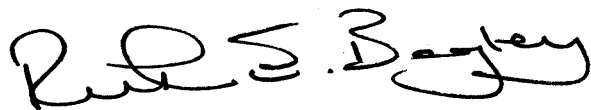


Date of issue: Friday 28th February, 2014

MEETING:	CABINET Councillor Anderson Councillor P K Mann Councillor Munawar Councillor Pantelic Councillor Parmar Councillor Sharif Councillor Swindlehurst Councillor Walsh	Leader of the Council - Finance & Strategy Education & Children Social & Economic Inclusion Community & Leisure Environment & Open Spaces Performance and Accountability Neighbourhoods & Renewal Health & Wellbeing
DATE AND TIME:	MONDAY, 10TH MARCH, 2014 AT 6.30 PM	
VENUE:	MAIN HALL, CHALVEY COMMUNITY CENTRE, THE GREEN, CHALVEY, SLOUGH, SL1 2SP	
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	NICHOLAS PONTONE 01753 875120	

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



RUTH BAGLEY
Chief Executive

AGENDA

PART I

Apologies for absence.

1. **Declarations of Interest**

All Members who believe they have a Disclosable Pecuniary or other Pecuniary or non pecuniary Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 3 paragraphs 3.25 – 3.27 of the Councillors' Code of Conduct, leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with Paragraph 3.28 of the Code.

The Chair will ask Members to confirm that they do not have a declarable interest.

All Members making a declaration will be required to complete a Declaration of Interests at Meetings form detailing the nature of their interest.

2.	Minutes of the Meeting held on 10 February 2014	1 - 8	
3.	Chalvey Regeneration Strategy Update	9 - 20	Chalvey
4.	Leisure Strategy	21 - 24	All
5.	Community Investment Fund 2013/14	25 - 30	All
6.	Sign Up to LGA 'Climate Local' Initiative	31 - 36	All
7.	Updated Policy & Procedural Guidance - Regulation of Investigatory Powers Act 2000	37 - 100	All
8.	References from Overview & Scrutiny	To Follow	All
9.	Notification of Forthcoming Decisions	101 - 110	All
10.	EXCLUSION OF PRESS AND PUBLIC		

It is recommended that the Press and Public be excluded from the meeting during consideration of the item in Part 2 of the Agenda, as it involves the likely disclosure of exempt information relating to the financial or business affairs of any particular person (including the authority holding the information) as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (amended).

PART II

11.	Part II Minutes - 10 February 2014	111 - 112	
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AGENDA
ITEM

REPORT TITLE

PAGE

WARD

Press and Public

You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before the Committee considers any items in the Part II agenda. Special facilities may be made available for disabled or non-English speaking persons. Please contact the Democratic Services Officer shown above for further details.

Note:-

Bold = Key decision

Non-Bold = Non-key decision

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Cabinet – Meeting held on Monday, 10th February, 2014.

Present:- Councillors Anderson (Chair), P K Mann, Munawar, Pantelic, Parmar, Sharif, Swindlehurst and Walsh

Also present under Rule 30:- Councillors Nazir and Strutton

Apologies for Absence:- None

PART 1

79. Declarations of Interest

None were declared.

80. Minutes of the Meeting held on 20 January 2014

Resolved – That the minutes of the meeting of the Cabinet held on 20th January 2014 be approved as a correct record.

81. Finance & Performance Report: Quarter 3 2013-14

The Assistant Director Finance & Audit introduced a report setting out the Council's overall performance from delivery of service to financial management covering the period up to and including December 2013. It was noted that an updated version of the report had been circulated which replaced the version in the Agenda.

An underspend of £0.003m was forecast as at month 9 which was a significant improvement on the month 8 forecast of a potential £0.363m overspend. This was due to the net result of an in-year savings initiative conducted in recent months to bring the Council's budget into balance and it provided a solid basis on which to build the budget for 2014/15. The Council had spent 28% of the available Capital Budget for 2013/14 and the latest projection for capital expenditure was £44.4m against a revised budget of £65.6m. It was reported that 79% of the balanced scorecard indicators for 2013/14 were 'green' with a further 17% 'amber'. In relation to the Council's six 'Gold' projects, three had an overall status of 'green' and three were 'amber'. Members were also asked to agree the write off requests as detailed in section 9 of the report.

The Cabinet welcomed the progress that had been made in bringing spending back in line with budget which would ensure there would be no call on reserves to meet any overspend. The write off requests were discussed and agreed as set out in the report. Members considered the update on the Better Care Fund (BCF) which had been circulated as an Addendum to the Medium Term Financial Strategy. The Cabinet were informed that the BCF would pool health and local authority budgets to integrate specified adult services which would help to improve services and increase both innovation and efficiency.

Cabinet - 10.02.14

Members recognised the important roles that the Slough Wellbeing Board and the Health Scrutiny Panel had and noted that a full report would be considered by the Cabinet on 14th April 2014.

Resolved –

- (a) That the latest forecast financial information for the 2013-14 financial year be noted;
- (b) That the Council's performance against the balance scorecard indicators to date during 2013-14 be noted;
- (c) That the Council's performance on 'Gold' projects during 2013-14 be noted; and
- (d) That the write-offs detailed within the report be approved.

82. Medium Term Financial Strategy 2014-18

The Assistant Director Finance & Audit introduced the Medium Term Financial Strategy (MTFS) 2014-18 and asked Members to recommend the document to Council.

The MTFS described the challenging funding environment facing the Council in the period to 2018 with Government spending on local government being reduced by 25% from 2010 to 2015 with further reductions anticipated in future years. The Council's reliance on Government funding was falling with a growing proportion of income from Council Tax and retained Business Rates. The Cabinet were informed that the Council's comparable budget would reduce from £124.7m in 2010 to £97.6m in 2018. Pressure on services would also increase during this period, partly due to the growing population of Slough. One of the key pressures was in Children's Social Care, and particularly the growing number of Looked After Children, for which an additional £3.3m had been made available for 2014/15 with further one off funding if required. The MTFS financial model in Table 3.1 set out the overall position and Members were advised that significant savings would need to be identified each year through to 2018, particularly in 2015/16 when £14.33m worth of savings would be required.

Members discussed a number of aspects of the MTFS including the impact of various scenarios as described in Table 3.3 and the Corporate Risk Register. The Cabinet recognised the importance of growing the Council's income from the Council Tax base and retained Business Rates, for example through housing and regeneration activity and by ensuring Slough continued to be a premier location for business. Commissioners also commented that despite falling budgets and service pressures, the Council could still make a difference by focusing on clear priorities as had been demonstrated in recent years. Following due consideration, the Cabinet agreed to recommend the MTFS to Council.

Recommended – That the Medium Term Financial Strategy 2014-18, as set out in Appendix A to the report, be approved.

83. Treasury Management Strategy

The Assistant Director Finance & Audit introduced the Treasury Management Strategy 2014/15 which set out how the Council proposed to manage its total treasury risk of £285m in 2014/15.

Members were advised that any adjustments in interest rates could have a significant impact on the borrowing and investment position, however it was noted that the independent advice was that interest rates were expected to remain low in the coming year. The Assistant Director summarised the borrowing and investment strategies as set out in the document and drew Members attention to the proposals to diversify the Council's investment portfolio, whilst ensuring the appropriate balance between maximising investment income and minimising risk. It was projected that £1.3m of additional investment income could be achieved as a result of the opportunities set out in the strategy including investments in building societies, Registered Providers (formerly Housing Associations), and pooled funds.

Members commented that £125m of the total £182m of borrowing related to Public Works Loan Board loan to make payment to the Government to gain control of the Council's housing assets in 2011/12 as part of reforms to the HRA subsidy system. It was noted that this resulted in the Council receiving rental income and control of assets of 6,900 Council houses which brought with it greater freedoms and flexibilities in terms of managing the stock and bringing forward new development.

The Cabinet welcomed the new ethical investment policy as set out in section 16 of the strategy and the fact that the Council had now received 97% of its deposits in Icelandic banks. They discussed a number of other aspects of the Strategy including the links to the Capital Strategy and potential options to mitigate any future rises in interest rates on the Council's borrowings. Following due consideration, it was agreed to recommend the strategy to Council.

Recommended – That the Treasury Management Strategy for 2014/15, as set out in Appendix A to the report, be approved.

84. Capital Strategy 2014-19

The Assistant Director Finance & Audit introduced a report which sought approval of the Capital Strategy 2014-19 and agreement to implement the Capital Programme 2014-15, subject to business cases.

Members attention was drawn to the core principles underpinning the strategy which set out the overall approach in terms of financial management and linkages to asset management, highways & transport plans. The capital

strategy set out a series of projects totalling £147.7m over five years which included major investment in The Curve, housing and education provision. Capital costs for leisure provision were not included and would be subject to further reports to Cabinet at future meetings. It was noted that the total borrowing requirement during the period was £21.5m and the revenue financing required to support that borrowing was £1.2m. The Cabinet discussed a number of issues including the contribution the capital strategy was making to the Council's overarching objectives and regeneration of the town; and the increasing innovation in terms of delivering housing projects and the Slough Regeneration Partnership.

Members noted the Community Investment Fund (CIF) programme of £1.15m for 2014/15 as set out in paragraph 5.7.1 of the report. A list of the Members bids for the allocated resources of £65k were tabled which included a children's play area at Lascelles Park; improvements in Preston Park and Harvey Park; a Multi-Use Games Area for the Westfield estate in Colnbrook; and a pilot project for micro-allotment plots on undevelopable land. Commissioners supported these bids and noted that a report on CIF Outturn 2013/14 would be considered by the Cabinet at a future meeting.

Recommended –

- (a) That the capital strategy of £147.7m, as set out in the report, be approved.
- (b) That it be noted that the costs of the capital programme to the revenue budget would increase by £1.2m per annum commencing during the period of the capital strategy to fund borrowing of £21.5m.
- (c) That the principles underpinning the capital programme, as set out in paragraph 5.1.2 of the report, be approved.

85. Revenue Budget 2014-15

The Assistant Director Finance & Audit introduced a report which set out the proposed Revenue Budget for 2014/15 and sought Cabinet approval to recommend to Council.

The budget had been prepared in the context of a continued reduction in funding from central government, as confirmed in the Local Government Finance Settlement, as well as increased demand for Council services. The Cabinet considered the key elements of the budget including the proposal to freeze Council Tax, set Council house rents and approve the Business Rates Policy 2014-15. Members noted the directorate pressures for 2014-15 which included £3.3m additional revenue for Children's Social Care plus a further £2m one off contribution which was available if required. Commissioners commented on the £12.5m savings proposals and welcomed that the fact that to date most savings had been achieved through transformation of services and business efficiency. However, Members recognised that it would be

increasingly difficult in future years to continue to identify savings in such ways.

The Business Rates Policy for 2014/15 was discussed and it was also proposed and agreed that the policy for 2015/16 be amended so that no charity or non-profit making body received more than 80% charity relief. Members emphasised the importance of clearly communicating the changes as soon as possible.

The Cabinet welcomed the work that had been undertaken to present a balanced budget which continued to achieve challenging savings targets whilst maintaining frontline services wherever possible. It was agreed to recommend the revenue budget to Council.

Recommended – That the Revenue Budget for 2014-15, as set out in the report and appendices, be approved.

86. Review of Asset Management Plan & Approval of Capital Disposal Programme

The Interim Head of Asset Management introduced a report which sought approval for the Asset Management Plan (AMP) 2014-17 and associated policies.

The Cabinet were informed that the revised Asset Management Plan described how the Council should manage its assets as a Corporate Landlord. The key aims of the plan, as set out fully in paragraph 6.3 of the report, were highlighted and they included using the Council's assets to promote economic development and introduce a more proactive approach to estate management. There was a discussion about the proposed Disposal, Investment and Acquisition Policy and in particular the Compulsory Purchase Policy Statement which Commissioners welcomed and believed was a potentially useful option in unlocking development.

Members discussed a number of other specific aspects of the report including the list of possible future projects described in paragraph 10.8 of the Asset Management Plan. Following discussion about the Maria Cowland Hall site, which was identified for a small housing development, it was agreed to amend the Plan to keep open the option of a doctors surgery or other health related facility. With this amendment noted the Plan and associated policies and statements were agreed.

Resolved –

- (a) That the Asset Management Plan 2014-17, as set out in Appendix A, be approved, subject to an amendment to the table in paragraph 10.8 of the AMP that the Maria Cowland Hall site keep open the option of a health or medical related facility.

Cabinet - 10.02.14

- (a) That the potential use of CPO powers as described in Section 8 of the AMP be noted; the proposed CPO policy, attached as Appendix C be approved and a review of the policy every three years be agreed.
- (b) That the achievements summarised in section 6.2 of this report and the potential future regeneration projects outlined in section 10 of the AMP be noted.
- (c) That the summary of Key Actions described in Section 14 of the AMP be noted and approved.
- (d) That the role of the Corporate Landlord be noted, agree that all future Cabinet reports be amended to include a new section 3 (e) Property Implications and that all future reports with a property implication must be signed off by the Assistant Director Assets, Infrastructure and Regeneration.
- (e) That the emerging issues summarised in section 13 of the AMP be noted.
- (f) That the proposed Disposal, Investment and Acquisition Policy, attached as Appendix B to this report, be approved, and reviewed annually in line with the review of the Asset Management Plan.

87. Heart of Slough Masterplan - review of progress and implementation

The Chief Executive introduced a report which updated the Cabinet on the progress of the Heart of Slough project and sought agreement to open discussions with interested parties to enable completion of the regeneration project.

Members noted that the Heart of Slough was a complex, long term project and welcomed the progress that had been made, especially in terms of implementing the infrastructure works totalling £17.5m; completing the new bus station; and beginning construction work on The Curve in January 2014. However, delivery on key private sector housing, office and commercial sites in the NE, SW and NW quadrants had not progressed, despite the fact that planning permissions for all key private sector developments in the Heart of Slough were in place. Members discussed the position in relation to these sites, particularly in the Thames Valley University site which was a crucial part of the proposed housing provision. The Cabinet therefore agreed to explore the options to enable completion of the sites, potentially including compulsory purchase.

Members discussed a number of other issues including engagement with businesses in the town centre through the work of the Town Team; car parking provision; and the cycle hire scheme. The Cabinet said they would welcome looking into whether the scheme could be extended into residential areas in future phases if there was sufficient demand.

Resolved –

- (a) That the progress made on the Heart of Slough project be noted.
- (b) That the opportunities be explored with interested parties regarding the purchase of land necessary to enable completion of the Heart of Slough regeneration project; reporting back to Cabinet with a financial options appraisal.
- (c) That the Strategic Director Regeneration, Housing and Resources, following consultation with the Leader and Cabinet Member for Neighbourhoods and Renewal, explore the use of compulsory purchase powers for the acquisition of all relevant property interests which are necessary to acquire to enable completion of the Heart of Slough regeneration project.

88. References from Overview & Scrutiny

The Cabinet considered two references from the Overview & Scrutiny Committee in relation to its scrutiny of the bus station project.

Commissioners were asked to consider establishing a cross-party group of Members to engage with officers and designers for all major projects; and that the Assistant Director Adult Social Care look into forming an umbrella group to represent the view of all disability groups in the Borough with whom the Council could consult.

The Cabinet considered both references and agreed with the Committee on the importance of ensuring strong engagement from both Members and disability groups at an early stage of major project development. However, they felt that existing structures and groups should be better utilised wherever possible. It was therefore agreed that Member involvement would be best done through the existing scrutiny structures, such as the use of task and finish groups, with major projects flagged up at the appropriate stage to ensure early involvement. In terms of disability groups, the Cabinet reaffirmed their commitment to effective engagement to be built into consultation plans and design competitions for such projects and that best practice from projects such as the Britwell regeneration should be incorporated.

Resolved –

- (a) That for all major projects undertaken by the Council, a scrutiny task and finish group be formed to engage with the officers and project designers at an early stage of design and construction; and
- (b) That effective engagement and consultation take place with disability groups across the borough in the future development of major projects undertaken by the Council, utilising existing forums and networks where possible.

89. Notification of Forthcoming Decisions

The Cabinet considered the most recently published Notification of Decisions which set out the key decisions expected to be taken in the period February to April 2014.

Resolved – That the published Notification of Decisions be endorsed.

90. EXCLUSION OF PRESS AND PUBLIC

Resolved – That the Press and Public be excluded from the meeting during consideration of the item in Part II of the Agenda, as it involves the likely disclosure of exempt information relating to the financial and business affairs of any particular person (including the authority holding the information) as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (amended).

The following is a summary of the decisions taken in Part II of the agenda.

91. Plymouth Road Industrial Court

The Cabinet agreed a course of action in relation to the head lease for the industrial units at Plymouth Road.

Chair

(Note: The Meeting opened at 6.35 pm and closed at 8.45 pm)

SLOUGH BOROUGH COUNCIL

REPORT TO : Cabinet **DATE:** 10 March 2014

CONTACT OFFICER: Stephen Gibson, Interim Head of Asset Management,
(01753) 875852

WARD(S): Chalvey

PORTFOLIO: Neighbourhoods & Renewal - Cllr Swindlehurst
Community & Leisure – Cllr Pantelic

PART I
KEY DECISION

CHALVEY REGENERATION STRATEGY UPDATE

1 Purpose of Report

- 1.1 In October 2013 Cabinet approved the second phase of the Chalvey Regeneration Strategy, which has a specific emphasis on delivering regeneration outputs and outcomes for a select number of key sites. It was agreed that the second phase of the strategy would be focussed on:
- Integrating with and contributing to existing initiatives being developed and delivered via the Wellbeing Strategy and Corporate Plan, with a specific emphasis on housing, leisure, environment and health,
 - Finding solutions for key areas of land that either provide a strategic opportunity and/or or undermine the amenity and environment of Chalvey.
 - Making the best use of land to improve local services and enhance community cohesion, and crucially,
 - Delivering results within 5 years.
- 1.2 The purpose of this report is to provide an update to Cabinet and discuss progress on the projects included in the second phase of the strategy.

2. Recommendations

Cabinet is requested to consider the progress made with the various projects since October 2013 and resolve:

- (a) That the proposals to take proactive steps to bring forward the development of the former petrol station site be approved.
- (b) That it be noted that following discussions with the CCG and local GPs, a local GP is using private finance to acquire the former Scottish and Southern Electricity (SSE) site to introduce an integrated health facility.
- (c) That the possibility to enter into a partnership to improve housing choice in Chalvey linked to the former SSE depot site be noted.
- (d) That it be noted that the changing rooms will be completed by July 2014.

- (e) That it be noted that subject to there being no planning issues, the Multi-Use Games Area (MUGA) will be completed by June 2014.
- (f) That the Director, Regeneration, Housing and Resources be authorised to take all necessary steps to secure the making, submission, confirmation and implementation of the CPO of the third party land at the Former Cross Keys Public House and other land required to deliver the Chalvey Regeneration Strategy (and where appropriate amendments to the Order) including;
- Publication and service of all notices
 - Advertise the Order and submit it to the Secretary of State in accordance with the Acquisition of Land Act 1981.
 - Negotiation with landowners.
 - Setting out the terms for the withdrawal of objections to the CPO.
 - Where appropriate, seeking exclusions of land from the CPO
 - Making arrangements for the presentation of the Council's case for confirmation of the CPO at any Public Inquiry.
 - Exercising the compulsory purchase powers authorised by the CPO by way of general vesting declaration and / or notices to treat and notices of Entry.
 - Acquiring third party interests in the site by private treaty.
 - Making any third party payments of compensation due pursuant to the national Compensation Code as a result of the implementation of the CPO. Compensation due to unidentified owner can be paid to the Crown.
- (g) That the Strategic Director, Regeneration, Housing and Resources be authorised to appropriate to planning purposes the land in the ownership of Slough Borough Council which is no longer required for the purpose for which it was previously used, for use in connection with the Chalvey Regeneration Strategy under Section 122 of the Local Government Act 1972.
- (h) That an update report will be presented to Cabinet in September 2014 that will confirm progress on the 6 existing sites and include updates on additional regeneration sites identified as the strategy has evolved.

3. Corporate Plan

The potential outcomes of the Chalvey Regeneration Strategy have evolved through consultation with internal departments, public and private sector stakeholders. It has the potential to contribute to the key objectives of the Corporate Plan, as follows:

Health & Wellbeing – The introduction of a new integrated GP practice would provide improved access to healthcare services for local residents in an area that has been highlighted as being in greatest need within Slough.

Housing – New housing would increase quality, improve choice and stimulate the local economy.

Regeneration & Environment – The introduction of improved public realm space would transform land that is currently a blight on the landscape and creates a negative perception of the area.

4 Joint Strategic Needs Assessment

Since October 2013 it has been clarified that there is strong support from GPs and the Clinical Commissioning Group to introduce a new integrated health facility in Chalvey.

Discussions have also commenced about the potential for the Council to enter into a partnership with a third party to introduce a new build 60 apartment extra care facility. Subject to ensuring that the projects are viable, the scope and objectives of the plan will:

- Bring together the Council's and partners investment programmes,
- Create the conditions for integrated investment and service delivery, and
- Assist in the realisation of shared socio-economic objectives.
- Extra care would provide a preventative model of housing that would support independence, avoid admissions to residential care and create efficiencies.

5 **Other Implications**

(a) Financial

The capital programme for 2014/15 includes the sum of £500,000 linked to the acquisition of land and/or developing proposals for various sites. In the event that the Council pursues CPO powers and the case goes to an Inquiry, the Council could expect to spend fees up to £70,000. Any major expenditure will be subject to a detailed business case that must be approved in advance by the Capital Strategy Board. Any expenditure above these amounts will need to be approved by the Cabinet and be subject to the principles of the Capital Strategy 2014-19,

The possibility of entering into an agreement to acquire land, purchase a completed Extra Care Housing facility or lease premises will be subject to a separate report for Cabinet and is provided for information only.

(b) Risk Management

Risk	Mitigating action	Opportunities
Flood Risk	Undertake a flood risk assessment for each project	
Traffic Congestion	Early discussions with Highways and Transport to establish potential congestion issues and commissioning of an independent Transportation survey.	
Ownership – Owners do not wish to sell	Consider use of CPO powers on Regeneration or Housing grounds.	
Human Rights	None	
Employment	None	

(c) Human Rights Act and Other Legal Implications

None

(d) Equalities Impact Assessment

It is anticipated that the outputs and outcomes of the Chalvey Regeneration Strategy will have a positive impact in relation to creating new houses, creating new community

facilities, resolving environmental issues and improving accessibility to services. The full implication of the impact of these interventions will not be identified until the plan evolves. A full EIA will be undertaken for every project that emerges through the evaluation process and/or the planning process; therefore it is assumed that the plan itself does not require an EIA.

e) Legal

Slough Borough Council has the power to acquire land by compulsion under a range of existing legislation. Most relevant to this report, the Town and Country Planning Act 1990 – the 2004 Act amends section 226 and provides for the power to acquire land, with the authority of the Secretary of State, to secure the carrying out of development, redevelopment or improvement in circumstances where this is likely to contribute to the economic, social or environmental wellbeing of the area.

f) Land and Property Implications

Slough Borough Council is the joint owner of the former Cross Keys Public House site and therefore has an interest in maximising the value of its asset. It is unlikely that this will be achieved in isolation of the third party ownership. Even if this were possible, the third party land would remain undeveloped and would undermine the objective of finding solutions for key areas of land that either provide a strategic opportunity and/or or undermine the amenity and environment of Chalvey. The suggested use of CPO powers to assemble the entire site is a measured and pragmatic approach.

The potential to enter into a partnership with the owner of the SSE site will be subject to the approval of a robust business case that must assess the likelihood of flooding.

6. Supporting Information

6.1 The Council launched its vision for Chalvey in 2009. Following community consultation, the Council: transformed the former Thames Valley community building, introduced a refurbished Chalvey Early Years Centre, created 420 new school places in the refurbished the old Town Hall, created a new one-way traffic system and improved car parking, undertook environmental improvements, including the introduction of planters and organised community clean-ups, and installed new CCTV cameras in Ledgers Road to deal with anti-social behaviour.

6.2 In October 2013 Cabinet approved the continuation of the Strategy and agreed it would continue to have a specific emphasis on delivering community focussed regeneration outputs and outcomes derived from 5 key sites. The Strategy has evolved to include the former SSE Depot site. Progress on the sites is as follows:

6.2.1 The former petrol station at Chalvey Road East

The derelict Chalvey Road East filling station site is owned by a private developer and is located at the eastern gateway of Chalvey (Appendix A). It has remained undeveloped due to viability issues associated with acquisition and remediation costs.

The developer has now submitted a revised development appraisal with up-to-date income and expenditure. Having undertaken a viability assessment, Asset Management is satisfied that the scheme is not viable with a full s106 contribution. This information can now be used to support the submission of a planning

application, by the developer, which could allow this stalled development to proceed.

Subject to flexibility over the level of s106 contribution and approval by the Planning Committee, the developer would intend to commence on site by the end of 2014.

6.2.2 Site of Former Cross Keys Public House

This cleared site is located in a prominent location on Chalvey High Street and is the site of the former Cross Keys public house and adjoining car park (Appendix B). The site is hoarded up and has remained undeveloped since the demolition of the public house. The Council owns circa one-third of the site, with the balance owned by a third party. Due to the nature of the site it is impractical and a poor use of land for either party to develop in isolation.

The Council has been in discussions with the third party owner with a view to disposing of their site for a medical facility and/or affordable housing, which has been independently valued at £350,000. A local GP made a substantial offer in January 2014 that was considerably above the current market value; however the private owner would not sell their interest for anything less than £950,000, which they claim reflected their initial outlay and on-costs. They intend to retain the site until they can recoup their expenditure. The GP has subsequently purchased an alternative site (see section 6.2.6 below).

The alternative use we propose for this site is to increase housing choice in the area by providing additional affordable housing. Indicative layouts have shown the potential to build up to 8 new family homes on the combined two sites. However this is currently unviable given the valuation expectations of the third party owner.

The Compulsory Purchase Policy approved by Cabinet in February 2014 confirmed that the Council would consider using CPO powers in relation to “*sites identified in the Local Plan or Local Development Framework which owners are not bringing forward but which would make a significant contribution to the provision of affordable housing in the district. Reasons for these not being brought forward may be concerns regarding viability as the result of proportion of affordable housing, complex ownerships or simply unwilling vendors*”. Against this background, Cabinet could consider utilising CPO powers to acquire the site in line with the policy approved by Cabinet in February 2014. The Council can show a compelling case in the public interest that the owner has acted unreasonably and it is likely that the land will remain undeveloped for several years until the site reaches a value approaching £950,000. As mentioned in section 59a), a budget is already in place for 2014/15 that would support the CPO.

6.2.3 Chalvey Halt

Introducing improved access to public transport for Chalvey was one of the messages drawn from the public consultation in 2009. The Council remains in discussion with Network Rail and First Great Western about the feasibility of this project, which could be combined with the Slough to Windsor Fast Tram project, which aims to improve conditions for movement between Slough and Windsor. This project is the subject of discussion by the Thames Valley Berkshire Local Enterprise Partnership (TVBLEP) Strategic Infrastructure Group. Scheme bids are currently being reviewed for submission to Government for funding. Announcements are expected in late spring 2014.

6.2.4 Redevelopment of land at Ledgers Road

This project is on the site of the former Town Hall annexe (Appendix D) and is will be one of the first major housing projects to be brought forward by Slough Regeneration Partnership (LABV).

Since October 2013 a design Competition has been undertaken to appoint architects. Detailed proposals are being developed for the site, which will introduce a mix of house types and tenure to reflect housing need and demand within the town. It is anticipated that a site start will be achieved by the end of this year.

6.2.5 New Changing Facilities & MUGA – Recreation Ground

The introduction of new changing facilities was identified as a key requirement for the local community. Since October 2013, the Council has appointed consultants to remodel the internal layout of the former nursery building to provide the changing facilities. It is anticipated that this project will go on site in April and be completed by July 2014.

Subject to planning, a new Multi Use Games Area (MUGA) will be introduced in Chalvey Recreation Ground by June 2014. This new facility will be fenced off on four sides using new heavy duty powder coated fencing. In order to maximise the play value of the new facility, the design will incorporate interesting games and innovative ways of engaging the community to become more active. They will be accessible to people of all ages and abilities. A survey will also be commissioned to identify establish the steps required and cost to improve the quality of the playing surface and drainage and improve security at the recreation ground.

6.2.6 Former SSE Depot

This 1.28 acre cleared site was the former location of the SSE depot and had been marketed by Focus Commercial since July 2013. Having discounted the Cross Keys site due to the valuation, it is understood that a local GP has had a formal offer accepted for this site and has support from the Clinical Commissioning Group (CCG) to introduce an integrated health facility. Whilst the acquisition and development of the new health premises will be privately financed, this site has been included in the Strategy since it offers the potential for a shared development opportunity.

Consultants commissioned by the for the GP have provided proposals to illustrate the potential to combine the health premises with either a 60 apartment Extra Care Housing (ECH) facility or circa 18 general needs homes for rent. The potential exists for SBC to enter into an agreement to:

- Acquire the proportion of land required for either form of housing.
- Enter into a contract to purchase a development upon completion, or
- Lease the ECH development upon completion.

The viability and cost implication for these options will be considered and may be subject to a separate report to Cabinet.

- 6.2 The Council's Flood Management Team has commissioned a feasibility study which is ongoing with the Environment Agency to look at structural options for a Flood Alleviation Scheme (FAS). Since Chalvey contains areas at risk it must be stressed that all proposals will be subject to further internal and external consultation.
- 6.3 As the strategy has evolved, additional potential sites have been identified at Primary Road and Darvills Lane. The potential of these sites will be explored and included in the next update report.

7 Conclusion

- 7.1 The second phase of the Chalvey regeneration Strategy has gained momentum since October 2013, with clear evidence of tangible steps to redress previously stalled developments and realise the objective of finding solutions for key areas of land that either provide a strategic opportunity and/or or undermine the amenity and environment of the area.

8 Appendices Attached

- A - The former petrol station at Chalvey Road East
- B - Land at the axis of High Street/Turton Way
- C - Chalvey Halt
- D - Redevelopment of land at Ledgers Road
- E - Former SSE Depot

9 Background Papers

None.

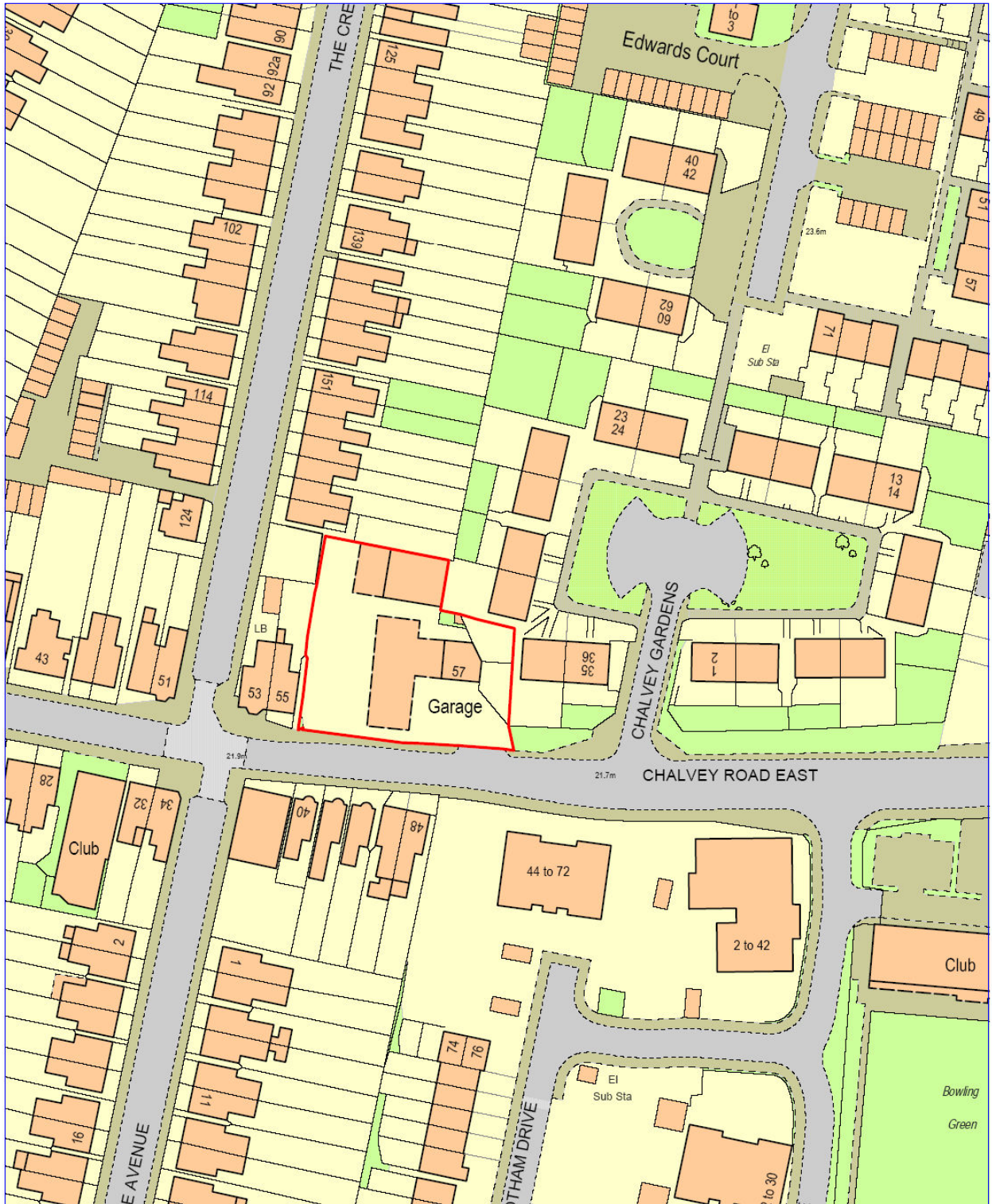
Appendix A - The former petrol station at Chalvey Road East

Asset Management Resources

Scale 1: 1,000



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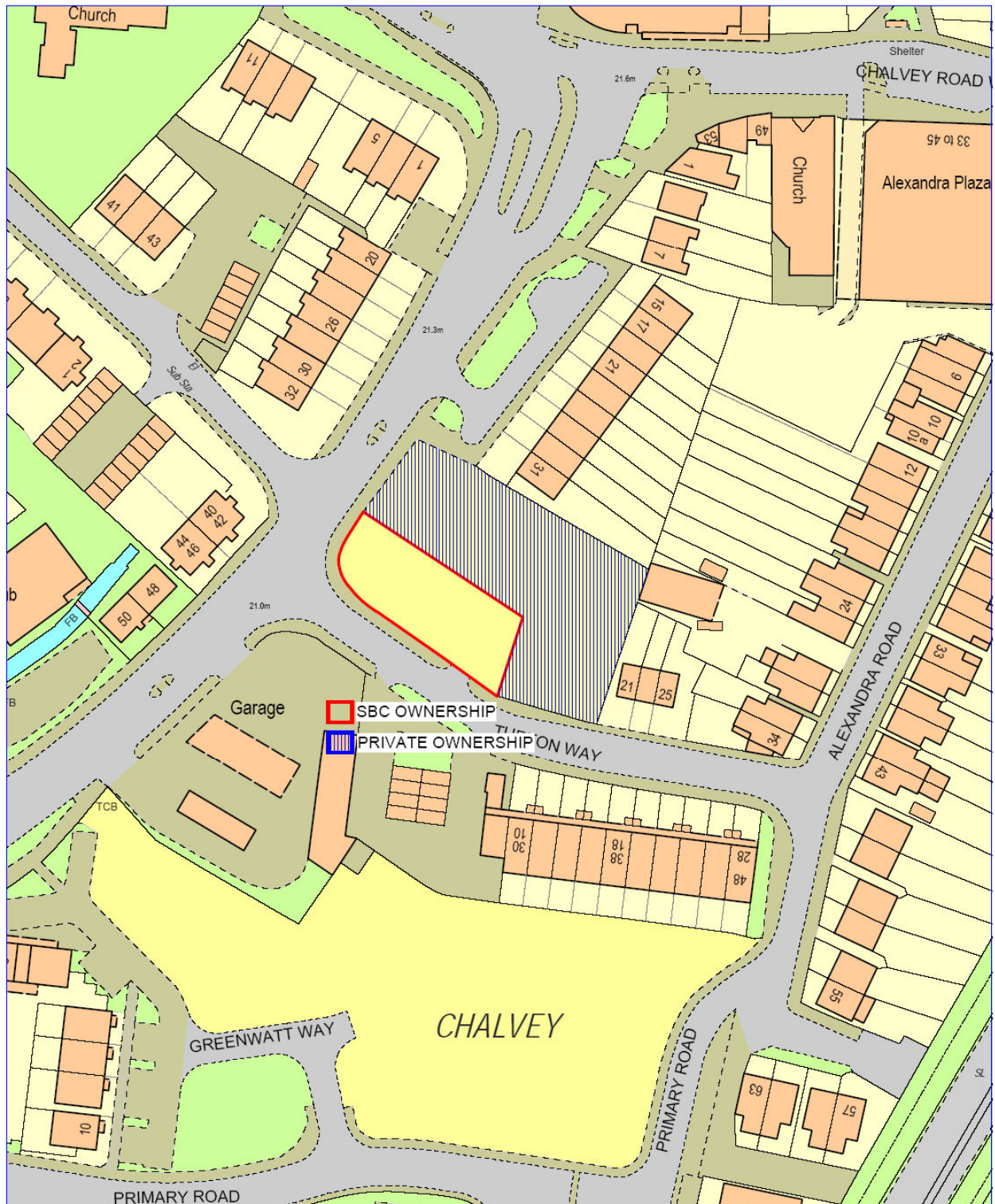
Appendix B - Land at the axis of High Street/Turton Way

Asset Management Resources

Scale 1: 1,000



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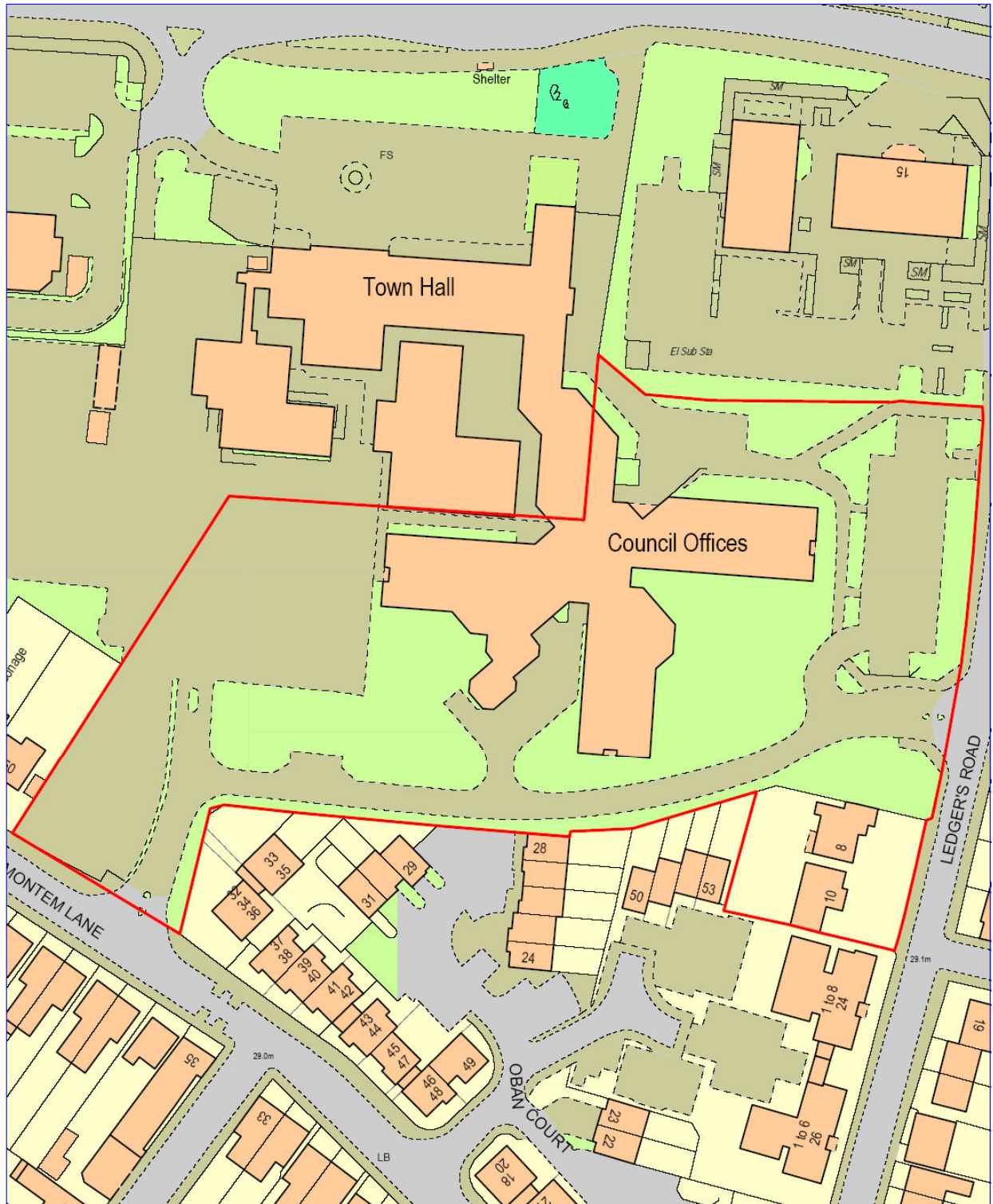
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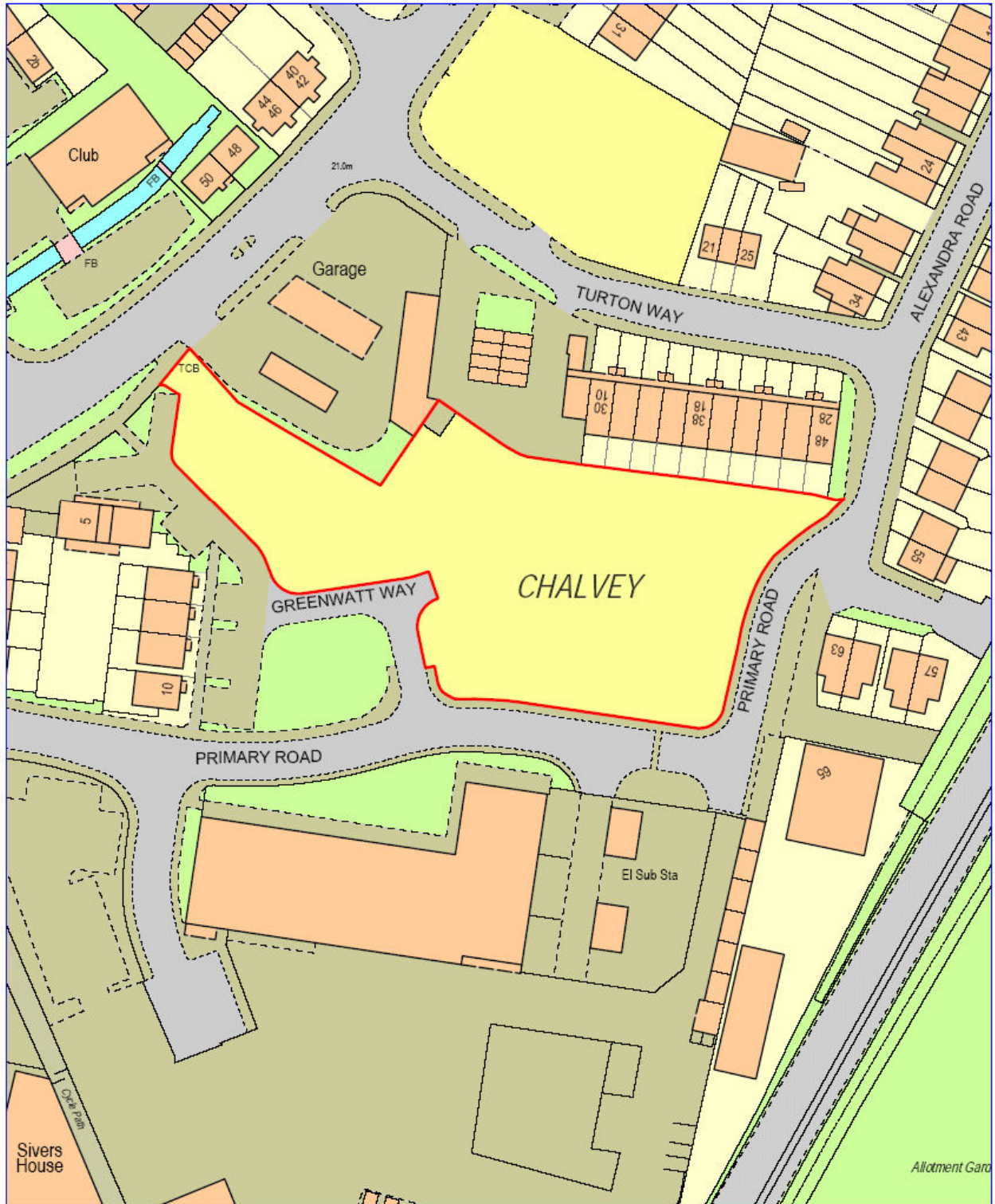
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29/07/2013

SLOUGH BOROUGH COUNCIL

REPORT TO: Cabinet **DATE:** 10th March 2014

CONTACT OFFICER: Sarah Richards
(For all enquiries) Strategic Director, Regeneration, Housing and Resources
(01753 875301)

WARD(S): All

PORTFOLIO: Community and Leisure – Cllr Pantelic
Environment and Open Spaces – Cllr Parmar
Health and Wellbeing – Cllr Walsh
Neighbourhoods and Renewal – Cllr Swindlehurst

PART I
KEY DECISION

LEISURE STRATEGY

1. Purpose of Report

1.1 The purpose of this report is to set out the strategic background and key considerations which will inform the development of the strategy for leisure provision in Slough. Given the range and complexity of the options for future leisure provision open to SBC, the report proposes setting up a member/officer working group to explore in more detail the options and then to progress the leisure strategy to implementation.

2. Recommendation(s)/Proposed Action

The Cabinet is requested to resolve:

- a) That the report be noted.
- b) That a Leisure Strategy member/officer task and finish working group be set up and that Commissioners be nominated to join that group.

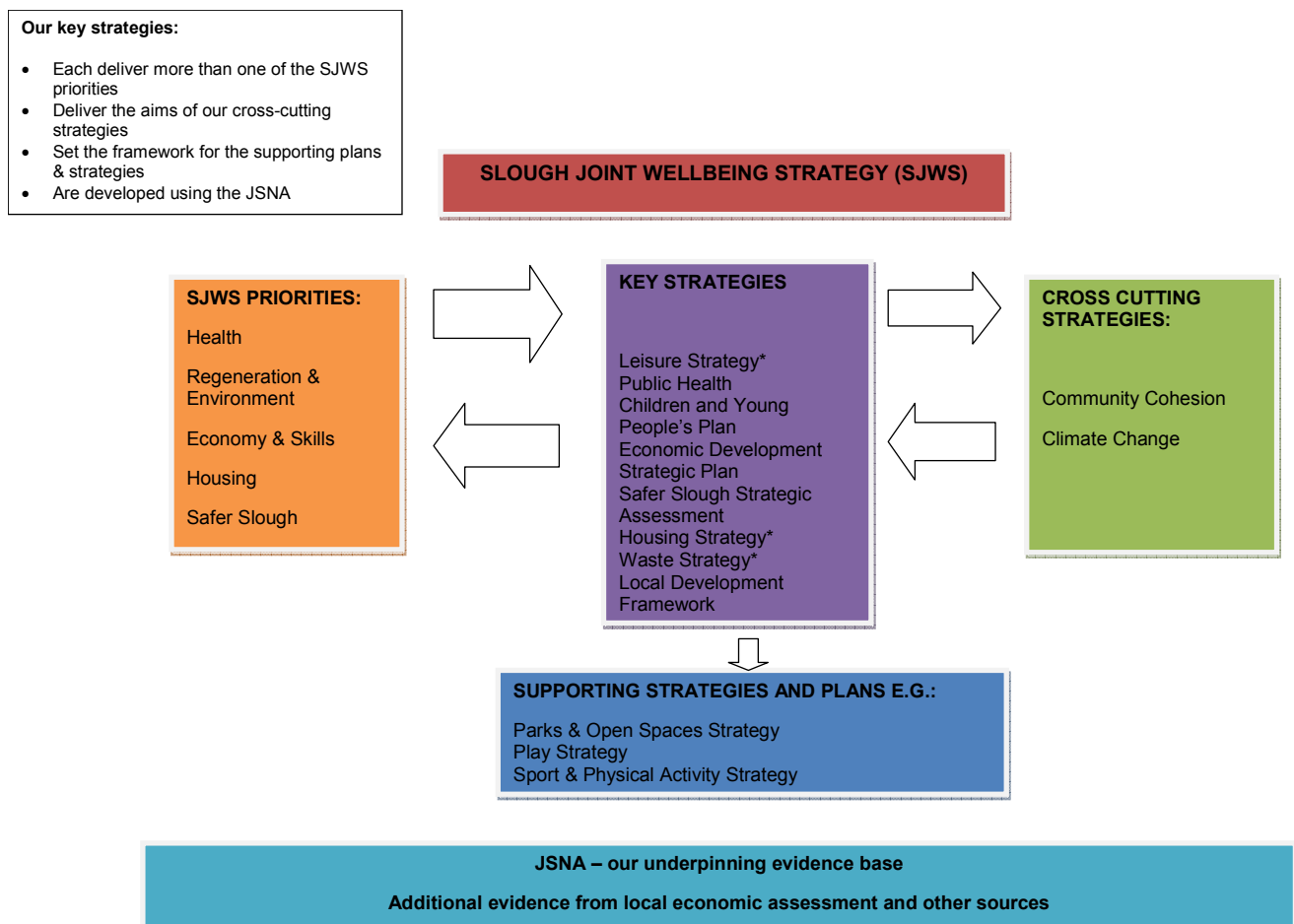
3. Slough Joint Wellbeing Strategy Priorities

3.1 All the actions within the leisure strategy will contribute towards achieving the overarching vision of the Slough Joint Wellbeing Strategy and will make significant contributions to the health and wellbeing and safer Slough themes.

- **Health and wellbeing** - Cabinet in September 2013 approved a strategy for leisure services, with the overarching aim “To enhance the health and wellbeing of Slough residents by ensuring leisure activity is adopted as a habit for life for all - more people, more active, more often”. The causal link between physical activity and overall health indicators is self-evident and particularly related to reducing obesity and heart disease which are high priorities for Slough

- **Safer Slough** – the opportunity to participate in shared leisure activities makes a very positive contribution to community cohesion and interaction between the varied and diverse communities in Slough
- **Regeneration and environment** – leisure facilities, both open space and buildings used for leisure purposes contribute to the quality of the environment of the town and can provide opportunities to regenerate specific sites and local communities

3.2 When completed the strategy for leisure in Slough will be one of a group of strategies that underpin the Wellbeing Strategy. Whilst each strategy addresses a specific area of activity each overlaps and reinforces the strategic aims of the others in the group. The diagram below illustrates this:



4. Other Implications

4.1 Financial

There are no immediate financial implications arising from this current report. When the strategy is completed it is highly likely that the implementation plan and consequent actions that arise will have financial impacts, both on revenue and capital expenditure. These matters will be considered and addressed when the completed strategy is brought forward for Cabinet agreement. Any capital expenditure for a significant project would require a separate Business Case to be considered and approved.

4.2 The Council currently spends £527,000 of its revenue budget on the management fee for Slough Community Leisure. This fee provides for the leisure activities that take place at Langley and Montem Leisure centres, Slough Ice Arena and also includes facilities at the Centre (conferences, weddings, council meetings) and Salt Hill Park (ten pin bowling). In addition there is a substantial contribution that parks, open spaces and local play areas throughout the town make to informal and organised leisure opportunities, the management of which is paid for directly from revenue budgets. Facilities located within schools also provide further leisure opportunities.

4.3 Risk Management

Risk	Mitigating action	Opportunities
Legal	None at this stage	
Property – that the leisure needs of Slough cannot be met within the current facilities and open space and further investment is required which has a significant financial impact	A facilities option appraisal will be undertaken as part of the development of the leisure strategy	Regeneration and potential for development of community facilities
Human Rights	None	
Health and Safety	None	
Employment Issues	None	
Equalities Issues	None	
Community – that the facilities that are provided do not meet the needs and aspirations of the Slough residents	Public consultation as part of detailed design development	Improved access to quality facilities
Communications	None	
Community Safety	None	
Financial	None	
Timetable for delivery	None	Link with contract renewal in 2017
Project Capacity	None	
Other		

4.4 Human Rights Act and Other Legal Implications

There are no direct Human Rights Act or other legal implications arising from this report.

4.5 Equalities Impact Assessment

An Equalities Impact Assessment will be completed when the proposals for new leisure facilities have been developed.

4.6 Workforce

There are no direct workforce implications arising from this report.

5. Background

- 5.1 The Council agreed an approach to leisure facilities at Cabinet in September 2013. Whilst focussing on delivering broader outcomes for the community through improved participation in leisure and physical activity the approach taken was centred on the provision of buildings to achieve these outcomes. Further review and improved information about the overall cost of the previously agreed approach has led to the need for a change in the way in which the leisure strategy is addressed.
- 5.2 It is proposed that a member and officer task and finish group is set up to review the evidence and options for leisure provision within Slough with the aim to bring a refreshed strategy to Cabinet in summer 2014.
- 5.3 This group will take a structured approach to the task which will include consideration of the following:
- current evidence base on health and physical activity of the residents of Slough;
 - a complete understanding of the facilities available for leisure, including parks, open spaces, private and semi-public (schools) facilities;
 - appropriate public engagement to seek views and gain understanding;
 - engage with Slough Community leisure and other providers to gain further market understanding;
 - learn from what other Councils are doing including alternative models of delivery
- 5.4 The conclusion of the work will be to reach an agreed to approach to the council's role in providing leisure facilities and the best options to deliver this.

6. Comments of other committees

- 6.1 This matter has been considered by Cabinet on previous occasions listed below and also been the subject of a report to Overview and Scrutiny Committee.

7. Conclusion

- 7.1 In light of the recently gained information regarding the current proposed leisure strategy it is proposed that the approach is reviewed and a revised strategy is produced. To undertake this task it is proposed that member/officer task and finish working group be set up to report back by summer 2014.

8. Background papers

Leisure Capital Strategy. Cabinet report, 21 November 2011

Leisure Strategy. Cabinet report, 16 September 2013

Leisure Strategy (full text), September 2013

Leisure Strategy, report to Overview and Scrutiny 10 September 2013

SLOUGH BOROUGH COUNCIL

REPORT TO: Cabinet **DATE:** 10 March 2014

CONTACT OFFICER: Kate Pratt, communications manager
Nick Hannon, waste and environment manager
Alison Hibbert, head of culture and sport
Alex Deans, head of highways

(For all enquiries) (01753) 875088

WARD(S): All

PORTFOLIO: Cllr Rob Anderson, finance & strategy
Cllr James Swindlehurst, neighbourhoods & renewal
Cllr Sohail Munawar, economic & social inclusion
Cllr Satpal Parmar, environment & open spaces
Cllr Natasa Pantelic, community & leisure

PART I
NON-KEY DECISION

COMMUNITY INVESTMENT FUND 2013/14

1 **Purpose of Report**

To inform cabinet of the council projects paid for by the community investment fund in 2013/14 and progress to date.

2 **Recommendation(s)/Proposed Action**

Cabinet is requested to resolve that the progress made to date on the community investment fund projects be noted.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Corporate Plan**

The Slough Joint Wellbeing Strategy (SJWS) is the document that details the priorities agreed for Slough with partner organisations. The SJWS has been developed using a comprehensive evidence base that includes the Joint Strategic Needs Assessment (JSNA).

3a. **Slough Joint Wellbeing Strategy Priorities**

This report and the projects detailed link to the following priorities in the Slough Joint Wellbeing Strategy (SJWS):

- Health
- Regeneration and Environment
- Safer Communities

Projects within the community investment fund also contribute to the cross cutting themes of the strategy by encouraging civic responsibility and improving the image of the town.

4 **Other Implications**

(a) Financial

The community investment fund formed part of the agreed budget for 2013/14.

The amount budgeted for each project is as follows:

Description	Budget (£)
New and replacement litter bins	150,000
New signs for parks and open spaces	200,000
Multi-use games areas	358,000
Street name plate signs – 2 year programme	200,000
Pavement Parking Policy	350,000
Neighbourhood enhancements / walkabouts	250,000

There are no other financial implications from this report.

(b) Risk Management

Risk	Mitigating action	Opportunities
Legal	None	
Property	None	
Human Rights	None	
Health and Safety	None	
Employment Issues	None	
Equalities Issues	None	
Community Support	None	
Communications	None	
Community Safety	None	
Financial	None	
Timetable for delivery	None	
Project Capacity	None	
Other	None	

(c) Human Rights Act and Other Legal Implications

The report does not have any legal or human rights act implications.

(d) Equalities Impact Assessment

This report does not have any equalities implications and there is no identified need for the completion of an EIA.

5 **Supporting Information**

- 5.1 The community investment fund was introduced in 2012 to direct funding to smaller street level projects that benefit the local community and improved neighbourhoods.

5.2 In 2013/14 the council chose the following projects to be part of the community investment fund:

- new and replacement litter bins
- new signs for parks and open spaces
- new multi-use games areas
- replacement street name plate signs
- pavement parking policy
- other smaller projects to be bid for by councillors

5.3 New and replacement litter bins

Since April 2013, more than 200 new litter and recycling bins have been placed across the borough with another 150 to 200 being in place by the end of April 2014. The new bins have replaced old bins in high-litter areas as well as being placed in new areas suggested by councillors and local community members.

The old litter bins have been removed and donated to schools.

The new bins enable people to recycle on the go, reducing the council's costs for disposal of street litter.

The cost of collecting both the rubbish and recycling from the new bins has been absorbed by the council environmental contractor Amey leaving the community investment fund to be used entirely on the purchasing of the new bins.

5.4 New signs for parks and open spaces

The project for new parks signs was split into two parts – the first being large axe-head signs for major parks with main road frontages and the second being smaller, newly designed signs for smaller parks and open spaces.

The large axe-head style signs were to be the same as the ones already installed in Upton Court Park and Salt Hill Park, with the smaller newly designed signs being complimentary in shape and colour.

The intellectual property rights for the axe-head style signs are held by the company who originally designed them, bespoke for Slough and 14 more of these were ordered in June and installed late autumn and December at:

- Upton Court Park x 1
- Kedermister Park x 2
- Langley Memorial Ground x 2
- Mercian Recreation Ground x 2
- Cippenham Village Green x 1
- Kennedy Park x 1
- Monksfield Recreation Ground x 1
- Lascelles Park x 1
- Cippenham Recreation Ground x 1
- Chalvey Recreation Ground x 1
- Bloom park x 1

The large sign for Bloom Park is still to be installed when plans for the new entrance are complete.

A full tender was issued for the smaller signs with more than 60 signs being planned in parks across the borough.

The preferred bidder was chosen in December 2013.

Surveys have been done on the sites, the shape, structure and general wording has been agreed and all are expected to be in place by the end of March.

5.5 Multi-use games areas

Community investment funding is bringing four new multi-use games areas (MUGAs) to parks across the borough.

Three existing MUGAs are also being upgraded as part of the project.

MUGAs are designed to accommodate a number of different sports including football, basketball, netball and cricket and are informal and accessible facilities which encourage use by local residents.

The seven locations of the new and upgraded MUGAs are:

- Salt Hill Park – upgrade completed May 2013
- Lascelles Park – upgrade and refurbishment of tennis court area – works to start in March / April 2014
- Mercian Recreation Ground – upgrade in March / April 2014
- Chalvey Recreation Ground – new MUGA in April 2014
- Bowyer Recreation Ground – new MUGA in May 2014
- Maplin Park – new MUGA in May 2014
- Monksfield Recreation Ground – new skate park and flood lit MUGA in May 2014.

All have been designed to integrate with each other and existing park infrastructure, conserving the overall qualities of the existing park environment.

5.6 Street name plate signs

Just less than 700 street name plates have been replaced across Slough as part of the two year project from the community investment fund.

The council teamed up with Amey (formerly Enterprise) and Royal British Legion Industries (RBLI) to replace old concrete posts and rusty and tired name plates with new black posts and signs.

The project also included removing old signs, posts, bollards and other street furniture which were no longer need, clearing the streets of unnecessary clutter, improving the look of neighbourhoods and helping motorists and other road users by simplifying the signs.

RBLI employ ex-military service personal, many of whom have been injured during their service and were involved in the creation of the plates for high-post signs.

5.7 Pavement Parking

To prevent damage to grass verges and pavements, blocking of roads and to leave pavements for pedestrians, the council implemented a ward-by-ward approach to tackling pavement parking.

Central Ward was chosen as the first trial and a ban was put in place under an experimental traffic regulation order.

A blanket ban on pavement parking was introduced and, where pavements were wide enough, bays were marked so people could park with 'two-wheels-up'.

All junctions were protected with double yellow lines along with bends and blind bends.

Technical drawings are now being started for Wexham Ward with the same designs being used.

5.8 Neighbourhood enhancements / walkabouts

Some other smaller projects have also been funded from the community investment fund on the request of members and with the agreement of the assistant director of finance

- Digital information screens for community hubs
Three digital information screens – one each for Langley library and Chalvey and Britwell Centres – have been bought and were delivered on Friday and will be distributed to the hubs and positioned during March.
- Residents' parking bays
Across the town, areas which have suffered from limited on-street parking provision have been given special parking bays with more than 100 more parking

spaces put in over the past year and 50 more planned. Areas to have benefitted include Britwell, Cippenham and Langley.

- **Minor road schemes**

Some minor highway improvements and road schemes have been enabled by using community investment fund money. Residents of Hawthorne Crescent have a new and easier way of reaching their driveways and one area of Cippenham has a new drain to prevent surface water flooding of the road.

- Clean ups and site clearances
- Flytipping prevention measures including bollards and gates – in particular at Westfield Community Centre.
- 450 new trees planted across the town
- Shrub planting on road verges
- Fence works along the Uxbridge Road
- Painting of pedestrian railings

6 **Comments of Other Committees**

This report has not been considered by any other committees.

7 **Conclusion**

The community investment fund projects have been very successful this year and have met the aspirations of the fund – to improve the local environment on a neighbourhood level.

8 **Background Papers**

None.

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SLOUGH BOROUGH COUNCIL

REPORT TO: Cabinet **DATE:** 10th March 2014

CONTACT OFFICER: Jason Newman, Team Leader – Environmental Quality
(For all enquiries) (01753) 87 5219

WARD(S): All

PORTFOLIO: Councillor Satpal S Parmar, Commissioner of Environment and Open Spaces

PART I
NON KEY DECISION

SIGN UP TO LOCAL GOVERNMENT ASSOCIATION'S (LGA) 'CLIMATE LOCAL' INITIATIVE

1 **Purpose of Report**

To advise members about the Local Government Association's (LGA) 'Climate Local' initiative and seek the Council's approval to sign up to it.

2 **Recommendation(s)/Proposed Action**

The Cabinet is requested to resolve:

- (a) That SBC sign up to the Climate Local Commitment (Appendix A).
- (b) That the Council's Commitments to climate change mitigation and adaptation be developed by the Carbon Management Board and Climate Change Partnership Delivery Group and that their proposals be considered by Members in due course.
- (c) That clear and measurable actions in a climate change action plan are set out and published on the Council's website and LGA website with 6 months of signing up to Climate Local.
- (d) That progress on climate change actions be reported annually and published on the Council's website.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Corporate Plan**

The Slough Joint Wellbeing Strategy (SJWS) for Environment and Regeneration aims to reduce energy consumption, water usage, amount of carbon emissions generated, Improve public transport, cycling and walking facilities to increase use of sustainable forms of transport.

Climate Local has been designed to help councils across the country to capture the opportunities and benefits of action on a changing climate, through saving on their energy bills, generating income from renewable energy, attracting new jobs and investment in 'green' industries, reducing flood risks, sustainable transport, waste minimisation and managing the impacts of extreme weather.

Signing to 'Climate Local' is also one of the key objectives mentioned in Slough Borough Council's Home Energy Conservation Act (HECA) Report submitted to Department of Energy and Climate Change in August 2013 and also on the action plan of the Council's Carbon Management Board.

By signing Climate Local the Council will commit to:

- Set out actions we intend to take locally to further reduce our carbon emissions and respond to changes in the climate within our own operations, services and with the local community
- Set a level of ambition and actions in the following areas: mainstreaming climate change, energy, local economic growth, natural environment, planning and the built environment, transport, waste, health and our communities.
- Share actions, progress and learning with other partners and local authorities

This will provide a way to show the Council's leadership on climate change to our communities, partners and to government and national stakeholders.

3a. **Slough Joint Wellbeing Strategy Priorities –**

As stated in the Terms of Reference of the SWB:

'The Slough Wellbeing Board in discharging its objective to implement the Slough Joint Wellbeing Strategy has aimed to work closely with the Priority Delivery Groups (PDGs). This includes PDGs taking on lead responsibility for some areas of the Strategy.'

Signing up the Climate Local initiative will contribute towards our overall aims mentioned in the Slough Joint Wellbeing Strategy for Environment and Regeneration:

- Reduce energy consumption, water usage and the amount of carbon emissions generated.
- Improve public transport, cycling and walking facilities to increase use of sustainable forms of transport.

Cross-Cutting themes:

The Slough Joint Wellbeing Strategy lists the following Climate Change / Carbon Management civic responsibilities *that residents can undertake in delivering the Strategy and in improving Slough for the benefit of everyone.*

- Promote the town and be a champion for the area
- Use public transport or cycle or walk rather than use your car
- Insulate your home
- Reduce your water consumption
- Reduce, reuse and recycle your waste whether at home or around the town
- Compost your food and garden waste at home
- Reduce your carbon emissions by reducing your energy consumption

Both our Climate Change PDG and Carbon Management Board will seek projects to achieve the commitment of Climate Local.

4 **Other Implications**

(a) **Financial**

Signing Climate Local does not make any binding financial commitments for the Council, however once signed up to the initiative the Council would need to establish what are specific commitments are to climate change. These commitments would generally be no or low cost and met from existing budgets or delivered through changes to ways of working.”

Examples of what our climate change commitments could be include:

- Secure **political commitment** and responsibility for taking action on climate change
- Measure energy consumption across the SBC estate
- Work with **households** to promote greater **energy efficiency** and to alleviate fuel poverty.
- Reduce the carbon emissions of SBC grey fleet – please see Grey Fleet Review Document (see Appendix B)

(b) **Risk Management**

Risk	Mitigating action	Opportunities
Legal	none	
Property	none	
Human Rights	none	
Health and Safety	none	
Employment Issues	none	
Equalities Issues	none	
Community Support	none	
Communications	none	
Community Safety	none	
Financial	none	
Timetable for delivery	none	
Project Capacity	none	
Other		

(c) **Human Rights Act and Other Legal Implications** :

There are no human rights or other legal implications arising from this report.

(d) **Equalities Impact Assessment**

No EIA is required for this report.

(e) Workforce

Resource costs are already incorporated with the Environmental Quality revenue budget. We will also require some support from our communications team to publicise what we are doing and put info onto the SBC website.

5 **Supporting Information**

- 5.1. Slough Borough Council (SBC) signed the Nottingham Declaration on Climate Change in August 2009. Since then, in order to mitigate the extent of climate change SBC has adopted the Climate Change Strategy and Action Plan. The Council was a member of the Carbon Trust's Local Authority Carbon Management Programme from 2008/09 and developed a Carbon Management Plan which aims to reduce carbon emissions by 40% by 2014.
- 5.2. Climate Local succeeds the Nottingham Declaration on Climate Change and offers a framework that can reflect local priorities and opportunities for action. It supports councils' efforts both to reduce carbon emissions and to improve their resilience to the anticipated changes in the climate.
- 5.3. Climate local is an initiative to drive, inspire and support SBC action on a changing climate. The initiative supports our efforts both to reduce carbon emissions and also to improve resilience to the affects of our changing climate and extreme weather.

6 **Comments of Other Committees**

None

7 **Conclusion**

The Cabinet is requested to Sign up to the Climate Local Commitment (Appendix A). Approval is also sought for the Carbon Management Board to progress the next stage of the process, which is to propose an ambition and set out clear and measurable actions.

8 **Appendices attached**

'A' - Climate Local Commitment

9 **Background Papers**

'1' - LGA: Climate Local – Information pack for councils

Climate Local - Slough Borough Council

Our commitment to taking action in a changing climate

We recognise that our council has an important role to help our residents and businesses to capture the opportunities and benefits of action on climate change. These include saving money on energy bills, generating income from renewable energy, attracting new jobs and investment in 'green' industries, supporting new sources of energy, managing local flood-risk and water scarcity and protecting our natural environment.

We will progressively address the risks and pursue the opportunities presented by a changing climate, inline with local priorities, through our role as:

- Community leader – helping local people and businesses to be smarter about their energy use and to prepare for climate impacts;
- Service provider – delivering services that are resource efficient, less carbon intensive, resilient and that protect those who are most vulnerable to climate impacts;
- Estate manager – ensuring that our own buildings and operations are resource efficient, use clean energy, and are well prepared for the impacts of a changing climate.

In signing this commitment, **we will:**

- **Set locally-owned and determined commitments** and actions to reduce carbon emissions and to manage climate impacts. These will be specific, measurable and challenging;
- **Publish our commitments, actions and progress**, enabling local communities to hold us to account;
- **Share the learning from our experiences and achievements** with other councils; and
- **Regularly refresh our commitments and actions** to ensure they are current and continue to reflect local priorities.

[Date]

[Name of council or group of councils]

[Signature of Leader or Mayor of Council]

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SLOUGH BOROUGH COUNCIL

REPORT TO: Cabinet **DATE:** 10th March 2014
CONTACT OFFICER: Kevin Gordon, Assistant Director Professional Services
(For all enquiries) 01753 875213
WARD(S): All
PORTFOLIO: Performance & Accountability – Councillor Sharif

PART I
NON-KEY DECISION

UPDATED POLICY AND PROCEDURAL GUIDANCE - REGULATION OF INVESTIGATORY POWERS ACT 2000

1. Purpose of Report

The purpose of this report is to seek approval of the revised Covert Surveillance Policy and Procedural Guidance.

2. Recommendation

The Cabinet is requested to resolve that the revised Covert Surveillance Policy and Procedural Guidance (Appendix A) be approved.

3. Slough Joint Wellbeing Strategy Priorities

The use of covert surveillance or an agent, informant or officer working undercover is very rare but sometimes essential to ensure that the Council carries out its statutory powers and duties. It therefore supports all the key priorities of the Council.

4. Other Implications

(a) Financial

There are no financial implications arising from this report.

(b) Human Rights Act and Other Legal Implications

The revised Covert Surveillance Policy and Procedural Guidance documentation will ensure that the Regulation of Investigatory Powers Act 2000 (RIPA) and the Human Rights Act 1998 are adhered to.

5. Supporting Information

- 5.1 RIPA was introduced to ensure that surveillance and certain other intelligence gathering complies with the European Convention of Human Rights, importantly Article 8 which provides:- “Everyone has the right to respect for his private and family life, his home and his correspondence.”

- 5.2 Part II of RIPA provides a statutory framework that is compliant with the European Convention on Human Rights when using intrusive surveillance techniques. It introduced national standards that apply to the Police and other law enforcement agencies, including local authorities. For example, the Council investigates a whole range of offences including housing benefit fraud, noise nuisance and non-compliance with planning enforcement notices.
- 5.3 When RIPA was introduced the Council adopted the existing policy and procedural guidance which sets out what certain Officers (Authorising Officers) must do when the Council have to carry out covert surveillance or utilise a Covert Human Intelligence Source (CHIS) (and agent, informant or officer working undercover) when gathering information for court proceedings.
- 5.4 The Cabinet and Council last approved the Policy and Procedural Guidance in March and April 2005. Given the technical nature of the documentation it was agreed that any future changes in law and best practice would be delegated to officers, however it is considered good practice for Members to approve the document periodically.
- 5.5 The updated Covert Surveillance Policy and Procedural Guidance is attached at Appendix A. The updates relate to technical matters including changes to Authorising Officers to reflect the new organisational structure of the Council and the process for securing judicial approval for authorisations through the Magistrates' Court.

6. Comments of Other Committees

- 6.1 This report and updated documents have not been considered by any other Committees.

7. Conclusion

- 7.1 The Cabinet is requested to consider and approve the updated Covert Surveillance Policy and Procedural Guidance to reflect the new organisational structure of the Council.

8. Appendices Attached

'A' SBC Covert Surveillance Policy and Procedural Guidance
(Updated January 2014)

9. Background Papers

None.

SLOUGH BOROUGH COUNCIL

REGULATION OF INVESTIGATORY POWERS ACT 2000

(RIPA)

COVERT SURVEILLANCE POLICY AND PROCEDURAL GUIDANCE

July 2013
(Updated Jan 14 to reflect new organisational structure)

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Note

This Policy has been updated as a result of The Protection of Freedoms Act 2012 and amendments to the Regulation of Investigatory Powers (Directed Surveillance and Covery Human Intelligence Sources) Order 2012

1. Introduction to RIPA

1.1 RIPA is an acronym for the Regulation of Investigatory Powers Act 2000. RIPA was introduced to ensure that Surveillance and certain other intelligence gathering complies with the European Convention of Human Rights and Fundamental Freedoms (ECHR), importantly Article 8 which provides:-

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

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

1.2 It should be noted that Article 8 is a qualified right. If the right to respect for one's home private and family life is interfered with it has to be proportionate and in accordance with the exceptions in paragraph (ii).

1.3 Part 2 of RIPA provides a statutory framework that is compliant with the ECHR and provides guidance when using specified Surveillance techniques. It also introduces standards that apply to the police and other law enforcement agencies. Local authorities are classified as public bodies as their functions include the investigation of certain crimes. For example, the Council as a local authority investigate and prosecute:

- (a) housing benefit fraud;
- (b) consumer protection offences (such as the sale of counterfeit and unsafe goods);
- (c) noise nuisance; and
- (d) non-compliance with planning enforcement notices.

These are just some examples of the myriad areas of enforcement the Council undertakes.

1.4 The Council can only use the provisions of RIPA in three areas - the acquisition and disclosure of communications data, the use of Directed Surveillance and covert human intelligence sources - for:-

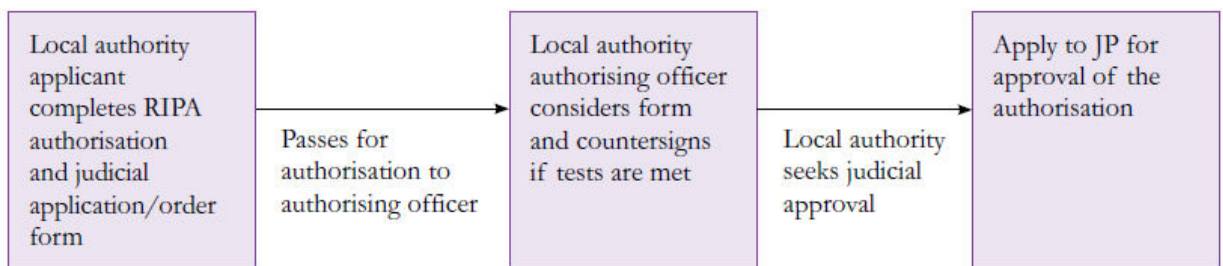
'the purpose of preventing and detecting crime or preventing disorder'

1.5 The purpose of this policy is to provide guidance with regard to the use of Directed Surveillance and covert human intelligence sources under RIPA. Covert Surveillance requires internal authorisation as well as Court approval to reduce the risk of the information gathered being found to be inadmissible in court and/or

compensation being payable for a breach of an individual's human rights (see paragraph 15 below).

- 1.6 The oversight provisions by the Office of Surveillance Commissioners (OSC) should also be noted - <http://Surveillancecommissioners.independent.gov.uk/>
- 1.7 Codes of practice have been drawn up by the Home Office and these are referred to at Appendix 1 but are not reproduced. They can be inspected at the Home Office website: <http://www.homeoffice.gov.uk/counter-terrorism/regulation-investigatory-powers/ripa-codes-of-practice/>.
- 1.8 Advice may also be obtained from the OSC Procedures and Guidance which was published on 27 September 2010.
- 1.9 This document applies to all Council staff and workers and to all contractors employed by the Council (all relevant Council contracts will include a term that this Policy and Guidance are to be observed by any contractor operating on behalf of the Council).
- 1.10 From 1 November 2012 all authorisations and renewals under RIPA need court approval before they can come into effect. Such approval must be sought from a Justice of the Peace in the Magistrates' Court. The overall process is outlined below:

DIRECTED SURVEILLANCE / CHIS (COVERT HUMAN INTELLIGENCE SOURCE)



2. Key Terms

Key terms are defined and expanded upon here. These terms are capitalised throughout the document to indicate they have been defined in this paragraph.

“Authorising Officers”

Persons who have been trained to the appropriate level should be nominated as Authorising Officers. It will be the responsibility of these officers to consider all RIPA applications and to grant or refuse authorisations, as appropriate.

Under the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 the prescribed officers are "Directors, Heads of Service, Service Managers or equivalent". Appendix 2 sets out the Authorising Officers for the Council.

However, when knowledge of Confidential Information is likely to be acquired or when a vulnerable individual or juvenile is to be used as a CHIS only the Head of Paid Service can authorise the relevant activity (or, in his or her absence, the person acting as the Head of Paid Service).

Authorisations (and renewals of authorisations) only come into effect if and when approved by an order of the Magistrates' Court (see Appendix 3).

Amendments to the list in Appendix 2 are to be agreed by the **RIPA Monitoring and Coordinating Officer** (also defined in Appendix 2).

“Crime Threshold Test”

Directed Surveillance can only be used to prevent or detect criminal offences that are either:

- punishable, whether on summary conviction or indictment, by a maximum term of at least 6 months' imprisonment or
- an offence under:
 - section 146 of the Licensing Act 2003 (sale of alcohol to children);
 - section 147 of the Licensing Act 2003 (allowing the sale of alcohol to children);
 - section 147A of the Licensing Act 2003 (persistently selling alcohol to children);
 - section 7 of the Children and Young Persons Act 1933 (sale of tobacco, etc, to persons under eighteen).

This means, at the start of an investigation, Council officers will need to satisfy themselves that what they are investigating is a criminal offence falling into one of the above categories.

“Collateral Intrusion”

Collateral Intrusion is where the investigation is likely to unexpectedly interfere with the privacy of individuals who are not covered by the authorisation. Applications for authorisation should include an assessment of the risk of any Collateral Intrusion.

“Confidential Information”

This has the same meaning as is given to it in sections 98 to 100 of the Police Act 1997.

It consists of matters subject to legal privilege, confidential personal information, or confidential journalistic material:

- Legal Privilege - includes both oral and written communications between a professional legal adviser and his or her client or any person representing his or her client, made in connection with the giving of legal advice to the client or in contemplation of legal proceedings and for the purposes of such

proceedings, as well as items enclosed within or referenced to in such communications.

Communication and items held with the intention to further a criminal purpose are not matters subject to legal privilege.

- Confidential Personal Information

"Personal information" means information concerning an individual (whether living or dead) who can be identified from it and relating--

- (a) to his physical or mental health, or
- (b) to spiritual counselling or assistance given or to be given to him.

"Confidential Personal Information" means personal information (as defined directly above):

- (a) which a person has acquired or created in the course of any trade, business, profession or other occupation or for the purposes of any paid or unpaid office, and which he holds in confidence, and
- (b) communications as a result of which personal information--
 - (i) is acquired or created as mentioned in paragraph (a), and
 - (ii) is held in confidence.

- Confidential Journalistic Material - includes material acquired or credited 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 such an undertaking.

Extra care should be taken in cases where the subject of the investigation might expect a degree of privacy or where Confidential Information is involved.

Officers should be aware of the requirement for authorisation of such Confidential Information.

"Covert Human Intelligence Sources (CHIS)"

Under section 26(8) of RIPA a person is a covert human intelligence source if s/he establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating:

- (a) obtaining information;
- (b) providing access to information to another person; or
- (c) disclosing information obtained by the use of or as a consequence of such a relationship.

Surveillance by a human intelligence source is covert if:

- it is carried out in a manner calculated to ensure that persons who are subject to Surveillance are unaware that it is or may be taking place;

- if a relationship is established or maintained and then conducted in a manner calculated to ensure that one of the parties is unaware of the purpose; or
- any information obtained and disclosed is disclosed in a manner calculated to ensure that one of the parties to the relationship is unaware of the use or disclosure in question.

“Covert Surveillance”

Covert Surveillance is defined as “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”, and is categorised as either Intrusive or Directed.

“Directed Surveillance”

Directed Surveillance is defined in section 26(2) of RIPA as Surveillance which is covert, but not intrusive, and undertaken:

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

Directed Surveillance 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 or associations. It does not include entry on or interference with property or wireless telegraphy (which the Council cannot do under RIPA), but may include the use of photographic and video equipment (including the use of CCTV).

“Intrusive Surveillance”

Intrusive Surveillance is defined in section 26(3) of RIPA as 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 BUT Surveillance is not intrusive if it:-

- (a) is carried out by a vehicle tracking device; or
- (b) involves the consensual interception of mail or telecommunications for which there is no interception warrant; or

- (c) involves a Surveillance device observing residential premises or a private vehicle, which device is not fitted in the premises or vehicle and which device does not consistently provide information of the quality and detail that would be obtained if the device was actually present on the premises or in the vehicle.

A local authority officer cannot be authorised to conduct Intrusive Surveillance.

“Judicial Approval”

The approval of Local Authority Authorisations under RIPA by a Justice of the Peace sitting in the Magistrates’ Court (see Appendix 3)

“Private Information”

This includes, “in relation to a person”, any information relating to his or her private or family life.

Aspects such as gender identification, name, sexual orientation and sexual life are important elements of the personal sphere protected by Article 8. The Article also protects a right to identity and personal development, and the right to establish and develop relationships with other human beings and the outside world and it may include activities of a professional or business nature. There is, therefore, a zone of interaction of a person with others, even in a public context, which may fall within the scope of “private life”. It may be the case, therefore, that a person’s private life may be concerned in measures affected outside a person’s home or private premises. A person’s reasonable expectations as to privacy are a significant though not necessarily conclusive factor.

”Surveillance”

Includes:

- (a) monitoring, observing or listening to persons, their movements, their conversations or their other activities or communications;
- (b) recording anything monitored, observed or listened to in the course of Surveillance; and
- (c) Surveillance by or with the assistance of a device.

3. Directed Surveillance

3.1 General

- 3.1.1 In general terms, Directed Surveillance is planned covert Surveillance which could not be classed as Intrusive Surveillance. To fall into the category of Directed Surveillance, the Surveillance must be undertaken for the purpose of a specific investigation or operation in a way likely to obtain Private Information about a person (otherwise than by immediate response to events). If Surveillance takes place as an immediate response to an event, no authorisation is required. Directed Surveillance is essentially Surveillance carried out in a manner calculated to ensure that the person who is the subject of the Surveillance is unaware that it is, or may be, taking place.
- 3.1.2 Directed Surveillance can only be used if authorised in accordance with this Policy and only then after the authorisation has been approved by an order of the Magistrates' Court
- 3.1.3 Directed Surveillance can only be used to prevent or detect criminal offences that meet the Crime Threshold Test
- 3.1.4 During the course of an investigation the type and seriousness of offences may change. The option of authorising Directed Surveillance is dependent on the offence under investigation meeting the Crime Threshold Test. Providing this is the case, an application for authorisation or approval can be made. However, if during the investigation it becomes clear that the activity being investigated does not amount to a criminal offence or that it would be a less serious offence that does not meet the threshold the use of Directed Surveillance should cease. If a Directed Surveillance authorisation is already in force it should be cancelled.
- 3.1.5 Directed Surveillance will be authorised against a specific offence which meets the threshold, and the type and the timing of the deployment of the Surveillance will always reflect this. There may be cases where it is possible, with the same evidence obtained by the same deployment, to substantiate a variety of different charges, some of which fall below the threshold, it will be for the courts to decide whether to admit – and what weight to attach to – the evidence obtained in the lesser charges.

3.2 Further points on Directed Surveillance

- 3.2.1 A dog warden, who *happens* to see a dog fouling offence being committed, would not be said to be undertaking Directed Surveillance in the RIPA sense. To be planned Surveillance, there needs to be a specific purpose or investigation. (It's also unlikely this offence would meet the Crime Threshold Test.)
- 3.2.2 If an investigating officer responds to an immediate event this would not be Directed Surveillance. If the officer subsequently planned a follow-up visit for the specific purpose of carrying out observations this would be classified as Directed Surveillance and would require authorisation.
- 3.2.3 Directed Surveillance is usually undertaken by means of an individual officer watching or recording the person while they undertake or are suspected of undertaking the prohibited activity. It can also include an officer making a test purchase from a person when the transaction is captured on a recording device that may be worn by the officer. It is not necessary for the recording to be visual; an audio recording only would also be classed as Directed Surveillance. Evidence can also be gained by way of photography.

- 3.2.4 Hidden cameras in a public place or targeted CCTV also constitute covert Surveillance. In such circumstances a CCTV camera is trained on a specific person or a spot at a particular time in order to observe the activities of a particular person or group of persons. That being said, where CCTV is used in the monitoring of public areas in an overt way and just happen to catch a criminal act, this would **not** be classified as covert Surveillance.
- 3.2.5 RIPA covers local authorities; therefore any contractor, employee or worker of the Council is covered. It does not include local authorities acting on information that is received from members of the public acting on their own volition. For example, neighbours filming nuisance activities across the road behind their net curtains and then giving the tape to Environmental Health for action or as evidence without being actively recruited to do so does not require authorisation.
- 3.2.6 A public authority may only engage RIPA when in performance of its ‘core functions’ – i.e. the ‘specific public functions’, undertaken by a particular authority, in contrast to the ‘ordinary functions’ which are those undertaken by all authorities (e.g. employment issues, contractual arrangements etc) see *C v The Police and the Secretary of State for the Home Office – IPT/03/32/H*). The disciplining of an employee is not a ‘core function’, although related criminal investigations may be.
- 3.2.7 More details are set out in the Council’s relevant employment policies.

Examples of Directed Surveillance by local authority investigators

- (a) a recorded test purchase such as a suspected pirate DVD or counterfeit goods being purchased from a market trader.
- (b) the training of a CCTV camera onto a particular trading premises to establish who opens and closes the premises each day.
- (c) observing of persons suspected of serious or serial housing benefit fraud to see if they are going to and from a place of work
- (d) following of a person suspected of dangerous waste dumping.
- (e) the taping of nuisance tenants by Housing Officers or contractors engaged by them for the purposes set out in the Anti-Social Behaviour Act 2003.

This list is not exhaustive. It is illustrative of the types of activities that local authority investigators engage in and which would be classed as Directed Surveillance. Activities such as the test purchasing of alcohol and cigarettes by underage persons need to be considered on a case-by-case basis.

3.2.8 Examples of what does **not** constitute Directed Surveillance:

- “Hot spot targeting” e.g. licensing officers standing on a street to monitor private hire cars plying for hire illegally where this is not part of a planned operation, or Surveillance on a fly-tipping or a dog-fouling clear up.

- Overt CCTV or incidental Surveillance.
- Overt investigations, e.g. a Benefits Officer visiting a person to make enquiries and declaring their status and intention or Environmental Health Officers declaring their status and intention.

4. Covert Human Intelligent Sources (CHIS)

- 4.1 A CHIS is a person who establishes or maintains a personal relationship or other relationship with a person in order to covertly obtain or disclose information (Section 26 (8) (a) to (c) of RIPA). The code of practice recognises CHIS as agents, informants or officers working under cover. In the case of a local authority a CHIS would normally be an informant or an officer working under cover.
- 4.2 As with covert Surveillance, a CHIS would not be a member of the public who volunteers information to the local authority, such as a person who complains that they purchased food past its use-by date from their local supermarket. In this case the relationship between customer and provider is too remote. It should also be considered that the information may well be given secretly and may not be revealed to the defendant as it may be deemed to be sensitive in accordance with the Criminal Procedure and Investigations Act 1996. It should also be borne in mind that an informant may well be providing regular information during an investigation, whereas a member of the public complaining is usually a one-off.
- 4.3 The rules of evidence permit investigators to use ruses to gain information provided that the person is not persuaded into committing an unlawful act that they otherwise would not have committed. For example trading standards officers may masquerade as members of the public when visiting a car dealer and may pose questions that a prospective customer might well ask and in doing so may well gain information. In such cases this officer would be a CHIS as they would be deemed to be an officer working under cover and could be seen to be seeking to gain a person's trust. An officer who merely goes into a shop and purchases an item without engaging in dialogue except for, 'how much?' and 'thank you', would not be a CHIS. Although in this circumstance the officer is working under cover, they are not seeking information from that person or intending to gain that person's trust. In extreme situations, trading standards officers and police have gone under cover and worked in establishments to gain information.
- 4.4 It should be noted that an officer who attends a premises and identifies him/herself and then either carries out a statutory inspection or has entered in pursuance of a warrant of entry issued by a court, is not a CHIS. There is nothing covert about their visit.
- 4.5 The use and/or conduct of a CHIS must be authorised internally (see paragraph 7 below). Further, such an authorisation can only come into effect once approved by an order of the Magistrates' Court (see Appendix 3).

Additional Considerations when using a CHIS

- 4.6 If a CHIS is a juvenile or a vulnerable person the authorisation can only be given by the Chief Executive (see Appendix 2).

- 4.7 If a CHIS is a juvenile or a vulnerable person the authorisation can only be given by the Chief Executive (see Appendix 2).
- 4.8 Furthermore, the Council must have arrangements in place for ensuring that there will be at all times a person holding a position or office within the Council who will have day to day responsibility for dealing with the CHIS on behalf of the Authority. This will include the CHIS's security and welfare. In addition to this person, the Council must also ensure that there will be at all times another person who will have general oversight of the use made of the CHIS. It is suggested that the former is the officer having responsibility for the general management of the case and the latter is the appropriate Authorising Officer.
- 4.9 The officer in charge of maintaining a record of the use of a CHIS must also, at all times, record the following particulars as specified by the Secretary of State:
- (a) The identity of the CHIS.
 - (b) The identity, where known, used by the CHIS.
 - (c) Any relevant investigating authority other than the authority maintaining the records.
 - (d) The means by which the source was referred to within each relevant investigating authority.
 - (e) Any other significant information connected with the security and welfare of the CHIS.
 - (f) Any confirmation made by the Authorising Officer for the conduct or use of a CHIS that the information in paragraph 5 above has been considered and that any identified risks to the security and welfare of the CHIS have, where appropriate, been explained to and understood by the CHIS.
 - (g) The date when and the circumstances in which the CHIS was recruited.
 - (h) The identities of the Authorising Officer and the officer who applied for the use of the CHIS.
 - (i) The periods during which those persons have discharged those responsibilities.
 - (j) The tasks given to the CHIS and the demands made of him/her in relation to his/her activities as a CHIS.
 - (k) All contacts or communications between the CHIS and a person acting on behalf of any relevant investigating authority.
 - (l) The information obtained by each relevant investigating authority by the conduct or use of the CHIS.
 - (m) Any dissemination by that authority of information in that way.

- (n) In the case of a CHIS who is not an undercover operative, every payment, benefit or reward and every offer of a payment, benefit or reward that is made or provided by or on behalf of any relevant investigating authority in respect of the CHIS's activities for the benefit of that or any other relevant investigating authority.

4.10 The intention is that adequate records must be kept in such a way that the CHIS is safe from discovery by the subject(s) of the investigation and safe from any harm which could result from a disclosure of information. Further, it is meant to keep in the open any money or benefits paid to the CHIS who is not employed by the Council. See paragraph 11.6 for further requirements in relation the use of a CHIS.

5. Necessity and Proportionality

5.1 When engaging in covert Surveillance the most likely Article of the ECHR to be breached is Article 8 referred to in paragraph 1.1 above. This is a qualified right and can be interfered with, if:

- (a) the aim of such interference is necessary for the purpose of preventing and the detection of crime or preventing disorder (see paragraph 7.2 below); and
- (b) the covert activities are proportionate in the circumstances of the particular case.

5.2 If the activities are necessary, the person granting the authorisation must believe that they are proportionate to what is sought to be achieved by carrying them out. This involves balancing the intrusiveness of the activity on the target and others who might be affected by it against the need for the activity in operational terms. The 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.

5.3 Covert Surveillance should therefore be used as a last resort.

6. General Provisions about Authorisations

6.1 Where an investigating officer of the Council wishes to engage in covert Surveillance, or wishes to either operate as or use a CHIS, RIPA sets out procedures for who can authorise and what the evidence obtained is to be used for. In order to perform covert Surveillance or to operate/use a CHIS, the officer who wishes to do so must obtain:

Step 1: **authorisation** by the appropriate nominated officer ('Authorising Officer') (See [Appendix 2](#)),

Step 2: **approval** of the authorisation by the Magistrates (See Appendix 3)

6.2 Surveillance must only be authorised where it is believed that the Surveillance is necessary under the ground set out in paragraph 7 and is proportionate to what it seeks to achieve. To protect privacy, and comply with the HRA, all Council

services will need to demonstrate that any intrusion into an individual's privacy is essential to an investigation.

- 6.3 Where Surveillance is considered appropriate it must still be authorised and then approved by an order of the Magistrates' Court before it can commence.
- 6.4 Authorising Officers will need to satisfy themselves that a defensible case can be made for Surveillance activity. The matters which the Authorising Officer must consider are set out in Section 8 below. Obtaining an authorisation and Magistrates' approval will ensure that the action is carried out in accordance with the law and subject to stringent safeguards against abuse. It will also make the action less vulnerable to challenge under the HRA.
- 6.5 Where an authorisation is approved for Directed Surveillance then it must only be carried out in accordance with the authorisation and only for the purposes of the investigation specified or described.
- 6.6 In an extreme situation where it is not possible for the investigating officer to complete the form, the Authorising Officer must still be consulted. Oral Authorisation can be granted for a maximum of 72 hours in an emergency situation. As soon as possible following the Oral Authorisation, the written application for authorisation must be completed. A case is not normally regarded as urgent unless the time that would elapse before the Authorising Officer was available to grant the authorisation would, in the judgement of the person giving the authorisation, be likely to endanger life or jeopardise the investigation or operation for which the authorisation was being given. An authorisation is not to be regarded as urgent where the need has been neglected or the urgency is of the Authorising Officer's own making. Judicial approval is still required, even in urgent cases (see Appendix 3).
- 6.7 In no circumstance must any Covert Surveillance operation be given backdated authorisation after it has commenced. Embarking upon Directed Surveillance or the use of a CHIS without court-approved authorisation or conducting Covert Surveillance outside the scope of the authorisation will mean that the 'protective umbrella' of RIPA is unavailable and so any evidence obtained is likely to be inadmissible in court. This may also result in disciplinary action being taken against the officer/officers concerned within the Council's Human Resources policies and procedures.

7. Grounds for Authorisation

- 7.1 Authorisation for Directed Surveillance or the use of a CHIS may be granted by an Authorising Officer where and only where s/he believes:-
 - (a) that the authorisation is necessary for the purpose of preventing and detecting crime or preventing disorder; and
 - (b) that the authorised Surveillance is proportionate to that which is sought to be achieved (see paragraph 5).
- 7.2 Authorisation for using a CHIS can only be given for preventing or detecting crime or of preventing disorder.

- 7.3 Authorisation for Directed Surveillance can only be given for preventing or detecting criminal offences that meet the Crime Threshold Test. Directed Surveillance **cannot** be used for offences below that threshold or to prevent disorder.
- 7.4 Detecting crime includes establishing by whom, for what purpose, by what means and generally in what circumstances any crime was committed, the gathering of evidence for use in any legal proceedings and the apprehension of the person (or persons) by whom any crime was committed. Preventing or detecting crime goes beyond the prosecution of offenders and includes actions taken to avert, end or disrupt the commission of criminal offences.
- 7.5 In the case of crime when the investigator comes to the Authorising Officer the latter will be hard pressed, in many cases, to know whether s/he is satisfied that the investigation will follow the criminal route. If the concern is disorder this problem is greatly reduced since the evidence is being gathered to be presented for a wide range of remedies. Thus use of a CHIS under RIPA can be used in cases where disorder is being alleged under the Anti-Social Behaviour Act 2003.

8 Completing the Forms for Authorisation

8.1 The investigating officer seeking authorisation does this by completing the necessary form. Examples of the forms to be used by the Council are shown at Appendices 4 and 5. However, to ensure that the current forms are being used, they should be downloaded from the Home Office Website each time a new Authorisation is being sought. When completing these forms for authorisation, they should provide:

- Name(s) (where known) or description(s) of the person(s) who is/are to be the subject of the Surveillance as well as any known history and character of that/those person(s).
- The location of the person who is the subject of the Surveillance or where such Surveillance is to take place and (if relevant) the place where the CHIS is to be located.
- The type of Surveillance device or equipment to be used (if any).
- The type of activities, numbers and names of officers who will be CHIS's (if relevant).
- The purpose of which the Surveillance is to be undertaken or CHIS used. As stated above, it also has to be demonstrated why it is necessary to use covert Surveillance or a CHIS.
- It must specify why the Surveillance to be undertaken or CHIS used is proportionate and in this context specifying:
 - (a) The objectives of the Surveillance or the use of the CHIS
 - (b) The crime or wrong being investigated

(c) Why the Surveillance or the use of a CHIS should be used in preference to other methods of investigation

(d) Why it would be more practicable

- For Directed Surveillance, confirmation that the criminal offence(s) meet the Crime Threshold Test, and brief details in support of this confirmation.
- The objectives of the activities.
- The name and nature of the investigation or operation and what makes the Authorising Officer believe Surveillance or the use of the CHIS will achieve the objectives.
- The risk of information relating to third parties' private and family lives being obtained i.e. Collateral Intrusion.
- The likelihood of acquiring any confidential/religious material.

9. Duration of Authorisations

(a) Time Limits

9.1 Authorisations have a duration as follows:

- | | |
|---|---|
| • Directed Surveillance | 3 months from grant of judicial approval |
| • Covert human intelligence source (where CHIS 18 or older) | 12 months from grant of judicial approval |
| • Covert human intelligence source (where CHIS under 18) | 1 month from grant of judicial approval |

and will cease to have effect after these periods. However, the authorisations will continue to exist until cancelled. The process of controlling RIPA authorisations should be by review and cancellation. If they are no longer required they should be cancelled (see paragraph 9.9).

(b) Review

9.2 Once granted, an authorisation should be reviewed regularly by the officer managing the case to assess whether or not the activity authorised continues to be **necessary** and **proportionate**. The Authorising Officer should be notified of any instances where these criteria are no longer met. Reviews should be more frequent when access to Confidential Information or Collateral Intrusion is involved. Review frequency should be as often as the Authorising Officer deems practicable. Judicial approval is not required for an internal review.

9.3 The Authorisation forms set out in Appendices 4 and 5 should be used in conducting a review of Covert Surveillance or a CHIS.

(c) Renewal

- 9.4 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, they may renew it in writing for a further period not exceeding the relevant time limits in paragraph 9.1. Once authorised, renewals must also be approved by the Magistrates' as with initial authorisations (see Appendix 3).
- 9.5 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. 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.
- 9.6 An application for renewal should be made to the officer who granted the original authorisation unless there is a very good reason not to do so (e.g. because the original Authorising Officer is on annual leave/ has left the Council).
- 9.7 Applications for renewal should be made using the forms contained in Appendices 4 and 5.
- 9.8 Authorisations may be renewed more than once, if necessary, and the renewal should be kept/recorded as part of the central record of authorisations.

(d) Cancellation

- 9.9 Finally with regards to authorisations, an authorisation must be cancelled by the person who granted or renewed it if that person is satisfied that the authorisation is no longer necessary on the ground under which it was granted or renewed or it is no longer proportionate to what is sought to be achieved by carrying it out. Alternatively, in the case of the authorisation of a CHIS, that person is satisfied that arrangements for the CHIS's case that satisfy the requirements as set out above no longer exist. When cancelling, the forms contained in Appendices 4 and 5 should be used. Judicial approval is not needed for a cancellation.

10 RIPA Monitoring and Coordinating Officer and Record Keeping

- 10.1 The RIPA Monitoring and Coordinating Officer will keep this Policy and Guidance document under review and will amend it to accord with best practice. He will also hold a centrally retrievable record of all authorisations and regularly update it whenever an authorization is granted, renewed or cancelled. The record will be made available to an Inspector from the Office of Surveillance Commissioners, upon request. The record will be retained for a period of at least three years from the ending of the authorisation and will contain the following information:
- the type of authorisation;
 - the date the authorisation was given;

- name of the Authorising Officer;
- the unique reference number (URN) of the investigation or operation;
- the title of the investigation or operation, including a brief description and names of subjects, if known;
- whether the urgency provisions were used, and if so why.
- if the authorisation is renewed, when it was renewed and who authorised the renewal, including the name of the Authorising Officer;
- whether the investigation or operation is likely to result in obtaining Confidential Information as defined in this code of practice;
- the details and outcome of applications to the Magistrates' for judicial approval
- the date the authorisation was cancelled.

10.2 All original authorisations, renewals and cancellations shall be held by the RIPA Monitoring and Coordinating Officer with copies held by the Authorising Officer. These will include:

- 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 court order approving the authorisation
- 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.

11 Record Keeping – Generally

11.1 Copies of all written authorisations and reviews should be kept for a period of three years after the conclusion of any court proceedings in which the Surveillance or the use of the CHIS was relevant.

11.2 Oral authorisations must be recorded in writing as soon as reasonably practicable after having been granted.

- 11.3 All information that is obtained during Surveillance undertaken for the purpose of a criminal investigation is recorded by means of a Surveillance log. This log should give an account of the events observed and conversations heard and the time and date of such events or conversations. As it is unlikely that such a log would be completed contemporaneously, the date and time that the entry is made should also be noted as well as the name of the person making the entry.
- 11.4 Where an authorisation is reviewed and either granted, withdrawn or refused then the review must be recorded in writing.
- 11.5 At no time must any of the recorded information be disclosed or used, except for the purposes for which it was gathered at that time or for use in any future criminal or civil proceedings involving the Council, or if disclosure is required by law.
- 11.6 All of the information obtained by a CHIS and by the officer responsible for recording the use of the CHIS is to be recorded in a daily log similar to that referred to above for Surveillance. Where such a log also reveals the name of the CHIS this should only be disclosed if either legally necessary or if required by a Court. See paragraphs 4.6 to 4.10 for further requirements in relation to the use of a CHIS.
- 11.7 The Freedom of Information Act 2000 (FOIA) provides for the general rights of access to recorded information held by public authorities and specifies the conditions before a request has to be complied with. The advice of the RIPA Monitoring and Coordinating Officer should be sought for any requests to see the authorisation documents under the FOIA.

12 Use of Covert Surveillance equipment, data security and data sharing

- 12.1 Covert Surveillance equipment will only be installed with the necessary authorisation of the Council's Authorising Officers and only then when that authorisation has been approved by the Magistrates'. It will only be installed in residential premises if a member of the public has requested help or referred a complaint to the Council and such matter can only be investigated with the aid of Covert Surveillance techniques. Any permission to locate Surveillance equipment on residential premises must be obtained in writing from the householder or tenant.
- 12.2 Any request by a Council officer to a resident to keep a video/audio/written diary as part of a covert evidence-gathering exercise will be regarded as a Covert Surveillance exercise conducted on behalf of the Council and must be authorised and judicially approved in accordance with this policy.
- 12.3 During a covert operation, recorded material or information collected will be stored and transported securely. It will be reviewed daily and access to it will be restricted to the investigating officers and the Authorising Officer concerned. The RIPA Monitoring and Coordinating Officer will decide whether to allow requests for access by third parties including other Council officers. Access will generally only be allowed to limited and prescribed parties, including law enforcement agencies, prosecution agencies, legal representatives and the people subject to the Surveillance (unless disclosure would prejudice any criminal enquiries or proceedings). Requests for access will be dealt with in accordance with the Data Protection Act 1998.

- 12.4 A register will be maintained by the Authorising Officers of all reviews of material recorded and collected covertly.
- 12.5 Only high-quality video and audiotapes will be used and for a maximum number of twelve times. All video and audiotapes will be identified uniquely and erased prior to re-use. A register will be kept of all tapes used to control the period of time they are retained (31 days) if not required for evidential purposes and the number of times they are re-used before being destroyed.

13 Closed Circuit Television (CCTV)

- 13.1 Slough Borough Council has used and employed CCTV cameras in the town centre, car parks and other areas within the Borough for many years. The CCTV equipment can record all cameras simultaneously throughout every 24-hour period. Since its inception, the CCTV monitoring scheme has been subject to a Code of Practice. The Code applies to CCTV systems overtly in public places to reduce, detect and prevent crime. It takes account of the Data Protection Act 1998 and the Human Rights Act 1998. It remains unchanged by this document when used for overt Surveillance. Reference should be made to the Council's "Code of Practice on CCTV".
- 13.2 As mentioned previously, Surveillance can also be carried out by way of hidden cameras in a public place or by targeted CCTV. In circumstances where CCTV is used in the monitoring of public areas in an overt way and just happens to catch a criminal act, then this would not be classified as Covert Surveillance. However, there may be occasions where a covert CCTV System is used for the purposes of a specific investigation or operation, in which case, authorisation and approval for Directed Surveillance may be required. The advice of the RIPA Monitoring and Coordinating Officer should be sought in such circumstances.
- 13.3 Where use of CCTV is requested by the Police, they will be required to follow Police procedure for obtaining appropriate authorisation. Confirmation and evidence of this should be made available prior to them installing any cameras in any of the Council's operations.
- 13.4 The latter systems, if overt, generally fall outside RIPA unless used for a specific investigation where the other criteria for Directed Surveillance are established. It should be recalled that to comply with fair processing aspects of the Data Protection Act 1998 there should be proper signage to indicate the use of CCTV Surveillance, what the purpose is and who controls it in the vicinity of CCTV cameras.

14 The "Policing" of RIPA

- 14.1 RIPA is overseen by Surveillance Commissioners. They are tasked with ensuring that RIPA is being applied properly. Inspections can be carried out at regular intervals.
- 14.2 In addition, any person aggrieved by the way a local authority carries out covert Surveillance can apply to a Tribunal for redress, within a year of the act complained of or any longer period that the Tribunal thinks it just and equitable to allow. This Tribunal can quash any authorisation and can order the destruction of

information held or obtained in pursuit of it. It can award compensation, but its findings may be of use in a Human Rights case challenge or as a defence to a case brought by the Council or in a referral to the Local Government Ombudsman or a complaint to the Information Commissioner, from where compensation awards can flow.

15 Consequences of Non Compliance

15.1 Where covert Surveillance work is being proposed, this Policy and Procedural Guidance should be strictly adhered to in order to protect both the Council and individual officers from the following:

- (a) **Inadmissible Evidence** - there is a risk that, if Covert Surveillance and Covert Human Intelligence Sources (both defined at paragraph 2) are not handled properly, the evidence obtained may be held to be inadmissible.
- (b) **Legal Challenge** – as a potential breach of Article 8 of the European Convention on Human Rights, which establishes a “right to respect private and family life, home and correspondence”, incorporated into English Law by the HRA. This could not only cause embarrassment to the Council but any person aggrieved by the way it has carried out Covert Surveillance can apply to a Tribunal under RIPA for redress within a year of the act complained of or any longer period that the Tribunal thinks it just and equitable to allow. This Tribunal can quash any authorisation and can order the destruction of information held or obtained in pursuit of it. It cannot, as yet, award compensation but its findings may be of use in a Human Rights case challenge, as a defence to a case brought by the Council, in a referral to the Local Government Ombudsman or a complaint to the Information Commissioner from where compensation awards can flow.
- (c) **Censure** – the OSC conduct regular audits on how local authorities implement RIPA. If it is found that a local authority is not implementing RIPA properly then this could result in censure.
- (d) **Disciplinary Action** – failure of officers to comply with this Policy and Procedural Guidance may be regarded as a disciplinary offence under the Council’s Disciplinary Policies and Procedures.

16. Complaints Procedures

16.1 The Council’s Complaints Procedure may be used for any complaint, regarding breach of this Policy and Guidance.

16.2 Contravention of the Data Protection Act 1998 may be reported to the Information Commissioner.

17. The Role of Elected Members

Elected members of a local authority have the following responsibilities with regard to RIPA:

They:

- should review the authority's use of RIPA;
- should set the policy at least once a year;
- should consider internal reports on the use of RIPA on at least a quarterly basis to ensure that it is being used consistently with the local authority's policy and that the policy remains fit for purpose;
- should not be involved in making decisions on specific authorisations.

18. RIPA Monitoring and Coordinating Officer

The RIPA Monitoring and Coordinating Officer (referred to in the Code of Practice as the 'Senior Officer') will be a person holding the office, rank or position of an Authorising Officer and should be a member of the corporate leadership team. Appendix 2 sets out how is the Council's current RIPA and Coordinating Officer.

The RIPA Monitoring and Coordinating Officer has responsibilities for -

- ensuring that all Authorising Officers are of an appropriate standard;
- addressing any concerns about the standards of Authorising Officers;
- the integrity of the processes in place for the management of CHIS and Directed Surveillance authorisations;
- compliance with RIPA and with the Codes;
- oversight of the reporting of errors to the OSC etc;
- engagement with the OSC when they conduct their inspections;
- where necessary, oversight of the implementation of post-inspection action plans approved by the OSC

APPENDIX 1

All codes of practice are available using the following link:

<http://www.homeoffice.gov.uk/counter-terrorism/regulation-investigatory-powers/ripa-codes-of-practice/>

Further useful information for Local Authorities can also be found on the website of the Office of Surveillance Commissioners website:

http://Surveillancecommissioners.independent.gov.uk/advice_guidance.html

Also see the Home Office guidance to local authorities in England and Wales on the judicial approval process for RIPA and the crime threshold for Directed Surveillance. This is available on:

<http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/local-authority-ripa-guidance/>

APPENDIX 2

DESIGNATION OF AUTHORISING OFFICERS

The following officers are designated by the Council to authorise, renew and cancel Directed Surveillance or the use of covert human information sources (CHIS).

Title of Officer	Service Area
Strategic Director Customer & Community Services	Enforcement of housing and council tax benefits including the investigation of fraud in connection therewith
Strategic Director Regeneration, Housing & Resources	Planning and building control, environmental health and trading standards. Planning and building control, environmental health and trading standards.
Strategic Director Regeneration, Housing & Resources	All matters involving (1) financial irregularity (excluding housing and council tax benefits) and (2) issues relating to employees and workers.
Head of Legal Services	All other service areas
Chief Executive - Head of Paid Service (or in absence chief officer)	Authorisation of a juvenile or vulnerable person as a CHIS and where the obtaining of Confidential Information is likely.

The above officers are appointed and designated **Authorising Officers** under the Regulation of Investigatory Powers (Directed Surveillance & Covert Human Intelligence Sources) Order 2010.

The RIPA Monitoring and Coordinating Officer is the current Assistant Director of Professional Services.

The Council also designate the named officers' successors where they are responsible for the service area and have received Council training in the use of RIPA.

Judicial Approval

- a) Officers wishing use Directed Surveillance or a CHIS first need to obtain internal authorisation in accordance with this Policy. However **an authorisation does not take effect unless and until it has been approved by a Justice of the Peace (JP)** (i.e. a District Judge or lay magistrate). If at the hearing the JP is satisfied that the statutory tests have been met and that the use of the technique is necessary and proportionate he/she will issue an order approving the grant or renewal for the use of the technique as described in the application.
- b) The hearing will not be in open court, and no press, public, the subject of the investigation or the subject's legal representative will be present. In order to maintain privacy, notice of the application is not required to the person whom the authorisation concerns or that person's legal representatives.

Making the Application

- c) The flowchart below outlines the procedure for applying for judicial approval. Following approval by the Authorising Officer the first stage of the process is for the Council to contact Her Majesty's Courts and Tribunals Service (HMCTS) administration team at the magistrates' court to arrange a hearing.
- d) The Council will provide the JP with a copy of the original RIPA authorisation or notice and the supporting documents setting out the case. This forms the basis of the application to the JP and **should contain all information that is relied upon**.
- e) The original RIPA authorisation or notice should be shown to the JP but will be retained by the Council so that it is available for inspection by the Commissioners' offices and in the event of any legal challenge or investigations by the Investigatory Powers Tribunal (IPT). The court may wish to take a copy.
- f) In addition, the Council will provide the JP with a partially completed judicial application/order form (see Appendix 6)).
- g) Although the Council is required to provide a brief summary of the circumstances of the case on the judicial application form, this is supplementary to and does not replace the need to supply the original RIPA authorisation as well.
- h) The order section of the form in Appendix 6 will be completed by the JP and will be the official record of the JP's decision. The Council will need to obtain judicial approval for all initial RIPA authorisations/applications and renewals and the Council will need to retain a copy of the judicial application/order form after it has been signed by the JP. There is no requirement for the JP to consider either cancellations or internal reviews.

Arranging a Hearing

- i) Officers should establish contact with HMCTS administration at the magistrates' court. HMCTS administration will be the first point of contact for the Council when

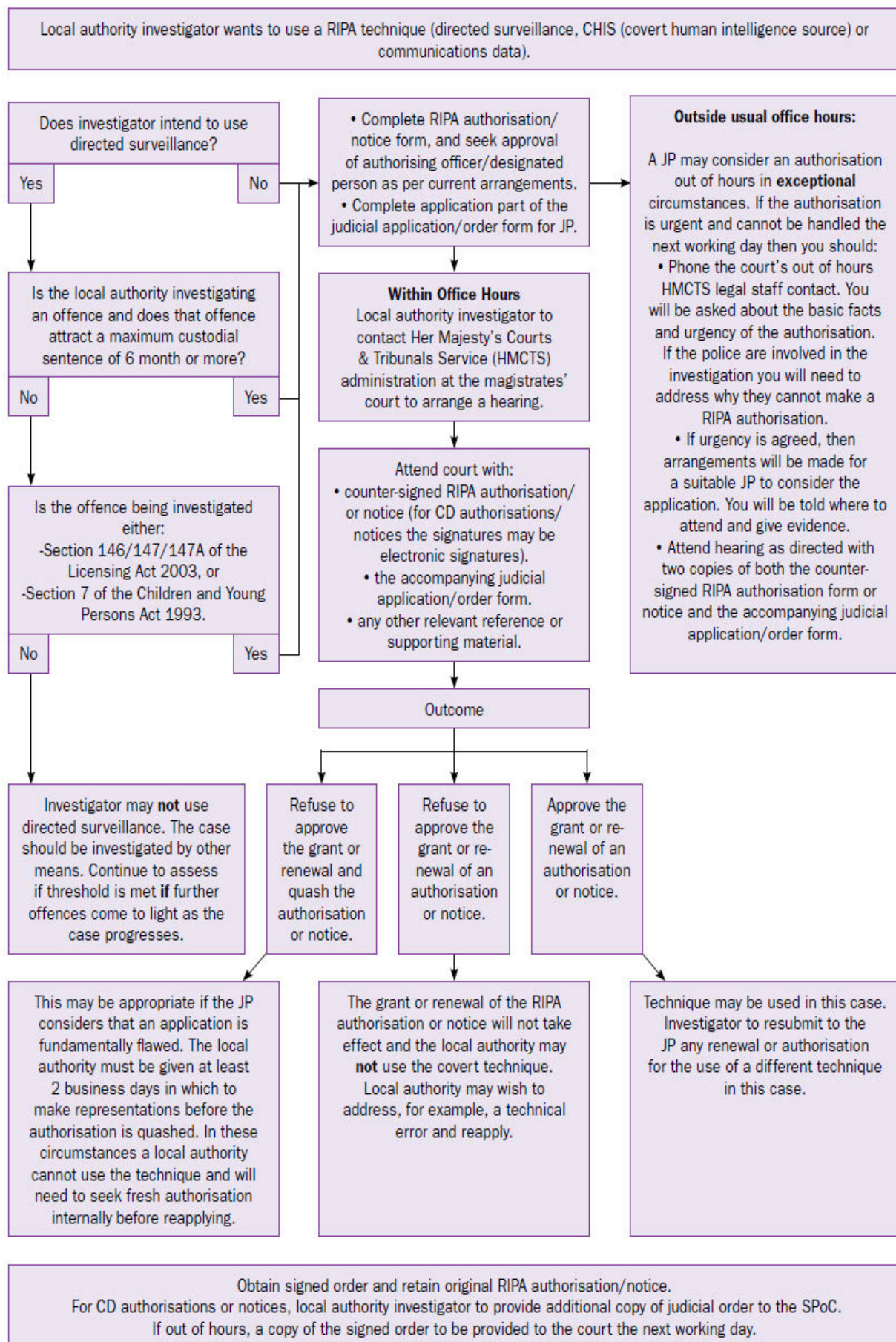
seeking a JP approval. The Council will inform HMCTS administration as soon as possible to request a hearing.

- j) **Urgent cases.** On the rare occasions where out of hours access to a JP is required then it will be for the Council to make local arrangements with the relevant HMCTS legal staff. In these cases the Council will need to provide two partially completed judicial application/order forms so that one can be retained by the JP. The Council should provide the court with a copy of the signed judicial application/order form the next working day.
- k) In most emergency situations where the police have power to act, then they are able to authorise activity under RIPA without prior JP approval. No RIPA authority is required in immediate response to events or situations where it is not reasonably practicable to obtain it (for instance when criminal activity is observed during routine duties and officers conceal themselves to observe what is happening).
- l) Where renewals are timetabled to fall outside of court hours, for example during a holiday period, it is the Council's responsibility to ensure that the renewal is completed ahead of the deadline. Out of hours procedures are for emergencies and should not be used because a renewal has not been processed in time.

Attending a Hearing

- m) The hearing is a 'legal proceeding' and therefore Council officers need to be formally designated to appear under its Constitution (see paragraph g below), be sworn in and present evidence or provide information as required by the JP.
- n) The hearing will be in private and heard by a single JP who will read and consider the RIPA authorisation or notice and the judicial application/order form. He/she may have questions to clarify points or require additional reassurance on particular matters.
- o) The Council will want to consider who is best able to answer the JP's questions on the policy and practice of conducting covert operations and detail of the case itself. It is envisaged that the case investigator will be able to fulfil this role. The investigator will know the most about the investigation and will have determined that use of a covert technique is required in order to progress a particular case. This does not, however, remove or reduce in any way the duty of the Authorising Officer to determine whether the tests of necessity and proportionality have been met. Similarly, it does not remove or reduce the need for the forms and supporting papers that the Authorising Officer has considered and which are provided to the JP to make the case.
- p) It is not envisaged that the skills of legally trained personnel will be required to make the case to the JP and this would be likely to, unnecessarily, increase the costs of Council applications.
- q) **Officers who are not solicitors** can appear in the Magistrates' on behalf of the Council under section 223 of the Local Government Act 1972, so long as they have been properly authorised to do so in accordance with the Council's Constitution. Such officers should take to court a copy of any such authorisation in case it is asked for by a JP or the Court Clerk.

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



APPENDIX 4

INTERNAL FORMS: DIRECTED SURVEILLANCE

The following forms are included in this Appendix:

- **Authorisation** Directed Surveillance
- **Review** of a Directed Surveillance authorisation
- **Renewal** of a Directed Surveillance authorisation
- **Cancellation** of a Directed Surveillance authorisation

These forms all relate to the Council's *internal* authorisations. See Appendix 7 for the correct form when seeking *judicial approval* of authorisations/renewals.

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Part II of the Regulation of Investigatory Powers Act 2000

Authorisation Directed Surveillance

Public Authority <i>(including full address)</i>			
Name of Applicant		Unit/Branch / Division	
Full Address			
Contact Details			
Investigation/Operation Name (if applicable)			
Investigating Officer (if a person other than the applicant)			

DETAILS OF APPLICATION
1. Give rank or position of authorising officer in accordance with the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 No. 521.¹
2. Describe the purpose of the specific operation or investigation.

¹ For local authorities: The exact position of the authorising officer should be given. For example, Head of Trading Standards.

3. Describe in detail the surveillance operation to be authorised and expected duration, including any premises, vehicles or equipment (e.g. camera, binoculars, recorder) that may be used.

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

- Name:
- Address:
- DOB:
- Other information as appropriate:

5. Explain the information that it is desired to obtain as a result of the directed surveillance.

6. Identify on which grounds the directed surveillance is necessary under Section 28(3) of RIPA. *Delete those that are inapplicable. Ensure that you know which of these grounds you are entitled to rely on (SI 2010 No.521).*

- ~~• In the interests of national security;~~
- For the purpose of preventing or detecting crime or of preventing disorder;
- ~~• In the interests of the economic well-being of the United Kingdom;~~
- ~~• In the interests of public safety;~~
- ~~• for the purpose of protecting public health;~~
- ~~• for the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department;~~

7. Explain why this directed surveillance is necessary on the grounds you have identified [Code paragraph 3.3].

8. Supply details of any potential collateral intrusion and why the intrusion is unavoidable. [Bear in mind Code paragraphs 3.8 to 3.11.]

Describe precautions you will take to minimise collateral intrusion.

9. Explain why this directed surveillance is proportionate to what it seeks to achieve. How intrusive might it be on the subject of surveillance or on others? And why is this intrusion outweighed by the need for surveillance in operational terms or can the evidence be obtained by any other means [Code paragraphs 3.4 to 3.7]?

10. Confidential information [Code paragraphs 4.1 to 4.31].

INDICATE THE LIKELIHOOD OF ACQUIRING ANY CONFIDENTIAL INFORMATION:

11. Crime Threshold Test

INDICATE, WITH REASONS, WHY THE CRIME THRESHOLD TEST IS MET (Where relevant, list offences being investigated and their respective maximum penalties. If this test is not met, authorisation must not be granted.)

12. Applicant's Details

Name (print)		Tel No:	
Grade/Rank		Date	

Signature		
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13. Authorising Officer's Statement. [Spell out the "5 Ws" – Who; What; Where; When; Why and HOW– in this and the following box.]

I hereby authorise directed surveillance defined as follows: [*Why is the surveillance necessary, whom is the surveillance directed against, Where and When will it take place, What surveillance activity/equipment is sanctioned, How is it to be achieved?*]

**14. Explain why you believe the directed surveillance is necessary [Code paragraph 3.3].
Explain why you believe the directed surveillance to be proportionate to what is sought to be achieved by carrying it out [Code paragraphs 3.4 to 3.7].**

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15. (Confidential Information Authorisation.) Supply detail demonstrating compliance with Code paragraphs 4.1 to 4.31.

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Date of first review			
Programme for subsequent reviews of this authorisation: [Code paragraph 3.23]. Only complete this box if review dates after first review are known. If not or inappropriate to set additional review dates then leave blank.			
Name (Print)		Grade / Rank	
Signature		Date and time	
Expiry date and time [e.g.: authorisation granted on 1 April 2005 - expires on 30 June 2005, 23.59]			

16. Urgent Authorisation [Code paragraph 5.9]: Authorising officer: explain why you considered the case so urgent that an oral instead of a written authorisation was given.

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17. If you are only entitled to act in urgent cases: explain why it was not reasonably practicable for the application to be considered by a fully qualified authorising officer.

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Name (Print)		Grade/ Rank		
Signature		Date and Time		
Urgent authorisation Expiry date:		Expiry time:		

<i>Remember the 72 hour rule for urgent authorities – check Code of Practice.</i>	e.g. authorisation granted at 5pm on June 1 st expires 4.59pm on 4 th June		
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Unique Reference Number	
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Part II of the Regulation of Investigatory Powers Act 2000

Review of a Directed Surveillance authorisation

Public Authority <i>(including address)</i>	
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Applicant		Unit/Branch /Division	
Full Address			
Contact Details			
Operation Name		Operation Number* <small>*Filing Ref</small>	
Date of authorisation or last renewal		Expiry date of authorisation or last renewal	
		Review Number	

Details of review:

1. Review number and dates of any previous reviews.	
Review Number	Date

2. Summary of the investigation/operation to date, including what private information has been obtained and the value of the information so far obtained.

3. Detail the reasons why it is necessary to continue with the directed surveillance.
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4. Explain how the proposed activity is still proportionate to what it seeks to achieve.

5. Detail any incidents of collateral intrusion and the likelihood of any further incidents of collateral intrusions occurring.

6. Give details of any confidential information acquired or accessed and the likelihood of acquiring confidential information.

7. Crime Threshold Test INDICATE, WITH REASONS, WHY THE CRIME THRESHOLD TEST IS MET (Where relevant, list offences being investigated and their respective maximum penalties. If this test is not met, authorisation must not be granted.)

8. Applicant's Details			
Name (Print)		Tel No	
Grade/Rank		Date	
Signature			

9. Review Officer's Comments, including whether or not the directed surveillance should continue.
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10. Authorising Officer's Statement.

I, [insert name], hereby agree that the directed surveillance investigation/operation as detailed above [should/should not] continue [until its next review/renewal][it should be cancelled immediately].

Name (Print)	Grade / Rank
Signature	Date

11. Date of next review.	
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Unique Reference Number	
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Part II of the Regulation of Investigatory Powers Act 2000

Renewal of a Directed Surveillance Authorisation

Public Authority <i>(including full address)</i>	
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Name of Applicant		Unit/Branch /Division	
Full Address			
Contact Details			
Investigation/Operation Name (if applicable)			
Renewal Number			

Details of renewal:

1. Renewal numbers and dates of any previous renewals.	
Renewal Number	Date

2. Detail any significant changes to the information as listed in the original authorisation as it applies at the time of the renewal.

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3. Detail the reasons why it is necessary to continue with the directed surveillance.

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4. Detail why the directed surveillance is still proportionate to what it seeks to achieve.

--

5. Indicate the content and value to the investigation or operation of the information so far obtained by the directed surveillance.

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6. Give details of the results of the regular reviews of the investigation or operation.

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7. Crime Threshold Test INDICATE, WITH REASONS, WHY THE CRIME THRESHOLD TEST IS MET (Where relevant, list offences being investigated and their respective maximum penalties. If this test is not met, authorisation must not be granted.)

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8. Applicant's Details			
Name (Print)		Tel No	
Grade/Rank		Date	
Signature			

9. Authorising Officer's Comments. <u>This box must be completed.</u>

10. Authorising Officer's Statement.			
<p>I, [insert name], hereby authorise the renewal of the directed surveillance operation as detailed above. The renewal of this authorisation will last for 3 months unless renewed in writing.</p> <p>This authorisation will be reviewed frequently to assess the need for the authorisation to continue.</p>			
Name (Print)	Grade / Rank
Signature	Date
Renewal From:	Time:	Date:	

Date of first review.	
Date of subsequent reviews of this authorisation.	

Unique Reference Number	
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Part II of the Regulation of Investigatory Powers Act 2000

Cancellation of a Directed Surveillance authorisation

Public Authority <i>(including full address)</i>	
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Name of Applicant		Unit/Branch /Division	
Full Address			
Contact Details			
Investigation/Operation Name (if applicable)			

Details of cancellation:

1. Explain the reason(s) for the cancellation of the authorisation:

2. Explain the value of surveillance in the operation:

3. Authorising officer's statement.
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I, [insert name], hereby authorise the cancellation of the directed surveillance investigation/operation as detailed above.

Name (Print)	_____	Grade	_____
Signature	_____	Date	_____

4. Time and Date of when the authorising officer instructed the surveillance to cease.

Date:		Time:	
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5. Authorisation cancelled.	Date:	Time:
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APPENDIX 5

INTERNAL FORMS: CHIS

The following forms are included in this Appendix:

- Application for **authorisation** of the conduct or use of a CHIS
- **Review** of a CHIS authorisation
- Application for **renewal** of a CHIS authorisation
- Cancellation of an authorisation for the use or conduct of a CHIS

These forms all relate to the Council's *internal* authorisations. See Appendix 7 for the correct form when seeking *judicial approval* of authorisations/renewals.

Part II of the Regulation of Investigatory Powers Act (RIPA) 2000

Application for authorisation of the conduct or use of a Covert Human Intelligence Source (CHIS)

Public Authority <i>(including full address)</i>			
Name of Applicant		Service/Department /Branch	
How will the source be referred to (i.e. what will be his/her pseudonym or reference number)?			
What is the name, rank or position of the person within the relevant investigating authority who will have day to day responsibility for dealing with the source, including the source's security and welfare (often referred to as the Handler)?			
What is the name, rank or position of another person within the relevant investigating authority who will have general oversight of the use made of the source (often referred to as the Controller)?			
Who will be responsible for retaining (in secure, strictly controlled conditions, with need-to-know access) the source's true identity, a record of the use made of the source and the particulars required under RIP (Source Records) Regulations 2000 (SI 2000/2725)?			
Investigation/Operation Name (if applicable)			

DETAILS OF APPLICATION

1. Give rank or position of authorising officer in accordance with the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 No. 521. ² Where appropriate throughout amend references to the Order relevant to your authority.

2. Describe the purpose of the specific operation or investigation.

3. Describe in detail the purpose for which the source will be tasked or used.

4. Describe in detail the proposed covert conduct of the source or how the source is to be used.

5. Identify on which grounds the conduct or the use of the source is necessary under Section 29(3) of RIPA. Delete those that are inapplicable. Ensure that you know which of these grounds you are entitled to rely on (eg. SI 2010 No.521).

- ~~• In the interests of national security;~~
- For the purpose of preventing or detecting crime or of preventing disorder;
- ~~• In the interests of the economic well-being of the United Kingdom;~~
- ~~• In the interests of public safety;~~

² For local authorities: The formal position of the authorising officer should be given. For example, Head of Trading Standards.

- ~~for the purpose of protecting public health;~~
- ~~for the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department.~~

6. Explain why this conduct or use of the source is necessary on the grounds you have identified [Code paragraph 3.2].

7. Supply details of any potential collateral intrusion and why the intrusion is unavoidable. [Bear in mind Code paragraphs 3.8 to 3.11.]

Describe precautions you will take to minimise collateral intrusion and how any will be managed.

8. Are there any particular sensitivities in the local community where the source is to be used? Are similar activities being undertaken by other public authorities that could impact on the deployment of the source (see Code paragraphs 3.17 to 3.18)?

9. Provide an assessment of the risk to the source in carrying out the proposed conduct (see Code paragraph 6.14).

10. Explain why this conduct or use of the source is proportionate to what it seeks to achieve.

How intrusive might it be on the subject(s) of surveillance or on others? How is this intrusion outweighed by the need for a source in operational terms, and could the evidence be obtained by any other means [Code paragraphs 3.3 to 3.5]?

11. Confidential information [Code paragraphs 4.1 to 4.21]

Indicate the likelihood of acquiring any confidential information.

References for any other linked authorisations:

12. Applicant's Details.

Name (print)		Grade/Rank/Position	
Signature		Tel No:	
Date			

13. Authorising Officer's Statement. [Spell out the "5 Ws" – Who; What; Where; When; Why and HOW – in this and the following box.] THE AUTHORISATION SHOULD IDENTIFY THE PSEUDONYM OR REFERENCE NUMBER OF THE SOURCE, NOT THE TRUE IDENTITY.

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**14. Explain why you believe the conduct or use of the source is necessary [Code paragraph 3.2]
Explain why you believe the conduct or use of the source to be proportionate to what is sought to be achieved by their engagement [Code paragraphs 3.3 to 3.5].**

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15. Confidential Information Authorisation. Supply details demonstrating compliance with Code paragraphs 4.1 to 4.21

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16. Date of first review:	
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**17. Programme for subsequent reviews of this authorisation [Code paragraphs 5.15 and 5.16].
Only complete this box if review dates after first review are known. If not, or inappropriate to set additional review dates, then leave blank.**

--

18. Authorising Officer's Details

Name (Print)		Grade/Rank/Position	
Signature		Time and date granted* Time and date authorisation ends	

** Remember, an authorisation must be granted for a 12 month period, i.e. 1700 hrs 4th June 2006 to 2359hrs 3 June 2007*

19. Urgent Authorisation [Code paragraphs 5.13 and 5.14]: Authorising Officer: explain why you considered the case so urgent that an oral instead of a written authorisation was given.

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20. If you are entitled to act only in urgent cases: explain why it was not reasonably practicable for the application to be considered by a fully designated Authorising Officer

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21. Authorising Officer of urgent authorisation

Name (Print)		Grade/Rank/Position	
Signature		Date and Time	
Urgent authorisation expiry date:		Expiry time:	

Remember the 72 hour rule for urgent authorisations – check Code of Practice [Code Paragraph 5.14]. e.g. authorisation granted at 1700 on 1st June 2006 expires 1659 on 4th June 2006

Unique Reference Number	
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Part II of the Regulation of Investigatory Powers Act (RIPA) 2000

Review of a Covert Human Intelligence Source (CHIS) Authorisation

Public Authority <i>(including full address)</i>	
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Applicant		Unit/Branch	
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Full Address	
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Contact Details	
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Pseudonym or reference number of source	
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Operation Name		Operation Number * <small>*Filing Ref</small>	
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Date of authorisation or last renewal		Expiry date of authorisation or last renewal	
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Review Number	
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Details of review:

11. Review number and dates of any previous reviews.	
Review Number	Date

12. Summary of the investigation/operation to date, including what information has been obtained and the value of the information so far obtained.

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13. Detail the reasons why it is necessary to continue using a Covert Human Intelligence Source.

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14. Explain how the proposed activity is still proportionate to what it seeks to achieve.

--

15. Detail any incidents of collateral intrusion and the likelihood of any further incidents of collateral intrusions occurring.

--

16. Give details of any confidential information acquired or accessed and the likelihood of acquiring confidential information.

--

17. Give details of the review of the risk assessment on the security and welfare of using the source.

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18. Applicant's Details			
Name (Print)		Tel No	
Grade/Rank		Date	
Signature			

19. Review Officer's Comments, including whether or not the use or conduct of the source should continue.

10. Authorising Officer's Statement. THE AUTHORISATION SHOULD IDENTIFY THE PSEUDONYM OR REFERENCE NUMBER OF THE SOURCE, NOT THE TRUE IDENTITY.
Name (Print) Grade / Rank Signature Date

Date of next review:	
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Unique Reference Number	
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Part II of the Regulation of Investigatory Powers Act (RIPA) 2000

Application for renewal of a Covert Human Intelligence Source (CHIS) Authorisation

(Please attach the original authorisation)

Public Authority <i>(including full address)</i>	
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Name of Applicant		Unit/Branch	
Full Address			
Contact Details			
Pseudonym or reference number of source			
Investigation/Operation Name (if applicable)			
Renewal Number			

Details of renewal:

20. Renewal numbers and dates of any previous renewals.	
Renewal Number	Date

21. Detail any significant changes to the information as listed in the original authorisation as it applies at the time of the renewal.
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22. Detail why it is necessary to continue with the authorisation, including details of any tasking given to the source.

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23. Detail why the use or conduct of the source is still proportionate to what it seeks to achieve.

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24. Detail the use made of the source in the period since the grant of authorisation or, as the case may be, latest renewal of the authorisation.

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25. List the tasks given to the source during that period and the information obtained from the conduct or use of the source.

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26. Detail the results of regular reviews of the use of the source.

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27. Give details of the review of the risk assessment on the security and welfare of using the source.

28. Applicant's Details			
Name (Print)		Tel No	
Grade/Rank		Date	
Signature			

29. Authorising Officer's Comments. This box must be completed.

30. Authorising Officer's Statement. THE AUTHORISATION SHOULD IDENTIFY THE PSEUDONYM OR REFERENCE NUMBER OF THE SOURCE NOT THE TRUE IDENTITY.	
Name (Print)	Grade / Rank
Signature	Date
Renewal From:	Date:
Time:	End date/time of the authorisation

NB. Renewal takes effect at the time/date of the original authorisation would have ceased but for the renewal

Date of first review:	
Date of subsequent reviews of this authorisation:	

Unique Reference Number	
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**Part II of the Regulation of Investigatory Powers
Act (RIPA) 2000**

**Cancellation of an authorisation for the use or conduct of a
Covert Human Intelligence Source**

Public Authority <i>(including full address)</i>	
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Name of Applicant		Unit/Branch	
Full Address			
Contact Details			
Pseudonym or reference number of source			
Investigation/Operation Name (if applicable)			

Details of cancellation:

6. Explain the reason(s) for the cancellation of the authorisation:
7. Explain the value of the source in the operation:

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8. Authorising officer's statement. THIS SHOULD IDENTIFY THE PSEUDONYM OR REFERENCE NUMBER OF THE SOURCE NOT THE TRUE IDENTITY.

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Name (Print) _____	Grade _____
Signature _____	Date _____

9. Time and Date of when the authorising officer instructed the use of the source to cease.

Date:		Time:	
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APPENDIX 6

JUDICIAL APPROVAL FORM: DIRECTED SURVEILLANCE & CHIS

The following forms are included in this Appendix:

- Application for judicial approval for authorisation to obtain or disclose communications data, to use a covert human intelligence source or to conduct directed surveillance. Regulation of Investigatory Powers Act 2000 sections 23A, 23B, 32A, 32B.

This form should be used for seeking *judicial approval* of Council authorisations and renewals. See Appendices 5 & 6 for the forms to use for the Council's *internal* authorisations etc.

Application for judicial approval for authorisation to obtain or disclose communications data, to use a covert human intelligence source or to conduct directed surveillance. Regulation of Investigatory Powers Act 2000 sections 23A, 23B, 32A, 32B.

Local authority:.....

Local authority department:.....

Offence under investigation:.....

Address of premises or identity of subject:.....

Covert technique requested: (tick one and specify details)

Communications Data

Covert Human Intelligence Source

Directed Surveillance

Summary of details

.....

Note: this application should be read in conjunction with the attached RIPA authorisation/RIPA application or notice.

Investigating Officer:.....

Authorising Officer/Designated Person:.....

Officer(s) appearing before JP:.....

Address of applicant department:.....

.....
.....
Contact telephone
number:.....
Contact email address
(optional):.....
Local authority
reference:.....
Number of
pages:.....
.

Order made on an application for judicial approval for authorisation to obtain or disclose communications data, to use a covert human intelligence source or to conduct directed surveillance. Regulation of Investigatory Powers Act 2000 sections 23A, 23B, 32A, 32B.

Magistrates' court:.....

Having considered the application, I (tick one):

- am satisfied that there are reasonable grounds for believing that the requirements of the Act were satisfied and remain satisfied, and that the relevant conditions are satisfied and I therefore 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.

Notes

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Reasons

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Signed:

Date:

Time:

Full name:

Address of magistrates' court:

SLOUGH BOROUGH COUNCIL

REPORT TO: Cabinet **DATE:** 10th March 2014
CONTACT OFFICER: Catherine Meek, Head of Democratic Services
(For all enquiries) 01753 875011
WARD(S): All
PORTFOLIO: Leader, Finance and Strategy – Councillor Anderson

PART I
NON-KEY DECISION

NOTIFICATION OF DECISIONS

1. Purpose of Report

To seek Cabinet endorsement of the published Notification of Decisions, which has replaced the Executive Forward Plan.

2. Recommendation

The Cabinet is requested to resolve that the Notification of Decisions be approved.

3. Slough Joint Wellbeing Strategy Priorities

The Notification of Decisions sets out when key decisions are expected to be taken and a short overview of the matters to be considered. The decisions taken will contribute to all of the following Slough Joint Wellbeing Strategy Priorities:

- Health
- Economy and Skills
- Housing
- Regeneration and Environment
- Safer Slough

4. Other Implications

(a) Financial

There are no financial implications.

(b) Human Rights Act and Other Legal Implications

There are no Human Rights Act implications. The Local Authorities (Executive Arrangements) (Meetings and Access to Information)(England) Regulations 2012 require the executive to publish a notice of the key decisions, and those to be taken in private under Part II of the agenda, at least 28 clear days before the decision can be taken. This notice replaced the legal requirement for a 4-month rolling Forward Plan.

5. Supporting Information

5.1 The Notification of Decisions replaces the Forward Plan. The Notice is updated each month on a rolling basis, and sets out:

- A short description of matters under consideration and when key decisions are expected to be taken over the following three months;
- Who is responsible for taking the decisions and how they can be contacted;
- What relevant reports and background papers are available; and
- Whether it is likely the report will include exempt information which would need to be considered in private in Part II of the agenda.

5.2 The Notice contains matters which the Leader considers will be the subject of a key decision to be taken by the Cabinet, a Committee of the Cabinet, officers, or under joint arrangements in the course of the discharge of an executive function during the period covered by the Plan.

5.3 Key Decisions are defined in Article 14 of the Constitution, as an Executive decision which is likely either:

- to result in the Council incurring expenditure which is, or the making of savings which are, significant, having regard to the Council's budget for the service or function to which the decision relates; or
- to be significant in terms of its effects on communities living or working in an area comprising two or more wards within the Borough.

The Council has decided that any expenditure or savings of £250,000 or more shall be significant for the purposes of a key decision.

5.4 There are provisions for exceptions to the requirement for a key decision to be included in the Notice and these provisions and necessary actions are detailed in paragraphs 15 and 16 of Section 4.2 of the Constitution.

5.5 To avoid duplication of paperwork the Member Panel on the Constitution agreed that the Authority's Notification of Decisions would include both key and non key decisions – and as such the document would form a comprehensive programme of work for the Cabinet. Key decisions are highlighted in bold.

6. Appendices Attached

'A' - Notification of Decisions

7. Background Papers

None.

NOTIFICATION OF DECISIONS

1 MARCH 2014 TO 31 MAY 2014

SLOUGH BOROUGH COUNCIL

NOTIFICATION OF DECISIONS

Slough Borough Council has a decision making process involving an Executive (Cabinet) and a Scrutiny Function.

As part of the process, the Council will publish a Notification of Decisions which sets out the decisions which the Cabinet intends to take over the following 3 months. The Notice includes both Key and non Key decisions. Key decisions are those which are financially significant or have a significant impact on 2 or more Wards in the Town. This Notice supersedes all previous editions.

Whilst the majority of the Cabinet's business at the meetings listed in this document will be open to the public and media organisations to attend, there will inevitably be some business to be considered that contains, for example, confidential, commercially sensitive or personal information.

This is formal notice under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that part of the Cabinet meetings listed in this Notice will/may be held in private because the agenda and reports for the meeting will contain exempt information under Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 (as amended) and that the public interest in withholding the information outweighs the public interest in disclosing it.

¹⁰ This document provides a summary of the reason why a matter is likely to be considered in private / Part II. The full reasons are listed alongside the report on the Council's website.

If you have any queries, or wish to make any representations in relation to the meeting being held in private for the consideration of the Part II items, please email catherine.meek@slough.gov.uk (no later than 15 calendar days before the meeting date listed).

What will you find in the Notice?

For each decision, the plan will give:

- The subject of the report.
- Who will make the decision.
- The date on which or the period in which the decision will be made.
- Contact details of the officer preparing the report.
- A list of those documents considered in the preparation of the report (if not published elsewhere).
- The likelihood the report would contain confidential or exempt information.

What is a Key Decision?

An executive decision which is likely either:

- To result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- To be significant in terms of its effects on communities living or working in an area comprising two or more wards within the borough.

Who will make the Decision?

Decisions set out in this Notice will be taken by the Cabinet, unless otherwise specified. All decisions (unless otherwise stated) included in this Notice will be taken on the basis of a written report and will be published on the Council's website before the meeting.

The members of the Cabinet are as follows:

- | | |
|---|-------------------------|
| • Leader of the Council – Finance & Strategy | Councillor Anderson |
| • Commissioner for Community & Leisure | Councillor Pantelic |
| • Commissioner for Education & Children | Councillor P K Mann |
| • Commissioner for Environment & Open Spaces | Councillor Parmar |
| • Commissioner for Neighbourhoods & Renewal (& Deputy Leader) | Councillor Swindlehurst |
| • Commissioner for Performance & Accountability | Councillor Sharif |
| • Commissioner for Social & Economic Inclusion | Councillor Munawar |

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Where can you find a copy of the Notification of Decisions?

The Plan will be updated and republished monthly. A copy can be obtained from Democratic Services at St Martin's Place, 51 Bath Road on weekdays between 9.00 a.m. and 4.45 p.m., from MyCouncil, Landmark Place, High Street, or Tel: (01753) 875120, email: catherine.meek@slough.gov.uk. Copies will be available in the Borough's libraries and a copy will be published on Slough Borough Council's Website.

How can you have your say on Cabinet reports?

Each Report has a contact officer. If you want to comment or make representations, notify the contact officer before the deadline given.

What about the Papers considered when the decision is made?

Reports relied on to make key decisions will be available before the meeting on the Council's website or are available from Democratic Services.

Can you attend the meeting at which the decision will be taken?

Where decisions are made by the Cabinet, the majority of these will be made in open meetings. Some decisions have to be taken in private, where they are exempt or confidential as detailed in the Local Government Act 1972. You will be able to attend the discussions on all other decisions.

When will the decision come into force?

Implementation of decisions will be delayed for 5 working days after Members are notified of the decisions to allow Members to refer the decisions to the Overview and Scrutiny Committee, unless the decision is urgent, in which case it may be implemented immediately.

What about key decisions taken by officers?

Many of the Council's decisions are taken by officers under delegated authority. Key decisions will be listed with those to be taken by the Cabinet. Key and Significant Decisions taken under delegated authority are reported monthly and published on the Council's website.

Are there exceptions to the above arrangements?

There will be occasions when it will not be possible to include a decision/report in this Notice. If a key decision is not in this Notice but cannot be delayed until the next Notice is published, it can still be taken if:

- The Head of Democratic Services has informed the Chair of the Overview and Scrutiny Committee or relevant Scrutiny Panel in writing, of the proposed decision/action. (In the absence of the above, the Mayor and Deputy Mayor will be consulted);
- Copies of the Notice have been made available to the Public; and at least 5 working days have passed since public notice was given.
- If the decision is too urgent to comply with the above requirement, the agreement of the Chair of the Overview and Scrutiny Committee has been obtained that the decision cannot be reasonably deferred.
- If the decision needs to be taken in the private part of a meeting (Part II) and Notice of this has not been published, the Head of Democratic Services will seek permission from the Chair of Overview & Scrutiny, and publish a Notice setting out how representations can be made in relation to the intention to consider the matter in Part II of the agenda.

For further information, contact Democratic Services as detailed above.

Cabinet - 10th March 2014

Item	Port- folio	Ward	Priority	Contact Officer	Other Committee	Background Documents	New Item	Likely to be Part II
<p><u>SRP Partnership Business Plan</u></p> <p>To consider a report seeking agreement of the Slough Regeneration Partnership (SRP) Partnership Business Plan.</p>	N&R	All	All	Sarah Richards, Strategic Director, Regeneration, Housing and Resources Tel: 01753 875301	-	None		
<p><u>Leisure Strategy</u></p> <p>To consider a report on the Council's leisure strategy and plans for future provision.</p>	C&L	All	All	Andrew Stevens, Assistant Director, Community & Skills Tel: 01753 875507	-	None		
<p><u>Chalvey Regeneration Plan</u></p> <p>The purpose of the report is to provide an update on the Chalvey Regeneration Plan. The objective of the plan is to resolve land-use issues identified by local people and develop a medium to long-term strategy to make Chalvey a vibrant place where a diverse community choose to live, learn, work, shop and do business.</p>	N&R	Chalvey	All	Stephen Gibson, Interim Head of Asset Management Tel: 01753 875852	-	None		Yes, p3 LGA
<p><u>Future Use of Gurney House</u></p> <p>To consider a report on the outcomes of the Options Appraisal following the Cabinet decisions taken in October 2013 and February 2014.</p>	N&R	Upton	All	Neil Aves, Assistant Director of Housing Tel: (01753) 875527	-	None		Yes, p3 LGA

Portfolio Key – F&S = Finance and Strategy, P & A = Performance and Accountability, C & L = Community and Leisure, E & C = Education and Children, S & E = Social and Economic Inclusion, E & O = Environment and Open Spaces, H & W = Health and Wellbeing, N & R = Neighbourhoods and Renewal

Bold – Key Decision Non-Bold – Non-Key Decision *Italics* – Performance/Monitoring Report

<u>References from Overview & Scrutiny</u> <i>To consider any recommendations from the Overview & Scrutiny Committee and Scrutiny Panels.</i>	P&A	All	-	Greg O'Brien, Democratic Services Officer Tel: 01753 875013	-	None		
<u>Notification of Forthcoming Decisions</u> <i>To present to Cabinet the latest published Notification of Decisions.</i>	F&S	All	-	Catherine Meek, Head of Democratic Services Tel: 01753 875011	-	None		

Cabinet - 14th April 2014

Item	Portfolio	Ward	Priority	Contact Officer	Other Committee	Background Documents	New Item	Likely to be Part II
10.1 Simplified Planning Zone 2014-24 Approval for adoption of the Simplified Planning Zone for Slough Trading Estate. This grants planning permission in advance for a range of uses including data centres, warehouses and industrial units. This excludes offices, major retail development and the Power Station on the Trading Estate. This will run for a 10 year period from 2014-2024. This is an important tool for attracting inward investment.	N&R	Baylis & Stoke; Farnham ; Haymill	Economy & Skills	Paul Stimpson, Strategic Lead Planning Policy & Projects Tel: (01753) 875820	Planning Committee, 4th April 2013	Simplified Planning Zone 2004-14 The Core Strategy DPD 2008 Site Allocations DPD (SSA4)		

Portfolio Key – F&S = Finance and Strategy, P & A = Performance and Accountability, C & L = Community and Leisure, E & C = Education and Children, S & E = Social and Economic Inclusion, E & O = Environment and Open Spaces, H & W = Health and Wellbeing, N & R = Neighbourhoods and Renewal

Bold – Key Decision

Non-Bold – Non-Key Decision

Italics – Performance/Monitoring Report

Item	Port- folio	Ward	Priority	Contact Officer	Other Committee	Background Documents	New Item	Likely to be Part II
<u>Trelawney Avenue Redevelopment Plan</u> To provide an update on the Trelawney Avenue Redevelopment Plan. The objective of the plan is to establish a local strategy to make effective use of Housing Revenue Account land and assets to improve housing choice, enhance the amenity of the area and improve accessibility to key services.	N&R		All	Stephen Gibson, Interim Head of Asset Management Tel: 01753 875852	-	None	✓	
<u>Community Investment Fund Outturn Statement 2013/14</u>	F&S	All	All	Joseph Holmes, Assistant Director, Finance & Audit Tel: 01753 875358	-	None	✓	
<u>Corporate Plan 2014/15</u>	F&S	All		Amanda Renn, Policy Officer Tel: 01753 875560			✓	
<u>Joint Commissioning Carers Strategy</u> The purpose of the report is to provide Cabinet with the opportunity to review and comment on the draft refreshed Joint Carers Commissioning Strategy for Slough Borough Council (SBC) and Slough Clinical Commissioning Group (CCG). This outlines key local priorities in order to improve outcomes for carers as well as outline how resources will be allocated.	H&W	All	All	Alan Sinclair, Assistant Director, Adult Social Care Tel: (01753) 875752	Health Scrutiny Panel, 13th January 2014	None	✓	
<u>Better Care Fund Delivery Plan</u>	H&W	All	All	Alan Sinclair, Assistant Director, Adult Social Care Tel: (01753) 875752	Health Scrutiny Panel 13th January 2014 SWB, 29th January 2014	None	✓	

Portfolio Key – F&S = Finance and Strategy, P & A = Performance and Accountability, C & L = Community and Leisure, E & C = Education and Children, S & E = Social and Economic Inclusion, E & O = Environment and Open Spaces, H & W = Health and Wellbeing, N & R = Neighbourhoods and Renewal

Bold – Key Decision

Non-Bold – Non-Key Decision

Italics – Performance/Monitoring Report

Item	Port-folio	Ward	Priority	Contact Officer	Other Committee	Background Documents	New Item	Likely to be Part II
<u>Contracts over £250k</u> To report those contracts in excess of £250k likely to be awarded in 2014/15.	F&S	All	All	Catherine Meek, Head of Democratic Services Tel: 01753 875011	-	None		
<u>References from Overview & Scrutiny</u> <i>To consider any recommendations from the Overview & Scrutiny Committee and Scrutiny Panels.</i>	P&A	All	-	Greg O'Brien, Democratic Services Officer Tel: 01753 875013	-	None		
<u>Notification of Forthcoming Decisions</u> <i>To present to Cabinet the latest published Notification of Decisions.</i>	F&S	All	-	Catherine Meek, Head of Democratic Services Tel: 01753 875011	-	None		

AGENDA ITEM 11

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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