Norfolk County Council

Communities Committee

Date: **Wednesday 11 November 2015**

Time: **10.00am**
(Please note this meeting will be adjourned at approx. 10.45am to allow Members and Officers to attend the Remembrance Service)

Venue: **Edwards Room, County Hall, Norwich**

Persons attending the meeting are requested to turn off mobile phones.

Membership

Mr P Smyth - Chairman

Mr C Aldred
Mr R Bearman – Vice-Chairman
Mrs J Brociek-Coulton
Mr J Childs
Mrs H Cox
Mrs M Dewsbury
Mr N Dixon
Mr D Harrison
Mr B Hannah
Mr H Humphrey
Mr J Law
Mr W Northam
Ms C Rumsby
Mr M Sands
Mr N Shaw
Mr J Ward

For further details and general enquiries about this Agenda please contact the Committee Officer:
Nicola LeDain on 01603 223053
or email committees@norfolk.gov.uk

Under the Council's protocol on the use of media equipment at meetings held in public, this meeting may be filmed, recorded or photographed. Anyone who wishes to do so must inform the Chairman and ensure that it is done in a manner clearly visible to anyone present. The wishes of Members or any members of the public not to be recorded or filmed must be respected.

A g e n d a

1. To receive apologies and details of any substitute members attending

2. Minutes **(Page 5)**

To agree the minutes from the meeting held on 21 October 2015.

3. Members to Declare any Interests

If you have a Disclosable Pecuniary Interest in a matter to be considered at the meeting and that interest is on your Register of Interests you must not speak or vote on the matter.

If you have a Disclosable Pecuniary Interest in a matter to be considered at the meeting and that interest is not on your Register of Interests you must declare that interest at the meeting and not speak or vote on the matter.

In either case you may remain in the room where the meeting is taking place. If you consider that it would be inappropriate in the circumstances to remain in the room, you may leave the room while the matter is dealt with.

If you do not have a Disclosable Pecuniary Interest you may nevertheless have an Other Interest in a matter to be discussed if it affects

- your well being or financial position
- that of your family or close friends
- that of a club or society in which you have a management role
- that of another public body of which you are a member to a greater extent than others in your ward.

If that is the case then you must declare an interest but can speak and vote on the matter.

4. To receive any items of business which the Chairman decides should be considered as a matter of urgency

5. Local Member Issues/Member Questions

Fifteen minutes for local members to raise issues of concern of which due notice has been given.
Please note that all questions must be received by the Committee Team (committees@norfolk.gov.uk or 01603 223053) by **5pm on Friday 6 November 2015.**

6. Update on Key Service Issues and Activities **(Page 12)**

Report by Executive Director of Community and Environmental Services

7. Norfolk Fire and Rescue Authority Statement of Assurance 2014/15 **(Page 33)**

Report by Executive Director of Communities and Environmental Services

8. Report on Progress made in Norfolk Community Learning Services (formerly Norfolk Adult Education Service) **(Page 44)**

Report by Executive Director of Communities and Environmental Services

9. Regulation of Investigatory Powers Act 2000 (RIPA) **(Page 68)**

Report by Executive Director of Communities and Environmental Services and Head of Law and Monitoring Officer

10. Annual Review of the Enforcement Policy **(Page 118)**

Report by Executive Director of Communities and Environmental Services

11. Communities Committee Finance Monitoring Report at Period 06 2015-16 **(Page 119)**

Report by Executive Director of Communities and Environmental Services

12. Quarter 2 Performance and Risk Monitoring Report **(Page 131)**

Report by Executive Director of Communities and Environmental Services

13. Appointment of a Representative to the Theatre Royal (Norwich) Trustee Board

Councillor Wyndham Northam has recently stood down from the position of Council representative on the Theatre Royal (Norwich) Trustee Board. The Council has a right to make an appointment of one Member and the Trust is keen to retain representation. The Council appointee does not have to be a Member of this Committee.

Trustees have statutory responsibility for setting and overseeing strategic and financial targets at monthly Executive Committee Meetings

The Committee is recommended to consider making an appointment to represent the Council on the Trust.

Group Meetings

Conservative	9:00am	Conservative Group Room, Ground Floor
UK Independence Party	9:00am	UKIP Group Room, Ground Floor
Labour	9:00am	Labour Group Room, Ground Floor
Liberal Democrats	9:00am	Liberal Democrats Room, Ground Floor

Chris Walton
Head of Democratic Services
County Hall
Martineau Lane
Norwich
NR1 2DH

Date Agenda Published: 4 November 2015

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Norfolk County Council

Communities Committee

Minutes of the Meeting Held on Wednesday 21 October 2015
10:00am Edwards Room, County Hall, Norwich

Present:

Mr P Smyth (Chair)

Mr R Bearman (Vice-Chair)
Mr C Aldred
Mrs J Brociek-Coulton
Mr J Childs
Ms E Corlett
Mrs H Cox
Mrs M Dewsbury
Mr N Dixon
Mr B Hannah
Mr D Harrison
Mr H Humphrey
Mr J Law
Mr W Northam
Mr M Sands
Mr N Shaw
Mr J Ward

1. Apologies and substitutions

1.1 Apologies were received from Ms C Rumsby, substituted by Ms E Corlett.

2. To agree the minutes of the meeting held on 9 September 2015.

2.1 The minutes of the meeting held on 9 September 2015 were agreed as an accurate record by the Committee and signed by the Chair.

3. Declarations of Interest

3.1 There were no declarations of interest.

4. Urgent business

4.1 There were no member questions.

5. Local Member Issues

5.1 There were no local member issues.

6. Update on Key Service Issues and Activities

6.1 The Committee received the report from the Executive Director of Community and Environmental Services which provided Members with fortnightly updates about key service issues and activities. The update enabled Members to discuss the latest position and identify any areas where the Committee would like to receive further information or updates.

6.2 The Committee **RESOLVED** to;

- Review the latest service update at Appendices A to C and identify any areas where the Committee would like to see further information or update.

7. Finance Monitoring Report at period 05 2015-16.

7.1 The Committee received the annexed report (7) by the Executive Director of Community and Environmental Services which provided the Committee with information on the latest monitoring position for the Committee for 2015-16. It also provided information on emerging issues and the position on the expected use of reserves for Communities purposes.

7.2 The Committee **RESOLVED** to;

- Note the forecast revenue outturn position for the 2015-16 as at period 05.
- Note the forecast capital outturn position for the 2015-16 capital programme.
- Note the current forecast for use of reserves.

8. Re-Imagining Norfolk: Service and Financial Planning 2016-17 to 2018-19

8.1 The Committee received the annexed report (8) by the Executive Director of Communities and Environmental Services and Executive Director of Resources which provided the strategic framework of Re-Imagining Norfolk, for the County Council to refocus its role and pursue its priorities within a radically reduced level of resources. The report positioned the County Council to produce its budget for 2016-17 in accordance with the law and proper standards.

8.2 The Committee **AGREED** that there would be a fourth category for the savings proposals which would identify that the Committee would have fundamental concerns about those proposals as they identified unacceptable risks. The precise wording for that category would be drafted, circulated and agreed post-meeting.

8.3 The Committee heard from the Director of Public Health that the proposal relating t to public health should be moved from a green risk rating to an amber risk rating. As the Director was new to post, there had not been the opportunity to bring all the relevant information to Committee relating to this proposal in order for the Committee to make an informed decision. The Committee **AGREED** to change the category of the proposal to amber and to a risk category B.

8.4 It was confirmed that there was no statutory amount for the grant for Healthwatch but Healthwatch had statutory obligations to undertake. The grant was currently £600k which was higher than some other Councils, for example Suffolk was £450k.

8.5 The Committee questioned if it would be plausible to find public buildings at no cost to house a registration office. The Head of Democratic Services said that the experience so far had been that partner organisations had welcomed registration offices on this basis.

8.6 The Head of Libraries and Information confirmed that lone working in museums would only take place where it was felt safe to do so, and health and safety considerations had been taken into account. The Committee suggested that volunteers could be present during these periods to ensure that there were two persons on site.

8.7 The Head of Libraries and Information updated the Committee that the Open Plus technology for the Norfolk and Norwich Millennium Library would be installed on the first floor rather than the ground floor due to the practicalities of the installation. There would be an invest to save associated with this proposal as demonstrated by the costs in the first year. In response to Members questions, it was clarified that the saving would be the equivalent of two average staffed hours per day.

8.8 In response to Member's question it was reported that the reshaping of the customer service team would not alter the overall capacity of the service. It was clear that the service was being drawn on to help other departments achieve savings.

8.9 There was a medium risk (amber) associated with the proposal to reduce the Norfolk Record Office (NRO) opening hours due to the conditions of the grant received from the Heritage Lottery Fund that helped to build the NRO. Discussions were underway with the Heritage Lottery Fund about this issue.

8.10 The Head of Libraries reported that the savings associated with the reduction of stock for libraries and associated staff reflected the loss of income that would be a consequence of this proposal. In response to Member's questions, the staff implications of this proposal would be the equivalent of four full time equivalent staff.

8.11 Members of the Committee asked for the impact on jobs to be included especially mandatory redundancies on the report to the Policy and Resources Committee so Members were fully aware of the situation.

8.12 The pilot of Open Plus technology at Acle Library was reported to be going well. There had been a concern that the implementation of the self-service technology would prevent people from using the library but it had, in fact, had the opposite effect with people able to make visits at other times. The £622k savings represented the approximate staffing reduction of 13 full time equivalent posts. It was confirmed by the Head of Libraries and Information that this proposal would not lead to libraries being open with only technology, it would lead to libraries being open for longer hours with restricted and reduced staffed hours.

8.13 The Head of Democratic Services clarified that the red risk rating attached to the proposals of registration service accommodation costs and registration service income generation represented the realistic aim of achieving those additional

savings. There was concern that although the service was willing to take the challenge of making those savings, it was unknown if they were achievable. In response to Member's questions, the service needed to provide a registration system that was accessible to all residents but was restricted by the legalities of only being able to register births and deaths in person, which prevented online registering.

8.14 The Head of Libraries reported that there would be a change in supplying library books to those in residential care homes which would improve the service for many residents. For some, this would be a major change and would have to be managed carefully and therefore had been given an amber risk rating.

8.15 There was duplication of some mobile library routes and therefore there was a savings proposal to reduce the frequency of some of the routes. This would affect urban areas and it was reported that the local members of these two divisions had been consulted. There would be a capital saving of £100k as a mobile library vehicle that was nearing the end of its life would not be replaced.

8.16 The Head of Libraries and Information confirmed that the museums which would be effected in the proposal to re-design the museum service were Strangers Hall, Norwich; The Bridewell, Norwich; Cromer Museum; two museums at Great Yarmouth, King's Lynn museum and Ancient House at Thetford. The Arts Council awarded a 50% grant to the Council for this service and therefore this would be a significant point and could jeopardise future grants. Schools would continue to be able to visit but would have to provide their own professional staff to accompany them. Ancient House had recently been shortlisted for an award and there was doubt that this would happen if the museums were designed to have only a basic level of service.

8.17 The fire service operational support reductions and redeployments of working day services staff would result in a move of resources from King's Lynn and Great Yarmouth, where the number of fire calls were decreasing, to rural areas where the numbers of road crashes were increasing. The bulk of the savings would come from the reduction of incident commanders who manage more complex emergencies which are over and above the routine. These staff received a 20% call out fee for being available whenever the Fire Service needed them.

8.18 The Committee noted that although the Fire Service were performing well in terms of cost of the Service, the performance had decreased. The Chief Fire Officer, in response to Member's questions, confirmed that the performance had gone down as a result of previous years' budget cuts. Members of the committee felt that the baseline of the Fire Service was not enough currently and therefore should not be reduced any further. The Fire Service was the most under-funded service in the Country and therefore did not have the capacity to be reduced. The Committee **AGREED** to change the rating of the proposals of the fire support operational reductions and redeployment of WDS staff and the proposal of the re-design of operational activities from a B to a C.

8.19 The Committee heard that the proposal which related to the CES transport costs and CES supplies and services had been rated as a red risk due to the limited

development of the proposal at this point. The delivery of the proposed savings was uncertain without the proposal being further developed.

8.20 The Trading Standards Manager reported to the Committee that the Trading Standards Service had lost 45% of its budget since 2010/11, 15% last year. The proposed savings documented in the report would lose a further 33% which would equate to 13 full time equivalent posts from the service. This would mean that it would lose the capacity to identify rogue traders and would affect legitimate businesses and vulnerable people. It would also mean that the work to prevent rogue traders in the first instance would reduce. It would mean that the preventative market surveillance work which identified unsafe food and consumer goods, i.e. toys, would have to be reduced. It would also mean that the service would have less animal disease resilience in the case of an animal disease outbreak. There had been 5 cases since 2000, the biggest of which being in 2000 of swine fever. The service had a third less staff than they did in 2000 and half the number of animal health inspectors.

8.21 The Committee expressed a concern about resilience in dealing with future animal disease breakouts and commented that any savings would be negligible. There was a risk by reducing the staff and by reducing the ability to deal with an emergency crisis this would take the savings proposal to an unacceptable risk. It was felt that there would be a major public safety impact if the changes were implemented. The Committee **AGREED** to change this proposal rating from a C to a D.

8.22 With regards to the proposal of a fire service further re-design of 25%, the Chief Fire Officer reported that there were no easy choices to make when the service was being asked to lose half of its stations, crew and engines. The Committee **AGREED** to change the rating of this proposal from a C to a D.

8.23 The Head of Libraries reported that the proposal to re-design the library service was the difference between achieving the rest of the libraries savings proposals and achieving 25% savings. Other counties were moving towards a community based model and therefore it should not be discounted in the future as the Council was not in a position to fund 47 libraries in the way it could now. The Committee **AGREED** to change the rating of this proposal from a C to a D.

8.24 The Committee **RESOLVED** to;

- Consider and comment on the service delivery model required to provide the service within a budget of 75% of addressable spend, set out in section 2.
- Consider, comment and agree to refer to Policy and Resources committee, the list of savings proposals, including initial RAG rating, which are to be considered by the Policy and Resources Committee on 26 October with a view to consulting with the public.

9. Fire and Rescue Review – Integrated Risk Management Plan (IRMP)

9.1 The Committee received the annexed report (9) from the Executive Director of Community and Environmental Services which explained that the an IRMP was a

strategic plan that assessed community risks including risk to life, the economy, heritage and the environment and then determined best use of Fire and Rescue Service resources to meet the requirements of the risks. The IRMP process for 2016-2020 had provided an opportunity for a strategic review of fire and rescue provision in the context of Re-Imagining Norfolk and showed how Norfolk Fire and Rescue Service could be delivered with a reduced level of resources.

9.2 Members claimed that any changes made to the Norfolk Fire and Rescue Service would come with too much of a significant risk. There was currently a lot of staff goodwill in the service and therefore the consequences of the proposed changes would be difficult to quantify.

9.3 The Chief Fire Officer reported that if any of the changes included a closure of a Fire Station, a judicial review would have to be made if there was one requested.

9.4 The graph on page A72 was explained as being the result of the calls made to the fire station and the calls which the fire engine attended to give a more accurate picture of the workload around that particular area.

9.5 The Committee **RESOLVED** to;

- Consider and comment on the draft IRMP 2016-20.

10. Performance and Risk Monitoring Report (Quarter 1)

10.1 The Committee received the annexed report (10) by the Executive Director of Environmental and Community Services, which reviewed quarter one (April to June 2015) performance and risk results for the service areas that were covered by the Communities Committee.

10.2 It was noted by the Committee that the monitoring picture showed a relatively positive picture.

10.3 The Committee heard that a wide range of data was collected for cultural services with a limited amount being reported to the Committee. This was due to concern with the data concern in the past and was in the process of being rectified.

10.4 It was clarified that the performance relating to ICT was under the remit of the Communities Committee for the delivery of the Customer Relationship Management system.

10.5 The Committee **RESOLVED** to;

- Agree the 2015-16 performance dashboard as the basis for reporting to this committee over the financial year.
- Review and comment on the performance information.
- Consider any areas of performance that required a more in-depth analysis.

11. Annual Review of the Enforcement Policy

11.1 This item was deferred to a future meeting.

The meeting closed at 12.45pm

Chairman

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Communities Committee

Item No. 6.

Report title:	**Update on key service issues and activities**
Date of meeting:	**11 November 2015**
Responsible Chief Officer:	**Tom McCabe – Executive Director Community and Environmental Services**

Strategic impact
Providing regular information about key service issues and activities supports the Council's transparency agenda and enables Members to keep updated on services within their remit.

Executive summary

Officers provide Committee Members with fortnightly updates on key issues and activities. These updates will also be reported to this Committee to enable Members to discuss the latest position and identify any areas where the Committee would like to receive further information or update. The latest updates (dated 16 and 30 October) are included at Appendices A and B.

In the interests of transparency, this report will also include details of any decisions taken under delegated authority by the Director in consultation with the Chairman and Vice Chairman, or similar delegations. There are no delegated decisions to report for this period.

This report also includes the latest version of the Communities Committee Strategic Plan. The Plan is intended to focus on actions that will support the Committee's contribution to broader County Council objectives.

Recommendations:

To review the latest service updates at Appendices A-B and identify any areas where the Committee would like to receive further information or update.

To note and comment on the Communities Committee Strategic Plan at Appendix C.

1. Proposal

1.1. Service updates

1.1.1. Officers provided Members with a regular news update. These updates are also reported to this Committee, as a standard agenda item for each meeting, to enable Members to discuss the latest position and identify any areas where the Committee would like to receive further information or update. The latest updates are included at Appendices A-B (dated 16 and 30 October).

1.2. Delegated decisions

1.2.1. In the interests of openness and transparency, this report will also include details of any decisions taken under delegated authority by the Executive Director in consultation with the Chairman and Vice Chairman, or similar delegations.

1.2.2. The report to the last Committee meeting covered decisions up to 6 October 2015. Since that time and the date this report was written (27 October 2015) there have been no delegated decisions taken to report.

1.3. **Communities Committee Strategic Plan**

1.3.1. An updated version of the Strategic Plan, as at 30 October 2015, is attached at Appendix C. The Plan is intended to focus on actions that will support the Committee's contribution to broader County Council objectives. The Chairman has previously updated the Committee verbally on the Plan.

2. Evidence

2.1. See update attached at Appendices A-B.

3. Financial Implications

3.1. There are no financial implications arising from this report.

4. Issues, risks and innovation

4.1. There are no other implications arising from this report.

5. Background

5.1. N/A

Officer Contact

If you have any questions about matters contained in this paper or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

Officer name : Sarah Rhoden **Tel No. :** 01603 222867

Email address : sarah.rhoden@norfolk.gov.uk

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Appendix A

Community Committee Fortnightly News Update

This news update gives committee members a swift update on known plans/activities within their remit and highlights any new issues they may wish or need to take account of.

If a service has nothing significant to report, the relevant column will state '**NSTR'** (Nothing significant to report)

Committee Spokespeople continue to have the opportunity of receiving more detailed briefings, including those that may be of a more confidential or complex nature at the scheduled spokes meetings through which they are able to keep their own members further updated as necessary.

News Update for the period ending: 16/10/2015		
Service	**Service Update key bullet points**	**Contact**
Consultation & Community Relations	The annual Make Your Mark (MYM) national ballot, where young people aged 11-18 across Norfolk get to vote on the issues they think most important for action has closed. 21% of young people took part. The top issues were: a living wage for all; a curriculum to prepare young people for life; mental health; making transport cheaper and more accessible; and tackling racism and discrimination. On 10 October, several of our Members of Youth Parliament attended a regional seminar in London to present the Norfolk ballot results and discuss preparations for the UK Youth Parliament debate – the event, attended by Norfolk MYPs, takes place in the House of Commons chamber and is how the national MYM top campaigning issue for 2015-16 is decided. The Consultation and Community Relations team are busy preparing for public consultation on the budget which will follow the meeting of the Policy and Resources Committee on 26 October. A health and wellbeing special for Future Voices appeared in the 13 October EDP – Future Voices is the monthly double page feature written and edited by young people for young people. The editorial panel worked in partnership with Norfolk Healthwatch, who funded this edition.	Paul Jackson
Customer Services	The customer service strategy is progressing through a number of work streams: **CRM (Customer Relationship Management system)**	C Sumner F Grimmer

	• The gap fit sessions with Highways (to see how well the system meets our processes and vice versa) have been completed and we now have a specification against which to build a process integrated with the new Highways system Yotta in time for "go live" in April 2016. • A specification had been outlined for the online customer account to go live April 2016, and functionality will continue to be added once live, as we build more online forms and processes into the account. **Website design and platform** • Design company Jadu, who have worked with public sector organisations across the country, is now working with us on designs for the new website. The first iteration of the wireframes for the new design (layout of the elements without colour or styling) have been produced and we are currently reviewing them with Jadu.	
Cultural Services	**Library and Information Service** **Library survey** – Following the Committee's agreement at its meeting on 9 September a survey of library users has been devised, as well as an online Dialogue (chat), to gather evidence of how customers use library services currently, as well as their ideas about what library services should be like in the future. Links to the survey have been sent to users, non-users and lapsed users, as well as hardcopies of the survey being available in libraries and on the mobile library service. The survey, which went live on 5 October, can be accessed online at http://www.smartsurvey.co.uk/s/reimagininglibraries/ The survey and dialogue closes on 30 October. Links to these will be targeted at current users, lapsed users and non-users. **Summer Reading Challenge results -** We can now confirm that 14,000 children and young people took part in our 3 reading challenges over the summer, just 14 people short of our previous best performance. Doing any reading over the summer is of value in maintaining skills during the holidays – as well as discovering the joy of reading for pleasure. The completion rate varied from 58% for 5-11s to 19% for older ImagiNation participants, whose challenge also	J Holland

	included completing and sharing a piece of artistic work inspired by a book. Despite the lower completion rate, ImagiNation still got 1179 young people reading – a 75% increase on last year. In the context of making sure that Norfolk's children are ready and able to learn, it is significant that 2,761 pre-school children and carers took up the new challenge for under-5s, with 1437 (52%) completing it. We are still analysing personal outcomes reported by children and families but this one gives a flavour of the difference reading makes to emotional development as well as literacy. *'One little girl told me that she would have given one of her SRC books 10 stars if there had been that option! When asked why she loved it so much she replied 'It really helped me'. The book was 'Girl online' by Zoe Sugg. The character in the book has panic attacks which the borrower could identify with and the way the heroine dealt with them helped her too'* **Museums Service** **Apple Day at Gressenhall** - On Sunday 18th October Gressenhall Farm and Workhouse will be hosting its annual Apple Day. This long standing Gressenhall tradition is an autumnal celebration which has been popular with families for many years. The apple orchard at Gressenhall was planted on the site of the workhouse burial ground in the 1920s and contains over 30 East Anglian varieties dating from the period when Norfolk was a major apple producer for eating, cooking, juicing or cider making. With English apples set for the biggest crop in 20 years visitors are invited to bring their own apples for identification by experts from the East of England Apple and Orchard Project, see apples being pressed and taste some apple juice or cider. Entertainment will be provided with puppet shows, live music and craft activities. Vintage steam enthusiasts will be down on the farm demonstrating their display of engines and farm machinery. Visitors will also be able to meet local craftspeople and artists and have the chance to buy handmade products and local produce. For more information, please see www.museums.norfolk.gov.uk/gressenhall **Norfolk Community Learning Services**	S Miller H Wetherall

	Learning Pilot at Hellesdon Library - As a result of some customer surveys libraries have undertaken with their customers, our ICT team has set up and will be delivering a short Tablet Course at Hellesdon Library. Using this same model we will be able to deliver a 'variety' of learning options in the library itself and this tablet course will be a good place to see how this works. We are looking for a minimum of eight learners on the course and for it to start on Wednesday 14 October 2015 and then run on Wednesday 21 October and 28 October for two hour sessions between 2-4pm. This model is an example of truly learner-led provision. **NRO – NSTR** **Arts Service - NSTR** **Active Norfolk - NSTR**	
Community Safety and Fire and Rescue		
Norfolk Fire and Rescue Service	NSTR	Roy Harold
Trading Standards	Through ongoing market surveillance and product testing, monitoring food standards in the county, Trading Standards has identified two unsafe locally produced food items, one distributed nationally. The team has worked effectively with the two local businesses involved to withdraw all unsafe food items from sale. The action has safeguarded consumers and protected the businesses from reputational harm and potential legal action. The team is also working with a local retailer to verify the safety of a range of Christmas lights, labelled as Class 3 lasers, which are illegal to supply to the public. The products have been withdrawn from sale and officers are working with the retailer to get the lasers tested to determine their actual strength and whether or not the lights may have been incorrectly labelled. The lights will only be returned to the marketplace if they are found to be safe. The team is preparing to warn consumers about the risks of buying from temporary or "pop-up" shops in the run up to Christmas. The standard modus operandi of these kind of traders is to take out a temporary lease on a business premises so as to capture the Christmas trade and then move on; leaving consumers no recourse to redress in the event of injury or dissatisfaction with the products	Sophie Leney

	purchased. The warning is coming after the team inspected a Norwich city centre "pop-up" shop and seized a quantity of suspected unsafe toys, cosmetic products and laundry powder, along with a large number of counterfeit clothing items. An investigation is ongoing. The team is also advising a number of Norfolk businesses about their new trading responsibilities under the new Consumer Rights Act came which came into force on 1 October 2015. This key piece of legislation improves and simplifies consumers' rights because the onus is no longer on them to prove that faulty goods were substandard at purchase and it introduces a short term right to reject and furthers their rights to get items repaired, replaced or refunded within 6 months of purchase. For the first time the law also relates to downloads of music and films.	
Emergency & Resilience	The call off arrangement with Blakes Emergency Services has been continued for another year. Under this arrangement they supply skilled professionals and appropriate equipment in the event of an incident in Norfolk resulting in numbers of fatalities that exceeds the acute hospitals ability to cope.	Jan Davis
Public Health	**Please tell us about your experience of the Public Health Team in Norfolk.** Louise Smith, the new Director of Public Health, is keen to find out people's views of working with the public health team, and public health in Norfolk in general. Take part in the survey here: http://www.smartsurvey.co.uk/s/publichealthteam/ **Improvement in performance for drug detoxification linked to funding** We have seen an improvement in the proportion of people successfully undergoing detoxification for drug dependency. In 2013/14 6.9% opiate users and 25.8% of non-opiate users successfully completed treatment (overall 10.5% of 2722 people). In 2014/15 the comparable data was 8.5% opiate users and 30.6% of non-opiate users (overall 12.7% of 2731). This 2.2% increase in performance is good news for people's health, and also possibly for the Council's budget. A pilot national incentive scheme is being trailed by Public Health England linked to a £5m pot of money. All local authorities are eligible for a share of this fund if they improve on specific measures of the public health outcomes framework including "Successful completion of drug treatment". We would need to wait for final confirmation	Louise Smith

	from PHE before celebrating too much as it's a pilot scheme and the exact details are a bit scant but we are hopeful Norfolk CC will see a share of the incentive scheme funds recognising the improved services outcomes. **Parental Substance Misuse Learning Day** To celebrate the launch of the Norfolk Family Drug and Alcohol Court Pilot, Norfolk Public Health and Norfolk Family Justice Board are holding a conference. On 19th November there will be a day of expert presentations about Parental Substance Misuse. The audience will be initially invited and then made available through open application. We expect 60 spaces to be advertised on Norfolk County Council website under Public Health Drug and Alcohol. The speakers confirmed so far are:- • Professor June Thoburn, emeritus professor at the UEA, special advisor to CAFCASS and Chair of the Norfolk Family Justice Board. • Dr Andy Taylor, lecturer with the Open University. He has researched and written extensively in the areas of parental alcohol and drug use and the impact on children. • District Judge Nicholas Crichton, has been the Resident District Judge at the Inner London Family Proceedings Court since 1997 and a District Judge for 26 years. A passionate advocate for children's rights, he chairs the Voice of the Child sub-committee of the Family Justice Council and was instrumental in setting up the Family Drug and Alcohol Court. • Lorna Templeton is an Independent Consultant and a Visiting Fellow at the University of Bath. She has been conducting research in the area of addiction and families for nearly 20 years, and will be presenting the findings and practice guidelines from a 3 year ESRC funded study on adults who have been bereaved through substance use. • Susan Fleisher is Executive Director and founder of the National Organisation for Foetal Alcohol Syndrome, Editor of the Foetal Alcohol Forum, Member of the Department of Health Advisory Group for the Systematic Review of the Foetal Effects of Alcohol, Consultant to the Canadian 2009 International Conference on Foetal Alcohol Spectrum Disorder, former teacher and adoptive mother of a daughter with Foetal Alcohol Syndrome. • District Judge Peter Veits was called to the Bar in 1985 and in 2011 was appointed as a District Judge (Magistrates' Courts) and sits in Norfolk. He served	

	on the Council of the Justices' Clerks' Society and was its President in 2007–2008. **Take 7 Steps Out** Public Health and the Norfolk Tobacco Alliance are running a campaign called Take 7 Steps Out which is aimed at encouraging parents and carers to take 7 steps outside from their children to reduce the harms of second hand smoke and make their homes smoke-free. Take 7 Steps Out links closely with the new legislation banning smoking in cars where there under 18's present. This campaign was developed by Tobacco Free Futures and was launched in Norwich and Kings Lynn in the summer. As part of this campaign, 15 trainers were trained up to promote the Take 7 Steps Out message to colleagues and parents/carers they come into contact with; 3 brand ambassadors talked with members of the public to discuss the take 7 steps out message and understand their opinions on second hand smoking; local TV, newspapers and radio stations attended spreading the Take 7 Steps Out message across Norfolk. Since July, Public Health have held Take 7 Steps Out briefing sessions to children centres across Norfolk, fitting in with their health agenda. Looking forwards, Public Health will be working with the fire service to promote the Take 7 steps out message and train fire personnel to be confident to talk to the public about the harms of smoking. Since Take 7 Steps Out was launched Public Health have been approached by Breckland District Council to work with them on making playing areas smoke-free, this is still in progression and further details will be released.	
Registration Services	NSTR	Caroline Clarke

Appendix B

Community Committee Fortnightly News Update

This news update gives committee members a swift update on known plans/activities within their remit and highlights any new issues they may wish or need to take account of.

If a service has nothing significant to report, the relevant column will state '**NSTR'** (Nothing significant to report)

Committee Spokespeople continue to have the opportunity of receiving more detailed briefings, including those that may be of a more confidential or complex nature at the scheduled spokes meetings through which they are able to keep their own members further updated as necessary.

News Update for the period ending: 30/10/2015		
Service	**Service Update key bullet points**	**Contact**
Consultation & Community Relations	The Consultation team supported three of our MYPs to give workshops at the Children's Services 'Our Future Starts Here' conference on 28 October to explore the results of the recent Make Your Mark ballot – the session helped raise the profile of young people's views with partners and professionals working with young people. It also offered a number of opportunities for future collaborative working with partners such as the UEA's introduction to the university programme for young people from a range of backgrounds that do not necessarily think of higher education as a future choice for them – the collaboration will help support our Excellence in education priority. The team continue to support all departments with the production of the Re-imagining Norfolk – Strategic and financial planning 2016-19, budget consultation which will go live on Friday 30 October until midnight 14 January 2014.	Paul Jackson
Customer Services	**Website redesign** Jadu, working with Norfolk County Council to redesign the website, has now submitted flat concepts for the new design, following on from feedback on the wireframes. Once these have been approved, Jadu will build html mock-ups which will be user tested with customers using eye tracking software. **Customer Relationship Management system (CRM)** Week starting 2 November, stakeholders will be reviewing and signing off the highways CRM functional specification.	C Sumner F Grimmer

Cultural Services	**Library and Information Service** **Excellence in education - read to succeed -** Each year the Norfolk School Library Service (SLS - a traded unit within Norfolk Library and Information Service and sells library & literacy development services to schools) organises an East of England regional heat of the International Kids' Lit Quiz in November. In 2014 local Norfolk team Litcham beat all the UK schools at the national heat in Oxford to become reigning UK champions. They raised funds to visit the USA in July 2015 for the International final and are now sharing their experiences to inspire other young people to read as part of the library service's Reading Hack project. Find out how they got on in their wonderfully inspiring report. The 2015 East of England heat is being hosted at Thetford Academy on Thursday 12th November 2015, 15:00 – 18:00. Two of the reigning UK champs from Litcham will be competing again. **Department for Education-funded programme** - The SLS has successfully bid to take part in this new programme to offer Chatterbooks reading groups in schools and library joining for Year 3 children. £2000 has been awarded to work with 10 schools, mainly in areas of high need. **Museums Service** **Eastern Daily Press Tourism Awards** - NMS is a finalist in two categories for this year's awards. This follows on from last year's success when the exhibition *Roman Empire: Power & People* won the Business Impact category. NMS as a whole is a finalist in the new 'Golden Years' category which is about the welcome and opportunities afforded to older visitors. Judges of the category commented "the passion of the managers at Norfolk Museums Service shone through and they have many ideas for making museums more accessible". Also shortlisted are Age UK Norfolk and Fairhaven Woodland and Water Garden. The Ancient House Museum, Thetford was nominated by a member of the public for the Best Visitor Attraction (under 50,000 visitors per year) category. It's very pleasing that one of our visitors was inspired to put Ancient House forward, and the mystery shopper who subsequently visited the museum stated it was "the staff that made this museum - bringing the place to life". Also shortlisted are Barton House Railway and Wroxham Miniature World.	J Holland S Miller

	The Awards evening is on Thursday 26 November. **Arts Service** **Norfolk Arts Forum** - On Friday 23 October, Norfolk Arts Service delivered a free crowdfunding workshop for Norfolk Arts Forum members. The workshop was led by Miranda Rowlands, Project Officer for SHARED Enterprise, and featured a case study from Jo Stafford, Director & Studio Manager of Print to the People. The workshop introduced delegates to the basics of crowdfunding, explained the concept, explored different models, and advised on what to look for in a crowdfunding platform. Delegates were also given practical experience of planning an effective campaign. The crowdfunding workshop was one in a series of funding and income generation professional development seminars for Norfolk Arts Forum members. The Norfolk Arts Forum membership includes representatives from a wide range of arts and other organisations including: statutory and voluntary sector partners, regional organisations, local businesses, voluntary and community groups, and individual practitioners. For further information on the Norfolk Arts Forum please contact arts@norfolk.gov.uk. **Norfolk Community Learning Services (previously Adult Education Service)** **Learner enrolments 2015/16 -** Numbers of learners enrolled in September this year have increased compared to last year and in some curriculum areas the whole year's target number of learners has already nearly been reached. In 2014/15 there were very nearly 12,000 enrolments. However, the vast majority of these were in Norwich and the aim of the service this year is to ensure a more equitable access to provision for all Norfolk's population. **Skills Funding Agency (SFA) Update -** The SFA visited the service on October 20th and reviewed the developing Self-Assessment Report and Vision as part of their visit. They also reviewed the new performance dataset and were content with the progress being made on both the Post Inspection Action Plan and the FE Commissioner recommendations. **NRO - NSTR** **Active Norfolk - NSTR**	S Miller H Weatherall

Community Safety and Fire and Rescue Norfolk Fire and Rescue Service	The Airwave voice radio used by the emergency services is in the process of being replaced by the Emergency Services Network. This initiative is being delivered by the Emergency Services Mobile Communications Project and is due to conclude in 2020. The replacement programme will ensure that services will have a resilient network, using commercial bearers/networks available for voice and data across a contracted requirement of 98% geographical coverage in the UK. Part of the Project will result in redefining new burdens funding for revenue expenditure following its introduction. Funding for regional project teams will become available from 4/16 and collaboration will be encouraged and supported from the onset. A number of deployments of specialist search teams have taken place recently, including to assist in the recovery of the pilot killed in the U.S. Marine Corps F18 air crash. Forensic searches have been carried out on behalf of a number of police forces, on a cost recovery basis. The Service is participating in an international search and rescue exercise during the first week of November, funded by the European Civil Protection mechanism.	Roy Harold
Trading Standards	Trading Standards, in liaison with the Norfolk Fire & Rescue Service and Norfolk Constabulary has visited firework sellers in the Watton and Thetford areas, to support businesses to store and sell fireworks responsibly. The Service has also circulated information to schools; with both initiatives designed to reduce the instances of anti-social behaviour around Halloween and Bonfire Night. Trading Standards and their delivery partner, Referenceline, have teamed up with Ombudsman Services to provide alternative dispute resolution (ADR) for our Trusted Trader scheme members. The number of complaints about Trusted Trader members is very low but in the event of a dispute arising between a customer and a trader, they will be able to access an independent, objective third party who will attempt to bring resolution to the complaint. Any decision made by Ombudsman Services will be binding upon the Trusted Trader member, including, if appropriate, a ruling to give any redress to the consumer.	Sophie Leney
Emergency &	The cold Weather Plan for England helps to raise awareness of the harm to health from cold, and provides guidance on how to prepare for and respond to cold	Jan Davis

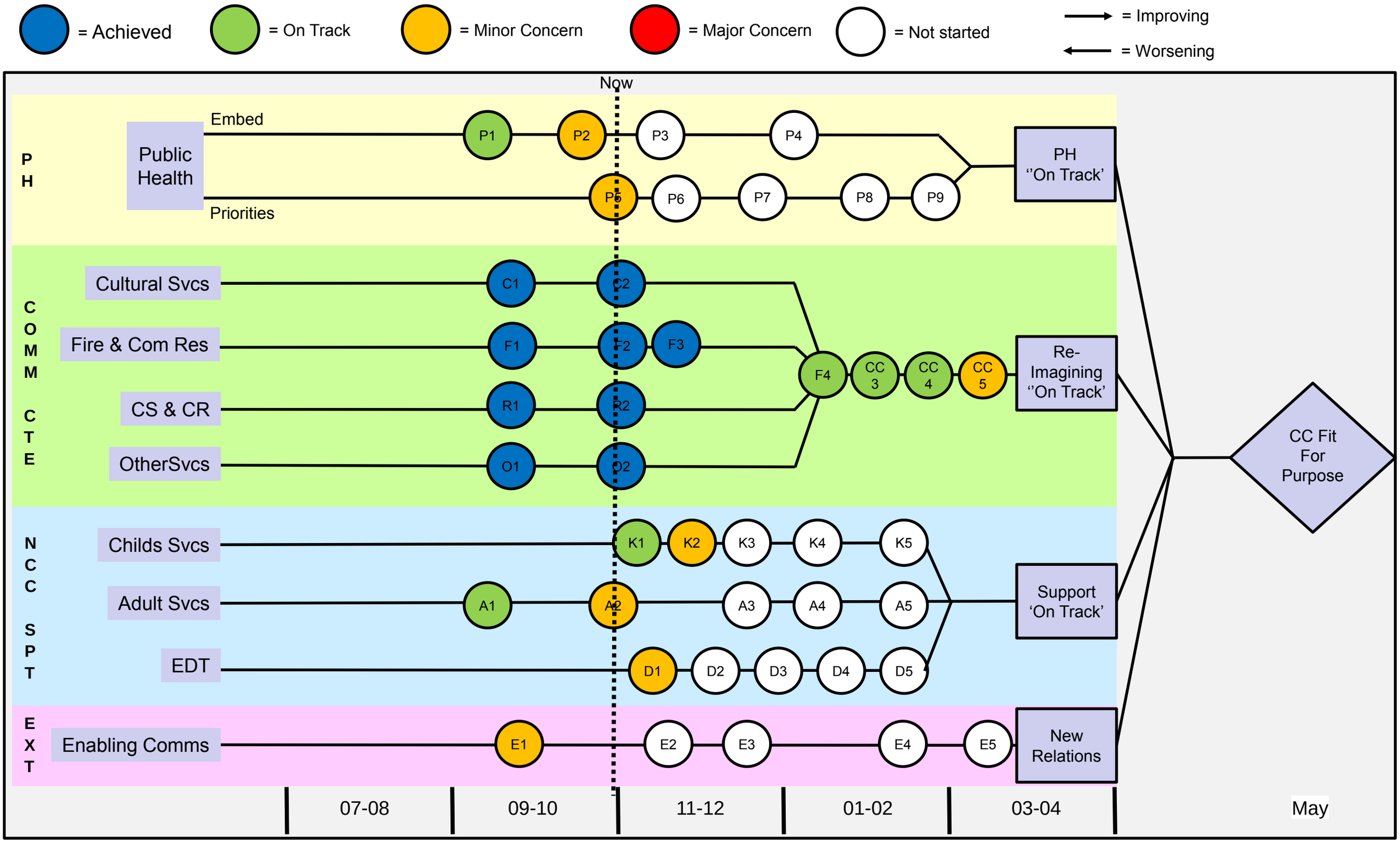
Resilience	weather. The plan is for health and social care services and other public agencies and professionals who interact with those most at risk from the health effects of cold weather. It is a key aspect of Community Resilience intended to mobilise individuals and communities to help protect their neighbours, friends, relatives, and themselves against avoidable health problems in cold weather. A Cold Weather Alert service operates from 1 November to 31 March, based on Met Office forecasts and data. This will trigger levels of response from the NHS, local government and public health system, and communication of risks to the public. The plan can be found here: https://www.gov.uk/government/collections/cold-weather-plan-for-england A pandemic flu exercise, Exercise Norfolk Corvus, took place on 20th October facilitated by a joint health sector and NCC team. Over 60 participants took part to consider how Norfolk would manage a pandemic flu outbreak from preparation through response to recovery. The outputs of the exercise will be fed into a review and update of individual and multi-agency plans and procedures consistent with national guidelines. The Norfolk Resilience Forum Risk Register has been reviewed and updated. This identifies key risks to the county and drives the development of plans to manage those risks. The register can be viewed on the Norfolk Prepared website: http://www.norfolkprepared.gov.uk/local-risks/ A rest centre exercise was run in Great Yarmouth on 26th September for a new rest centre, Christchurch. The exercise involved a number of community resilience volunteers, voluntary agencies, borough council and county council staff working together to test and practise procedures for providing a safe refuge in the centre of the town if required in an emergency.	
Public Health	**Integrated Healthy Lifestyle Service** Following the decision by Communities' Committee to support the re-procurement of an 'Integrated Health Lifestyle' service, our proposals have been confirmed and the tender process has been put out to advert. In line with recommendations from Councillors the service will be more targeted than previously and contracted for a shorter time period (3 years). The budget envelope has been reviewed and tightened with bids being invited in the region of £1.8 to £2m per year. The service offers a ladder of interventions according to need and is targeted at	Louise Smith

	a. Those residing in the 40% most deprived areas (both rural and built-up) b. Those with a long-term condition c. Long-term unemployed d. Low paid workers e. Carers f. Migrant groups / refugees g. Black and minority ethnic groups h. Those identified as ≥10% CVD risk from an NHS Health Check i. NEETs The main outcomes measures are around • The number of people who successfully quit smoking (with a focus on complex cases and pregnant women) • Supporting community stop smoking services (which will continue as they currently are) • Improving workplace health with employers • Weight management, diet & exercise • Alcohol consumption • Mental wellbeing **Norfolk Older Peoples Strategic Partnership Board** Public Health are supporting the Health and Wellbeing Board across their priorities including the health of Older People. As part of this we have supported the Norfolk Older Peoples Strategic Partnership Board publish their fourth prevention strategy: "Living Longer, Living Well - Promoting Independence and Wellbeing 2016 – 2018". The strategy is a working document, and highlights the key issues for older people as identified by older people themselves as well as by staff. Budget cuts, an ageing population, and unprecedented demand for services means that individuals and organisations need to find new and better ways to work together. We are now working on an implementation plan. **Healthy Child Programme services** The Healthy Child Programme includes Health Visiting, School Nursing, Family Nurse Partnership, Vision and Hearing screening, Healthy Weight and Healthy Schools for children up to the age of 19. The service is commissioned by public health, and from 1st October had a new care provider: Cambridgeshire Community Services NHS Trust. As the new service is bringing together a number of providers who were previously separate, it is being implemented in phases. Phase One, bringing together East Coast Community Care (ECCH), Healthy Schools	

	and Community Sports Foundation, started on 1st October 2015. Phase Two: Norfolk Community Health and Care (NCH&C and the school nursing team based at the James Paget Hospital) will start on 1st November 2015. **Parental Substance Misuse.** There are three weeks to go now before 150 people will arrive at the Abbey Conference Centre, Norwich for a learning day organised by DAAT training in partnership with Norfolk family justice board. The event will be chaired by Dr Louise Smith, Director of Public Health who will introduce speakers from the Family Drug and Alcohol Courts, the Open University, University of Bath, Children's service s, UEA and well-known local charity the Matthew Project. There are four key aims for the day; • Raise awareness of the potential Norfolk Family Drug and Alcohol Court Pilot • Raise awareness of the needs of children and families affected by drug and alcohol use • Share new research , reports and information • Share best practice and identify areas for development. This event has been in planning for three months now, and the hard work invested has paid off, the calibre of speakers attracted to this learning day will make this a very special learning opportunity. The amount of interest shown for this event shows its relevance for Norfolk front line workers. This promises to be a highlight of the DAAT training and development calendar, and will be a template for charged events we are organising for 2016.	
Registration Services	NSTR	Caroline Clarke

Communities Committee Strategic Plan

Situation As At: 30 October 2015



Communities Committee Strategic Plan – progress as at 30 October 2015 **Appendix C**

KP	Task	Status	Progress	Next steps	Lead
Public Health					
P1	Identify objectives required to ensure PH is 'embedded' throughout NCC.	On track	New Director of Public Health appointed in in post. Proposal to use £2.6m PH funding for CES projects that deliver PH objectives included 75% Committee considers in October.	Key objectives Budget challenge agreed Finance and commissioning plan to deliver Review PH structure to align with NCC priorities Develop PH strategy for CES committee sign off	Louise Smith
P2	Produce a plan to achieve the objectives identified at P1.	Minor concern	1. Budget challenge completed. 2. Finance plan in draft.	Project plan and dates to be agreed for objectives 2-4.	Tony Trotman
P3	Make any preparations required to implement the Plan at P2.	Not started			Tony Trotman
P4	Begin implementing the Plan at P2.	Not started			Tony Trotman
P5	Produce a list of PH priorities for Norfolk.	Not started			Tony Trotman
P6	Promulgate PH priorities to key audiences..	Not started			Tony Trotman
P7	Produce a plan to pursue the PH priorities at P5.	Not started			Tony Trotman
P8	Make any adjustments needed to implement the Plan at P7.	Not started			Tony Trotman
P9	Begin implementing the Plan at P7.	Not started			Tony Trotman
Communities Committee – Cultural Services					
C1	Propose budget savings options.	Achieved	List of initial proposals discussed at September Committee meeting. Proposals for 25% modelling developed and more detailed proposals discussed at October Committee meeting – and A, B, C, D ratings for each agreed.	N/A - complete	Jennifer Holland
C2	Agree savings for public consultation.	Achieved	P&R agreed savings for public consultation at October meeting and consultation has now started. Chairman updated P&R on comments/views from Communities Committee before public consultation list agreed.	N/A - complete	Committee
Communities Committee – Fire and Community Resilience					

KP	Task	Status	Progress	Next steps	Lead
F1	Propose budget savings options.	Achieved	As C1 above. Detailed risks for range of proposals set out in draft IRMP considered by Committee in October.	N/A - complete	Roy Harold
F2	Agree savings for public consultation.	Achieved	As C2 above.	N/A - complete	Committee
F3	Begin IRMP Public Consultation.	Achieved	Consultation on draft IRMP will run co-currently with budget consultation.	N/A - complete	Roy Harold
F4	Complete IRMP legal requirements.	On track	IRMP process runs concurrently with overall budget savings process.	As CC3 below. IRMP requires full Council approval, to be carried out concurrently with budget process.	Roy Harold
Communities Committee – Customer Services					
R1	Propose budget savings option.	Achieved	As C1 above.	N/A - complete	Ceri Sumner
R2	Agree savings for public consultation.	Achieved	As C2 above.	N/A - complete	Committee
Communities Committee – Other services					
O1	Propose budget savings options.	Achieved	As C1 above. Alternative approach to modelling 25% saving for Public Health agreed.	N/A - complete	Chris Walton Louise Smith
O2	Agree savings for public consultation.	Achieved	As C2 above.	N/A - complete	Committee
Communities Committee					
CC3	Agree final Comm Cte budget savings.	On track	Timetable for budget savings across all Committees developed.	Communities Committee consider results of public consultation in January 2017 and make recommendations to P&R, prior to full council discussion/decision on final budget February 2017.	Committee
CC4	Produce a Plan for Reimagining changes.	On track	The start of the public consultation provides a clearer direction on the type of savings that could be agreed. Initial work on delivery plans started.	Detailed work on implementation plans will continue throughout the public consultation process, to ensure any agreed savings can be delivered as needed once agreed by full Council.	Tom McCabe/ Anne Gibson
CC5	Begin implementing Plan at CC4.	Minor concern	Initial stages of developing plans – as CC4 above.	Detailed plans to be implemented, once savings have been agreed by full Council. See CC4 above.	Tom McCabe/ Anne Gibson
Service Committees – Children's Services					
K1	Identify joint Committee objectives.	On track	Session with Chairs/Vice Chairs, Executive Directors and senior officers booked for 10 November.	Identify potential opportunities as the session..	Tom McCabe, Paul Smyth
K2	List options for Comm Cte SDAs.	Minor concern		To be progressed after session.	Tom McCabe, Paul Smyth
K3	Produce a plan to pursue objectives at K1.	Not started			Tom McCabe, Paul Smyth
K4	Make necessary adjustments to enable Plan at K3.	Not started			Tom McCabe, Paul Smyth

KP	Task	Status	Progress	Next steps	Lead
K5	Begin implementing Plan at K3.	Not started			Tom McCabe/ Paul Smyth
Service Committees – Adult Social Care					
A1	Identify joint Committee objectives.	On track	Adults/Communities Committee session to discuss closer working between the two committees held 19 October. Identified opportunities relating to information sharing and adult education service contribution to preventing loneliness and supporting individuals with learning difficulties moving into work.	To be agreed – A2 below.	Tom McCabe/ Paul Smyth
A2	List options for Comm Cte SDAs.	On track.	Information sharing - meeting with ExD/Chairman and Head of IM booked for 11 November to progress discussion on information sharing opportunity. Adult education – in discussions with Cambs CC about their approach to adult education and obtaining data about current AE work.	Actions to be identified at the meeting on 11 November. Briefing on adult education support to prepared	.Tom McCabe/ Paul Smyth
A3	Produce a plan to pursue objectives at A1.	Not started			Tom McCabe/ Paul Smyth
A4	Make necessary adjustments to enable Plan at A3.	Not started			Tom McCabe/ Paul Smyth
A5	Begin implementing Plan at A3.	Not started			Tom McCabe/ Paul Smyth
Service Committees – EDT					
D1	Identify joint Committee objectives.	Not started		Date for meeting to be set.	Tom McCabe/ Paul Smyth
D2	List options for Comm Cte SDAs.	Not started			Tom McCabe/ Paul Smyth
D3	Produce a plan to pursue objectives at D1.	Not started			Tom McCabe/ Paul Smyth
D4	Make necessary adjustments to enable Plan at D3.	Not started			Tom McCabe/ Paul Smyth

KP	Task	Status	Progress	Next steps	Lead
D5	Begin implementing Plan at D3.	Not started			Tom McCabe/ Paul Smyth
Enabling Communities					
E1	Identify Enabling Communities objectives.	Minor concern	In the process of employing external support to develop thinking around working with the 3rd sector – work. Initial thinking on locality based model for CES Directorate to help drive some enabling communities work. Initial thinking on enabling communities teams, building on redeployed fire service resource – Chairman presented briefly to Committee Workshop and Chair/Vice Chairs briefing. Both incorporated into budget proposals being considered by Committee in October.	Complete steps to employ external support, to start work in November. Public consultation on budget proposals should gather comments/thoughts from external bodies about proposals. A clear way forward, following budget decisions, will enable a dialogue with external bodies about next steps.	Tom McCabe / David Collinson
E2	List options for achieving objectives at E1.	Not started		Review outcomes from external support and identify the next steps.	David Collinson
E3	Produce a plan to achieve objectives at E1.	Not started		As above.	David Collinson
E4	Make preparations necessary to enable Plan at E3.	Not started		As above.	David Collinson
E5	Begin implementing Plan at E3.	Not started		As above.	David Collinson

Communities Committee

Item No. 7.

Report title:	**Norfolk Fire and Rescue Authority Statement of Assurance 2014/15**
Date of meeting:	**11 November 2015**
Responsible Chief Officer:	**Tom McCabe, Executive Director of Community and Environmental Services**

Strategic impact

This report enables the County Council, as the Fire and Rescue Authority for Norfolk, to meet its statutory obligations to produce an annual Statement of Assurance.

Executive Summary

Fire and rescue authorities have a legal duty to provide both local communities and the Government with an annual statement of assurance that covers what they are doing to implement the local Integrated Risk Management Plan (IRMP) and to meet the requirements of the National Framework for Fire and Rescue Authorities 2012. The statement is looks backward to the previous financial year and must provide assurance on financial, governance and operational matters. It is not expected to duplicate existing information but to signpost to where it can be found.

Norfolk County Council is the Fire and Rescue Authority for Norfolk with these responsibilities being carried out by the Communities Committee. Members of this committee are requested to review and approve the Norfolk Fire and Rescue Authority Statement of Assurance 2014/15.

Recommendation

- **To note the assurances that financial, governance and operational management of Norfolk Fire and Rescue Service meet statutory requirements.**

- **To consider and approve the Norfolk Fire and Rescue Authority Statement of Assurance 2014/15 (Appendix 1) and commend the statement for signature by the Chief Fire Officer and by the Committee Chair on behalf of the Communities Committee.**

1. Proposal

1.1 Fire and rescue authorities have a legal duty to provide both local communities and the Government with an annual statement of assurance that covers what they are doing to implement the local Integrated Risk Management Plan (IRMP) and to meet the requirements of the National Framework for Fire and Rescue Authorities 2012. The Statement is backward looking to the previous financial year and must provide assurance on financial, governance and operational matters and is not expected to duplicate existing information but to signpost to where it can be found. Norfolk County

Council is the Fire and Rescue Authority for Norfolk with these responsibilities being carried out by the Communities Committee. Members of this Committee are requested to review and approve the Norfolk Fire and Rescue Authority Statement of Assurance 2014/15.

2. Background

2.1 The National Framework for Fire and Rescue Authorities 2012 sets out the Government's priorities and objectives for fire and rescue authorities in England. These are high level expectations that guide the development of the IRMP. The IRMP is a strategic plan that sets out the Fire and Rescue Service's objectives for at least a three year period and it is part of the Norfolk County Council Policy Framework.

2.2 The purpose of the IRMP process is for fire and rescue authorities to consider and evaluate all risks to communities including risk to life, the economy, heritage and the environment and then to determine the use of resources to meet the requirements of the risks. Operational priorities and responses are locally determined as part of the process and through engagement with a broad range of partners across the public, business and voluntary sectors and members of local communities. The development of the IRMP provides an opportunity for a fundamental review of fire and rescue provision in Norfolk. Norfolk's Fire and Rescue Authority Integrated Risk Management Plan 2014/17 was endorsed by Full Council in March 2014. Following a strategic review of the fire and rescue service in 2015 a new draft IRMP 2016-20 is currently out to public consultation until 14 January 2016.

2.3 In March 2015, this Committee approved Norfolk Fire and Rescue Authorities second Statement of Assurance. The draft Statement of Assurance presented to Committee today relates to the financial year 2014/15 and is being produced now to align more closely with corporate systems of governance which report to Audit Committee during September.

3. Evidence

3.1 Norfolk Fire and Rescue Service (NFRS) is a county fire and rescue service that operates within the financial, governance and performance frameworks of the County Council. These corporate systems are subject to annual audit and review so the Norfolk Fire and Rescue Authority Statement of Assurance 2014/15 links to corporate information wherever possible, rather than duplicate it.

3.2 There is 'light touch' guidance on what statements of assurance should cover with authorities able to judge for themselves what to include according to local need and circumstance. However, there is an expectation that as a minimum it should include:

- Financial information – the Council's Statement of Accounts.
- Governance arrangements – the Council's Annual Governance Statement.

- Operational matters – the IRMP, compliance with legislation, cross border and multi-agency working arrangements.

- Framework requirements – assurance the Service meets the National Framework.

- Future developments – plans in place to deliver improvements to communities.

3.3 The Norfolk Fire and Rescue Authority Statement of Assurance 2014/15 (Appendix 1) has been devised as a short, accessible summary document (seven pages) on the basis that it draws together a wide range of information on performance, finance, governance and planning that is already in the public domain. Rather than reproduce all of this material, internet links are provided to previously published documents.

4. Financial Implications

4.1 The Statement of Assurance provides assurance that NFRS's budgets are being governed and managed in accordance with the law and proper standards and that public money is properly accounted for and used economically, efficiently and effectively.

5. Issues, risks and innovation

5.1 The Statement of Assurance must take into account any issues which may affect operational competence or delivery, such as when advice is received under health and safety of other legislation, and inform communities that these matters have been considered and, where appropriate acted on.

6. Background Documents

Norfolk Fire and Rescue Authority Integrated Risk Management Plan 2014/17 - http://www.norfolkfireservice.gov.uk/nfrs/

Department for Communities and Local Government (2013) Guidance on Statements of Assurance for Fire and Rescue Authorities in England https://www.gov.uk/government/publications/statements-of-assurance-for-fire-and-rescue-authorities-in-england

Officer Contact

If you have any questions about matters contained in this paper please get in touch with:

Roy Harold, Chief Fire Officer – **0300 123 1383**
roy.harold@fire.norfolk.gov.uk

If you need this report in large print, audio, Braille, alternative format or in a different language please contact 0344 800 8020 or 0344 800 8011 (textphone) and we will do our best to help.

APPENDIX 1

Norfolk Fire and Rescue Authority
Statement of Assurance 2014/15

Purpose

Fire and Rescue Authorities must provide both local communities and the Government with an annual statement of assurance on financial, governance and operational matters. What this means is that Norfolk Fire and Rescue Service (NFRS) must demonstrate it is doing what the Government expects of it, as laid down in the National Framework for Fire and Rescue Authorities 2012 and that it is delivering the local Integrated Risk Management Plan.

Norfolk Fire and Rescue Service (NFRS) is one of many services provided by Norfolk County Council (NCC). The County Council acts as the Fire and Rescue Authority, with this function carried out by its Communities Committee. The Committee reviewed and approved this Statement of Assurance at its meeting on 11 November 2015.

Through this Statement of Assurance the members of the Communities Committee and the Chief Fire Officer provide assurance to the people of Norfolk that we are satisfied that the Authority's financial, governance and operational assurance arrangements are adequate, operating effectively and meeting statutory requirements detailed within the Fire and Rescue National Framework 2012.

Signed by Roy Harold
Chief Fire Officer:

Signed by Councillor
Paul Smyth on behalf of
Communities
Committee:

Date: 11 November 2015

Introduction

Norfolk's context

The type of fire and rescue service that is operated is influenced by the type of area in which it works. In Norfolk's case, some of the key characteristics considered are:

- 90 miles of coastline.
- 250 miles of inland waterways.
- 6,256 miles of roads.
- 10,567 listed buildings.
- 430 scheduled ancient monuments.
- 401,756 dwellings.
- 32,872 active businesses.
- Population of 870,100.
- 22.5% of the population aged 65 and over.
- Around a third of the county's population live in Norwich, Great Yarmouth and King's Lynn.
- 49% of the population live in areas defined as 'rural' making Norfolk the second most rural county in the country.
- 8,000 households where English is not the first language.

Norfolk Fire and Rescue Service resources

There are 42 fire stations across the county. Of these, Carrow and Sprowston stations in Norwich are wholetime only which means they are staffed by firefighters on shifts 24/7. Great Yarmouth, King's Lynn and Earlham stations have both wholetime and retained firefighters. Gorleston and Kings Lynn stations are wholetime with a shared crew of wholetime firefighters from Great Yarmouth and King's Lynn respectively. Thetford station is both day duty crewed and retained. The other 35 stations are crewed by retained firefighters in market towns and villages.

Retained firefighters are staff whose main job is outside the Fire and Rescue Service but they are available on-call to respond to emergencies in their area.

The Service has an establishment of 904.6 posts, of which 287.8 are uniformed, 96.8 are non-uniformed and 520 are retained firefighters.

The Service has a variety of fire engines to tackle a range of different emergencies. For example, heavy rescue pumps are equipped to respond to road traffic collisions, large animal rescue and water rescue. The off-road 4x4 fire engines are used for flooding incidents, heathland/forest fires, and firefighting and rescues at height. Our fleet of specialist vehicles also includes an environmental protection unit, a control vehicle, a water foam unit, a driver training vehicle and an underwater search and recovery diving unit. The Service also hosts a team of Urban Search and Rescue (USAR)

personnel and vehicles that is trained to respond to national, regional or major incidents.

Responding to emergencies
The type of emergency that the Service responds to is changing. The number of fires is falling and more of the day to day work done by the Service is taken up with responding to accidents on Norfolk's roads and automated fire alarms.

Legislative background and the National Framework
Fire and Rescue Authorities have to work to a set of standards laid down in key Acts of Parliament, including the Fire and Rescue Services Act 2004, and also in the Fire and Rescue National Framework for England.

In the National Framework 2012 (link), Government has set out the key priorities for Fire and Rescue Services across England, as follows:

- Identify the risks in the local area and make provision for prevention and protection activities and respond to incidents.

- Work in partnership with communities and partners to deliver the service.

- Be accountable to communities for the service they provide.

The National Framework lists a number of more detailed activities that fire and rescue services must do in the areas of prevention, protection, emergency response, risk and resilience.

The Service must also perform the duties outlined in the Civil Contingencies Act 2004. This includes, working as part of the Norfolk Resilience Forum to maintain and develop Norfolk's Community Risk Register, plan the response to major incidents and emergencies in the county and carry out multi-agency training exercises as part of the preparation of an effective response.

The National Framework was updated in 2014 with an additional section of firefighter fitness (link).

Operational Assurance

Integrated Risk Management Plan (IRMP)
The IRMP sets out the issues that the Fire and Rescue Service will need to respond to over the next 3 years and how it will do it.

The IRMP is the single most important document for the Fire and Rescue Service as it shows what the Service will be doing and why. It is also one of the means by which the public can hold the Service to account.

In line with Government guidance and best practice, the Service consults with the public on the IRMP as part of the County Council's consultation on its budget proposals.

The 2014-17 IRMP (link) included two proposals that were publically consulted upon. These amounted to £1.105 million savings over three years:

- Stop supplying and fitting free smoke detectors.

- Purchase different, cost-effective fire vehicles for some stations.

As a result of consultation feedback we decided to look at alternative sources of funding for smoke detectors so that we could continue this work. We hold a small stock of smoke detectors which we continue to provide to those most at risk of a fire in their homes as part of a home fire risk check. In addition, a welcome sponsorship arrangement with Rotary Norfolk will provide £11,500 for the provision of smoke detectors in urban centres and market towns covered by the local Rotary groups.

In January 2015 we opened a new fire station at King's Lynn South (IRMP 2011) which improved our response cover in this area.

We have bought ten new larger fire appliances. We are currently reviewing our proposals for new 4x4 lightweight appliances as budgetary pressures mean we need to re-examine how we use our response resources.

In January 2015 we commenced a Strategic Review of the Fire and Rescue Service which resulted in a 2020 Vision for the Service. From this we developed our draft Integrated Risk Management Plan 2016-20. You can read more about this at the end of this document.

Over the border mutual aid agreements

The Service participates in a range of mutual aid schemes via the National Resilience Programme, which shares specialist response assets across the country. Alongside these wider arrangements, we have local agreements in place with neighbouring fire and rescue services (Lincolnshire, Cambridgeshire and Suffolk) to ensure the fastest response to emergency calls and to share specialist assets. We work closely with other emergency services and this year hosted the first Home Office audit of joint emergency services interoperability.

Health and Safety and other legislation

NFRS continually seek to comply with the Health and Safety at Work Act 1974 and other applicable health and safety legislation. Active health and safety management at all levels in the Service combined with routine performance monitoring and review are at the core of maintaining safe working environments for Service staff and those we assist and support. This is achieved through a combination of operational performance review and periodic pre planned audit of the Service's health and safety management system via regional peer challenge using the Royal Society for the Prevention of Accidents (RoSPA) Quality Safety Audit tool kit. This helps the Service to ensure that it has the right equipment, training and practices in place to respond effectively and safely.

Governance

Democratic accountability

NFRS is one of many services provided by Norfolk County Council (NCC) which acts as the Fire and Rescue Authority. The County Council has a Constitution (link) which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. It includes clear communication protocols and clearly defines roles and responsibilities.
On a regular basis, County Councillors review the performance of the Fire and Rescue service, its financial position and risks that have been identified. The County Councillors also play a key role in shaping the long term development of the Service.

NFRS is governed by the Communities Committee. Papers and minutes from the Committee are available on the NCC website (link).

Governance Statement

NCC is responsible for putting in place effective systems for the governance of its affairs, ensuring services are delivered properly and legally and that any associated risks are managed. The Annual Governance Statement (link) is a review of this.

Financial and Performance Management

Finance

NCC is legally required to provide an annual report, the Statement of Accounts, on how it spends its money. As the Fire Authority, the Council includes in the Statement of Accounts details of the NFRS financial position. The accounts, along with the Fire Fighters Pension Fund Accounts, are audited to confirm their accuracy.

Following the signing of the Statement of Accounts and the conclusion of the annual audit, our external auditors write an Annual Audit Letter to the Council. The letter summarises the findings of the auditors and formally concludes the audit.

The latest Statement of Accounts and audit letters are available on the County Council's website (link). These confirm that the budget has been managed in accordance with the law and proper standards and that public money is being used economically, efficiently and effectively.

NFRS operates on a revenue budget which in 2014/15 was £27.4 million, 4.5% of the Council's overall revenue budget. This equates to £30.43 per head of population (excluding capital charges), which is much lower than the Family Group Fire and Rescue Services' average of £35.61 and the national average of £38.78.

If you would like further details about where the Service spends its money, such as expenditure on staff and expenses and where we spend over £500, this is available on the Council's Open Data website (link).

Performance
The Service operates within the County Council's corporate performance framework and uses a dashboard of over 40 performance indicators to monitor and manage performance relating to service performance, management of resources and outcomes for local people. Some of the indicators are former national indicators that we can compare with other fire and rescue services and others are locally determined.

Performance is regularly monitored both within the Service and by County Councillors through the democratic process with data and reports published on our website (link).

The key performance indicators for NFRS in 2014/15 were:

- We responded to 7,285 incidents where 749 people were rescued and there were 63 fatalities.
- We aim to get to 80% of life risk incidents within our Emergency Response Standards (how quickly we should attend an incident) but we only achieved this on 78.7% of occasions. We will be setting new Emergency Response Standards as part our Integrated Risk Management Plan process once we have agreed our future budgets and response resources.
- Our retained fire engines were available and ready to respond to an emergency 81.4% of the time against a target of 90%. We know we have some stations where more firefighters are needed and we are actively recruiting in these areas. We are currently considering the future viability of stations where availability is low.
- There were 449 accidental dwelling fires in people's homes and we carried out 4363 Home Fire Risk Checks. These fire safety visits, usually with vulnerable people, are designed to help make people safer in their home.
- We attended 1415 automatic fire alarms that turned out to have been a false alarm- fewer than we attended in 2013/14.
- The economic cost of fire and other emergencies in Norfolk in 2014/15 was £187m, compared to £150m the previous year.
- We continue to be one of the lowest cost fire and rescue authorities in England at £30.43 per head of population (English average £38.58).

Future developments

Draft Integrated Risk Management Plan 2016-20
Our current challenge is how we can continue to provide a fire and rescue service with less funding. Our draft IRMP 2016-20 sets out how we plan to do this and is currently out to consultation. It includes proposals to reduce operational support and training budgets, reduce the number of retained firefighters, close two retained fire stations, reduce wholetime firefighter numbers and change the way we use our USAR service. If all proposals were to be implemented the maximum saving would be around £2.3m. Consultation closes on 14 January 2016 and feedback will be considered by County Councillors before making final decisions about which proposals to implement in February 2016.

Communities Committee

Item No. 8.

Report title:	**Report on Progress made in Norfolk Community Learning Services (formerly Norfolk Adult Education Service)**
Date of meeting:	**11th November 2015**
Responsible Chief Officer:	**Tom McCabe, Executive Director of Community and Environmental Services**

Strategic impact

Following the Ofsted inspection of this Service in January 2015 where a judgement of 'Inadequate' was made, this report outlines the improvements made and the plans for the future of the service.

Executive summary

Norfolk Community Learning Service (NCLS) leaders and managers have outlined a new vision and operating model for the service attached at Annex A which will address the weaknesses identified by Ofsted, the FE Commissioner's recommendations and the strategic priorities of the Council articulated in Re-imagining Norfolk.

Recommendations:

Committee Members are recommended to approve the new vision and new operating model for Norfolk Community Learning Services appended to this report.

1. Proposal

1.1 Following the decision made by Communities Committee Members in July 2015 to retain and invest in this non-statutory service, considerable progress has been made to re-shape and reinvigorate Norfolk Community Learning Services (NCLS). Under monthly scrutiny from the member led Adult Education Steering Group, progress has been made in all areas identified by Ofsted and all the recommendations made by the FE Commissioner's Office have been addressed.

1.2 One of the key recommendations made by the FE Commissioner was that the Service should:

'…take a more strategic view in setting the mission and deciding the key objectives of the service in order to concentrate resources more effectively on its core provision and market.'

1.3 In response to this recommendation, a new vision and operating model for the service has been developed and this document is attached at Appendix A.

Committee Members are recommended to approve this new vision and operating model.

2. Evidence

2.1 Minutes from the Steering Group show that progress has been made in all areas identified in the January Ofsted report and all recommendations made by the FE Commissioner have been addressed.

2.2 Letters received from Ofsted Support and Challenge visits indicate that the service is on track and that good progress is being made. These letters are not public documents but are available to Committee Members if requested.

2.3 The published Ofsted Monitoring Report (June 2015) indicated that good progress had been made. A further Monitoring visit is due any time and it is expected that this will focus on the quality of teaching and learning practice. This will be the 'acid test' for the service, demonstrating that all the actions taken by leaders and managers over the past nine months have had a positive impact on the experiences of learners in the classroom.

2.4 The main funding agency for NCLS is the Skills Funding Agency (SFA) and notes of monthly meetings with the SFA evidence that they are content with the progress and changes being made.

3. Financial Implications

3.1 NCLS is funded through external grant (£5.9m in 2015/16) and contributes approximately £350,000 per year to the central budgets of Norfolk County Council. This represents approximately 6% of the total service budget. The forecast outturn is that expenditure will equal income.

3.2 For 2015/16, a commitment has been made to loan the service funding to make the necessary improvements and to support an interim Head of Service post pending recruitment to the permanent position.

3.3 In the forthcoming comprehensive spending review it is highly likely that the grants to NCLS will be reduced and the figure being mooted is between 25% and 40% reduction. Clearly this will have a significant impact and would further justify the changes to the service operating model. In particular the move to full-cost provision providing a subsidy for delivery of courses where learners cannot afford to pay will mean that NCLS can continue to offer 'second chance' learning opportunities for individuals and groups across Norfolk that need these types of courses.

4. Issues, risks and innovation

4.1 The next unannounced full inspection of NCLS could take place anytime between January 2016 and December 2016. If it takes place between January and July, inspectors will use the last full year's data to make their judgements and this data will be for 2014/15. Although improvements have been made on the 2013/14 data, these are not yet sufficient to achieve a Grade 2 'Good' rating from Ofsted which is the main aim for the service. If Ofsted inspect between September 2016 and December 2016, the last full year's data will be for 2015/16 and with all the improvements being made, it is anticipated that this will show that all our learners receive a good and better service.

4.2 Prior to January 2015, Norfolk Adult Education Service was a 'traditional' adult education service that was based on a tried and tested, established model but which did not address the economic and social needs of Norfolk's population. The new vision and operating model represents a shift to a more responsive, outward-looking service where there is clarity about the different needs of learners and how the service addresses these needs. The planned innovations are being implemented over the 2015/16 academic year through a disciplined, robust, programme management approach and it is anticipated that the service will look and feel very different in September 2016 compared to September 2015.

5. Background

5.1. Ofsted Report January 2015
http://reports.ofsted.gov.uk/provider/files/2460317/urn/53545.pdf

Ofsted Monitoring visit April 2015
http://reports.ofsted.gov.uk/provider/files/2476907/urn/53545.pdf

Ofsted Monitoring visit June 2015
http://reports.ofsted.gov.uk/provider/files/2490277/urn/53545.pdf

FE Commissioner's report June 2015
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/433042/Norfolk_County_Council_-_Further_Education_Commissioner_assessment_summary.pdf

Officer Contact

If you have any questions about matters contained in this paper or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

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Norfolk County Council
Adult Education Service

A New Vision for a New-look Service

Contents **Page**

1. Audience for this document 3

2. Executive Summary 3

3. Background 4

4. National Context 6

5. Local context 9

6. The new Vision 13

7. The new Operating Model 15

8. Engagement 21

9. Timescales and Milestones 21

Appendix 22

1. Audience for this document

This document has been written to communicate a new direction of travel for Norfolk Adult Education Service to a variety of stakeholders including:

- Council Members
- Learners and users of the service
- All service staff
- NCC staff
- The wider population of Norfolk
- All funding agencies
- Ofsted
- FE Commissioners Office

There are levels of detail within this document that are not required for all these audiences and this document is therefore a source of information for all stakeholders but for different purposes. The Executive Summary provides a high-level overview that describes the purpose of the document and the summary vision.

2. Executive Summary

For the academic year 2015/16 there are two ambitious and significant aims for Norfolk Adult Education Service (NAES):

1. To re-design the service, its aims, its objectives and its fundamental rationale – describing a new Vision for the service which firmly establishes it as the main 'second chance' learning provider in the county and a provider of consistently high quality learning opportunities;

2. To achieve an Ofsted Grade 2 in the re-inspection of the service anticipated to be sometime during the 2015/16 academic year.

These two aims are mutually supportive because:

a) Ofsted expects there to be a new direction for the service clearly articulated, with detailed plans in place to make this happen and

b) the Grade 2 judgement will enable the service to confidently progress into a new era with a new focus and a brand new operating model.

Our vision for the service includes a new name which Members of Communities Committee have already agreed will be the new name for NAES:

Norfolk Community Learning Services (NCLS)

The vision for NCLS

NCLS (The Service) will be fully and clearly focused on the needs and aspirations of communities and individual learners. Our programme of high quality courses and 'second chance' learning opportunities will be defined by the needs of targeted geographic and common-interest communities. Pathways for learning will be clearly set out at the start of the learner's journey with us. Learners will be supported by our staff at every step of their learning journeys and we will work with other providers to ensure that

where appropriate learners are able to progress readily and easily onto further programmes of study.

3. Background

3.1 Ofsted Inspection, January 2015

In January 2015, NAES was inspected by Ofsted and judged to be 'Inadequate'.

Ofsted reported that whilst some groups of learners achieved good outcomes, not all groups achieved the required or expected outcomes. They reported that the quality of teaching, learning and assessment was too variable. Teaching, learning and assessment in the curriculum area of Sport was judged as 'Good'.

The report made clear that leadership and management of the NAES was inadequate for a number of reasons:

- Governance arrangements did not provide sufficient and appropriate challenge to Service managers;
- Managers did not sufficiently and appropriately support and challenge tutors;
- There was too little sharing of good practice and peer support and challenge between tutors and curriculum areas;
- Leaders and managers had not systematically built on strengths and addressed weaknesses since the last Ofsted inspection.

Ofsted however reported the following positive features:

- Many operational managers are new in post and are clear about what needs to be done and are highly committed to achieving the improvements needed;
- Apprentices develop good skills and the majority successfully complete their qualifications on time;
- Close working with children's centres, subcontractors, the youth offending service and other partners has resulted in the Service engaging over twice as many learners from disadvantaged communities in learning;
- Learners from rural communities engage well;
- Managers consider local and national needs well when planning provision, including the priorities of funding bodies, the local enterprise partnership and the county council;
- Managers coordinate provision well with other providers to ensure that duplication and competition are avoided;
- The extension of the study programme is based on good use of data and local intelligence;
- Managers have extended the curriculum well in close liaison with employers. For example, they deliver apprenticeships in business administration, finance and information technology with the National Health Service.

3.2 FE Commissioner's visit, April 2015

In response to the Ofsted judgement, in April 2015 The FE Commissioner visited NAES for 2 days under instruction from the Minister for Skills. In June 2015 the FE

Commissioner's Report was published with the intention of advising the Minister and the Chief Executive of the Funding Agencies on:

a) the capacity and capability of Norfolk County Council's Leadership and Governance to deliver quality improvement within an agreed timeframe;
b) any further action that should be taken by the Minister and/or the Chief Executive of the funding agencies to ensure the delivery of quality improvement (considering the suite of interventions set out in '*Rigour and Responsiveness in Skills'*); and
c) how progress should be monitored and reviewed, taking into account the Agency's regular monitoring arrangements and Ofsted's monitoring visits.

The first of a number of recommendations made by the FE Commissioner is:

'On the basis that Norfolk County Council wishes to continue its commitment to delivering an adult education service it should, through its Steering Group of elected members, take a more strategic view in setting the mission and deciding the key objectives of the service in order to concentrate resources more effectively on its core provision and market. Significant investment will be required to improve organizational culture, introduce new information systems and raise the quality of teaching learning in order to strengthen the offer to learners.

3.3 Norfolk County Council's Response

At the time of the FE Commissioner's visit, Norfolk County Council had already embarked on a series of actions to quickly turn-around NAES. These actions included:

- Prior to the Ofsted inspection, establishment of a multi-party Steering Group, chaired by a Council Member (Councillor Richard Bearman) with representation from across the Council and partnership;
- Writing of a robust and detailed Post Inspection Action Plan (PIAP) that addressed all the findings of the Ofsted Inspection;
- Establishment of a Rapid Improvement Team (RIT) to oversee the delivery of activities and completion of actions as set out in the PIAP;
- Agreement to re-establish the post of Head of Service to lead and manage this county-wide provision;
- Appointment of an experienced interim Head of Service pending recruitment to the permanent Head of Service post.

Since the FE Commissioner's visit, Norfolk County Council has also followed up on the FE Commissioner's requirements by:

- Establishing a third Assistant Head of Service post to lead on data management and funding;
- Focusing one of the current Assistant Heads of Service entirely on Quality Improvement
- Making a significant investment in ICT systems and the development of management information.

To date there has been one formal monitoring visit by Ofsted and two Support and Challenge visits. In addition there are monthly meetings between the service's main funder the Skills Funding Agency (SFA). Formal feedback from all these visits has indicated that the plans, actions and activities that the service have put in place are all

the right ones and are timely. The next monitoring visit will focus on improvements in the classroom with an expectation by Ofsted that practice will have improved across the board. This monitoring visit is anticipated sometime in October 2015.

Review of recent central government guidance and consultation exercises (see below) by the service senior management team (SMT) have led to the decision that in order to firmly secure the future of the service, the next full re-inspection of the service must achieve a Grade 2, 'Good' judgement. To achieve the incremental Grade 3 'Requires Improvement' judgement would not achieve what the service wishes to quickly achieve which is to be a major part of the local post 16 learning network and to offer the residents of Norfolk quality 'second chance' learning provision.

4. National Context

4.1 Department for Business, Innovation and Skills (BIS) Consultation – A dual mandate for adult vocational education (March – June 2015)

Regardless of the outcome of this consultation, it is clear that the direction of travel for adult vocational education is one of greater specialisation for providers. A comparison is made between:

- Providers who deliver 'higher vocational learning' i.e. Levels 4-8, aimed at students who have left compulsory education with strong levels of attainment, with a focus on higher level professional and technical skills and;

- Providers who specialise in further education provision which offers a second chance to those in the most disadvantaged circumstances, who have reached adulthood without the basic skills they need for the workplace or for modern life.

BIS believes that this dual mandate has, in recent years, not been sufficiently visible and that there has been a conflation of purpose. Both parts are important, but they are separate and excellence and expertise in providing each is quite different.

The vision outlined by BIS is that in future there will be:

- A strong offer across both further and higher education sectors of both academic higher education and of higher level vocational education;

- Strong local institutions addressing the needs of people in their communities, provided by a diversity of providers, drawing on specialist knowledge and working effectively together to meet the needs of adults requiring a second chance. This will require much greater flexibility at a local level, so that provision is tailored or built into programmes that address the learning needs of individuals and any wrap around support they need. This would combine with a robust informal learning offer, which supports the hardest to reach to take steps back into life and work.

The consultation also discusses the need to look beyond the qualification to the outcome for the learner. The measures for this are learner destinations (into employment and further learning) and progression (within learning) and earnings. BIS is seeking a clearer focus on the outcomes achieved by a learner.

In terms of second chances, BIS recognises that many people lack the confidence, motivation and presentation skills needed to secure and succeed in interviews and in

employment. There is a wide spectrum of need ranging from the multiple problems faced by people who are very disadvantaged, socially isolated and low-skilled, through to people who need less complex, more focused interventions to enable them to secure sustainable, rewarding employment and progress at work.

BIS states that: “The very best providers take their provision out into the communities they serve, helping people to get over initial barriers to learning”.

The document also highlights the need to use different budgets effectively to secure continuity of learning, combining Community Learning and progression into Adult Skills Budget-funded, more formal learning routes. BIS is exploring the potential role for greater funding of non-qualification bearing learning and the wider role of programmes of study for adults. They are also reviewing the barriers between Community Learning and Adult Skills Budget provision to facilitate greater joining up of progression routes for harder to reach adults.

4.2 BIS Paper – Reviewing post-16 Education and Training Organisations (July 2015 – March 2017)

In July 2015, BIS announced an area-based review which aims to bring about “major reform of post-16 education and training institutions”. They intend to move towards “fewer, often larger, more resilient and efficient providers”. They expect this to “enable greater specialisation, creating institutions that are genuine centres of expertise, able to support progression up to a high level in professional and technical disciplines, while also supporting institutions that achieve excellence in teaching essential basic skills – such as English and maths”.

To achieve this, BIS is facilitating a programme of area-based reviews, which will review 16+ provision in every area. Institutions and localities are being asked to restructure their provision. The main focus is on FE and sixth-form colleges, although the availability and quality of all post-16 academic and work-based provision in each area will also be taken into account. Reviews may either be proactively initiated by a group of institutions in a local area, or by government where it sees the need to intervene.

4.3 National Public Sector Funding Cuts

It is clear that we are in a national political environment where significant and continuing public sector funding cuts are envisaged over the next 5 years.

The Adult Skills Budget has already seen year-on-year and in-year cuts and there will be further significant cuts. Apprenticeship funding has been prioritised over an ever-reducing funding pot for classroom-based qualifications. At present the only potential growth areas are in relation to funding for Apprenticeships and 24+ Learning Loans.

In this context it is challenging to predict the future, however, we know that funding for apprenticeships is a priority and that funding will reduce in relation to classroom-based qualifications and there is the potential for 24+ Loans to be extended beyond Level 3+ programmes.

The service needs to ensure that:

- Its vision for the future takes into account a reduced reliance on public sector funding and a plan that is based on government priorities and that clearly identifies the value of the provision that it offers within the national and local contexts

- It makes rapid improvements to the quality of its service so as to achieve an Ofsted Grade 2 at re-inspection. With strategic and area reviews of all providers underway, this is the only way to protect the service and secure access to future opportunities for growth.

4.4 Role of the Local Enterprise Partnership (LEP)

LEPs will increasingly be the vehicle for the planning and commissioning of post 16 provision across geographic areas. The further opportunities offered through devolution will also mean that it is critical that the role and 'Unique Selling Point' (USP) of Norfolk Community Learning Services are fully recognised and valued. Positioning the service as the 'Second Chance' learning and skills provider and enabling those most in need of education and skills training to achieve the first, possibly very small step back onto the learning and achievement ladder is what we do best and what we need to do more.

Those working in all parts of the education sector know the value that good quality community learning brings to the whole sector. It enables progression from very low levels of skill and confidence onto incrementally higher levels at a pace that is appropriate for the individual and thus providing a 'step-on' point which is not possible for others to offer because of their funding criteria and infrastructure.

Area reviews will determine the resilience of the post 16 sector in the LEP jurisdiction and it will be important for NCLS to be recognised as a key part of the sector, providing second chances and addressing the needs of those hardest to reach who find it most difficult to become economically active and escape a life on benefits. Currently the service delivers learning services to disproportionately higher numbers of learners who live in the top 20% most deprived neighbourhoods in the County and this was commented on by Ofsted as a positive feature in their last full inspection. This work needs to rapidly expand and in particular progression pathways for learners into provision offered by our partners for example the Colleges, needs to be more clearly mapped out at the start of the learners' journey with support to learners offered at every stage.

4.5 Ofsted and the Common Inspection Framework (CIF)

The CIF clearly outlines the expectations of a provider in relation to its programme of learning:

"The range of provision offered is carefully considered and based on a thorough understanding and analysis of a wide range of information, including on local and national economic and social contexts. Learning programmes are very well designed, including in collaboration with employers. These learning programmes ensure that they enable learners to acquire knowledge, understanding and skills, including, where relevant, English, mathematics and information and communication technology (ICT) skills, that prepare them well for future progression to further/higher education and/or sustained employment."

At their next full inspection, the pattern is that Ofsted will inspect some programme areas and not others. The aim of the service is that **all** their programmes, all of the time will be at least 'Good', as judged objectively against the CIF. The service will maintain a state of inspection readiness at all times and ensure that learners receive high quality teaching and learning services whether Ofsted are expected or not. The service will become increasingly transparent and open to outside scrutiny and challenge in its efforts to improve quickly and maintain high standards with a continuing desire for excellence, as judged by all our stakeholders.

5. Local Context

5.1 Norfolk County Council and its communities

Over the last five years, local government has borne an unduly high proportion of the actions taken by government to reduce the public sector borrowing requirement and pursue its policies of austerity. While some sectors have been largely protected from cuts, such as the NHS, councils have experienced a 40% reduction in grants while having to deliver additional responsibilities to an increasing population. Norfolk has experienced the impact of local government spending reductions, and been particularly disadvantaged by its aging demographic profile and rural geography.

In February this year, Full Council agreed the budget for 2015/16, and in so doing, recognised that the next planning cycle would need a significantly different approach, given the likely financial prospects ahead. The financial challenges facing the Council are on such a scale that incremental budget cuts to existing services are unlikely to deliver the step change required. For this reason, the Council's committees have been asked to 're-imagine' their services and to set out how the Council's spending power will be used in the future.

On 1 June 2015, the Policy and Resources Committee set a new strategic direction for Norfolk County Council – **Re-imagining Norfolk**. Re-Imagining Norfolk sets out a strategy for change which covers every aspect of the Council's role and functions. It essentially aims to re-design the Council and its services, since nothing less will ensure it can continue to deliver quality services that make a difference to people's lives. Despite the reduction in expenditure going forward, the Council will still be a billion pound organisation, and it needs to ensure that every penny of that money is invested where it can have the most impact for the people of Norfolk. It will become a multi-year strategy with a clear outcomes framework, underpinned by annual financial plans with spending targets.

Re-Imagining Norfolk is an ambitious programme designed to 'Re-imagine Norfolk as a place to live, work and do business' and has three key elements:

a) **Norfolk's Ambition and Priorities** – our priorities place the people of Norfolk at the forefront of our plans and investments and we must ensure that everything the Council does improves people's opportunities and well-being.

b) **A 'Norfolk public service'** – The people of Norfolk require a seamless continuum of services, targeted to those who need them most, and regardless of the multiple and separate institutions responsible for delivering them. By re-imagining services, the county can work with communities and other public services to redesign services around people's lives, achieving better outcomes at less cost.

c) **Improving the Council's internal organisation** - addressing the need for the Council to continue its journey of improving efficiency and modernisation, radically re-shaping its capacity while taking out costs.

5.2 Re-imagining Norfolk Priorities

The expected outcomes for Re-imagining Norfolk are:

- Excellent education
- Real jobs
- Good infrastructure
- Supporting Norfolk's most vulnerable people

The timing of the Re-imagining Norfolk launch could not have been better for NAES because it gives a corporate framework and architecture for the service transformation and a context that enables NAES transformation to evidence the changes that are expected across the whole of the Council. NAES is therefore a 'trail-blazer' for the Re-imagining Norfolk model and can offer benefits to all four of the expected outcomes. Corporately the transformation will be brought about by:

- **Performance Framework:** connecting our work and our workforce with the outcomes we want to achieve for Norfolk;
- **Our ways of working:** innovative, evidence-based, business-like, accountable, collaborative, building trust, agile.

The new vision for NCLS takes these two key areas of changed practice as fundamental to the new operating model.

5.3 Visioning Day, August 2015

On 5th August 2015, the Interim Head of Service and members of the SMT attended a Visioning Day. The broad aim of the day was to address the key recommendation from the FE Commissioner detailed above and to 'take a more strategic view' with consideration of the service's 'core provision and market'. There were a number of key objectives for the Visioning day including:

- Provision of dedicated time for the SMT to consider the service's future;
- Opportunity for managers to freely express their feelings about the last 6 months in a mutually supportive manner;
- Exploration of the potential alignment of NAES and the Re-imagining Norfolk agenda - Re-imagining Norfolk: Re-imagining NAES;
- Discussion on service resources (staff, finances and accommodation) and how these can also be re-aligned;
- Opportunity for the extended service management team to help shape the future of the service;
- Gaining commitment from the extended management team for the changes that need to be made to service direction and delivery.

At the start of the day, Senior Managers listed the outputs and outcomes that they wished to achieve. These were:

Outputs

- Power-point presentation to explain the new direction of travel (vision) and rationale for this;

- Combined Strategy document (Skills and Qualifications Strategy and Community Learning Strategy);
- Roll-out plan for the wider service;
- Communications and engagement Plan.

Outcomes

- Ownership of the new vision by the Extended Leadership Team;
- Clear direction of travel to share with the whole service;
- Paradigm shift – focussing on quality of provision and meeting learners' needs not funding targets;
- Creating a new outward-looking service.

5.4 Achievements from the Visioning Day

Discussions were focussed and productive with the following recommendations made:

- That the name of the service should more clearly describe what the service will do in the future and that this should be **'Norfolk Community Learning Services (NCLS)';**
- That the service should be described broadly as a **'second chance learning service'** – giving individuals and communities the opportunity to 'have another go' at developing new skills for work or personal development;
- That there should be **identified, clear progression routes** built into our programmes and that learners should be supported to move, at their own pace through these progressive programmes of learning which may be on to other providers as well as within NCLS;
- That the **aspirations and goals of learners should be very clearly articulated** at the start of their journey with NCLS and that learners will be supported and guided by NCLS to achieve their aspirations and goals;
- That 'leisure and pleasure' courses which meet certain criteria including for example courses where learners are not progressing but return year after year and courses that do not fit well within a quality framework, should be full-cost to those who can afford this and that these courses will be subsidised for those who cannot. These courses will be delivered through a commercial model and will be completely removed and separate from oversight by funding bodies and Ofsted;
- That the service will continue to offer courses that give people the opportunity to learn something new but with a requirement for progression at the end of the course so that these courses do not become "blocked";
- That the focus of all NCLS provision will be on quality and where quality cannot be achieved this provision will be removed from the programme. For 2015/16 the focus of the whole service will be on achieving a Grade 2 in the Ofsted re-inspection;
- That in order to realise this vision a disciplined, robust programme management approach will be employed;
- That the role of Subject Manager be scrutinised to ensure that it effectively assures the management of tutor and assessor teams and individual and team performance;

- That NCLS begins to plan collaboratively with Early Help teams in Adult Services and Children's Services to identify groups and individuals who will benefit from NCLS provision, including Apprenticeships and classroom-based provision that supports individuals from disadvantaged backgrounds to progress into employment as well as those who are seeking to return to or progress in work.

These outputs and outcomes provided the 'blueprint' for the further development of the Vision and the new operating model.

6. The new Vision

The Service will be fully and clearly focused on the needs and aspirations of communities and individual learners. Our programme of courses and 'second chance' learning opportunities will be defined by the needs of targeted geographic and common-interest communities. Pathways for learning will be clearly set out at the start of the learner's journey with us. Learners will be supported by our staff at every step of their learning journeys and we will work with other providers to ensure that where appropriate learners are able to progress readily and easily onto further programmes of study.

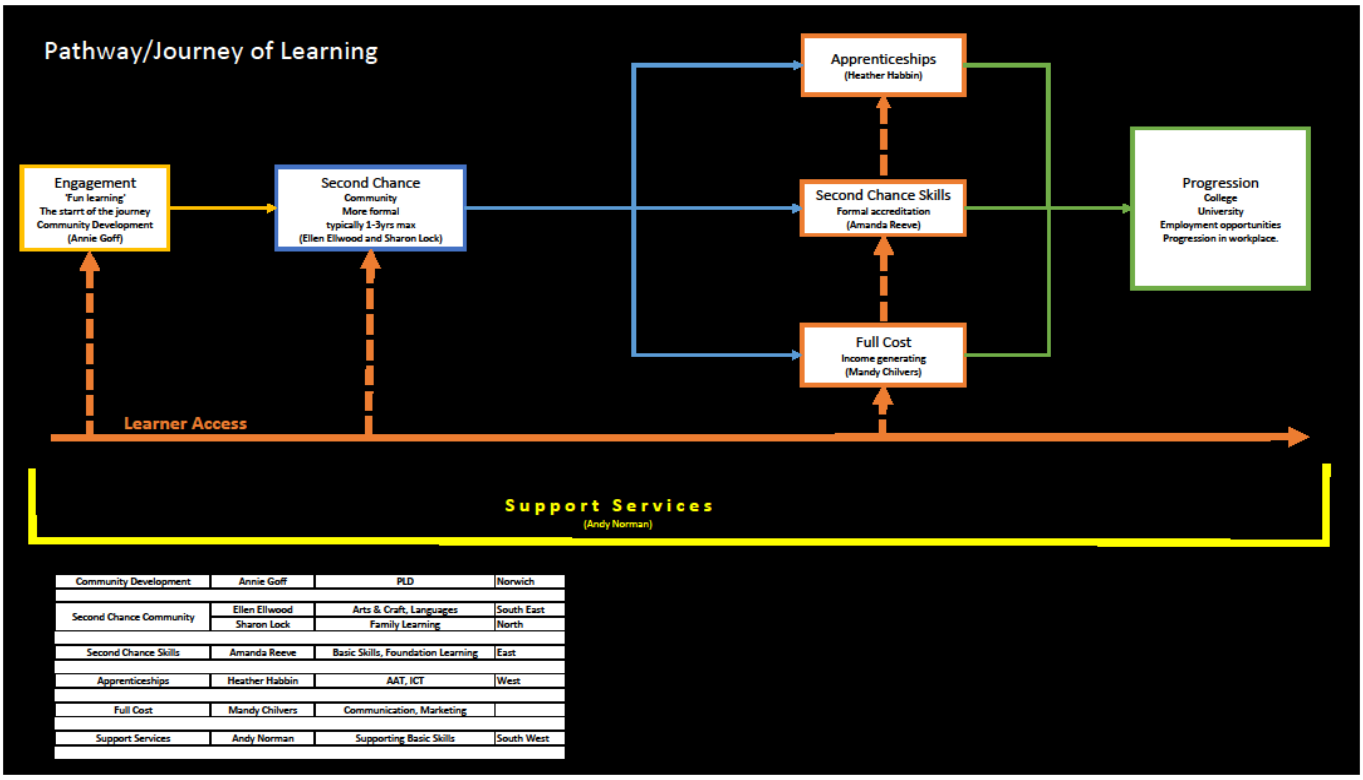
In all respects the service will be refreshed and renewed, with a clear vision for each of the organisation's functional parts as set out below:

Service Functions	**Vision**
Part of the Learning Journey	
Community Development Provision	To have a responsive programme of early engagement courses and activities that will provide an essential first step back into learning for non-confident and disenfranchised learners, informed by partnership working and by learners, reflecting localised need with a clear and robust Information, Advice and Guidance (IAG) referral/progression process (in service or on to other providers) to empower all learners to achieve their aspirations and goals.
Adult Second Chances	A wide choice of courses across the county and across all Curriculum areas, which is responsive to learner needs, informed by strong local intelligence and allows progression from foundation level to intermediate and advanced level typically over three years of study.
Full Cost	A commercially run, non-accredited, countywide programme of diverse learning opportunities delivered outside the Ofsted framework for those who do not wish to engage in quality assurance activities associated with funding and Ofsted requirements.
Apprenticeships	High quality apprenticeship provision, delivered flexibly and responsively, focused on the economic needs of Norfolk, delivered in areas of recognised and proven strength. Success rates remain high and well above national averages English, maths and ICT is fully embedded into the delivery of apprenticeship frameworks.

Second Chance Qualifications	A streamlined curriculum which has been developed through analogy of local and national need, focussing on employability. A professional curriculum that maximises opportunities for learners to develop end enhance their employment opportunities and life chances. A curriculum which provides progression pathways, both within and beyond the Service, to ensure learners can aspire and achieve to their full potential.
Learner Support Services	Learners of all levels and abilities and with specific needs will be suitably supported to achieve and progress to the best of their ability and fulfil their potential.
Finance	The service will have a balanced budget. Budget managers will be in firm control of their devolved budgets and providing confident informed forecasts, enabling timely intervention and decision making.
HR	There will be a reduced volume of part time sessional tutors and support staff with fewer flexible, permanent substantive contracts which are better managed. A clear line management structure for all staff and rigorous performance management of all individuals and teams.
IT	A confident and knowledgeable workforce that uses technology to monitor and support teachers and learning technologies to support ICT literacy of the community and engage learners.
Data	All data that is received and input to management information systems (MIS) is 100% accurate, timely and quality assured. Data and other management information is routinely used to performance manage individuals and teams and to inform decision-making at all levels in the organisation.
Communication and Marketing	The concept of 'second chance learning' is a positive and relevant proposition for customers and is being communicated across Norfolk. A Clearly defined marketing and communications strategy in place to recruit learners to each of the learning pathways. The learning programme being offered is rigorously planned using good market research data, competitor analysis, local intelligence and learner needs and so marketing will be targeted using media channels appropriate to the relevant audiences.
Culture and Behaviour	All staff are absolutely clear about their own and their team's responsibilities and accountabilities. Operational processes and systems are smooth-running and all outputs are delivered on time and to a high quality. Planning is robust and effective.
Accommodation	All venues used for learning and teaching are fit for purpose and there is a clear accommodation strategy for the service which includes use of partner venues and demonstrates value for money.
Quality	The quality of learning, teaching and assessment is consistently good or better in all subject areas.

7. The new operating model

7.1 The Learner's journey



Community Development	Annie Goff	PLD	Norwich
Second Chance Community	Ellen Ellwood	Arts & Craft, Languages	South East
	Sharon Lock	Family Learning	North
Second Chance Skills	Amanda Reeve	Basic Skills, Foundation Learning	East
Apprenticeships	Heather Habbin	AAT, ICT	West
Full Cost	Mandy Chilvers	Communication, Marketing	
Support Services	Andy Norman	Supporting Basic Skills	South West

Learners are able to join us at a variety of points in the journey described above based on their prior achievements and levels of confidence and their overall aspirations and motivations for learning. Each of these parts of the learning journey will be managed by a service Programme Manager.

7.1.1 Community Development provision

Learners will join these courses as a progression from a community engagement activity or directly as a positive life choice. These courses will be more 'formal' in nature than the community development provision in that they will have a clear learning aim, start and end point and will be structured into a level 1 (foundation) course, level 2 (intermediate) course and level 3 (advanced course). Whilst these courses will be structured in this more formal level/unitised mode, they will not be formally accredited through an external awarding body but rather subject to the Ofsted- approved model for demonstrating progress and achievement on non-accredited provision. This approach is known as RARPA (Recognising and Recording Progress and Achievement). Learners will receive an internal certificate on successful completion of their studies. The characteristics of learners entering at this level are that they:

- want to get involved in a fun or taster activity because they want to join in an activity with their friends and neighbours;
- are not clear about where their next learning step is or where their learning journey could take them and might not want to do anything more than the one-off or short course at this point

The aim of these activities is to fuel a desire for further learning and further development of the individual and for our staff to support these learners through social interaction and conversation so that they might see an opportunity for themselves that they hadn't seen before. It might take several 'goes' at these community engagement opportunities before an individual is 'hooked' into the next step in their learning journey however in the meantime the fact that they are involved in positive activities with their neighbours and friends is a desirable outcome in its own right and part of a wider community development function that it is the County Council's role to champion. There is opportunity through Second Chance Skills courses to train local community members in teaching and learning and community development skills in order for them to engage their own communities.

7.1.2 Community Second Chance provision

Learners will join these courses as a progression from a community engagement activity or directly as a positive life choice. These courses will be more 'formal' in nature than the community development provision in that they will have a clear learning aim, start and end point and will be structured into a level 1 (foundation) course, level 2 (intermediate) course and level 3 (advanced course). Whilst these courses will be structured in this more formal level/unitised mode, they will not be formally accredited through an external awarding body but rather subject to the RARPA approach to achievement of learning outcomes. Learners will receive an internal certificate on successful completion of their studies. The characteristics of learners entering at this level are that they:

- demonstrate a level of confidence and ability to choose which is based on their prior attainment or life experiences;
- are clear about the subject area that they are interested in and why they are joining these courses.

The aim of these courses is to give learners up to three years of subsidised learning to progress in their skills and competence in their chosen area of study and then for them to progress into one of the three destinations listed below.

7.1.3 Full cost provision

Learners will join these courses through progression from Community Second Chance courses or directly as a result of positive, informed choice. These courses will be outside the Ofsted framework and will not be subsidised through government funding and will therefore be slightly more expensive than the subsidised courses. The characteristics of learners choosing this pathway are:

- that they have already achieved level 3 skills and competences in a chosen subject and wish to continue learning within a group with no desire to have further skills accredited;
- that they have no wish to participate in the administrative processes attached to subsidised provision (paperwork attached to funding agency subsidy and Ofsted inspection regimes);

- that they have already completed their careers, have no wish to achieve any further accreditation and wish to pursue a leisure activity of their choice.

Typically the types of courses that fall into this category are in two curriculum areas, modern foreign languages and arts and crafts. It is therefore proposed to market these courses under the banner 'Norfolk Community Language College' and 'Norfolk Community Arts and Crafts College', with the aim of clearly branding them and keeping them separate from other Ofsted-inspected provision. There is opportunity through Second Chance Skills provision to offer business and enterprise skills to those who wish to set up their own businesses using the talents they have developed in arts and crafts, cookery etc through the full cost offer.

7.1.4 Second Chance Skills provision

Learners will join these courses as a progression from Community second chance courses or directly as a positive choice, with support from Information, Advice and Guidance (IAG) specialists – Learner Support. These courses will be externally accredited and verified and will include all Basic Skills, GCSEs and Access courses and any course that leads to a vocational award, certificate or diploma qualification e.g. Accountancy, Business Administration, Early Years, Supporting Teaching and Learning, Sports coaching, ICT and Health and Social Care courses.
The characteristics of learners joining this pathway are:

- they are looking to advance their careers or return to work or gain qualifications that will enable them to enter work for the first time
- they are looking for a second chance to achieve qualifications that they did not achieve at school or college to build their confidence and give them further life chances and choices

As indicated above, it will be very important that these learners are well-supported at the start of their accredited courses and that are well able to cope with the demands of the programme of study. 100% successful achievement of the qualification will be our aim because this is very important for these learners and further disappointment and set-backs can have a disproportionate negative impact on their lives and life-chances. For this reason there will be rigorous testing of prior attainment, knowledge and skills to inform the detailed pathway for each individual learner. We will not 'set people up to fail'.

7.1.5 Apprenticeships provision

This is the only part of the post 16 learning sector where central government are increasing their levels of funding and it is important that the service expands and protects this part of its offer. For the economic development of Norfolk this area of the service's work is also critical. Skills levels in some parts of Norfolk and in some vocational areas are low and the service's apprenticeship programme must help to address this to encourage inward investment, raise personal and family incomes and address some of the entrenched socio-economic challenge that Norfolk has.
Apprenticeship programme are clearly defined, closely regulated and controlled.
In the last inspection of the service (January 2015) the apprenticeship programme was judged to be good albeit a small part of the overall at that time. Since then the programme has grown significantly and is going from strength to strength. The service's apprenticeship team are already working closely with corporate colleagues to promote and expand this provision further and from September 2016 the apprenticeship programme will be a significant force and driver of economic development in Norfolk.

The characteristics of learners joining this pathway are:

- They are school leavers who do not wish to continue in mainstream education, but want to get the skills they need to build a career;
- They are already in work, but want to change direction and start a new career, or progress in their current employment;
- They are unemployed and want to improve their employment prospects by gaining skills in the workplace.

7.1.6 Learner Support provision

Underpinning all our provision and at every part of the learner's journey will be specialist support, information, advice and guidance to ensure that learner expectations are managed, that learners enrol on the right course at an appropriate level for them and that they successfully achieve their learning aim. To ensure this happens, the service has already partnered with 'Realise Futures', a National Careers Service provider, that assists people into the right programme of study in the first place and then helps with further progression. In addition to Realise Futures, the service employs Learner Support professionals whose job is to:

- Support learners informally in their choices of courses and mapping out their progression;
- Support learners with additional learning needs in the classroom to help them achieve to the best of their ability.

It is anticipated that this area of the service's business will expand as the service works with increasing numbers of learners with specific needs and low levels of prior learning achievement.

7.1.7 Embedded English and mathematics

There is an expectation that throughout all our provision there will be embedded English and maths and that where it is apparent that learners require additional support with their functional literacy and numeracy that this will be delivered as a part of their main course of study. Where appropriate and through discussion with individual leaners, where a need is identified, leaners will be sign-posted through interaction with the Learner Support team to bite-size or longer courses which will help them with their literacy and/or numeracy needs.

The Second chance Skills offer will be predominantly literacy and numeracy and ICT courses which will take learners from their most appropriate entry point into the pathway, which could be at a very low level (pre-entry) up to level 2 (GCSE level). The key activity in this provision is the pre-course assessment and there will be an increased emphasis on getting to know the needs of learners and their starting points so that they start at a level that will ensure successful achievement. Digital literacy is a key skill that is an essential part of work-readiness. It also helps to alleviate isolation and loneliness and given the demographics and geography of Norfolk, being e-enabled serves both an economic and social need. Through our partnership working with libraries, ICT courses are being planned and delivered in communities across Norfolk and this model will be expanded further as networks with other services develop and the needs of individuals and groups are identified.

7.2 Progression

Supported learner progression within their course and from one level or type of course to the next will be a pre-requisite for the service (except for Full cost provision). Progression from Norfolk Community Learning Services on to other providers will be a key aim for the service and we will work with our local partners to ensure that progression is smooth and effective. 'Realise Futures' and service learner support specialists will take responsibility for this important part of our work.

The concept of differential entry points and journeys is best described through the eyes of prospective learners and so at Appendix 1 are descriptive, typical case studies.

7.3 Locality leads

In addition to their accountabilities for part of the learner's journey, programme managers will also have responsibility for a particular geographic area of the county. It will be their responsibility to build and sustain a growing network of contacts across the locality with the aim of providing local intelligence on the needs of the learners in that particular area and identifying individuals and groups who wish to join a particular course. Examples of useful contacts who might identify these learners and their needs are:

- Local library staff;
- Locality focused museums staff;
- Children's Centre staff;
- Children's Services Early Help locality managers;
- Adult Services locality managers;
- Community and voluntary sector organisations;
- Churches and other places of worship.

This local intelligence will be regularly communicated to all service managers in a collaborative approach so that courses can be arranged quickly to address the identified need.

Norfolk County Council is organising itself on this locality model with management accountability increasingly lying with officers who will work in specified geographic areas with communities who they get to know well. In Children's Services this model has resulted in the creation of a number of Early Help Locality managers and NCLS will work more closely with these officers who are already working with families who would benefit from the services that NCLS offer. Close ties already exist with local libraries and already there are ICT courses being developed and planned in collaboration with library staff based on needs that they have identified in their local communities.

7.4 Curriculum area professional expertise

In addition to their accountabilities for part of the learner's journey and a locality, programme managers will also have responsibility for a particular curriculum area and will manage a team of subject lead practitioners whose role will be to be the 'go to' person for expert knowledge on a particular subject eg mathematics, English, water-colour painting, silver-smithing etc. Lead practitioners will be responsible for keeping their subject knowledge fully up to date and innovative.

7.5 Managing the quality of teaching, learning and assessment

The Service has developed a robust quality improvement framework, which aims to ensure that the quality of teaching, learning and assessment is consistently good or better.

Quality assurance of teaching staff is carried out by a dedicated team of Observers (already in place) and a new process for managing the outcomes of observations will be implemented. The Service will also improve its CPD arrangements for teaching staff so that teaching staff are able to access relevant training when they need it. The performance management of under-performing teaching staff will also been reinforced.

To reinforce the support for and performance management of teaching staff, a new role of Learning Manager will be introduced. Expectations of tutors are clearly defined through the Service's Quality of Learning, Teaching and Assessment Policy and through the Ofsted Common Inspection Framework and performance management of tutors is also clearly articulated through the Service's Performance Management of Tutors and Assessors Policy.

8 Engagement

This vision has been developed through engagement with a variety of service staff and partners including:

- Tutors
- Senior service management team
- Wider service management team
- NCC Early Years staff in Children's Services
- NCC Education staff in Children's Services
- Community and voluntary sector partners
- Community Services Senior Leadership Team

9 Timescales and Milestones

The following table summarises key milestones and timescales for activities to ensure agreement on the final version of the Vision document and then implementation of the new operating model.

October 2015	Presentation of draft vision document to Steering Group
	Presentation of draft vision document to Corporate Leadership Team
	Circulation of draft vision to key members of NCC and service staff including Trades Union representatives.
November 2015	Presentation of draft vision to all staff at staff conference
	Presentation of draft vision at Communities Committee for final sign off
December 2015	Beginning to plan for September 2016 full implementation of new operating model
February 2016	September programme planning complete
March 2016	Formal staff consultation on changes to some roles
September 2016	Full implementation of new operating model

Ruth Second Chance Skills learner

Ruth changed career from working in a toy shop to getting training in accountancy and finding a job in finance. “I chose to study AAT through Norfolk Adult Education as they offered the fast track course I was looking for. I studied both level 2 and 3 AAT with Norfolk Adult Education, completing them both within the year. “The reason I studied AAT was because I was looking to start a career in accountancy. Studying AAT with Norfolk Adult Education changed my life as it gave me the skills I needed to start my career in accounts. “To start with I did find the intensity of the fast track course difficult, but once I settled into the pace it was fine. I found the classes enjoyable, well-structured and educational. My tutor was excellent. She made the classes fun and supported us all through our exams’.

Luke Apprenticeships learner

‘I started working at Mills & Reeve LLP in June last year and was contracted to work here for a year while completing a qualification in business administration (Level 2). I have now finished my apprenticeship and completed my portfolio. My contract with Mills & Reeve LLP in Norwich expired in June this year, but they took me on permanently. After leaving school I drifted for a while. I applied for the apprenticeship with Mills & Reeve LLP and, though the work was hard, I would recommend it to anyone looking to gain a foothold on a career in a specific area, although most of the skills I have gained here are transferable to other jobs and careers. I have improved existing skills and refreshed my maths and English. I have learnt to work with others and learnt how to deal with people, skills which will be invaluable in my personal and professional life’.

Ellen Full cost learner

Originally from Norfolk, I am a designer goldsmith and currently run my practice from my Clerkenwell studio in London. A former Hewett School student, I went to the Norwich School of Art to do my Art Foundation. Still unsure as to which area to specialise in I began Adult Education evening classes in Silversmithing and Jewellery at Wensum Lodge. This is where I realised my passion for working with metal and I went on to do my degree at The Cass, London Metropolitan University. This year I will be taking part in Handmade in Britain, Chelsea; The Great Northern Contemporary Craft Fair, Manchester; MADE Brighton; and the North Norfolk Arts & Crafts Fair.

Owen Second Chance Skills Learner

Owen 23, was volunteering at Dereham Neatherd High School before he decided to do the Level 2 Supporting Teaching and Learning course through Adult Education.
“I was mainly working with autistic children and I wanted to get a bit more understanding,” says Owen. “I looked for courses online and found the one at Wensum Lodge and thought it would be brilliant.”
Owen qualified in July 2015 after completing the six-month course. “The course was really interesting and helped me a lot,” he says. “We looked at behaviours in depth which has made me a lot more confident in dealing with different situations.”
As part of the course, students are observed in the classroom by their mentors and are then given feedback. “My mentor was an expert in autism, so getting her feedback was really helpful,” says Owen. “She’d tell me what I was doing well and what I needed to work on. She also made the course really fun too.”
As soon as Owen qualified, the Dereham Neatherd offered him a contract which he started in September. “I’d definitely recommend the course – 100pc. I keep telling people about it and how much it helps,” says Owen.

Lucy Community Second Chance Learner
Lucy is a mother of four school-aged children, who returned to Adult Education to get into university. Her hard work has paid off, with Lucy being offered a place on the BA English with Creative Writing at UEA, one of the most applied to courses in the subject field.

Phyllida Community Second Chance Learner
Phyllida Tyler came to adult education in her fifties having never sat a formal exam in her life. In the space of one academic year, Phyllida made massive leaps in her education and got a place at City College Norwich to study English Lit with Cultural Studies.

Communities Committee

Item No. 9.

Report title:	**Regulation of Investigatory Powers Act 2000**
Date of meeting:	**11 November 2015**
Responsible Chief Officer:	**Victoria McNeill, Head of Law and Monitoring Officer and Tom McCabe, Executive Director, Community & Environmental Services**

Strategic impact

Since 2010 Cabinet and subsequently Communities Committee have received an annual report of the Council's use of RIPA and approved the Council's Policy and Guidance annually. This is the report for 2014/15.

Executive summary

This report details the use of RIPA by the Council for the 18 months from 1 April 2014 and summarises changes to the Council's Policy and Guidance.

Recommendations:

1. **Committee notes the use of RIPA by the Council for the period 1 April 2014 to 31 September 2015; and**

2. **Committee approves the revised Policy and Guidance document for RIPA.**

Proposals

1. Committee notes the use of RIPA by the Council for the period 1 April 2014 to 31 September 2015.

1.1 A report setting out the RIPA authorisations obtained by the Council from 1 April 2014 to 30 September 2015 is attached at appendix 1.

1.2.1 The report gives the date, general purpose or reason for which authority was granted together with the grade of senior manager that granted the authority. It is not possible to give further details as this may breach confidentiality legislation, offend the sub-judice rules, interfere with the proper investigation of potential offenders, or disclose other operational information which could hinder past, current or future activities, investigatory techniques or investigations.

In summary, the total number of authorisations granted in this period were as follows:-

- Surveillance: 2

- Covert human intelligence source: 0 (see definition in paragraph 1.7 of the attached policy and guidance)

- Acquisition of communications data (Telecoms): 1

1.2.2 It can be seen from the information in Appendix 1 that, across the whole of the Council, the only activities covered by RIPA were authorised in relation to trading standards investigations.

2. Committee approves the revised Policy and Guidance document for RIPA

2.1.1 The Council's revised Policy and Guidance is attached at appendix 2.

2.2 The Policy and Guidance has been altered to take into account the revisions requested by the Committee when considering last year's report. Definitions have been included in the main body of the document. Appendix A has been updated to include a number of new authorising officers. Appendix C has been updated to include guidance in respect of online covert activity. A few other minor alterations have also been made.

3. Evidence

3.1 The RIPA Orders and revised Codes of Practice set out expectations for local authorities in relation to the oversight of RIPA authorisations for Directed Surveillance and CHIS. The recommendations set out in this report meet the requirements of the Orders and revised Codes of Practice. There are, therefore, no other reasonably viable options to the recommendations above.

4. Financial Implications

4.1 There are no financial implications.

5. Issues, risks and innovation

5.1 **Legal Implications:** The RIPA and associated regulations and orders set out the expectations for local authorities in relation to covert surveillance.

5.2 **Human Rights:** RIPA was enacted to ensure that, in conducting surveillance, public authorities have regard to the Human Rights Act 1998 and to Article 8 of the European Convention on Human Rights (the ECHR) – the right to a private and family life.

5.3 **Equality:** RIPA requires the authority's decision makers to take into account a person's human rights including any potential discrimination. Monitoring of the use of RIPA in relation to individuals could be considered for the future but is not considered necessary at this stage.

5.4 **Risks:** The RIPA Orders and revised Codes of Practice set out expectations for local authorities in relation to the oversight of RIPA authorisations and this

report sets out how the authority can comply with these expectations. As such the risk associated with the actions set out in this report are low.

6. Background

6.1 A report by the Head of Law and Monitoring Officer and the Director of Environment Transport and Development was prepared for the Cabinet meeting on 13 September 2010. This report set out the background to the Regulation of Investigatory Powers Act 2000 (RIPA) and the Council's use of RIPA. At that meeting Cabinet agreed to receive an annual report of the Council's use of RIPA and to approve the Council's Policy and Guidance annually. Further reports were prepared for the Cabinet/Committee meetings on 5 May 2011, 11 June 2012, 7 October 2013 and 19 November 2014.

Background papers:

Report to cabinet 13.09.10:
http://www.norfolk.gov.uk/download/cabinet130910item10pdf

Report to cabinet 09.05.11:
http://www.norfolk.gov.uk/download/cabinet090511item14pdf

Report to cabinet 11.06.12:
http://www.norfolk.gov.uk/download/cabinet110612item16pdf

Report to cabinet 07.10.13: no link available

Report to Committee 19.11.14:
http://norfolkcc.cmis.uk.com/norfolkcc/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/83/Committee/12/Default.aspx

Officer Contact

If you have any questions about matters contained in this paper please get in touch with:

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IN TRAN
communication for all

If you need this report in large print, audio, Braille, alternative format or in a different language please contact 0344 800 8020 or 0344 800 8011 (textphone) and we will do our best to help.

Appendix 1

RIPA AUTHORISATIONS 01.04.2014 – 30.09.2015

NO.	DATE	NATURE OF AUTHORISATION	REASON FOR AUTHORISATION	GRADE OF AUTHORISING OFFICER	DEPT.
1.	01.04.14	Communications Data	Unlicensed trading	M (Shaun Norris)	CES
2.	26.05.14	Directed Surveillance	Underage sale of alcohol	N (Nick Johnson)	CES
3.	11.02.15	Directed Surveillance	Underage sale of alcohol and cigarettes	O (Sophie Leney)	CES

Appendix 2

Policy and Guidance Notes
October 2015 version

Norfolk County Council

Regulation of Investigatory Powers Act 2000

Policy and Guidance Notes

nplaw
Norfolk Public Law

Last Updated October 2015

CONTENTS

1	Introduction	3
2	What does RIPA Do?	8
3	Judicial approval and the serious crime threshold	9
4	Principal Responsibilities	10
5	Covert Surveillance	12
6	Surveillance Operations not Regulated by RIPA	23
7	Covert Human Intelligence Sources	24
8	Accessing Communications Data	26
9	Complaints	34
10	Further Information	35
Appendix A	Authorised Officers	36
Appendix B	Guidance on Completing Application	37
Appendix C	Additional guidance - Test Purchasing and Online Covert Trading	40
Appendix D	Relevant Forms	43
Appendix E	Non RIPA Authorisation Form	44

1. INTRODUCTION

1.1.1 The Regulation of Investigatory Powers Act 2000 ("RIPA") is designed to ensure that public bodies respect the privacy of members of the public when carrying out investigations and that privacy is only interfered with where the law permits and there is a clear public interest justification.

1.1.2 The essence of these provisions is to give effect to the provisions in the Human Rights Act which are designed to protect the privacy of members of the public but subject to the right of public authorities to infringe that human right where necessary in a democratic society for the prevention of crime. If applied correctly, the Act also protects the County Council and its officers.

1.1.3 This Policy and Guidance is intended as a practical reference guide for Council Officers/investigators who may be involved in covert operations. Officers involved in covert operations must familiarise themselves with the Home Office Codes of Practice on Covert Surveillance and Property Interference, Covert Human Intelligence Sources and Acquisition and Disclosure of Communications Data, together with the Home Office guidance on the judicial approval process and crime threshold for directed surveillance, in order to ensure that they fully understand their responsibilities. The Home Office Codes and guidance are available from https://www.gov.uk/government/collections/ripa-codes

1.1.4 The right to respect for one's private and family life is enshrined in Article 8 of the ECHR, as adopted in the Human Rights Act 1998 (HRA) which renders it unlawful for a public authority to act in a way which is incompatible with any of the Convention rights. As with many of the rights in the HRA, the right to privacy is not an absolute right and is subject to certain qualifications. RIPA and regulations provide an exemption from the right to privacy in certain circumstances, and allow public bodies to interfere with the individual's right to privacy in circumstances which amount to covert surveillance.

1.1.5 The Council is committed to implementing the provisions of RIPA to ensure that any covert surveillance carried out during the course of investigations is undertaken properly and that the surveillance is necessary and proportionate to the alleged offence/s. The Council seeks to ensure that this Policy Statement remains consistent with the Council's objectives.

1.1.6 This Policy and Guidance ensures that:

- proper procedures are in place in order to carry out covert surveillance;
- an individual's right to privacy is not breached without justification;
- the potential invasion of privacy caused by using techniques regulated by RIPA, are properly justified in a clear, concise paper/electronic trail;
- proper authorisation and judicial approval is obtained for covert surveillance;
- covert surveillance is considered as a last resort, having exhausted all other avenues;

- the seriousness of the offence is considered, in addition to the requirement to weigh up the benefits to the investigation, when considering whether to authorise covert techniques under RIPA;
- an officer is designated as the Senior Responsible Officer (SRO) for ensuring that all authorising officers meet the standards required by the Office of Surveillance Commissioners (OSC); and
- the Communities Committee has a strategic oversight role in/of the Council's RIPA process.

1.7 **Definitions**

a "Covert"

Concealed, done secretly

b "Surveillance"

This includes, monitoring, observing or listening to persons, their movements, their conversations or their activities or communication. It also includes the recording of anything monitored, observed or listened to. Surveillance can be done with or without the assistance of a surveillance device.

c "Covert surveillance"

Surveillance which is carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place. If activities are not hidden from the subjects of the investigation, it is not covert

d "Directed Surveillance"

Directed surveillance is defined in the Act as surveillance which is covert, but not intrusive and undertaken for the purposes of a specific investigation or operation;

Directed surveillance is conducted where it involves the observation of a person or persons with the likelihood of gathering private information to produce a detailed picture of a person's life, activities and associations.

For the purposes of the definition, private information in relation to a person can include information relating to their business and professional activities as well as their private or family life.

Directed surveillance does not include any type of covert surveillance in residential premises or in private vehicles. Such activity is defined as "intrusive surveillance" which the County Council cannot carry out.

Any covert surveillance which is likely to intrude upon anyone's privacy to more than a marginal extent should be treated as directed

surveillance. This may include covert CCTV surveillance. If any department is unsure, advice should be taken from Nplaw.

Directed surveillance **must** be properly authorised and judicially approved in accordance with the procedure set out in section 6 of these guidance notes.

e "Covert human intelligence source" (CHIS)

Use of a covert human intelligence source means establishing or maintaining a relationship with a person for the purpose of covertly obtaining or disclosing information. In practice, this is likely to cover the use of an informer or Council officer to strike up a relationship with someone as part of an investigation to obtain information "under cover". Recent examples have involved investigations using social media.

Someone who volunteers information to the Council, either as a complainant or out of civic duty, is unlikely to be a covert human intelligence source. If someone is keeping a record, say, of neighbour nuisance, this will not amount by itself to use of a covert human intelligence source, because they will not have obtained the information in the course of, or as a consequence of, the existence of a personal or other relationship.

However, if the Council is relying on an individual to ask questions with a view to gathering evidence, then this may amount to use of a covert human intelligence source. The test to apply is not whether there is a task to perform but whether it is to be done by the use of a personal or "other" relationship (which could include commercial, professional, managerial or employment contracts). If and when it becomes apparent that a repeat informant is obtaining his information in this way, then he is, in reality a CHIS to whom a potential duty of care is owed if the information is acted upon.

Advice should be sought from the Quality, Client Care and Ethical Governance Lead, nplaw before acting on information supplied by such a source.

f "Intrusive Surveillance"

Covert surveillance that is carried out in relation to anything taking place on any residential premises or in any private vehicle and involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device. If a device is not on premises or in vehicle but provides consistent information of the same quality and detail as if it were on the premises or in vehicle, then this will be considered "intrusive". Surveillance devices designed or adopted principally for the purpose of providing information about the location of a vehicle are not considered intrusive. Residential premises includes hotel or prison accommodation if being used for living accommodation plus houses, boats, barracks etc. BUT not any common area to which a person is allowed access in connection with his or her occupation of any accommodation. Private vehicles include those for domestic, family and leisure use. It includes any vessel, aircraft or hovercraft.

g "Communications Data"

The term communications data embraces the "who" "when" and "where" of a communication but not the content and not what was said or written. It includes the manner in which and by what method a person or machine communicates with another person or machine. It excludes what they say or what data they pass on within that communication.

Communications data is generated, held or obtained in the provision, delivery or maintenance communication services, both being postal services or telecommunication services. A postal service consists of any service which is involved in the collection, sorting, conveyance, distribution and delivery of postal items and is offered or provided as a service, the main purpose of which is to transmit postal items from place to place. Any service which consists in the provision of access to and for making use of any telecommunication system (whether or not provided by the person providing the service) the purpose of which is to transmit communications using electric or electromagnetic energy.

h "Definition of Traffic Data"

This is data that is comprised in or attached to communication for the purpose of transmitting the communication and in relation to the communication which:

(a) identifies or appears to identify any person, equipment or location to or from which a communication is or may be received;

(b) identifies or selects transmission equipment;

(c) comprises signals activate equipment used for transmission of communication;

(d) identifies data as data comprised in or attached to a communication;

(e) identify a computer file or a computer programme to which access has been obtained or which has been run by means of a communication but only to the extent that the file or programme is identified by reference to the apparatus in which the final programme is stored (i.e. traffic data may identify a server but not a website or page).

i "Service Use Information"

This is data relating to the use made by any person of a postal or telecommunication service or any part of it and falls within Section 21(4)(b) of RIPA.

Examples of data within this definition include:

(a) itemised telephone call records (numbers called);

(b) itemised records of connections to internet services;

(c) itemised timing and duration of service usage (calls and all connections);

(d) information about amount of data downloaded and/or uploaded;

(e) information about the connection, disconnection and re-connection of services;

(f) information about provision and use of forwarding/re-direction services by postal and telecommunications service providers;

(g) information about provision of conference calling, call messaging, call waiting and call barring telecommunications services;

(h) information about selection of preferential numbers or discount calls;

(i) records of postal items such as records of registered, recorded or special delivery postal items;

(j) records of parcel confinement, delivery and collection.

j. "Subscriber Information"

This relates to information held or obtained by a communication service provider about persons to whom the communication service provider has provided or provides a communication service. Those persons would include people who are subscribers to a communication service without necessarily using that service and persons who use a communications service without necessarily subscribing to it.

Examples of this include:

(a) subscriber checks, such as who is the subscriber of phone number, 123456789 or who is the account holder of e-mail account xyz at xyz.co.uk;

(b) subscribers' or account holders' information including payment methods and any services to which the subscriber or account holder is allocated or has subscribed;

(c) addresses for installation and billing;

(d) information provided by a subscriber or account holder to a communication service provider such as demographic information or sign up data (to the extent that the information such as a password giving access to the content of the communication is not disclosed).

2. WHAT DOES RIPA DO?

2.1 RIPA places controls on the use of certain methods of investigation. In particular, it regulates the use of surveillance, “covert human intelligence sources” and the acquisition and disclosure of Communications Data. This guidance covers these aspects of the Act.

2.2 RIPA’s main implications for the Council are in respect of covert surveillance by Council officers and the use of “covert human intelligence sources”. It also covers the Council’s limited dealings with the acquisition and disclosure of Communications Data.

2.3 Surveillance is covered in sections 5 to 6 of this guidance. The use of “covert human intelligence services” is covered in Section 7. Communications Data is dealt with in Section 8.

3. JUDICIAL APPROVAL AND THE SERIOUS CRIME THRESHOLD

3.1 From 1 November 2012 local authorities have been required to obtain judicial approval prior to using covert techniques. Local authority authorisations and notices under RIPA will only be given effect once an order has been granted by a Justice of the Peace (JP).

3.2 Additionally, local authority use of **directed surveillance** under RIPA is now limited to the investigation of crimes which attract a six month or more custodial sentence, with the exception of offences relating to the underage sale of alcohol and tobacco. This threshold does **not** apply to the use of CHIS or to the acquisition and disclosure of communications data.

3.3 The Home Office has published guidance for local authorities and magistrates, which is available at http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/local-authority-ripa-guidance/

3.4 Local authority officers will need to be formally designated to appear before the court for the purpose of seeking judicial approval.

4. PRINCIPAL RESPONSIBILITIES

The Senior Responsible Officer

4.1 The Codes of Practice on Covert Surveillance, CHIS and Communications Data set out the responsibilities of the Senior Responsible Officer, which are broadly the same. The following is a composite list.

4.2 The senior responsible officer (SRO) is responsible for:

(a) the integrity of the process in place within the local authority to authorise directed surveillance, for the management of CHIS and the acquisition of communications data;

(b) compliance with Part 1 and II of the Act and with the Codes;

(c) oversight of the reporting of errors to the relevant oversight Commissioner and the identification of both the cause(s) of errors and the implementation of processes to minimise repetition of errors;

(d) engagement with the relevant Commissioners/inspectors when they conduct their inspections and;

(e) where necessary, oversight of the implementation of post-inspection action plans recommended or approved by the relevant oversight Commissioner;

4.3 Also, in relation to covert surveillance and CHIS, the SRO is responsible for:

(f) ensuring that all authorising officers are of an appropriate standard in light of any recommendations in the inspection reports prepared by the OSC; and

(g) where an inspection report highlights concerns about the standards of authorising officers, this individual will be responsible for ensuring the concerns are addressed.

4.4 The Assistant Director of Environment and Planning has been nominated as the SRO for the Council for directed surveillance and CHIS. He has also been nominated the SRO for communications data. He has delegated day to day responsibility for oversight of the RIPA process to the Quality, Client Care and Ethical Governance Lead in nplaw.

Communities Committee responsibilities

4.5 Following on from the role undertaken previously by Cabinet, the Communities Committee now reviews this Policy and Guidance, on an annual basis, to ensure fitness for purpose. This higher level review provides an additional safeguard against inappropriate or disproportionate use of the RIPA powers.

4.6 The Communities Committee receives reports on the use of RIPA, to ensure that RIPA is being used consistently and in accordance with this Policy Statement. Reports are presented in such a way, that individuals and/or

organisations who have been/are the subject of an authorisation, are not identifiable.

4.7 The Committee is not involved in making decisions on specific authorisations.

External oversight of the Council's RIPA processes: The Office of Surveillance Commissioner and the Interception of Communications Commissioner's Office.

4.8 There are two separate national bodies which carry out audits to ascertain standards within those enforcement bodies which carry out covert surveillance and access communications data. These are respectively the Office of the Surveillance Commissioner (OSC) and the Interception of Communications Commissioner's Office (IOCCO).

4.9 The last inspection by the IOCCO was 6 March 2012. As the Council is a member of the National Anti-Fraud Network (NAFN), subsequent inspections have been (and are likely to continue to be) conducted of NAFN and not the Council directly.

4.10 The last inspection by the OSC was carried out on 15 October 2013.

5. COVERT SURVEILLANCE

Introduction

5.1 The Act is designed to regulate the use of "covert" surveillance, which is surveillance carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place. If activities are not hidden from the subjects of the investigation, it is not covert.

5.2 Two types are regulated by RIPA - “directed" and "intrusive" surveillance. These terms are defined in paragraph 1.7 and also below:

- **Directed Surveillance** is defined in the Act as surveillance which is covert, but not intrusive and undertaken for the purposes of a specific investigation or operation. It involves the observation of a person or persons with the likelihood of gathering private information to produce a detailed picture of a person’s life, activities and associations. Private information about a person can include information relating to their business and professional activities as well as their private or family life. Any covert surveillance which is likely to intrude upon anyone’s privacy to more than a marginal extent should be treated as directed surveillance. This may include <u>covert</u> CCTV surveillance.

- Intrusive Surveillance is covert surveillance carried out in relation to anything taking place on residential premises or in any private vehicle and involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device. If a device is not on premises or in a vehicle but provides information of the same quality and detail as if it were, this will be considered “intrusive”. Surveillance devices designed or adopted principally for the purpose of providing information about the location of a vehicle are not considered intrusive. Residential premises includes hotel or prison accommodation if being used for living accommodation plus houses, boats, barracks, etc. BUT not any common area to which a person is allowed access in connection with his or her occupation of any accommodation. Private vehicles include those for domestic, family and leisure use. It includes any vessel, aircraft or hovercraft.

RIPA provides for the authorisation of covert surveillance provided it is necessary and proportionate.

5.3 General observation forms part of the duties of some Council Officers. Where an incident occurs during officers normal duties, which is unforeseen and an officer has to respond immediately to the situation, what the officer does will not require an authority. This "unforeseen" activity where an officer was merely reacting to events does not need to be covered by the procedures in these Guidance Notes.

5.4 Generally, the provisions of the Act do not include the use of <u>overt</u> CCTV surveillance systems. Members of the public are aware that such systems are

in use, for their own protection and to prevent crime. However, where CCTV systems are used for covert surveillance the Act will apply.

Application to the County Council

5.5 The County Council cannot carry out Intrusive Surveillance. These powers are reserved to bodies such as the Police and HM Revenue and Customs. If a County Council officer is asked by another agency to co-operate with Intrusive Surveillance, advice should immediately be obtained from the Quality, Client Care and Ethical Governance Lead, nplaw, who will give advice as to possible risks to and concerns for officers and equipment. Similarly, the County Council cannot conduct entry on, or interference with, property or with wireless telegraphy (known as "property interference").

5.6 The County Council may however authorise Directed Surveillance.

5.7 The County Council may be asked to carry out directed surveillance for another agency, or may ask others to carry out surveillance on its behalf. It is for the lead agency to apply for an authorisation. When acting with another body, the operation can be covered by that authority's authorisation. However, all involved must ensure they are familiar with the terms of the authorisation.

Authorising Directed Surveillance and obtaining judicial approval: The Rules

5.8 It is crucial that all directed surveillance is properly authorised and judicially approved. No officer may commence any form of directed surveillance operation unless it is authorised and approved in accordance with this guidance. Failure to secure proper authorisation/approval and to comply with this procedure could lead to evidence being excluded by the courts and to complaints against the Council. The Council is subject to audit and inspection by the Office of the Surveillance Commissioner and it is important that we can demonstrate compliance with RIPA.

Who can authorise directed surveillance?

5.9 Regulations made under the Act say that the most junior level at which authorisations can be given is by what it refers to as Director, Head of Service, Service Manager or equivalent. However, authorisations should be given by those officers set out in Appendix A. Officers named on this designated list should have full training in respect of RIPA and the considerations that must be made before granting authorisation.

5.10 If anyone authorised is not available, anyone holding a senior position can be delegated to authorise. Advice can also be sought from anyone senior to an authorising officer in difficult or sensitive cases, and also from the Quality, Client Care and Ethical Governance Lead, nplaw.

5.11 Where practicable, the authorising officer should not be directly involved in the case giving rise to the request for authorisation. Where it is not practicable for authorisation to be given by an officer who is not directly involved, this should be noted with reasons on the authorisation form.

On what grounds can directed surveillance be authorised?

5.12 In the case of local authorities, directed surveillance can only be authorised if it is necessary for the purpose of preventing or detecting crime and the offence(s) under investigation must be punishable by a maximum custodial sentence of six months or more or relate to the underage sale of alcohol or tobacco.

5.13 It is very important to consider whether the surveillance is necessary. If the objective can be achieved by less intrusive means, which do not involve directed surveillance, then these should be used.

5.14 If there are no other means then this should be stated on the authorisation form.

5.15 The crime under investigation should be fully detailed.

Is the proposed surveillance proportionate?

5.16 Authority should not be given unless the person authorising the request is satisfied that the surveillance is proportionate.

5.17 The authorising officer should make sure that any interference with the privacy of an individual is justified by the end being sought. If the benefit to be obtained from surveillance is marginal, the person authorising should think very carefully about whether the use of surveillance is proportionate. The Activity will not be proportionate if it is excessive in the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means. Suggested areas to consider include, prevalence of offence, expense of the operation and other means by which the information can be obtained.

5.18 In addition, the activity should be carefully managed to meet the objective in question and must not be arbitrary or unfair.

5.19 The authorisation must detail all methods that have been considered and why they have not been implemented, in order to demonstrate that full attention has been given to the proportionality of the proposed surveillance.

5.20 Further guidance on proportionality can be found in part 9 of Appendix B.

Is the proposed surveillance discriminatory?

5.21 The County Council is under a legal obligation to avoid either direct or indirect discrimination in carrying out its functions. As surveillance can interfere with rights contained in the European Convention on Human Rights, discrimination can also amount to a breach of the Human Rights Act. Departments need to be sensitive to this issue and ensure that they apply similar standards to seeking or authorising surveillance regardless of ethnic origin, sex or sexual orientation, disability, age etc. They should be alert to any assumptions about people from different backgrounds which may not even be consciously held.

Will the surveillance involve "collateral intrusion"?

5.22 In other words, will the surveillance intrude upon the privacy of people other than those who are the subject of the investigation? Those authorising the surveillance should be sensitive to the privacy rights of third parties and consider very carefully whether the intrusion into their privacy is justified by the benefits of undertaking the surveillance. If there is considered to be a risk of collateral intrusion, consideration must be given to minimising this risk.

What is legally privileged information, personal confidential information or confidential journalistic material?

5.23 Confidential material' is described by RIPA as being:

(a) matters subject to legal privilege;

(b) confidential constituent information between the MP and a constituent in respect of constituency matters;

(c) confidential personal information; or

(d) confidential journalistic material.

5.24 Authorisations in respect of confidential material can only be granted by the Head of Paid Service (the Managing Director) and in her absence, by the Assistant Director of Environment and Planning, or his/her substitute.

5.25 A substantial proportion of communications between a lawyer and client may be subject to legal privilege. Matters subject to legal privilege must be kept separate from enforcement investigations or criminal prosecutions, as they will not be admissible in court. In the very rare circumstances where legally privileged information may be acquired and retained, the matter must be reported to the Authorising Officer by means of a review. The Authorising Officer will decide whether the authorisation should continue. The attention of the Commissioner should be drawn to legally privileged information, during the OSC inspection and the material made available to the inspector, if requested.

5.25 Oral and written communications are held in confidence if subject to an express or implied undertaking to hold the communications in confidence or where such communications are subject to a restriction on disclosure or an obligation of confidentiality contained in legislation e.g. consultations between a health professional and a patient, information from a patient's records or information relating to the spiritual counselling of a person.

5.26 Confidential journalistic material includes material acquired or created for the purposes of journalism and held subject to an undertaking to hold it in confidence, as well as communications resulting in information being acquired for the purposes of journalism and held subject to an undertaking. The attention of the Commissioner should be drawn to confidential journalistic material during the OSC inspection and the material made available to the inspector, if requested.

5.27 Acquiring material in the manner referred to above, is likely to be rare for the Council.

Activities/operations involving directed surveillance

5.28 It is safest to assume that any operation that involves planned covert surveillance of a specific person or persons (including Council employees) likely to obtain private information, of however short a duration, falls within the definition of directed surveillance and will, therefore, be subject to authorisation under RIPA.

5.29 The consequence of not obtaining an authorisation may render the surveillance action unlawful under the HRA, or any evidence obtained may be inadmissible in Court proceedings.

5.30 It is strongly recommended that Council Officers seek an authorisation, where the surveillance is likely to interfere with a person's Article 8 rights to privacy. Obtaining an authorisation will ensure that the surveillance action is carried out in accordance with the law and is subject to stringent safeguards against abuse.

5.31 Proper authorisation of directed surveillance should also ensure the admissibility of evidence under the common law, PACE and the Human Rights Act.

5.32 Directed surveillance might be used, for example:

- For fraud or similar offences, where there is a need to observe premises in order to establish who the owner/occupier is, to find out who the occupier has associations with, or to establish whether or to what extent they are being used as business premises.

- Where the Council directs another person/organisation to act as its ‘agent’ for the purposes of obtaining private information e.g. where Council Officers specifically ask residents to maintain diary notes of the incidence of sales of alcohol to young persons.

- By placing a stationary mobile or video camera outside a building or the use by officers of covert recording equipment to record suspected illegal trading activity, such as the sale of counterfeit goods or ‘mock’ auctions.

5.33 It will not be necessary to obtain authorisation for directed surveillance when using surveillance devices such as standard video cameras, still cameras, or binoculars, which are utilised on an overt basis.

Activities/operations not involving directed surveillance

5.34 Directed surveillance is conducted where it involves the observation of a person or persons with the intention of gathering private information to produce a detailed picture of a person’s life, activities and associations.

Private information includes any information relating to the person's private or family life.

5.35 However, it does not include general observation which is part of an Enforcement Officer's normal work.

5.36 General observation duties of the Council's Enforcement Officers whether overt or covert, frequently form part of their day to day activities and the Council's legislative core functions – such activities will not normally require a directed surveillance authorisation as the obtaining of private information is highly unlikely.

5.37 Examples of activities/operations which are unlikely to involve directed surveillance are:

- Enforcement officer's attendance at a car boot sale where it is suspected that counterfeit goods are being sold. In such a case, the officer is not carrying out surveillance of particular individuals - the intention is, through reactive enforcement, to identify and tackle offenders;

- A one-off identification/confirmation of the existence of a premises address by officer observation;

- Anything which constitutes an immediate response e.g. a council officer with regulatory responsibilities may by chance be present when an individual is potentially infringing the law and it is necessary to observe, follow, or engage in other surveillance tactics as an instant response to the situation to gather further information or evidence. Once this immediacy has passed, however, any further directed surveillance of the individual, must be subject to a RIPA authorisation.

5.38 In circumstances where such activities/operations are considered to fall outside the scope of RIPA, it is good practice to record the reasons for this decision.

5.39 Appendix C of this Policy and Guidance Note provides additional guidance regarding 'Test Purchasing and Online covert activity'.

Authorising Directed Surveillance: The Procedure

Applying for authorisation.

5.40 Applications for authorisation must be made in writing on the correct form. The form to seek authorisation is reproduced at Appendix D to these Policy and Guidance Notes. A written authorisation is normally completed as far as possible by the investigating officer before being submitted to the Authorising Officer for approval.

5.41 A written application for authorisation for directed surveillance should describe in detail any conduct to be authorised and the purpose of the investigation or operation. The application should also include:

- the reasons why the authorisation is necessary in the particular case and the grounds (i.e. for the purpose of preventing or detecting crime) stated in Section 28(3) of the 2000 Act; The offence under investigation should be fully detailed.
- the reasons why the surveillance is considered proportionate to what it seeks to achieve;
- the nature of the surveillance;
- the identities, where known, of those to be the subject of the surveillance; (although there is no requirement to know the identity of those who are to be the subject of the surveillance);
- the approximate cost of the surveillance;
- the results of consultation with other enforcement agencies or community leaders
- an explanation of the information which it is desired to obtain as a result of the surveillance;
- the details of any potential collateral intrusion and why the intrusion is justified;
- the details of any confidential information that is likely to be obtained as a consequence of the surveillance;
- the level of authority required (or recommended where that is different) for the surveillance; and
- a subsequent record of whether authority was given or refused, by whom and the time and date. If the authorising officer has not granted the authorisation in full and has amended the terms of the application, this must be recorded on the application form and reasons given for the decision.

5.42 Each application must be given a Unique Reference Number, which will then be used to locate the application on the Central Register.

5.43 Guidance on completing an application for authority for directed surveillance can be found in Appendix B.

5.44 When an authorisation has been granted, the terms of the authorisation must be followed exactly. Any deviation might lead to the authorisation being considered invalid. If as a result of initial observations, the investigating officer wishes to deviate from the terms of the authorisation, then either a fresh authorisation or renewal requesting revised authority must be made.

5.45 If the surveillance involves juveniles or vulnerable adults then special consideration should be given to the following:

- If possible authorisation should be at the highest level. (If considering use of a juvenile or vulnerable adult as a CHIS – Authorisation should not be granted unless a risk assessment has been considered covering physical dangers and psychological aspects. Use of an appropriate adult should be considered.

- No authorisation can be granted to use a source under age 16 years to give information against his/her parents).

The judicial approval process

5.46 Once an application has been authorised by an authorising officer, it will not take effect until it has been approved by a Justice of the Peace (JP).

5.47 The process for seeking judicial approval is as follows:-

- The local authority must contact HMCTS to arrange a hearing.

- The JP should be provided with a copy of the authorisation/notice, all supporting documentation and a partially completed judicial approval/order form. (The original authorisation/notice should be shown to the JP at the hearing.)

- A hearing will take place in private, usually attended by the case investigator, who will be best placed to answer the JP's questions about the investigation. However, in some cases, for example where there are sensitive issues, it may be appropriate for the Authorising Officer to attend to answer questions.

- The JP will consider the application and record his/her decision on the order section of the application/order form.

5.48 The JP may decide to:-

- Approve the grant or renewal of the authorisation/notice;

- Refuse to approve the grant or renewal of the authorisation/notice;

- Refuse to approve the grant or renewal and quash the authorisation/notice.

5.49 The form for seeking judicial approval is reproduced at appendix D to these Policy and Guidance Notes.

Duration of authorisations

5.50 A written authorisation granted by an authorising officer will cease to have effect (unless renewed) at the end of a period of **three months** beginning with the day on which it took effect. An authorisation cannot be granted for a period of less than three months. However, it should be noted that all authorisations **must** be cancelled as soon as the decision is taken that directed surveillance should be discontinued.

Reviews

5.51 Regular reviews of authorisations should be undertaken to assess the need for the surveillance to continue. Particular attention is drawn to the need to review authorisations frequently where the surveillance provides access to confidential information or involves collateral intrusion. If a minor change has occurred in the investigation, then these can be dealt with by way of review. If the scope of the investigation has changed then a fresh authorisation is required.

5.52 In each case authorising officers within the Council should determine how often a review should take place. This should be as frequently as is considered necessary and practicable, but at no longer than monthly intervals. The Review form in Appendix D should be completed on review.

Renewals

5.53 If at any time before an authorisation would cease to have effect, the authorising officer considers it necessary for the authorisation to continue for the purpose for which it was given, s/he may renew it in writing for a further period of **three months**. Renewals must also be judicially approved, following the process outlined in paragraph 5.47 above.

5.54 A renewal takes effect at the time at which, or day on which the authorisation would have ceased to have effect but for the renewal. An application for renewal should not be made until shortly before the authorisation period is drawing to an end, but taking into consideration that time must be allowed for obtaining judicial approval. Any person who would be entitled to grant a new authorisation can renew an authorisation. Authorisations may be renewed more than once, provided they continue to meet the criteria for authorisation.

5.55 All applications for the renewal of an authorisation for directed surveillance should be made on the form attached at Appendix D to this guide and should record:

- whether this is the first renewal or every occasion on which the authorisation has been renewed previously;
- any significant changes to the information given in the original application for authorisation;

- the reasons why it is necessary to continue with the directed surveillance;
- the content and value to the investigation or operation of the information so far obtained by the surveillance;
- the results of regular reviews of the investigation or operation.

5.56 Authorisations may be renewed more than once, if necessary, and the renewal should be kept/recorded as part of the central record of authorisations (see paragraph 5.64.

Cancellations

5.57 The authorising officer who granted or last renewed the authorisation **must** cancel it if he is satisfied that the directed surveillance no longer meets the criteria upon which it was authorised. Where the authorising officer is no longer available, this duty will fall on the person who has taken over the role of authorising officer. If in doubt about who may cancel an authorisation, please consult the Quality, Client Care and Ethical Governance Lead, nplaw. Cancellations are to be effected by completion of the form in Appendix D to this Note.

5.58 It is essential that there is a completed cancellation for each authorisation once surveillance has been completed. An authorisation cannot simply be left to expire.

5.59 As soon as any decision is taken to discontinue surveillance, instruction must be given to those involved to stop all surveillance. The date and time of such an instruction must be included in the Notification of Cancellation form.

5.60 It is also good practice to retain a record of the product obtained from the surveillance and whether or not objectives were achieved. The Authorising Officer should give directions on the handling, storage or destruction of the product of surveillance.

Record Keeping and Central Record of Authorisations

5.61 In all cases in which authorisation of directed surveillance is given the individual department is responsible for ensuring that the following documentation is kept securely for a period of at least five years from the date of authorisation:

- a copy of the application and a copy of the authorisation together with any supplementary documentation and notification of the approval given by the authorising officer;
- a copy of the judicial approval application form/order;
- a record of the period over which the surveillance has taken place;
- the frequency of reviews prescribed by the authorising officer;

- a record of the result of each review of the authorisation;
- a copy of any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested;
- the date and time when any instruction was given by the authorising officer.
- a copy of the cancellation document

5.62 In addition, the following must be sent to the Quality, Client Care and Ethical Governance Lead, nplaw immediately upon completion:

- all completed forms authorising and approving directed surveillance;
- all completed forms authorising and approving renewal of directed surveillance;
- all judicial approval application forms/orders;
- all completed forms cancelling directed surveillance.

5.63 These will be held securely by the Quality, Client Care and Ethical Governance Lead, nplaw and form part of a Central Record of Authorisations. Each application will be accessible by virtue of its Unique Reference Number. The Quality, Client Care and Ethical Governance Lead, nplaw will review the Central Record on a bi-monthly basis and complete a central record of authorisations in accordance with paragraph 8.1 of the Code of Practice on Covert Surveillance. The Central Record should be available for inspection by the Office of Surveillance Commissioners upon request.

6 SURVEILLANCE OPERATIONS NOT REGULATED BY RIPA:

6.1 The Regulation of Investigatory Powers Act 2000 (RIPA) aims to ensure that covert surveillance carried out for the purposes of a specific investigation or operation is undertaken in a manner which is human rights compliant. This is achieved through a system of self authorisation by senior officers, who have to be satisfied that the surveillance is necessary and proportionate to what is sought to be achieved, followed by judicial approval.

6.2 Local authorities are only required to seek authorisations under RIPA for covert surveillance carried out for the purposes of preventing or detecting crime. No RIPA authorisations can be sought for covert surveillance being undertaken for other purposes. Nor should they be sought for crime prevention or detection purposes, if that purpose is not linked to one of the authority's regulatory functions. This was stated by the Investigatory Powers Tribunal in the case of C v The Police and the Secretary of State for the Home Department (14/11/2006, No: IPT/03/32/H), who held that surveillance of employees is unlikely to be for a regulatory function of the authority.

6.3 This means that there may be circumstances when the Local Authority wishes to carry out surveillance and will not be able to rely on a RIPA authorisation (e.g. surveillance of employees). Not being able to seek an authorisation under RIPA means there is a greater risk of a human rights challenge, as privacy rights under Article 8 are likely to be interfered with. This can be reduced by following a similar self- authorisation process, which can be achieved by using the form in Appendix E and which should be completed by the officer and authorised by a person identified in Appendix A.

6.4 The Authorising Officer should consider the same issues as if he were responding to a request under RIPA, particularly the necessity of the operation, whether it is proportionate and whether there are any other methods of obtaining the information. If there is any doubt as to the issue of a Local Authority regulatory role and its ordinary functions, then advice should be sought from the Quality, Client Care and Ethical Governance Lead, nplaw.

6.5 When considering surveillance of employees, it is also important to ensure compliance with the Data Protection Act 1998 and in particular Part 3 of the Data Protection Act Employment Practices Code.

7 COVERT HUMAN INTELLIGENCE SOURCES:

Authorising Use of Covert Human Intelligence Sources (CHIS)

7.1 Similar principles and procedures apply to authorising the use of covert human intelligence sources. The use of CHIS is also subject to judicial approval and the process outlined at paragraph 5.47 should be followed.

7.2 Officers' attention is drawn to the explanation of the nature of a covert human intelligence source in paragraph 1.7. If necessary, Appendix D5, D6, D7 and D8 can be utilised to authorise the use of a CHIS.

7.3 The considerations for authorising a CHIS are broadly similar to those of directed surveillance, but there are some additional matters which must be considered.

7.4 There are rules about the use of vulnerable adults or juveniles as sources and there are also special requirements with regard to the management, security and welfare of sources. Refer to the Covert Human Intelligence Sources Code of Practice for detailed guidance.

7.5 In summary:

- when deploying a source, the Council should take into account the safety and welfare of that source, when carrying out actions in relation to an authorisation or tasking, including the foreseeable consequences to others, of that tasking.
- before authorising the use or conduct of a CHIS, the Authorising Officer should ensure that a risk assessment is carried out to determine the risk to the source of any tasking and the likely consequences, should the role of the source become known. The ongoing security and welfare of the source, after the cancellation of the authorisation, should also be considered at the outset.
- the person responsible for the day to day management of the source's welfare and security e.g. departmental manager, will bring to the attention of the Authorising Officer, any concerns about the personal circumstances of the source, insofar as they might affect:

  i. the validity of the risk assessment;
  ii. the conduct of the source, and
  iii. the safety and welfare of the source.

7.6 Where deemed appropriate, the concerns about such matters should be considered by the Authorising Officer and a decision taken on whether or not to allow the authorisation to continue.

7.7 In addition to the appointment of the required roles of handler and controller as part of a CHIS operation, a separate person within the organisation should be appointed to oversee the use made of CHIS. The Assistant Director of Environment and Planning, as Senior Responsible Officer, has assumed this

role and has delegated day to day responsibility for this oversight to the Quality, Client Care and Ethical Governance Lead, nplaw.

7.8 The records kept by the authority should be maintained so as to protect the confidentiality of the source and the authorising officer must ensure there is a satisfactory risk assessment in place.

Activities/operations involving CHIS

7.9 If a department is considering the use of a CHIS, advice must be sought from the Quality, Client Care and Ethical Governance Lead, nplaw.

7.10 **Activities/operations not involving CHIS**

7.11 The following situations will not normally require a relationship to be established for the covert purpose of obtaining information and therefore do not involve a CHIS:

- One-off test purchase transactions carried out in the normal course of business, where Enforcement Officers are operating as would a member of the public and do not establish a personal or other relationship. For example, the purchase of a music CD for subsequent expert examination would not require authorisation, but where the intention is to ascertain whether a trader is taking delivery of suspected fakes and a relationship is established between the trader and the Officer, then authorisation should be sought beforehand. Please refer to Appendix C of this Policy Statement for additional guidance regarding 'Test Purchasing and Online covert activity'.

- The task of ascertaining purely factual information e.g. the location of cigarette vending machines in licensed premises;

- Where members of the public volunteer information to an Officer as part of their normal duties;

- Where the public call telephone numbers set up by the Council to receive information; and

- Where members of the public are asked to keep diaries of incidents in relation to anti-social behaviour – however such activity will be regarded as directed surveillance, requiring an authorisation.

7.12 In circumstances where such activities/operations are considered to fall outside the scope of RIPA, it is good practice to record the reasons for this decision.

8. ACCESSING COMMUNICATIONS DATA

Introduction

8.1 Since 5 January 2005, RIPA has regulated access to Communications Data. This is defined in paragraph 1.7. These guidance notes should be read in conjunction with the current Code of Practice issued under Section 71 of RIPA. Copies of the Code are held by nplaw and/or are available via https://www.gov.uk/government/collections/ripa-codes

Application to the County Council

8.2 The County Council are only entitled to seek the acquisition of communications data defined as service user information and subscriber information (see paragraph 1.7 for definition). The County Council is not authorised to acquire what is defined as traffic data (see paragraph 1.7).

Acquisition of communications data: The interception of postal, telephone, email and other electronic communications

8.3 It is an offence to intercept communications sent by public postal services and public telecommunications systems except in very specific circumstances. It can be an offence to intercept communications sent by private telecommunications systems.

8.4 It is unlikely that the Council would wish to intercept communications of this nature, even if it could do so legally. In the very unlikely event that you are considering intercepting communications, you should take no steps to do so before seeking advice from the Quality, Client Care and Ethical Governance Lead, nplaw.

8.5 There may be circumstances in which it is appropriate and legitimate to intercept communications sent and received by employees. However, once more, great care needs to be taken, not only in respect of RIPA, but in respect of employment law and human rights issues. You should not intercept communications sent by or received by employees without first seeking advice from the Head of Human Resources and/or the Quality, Client Care and Ethical Governance Lead, nplaw.

Authorising the acquisition and disclosure of communications data and obtaining judicial approval

8.6 It is crucial that the acquisition of communications data is properly authorised and judicially approved. No officer may seek the acquisition of any form of communication data unless he is authorised and the application approved in accordance with this guidance. Failure to secure proper authorisation and approval and to comply with this procedure could lead to evidence being excluded by Courts and complaints against the Council. The Council is subject to audit and inspection by the Interception of Communications Commissioner's Office and it is important that we demonstrate compliance with RIPA.

8.7 Acquisition of communications data under the Act involves four roles:

(a) the applicant;

(b) the designated person;

(c) the single point of contact (SPoC);

(d) the senior responsible officer

8.8 The Act provides two alternative means for acquiring communications data by way of:

(a) an authorisation under Section 22(3); or

(b) a Notice under Section 22(4)

The Applicant

8.9 The Applicant is a person involved in conducting an investigation or operation who makes an application in writing or electronically for the acquisition of communications data. The Applicant should complete an application form setting out for consideration by the designated person the necessity and proportionality of the specific requirement for acquiring communications data.

The Designated Person

8.10 The designated person is a person holding a prescribed office in the same public authority as the Applicant. Authorisations and Notices to acquire communications data should ordinarily be given only by those officers set out in Appendix A who are specifically designated to approve applications for the acquisition of communications data.

8.11 The designated person must consider the application and record his considerations at the time in writing or electronically. If the designated person believes it is appropriate in the specific circumstances of the case, an authorisation may be granted or a notice given. Designated persons should assure that they grant authorisations or give notice only for purposes and only in respect of types of communications data that a Designated Person of their office, rank or position and the relevant public authority may give or grant. Designated persons shall assess the necessity for any conduct to acquire or obtain communications data, taking account of any advice provided by the Single Point of Contact (SPoC).

8.12 Designated persons must not be responsible for granting authorisations or giving notices in relation to investigations or operations in which they are directly involved. If it appears unavoidable or it is necessary to act urgently or for security reasons then a designated person may grant an authorisation or notice in relation to an investigation in which they are directly involved but the reason why such person was required to authorise that particular case, should be noted on the application form and this must be notified to the Commissioner.

8.13 Designated persons should have undertaken some training in relation to human rights principles and have current working knowledge of the rules and requirements of RIPA and the use of this guidance.

The Single Point of Contact

8.14 The Single Point of Contact (SPoC) is either an accredited individual or a group of accredited individuals trained to facilitate lawful acquisition of communications data and effective co-operation between a public authority and a communications service provider. To become accredited an individual must complete a course of training appropriate for the role of a SPoC. An accredited SPoC promotes efficiency and good practice in ensuring any practical and lawful requirements for communications data are undertaken. The SPoC provides objective judgment and advice to both the Applicant and the Designated Person, in this way the SPoC provides a guardian and gatekeeper function ensuring that public authorities act in an informed and lawful manner.

8.15 Norfolk County Council is a member of the National Anti-Fraud Network (NAFN). NAFN is a 'One Stop' data and intelligence provider for all public bodies. As part of their portfolio they offer a comprehensive SPoC service. Norfolk County Council now has no in house SPoCs and NAFN should be used for this service.

The Senior Responsible Officer

8.16 The senior responsible officer role is set out at paragraphs 4.1 to 4.4 above.

On what grounds can the acquisition of communications data be authorised. Is the proposed request for the acquisition of communications data necessary?

8.17 In the case of Local Authorities, acquisition and disclosure of communications data can only be authorised if it is **necessary** for the purpose of preventing or detecting crime or preventing disorder. It is extremely important to consider whether the acquisition of the particular communications data is necessary. If an investigation can be carried out by means which do not involve such acquisition then these should be used. If there are no other means then this should be stated on the authorisation form.

Is the proposed request for the acquisition of communications data proportionate?

8.18 Authority to acquire communications data should not be given unless the person authorising the request is satisfied that the application is **proportionate**. The designated person should make sure that any interference with the privacy of an individual is justified by the end being sought. If the benefit to be obtained from acquiring communications data is marginal, the person authorising should think very carefully about the use of such an investigation technique. The activity will not be proportionate if it is

excessive in the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means.

8.19 Suggested areas to consider include the seriousness of the offence, the expense of the operation and other means by which the information could be obtained. In addition the activity should be carefully managed to meet the objective in question and must not be arbitrary or unfair.

Might the acquisition of communications data involve collateral intrusion?

8.20 The designated person needs to consider whether the application might intrude upon the privacy of people, other than those who are the subject of the investigation. The designated person should be sensitive to the privacy rights of third parties and consider very carefully whether the intrusion into their privacy is justified by the benefit of the investigation. If there is considered to be a risk of collateral intrusion, consideration must be given to minimising this risk during the authorisation process.

The procedure - Applying for authority to acquire communications data

8.21 Applicants and Designated Persons (DP) must submit, approve and track applications through the central NAFN website, using the NAFN online forms. An allocated SPoC will then check for legal compliance and, where necessary, provide feedback before submitting for final authorisation from the DP.

8.21.1 Once an application is authorised by the DP it must be subject to judicial approval as per paragraph 5.47 above. NAFN will provide the applicant with a 'Court Pack' containing:

- Final case application
- Judicial application/order form
- Relevant Assurance(s), Authorisation(s) and/or Notice(s)

8.22 These documents will enable the applicant to present their application at court.

8.22.1 If the application is approved all documentation must be returned to NAFN for subsequent processing via the secure online system. The NAFN SPoC administers all requests promptly to obtain the data required. Results are uploaded to the secure website for retrieval, with all aspects of administration covered by NAFN, including the tracking of reportable/recordable errors, cancellations, and withdrawals.

8.25 The application should describe in detail the communications data to be acquired and the purpose of the investigation operation. The application should also include:

(1) the name

(2) the office, rank or position held by the person making the application

(3) the operation name to which the application relates

(4) a unique reference number

(5) the specific purpose for which the data is required

(6) a description of the communications required specifying where relevant any historic or future date and where appropriate time periods

(7) an explanation as to why the acquisition of that data is considered necessary and proportionate and what is thought to be achieved by acquiring it

(8) Consideration of any meaningful collateral intrusion and why that intrusion is justified in the circumstances.

(9) an identification and explanation of the timescale within which the data is required.

(10) an assessment by the SPOC

(11) the application should record whether it was approved or not by a Designated Person by whom and when the decision was made.

8.26 An authorisation provides for persons within a public authority to engage in specific conduct relating to a postal service or telecommunications system to obtain communications data. An authorisation may be appropriate where a communications service provider is not capable of obtaining or disclosing communications data or a designated person believes the investigation or operation may be prejudiced if the communications service provider is required to obtain or disclose the data or there is an agreement in place between the public authority and a communication service provider relating to appropriate mechanisms for disclosure of communications data or a designated person considers there is a requirement to conduct a telephone subscriber check but the communications service provider as yet to be conclusively determined as the holder of the communications data. The authorisation is not served upon a communications service provider, although there may be circumstances where the provider may require or may be given assurance that conduct being undertaken is lawful. That assurance may be given by disclosing details of the authorisation itself.

Notices

8.27 The giving of a notice is appropriate where a communications service provider is able to retrieve or obtain specific data and to disclose that data unless the grant of an authorisation is more appropriate. A notice may require a communications service provider to obtain any communications data if that data is not already in their possession. The decision of a Designated Person whether to give a notice shall be based upon information presented to them in

an application. The notice should contain enough information to allow the communications service provider to comply with the requirements of the notice. A notice must:

(a) be given in writing or if not in the manner that produces a record of its having been granted;

(b) specify the purpose for which the notice has been given;

(c) describe the communications data to be obtained or disclosed under the notice specifying where relevant, any historic or future date and where appropriate time periods;

(d) include an explanation that complies with the notices as a requirement of the Act;

(e) specify the office, rank or position held by the designated person and the designated person's name should also be recorded;

(f) specify the manner in which the data should be disclosed, the notice should contain sufficient information to enable a communications service provider to confirm the notice is authentic and lawful;

(g) record the date and when appropriate to do so at the time when the notice was given by the designated person;

(h) where appropriate the notice should provide an indication of any urgency or time within which the communications service provider is requested to comply with the requirements of the notice. In giving notice a designated person may only require a communications service provider to disclose the communications data to the designated person or a specified person working within the same public authority.

Duration of authorisations and notices

8.28 Relevant to all authorisations and notices is the date upon which the authorisation or notice takes effect, which is the date on which judicial approval is given. From that date when the authorisation or notice becomes valid it has a validity of a maximum of one month, this means that the conduct authorised should have been commenced or the notice served within that month. All authorisations and notices must relate to the acquisition or disclosure of data for a specified date or period. Any periods should clearly be indicated in the authorisation or notice. A start date and end date should be given and where a precise start and end time are relevant, these must be specified. Where an authorisation or notice relates to the acquisition or obtaining of specific data that will or may be generated in the future, the future period is restricted to no more than one month.

Renewal of authorisations and notices.

8.29 Any valid authorisation or a notice may be renewed for a period of up to one month by the grant of a further authorisation or the giving of a further notice and again judicial approval must be obtained before the renewal can take effect. A renewed authorisation or notice takes effect upon the expiry of the authorisation or notice it is renewing. The reasoning for seeking renewal should be set up by an Applicant in an addendum to the application upon which the authorisation or notice being renewed was granted or given. The Designated Person should give careful consideration to renewal of an authorisation or notice and should:

(a) consider the reasons why it is necessary and proportionate to continue with the acquisition of the data being generated; and

(b) record the date and when appropriate to do so the time when the authorisation or notice is renewed.

8.30 The designated person should specify the shortest period in which the objective for which the data is sought can be achieved. To do otherwise would impact on the proportionality of the authorisation or notice and impose unnecessary burden on a communications service provider.

Cancellations and Withdrawals

8.31 A designated person who has given notice to a communications service provider shall cancel the notice if at any time after giving the notice, it is no longer necessary for the communications service provider to comply with the notice or the conduct required by the notice is no longer proportionate to what is sought to be achieved. Equally where a designated person considers an authorisation shall cease to have effect because the conduct authorised becomes unnecessary or no longer proportionate to what is sought to be achieved, the authorisation shall be withdrawn. The communications service provider should be advised of the withdrawal of an authorisation.

8.32 Cancellation of a notice must be:

(a) undertaken in writing;

(b) identified by reference to its unique reference number, the notice being cancelled;

(c) record the date and when appropriate to do so, the time when the notice was cancelled and

(d) specify the office rank or position held by the designated person cancelling the notice.

8.33 Withdrawal of an authorisation should be:

(a) undertaken in writing;

(b) identified by reference to its unique reference number, the authorisation being withdrawn;

(c) record the date and when appropriate to do so the time when the authorisation was cancelled;

(d) record the name, the office, rank or position held by the designated person withdrawing the authorisation.

Keeping of records

8.34 Completed original documents must be retained centrally by the SPOC, in written or electronic form, for a period of at least three years from the date of authorisation. The documents should be classified and stored securely in accordance with the Government protected marking scheme. In addition, a record should be kept of the date and, when appropriate to do so, the time when each notice or authorisation is given or granted, renewed or cancelled. These records should be available for inspection by the Interception of Communications Commissioner upon request. (The retention of documents is a service provided by NAFN.)

8.35 On an annual basis the Quality, Client Care and Ethical Governance Lead, nplaw must send to the Interception of Communications Commissioner, information as to the number of applications submitted to the designated person, the number of notices issued, number of authorisations issued and the number of times an urgent notice is given orally.

Errors

8.36 Proper application of the contents of this guidance should reduce the scope for making errors but if an error occurs in the grant of an authorisation or the giving of a notice or as a consequence of any authorised conduct or any conduct undertaken to comply with a notice, a record should be kept and a report made to the Commissioner. (The recording and reporting of errors is a service provided by NAFN.)

9. COMPLAINTS

9.1 Where any person expresses their dissatisfaction with a surveillance operation carried out by the Council or with a communications data issue and they are either unwilling to accept an explanation or are dissatisfied with the explanation offered or they wish to complain about any other aspect of the Council's operations under RIPA, they must be informed of the existence of the Investigatory Powers Tribunal.

9.2 Every assistance shall be given to the person to complain to the Council's Corporate Complaints Officer or to make contact with the Tribunal and make their dissatisfaction known to it.

9.3 The address for the Investigatory Powers Tribunal is
PO Box 33220
London
SW1H 9ZQ.
Tel: 0207 035 3711
Website address: www.ipt-uk.com

9.4 These procedures are mutually exclusive.

10. FURTHER INFORMATION

10.1 There is helpful information on the Gov.uk web site about RIPA. See https://www.gov.uk/guidance/surveillance-and-counter-terrorism

10.2 David Johnson (Quality, Client Care and Ethical Governance Lead, nplaw – (ext. 222313) is happy to advise further on issues connected with RIPA.

10.3 Departments also need to consider what their training needs are in this area and David Johnson is also willing to discuss what help he can offer with this. In this respect please contact Louise Hartley – Lawyer, nplaw (ext. 222974) in the first instance.

10.4 Please also contact Louise Hartley for copies of the relevant forms.

Appendix A

NORFOLK COUNTY COUNCIL

Officers Authorised to Approve Applications
For Directed Surveillance and CHIS
Designated Persons for Communications Data Applications

Officer	Name	Telephone Number
Managing Director	Wendy Thomson	01603 222609
Norfolk Fire & Rescue Service, Brigade Manager	Karen Palframan	01603 819730
Assistant Director of Environment and Planning	Senior Responsible Officer (SRO) - David Collinson (also authorised Designated Person for Communications Data)	01603 222253
Trading Standards	Sophie Leney (also authorised Designated Person for Communications Data)	01603 224275
	Shaun Norris (also authorised Designated Person for Communications Data)	01553 669259
	Alice Barnes (also authorised Designated Person for Communications Data)	01603 222749
	Brian Chatten (also authorised Designated Person for Communications Data)	01603 638075
	Jon Peddle (also authorised Designated Person for Communications Data)	01603 224380

SPoC Service provided by NAFN

Appendix B

Guidance on Completing Application for Authority for
Directed Surveillance

Read this guide in conjunction with the Model RIPA form. The level of detail officers need to complete the form is crucial. It is important to include as much information as is known, otherwise the application may not be authorised. Applicants must be familiar with the contents of the full Guidance Notes.

Applicant is officer applying for authority to carry out directed surveillance.

Unit/Team: team where applicant works

Full address: The applicants base either county hall or other

Contact Details: Contact details of the applicant including telephone and email

Operation name: only if one has been assigned

Unique Reference Number: to be included on every form

Details of application

Part 1 - Level of authority

See Appendix A of Procedure Guide. In case of urgency, and a person detailed in Appendix A not being available, then seek guidance or seek advice from the Quality, Client Care and Ethical Governance Lead, nplaw.

Part 2 - Give an account of the investigation or operation

Details of the investigation to date. Brief clear specifics. Full details of the crime being investigated must be included.

Part 3 - The action to be authorised, including any premises or vehicles involved

What form is the surveillance to take and why? For example will it be mobile surveillance or from an observation point or van? Description of activities planned needed. Full details of dates, times, officer numbers involved and equipment to be used must be noted as far as is possible.

Part 4 - The identities, where known, of those to be subject of the directed surveillance

Sometimes not known and identifying those involved in an activity can be the reason for surveillance. If identities are not known then it should be so stated. The premises and/or vehicles to be targeted should be identified here in detail.

Part 5 - Explanation of the information which it is desired to obtain as a result of the authorisation

What is the key objective(s) of the surveillance?

Parts 6&7 - Grounds on which action is necessary

The application must show that the directed covert surveillance is considered necessary in the proposed operation. All other methods of investigation not requiring covert surveillance must be detailed and reasons given for why they are not to be used.

The officer must detail why covert surveillance is the only method by which the information required can be obtained.

Part 8 - Collateral Intrusion

Having identified who, what and where you want to carry out surveillance, you should also consider who else might be affected. Will the private life of others be affected in some way? You must show that you have considered this and have planned how to minimise the intrusion.

Part 9 - Explain why directed surveillance is proportionate to what it seeks to achieve

The application should only be authorised if it demonstrates that the activity to be carried out is proportionate to what it seeks to achieve. Full reasons must be given as to why the methods to be employed are not disproportionate (i.e. not a "sledgehammer to crack a nut"). This includes detailing not only why covert surveillance must be used rather than any other method of investigation, but also stating that the method to be used is the least intrusive way of obtaining the information. It is not enough to rely on the seriousness of the offence or the cost of employing other methods.

All forms MUST address the following points:

1. The size and scope of the investigation must be weighed against the gravity and extent of the crime under investigation

2. An explanation of how and why the methods to be adopted will cause the least possible intrusion on the target and others

3. It must be shown that the activity planned is the only reasonable way, having considered all others, of obtaining the necessary information

4. Details of all other method considered and why they were not implemented.

Part 10 - Confidential Material

Are you likely to come across material relating to communications between a lawyer and client, or personal information relating to physical or mental health or spiritual counselling (communication between an individual and minister of religion), or confidential journalistic material?

This should be considered and highlighted. If such material is likely then the level of authorisation required rises. If there is any doubt, advice must be sought from the Quality, Client Care and Ethical Governance Lead, nplaw.

Authorisation

Parts 12 & 13 - Authorising Officer's Statement

The authorising officer must give the information requested and state in writing that he is satisfied, or why he believes that the activities to take place are necessary and proportionate (see previous explanations of these matters).

The proportionality of the activity must take into account any possibility of collateral intrusion.

All such activity subject to the authorisation must not be considered arbitrary or unfair.

The authorising officer must record that they have considered these matters, and are satisfied the surveillance should still be authorised. If the authorising officer is not satisfied that enough detail has been provided he should refuse the application. If the authorising officer disagrees with certain aspects of the proposed activity he should mark this clearly on the form as unauthorised.

Appendix C - Test Purchasing and Online Covert Activity

Age Restricted Products

It is the view of the Office of Surveillance Commissioners (OSC) that the use of young persons, pursuant to an arrangement with an officer of a public authority, to conduct test purchasing exercises attracts the desirability to obtain RIPA authorisation for directed surveillance.

The Better Regulation Delivery Office (BRDO) Code of Practice for Age Restricted Products repeats and supports the OSC guidance, stating that if covert recording equipment is worn by the test purchaser, or an adult is observing the test purchase, it will be desirable to obtain an authorisation for directed surveillance.

Local authority use of directed surveillance under RIPA is now limited to the investigation of crimes which attract a six month or more custodial sentence, with the exception of offences relating to the underage sale of alcohol and tobacco. The majority of other age restricted products already attract a six month or more imprisonment penalty, for example gas lighter refills, fireworks, knives and solvents all attract those penalties and so RIPA would be triggered. This means that in most cases a directed surveillance application would be required for test purchasing of age-restricted products. However there may be circumstances where different age restricted products are under consideration for which a test purchasing operation is being considered. In these circumstances it is good practice to record the reasons for the decision on - a ‘non-RIPA’ form which has been devised to cover this eventuality at Appendix F.

It is unlikely that authorisations will be considered proportionate without demonstration that overt methods have already been attempted and failed, or that they would not be appropriate given the circumstances. This may include where advice visits to establishments have taken place and subsequent intelligence of sale to minors is being received.

Premises identified for a test purchase may be combined within a single directed surveillance application on a ‘per operation’ basis, provided that each premises is clearly identified at the outset and the intelligence sufficient to prevent “fishing trips”.

It is important that those individuals involved in the planning and conduct of test purchasing exercises avoid inciting, instigating, persuading or pressurising a person into committing an offence that, otherwise, would not have been committed.

The individual making the test purchase is not classed as a CHIS for single transaction operations. This is because he/she does not establish or maintain a personal or other relationship with a person for the covert purpose of facilitating the obtaining of information. The one-time act of making a purchase in a shop open to the public, where there may even be no verbal exchange, cannot reasonably constitute establishing a relationship, personal or otherwise – other than a momentarily fleeting one in which no information is obtained, which could reasonably constitute an interference with the privacy of the retailer/proprietor.

These assumptions are equally valid in circumstances where it is appropriate to evidence systematic breach of legislation at any given premises by using a number of different test purchasers, each making a one-off purchase. There are, however, some important qualifications to this advice. Firstly, different considerations would apply where the test purchaser has made previous visits to the premises, or is to make repeated visits, and in doing so, has established or is seeking to establish a relationship with the retailer/occupier prior to the attempted test purchase. In this case the juvenile would be revisiting in a way that encourages familiarity and as such they would be deemed a CHIS. Secondly, different considerations would apply, if the attempted test purchase is made other than from business premises open to the public, for example from a person's home including parts of their home adjacent to retail premises.

In circumstances where the test purchaser is not deemed to be a CHIS, it is nevertheless considered good practice to follow the requirements to ensure that:

- The safety and welfare of the test purchaser has been fully considered;
- Any risk has been properly explained to, and understood by the test purchaser; and
- A risk assessment has been undertaken, covering the physical dangers including any moral and psychological aspects of the test purchaser's deployment.

In the vast majority of test purchase operations, it is likely that there will be minimal risk to the test purchaser involved.

Online covert activity, including covert surveillance of Social Networking Sites (SNS)

Wherever possible officers should continue to adopt overt methods in seeking to achieve business compliance. However as a result of the scale of online trading the need to make online test purchases and investigation checks is inevitably increasing. It is therefore recognised that from time to time covert methods will need to be employed.

Whenever it is intended to carry out covert activity online, officers must first consider whether the proposed activity is likely to interfere with a person's Article 8 rights, including the effect of any collateral intrusion. 'General' test purchases from an open internet site or marketplace (such as eBay) is unlikely to require RIPA authorisation. However any covert activity likely to interfere with an individual's Article 8 rights should only be carried out when it is necessary and proportionate to meet the objectives of a specific case. Where it is considered that private information is likely to be obtained, a directed surveillance authorisation must always be sought, as set out elsewhere in this guidance.

Social Networking Sites (SNS)

A directed surveillance application will often be required where an investigator wishes to communicate covertly online via SNS. Whilst it is the responsibility of an individual to set privacy settings to protect unsolicited access to private information, it is unwise to regard it as "open source" or publicly available; the author has a reasonable

expectation of privacy if access controls are applied. In some cases data may be deemed private communication still in transmission (instant messages for example). Where privacy settings are available but not applied the data may be considered open source and an authorisation is not usually required. Repeat viewing of “open source” sites may constitute directed surveillance on a case by case basis and this should be borne in mind.

An authorisation for the use and conduct of a CHIS will also be necessary if a relationship is established or maintained by an officer or by a person acting on their behalf (i.e. where the activity is more than mere reading of the site’s content).

It is not unlawful for officers to utilise a false identity as part of online investigations, but it is inadvisable to do so for a covert purpose without RIPA authorisation. Using photographs of other persons without their permission to support the false identity infringes other laws. Officers must also not adopt the identity of a person known, or likely to be known, to the subject of interest or users of the site without authorisation, and without the consent of the person whose identity is used, and without considering the protection of that person. The consent must be explicit (i.e. the person from whom consent is sought must agree (preferably in writing) what is and is not to be done).

Appendix D
Forms

These will be available on the intranet.

Appendix E

RECORD OF A DECISION TO CARRY OUT COVERT SURVEILLANCE (NOT REQUIRED TO BE AUTHORISED UNDER THE REGULATION OF INVESTIGATORY POWERS ACT 2000)

Department: **Unit/Team :**

Name of officer requesting surveillance:

Address:

Contact number:

DETAILS OF DECISION

1. Level of authority required:
(Under RIPA the most junior level at which authorisations can be given is assistant chief officer, assistant head of service, service manager or equivalent. It would be prudent to authorise at the same level.)

2. Grounds on which the surveillance is necessary:
(If an investigation can be carried out by other means then surveillance should not be used. Reasons why the surveillance is necessary should be given together with confirmation that the information cannot be obtained by any other means. If other means have been tried and have failed details should also be given.

3. Grounds on which the surveillance is proportionate to what it seeks to achieve:
(How intrusive might the surveillance be on the subject of the surveillance or any third parties? The interference with the individual's privacy should be justified by the end being sought – it will not be proportionate if it is excessive in the circumstances of the case or if the information could be obtained by less intrusive means. The surveillance should be carefully managed to meet its objectives and must not be arbitrary or unfair. Reasons why the surveillance is proportionate should be given.

4. Supply details of any potential collateral intrusion and describe the precautions you will take to minimise this:
(Indicate any potential for obtaining information about persons other than the target of the surveillance. If there is a risk of intruding upon the privacy of third parties, include a plan to minimise this. Also set out how you will deal with any such information obtained, whether expected or unexpected.)

5. The identities of those to be the subject of the surveillance:

Name:

Address:

Other information as appropriate:

6. The nature of the surveillance to be undertaken:

7. What information do you expect to obtain as a result of the surveillance?

8. Anticipated duration of the surveillance:

Start date: **End date:**

9. Applicant's details:

Name: **Contact No:**

Title: **Date:**

Signature:

10. Authorising officer's recommendation:

I, , being satisfied that the proposed surveillance is necessary and proportionate, hereby authorise the surveillance outlined above.

Name: **Contact No:**

Title: **Date:**

Signature:

Communities Committee

Item No. 10.

Report title:	**Annual review of the Enforcement Policy**
Date of meeting:	**11 November 2015**
Responsible Chief Officer:	**Tom McCabe - Executive Director, Community and Environmental Services**

Strategic impact

The Enforcement Policy provides a framework to ensure that we work in an equitable, practical and consistent manner in the way we deliver regulatory activities and law enforcement. Norfolk County Council is committed to the principles of better regulation, reducing burdens on business with proportionate responses and ensuring we act to protect and support residents, businesses and the environment.

Executive summary

The annual review of the Enforcement Policy was included on the agenda for the 21 October Communities Committee meeting, and the Committee agreed to defer the item for discussion at this meeting. As the associated report and appendices were included in the papers for the October meeting, they are not replicated here. They are available to view in full on the Council's website at the link below (select the document listed as '151021 Communities Agenda' and scroll down to item 11, page 83):-

- View Annual review of the Enforcement Policy report and appendices

The Community and Environmental Services (CES) Department is responsible for a range of regulatory functions, including Trading Standards, Planning enforcement (mineral and waste sites), Flood and Water (land drainage) and Highways (networks and maintenance). Each area of work uses different legislation to secure its aims and each has its own framework of regulations, codes of practice and guidance. The Norfolk Fire and Rescue Service (NFRS), although now part of CES, retains its own enforcement policy, as this is governed by a national framework specific to that service area. This is explained within the CES Enforcement Policy, with links provided to the NFRS policy.

The current Enforcement Policy (the Policy) was originally developed in 2013 in conjunction with a range of stakeholders, including business representatives, and is subject to annual review by members each year. Services have been asked to review the current policy and have proposed changes in some areas. A revised CES Enforcement Policy (version Oct 15) has been produced to implement these changes. The majority of changes are subtle or technical, and are detailed in the report at the link above).

The Policy covers all CES Services, including those that report to the Environment, Development and Transport (EDT) Committee. The EDT Committee considered the revised Policy at its meeting on 16 October 2015. The Committee resolved to confirm the CES Enforcement Policy and its appendices meet the requirements of the EDT services, prior to consideration by Communities Committee (the approval body for the policy.)

Recommendations:

To approve the Enforcement Policy and its appendices (as detailed in the report and appendices included in the papers for the 21 October Committee meeting) and to agree to the ongoing review of the Policy on an annual basis.

Communities Committee

Item No. 11.

Report title:	**Communities Committee Finance Monitoring Report at Period 06 2015-16**
Date of meeting:	**11 November 2015**
Responsible Chief Officer:	**Tom McCabe - Executive Director of Community and Environmental Services**

Strategic impact

This report provides the Committee with information on the latest monitoring position for the Committee for 2015-16. It provides information on emerging issues and the position on the expected use of reserves for Communities purposes.

Executive summary

The approved 2015 – 16 net revenue budget for this Committee is £47.282m. The net budget at period 06 is £47.15m which reflects that transfer of budgets from other service committees and transfer of budgets to the corporate property team, further details are shown in section 2 below. At the end of Period 06 we are forecasting a net underspend of £0.209m.

The 2015-16 Capital budget for this committee is £4.608m, this includes new Grant funding. As at period 06, there are no forecast variations to the programme.

The balance of Communities' unspent grants, contributions and reserves at 1st April 2015 stood at £13.450m. The service is forecasting a net use of grants/ reserves in 2015-16 of £7.575m to meet commitments. The 2015-16 forecast outturn position for Grants, reserves and provision is £5.874m.

Recommendation

Members are invited to discuss the contents of this report and in particular to note:

a) **The forecast revenue outturn position for 2015-16 as at Period 06**
b) **The forecast capital outturn position for the 2015-16 capital programme.**
c) **The current forecast for use of reserves.**

1. Proposal

1.1. Members have a key role in overseeing the financial position of Communities services, including reviewing the revenue and capital position and reserves held by the service. Although budgets are set and monitored on an annual basis it is important that the ongoing position is understood and the previous year's position, current and future plans and performance are considered.

1.2. This monitoring report reflects the forecast position at the end of September 2015 (period 06).

2. Evidence

2015/16 Revenue Monitoring

2.1 The table below summarises the budgets relevant to this committee and the forecast outturn position at the end of September 2015 (Period 06).

Table 1: Communities 2015-16 Forecast Position as at Period 06				
Revenue Monitoring 2015/16	**Approved NET Budget**	**Forecast Outturn**	**Forecast +Over/(Under spend)**	
	£m	**£m**	**£m**	**%**
Consultation & Community relations	0.268	0.268	0.000	0.00
Active Norfolk	0.000	0.000	0.000	0.00
Adult Education	0.114	0.114	0.000	0.00
Libraries, Museums, record office & Arts	12.877	12.877	0.000	0.00
Customer Services – including Health watch	5.304	5.304	0.000	0.00
Registration service	(0.027)	(0.027)	0.000	0.00
Community safety	0.200	0.200	0.000	0.00
Emergency Planning & Community resilience	0.268	0.254	-0.014	-5.2
Norfolk Fire and Rescue service	27.506	27.325	-0.181	-0.65
Trading Standards	1.843	1.826	-0.014	**-0.76**
Public Health	(1.200)	(1,200)	0.000	**0.00**
Committee Total	**47.150**	**46.941**	**-0.209**	

Note: Active Norfolk is wholly funded from external grants

2.2 As at the end of September 2015 (Period 06) the forecast revenue outturn position for 2015-16 is a net underspend of £0.209m.

2.3 The current forecast is based on the information available at Period 6, taking into consideration the approved budget and known issues, which provides a reasonable basis on which to estimate the future forecast outturn at this stage of the year. Details of the forecast variances are included in the table below:

Variances		
	£m	
Fire HQ - salaries	-0.052	
Fire Resources	0.073	Forecast overspend due to pressures on Fuel and maintenance costs
Fire Operations	-0.278	Forecast underspend in retained drill/ Turnout Fees
Fire - Finance	0.076	Forecast overspend due to increased insurance costs
Fire – Net Underspend	**-0.181**	
Trading standards	-0.014	Forecast underspend to vacancies
Resilience	-0.014	Forecast underspend to vacancies
Net Underspend	**-0.209**	

Capital Programme 2015-16

2.4 The overall capital budget for the services reported to this Committee is £4.608m, as at the end of September 2015 and is shown at table 2 below.

2.5 The programme is forecast to be in line with the current budget for 2015/16. Further details on individual schemes are shown at **Appendix B**.

Table 2: Communities Capital Programme

Scheme or programme of work	2015/16 Capital Budget £m	Expenditure to Date £m	2015/16 Forecast Capital Outturn £m	Total Forecast (under)/ over spend £m
Norfolk Fire & Rescue Service	2.351	0.429	2.351	0.000
Libraries, Museums, Record Office & Arts	2.257	0.176	2.257	0.000
CommitteeTotal	**4.608**	**0.180**	**4.608**	**0.000**

The Fire service programme has increased due to a new scheme funded from the Carbon Energy reduction fund at Kings Lynn fire station (£0.020m) and additional grant funding for Fire Appliances (£0.021m).

The Libraries, Museums, Record Office and Arts capital programme has increased after the successful bid for funding for improvements at the Castle Keep, in which the authority has been awarded an additional £0.800m from Historic England.

There is no Capital Programme currently planned for Trading Standards, Adult Education, Public Health, Emergency Planning & Community Resilience, Active Norfolk, Customer Services, Registration Services and Consultation & Community Relations in 2015/16.

Communities Reserves, Provisions and Unspent Grants/ Contributions

2.6 Communities unspent grants, reserves and provisions as at 31st March 2015 stood at £13.450m. The service is forecasting a net use of reserves in 2015/16 of £7.575m to meet commitments.

2.7 The 2015/16 forecast outturn position for reserves and provision is £5.874m. Further details on reserves and provisions for each service are shown at **Appendix C**.

2.8 The use of Public Health reserves is to facilitate the agreed health projects programme.

Table 3: Communities Reserves & Provisions

Reserves & Provisions 2014/15	Balance at 1 April 2015	Forecast Balance at 31 March 2016	Forecast use of reserves	Planned use of reserves	Variance
	£m	£m	£m	£m	£m
Norfolk Fire & Rescue Service	3.580	2.639	0.941	0.982	-0.041
Libraries, Museums, Record Office & Arts	2.021	1.669	0.352	0.380	-0.028
Trading Standards	0.104	0.063	0.041	0.041	0.000

Adult Education *	0.464	0.183	0.280*	0.000	0.280
Public Health	5.924	0.065	5.859	2.176	3.683
Active Norfolk	0.546	0.546	0.000	0.000	0.000
Customer Services	0.347	0.245	0.102	0.081	0.021
Registration Services	0.412	0.412	0.000	0.000	0.000
Consultation & Community Relations	0.052	0.052	0.000	0.000	0.000
Committee Total	**13.450**	**5.874**	**7.575**	**3.661**	**3.914**

*Adult Education provision may be subject to claw back from Funding agencies, further details will be reported to Committee as they become known

The major movement on the use of reserves is in Public health, which reflects the use of the specific ring fenced grants to meet its planned activities.

3. Financial Implications

3.1. There are no decisions arising from this report. The financial position for Communities services is set out within the paper and appendices.

4. Issues, risks and innovation

4.1 This report provides financial performance information on a wide range of services monitored by the Communities Committee. Many of these services could have a potential impact on residents or staff from one or more protected groups. The Council pays due regard to the need to eliminate unlawful discrimination, promote equality of opportunity and foster good relations.

4.2 There are no issues or risks directly arising from this report.

5. Background

5.1 There are no background papers accompanying this report.

Officer Contact

If you have any questions about matters contained or want to see copies of any assessments, e.g equality impact assessment, please get in touch with:

Officer Name: **Andrew Skiggs**
Tel No: **01603 223144**
Email address: **Andrew.skiggs@norfolk.gov.uk**

IN TRAN communication for all

If you need this report in large print, audio, Braille, alternative format or in a different language please contact 0344 800 8020 or 0344 800 8011 (textphone) and we will do our best to help.

Appendix A

Revenue Monitoring 2015/16				
Service	**Budget £'000**	**Year to date Actuals £'000**	**Forecac t Outturn £'000**	**Varianc e £'000**
Consultation & Community Relations Committee	268	76	268	**0**
Active Norfolk	**0**	**256**	**0**	**0**
Norfolk Adult Education Service	114	168	114	**0**
Cultural Services				
Cultural Services Management	53	84	53	**0**
Norfolk Art Service	306	169	306	**0**
Norfolk Libraries and Information Service	9,342	6,036	9,342	**0**
Norfolk Museums Service	2,374	236	2,374	**0**
Norfolk Records Office	802	186	802	**0**
Cultural Services Total	**12,877**	**6,711**	**12,877**	**0**
Registrars	**(27)**	**(60)**	**(27)**	**0**
Customer Services				
Complaints	328	209	328	0
Customer Access Development	182	91	182	0
Healthwatch	369	(56)	369	0
Service Centres	3,599	1,208	3,599	0
Single Post Service	571	264	571	0
Web Content Management	255	146	255	0
Customer Services Total	**5,304**	**1,862**	**5,304**	**0**
Community Safety Team	**200**	**99**	**200**	**0**
Fire & Community Resilience				
Finance	3,337	788	3,413	76
FIRE: Central Services	4,759	3,322	4,832	73
FIRE: HQ Salaries	578	324	526	(52)
FIRE: Service Delivery	18,832	9,590	18,554	(278)
Fire & Community Resilience Total	**27,506**	**14,024**	**27,325**	**(181)**
Resilience	**268**	**80**	**254**	**(14)**
Trading Standards				
Business, Food and Farming	457	175	404	(53)

Calibration, Verification and Testing	(70)	(68)	(63)	7
Community Safety and Fair Trading	538	243	519	(19)
Trading Standards Manager	205	51	147	(58)
Intelligence and Legal Enforcement	294	193	401	107
Investigations	415	180	418	3
Trading Standards Total	**1,840**	**774**	**1,826**	**(14)**
Public Health				
Business & Staffing	(27,528)	(13,238)	(27,528)	0
Children & Young People Programme	3,923	1,236	3,923	0
Communities	175	55	175	0
DAAT	9,243	5,502	9,243	0
Health Protection	25	(1)	25	0
Intelligence & Info Management	107	101	107	0
Minimising Risk & Harm	9,276	3,715	9,276	0
Reducing Early Mortality	3,580	1,330	3,580	0
Public Health Total	**(1,200)**	**(1,301)**	**(1,200)**	**0**
Total For Committee	**47,151**	**22,689**	**46,941**	**(209)**

Appendix B

Libraries Capital Programme 2015/16

Scheme Name	Spend Project to date (prior years)	2015/16 Programme	2015/16 forecst Out -turn	2015/16 Forecst Variance	Spend to date - current year
CERF Kings Lynn Library	14,847	14,263	14,263		
Wymondham Library	1,926,650	905	905		1,901
Fairstead Kings Lynn	14,009	6,695	6,695		1,057
S106 Wootton Rd Gaywood	428	800	800		808
Bell Meadow, Hingham	1,611	17	17		
Norwich Rd, Thetford	2,841	9	9		10
Parklands, Harleston	1,138	134	134		137
North of the Tud - COS	52,898	28	28		(226)
Lodge Farm, New Costessey	19,971	7,444	7,444		574
Freeman St, Wells	1,530	52	52		49
Roundhouse,Cringleford	38,245	1,852	1,852		36
Land adj Elmside, White Street	1,944	52	52		54
S106 Old Market Rd Stalham	875	129	129		105
Mendham Lane Harleston	4,997	1,003	1,003		865
S106 Lynn Rd Swaffham	1,057	304	304		941
Dowson School, Valpy Avenue, Norwich	1,719	1,101	1,101		1,100
S106 Lime Tree Ave, Long Stratton	2,422	618	618		226
S106 Brandon Rd, Thetford	1,661	139	139		113
S106 Littlewood House, Drayton	1,304	16	16		16
S106 MOORGATE BUSINESS C	4,295	40	40		
S106 ROUNDWELL PH, COS	1,874	881	881		422
S106 ALSTON'S MEADOW	468	410	410		284
S106 Ph2 - Former RAF Watton Technical Site	15,877	108	108		
S106 CAWSTON RD, REEPHAM	907	690	690		
S106 Former Canary PH, Watling Rd	1,483	61	61		
S106 approval - Victoria Road (Bartrums), Diss	1,049	1,951	1,951		95
S106 Bennett St / Grimshoe Rd Downham Market	3,629	4,576	4,576		3,798
S106 Right Up Lane, Wymondham	2,968	390	390		70
S106 approval - Queens Road, Attleborough	2,195	324	324		284
S106 approval - The Lammas / Malsters Close, Munford	30	1,050	1,050		535
S106 approval - Old Hunstanton Holiday Park	753	144	144		
S106 St Peters Road [West]	179	2,950	2,950		105
S106 Edinburgh Road, Holt	271	1,245	1,245		105
S106 Hall Farm Yard, Gayton	715	880	880		
S106 Station Road, Great Massi	851	460	460		
S106 Long Meadow, Roydon Road	414	5,822	5,822		71
S106 Bridge Farm, Norwich Road	658	390	390		
S106 Mendham Lane, Harleston		3,080	3,080		24
S106 149 Yarmouth Road, Thorpe	1,273	1,725	1,725		284
S106 Cremorne Lane Norwich	1,337	1,450	1,450		178
S106 Railway Rd Phase 1 Downham Market	507	6,510	6,510		
S106 Teasel Road, Attleborough	669	580	580		543
S106 Dowding Road	3,108	340	340		339

S106 Former Civil Service Sports Grnd, Wentworth Green		4,190	4,190		448
S106 Carvers Lane / Bryony Way		2,640	2,640		120
S106 Sweyn Close Thetford		1,920	1,920		
S106 Post Office Rd Lingwood Brundall	709	335	335		466
S106 Frenze Hall Lane Diss		5,200	5,200		
S106 Hospital Road Little Plumstead	1,774				
S106 Mill Street Necton	711	2,695	2,695		
S106 Norwich Road Watton	1,018	1,742	1,742		178
S106 Holt Road, Fakenham	1,198	240	240		6
S106 Nora, Kings Lynn		900	900		
S106 Beech House Downham Market		550	550		174
S106 Norwich Rd, Cromer		3,090	3,090		105
S106 Pinewoods Horsford	1,199	2,664	2,664		105
S106 Norwich Common, Wymondham		21,350	21,350		
S106 Oak Meadow, Shipdham		2,150	2,150		178
S106 Ketts Rd, North Walsham		2,590	2,590		741
S106 Express Plastics		5,400	5,400		284
S106 Gt Wutchingham	48	2,302	2,302		
S106 Slough Lane, Attleborough		710	710		
S106 Land off Greengate		1,280	1,280		
S106 Cemex Site, Wymondham		1,740	1,740		180
S106 Langham Rd, Blakeney	167	1,273	1,273		178
S106 Ringland Close, Little Melton					
S106 Brazen Gate, Norwich		5,230	5,230		
S106 Land off Market Lane		8,040	8,040		197
S106 Norwich Road, Watton		240	240		
S106 Kenninghall Rd		2,660	2,660		
S106 Brandon Road, Swaffham		1,500	1,500		65
S106 De Narde Road, Dereham		1,290	1,290		
S106 Ditchingham Maltings		6,920	6,920		
S106 Three Score Care Village		5,900	5,900		
S106 Thetford Road, Watton		6,640	6,640		
S106 Yarmouth Rd/Ingram Rd, Stalham		9,810	9,810		
S106 Crostwick Lane, Spixworth		3,690	3,690		976
CERF Dersingham Windows	126	1,049	1,049		
Library Improvements 14/15+	151,424	108,576	108,576		35,222
CERF Watton Library	24,146	354	354		
CERF Blofield Library	250	28,450	28,450		31,408
CERF Gt Yarmouth Library		36,500	36,500		32,000
CERF Mle Cross Library		15,100	15,100		
Libraries Transformation 14/15+		94,780	94,780		27,403
CERF Mile Cross Library	450	5,850	5,850		5,153
Total Libraries Captial Programme	**2,318,877**	**479,158**	**479,158**		**150,490**

Museums Capital Programme

Scheme Name	Spend Project to date (prior years)	2015/16 Programme	2015/16 forecst Out -turn	2015/16 Forecst Variance	Spend to date - current year

Bridewell Redevelopment	1,555,472	17,597	17,597	**560**
GFW Voices from the Workhouse		900,000	900,000	
Seahenge	72,293	7,007	7,007	
Biomass Boiler CERF	165,025	8,552	8,552	
GFWH Wind & Solar		16,800	16,800	
Castle Keep Improvements	13,384	810,576	810,576	**17,095**
Strangers Repl Ligh	5,166	1,864	1,864	
Biomass RHI Scheme	9,485			**(2,201)**
Gressenhall CCTV	27,190			**(2,545)**
GFW Collections Sockets	425			**(96)**
Tolhouse Fire Safety Improvements	3,797			**(968)**
Energy Saving improvements - CERF		15,300	15,300	**14,416**
Total Museums Capital Programme	**1,852,237**	**1,777,696**	**1,777,696**	**26,261**

Fire and Community Resilience

Scheme Name	Spend Project to date (prior years)	2015/16 Programme	2015/16 Out -turn	2015/16 Variance	Spend to date - current year
Real Fire Training Unit est 14-15		94,626	94,626		**4,855**
Gt Yarm Fixed Generator		20,882	20,882		**18,712**
Other station improvements		83,003	83,003		
Carrow Fire Station		7,341	7,341		
Training Buildings		18,307	18,307		
Flood Rescue VPM (lightweights)		157,965	157,965		
Flood Rescue Grant - Defra		101,156	101,156		
Kings Lynn Satellite Station		145,188	145,188		**17,558**
Defra East Coast Flood Rescue 3 counties					
Portable generators & wiring		259,355	259,355		
North Lynn Improvements		427,292	427,292		**204,954**
Downham Market replacement appliance		259,615	259,615		**111,370**
Methwold FS Fire Safety Improvements		1,251	1,251		
Kings Lynn CERF					
Sprowston CERF		4,179	4,179		**448**
Swaffham CERF					
Wymondham CERF		11,815	11,815		**11,780**
Command & Control vehicles and ICT		306,000	306,000		**25,000**
Dereham CERF		329	329		**329**
Diss FS Fire safety improvements (watch office door & partition)		2,062	2,062		**2,062**
Sandringham FS Fire Safety Improvements		2,050	2,050		
Sprowston FS Fire Sfety Improvements		816	816		**816**
Wroxham FS Fire Sfety Improvements		926	926		**994**
MTFA 4x4 vehicle		59,000	59,000		
Handheld UHF radios		240,000	240,000		
ALP for Earlham FS					

CERF N Lynn FS		19,540	19,540	**8,347**
Methwold FS Fire Safety Improvements		514	514	
Hethersett HQ Control Room Light Switch upgrade		1,904	1,904	
Attleborough FS Fire Safety Improvements		521	521	
Wymondham FS Fire Safety Improvements		475	475	
Hingham Fire Station Fire Safety Improvements		1,104	1,104	
Fire Premises PV solar panels				
Fire Appliances (Type B pumps)		7,574	7,574	**7,574**
Compact Fire Appliances (CLG bid) est 14-15				
Unallocated capital grant (est 2014-15)				
LPSA Domestic Violence		7,288	7,288	**14,044**
LPSA Safer Communities		109,145	109,145	
Fire and Community Resilience		**2,351,222**	**2,351,222**	**428,842**
Total Capital Programme	**4,171,114**	**4,608,076**	**4,608,076**	**605,593**

Appendix C

Communities Committee - Reserves Monitoring Schedule 2015/16

Reserve	2015/16 Opening Balance	Future Planned: Forecast Additions	Future Planned: Forecast Withdrawals	Forecast Final Balance 2015/16
	£m	£m	£m	£m
Norfolk Fire & Rescue Service				
Provisions				
EU Part Time Workers Provision (Pensions)	0.850			0.850
Reserves				
Fire Pensions	0.348		-0.050	0.298
Equipment/Leasing	0.000			0.000
Operational / PPE / Clothing	0.000			0.000
Retained Firefighters	0.130			0.130
Capital Sustainability - Position & Project Reserve	1.903		-0.782	1.121
Grants				
Community Safety Reward grant	0.167			0.167
Unspent Grants & Contributions Reserve	0.182		-0.109	0.073
Fire and Rescue	**3.580**	**0.000**	**-0.941**	**2.639**
Community Safety				
Trading Standards - ICT	0.000			0.000
Trading Standards - R&R	0.104		-0.041	0.063
	0.104	**0.000**	**-0.041**	**0.063**
TOTAL: Fire & Community Safety	**3.684**	**0.000**	**-0.982**	**2.702**
Cultural Services				
Norfolk Libraries and Information services – Library Projects	0.586		-0.278	0.359
Norfolk Libraries and Information services – ICT Reserve	0.113			0.113
Norfolk Library and Information service – Library Grants	0.109		-0.029	0.079
Arts & Recreation - Projects	0.014		-0.014	0.000
Arts & Recreation - Tour of Britain	0.005		-0.005	0.000
Norfolk Museums Service - Museums Projects	0.161	0.015	-0.005	0.171
Norfolk Museums Service - Income Reserve	0.130			0.130
Norfolk Museums Service - Insurance	0.004		-0.004	0.000
Norfolk Museums Service - Museums Grants	0.465		-0.026	0.439
Norfolk Records Office - NRO Projects	0.423		-0.144	0.279

Norfolk Records Office - NRO Grants	0.012			0.012
	2.021	**0.015**	**-0.446**	**1.669**
Norfolk Adult Education - Education Funding	0.463		-0.280	0.183
Norfolk Adult Education - Adult Education Grants	0.001			0.000
	0.464	**0.000**	**-0.042**	**0.183**
Active Norfolk	0.546			0.546
Total Cultural Services	**2.887**	**0.015**	**-0.488**	**2.399**
Customer Services				
Customer Access & Devpt IT Fund	0.269		-0.056	0.213
Complaints Org Change Reserve	0.045		-0.045	0.000
Customer Service Centre R&R Fund	0.025			0.025
Customer Service Centre It Fund	0.007			0.007
Total Customer Services	**0.346**	**0.000**	**-0.101**	**0.245**
Public Health				
Unspent Grants & Contributions - Warm & Well	0.064			0.064
Unspent Grants & Contributions - PH Ring fenced grant	5.860		-5.860	0.000
	5.924	**0.000**	**-5.860**	**0.064**
Consultation & Community relations				
Organisational Change (Consultation)	0.049			0.049
IT Fund (Consultation - Youth Parliament)	0.003			0.003
	0.052	**0.000**	**0.000**	**0.052**
Registrars				
Registrars R&R Fund	0.412			0.412
	0.412	**0.000**	**0.000**	**0.412**
Total Grants and Reserves	**13.450**	**0.015**	**-7.431**	**5.874**

Communities Committee

Item No. 12.

Report title:	**Quarter 2 performance and risk monitoring report**
Date of meeting:	**11 November 2015**
Responsible Chief Officer:	**Tom McCabe, Executive Director of Communities and Environmental Services**

Strategic impact

Robust performance and risk management is key to ensuring that the organisation works both efficiently and effectively to develop and deliver services that represent good value for money and which meet identified need.

Executive summary

The first section of this report outlines the progress that is being made with the review of the Council's performance management system and some of the key principles that are guiding its development over the financial year. The second section provides an overview of the key performance and risk issues facing those services that are covered by this committee in Q2 (July to September 2015).

Of the 51 indicators in the dashboard, 17 are not reporting this quarter. Most of these are new measures that are still under development. Of the 34 remaining indicators we are reporting this quarter, 19 are RAG rated green, five are rated red, three are rated amber, and seven indicators are surveillance measures so do not have a RAG rating.

Areas of strong performance include:

- Increasing numbers of Reception and Year 6 children participating in the national child measurement programme
- Reductions in the number of false alarm calls attended by the Fire and Rescue Service
- The work of Trading Standards
- Work to prevent repeat incidents of domestic violence
- Registration of births and deaths
- Visits to mobile libraries and Norfolk's museums
- Customer satisfaction.

There are some areas in which performance is more challenging. In summary, these are:

- % of employee time lost to sickness for CES as a whole
- The rate of NHS health checks taken up as a proportion of the number offered
- Sickness absence in the Norfolk Fire and Rescue Service
- Registration of deaths.

Of the 18 risks on the risk register for this committee, six risk are considered to be 'in scope' – this means a score of 12 or more and rated amber and red for prospect. There are no risks for this Committee that are of corporate significance.

Recommendations:

1. **To consider the improvements being implemented to strengthen the Council's performance and risk management system**
2. **Review and comment on the performance and risk information**
3. **Consider any areas of performance or risk that require a more in-depth analysis.**

1.0 Proposal

This paper outlines the progress that is being made with the review of the Council's performance management system and some of the key principles that are guiding its development over the financial year. It also provides an overview of performance and risk for the service areas covered by the Communities Committee.

Members are asked to:

1. To consider the improvements being implemented to strengthen the Council's performance and risk management system
2. Review and comment on the performance and risk information
3. Consider any areas of performance or risk that require a more in-depth analysis.

2.0 Evidence

2.0.1 The 2015/16 Communities Committee performance dashboard, see Appendix 1, contains 51 indicators, 17 of which are not reporting this quarter. We are therefore reporting 34 measures this Quarter.

2.0.2 Of the 34 measures we are reporting for Q2, seven measures are for surveillance and do not have a target. Of the remaining 27 measures with targets:

- Five are significantly off target (more that 5% variance) – rated red
- Three are just off target (within 5% variance) – rated amber
- Nineteen are on or better than target – rated green

2.0.3 Of the 34 measure we are reporting for Q2, five measures are new so we cannot compared performance to the previous year or Quarter (Direction of Travel). Of the remaining 29 measures with a direction of travel, when compared to Q2 last year:

- Thirteen have got worse – red arrows
- One has remained the same – amber arrow
- Fifteen have improved – green arrows

Due to changes made to the committee agenda to accommodate budget items, members will be aware that Q1 performance was reported to the October meeting of the Committee. Given the very short time between the Q1 report and this report, in many cases there is no new data, or where there is new data, there is little change in performance. Q3 performance and risk will be reported to the March 2016 meeting of this Committee.

2.1 Development of the new Performance Management system

2.1.0 The 'Re-imagining Norfolk' strategy outlines the context and challenges which local government is facing following the general election results in May 2015, and proposes a three year strategy for delivering the Council's priorities and statutory duties with 75% to 85% of current resources.

2.1.1 The Council's performance management system is key to ensuring that the resources we do have are used to best effect, and that by doing things differently the Council does deliver demonstrable results to the people of Norfolk. It is about the benefits people receive for the money spent. To better align our performance management with our priorities and resources, and strengthen accountability for delivering results, the Managing Director initiated a review of our existing arrangements. Drawing on best practice and on the basis of feedback from our senior managers, it concluded that there are improvements necessary to ensure that the system:

2.1.2
1. Focusses on the right things – delivering the Council's priorities and managing its vital signs and key risks; as reflected in the 'performance pyramid' and the subject of recent member workshops.
2. Sets accurate baselines and targets – so it is clear the direction and scale of performance improvement required.
3. Strengthens accountability – so there is ownership, it is clear who is responsible for delivering performance, and building these accountabilities into personal objectives and development plans.
4. Informs purposeful management – performance indicators are used to inform and motivate, rather than merely be the subject of reporting.
5. Provides timely and effective monitoring – with performance reports that provide a snapshot, based on accurate and timely information
6. Drives an agile performance management culture – that encourages investigation, fixes performance problems and embraces challenge to existing ways of doing things.

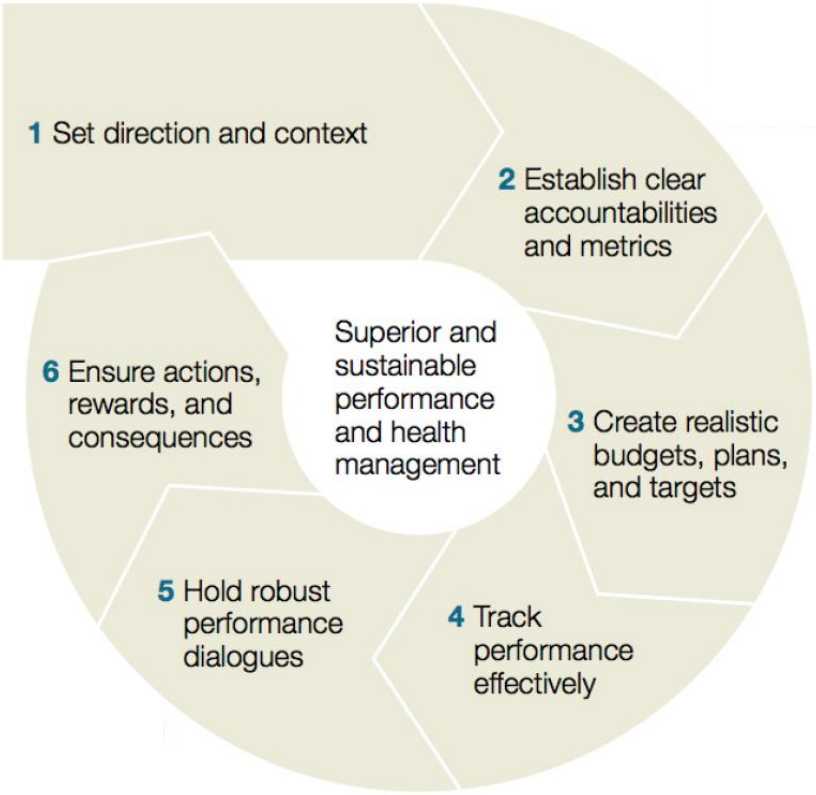
2.1.3 The County Leadership Team (CLT) provides the leadership for these changes and has agreed the plan for their implementation. The first phase is to turn the focus of the performance management and reporting system onto the right things. The deadline for that phase is the January 2016 meeting of Policy and Resources committee.

2.2 Why performance management matters

2.2.0 High performing organisations have effective performance management systems and a results-driven culture. This does not simply mean that they measure and report performance indicators. It means that: they have clear goals; that their business is organised or 'aligned' to these goals; that it is clear what success looks like and how they will know when they are succeeding; that they focus people and efforts on what is critical to success; and that they have the right systems, processes, checks and balances to effectively manage the quantity, quality and costs of their functions and services.

2.2.1 The key elements of good performance management are illustrated in the model used extensively in the public service (developed by M Barber and McKinsey). It starts with setting the direction and context so that there is a clear view of what success looks like. From this clear accountabilities and key performance indicators can be established and then developed into realistic budgets, plans and targets that are fully owned and stretch employees. Performance is tracked through a timely and appropriately detailed view that enables robust performance dialogues to take place that are both supportive and challenging so that leaders are held to account and there is learning from what is and what is not working and actions are taken to improve performance.

2.2.2 *The Virtual Circle: Key elements of good performance management*



2.2.3 Reviewing the Council's existing system against this model provided a mixed picture. It recognised that some of the key elements are in place. Nevertheless, the system as a whole requires a refreshing and retooling to be fit for the pace and scale of change now facing the Council; this is evident by a number of sources:

2.2.4

- Significant service failures have been reported by external bodies, such as Ofsted, which internal performance systems should be expected to reveal and trigger effective management action overseen by good governance.
- Member challenge the relevance and clarity of performance reporting, and the extent that it gives enough warning of performance issues and results in improvement.
- More granular evidence is required to support smart spending decisions - including the evidence-base required to inform Re-imagining Norfolk and the need to secure optimal service performance within the context of severe budget reductions.
- Changing priorities and service models (such as demand management) – require a different focus and therefore a different set of indicators than those that have been generated in a different context and resource level (where in the past volume indicators were often judged as important, now the focus is on outcomes and value for money).

2.2.5 Improving performance management will require a range of interventions across the organisation. Its success will be evidenced by the following improvements:

- A clear view of the outcomes that we are aiming to improve for Norfolk people, and the priorities and statutory imperatives that we are committed to delivering.
- Linked to these, clear and directive objectives being in place throughout the Council, reflected in committee and service plans.
- Clear accountability, with named officers held responsible for each objective, performance measure and risk; and established and effective processes for escalating problems for their resolution.
- A hierarchy of performance indicators that measure the right things to the right people and level – so that they drive improvement.
- Joined-up information – so we know how much we need to improve, what it will cost and what the risks are.
- Better reporting – so members, staff and stakeholders are clear on how the Council and its services are performing.

2.2.6 In addition to these tangible success factors, there are changes in culture required. Progress will have been made when:

- Members receive the information necessary for them to exercise appropriate governance of the Council's services and organisational health.
- Officers are clear about their responsibility for delivering the Council's priorities and targets.
- Services and teams across the organisation have open and challenging performance conversations on a regular basis.
- Performance problems are known and addressed before they adversely affect Norfolk people and the Council's partners (thus reducing 'failure demand'), or are the subject of external reports from inspectors and other regulators.

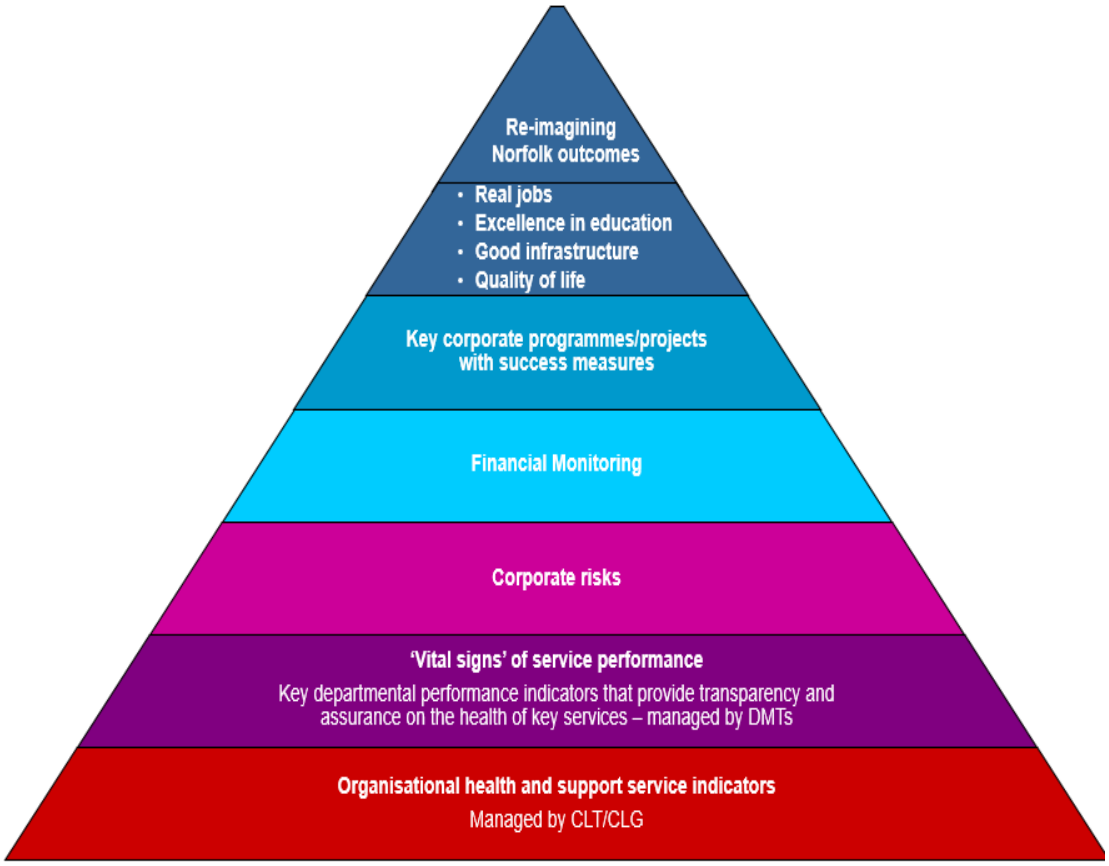
2.3 A Hierarchy of Performance information

2.3.0 Effective performance management relies on the right people getting the right kind and quantity of information they need for the job they have to do. In the local government context, it is helpful to think about a hierarchy of information; and our review employs the following working model as a point of departure for this hierarchy.

2.3.1
- Priorities: At the top (dark blue), information about a small number of 'outcome' performance indicators should drive the delivery of the Council's four priorities.
- Major projects: (medium blue) information to track corporately significant projects.
- Finances: (turquoise) information to monitor capital and revenue budget and savings plans.
- Risks: (magenta) information on major corporate risks to be tracked and mitigated.
- Vital signs: (purple) information on the health of key services.
- Organisational health & support services: (red) information on support systems & services.

2.3.2

Proposed performance 'pyramid'



2.4 Key performance issues

2.4.0 The data and analysis that is presented in this part of the report is the existing 'as is' format of an analytical overview in the main body of the report, with a performance dashboard appended. This will change as we move to adopt the new and developing performance management system, becoming more focussed with a page-per-view description of: current performance and the story behind it; why it is important; what is being done about it; and what success looks like.

2.4.1 This report details performance and risk on the basis of exception reporting. As such, the focus is upon areas of performance and risk that are either red or amber rated.

2.5 Public Health

Of the seven indicators for Public Health:

- **One indicator is red (NHS Health Checks uptake rate)**
- Four indicators are green
- Two indicators are not reporting this quarter

2.5.0 The seven Public Health performance indicators that are currently in the performance dashboard will be reviewed by the Director of Public Health. In the interim, the existing set of indicators will be reported on.

Red indicator: NHS Health Checks uptake rate

2.5.1 This indicator has not been updated with new data since Q1 because of a time lag in the data being available. We will report Q2 data in the Q3 report which will go to the March 2016 meeting of the Communities Committee. As previously reported, the reason for the poor performance in this area is largely due to changes in the contract between Public Health and GP providers which has led to a significant increase in the number of GP patients being referred for an NHS Health Check. At the same time, the number of people actually taking up the suggested Health Check has remained relatively stable. As a result, our overall performance (% of people offered NHS Health Checks who took them up) has dropped.and this has impacted on our uptake figure.

Indicator not reporting: Health Trainer Service uptake

2.5.2 The Health Trainer Service we commission works with people to provide the motivation, encouragement and support needed to enable people to make lasting healthy lifestyle changes. As previously reported in Q1, accurate figures are not available due to the provider's ongoing data problems. Unfortunately these problems are persisting following the failure of an IT system upgrade by the provider. NCC have initiated official contract management procedures with the provider to remedy the situation.

2.6 Norfolk Fire and Rescue Service (NFRS)

Of the eight indicators for NFRS:

- **One indicator is red (sickness absence days per FTE)**
- Two indicators are amber (retained fire station availability and performance against Emergency Response Standards)
- Two indicators are green
- Three indicators are not reporting this quarter.

Red indicator: Sickness absence days per FTE

2.6.0 Sickness absence in NFRS remains higher than our target. At the end of Q2 sickness absence (excluding retained fire fighters) was 4.08 days per FTE which is around half a day above our target of 3.56 days and 0.12 days higher than in the same Quarter last year when it was at 3.96 days. This reflects a relatively small number of long term absence cases (long term absence being over 28 days), which for operational staff are predominantly musculo-skeletal or similar conditions. These can take some time to resolve to a point where the person is fit to return to operational duties. Sickness absence is monitored closely by managers supported by HR and Occupational Health, and support given to individuals to facilitate their return to work.

Amber indicator: % of time retained fire stations are available to respond to an emergency

2.6.1 Members previously agreed, as part of the review and refresh of the committee performance dashboard, that we would change this measure and report the percentage of time all fire stations are available to respond to an emergency rather than just retained fire stations. We are not yet able to report this data and so will continue to report the old measure until the new data is available.

2.6.2 NFRS aims to have stations crewed by retained on-call fire fighters available at least 90% of the time. In Q1availability was 85.3% and this improved very slightly in Q2 to 85.7%.

Amber indicator: performance against Emergency Response Standards

2.6.6 Performance against ERS is stable, but continues to be below target. At the end of September the service met the standards on 77.9% of occasions in the previous twelve months (October 2014-September 2015), compared to a target of 80%. ERS has been around this level since 2013/14. One of the factors affecting performance has been a change to the way the service responds to automatic alarm calls which means the service now attends fewer calls in urban areas, which are quicker to get to.

2.6.7 As part of the strategic review of the fire and rescue service and in response to discussions at the workshop on performance that was held on 25 August 2015, NFRS is seeking to change its Emergency Response Standards to better reflect the current nature of the service.

2.7 Trading Standards

Of the five indicators for Trading Standards:

- Two indicators are green
- Three indicators do not currently generate a RAG rating as they are new and we are monitoring them in order to establish a baseline for target, as below.

2.7.0 The three indicators that are reported below are surveillance measures. They are newly developed and adopted indicators of Trading Standards performance that are being monitored to establish a baseline from which a meaningful performance target can be set. It is expected that performance in these three areas with improve over the course of 2015/16.

New measure: % of doorstep and other rogue traders and most detrimental businesses brought to compliance

2.7.1 By analysing complaints data and other intelligence, Trading Standards identify the most detrimental businesses and focus their enforcement activity on these businesses. They measure their success using a variety of interventions including advice and criminal and civil sanctions.

2.7.2 The percentage of most detrimental traders identified since April 2015 and brought to compliance is 67%. This is the third reporting period and represents a rise of almost 11% in the most detrimental traders bought into compliance since last month. This significant rise is mainly accounted for by the approach taken to tackle those businesses ('Intelligence Led Enforcement' method) where early intervention has succeeded in bringing businesses into compliance.

New measure: % of consumer goods, including foods, sampled or test purchased which are found to be non-compliant and are subsequently brought to compliance

2.7.3 All samples or test purchases deemed unsatisfactory when tested by Trading Standards (April-June 2015) have been brought to compliance within 3 months of the results of testing. Samples include: food, farm animal feed, second hand electrical goods, and children's dressing up clothes.

New measure: % of scam victims supported to prevent further financial abuse

2.7.4 The service continues to provide support to victims of crime and so helps to prevent re-victimisation. Of the 107 victims of scams reported to Trading Standards in 2015/16 to date, 35 have received targeted help and advice.

2.8 Community Safety

Both of the performance indicators for Community Safety are RAG rated as Green and so are not reported here.

2.8.0 As previously reported, the Community Safety performance indicators are currently under review. The intention is to develop community safety indicators that fully reflect the role that NCC has to play as a key partner in reducing crime and disorder and making Norfolk a safer place to live and work.

2.9 Registration Service

Of the three indicators for the Registration Service:

- **One indicator is red (registration of deaths)**
- Two indicators are green

Red measure: Registration of deaths (excluding Part B and inquests)

2.9.0 The nationally-set target is to register 90% of deaths (excluding Part B and inquests) within five days. Performance remains below this target of 90%, with Q2 performance at 79% and so the indicator is rated as red. There has been some improvement since Q1 when we registered 71% of deaths within the target time, and we are also doing better than in Q2 last year when we registered 74% of deaths within the timescale.

2.9.1 As previously reported, a new measure for 'Customer satisfaction with Registration Services' is under development.

2.10 Consultation and Community Relations

Of the three indicators for consultation and community relations:

- **One indicator is red (% of young people voting in the annual Make Your Mark ballot)**
- Two indicators are not currently reporting

Red measure: % of young people voting in the annual Make Your Mark ballot

2.10.0 This year 21% of young people in Norfolk who were eligible to vote in the Make Your Mark ballot did so, this was fewer than in the previous year when 25% of eligible young people in Norfolk voted. We set ourselves a stretching target of 30% participation in 2015 which we have not achieved and so this measure is rated as red. However, 21% voter turnout still gives Norfolk one of the highest rates of participation in the Make Your Mark ballot of any local authority nationally.

2.10.1 A considerable amount of effort goes into encouraging all eligible schools and colleges to take part in the Make Your Mark ballot including: a letter to all heads co-signed by our Members of the Youth Parliament (MYP) and the Director of Children's Services, a 'register ballot' sent to all schools, and local media coverage generated by our Youth Parliament Members and the Communications and Consultation teams. Ultimately the onus is on schools to forward their returns. This year, 27 of the 57 schools and colleges involved took part.

2.11 Customer Services

Of the five indicators for Customer Services:

- One indicator is amber
- Two indicators are green
- One indicator does not currently generate a RAG rating
- One indicators is not reporting this quarter as it is under development.

Amber measure: % of priority social care calls answered within service level agreement time

2.11.0 As previously reported at Q1, we continue to set ourselves a 100% target for this measure, to answer as many priority social care calls as possible within the service level agreement time. In Q2 we answered 97.8% within the target time, about 0.5 percentage point fall compared to Q1 performance (98.4%).

Amber measure: Average time taken to answer calls (seconds)

2.11.1 Performance is marginally above target at 63 seconds, compared to 60 seconds.

2.12 Cultural Services

Of the 13 indicators for Cultural Services:

- Three indicators are green
- Three indicators are surveillance measures and so do not generate a colour rating
- Seven indicators are not currently reporting

Surveillance measure: Norfolk Record Office

2.12.1 The level of use of the Norfolk Record Office remains largely unchanged in Q2 2015/16 compared to the same period last year, despite changes to opening times. The number of physical visits is slightly lower, whilst virtual visits have slightly increased.

Surveillance measure: Arts service

2.12.2 Norfolk County Council Arts grants continue to provide a source of funding to arts projects and organisations in the county. In 2014/15, 20 arts organisations received £163,743 in funding, which helped to generate a projected combined overall income to these organisations of £19,258,162 from a range of local, national, and international sources.

New measures: Libraries – active users

2.12.3 Library book issues and visits have previously been reported to committee. These measures give a sense of how busy libraries are but do not fully capture the level of use of the facilities. As such, two new measures are under development for library use, as below:

- Active Users as % of Registered Users
- Active Users as % of Population.

There remains some work to be done to ensure that the data sources for these two new measures are accurate and up to date. In the interim, figures for visits are presented below:

PHYSICAL VISITS & TARGET							
Year	APR	MAY	JUN	JUL	AUG	SEP	Apr-Sept total
2013/14	374,328	364,605	342,084	390,404	405,119	363,885	**2,240,425**
2014/15	332,473	332,915	319,686	360,286	370,876	355,616	**2,071,852**
2015/16	326,910	333,280	333,701	368,446	349,494	342,541	**2,054,372**
Target	329,477	333,119	313,126	354,917	369,198	337,227	2,037,064

For the period April to September 2015, library visits are slightly above target, 2,054,372 compared to 2,037,064. Library visits over the past three years, however, have fallen by about 10%. The reductions over time in opening hours, stock and staff have contributed to this along with changes in the way people are using libraries.

New measures: Norfolk Community Learning Services (formerly Adult Education)

2.12.4 A performance dashboard is being developed for Norfolk Community and Learning Services that will include a range of key performance indicators, including: recruitment; retention; attendance; achievement; success; and timely success. A sub-set of these will then be reported to this committee on a quarterly basis.

New measures: Volunteers

2.12.5 A total of three new indicators are being developed for the Library and Information Service, the Museums Service and Norfolk Record Office to monitor the use of volunteers by those services.

2.13 Sickness absence

Red measure: % of employee time lost to sickness absence (rolling 12 months)

2.13.0 In the 12 months to September 2015, sickness absence for the Community and Environmental Services department was 2.99% which is short of our target of 2.4% and is rated red. The figures are broken down by service area below. Those service areas in CES that do not report to this Committee, reporting instead to the EDT Committee or Economic Development sub-committee, are shaded out in grey. Those marked in red are where sickness is above the average of the department as a whole.

2.13.1

% of employee time lost to sickness absence	
Active Norfolk	0.05%
Norfolk Community Learning Services (NCLS)	**6.03%**
Business Support & Development	3.08%
Community Safety & Fire	1.67%
Customer Services & Communications	**5.24%**
Economic Development & Strategy	1.18%
Environment & Planning	3.27%
Highways & Transport	2.59%
NLIS	2.48%
NMAS	2.43%
NRO	1.08%
CES total	**2.99%**

Norfolk Community Learning Services - sickness levels are higher due to historic absences in the last rolling 12 months. There are a small number of long term sickness cases that are outstanding.

Customer Services – sickness levels are higher due to historic absences in the last rolling 12 months. There are a small number of long term sickness cases that are outstanding and relate to planned surgeries or hospitalisations. In terms of the management of short term sickness absence, the Customer Contact Centre has a very rigorous absence management process in place but the nature of the work, as a phone-based contact centre, makes it difficult work round some minor illnesses.

2.14 Risk – As part of the overall development of a new performance management framework for the Council, a new approach to corporate risk management is being adopted. This new approach involves the development of corporate and departmental level risks that are: outcome focussed; linked to strategic priorities; business critical, identifying areas where failure places the organisation in jeopardy; linked to financial and performance metrics.

2.14.0 Of the 18 risks on the risk register for this committee, 6 risk are considered to be 'in scope' – this means a score of 12 or more and rated amber and red for prospect, as summarised below:

Service area	Risk Number/Name	Risk Score	Prospects
Public Health	RM14234 – Failure to secure adequate grants to robustly commission or co-commission (including through s.75) Public Health Services	16	Amber
Customer Services	RM14219 - Failure to implement a new content management system to replace Oracle	16	Amber
Trading Standards	RM14181 – Single points knowledge	15	Amber
NFRS	RM13974 - Standards of operational competency for fires in the built environment need to be maintained to avoid staff being exposed to avoidable risk of harm	12	Amber
Cultural Services	RM14236 - Reduction or alteration to funding streams	12	Amber
Cultural Services	RM14176 – Reduction in NCC funding impacts upon external partnerships	12	Amber

2.14.2 Appendix 2 provides a full explanation for those risks. This includes a description of the risk, tasks to mitigate the risk, and an update on progress.

2.14.3 Appendix 3 provides the Committee members with a summary of the risks on the committee register.

2.14.4 A copy of the Full Corporate Risk Register was presented to the Audit Committee on 24 September 2015 and can be accessed at Audit Committee agenda, page 348 .

3. Financial Implications

There are no significant financial implications arising from the development of the new performance management system or the performance and risk monitoring reports.

4. Issues, risks and innovation

There are no significant issues, risks and innovations arising from the development of the new performance management system or the performance and risk monitoring reports.

5. Background

Q1 Performance and Risk Monitoring Report – Communities Committee, 21 October 2015 - http://norfolkcc.cmis.uk.com/norfolkcc/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/371/Committee/12/Default.aspx

Officer Contact

If you have any questions about matters contained or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

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IN TRAN communication for all

If you need this report in large print, audio, Braille, alternative format or in a different language please contact 0344 800 8020 or 0344 800 8011 (textphone) and we will do our best to help.

Appendix One: Q2 2015/16 Communities Committee Performance Dashboard

Indicator	Value (Q2 15/16)	Date	Target 15/16	Rating (RAG) against target	Direction of Travel
HR sickness absence data					
Number of sickness absence days per FTE (CES)	1.40 days	September 2015	Q2 target 1.77 days	★	↑
Sickness absence (% employee time lost to sickness - rolling 12 months)	2.99%	Sep-15	2.40%	▲	↓
Public Health					
Number of dementia friendly sessons delivered by Public Health.	25	Apr-15 to Sept-15	40 (full year target)	★	↓
Smoking cessation: percentage of 4 week quits coming from the 20% most deprived areas in Norfolk.	36%	Q1	29%	★	↑
Sexual health: rate of repeat infections within one year. [A]	Data available Mar-16		Threshold m 8.5% f 7.2%	N/A	N/A
DAAT: % of adult substance misuse clients in effective treatment (retained for 12 weeks or more, or who have had a successful completion prior to 12 weeks). □	96%	Q1	90%	★	↑
Uptake NHS Health Checks rate as measured by number delivered / number offered.	41.0%	Q1	66%	▲	↓
% of those referred attending the Health Trainer Service from target populations.	No data available		75%	N/A	N/A
% of eligible children in Reception and Year 6 participating in the national child measurement programme.	96%	Sept-14 to Aug-15	95%	★	↑
Norfolk Fire and Rescue Service					
% of time retained fire stations are available to respond to an emergency [temporary measure]	85.7%	Sep-15	90%	●	↑
% of time all fire stations are available to respond to an emergency	New indicator, still under development				
Performance against NFRS Emergency Response Standards: whole county [temporary measure]	77.9%	Sep-15	80%	●	↓
UNDER DEVELOPMENT: Performance against NFRS Emergency Response Standards in rural areas.	New indicator, still under development				
UNDER DEVELOPMENT: Performance against NFRS Emergency Response Standards in urban areas	New indicator, still under development				
Number of Home Fire Risk Checks completed for vulnerable older and/or disabled people	1,827	Sep-15	1,752	★	↓
Number of false alarm calls that NFRS goes to (monitoring measure - 1 year)	680	Sep-15	1373	★	↓
Sickness absence days per FTE (excluding RDS)	4.08	Sep-15	3.56	▲	↑

Indicator	Value (Q2 15/16)	Date	Target 15/16	Rating (RAG) against target	Direction of Travel
Trading Standards					
Percentage of businesses brought to broad compliance with trading standards	94.9%	Q2	94%	★	↓
[new indicator] Percentage of doorstep and other rogue traders and most detrimental businesses brought to compliance	67.4%	Q2	under development	N/A	N/A
[new indicator] Percentage of scam victims supported to prevent further financial abuse	33.0%	Q2	under development	N/A	N/A
[new indicator] Percentage of consumer goods, including foods, sampled or test purchased which are found to be non-compliant and are subsequently brought to compliance	100.0%	Q2	under development	N/A	N/A
Income generated through our calibration, verification and testing services	£207,991	Q2	£163,750	★	N/A
Community Safety					
Repeat incidents of domestic violence kept below national rate (24%)	13%	Q2	24%	★	↓
Proportion of non-police referrals to Multi Agency Risk Assessment Conference	25%	Q2	25%	★	↓
Registration Service					
Registration of deaths excluding Part B and Inquests	79%	Q2	90%	▲	↑
Registration of all births in Norfolk	99%	Q2	98%	★	↑
Registration of still births in Norfolk	100%	Q2	98%	★	→
UNDER DEVELOPMENT: Customer satisfaction with the Registration Service	New indicator, still under development				
Number of sham marriages in Norfolk (s.24 reports)	0	Q1	SURV	★	N/A
Cultural Services					
UNDER DEVELOPMENT Libraries - Active Users as % of Registered Users	New indicator, still under development				
UNDER DEVELOPMENT: Libraries - Active Users as % of Population	New indicator, still under development				
Mobile libraries – physical visits	44,251	Q2	88,279	★	↑
UNDER DEVELOPMENT: Libraries – volunteer hours per year	New data collection under developemnt for 15/16				
Norfolk Record Office - physical visits	2,679	Q2	SURV	No target set	↓
Norfolk Record Office – total virtual visits	30,089	Q2	SURV	No target set	↑
Norfolk Record Office - volunteer hours per year	989.52	Q2	SURV	No target set	↓
UNDER DEVELOPMENT: Museums – volunteer hours per year	New indicator, still under development				
Museums - physical visits	228,932	Q2	333,270	★	↓
Museums – pre-booked school and educational visits	17,694	Q2	35,960	★	↓

Indicator	Value (Q2 15/16)	Date	Target 15/16	Rating (RAG) against target	Direction of Travel
UNDER DEVELOPMENT: Norfolk Community Learning Services –recruitment (compared against national rates)	New indicator, still under development				
UNDER DEVELOPMENT: Norfolk Community Learning Services – retention (compared against national rates)	New indicator, still under development				
UNDER DEVELOPMENT: Norfolk Community Learning Services – achievement (compared against national rates)	New indicator, still under development				
% of population that have participated in sport at least once a week for at least 30 minutes [A]	No data available		Year on year increase	N/A	N/A
Consultation and Community Relations					
% of Your Voice members that agree they can influence their local area [A]	Annual measure: data available in Q3		85%	N/A	N/A
% of young people voting in the annual Make Your Mark ballot	21%	Oct-15	30%	▲	↓
% residents who feel they can influence decisions affecting their local area – Tracker survey [A]	Annual measure: data available June 2016		33%	N/A	N/A
Customer Services					
Customer satisfaction measure (Govmetric) – Customer Access	90%	Q2	50%	★	↑
% of priority Social Care Calls answered within service level agreement time	97.8%	Q2	As many as possible	N/A	↓
% of all other calls answered within service level agreement time	91.3%	Q2	90.00%	★	↑
Average time taken to answer calls (seconds)	63 secs	Q2	60 seconds	●	↓
UNDER DEVELOPMENT: Digital by design/Customer Service Strategy implementation	New indicator, still under development				

★	Performance is on target, no action required
●	Performance is slightly off-track – within 5% of the target
▲	Performance is worse than the target, more than 5% off target
Amber arrow	Performance is the same as the same period last year
Green arrow	Performance is better than in the same period last year
Red arrow	Performance is worse than the same period last year

Appendix 2 - Q2 2015/16 Risk Exceptions Report for the Communities Committee

Risk Number	RM14234	**Date of update**	23 October 2015
Risk Name	Failure to secure adequate grants to robustly commission or co-commission (incl. through S75) PH services.		
Risk Owner	Louise Smith	**Date entered on risk register**	17 August 2015

Risk Description

An in year claw back of 6 to 7% of the overall Public Health Grant has been annouced, details are awaited. This could result in a future recurrent reduction in funding. PH are committed to long-term contracts independently and in partnership. This presents a risk to presently commissioned PH services.

Original			Current			Target				
Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Target Date	Prospects of meeting Target Risk Score by Target Date
4	4	**16**	4	4	**16**	2	3	**6**	Mar-16	**Amber**

Tasks to mitigate the risk

Participate fully in the budget challenge and re-imagining Norfolk. Ensure flexibility of contractual arrangements in order that any reduction could be spread across the range of public health services or targeted in line with the Council's priorities. Obtain legal advice accordingly.

Progress update

The PH team will adopt the following systematic approach - Clarify the baseline PH capacity/resource; Explore effectiveness and efficiency savings through integration of functions across organisations and integrated (S75) commissioning approaches; Scope reduction and/or streamlining of discretionary functions; Scope contract variation to achieve reduction in budgetary outlay of mandated functions; Explore opportunities to add value to Council's agenda thereby influencing budgetary reductions across the Council's directorates; Explore income generating opportunities

Risk Number	RM14219	Date of update	27 October 2015
Risk Name	Failure to implement a new customer service content management system to replace Oracle		
Risk Owner	Vanessa Lindsey	Date entered on risk register	16 December 2014

Risk Description

If ICT fail to migrate the NCC site to the new platform by April (with customer account and analytics), this will result in an inability to deliver and develop the site according to customer needs, and failure to be compliant with the Customer service strategy and 'digital by design', and will cause service disruption to highways as their new back-end system goes live in April.

Original			Current			Target				
Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Target Date	Prospects of meeting Target Risk Score by Target Date
3	5	**15**	4	4	**16**	1	5	**5**	Dec-15	**Amber**

Tasks to mitigate the risk

Development of Customer Service Strategy and early commissioning of ICT to deliver Content Management System. Development of detailed requirements to support ICT in procurement decision

Progress update

Vanessa Lindsey/Fran Grimmer working with ICT and Corporate Programme Office to ensure delivery to agreed timescales. Delivery still on track to agreed timescales. There was an initial delay within ICT but this has now been rectified by appointing consultants to help with the cycle build. ICT have established ringfenced resource to work on programme.

Risk Number	RM14181	Date of update	23 October 2015
Risk Name	Single points of knowledge		
Risk Owner	Sophie Leney	Date entered on risk register	23 October 2015

Risk Description

Limited service capacity leads to areas where there are single points of knowledge. Loss of key individuals then results in an inability to deliver the appropriate service and increased pressure on remaining staff.

Original			Current			Target				
Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Target Date	Prospects of meeting Target Risk Score by Target Date
5	3	**15**	5	3	**15**	1	3	**3**	Dec-16	**Amber**

Tasks to mitigate the risk

Managers to review single points of knowledge in their Teams and identify practical remedial measures including potential succession planning. This is to be captured appropriately in business continuity plans.

Progress update

New risk for Trading Standards - progress to be reported at next review

Risk Number	RM13974	Date of update	23 October 2015
Risk Name	Failure to assure standards of operational competency for fires in the built environment.		
Risk Owner	Karen Palframan	Date entered on risk register	13 October 2011

Risk Description

Standards of operational competency for fires in the built environment need to be maintained to avoid staff being exposed to avoidable risk of harm.

Original			Current			Target				
Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Target Date	Prospects of meeting Target Risk Score by Target Date
4	4	**16**	3	4	**12**	3	2	**6**	Jun-16	**Amber**

Tasks to mitigate the risk

Workforce Development programme delivered to schedule. Development and delivery of BA training. Introduction of "Live Fire" training. Riskfile information accurate and up to date format for all key risk premises. Incident command BA training and associated monitoring. Implementation of "Lessons learnt" from local and national incidents integrated into review processes. Operational reviews and actions undertaken for all significant incidents. Quarterly monitoring of core skills levels. PDRPro and training plans via Team Performance Meetings 1:1.

Progress update

Tender process for a live fire training unit is now in hand with a deadline for tenders of August 2015. Current planned implementation of mid 2016. All other mitigation measures implemented.

Risk Number	RM14236	Date of update	14 October 2015
Risk Name	Reduction or alteration to funding streams		
Risk Owner	Jennifer Holland	Date entered on risk register	09 September 2015

Risk Description

There is a risk of funding agencies undertaking in-year reductions, or making alterations to funding streams (primarily Arts, Museums and Active Norfolk) as a consequence of Government funding decisions such as the Comprehensive Spending Review

Original			Current			Target				
Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Target Date	Prospects of meeting Target Risk Score by Target Date
4	3	**12**	4	3	**12**	2	2	**4**	Dec-16	**Amber**

Tasks to mitigate the risk

Maintain an excellent working relationship with external funders and ensure successful delivery of existing programmes

Progress update

Excellent working relationships maintained with external funding agencies.

Risk Number	RM14176	Date of update	14 October 2015
Risk Name	Reduction in NCC funding impacts on external partnerships		
Risk Owner	Jennifer Holland	Date entered on risk register	30 June 2014

Risk Description

There is a risk that the reduced grant funding from NCC will result in other organisations withdrawing support for Cultural Services

Original			Current			Target				
Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Likelihood	Impact	Risk score	Target Date	Prospects of meeting Target Risk Score by Target Date
3	3	**9**	3	4	**12**	1	3	**3**	Mar-16	**Amber**

Tasks to mitigate the risk

Discussions with Chair through budget setting process.

Progress update

Committee Chair briefed. Ongoing discussions with elected members and regular updates with partner organisations.

Risk Register - Q2 2015/16 Communities Committee - Appendix 3

Risk Register Name	**Communities Committee**		**Red**	⇩	**Worsening**
Prepared by	**Adrian Thompson**	**High**	**Amber**	⇔	**Static**
Date updated	**October 2015**	**Med**	**Green**	⇧	**Improving**
Next update due	**January 2016**	**Low**	**Met**		

Area	Risk Number	Risk Name	Risk Description	Current Likelihood	Current Impact	Current Risk Score	Target Likelihood	Target Impact	Target Risk Score	Prospects of meeting Target Risk Score by Target Date	Direction of travel from previous review	Risk Owner
Public Health	RM14234	Failure to secure adequate grants to robustly commission or co-commission (incl. through S75) PH services.	The overall Public Health Grant has been reduced due to a change in allocation formula. This could result in a significant but phased overall reduction in funding. PH are committed to long-term contracts independently and in partnership. This presents a risk to presently commissioned PH services.	4	4	16	2	3	6	**Amber**	⇔	Louise Smith
Customer Service Corporate Web Site	RM14219	Failure to implement a new content management system to replace Oracle	If HP fail to deliver a new Web content management system before our licence for our current version of Oracle UCM expires end of 2015. This will result in an inability to continue to develop and update the NCC website leading to restricted access for both internal and external customers. Also an inability to deliver the Customer Service Strategy and related savings	4	4	16	1	5	5	**Amber**	⇔	Vanessa Lindsey
Trading Standards	RM14181	Single points of knowledge	Limited service capacity leads to areas where there are single points of knowledge. Loss of key individuals then results in an inability to deliver the appropriate service and increased pressure on remaining staff.	5	3	15	1	3	3	**Amber**	⇔	Sophie Leeney
Customer Service Centre	RM14223	PCI compliance of call monitoring system	Call monitoring system currently not fully PCI compliant, leaving organisation open to risk of fines	3	5	15	1	1	1	**Green**	⇔	Andrew McAlpine
Adult Education	RM14230	Failure to deliver the Adult Education Improvement Notice	There is a risk that Adult Education will fail to deliver against the required actions identified by Ofsted. This could result in Adult Education retaining an 'inadequate' rating with a consequential impact on the service. .	3	4	12	1	4	4	**Green**	⇔	Helen Wetherall
NFRS	RM13974	Failure to assure that standards of operational competency for fires in the built environment.	Standards of operational competency for fires in the built environment need to be maintained to avoid staff being exposed to avoidable risk of harm.	3	4	12	3	2	6	**Amber**	⇔	Karen Palframan / Roy Harold
Cultural Services	RM14236	Reduction or alteration to funding streams	Funding agencies undertaking in-year reductions, or making alterations to funding streams (primarily Arts, Museums and Active Norfolk) as a consequence of Government funding decisions such as the Comprehensive Spending Review	4	3	12	2	2	4	**Amber**	⇔	Jennifer Holland
Cultural Services	RM14176	Reduction in NCC funding impacts on external partnerships	The reduced grant funding from NCC will result in other organisations withdrawing support for Cultural Services	3	4	12	1	3	3	**Amber**	⇔	Jennifer Holland

NFRS	RM14064	Financial liability for P/T RDS firefighters.	The inability to fund the additional costs of retained firefighter pensions following court ruling. Payments to be backdated to1999 and firefighters are not expected to contribute until retirement.	5	2	10	5	1	5	**Amber**	⇔	Karen Palframan	
Customer Services - Complaints Management	RM14218	Inability to implement a replacement for Figtree case management system	If ICT fail to deliver the CRM system in line with the plan, and Figtree system is decommissioned there will be an impact on ability to manage complaints effectively within NCC, which could have a significant reputational risk , as well as a threat to identification of safeguarding concerns	2	5	10	1	5	5	**Green**	⇔	Ceri Sumner	
CR	RM14099	Failure to adequately embed Business Continuity into the organisation.	To ensure disruption is minimised and ensure that we are able to maintain services and respond appropriately to a significant (category 1 or 2 Business Continuity incident) (N.B. this risk will be scored differently for different departments due to different levels of preparedness)	2	5	10	2	3	6	**Green**	⇔	Tom McCabe	
NFRS	RM14137	Failure to provide protective security	The failure to provide robust physical and IT security at NFRS buildings against criminal and terrorist activity will result in the loss of equipment and secure information.	3	3	9	1	2	2	**Amber**	⇔	Roy Harold	
NFRS	RM14119	Failure to secure availability of operational individuals and crews.	Non availability of Retained Duty System (RDS) stations leading to next nearest resource being mobilised with negative impact on performance standards. Non availability of Whole-time Duty System (WRS) staff leading to extended response times and reduced specialist capability. Emergency Response Service (ERS) being stretched with a negative impact on the service's emergency response capability and performance.	3	3	9	1	2	2	**Amber**	⇔	Karen Palframan	
NFRS	RM14122	Shortage of emergency response personnel including key incident managers through industrial action.	The risk that industrial action will cause a serious shortage of operational staff. This will result in considerable disruption and interruption to the delivery of the statutory duty under the Fire and Rescue Act 2004, and the Fire Authorities obligations under the Civil Contingencies Act 2004. This could lead to death or serious injury to members of the public and have a detrimental effect on the reputation of the service.	3	3	9	2	3	6	**Green**	⇧	Karen Palframan	
Public Health	RM14237 b	Failure to adequately deliver on mandatory and discretionary functions	Failure to adequately deliver on discretionary functions which include inter alia: Obesity; Physical activity; Substance misuse; Stop smoking services and interventions; Children 0-19 (as of Oct. 2015) public health programmes	3	3	9	2	3	6	**Green**	⇔	Louise Smith	
Cultural Services	RM14130	Lack of capacity in ICT systems and services	A lack of capacity in ICT Services to support Cultural Services delivery could lead to a breakdown in services to the public. This could result in a loss of income and business.	3	3	9	2	3	6	**Amber**	⇔	Jennifer Holland	