022/23. Alongside this the Council will focus on lobbying Central Government for funding to support councils through these inflationary pressures, and for long-term sustainable funding settlements for local government.

2.4 As in recent years, there will continue to be a need for strong budgetary control in this financial year to balance expenditure and income within budget.

2.5 The impact of these new financial pressures the Council is facing cannot be underestimated and are not solely related to 2022/23. These inflationary increases will permanently increase the cost base of the Council and will have implications for the Medium-Term Financial Strategy and, in the absence of additional financial support from Central Government, will have implications for the range and level of services that the Council can continue to provide. A further report setting out the financial impact beyond 2022/23 will be presented to the Executive later in October.

2.6 Whilst there are a significant number of planning variables which are subject to unprecedented levels of uncertainty, based on the latest set of assumptions as at the end of the first quarter (up to 30th June) the forecast financial position of the Council for 2022/23 is:

	2022/23		
	Budget	Forecast	Variance
	£'000	@ Q1	@ Q1
		£'000	£'000
Revenue Accounts			
General Fund – Contribution (to)/from balances	(61)	974	1,035
Housing Revenue Account (HRA) – Contribution (to)/from balances	(39)	122	161
Housing Repairs Service	0	551	551

Capital Programmes	Budget following outturn report	Revised Budget	Movement
	£'000	@ Q1	@ Q1
		£'000	£'000
General Investment Programme	30,913	32,342	1,429
Housing Investment Programme	23,167	23,247	80

Reserves & Balances	Balance @	Forecast	Variance
	01/04/22	Balance	@ Q1
	£'000	@	£'000
		31/03/23	£'000
		£'000	
General Fund Balances	(2,731)	(1,696)	1,035

HRA Balances	(1,064)	(903)	161
HRS Balances	0	0	0
General Fund Earmarked Reserves	(12,668)	(7,106)	5,562
HRA Earmarked Reserves	(2,876)	(2,709)	167

2.7 The detailed financial position is shown in sections 3-7 and accompanying appendices.

3. General Fund Revenue Account

3.1 For 2022/23 the Council's net General Fund revenue budget was set at £8,907,490 including a planned contribution to balances of £60,700 (resulting in an estimated level of general balances at the year-end of £2,731,299 after allowing for the 2021/22 outturn position).

3.2 The General Fund Summary is currently projecting a forecast overspend of £1,035,343 (Appendix A provides a forecast General Fund Summary), resulting in general balance at the year-end of £1,695,956.

3.3 There are a number of forecast year-end variations in income and expenditure against the approved budget, full details of the main variances are provided in Appendix B while the table below sets out the key variances:

	Forecast £'000
Potential pay award settlement	585
Release of inflation reserve	(150)
Contractual inflation increases	97
Energy inflation increases	197
Impact of YLC pool closure	319
Net other variances	(13)
Overall forecast budget shortfall/(surplus)	1,035

3.4 These key variances are predominately driven by the rapidly escalating levels of inflation and the impact of external economic factors, which far exceed the assumptions underpinning the MTFs. The key variances cover;

- contractual services for key front line service provision, which are linked to annual CPI/RPI price increases at set points in the year. The most significant of these contracts is in relation to waste and street cleansing. These two contracts are linked to inflation as at the previous September and have therefore seen increases of 5.4% for 2022/23.
- escalating costs of gas and electric supplies (although this is in part mitigated by reduced usage levels due to flexible working). Whilst the

Council procures the majority of its energy supplies through a framework agreement, allowing it to benefit from economies of scale, it is still subject to the impacts of fluctuations in wholesale prices. Gas prices for 2022/23 have increased by c70% since April 2022 and electricity prices are estimated to increase between 80-100% from October 2022.

- pay inflation and the latest pay offer made by the National Employers for Local Government Services. This offer of a flat rate increase of £1,925 to all employees, equivalent to a 10.5% increase for the lowest paid members of staff, is currently being considered by the Unions.

Whilst the contractual cost increases are known with certainty, the outcome of the pay settlement and electricity cost increases are, as yet, unknown and subject to potential change during 2022/23.

3.5 In addition, other service costs and income are subject to fluctuation during the year as the cost-of-living crisis and external economic factor impacts both directly and indirectly on households and businesses. This could lead to; an increased demand for council services, as the more vulnerable in the City look to the Council for support; and a reduction in both income for services and collection rates as household and business incomes become under pressure.

3.6 Despite the high level of uncertainty, it is clear that the General Fund is facing a significant financial shortfall for 2022/23. In response to this a range of options and mitigations are currently being explored and developed. These will focus on both short-term measures to ensure a balanced budget can be maintained for 2022/23, as well as looking at more medium-term options to ensure the Council's ongoing financial sustainability. These mitigations will not be without impacts on services in terms of both performance levels and the range of services the Council can continue to provide. They also bring with them their own financial risks e.g., the depletion of reserves and increased exposure, etc. An update on these options will be presented to the Executive in due course.

3.7 Alongside the development of these options, a key strand will be to lobby Central Government for additional financial support for Local Government and to support sector campaigns/lobbying regarding sustainable funding mechanisms and medium-term financial settlements for Local Government. After a decade of austerity cuts and after cushioning the impacts of Covid19 on the Council's finances, in the absence of additional financial support from Central Government, the Council will be forced to look closely at the range and level of services it can continue to provide.

3.8 **Earmarked Reserves**

Details of the General Fund earmarked reserves are set out in paragraph 6 and Appendix G.

3.9 Towards Financial Sustainability Programme

The savings target included in the MTFs for 2022/23 was £1,050,000. Total savings secured and brought forward from last financial year are £716,410 leaving an in-year target of £333,590. Progress against this target, based on quarter 1 performance shows that secured savings total £20,180. As part of the development of options to mitigate the forecast budget shortfall, it may be necessary to increase the level of savings required in year. This will form part of a future report to the Executive.

A summary of the specific reviews that have contributed to this target are shown in Appendix K.

4. Housing Revenue Account

4.1 For 2022/23 the Council's Housing Revenue Account (HRA) net revenue budget was set at a £38,670 use of balances, resulting in an estimated level of general balances at the year-end of £1,063,872, after allowing for the 2021/22 outturn position.

4.2 The HRA is currently projecting a forecast overspend of £161,365 (appendix C provides a forecast Housing Revenue Account Summary), which would decrease the General Balances to £902,507 at the end of 2022/23.

4.3 There are a number of forecast year-end variations in income and expenditure against the approved budget, full details of the main variances are provided in Appendix D while the table below sets out the key variances:

	Forecast £'000
Reduced Repairs and Maintenance expenditure	(787)
Gas Servicing of Central Heating reduction	(129)
Increased Affordable Rental Income	(89)
HRS Deficit forecast	551
Skip charges from HRS	143
Potential pay award settlement	388
Energy inflation increases	85
Net other variances	(1)
Overall forecast deficit	161

4.4 The HRA is currently forecasting an overspend at the end of the financial year. However, the largest variance for the HRA is the current forecast underspend on Repairs and Maintenance. This is as a direct result of the issues that are currently being experienced in the Housing Repairs Services (HRS), as set out in Section 5 below. This has led to a significant reduction in the level of repairs that are being undertaken and a consequent reduction in expenditure recharged to the HRA. This is in part offset by the large forecast deficit by HRS, as seen in the repatriation variance above, due to a reduction in rechargeable works. The HRA and HRS are working hard to address these issues, continuing

to implement a range of previously agreed actions. This may result in this underspend being reduced over the remainder of the year.

In addition, other major variances are as a direct result of the inflationary pressures that the Council is facing, which the HRA is also impacted by. These include; an estimate of pay inflation, over and above the assumptions included within the MTFS, based on the latest pay offer made by the National Employers, alongside an increase in inflation on utilities as a result of the escalating cost of gas and electricity supplies (although this is in part mitigated by reduced usage levels due to flexible working).

4.5 At this stage no additional mitigations, other than those currently being implemented in response to the issues faced by the HRS, are recommended. Strong budgetary control also remains a focus in this financial year to ensure expenditure and income are balanced within budget.

4.6 **HRA Earmarked Reserves**

Details of the HRA earmarked reserves are set out in paragraph 6 and Appendix G.

5. **Housing Repairs Service**

5.1 For 2022/23 the Council's Housing Repairs Service net revenue budget was set at zero, reflecting its full cost recovery nature.

5.2 At quarter 1 HRS are forecasting a deficit of £550,765 in 2022/23 (Appendix E provides a forecast HRS Summary). Full details of the main variances provided in appendix F, while the key variances are summarised below:

	£'000
Reduction of jobs carried out by own workforce, resulting in reduced income	308
Reduction in material costs due to less jobs being carried out by own workforce, resulting in reduced expenditure	(265)
Staff vacancies currently unable to recruit to, resulting in reduced expenditure (net of proposed pay offer).	(224)
Increased use of sub-contractors (due to level of vacancies) and increases in sub-contractor prices, resulting in additional expenditure	688
Net other variances	44
Overall Budget Shortfall/(Surplus)	551

5.3 The main contributory factor for this deficit is still the ongoing impact of Covid19 and the inability to recruit to the workforce, and the resulting increased use of sub-contractors. The cost of subcontractors is more expensive than the HRS's own workforce, due to the ongoing impact of Covid19, the current inflationary crisis and a reduced pool of contractors from which to secure services. These additional costs are therefore not fully offset by the vacancy and material

savings achieved by not carrying out the work internally. Furthermore, the increased subcontractor costs are not reflected in the service hourly rate and result in an under recovery of costs from the HRA, coupled with a reduction in jobs being carried out and the ability to recoup overhead costs.

The forecast deficit also includes an estimate of pay inflation, over and above the assumptions included within the MTFS, based on the latest pay offer made by the National Employers, alongside an increase in inflation on utilities as a result of the escalating cost of gas and electricity supplies.

- 5.4 It should be noted that due to the interconnection of the HRS and HRA, the consequential costs in the HRA are also greatly reduced (as noted earlier in the report) and therefore financial picture for the directorate is not unhealthy.

6. Earmarked Reserves

- 6.1 The Council holds a number of earmarked revenue reserves over both the General Fund and HRA. These reserves are sums set aside for specific purposes and to mitigate against potential future known or predicted liabilities. Key reserves include; income volatility, business rates volatility, IT investment fund, asset sinking funds for future refurbishment etc. A number of these reserves are budgeted for use over the period of the MTFS. The details of all the earmarked reserves and their forecast balance as at 31st March 2022 are attached in Appendix G, with further details in the MTFS 2022-2027. In summary:

	Opening Balance	Increase	Decrease	Closing Balance
	01/04/22			31/03/22
	£'000	£'000	£'000	£'000
General Fund	12,668	464	(6,025)	7,106
HRA	2,876	-	(167)	2,709

7. Capital Programme

7.1 General Investment Programme

- 7.2 The original General Investment Programme for 2022/23 in the MTFS 2022-27 amounted to £19.407m which was increased to £30.913m following quarter 4 approvals and year end re-profiles from 2021/22. At quarter 1 the programme has been increased by £1.429m to £32.342m, as shown below:

	2022/23	2023/24	2024/25	2025/26	2026/27
	£'000	£'000	£'000	£'000	£'000
Revised budget Outturn Report	30,913	5,216	1,343	609	500
Budget changes for approval	1,429	(13)	0	0	0
Revised Budget	32,342	5,203	1,343	609	500

7.3 All changes over the approved limit require approval by the Executive. The following changes require Executive approval for the first quarter:

	2022/23
	£'000
Disabled Facilities Grants – additional grant monies received	552

7.4 All new projects are subject to Executive approval. The following schemes have been added to the GIP, having been considered recently by the Executive or by delegated Portfolio Holder approval.

	2022/23
	£'000
Windmill View wall works (Executive 25/07/22)	250
Yarborough Leisure Centre Ceiling works (Portfolio Holder Decision 23/05/22)	614

In addition, the Chief Finance Officer has delegated authority to approve the re-profiling of amounts. The following movements were approved during quarter 1.

	2022/23
	£'000
Whittons Park – reprofile of budget from 23/24	23
St Mary Le Wigford (HAZ) – re-profile of budget to 23/24	(10)

Total delegated approvals and approvals by/for Executive	1,429
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7.5 The table below provides a summary of the projected outturn position for the General Investment Programme:

	2022-23 Budget following Outturn report	Revised Budget	Forecast Outturn	Variance
	£'000	£'000	£'000	£'000
Active Programme				
Housing & Investment	338	338	338	0
Communities & Environment	2,778	3,343	3,343	0
Chief Executive	993	1,857	1,857	0
Major Developments	20,033	20,033	20,033	0
Total Active Schemes				
Schemes on Hold/Contingencies	316	316	316	0
Externally Delivered Town's Deal Schemes	6,455	6,455	6,455	0
Total Capital Programme	30,913	32,342	32,342	0

- 7.6 The overall spending on the General Investment Programme for the first quarter of 22/23 is £1.68m, which is 2.65% of the 2022/23 active programme (excluding externally delivered schemes). This is detailed further at Appendix I.

Although this is a low percentage of expenditure at this stage of the financial year, further expenditure is expected in quarter 2 on Disabled Facilities Grants, Town's Deal Schemes and various capitalised maintenance schemes. At 31st July, a further £0.27m has been spent on the active programme.

7.7 Housing Investment Programme

- 7.8 The original Housing Investment Programme for 2022/23 in the MTFS 2022-27 amounted to £21.72m. This was increased to £23.17m following approvals and year end re-profiles as part of the 2021/22 outturn. This has been further adjusted to £23.25m during the first quarter of 2022/23. A summary of the changes is shown below:

	2022/23	2023/24	2024/25	2025/26	2026/27
	£'000	£'000	£'000	£'000	£'000
Revised budget following 21/22 Outturn Report	23,167	12,433	14,116	10,832	11,450
Budget changes to be approved during Q1	80	0	0	0	0
Revised Budget	23,247	12,433	14,116	10,832	11,450

7.9 The Chief Finance Officer has delegated authority to approve financial changes up to an approved limit as set out under Financial Procedure Rules. There were no changes approved by the Chief Finance Officer during this quarter.

7.10 All changes over the approved limit require approval by the Executive. The following changes require Executive approval for the first quarter:

Project Name	2022/23 Budget following Outturn	Budget increase/ (decrease)	Budget to be Approved	Reprofile to/(from) future years
	£'000	£'000	£'000	£'000
Decent Homes				
*Kitchen Improvements	765	265)	500	0
*Rewiring	42	(17)	25	0
*Structural Defects	10	15	25	0
*Moved to/from contingency reserve				
Contingency Schemes				
**Contingency Reserve	420	124	544	0
**Movements to/from contingency reserve includes Hiab and Mule below				
Housing New Build				
Unallocated New Build budget	3,532	(250)	3,282	0
De Wint Court	582	250	832	0
New Build 70% match funding	1,186	(225)	960	0
New Build 141 Eligible	791	(150)	640	0
Property Acquisitions	245	375	620	0

7.11 All new projects are subject to Executive approval. The following schemes have been added to the HIP, having been considered recently by the Executive.

	2022/23
Other	£'000
Hiab and Mule – purchase of vehicles (Executive 25/07/22)	143

Note – the contingency reserve has been reduced by £143k

The following new scheme requires Executive approval for the first quarter:

	2022/23
Other	£'000
Thurlby Crescent – disabled adaptation approved by the Housing Appeals Panel on 19 April 2022. This scheme is to be financed through the Major Repairs Reserve.	80

	22/23 Budget following Outturn	Total budget increase/ (decrease) in Q1	Revised 22/23 Budget	Reprofiles to/from future years
	£'000	£'000	£'000	£'000
Total budget movements approved/to be approved by Executive	23,167	80	23,247	0

7.12 The table below provides a summary of the 2022/23 projected outturn position:

	2022/23 Budget Following Outturn	Revised Budget	Forecast Outturn	Variance
	£'000	£'000	£'000	£'000
Decent Homes/ Lincoln Standard	7,046	6,779	6,779	0
Health and Safety	787	787	787	0
Contingent Major Repairs/ Works	419	544	544	0
New Build Programme	12,040	12,040	12,040	0
Other Schemes	1,874	2,097	2,097	0
Computer Fund/IT schemes	1,000	1,000	1,000	0
Total Capital Programme	23,167	23,247	23,247	0

7.13 Expenditure against the HIP budget to the first quarter was £1.37m, which is 5.88% of the revised programme. A further £0.67m has been spent as at the end of July 2022. The expenditure is detailed further at Appendix L.

Although this is a lower percentage than would be expected at this stage of the financial year, works have been constrained by the availability of contractors and materials however new contracts are in place and spend is expected to increase in future periods.

8. Strategic Priorities

- 8.1 The MTFS underpins this policy and financial planning framework and set out the overall framework on which the Council plans and manages its financial resources to ensure that they fit with, and support, the direction of the Council's vision and strategic priorities. Vision 2025 identifies the Council's strategic priorities, setting the vision and direction for the council and the city for the next five years. The proposals, and mitigations, in this report allow the Council to maintain a balanced budget position in 2022/23 in order that we can continue to deliver services in support of Vision 2025.

9. Resource Implications

- 9.1 The financial implications are contained throughout the report.

Under the Local Government Act 2003 the Chief Finance Officer (S151 Officer) is required to give Council an opinion on the robustness of the budget estimates and the adequacy of reserves. Although there remains some uncertainty around the latest budget estimates based on the information to date on income and expenditure it is evident that without a number of measures being taken the Council is facing a significant budget shortfall in 2022/23. Mitigations are currently being developed to ensure a balanced budget position can be maintained in the current financial year.

General Balances, on both the General Fund and HRA, are the only resource not ear-marked to a particular future need. The prudent minimum level of balance that should be maintained on the General Fund is between £1.5m-£2m and £1m-£1.5m on the HRA. Based on the latest forecasts of income and expenditure additional measures and mitigations will need to be applied to ensure that the level of balances in 2022/23 is maintained within these ranges. The close monitoring of these measures and of the Council's overall financial position will remain critical over the course of this financial year. As ever strong budgetary control will be required.

Although the primary focus of this report has been to set out the financial variances being faced in the current financial year, beyond 2022/23 the Council faces, continued, significant financial challenges. Ongoing reductions in resources, increased service costs arising from both inflation and demand for services will require ongoing reductions in the net cost base if the Council is to live within a significantly reduced resources envelope. The MTFS 2022-2027 approved by Full Council in March 2022 sets out the financial challenges the Council faces, and a further report on the likely trajectory for the MTFS 2023-2027 will be presented to the Executive in early Autumn.

9.2 Legal Implications including Procurement Rules

There are no legal implications arising from this report.

9.3 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

Due to the nature of this report, there are no direct equality, diversity, or human rights implications.

10. Risk Implications

- 10.1 A full financial risk assessment is included in the Medium Financial Strategy 2022-27.

11. Recommendations

Executive are recommended to:

- 11.1 Note the financial performance for the period 1st April to 30th June 2022, and the projected outturns for 2022/23.
- 11.2 Assess the underlying impact of the pressures and underspends identified in paragraphs 3.2 (and Appendix B), 4.2 (and Appendix D), and 5.2 (and Appendix F).
- 11.3 Review the changes to the General Investment Programme as approved by the Chief Finance Officer as detailed in paragraph 7.4.
- 11.4 Approve the changes to the General Investment programme and the Housing Investment programme as detailed in paragraphs 7.3, 7.10 and 7.11.

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?	Eleven
List of Background Papers:	MTFS 2022-2027
Lead Officer:	Colleen Warren, Financial Services Manager Telephone (01522) 873361

GENERAL FUND SUMMARY - AS AT 30 JUNE 2022

Service Area	Ref	Revised Budget £'000	Projected Outturn £'000	Variance £'000
Strategic Development	A	1,908	1,827	(81)
Chief Finance Officer (S. 151)	B	(546)	(575)	(29)
City Solicitor	C	1,575	1,669	94
Housing	D	366	357	(10)
Growth & Regeneration	E	0	0	0
Director of Major Developments	F	3,842	3,845	3
Communities and Street Scene	G	7,349	7,398	50
Health & Environmental Services	H	466	794	327
Planning	I	(2,436)	(2,428)	8
		12,525	12,887	362
Corporate Expenditure	J	2,114	2,117	3
TOTAL SERVICE EXPENDITURE		14,639	15,003	365
Capital Accounting Adjustment	K	7,929	7,929	0
Specific Grants	L	(8,131)	(8,131)	0
Contingencies	M	83	754	671
Savings Targets	N	(152)	(152)	0
Earmarked Reserves	O	(5,562)	(5,562)	0
Insurance Reserve	P	40	40	0
TOTAL EXPENDITURE		8,847	9,882	1,035
CONTRIBUTION FROM BALANCES		61	(975)	(1,035)
NET REQUIREMENT		8,907	8,907	0
Retained Business Rates Income	Q	5,573	5,573	0
<i>Tariff</i>	R	0	0	0
<i>Section 31 grant</i>	S	0	0	0
<i>Levy</i>	T	0	0	0
Collection Fund surplus/ (deficit)	U	(4,050)	(4,050)	0
Revenue Support Grant	V	24	24	0
Council Tax	W	7,360	7,360	0
TOTAL RESOURCES		8,907	8,907	0

General Fund Forecast Variances - Quarter 1

Many items of income and expenditure are demand led and difficult to predict. Consequently, judgement has been applied in order to provide the most realistic indication of the financial position at the year-end. Figures in brackets indicate an underspend of expenditure or additional income.

Ref		£	Reason for variance
	<u>Additional Expenditure</u>		
B	Property Services	34,470	Local Government as a whole is experiencing a recruitment and retention crisis, this is being felt within a number of service areas in the Council. In these instances, and where it is not possible to absorb/stop the work of the vacant posts, agency staff have been procured or work has been externalised. This has resulted in cost pressures due to a higher cost of 'buying in' services.
B	Financial Services	78,800	
C	Legal Services	43,290	
C	Municipal Elections	46,840	Increased staffing costs and additional room hire charges as a result of increased Covid prevention requirements.
F	Waste	41,130	Inflationary increase on contract prices over and above MTFs assumptions.
F	Street Cleansing	56,390	Inflationary increase on contract prices over and above MTFs assumptions.
G	Public Protection	35,000	Agency costs to cover maternity leave.
G	Yarborough Leisure Centre	319,250	Additional costs incurred due to pool closure
L	Pay Award	585,000	Potential pay award settlement based on the latest pay offer made by National Employers.
L	Energy Inflation	196,860	Anticipated utility price increases, partially offset by reduced usage due to hybrid working.
L	Annual Vacancy Savings Target	38,705	Quarter 1 vacancy savings target, offset by savings in service areas.
M	Savings Targets	161,700	TFS Savings for Policy/BDIT, Workbased Learning and Business Support Team reviews offset by savings below – subject to approval.
	<u>Reduced Income</u>		
B	Housing Benefits	65,530	Reduction in overpayments funded through housing subsidy due to overall reduction in overpayments raised and improved collection of arrears, plus a funding allocation shortfall.

Ref		£	Reason for variance
C	CX Workbased Learning	40,910	Reduced income through national scheme due to lower apprenticeship numbers since Covid19 (offset by reduced expenditure on CoLC Apprentices below).
<u>Reduced Expenditure</u>			
A	Business Development & IT Manager	(87,980)	Vacancy savings prior to adjustment for agreed TFS target (subject to approval).
A	CX Corporate Policy	(35,910)	Vacancy savings prior to adjustment for agreed TFS target (subject to approval).
B	CX Management	(48,050)	Vacancy savings offset against corporate vacancy savings target.
C	CoLC Apprentices	(121,700)	Underspend, prior to adjustment for agreed TFS target, as a result of a reduced number of Apprentices due to ongoing impact of Covid19.
D	Community Leadership & Sustainability	(34,786)	Vacancy savings & underspend on specialist services expenditure
E	The Terrace	(38,940)	Vacancy savings prior to adjustment for agreed TFS target (subject to approval).
G	Housing Regeneration	(29,840)	Salary savings due to staff working reduced hours
G	Crematorium	(30,390)	Net reduction in cost of utilities, partially offset by underachievement of income
N	Earmarked Reserves	(150,000)	Release of Inflation Volatility reserve to offset increased expenditure as a result of anticipated pay award and energy price increases.
<u>Additional Income</u>			
B	Council Tax Rebate Scheme	(59,670)	New Burdens funding to compensate for work associated with administering the CT Energy Rebates (partially offset by IT costs, postage and staff overtime).
B	Lincoln Properties	(40,520)	Increased rental income following in year rent reviews plus low level of void properties
B	Other Interest	(58,655)	Increased investment income as a result of higher interest rates and additional dividend income.

HOUSING REVENUE ACCOUNT FUND SUMMARY - AS AT 30 JUNE 2022

	Ref	Revised Budget	Forecast Outturn	Variance
		£'000	£'000	£'000
Gross Rental Income	A	(30,433)	(30,483)	(50)
Charges for Services & Facilities	B	(648)	(635)	13
Contribution towards Expenditure	C	(50)	(50)	0
Repairs Account – Income	D1	0	(5)	(5)
Supervision & Management – General	D2	(659)	(634)	25
Supervision & Management – Special	D3	0	(75)	(75)
Repairs & Maintenance	E	10,022	9,390	(644)
Supervision & Management - General	F1	6,805	6,767	(38)
Supervision & Management – Special	F2	1,532	1,686	154
Rents, Rates and Other Premises	G	486	514	28
Increase in Bad Debt Provisions	H	250	250	0
Insurance Claims Contingency	I	169	169	0
Contingencies	J	(35)	438	473
Depreciation	K	7,450	7,450	0
Impairments	L	0	0	0
Debt Management Expenses	M	15	15	0
HRS Trading (Surplus) / Deficit	N	0	551	551
Net Cost of Service	O	(5,096)	(4,739)	357
Loan Charges Interest	P	2,580	2,580	0
Investment/Mortgage Interest	Q	(66)	(107)	(41)
Net Operating Inc/Exp	R	(2,583)	(2,267)	316
Major Repairs Reserve Adjustment	T	2,559	2,476	(83)
Transfers to/from reserves	U	(15)	(86)	(71)
(Surplus)/Deficit in Year	V	(39)	123	161

Housing Revenue Account Variances - Quarter 1

Many items of income and expenditure are demand led and difficult to predict. Consequently, judgement has been applied in order to provide the most realistic indication of the financial position at the year-end. Figures in brackets indicate an underspend of expenditure or additional income.

Ref		£	Reason for variance
<u>Reduced Income</u>			
A	Gross Rental Income	60,265	Reduction to Social Rental income predominantly due to a lower than budgeted Housing Stock level at start of financial year.
A	Supervision & Management-General	50,000	Reduced Admin Fee income due to procurement slippage on new contractors.
A	Gross Rental Income	43,730	Non-Dwelling rental income reduced due to increase in garage voids.
A	Gross Rental Income	24,644	Reduction in DeWint Service Charge income due to delay in tenancy start dates.
<u>Increased Income</u>			
A	Gross Rental Income	(89,069)	Increase in Affordable rental income as affordable housing stock levels higher than budgeted at start of financial year.
Q	Investment Interest	(41,265)	Increased investment income as a result of higher interest rates
D3	Supervision & Management – Special	(40,000)	Additional income from recoverable Garden Voids works.
<u>Reduced Expenditure</u>			
E	Repairs & Maintenance	(787,325)	Reduced HRS expenditure predominantly on Voids and Responsive Repairs.
E	Repairs & Maintenance	(129,840)	Underspend on Gas Servicing of Central Heating.
F1	Supervision & Management– General	(125,220)	Reduced expenditure on Employee Costs due to staff vacancies.
F1	Supervision & Management– General	(34,110)	Reduced expenditure on Printing, Postage and Professional Training.
F2	Supervision & Management – Special	(27,730)	Reduced expenditure on Employee Costs due to staff vacancies.

Ref	<u>Increased Expenditure</u>	£	Reason for variance
N	HRS Surplus/Deficit	550,765	Estimated deficit position for HRS (refer to HRS vacancies).
E	Repairs & Maintenance	143,383	Unattributable skip charges from HRS.
E	Repairs & Maintenance	100,000	HRA share of HRS quoted jobs.
F1	Supervision & Management – General	90,041	Void work costs & overtime costs within Tenancy Services.
J	Contingencies – Pay award	387,890	Potential pay award settlement based on the latest pay offer made by National Employers.
J	Contingencies – Energy price inflation	85,100	Anticipated utility price increases, partially offset by reduced usage due to hybrid working.
F2	Supervision & Management – Special	61,477	Overtime costs in Caretaking & Cleaning, Security Services costs at De Wint Court, CCTV monitoring costs in Shuttleworth House Energy.

HOUSING REPAIRS SERVICE SUMMARY - AS AT 30 JUNE 2022

	Revised Budget	Forecast Outturn	Variance
	£'000	£'000	£'000
Employees	3,403	3,178	(224)
Premises	118	136	18
Transport	418	362	(56)
Materials	1,415	1,150	(265)
Sub-Contractors	2,044	2,731	688
Supplies & Services	307	389	82
Central Support Charges	579	579	0
Capital Charges	0	0	0
Total Expenditure	8,283	8,526	243
Income	(8,283)	(7,975)	308
(Surplus)/Deficit	0	551	551

Housing Repairs Service Variances - Quarter 1

Many items of income and expenditure are demand led and difficult to predict. Consequently, judgement has been applied in order to provide the most realistic indication of the financial position at the year-end. Figures in brackets indicate an underspend of expenditure or additional income.

	£	Reason for Variance
<u>Reduced Expenditure</u>		
Employee Costs	(402,706)	Vacancies within the Operative staff, unable to recruit too.
Fleet Charges	(55,803)	Reduction in lease costs due to delay in receiving new vehicles from supplier.
Direct Materials	(265,375)	Reduced levels of materials spend, due to use of sub-contractors instead of own workforce due to vacancies
<u>Increased Expenditure</u>		
Employee Costs	178,580	Potential pay award settlement based on the latest pay offer made by National Employers.
Sub-Contractors	687,865	Increased use of sub-contractors to cover vacancies within the operative team
Supplies & Services	82,352	Increased skip and equipment hire costs
Supplies & Services	11,280	Anticipated utility inflation price increases.
<u>Reduced Income</u>		
Income	308,112	Reduction in income due to reduction of jobs carried out by CoLC operatives. Also, an increased cost of sub-contractors that goes above the schedule of rates pricings.

EARMARKED RESERVES – Q1 MONITORING 2022/23

	Revised Opening Balance	Budgeted Contribution	Actuals Q1	Forecast Q2-4	Forecast Balance
	01/04/2022				31/03/2023
	£'000	£'000	£'000	£'000	£'000
General Fund					
Budget Carry Forwards	667	-	-	(116)	551
Grants & Contributions	1,932	(73)	-	23	1,882
Active Nation Bond	380	-	-	(200)	180
AGP Sinking Fund	52	50	-	-	102
Air Quality Initiatives	16	6	-	-	22
Asset Improvement	-	-	-	-	-
Birchwood Leisure Centre	66	-	-	20	86
Business Rates Volatility	5,566	(4,770)	-	-	795
Christmas Decorations	14	-	-	-	14
City Hall Sinking Fund	60	-	-	-	60
Commons Parking	1	-	-	9	10
Corporate Training	60	-	-	-	60
Council Tax Hardship Fund	213	-	-	-	213
Covid19 Recovery	1,047	-	-	-	1,047
Covid19 Response	354	-	-	-	354
DRF Unused	204	(202)	-	-	2
Electric Van replacement	24	4	-	-	28
Funding for Strategic Priorities	89	(89)	-	-	-
Income Volatility Reserve	320	-	-	-	320
Inflation Volatility Reserve	150	-	-	(150)	-
Invest to Save (GF)	100	1	-	-	101
IT Reserve	219	65	-	(3)	281
Lincoln Lottery	9	-	-	-	9
Mayoral Car	27	-	-	-	27
Mercury Abatement	-	-	-	-	-
MSCP & Bus Station Sinking Fund	104	45	-	-	149
Private Sector Stock Condition Survey	39	12	-	-	51
Revenues & Benefits Community Fund	25	-	-	-	25
Revenues & Benefits Share Service	-	-	-	-	-
Section 106 Interest	32	-	-	-	32
Strategic Growth Reserve	5	-	-	-	5
Strategic Projects – Revenue Costs	-	-	-	-	-
Tank Memorial	10	-	-	-	10
Tree Risk Assessment	84	17	-	(56)	44
Vision 2025	701	(31)	-	(121)	549
WGC Planning	49	-	-	-	49

Appendix G

	12,668	(4,967)	-	(595)	7,106
HRA					
Capital Fees Equalisation	110	-	-	-	110
De Wint Court	73	-	-	-	73
Disrepairs Management	300	-	-	-	300
Housing Business Plan	77	-	-	-	77
Housing Repairs Service	126	-	-	-	126
HRA IT	-	-	-	-	-
HRA Repairs Account	1,351	-	-	-	1,351
Housing Strategic Priority	582	(15)	-	(44)	523
Invest to Save (HRA)	253	(81)	-	(27)	145
Strategic Growth Reserve	5	-	-	-	5
	2,876	(96)	-	(71)	2,709
Total Earmarked Reserves	15,544	(5,063)	-	(666)	9,815

CAPITAL RESOURCES – Q1 MONITORING 2022/23

	Opening balance	Contributions	Used in financing	Forecast balance 31/03/23
	£'000	£'000	£'000	£'000
Capital Grants/Contributions	1,823	19,161	(20,984)	0
Capital receipts General Fund	30	7,211	(5,755)	1,486
Capital receipts HRA	2,900	750	(2,562)	1,088
Capital receipts 1-41	2,778	0	(906)	1,872
Major Repairs Reserve	11,768	7,450	(11,214)	8,004
HRA DRF	8,319	2,559	(4,374)	6,504
Total Capital Resources	27,618	37,131	(45,795)	18,954

As the contributions for 1:4:1 receipts depend upon levels of RTB sales, no budget is set for these receipts. Currently the HIP has schemes planned to facilitate use of all 1:4:1 receipts with no repayment required in 22/23.

General Investment Programme – Summary of Expenditure as at 30th June 2022

GENERAL INVESTMENT PROGRAMME	Budget 2022/23 - Reported at Outturn Mar 22	2022/23 - Q1 Budget Increase / Decrease	2022/23 - Q1 Budget Reprofiles	2022/23 Revised Budget	2022/23 REVISED Total Spend to Date	2022/23 % Spend
<u>Housing and Investment</u>						
Housing Renewal Area Unallocated	338,152	-	-	338,152	-	0.00%
Housing and Investment Total	338,152	-	-	338,152	-	0.00%
<u>DCE - Community and Environment</u>						
Artificial Grass Pitches (AGP)	88,307	-	-	88,307	-	0.00%
Crem - remodelling	130,607	-	-	130,607	-	0.00%
Disabled Facilities Grant	1,529,382	551,990	-	2,081,372	92,883	4.46%
Whittons Park	55,699	-	22,413	78,112	78,018	99.88%
DCE - Community and Environment Total	1,803,996	551,990	22,413	2,378,399	170,901	7.19%
<u>DCE - Community Services</u>						
Boultham Park Lake Restoration	16,938	-	-	16,938	1,500	8.86%
Boultham Park Masterplan	22,026	-	-	22,026	-	0.00%
Flood Alleviation Scheme - Hartsholme Park	318,641	-	-	318,641	114	0.04%
Traveller deterrent	27,501	-	-	27,501	-	0.00%
DCE - Community Services Total	385,106	-	-	385,106	1,614	0.42%
<u>DCE - Planning</u>						
Heritage Action Zone	190,253	-	-	190,253	-	0.00%
St Mary le Wigford (HAZ)	50,000	-	10,000	40,000	-	0.00%
St Mary's Guildhall (HAZ)	348,444	-	-	348,444	45,587	13.08%
DCE - Planning Total	588,697	-	10,000	578,697	45,587	7.88%
<u>Chief Executive Corporate Policy</u>						
New Telephony System	82,850	-	-	82,850	-	0.00%
Chief Executive Corporate Policy Total	82,850	-	-	82,850	-	0.00%
<u>Chief Executive Chief Finance Officer</u>						
40 Michaelgate Structural works	2,283	-	-	2,283	-	0.00%
Allotments Asbestos Sheds	33,795	-	-	33,795	-	0.00%
Canwick Rd Cemetery Railings	9,500	-	-	9,500	-	0.00%
City Hall Lightning Protection	6,104	-	-	6,104	-	0.00%
Grandstand Terracing Improvements	3,275	-	-	3,275	-	0.00%

GENERAL INVESTMENT PROGRAMME	Budget 2022/23 - Reported at Outturn Mar 22	2022/23 - Q1 Budget Increase / Decrease	2022/23 - Q1 Budget Reprofiles	2022/23 Revised Budget	2022/23 REVISED Total Spend to Date	2022/23 % Spend
Greyfriars	56,210	-	-	56,210	3,550	6.32%
Greyfriars Roof Improvements	4,050	-	-	4,050	-	0.00%
Guildhall Walkway/ Access Improvements.	11,959	-	-	11,959	-	0.00%
Guildhall Works	17,630	-	-	17,630	-	0.00%
High Bridge Café	50,000	-	-	50,000	-	0.00%
Long Leys Road Drainage	3,275	-	-	3,275	-	0.00%
Monks Abbey Bowls Pavilions External Timber/ Fascia Board Improvements	2,195	-	-	2,195	-	0.00%
Planned Capitalised Works	280,033	-	-	280,033	-	0.00%
Play Area Surfacing Works	5,133	-	-	5,133	-	0.00%
Stamp End Demolition	138,200	-	-	138,200	-	0.00%
The Terrace Heat Mitigation Works	246,547	-	-	246,547	-	0.00%
Windmill View	-	250,000	-	250,000	-	0.00%
Yarborough Pool Ceiling Refurbishment	-	614,300	-	614,300	-	0.00%
YLC Diving Boards	39,825	-	-	39,825	-	0.00%
Chief Executive Chief Finance Officer Total	910,014	864,300	-	1,774,314	3,550	0.20%
Major Developments						
Central Markets	2,000	-	-	2,000	-	0.00%
Central Markets (All Funding Streams)	6,984,196	-	-	6,984,196	280,997	4.02%
Home Upgrade Grant	104,500	-	-	104,500	-	0.00%
LAD 2 - Green Homes Grant Local Authority Delivery Scheme	460,356	-	-	460,356	166,247	36.11%
LAD 3 - Green Homes Grant Local Authority Delivery Scheme	2,203,194	-	-	2,203,194	6,000	0.27%
LAD 3 Top Up BEIS	440,000	-	-	440,000	-	0.00%
TD Tentercroft Street	290,000	-	-	290,000	-	0.00%
Towns Deal Programme Management	80,455	-	-	80,455	3,960	4.92%
WGC COLC	500,000	-	-	500,000	-	0.00%
WGC Housing Delivery	6,766,212	-	-	6,766,212	-	0.00%
WGC Pre-planning	42,179	-	-	42,179	-	0.00%
WGC Shared Infrastructure	2,160,227	-	-	2,160,227	-	0.00%
Major Developments Total	20,033,320	-	-	20,033,320	457,204	2.28%
TOTAL ACTIVE SCHEMES	24,142,134	1,416,290	12,413	25,570,837	678,856	2.65%

GENERAL INVESTMENT PROGRAMME	Budget 2022/23 - Reported at Outturn Mar 22	2022/23 - Q1 Budget Increase / Decrease	2022/23 - Q1 Budget Reprofiles	2022/23 Revised Budget	2022/23 REVISED Total Spend to Date	2022/23 % Spend
<u>Schemes Currently Under Review</u>						
Capital Contingencies	8,170	-	-	8,170	-	0.00%
Compulsory Purchase Orders	151,254	-	-	151,254	-	0.00%
Compulsory Purchase Orders	82,227	-	-	82,227	-	0.00%
IT Reserve	74,334	-	-	74,334	-	0.00%
Schemes Currently Under Review Total	315,985	-	-	315,985	-	0.00%
TOTAL CAPITAL PROGRAMME EXCLUDING EXTERNALLY DELIVERED SCHEMES	24,458,118	1,416,290	12,413	25,886,821	678,856	2.62%
<u>Externally Delivered Town's Deal Schemes</u>						
TD Barbican Production & Maker Hub	1,600,000	-	-	1,600,000	-	0.00%
TD Drill Hall	1,000,000	-	-	1,000,000	1,000,000	100.00%
TD Greyfriars	313,200	-	-	313,200	-	0.00%
TD Hospitality & Events & Tourism Institute	1,120,000	-	-	1,120,000	-	0.00%
TD Lincoln City FC and Foundation	800,000	-	-	800,000	-	0.00%
TD Lincoln Connected	433,977	-	-	433,977	-	0.00%
TD Sincil Bank	781,089	-	-	781,089	-	0.00%
TD Store of Stories	155,000	-	-	155,000	-	0.00%
TD Wigford Way	251,500	-	-	251,500	-	0.00%
Externally Delivered Town's Deal Schemes Total	6,454,766	-	-	6,454,766	1,000,000	15.49%
GRAND TOTAL	30,912,884	1,416,290	12,413	32,341,587	1,678,856	5.19%

Housing Investment Programme – Summary of Expenditure as at 30th June 2022

	Budget 2022/23 - Reported at Outturn Mar 22	2022/23 - Q1 Budget Increase / Decrease	2022/23 Revised Budget	2022/23 REVISED Total Spend to Date	2022/23 % Spend
Housing Investment Programme					
Housing Investment					
<u>Contingency Schemes</u>					
Contingency Reserve	419,967	124,153	544,120	-	0.00%
Contingency Schemes Total	419,967	124,153	544,120	-	0.00%
<u>Decent Homes</u>					
Bathrooms & WC's	263,742	-	263,742	-	0.00%
DH Central Heating Upgrades	2,318,818	-	2,318,818	303,919	13.11%
Door Replacement	1,350,000	-	1,350,000	1,769	0.13%
Fire Compartment works	5,000	-	5,000	-	0.00%
Fire Doors	95,049	-	95,049	-	0.00%
Kitchen Improvements	764,999	-264,999	500,000	-	0.00%
Lincoln Standard Windows Replacement	500,000	-	500,000	-	0.00%
New services	37,895	-	37,895	-	0.00%
Re-roofing	60,000	-	60,000	-	0.00%
Rewiring	42,154	-17,154	25,000	-	0.00%
Structural Defects	10,000	15,000	25,000	-	0.00%
Thermal Comfort Works	10,000	-	10,000	-	0.00%
Void Capitalised Works	1,508,422	-	1,508,422	19,005	1.26%
Decent Homes Total	6,966,079	-267,153	6,698,926	324,693	4.85%
<u>Health and Safety</u>					
Asbestos Removal	291,164	-	291,164	270	0.09%
Asbestos Surveys	255,645	-	255,645	12,989	5.08%
Fire Alarms	30,000	-	30,000	-	0.00%
Renew stair structure	10,000	-	10,000	-	0.00%
Replacement Door Entry Systems	200,083	-	200,083	13,243	6.62%
Health and Safety Total	786,892	-	786,892	26,502	3.37%

	Budget 2022/23 - Reported at Outturn Mar 22	2022/23 - Q1 Budget Increase / Decrease	2022/23 Revised Budget	2022/23 REVISED Total Spend to Date	2022/23 % Spend
Housing Investment Programme					
<u>IT/Infrastructure</u>					
Housing Support Services Computer Fund	737,085	-	737,085	33,000	4.48%
Infrastructure Upgrade	166,383	-	166,383	-	0.00%
Operation Rose	13,573	-	13,573	-	0.00%
Telephony	82,850	-	82,850	-	0.00%
IT/Infrastructure Total	999,891	-	999,891	33,000	3.30%
<u>Lincoln Standard</u>					
Over bath showers (10 year programme)	79,798	-	79,798	-	0.00%
Lincoln Standard Total	79,798	-	79,798	-	0.00%
<u>Other Current Developments</u>					
CCTV	46,685	-	46,685	-	0.00%
Communal Electrics	100,000	-	100,000	-	0.00%
Communal TV Aerials	59,832	-	59,832	-	0.00%
Environmental works	1,490,044	-	1,490,044	-	0.00%
Garages	70,000	-	70,000	1,940	2.77%
Hiab and Mule	-	143,000	143,000	-	0.00%
HRA Buildings	107,729	-	107,729	-	0.00%
Landscaping & Boundaries	-	-	-	-	0.00%
Thurlby Crescent	-	80,000	80,000	-	0.00%
Other Current Developments Total	1,874,290	223,000	2,097,290	1,940	0.09%
Housing Investment Total	11,126,917	80,000	11,206,917	386,136	3.45%

	Budget 2022/23 - Reported at Outturn Mar 22	2022/23 - Q1 Budget Increase / Decrease	2022/23 Revised Budget	2022/23 REVISED Total Spend to Date	2022/23 % Spend
Housing Investment Programme					
Housing Strategy and Investment					
<u>New build programme</u>					
Property Acquisitions	244,776	375,700	620,476	297,309	47.92%
Hermit Street Regeneration	150,000	-	150,000	84	0.06%
New Build Capital Salaries	44,332	-	44,332	-	0.00%
New Build- De Wint Court	582,366	250,000	832,366	95,784	11.51%
New Build Programme	3,532,165	-250,000	3,282,165	-	0.00%
New Build Programme (141 eligible)	790,547	-150,280	640,267	-	0.00%
New Build Programme (Borrowing for 141 eligible)	1,185,820	-225,420	960,400	-	0.00%
New Build Site - Queen Elizabeth Road	26,761	-	26,761	-	0.00%
New Build Site - Rookery Lane	4,160,800	-	4,160,800	732,997	17.62%
New Build Site - Searby Road	62,497	-	62,497	-	0.00%
Western Growth Corridor	1,259,766	-	1,259,766	-	0.00%
New build programme Total	12,039,830	-	12,039,830	1,126,174	9.35%
Housing Strategy and Investment Total	12,039,830	-	12,039,830	1,126,174	9.35%
Grand Total	23,166,747	80,000	23,246,747	1,512,309	6.51%

TFS Phase7 programme: progress at Q1 - 2022/2023

Service	Summary of project	Dir.	Total savings in 2022/23	GF savings in 2022/23	HRA savings in 2022/23	Comments
			£000's	£000's	£000's	
ACTIONS COMPLETED AS OF END Q1 2022/23						
Savings secured – b'fwd from 21/22			779	716	63	Complete
Community Services	Transfer maintenance of lighting to Cathedral	DCE	20	20	-	Complete
TOTAL			799	736	63	

SUBJECT: CCTV CODE OF PRACTICE UPDATE

DIRECTORATE: COMMUNITIES & ENVIRONMENT

REPORT AUTHOR: CAROLINE BIRD, COMMUNITY SERVICES MANAGER

1. Purpose of Report

1.1 To share the revised CCTV Code of Practice with the Executive, seeking its formal adoption.

2. Executive Summary

2.1 The Council’s CCTV service operates under a Code of Practice which brings together the various legislative requirements of a public CCTV system and ensures that the service operates lawfully and appropriately, providing a robust, reliable, trustworthy service.

2.2 This revision takes into account operational and legislative changes since the last full review in 2014, ensuring compliance with the Surveillance Camera Commissioner’s (SCC) Code and all relevant legislation. Members, residents of Lincoln and visitors to the City can therefore be assured that the service is operating appropriately, efficiently and in a manner that maximises opportunities to help detect and reduce crime, and to make Lincoln a safer place, whilst protecting the privacy of individuals.

2.3 At the time of drafting this report, the Data Protection and Digital Information Bill is making its way through parliament. If this bill becomes law there are implications for CCTV, including changes to the role of Surveillance Camera Commissioner. The Code of Practice will be reviewed again in light of those changes.

3. Background

3.1 The Council’s CCTV service is bound by various legislative requirements, including the Data Protection Act, Human Rights Act, Protection of Freedoms Act and Regulation of Investigatory Powers Act.

3.2 In accordance with the Protection of Freedoms Act 2012, the SCC publishes a Code of Practice for CCTV (first published in 2013 and amended in 2021) which provides guidance on the appropriate and effective use of surveillance camera systems. Prior to 2013, the Information Commissioner published a Code of Practice for CCTV.

3.3 The City Council is required to publish its own Code of Practice for CCTV, with reference to the SCC Code and all other relevant legislation.

3.4 The Code was last updated in 2014. Since that time operational and legislative changes have taken place, including a major upgrade in 2017. The revised Code includes all changes that have taken place since the last edition.

3.5 It is important to note that at every stage, as changes have been made, the position of the SCC and all relevant legislation have been taken into account.

4. Changes to the Previous Code

4.1 The new edition (attached as Appendix A) takes into account legislative and operational changes since 2014. It encompasses the principles of the SCC Code and all relevant legislation.

4.2 Appendix B sets out the material changes since the previously adopted Code.

4.3 Lincolnshire Police have been consulted on the revised Code and have confirmed they are satisfied it reflects our arrangements with them, where relevant.

4.4 Once adopted, the Code will become a public document and will enable interested parties to be assured that the Council's CCTV system is fully compliant, and that the privacy of individuals is appropriately protected.

4.5 It is noted that historically the Council owns several small individual systems that were installed by departments to protect specific buildings/areas, which are not linked to the corporate CCTV system. These are therefore outside of the scope of this document. However, it should be noted that they do require their respective departmental owners to have their own Code of Practice document in place, tailored to the specific details of each scheme. Successful efforts have been made to reduce the number of these individual systems and to avoid new systems being introduced, in order to best ensure full compliance.

4.6 The revised Code has been considered by Policy Scrutiny Committee and this resulted in changes to wording in section 1.3 Aims of the Service (items e and g).

5. Strategic Priorities

5.1 Let's Reduce Inequality

Safer places are more accessible to more people, from different areas of the community. The presence of CCTV therefore helps improve access to our places, improving social cohesion.

5.2 Let's Drive Economic Growth

A reliable, efficient and sustainable CCTV service is an important part of a thriving city centre offer and contributes to a healthy local economy. Businesses rely on the CCTV service both directly (use of Shoplink radio / Pubwatch help catching shoplifters / helping staff feel safe) and indirectly (members of the public are more likely to visit the city if they are safe doing so).

5.3 Let's Enhance our Remarkable Place

Reduced crime, increased detection of crime, and confidence in a reliable CCTV service all help people to feel safe in our city. This enhances their experience of our city centre, parks, and council buildings where CCTV is in use.

6. **Organisational Impacts**

6.1 Finance

There are no financial implications to adopting the revised Code. The Code confirms the previously agreed decision to reduce standard data retention to 15 days which, as well as being appropriate in Data Protection terms, reduces the cost of storage servers.

6.2 Legal Implications including Procurement Rules

The Code of Practice is an important document which ensures, and evidences, that the Council operates legally in this highly legislated area. It is important to note that any changes in legal requirements have been introduced at the time, and have not waited for the adoption of the revised Code.

Adopting the Code will mean ensuring compliance with all relevant legislation and will therefore protect the Council from the risk of challenge on legal grounds, and ensure that CCTV footage can be used with confidence in legal actions by the Police and other enforcement agencies.

Colleagues representing Legal Services and Data Protection have been involved in the review.

There are no procurement implications.

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

The adoption of the Code ensures ongoing compliance with all relevant legislation, including Data Protection Act and Human Rights Act and therefore contributes to the protection of the Human Rights of individuals.

Adherence to the Code means that individuals are only monitored in relation to their activities, and not because of who they are or who they might appear to be.

There are no equality and diversity implications.

6.4 Human Resources

CCTV staff are required to work to the Code at all times. The principles of the Code are already embedded in the working practices of the CCTV unit, and Job Descriptions reflect this.

6.5 Significant Community Impact

The adoption of the Code underlines, supports and embeds the changes since 2014, assuring the public that their CCTV service is fully compliant and has maximum respect for personal privacy and the human rights of individuals.

Adoption of the Code ensures ongoing confidence in the system and thus enables confident use of the evidence it provides to help in detecting crime and taking action against offenders, significantly contributing towards making Lincoln a safer place for people to live, work and visit.

6.6 Corporate Health and Safety implications

There are no H&S implications.

7. Risk Implications

7.1 (i) Options Explored

The Council is required to have a clear policy for the operation of its CCTV system.

The reviewed Code reflects legislative and necessary / appropriate operational changes since the last edition.

By not adopting the new Code the Council would be at risk of challenge relating to operating to an out of date Code, and the Code would not properly reflect operational changes and legislative changes which have already been delivered in practice.

7.2 Key Risks Associated with the Preferred Approach

There are no risks associated with adopting the revised Code.

8. Recommendation

8.1 That members adopt the revised Code of Practice.

8.2 That the Code of Practice be reviewed again in response to any changes made by the Data Protection and Digital Information Bill when it becomes law.

Is this a key decision?

Yes/ No

Do the exempt information categories apply?

Yes/ No

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

Yes/ No

How many appendices does the report contain?

Two

List of Background Papers:

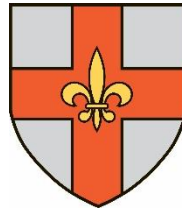
None

Lead Officer:

Caroline Bird, Community Services Manager
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Appendix A



CITY OF
Lincoln
COUNCIL

Code of Practice For the Operation of Closed Circuit Television

Issued September 2022

Document control

Organisation	City of Lincoln Council
Title	Code of Practice for the Operation of Closed-Circuit Television
Author - name and title	TCTA / CB / JH
Owner - name and title	Community Services Manager – Caroline Bird
Date	
Approvals	Policy Scrutiny 18/8/2022 Executive 19/9/2022
Filename	
Version	6
Next review date	August 2025

Document Amendment history

Revision	Originator of change	Date of change	Change description

Distribution and training history

Details	Date



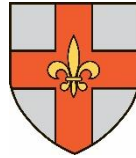
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CCTV System Code of Practice

Certificate of Agreement

The content of this Code of Practice is hereby approved in respect to the City of Lincoln Council Closed Circuit Television system and as far as is reasonably practicable, will be complied with by all who are involved in the management and operation of the system.

Signed for and on behalf of City of Lincoln Council

Signature:.....

Name:

Position held:

Date.....

Signed for and on behalf of Lincolnshire Police

Signature:

Name:

Position held:

Date.....



Section 1 Introduction and Objectives

1.1 Introduction

1.1.1 The City of Lincoln Council (Hereafter referred to as CoLC) Public Spaces CCTV system was set up in 1996. It is owned and operated by the City of Lincoln Council at City Hall, Beaumont Fee, Lincoln, LN1 1DD. Details of key personnel, their responsibilities and contact points are shown in appendix A to this Code of Practice, (hereafter referred to as 'the Code'). A public space for the purpose of this Code is described as 'A place to which the public have access whether on payment or not.'

1.1.2 All recorded material is owned by, and copyright of, the City of Lincoln Council. The CCTV system comprises of a number of cameras installed at strategic locations. The cameras are fully operational with pan, tilt and zoom (PTZ) facilities and static cameras, Body Worn Cameras (BWC) and Re-Deployable Cameras (RDC). Data is primarily transmitted to the CCTV control room by wireless transmissions. The CCTV system is monitored from a strategic, purpose-built Control Room based at City Hall in Lincoln. For the purposes of the Data Protection Act the 'Data Controller' is the City of Lincoln Council.

Note: *The data controller is the person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are to be processed. It must be a legal entity e.g., person, organisation or corporate body and in the case of partnerships all partners may be considered to bear the responsibility.*

1.1.3 It is recognised that operation of the CoLC CCTV system may be considered by some as an infringement on the privacy of individuals. CoLC recognises that it has a responsibility to ensure that the scheme always complies with all relevant legislation in order to ensure its legality and legitimacy. The scheme will only be used as a proportionate response and only as far as it is necessary in a democratic society, in the interests of national security, for public safety, for the economic well-being of the area, for the prevention and detection of crime or disorder, for the protection of public health and safety, and for the protection of rights and freedoms of others.

1.2 Key Legislation

1.2.1 CoLC recognises that public authorities and those organisations carrying out the functions of a public service nature are required to observe the obligations imposed by the Human Rights Act 1998 and consider that the use of CCTV is a necessary, proportionate and suitable tool to help reduce crime, reduce the fear of crime and improve public safety.



1.2.2 Section 163 of the Criminal Justice and Public Order Act 1994 creates the power for local authorities to provide closed circuit television coverage of any land within their area for the purposes of crime prevention or victim welfare and it is also considered a necessary initiative by the CoLC towards their duty under the Crime and Disorder Act 1998

1.2.3 Protection of Freedoms Act 2012 (PoFA 2012) including 12 Guiding Principles (See Appendix F). This Act provides for the destruction, retention, use and other regulation of certain evidential material. A code of practice is issued by the Secretary of state under sections 29-31 of PoFA 2012. It provides guidance on the appropriate and effective use of surveillance camera systems by relevant authorities (as defined by Section 33(5) of PoFA 2012) in England and Wales who must, under Section 33(1) of PoFA 2012, have regard to the code when exercising any functions to which the code relates. CoLC is a relevant authority for these purposes and therefore subject to the Secretary of state's code of practice. The code can be found here www.gov.uk/government/publications/update-to-surveillance-camera-code/amended-surveillance-camera-code-of-practice-accessible-version. The Information Commissioner's Officer have also updated their Video Surveillance guidance which can be found here www.ico.org.uk/for-organisations/guide-to-data-protection/key-dp-themes/guidance-on-video-surveillance/about-this-guidance/

1.2.4 The Data Protection Legislation includes the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR). Everyone responsible for using personal data must follow strict rules called 'data protection principles' (see 3.2.4). They must make sure the information is used fairly, lawfully and transparently.

1.2.5 Regulation of Investigatory Powers Act 2000 (RIPA) (See Appendix G) governs the use of covert surveillance by public bodies.

1.2.6 The Equality Act 2010 protects people from discrimination in the workplace and in wider society and makes it unlawful for someone to be discriminated against on the grounds of any of the protected characteristics set out in the Act: Age, Disability, Gender reassignment, Marriage and civil partnership, Pregnancy and maternity, Race, Religion and belief, Sex, Sexual orientation.

1.3 Aims of the CCTV System

1.3.1 The Aims of the scheme are:

- a) To enhance community safety
- b) To help secure a safer environment for those people who live in, work in and visit the areas
- c) The detection, deterrence and prevention of crime such as:



Providing assistance in the prevention of crime.
Deterring and detecting crime.
Helping to identify, apprehend and prosecute offenders.
Providing the Police with evidence to take criminal action in the courts.

- d) To assist in aspects of traffic management
- e) To assist in the delivery of City Council services such as quick identification of damaged street furniture to be mended or replaced, street cleansing issues including identification of fly tipping for removal and highlighting Health and Safety matters
- f) To reduce the fear of crime and to provide reassurance to the public
- g) To assist in the improvement of the environment and the security of the areas, to make the city a more attractive and safe area to live, shop, work or socialise in, throughout the day and night time 'Safer Streets' economy.
- h) To help with the communication and operational response of Police patrols in and around the city
- i) To assist in the finding of missing people and assist when searching for vulnerable people and high-risk individuals threatening suicide.

1.4 Operations Procedures Manual

1.4.1 The Code is supplemented by a separate 'Operations Procedures Manual' providing instructions on all aspects of the day-to-day operation of the system. To ensure that the purpose and principles (see Section 2) of the CCTV system are realised, the Operations Procedures Manual is based upon and expands on the contents of the Code.

Section 2 Statement of Purpose and Principles

2.1 General Purpose and Principles of Operation

2.1.1 The purpose of this document is to state the intention of the CoLC and its staff to support the Aims of the CoLC CCTV system, (hereafter referred to as 'the system') and to outline how it will do this.

2.1.2 The system will be operated in accordance with all the requirements and the principles of current legislation, the [Amended Surveillance Camera Code of Practice \(accessible version\) - GOV.UK \(www.gov.uk\)](#), this Code and CoLC policies and procedures.



2.1.3 The system will be operated fairly, within the law, and only for the purposes for which it was established, and which are identified within this Code, or which are subsequently agreed in accordance with the Code.

2.1.4 The system will be operated with due regard to the principle that everyone has the right to respect for their private and family life.

2.1.5 The public interest in the operation of the system will be recognised by ensuring the security and integrity of operational procedures.

2.1.6 The operation of the system will recognise the need for formal authorisation of any covert surveillance that falls within the definition of 'Directed Surveillance' under the Regulation of Investigating Powers Act 2000 (see Appendix G).

2.1.7 Throughout the Code it is intended, as far as reasonably possible, to balance the Aims of the system with the need to safeguard individual's rights. The Code shows that a formal structure has been put in place, including a complaints procedure, by which the system is not only accountable but is seen to be accountable.

2.1.8 Participation in the system by any organisation, individual or authority assumes an agreement by all such participants to comply with the Code. The Code will be provided to all new participants prior to their involvement with the service.

2.2 Cameras and Area Coverage

2.2.1 The Areas covered by CoLC CCTV to which the Code refers include:

Lincoln City Centre - Uphill and Downhill, Transport Hub, St Marks Shopping Centre, some public parks, residential areas on the edge of the city centre (Park ward, Abbey ward, Carholme ward and Castle ward), some city centre car parks, some council offices (public areas) and Housing properties, Yarborough Leisure Centre, Birchwood Leisure Centre, Bracebridge Heath recreation field and Forum Centre North Hykeham.

These are hereafter referred to as 'the Area.'

2.2.2. The CCTV system also has access to the Lincolnshire County Council Urban Traffic Control (UTC) cameras, which fall within range of the system. Access to and use of these cameras is subject to a separate agreement between Lincolnshire County Council and CoLC.

2.2.3 The system is a mix of pan tilt and zoom (PTZ) cameras and static cameras. All have full colour capability; some of the cameras have infra-red and monochrome options. Body Worn Cameras (BWC) and Re-deployable Cameras (RDC) are also included in the system and are covered by the Code.



2.2.4 No dummy cameras will be used in the system. It is important not to make false claims about the effectiveness of the system, to avoid raising false expectations. Public confidence afforded by the system should be based on effective operating cameras and dummy cameras have no place in such a system.

2.2.5 DPIAs (Data Protection Impact Assessments) are in place for all existing cameras, and these are reviewed annually. Any expansion of the system will be tested by a DPIA and will be in line with current legislation and the Code.

2.2.6 The system includes cameras on land belonging to other organisations, in which case a charge is made for maintenance and monitoring, with reference to the Charging Policy. Some internal charges, within CoLC, are made with reference to land ownership.

2.3 Monitoring and Recording Facilities

2.3.1 The Control Room is located at City Hall, Lincoln. The CCTV equipment has the capability of recording all cameras connected to the Control Room simultaneously and continuously.

2.3.2 No equipment, other than that which is housed within the main CCTV control room, and other specified council buildings where appropriate, shall be capable of recording images from any of the cameras.

2.3.3 CCTV operators are able to produce hard copies of recorded images, replay or copy any pre-recorded data in accordance with the Code. All viewing and recording equipment shall only be operated by authorised users.

2.3.4 The CCTV Control Room shall be staffed by trained operators and operate in accordance with CoLC policy and procedures.

2.3.5 All operators shall be licensed by the Security Industry Authority (the SIA) and receive training relevant to their role in the requirements of the Human Rights Act 1998, Data Protection Legislation, Regulation of Investigatory Powers Act 2000 and the Codes of Practice and Procedures. Additional and 'refresher' training will be provided as necessary.

2.3.6 None of the cameras forming part of the system will be installed in a covert manner. The presence of CCTV cameras will be identified by appropriate signs. In exceptional circumstances, and under a RIPA process, it may be necessary to install a camera or cameras covertly as part of a specific operation, for the duration of that operation.

2.4 Operators Instructions

2.4.1 Technical instructions on the use of equipment housed within the Control Room are contained in separate manuals provided by the equipment suppliers.



2.4.2 The Operations Procedures Manual sets out how operations will ensure compliance with this Code.

2.5 Changes to the Code

2.5.1 Any major changes to the Code (i.e., those that will have a significant impact upon the Code or upon the operation of the system) will take place only after all organisations with a participatory role in the operation of the system have been notified.

2.5.2 A minor change (i.e., one which may be required for clarification and will not have such a significant impact) will be agreed by the Portfolio Holder.

2.5.3 All major changes will be approved by the Council's Executive Committee.

2.5.4 A formal review of the Code will take place every three years and will be approved by the Council's Executive, or in the event there are no significant changes, the relevant Portfolio Holder.

Section 3 Privacy and Data Protection

See also Appendix B.

3.1 Data Collection

3.1.1 All personal data obtained by virtue of the system, shall be processed fairly, lawfully and in a transparent manner and shall only be processed in the exercise of achieving the stated objectives of the system.

3.1.2 The collection, processing, storage and security of the data will be strictly in accordance with the requirements of the Data Protection Legislation.

3.2 Data Protection Legislation

3.2.1 The operation of the system has been notified to the Office of the Information Commissioner in accordance with current Data Protection Legislation. www.ico.org.uk

3.2.2. The data controller for the system is CoLC and day to day responsibility for the data will be devolved to the CCTV Team Leader.

3.2.3 DPIAs will be reviewed as part of an ongoing monitoring process taking into account changes to the system area. DPIAs will be reviewed annually. A DPIA will be undertaken for each addition to the system prior to any installation taking place.



3.2.4 All data will be processed in accordance with the principles of the Data Protection Legislation, which states in Article 5 of UK GDPR 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')."
- (g) The controller shall be responsible for, and be able to demonstrate compliance with, these principles ('accountability')."

3.2.5 Individuals can ask to see their data, and CoLC has a process for this which starts with the completion, by the requester, of [data-subject-request-form \(lincoln.gov.uk\)](https://www.lincoln.gov.uk/data-subject-request-form) Data will not be released under this process if other individuals can be identified in the footage.

3.3 Regulation of Investigatory Powers Act 2000 (RIPA)

3.3.1 RIPA 2000 came into force in October 2000 to regulate the use of relevant investigatory powers in accordance with human rights. The Act regulates both 'Directed' and 'Intrusive' surveillance.



3.3.2 With regard to “Directed” surveillance, S.26 (2) of the Act, defines this as a pre-planned activity, which is

‘Covert surveillance that is undertaken in relation to a specific investigation or a specific operation which is likely to result in obtaining private information about a person.’

3.3.3 On occasions the CCTV system may be used to undertake “Directed” surveillance providing the purpose of such surveillance is compatible with the provisions contained within the Act including any amendments as defined in the Protection of Freedoms Act 2012. It is anticipated that the majority of such surveillance will be:

- a) For the purpose of preventing or detecting crime or preventing disorder
- b) In the interest of public safety
- c) For the purpose of public health

3.3.4. CCTV cameras may be used for surveillance as part of a specific investigation or operation other 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 or other agencies. Where authorisation is given by the Police it will be authorised in writing by an officer not below the rank of Police Superintendent. A record of this authorisation will be kept and officers must ensure that any surveillance is kept within the terms of this authorisation. copy of the written authorisation will be provided to CoLC for review by CoLC Legal Services, and authorisation is required prior to commencement of any RIPA operation. Legal Services will keep all information on a central file.

3.4 Human Rights Act 1998

3.4.1 The system will be operated with due regard to the Human Rights Act 1998 and in particular the provisions of Article 8, conveying on an individual the qualified right to respect for his or her private and family life.

3.5 Use of Artificial Intelligence and Facial Recognition

3.5.1 CCTV cameras have Facial Recognition technology incorporated but are not configured within the system for its use. If the Surveillance Camera Commissioner approves the use of Facial Recognition in the future, it may be used if strictly in accordance with their Code and any other prevailing legal considerations.

3.5.2 Other forms of Artificial Intelligence may be used in the interests of finding ‘high risk’ people more quickly (for example to help search for a missing vulnerable person wearing a red coat), as ‘virtual tripwires’ (the CCTV system raises an alarm if someone goes in to an area where there shouldn’t be



anyone within certain hours, for counting footfall etc. In all cases these AI methods do not involve capturing personal data over and above that which the CCTV service already captures.

Section 4 Accountability and Public Information

4.1 Access and Visits

4.1.1 For reasons of security and confidentiality, access to the CCTV Control Room is restricted in accordance with Section 8 of the Code. However, in the interests of openness and accountability, organised visits from outside organisations and groups, external partners, other CoLC departments and authorised members of the public will be undertaken where possible, but with minimum disruption to the CCTV operation. Such visitors will be reminded of the need for confidentiality. Arrangements for visits will be through the CCTV Team Leader.

4.2 Complaints Procedure

4.2.1 A member of the public wishing to register a concern or complaint with regard to any aspect of the system may do so by contacting the CCTV Team Leader. All complaints shall be dealt with in accordance with the CoLC complaints procedure, a copy of which may be obtained from the CoLC offices or on the website. Complaints will be dealt with and, where necessary, elevated through the following roles:

CCTV Team Leader 01522 873690 jonathan.hammond@lincoln.gov.uk or alternatively CoLC reception 01522 881188

Community Services Manager 01522 873405 caroline.bird@lincoln.gov.uk
Assistant Director DCE 01522 873421 steve.bird@lincoln.gov.uk

4.3 Accountability

4.3.1 The Director of Communities and Environment being the nominated representative of the system owners, will have unrestricted access to the CCTV control room.

4.3.2 The CCTV Team Leader will have day-to-day responsibility for the system. In the Team Leader's absence, the Community Services Manager takes on day to day responsibility. See Appendix A for key personnel and responsibilities.

4.3.3 Strategic decisions in relation to the CCTV system are subject to the council's formal decision-making structures.

4.3.4 Clearly visible signs will be placed in the locality of the cameras. The signs will indicate:



- a) The presence of CCTV monitoring, depicted by an 'Icon' representing a CCTV camera
- b) The 'ownership' and controller of the system.
- c) The reason for the presence of the CCTV
- d) Contact details of the 'data controller' of the system.

Section 5 Assessment of the System

5.1 Evaluation

5.1.1 The CCTV Team Leader will have day to day responsibility for the monitoring, operation and evaluation of the system and the implementation of the Code.

5.1.2 The CCTV Team Leader shall also be responsible for maintaining full management information relating to the incidents dealt with by the Control Room for use in the management of the system and in future evaluations.

5.1.3 The aims and need for cameras is reviewed as part of the DPIA process.

5.1.4 The three yearly review of the Code will ensure that the Code reflects the system and vice versa, and any significant changes will go through the appropriate process prior to adoption.

5.2 Audit

5.2.1 Audit checks undertaken by the CCTV Team Leader will include:

- a) Compliance with the Data Protection Legislation, Human Rights Act and RIPA
- b) Compliance with the Code
- c) Compliance with policy and procedural management of the system
- d) Staff compliance with all aspects of the system and their responsibilities under the Code
- e) CoLC staff welfare in relation to potentially shocking and upsetting incidents
- f) Other audits, which may be in the form of regular spot checks and will include the Control Room records and the content of recorded material.

5.2.2 In addition to the checks carried out and documented, CoLC internal audit section may from time to time conduct an audit of the system's processes, and the records of Lay Visitors (see section 5.2.3 below) will also be recorded.



5.2.3 CoLC operates a Lay Visitors scheme to inspect the system. Full training and guidance on the operation and confidentiality of the system is given to members of this group who are able to visit and inspect the system on a regular basis. These inspections include discussions on system use and interactions with staff, and feedback to the CCTV Team Leader (refer to 4.1).

5.2.4 The operational performance of the scheme is incorporated in the Council's Performance Management arrangements.

Section 6 Staff

6.1 Standards and Accountability

6.1.1 All staff will be subject to a Disclosure and Barring Service check. Staff are Security Industry Authority Licensed.

6.1.2 SIA licensing will also apply to elected members and management that have responsibility for the scheme, in accordance with CoLC interpretation of the current SIA requirements.

6.1.3 Breaches of the Code will be dealt with under the CoLC Disciplinary Policy or Capability Policy as appropriate.

6.1.4 The CCTV Team Leader will have primary responsibility for ensuring that there is no breach of security and that the Code is complied with. The CCTV Team Leader has day to day responsibility for the management of the Control Room and ensuring that systems are in place to ensure that staff comply with all requirements under the Code.

6.1.5 Production of evidential DVD footage for Police, and release of footage to individuals and third parties, will be produced, secured and released in line with the Data Protection Legislation, Human Rights Act, Freedom of Information Act and the National Standard for the release of Data to Third Parties (See Appendix C). All reviews of data will follow the principles of the Code.

6.1.6 All use of the cameras by staff shall be in line with the principles of the Code.

6.1.7 All CCTV staff will be issued with a copy of both this Code and the Operations Procedures Manual and will be required to confirm that they fully understand their obligations and adherence to these documents. They will be fully conversant with the contents of both documents, which may be updated from time to time, and which they will be expected to comply with as far as is reasonably practicable at all times.

6.1.8 CoLC is fully committed to the principles of equality and diversity, and this is an important part of initial training, refresher training and ongoing quality assurance checks.



6.1.9 No individual will be unjustifiably discriminated against. This includes, but is not limited to, discrimination because of the following characteristics (known as protected characteristics under the Equality Act): Age, Disability, Gender reassignment, Marriage and civil partnership, Pregnancy and maternity, Race, Religion and belief, Sex, Sexual orientation.

6.1.10 Operators will be mindful of exercising prejudices which may lead to the system being used for purposes other than those for which it is intended. Operators may be required to justify their interest in, or recording of, any particular individual, group of individuals or property at any time by virtue of the audit of the system or by the CCTV Team Leader.

6.1.11 No interest will be shown in private dwellings unless as part of an authorised RIPA operation. In addition, the use of cameras will be proportionate to the objectives detailed in the Code. Where the equipment permits it, 'Privacy Zones' will be programmed into the system as required in order to ensure that the interior of any private residential property within range of the system is not surveyed by the cameras. Where such 'zones' cannot be programmed operators have been specifically trained in privacy issues. Operators of the system have clear guidelines regarding privacy issues, and any contraventions should be brought to the attention of the CCTV Team Leader as soon as is practicable and the details of the contravention to be recorded in the operator's incident log.

6.1.12 Any person operating the cameras will act with utmost honesty and decency at all times.

6.1.13 There will be no deliberate monitoring of CoLC employees going about their legitimate CoLC business; except in exceptional circumstances where there is a fear for their health/safety, in respect of an immediate reaction to an offence, or otherwise with the consent of the employee.

6.1.14 In the absence of the CCTV Team Leader the duty operator is responsible for the security of the control room and actions of authorised personnel in the control room. The duty operator must be satisfied that any individual seeking access to the CCTV control room meets the legitimate business criteria as defined in clause 8.1.2.

6.1.15 It is acknowledged and understood that CCTV Operators cannot always deal with every incident that comes to their attention, nor can they proactively pick up every incident that takes place within view of the cameras. Operators are expected to prioritise based on their own experience and training. Operators will not be criticised for missing or refusing to follow incidents based on decisions reasonably made based on the information available to them and the circumstances at the time.



6.2 Welfare

6.2.1 CoLC will risk assess the potential impacts on staff with regard to the nature and circumstances of their work. Team Leader checks will include reference to potentially disturbing incidents, and Operators will be made aware of the support that is available and encouraged to discuss concerns with the Team Leader or colleagues. CoLC has a policy for dealing with potential trauma events.

Section 7 Control By, and Communication with, Other Schemes, Partners and Organisations

7.1 Operation of the System by the Police

7.1.1 Under extreme circumstances, such as national security, explosions or other localised serious emergencies, the Police may make a request to assume direction of the CCTV system. The Police at a senior level will seek authority from the Chief Executive, prior to Police assuming supervision of the CCTV Control Room for the duration of the incident. Any request and approval will be accepted verbally or in writing. A verbal request or approval will be supported in writing as soon as is reasonably practicable.

7.1.2 In the event of such a request being permitted, the Control Room will continue to be staffed, and equipment only operated by, those personnel who are authorised to do so, and who fall within the terms of Sections 6 and 7 of the Code. The incident log should record the date and time Police assumed responsibility for the CCTV control room and the date and time the Police handed back control to CoLC.

7.2 Communication with Other Schemes and Partners

7.2.1 The control room is linked to a number of related schemes that provide and receive reports concerning activity within the Area. These links are defined as:

7.2.1a A City Centre radio link has been established in the city by the CoLC. Operated by the Business Improvement Group (BIG), membership is open to businesses operating within the system area. Full training is provided by Lincoln BIG.

7.2.1b CoLC car parks and public toilets staff have a radio link. The training on correct radio protocols is undertaken by the department responsible for the staff using the radio link.

7.2.1c Lincolnshire Police Communication Centre is directly contactable by telephone from the CCTV Control Room. There is also a live video link located in the CCTV Control Room enabling operators to transmit camera images to Force Control. Images can be sent through to Lincolnshire Police Communications Centre, in line with the Data Sharing Agreement between Lincolnshire Police and



CoLC. The Police radio system base unit is installed in the CCTV control room, this provides two-way radio communications between Lincolnshire Police and the CCTV Control Room, subject to agreed protocols.

7.2.2 Lincolnshire Police will assign a Police Liaison Officer with the necessary seniority to positively engage with the CCTV service and to respond to issues raised surrounding the scheme and Police use of or interaction with CCTV.

7.2.3 In all cases scheme members are aware of the requirement for confidentiality and sign a statement to confirm they will conform to the rules and regulations of the appropriate scheme.

7.2.4 No information received through any of the communication schemes in place shall be shared or passed to any organisation that is not a current member of the relevant schemes or party to a relevant Information Sharing Agreement.

7.2.5 Referrals using any of the listed schemes will be kept short and all parties will maintain a professional approach. Only activity that raises a concern that a member genuinely believes may escalate into a reportable activity such as a public safety issue or criminal act may be referred over a link.

7.2.6 Names may be used where quick identification is necessary; otherwise, a short description of the individual is more appropriate. Under no circumstances are relationships, (other than known relevant criminal connections) or personality (unless the individual is prone to violence) be discussed openly over any of the links, except the Police Airwaves Radio.

7.2.7 Any breach of confidentiality or inappropriate use of any link will automatically result in termination of membership of the scheme for the party responsible until it can be evidenced that necessary steps have been put in place to ensure future security.

7.3 Maintenance of the System

7.3.1 To ensure the system continues to operate effectively and in line with the Aims of the scheme the system shall be subject to a maintenance agreement. The contractual arrangements for the agreement shall make clear the need for confidentiality and the protection of data which the maintenance organisation may come in to contact with through their work with the CoLC CCTV system.

Section 8 Access to and Security of Control Room and Associated Equipment

8.1.1 Only authorised personnel will operate the equipment located within the CCTV Control Room (or equipment associated with the system).



8.1.2 Only those people who have legitimate business related to CCTV will be permitted to enter the CCTV control room. Entry to the CCTV control room will mean acceptance that anything witnessed whilst in the room is confidential (A notice to this effect is posted on the door. See Appendix E). A person entering the room who is not a member of CoLC staff or CCTV maintenance staff attending for known maintenance purposes, will be asked to sign an entry logbook that will show arrival and departure times.

8.1.3 Group visits will require authorisation through a formal booking, in advance, through the Team Leader. All group bookings will have a lead organiser recorded whose full contact details will be provided to the Team Leader and recorded.

8.1.4 While on shift a duty operator will be at their station in the control room unless called away for other work duties or rest reasons. If the duty operator has to leave the control room unattended for any reason, they will ensure that the room is secured so as to prevent unauthorised access. If the duty operator has no option but to leave the control room whilst another person, who is not CCTV staff, is present, they will ensure that this is recorded in the operator's incident log.

8.1.5 CCTV Lay Visitors may visit without prior warning, although for practical purposes (to ensure minimal disturbance to the service and to ensure they can speak with the Team Leader or other management if required) they are encouraged to plan visits in advance with the Team Leader. Lay Visitors are required to sign into the Control Room.

Section 9 Management of Recorded Material

9.1 Control of Recorded Data

9.1.1 For the purposes of the Code 'recorded material' means any material recorded by, or as the result of, technical equipment which forms part of the system.

9.1.2 Every digital recording obtained by using the system has the potential of containing material that can, at any point during its lifespan, be admitted in evidence.

9.1.3 The public must have total confidence that information recorded about their ordinary everyday activities by virtue of the system, will be treated with due regard to their individual right to privacy in relation to their personal and family life.

9.1.4 It is therefore of the utmost importance, and irrespective of the means or format of the images obtained from the system, that images are treated strictly in accordance with the Code and the Operations Procedures Manual from the



moment they are received by the control room until their final destruction. Every movement and usage will be recorded.

9.1.5 Access to and the use of recorded material will be strictly for the purposes defined in the Code.

9.1.6 As a matter of course, recorded material will not be sold or otherwise released to be used for commercial purposes or for the provision of entertainment. In exceptional circumstances the CLC may decide to release footage into the public domain, but this will only be done where the Chief Executive is content there is a wider public benefit. The decision to release footage under this clause is only at the discretion of the Chief Executive, or persons delegated with their authority.

9.2 Release of Data to a Third Party

9.2.1 All data released to third parties will be documented, and the appropriate authority attained. The process for releasing data to Lincolnshire Police officers is set out in the Operations Procedures Manual. All requests for data by Lincolnshire Police must be authorised by an officer of Sergeant ranking or above.

9.2.2 All other requests for data will be channelled through the CCTV Team Leader, who will ensure the principles contained within National Standard for the Release of Data to Third Parties (appendix C) are followed at all times.

9.2.3 In compliance with this standard, it is intended, as far as is reasonably practicable, to safeguard the individual's rights to privacy and to give effect to the following principles:

- 1) Recorded material shall be processed lawfully, fairly and in a transparent manner and used only for the purposes defined in the Code
- 2) Access to recorded material will only take place in accordance with the Code
- 3) The release or disclosure of data for commercial or entertainment purposes is specifically prohibited.

9.2.4 Members of the Police service or other agencies having a statutory authority to investigate and/or prosecute offences may, subject to compliance with Appendix C, release details of recorded information to the media only in an effort to identify alleged offenders or potential witnesses.

9.2.5 If material is to be shown to witnesses, including Police officers, for the purpose of obtaining identification evidence, it must be shown in accordance with Appendix C and the Operations Procedures Manual.

9.2.6 It may be beneficial to make use of footage for the training and education of those involved in the operation and management of the system, and for those involved in the investigation, prevention and detection of crime. Material



recorded by virtue of the system may be used for such bona fide training and education purposes.

9.2.7 CoLC does not currently charge for the production and release of footage, but this may be subject to review, and any changes will be in accordance with CoLC policy.

9.3 Recording and Retention Policy

9.3.1 Subject to the equipment functioning correctly, images from every camera will be recorded throughout every 24-hour period.

9.3.2 Footage will be retained and automatically deleted after 15 days (or other such period as shall be deemed appropriate, taking into account proportionality in terms of the Data Protection Legislation and service efficiency). Any changes to the retention period will be authorised by the Portfolio Holder.

9.3.3 Footage in relation to an incident must therefore be requested within 15 days (or the standard retention period of the time). Such footage will then be retained for collection by the appropriate authority.

9.3.4 CCTV Operators may themselves choose to save footage, in the absence of a request, if they have reason to believe the footage is or could become significant, and in such circumstances should advise the Team Leader at the earliest opportunity.

9.3.5 Footage requested by, or offered to, an authority, and not collected will be disposed of after a reasonable amount of time (currently 30 days). In the case of significant incidents, a check will be made with the requesting authority prior to deletion.

9.3.6 Once evidence has been collected by the requesting authority, it will be deleted from the CoLC records seven days later, allowing a seven-day period for the receiving organisation to check the footage has transferred successfully to their own system.

9.3.7 With reference to 9.2.6 above, footage may be retained, at the decision of the Team Leader, for training purposes.



Appendices



Appendix A Key Personnel and Responsibilities

1. System Owners

City of Lincoln Council

Responsibilities:

CoLC is the 'owner' of the system. The Director of Communities and Environment will be the single point of reference on behalf of the system owners with responsibility to:

- i) Ensure the provision and maintenance of all equipment forming part of the system is in accordance with contractual arrangements which the owners may from time to time enter into.
- ii) Maintain close liaison with the CCTV Team Leader.
- iii) Ensure the interests of the owners and other organisations are upheld in accordance with the terms of the Code.
- iv) Agree to any proposed alterations and additions to the system, the Code and/or the Operations Procedures Manual.

2. System Management

The CCTV Team Leader is responsible for the day-to-day operational management of the system.

The management structure in the event of absence or for escalating issues is:

Community Services Manager
Assistant Director
Strategic Director

Responsibilities:

The CCTV Team Leader has delegated authority for data control on behalf of the 'data controller.' Their role includes responsibility to:

- i) Maintain day to day management of the system and staff.
- ii) Accept overall responsibility for the system and for ensuring that the Code is complied with.
- iii) Maintain direct liaison with the owners of the system.
- iv) Maintain direct liaison with operating partners.

The Community Services Manager is the Information Asset Owner and fulfils the duties required by IAOs within the CoLC policy and procedures.

The CCTV Service falls within the portfolio of Reducing Inequality.



Appendix B Extracts and Principles of the Data Protection Legislation

Principles:

- Lawfulness, fairness and transparency
- Purpose limitation
- Data minimisation
- Accuracy
- Storage limitation
- Integrity and confidentiality (security)
- Accountability

Article 5 of the UK GDPR sets out seven key principles which lie at the heart of the Data Protection Legislation.

For more detail on each principle, please read paragraph 3.2.4 of this Code.

Why are the principles important?

The principles lie at the heart of the Data Protection Legislation. They are set out in both the Data Protection Act 2018 and the UK GDPR. They do not give hard and fast rules, but rather embody the spirit of the data protection regime - and as such there are very limited exceptions.

Compliance with the spirit of these key principles is therefore a fundamental building block for good data protection practice. It is also key to compliance with the Data Protection Legislation.

Failure to comply with the principles may lead substantial fines. Article 83(5)(a) of UK GDPR states that infringements of the basic principles for processing personal data are subject to the highest tier of administrative fines. This could mean a fine of up to €20 million, or 4% of your total worldwide annual turnover, whichever is higher.

Note: These extracts are for initial direction and guidance only. To ensure compliance with the legislation the relevant Data Protection legislation should be referred to in its entirety.



Appendix C National Standard for the release of data to third parties

1. Introduction

If users, owners and managers of such systems are to command the respect and support of the general public, the systems must not only be used with the utmost honesty and decency at all times, but they must be used in a manner which stands up to scrutiny and is accountable to the very people they are aiming to protect.

CoLC is committed to the belief that everyone has the right to respect for his or her private and family life and their home.

Any requests for the release of data to third parties will be dealt with in accordance with and in line with all relevant legislation.

2. General Policy

All requests for the release of data shall be processed in accordance with the Code. All such requests shall be channelled through the Data Controller although day to day responsibility may be devolved to the System Manager (CCTV Team Leader).

3. Primary Request to View Data

- a) Primary requests to view data generated by a CCTV system are likely to be made by third parties for any one or more of the following purposes:
 - i) Providing evidence in criminal investigations or proceedings
 - ii) Providing evidence in civil proceedings or tribunals but only where directly affecting the Council.
 - iii) The prevention of crime
 - iv) The investigation and detection of crime (may include identification of offenders)
 - v) Identification of witnesses

- b) Third parties, which are required to show adequate grounds for disclosure of data within the above criteria, may include, but are not limited to:
 - i) Police
 - ii) Statutory authorities with powers to investigate and prosecute, (e.g., Customs and Excise, Trading Standards, etc.)
 - iii) Solicitors
 - iv) Plaintiffs in civil proceedings
 - v) Accused persons or defendants in criminal proceedings
 - vi) other agencies such as Insurance Companies,

- c) Upon receipt from a third party of a bona fide request for the release of data, the data controller shall:



- i) Not unduly obstruct a third-party investigation to verify the existence of relevant data.
 - ii) Ensure the retention of data which may be relevant to a request, but which may be pending application for, or the issue of, a court order or subpoena. A time limit shall be imposed on such retention, which will be notified at the time of the request.
- d) In circumstances outlined at note (3) below, (requests by plaintiffs, accused persons or defendants) the data controller, or nominated representative, shall:
- i) Be satisfied that there is no inconsistency with any data held by the Police in connection with the same investigation.
 - ii) All such enquiries are to be processed by all parties in accordance with the Data Protection Legislation.

Notes

- (1) The release of data to the Police is not to be restricted to the civil Police but could include, (for example) British Transport Police, Ministry of Defence Police, Military Police, etc.
- (2) Aside from criminal investigations, data may be of evidential value in respect of civil proceedings or tribunals. In such cases a solicitor, or authorised representative of the tribunal, is required to give relevant information in writing prior to a search being granted. In the event of a search resulting in a requirement being made for the release of data, such release will only be facilitated on the instructions of a court order or subpoena. A charge may be made for this service to cover costs incurred. In all circumstances data will only be released for lawful and proper purposes.
- (3) There may be occasions when an enquiry by a plaintiff, an accused person, a defendant or a defence solicitor falls outside the terms of disclosure or subject access request legislation. An example could be the investigation of an alibi. Such an enquiry may not form part of a prosecution investigation. Defence enquiries could also arise in a case where there appeared to be no recorded evidence in a prosecution investigation.
- (4) The data controller shall decide which (if any) "other agencies" might be permitted access to data. Having identified those 'other agencies,' such access to data will only be permitted in compliance with this Standard and the Data Protection Legislation.
- (5) The data controller can refuse an individual request to view if insufficient or inaccurate information is provided. A search request should specify location and times with reasonable accuracy (could be specified to the nearest ½ hour).

4. Secondary Request to View Data

- a) A 'secondary' request for access to data may be defined as any request being made which does not fall into the category of a primary request.



Before complying with a secondary request, the data controller shall ensure that:

- i) The request does not contravene, and that compliance with the request would not breach, current relevant legislation, (e.g., Data Protection Legislation, Human Rights Act 1998, section 163 Criminal Justice and Public Order Act 1994, etc.).
 - ii) Any legislative requirements have been complied with, (e.g., the requirements of the Data Protection Legislation).
 - iii) Due regard has been taken of any known case law (current or past) which may be relevant, (e.g., R v Brentwood BC ex p. Peck) and
 - iv) The request would pass a test of 'disclosure in the public interest.'
- b) If, in compliance with a secondary request to view data, a decision is taken to release material to a third party, the following safeguards shall be put in place before surrendering the material:
- i) In respect of material to be released under the auspices of 'crime prevention,' written agreement to the release of the material should be obtained from a Police Officer, not below the rank of Sergeant. The officer should have personal knowledge of the circumstances of the crime/s to be prevented and an understanding of the CCTV system Code of Practice.
 - ii) If the material is to be released under the auspices of 'public wellbeing, health or safety,' written agreement to the release of material should be obtained from a senior officer within the Local Authority. The officer should have personal knowledge of the potential benefit to be derived from releasing the material and an understanding of the CCTV system Code of Practice.
- c) Recorded material may be used for bona fide training purposes such as Police or staff training. Under no circumstances will recorded material be released for commercial sale of material for training or entertainment purposes.

5. Individual Subject Access under Data Protection Legislation

- a) Under the terms of Data Protection Legislation, individual access to personal data, of which that individual is the data subject, must be permitted. Providing:
- i) The request is made in writing or by any other means.
 - ii) The data controller is supplied with sufficient information to satisfy him or herself as to the identity of the person making the request.
 - iii) The person making the request provides sufficient and accurate information about the time, date and place to enable the data controller to locate the information which that person seeks, (it is recognised that a person making a request is unlikely to know the precise time. Under those circumstances it is suggested that within one hour of accuracy would be a reasonable requirement).



- iv) The person making the request is only shown information relevant to that particular search and which contains personal data of her or himself only, unless all other individuals who may be identified from the same information have consented to the disclosure.
- b) In the event of the data controller complying with a request to supply a copy of the data to the subject, only data pertaining to the individual should be copied, (all other personal data which may facilitate the identification of any other person should be concealed or erased).
- c) The data controller is entitled to refuse an individual request to view data under these provisions if insufficient or inaccurate information is provided, however the subject access procedures must be complied with and each request should be treated on its own merit.
- d) In addition to the principles contained within the Data Protection Legislation, the data controller should be satisfied that the data is:
 - i) Not currently and, as far as can be reasonably ascertained, not likely to become, part of a 'live' criminal investigation.
 - ii) Not currently and, as far as can be reasonably ascertained, not likely to become, relevant to civil proceedings.
 - iii) Not the subject of a complaint or dispute which has not been actioned.
 - iv) The original data and that the audit trail has been maintained.
 - v) Not removed or copied without proper authority.
 - vii) For individual disclosure only (i.e., to be disclosed to a named subject)

6. Process of Disclosure:

- a) Verify the accuracy of the request.
- b) Replay the data to the requester only, (or responsible person acting on behalf of the person making the request).
- c) The viewing should take place in a separate room and not in the control or monitoring area. Only data which is specific to the search request shall be shown.
- d) It must not be possible to identify any other individual from the information being shown, (any such information will be blanked out, either by means of electronic screening or manual editing on the monitor screen).
- e) If a copy of the material is requested and there is no on-site means of editing out other personal data, then the material should be sent to an editing house for processing prior to being sent to the requester.

7. Media disclosure



In the event of a request from the media for access to recorded material, the procedures outlined under 'secondary request to view data' shall be followed. If material is to be released the following procedures shall be adopted:

- i) The release of the material must be accompanied by a signed release document that clearly states what the data will be used for and sets out the limits on its use.
- ii) The release form shall state that the receiver must process the data in a manner prescribed by the data controller, e.g., specific identities/data that must not be revealed.
- iii) It shall require that proof of any editing must be passed back to the data controller, either for approval or final consent, prior to its intended use by the media (protecting the position of the data controller who would be responsible for any infringement of Data Protection Legislation and the system's Code of Practice).
- iv) The release form shall be considered a contract and signed by both parties.

8. Principles

In adopting this national standard for the release of data to third parties, it is intended, as far as reasonably practicable, to safeguard the individual's rights to privacy and to give effect to the following principles:

- a) Recorded material shall be processed lawfully, fairly and in a transparent manner and used only for the purposes defined in the Code of Practice for the CCTV scheme.
- b) Access to recorded material shall only take place in accordance with this Standard and the Code of Practice.
- c) The release or disclosure of data for commercial or entertainment purposes is specifically prohibited.



Appendix D – Not used



RESTRICTED ACCESS

**All visitors entering this area are required to
complete an entry in the Access Control Log**

Visitors are advised to note the following confidentiality clause and entry is conditional on acceptance of that clause:

Confidentiality Clause:

**In being permitted entry to this area you agree
not to divulge any information obtained,
overheard or overseen during your visit.
An entry accompanied by your signature in the
Access Control Log is your acceptance of
these terms**

**Please note it is a criminal offence for a person
to knowingly or recklessly obtain or disclosure
personal data without consent of the controller
City of Lincoln Council
(s170 Data Protection Act 2018)**



Appendix F The 12 Guiding Principles Protection of Freedoms Act

(Note that the Act is expected to be amended in 2022, and this may include a change to the Guiding Principles).

Principle 1 - Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.

Principle 2 - The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.

Principle 3 - There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints.

Principle 4 - There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.

Principle 5 - Clear rules, policies and procedures must be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them.

Principle 6 - No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system, and such images and information should be deleted once their purposes have been discharged.

Principle 7 - Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes.

Principle 8 - Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.

Principle 9 Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.

Principle 10 - There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.

Principle 11 - When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.

Principle 12 - Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.



Appendix G Regulation of Investigatory Powers Act Guiding Principles

Advice and Guidance for Control Room Staff and Police Inspectors in respect of CCTV and the Regulation of Investigatory Powers Act 2000

The Regulation of Investigatory Powers Act 2018 amongst other subjects, relates to surveillance by the Police and other agencies (including Local Authorities) and deals in part with the use of directed covert surveillance. Section 26 of this Act sets out what is Directed Surveillance. It defines this type of surveillance as:

Subject to subsection (6), surveillance is directed for the purposes of this Part if it is **covert** but **not intrusive** and is undertaken-

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

Although the systems cameras are overt if they are used in such a way that falls within the definition of Directed Surveillance they will only be used if the authorities have been given.

THE COLC SYSTEM CAMERAS WILL NOT BE USED FOR PURPOSES THAT MEET THE DEFINITION OF "INTRUSIVE SURVEILLANCE" UNLESS CORRECTLY AUTHORISED.

The impact for staff in the Police control rooms and CCTV monitoring centres, is such that there might be cause to monitor for some time, a person or premises using the cameras. In most cases, this will fall into sub section c above, i.e., it will be an immediate response to events or circumstances. In this case, it would not require authorisation unless it were to continue for some time. The code says some hours rather than minutes. In cases where a pre-planned incident or operation wishes to make use of CCTV for such monitoring, an authority will almost certainly be required.

In the case of authorities given by the Police these are usually authorised by a Superintendent or above. However, if an authority is required immediately, an Inspector may authorise the surveillance. The forms in both cases must indicate the reason and should fall within one of the following categories:-

An authorisation is necessary on grounds falling within this subsection if it is necessary-

- (a) *In the interests of national security;*



- (b) For the purpose of preventing or detecting crime or of preventing disorder;*
- (c) In the interests of the economic well-being of the United Kingdom;*
- (d) In the interests of public safety;*
- (e) For the purpose of protecting public health;*
- (f) For the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department;*
or
- (g) For any purpose (not falling within paragraphs (a) to (f)) which is specified for the purposes of this subsection by an order made by the Secretary of State.*

RIPA also makes provision for directed surveillance to be conducted by a Local Authority. In such cases, the written authority to carry out directed surveillance using the CoLC CCTV system will only be given at Director level providing the permission for such authority has been granted by a magistrate in accordance with the provision of the Protection of Freedoms Act 2012



APPENDIX H - GLOSSARY OF TERMS

Basic CCTV Terminology

- CCTV:** A closed circuit television system, not for general public broadcasting
- Digital Video Recorder:** A method of recording information digitally initially onto a hard disk which can be retrieved or downloaded to another recording media such as tape, DVD or CD. It retains quality better than analogue recorders.
- Data Protection Legislation:** The Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR) and any other applicable implemented Legislation as amended from time to time.
- DPIA:** Data Protection Impact Assessment is a process to help identify and minimise data protection risks, in this case in relation to the presence of CCTV cameras.
- Dummy Camera:** Looks like a working camera but not capable of recording (or deliberately not recording).
- DVD:** Digital Versatile Disc. A data encoding standard for CD-ROM-like discs, capable of storing data at the higher densities needed for recording movies. A typical DVD contains 4.7 Gigabytes of data, and can record approximately 90 minutes of video footage
- Fibre Optic:** An efficient method of transmitting video etc. over distances using fibre optic cable. Constructed using thin fibres of glass and laser light technology and encased in armour cabling to protect the delicate fibres



Hard Disk Drive:	Electromechanical device used to store large amounts of digital data. They are the most common storage medium used in digital video recorders.
Hard wired:	A single or multi-core cable used to pass video and telemetry signals usually on short runs. E.g., coaxial or fibre optic cables.
HRA 1998:	An act of law introduced to uphold certain rights of the public such as article 6 a right to a fair trial and article 8 a right to a private and family life, full endorsed and adhered to by CoLC.
Infra-Red:	A range of frequencies just below the human visible spectrum. It is used for transmitting information or providing additional illumination for cameras. Used to enhance CCTV images where there is little or no artificial light e.g., Works depots or public parks
IP camera:	A type of CCTV camera that outputs video as digital information usually according to the TCP/IP protocol.
Operator:	The person designated to operate the surveillance system
Privacy Zone:	Usually electronically programmed into the CCTV system to stop accidental intrusion with the cameras into private residential widows and other areas regarded as private
Pre-set:	A function programmed into the control to allow a camera to move to a pre-set position following an alarm or physical activation (its default position)
RIPA 2000:	Regulation of Investigatory Powers Act 2000, a law allowing the surveillance of people in private and public places.



SIA: The Security Industry Authority. A government department set up as a result of the Private Security Act 2001 with responsibility for the licensing of individuals working in the security industry including CCTV operators

Surveillance Camera Commissioner (SCC) / SCC Code of Practice: The office of the commissioner was created under the Protection of Freedoms Act 2012 to further regulate CCTV. The act required a code of practice to be produced about surveillance camera systems. The role of the Surveillance Camera Commissioner is to encourage compliance with the Surveillance Camera Code of Practice.

Wireless: A means of transmission of CCTV data without use of wires or cables, e.g., by using radio waves or microwaves.



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Appendix B – Significant Changes to the Code of Practice

Section	Subject	Change
Throughout	Legislation	All references to legislation have been updated.
Throughout	Surveillance Camera Commissioner (SCC)	References to the SCC / Information Commissioner have been updated.
1.1.2 2.2.3	Body worn cameras (BWC)	The Code now includes references to BWC and how BWC data is managed as part of the overall system. Related to this, a specific section relating to PPASB has been removed, as their work, including use of BWC, is covered by the Code more generally.
1.3 (previously 1.4)	Aims of the CCTV System	<p>The aims of the service have been refined:</p> <ul style="list-style-type: none"> a) To enhance community safety b) To help secure a safer environment for those people who live in, work in and visit the areas c) The detection, deterrence and prevention of crime such as: <ul style="list-style-type: none"> Providing assistance in the prevention of crime. Deterring and detecting crime. Helping to identify, apprehend and prosecute offenders. Providing the Police with evidence to take criminal action in the courts. d) To assist in aspects of traffic management e) To assist in the delivery of City Council services such as quick identification of damaged street furniture to be mended or replaced, street

		<p>cleansing issues including identification of fly tipping for removal and highlighting Health and Safety matters</p> <p>f) To reduce the fear of crime and to provide reassurance to the public</p> <p>g) To assist in the improvement of the environment and the security of the areas, to make the city a more attractive and safe area to live, shop, work or socialise in, throughout the day and night time ‘Safer Streets’ economy.</p> <p>h) To help with the communication and operational response of Police patrols in and around the city</p> <p>i) To assist in the finding of missing people and assist when searching for vulnerable people and high-risk individuals threatening suicide.</p> <p>This is not a material change to the previous version but is more clearly stated.</p> <p>Although not representing a significant change it is included here as the Aims of the Service are such an important part of the Code of Practice.</p>
2.2.1 (previously 2.3)	Area Coverage	<p>The area covered has been updated to</p> <p>Lincoln City Centre - Uphill and Downhill, Transport Hub, St Marks Shopping Centre, some public parks, residential areas on the edge of the city centre (Park ward, Abbey ward, Carholme ward and Castle ward), some city centre car parks, some council offices (public areas) and Housing properties, Yarborough Leisure Centre, Birchwood Leisure Centre, Bracebridge Heath recreation field and Forum Centre North Hykeham.</p>

		<p>This reflects new sites at: 'Safer Streets' residential areas Birchwood Leisure Centre Bracebridge Health recreation field</p> <p>Better describes provision at: Forum Centre, North Hykeham Transport Hub</p> <p>Summarises a number of sites as 'car parks,' 'public parks,' 'council offices' and 'housing properties' instead of listing individual sites, and lists 'Lincoln City Centre – uphill and downhill' rather than list separate parts of the city centre. The removal of specific site names makes future expansion (or removal of cameras) possible without having to update the Code each time.</p>
2.2.5 3.2.3 5.1.3	Data Protection Impact Assessments (DPIA)	These sections refer to the need for DPIAs to be carried out, in accordance with the GDPR which came in to force in 2018.
2.2.6	Internal and external customers	This section acknowledges that there are internal and external customers who pay for the provision of cameras, maintenance, monitoring and management of data.
(old version 2.4.6)	Volunteers	This has been removed. The presence of volunteers in the Control Room was not operationally practical, and very complex to arrange given the very limited opportunities for it to be of practical benefit.
2.5.2 (previously 2.7.2)	Minor changes to the Code	Previously minor changes to the Code could be authorised by the Chief Executive. This changes the authority to the Portfolio Holder.
2.5.3 (previously 2.7)	Major changes to the Code	This makes clear that major changes are authorised through Executive committee. The previous version wasn't clear.

2.5.4 (previously 2.7.3)	Routine formal reviews	This makes clear that if the routine three-yearly formal reviews result in a minor change this can be authorised by the Portfolio Holder. Significant changes resulting from the review will be authorised by the Executive committee.
3.5	Use of Artificial Intelligence (AI) and Facial Recognition (FR)	This acknowledges that our cameras are capable of using FR but are not currently configured to do so, and any future use would only be in accordance with the SCC Code and any other prevailing legal considerations. Other forms of AI can be used, for example using the colour of a missing person's coat to help narrow down, and speed up, a search, using 'virtual tripwires' to raise the alarm if someone is in a place they shouldn't be within certain hours, or counting footfall in a certain area. None of these types of AI capture personal data over and above that which the CCTV service already captures.
5.2	Routine audit checks by the Team Leader	The list has been expanded to include checks of RIPA surveillance (to ensure that all RIPA work is still relevant and in date) and staff welfare checks (following up on potentially distressing incidents). These were included in the checks previously but are felt to be of sufficient importance to be mentioned specifically.
6.1.2	Security Industry Authority (SIA) checks of members and management	This is a new section which reflects the SIA requirement for elected members and management to be SIA licensed, as well as CCTV operators, which has been introduced since the last Code was adopted. This paragraph acknowledges that the requirement requires further clarity at this time.
6.1.8 6.1.9	Equality & Diversity	These sections stress the importance of E&D which, whilst always an important part of the CCTV service, were not explicit in the previous version.
6.1.13	Monitoring of City Council employees	The paragraph below has been expanded to include the words in italics, in response to a small number of specific incidents. There will be no deliberate monitoring of CoLC employees going about their legitimate CoLC business; except in exceptional circumstances where there is a fear for their health/safety, <i>in respect of an immediate reaction to an offence, or otherwise with the consent of the employee.</i>

6.1.15	Prioritisation by CCTV Operators	<p>This is a new section which acknowledges the busy and often pressured working environment of the CCTV Control Room, and that CCTV Operators</p> <p>... cannot always deal with every incident that comes to their attention, nor can they proactively pick up every incident that takes place within view of the cameras. Operators are expected to prioritise based on their own experience and training. Operators will not be criticised for missing or refusing to follow incidents based on decisions reasonably made based on the information available to them and the circumstances at the time.</p>
6.2	Staff welfare	<p>This is a new section which reflects the importance of staff welfare, in a busy working environment often dealing with potential disturbing incidents.</p>
7.1.1	Police assuming direction of the CCTV system	<p>This section allows Police to assume direction of the CCTV system in the event of extreme circumstances, such as national security, explosions or other localised serious emergencies. Previously this required the agreement of the Chief Executive, in consultation with the Leader. This has been amended to remove the Leader's agreement in the interests of streamlining this process.</p>
7.2.1c	Police Data Sharing Agreement	<p>This section now refers to the Council's Data Sharing Agreement with Lincolnshire Police, which was not referenced in the previous version.</p>
9.2.7	Charging for release of footage	<p>This new insertion acknowledges that the Council does not currently charge for the production and release of footage but that this may be subject to review.</p>
9.3 (previously Section 9, and reference to retention of footage in 3.2.2(f))	Recording and Retention policy	<p>This section has been updated to reflect changes made since the 2014 Code, some quite recently. This includes, importantly, that all footage is automatically deleted after 15 days unless it has been requested and saved in relation to an incident (this was previously 31 days); that requested footage will be disposed of after 30 days if it hasn't been collected (checks will first be made for significant incidents) and that seven days after passing footage to Lincolnshire Police it will be deleted from the Council's system (sufficient time for Lincs Police to check it was transferred successfully on to their system). These measures are all intended to reduce the amount of time that data is kept, in accordance with Data Protection requirements.</p>

SUBJECT:	EXCLUSION OF THE PRESS AND 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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