

# Cabinet



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Thursday 26th October 2023

A meeting of the **Cabinet** of North Norfolk District Council will be held in the Council Chamber - Council Offices on **Monday, 6 November 2023 at 10.00 am.**

At the discretion of the Chairman, a short break will be taken after the meeting has been running for approximately one and a half hours

Members of the public who wish to ask a question or speak on an agenda item are requested to arrive at least 15 minutes before the start of the meeting so that the Chairman can re-order the agenda if necessary.

Further information on the procedure for public speaking can be obtained from Democratic Services, Tel: 01263 516010, Email: [emma.denny@north-norfolk.gov.uk](mailto:emma.denny@north-norfolk.gov.uk). Please note that this meeting is livestreamed: <https://www.youtube.com/channel/UCsShJeAVZMS0kSWcz-WyEzq>

Anyone attending this meeting may take photographs, film or audio-record the proceedings and report on the meeting. Anyone wishing to do so should inform the Chairman. If you are a member of the public and you wish to speak on an item on the agenda, please be aware that you may be filmed or photographed.

**Emma Denny**  
**Democratic Services Manager**

**To:** Cllr W Fredericks, Cllr L Shires, Cllr T Adams, Cllr A Brown, Cllr H Blathwayt, Cllr P Heinrich, Cllr C Ringer, Cllr A Varley and Cllr L Withington

All other Members of the Council for information.  
Members of the Management Team, appropriate Officers, Press and Public



**If you have any special requirements in order to attend this meeting, please let us know in advance**  
If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

**Chief Executive:** Steve Blatch  
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## A G E N D A

**1. TO RECEIVE APOLOGIES FOR ABSENCE**

**2. MINUTES**

1 - 6

To approve, as a correct record, the minutes of the meeting of the Cabinet held on 02 October 2023.

**3. PUBLIC QUESTIONS AND STATEMENTS**

To receive questions and statements from the public, if any.

**4. DECLARATIONS OF INTEREST**

7 - 12

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a disclosable pecuniary interest (see attached guidance and flowchart)

**5. ITEMS OF URGENT BUSINESS**

To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972

**6. MEMBERS' QUESTIONS**

To receive oral questions from Members, if any

**7. RECOMMENDATIONS FROM CABINET WORKING PARTIES**

Planning Policy & Built Heritage Working Party

The following recommendations were made to Cabinet at the meeting held on 9<sup>th</sup> October 2023:

To recommend to Cabinet that:

1.
  - a. The Blakeney Neighbourhood Plan be made (brought into force) as part of the statutory Development Plan for North Norfolk in accordance with section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended) as soon as practical and within the 8 week statutory time frame
  - b. The issuing of the Decision Statement required under Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended) in order to bring to the attention of the qualifying body, the people who live, work and or carry out business in the Neighbourhood Plan Area is delegated to the Assistant Director of Planning in conjunction with the Planning Policy Team Leader;
2. Acknowledge that the required consequential amendments to the adopted policies map and the required minor consequential

changes to the referendum version of the neighbourhood plan through delegated powers to the Planning Policy Team Leader.

**8. RECOMMENDATIONS FROM OVERVIEW & SCRUTINY COMMITTEE**

To consider any recommendations referred to the Cabinet by the Overview & Scrutiny Committee for consideration by the Cabinet in accordance within the Overview and Scrutiny Procedure Rules

**9. CORPORATE PLAN 2023 - 2027 - ANNUAL ACTION PLAN 2024/2025**

13 – 26

Executive Summary	This report and accompanying appendix present the 2023 – 2027 Corporate Plan Action Plan for the period April 2024 – March 2025 to Cabinet for approval.
Options considered	<p>The actions detailed in the Action Plan have been developed in support of the five themes in the adopted Corporate Plan through a series of member/officer workshops, recognising the challenges and opportunities facing the district and the Council over the next 18 months.</p> <p>The actions proposed seek to balance the capacity of the organisation to deliver, taking into account the staff and financial resources available to the Council and potential to access external funding or partnership resources, with the aspirations laid out in the Corporate Plan. In this respect it is recognised that there is a degree of choice and prioritisation as to the actions proposed for delivery in the period April 2024 – March 2025.</p>
Consultation(s)	The recent workshops involving elected members and officers have been an inclusive and consultative process, the outcomes from which have informed future priority actions and work programming by the Cabinet for delivery in the 2024/25 civic year. These will need to be aligned with the 2024/25 budget preparation and revised Medium-Term Financial Strategy in the coming weeks.
Recommendations	That the Cabinet approves the Corporate Plan Annual Action Plan for 2024/25.
Reasons for recommendations	Sound management of the authority’s staff, property and financial resources to deliver projects and initiatives which support improved service delivery and positive outcomes aligned to the previously agreed Corporate Plan themes.
Background papers	2023 – 2027 Corporate Plan Notes from the recent themed workshop events attached as appendices to this report

<b>Wards affected</b>	All
<b>Cabinet member(s)</b>	Cllr Tim Adams, Leader of the Council
<b>Contact Officer</b>	Steve Blatch, Chief Executive

	Email:- <a href="mailto:steve.blatch@north-norfolk.gov.uk">steve.blatch@north-norfolk.gov.uk</a> Tel:- 01263 516232
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<b>Links to key documents:</b>	
Corporate Plan:	This report details the list of actions and proposals the Council proposes taking forward in support of the five Corporate Plan themes in the twelve months April 2024 – March 2025.
Medium Term Financial Strategy (MTFS)	Proposed actions, projects or initiatives will need to give due consideration to the Council's financial position as detailed in finance reports and a revised Medium-Term Financial Strategy and have the necessary resources allocated to them or efficiency savings identified through the preparation of the 2024/25 budget.
Council Policies & Strategies	See comment under Corporate Plan heading above

<b>Corporate Governance:</b>	
Is this a key decision	Yes
Has the public interest test been applied	Yes – there is no private or confidential information to be considered by this report
Details of any previous decision(s) on this matter	N/A

## 10. BUDGET MONITORING P6 2023 – 2024

27 - 62

Executive Summary	<p>This report provides an update on the Council's financial performance and projected outturn for 2023/24 for the revenue account, capital programme and reserves statement as at the end of September 2023.</p> <p>The overall position at the end of September 2023 shows a £1.685m underspend for the net operating expenditure on the revenue account, this is however an unadjusted position that does not include any known variations e.g. the inclusion of the pay award for 2023/24.</p> <p>As at 30 September 2023, the General Fund projected a deficit of £0.515m for the full year 2023/24. This is after adjusting for all known variations and full year forecasting by service managers.</p>
Options considered	This is an update report on the Council's financial position and so no other options were considered.

Consultation(s)	Cabinet Member Section 151 officer Budget Managers
Recommendations	<p>It is recommended that Cabinet:</p> <ol style="list-style-type: none"> <li>1) Note the contents of the report and the current budget monitoring position and note that officers will work together to take action to reduce the overall projected deficit on the General Fund at the year-end of 2023/24.</li> </ol> <p>recommends to full Council that it</p> <ol style="list-style-type: none"> <li>2) Approves an additional capital budget of £58k so that the work for the refurbishment of the Red Lion roof (Cromer), the Art Deco Block roof and handrails (Cromer) and the Chalet Block at Sheringham can be awarded as one contract. And that approval be given to fund the additional expenditure from the Asset Management Reserve.</li> <li>3) Approves an increase to the DFG capital budget of £118k and approves that it is funded by the additional grant received for this purpose from the Government.</li> <li>4) Approves the provision of a new play area at the Lees in Sheringham and approves a capital project budget for this of £65k and that funding for this should come from the Delivery Plan Reserve.</li> <li>5) Approves the capital spending of £11k on the Morris Street Car Park Boundary Wall and that it be funded from the Asset Management Reserve.</li> <li>6) Approves that the £85k of the Car Park refurbishment capital budget is reallocated to the Public Conveniences so that the outstanding works can be carried out and complete the scheme.</li> </ol>
Reasons for recommendations	To update members on the current budget monitoring position for the Council.
Background papers	E:\Moderngov\Data\AgendaDocs\4\1\0\A00002014\\$\$Agenda.doc
Wards affected	All
Cabinet member(s)	Cllr Lucy Shires
Contact Officer	s151 Tina Stankley, Tina.stankley@north-norfolk.gov.uk

<b>Links to key documents:</b>	
Corporate Plan:	Budgets set to support the Corporate Plan objectives.

Medium Term Financial Strategy (MTFS)	Budget process in line with MTFS
Council Policies & Strategies	Service Budgets set in line with the council policies and strategies.

<b>Corporate Governance:</b>	
Is this a key decision	no
Has the public interest test been applied	Not an exempt item
Details of any previous decision(s) on this matter	N/A

## 11. TREASURY MANAGEMENT MID YEAR REPORT 2023/24

63 - 82

Executive Summary	This report sets out the Treasury Management activities undertaken during the first half of the 2023/24 Financial Year compared with the Treasury Management Strategy for the year.
Options considered	This report must be prepared to ensure the Council is compliant with the CIPFA Treasury Management and Prudential Codes.
Consultation(s)	Cabinet Member Section 151 Officer  This report has been prepared with the assistance of Link Treasury Services, the Council's Treasury advisors.
Recommendations	To recommend to Full Council that the Treasury Management Mid Year Report 2023/24 is approved.
Reasons for recommendations	Approval by Full Council demonstrates compliance with the Prudential Code to ensure adequate monitoring of the capital expenditure plans and treasury management activity.  It is a requirement that any proposed changes to the 2023/24 prudential indicators are approved by Full Council.
<b>Background papers</b>	The Council's Treasury Management Strategy 2023/24.

<b>Wards affected</b>	All
<b>Cabinet member(s)</b>	Cllr. Lucy Shires
<b>Contact Officer</b>	James Moore

<b>Links to key documents:</b>	
Corporate Plan:	This report is required to ensure the Council can demonstrate it is in a sound financial position and able to deliver the projects in the Capital Programme which support the Corporate Plan Objectives.
Medium Term Financial Strategy (MTFS)	This report supports the MTFS in confirming adequate financing is in place to deliver the Council's Capital Programme.
Council Policies & Strategies	The Council's Treasury Management Strategy 2023/24

<b>Corporate Governance:</b>	
Is this a key decision	No
Has the public interest test been applied	Not an exempt item.
Details of any previous decision(s) on this matter	N/A

## 12. COUNCIL TAX DISCOUNTS & PREMIUMS DETERMINATION 2024-25

83 – 98

Executive Summary	This report sets out the proposed level of council tax discounts which shall apply to classes of dwelling for the financial year 2024-25.
Options considered.	The recommendations enable the Council to take action, as a result of the reforms included in the Local Government Finance Act 2012 (as amended), to encourage homeowners to bring their homes back into use and generate council tax income.
Consultation(s)	<p>The legislation provides local authorities with the power to determine the level of council tax discount in relation to certain classes of property. The Council must approve its determinations for each financial year. The calculation of the tax base for 2024/25 will be made on the assumption that the determinations recommended below will apply.</p> <p>In accordance with the relevant legislation these determinations shall be published in at least one newspaper circulating in North Norfolk before the end of the period of 21 days beginning with the date of the determinations.</p>

Recommendations	<p>Recommend to Full Council that under Section 11A of the Local Government Finance Act 1992 and in accordance with the provisions of the Local Government Finance Act 2012 and other enabling powers that:</p> <ol style="list-style-type: none"><li>1) The discounts for the year 2024-25 and beyond are set at the levels indicated in the table at paragraph 3.1.</li><li>2) To continue to award a local discount of 100% in 2024-25 for eligible cases of hardship under Section 13A of the Local Government Finance Act 1992 (as amended). See the associated policy in Appendix B.</li><li>3) That an exception to the levy charges may continue to be made by the Revenues Manager in the circumstances laid out in section 3.2 of this report.</li><li>4) The premiums for the year 2024-25 and beyond are set at the levels indicated in the table at paragraph 4.2.</li><li>5) To continue to award a local discount of 100% in 2024-25 for eligible cases of care leavers under Section 13A of the Local Government Finance Act 1992 (as amended).</li><li>6) Those dwellings that are specifically identified under regulation 6 of the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 will retain the 50% discount as set out in paragraph 2.1 of this report.</li><li>7) Those dwellings described or geographically defined at Appendix A which in the reasonable opinion of the Revenues Manager are judged not to be structurally capable of occupation all year round and were built before the restrictions of seasonal usage were introduced by the Town and Country Planning Act 1947, will be entitled to a 35% discount.</li><li>8) The long-term empty-property premium of 100% is brought forward to increase from 12 months rather than 24 months from 1 April 2025, subject to the necessary legislation.</li><li>9) A new second homes premium of 100% as detailed in paragraph 4.3 is applied from 1 April 2025, subject to the necessary legislation.</li></ol>
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Reasons for recommendations	To set appropriate council tax discounts and premiums which will apply in 2024-25 and to raise council tax revenue.
Background papers	Local Authorities are required to approve their Council Tax discount determinations each year. The legislation provides local authorities with powers to make changes to the level of council tax discount in relation to certain types of properties.

<b>Wards affected</b>	All
<b>Cabinet member(s)</b>	Cllr Lucy Shires
<b>Contact Officer</b>	Sean Knight Revenues Manger <a href="mailto:Sean.Knight@north-norfolk.gov.uk">Sean.Knight@north-norfolk.gov.uk</a>

<b>Links to key documents:</b>	
Corporate Plan:	Strong Responsible & Accountable Council.
Medium Term Financial Strategy (MTFS)	The discounts and premiums approved by Members will be used for calculating the tax base used in the budget setting and is part of the Medium-Term Finance Strategy.
Council Policies & Strategies	Budget Setting & Medium-Term Finance Strategy.

<b>Corporate Governance:</b>	
Is this a key decision	Yes
Has the public interest test been applied	Yes
Details of any previous decision(s) on this matter	October 2022, Council Tax Discounts & Premiums Determination 2023-24.

### 13. FUTURE OF EMERGENCY PHONES

99 - 106

Executive Summary	<p>Emergency phones are in place at 22 locations along the North Norfolk coast from Morston to Horsey. Providing emergency telephones on beaches is not a statutory requirement, however North Norfolk's have remained in place for over 30 years. Usage data shows not a single emergency telephone anywhere along the coast has been used for a documented emergency for many years.</p> <p>BT have announced their move to digital by 2025 raising</p>
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	<p>uncertainty about the future viability of the emergency phones. Unfortunately BT have been unable to say one way or another whether an alternative option will be available following the change.</p> <p>The cost of keeping these phones operational is over £30k per year. The necessity of providing these phones has now vastly reduced and an opportunity to consider their future now exists.</p>
Options considered	<p><b>Option 1:</b> Do nothing and keep the phones in operation. This option will be affected by the move to digital but we are not sure exactly how at this stage as BT are unable to confirm if there will be an alternative option following the change.</p> <p><b>Option 2:</b> Remove all emergency phones from the districts coastline.</p> <p><b>Option 3:</b> Remove only the emergency phones where mobile phone signal is known to be adequate, leaving those where signal is particularly poor. This option will be affected by the move to digital but we are not sure exactly how at this stage as BT are unable to confirm if there will be an alternative option following the change.</p>
Consultation(s)	<p>Discussions have been held internally within the Leisure Team and the IT department.</p> <p>Externally discussions have been held with the RNLI and Coastguard, who showed no concern about the proposal and indicated that they are reviewing their own processes as a result of BT's digital move.</p>
Recommendations	<p>The Council takes the decision to remove all Emergency Phones in the district.</p>
Reasons for recommendations	<p>1.1 It is proposed that the necessity for Emergency Phones is no longer as important as it once was. Their lack of use and the imminent move by BT to go digital mean that we believe the requirement for these phones no longer exists.</p> <p>1.2 BT are unable to provide assurances that an alternative to analogue lines will be available to keep the emergency phones operational post digitilisation. However they have given assurances that mobile phone signal is being targeted for improvement throughout the district.</p> <p>1.3 The Council could make a financial saving of over £30k per annum by removing this service.</p> <p>1.4 It is not deemed that removal would cause significant community safety issues. Partners such as the RNLI have been consulted and raised no concerns either.</p>

Background papers	NA
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Wards affected	Coastal, Sheringham South, Beeston Regis and The Runtons, Cromer Town, Suffield Park, Poppyland, Mundesley, Bacton, Happisburgh, Hickling.
Cabinet member(s)	Cllr. Liz Withington Cllr. Harry Blathwayt
Contact Officer	Colin Brown, Leisure & Locality Services Manager, 01263516001

<b>Links to key documents:</b>	
Corporate Plan:	NA
Medium Term Financial Strategy (MTFS)	This could generate a saving to the Council of £30k+
Council Policies & Strategies	NA

<b>Corporate Governance:</b>	
Is this a key decision	Yes
Has the public interest test been applied	Yes
Details of any previous decision(s) on this matter	None

#### 14 STALHAM SPORTS CENTRE

107 - 112

Executive Summary	<p>Stalham Sports Centre is one of three dual use community sports centres operated on behalf of the Council by Everyone Active as part of the current Leisure Contract. It has consistently been the least well attended of the three sites and last calendar year only received a little over 5000 visits. The Council budgets £17k per annum for its share of maintenance and utility costs as per the dual use agreement in place.</p> <p>A proposal has been made for the incumbent trust – Synergy Multi Academy Trust – to take the operations of the site back in-house. Everyone Active have indicated that they are open to this transfer taking place and the Leisure Contract contains a clause allowing it to happen.</p>
Options considered	<ol style="list-style-type: none"> <li>1. To hand back the operation of the Stalham dual use sports centre to the Synergy Multi Academy Trust.</li> <li>2. To not hand back the operation of Stalham dual use</li> </ol>

	sport centre and for it to continue to be operated as part of the NNDC leisure contract with Everyone Active.
Consultation(s)	Meetings with local ward members for Stalham have been undertaken, alongside meetings with Everyone Active, The Synergy Trust and the NNDC Communications Manager.
Recommendations	Cabinet agrees to hand back operations of the Stalham dual use sports centre to Synergy Multi Academy Trust and instruct the Leisure and Locality Services Manager to undertake this process.
Reasons for recommendations	The Council have been approached by the Synergy Multi Academy Trust to operate Dual Use Centre.  The council have put a lot of resource into this site over a number of years, both in-house and through a Leisure Operator. Neither have been overly successful and therefore it is believed to be a good option to allow the Academy themselves to operate the site for community use.
Background papers	

Wards affected	Stalham
Cabinet member(s)	Cllr. L, Withington
Contact Officer	Colin Brown Leisure and Localities Manager 01263 516001 Emily Capps- Assistant Director for Environmental and Leisure Services

<b>Links to key documents:</b>	
Corporate Plan:	Developing Communities
Medium Term Financial Strategy (MTFS)	The proposal could generate a saving to the Council of £17k per annum
Council Policies & Strategies	N/A

<b>Corporate Governance:</b>	
Is this a key decision	Yes
Has the public interest test been applied	N/A
Details of any previous decision(s) on this matter	N/A

<b>Annual Update - Regulation of Investigatory Powers Act 2000 (RIPA)</b>	
Executive Summary	<p>The Council is required to have a Policy for the use of powers under the Regulation of Investigatory Powers Act 2000 (RIPA).</p> <p>Home Office guidance recommends that elected members should review the use of the RIPA powers and ensure the policy remains fit for purpose, at least once per year.</p> <p>Officers have reviewed the Regulation of Investigatory Powers Act 2000 (RIPA) Policy and Procedures document and made a number of minor changes. These changes reflect references in the document to relevant Codes of Practice and removed references to a guidance document which has been withdrawn and not yet replaced.</p> <p>Officers have reviewed the Internet &amp; Social Media Research &amp; Investigations Policy and identified that no changes are necessary at this time.</p> <p>The Council has made use of powers under RIPA on one occasion in the last 12 months.</p>
Options considered	The Policy is required to ensure proper application of the Act, so there is not an alternative option.
Consultation(s)	Consultation has been undertaken with the Monitoring Officer, who also acts as the Gatekeeper for RIPA activity.
Recommendations	<ol style="list-style-type: none"> <li>1. That the amendments to the revised Regulation of Investigatory Powers Act 2000 Policy and Procedures, set out at Appendix A, be accepted.</li> <li>2. That Members note that there are no amendments required to the Internet &amp; Social Media Research &amp; Investigations Policy</li> <li>3. That Members note the activity undertaken under RIPA.</li> </ol>
Reasons for recommendations	<p>The Council is required to have an up to date policy/procedure in order to exercise its powers.</p> <p>Members are required to be aware of the RIPA activity undertaken by the Council.</p>
Background papers	None
Wards affected	All
Cabinet member(s)	Cllr Calum Ringer

Contact Officer	Steve Hems, Director for Communities 01263 516192 Steve.hems@north-norfolk.gov.uk
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Links to key documents:	
Corporate Plan:	This item does not directly relate to delivery of the Corporate Plan objectives but is a statutory requirement.
Medium Term Financial Strategy (MTFS)	There is no direct impact on the Medium-Term Financial Strategy.
Council Policies & Strategies	NNDC Regulation of Investigatory Powers Act 2000 (RIPA) Policy and Procedures  NNDC Internet & Social Media Research & Investigations Policy

Corporate Governance:	
Is this a key decision	No
Has the public interest test been applied	Yes, not exempt
Details of any previous decision(s) on this matter	N/A

**16. NET ZERO FAST FOLLOWERS PROGRAMME**

To receive a verbal update from Jonathan Ward on the 'Net Zero Fast Followers' programme.

**17. EXCLUSION OF PRESS AND PUBLIC**

To pass the following resolution:  
 "That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs \_ of Part I of Schedule 12A (as amended) to the Act."

**18. PRIVATE BUSINESS**

## CABINET

**Minutes of the meeting of the Cabinet held on Monday, 2 October 2023 at the Council Chamber - Council Offices at 10.00 am**

### Committee

#### Members Present:

Cllr W Fredericks (Deputy Chair)	Cllr L Shires
Cllr T Adams (Chair)	Cllr A Brown
Cllr C Ringer	Cllr A Varley

#### Members also attending:

Cllr C Cushing  
Cllr A Fitch-Tillett

#### Officers in Attendance:

Chief Executive, S151 Officer, Monitoring Officer and Democratic Services Manager

#### Apologies for Absence:

Cllr H Blathwayt  
Cllr P Heinrich  
Cllr L Withington

## 48 MINUTES

The minutes of the meeting held on 4<sup>th</sup> September were approved subject to the following amendment on page 3, Recommendations from Cabinet Working Parties paragraph 2:

‘It was regrettable that they would lead to ~~no increased~~ growth in the parish’

Cllr C Cushing referred to Minute 45 – Rocket House Building, Cromer and asked when the requested briefing for Members was likely to take place. The Leader replied that a date had not been confirmed yet but it would be soon.

## 49 PUBLIC QUESTIONS AND STATEMENTS

None received.

## 50 DECLARATIONS OF INTEREST

None.

## 51 ITEMS OF URGENT BUSINESS

None.

## 52 MEMBERS' QUESTIONS

The Chairman advised members that they could ask questions as matters arose.

### **53 RECOMMENDATIONS FROM OVERVIEW & SCRUTINY COMMITTEE**

There were no recommendations to Cabinet made at the Overview & Scrutiny Committee meeting held on 13<sup>th</sup> September.

### **54 RECOMMENDATIONS FROM CABINET WORKING PARTIES**

Cllr A Brown, Chairman of the Planning Policy & Built Heritage Working Party, introduced this item. He explained that a further consultation was being rolled out for a 3 week period and it was anticipated that the matter would come back to the Working Party and then Cabinet in November.

It was proposed by Cllr A Brown, seconded by Cllr T Adams and

RESOLVED that

1. The responses received to the first round of public consultation on the Glaven Valley Conservation Area Appraisal are noted, and the subsequent revisions made to the text and boundary are endorsed;
2. Another round of public consultation is undertaken on the revised appraisal document as laid out in the report, the results of which will be brought back to Working Party in due course.

### **55 MANAGING PERFORMANCE Q1 2023 - 2024**

The Chairman introduced this item. He explained that it had been considered by Overview & Scrutiny Committee on 11<sup>th</sup> September and he had no further comments to add to the written report.

It was proposed by Cllr T Adams, seconded by Cllr W Fredericks and

RESOLVED to

Note the report, address any recommendations from the Overview & Scrutiny Committee and endorse the actions being taken by Corporate Leadership Team as detailed in the appendix.

Reasons for the decision:

To ensure that the objectives of the Council are achieved.

### **56 ROUND 2 - LOCAL AUTHORITY HOUSING FUND (LAHF)**

Cllr W Fredericks, Portfolio Holder for Housing, introduced this item. She explained that this was the second round of funding through the Local Authority Housing Fund (LAHF) and would be used to acquire 4 homes to meet housing need in the District. Three homes would be used to meet the needs of resettled Afghan households and wone would provide temporary accommodation for homeless households. The grant could cover up to 40% of the capital cost with a further £20k per home for associated costs.

The Chairman invited Members to speak:

Cllr C Cushing sought clarification regarding Option A and Option B and asked whether for both options whether it would be the same properties that would be purchased. Cllr Fredericks confirmed that it would and explained that Option B was referenced to be 'challenging' because Flagship Homes would only agree to take on new build properties and this was not affordable with the level of funding on offer. For that reason, Option A was the preferred option.

The Housing Strategy & Delivery Manager (ND) confirmed that this was the case and said that the Council was willing to purchase older properties as long as there were no major maintenance issues.

It was proposed by Cllr W Fredericks, seconded by Cllr T Adams and

**RESOLVED** that

1. NNDC accept the Round 2 LAHF grant
2. Officers seek to work with Flagship to acquire three of the four homes, and officers seek to identify one LAHF home to acquire for use as TA to be match funded from our existing TA budget
3. In the likely event that Flagship are unable to find three homes to purchase, that officers seek to identify up to four homes to acquire to be match funded using the existing TA budget and HPG funding
4. Cabinet give delegated authority to the Section 151 Officer / other member of Corporate Leadership Team, in consultation with the Portfolio Holder for Housing and Peoples Services, to agree the specific purchase of up to four properties (within the identified budget limits).

Reason for the decision:

To seek approval for the Council to accept the LAHF grant and agree the delivery option recommended

**57 PROPOSED 2023/24 SECTION106 COMMUTED SUMS GRANTS TO SUPPORT DELIVERY OF AFFORDABLE HOMES**

Cllr W Fredericks, Portfolio Holder for Housing, introduced this item. She explained that, following a previous Cabinet decision to establish an annual budget in the Capital Programme, using Section 106 receipts held by the Council, this report now detailed the programme of grants for 2023/24 and sought support to provide s106 grants totalling £1,186,000 which would provide 71 affordable homes.

It was proposed by Cllr W Fredericks, seconded by Cllr T Adams and

**RESOLVED**

That Cabinet support the granting of £1,186,000 of existing s106 housing monies in 2023/24 to support Registered Providers deliver new affordable housing schemes as detailed in the report.

Reason for the decision:

To provide support for £1,186,000 grant funding to help deliver affordable homes

## 58 AGE FRIENDLY COMMUNITIES

In the absence of Cllr Withington, Portfolio Holder for Community Outreach, Cllr W Fredericks introduced this item. She outlined the definition of an age friendly community and explained that it focussed on four key aspects to help residents age well and live a good later life. Somewhere that people could stay in their homes, participate in the activities they valued and contribute to their communities for as long as possible. She added that the District had the oldest demographic in the UK, with one in three residents being over the age of 65. She concluded by saying that the Council was the first District Council to adopt this approach. As Chair of the North Norfolk Health & Wellbeing Partnership, she said that this strategy was very important and one of the sub-groups focussed on living and ageing well.

The Chairman invited Members to speak:

Cllr A Brown asked if there was any prospect of Norfolk County Council following suit in adopting this approach and if so, would this result in a review of the proposed closures of Blakeney surgery and Benjamin Court in Cromer.

Cllr Fredericks replied that representatives from the Integrated Care Board and Adult Social Services attended the Health & Wellbeing Older Persons Working Group meetings. So, findings would be fed back to them. She agreed that the County Council should adopt this approach as many people chose to retire in North Norfolk and it impacted on the provision and quality health services in Norfolk generally.

Cllr L Shires said that she welcomed this report which was very powerful. She said that it was vital that older people had access to services but also to support from each other. She said that she understood the reference to the County Council and one of the biggest issues that elderly people faced was traversing uneven pavements. She asked if there was a consultation prepared to assist with understanding the older residents in the district and what they would want to see from this strategy. The Service Development Officer (Early Help) said that an initial piece of work was underway by the Older Persons Working Group and it was intended that the Community Connector Team would be involved in various events to undertake some initial scoping work and a survey. There were also ongoing discussions with GP surgeries to assist with the scoping of any consultation. A big part of the process was speaking to ageing communities and listening to their voices.

It was proposed by Cllr W Fredericks, seconded by Cllr T Adams and

### **RESOLVED**

To receive the report and to formally confirm

- Political commitment and support for the development of Age Friendly Communities in North Norfolk.
- Alignment with UK network of Age Friendly Communities (Centre for better ageing).
- Alignment with the WHO Global for Age Friendly Cities and Communities, which should be evidenced by written confirmation of the political support from the leader of the Council.

Reason for the decision

Political support and endorsement is required to enable alignment with and access to networks which will provide guidance, resources and peer support to progress the achievement of Age Friendly Communities in North Norfolk.

With the current older demographic of the district and predicted increase of older residents in North Norfolk aligning with Age Friendly Communities will assist in developing a culture of supporting older residents and visitors to live and enjoy healthy and active later lives.

In turn, this will support other services and systems within the district, including those provided by NNDC and health services, by reducing admissions to hospital and use of resources which are better provided elsewhere, increasing community and individual resilience, helping maintain independence and improving wellbeing.

**59 EXCLUSION OF PRESS AND PUBLIC**

**60 PRIVATE BUSINESS**

The meeting ended at 10.17 am.

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Chairman

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## Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

**"Disclosable Pecuniary Interest"** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

## Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

## Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

## Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a relative, close associate; or
  - c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
  - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
<b>Land and Property</b>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
<b>Licenses</b>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
<b>Corporate tenancies</b>	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
<b>Securities</b>	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

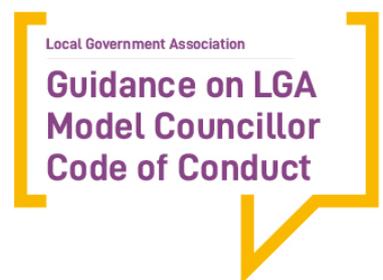
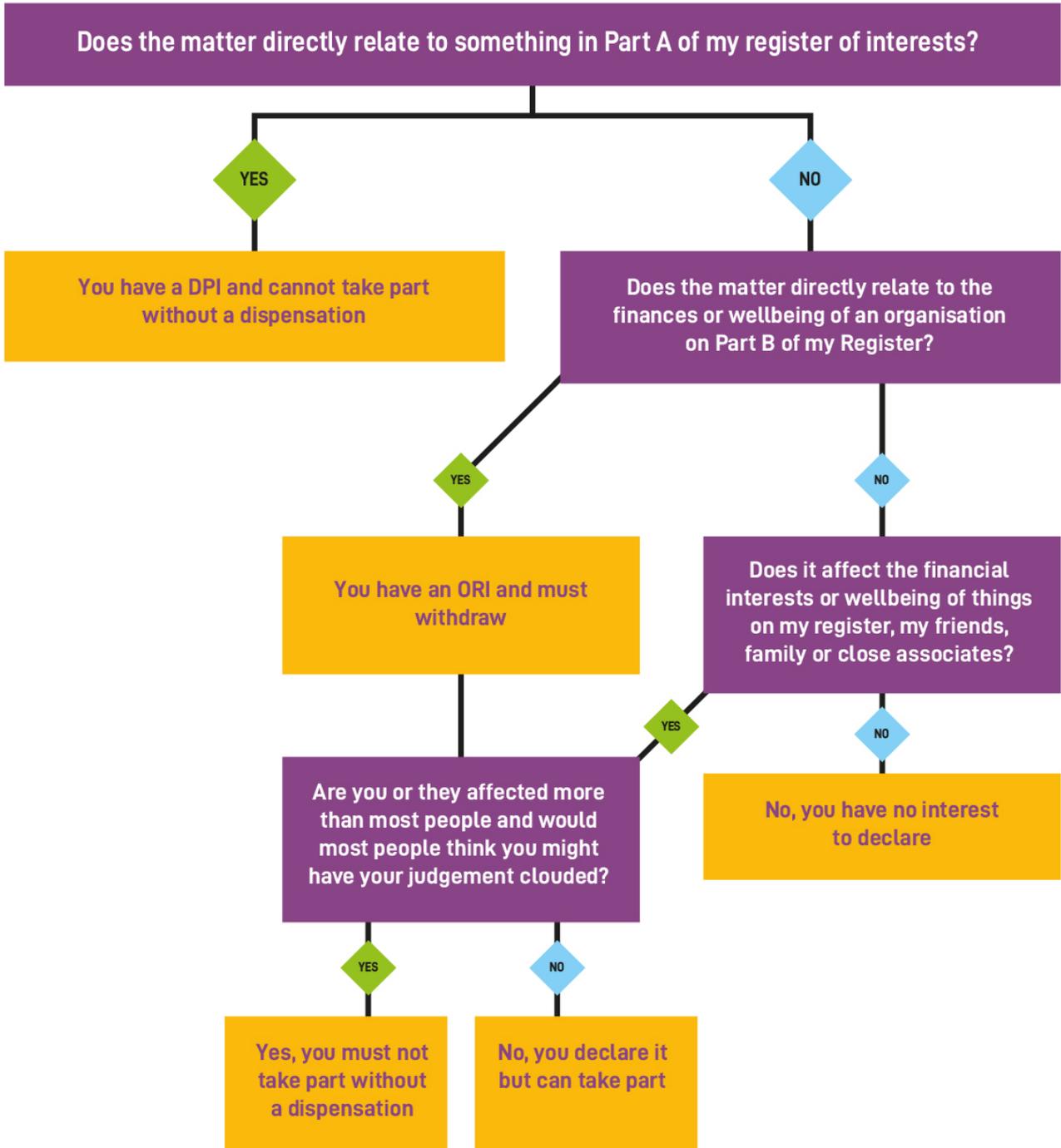
	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Table 2: Other Registrable Interests**

<p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <ul style="list-style-type: none"> <li>a) any body of which you are in general control or management and to which you are nominated or appointed by your authority</li> <li>b) any body <ul style="list-style-type: none"> <li>(i) exercising functions of a public nature</li> <li>(ii) any body directed to charitable purposes or</li> <li>(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)</li> </ul> </li> </ul>
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<b>CORPORATE PLAN 2023-2027 - ANNUAL ACTION PLAN 2024/25</b>	
Executive Summary	This report and accompanying appendix present the 2023 – 2027 Corporate Plan Action Plan for the period April 2024 – March 2025 to Cabinet for approval.
Options considered	<p>The actions detailed in the Action Plan have been developed in support of the five themes in the adopted Corporate Plan through a series of member/officer workshops, recognising the challenges and opportunities facing the district and the Council over the next 18 months.</p> <p>The actions proposed seek to balance the capacity of the organisation to deliver, taking into account the staff and financial resources available to the Council and potential to access external funding or partnership resources, with the aspirations laid out in the Corporate Plan. In this respect it is recognised that there is a degree of choice and prioritisation as to the actions proposed for delivery in the period April 2024 – March 2025.</p>
Consultation(s)	The recent workshops involving elected members and officers have been an inclusive and consultative process, the outcomes from which have informed future priority actions and work programming by the Cabinet for delivery in the 2024/25 civic year. These will need to be aligned with the 2024/25 budget preparation and revised Medium-Term Financial Strategy in the coming weeks.
Recommendations	That the Cabinet approves the Corporate Plan Annual Action Plan for 2024/25.
Reasons for recommendations	Sound management of the authority's staff, property and financial resources to deliver projects and initiatives which support improved service delivery and positive outcomes aligned to the previously agreed Corporate Plan themes.
Background papers	2023 – 2027 Corporate Plan Notes from the recent themed workshop events attached as appendices to this report

<b>Wards affected</b>	All
<b>Cabinet member(s)</b>	Cllr Tim Adams, Leader of the Council
<b>Contact Officer</b>	Steve Blatch, Chief Executive Email:- <a href="mailto:steve.blatch@north-norfolk.gov.uk">steve.blatch@north-norfolk.gov.uk</a> Tel:- 01263 516232

**Links to key documents:**

Corporate Plan:	This report details the list of actions and proposals the Council proposes taking forward in support of the five Corporate Plan themes in the twelve months April 2024 – March 2025.
Medium Term Financial Strategy (MTFS)	Proposed actions, projects or initiatives will need to give due consideration to the Council’s financial position as detailed in finance reports and a revised Medium-Term Financial Strategy and have the necessary resources allocated to them or efficiency savings identified through the preparation of the 2024/25 budget.
Council Policies & Strategies	See comment under Corporate Plan heading above

<b>Corporate Governance:</b>	
Is this a key decision	Yes
Has the public interest test been applied	Yes – there is no private or confidential information to be considered by this report
Details of any previous decision(s) on this matter	N/A

## 1. Purpose of the report

- 1.1 This report and accompanying appendix present the 2023 – 2027 Corporate Plan Action Plan for the period April 2024 – March 2025 to Cabinet for approval.
- 1.2 Cabinet is asked to approve the actions to be taken forward through the 2024/25 Annual Action and make the necessary budgetary provision in the weeks ahead to support delivery through the 2024/25 budget process.

## 2. Introduction & Background

- 2.1 Following the District Council elections held on 4<sup>th</sup> May, the Council adopted a new Corporate Plan for the four years 2023 – 2027 at its meeting held on 19<sup>th</sup> July 2023.
- 2.2 In agreeing the new Corporate Plan and making a positive recommendation to Full Council to adopt the Plan at its 19<sup>th</sup> July meeting, the Cabinet meeting of 3<sup>rd</sup> July 2023 resolved to :-

1. **Agree the content of the draft Corporate Plan 2023 – 2027 as a statement of the Council’s intent and ambition for the term of this Council administration.**
2. **Authorises the Chief Executive, in consultation with the Leader of the Council, to agree any minor revisions and changes to the final draft of the Corporate Plan document and thereafter the format / design of the document for publication, following adoption by Full Council.**

**3. That Cabinet publishes an Action Plan detailing how the objectives detailed in the Corporate Plan will be delivered / achieved to its November 2023 meeting; and**

**4. Recommended to Full Council that it adopts the Corporate Plan 2023 – 2027.**

2.2 In agreeing the Corporate Plan members were advised that, given experience of delivering against the 2019 – 2023 Corporate Plan where organisational capacity was initially hindered by the need for the Council to develop a local response to the COVID pandemic and subsequently responding to the cost of living pressures experienced in the national economy; there would be some merit in looking to develop an Annual Action Plan of project delivery in each year of the Plan. This would allow the Council to respond flexibly to changing circumstances over the four-year lifetime of the Corporate Plan, not least in response to possible changes to the policy framework nationally associated with a General Election which is to be held before January 2025.

2.3 At the subsequent meeting of the Overview and Scrutiny Committee held on 12<sup>th</sup> July 2023 the Committee, in being invited to comment on the Corporate Plan in advance of adoption by Full Council, agreed the following:-

**1. The Overview and Scrutiny Committee considered and commented upon the content of the draft Corporate Plan 2023–2027 recognising that it was a statement of the Council’s intent and ambition for the term of this Council administration.**

**The following comments were agreed and presented to the Full Council meeting on 19<sup>th</sup> July 2023:-**

- Cabinet was asked to consider whether financial sustainability has been adequately addressed within the Corporate Plan and whether it should form a key theme.**
- Cabinet was asked to consider whether the headline objectives of the Corporate Plan were ambitious enough; and,**
- Cabinet was asked to consider whether issues of rurality were adequately addressed within the Corporate Plan.**

**2. Noted the arrangements outlined for a series of member workshops in September 2023 to contribute to the development of actions / proposals for inclusion in the 2024/25 Annual Action Plan and then for the draft Action Plan being presented as a pre-scrutiny item for discussion / agreement by the Overview and Scrutiny Committee at its 11th October 2023 meeting.**

2.3 Subsequently, in accordance with the second Overview and Scrutiny resolution above, five member / officer workshop events were held in late September / early October, where discussion took place of the issues and potential responses under each of the Corporate Plan themes.

2.4 The outcomes of the five workshops were presented to the Overview and Scrutiny Committee at its meeting of the 11<sup>th</sup> October 2023 as a pre-scrutiny item, providing members of the Committee with an opportunity to comment on the emerging issues gathered through the workshop process. Whilst the Overview and Scrutiny Committee welcomed this opportunity and positively commented on the inclusive approach adopted and extensive nature of the

workshop discussions, they felt that they had been provided with insufficient time to comment meaningfully in any way on the emerging actions or proposals. The Committee therefore resolved:-

**“That the Overview & Scrutiny Committee positively commented on the workshop process and its inclusivity, but felt that it was premature to comment on the proposals at this stage and therefore took note of the Council Leader’s offer to consider further proposals and comments up to the point of approval in November.”**

### **3. Proposals and Options**

- 3.1 The outcomes of the workshops were recorded and have now been the subject of further review and evaluation by officers and discussion with Cabinet portfolio holders. The attached appendix therefore now outlines a proposed series of actions to be taken forward through an Action Plan covering the period April 2024 – March 2025.
- 3.2 Cabinet is therefore now asked to approve the Corporate Plan Action Plan for 2024/25 and agree that the proposed actions now be developed further as part of the 2024/25 budget preparation and revised Medium-Term Financial Strategy in the coming weeks.

### **4. Corporate Priorities**

- 4.1 The outcomes from this report will contribute to the Corporate Plan priorities and allocation of resources to support project delivery and improved working in the 2024/25 civic year.

### **5. Financial and Resource Implications**

- 5.1 The outcomes from this report will allow allocation of staff and financial resources to support project delivery and improved working in the 2024/25 civic year through the 2024/25 budget process to be taken forward in the period to February 2025.
- 5.2 The Director of Resources (Section 151 Officer) has provided the following comments in advising on the preparation of this report:-

“This report raises no direct financial implications in approving the 2024/25 Action Plan as a statement of intent. Further work will be undertaken in the next few weeks in preparing the 2024/25 budget based on the objectives detailed in the Action Plan”.

### **6. Legal Implications**

- 6.1 The Monitoring Officer has provided the following comments in advising on the preparation of this report:-

“Although there is no legal requirement for the Council to adopt a corporate plan and action plan, such plans provide a framework to direct decision making and contribute to clear and robust governance arrangements. Further, the

Constitution supports and details information on the preparation of a corporate plan. It is noted that some actions are subject to external funding.”

**7. Risks**

7.1 None as a direct consequence of this report.

**8. Net Zero Target**

8.1 None as a direct consequence of this report, although one of the Corporate Plan’s five themes is “our Greener Future” where the issue of Net Zero is a key consideration for and objective of the authority over the lifetime of the Corporate Plan.

**9. Equality, Diversity & Inclusion**

9.1 None as a direct consequence of this report, although a key theme running through the Corporate Plan is the issue of inclusion and equity – particularly under the themes - Meeting our local housing need; Developing our communities; Investing in our Local Economy and Infrastructure and A strong, responsible and accountable council.

**10. Community Safety issues**

10.1 None as a direct consequence of this report

**11. Conclusion and Recommendations**

**That the Cabinet approves the Corporate Plan Annual Action Plan for 2024/25.**

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**NORTH NORFOLK DISTRICT COUNCIL**  
**CORPORATE PLAN 2023 – 2027**  
**ANNUAL ACTION PLAN PROCESS – OCTOBER 2023**

**OUR GREENER FUTURE**

We will continue our work to create a cleaner, green and zero-carbon future for North Norfolk.

**Actions:-**

We will:-

1. Complete the work on the production and examination of the North Norfolk Local Plan and formally adopt the Plan by September 2024.
2. Monitor and report on the greenhouse gas emissions of the Council's operations and activities and ensure the climate impact of all decisions are fully accounted for and deliver carbon literacy training to all elected members and staff as we look to achieve our commitment to Net Zero by 2030. We will have implemented this programme by September 2024.
3. Commission feasibility studies into where the Council might be able to deliver further photovoltaic installations and public EV charging points and deliver at least one such project by March 2025.
4. Increase the percentage of household waste collected which is recycled through programmes of education and public awareness and the development of a Business Case by March 2025 for the introduction of a food waste collection service in the 2025/26 civic year.
5. Undertaking a review of our open spaces maintenance regimes with the objective of increasing carbon efficiency and encouraging areas of increased biodiversity by September 2024 and implement new arrangements from the 2025 growing season.
6. Complete the Cromer Phase 2 and Mundesley Coast Protection Schemes by March 2026.
7. Working with Defra, the Environment Agency, local partners and communities to progress delivery of the Coastwise programme in the development and implementation of innovative approaches to coastal adaptation – ongoing until March 2027.

## **DEVELOPING OUR COMMUNITIES**

We will develop our work to support confident, engaged, resilient and inclusive communities.

### **Actions:-**

We will:-

1. Produce and publish a Rural Strategy and Action Plan by June 2024
2. Put in place a programme of Residents Surveys for delivery from September 2024 to establish community priorities from April 2025.
3. With external partners we will urgently pursue funding opportunities to develop initiatives which proactively and reactively support our communities prioritising health, wellbeing and financial inclusivity of our most vulnerable and hard to reach residents from April 2024.
4. Continue the Council's commitment to improving the quality and accessibility of our public conveniences undertaking feasibility studies, identification of cost / budgets etc for new or improved facilities at four locations, with the objective of delivering one project by March 2025 and in each of the following years (2026 and 2027).
5. Prepare an Active Environment and Play Park Strategy (by June 2024) to inform future investment decisions and external funding applications with the objective of delivering at least one major project by March 2025 and in each of the following years (2026 and 2027).
6. Continue to work with Active Norfolk for a further three years, from April 2024, to promote active lifestyles and investment in sports facilities across the district.
7. Subject to Government announcing a further round of Levelling Up funding, re-submit proposals for the Fakenham Leisure and Sports Hub proposal and the Cromer Clifftop public realm proposal emphasising the strong community support and benefits which would be realised from these investments – bids to be submitted in accordance with Government bidding deadlines.
8. Explore external funding to support a business case to provide a mains electricity supply to allow further development of facilities at Holt Country Park. Business case to be prepared by March 2025.
9. Develop clear business cases, project investment proposals and timescales to provide 3G pitches at Cromer, Fakenham and North Walsham aligned with external funding opportunities – business cases to be prepared by June 2024.

## **MEETING OUR HOUSING NEED**

We will seek to meet the challenges of local housing need.

### **Actions:-**

We will:-

1. Share data about the number of permanent, affordable, second and holiday homes, empty homes and numbers of local people on the housing register at a parish level on an annual basis so that there is a very clear understanding of the context of local housing issues at a local community level. It would be expected that sharing this information widely would generate more support for a pipeline of affordable housing schemes across the District through Community Land Trusts and Rural Exceptions schemes.
2. Promote greater take up of Neighbourhood Plans by local communities with the objective of supporting two communities adopt Neighbourhood Plans a year from 2024.
3. Develop and implement solutions to the challenging Nutrient Neutrality issue which is holding up some new residential developments in the district through developing appropriate mitigation schemes – we will have worked with partners to deliver at least two local mitigation schemes by March 2025.
4. Negotiate with Norfolk County Council and the Office of the Police and Crime Commissioner on the retention of the Second Homes Council Tax premium (subject to appropriate legislation being passed) to finance the delivery of a more ambitious programme of affordable homes developments in the district from March 2025.
5. Take forward with partners a programme of new affordable homes development in the district, with a target number of 350 new affordable homes completed over the period to March 2027.
6. Work with partners in the North Norfolk Help Hub to respond to housing standard issues as and when they arise in a timely and satisfactory manner. Conduct at least 50 inspections under the Housing Health and Safety Rating System per year of privately rented accommodation in response to complaints received. Inspect all new Houses in Multiple Occupation (HMOs) applications received by the Council and using a risk-based approach inspect on a rolling basis all HMOs in the District. In all cases take appropriate action in accordance with the Council's enforcement policy.

## **INVESTING IN OUR LOCAL ECONOMY & INFRASTRUCTURE**

We will create an environment where businesses thrive and prosper, supporting jobs and economic opportunity for all.

### **Actions:-**

We will:-

1. Publish and implement a new Economic Growth Strategy and Action Plan for the District by March 2024.
2. Improve engagement and dialogue with and between the district's business community by establishing a North Norfolk Business Forum for launch in September 2024, with a series of monthly business briefing events to be staged throughout the autumn / winter of 2024/25.
3. Be a lead advocate and facilitator in establishing the Bacton Energy Hub site as one of the UK's principal locations for carbon capture and storage and hydrogen production in support of the UK's energy transition to Net Zero realising the employment, supply chain and wider economic benefits for North Norfolk, Norfolk and the wider East of England region. Ongoing from now throughout the period of the Corporate Plan.
4. Work with the local community and partners in Stalham through the Government's High Street Task Force programme to develop a series of interventions to improve the town centre environment and levels of footfall and activity for delivery of the period April 2024 – March 2027.
5. Work with partners in Fakenham to retain banking and post office services in the town centre, through establishing a banking hub facility by September 2024.
6. Continue to support and work with Visit North Norfolk to promote North Norfolk as a key visitor destination with a diverse visitor offer.
7. Ensure, through sound programme management and appropriate promotion, that full commitment and draw down is made of the UK Shared Prosperity Fund and Rural England Prosperity Fund monies allocated to the district.
8. With partners, develop Energy Infrastructure and Water Resources Plans for the district by March 2025 and lobby for these key infrastructure constraints in the district to be addressed by statutory undertakers so that businesses and developers are not disadvantaged in taking forward investment plans in the district.
9. Through developing a deeper understanding of the constraints of existing mobile and digital infrastructure in North Norfolk, lobby key operators and providers so as to reduce the "digital divide" which exists in the district.
10. Based on previously commissioned surveys, develop a pipeline project proposal by December 2024 which seeks to increase the supply of serviced land or advance factory

premises at Fakenham, Holt or North Walsham and can be delivered at pace if external funding can be secured for such an investment.

11. Develop, with Norfolk County Council, by March 2025 a North Norfolk Skills Forum to promote careers and workforce development in the district, address local skills shortages and secure education and training providers and employer engagement in apprenticeships and training provision.

## **A STRONG, RESPONSIBLE & ACCOUNTABLE COUNCIL**

We will ensure the Council maintains a financially sound position, seeking to make best use of its assets and staff resources, effective partnership working and maximising the opportunities of external funding and income.

### **Actions:-**

We will:-

1. Produce an Action Plan in response to the recommendations made by the recent LGA Corporate Peer Challenge by end December 2023 and thereafter deliver the Action Plan objectives over the period to June 2025.
2. Monitor progress towards the objectives detailed the new Medium-Term Financial Strategy (November 2023) through continuously reviewing service delivery arrangements so as to realise efficiencies and ensure value for money service provision in meeting the needs of our residents, businesses and visitors. Two detailed service area reviews will be completed each year starting with IT and Licensing.
3. To continue improvements to our Planning Service under the Planning Service Improvement Strategy introduced in March 2023 and to deliver the action plan by July 2024, with the intention of providing exemplary customer service to planning service users, improving performance monitoring and reporting, web pages, training for members and staff, review of appeal decision notices and pre-application processes and refining validation list requirements.
4. Undertake a Value for Money Review of the Council's Temporary Accommodation provision in light of rising numbers of homeless households being accommodated in Bed and Breakfast accommodation. In recent times the Council has purchased a portfolio of self-contained temporary accommodation providing better outcomes for homeless households, but a deeper understanding of the costs of purchasing and managing these units – Review to be undertaken by June 2024 with a direct link to the Strong, Responsible and Accountable Council theme in terms of value for money and sustainable financial position.
5. Undertake a review of our Customer Service provision by September 2024 to ensure that we continue to meet the needs of our residents whilst embracing new technology and digital platforms so as to increase access to council services 24/7 through self-service options.
6. Undertake a review of the Council's car park management contract by March 2025 to assess if it continues to deliver value for money for the authority or whether an alternative contract arrangement should be put in place. This work should also consider if the Council would wish to take up the invitation to local authorities by the Government in its recent announcement about the introduction of a National Parking Platform from April 2024.
7. Review the Council's approach to Asset Commercialisation to reflect the findings of the Corporate Peer Challenge in seeking to realise new and emerging opportunities

around the use of the Council's land and property assets through preparing a revised Asset Management Strategy by September 2024.

8. Explore whether the Council should look to manage its seafront assets (beach huts and chalets, concessions etc) through a Local Authority Trading Company structure – options appraisal report to be prepared by December 2024.
9. Produce an Organisational Development Plan for the Council which seeks to address the staff recruitment and retention challenges which face all local authorities but are perhaps more acute in some roles at North Norfolk District Council due to our geography. The new Plan, which is to be prepared by June 2024, will detail our approach to developing our workforce through apprenticeship recruitment, professional development and collaboration across the public sector locally in Norfolk.

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<b>BUDGET MONITORING P6 2023/24</b>	
<b>Executive Summary</b>	<p>This report provides an update on the Council's financial performance and projected outturn for 2023/24 for the revenue account, capital programme and reserves statement as at the end of September 2023.</p> <p>The overall position at the end of September 2023 shows a £1.685m underspend for the net operating expenditure on the revenue account, this is however an unadjusted position that does not include any known variations e.g. the inclusion of the pay award for 2023/24.</p> <p>As at 30 September 2023, the General Fund projected a deficit of £0.515m for the full year 2023/24. This is after adjusting for all known variations and full year forecasting by service managers.</p>
<b>Options considered</b>	This is an update report on the Council's financial position and so no other options were considered.
<b>Consultation(s)</b>	Cabinet Member Section 151 officer Budget Managers
<b>Recommendations</b>	<p>It is recommended that Cabinet:</p> <ol style="list-style-type: none"> <li>1) Note the contents of the report and the current budget monitoring position and note that officers will work together to take action to reduce the overall projected deficit on the General Fund at the year-end of 2023/24.</li> </ol> <p>recommends to full Council that it</p> <ol style="list-style-type: none"> <li>2) Approves an additional capital budget of £58k so that the work for the refurbishment of the Red Lion roof (Cromer), the Art Deco Block roof and handrails (Cromer) and the Chalet Block at Sheringham can be awarded as one contract. And that approval be given to fund the additional expenditure from the Asset Management Reserve.</li> <li>3) Approves an increase to the DFG capital budget of £118k and approves that it is funded by the additional grant received for this purpose from the Government.</li> <li>4) Approves the provision of a new play area at the Lees in Sheringham and approves a capital project budget for this of £65k and that funding for this should come from the Delivery Plan Reserve.</li> <li>5) Approves the capital spending of £11k on the Morris Street Car Park Boundary Wall and that it be funded from the Asset Management Reserve.</li> <li>6) Approves that the £85k of the Car Park refurbishment capital budget is reallocated to the Public</li> </ol>

	Conveniences so that the outstanding works can be carried out and complete the scheme.
<b>Reasons for recommendations</b>	To update members on the current budget monitoring position for the Council.
<b>Background papers</b>	\\fs\Accounts\Budget Monitoring\BUDGET MONITORING\2023-24\Period 6\Report\Final Report & Appendices\Budget Monitoring P6 2023-24 .doc
<b>Wards affected</b>	All
<b>Cabinet member(s)</b>	Cllr Lucy Shires
<b>Contact Officer</b>	s151 Tina Stankley, Tina.stankley@north-norfolk.gov.uk

<b>Links to key documents:</b>	
Corporate Plan:	Budgets set to support the Corporate Plan objectives.
Medium Term Financial Strategy (MTFS)	Budget process in line with MTFS
Council Policies & Strategies	Service Budgets set in line with the council policies and strategies.

<b>Corporate Governance:</b>	
Is this a key decision	no
Has the public interest test been applied	Not an exempt item
Details of any previous decision(s) on this matter	N/A

## 1. Introduction

- 1.1 This report compares the actual expenditure and income position at the end of September 2023 to the latest revised budget for 2023/24. The Original Budget which was agreed by Full Council on 22 February 2023 has been updated to reflect approved budget virements.

## 2. Revenue

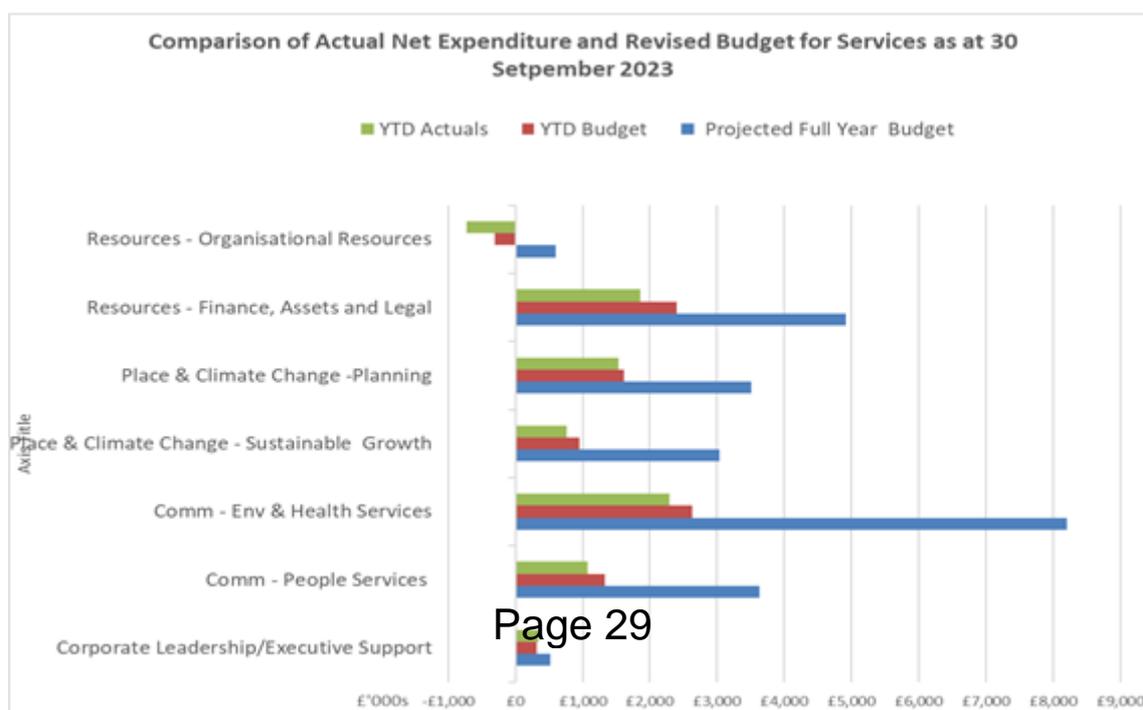
- 2.1 The General Fund Summary at Appendix A shows the high-level budget monitoring position as at 30 September 2023 and highlights a year-to-date variance of £1.685m underspend for the net operating expenditure against the profiled revised budget. The table below shows that there is an underspend of £1.785m for service related expenditure when compared with the revised budgets and this is partly offset by an overspend of £0.100m in non-service specific budgets to give the overall position of an underspend of £1.685m.
- 2.2 It should be noted that the table below is the position as at 30 September 2023 and is a at a point in time. It does not take into account any known variations to these figures. Some examples include:
- The pay award for 2023/24 which will be paid and back dated to 1 April 2023 when it is agreed.

- The timing differences between when grant is received and spending of that grant takes place – if a grant is received at the beginning of the year and expenditure takes place throughout the year this will show as an underspend if not adjusted for.
- An underspend will show where we have accrued for 2022/23 expenditure but have not yet paid the invoices in 2023/24 and the opposite of this will be the same for any income accrued for that has not yet been received.

Financial position as at 30 September 2023:

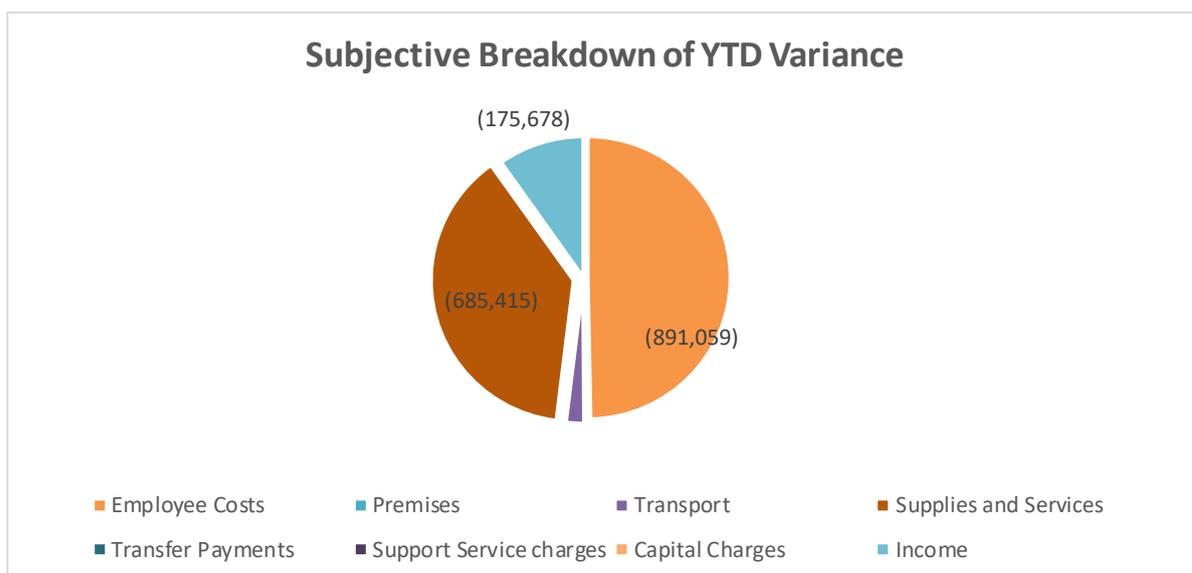
	2023/24 Base Budget £'000s	2023/24 Revised Budget £'000s	2023/24 YTD Budget £'000s	2023/24 YTD Actuals £'000s	2023/24 YTD Variance £'000s
<b>Directorate</b>					
Corporate	485	518	313	348	35
Leadership/Executive Support					
Communities	12,243	11,733	3,955	3,355	(600)
Place and Climate Change	6,509	6,547	2,572	2,301	(271)
Resources	5,109	5,518	2,091	1,142	(949)
<b>Net Cost of Services</b>	<b>24,346</b>	<b>24,316</b>	<b>8,931</b>	<b>7,146</b>	<b>(1,785)</b>
Parish Precepts	2,875	2,875	2,875	2,875	0
Capital Charges	(2,457)	(2,457)	(1,228)	(1,228)	0
Refcus	(1,677)	(1,677)	0	0	0
Interest Receivable	(1,533)	(1,533)	(766)	(887)	(121)
External Interest Paid	0	0	0	221	221
Revenue Financing for Capital:	710	726	0	0	0
MRP Waste Contract	330	330	0	0	0
IAS 19 Pension Adjustment	266	265	0	0	0
<b>Net Operating Expenditure</b>	<b>22,860</b>	<b>22,845</b>	<b>9,812</b>	<b>8,127</b>	<b>(1,685)</b>

2.3 The Chart below illustrates these variances per service area and Appendix B provides further details of the individual service variances. Variances are reported against the updated budget in the Council's General Fund summary as shown in Appendix A. One point to note is that the management reporting structure has been amended to reflect the budget responsibility of Cromer Pier and Amenity Lighting transferring from Communities to Resources.



## Variance by Service Area

- 2.4 Appendix B included with this report provides detailed variance explanations for each service heading. The more significant of which have been outlined in Table 1 below. Variances compare Period 1 to Period 6 expenditure against the updated budget for the same period. As explained in paragraph 2.2 no adjustments have been made for known variations, so the variances are as at a point in time, but details about these are explained in the Appendix alongside each variation.
- 2.5 In line with the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice the Council's budgets are prepared using recommended subjective headings; these include, employees, premises, transport, supplies and services, third party payments, transfer payments, support services, capital charges and income. The pie chart below illustrates how the current (£1.786m) variance is broken down. Further detailed analysis is provided within the service area appendices at appendix B.
- 2.6 The graph below shows how the position at the 30 September 2023 is made up by subjective heading and the paragraphs below that provide some high level explanation by subjective heading for the reasons for the variances from the revised budgets.



- **Employee Costs – (£891,059)** of this £852,501 relates to direct employee variances. Around £290,000 can be attributed to the April-September allocation of pay award inflation not yet agreed. As highlighted in the detailed service variance commentary above, the council currently has several vacancies, some of which were budgeted to be funded from earmarked reserves or grant contributions, after adjusting for these it is estimated there will be a full year saving of (£275,000) (see table in paragraph 2.7 line 1).
- **Premises – £3,747** (£63,500) Sports and Leisure; hall hire rental accruals for 2022/23 not offset by invoices. £68,186 Electricity charges. (£87,320) profile of Insurance premium invoices. £110,066 Repairs and Maintenance and contract expenses across a range of council assets. Full Year overspend £250,000 (see table in paragraph 2.7 line 2).

- **Transport – (£36,519)** the saving in transport related expenditure largely relates to mileage claim expenses. There is also a saving in essential user allowances because of vacant posts. Full Year savings (£30,000) (see table in paragraph 2.7 line 3).
- **Supplies and Services – (£685,415)** the more significant Fees and Services variances include, (£195,431) waste contract variances (£181,536) External Audit Fees including prior year accrual not yet offset. (£123,352) Balance of unallocated community grants. There is likely to be above budget spend of £40,000 on computer software licences and maintenance costs. Across all the services areas the net position is anticipated to deliver a full year saving (£80,000) (see table in paragraph 2.7 line 4).
- **Income – (£175,678)** a number of additional revenue grants have been received in this financial year, which were not included in the base budget. These include Household support hardship funding. These grants are ringfenced and will be offset by qualifying expenditure. Fee income in areas such as Land Charges, Planning and Building control is currently down against the profiled budget, it is difficult to predict as it is greatly affected by economic trends. It will continue to be monitored but a modest full year impact of £100,000 has been included as an anticipated full year impact. (see table in paragraph 2.7 line 5).

2.7 The table below provides a high level breakdown of the anticipated year end position which currently is that there will be a General Fund Deficit of £0.515m at 31 March 2024. (see table in paragraph 2.7 line 9).

		<b>Projected Outturn £'m</b>
<b>1</b>	<b>Employee Costs</b>	(0.275)
<b>2</b>	<b>Premises Costs</b>	0.250
<b>3</b>	<b>Transport Costs</b>	(0.030)
<b>4</b>	<b>Supplies &amp; Services</b>	(0.080)
<b>5</b>	<b>Income</b>	0.100
<b>6</b>	<b>Total Savings for Net Cost of Service</b>	<b>(0.035)</b>
<b>7</b>	<b>Net External interest</b>	(0.050)
<b>8</b>	<b>Benefit Subsidy possible impact</b>	£0.600
<b>9</b>	<b>Total FYE</b>	<b>£0.515</b>

2.8 **Housing Benefit Subsidy** (see table in paragraph 2.7 line 8).

The Housing Benefit Subsidy grant payments received by the Council are based on subsidy claims submitted to the Department for Works and Pensions (DWP). Neither the income nor the expenditure are included in the revenue budget figures until the final subsidy position is confirmed as part of outturn each year. The main reason for this is that they vary significantly compared to both the budgets and the payments to claimants that they relate to, due to timing issues, subsidy grant payments are paid monthly based on the relevant claim submitted and do not directly in relation to payments made to claimants.

For 2023/24, the Council have set a cost neutral budget of £16.9m expenditure and Income. The rate of recovery (i.e. how much the Council can

claim back from the Government for housing benefit paid to claimants) for most correctly paid subsidy is 100%. However an element of expenditure that does not attract full subsidy is temporary accommodation provided to homelessness clients. This therefore creates a cost pressure for the Council.

In previous years this cost pressure has been offset by the amount that the Council has been able to recover from claimants got overpayments made to them. However since 2019/20 as the number of people requiring temporary accommodation has been increasing sharply the cost pressure has been increasing and since 2019/20 the level of income from recovering overpayments has been insufficient to cover this cost pressure. In 2019/20 the cost pressure not covered by the offsetting income was £0.2m. For 2023/24 the current mid-year estimates indicate that this figure is likely to be £0.6m for the full year. This is a growing concern.

### **3. Non-Service Variances to period 6 2023/24**

#### **Investment Interest**

3.1 The investment interest budget for 2023/24 is £1.541m on an average balance of investments of £31.954m assuming an average interest rate of 6.24%. Below is a summary of the key events that are likely to impact our investment returns for the year. The Mid-Year Treasury Management report with full details is on also being presented to this Cabinet meeting.

3.2 At 30 September 2023, the Council has received £0.887m of interest, a favourable variance of £0.114m compared with interest budget of £0.773m. The average rate of interest achieved was 6.54% from an average balance available for investment of £32.513m. The year-end forecast position is total interest earned of £1.757m which will give a favourable variance of £0.224m against the budget. This is due to there being continuous base rate increases by the Monetary Policy Committee which has a favourable effect on interest rates for the investor.

The new interest rate forecast following the recent MPC decision, is that the base rate will no longer reach the previously estimated peak of 6%, and instead stay at 5.25-5.50% and then begin a slow decline from March 2024 following an anticipated economic boost from the 2023 Christmas period.

3.3 The Council has a portfolio with a diverse range of funds totalling £31.426m as at 30 September 2023. Currently the Council has £22.581m invested in long-term pooled funds, £6.7m invested in short-term money market funds and £2.1m invested in Housing Loans. Two new loans totalling £0.110m were issued through the Loans to Housing Providers capital project in August 2023. The interest rate charged was the prevailing PWLB interest rate for borrowing (5.5%) at the time the loans were issued and will generate interest totalling £0.054m over the life of the loans (15 years).

#### **Borrowing Interest**

3.4 The budget for interest paid for 2023/24 is zero. However there has been a need to take short term borrowing to cover Interest paid as at 30 September 2023 was £0.221m. The full year forecast is anticipated to be around £0.310m, but at this stage in the year this is difficult to forecast as there are so many variables with the cashflow forecast e.g. cash availability and for the duration needed, the movement in interest rates and profiles of grant receipts.

- 3.5 This is a significant cost pressure for the Council. The need to borrow for the remainder of the year will be closely monitored to keep further borrowing costs to a minimum. It is anticipated that the extra interest being earned on investments above the budgeted level will exceed the borrowing costs so the net position at the year will still be favourable, but only marginally. (see table in paragraph 2.7 line 7).
- 3.6 Officers across the organisation will work together to identify areas where savings can be made to reduce the overall deficit position at the year end.

### **Retained Business Rates**

- 3.7 There is currently no variance showing against Non-Domestic Rates income for the financial year at this stage of the year. The final variance will not be known until the NNDR3 form is completed at the end of the financial year and the grant due to the authority has been determined. Any large value appeals or anything which may significantly affect the NNDR income will be reported in future reports as they arise.

### **Capital**

- 3.8 The total capital expenditure for 2023/24 as at 30 September 2023 is £3.7m compared with a budget of £44.774m giving a variance of £41.074m, of which £27.1m relates to the Cromer and Mundesley Coastal Schemes and the Coastwise project which are all in their initial stages and are just getting underway. The largest variances for the schemes with underspends are shown in the table below. These variances largely relate to schemes which in the main have yet to begin. Details of spend against budgets can be found in Appendix C.

<b>Scheme (largest schemes by value)</b>	<b>Budget not yet spent £'m</b>
Cromer 3G football facility	1.000
Rocket House	1.036
S106 enabling	1.600
Fakenham Urban Extension	1.780
Property Acquisitions	0.705
Remainder of DFG	0.954
Local Authority Housing Fund	0.756
Compulsory purchase of long-term empty properties	0.430
<b>Total</b>	<b>8.261</b>

- 3.9 The Cornish Way Industrial Units project has now been completed. All improvements and net zero works have been carried out to the Industrial Units owned by the Council in North Walsham. The total final cost of the project was £82k compared with an approved budget of £170k giving a saving of £88k. It has been possible to achieve significant savings on the improvement works and net zero works by having the contractors carry out all the work in one go across all the industrial units thus reducing the time taken for the contractors to complete the programme of work. This reduction has been included in the Capital Programme as shown at Appendix C.
- 3.10 £30k of the savings have been used to create a budget to carry out the same type of improvement works and net zero works to the Catfield Industrial Units. This is included in the Capital Programme as shown at Appendix C.

3.11 This has left an unused £58k saving. It is proposed that this is amalgamated with the Red Lion Roof budget (£30k) and further increased to create a capital budget to undertake the refurbishment of the roofs at three of our properties at the same time so that significant contract savings can be achieved. This use of unused savings and the amalgamation of the three budgets has not yet been included in the Capital Programme as shown at Appendix C.

3.12 The three projects are outlined below.

- **The Art Deco Block on the Cromer Promenade and replacement of the handrails on the chalets** above which are rusted and are becoming unsafe. During the last couple of years, the roof has begun to fail causing damp issues and the patch repairs are no longer possible. The most appropriate course of action is to replace the roof and handrails. The Council lease the building to Cromer Artspace, a not-for-profit group, which hold exhibitions there throughout the year. Cromer Arts Space approached the Council to say that they were able to apply for 'Community Ownership Fund (DLUHC) grant funding for this work and have been successful in securing a capital grant of £29k. The Council must match fund this. The estimate for these works is £95k. There is a budget of £87k (line 1 & 3 in the table at paragraph 3.12 below) for this currently in the capital programme.
- **The Red Lion roof replacement** which is already included in the capital programme with a £30k budget.
- **The chalet block roof replacement, Sheringham** which isn't currently an approved capital scheme but if combined with the other two projects in one tender will result in significant savings compared with carrying out the 3 projects separately.

3.12 A summary of the budget required is shown in the table below.

	<b>Budget included in the Capital Programme</b>	£'000s
1.	Saving from the Cornish Way Industrial Units	58
2.	Red Lion Roof budget	30
3.	Additional budget covered by external grant funding (secured by Cromer Art Spaces)	29
<b>4.</b>	<b>Total budget available</b>	<b>117</b>
5.	Estimate to carry out all works for the 3 projects as one capital scheme	175
<b>6.</b>	<b>Additional budget required (not yet included in the capital programme)</b>	<b>58</b>

A delegated decision has been taken (by the Director of Resources) to use the £58k already in the capital programme (line 1 in the table above) to fund the replacement roof at the Art Deco block as there is the opportunity to use the grant funding available (line 3 in table above) and reduce the overall cost to the Council of carrying out the work. Approval is now being sought to add a further £58k to the capital programme. The source of funding will be the Asset Management Reserve. This is yet not included in the Capital Programme as shown at Appendix C.

3.13 Central Government have awarded local authorities additional Disabled Facilities Grant (DFG) to fund a new discretionary grant scheme for home

improvements. The extra funding for this Council is £118k for 2023/24. This amount has been added to the DFG budget to give a revised capital budget of £1.476m for 2023/24. This extra funding is welcomed as it is intended to be for grants that can be awarded quickly outside of the normal grant application process. The smaller, reactive grants will be for small-scale adaptations that are needed quickly, e.g. to assist older or disabled people in being discharged sooner from hospital or a care home. This is included in the Capital Programme as shown at Appendix C.

- 3.14 The Lees play area in Sheringham is one of our play areas that needs a complete replacement and works carried out to bring it up to today's safety standards e.g. the sand on the ground replacing with a bark chipping on the ground and the appropriate safety foundation underneath this. The cost of this scheme would be £65k. Approval is being sought to add this scheme to the capital programme and fund it from the Delivery Plan Reserve. Moving forward, to address the issue of improving our play areas a capital bid will be put forward for a play areas replacement programme for Members to consider including in the Capital Programme for 2024/25 to 2027/28. This is not yet included in the Capital Programme as shown at Appendix C.
- 3.15 There is an overspend of £11k in the capital programme for the replacement of part of the Morris Street Car Park Boundary Wall. There was no budget for this work, but after part of the wall was blown down during a storm the wall was inspected and some of the wall was declared to be a dangerous structure. An insurance claim was submitted to cover the costs of the work, but as the wall is not an integral part of a building it was not covered by our insurance policy. Insurers no longer provide insurance cover for walls and fences following the recent large number of storms that areas of the UK have experienced. The work has had to be done and it will be funded from the Asset Management Reserve. This is included in the Capital Programme as shown at Appendix C.
- 3.16 The Public Conveniences budgets have been adjusted to include the Changing Places Toilet expenditure relevant to each project. In total the combined budgets are currently overspent by £25k and the Phase 2 of the Public Conveniences at the Lees in Sheringham has not yet started. Phase 2 includes the Changing Places Toilet (CPT) element for which the budget funded by the CPT grant is included. If the work isn't carried out then we will lose the grant (£60k). The additional budget required to complete the works is estimated to be £60k. Therefore to deliver all the CPT schemes (with the exception of Stalham) a further budget of £85k needs to be approved.
- 3.17 The overspend will equate to approximately 17% of the overall budget for the refurbishment of the 4 toilets as well as providing CPT. This overspend largely relates to the impact of inflation and the need to meet the standards required for providing the CPT so that we could claim the grant. Ordinarily there may have been some scope to revisit the specification of fittings etc. to reduce spend but this hasn't been an option in this project.
- 3.18 It is therefore proposed that approval is sought from full Council to reallocate £85k of the £311k car park refurbishment budget so that the works can be completed. To date none of this budget has been spent and it is unlikely that any major resurfacing works will be undertaken in the winter months. This adjustment has not yet been made to the Capital Programme as shown at Appendix C.

## **4 Reserves**

- 4.1 The Council's current Reserve Statement is included as part of the report at Appendix D, this gives the latest position of amounts allocated to services.

## **5 Corporate Priorities**

- 5.1 Corporate Plan objectives are supported by the Council's allocated budgets.

## **6 Financial and Resource Implications**

- 6.1 This report is financial in nature and financial implications are included within the content of the report.

## **7 Legal Implications**

None as a direct consequence of this report

## **8 Risks**

- 8.1 The detail within section 2 of the report highlights the more significant variances including those that are estimated to result in a full year impact.
- 8.2 The estimated outturn will continue to be monitored during the year.

## **9 Net Zero Target**

None as a direct consequence of this report

## **10 Equality and Diversity**

None as a direct consequence of this report

## **11 Community Safety Issues**

None as a direct consequence of this report

## **12 Conclusion and Recommendations**

- 12.1 The revenue budget is showing an estimated full year overspend for the current financial year of £0.515m. The overall financial position continues to be closely monitored and it is anticipated that the overall budget for the current year will be achieved.
- 12.2 The Council will continue to take steps to reduce the forecast deficit which may arise during the year by looking to make further savings and reallocate resources within the current budget as the reserves are already under pressure and only represent a one-off source of funding which is not sustainable in the medium term. Should the Council not be able to make these adjustments in year then reserves will be required to balance the budget although this requirement is not anticipated at the current time.
- 12.3 The Capital Programme is showing spend of £3.7m against a budget £44m. The variance is not a concern as there are three large coastal schemes that are just getting underway. There are also numerous projects that have yet to begin and for which the use of the funding for them is not time limited. So these underspends are not a concern. There are several requests for approval for additions to the Capital Programme which are outlined in paragraphs 3.8 to 3.18. Members are asked to consider these and recommend to full Council if so minded.

## General Fund Summary P6 2023/24

	2023/24 Base Budget £	2023/24 Updated Budget £	2023/24 YTD Budget £	2023/24 YTD Actuals £	2023/24 YTD Variance £	Commitment s £	Remaining Budget £
<b>Directorate</b>							
Corporate Leadership/Executive Support	484,705	517,720	313,035	348,018	34,983	50,874	118,828
Communities	12,243,383	11,733,424	3,954,870	3,354,782	(600,088)	4,551,031	3,827,611
Place and Climate Change Resources	6,509,032	6,546,856	2,572,068	2,300,931	(271,137)	413,464	3,832,461
	5,108,854	5,518,103	2,091,490	1,142,096	(949,394)	1,700,067	2,675,940
<b>Net Cost of Services</b>	<b>24,345,974</b>	<b>24,316,103</b>	<b>8,931,463</b>	<b>7,145,828</b>	<b>(1,785,635)</b>	<b>6,715,436</b>	<b>10,454,840</b>
Parish Precepts	2,875,207	2,875,207	2,875,207	2,875,441	234	0	(234)
Capital Charges	(2,456,953)	(2,456,953)	(1,227,989)	(1,228,116)	(127)	0	1,114,606
Refcus	(1,677,167)	(1,677,167)	0	0	0	0	(1,677,167)
Interest Receivable	(1,533,436)	(1,533,436)	(766,417)	(887,440)	(121,023)	0	(645,996)
External Interest Paid	0	0	0	221,160	221,160	0	(221,160)
Revenue Financing for Capital:	710,000	726,372	0	0	0	0	726,372
MRP Waste Contract	330,000	330,000	0	0	0	0	330,000
IAS 19 Pension Adjustment	265,496	265,496	0	0	0	0	265,496
<b>Net Operating Expenditure</b>	<b>22,859,121</b>	<b>22,845,622</b>	<b>9,812,264</b>	<b>8,126,872</b>	<b>(1,685,392)</b>	<b>6,715,436</b>	<b>10,346,757</b>
<b>Contribution to/(from) the Earmarked Reserves</b>							
Capital Projects Reserve	0						
Capital Projects Reserve	(400,000)	(400,000)	0	0	0	0	(400,000)
Asset Management	0	0	0	0	0	0	0
Benefits	(111,305)	(111,305)	0	0	0	0	(111,305)
Building Control			0	0	0	0	0
Building Control	(81,866)	(89,690)	0	0	0	0	(89,690)
Business Rates	(1,278,267)	(1,278,267)	0	0	0	0	(1,278,267)
Coast Protection	0	0	0	0	0	0	0
Communities	(275,000)	(275,000)	0	0	0	0	(275,000)
Delivery Plan	(1,289,412)	(1,750,911)	0	0	0	0	(1,750,911)
Economic Development & Tourism					0		0
Economic Development and Tourism	(44,800)	(44,800)	0	0	0	0	(44,800)
Elections	(100,000)	(133,015)	0	0	0	0	(133,015)
Environmental Health	(16,000)	(32,372)	0	0	0	0	(32,372)
Grants	0	0	0	0	0	0	0
Housing	(555,898)	(493,689)	0	0	0	0	(493,689)
Legal	(31,745)	(31,745)	0	0	0	0	(31,745)
Major Repairs Reserve	0	0	0	0	0	0	0
New Homes Bonus Reserve	(178,000)	(178,000)	0	0	0	0	(178,000)
Organisational Development	(42,742)	(42,742)	0	0	0	0	(42,742)
Planning Revenue	(148,965)	(178,965)	0	0	0	0	(178,965)
Restructuring/Invest to save	0	0	0	0	0	0	0
Treasury Reserve	0	0	0	0	0	0	0
Net Zero initiatives	0	500,000	0	0	0	1	499,999
Contribution to/(from) the General Reserve	(356,461)	(356,461)	0	0	0	0	(356,461)
<b>Amount to be met from Government Grant and Local Taxpayers</b>	<b>17,948,660</b>	<b>17,948,660</b>	<b>9,812,264</b>	<b>8,126,872</b>	<b>(1,685,392)</b>	<b>6,715,437</b>	<b>5,449,794</b>
Collection Fund – Parishes	(2,875,207)	(2,875,207)	(1,523,862)	(1,523,862)	0	0	(1,351,345)
Collection Fund – District	(6,738,797)	(6,738,797)	(3,571,559)	(3,571,559)	0	0	(3,167,238)
Retained Business Rates	(6,315,000)	(6,315,000)	806,280	806,280	0	0	(7,121,280)
Revenue Support Grant	(102,462)	(102,462)	(104,345)	(104,345)	0	0	1,883
3% funding Guarantee	(974,416)	(974,416)	(405,994)	(405,994)	0	0	(568,422)
Ctax Discount Grant	(50,074)	(50,074)	0	0	0	0	(50,074)
LCTS Admin Grant	(136,747)	(136,747)	0	0	0	0	(136,747)
New Homes bonus	(31,080)	(31,080)	(7,770)	(7,770)	0	0	(23,310)
Rural Services Delivery Grant	(567,386)	(567,386)	(283,693)	(283,693)	0	0	(283,693)
Business Rates Levy Surplus	(27,049)	(27,049)	0	0	0	0	(27,049)
Services Grant	(130,442)	(130,442)	(54,345)	(54,345)	0	0	(76,097)
<b>Income from Government Grant and Taxpayers</b>	<b>(17,948,660)</b>	<b>(17,948,660)</b>	<b>(5,145,288)</b>	<b>(5,145,288)</b>	<b>0</b>	<b>0</b>	<b>(12,803,372)</b>
<b>(Surplus)/Deficit</b>	<b>0</b>	<b>0</b>	<b>2,986,976</b>	<b>2,981,584</b>	<b>(1,685,392)</b>	<b>6,715,437</b>	<b>(7,353,578)</b>

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## Service Area Summaries P6 2023/24

## Communities

## Environmental &amp; Leisure

	Full Year Budget	YTD Budget	YTD Actual	YTD Variance	Immediate Commitments	Remaining Budget	Explanation for Major Variances
	£	£	£	£	£	£	
<b>Commercial Services</b>							
Employee Costs	23,085	11,538	11,540	2	0	11,545	No Major Variances.
Transport Related Expenditure	0	0	6	6	0	(6)	No Major Variances.
Supplies & Services	0	0	40	40	1,445	(1,485)	No Major Variances.
Support Services	193,170	96,584	96,600	16	0	96,570	No Major Variances.
	<b>216,255</b>	<b>108,122</b>	<b>108,186</b>	<b>64</b>	<b>1,445</b>	<b>106,624</b>	
<b>Internal Drainage Board Levies</b>							
Premises	478,176	239,088	239,177	89	0	238,999	No Major Variances.
Support Services	300	152	150	(2)	0	150	No Major Variances.
Income	0	0	(35,265)	(35,265)	0	35,265	Grant income from DLUHC to help ease the financial pressures in Internal Drainage Board levies.
	<b>478,476</b>	<b>239,240</b>	<b>204,062</b>	<b>(35,178)</b>	<b>0</b>	<b>274,414</b>	
<b>Travellers</b>							
Premises	9,290	5,163	4,279	(884)	2,983	2,029	No Major Variances.
Supplies & Services	43,600	21,808	26,702	4,894	463	16,434	Higher operating lease costs and hire of portable toilets.
Support Services	7,870	3,940	3,936	(4)	0	3,934	No Major Variances.
Capital Financing Costs	23,174	11,586	11,586	0	0	11,588	No Major Variances.
Income	(2,000)	(1,002)	(320)	682	0	(1,680)	No Major Variances.
	<b>81,934</b>	<b>41,495</b>	<b>46,183</b>	<b>4,688</b>	<b>3,446</b>	<b>32,305</b>	
<b>Public Protection</b>							
Employee Costs	502,700	251,266	280,614	29,348	1,183	220,904	Revised staffing allocations - to be reviewed.
Transport Related Expenditure	13,997	7,002	8,443	1,441	0	5,554	No Major Variances.
Supplies & Services	88,680	22,834	25,419	2,585	25,426	37,835	No Major Variances.
Support Services	144,330	72,165	72,180	15	0	72,150	No Major Variances.
Income	(238,100)	(87,643)	(103,562)	(15,919)	0	(134,538)	Higher licencing fee income.
	<b>511,607</b>	<b>265,624</b>	<b>283,094</b>	<b>17,470</b>	<b>26,608</b>	<b>201,905</b>	
<b>Street Signage</b>							
Supplies & Services	12,000	3,500	3,673	173	0	8,328	No Major Variances.
Support Services	23,300	11,648	11,652	4	0	11,648	No Major Variances.
	<b>35,300</b>	<b>15,148</b>	<b>15,325</b>	<b>177</b>	<b>0</b>	<b>19,976</b>	
<b>Environmental Protection</b>							
Employee Costs	576,583	288,186	257,152	(31,034)	800	318,631	Revised staffing allocations - to be reviewed.
Premises	0	0	1,139	1,139	4,501	(5,641)	No Major Variances.
Transport Related Expenditure	22,189	11,101	8,329	(2,772)	396	13,464	Lower mileage claims.
Supplies & Services	65,650	36,050	29,924	(6,126)	3,316	32,411	See <b>Note A</b> below:
Support Services	251,400	125,682	125,718	36	0	125,682	No Major Variances.
Capital Financing Costs	52,962	26,475	26,478	3	0	26,484	No Major Variances.
Income	(13,000)	(6,946)	(6,715)	231	0	(6,285)	No Major Variances.
	<b>955,784</b>	<b>480,548</b>	<b>442,025</b>	<b>(38,523)</b>	<b>9,013</b>	<b>504,747</b>	
<b>Note A:</b> (£5,610) Saving in equipment and tools purchases - possible use at year end for an RCCO (Revenue Contribution to Capital Outlay) relating to the capital purchase of noise monitoring equipment. (£8,307) Professional Fees (Stray dogs, Out of hours services, Assisted burials and rechargeable works). £4,251 Subscriptions (EMAQ, Thameside (Anti Fraud network) and RIAMS (Regulatory Information & Management System). £3,500 Higher software costs relating to the Assure upgrade.							
<b>Environmental Contracts</b>							
Employee Costs	336,870	165,880	119,429	(46,451)	0	217,441	Vacant posts and maternity leave.
Transport Related Expenditure	12,444	6,229	2,642	(3,587)	146	9,657	Lower vehicle running costs.
Supplies & Services	1,275	890	483	(407)	0	792	No Major Variances.
Support Services	97,760	48,888	48,894	6	0	48,866	No Major Variances.
Capital Financing Costs	(448,349)	(224,084)	(224,178)	(94)	0	(224,171)	No Major Variances.
Income	0	0	0	0	0	0	No Major Variances.
	<b>0</b>	<b>(2,197)</b>	<b>(52,731)</b>	<b>(50,534)</b>	<b>146</b>	<b>52,585</b>	
<b>Corporate Health and Safety</b>							
Employee Costs	71,626	35,802	35,087	(715)	100	36,439	No Major Variances.
Transport Related Expenditure	0	0	344	344	0	(344)	No Major Variances.
Supplies & Services	0	0	9,108	9,108	0	(9,108)	Annual contract payment to Skyguard - to be recharged to various services.
Support Services	(71,626)	(35,801)	(35,808)	(7)	0	(35,818)	No Major Variances.
Income	0	0	(1,600)	(1,600)	0	1,600	Recharge for IOSH course.
	<b>0</b>	<b>1</b>	<b>7,132</b>	<b>7,131</b>	<b>100</b>	<b>(7,232)</b>	

	Full Year Budget	YTD Budget	YTD Actual	YTD Variance	Immediate Commitments	Remaining Budget	Explanation for Major Variances
	£	£	£	£	£	£	
<b>Markets</b>							
Employee Costs	12,896	6,449	3,639	(2,810)	0	9,257	Revised staffing allocations.
Premises	35,246	15,228	11,063	(4,165)	0	24,183	Lower than budgeted Business Rates.
Transport Related Expenditure	0	0	67	67	0	(67)	No Major Variances.
Supplies & Services	4,050	2,031	2,315	284	1,108	627	No Major Variances.
Support Services	42,160	21,081	21,084	3	0	21,076	No Major Variances.
Income	(40,000)	(37,200)	(36,274)	926	0	(3,726)	No Major Variances.
	<b>54,352</b>	<b>7,589</b>	<b>1,893</b>	<b>(5,696)</b>	<b>1,108</b>	<b>51,351</b>	
<b>Parks &amp; Open Spaces</b>							
Premises	275,984	137,965	224,769	86,804	164,897	(113,682)	See <b>Note A</b> below:
Supplies & Services	63,500	31,745	41,632	9,887	34,825	(12,956)	£6,387 Serco cleansing contract; £3,499 Professional Fees - Surveys.
Support Services	138,000	69,004	69,006	2	0	68,994	No Major Variances.
Capital Financing Costs	16,206	8,102	8,106	4	0	8,100	No Major Variances.
Income	(8,500)	(252)	(530)	(278)	0	(7,970)	No Major Variances.
	<b>485,190</b>	<b>246,564</b>	<b>342,982</b>	<b>96,418</b>	<b>199,722</b>	<b>(57,514)</b>	
<b>Foreshore</b>							
Employee Costs	25,640	12,823	16,978	4,155	0	8,662	Revised staffing allocations.
Premises	53,945	7,773	9,306	1,533	14,613	30,026	No Major Variances.
Transport Related Expenditure	700	352	368	16	0	332	No Major Variances.
Supplies & Services	5,300	2,652	48	(2,604)	0	5,252	No Major Variances.
Support Services	85,270	42,641	42,648	7	0	42,622	No Major Variances.
Capital Financing Costs	27,880	13,937	13,938	1	0	13,942	No Major Variances.
Income	0	0	(974)	(974)	0	974	No Major Variances.
	<b>198,735</b>	<b>80,178</b>	<b>82,312</b>	<b>2,134</b>	<b>14,613</b>	<b>101,810</b>	
<b>Leisure Complexes</b>							
Employee Costs	0	0	(95)	(95)	0	95	No Major Variances.
Premises	139,569	35,069	(37,513)	(72,582)	88,135	88,947	(£61,161) Accruals brought forward from 2022/23 for use of Sports Halls. (£11,328) insurance premiums.
Supplies & Services	0	0	0	0	6,000	(6,000)	No Major Variances.
Support Services	103,090	51,568	51,534	(34)	0	51,556	No Major Variances.
Capital Financing Costs	492,459	246,136	246,144	8	0	246,315	No Major Variances.
Income	(44,105)	(22,054)	(22,099)	(45)	0	(22,006)	No Major Variances.
	<b>691,013</b>	<b>310,719</b>	<b>237,971</b>	<b>(72,748)</b>	<b>94,135</b>	<b>358,907</b>	
<b>Other Sports</b>							
Employee Costs	3,459	1,730	1,734	4	0	1,725	No Major Variances.
Premises	6,803	3,402	3,355	(47)	7,833	(4,385)	No Major Variances.
Supplies & Services	88,200	14,403	(6,533)	(20,936)	22,415	72,318	Accruals brought forward from 2022/23 in relation to the Mammoth Marathon.
Support Services	76,290	38,159	38,154	(5)	0	38,136	No Major Variances.
Income	(40,000)	(19,992)	(5,074)	14,918	0	(34,926)	Income relating to the Mammoth Marathon - event cancelled.
	<b>134,752</b>	<b>37,702</b>	<b>31,636</b>	<b>(6,066)</b>	<b>30,248</b>	<b>72,868</b>	
<b>Recreation Grounds</b>							
Premises	6,950	3,474	3,960	486	3,451	(461)	No Major Variances.
Supplies & Services	7,000	3,500	4,209	709	3,506	(715)	No Major Variances.
Support Services	3,860	1,933	1,926	(7)	0	1,934	No Major Variances.
Capital Financing Costs	5,632	2,816	2,820	4	0	2,812	No Major Variances.
Income	(1,000)	(502)	(740)	(238)	0	(260)	No Major Variances.
	<b>22,442</b>	<b>11,221</b>	<b>12,175</b>	<b>954</b>	<b>6,957</b>	<b>3,310</b>	
<b>Pier Pavilion</b>							
Premises	9,300	1,500	725	(775)	2,700	5,875	No Major Variances.
Support Services	28,230	14,119	14,112	(7)	0	14,118	No Major Variances.
Capital Financing Costs	17,020	8,508	8,508	0	0	8,512	No Major Variances.
	<b>54,550</b>	<b>24,127</b>	<b>23,345</b>	<b>(782)</b>	<b>2,700</b>	<b>28,505</b>	
<b>Beach Safety</b>							
Premises	2,750	1,375	1,310	(65)	350	1,090	No Major Variances.
Supplies & Services	375,980	258,952	271,619	12,667	104,556	(195)	£21,244 Serco cleansing contract; (£5,939) Saving against the RNLI Lifeguarding Service. (£2,163) Quarter 2 invoice outstanding for the emergency telephone lines.
Support Services	78,900	39,449	39,450	1	0	39,450	No Major Variances.
Income	0	0	(656)	(656)	0	656	No Major Variances.
	<b>457,630</b>	<b>299,776</b>	<b>311,724</b>	<b>11,948</b>	<b>104,906</b>	<b>41,001</b>	
<b>Woodlands Management</b>							
Employee Costs	144,548	72,254	67,546	(4,708)	0	77,002	Vacant post.
Premises	56,126	28,514	34,746	6,232	11,440	9,940	Emergency tree works.
Transport Related Expenditure	21,182	10,597	8,870	(1,727)	1,780	10,532	Lower fuel costs.
Supplies & Services	12,450	6,237	7,586	1,349	4,198	666	No Major Variances.
Support Services	165,920	82,968	82,980	12	0	82,940	No Major Variances.
Capital Financing Costs	1,346	674	678	4	0	668	No Major Variances.
Income	(39,860)	(22,881)	(27,496)	(4,615)	0	(12,364)	Rechargeable emergency tree works and events at Holt Country Park.
	<b>361,712</b>	<b>178,363</b>	<b>174,911</b>	<b>(3,452)</b>	<b>17,417</b>	<b>169,384</b>	

	Full Year Budget	YTD Budget	YTD Actual	YTD Variance	Immediate Commitments	Remaining Budget	Explanation for Major Variances
	£	£	£	£	£	£	
<b>Waste Collection And Disposal</b>							
Employee Costs	0	0	1,996	1,996	0	(1,996)	No Major Variances.
Supplies & Services	5,603,220	2,407,877	2,174,431	(233,446)	2,497,007	931,782	See <b>Note A</b> below:
Support Services	514,840	257,350	257,430	80	0	257,410	No Major Variances.
Capital Financing Costs	459,571	229,698	229,704	6	0	229,867	No Major Variances.
Income	(4,423,210)	(3,228,155)	(3,111,304)	116,851	0	(1,311,906)	See <b>Note B</b> below:
	<b>2,154,421</b>	<b>(333,230)</b>	<b>(447,743)</b>	<b>(114,513)</b>	<b>2,497,007</b>	<b>105,157</b>	
<b>Note A:</b> (£10,402) Accruals brought forward relating to clinical waste disposal. (£156,812) Serco contract costs. (£36,618) NEWS contracting costs - lower tonnage processed. (£21,380) Accrual brought forward for contribution to Norfolk Waste Partnership.							
<b>Note B:</b> £12,593 Accruals brought forward relating to recharges for legal costs. £118,209 Accruals brought forward to NEWS for 2021/22 profit share and a returned gate fee. (£50,000) Serco - performance failure fee. £38,102 Lower recycling credit income.							
<b>Cleansing</b>							
Supplies & Services	1,059,500	521,549	386,743	(134,806)	754,120	(81,363)	Variable billing invoices outstanding from contractor.
Support Services	51,840	25,916	25,920	4	0	25,920	No Major Variances.
Capital Financing Costs	85,500	42,734	42,738	4	0	42,762	No Major Variances.
Income	(66,000)	(66,000)	(81,784)	(15,784)	0	15,784	Additional fee income.
	<b>1,130,840</b>	<b>524,199</b>	<b>373,617</b>	<b>(150,582)</b>	<b>754,120</b>	<b>3,103</b>	
<b>Leisure</b>							
Employee Costs	159,066	79,511	80,986	1,475	(870)	78,950	No Major Variances.
Premises	0	0	361	361	0	(361)	No Major Variances.
Transport Related Expenditure	5,331	2,667	2,582	(85)	0	2,749	No Major Variances.
Supplies & Services	25,019	23,749	20,898	(2,851)	871	3,250	Savings against contribution to Active Norfolk - annual locality funding.
Support Services	(189,416)	(94,637)	(94,704)	(67)	0	(94,712)	No Major Variances.
Income	0	0	0	0	0	0	No Major Variances.
	<b>0</b>	<b>11,290</b>	<b>10,124</b>	<b>(1,166)</b>	<b>1</b>	<b>(10,125)</b>	
<b>Community Safety</b>							
Employee Costs	9,198	4,602	4,311	(291)	0	4,887	No Major Variances.
Transport Related Expenditure	596	300	0	(300)	0	596	No Major Variances.
Supplies & Services	4,000	0	3	3	0	3,997	No Major Variances.
Support Services	23,320	11,673	11,658	(15)	0	11,662	No Major Variances.
	<b>37,114</b>	<b>16,575</b>	<b>15,972</b>	<b>(603)</b>	<b>0</b>	<b>21,142</b>	
<b>Civil Contingencies</b>							
Employee Costs	83,038	41,512	40,146	(1,366)	0	42,892	No Major Variances.
Transport Related Expenditure	1,044	526	537	11	0	507	No Major Variances.
Supplies & Services	12,390	1,581	479	(1,102)	2,582	9,329	No Major Variances.
Support Services	41,000	20,521	20,508	(13)	0	20,492	No Major Variances.
	<b>137,472</b>	<b>64,140</b>	<b>61,669</b>	<b>(2,471)</b>	<b>2,582</b>	<b>73,220</b>	
<b>Ad Environmental &amp; Leisure Svcs</b>							
Employee Costs	88,407	44,195	44,032	(163)	0	44,375	No Major Variances.
Transport Related Expenditure	1,744	876	815	(61)	0	929	No Major Variances.
Supplies & Services	100	52	14	(38)	0	86	No Major Variances.
Support Services	(90,251)	(45,100)	(45,120)	(20)	0	(45,131)	No Major Variances.
Income	0	0	0	0	0	0	No Major Variances.
	<b>0</b>	<b>23</b>	<b>(259)</b>	<b>(282)</b>	<b>0</b>	<b>259</b>	
<b>Total Environmental &amp; Leisure</b>	<b>8,199,579</b>	<b>2,627,217</b>	<b>2,285,604</b>	<b>(341,613)</b>	<b>3,766,272</b>	<b>2,147,703</b>	

## Service Area Summaries P6 2023/24

## Communities

## People Services

	Full Year Budget	YTD Budget	YTD Actuals	YTD Variance	Immediate Commitments	Remaining Budget	Explanation for Major Variances
<b>Benefits Administration</b>							
Employee Costs	1,161,688	580,621	509,443	(71,178)	0	652,245	Vacant posts.
Transport Related Expenditure	944	474	1,478	1,004	0	(534)	No Major Variances.
Supplies & Services	31,100	13,742	22,451	8,709	4,180	4,469	Civica computer software - offset by New Burdens Funding.
Support Services	434,060	216,977	217,044	67	0	217,016	No Major Variances.
Capital Financing Costs	31,700	15,846	15,846	0	0	15,854	No Major Variances.
Income	(380,000)	(14,994)	(85,302)	(70,308)	0	(294,698)	Council Tax Support - New Burdens Funding.
	<b>1,279,492</b>	<b>812,666</b>	<b>680,960</b>	<b>(131,706)</b>	<b>4,180</b>	<b>594,352</b>	
<b>Homelessness</b>							
Premises	147,946	73,973	46,563	(27,410)	19,399	81,984	Lower R&M and utility costs.
Transport Related Expenditure	0	0	1,149	1,149	0	(1,149)	No Major Variances.
Supplies & Services	1,257,038	615,755	615,246	(509)	743,147	(101,355)	£7,271 Higher B&B charges and Rent Deposit payments - offset by subsidy and client contributions. (£5,035) Refund of a contribution payment from prior year.
Support Services	1,142,250	570,929	571,140	211	0	571,110	No Major Variances.
Capital Financing Costs	28,482	14,239	14,244	5	0	14,238	No Major Variances.
Income	(1,700,415)	(980,181)	(995,732)	(15,551)	0	(704,683)	Additional income from subsidy and client contributions.
	<b>875,301</b>	<b>294,715</b>	<b>252,610</b>	<b>(42,105)</b>	<b>762,546</b>	<b>(139,855)</b>	
<b>Housing Options</b>							
Employee Costs	816,874	408,292	381,386	(26,906)	200	435,288	Underspend against fixed term contracts.
Transport Related Expenditure	7,040	3,522	4,246	724	0	2,794	No Major Variances.
Supplies & Services	3,179	1,594	1,026	(568)	46	2,107	No Major Variances.
Support Services	(714,749)	(357,209)	(357,372)	(163)	0	(357,377)	No Major Variances.
Income	(19,306)	(19,306)	(20,198)	(892)	0	892	No Major Variances.
	<b>93,038</b>	<b>36,893</b>	<b>9,088</b>	<b>(27,805)</b>	<b>246</b>	<b>83,704</b>	
<b>Community</b>							
Employee Costs	956,926	478,301	445,115	(33,186)	0	511,811	Underspend against fixed term contracts.
Premises	0	0	(12,963)	(12,963)	17,787	(4,824)	Accrual brought forward from 2022/23. Invoices not received.
Transport Related Expenditure	26,678	13,344	5,636	(7,708)	0	21,042	Lower travelling costs.
Supplies & Services	728,245	104,275	99,340	(4,935)	0	628,905	Underspend in grant payments.
Support Services	68,750	34,432	34,404	(28)	0	34,346	No Major Variances.
Capital Financing Costs	0	0	0	0	0	0	No Major Variances.
Income	(494,585)	(446,992)	(445,038)	1,954	0	(49,547)	
	<b>1,286,014</b>	<b>183,360</b>	<b>126,495</b>	<b>(56,865)</b>	<b>17,787</b>	<b>1,141,732</b>	
<b>Ad People Services</b>							
Employee Costs	86,175	43,077	43,224	147	0	42,951	No Major Variances.
Transport Related Expenditure	1,194	600	533	(67)	0	661	No Major Variances.
Supplies & Services	100	52	2	(51)	0	99	No Major Variances.
Support Services	(87,469)	(43,710)	(43,734)	(24)	0	(43,735)	No Major Variances.
Income	0	0	0	0	0	0	No Major Variances.
	<b>0</b>	<b>19</b>	<b>25</b>	<b>6</b>	<b>0</b>	<b>(25)</b>	
<b>Total People Services</b>	<b>3,533,845</b>	<b>1,327,653</b>	<b>1,069,178</b>	<b>(258,475)</b>	<b>784,759</b>	<b>1,679,908</b>	
<b>Total Communities</b>	<b>11,733,424</b>	<b>3,954,870</b>	<b>3,354,782</b>	<b>(600,088)</b>	<b>4,551,031</b>	<b>3,827,611</b>	

## Service Area Summaries P6 2023/24

## Corporate Support

	Full Year Budget	YTD Budget	YTD Actuals	YTD Variance	Immediate Commitments	Remaining Budget	Explanation for Major Variances.
	£	£	£	£	£	£	
<b>Human Resources &amp; Payroll</b>							
Employee Costs	386,490	200,432	186,959	(13,473)	11,054	188,477	(£9,940) Common training budget. (£3,858) 23/24 Employee pay award.
Transport Related Expenditure	500	252	24	(228)	0	476	No Major Variances.
Supplies & Services	28,200	18,039	41,572	23,533	4,643	(18,014)	£14,704 Unplanned employment advice. £5,410 software costs to be moved to IT budget. £5,103 professional fee's.
Support Services	(414,190)	(207,105)	(207,150)	(45)	0	(207,040)	No Major Variances.
Income	(1,000)	(502)	(2,672)	(2,170)	0	1,672	No Major Variances.
	0	11,116	18,732	7,616	15,697	(34,429)	
<b>Registration Services</b>							
Employee Costs	146,000	72,990	64,365	(8,626)	450	81,186	(£6,831) Vacant post and 23/24 employee pay award.
Premises	24,050	23,026	24,221	1,195	0	(171)	No Major Variances.
Transport Related Expenditure	400	204	169	(35)	0	231	No Major Variances.
Supplies & Services	217,235	180,834	277,526	96,692	24,534	(84,825)	£99,007 Additional costs for election covered by grant income below, parish recharge invoices due and iustification led bid to be completed.
Support Services	182,030	91,043	91,038	(5)	0	90,992	No Major Variances.
Income	(51,995)	(51,245)	(63,646)	(12,401)	0	11,651	(£12,571) Additional new burdens funding increased in line with inflation.
	517,720	316,852	393,672	76,820	24,984	99,063	
<b>Corporate Leadership Team</b>							
Employee Costs	754,378	377,051	361,882	(15,169)	0	392,496	(£14,290) Vacant posts and 23/24 employee pay award.
Transport Related Expenditure	10,575	5,292	2,990	(2,302)	0	7,585	No Major Variances.
Supplies & Services	17,580	4,556	1,156	(3,400)	1,032	15,392	No Major Variances.
Support Services	(782,533)	(391,100)	(391,356)	(256)	0	(391,177)	No Major Variances.
	0	(4,201)	(25,328)	(21,127)	1,032	24,296	
<b>Communications</b>							
Employee Costs	225,640	112,787	118,066	5,279	0	107,574	23/24 Employee pay award.
Transport Related Expenditure	1,294	650	1,016	366	0	278	No Major Variances.
Supplies & Services	52,400	15,429	14,064	(1,365)	0	38,336	No Major Variances.
Support Services	(335,288)	(167,581)	(167,634)	(53)	0	(167,654)	No Major Variances.
Capital Financing Costs	55,954	27,966	27,966	0	0	27,988	No Major Variances.
Income	0	0	(1,920)	(1,920)	0	1,920	No Major Variances.
	0	(10,749)	(8,442)	2,307	0	8,442	
<b>Corporate Delivery Unit</b>							
Employee Costs	184,689	92,323	65,599	(26,724)	0	119,090	(£25,965) Vacant posts and 23/24 employee pay award.
Transport Related Expenditure	1,200	600	0	(600)	0	1,200	No Major Variances.
Supplies & Services	6,540	3,274	0	(3,274)	0	6,540	No Major Variances.
Support Services	(192,429)	(96,180)	(96,216)	(36)	0	(96,213)	No Major Variances.
	0	17	(30,617)	(30,634)	0	30,617	
<b>Total Corporate Support</b>	<b>517,720</b>	<b>313,035</b>	<b>348,018</b>	<b>34,983</b>	<b>41,713</b>	<b>127,989</b>	

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## Service Area Summaries P6 2023/24

## Place and Climate Change

## Sustainable Growth

	Full Year Budget	YTD Budget	YTD Actuals	YTD Variance	Immediate Commitments	Remaining Budget	Explanation for Major Variances.
	£	£	£	£	£	£	
<b>Economic Growth</b>							
Employee Costs	12,482	1,002	0	(1,002)	0	12,482	No Major Variances.
Premises	5,285	2,643	7,069	4,426	4,749	(6,533)	£5,702 Sheringham Little Theatre repairs and maintenance.
Transport Related Expenditure	125	0	0	0	0	125	No Major Variances.
	192,600	117,756	12,862	(104,894)	138,316	41,423	£4,782 North Walsham cultural consortium contributions to be funded from grant in reserves. (£60,000) UK Shared Prosperity Fund grant committed in period 7. (£52,316) Go digital accrual from 22/23 to be cleared in period 7.
<b>Supplies &amp; Services</b>							
Support Services	259,391	129,657	129,702	45	0	129,689	No Major Variances.
Capital Financing Costs	2,037	1,022	1,026	4	0	1,011	No Major Variances.
Income	(238,500)	(225,000)	(225,000)	0	0	(13,500)	No Major Variances.
	233,420	27,080	(74,341)	(101,421)	143,064	164,697	
<b>Tourism</b>							
Supplies & Services	77,050	2,278	885	(1,393)	0	76,165	No Major Variances.
Support Services	155,700	77,832	77,856	24	0	77,844	No Major Variances.
	232,750	80,110	78,741	(1,369)	0	154,009	
<b>Coast Protection</b>							
Employee Costs	0	0	38,974	38,974	0	(38,974)	Coastwise salaries to be funded from DEFRA grant in reserves.
Premises	156,000	105,750	99,122	(6,628)	98,465	(41,587)	(£4,426) Sea defences. (£2,450) 22/23 Storage accrual still awaiting invoice.
Transport Related Expenditure	0	0	791	791	0	(791)	No Major Variances.
Supplies & Services	111,450	1,325	1,808	483	17,808	91,834	No Major Variances.
Support Services	404,860	202,358	202,440	82	0	202,420	No Major Variances.
Capital Financing Costs	508,701	254,250	254,250	0	0	254,451	No Major Variances.
	1,181,011	563,683	597,385	33,702	116,273	467,353	
<b>Business Growth Staffing</b>							
Employee Costs	341,187	170,537	157,322	(13,215)	0	183,865	(£12,213) 23/24 Employee pay award.
Transport Related Expenditure	6,635	3,321	2,668	(653)	0	3,967	No Major Variances.
Supplies & Services	100	52	175	123	0	(75)	No Major Variances.
Support Services	(347,922)	(173,865)	(173,952)	(87)	0	(173,970)	No Major Variances.
	0	45	(13,788)	(13,833)	0	13,788	
<b>Housing Strategy</b>							
Employee Costs	182,700	91,340	82,312	(9,028)	0	100,388	(£8,374) 23/24 Employee pay award.
Transport Related Expenditure	2,144	1,080	567	(513)	0	1,577	No Major Variances.
Supplies & Services	22,200	1,106	1,730	624	0	20,470	No Major Variances.
Support Services	101,502	50,791	50,754	(37)	0	50,748	No Major Variances.
Capital Financing Costs	777,167	0	0	0	0	777,167	No Major Variances.
	1,085,713	144,317	135,364	(8,953)	0	950,349	
<b>Environmental Strategy</b>							
Employee Costs	197,072	91,954	62,362	(29,592)	0	134,710	Vacant posts and 23/24 employee pay award.
Transport Related Expenditure	3,020	1,517	720	(797)	0	2,300	No Major Variances.
Supplies & Services	152,715	12,012	8,371	(3,641)	6,713	137,631	£5,000 Sports England consultancy covered by income below.
Support Services	29,420	14,711	14,712	1	0	14,708	No Major Variances.
Income	(72,653)	(3,633)	(7,500)	(3,867)	0	(65,153)	£5,000 Sports England grant.
	309,574	116,561	78,665	(37,896)	6,713	224,196	

	Full Year Budget	YTD Budget	YTD Actuals	YTD Variance	Immediate Commitments	Remaining Budget	Explanation for Major Variances.
	£	£	£	£	£	£	
<b>Coastal Management</b>							
Employee Costs	382,021	188,444	130,101	(58,343)	0	251,920	Coastal manager budget used by spend in contributions below together with 23/24 employee pay award.
Premises	0	0	0	0	236	(236)	No Major Variances.
Transport Related Expenditure	9,719	4,863	4,177	(686)	0	5,542	No Major Variances.
Supplies & Services	4,620	2,320	25,637	23,317	0	(21,017)	£25,518 Coastal manager contribution due to Great Yarmouth Borough Council.
Support Services	(329,860)	(164,836)	(164,976)	(140)	0	(164,884)	No Major Variances.
Income	(66,500)	(6,650)	(28,618)	(21,968)	0	(37,882)	(£22,500) Grant claim from 2020/21 not accrued for in the correct year.
	0	24,141	(33,680)	(57,821)	236	33,444	
<b>Ad Sustainable Growth</b>							
Employee Costs	88,817	44,398	44,554	156	0	44,263	No Major Variances.
Transport Related Expenditure	1,944	976	571	(405)	0	1,373	No Major Variances.
Supplies & Services	200	102	76	(26)	0	124	No Major Variances.
Support Services	(90,961)	(45,450)	(45,480)	(30)	0	(45,481)	No Major Variances.
	0	26	(279)	(305)	0	279	
<b>Total Sustainable Growth</b>	<b>3,042,468</b>	<b>955,963</b>	<b>768,067</b>	<b>(187,896)</b>	<b>266,286</b>	<b>2,008,115</b>	

## Service Area Summaries P6 2023/24

## Place and Climate Change

## Planning

	Full Year Budget	YTD Budget	YTD Actuals	YTD Variance	Immediate Commitments	Remaining Budget	Explanation for Major Variances.
	£	£	£	£	£	£	
<b>Development Management</b>							
Employee Costs	1,441,750	711,605	623,898	(87,707)	2,105	815,747	(£85,362) Vacant posts together with 23/24 employee pay award. Underspend to cover agency fees below.
Transport Related Expenditure	32,086	16,041	12,104	(3,937)	0	19,982	No Major Variances.
Supplies & Services	87,005	62,868	74,304	11,436	1,392	11,310	£13,008 Agency staff. £3,357 Enforcement works funded from reserves. (£3,530) Subscriptions.
Support Services	946,560	473,130	473,304	174	0	473,256	No Major Variances.
Capital Financing Costs	76,501	38,238	38,238	0	0	38,263	No Major Variances.
Income	(865,000)	(432,330)	(344,937)	87,393	0	(520,063)	(£19,419) Section 111 GIRAMS income. £63,724 Planning applications and £44,846 Pre application advice down due to lower applications.
	1,718,902	869,552	876,911	7,359	3,496	838,495	
<b>Planning Policy</b>							
Employee Costs	468,348	234,096	200,322	(33,774)	0	268,026	(£31,520) Vacant post together with 23/24 employee pay award.
Transport Related Expenditure	7,971	3,985	3,648	(337)	0	4,323	No Major Variances.
Supplies & Services	260,500	11,500	13,136	1,636	98,279	149,085	No Major Variances.
Support Services	196,150	98,069	98,088	19	0	98,062	No Major Variances.
Income	0	0	(42)	(42)	0	42	No Major Variances.
	932,969	347,650	315,153	(32,497)	98,279	519,537	
<b>Conservation, Design &amp; Landscape</b>							
Employee Costs	365,064	182,473	135,436	(47,037)	0	229,628	(£46,487) Vacant post together with 23/24 employee pay award.
Transport Related Expenditure	8,852	4,428	3,574	(854)	0	5,278	No Major Variances.
Supplies & Services	66,450	9,726	7,181	(2,545)	0	59,269	No Major Variances.
Support Services	95,290	47,650	47,646	(4)	0	47,644	No Major Variances.
Income	0	0	(26,807)	(26,807)	0	26,807	Biodiversity net gain grant.
	535,656	244,277	167,030	(77,247)	0	368,626	
<b>Building Control</b>							
Employee Costs	542,477	271,162	234,261	(36,902)	3,274	304,943	(£34,072) Vacant post together with 23/24 employee pay award.
Transport Related Expenditure	22,562	11,284	8,805	(2,479)	0	13,757	No Major Variances.
Supplies & Services	21,314	6,666	6,148	(518)	2,850	12,316	No Major Variances.
Support Services	187,890	93,957	93,942	(15)	0	93,948	No Major Variances.
Income	(497,500)	(248,652)	(197,468)	51,184	0	(300,032)	£39,890 Regulation's Fee, £7,476 Plan's Fee and £3,998 Energy assessment fee income down due to lower applications.
	276,743	134,417	145,688	11,271	6,124	124,931	
<b>Planning Enforcement Team</b>							
Employee Costs	224,770	112,355	108,962	(3,393)	0	115,808	No Major Variances.
Transport Related Expenditure	8,650	4,327	4,149	(178)	0	4,501	No Major Variances.
Supplies & Services	5,100	2,562	3,388	826	0	1,712	No Major Variances.
Support Services	(238,520)	(119,186)	(119,250)	(64)	0	(119,270)	No Major Variances.
	0	58	(2,751)	(2,809)	0	2,751	

	Full Year Budget	YTD Budget	YTD Actuals	YTD Variance	Immediate Commitments	Remaining Budget	Explanation for Major Variances.
	£	£	£	£	£	£	
<b>Property Information</b>							
Employee Costs	122,952	61,474	57,412	(4,062)	0	65,540	No Major Variances.
Transport Related Expenditure	112	58	0	(58)	0	112	No Major Variances.
Supplies & Services	56,704	28,348	19,354	(8,994)	46,778	(9,428)	(£10,566) Search fee's due to lower applications. £3,000 compensation payments covered by income below.
Support Services	56,310	28,188	28,164	(24)	0	28,146	No Major Variances.
Income	(195,960)	(97,946)	(72,853)	25,093	0	(123,107)	£32,591 Search fee income down due to lower applications. (£4,200) Contribution to cover additional costs for street name change. (£3,300) Geospatial Agreement Grant.
	40,118	20,122	32,076	11,954	46,778	(38,736)	
<b>Ad Planning</b>							
Employee Costs	94,294	47,139	45,840	(1,299)	0	48,454	No Major Variances.
Transport Related Expenditure	1,225	617	503	(114)	0	722	No Major Variances.
Supplies & Services	100	52	221	169	72	(193)	No Major Variances.
Support Services	(95,619)	(47,779)	(47,808)	(29)	0	(47,811)	No Major Variances.
	0	29	(1,243)	(1,272)	72	1,171	
<b>Total Planning</b>	<b>3,504,388</b>	<b>1,616,105</b>	<b>1,532,864</b>	<b>(83,241)</b>	<b>154,749</b>	<b>1,816,775</b>	
<b>Total Place and Climate Change</b>	<b>6,546,856</b>	<b>2,572,068</b>	<b>2,300,931</b>	<b>(271,137)</b>	<b>421,035</b>	<b>3,824,890</b>	

## Service Area Summaries P6 2023/24

## Resources

## Finance, Assets &amp; Legal

	Full Year Budget	YTD Budget	YTD Actuals	YTD Variance	Immediate Commitments	Remaining Budget	Explanation for Major Variances.
	£	£	£	£	£	£	
<b>Industrial Estates</b>							
Premises	45,755	38,031	25,092	(12,939)	3,712	16,951	Insurance premiums paid in Period 7.
Supplies & Services	0	0	399	399	0	(399)	No Major Variances.
Support Services	99,700	49,858	49,866	8	0	49,834	No Major Variances.
Capital Financing Costs	19,246	9,624	9,624	0	0	9,622	No Major Variances.
Income	(239,020)	(120,344)	(92,385)	27,959	0	(146,635)	£13,039 Vacant units at Catfield and North Walsham for first two quarters, there are companies interested in letting. Insurance premiums not recharged to tenants.
	<b>(74,319)</b>	<b>(22,831)</b>	<b>(7,404)</b>	<b>15,427</b>	<b>3,712</b>	<b>(70,626)</b>	
<b>Surveyors Allotments</b>							
Premises	10,000	0	0	0	0	10,000	No Major Variances.
Support Services	20,750	10,378	10,380	2	0	10,370	No Major Variances.
Income	(100)	(52)	(50)	2	0	(50)	No Major Variances.
	<b>30,650</b>	<b>10,326</b>	<b>10,330</b>	<b>4</b>	<b>0</b>	<b>20,320</b>	
<b>Parklands</b>							
Premises	0	0	626	626	0	(626)	No Major Variances.
	<b>0</b>	<b>0</b>	<b>626</b>	<b>626</b>	<b>0</b>	<b>(626)</b>	
<b>Revenue Services</b>							
Employee Costs	928,588	464,129	424,632	(39,497)	125	503,831	Employee costs due to vacancies.
Transport Related Expenditure	900	450	397	(53)	0	503	No Major Variances.
Supplies & Services	112,778	31,178	27,743	(3,435)	4,629	80,406	No Major Variances.
Support Services	669,580	334,721	334,818	97	0	334,762	No Major Variances.
Capital Financing Costs	0	0	19	19	0	(19)	No Major Variances.
Income	(454,130)	0	(111,761)	(111,761)	0	(342,369)	New Burdens Grant Income.
	<b>1,257,716</b>	<b>830,478</b>	<b>675,848</b>	<b>(154,630)</b>	<b>4,754</b>	<b>577,113</b>	
<b>Benefits Subsidy</b>							
Supplies & Services	0	0	76,094	76,094	0	(76,094)	£65,845 Contribution to Post Office, £10,816 Discretionary Hardship Support Grant Payments.
Transfer Payments	16,930,262	0	(0)	(0)	0	16,930,262	No Major Variances.
Income	(16,930,262)	0	(193,184)	(193,184)	0	(16,737,078)	(£196,000) Household Support Fund Allocation payment 4. (£10,704) Rent Allowance Support Payments. £13,520 Post office payout funding.
	<b>0</b>	<b>0</b>	<b>(117,090)</b>	<b>(117,090)</b>	<b>0</b>	<b>117,090</b>	
<b>Non Distributed Costs</b>							
Employee Costs	0	106,413	111,077	4,664	0	(111,077)	Superannuation added years.
	<b>0</b>	<b>106,413</b>	<b>111,077</b>	<b>4,664</b>	<b>0</b>	<b>(111,077)</b>	
<b>Estates</b>							
Employee Costs	287,073	142,489	127,149	(15,340)	100	159,824	Fixed term post currently vacant.
Premises	5,990	2,994	2,020	(974)	6,771	(2,801)	No Major Variances.
Transport Related Expenditure	5,000	2,502	1,134	(1,368)	0	3,866	No Major Variances.
Supplies & Services	42,390	7,070	3,525	(3,545)	4,411	34,454	(£9,960) in relation to outstanding accrual for 22/23 currently chasing supplier for invoice, offset by engineering insurance premium which has been paid in Period 7.
Support Services	(340,453)	(170,171)	(170,232)	(61)	0	(170,221)	No Major Variances.
Income	0	0	(170)	(170)	0	170	No Major Variances.
	<b>0</b>	<b>(15,116)</b>	<b>(36,574)</b>	<b>(21,458)</b>	<b>11,282</b>	<b>25,292</b>	
<b>Admin Buildings</b>							
Premises	450,437	279,082	279,564	482	146,289	24,583	See <b>Note A</b> .
Supplies & Services	29,781	10,307	13,740	3,433	5,460	10,581	£6,334 Overspend in relation to Legionella Surveys, offset by other minor variances.
Transfer Payments	133,630	0	0	0	0	133,630	No Major Variances.
Support Services	(219,585)	(109,737)	(109,734)	3	0	(109,851)	No Major Variances.
Capital Financing Costs	43,174	21,584	21,588	4	0	21,586	No Major Variances.
Income	(372,101)	(50,682)	33,531	84,213	0	(405,632)	See <b>Note B</b> .
	<b>65,336</b>	<b>150,554</b>	<b>238,690</b>	<b>88,136</b>	<b>151,749</b>	<b>(325,102)</b>	

**Note A:** Overspends in relation to £5,398 Business rates and £8,992 Rafters cleaning. Underspends in relation to (£4,269) Rent accrual for 22/23 outstanding for Kings Arms Street, (£5,476) Electricity underspend and (£4,285) SERCO Variable billing invoices outstanding.

**Note B:** £7,500 reduction in rental income due to North Walsham New Road being vacant. £69,193 Service Charge accrual in relation to Fakenham Connect and Cromer Office for 22/23 not yet received. Insurance premiums to be recovered totalling £15,868. (£3,351) Income in relation to North Walsham Kings Arms Street that needs to be refunded as this has been paid to us in error, offset by other minor variances.

	Full Year Budget	YTD Budget	YTD Actuals	YTD Variance	Immediate Commitments	Remaining Budget	Explanation for Major Variances.
	£	£	£	£	£	£	
<b>Corporate Finance</b>							
Employee Costs	584,228	292,017	205,446	(86,571)	0	378,782	Employee costs due to vacancies.
Transport Related Expenditure	1,044	526	9	(517)	0	1,035	No Major Variances.
Supplies & Services	100,895	86,053	89,086	3,033	17,106	(5,296)	£4,307 Bip Solutions Procurement Software, offset by other minor variances.
Support Services	(699,798)	(349,812)	(349,938)	(126)	0	(349,860)	No Major Variances.
Capital Financing Costs	13,631	6,816	6,816	0	0	6,815	No Major Variances.
Income	0	0	(8,229)	(8,229)	0	8,229	(£8,103) Transparency - New Burdens Grant Income.
	<b>0</b>	<b>35,600</b>	<b>(56,811)</b>	<b>(92,411)</b>	<b>17,106</b>	<b>39,705</b>	
<b>Insurance &amp; Risk Management</b>							
Employee Costs	39,906	19,955	9,779	(10,176)	38,554	(8,427)	Zurich invoices partially paid.
Premises	274	138	67	(71)	223	(16)	No Major Variances.
Transport Related Expenditure	10,555	5,277	2,587	(2,690)	6,512	1,456	Zurich invoices partially paid.
Supplies & Services	101,811	50,899	24,954	(25,945)	102,602	(25,745)	Zurich invoices partially paid.
Support Services	(152,546)	(76,271)	(76,290)	(19)	0	(76,256)	No Major Variances.
Income	0	0	(13)	(13)	0	13	No Major Variances.
	<b>0</b>	<b>(2)</b>	<b>(38,916)</b>	<b>(38,914)</b>	<b>147,891</b>	<b>(108,975)</b>	
<b>Internal Audit</b>							
Supplies & Services	84,000	42,000	13,797	(28,203)	59,382	10,821	(£3,757) Balance of 22/23 accrual as invoice was less than expected. Quarter 2 invoice not yet received.
Support Services	(84,000)	(41,987)	(41,994)	(7)	0	(42,006)	No Major Variances.
Income	0	0	0	0	0	0	No Major Variances.
	<b>0</b>	<b>13</b>	<b>(28,197)</b>	<b>(28,210)</b>	<b>59,382</b>	<b>(31,185)</b>	
<b>Chalets/Beach Huts</b>							
Premises	29,994	9,532	12,721	3,189	8,562	8,711	£4,317 Overspend in relation to Business Rates, offset by other minor variances.
Supplies & Services	16,200	9,923	9,289	(634)	0	6,911	No Major Variances.
Support Services	113,390	56,705	56,700	(5)	0	56,690	No Major Variances.
Income	(263,770)	(131,833)	(139,036)	(7,203)	0	(124,734)	Additional income in relation to storage costs (£6,160) and Rents (£3,915) offset by other minor variances.
	<b>(104,186)</b>	<b>(55,673)</b>	<b>(60,326)</b>	<b>(4,653)</b>	<b>8,562</b>	<b>(52,422)</b>	
<b>Investment Properties</b>							
Premises	167,122	94,808	128,988	34,180	94,781	(56,647)	See Note A.
Supplies & Services	4,719	2,365	1,218	(1,147)	0	3,501	No Major Variances.
Support Services	148,750	74,361	74,382	21	0	74,368	No Major Variances.
Capital Financing Costs	76,841	38,409	38,412	3	0	38,429	No Major Variances.
Income	(251,633)	(134,221)	(99,481)	34,740	0	(152,152)	See Note B.
	<b>145,799</b>	<b>75,722</b>	<b>143,519</b>	<b>67,797</b>	<b>94,781</b>	<b>(92,501)</b>	
<b>Note A:</b>	£11,565 Repairs and maintenance overspend for installation of new doors, lift repairs, boiler works and Electrical Installation Condition Report at Rocket House. £14,775 Overspend on vinyl, water supply installation, repairing tarmac, making electrics safe and repairing brickwork and rails on Other Lettings. £6,490 Electricity overspend. Other minor variances.						
<b>Note B:</b>	£5,612 Other lettings income not received yet. £10,166 Other Lettings insurance premiums that are due to be recharged. £22,281 Rocket House accruals in relation to other recoverable costs and service charge for 22/23. Offset by other minor variances.						
<b>Central Costs</b>							
Employee Costs	38,913	19,452	19,516	64	0	19,397	No Major Variances.
Premises	0	0	42	42	0	(42)	No Major Variances.
Transport Related Expenditure	0	0	131	131	0	(131)	No Major Variances.
Supplies & Services	15,500	0	0	0	2,000	13,500	No Major Variances.
Support Services	(54,413)	(27,227)	(27,228)	(1)	0	(27,185)	No Major Variances.
Income	0	0	0	0	0	0	No Major Variances.
	<b>0</b>	<b>(7,775)</b>	<b>(7,540)</b>	<b>235</b>	<b>2,000</b>	<b>5,540</b>	
<b>Corporate &amp; Democratic Core</b>							
Transport Related Expenditure	100	52	0	(52)	0	100	No Major Variances.
Supplies & Services	415,478	137,589	(20,947)	(158,536)	0	436,425	(£153,333) 22/23 Audit Fee accrual outstanding. (£3,360) Other professional fees underspend. £2,535 Mandatory Participation Cabinet Office.
Support Services	1,615,410	807,407	807,708	301	0	807,702	No Major Variances.
Capital Financing Costs	900,000	0	0	0	0	900,000	No Major Variances.
Income	0	0	(18,264)	(18,264)	0	18,264	Unbudgeted income from Department for Levelling Up, Housing and Communities.
	<b>2,930,988</b>	<b>945,048</b>	<b>768,497</b>	<b>(176,551)</b>	<b>0</b>	<b>2,162,491</b>	

	Full Year Budget	YTD Budget	YTD Actuals	YTD Variance	Immediate Commitments	Remaining Budget	Explanation for Major Variances.
	£	£	£	£	£	£	
<b>Members Services</b>							
Employee Costs	188,583	99,270	100,826	1,556	350	87,407	No Major Variances.
Premises	0	0	0	0	500	(500)	No Major Variances.
Transport Related Expenditure	17,610	8,807	3,837	(4,970)	0	13,773	New members have not been set up on MyView so have been unable to submit claims.
Supplies & Services	373,000	182,700	173,859	(8,842)	60	199,082	Reduced payments when elections were taking place.
Support Services	87,025	43,537	43,530	(7)	0	43,495	No Major Variances.
	<b>666,218</b>	<b>334,314</b>	<b>322,051</b>	<b>(12,263)</b>	<b>910</b>	<b>343,257</b>	
<b>Legal Services</b>							
Employee Costs	544,864	272,338	192,952	(79,386)	3,274	348,638	Employee costs due to vacancies.
Transport Related Expenditure	3,586	1,796	710	(1,086)	0	2,876	No Major Variances.
Supplies & Services	73,710	49,268	72,307	23,039	150	1,253	£22,456 Other professional fees for Locum Lawyer, this is to be offset by employee cost underspend.
Support Services	(577,160)	(288,463)	(288,684)	(221)	0	(288,476)	No Major Variances.
Income	(45,000)	(28,800)	(31,464)	(2,664)	0	(13,536)	Legal fee income
	<b>0</b>	<b>6,139</b>	<b>(54,179)</b>	<b>(60,318)</b>	<b>3,424</b>	<b>50,755</b>	
<b>Ad Finance, Assets &amp; Legal</b>							
Employee Costs	91,814	45,897	46,966	1,069	375	44,473	No Major Variances.
Transport Related Expenditure	1,213	609	482	(128)	0	732	No Major Variances.
Supplies & Services	300	150	13	(137)	0	287	No Major Variances.
Support Services	(93,327)	(46,647)	(46,662)	(15)	0	(46,665)	No Major Variances.
Income	0	0	0	0	0	0	No Major Variances.
	<b>0</b>	<b>9</b>	<b>798</b>	<b>789</b>	<b>375</b>	<b>(1,173)</b>	
<b>Total Finance, Assets &amp; Legal</b>	<b>4,918,202</b>	<b>2,393,219</b>	<b>1,864,401</b>	<b>(528,818)</b>	<b>505,927</b>	<b>2,547,874</b>	

## Service Area Summaries P6 2023/24

## Resources

## Organisational Resources

	Full Year Budget	YTD Budget	YTD Actuals	YTD Variance	Immediate Commitments	Remaining Budget	Explanation for Major Variances.
	£	£	£	£	£	£	
<b>Car Parking</b>							
Premises	654,665	468,301	452,688	(15,613)	22,204	179,773	See <b>Note A.</b>
Supplies & Services	357,000	168,286	(118,616)	(286,902)	557,135	(81,519)	(£223,962) 22/23 Management fee accrual not yet paid. Quarter 2 23/24 management fee not yet invoiced.
Support Services	187,090	103,518	103,554	36	0	83,536	No Major Variances.
Capital Financing Costs	75,820	37,896	37,896	0	0	37,924	No Major Variances.
Income	(3,032,799)	(2,054,757)	(2,082,645)	(27,888)	0	(950,154)	See <b>Note B.</b>
	<b>(1,758,224)</b>	<b>(1,276,756)</b>	<b>(1,607,123)</b>	<b>(330,367)</b>	<b>579,339</b>	<b>(730,439)</b>	
<b>Note A:</b>	Overspend in relation to: Repairs and maintenance of £26,166, expecting full year effect to be around £72,000 and £9,312 Electricity overspend. Underspends in relation to: SERCO Grounds maintenance variable billing (£28,998) and Business Rates (£22,875).						
<b>Note B:</b>	(£16,543) Unbudgeted Electric Vehicle Charging Point income. (£11,029) Credit card income and (£3,123) Cash income both higher than budgeted, but no full year effect predicted, (£5,000) Unbudgeted income in relation to Millers walk. £8,407 Quarter 2 Penalty Charge Notice income not yet received.						
<b>It - Support Services</b>							
Employee Costs	927,631	459,658	377,977	(81,681)	850	548,804	Employee costs due to vacancies.
Transport Related Expenditure	1,000	502	48	(454)	0	952	No Major Variances.
Supplies & Services	893,520	295,069	360,779	65,710	95,994	436,748	See <b>Note A.</b>
Support Services	(1,950,129)	(974,767)	(975,102)	(335)	0	(975,027)	No Major Variances.
Capital Financing Costs	127,978	63,966	63,966	0	0	64,012	No Major Variances.
Income	0	0	(3,367)	(3,367)	0	3,367	Sale of equipment.
	<b>0</b>	<b>(155,572)</b>	<b>(175,699)</b>	<b>(20,127)</b>	<b>96,844</b>	<b>78,855</b>	
<b>Note A:</b>	Expecting a full year effect of around £40,000 this is due to a number of software components being purchased by service areas without ICT being aware of the ongoing cost and commitment. Inflation costs have also been greater than predicted for some software.						
<b>Poppyfields</b>							
Premises	3,114	906	292	(614)	471	2,352	No Major Variances.
Supplies & Services	19,700	6,280	3,962	(2,318)	0	15,738	Waiting for Quarter 2 invoice.
Support Services	22,770	11,387	11,388	1	0	11,382	No Major Variances.
	<b>45,584</b>	<b>18,573</b>	<b>15,641</b>	<b>(2,932)</b>	<b>471</b>	<b>29,472</b>	
<b>Property Services</b>							
	614,974	297,262	289,036	(8,226)	7,332	318,606	Employee underspend, however no full year effect anticipated as two members of staff are now increasing hours to full time to cover staff sickness.
<b>Employee Costs</b>							
Premises	0	0	2,872	2,872	2,717	(5,589)	See <b>Note A.</b>
Transport Related Expenditure	29,431	11,841	10,469	(1,372)	0	18,962	No Major Variances.
Supplies & Services	25,085	15,713	19,212	3,499	29,601	(23,728)	Upgrading works to Concerto System.
Support Services	(712,795)	(356,224)	(356,382)	(158)	0	(356,413)	No Major Variances.
Capital Financing Costs	47,755	23,874	23,874	0	0	23,881	No Major Variances.
Income	0	0	1,308	1,308	0	(1,308)	22/23 Accrual outstanding from Cromer Town Council in relation to water leak at North Lodge Park.
	<b>4,450</b>	<b>(7,534)</b>	<b>(9,611)</b>	<b>(2,077)</b>	<b>39,649</b>	<b>(25,588)</b>	
<b>Note A:</b>	Repairs and Maintenance spend that has no budget, mainly in relation to Skip Hire, Waste collection/Hire, NNDC Labour in relation to Elections and Support for 60's Weekend.						
<b>Playgrounds</b>							
Premises	29,135	14,565	17,114	2,549	32,369	(20,348)	SERCO Grounds maintenance.
Supplies & Services	63,500	58,825	74,451	15,626	24,729	(35,680)	Playgrounds repairs.
Support Services	54,070	27,034	27,042	8	0	27,028	No Major Variances.
Income	0	0	(7,815)	(7,815)	0	7,815	Contribution towards installation of accessible roundabout Cromer Road, Sheringham.
	<b>146,705</b>	<b>100,424</b>	<b>110,792</b>	<b>10,368</b>	<b>57,098</b>	<b>(21,185)</b>	
<b>Amenity Lighting</b>							
Premises	37,875	13,536	14,693	1,157	6,878	16,303	Electricity higher than budgeted.
Support Services	29,980	14,994	15,000	6	0	14,980	No Major Variances.
	<b>67,855</b>	<b>28,530</b>	<b>29,693</b>	<b>1,163</b>	<b>6,878</b>	<b>31,283</b>	
<b>Community Centres</b>							
Premises	10,520	3,806	1,772	(2,034)	5,210	3,539	No Major Variances.
Support Services	18,140	9,073	9,072	(1)	0	9,068	No Major Variances.
	<b>28,660</b>	<b>12,879</b>	<b>10,844</b>	<b>(2,035)</b>	<b>5,210</b>	<b>12,607</b>	

	Full Year Budget	YTD Budget	YTD Actuals	YTD Variance	Immediate Commitments	Remaining Budget	Explanation for Major Variances.
	£	£	£	£	£	£	
<b>Tic'S</b>							
Employee Costs	75,138	37,563	39,628	2,065	0	35,510	Employee costs.
Premises	16,604	9,945	17,191	7,246	11,556	(12,143)	£2,749 Heating repairs instructed by Property Services. £3,262 Electricity overspend. Other minor variances.
Transport Related Expenditure	85	43	0	(43)	0	85	No Major Variances.
Supplies & Services	18,370	9,195	6,480	(2,715)	7,251	4,640	No Major Variances.
Support Services	54,820	27,428	27,420	(8)	0	27,400	No Major Variances.
Capital Financing Costs	6,040	3,020	3,024	4	0	3,016	No Major Variances.
Income	(30,170)	(18,388)	(17,025)	1,363	0	(13,145)	No Major Variances.
	<b>140,887</b>	<b>68,806</b>	<b>76,718</b>	<b>7,912</b>	<b>18,807</b>	<b>45,363</b>	
<b>Cromer Pier</b>							
Premises	209,667	80,559	42,716	(37,843)	88,995	77,956	Insurance premiums paid in Period 7.
Supplies & Services	4,000	2,001	194	(1,807)	0	3,806	Other professional fees underspend.
Support Services	106,990	53,487	53,490	3	0	53,500	No Major Variances.
Capital Financing Costs	20,737	10,367	10,368	1	0	10,369	No Major Variances.
	<b>341,394</b>	<b>146,414</b>	<b>106,769</b>	<b>(39,645)</b>	<b>88,995</b>	<b>145,631</b>	
<b>Public Conveniences</b>							
Premises	700,772	360,847	405,593	44,746	276,350	18,830	See <b>Note A</b> .
Transport Related Expenditure	0	0	91	91	0	(91)	No Major Variances.
Supplies & Services	38,250	17,830	13,008	(4,822)	4,859	20,383	Legionella Surveys underspend.
Transfer Payments	14,175	0	0	0	0	14,175	No Major Variances.
Support Services	214,450	107,195	107,226	31	0	107,224	No Major Variances.
Capital Financing Costs	82,028	40,998	40,998	0	0	41,030	No Major Variances.
Income	0	0	(7,707)	(7,707)	0	7,707	Insurance claim income.
	<b>1,049,675</b>	<b>526,870</b>	<b>559,209</b>	<b>32,339</b>	<b>281,209</b>	<b>209,257</b>	
<b>Note A:</b>	Overspends in relation to: £8,340 Hire and empty of temporary toilet in Weybourne, £21,470 Electricity costs, £29,946 SERCO Contract Cleaning. Underspends in relation to: (£8,702) Business Rates and (£4,851) Insurance Premiums which have been paid in Period 7.						
<b>IT Business Support</b>							
Employee Costs	138,675	66,117	66,580	463	0	72,095	No Major Variances.
Support Services	398,690	199,295	199,362	67	0	199,328	No Major Variances.
	<b>537,365</b>	<b>265,412</b>	<b>265,942</b>	<b>530</b>	<b>0</b>	<b>271,423</b>	
<b>Reprographics</b>							
Employee Costs	46,853	23,424	23,277	(147)	0	23,576	No Major Variances.
Transport Related Expenditure	250	126	0	(126)	0	250	No Major Variances.
Supplies & Services	35,290	11,088	6,716	(4,372)	1,180	27,394	Waiting on Q2 invoice for equipment operating lease rental.
Support Services	(78,393)	(39,173)	(39,192)	(19)	0	(39,201)	No Major Variances.
Income	(4,000)	(2,001)	(2,793)	(792)	0	(1,207)	No Major Variances.
	<b>0</b>	<b>(6,536)</b>	<b>(11,992)</b>	<b>(5,456)</b>	<b>1,180</b>	<b>10,812</b>	
<b>Customer Services - Corporate</b>							
Employee Costs	951,854	473,755	418,003	(55,752)	0	533,851	Employee costs due to vacancies.
Transport Related Expenditure	2,300	1,152	1,952	800	0	348	No Major Variances.
Supplies & Services	74,867	19,396	5,741	(13,655)	18,461	50,665	(£10,710) 22/23 Accrual in relation to C3 Development. Other minor variances.
Support Services	(1,065,827)	(532,719)	(532,840)	(121)	0	(532,987)	No Major Variances.
Capital Financing Costs	54,056	27,018	27,018	0	0	27,038	No Major Variances.
Income	(17,250)	(9,626)	(13,515)	(3,889)	0	(3,735)	Service charge income higher than budgeted.
	<b>0</b>	<b>(21,024)</b>	<b>(93,641)</b>	<b>(72,617)</b>	<b>18,461</b>	<b>75,180</b>	
<b>Ad Organisational Resources</b>							
Employee Costs	83,500	41,732	44,284	2,552	0	39,216	Employee costs.
Transport Related Expenditure	1,194	600	482	(119)	0	713	No Major Variances.
Supplies & Services	100	52	0	(52)	0	100	No Major Variances.
Support Services	(89,244)	(44,599)	(44,610)	(11)	0	(44,634)	No Major Variances.
Income	0	0	0	0	0	0	No Major Variances.
	<b>(4,450)</b>	<b>(2,215)</b>	<b>155</b>	<b>2,370</b>	<b>0</b>	<b>(4,605)</b>	
<b>Total Organisational Resources</b>	<b>599,901</b>	<b>(301,729)</b>	<b>(722,305)</b>	<b>(420,576)</b>	<b>1,194,140</b>	<b>128,066</b>	
<b>Total Resources</b>	<b>5,518,103</b>	<b>2,091,490</b>	<b>1,142,096</b>	<b>(949,394)</b>	<b>1,700,067</b>	<b>2,675,940</b>	

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## Capital Programme - Budget Monitoring 2023/24 - Period 6

<u>Scheme</u>	Scheme Total Approval	Pre 2023/24 Actual Expenditure	Updated Budget	Expenditure (Actuals) to P6	Remaining Budget	Budget	Budget	Budget	Budget
	£		2023/24 £	2023/24 £	2023/24 £	2024/25 £	2025/26 £	2026/27 £	2027/28 £
<b>Our Greener Future</b>									
Cornish Way Industrial Units	170,000	29,880	52,484	52,484	0	0	0	0	0
Purchase of Property Services Electric Vehicles	25,000	10,465	14,535	1,649	12,887	0	0	0	0
Cromer Office LED Lighting Programme	150,000	58,403	91,597	89	91,509	0	0	0	0
Catfield Industrial Units - Net Zero works	30,000	23/24	30,000	0	30,000	0	0	0	0
Cromer Coast Protection Scheme	12,405,000	6,186,818	6,218,182	66,454	6,151,728	0	0	0	0
Coastal Erosion Assistance	90,000	58,009	31,991	0	31,991	0	0	0	0
Coastal Adaptations	247,493	2,503	244,990	0	244,990	0	0	0	0
Mundesley Coastal Management Scheme	6,872,144	491,024	6,381,120	73,710	6,307,410	0	0	0	0
Sea Palling Ramp	10,000	350	9,650	0	9,650	0	0	0	0
Replacement of Flood Gates at Cable Gap Bacton, The Ship Bacton & Walcott Post Office	45,500	0	45,500	0	45,500	0	0	0	0
Coastal Management Fund	950,000	103,000	147,000	0	147,000	200,000	250,000	250,000	0
Coastwise	14,610,000	18,898	14,554,958	3,752	14,551,207	0	0	0	0
Purchase of Bins	100,000	Annual Programme	100,000	83,008	16,993	20,000	20,000	20,000	0
Waste Vehicles	4,885,000	4,469,660	415,340	178,000	237,340	0	0	0	0
Electric Vehicle Charging Points	248,600	215,283	33,317	0	33,317	0	0	0	0
The Reef Solar Carport	596,000	17,551	578,449	478,082	100,367	0	0	0	0
			28,949,112	937,226	28,011,887	220,000	270,000	270,000	0

## Capital Programme - Budget Monitoring 2023/24 - Period 6

<u>Scheme</u>	Scheme Total Approval	Pre 2023/24 Actual Expenditure	Updated Budget	Expenditure (Actuals) to P6	Remaining Budget	Budget	Budget	Budget	Budget
	£		2023/24 £	2023/24 £	2023/24 £	2024/25 £	2025/26 £	2026/27 £	2027/28 £
<b>Developing Our Communities</b>									
Public Conveniences (Fakenham & Wells)	652,360	704,338	(51,978)	155,882	(207,860)	0	0	0	0
Public Conveniences Sheringham & North Walsham	620,000	79,058	540,942	358,019	182,923	0	0	0	0
Changing Places Toilets - Stalham	20,000	0	20,000	0	20,000	0	0	0	0
Public Conveniences - Albert Street, Holt	370,000	23/24	370,000	0	370,000	0	0	0	0
Countryside Machinery	38,465	7,249	31,216	29,259	1,957	0	0	0	0
Cromer Pier - Steelworks and Improvements to Pavilion Theatre	1,241,855	665,768	576,087	271,003	305,083	0	0	0	0
3G Facility at North Walsham/Fakenham	860,000	12,432	847,568	0	847,568	0	0	0	0
Cromer 3G Football Facility	1,000,000	0	1,000,000	0	1,000,000	0	0	0	0
The Reef Leisure Centre	12,861,000	12,560,273	300,727	8,029	292,698	0	0	0	0
Green Road Football Facility	60,000	9,777	50,223	0	50,223	0	0	0	0
Holt Country Park Improvements	150,000	0	150,000	0	150,000	0	0	0	0
Environmental Health Noise Equipment	18,372	0	18,372	0	18,372	0	0	0	0
Rocket House	1,077,085	40,250	1,036,836	0	1,036,836	0	0	0	0
Collectors Cabin	30,000	160	28,069	0	28,069	0	0	0	0
			<b>4,918,062</b>	<b>822,193</b>	<b>4,095,869</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## Capital Programme - Budget Monitoring 2023/24 - Period 6

Scheme	Scheme Total Approval	Pre 2023/24 Actual Expenditure	Updated Budget	Expenditure (Actuals) to P6	Remaining Budget	Budget	Budget	Budget	Budget
			2023/24	2023/24	2023/24	2024/25	2025/26	2026/27	2027/28
	£		£	£	£	£	£	£	£
<b>Meeting Our Housing Needs</b>									
Disabled Facilities Grants	1,357,527	Annual Programme	1,475,730	521,649	954,082	0	0	0	0
Compulsory Purchase of Long Term Empty Properties	930,000	500,384	429,617	0	429,617	0	0	0	0
Community Housing Fund	1,653,373	945,212	708,161	330,000	378,161	0	0	0	0
Provision of Temporary Accommodation	3,810,594	2,827,996	982,598	425,819	556,780	0	0	0	0
S106 Enabling	2,500,000	0	1,600,000	0	1,600,000	300,000	300,000	300,000	0
Loans to Housing Providers	600,000	150,000	300,000	110,000	190,000	150,000	0	0	0
Local Authority Housing Fund	1,067,710	0	756,063	0	756,063	311,647	0	0	0
			<b>6,252,169</b>	<b>1,387,467</b>	<b>4,864,702</b>	<b>761,647</b>	<b>300,000</b>	<b>300,000</b>	<b>0</b>

## Capital Programme - Budget Monitoring 2023/24 - Period 6

<u>Scheme</u>	Scheme Total Approval	Pre 2023/24 Actual Expenditure	Updated Budget	Expenditure (Actuals) to P6	Remaining Budget	Budget	Budget	Budget	Budget
	£		2023/24 £	2023/24 £	2023/24 £	2024/25 £	2025/26 £	2026/27 £	2027/28 £
<b>Investing In Our Local Economy And Infrastructure</b>									
Sheringham Enabling Land	110,000	31,319	78,681	0	78,681	0	0	0	0
Administrative Buildings	250,570	241,702	8,868	0	8,868	0	0	0	0
Fakenham Connect/Crinkle Crankle Wall	280,922	56,562	224,360	224,360	0	0	0	0	0
North Walsham Heritage Action Zone	3,120,000	2,745,878	374,122	345,120	29,002	0	0	0	0
Unit 1 & 2, Surf Lifesaving School, Cromer Promenade	55,000	0	55,000	0	55,000	0	0	0	0
Fakenham Urban Extension	1,800,000	20,000	1,780,000	0	1,780,000	0	0	0	0
Property Acquisitions	710,000	5,216	704,784	0	704,784	0	0	0	0
Chalet Refurbishment	125,000	0	125,000	0	125,000	0	0	0	0
Marrams Building Repair	50,000	0	50,000	0	50,000	0	0	0	0
Red Lion Roof	30,000	0	30,000	0	30,000	0	0	0	0
Car Parks Refurbishment	311,000	0	311,000	0	311,000	0	0	0	0
Marrams Footpath and Lighting	50,000	23/24	50,000	0	50,000	0	0	0	0
Art Deco Block Roof Repair, Cromer Promenade	57,636	NEW	57,636	0	57,636	0	0	0	0
Morris Street Car Park Boundary Wall	0	59,935	0	11,247	(11,247)	0	0	0	0
UK Shared Prosperity Fund	265,551	23/24	75,551	0	75,551	190,000	0	0	0
Rural England Prosperity Fund	1,457,848	23/24	364,460	0	364,460	1,093,388	0	0	0
New Fire Alarm and Fire Doors in Cromer Offices	150,000	0	150,000	0	150,000	0	0	0	0
			<b>4,439,462</b>	<b>580,727</b>	<b>3,858,735</b>	<b>1,283,388</b>	<b>0</b>	<b>0</b>	<b>0</b>

## Capital Programme - Budget Monitoring 2023/24 - Period 6

<u>Scheme</u>	Scheme Total Approval	Pre 2023/24 Actual Expenditure	Updated Budget	Expenditure (Actuals) to P6	Remaining Budget	Budget	Budget	Budget	Budget
	£		2023/24 £	2023/24 £	2023/24 £	2024/25 £	2025/26 £	2026/27 £	2027/28 £
<b>A Strong, Responsible And Accountable Council</b>									
User IT Hardware Refresh	60,000	Annual Programme	60,602	300	60,302	60,000	60,000	60,000	0
Members IT	90,000	63,451	26,549	1,032	25,518	0	0	0	0
Backup Network Upgrade	14,000	0	14,000	0	14,000	0	0	0	0
Fire Wall Replacements	36,000	32,490	3,510	0	3,510	0	0	0	0
Refurbishment of IT Training Room	15,000	0	15,000	0	15,000	0	0	0	0
Financial Management System	295,000	291,966	3,034	0	3,034	0	0	0	0
Recruitment Software	35,050	0	35,050	0	35,050	0	0	0	0
Printer Replacement	48,000	45,497	2,503	0	2,503	0	0	0	0
Network Hardware Replacement	100,000	91,119	8,881	0	8,881	0	0	0	0
Server Replacement	100,000	0	100,000	0	100,000	0	0	0	0
Folding Machine Laminator	24,500	1,620	22,880	0	22,880	0	0	0	0
Digital Mailroom Scanners	20,000	4,383	15,617	13,748	1,869	0	0	0	0
			<b>307,627</b>	<b>15,080</b>	<b>292,547</b>	<b>60,000</b>	<b>60,000</b>	<b>60,000</b>	<b>0</b>
			<b>44,866,432</b>	<b>3,742,692</b>	<b>41,123,740</b>	<b>2,325,035</b>	<b>630,000</b>	<b>630,000</b>	<b>0</b>

## Capital Programme - Budget Monitoring 2023/24 - Period 6

<u>Scheme</u>	Scheme Total Approval	Pre 2023/24 Actual Expenditure	Updated Budget	Expenditure (Actuals) to P6	Remaining Budget	Budget	Budget	Budget	Budget
	£		2023/24	2023/24	2023/24	2024/25	2025/26	2026/27	2027/28
			£	£	£	£	£	£	£
<b>2023/24 Capital Programme Financing Table</b>									
			<b>Budget 2023/24</b>	<b>Actual 2023/24</b>		<b>Budget 2024/25</b>	<b>Budget 2025/26</b>	<b>Budget 2026/27</b>	<b>Budget 2027/28</b>
	Grants		30,449,064	935,564		1,595,035	0	0	0
	Other Contributions		3,196,250	178,000		300,000	300,000	300,000	0
	Reserves		3,542,967	1,150,628		0	0	0	0
	Revenue Contribution to Capital (RCCO)		50,000	0		0	0	0	0
	Capital receipts		7,293,152	1,478,500		430,000	330,000	330,000	0
	Borrowing		335,000	0		0	0	0	0
	<b>Total</b>		<b>44,866,432</b>	<b>3,742,692</b>	<b>0</b>	<b>2,325,035</b>	<b>630,000</b>	<b>630,000</b>	<b>0</b>

Reserve	Purpose and Use of Reserve	Balance 01/04/22	Outturn Movement 2022/23	Balance 01/04/23	Updated Budget Movement 2023/24	Balance 01/04/24	Budgeted Movement 2024/25	Balance 01/04/25	Budgeted Movement 2025/26	Balance 01/04/26	Budgeted Movement 2026/27	Balance 01/04/27
		£	£	£	£	£	£	£	£	£	£	£
<b>General Fund - General Reserve</b>	A working balance and contingency, current recommended balance is £2.1 million.	<b>2,945,866</b>	(296,445)	<b>2,649,421</b>	(356,461)	<b>2,292,960</b>	(9,298)	<b>2,283,662</b>	0	<b>2,283,662</b>	0	<b>2,283,662</b>
<b>Earmarked Reserves:</b>												
Business Rates	To be used for the support of local businesses and to mitigate impact of final claims and appeals in relation to business rates retention scheme.	<b>4,256,294</b>	(594,997)	<b>3,661,297</b>	(1,278,268)	<b>2,383,029</b>	(18,000)	<b>2,365,029</b>	(18,000)	<b>2,347,029</b>	(18,000)	<b>2,329,029</b>
Coast Protection	To support the ongoing coast protection maintenance programme and carry forward funding between financial years.	<b>299,889</b>	166,400	<b>466,288</b>	0	<b>466,288</b>	0	<b>466,288</b>	0	<b>466,288</b>	0	<b>466,288</b>
Communities	To support projects that communities identify where they will make a difference to the economic and social wellbeing of the area.	<b>569,776</b>	(163,226)	<b>406,550</b>	(275,000)	<b>131,550</b>	0	<b>131,550</b>	0	<b>131,550</b>	0	<b>131,550</b>
Delivery Plan	To help achieve the outputs from the Corporate Plan and Delivery Plan.	<b>4,326,421</b>	(1,202,392)	<b>3,124,029</b>	(1,250,911)	<b>1,873,118</b>	(424,860)	<b>1,448,258</b>	(10,000)	<b>1,438,258</b>	(10,000)	<b>1,428,258</b>
Economic Development and Regeneration	Earmarked from previous underspends within Economic Development and Regeneration Budgets.	<b>197,621</b>	34,800	<b>232,421</b>	(44,800)	<b>187,621</b>	(10,000)	<b>177,621</b>	(10,000)	<b>167,621</b>	0	<b>167,621</b>
Election Reserve	Established to meet costs associated with district council elections, to smooth the impact between financial years.	<b>103,000</b>	83,015	<b>186,015</b>	(133,015)	<b>53,000</b>	50,000	<b>103,000</b>	50,000	<b>153,000</b>	50,000	<b>203,000</b>
Enforcement Works	Established to meet costs associated with district council enforcement works including buildings at risk .	<b>90,125</b>	(29,635)	<b>60,490</b>	0	<b>60,490</b>	0	<b>60,490</b>	0	<b>60,490</b>	0	<b>60,490</b>
Environmental Health	Earmarking of previous underspends and additional income to meet Environmental Health initiatives.	<b>311,193</b>	183,283	<b>494,476</b>	(32,372)	<b>462,104</b>	0	<b>462,104</b>	0	<b>462,104</b>	0	<b>462,104</b>
Environment Reserve	To fund expenditure relating to the Council's Green Agenda.	<b>150,000</b>	0	<b>150,000</b>	0	<b>150,000</b>	0	<b>150,000</b>	0	<b>150,000</b>	0	<b>150,000</b>
Grants	Revenue Grants received and due to timing issues not used in the year.	<b>2,357,656</b>	262,700	<b>2,620,356</b>	0	<b>2,620,356</b>	0	<b>2,620,356</b>	0	<b>2,620,356</b>	0	<b>2,620,356</b>
Housing	Previously earmarked for stock condition survey and housing needs assessment. Also now contains the balance of the Housing Community Grant funding received in 2016/17.	<b>2,107,358</b>	166,678	<b>2,274,036</b>	(493,689)	<b>1,780,347</b>	(189,179)	<b>1,591,168</b>	(52,897)	<b>1,538,271</b>	(54,046)	<b>1,484,225</b>
Land Charges	To mitigate the impact of potential income reductions.	<b>339,152</b>	0	<b>339,152</b>	0	<b>339,152</b>	0	<b>339,152</b>	0	<b>339,152</b>	0	<b>339,152</b>
Legal	One off funding for Compulsory Purchase Order (CPO) work and East Law Surplus.	<b>124,323</b>	(30,871)	<b>93,452</b>	(31,745)	<b>61,707</b>	(31,745)	<b>29,962</b>	0	<b>29,962</b>	0	<b>29,962</b>

## Reserves Statement P6 2023/24

## Appendix D

Reserve	Purpose and Use of Reserve	Balance 01/04/22	Outturn Movement 2022/23	Balance 01/04/23	Updated Budget Movement 2023/24	Balance 01/04/24	Budgeted Movement 2024/25	Balance 01/04/25	Budgeted Movement 2025/26	Balance 01/04/26	Budgeted Movement 2026/27	Balance 01/04/27
		£	£	£	£	£	£	£	£	£	£	£
Major Repairs Reserve	To provide provision for the repair and maintenance of the councils asset portfolio.	329,207	258,772	587,979	0	587,979	0	587,979	0	587,979	0	587,979
Net Zero Initiatives	to support the Councils Net Zero programme	0	500,000	500,000	0	500,000	0	500,000	0	500,000	0	500,000
New Homes Bonus (NHB)	Established for supporting communities with future growth and development and Plan review*	222,543	0	222,543	(178,000)	44,543	0	44,543	0	44,543	(18,000)	26,543
Organisational Development	To provide funding for organisation development to create capacity within the organisation, including the provision and support for apprenticeships and internships.	173,097	(17,873)	155,224	(42,742)	112,482	(7,860)	104,622	0	104,622	0	104,622
Pathfinder	To help Coastal Communities adapt to coastal changes.	89,566	0	89,566	0	89,566	0	89,566	0	89,566	0	89,566
Planning	Additional Planning income earmarked for Planning initiatives including Plan Review.	217,926	198,965	416,891	(178,965)	237,926	50,000	287,926	50,000	337,926	50,000	387,926
Restructuring & Investment to Save Proposals	To fund one-off redundancy and pension strain costs and invest to save initiatives. Transfers from this reserve will be allocated against business cases as they are approved. Timing of the use of this reserve will depend on when business cases are approved.	898,995	(234,987)	664,008	0	664,008	0	664,008	0	664,008	0	664,008
Treasury	To smooth impacts on the Revenue account of movement in fair value changes of the Councils holdings in Pooled Funds	500,000	0	500,000	0	500,000	0	500,000	0	500,000	0	500,000
<b>Total Reserves</b>		<b>23,021,019</b>	<b>(775,163)</b>	<b>22,245,856</b>	<b>(4,896,963)</b>	<b>17,348,893</b>	<b>(644,471)</b>	<b>16,704,422</b>	<b>(44,426)</b>	<b>16,659,996</b>	<b>(46)</b>	<b>16,659,950</b>

<b>Treasury Management Mid Year Report 2023/24</b>	
<b>Executive Summary</b>	This report sets out the Treasury Management activities undertaken during the first half of the 2023/24 Financial Year compared with the Treasury Management Strategy for the year.
<b>Options considered</b>	This report must be prepared to ensure the Council is compliant with the CIPFA Treasury Management and Prudential Codes.
<b>Consultation(s)</b>	Cabinet Member Section 151 Officer  This report has been prepared with the assistance of Link Treasury Services, the Council's Treasury advisors.
<b>Recommendations</b>	To recommend to Full Council that the Treasury Management Mid Year Report 2023/24 is approved.
<b>Reasons for recommendations</b>	Approval by Full Council demonstrates compliance with the Prudential Code to ensure adequate monitoring of the capital expenditure plans and treasury management activity.  It is a requirement that any proposed changes to the 2023/24 prudential indicators are approved by Full Council.
<b>Background papers</b>	The Council's Treasury Management Strategy 2023/24.

<b>Wards affected</b>	All
<b>Cabinet member(s)</b>	Cllr. Lucy Shires
<b>Contact Officer</b>	James Moore

<b>Links to key documents:</b>	
Corporate Plan:	This report is required to ensure the Council can demonstrate it is in a sound financial position and able to deliver the projects in the Capital Programme which support the Corporate Plan Objectives.
Medium Term Financial Strategy (MTFS)	This report supports the MTFS in confirming adequate financing is in place to deliver the Council's Capital Programme.
Council Policies & Strategies	The Council's Treasury Management Strategy 2023/24

<b>Corporate Governance:</b>
------------------------------

Is this a key decision	No
Has the public interest test been applied	Not an exempt item.
Details of any previous decision(s) on this matter	N/A

**1. Purpose of the report**

Approval of this report by Full Council demonstrates compliance with the Prudential Code to ensure adequate monitoring of the capital expenditure plans and treasury management activity.

It is a requirement that any proposed changes to the 2023/24 prudential indicators are approved by Full Council.

**2. Introduction & Background**

2.1 This report sets out the Treasury Management activities undertaken during the first half of the 2023/24 Financial Year compared with the Treasury Management Strategy for the year.

**3. Proposals and Options**

3.1 Appendix A shows the Council's full Treasury Management Mid Year Report 2023/24

**4. Corporate Priorities**

4.1 Ensuring there is adequate funding in place is essential to delivering the Council's Capital Programme which supports the Corporate Plan and MTFs.

**5. Financial and Resource Implications**

5.1 This report is financial in nature and financial implications are included within the content of the report.

**Comments from the S151 Officer:**

*The S151 Officer (or member of the Finance team on their behalf) will complete this section.*

**6. Legal Implications**

6.1 None as a direct consequence of this report.

**Comments from the Monitoring Officer**

*The Monitoring Officer (or member of the Legal team on behalf of the MO) will complete this section. They will outline any legal advice provided.*

**7. Risks**

7.1 The Council's current short-term borrowing position of the Council is highlighted in section 6 of Appendix A. Any significant amounts of unplanned expenditure could lead to increased borrowing at a time where borrowing costs are high due to wider economic inflationary pressures.

At present extra borrowing costs are being offset by interest earned on the Council's investments over the 2023/24 interest budget.

**8. Net Zero Target**

8.1 None as a direct consequence of this report.

**9. Equality, Diversity & Inclusion**

9.1 None as a direct consequence of this report.

**10. Community Safety issues**

10.1 None as a direct consequence of this report.

**11. Conclusion and Recommendations**

11.1 The Council's cash flow position shall be monitored throughout the financial year. Any concerns that may lead to borrowing costs that cannot be financed by current treasury operations will be immediately flagged to the Director of Resources/S151 Officer, alternative funding options will then be considered to finance any long-term debt.

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**North Norfolk District  
Council**

**Treasury Management Mid Year  
Report 2023/24**

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## 1. Background

### 1.1 Capital Strategy

In December 2021, the Chartered Institute of Public Finance and Accountancy, (CIPFA), issued revised Prudential and Treasury Management Codes. These require all local authorities to prepare a Capital Strategy which is to provide the following: -

- a high-level overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of services;
- an overview of how the associated risk is managed;
- the implications for future financial sustainability.

### 1.2 Treasury management

The Council operates a balanced budget, which broadly means cash raised during the year will meet its cash expenditure. Part of the treasury management operations ensure this cash flow is adequately planned, with surplus monies being invested in low-risk counterparties, providing adequate liquidity initially before considering optimising investment return.

The second main function of the treasury management service is the funding of the Council's capital plans. These capital plans provide a guide to the borrowing need of the Council, essentially the longer-term cash flow planning to ensure the Council can meet its capital spending plans. This management of longer-term cash may involve arranging long or short-term loans, or using longer term cash flow surpluses, and on occasion any debt previously drawn may be restructured to meet Council risk or cost objectives.

Accordingly, treasury management is defined as:

"The management of the local authority's borrowing, investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."

## 2. Introduction

This report has been written in accordance with the requirements of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management (revised 2021).

The primary requirements of the Code are as follows:

1. Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's treasury management activities.
2. Creation and maintenance of Treasury Management Practices which set out the manner in which the Council will seek to achieve those policies and objectives.
3. Receipt by the full Council of an annual Treasury Management Strategy Statement - including the Annual Investment Strategy and Minimum Revenue Provision Policy - for the year ahead, a Mid-year Review Report and an Annual Report, (stewardship report), covering activities during the previous year. (Quarterly reports are also required for the periods ending April to June and October to December but may be assigned to a designated committee or panel as deemed appropriate to meet the Treasury Management governance and scrutiny aspects of the Council.)
4. Delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions.
5. Delegation by the Council of the role of scrutiny of treasury management strategy and policies to a specific named body. For this Council the delegated body is Cabinet.

This mid-year report has been prepared in compliance with CIPFA's Code of Practice on Treasury Management, and covers the following:

- An economic update for the first half of the 2023/24 financial year;
- A review of the Treasury Management Strategy Statement and Annual Investment Strategy;
- The Council's capital expenditure, as set out in the Capital Strategy, and prudential indicators;
- A review of the Council's investment portfolio for 2023/24;
- A review of the Council's borrowing strategy for 2023/24;
- A review of any debt rescheduling undertaken during 2023/24;
- A review of compliance with Treasury and Prudential Limits for 2023/24.

## **Key Changes to the Treasury and Capital Strategies**

There are no proposals at the current time to amend the 2023/24 Treasury/Capital Strategies of the Council:

- The approved prudential indicators outlined in the 2023/24 strategies are still appropriate for the Council's current financial investments.
- The approved investment criteria outlined in the 2023/24 strategies are still appropriate for the Council's current financial position. Risk assessment and credit ratings are provided regularly to Officers by Link Treasury Services.
- There are no changes to the Council's treasury management policy that need to be recommended to full Council. The treasury management main focus is still to facilitate the financing of the Council's essential services, and financing of the approved 2023/24 capital programme. The immediate focus is on reducing short-term borrowing throughout a time where borrowing rates remain high and the Council will not be looking to undertake any new investments until its borrowing requirement is reduced. This position is outlined in further detail in part six below – Borrowing.

## 3. Economics and Interest Rates

### 3.1 Economics Update

- The first half of 2023/24 saw:
  - Interest rates rise by a further 100bps, taking Bank Rate from 4.25% to 5.25% and, possibly, the peak in the tightening cycle.
  - Short, medium and long-dated gilts remain elevated as inflation continually surprised to the upside.
  - A 0.5% m/m decline in real GDP in July, mainly due to more strikes.
  - CPI inflation falling from 8.7% in April to 6.7% in August, its lowest rate since February 2022, but still the highest in the G7 countries.
  - Core CPI inflation declining to 6.2% in August from 7.1% in April and May, a then 31 years high.
  - A cooling in labour market conditions, but no evidence yet that it has led to an easing in wage growth (as the 3myy growth of average earnings rose to 7.8% in August, excluding bonuses).
- The 0.5% m/m fall in GDP in July suggests that underlying growth has lost momentum since earlier in the year. Some of the weakness in July was due to there being almost twice as many working days lost to strikes in July (281,000) than in June (160,000). But with output falling in 10 out of the 17 sectors, there is an air of underlying weakness.
- The fall in the composite Purchasing Managers Index from 48.6 in August to 46.8 in September left it at its lowest level since COVID-19 lockdowns reduced activity in January 2021. At face value, it is consistent with the 0.2% q/q rise in real GDP in the period April to June, being followed by a contraction of up to 1% in the second half of 2023.
- The 0.4% m/m rebound in retail sales volumes in August is not as good as it looks as it partly reflected a pickup in sales after the unusually wet weather in July. Sales volumes in August were 0.2% below their level in May, suggesting much of the resilience in retail activity in the first half of the year has faded.
- As the growing drag from higher interest rates intensifies over the next six months, we think the economy will continue to lose momentum and soon fall into a mild recession. Strong labour demand, fast wage growth and government handouts have all supported household incomes over the past year. And with CPI inflation past its peak and expected to decline further, the economy has got through the cost-of-living crisis without recession. But even though the worst of the falls in real household disposable incomes are behind us, the phasing out of financial support packages provided by the government during the energy crisis means real incomes are unlikely to grow strongly. Higher interest rates will soon bite harder too. We expect the Bank of England to keep interest rates at the probable peak of 5.25% until the second half of 2024. Mortgage rates are likely to stay above 5.0% for around a year.
- The tightness of the labour market continued to ease, with employment in the three months to July falling by 207,000. The further decline in the number of job vacancies from 1.017m in July to 0.989m in August suggests that the labour market has loosened a bit further since July. That is the first time it has fallen below 1m since July 2021. At 3.0% in July, and likely to have fallen to 2.9% in August, the job vacancy rate is getting closer to 2.5%, which would be consistent with slower wage growth. Meanwhile, the 48,000 decline in the supply of workers in the three months to July offset some of the loosening in the tightness of the labour market. That was due to a 63,000 increase in inactivity in the three months to July as more people left the labour market due to long term sickness or to enter education. The supply of labour is still 0.3% below its pre-pandemic February 2020 level.
- But the cooling in labour market conditions still has not fed through to an easing in wage growth. While the monthly rate of earnings growth eased sharply from an upwardly revised +2.2% in June to -0.9% in July, a lot of that was due to the one-off bonus payments for NHS staff in June not being repeated in July. The headline 3myy rate rose from 8.4% (revised up from 8.2%) to 8.5%, which meant UK wage growth remains much faster than in the US and in the Euro-zone. Moreover, while the Bank of England's closely watched measure of regular private sector wage growth eased a touch in July, from 8.2% 3myy in June to 8.1% 3myy, it is still well above the Bank of England's prediction for it to fall to 6.9% in September.
- CPI inflation declined from 6.8% in July to 6.7% in August, the lowest rate since February 2022. The biggest positive surprise was the drop in core CPI inflation, which declined from 6.9% to 6.2%. That

5

reverses all the rise since March and means the gap between the UK and elsewhere has shrunk (US core inflation is 4.4% and in the Euro-zone it is 5.3%). Core goods inflation fell from 5.9% to 5.2% and the further easing in core goods producer price inflation, from 2.2% in July to a 29-month low of 1.5% in August, suggests it will eventually fall close to zero. But the really positive development was the fall in services inflation from 7.4% to 6.8%. That also reverses most of the rise since March and takes it below the forecast of 7.2% the Bank of England published in early August.

- In its latest monetary policy meeting on 20 September, the Bank of England left interest rates unchanged at 5.25%. The weak August CPI inflation release, the recent loosening in the labour market and the downbeat activity surveys appear to have convinced the Bank of England that it has already raised rates far enough. The minutes show the decision was “finely balanced”. Five MPC members (Bailey, Broadbent, Dhingra, Pill and Ramsden) voted for no change and the other four (Cunliffe, Greene, Haskel and Mann) voted for a 25bps hike.
- Like the US Fed, the Bank of England wants the markets to believe in the higher for longer narrative. The statement did not say that rates have peaked and once again said if there was evidence of more persistent inflation pressures “further tightening in policy would be required”. Governor Bailey stated, “we’ll be watching closely to see if further increases are needed”. The Bank also retained the hawkish guidance that rates will stay “sufficiently restrictive for sufficiently long”.
- This narrative makes sense as the Bank of England does not want the markets to decide that a peak in rates will be soon followed by rate cuts, which would loosen financial conditions and undermine its attempts to quash inflation. The language also gives the Bank of England the flexibility to respond to new developments. A rebound in services inflation, another surge in wage growth and/or a further leap in oil prices could conceivably force it to raise rates at the next meeting on 2nd November, or even pause in November and raise rates in December.
- The yield on 10-year Gilts fell from a peak of 4.74% on 17th August to 4.44% on 29th September, mainly on the back of investors revising down their interest rate expectations. But even after their recent pullback, the rise in Gilt yields has exceeded the rise in most other Developed Market government yields since the start of the year. Looking forward, once inflation falls back, Gilt yields are set to reduce further. A (mild) recession over the next couple of quarters will support this outlook if it helps to loosen the labour market (higher unemployment/lower wage increases).
- The pound weakened from its cycle high of \$1.30 in the middle of July to \$1.21 in late September. In the first half of the year, the pound bounced back strongly from the Truss debacle last autumn. That rebound was in large part driven by the substantial shift up in UK interest rate expectations. However, over the past couple of months, interest rate expectations have dropped sharply as inflation started to come down, growth faltered, and the Bank of England called an end to its hiking cycle.
- The FTSE 100 has gained more than 2% since the end of August, from around 7,440 on 31st August to 7,608 on 29th September. The rebound has been primarily driven by higher energy prices which boosted the valuations of energy companies. The FTSE 100’s relatively high concentration of energy companies helps to explain why UK equities outperformed both US and Euro-zone equities in September. Nonetheless, as recently as 21<sup>st</sup> April the FTSE 100 stood at 7,914.

### 3.2 Interest Rate Forecasts

The Council has appointed Link Group as its treasury advisors and part of their service is to assist the Council to formulate a view on interest rates. The PWLB rate forecasts below are based on the Certainty Rate (the standard rate minus 20 bps) which has been accessible to most authorities since 1<sup>st</sup> November 2012.

The latest forecast on 25<sup>th</sup> September sets out a view that short, medium and long-dated interest rates will be elevated for some little while, as the Bank of England seeks to squeeze inflation out of the economy.

Link Group Interest Rate View	25.09.23												
	Dec-23	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25	Mar-26	Jun-26	Sep-26	Dec-26
<b>BANK RATE</b>	5.25	5.25	5.25	5.00	4.50	4.00	3.50	3.00	2.75	2.75	2.75	2.75	2.75
3 month ave earnings	5.30	5.30	5.30	5.00	4.50	4.00	3.50	3.00	2.80	2.80	2.80	2.80	2.80
6 month ave earnings	5.60	5.50	5.40	5.10	4.60	4.10	3.60	3.10	2.90	2.90	2.90	2.90	2.90
12 month ave earnings	5.80	5.70	5.50	5.20	4.70	4.20	3.70	3.20	3.00	3.00	3.00	3.00	3.00
5 yr PWLB	5.10	5.00	4.90	4.70	4.40	4.20	4.00	3.90	3.70	3.70	3.60	3.60	3.50
10 yr PWLB	5.00	4.90	4.80	4.60	4.40	4.20	4.00	3.80	3.70	3.60	3.60	3.50	3.50
25 yr PWLB	5.40	5.20	5.10	4.90	4.70	4.40	4.30	4.10	4.00	3.90	3.80	3.80	3.80
50 yr PWLB	5.20	5.00	4.90	4.70	4.50	4.20	4.10	3.90	3.80	3.70	3.60	3.60	3.60

## 4. Treasury Management Strategy Statement and Annual Investment Strategy Update

The Treasury Management Strategy Statement, (TMSS), for 2023/24 was approved by this Council on the 22<sup>nd</sup> February 2023.

- There are no policy changes to the TMSS; the details in this report update the position in the light of the updated economic position and budgetary changes already approved.

## 5. The Council's Capital Position (Prudential Indicators)

This part of the report is structured to update:

- The Council's capital expenditure plans;
- How these plans are being financed;
- The impact of the changes in the capital expenditure plans on the prudential indicators and the underlying need to borrow; and
- Compliance with the limits in place for borrowing activity.

### 5.1 Prudential Indicator for Capital Expenditure

This table shows the revised estimates for 2023/24 capital expenditure and the changes since the capital programme was agreed at the Budget. The capital programme has been updated to reflect the Council's newly adopted 2023-27 Corporate Plan.

Capital Expenditure by Service	2023/24 Original Estimate £m	Current Position (Actuals) £m	2023/24 Revised Estimate £m
Our Greener Future	7.242	0.937	30.448
Developing Our Communities	1.360	0.822	3.893
Meeting Our Housing Needs	1.825	1.388	6.257
Investing In Our Local Economy & Infrastructure	2.533	0.580	5.499
A Strong, Responsible & Accountable Council	0.185	0.015	0.325
<b>Total capital expenditure</b>	<b>13.145</b>	<b>3.742</b>	<b>46.164</b>

Adjustments over £100k to the 2023/24 Capital Programme are highlighted below:

***Our Greener Future:***

Full Council have approved significant capital budgets for major coastal projects. These projects will be almost entirely funded by Environment Agency (EA) grants. There could be an impact on the Council's cash flow if there's a lag between project spending and receiving the grant income. This will have to be factored into the cashflow forecast during the lifetime of such large financial schemes.

- An additional budget of £3.583m has been added to the Cromer Coastal Protection Scheme.
- An additional budget of £3.911m has been added to the Mundesley Coastal Management Scheme.

The increases in budget for both capital projects were approved at full Council on 20 September 2023. The cost of the schemes has increased significantly due to inflationary pressures over the last couple of years. The EA have recognised this and have increased the grant funding available to cover these inflationary increases.

- An additional budget of £13.595m has been added to the Coastwise project.

Again, the EA has agreed to increase the grant funding for the Coastwise project. The original 2023/24 budget of £1.015m was funded through grant funding from DEFRA (Department for Environment, Food & Rural Affairs).

***Developing Our Communities:***

- A new budget of £370,000 has been approved to replace the Public Conveniences at Albert Street Holt. The Public Conveniences need to be replaced after a significant amount of damage was sustained when a member of the public drove into the building. Some of the funding for this project will be met through the insurance claim.

***Meeting Our Housing Needs:***

- An additional £118,203 has been added to the Disabled Facilities Grants Programme.

This is additional grant funding from central government to support a discretionary scheme aimed at delivering small scale support to those in need at the Council's separately to the main programme.

***Investing In Our Local Economy And Infrastructure:***

- A new budget of £364,460 has been included for the Rural England Prosperity Fund.

This is a new scheme by central government to help support local businesses and communities by issuing grants to help support new community infrastructure.

## **5.2 Changes to the Financing of the Capital Programme**

The table below draws together the main strategy elements of the capital expenditure plans (above), highlighting the original supported and unsupported elements of the capital programme, and the expected financing arrangements of this capital expenditure. The borrowing element of the table increases the underlying indebtedness of the Council by way of the Capital Financing Requirement (CFR), although this will be reduced in part by revenue charges for the repayment of debt (the Minimum Revenue Provision). This direct borrowing need may also be supplemented by maturing debt and other treasury requirements.

Capital Expenditure	2023/24 Original Estimate £m	2023/24 Current Position	2023/24 Revised Estimate £m
<b>Total capital expenditure</b>	<b>23.361</b>	<b>3.743</b>	<b>46.164</b>
<b>Financed by:</b>			
Capital receipts	7.705	1.479	7.618
Capital grants and other contributions	11.858	1.113	34.631
Capital reserves	3.743	1.151	3.543
Revenue	0.050	0.000	0.050
<b>Total financing</b>	<b>23.356</b>	<b>3.743</b>	<b>45.842</b>
<b>Borrowing requirement</b>	<b>0.000</b>	<b>0.000</b>	<b>0.322</b>

The most significant change to the financing of the capital programme is the grant income, this is explained by the above points in section 5.1. attributed to the large coastal schemes that were approved in September 2023.

### 5.3 Changes to the Prudential Indicators for the Capital Financing Requirement (CFR), External Debt and the Operational Boundary

The table below shows the CFR, which is the underlying external need to incur borrowing for a capital purpose. It also shows the expected debt position over the period, which is termed the Operational Boundary.

#### Prudential Indicator – Capital Financing Requirement

The Council is on target to achieve an acceptable Capital Financing Requirement balance (not in a debt position).

#### Prudential Indicator – the Operational Boundary for external debt

	2023/24 Original Estimate £m	Current Position £m	2023/24 Revised Estimate £m
<b>Prudential Indicator – Capital Financing Requirement</b>			
<b>Total CFR as at 1<sup>st</sup> April 2023/24</b>	15.111	15,111	15.111
<b>Net movement in CFR</b>	<b>0.922</b>		<b>(0.327)</b>
<b>Prudential Indicator – the Operational Boundary for external debt</b>			
Borrowing	9.000	10.000	5,000
<b>Total debt (year end position)</b>	<b>(7.033)</b>	<b>(5.111)</b>	<b>(9.784)</b>

Commented [JM1]: Assuming same as closing 22/23 balance as no unfinanced expenditure during mid-year?

Commented [JM2]: Based on current treasury plan of only renewing half of short-term borrowing in December 2023.

## 5.4 Limits to Borrowing Activity

The first key control over the treasury activity is a prudential indicator to ensure that over the medium term, net borrowing (borrowings less investments) will only be for a capital purpose. **Gross external borrowing** should not, except in the short term, exceed the total of CFR in the preceding year plus the estimates of any additional CFR for 2023/24 and next two financial years. This allows some flexibility for limited early borrowing for future years. The Council has approved a policy for borrowing in advance of need which will be adhered to if this proves prudent.

	2023/24 Original Estimate £m	Current Position £m	2023/24 Revised Estimate £m
<b>Total debt (Borrowing)</b>	9.000	10.000	5.000
<b>CFR* (year end position)</b>	16.033	15.111	14.784

A further prudential indicator controls the overall level of borrowing. This is **the Authorised Limit** which represents the limit beyond which borrowing is prohibited and needs to be set and revised by Members. It reflects the level of borrowing which, while not desired, could be afforded in the short term, but is not sustainable in the longer term. It is the expected maximum borrowing need with some headroom for unexpected movements. This is the statutory limit determined under section 3 (1) of the Local Government Act 2003.

Authorised limit for external debt	2023/24 Original Indicator £m	Current Position £m	2023/24 Revised Indicator £m
Maximum Gross Borrowing	15	10	15

## 6. Borrowing

The Council's capital financing requirement (CFR) for 2023/24 is currently £15.111m. The CFR denotes the Council's underlying need to borrow for capital purposes. If the CFR is positive the Council may borrow from the PWLB or the market (external borrowing), or from internal balances on a temporary basis (internal borrowing). The balance of external and internal borrowing is generally driven by market conditions. Table 5.4 shows the Council has borrowings of £10m. This is a prudent and cost-effective approach in the current economic climate but will require ongoing monitoring if further upside risk to gilt yields prevails.

Due to the overall financial position and the underlying need to borrow for capital purposes (the CFR), new external borrowing of £1m was undertaken. The capital programme is being kept under regular review due to the effects of inflationary pressures, shortages of materials and labour. Our borrowing strategy will, therefore, also be regularly reviewed and then revised, if necessary, to achieve optimum value and risk exposure in the long-term.

It is anticipated that the Council's total borrowing will be reduced over the 2023/24 financial year down to a total of £5m. This short-term borrowing is dependent on the cash flow and delivery of the Council's capital programme. However, if a large amount of long-term cash is required the Treasury will consider taking out long-term borrowing or reducing the Council's current level of long-term investments.

### PWLB maturity certainty rates (gilts plus 80bps) year to date to 29th September 2023

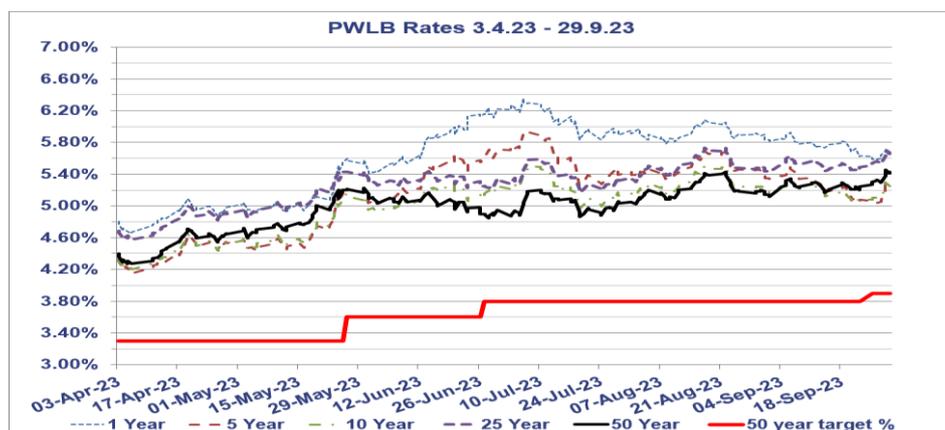
Gilt yields and PWLB certainty rates were on a generally rising trend throughout the first half of 2023/24. At the beginning of April, the 5-year rate was the cheapest part of the curve and touched 4.14% whilst the 25-year rate was relatively expensive at 4.58%.

July saw short-dated rates peak at their most expensive. The 1-year rate spiked to 6.36% and the 5-year rate to 5.93%. Although, in due course, short-dated rate expectations fell, the medium dates shifted higher through

August and the 10-year rate pushed higher to 5.51% and the 25-year rate to 5.73%. The 50-year rate was 4.27% on 5<sup>th</sup> April but rose to 5.45% on 28<sup>th</sup> September.

We forecast rates to fall back over the next two to three years as inflation dampens. The CPI measure of inflation is expected to fall below 2% in the second half of 2024, and we forecast 50-year rates to stand at 3.90% by the end of September 2025. However, there is considerable gilt issuance to be digested by the market over the next couple of years, as a minimum, so there is a high degree of uncertainty as to whether rates will fall that far.

#### PWLB RATES 01.04.23 - 29.09.23



#### HIGH/LOW/AVERAGE PWLB RATES FOR 01.04.23 – 29.09.23

	1 Year	5 Year	10 Year	25 Year	50 Year
<b>Low</b>	4.65%	4.14%	4.20%	4.58%	4.27%
<b>Date</b>	06/04/2023	06/04/2023	06/04/2023	06/04/2023	05/04/2023
<b>High</b>	6.36%	5.93%	5.51%	5.73%	5.45%
<b>Date</b>	06/07/2023	07/07/2023	22/08/2023	17/08/2023	28/09/2023
<b>Average</b>	5.62%	5.16%	5.01%	5.29%	5.00%
<b>Spread</b>	1.71%	1.79%	1.31%	1.15%	1.18%

- The current PWLB rates are set as margins over gilt yields as follows: -
  - PWLB Standard Rate** is gilt plus 100 basis points (G+100bps)
  - PWLB Certainty Rate (GF)** is gilt plus 80 basis points (G+80bps)
  - PWLB Local Infrastructure Rate** is gilt plus 60 basis points (G+60bps)
  - PWLB Certainty Rate (HRA)** is gilt plus 40bps (G+40bps)
- The **UK Infrastructure Bank** will lend to local authorities that meet its scheme criteria at a rate currently set at gilt plus 40bps (G+40bps).

## 7. Debt Rescheduling

The Council has no long-term debt, and therefore no debt rescheduling has occurred.

## 8. Compliance with Treasury and Prudential Limits

It is a statutory duty for the Council to determine and keep under review the affordable borrowing limits. During the half year ended 30<sup>th</sup> September 2023, the Council has operated within the treasury and prudential indicators set out in the Council's Treasury Management Strategy Statement for 2023/24. The Director of Finance reports that no difficulties are envisaged for the current or future years in complying with these indicators.

All treasury management operations have also been conducted in full compliance with the Council's Treasury Management Practices.

## 9. Annual Investment Strategy

The Treasury Management Strategy Statement (TMSS) for 2023/24, which includes the Annual Investment Strategy, was approved by the Council on the 22<sup>nd</sup> of February 2023. In accordance with the CIPFA Treasury Management Code of Practice, it sets out the Council's investment priorities as being (in order of priority):

- Security of investments
- Liquidity
- Yield

The Council will aim to achieve the optimum return (yield) on its investments commensurate with proper levels of security and liquidity and within the Council's risk appetite. In the current economic climate, it is considered appropriate to keep investments short term to cover cash flow needs, but with the current priority to seek out value available in periods up to 12 months with high credit quality financial institutions, so that the Council can maintain a high level of liquidity during a period of high borrowing rates.

### **Creditworthiness.**

Following the Government's fiscal event on 23<sup>rd</sup> September 2022, both S&P and Fitch placed the UK sovereign debt rating on Negative Outlook, reflecting a downside bias to the current ratings in light of expectations of weaker finances and a challenging economic outlook. Nothing further has evolved in the first half of 2023/24.

### **Investment Counterparty criteria**

The current investment counterparty criteria selection approved in the TMSS is meeting the requirement of the treasury management function.

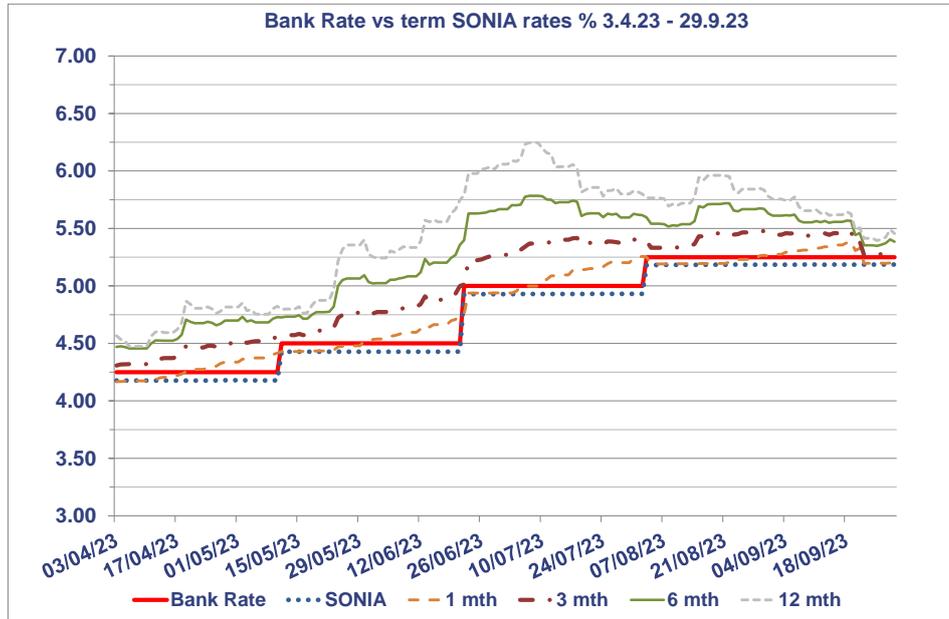
### **CDS prices**

It is noted that sentiment in the current economic climate can easily shift, so it remains important to undertake continual monitoring of all aspects of risk and return in the current circumstances.

### **Investment balances**

The average level of funds available for investment purposes during the first half of the financial year was **£32.513m**. These funds were available on a temporary basis, and the level of funds available was mainly dependent on the timing of precept payments, receipt of grants and progress on the capital programme. The Council holds **£24.327m** core cash balances for investment purposes (i.e., funds invested for more than one year).

Investment performance year to date as of 29<sup>th</sup> September 2023



	Bank Rate	SONIA	1 mth	3 mth	6 mth	12 mth
<b>High</b>	5.25	5.19	5.39	5.48	5.78	6.25
<b>High Date</b>	03/08/2023	29/09/2023	19/09/2023	30/08/2023	07/07/2023	07/07/2023
<b>Low</b>	4.25	4.18	4.17	4.31	4.46	4.47
<b>Low Date</b>	03/04/2023	04/04/2023	03/04/2023	03/04/2023	06/04/2023	06/04/2023
<b>Average</b>	4.81	4.74	4.83	5.03	5.26	5.45
<b>Spread</b>	1.00	1.01	1.22	1.17	1.33	1.77

The table above covers the first half of 2023/24.

Investment performance year to date as of 30<sup>th</sup> September 2023

Period	SONIA benchmark return %	Council Average Interest Rate %	Investment interest earned £k
<7 day	4.74	5.57	210.682
12< month	5.45	6.55	676.625
<b>Overall</b>	5.26	6.29	887.306

As illustrated, the Council is outperforming the benchmark for the first half of 2023/24. The Council's budgeted investment return for the first half of 2023/24 is £773, and performance for the year to date is above budget by £114k.

## Fund investments

A high-level summary of the Council's investment portfolio is shown below:

Treasury Investments			
Type of Investment	Capital Value £	Interest 23/24 £	Average interest rate %
Short-dated bond funds	1,011,511	18,610	4.42
Strategic bond funds	5,000,000	94,030	4.52
Equity income funds	5,569,760	172,159	7.42
Property funds	5,000,000	143,374	6.89
Multi asset income funds	6,000,000	163,847	6.56
<b>Total pooled investments</b>	<b>22,581,271</b>	<b>592,021</b>	<b>6.30</b>

Money Market Funds	6,700,000	208,343	7.47
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<b>Total Treasury Investments</b>	<b>29,281,271</b>	<b>800,364</b>	<b>6.56</b>
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Loans for Service Investments			
LN0001 - Broadland Housing Association	1,884,620	79,288	3.80
LN0002 - Homes for Wells	149,831	5,316	3.00
LN0002 - Homes for Wells	42,500	-	5.50
LN0002 - Homes for Wells	67,500	-	5.50
<b>Total Loans Investments</b>	<b>2,144,451</b>	<b>84,604</b>	<b>9.47</b>

## Approved limits

Officers can confirm that the approved limits within the Annual Investment Strategy were not breached during the period ending 30th September 2023.

## 10. Other

### Changes in risk appetite

The 2021 CIPFA Codes and guidance notes place importance on risk management. Where an authority changes its risk appetite e.g., for moving surplus cash into or out of certain types of investment funds or other types of investment instruments, this change in risk appetite and policy should be brought to members' attention in treasury management update reports.

## 11. Approved Countries for Investments as of 30th September 2023

*Below are the approved acceptable counterparty ratings adopted by the Council and as advised by Link treasury services.*

*To confirm, the Council currently only invests in UK based funds, (rated AA- or above) and has no investments in other countries.*

### **Based on lowest recommended rating**

#### **AAA**

- Australia
- Denmark
- Germany
- Netherlands
- Norway
- Singapore
- Sweden
- Switzerland

#### **AA+**

- Canada
- Finland
- U.S.A.

#### **AA**

- Abu Dhabi (UAE)

#### **AA-**

- Belgium
- France (downgraded by Fitch on 9<sup>th</sup> May 2023)
- Qatar
- **U.K.**

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Council Tax Discounts & Premiums Determination 2024-25	
<b>Executive Summary</b>	This report sets out the proposed level of council tax discounts which shall apply to classes of dwelling for the financial year 2024-25.
<b>Options considered.</b>	The recommendations enable the Council to take action, as a result of the reforms included in the Local Government Finance Act 2012 (as amended), to encourage homeowners to bring their homes back into use and generate council tax income.
<b>Consultation(s)</b>	<p>The legislation provides local authorities with the power to determine the level of council tax discount in relation to certain classes of property. The Council must approve its determinations for each financial year. The calculation of the tax base for 2024/25 will be made on the assumption that the determinations recommended below will apply.</p> <p>In accordance with the relevant legislation these determinations shall be published in at least one newspaper circulating in North Norfolk before the end of the period of 21 days beginning with the date of the determinations.</p>
<b>Recommendations</b>	<p>Recommend to Full Council that under Section 11A of the Local Government Finance Act 1992 and in accordance with the provisions of the Local Government Finance Act 2012 and other enabling powers that:</p> <ol style="list-style-type: none"> <li>1) The discounts for the year 2024-25 and beyond are set at the levels indicated in the table at paragraph 3.1.</li> <li>2) To continue to award a local discount of 100% in 2024-25 for eligible cases of hardship under Section 13A of the Local Government Finance Act 1992 (as amended). See the associated policy in Appendix B.</li> <li>3) That an exception to the levy charges may continue to be made by the Revenues Manager in the circumstances laid out in section 3.2 of this report.</li> <li>4) The premiums for the year 2024-25 and beyond are set at the levels indicated in the table at paragraph 4.2.</li> <li>5) To continue to award a local discount of 100% in 2024-25 for eligible cases of care leavers under Section 13A of the Local Government Finance Act 1992 (as amended).</li> </ol>

	<p>6) Those dwellings that are specifically identified under regulation 6 of the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 will retain the 50% discount as set out in paragraph 2.1 of this report.</p> <p>7) Those dwellings described or geographically defined at Appendix A which in the reasonable opinion of the Revenues Manager are judged not to be structurally capable of occupation all year round and were built before the restrictions of seasonal usage were introduced by the Town and Country Planning Act 1947, will be entitled to a 35% discount.</p> <p>8) The long-term empty-property premium of 100% is brought forward to increase from 12 months rather than 24 months from 1 April 2025, subject to the necessary legislation.</p> <p>9) A new second homes premium of 100% as detailed in paragraph 4.3 is applied from 1 April 2025, subject to the necessary legislation.</p>
<b>Reasons for recommendations</b>	To set appropriate council tax discounts and premiums which will apply in 2024-25 and to raise council tax revenue.
<b>Background papers</b>	Local Authorities are required to approve their Council Tax discount determinations each year. The legislation provides local authorities with powers to make changes to the level of council tax discount in relation to certain types of properties.

<b>Wards affected</b>	All
<b>Cabinet member(s)</b>	Cllr Lucy Shires
<b>Contact Officer</b>	Sean Knight Revenues Manger <a href="mailto:Sean.Knight@north-norfolk.gov.uk">Sean.Knight@north-norfolk.gov.uk</a>

<b>Links to key documents:</b>	
Corporate Plan:	Strong Responsible & Accountable Council.
Medium Term Financial Strategy (MTFS)	The discounts and premiums approved by Members will be used for calculating the tax base used in the budget setting and is part of the Medium-Term Finance Strategy.
Council Policies & Strategies	<b>Budget Setting &amp; Medium-Term Finance Strategy.</b>

<b>Corporate Governance:</b>	
Is this a key decision	Yes
Has the public interest test been applied	Yes
Details of any previous decision(s) on this matter	October 2022, Council Tax Discounts & Premiums Determination 2023-24.

## **1. Purpose of the report**

This report sets out the proposed level of council tax discounts which shall apply to classes of dwelling for the financial year 2024-25.

## **2. Introduction & Background**

- 2.1 All billing authorities can reduce or end the nationally set 50% council tax discount for second homes. The exception to this rule is that billing authorities cannot change the discount for second homes of people who are liable for council tax on dwellings provided by an employer, i.e., tied accommodation, as established under regulation 6 of the Council Tax (prescribed classes of dwellings) (England) Regulations 2003.
- 2.2 It is for the billing authority to determine if changes on discounts apply to all or parts of its area. An area can be as small as one property (provided it can be defined geographically) and different discounts can apply in different parts of the area.
- 2.3 Properties that are classed as Long-Term Empty (those that have not been occupied for a period of 24 months) can be charged a premium on their Council Tax, which is currently 100% of the charge.
- 2.4 The Council also has powers under Section 13A of the Local Government Finance Act 1992 (as amended) to introduce discounts to particular taxpayers.
- 2.5 Since April 2013 North Norfolk District Council (as a billing authority) has had additional powers to vary the levels of council tax discount offered in the district. Reductions in the discounts offered or increases in the premiums charged will generate additional revenue for both the District Council and major preceptors.

## **3. Current Discounts and Premiums Proposed for 2024-25**

- 3.1 The table below details the existing discounts which the Council has in place. This report proposes these discount levels remain the same for 2024-25.

<b>Class</b>	<b>Description</b>	<b>2023/24 Discount</b>	<b>Proposed Discount from 1<sup>st</sup> April 2024</b>
Class A	Dwellings which are not the sole or main residence, are furnished, but their continuous occupation is restricted by planning regulations to less than 28 days a year.	10% Discount	10% Discount
Class B	All other dwellings which are not the sole or main residence, are furnished, and their continuous occupation is not restricted by planning regulations to less than 28 days a year.	No Discount	No Discount
Class C	All dwellings which are unoccupied and substantially unfurnished.	No Discount	No Discount
Class D	Dwellings that are unoccupied and unfurnished and: <ul style="list-style-type: none"> <li>• require or are undergoing major repair to make them habitable.</li> <li>• are undergoing structural alteration.</li> <li>• have undergone major repair work to render them habitable, if less than six months have elapsed since the date on which the alteration was substantially completed, and the dwelling has continuously remained unoccupied and unfurnished since that date</li> </ul>	No Discount	50% Discount

The number of properties affected by the Class D discount is currently very low, the last few years are shown in the table below, however numbers were higher pre-2017 before the discount was removed (circa 100 to 150). The cost of applying this discount is not considered material for the Council at the current property numbers and level of properties can be reviewed annually when reviewing the discounts levels set to ensure the discount remains affordable. To put this into context the Council collects council tax from circa 56,000 properties.

<b>Band</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
A	-	4	14
B	3	3	13
C	-	4	11
D	2	1	7
E	4	2	6
F	1	-	6
G	1	-	1
H	-	-	0
<b>Total</b>	<b>11</b>	<b>14</b>	<b>58</b>

It is proposed to continue the 50% discount level applied in 2024-25.

- 3.2 In 2022-23 the Council introduced a new discount under Section 13A of the Local Government Finance Act 1992 (as amended) to give 100% relief to those experiencing hardship. It is proposed that this discretionary reduction

and associated policy and application process remains in place for 2024-25. To date there has been one claim provided through this discount in 2022-23.

#### **4. Empty Homes Premium and Section 13A Discounts**

- 4.1 Between 2013 and 2019 the Council has charged the maximum premium of 50% (on top of the usual 100% charge) on long term empty properties i.e., those that have been empty continuously for 24 months or more.

The Council currently has the legal powers to increase the levy premium level anywhere from 50% to 100%, which would effectively mean a 200% charge on qualifying properties. This has been in place since the 2019/20 financial year. In the 2020/21 financial year, the Council introduced a levy of 200% on properties unoccupied for longer than 60 months, and in the 2021/22 financial year a levy of 300% was introduced on properties that had been empty for 120 months.

- 4.2 The table below details the existing premiums which the Council has in place currently and this report proposes these discount levels remain the same for 2024-25. The premium is the amount above the existing 100% council tax charge, so for example a long-term empty property which has been empty for longer than 24 months will pay council tax at a 200% level (double the normal level).

<b>Description</b>	
Long term empty properties that have been empty for a consecutive period of longer than 24 months	100% premium
Long term empty properties that have been empty for a consecutive period of longer than 60 months	200% premium
Long term empty properties that have been empty for a consecutive period of longer than 120 months	300% premium

The levy premium cannot apply to homes that are empty due to the occupant living in armed forces accommodation for job-related purposes, or to annexes being used as part of a main property.

Currently there are just over 150 properties that fall within the bracket of long-term empty properties longer than 24 months within North Norfolk, so this is viewed as a policy tool to encourage efficient use of available housing within the district.

Officers are aware there are cases where long term empty properties are undergoing significant renovations to bring them back into use. It is proposed that to continue to encourage this that the continued discretion be given to the Revenues Manager to allow exceptions to the Levy charge in these cases. It is anticipated that there are only a small number of qualifying properties in the District, so it is not considered to be a significant financial risk to the Council.

#### **Levelling-up and Regeneration Bill**

The Levelling-up and Regeneration Bill (introduced in the Queen's Speech in May 2022) is still at its final stage before receiving royal ascent. When the bill becomes an Act of Parliament it will give additional powers to the Council which can then reduce the number of months from 24 months to 12 months to

apply the empty property premium. If supported by Members, this would mean council taxpayers would pay the increased 100% premium when a long-term empty property reaches 12 months stage rather than 24 months as it is currently. This is likely to be effective from 1 April 2024. There are currently circa 200 of these empty homes in the North Norfolk area.

### **Proposed new Premium.**

- 4.3 The Levelling-up and Regeneration Bill proposes that billing authorities would have the power to charge a 100% premium on second homes.

This proposal requires legislation to be laid and Royal Assent before it becomes available for billing authorities to use. In addition, a determination has to be made at least one year before the beginning of a financial year to which it relates once the Bill receives Royal Assent. The earliest the Council could potentially apply this premium from is 1 April 2025.

It is proposed that, subject to the necessary legislation, the Council charges a 100% premium on second homes (council tax properties that are unoccupied and furnished) with effect from 1 April 2025. The Bill requires billing authorities “to have a minimum period of 12 months between making its first determination and the financial year in which it takes effect, which is why approval is now being sought. There are currently circa 4,600 second homes in the North Norfolk area.

### **Care Leavers Discounts**

- 4.4 The Council currently awards a local discount of 100% for eligible cases of care leavers under section 13A of the Local Government Finance Act 1992 (as amended). The costs of this are fully compensated by Norfolk County Council.

### **Classes of Property**

- 4.5 The Regulations differentiate between classes of property as follows:

- “Class A” - properties are those which are not an individual’s sole or main residence, are furnished and have seasonal planning prohibition (i.e., preventing occupation for a continuous period of at least 28 days)
- “Class B” - properties are those which are not an individual’s sole or main residence, are furnished and have no restrictions with regard to occupation.

In effect Class A properties are second homes where occupancy is restricted for a period of at least 28 days a year where Class B properties have no restrictions on occupancy.

### **Formal Determinations**

- 4.6 The Council must approve its determinations for each financial year. It should be noted that the schedule of Class “B” property exceptions shown in Appendix A and referred to in recommendation 7 above, is believed to include all dwellings potentially entitled to retain a discount for the year commencing 1 April 2024 for the reason stated. Under the wording of the 2003 regulations, changes cannot be made to the schedule once the determinations have been

made. Should further properties be notified to the Council for possible inclusion in the list for exemptions, they may only be added when the determinations for 2025-26 are introduced from 1 April 2025.

## **Corporate Plan Objectives**

- 4.7 Local Homes for Local Need = Providing council tax discounts and premiums supports bringing homes back into use.
- 4.8 Financial Sustainability and Growth = Council tax premiums charged generate income to the Council and major preceptors to support financial sustainability.

## **5. Financial and Resource Implications**

- 5.1 The discounts and premiums approved by Members will be used for calculating the tax base used in the budget setting and is part of the Medium-Term Finance Strategy.
- 5.2 The calculation of the tax base for 2024-25 will be made alongside the budget, based on the level of discounts and premiums approved by Members. The taxbase dictates the expected income to the Council from Council Tax in the following year. Any increase in discounts or decrease in premiums will reduce the taxbase, and therefore also income.

### **Comments from the S151 Officer:**

The Council must approve its Determinations each year for the following financial year. The ones proposed in this report will provide a fair system that will encourage bringing homes back into use and will maximise income.

It is expected that the Bill will become law within the next month or so, which will enable the Council to comply within the statutory timeframe so that the discounts and premiums can be introduced from 1 April 2025.

## **6. Legal Implications**

- 6.1 This report does not raise any new legal implications.

### **Comments from the Monitoring Officer**

The Council has the power to make changes to the level of council tax discount and needs to approve such for each financial year. With regard to the proposed premiums, this is dependent on the anticipated legislation, but the proposed premiums are being set to meet the timeframe identified.

## **7. Risks**

- 7.1 This report does not raise any new risks.

## **8. Net Zero Target**

- 8.1 This report does not raise any issues relating to Climate change.

## **9. Equality, Diversity & Inclusion**

- 9.1 This report does not raise any new issues relating to equality and diversity.

## **10. Community Safety issues**

- 10.1 This report does not raise any issues relating to Crime and Disorder considerations.

## **11. Conclusion and Recommendations**

- 11.1 This report sets out the proposed level of council tax discounts which shall apply to classes of dwelling for the financial year 2024-25.

Recommend to Full Council that under Section 11A of the Local Government Finance Act 1992 and in accordance with the provisions of the Local Government Finance Act 2012 and other enabling powers that:

- 1) The discounts for the year 2024-25 and beyond are set at the levels indicated in the table at paragraph 3.1.
- 2) To continue to award a local discount of 100% in 2024-25 for eligible cases of hardship under Section 13A of the Local Government Finance Act 1992 (as amended). See the associated policy in Appendix B.
- 3) That an exception to the levy charges may continue to be made by the Revenues Manager in the circumstances laid out in section 3.2 of this report
- 4) The premiums for the year 2024-25 and beyond are set at the levels indicated in the table at paragraph 4.2.
- 5) To continue to award a local discount of 100% in 2024-25 for eligible cases of care leavers under Section 13A of the Local Government Finance Act 1992 (as amended).
- 6) Those dwellings that are specifically identified under regulation 6 of the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 will retain the 50% discount as set out in paragraph 2.1 of this report.
- 7) Those dwellings described or geographically defined at Appendix A which in the reasonable opinion of the Revenues Manager are judged not to be structurally capable of occupation all year round and were built before the restrictions of seasonal usage were introduced by the Town and Country Planning Act 1947, will be entitled to a 35% discount.
- 8) The long-term empty-property premium of 100% is brought forward to increase from 12 months rather than 24 months from 1 April 2025, subject to the necessary legislation.
- 9) A new second homes premium of 100% as detailed in paragraph 4.3 is applied from 1 April 2025, subject to the necessary legislation.

<u>Property Reference</u>	<u>Property Name/ Number</u>	<u>Property Address</u>	<u>Post Code</u>
<b>Brimbelow Road, Hoveton</b>			
052371	Bure Banks	Brimbelow Road, Hoveton, Norwich, Norfolk	NR12 8UJ
014717	Bure Croft	Brimbelow Road, Hoveton, Norwich, Norfolk	NR12 8UJ
059714	Bureway	Brimbelow Road, Hoveton, Norwich, Norfolk	NR12 8UJ
014730	Morlands	Brimbelow Road, Hoveton, Norwich, Norfolk	NR12 8UJ
059715	Rosemere	Brimbelow Road, Hoveton, Norwich, Norfolk	NR12 8UJ
057285	Summer Craft	Brimbelow Road, Hoveton, Norwich, Norfolk	NR12 8UJ
014776	Summer Haven	Brimbelow Road, Hoveton, Norwich, Norfolk	NR12 8UJ
774241	Summer Lodge	Brimbelow Road, Hoveton, Norwich, Norfolk	NR12 8UJ
014744	Summer Vale	Brimbelow Road, Hoveton, Norwich, Norfolk	NR12 8UJ
014745	Summer Vista	Brimbelow Road, Hoveton, Norwich, Norfolk	NR12 8UJ
014742	Summerville	Brimbelow Road, Hoveton, Norwich, Norfolk	NR12 8UJ
773269	Sunrest	Brimbelow Road, Hoveton, Norwich, Norfolk	NR12 8UJ
714750	The Patch	Brimbelow Road, Hoveton, Norwich, Norfolk	NR12 8UJ
058865	The Wherry	Brimbelow Road, Hoveton, Norwich, Norfolk	NR12 8UJ
774664	Willow Cabin	Brimbelow Road, Hoveton, Norwich, Norfolk	NR12 8UJ

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**North Norfolk District Council's  
Council Tax  
Discretionary Reduction  
(Hardship Relief) Policy**

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## 1. Purpose of Policy Document

1.1 This policy sets out the Council's approach to the awarding of discretionary reductions in respect of Council Tax liability. It has been designed to ensure that all customers making an application for a reduction are treated in a fair, consistent and equal manner.

1.2 This policy has been written to:

- Set guidelines for the factors that should be considered when making a decision to award or refuse an application.
- Set out the delegated authority to award reductions in appropriate circumstances.
- Advise how customers dissatisfied with the decision made, can appeal.
- Safeguard the interest of the local taxpayers by ensuring that funds that are allocated for the award of reductions are used in the most effective and economic way.

## **2. Council Tax Discretionary Reduction Policy**

### **2.1 Introduction**

2.1.1 Councils have the power to reduce the amount of Council Tax a person has to pay to such an extent as they see fit. This includes the power to reduce an amount to nil and may be exercised in relation to particular cases or by determining a class of property in which liability is to be reduced to an extent provided for by the determination. There is a cost to the Council in respect of any discretionary relief awarded and is met by the Council's collection fund.

### **2.2 Legislation**

2.2.1 Council Tax discretionary reductions are included in Section 13A Local Government Finance Act 1992 as amended by Local Government Act 2003, section 76. Section 76 gives councils the authority to make a discretionary payment of Council Tax where it is satisfied that the taxpayer would sustain exceptional hardship if it did not do so.

### **2.3 North Norfolk District Councils Policy**

2.3.1 North Norfolk District Council has not defined any specific class of property on which to award a section 13A discount.

2.3.2 Applications for a reduction will usually only be considered in individual cases where severe hardship or extenuating circumstances can be demonstrated.

2.3.3 Where an application is successful, the award will be paid/credited directly to the Council Tax account.

### **2.4 Criteria**

2.4.1 Each application will be assessed on its individual merits. When assessing applications, the following considerations will be made:

- All applications are only intended as short-term assistance and awards will not extend beyond the current financial year and should not be considered as a way of reducing Council Tax liability indefinitely.
- Reductions-or remission will be the exception and not the rule.
- Council Tax discretionary reductions will not be awarded for any reason other than to reduce Council Tax liability.
- Reductions-are not to be granted in order to prevent recovery action being instigated by the Council or to stop bankruptcy proceedings commenced by the Council or any other body.
- The applicant must detail the reasons for the application, explaining the specific circumstances and any hardship being experienced.

- There must be evidence of hardship or personal circumstances that justifies a reduction in Council Tax liability. There is no definition in the legislation for 'hardship' and as the scheme is aimed at covering unforeseen events it is not possible to list precise criteria. Applications will be accepted on the basis that the applicant or household would suffer exceptional financial hardship if financial assistance were not given.
- Exceptional circumstances for hardship under the Council Tax regulations will usually be circumstances that are outside the control of the household and beyond normal risks faced by a household. The household must demonstrate that it has done all it can to mitigate those risks and is taking action to minimise them.
- The Council's finances allow for a reduction to be made and it is reasonable to do so in light of the impact on other Council Taxpayers.
- The Council Taxpayer (applicant) must be able to demonstrate that all reasonable steps have been taken to meet their full Council Tax liability prior to application including exploring entitlement to all other reliefs, discounts, exemptions, reductions, discretionary payments, and valuation office appeals.
- The Council Taxpayer (applicant) does not have access to other assets that could be realised and used to pay Council Tax.
- Application for a discretionary reduction should be one of last resort. Applicants will be expected to have explored and secured any lawful entitlement to other benefits, incomes, and reductions in preference to claiming for a reduction. This particularly includes an application for Council Tax Support.
- The liable person for an unoccupied domestic property must have made their best efforts to sell or let the property and not asked for an unreasonable rent or sale price and must show that to levy an empty Council Tax charge would cause them exceptional financial hardship.
- The Council's finances allow for a reduction to be made.
- The amount outstanding must not be the result of wilful refusal to pay or culpable neglect.

2.4.2 Discretionary reductions will be awarded for a short, fixed period depending on the nature and likely duration of the hardship. In all cases reductions will end in the following circumstances:

- At the end of a financial year
- There is a change of liable person.
- The Council Taxpayer enters any form of formal insolvency.
- The Council Taxpayer's financial circumstances significantly change.
- At the end of any fixed period notified to the Council Taxpayer at the time of the award

## **2.5 The Application**

2.5.1 All applications should be made in writing or by completing the web form available on our web site. The form can be completed by an advocate/appointee or a recognised third party acting on their behalf and must contain the necessary information including a full financial statement. Postal application forms and any supporting information should be completed and returned to:

North Norfolk District  
Holt Road  
Cromer  
Norfolk  
NR27 9EN

2.5.2 It is the responsibility of the Council Taxpayer applying for a reduction provide sufficient information and documentary evidence to support their applications. If the Council Taxpayer applying does not, or will not, provide the required evidence; the application will still be considered, but only on the basis of the information and evidence provided. No costs will be borne by the Council in the provision of this evidence.

2.5.3 Further information may be requested to support an application. Where a request for further information is made information must be provided within 4 weeks. Failure to provide information within 4 weeks may lead to the refusal of the application unless good cause can be shown.

## **2.6. The Decision-Making Process**

2.6.1 Upon receipt of a signed application and all supporting documentation /information a standard decision-making process will be followed:

- Initial applications will be checked by Revenues Team Leaders within 28 days of receipt of a signed application to ensure all supporting information / evidence has been included.

- Cases will then be forwarded to the Revenues Manager and the case presented at the next available panel hearing, and a decision made by the representatives attending the hearing.
- Once a decision has been approved the Council Taxpayer will be notified in writing of the decision within 28 days and revised Council Tax demand notices will be issued where applicable
- Whilst every effort will be made to meet the deadlines outlined above, failure by the Council to do so does not qualify the claimant for relief or any financial compensation.

## **2.7. Review of Decision**

2.7.1 The Council will not accept a request from a Council Taxpayer for a re-determination of its decision unless further evidence can be provided.

- If a claimant is dissatisfied with refusal of their application, they may appeal to the Valuation Tribunal for England (VTE) either by completing the online appeal form at <https://www.valuationtribunal.gov.uk/>. You have two months to do this from the date of our reply.

The Valuation Tribunals contact details are.

Valuation Tribunal  
 3<sup>rd</sup> Floor  
 Crossgate House  
 Wood Street  
 Doncaster  
 DN1 3LL  
**Email:** [appeals@valuationtribunal.gov.uk](mailto:appeals@valuationtribunal.gov.uk)  
**Telephone 0300 123 2035**

## **2.8 Recovery of a Discretionary reduction Award**

2.8.1 If a reduction is subsequently cancelled the amount will be withdrawn from the applicant's Council Tax account and will be payable as the Council Tax due under the regulations.

## **2.9 Fraud**

2.9.1 The Council reserves the right to withdraw any reduction made under this scheme where fraud or error has occurred.

2.9.2 The Council reserves the right to withdraw any reduction where the applicant has failed to provide or has knowingly provided false or misleading information.

<b>Future of Emergency Phones</b>	
<b>Executive Summary</b>	<p>Emergency phones are in place at 22 locations along the North Norfolk coast from Morston to Horsey. Providing emergency telephones on beaches is not a statutory requirement, however North Norfolk's have remained in place for over 30 years. Usage data shows not a single emergency telephone anywhere along the coast has been used for a documented emergency for many years.</p> <p>BT have announced their move to digital by 2025 raising uncertainty about the future viability of the emergency phones. Unfortunately BT have been unable to say one way or another whether an alternative option will be available following the change.</p> <p>The cost of keeping these phones operational is over £30k per year. The necessity of providing these phones has now vastly reduced and an opportunity to consider their future now exists.</p>
<b>Options considered</b>	<p><b>Option 1:</b> Do nothing and keep the phones in operation. This option will be affected by the move to digital but we are not sure exactly how at this stage as BT are unable to confirm if there will be an alternative option following the change.</p> <p><b>Option 2:</b> Remove all emergency phones from the districts coastline.</p> <p><b>Option 3:</b> Remove only the emergency phones where mobile phone signal is known to be adequate, leaving those where signal is particularly poor. This option will be affected by the move to digital but we are not sure exactly how at this stage as BT are unable to confirm if there will be an alternative option following the change.</p>
<b>Consultation(s)</b>	<p>Discussions have been held internally within the Leisure Team and the IT department.</p> <p>Externally discussions have been held with the RNLI and Coastguard, who showed no concern about the proposal and indicated that they are reviewing their own processes as a result of BT's digital move.</p>
<b>Recommendations</b>	<p>The Council takes the decision to remove all Emergency Phones in the district.</p>
<b>Reasons for recommendations</b>	<p>1.1 It is proposed that the necessity for Emergency Phones is no longer as important as it once was. Their lack of use and the imminent move by BT to go digital mean that we believe the requirement for these phones no longer exists.</p>

	<p>1.2 BT are unable to provide assurances that an alternative to analogue lines will be available to keep the emergency phones operational post digitilisation. However they have given assurances that mobile phone signal is being targeted for improvement throughout the district.</p> <p>1.3 The Council could make a financial saving of over £30k per annum by removing this service.</p> <p>1.4 It is not deemed that removal would cause significant community safety issues. Partners such as the RNLI have been consulted and raised no concerns either.</p>
<b>Background papers</b>	NA

<b>Wards affected</b>	Coastal, Sheringham South, Beeston Regis and The Runtons, Cromer Town, Suffield Park, Poppyland, Mundesley, Bacton, Happisburgh, Hickling.
<b>Cabinet member(s)</b>	Cllr. Liz Withington Cllr. Harry Blathwayt
<b>Contact Officer</b>	Colin Brown, Leisure & Locality Services Manager, 01263516001

<b>Links to key documents:</b>	
Corporate Plan:	NA
Medium Term Financial Strategy (MTFS)	This could generate a saving to the Council of £30k+
Council Policies & Strategies	NA

<b>Corporate Governance:</b>	
Is this a key decision	Yes
Has the public interest test been applied	Is the item exempt, if so, state why.
Details of any previous decision(s) on this matter	NA

## 2. Purpose of the report

- 1.1 This paper seeks to provide an update on the current position with Emergency Phones in the district and outline the options for the authority going forward.

## 3. Introduction & Background

- 2.1 Emergency phones are in place at 22 locations along the North Norfolk coast from Morston to Horsey. Providing emergency telephones on beaches is not a statutory requirement, however North Norfolk's have remained in place for over 30 years. Usage data shows not a single emergency telephone anywhere along the coast has been used for a documented emergency for many years.
- 2.2 Maintenance and monitoring of these phones is managed by the Leisure Team, and IT deal with the line rental contracts in line with the wider corporate contracts.
- 2.3 In recent years parts for these aged phones have become very difficult to source meaning that phones have been out of action for a number of weeks, and are now having to be replaced with parts not suitable for their purpose.
- 2.4 In addition to this BT have announced their move to digital by 2025 raising uncertainty about the future viability of the emergency phones. Unfortunately BT have been unable to say one way or another whether an alternative option will be available following the change. All they have been able to say is that they have partnered with EE to significantly improve the mobile signal in the district.
- 2.5 With regards to the Blue Flag/Seaside Awards criteria an emergency phone only needs to be in place if the risk assessment specifically says so. The Isle of Wight removed their emergency phones in 2015 but continue to be awarded a Blue Flag and Seaside Awards

#### **4. Proposals and Options**

- 4.1 It is proposed that the future of these emergency phones is seriously considered. With the advances in technology since their installation, their lack of use, and the uncertainty around the future of analogue lines this seems like an ideal time to consider their removal.
- 4.2 By 2025, it is predicted that the UK population will reach 68.3 million and that 95% (roughly 65 million people) will be using a smartphone, and we are confident that people will use their personal phones without hesitation if the need arises to contact the emergency services. This is also preferable for emergency call centres who can pin point a GPS location and dispatch the necessary emergency service much more effectively. The location of emergency phones are also often a fair way away from the beach and therefore they are far more unlikely to be used when mobile phones are so readily available.
- 4.2 There is quite a significant financial and human resource required to keep these emergency phones operational, which is detailed in section 5.

The following options are provided for consideration:

**Option 1:** Do nothing and keep the phones in operation. This option will be affected by the move to digital but we are not sure exactly how at this stage as BT are unable to confirm if there will be an alternative option following the change.

**Option 2:** Remove all emergency phones from the districts coastline.

**Option 3:** Remove only the emergency phones where mobile phone signal is known to be adequate, leaving those where signal is particularly poor. This option will be affected by the move to digital but we are not sure exactly how at this stage as BT are unable to confirm if there will be an alternative option following the change.

## 5. Corporate Priorities

5.1 NA

## 6. Financial and Resource Implications

6.1 There are three separate costs incurred on each emergency phone – line rental, maintenance contract and a testing and monitoring regime which is carried out by Norse.

6.2 Line rental: 22 x £37.89 per month = £10,002.96 per year.

Maintenance Contract: 22 x £47.95 per month = £12,658.80 per year.

Testing and Monitoring: 22 x 39 visits @ £10 per visit = £8,580 per year

Total Cost to NNDC = **£31,241.76** per year

6.3 Additional miscellaneous costs arise throughout the year on top of these including associated signage and officer administration time.

### Comments from the S151 Officer:

*The S151 Officer (or member of the Finance team on their behalf) will complete this section.*

*No comments*

## 7. Legal Implications

### Comments from the Monitoring Officer

*The Monitoring Officer (or member of the Legal team on behalf of the MO) will complete this section. They will outline any legal advice provided.*

*On information provided in this report, there are no specific legal or governance concerns. If a decision is made to remove the phones, there would be contract(s) to terminate regarding line rental etc., and officers may wish to review these contracts at an early point to identify the optimum time to terminate.*

## 8. Risks

8.1 It is unknown how the general public perceive the provision of the emergency phones so there is potential that it could cause some unrest and/or if the Council decided to remove them. This could be easily mitigated through strong messaging and clear communications.

## 9. Net ZeroTarget

- 9.1 Removal of the phones would take away the necessity for over 40 visits to each phone per year for monitoring. Each of these visits would see a car journey of around 60 miles be completed – therefore a reduction of around 2400 miles annually could be achieved.

**10. Equality, Diversity & Inclusion**

- 10.1 NA

**11. Community Safety issues**

- 11.1 Emergency phones have been in place for 30+ years so the community are used to having them available, therefore this could be viewed as a safety concern. However given the information we have provided about their lack of use, the improvements to technology during this time, and the proliferation of mobile phone availability and use we are confident that removal would not cause community safety issues to a level where concern should be raised.

**12. Conclusion and Recommendations**

- 12.1 It is proposed that the necessity for Emergency Phones is no longer as important as it once was. Their lack of use and the imminent move by BT to go digital mean that we believe the requirement for these phones no longer exists.
- 12.2 BT are unable to provide assurances that an alternative to analogue lines will be available to keep the emergency phones operational post digitilisation. However they have given assurances that mobile phone signal is being targeted for improvement throughout the district.
- 12.3 The Council could make a financial saving of over £30k per annum by removing this service.
- 12.4 It is not deemed that removal would cause significant community safety issues. Partners such as the RNLI have been consulted and raised no concerns either.

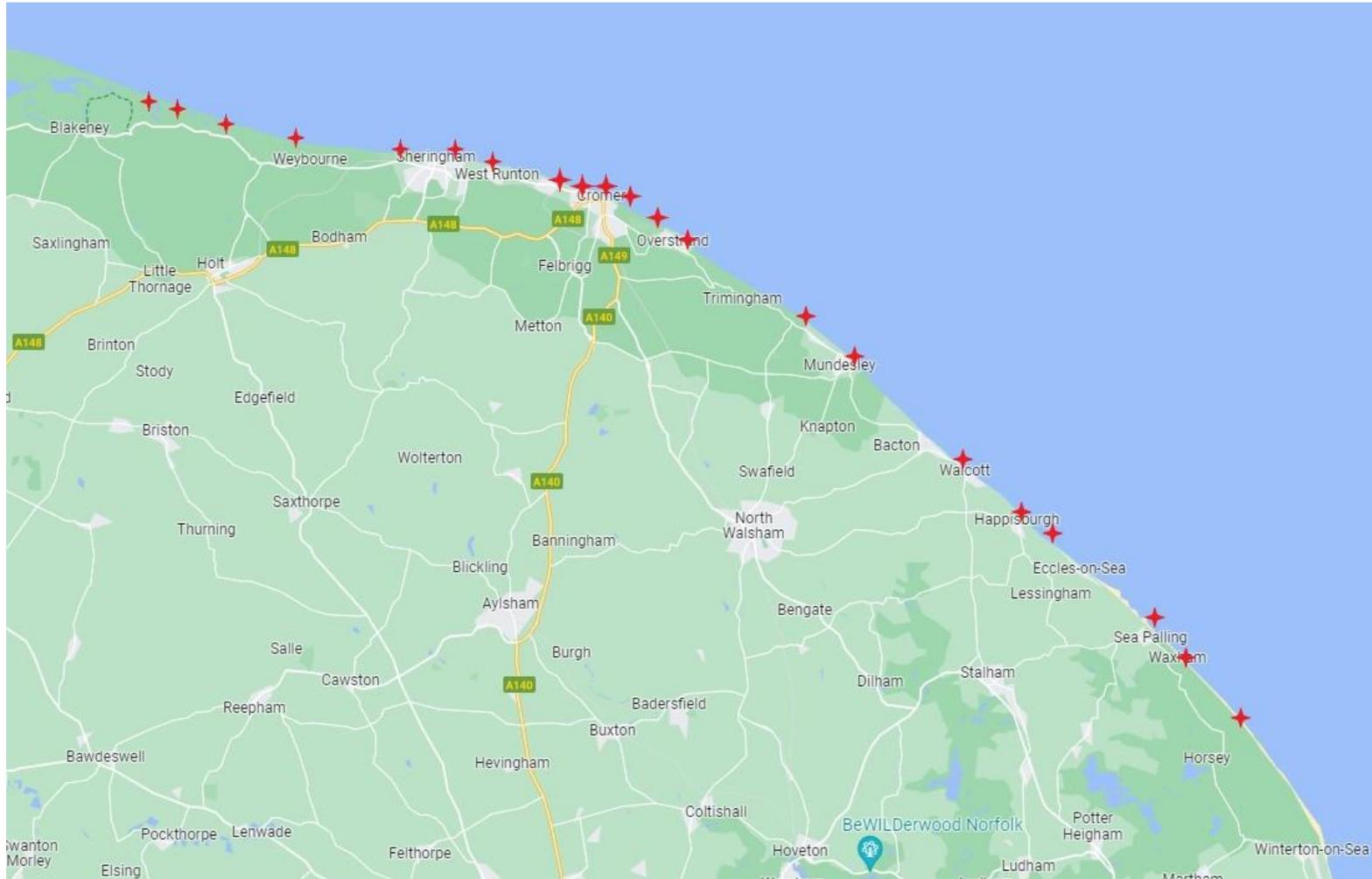
**Recommendation:**

1. The Council takes the decision to remove all Emergency Phones in the district from operation. This would include taking them out of service and removing handsets from current locations.

## Emergency Phone Locations.

1. Adjacent to Yacht Club Building, Morston Quay
2. National Trust land at Beach access road, Cley
3. Salthouse Beach Parking Area
4. Beach Road Car Park Weybourne
5. O/side Lifeguard Hut, West Promenade, Sheringham
6. Behind Tank Shelter, East Promenade, Sheringham
7. Beach Access slope, Water Lane, West Runton
8. Beach Access Ramp, East Runton
9. Bottom of Melbourne Slope, West Prom, Cromer
10. Far end of West Promenade, Cromer
11. End of Pier by Lifeboat House, Cromer
12. Midway along Chalets, East Promenade, Cromer
13. Beach Access Road off Clifton Way, Overstrand
14. Zig-zag slope, Cliff Road, Overstrand
15. Vale Road, Trimingham
16. Beach Access slope, The Green, Mundesley
17. West End of Walcott Seafront
18. Car Park, Beach Road, Happisburgh
19. Beach access ramp, Cart Gap, Happisburgh
20. Beach access ramp, Sea Palling
21. Waxham Beach, on crest of sand dune
22. On crest of sand dune at Warren Farm Footpath, Horsey (closed in winter)

# Emergency Phone Location Map



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<b>Stalham Sports Centre</b>	
<b>Executive Summary</b>	<p>Stalham Sports Centre is one of three dual use community sports centres operated on behalf of the Council by Everyone Active as part of the current Leisure Contract. It has consistently been the least well attended of the three sites and last calendar year only received a little over 5000 visits. The Council budgets £17k per annum for its share of maintenance and utility costs as per the dual use agreement in place.</p> <p>A proposal has been made for the incumbent trust – Synergy Multi Academy Trust – to take the operations of the site back in-house. Everyone Active have indicated that they are open to this transfer taking place and the Leisure Contract contains a clause allowing it to happen.</p>
<b>Options considered</b>	<ol style="list-style-type: none"> <li>1. To hand back the operation of the Stalham dual use sports centre to the Synergy Multi Academy Trust.</li> <li>2. To not hand back the operation of Stalham dual use sport centre and for it to continue to be operated as part of the NNDC leisure contract with Everyone Active.</li> </ol>
<b>Consultation(s)</b>	Meetings with local ward members for Stalham have been undertaken, alongside meetings with Everyone Active, The Synergy Trust and the NNDC Communications Manager.
<b>Recommendations</b>	Cabinet agrees to hand back operations of the Stalham dual use sports centre to Synergy Multi Academy Trust and instruct the Leisure and Locality Services Manager to undertake this process.
<b>Reasons for recommendations</b>	<p>The Council have been approached by the Synergy Multi Academy Trust to operate Dual Use Centre.</p> <p>The council have put a lot of resource into this site over a number of years, both in-house and through a Leisure Operator. Neither have been overly successful and therefore it is believed to be a good option to allow the Academy themselves to operate the site for community use.</p>
<b>Background papers</b>	

<b>Wards affected</b>	Stalham
<b>Cabinet member(s)</b>	Cllr. L, Withington
<b>Contact Officer</b>	Colin Brown Leisure and Localities Manager 01263 516001 Emily Capps- Assistant Director for Environmental and Leisure Services

<b>Links to key documents:</b>	
Corporate Plan:	Developing Communities
Medium Term Financial Strategy (MTFS)	The proposal could generate a saving to the Council of £17k per annum

Council Policies & Strategies	N/A
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<b>Corporate Governance:</b>	
Is this a key decision	Yes
Has the public interest test been applied	<a href="#">Is the item exempt, if so, state why.</a>
Details of any previous decision(s) on this matter	N/A

## 1. Purpose of the report

This report seeks to provide information regarding a proposal to remove one of the Council's 6 sports and leisure facilities from the leisure contract, and to hand back operations to Synergy Trust for the Dual Use Sports Centre at Stalham High School.

## 2. Introduction & Background

- 2.1 Stalham Sports Centre is one of three Dual Use Community Sports Centres operated by Everyone Active as part of the current Leisure Contract. It is based on the site of Stalham High School, which is operated by Synergy Multi-Academy Trust.
- 2.2 Stalham Sports Centre's facilities include a social area/reception, four court sports hall, four tennis courts and a small artificial MUGA. As per the dual use agreement in place for the site these facilities are available to hire by the public from 6pm-10pm weekdays, 8am-5pm weekends and all day during the school holidays.
- 2.3 Of the three dual use sports centres Stalham Sports Centre has always been the least well-attended centre, this was true when operated in-house by the Council and subsequently when operated by our leisure operator Everyone Active – who have been in place since April 2019.
- 2.4 In the calendar year 2022 Stalham Sports Centre received 5040 visits compared to 15805 at Cromer and 15862 at North Walsham.
- 2.5 Currently the centre is regularly booked for 9 out of the possible 20 hours midweek and 2 at the weekend out of a possible 18. This is slightly less post-covid but not too dissimilar to the trend for this site over the past 10-12 years where attracting individuals and groups to attend has been significantly more difficult than the other two dual use sites.
- 2.6 Synergy Trust have now approached NNDC to request to take the operations of this site in-house
- 2.7 The current Leisure Contract allows NNDC to remove a facility from the agreement, known as a partial termination. This partial termination would be

carried out in a way whereby the contractor (Everyone Active) would be left in a 'no better, no worse' position

- 2.8 Everyone Active have verbally stated that they would not be concerned or disappointed about handing over the operations of this site.
- 2.9 Synergy Trust's plan would be to keep the facilities available for hire to the community but to operate them themselves.

### **3. Proposals and Options**

- 3.1 The Council have been approached by the Synergy Multi Academy Trust to operate Dual Use Centre.
- 3.2 The council have put a lot of resource into this site over a number of years, both in-house and through a Leisure Operator. Neither have been overly successful and therefore it is believed to be a good option to allow the Academy themselves to operate the site for community use.
- 3.3 A clause would be included in the transfer to ensure that Synergy Multi Academy Trust do continue to operate the facilities for Community Use.

#### **Options**

- 1: To hand back the operation of the Stalham dual use sports centre to the Synergy Multi Acadmey Trust, including a clause which ensures its continued community use.
- 2. To not hand back the operation of Stalham dual use sport centre and for it to continue to be operated as part of the NNDC leisure contract with Everyone Active.

### **4. Corporate Priorities**

- 4.1 This proposal could have an impact on the Developing our Communities objective by removing a sports facility from the leisure portfolio. However, the intention is for the facility to continue to operate and therefore no provision should be lost. It would be a condition that the Synergy Trust will continue to operate the facilities with the needs of local communities being met.

### **5. Financial and Resource Implications**

- 5.1 The current Leisure Contract dictates that NNDC cover all costs relating to repairs & maintenance and utilities at the community sports centres. The current annual budget for this is £17000 and this amount could be saved by handing back operations.
- 5.2 There is a management fee associated with the Leisure Contract which will need to be considered, however with the partial termination dictating that EA should not be left in a 'no better, no worse' position it has been agreed with EA that the current schedule of payments for the management fee will not change.

**Comments from the S151 Officer:**

*The S151 Officer (or member of the Finance team on their behalf) will complete this section.*

*No comments*

**6. Legal Implications**

- 6.1 The current dual-use agreement between Synergy Trust and NNDC would need to be terminated or altered. Legal have drafted the necessary paperwork for this in anticipation. Synergy have signed and returned their document, and EA have verbally agreed theirs relating to the change in the Leisure Contract but are awaiting a senior officer's signature before returning.

**Comments from the Monitoring Officer**

*The Monitoring Officer (or member of the Legal team on behalf of the MO) will complete this section. They will outline any legal advice provided.*

*On information provided there are no specific legal or governance concerns but appropriate clause re adequate community use should be checked as detailed in para 3.3*

**7. Risks**

- 7.1 There is a potential reputational risk associated with removing the Council's involvement in this site, however this is mitigated by the fact that the provision will continue. At over £3 per visit the Council's subsidy per head for this site could also easily be utilised as a motivating factor for this change.

**8. Net ZeroTarget**

- 8.1 This proposal will have a positive impact on the Council's carbon emissions, as it will be one less leisure facility contributing to the organisations Carbon Footprint.

**9. Equality, Diversity & Inclusion**

*No concerns*

**10. Community Safety issues**

*None*

**11. Conclusion and Recommendations**

- 11.1 Stalham Sports Centre is one of three dual use community sports centres operated on behalf of the Council by Everyone Active as part of the current Leisure Contract. It has consistently been the least well attended of the three

sites and last calendar year only received a little over 5000 visits. The Council budgets £17k per annum for its share of maintenance and utility costs as per the dual use agreement in place.

- 11.2 A proposal has been made for the incumbent trust – Synergy Multi Academy Trust – to take the operations of the site back in-house. Everyone Active have indicated that they are open to this transfer taking place and the Leisure Contract contains a clause allowing it to happen.
- 11.3 Recommendation that Cabinet agree to hand back operations to Synergy Multi Academy Trust and instruct the Leisure and Locality Services Manager to begin this process.

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<b>Annual Update - Regulation of Investigatory Powers Act 2000 (RIPA)</b>	
Executive Summary	<p>The Council is required to have a Policy for the use of powers under the Regulation of Investigatory Powers Act 2000 (RIPA).</p> <p>Home Office guidance recommends that elected members should review the use of the RIPA powers and ensure the policy remains fit for purpose, at least once per year.</p> <p>Officers have reviewed the Regulation of Investigatory Powers Act 2000 (RIPA) Policy and Procedures document and made a number of minor changes. These changes reflect references in the document to relevant Codes of Practice and removed references to a guidance document which has been withdrawn and not yet replaced.</p> <p>Officers have reviewed the Internet &amp; Social Media Research &amp; Investigations Policy and identified that no changes are necessary at this time.</p> <p>The Council has made use of powers under RIPA on one occasion in the last 12 months.</p>
Options considered	The Policy is required to ensure proper application of the Act, so there is not an alternative option.
Consultation(s)	Consultation has been undertaken with the Monitoring Officer, who also acts as the Gatekeeper for RIPA activity.
Recommendations	<ol style="list-style-type: none"> <li>1. That the amendments to the revised Regulation of Investigatory Powers Act 2000 Policy and Procedures, set out at Appendix A, be accepted.</li> <li>2. That Members note that there are no amendments required to the Internet &amp; Social Media Research &amp; Investigations Policy</li> <li>3. That Members note the activity undertaken under RIPA.</li> </ol>
Reasons for recommendations	<p>The Council is required to have an up to date policy/procedure in order to exercise its powers.</p> <p>Members are required to be aware of the RIPA activity undertaken by the Council.</p>
Background papers	None

Wards affected	All
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Cabinet member(s)	Cllr Calum Ringer
Contact Officer	Steve Hems, Director for Communities 01263 516192 Steve.hems@north-norfolk.gov.uk

<b>Links to key documents:</b>	
Corporate Plan:	This item does not directly relate to delivery of the Corporate Plan objectives but is a statutory requirement.
Medium Term Financial Strategy (MTFS)	There is no direct impact on the Medium-Term Financial Strategy.
Council Policies & Strategies	NNDC Regulation of Investigatory Powers Act 2000 (RIPA) Policy and Procedures  NNDC Internet & Social Media Research & Investigations Policy

<b>Corporate Governance:</b>	
Is this a key decision	No
Has the public interest test been applied	Yes, not exempt
Details of any previous decision(s) on this matter	N/A

## 1. Purpose of the report

To demonstrate that the Council has met best practice, in the Home Office guidance, that members should review the use of the RIPA powers and ensure the policy remains fit for purpose, at least once per year.

To inform members that the Regulation of Investigatory Powers Act 2000 (RIPA) Policy and Procedures and Internet & Social Media Research & Investigations Policy have been reviewed.

To advise members that minor changes have been made to the Regulation of Investigatory Powers Act 2000 (RIPA) Policy and Procedures document. These changes reflect references in the document to relevant Codes of Practice and removed references to a guidance document which has been withdrawn and not yet replaced.

To advise members that no changes are required to the Internet & Social Media Research & Investigations Policy.

To request that members accept the Regulation of Investigatory Powers Act 2000 (RIPA) Policy and Procedures and the Internet & Social Media Research & Investigations Policy documents as fit for purpose.

To inform members of the use of powers under RIPA since the last annual update report.

## **2. Introduction & Background**

The Human Rights Act 1998 gave effect in UK law to the rights set out in the European Convention on Human Rights (ECHR). Some of these rights are absolute, while others are qualified, meaning that it is permissible for the state to interfere with those rights if certain conditions are satisfied.

Amongst the qualified rights is a person's right to respect for their private and family life, home and correspondence, as provided for by Article 8 of the European Court of Human Rights. It is Article 8 that is most likely to be engaged when public authorities seek to obtain private information about a person.

The performance of certain investigatory functions of Local Authorities may require the surveillance of individuals or the use of undercover officers and informants. Such actions may intrude on the privacy of individuals and can result in private information being obtained and as such, should not be undertaken without full and proper consideration.

The Regulation of Investigatory Powers Act 2000 (RIPA) governs these activities and provides a means of ensuring that they are carried out in accordance with law and subject to safeguards against abuse. If relevant surveillance activity does not comply with the requirements set out in the legislation and related Codes of Practice, it opens the Council up to the risk of challenge under the Human Rights Act and failure of any legal action which may seek to rely on evidence collected through this method.

Home Office's guidance recommends that, to attain best practice: "...elected members of a local authority should review the authority's use of the 2000 Act and set out the policy at least once a year. They should also consider internal reports on use of the 2000 Act on a regular basis to ensure that it is being used consistently within the local authority's policy and that the policy remains fit for purpose."

The Council uses powers under RIPA to support its core functions for the purpose of prevention and detection of crime where an offence may be punishable by a custodial sentence of 6 months or more.

The three powers available to local authorities under RIPA are:

- directed surveillance;
- covert human intelligence sources ("CHIS");
- the acquisition and disclosure of communications data.

RIPA requires that when a Council undertakes covert directed surveillance or uses a CHIS, these activities must be authorised in advance by an officer who must then seek the approval by a Magistrate/Justice of the Peace.

This Authority will only ever be required to deal with matters relating to directed surveillance and the use of covert human intelligence sources (CHIS). The acquisition of communications data, if ever required, is

undertaken through the National Antifraud Network (NAFN). They act as the single point of contact for many local authorities and ensure the application is RIPA compliant. It is NAFN that are audited by the commissioners.

Public bodies are required to formally establish arrangements and responsibilities for approving directed surveillance under RIPA and these arrangements are described in the Policy and Procedure.

### **3. Policy and Procedures - Review and Update**

#### **3.1 Regulation of Investigatory Powers Act 2000 Policy and Procedures**

The Policy and Procedures was subject to a significant review and overhaul last year. In line with national guidance an annual review has been undertaken. This identified a number of changes which needed to be made to the Policy and Procedures to ensure that they were up to date and accurate.

Several of the Codes of Practice relating to RIPA have been updated. References to these Codes in the document have been updated and links to the latest documents on the .GOV website updated.

The OSC Procedures and Guidance document, which was referred to in the policy, has been withdrawn. The document is still available on the IPCO website but does say it is withdrawn. On this basis the Policy has been updated to remove references to this guidance. No replacement guidance has been issued but as and when this is issued the Policy will be updated to reflect this.

The document at Appendix A has the track changes shown for ease of reference. Should Members approve the changes then this document will be finalised and reissued to officers and published on our website.

This is an Operational Policy outside the Policy Framework so a recommendation for Council to approve it is not required.

#### **3.2 The Internet and Social Media Research and Investigations Policy**

The Internet and Social Media Research and Investigations Policy has been produced as a separate document to the RIPA Policy and Procedures. This is to ensure that it is readily understood by all those who use the internet or social media to gather information as part of the delivery of their role.

The policy established the approach that North Norfolk District Council takes to ensure that all online research and investigations are conducted lawfully and ethically, are in compliance with the relevant legislation, government guidance and best practice. This reduces the risk of challenge and to ensure that the activity undertaken, and any evidence obtained, will stand scrutiny in any subsequent criminal proceedings.

There have been no requirements for amendments identified during the review process. This is an Operational Policy outside the Policy Framework so a recommendation for Council to approve it is not required.

Since the policy introduction last November a number of activities have been undertaken to ensure staff are aware of the requirements placed on them by the policy.

These include:

- An article on the intranet for all staff, launching the policy and general awareness raising on what it contained.
- An item on the All Staff Briefing session, setting out more detail of the policy and expectations on staff activity relating to compliance.
- Attendance by the Senior Responsible Officer (SRO) at team meetings, of those teams who are more likely to use the internet or social media in the course of their activities, to cover in more detail the requirements of the policy.
- The SRO responding to specific queries on use of the policy and where it applies in specific use case situations.

### **3.3 Training**

Update and refresher training is booked during December 2023. Two sessions will be held.

The first will be for officers who may undertake surveillance as part of their role. The session will raise the general awareness of where and how the Regulation of Investigatory Powers Act applies and the requirements of the application process.

The second will be for those in Authorising Officer and the Senior Responsible Officer roles to ensure that the process of authorising any applications is well understood.

The date of the training is slightly later than normal in the year due to the availability of the trainer and to reflect a number of changes in staff within the relevant teams over recent months.

### **3.4 Investigatory Powers Commissioners Office (IPCO) Inspection**

All public authorities are subject to periodic inspection by the Investigatory Powers Commissioners Office (IPCO) who independently oversee the use of investigatory powers, ensuring they are used in accordance with the law and in the public interest. The Council was subject to a remote inspection by an IPCO Inspector on the 17 February 2021. The outcome of that inspection was reported to Cabinet in September 2021.

IPCO undertake periodic inspections on a risk-based frequency, reflecting previous compliance and how much the powers are used by an Authority. It is usual for an inspection every two to three years.

The Council received a pre-inspection questionnaire in June 2023, seeking information regarding its use of the powers and the steps taken to ensure that

adequate steps had been taken to ensure compliance with the relevant legislation, guidance, and codes of practice. A full response was submitted and to date no further contact has been made by IPCO.

Given the last inspection was undertaken in February 2021, it is likely that an inspection will be due in the near future.

### **3.5 Use of RIPA Powers by the Council**

There has been one authorisation for the use of a covert human intelligence source (CHIS) since the last annual update in November 2022.

This application related to an investigation in respect of a licensable activity where attempts to gather evidence via other investigation techniques had not been possible. The use of a Covert Human Intelligence Source was considered necessary and proportionate by the Authorising Officer and the application was then considered and authorised by the Magistrate.

The CHIS activity was conducted in accordance with the Policy and Procedure in place at that time. The authorisation was cancelled at the point that the CHIS was no longer needed.

Other investigations have been progressed using other investigation techniques to gather information and evidence, which is consistent with the approach set out in the Policy and Procedures.

No applications for the use of directed surveillance have been made during the time since the last annual report.

No applications for the disclosure of communications data were made during the above period.

## **4. Corporate Priorities**

This item does not directly relate to delivery of Corporate Priorities but is a statutory requirement.

## **5. Financial and Resource Implications**

There are no financial or resource implications associated directly with the implementation of the Policy.

Non-compliance with the legislation associated with covert surveillance leaves the Authority open to challenge and formal claims for compensation from individuals or corporate bodies should it be found that appropriate guidelines and procedures have not been followed. IPCO may also audit our compliance with RIPA and impose penalties where the authority is found to be in non-conformance. Evidence obtained from surveillance conducted under an outdated or non-compliant RIPA Policy and Procedure would be inadmissible or liable to fail challenge in any legal proceedings which could result in the award of costs against the Council.

## **6. Legal Implications**

The Human Rights Act 1996 makes it unlawful for a Local Authority to breach any article of the European Convention on Human Rights (ECHR).

Article 8 of the ECHR states that:

- 1) everyone has the right of respect for his private life, his home and his correspondence.
- 2) there shall be no interference by a Public Authority with the exercise of this right except such as 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 and detection of crime, for the protection of health and morals, or the protection of the rights and freedoms of others.

Public Authorities can therefore interfere with the Article 8 rights if it meets the reasons given above. The Regulation of Investigatory Powers Act sets the lawful basis for interference with those qualified rights to ensure that any activity undertaken, and any information obtained is compatible with the Human Rights Act.

The Policy and Procedures document sets the framework under which the Council undertakes surveillance which meets the definitions under the Regulation of Investigatory Powers Act and is undertaken following correct authorisation and approvals, therefore reducing the risk to the authority of legal challenge.

There are reputational and legal risk implications if the RIPA policy is out of date and/or out of step with legal obligations under the act or relevant Home Office Guidance.

If surveillance is conducted which does not comply with the Act, Home Office guidance and/or best practice the Council is open to challenge under the Human Rights Act or may face sanctions being imposed by the Investigatory Powers Commissioners Office.

Any evidence obtained from surveillance conducted outside of the RIPA Policy would be inadmissible or liable to fail challenge in any legal proceedings.

## **7. Risks**

None identified as a direct result of this report.

## **8. Net Zero Target**

There are no sustainability issues arising from this report.

## **9. Equality, Diversity & Inclusion**

There are no Equality Diversity and Inclusion issues arising directly from this report. These are considered as an integral part of the process when making decisions regarding the use of RIPA powers.

## **10. Community Safety issues**

None identified as a direct result of this report.

The Regulation of Investigatory Powers Act Policy and Procedure applies where it is necessary and proportionate to collect personal information through covert means. This is only the case where the offence being investigated meets the serious crime threshold where a conviction for an offence could result in 6 months imprisonment. Circumstances where RIPA powers are likely to be used are therefore more likely to have Community Safety implications.

## **11. Conclusion and Recommendations**

This report provides Members with an annual update on the use of RIPA powers and that it is following best practice identified in Home Office Guidance.

1. That the amendments to the revised Regulation of Investigatory Powers Act 2000 Policy and Procedures, set out at Appendix A, be accepted.
2. That Members note that there are no amendments required to the Internet & Social Media Research & Investigations Policy.
3. That Members note the activity undertaken under RIPA.

# Regulation of Investigatory Powers Act 2000 (RIPA)

## Policy and Guidance

Revision	Revision Date
1.	September 2021
2.	October 2022
3.	October 2023



NORTH  
NORFOLK  
DISTRICT  
COUNCIL

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## **PART A - Introduction & RIPA General**

### **1. Introduction**

The performance of certain investigatory functions of Local Authorities may require the surveillance of individuals or the use of undercover officers and informants. Such actions may intrude on the privacy of individuals and can result in private information being obtained and as such, should not be undertaken without full and proper consideration. The Regulation of Investigatory Powers Act 2000 (RIPA) governs these activities and provides a means of ensuring that they are carried out in accordance with law and subject to safeguards against abuse.

All surveillance activity can pose a risk to the Council from challenges under the Human Rights Act (HRA) or other processes. Therefore, it must be stressed that all staff involved in the process must take their responsibilities seriously which will assist with the integrity of the Council’s processes, procedures and oversight responsibilities.

In preparing this policy the Council has followed the [RIPA Codes of Practice \(August 2018\)](#), [Investigatory Powers Act 2016 Codes of Practice, Covert Surveillance and Property](#)

[Interference Codes of Practice \(August 2018\) and the Covert Intelligence Sources Revised Codes of Practice \(December 2022\).](#)

[The Office of Surveillance Commissioners \(OSC\) Procedures and Guidance 2016 \(still current\). Has now been iwithdrawn by IPCO and is yet to be replaced. The authority will have due regard to any new guidance and procedures as and when they are issued by IPCO.](#)

If having read this document you are unclear about any aspect of the process, seek the advice from

Stephen Hems – Senior Responsible Officer (SRO),

Cara Jordan – RIPA Gatekeeper,

Emily Capps – Authorising Officer,

Kaye Skinner – RIPA Co-ordinator.

## **2. Scope of Policy**

- 2.1 The purpose of this Policy is to ensure there is a consistent approach to the undertaking and authorisation of surveillance activity that is carried out by the Council. This includes the use of undercover officers and informants, known as Covert Human Intelligence Sources (CHIS). This will ensure that the Council complies with the Regulation of Investigatory Powers Act 2000 (RIPA).
- 2.2 This document provides guidance on the authorisation processes and the roles of the respective staff involved.
- 2.3 The policy also provides guidance on surveillance which is necessary to be undertaken by the authority but cannot be authorised under the RIPA legislation. This type of surveillance will have to be compliant with the Human Rights Act. (See Section 21).
- 2.4 The policy also identifies the cross over with other policies and legislation, particularly with the Data Protection Act and the Criminal Procedures Act.
- 2.5 All RIPA covert activity will have to be authorised and conducted in accordance with this policy, the RIPA legislation and Codes of Practice. Therefore, all officers involved in the process will have regard to this document and the statutory RIPA Codes of Practice issued under section 71 RIPA (current version issued in August 2018) for both Directed Surveillance and the use of Covert Human Intelligence Sources (CHIS). The Codes of Practice are available from:  
<https://www.gov.uk/government/collections/ripa-codes> RIPA codes - GOV.UK ([www.gov.uk](http://www.gov.uk))
- 2.6 This policy will be monitored and reviewed where necessary by the SRO for RIPA. The minimum of an annual review will take place.

## **3. Background to RIPA and Lawful Criteria**

- 3.1 On 2<sup>nd</sup> October 2000 the Human Rights Act 1998 (HRA) came into force making it potentially unlawful for a Local Authority to breach any article of the European Convention on Human Rights (ECHR).
- 3.2 Article 8 of the European Convention on Human Rights states that: -

- 1) Everyone has the right of respect for his private and family life, his home and his correspondence.
  - 2) There shall be no interference by a Public Authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health and morals or for the protection of the rights and freedoms of others.
- 3.3 The right under Article 8 is a qualified right and Public Authorities can interfere with this right for the reasons given in 3.2 (2) above if it is necessary and proportionate to do so.
- 3.4 Those who undertake Directed Surveillance or CHIS activity on behalf of a Local Authority may breach an individual's Human Rights, unless such surveillance is **lawful**, consistent with Article 8 of the ECHR and is both **necessary** (see Part D section 43) and **proportionate** (see Part D section 44) to the matter being investigated.
- 3.5 RIPA provides the legal framework for lawful interference to ensure that any activity undertaken, together with the information obtained, is HRA compatible.
- 3.6 However, under RIPA, Local Authorities can now only authorise Directed Surveillance for the purpose of preventing or detecting conduct which constitutes a criminal offence which is punishable (whether on summary conviction or indictment) by a maximum term of at least six months imprisonment; (serious crime criteria) or involves the sale of alcohol or tobacco to children. (See Part B Section 15)
- 3.7 The **lawful criteria for CHIS** authorisation is **prevention and detection of crime and prevention of disorder** and the offence does not have to have a sentence of 6 months imprisonment.
- 3.8 Furthermore, the Council's authorisation can only take effect once an Order approving the authorisation has been granted by a Magistrate.
- 3.9 RIPA ensures that any surveillance which is undertaken following a correct authorisation and approval from a Justice of the Peace is lawful. Therefore, it protects the authority from legal challenge. It also renders evidence obtained lawful for all purposes.

#### 4. Consequences of Not Following RIPA

- 4.1 Although not obtaining authorisation does not make the authorisation unlawful per se, it does have significant consequences: -
- Evidence that is gathered may be inadmissible in court;
  - The subjects of surveillance can bring their own claim on Human Rights grounds i.e. we have infringed their rights under Article 8;
  - If a challenge under Article 8 is successful, the Council be subject to

reputational damage and could face a claim for financial compensation;

- The Government has also introduced a system of tribunal to deal with complaints. Any person who believes that their rights have been breached can have their complaint dealt with by the Investigatory Powers Tribunal (IPTC) (See Complaints Part G section 67)
- It is likely that the activity could be construed as an error and therefore have to be investigated and a report submitted by the Senior Responsible Officer to the Investigatory Powers Commissioner's Office (IPCO). (See Part G Section 66 Errors)

## **5. Independent Oversight**

- 5.1 RIPA was overseen by the Office of Surveillance Commissioners (OSC). However, from 1 Sept 2017 oversight is now provided by the Investigatory Powers Commissioner's Office (IPCO). They are the independent inspection office whose remit includes providing comprehensive oversight of the use of the powers to which the RIPA code applies, and adherence to the practices and processes described in it. They also provide guidance to be followed which is separate to the codes.
- 5.2 They have unfettered access to all locations, documentation and information systems as is necessary to carry out their full functions and duties and they will periodically inspect the records and procedures of the Council to ensure the appropriate authorisations have been given, reviewed, cancelled, and recorded properly.
- 5.3 It is the duty of any person who uses these powers to comply with any request made by a Commissioner to disclose or provide any information they require for the purpose of enabling them to carry out their functions. Therefore, it is important that the Council can show it complies with this Policy and with the provisions of RIPA.

## **PART B – Surveillance, Types and Criteria**

### **6. Introduction**

- 6.1 It is important to understand the definition of surveillance; what activities are classed as surveillance and the different types of surveillance covered by RIPA and the HRA. Surveillance can be both overt and covert and depending on their nature, are either allowed to be authorised under RIPA or not. There are also different degrees of authorisation depending on the circumstances.

## 7. Surveillance Definition

7.1 Surveillance is:

- Monitoring, observing or listening to persons, their movements, their conversations or their other activities or communications.
- Recording anything monitored, observed or listened to in the course of surveillance, with or without the assistance of a device.

## 8. Overt Surveillance

8.1 Overt surveillance is where the subject of surveillance is aware that it is taking place. Either by way of signage such as in the use of CCTV or because the person subject of the surveillance has been informed of the activity. Overt surveillance is outside the scope of RIPA and therefore does not require authorisation. However, it still must take account of privacy under the Human Rights Act and be necessary and proportionate. Any personal data obtained will also be subject of the Data Protection Act.

## 9. Covert Surveillance

9.1 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 covered by RIPA. Covert surveillance is categorised as either **intrusive** or **directed**.

9.2 There are three categories of covert surveillance regulated by RIPA: -

- 1) **Intrusive surveillance** (Local Authorities are not permitted to carry out intrusive surveillance).
- 2) Directed Surveillance;
- 3) **Covert Human Intelligence Sources** (CHIS);

## 10. Intrusive Surveillance

10.1 North Norfolk District Council has no authority in law to carry out Intrusive Surveillance. It is only the Police and other law enforcement agencies that can lawfully carry out intrusive surveillance.

10.2 Intrusive surveillance is defined in section 26(3) of the 2000 Act 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.

10.3 Where surveillance is carried out in relation to anything taking place on any residential premises or in any private vehicle by means of a device, without that device being present on the premises, or in the vehicle, it is not intrusive unless the device consistently provides information of the same quality and detail as might be expected to be obtained from a device actually present on the premises or in the vehicle. Thus, an observation post outside premises, which provides a

limited view and no sound of what is happening inside the premises, would not be considered as intrusive surveillance.

- 10.4 A risk assessment of the capability of equipment being used for surveillance on residential premises and private vehicles, such as high-powered zoom lenses, should be carried out to ensure that its use does not meet the criteria of Intrusive Surveillance.

## **11. Directed Surveillance Definition**

11.1 The Council can lawfully carry out Directed Surveillance. Surveillance is Directed Surveillance if the following are all true:

- It is covert, but not intrusive surveillance;
- It is conducted for the purposes of a specific investigation or operation;
- It is likely to result in the obtaining of private information (see private information below) about a person (whether or not one specifically identified for the purposes of the investigation or operation);
- It is conducted 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.

## **12. Private information**

12.1 By its very nature, surveillance may involve invading an individual's right to privacy. The level of privacy which individuals can expect depends upon the nature of the environment they are in at the time. For example, within an individual's own home or private vehicle, an individual can expect the highest level of privacy. The level of expectation of privacy may reduce if the individual transfers out into public areas.

12.2 The Code of Practice provides guidance on what is private information. They state private information includes any information relating to a person's private or family life. As a result, private information is capable of including any aspect of a person's private or personal relationship with others, such as family and professional or business relationships.

12.3 Whilst a person may have a reduced expectation of privacy when in a public place, covert surveillance of that person's activities in public may still result in the obtaining of private information. This is likely to be the case where that person has a reasonable expectation of privacy even though acting in public and where a record is being made by a Public Authority of that person's activities for future consideration or analysis. Surveillance of publicly accessible areas of the internet should be treated in a similar way, recognising that there may be an expectation of privacy over information which is on the internet, particularly where accessing information on social media websites.

12.4 Private life considerations are particularly likely to arise if several records are to be analysed together in order to establish, for example, a pattern of behaviour, or if

one or more pieces of information (whether or not available in the public domain) are covertly (or in some cases overtly) obtained for the purpose of making a permanent record about a person or for subsequent data processing to generate further information. In such circumstances, the totality of information gleaned may constitute private information even if individual records do not. Where such conduct includes covert surveillance, a Directed Surveillance authorisation may be considered appropriate.

- 12.5 Private information may include personal data, such as names, telephone numbers and address details. Where such information is acquired by means of covert surveillance of a person having a reasonable expectation of privacy, a Directed Surveillance authorisation is appropriate.
- 12.6 Information which is non-private may include publicly available information such as, books, newspapers, journals, TV and radio broadcasts, newswires, websites, mapping imagery, academic articles, conference proceedings, business reports, and more. Such information may also include commercially available data where a fee may be charged, and any data which is available on request or made available at a meeting to a member of the public.
- 12.7 There is also an assessment to be made regarding the risk of obtaining collateral intrusion which is private information about persons who are not subjects of the surveillance (see Part D section 45).

### **13. Confidential or Privileged Material**

- 13.1 Particular consideration should be given in cases where the subject of the investigation or operation might reasonably assume a high degree of confidentiality. This includes where the material contains information that is legally privileged, confidential journalistic material or where material identifies a journalist's source, where material contains confidential personal information or communications between a Member of Parliament and another person on constituency business. Directed Surveillance likely or intended to result in the acquisition of knowledge of confidential or privileged material must be authorised by the Chief Executive.
- 13.2 Advice should be sought from Legal Services if there is a likelihood of obtaining this type of material.

### **14. Lawful Grounds**

- 14.1 As mentioned earlier the Lawful Grounds for Directed Surveillance is a higher threshold for Local Authorities and cannot be granted unless it is to be carried out for the purpose of preventing or detecting a criminal offence(s) and it meets the serious crime test i.e. that the criminal offence(s) which is sought to be prevented or detected is

- 1) Punishable, whether on summary conviction or on indictment, by a maximum term **of at least 6 months of imprisonment**, or,

- 2) Would constitute an offence under sections 146, 147 or 147A of the Licensing Act 2003 or section 7 of the Children and Young Persons Act 1933 (see 1.4 above). This is the only ground available to the Council and hence the only justification.

14.2 Preventing or detecting crime goes beyond the prosecution of offenders and includes actions taken to avert, end or disrupt the commission of criminal offences

## **15. Test Purchases**

15.1 Test purchase activity does not in general require authorisation as a CHIS under RIPA as vendor-purchaser activity does not normally constitute a relationship as the contact is likely to be so limited. However, if a number of visits are undertaken at the same establishment to encourage familiarity, a relationship may be established and authorisation as a CHIS should be considered. If the test purchaser is wearing recording equipment and is not authorised as a CHIS, or an adult is observing, consideration should be given to granting a Directed Surveillance authorisation.

15.2 When conducting covert test purchase operations at more than one establishment, it is not necessary to construct an authorisation for each premise to be visited but the intelligence must be sufficient to prevent “fishing trips”. Premises may be combined within a single authorisation provided that each is identified at the outset. Necessity, proportionality, and collateral intrusion must be carefully addressed in relation to each of the premises. It is unlikely that authorisations will be considered proportionate without demonstration that overt methods have been considered or attempted and failed. ([Sec 245 OSC Procedures & Guidance 2016](#))

## **16. Urgent cases**

16.1 As from 1 November 2012 there is no provision to authorise urgent oral authorisations under RIPA for urgent cases as all authorisations have to be approved by a J.P. If surveillance was required to be carried out in an urgent situation or as an immediate response, this would still have to be justified as necessary and proportionate under HRA. This type of surveillance is surveillance outside of RIPA.

## **17. Surveillance for Preventing Disorder**

17.1 Authorisation for the purpose of preventing disorder can only be granted if it involves a criminal offence(s) punishable (whether on summary conviction or indictment) by a maximum term of at least 6 months' imprisonment. Surveillance for disorder not meeting these criteria would need to be carried out as surveillance outside of RIPA. (See below)

## **18. CCTV**

18.1 CCTV is now known as a Surveillance Camera Systems Section 29(6) Protection of  
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Freedoms Act 2012. .: “Surveillance camera systems” is taken to include:

- (a) closed circuit television (CCTV) or automatic number plate recognition (ANPR) systems;
- (b) any other systems for recording or viewing visual images for surveillance purposes;

This includes

- CCTV;
- Body Worn Video (BWV)
- Automatic Number Plate Recognition;
- Deployable mobile overt mobile camera systems.
- Any other system for recording or viewing visual images for surveillance purposes;
- Any systems for storing, receiving, transmitting, processing or checking images or information obtained by those systems; and
- Any other systems associated with, or otherwise connected with those systems.

18.2 North Norfolk District Council no longer operates any Town Centre CCTV systems. Some of the town centre CTV systems were transferred to the ownership of Town Councils who expressed a desire to continue the provision.

18.3 The use of the conventional town centre CCTV systems do not normally fall under the RIPA regulations. However, it does fall under the Data Protection Act 2018, the Surveillance Camera Code 2013, Information Commissioner’s Office (ICO) ‘In the picture: a data protection code of practice for surveillance cameras and personal information’ and the Councils CCTV policy.

18.4 Should there be a requirement for the town centre CCTV cameras operated by Town Councils to be used for a specific purpose to conduct surveillance meeting the RIPA criteria it will require an authorisation.

18.5 Operators of Town Council’s CCTV systems need to be aware of the RIPA issues associated with using CCTV and that continued, prolonged systematic surveillance of an individual may require an authorisation.

18.6 On the occasions when the CCTV cameras are to be used in a Directed Surveillance situation either by enforcement officers from relevant departments within the Council, the RIPA Codes of Practice should be followed.

18.7 The CCTV staff are to be provided with a copy of the authorisation form in a redacted format, or a copy of the authorisation page. It is important that the staff check the authority and only carry out what is authorised. A copy of the application or notes is also to be forwarded to the central register for filing. This will assist the Council to evaluate the authorisations and assist with oversight.

18.8 The Surveillance Camera Code of Practice 2013 defines a ‘surveillance camera

system' as:

- any other systems for recording or viewing visual images for surveillance purposes;
- any systems for storing, receiving, transmitting, processing or checking the images or information obtained.

18.9 This definition will include body worn video (BWV) and overt cameras deployed to detect waste offences such as fly-tipping. This definition has far reaching implications as the use of any cameras that meet the requirement will have to be used in a manner that complies with the codes of practice mentioned above and the Data Protection Act.

## **19. Automatic Number Plate Recognition (ANPR)**

19.1 Automated Number Plate Recognition (ANPR) does not engage RIPA if it is used for the purpose it is registered for, such as traffic flow management or safety and enforcement within car parks. However, it is capable of being a surveillance device if used in a pre-planned way to carry out surveillance by monitoring a particular vehicle by plotting its locations, e.g. in connection with illegally depositing waste (fly-tipping).

19.2 Should it be necessary to use any ANPR systems to monitor vehicles, the same RIPA principles apply where a Directed Surveillance Authorisation should be sought.

## **20. Internet and Social Media Investigations**

20.1 Online open source research is widely regarded as the collection, evaluation and analysis of material from online sources available to the public, whether by payment or otherwise to use as intelligence and evidence.

20.2 The use of online open source internet and social media research techniques has become a productive method of obtaining information to assist the Council with its regulatory and enforcement functions. It can also assist with service delivery issues and debt recovery. However, the use of the internet and social media is constantly evolving and with it the risks associated with these types of enquiries, particularly regarding breaches of privacy under Article 8 Human Rights Act (HRA) and other operational risks.

20.3 The internet is another method of carrying out surveillance (See definition section 20) and a computer is a surveillance device. Repeat viewing of individual 'open source' sites for the purpose of intelligence gathering and data collation may constitute Directed Surveillance. Activities of monitoring through, for example, a Facebook profile for a period of time and a record of the information is kept for later analysis or evidential purposes is likely to require a RIPA authorisation. Where covert contact is made with another person on the internet a CHIS authority may be required.

20.4 Where this is the case, the application process and the contents of this policy is to be followed.

20.5 Where the activity falls within the criteria of surveillance or CHIS outside of RIPA,

again this will require authorising on a non RIPA form which will be authorised internally.

- 20.6 There is a detailed separate corporate policy, Internet & Social Media Research & Investigation Policy, that covers online open source research which should be read and followed in conjunction with this policy.

## 21. Surveillance Outside of RIPA

- 21.1 As already explained, for Directed Surveillance the criminal offence must carry a **6-month prison sentence** (Directed Surveillance crime threshold) or relate to the sale of alcohol or tobacco to children. This means that there are scenarios within an investigation that do not meet this threshold, however it is necessary to undertake surveillance. This will fall outside of RIPA. Examples include:

- Surveillance for anti-social behaviour disorder which do not attract a maximum custodial sentence of at least six months imprisonment.
- Planning enforcement prior to the serving of a notice or to establish whether a notice has been breached.
- Most licensing breaches.
- Safeguarding vulnerable people.
- Civil matters.

- 21.2 In the above scenarios they are likely to be a targeted surveillance which are likely to breach someone's article 8 rights to privacy. Therefore, the activity should be conducted in way which is HRA compliant, which will include the criteria of necessary and proportionate surveillance.

## 22. Disciplinary Investigations

- 22.1 Non RIPA surveillance also includes staff surveillance in serious disciplinary investigations. Guidance dictates that this type of surveillance must be compliant with the Monitoring at Work Guidance issued by the Information Commissioner. This is to ensure that it complies with the HRA.
- 22.2 Should the investigation also involve a criminal offence which meet the RIPA criteria such as fraud, the option to carry out the surveillance under RIPA should be considered. However, it must be a genuine criminal investigation with a view to prosecuting the offender.
- 22.3 Should it be necessary to undertake disciplinary surveillance advice should be sought from the Legal Services Team.
- 22.4 The RIPA codes also provide guidance that authorisation under RIPA is not required for the following types of activity:
- General observations as per section 3.33 in the codes of practice that do not involve the systematic surveillance of an individual or a group of people and should an incident be witnessed the officer will overtly respond to the situation.
  - Use of overt CCTV and Automatic Number Plate Recognition systems.

- Surveillance where no private information is likely to be obtained.
- Surveillance undertaken as an immediate response to a situation.
- Covert surveillance not relating to criminal offence which carries a maximum sentence of 6 months imprisonment or relate to the sale of alcohol or tobacco to children (surveillance outside of RIPA).
- The use of a recording device by a CHIS in respect of whom an appropriate use or conduct authorisation has been granted permitting them to record any information in their presence.
- The covert recording of noise where the recording is of decibels only or constitutes non-verbal noise (such as music, machinery or an alarm), or the recording of verbal content is made at a level which does not exceed that which can be heard from the street outside or adjoining property with the naked ear. In the latter circumstance, the perpetrator would normally be regarded as having forfeited any claim to privacy. In either circumstance this is outside of RIPA.

22.5 As part of the process of formally recording and monitoring non RIPA surveillance, a non RIPA surveillance application form should be completed and authorised by an Authorising Officer. (It has always been recommended that it should still be an AO. This will also improve their authorisation skills.) A copy of the non RIPA surveillance application form can be obtained from the RIPA Coordinator or Authorising Officer

22.6 The SRO will therefore maintain an oversight of non RIPA surveillance to ensure that such use is compliant with Human Rights legislation. The RIPA Co Ordinator will maintain a central record of non RIPA surveillance.

### **23. Joint Agency Surveillance**

23.1 In cases where one agency is acting on behalf of another, it is usually for the tasking agency to obtain or provide the authorisation. For example, where surveillance is carried out by Council employees on behalf of the Police, authorisation would be sought by the Police. If it is a joint operation involving both agencies, the lead agency should seek authorisation.

23.2 Council staff involved with joint agency surveillance are to ensure that all parties taking part are authorised on the authorisation form to carry out the activity. When staff are operating on another organisation's authorisation they are to ensure they see what activity they are authorised to carry out and make a written record. They should also provide a copy of the authorisation to the RIPA Co Ordinator. This will assist with oversight of the use of Council staff carrying out these types of operations. Line Managers should be made aware if their staff are involved in this type of surveillance.

### **24. Use of Third-Party Surveillance**

24.1 In some circumstances it may be appropriate or necessary for North Norfolk  
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District Council to work with third parties who are not themselves a Public Authority (such as an individual, company or non-governmental organisation) to assist with an investigation. Where that third party is acting in partnership with or under the direction of the Council, then they are acting as our agent and any activities that the third party conducts which meet the RIPA definitions of Directed Surveillance should be authorised. This is because the agent will be subject to RIPA in the same way as any employee of the Council would be. The Authorising Officer should ensure that the agents are qualified or have the necessary skills to achieve the objectives. They should also ensure that they understand their obligations under RIPA. If advice is required, please contact the Senior Responsible Officer, RIPA Co-ordinator or Authorising Officer.

- 24.2 Similarly, a surveillance authorisation should also be considered where the Council is aware that a third party (that is not a Public Authority) is independently conducting surveillance and the Council intends to make use of any suitable material obtained by the third party for the purposes of a specific investigation.

## **25. Surveillance Equipment**

- 25.1 The Council will maintain a central register of all surveillance equipment such as cameras and noise monitoring devices. This will require a description, Serial Number, an explanation of its capabilities.
- 25.2 The register will be held and maintained by the RIPA Co-Ordinator. This equipment is available for all departments use.
- 25.3 All equipment capable of being used for Directed Surveillance such as cameras etc. should be fit for purpose for which they are intended.
- 25.4 When completing an Authorisation, the applicant must provide the Authorising Officer with details of any equipment to be used and its technical capabilities. The Authorising Officer will have to take this into account when considering the intrusion issues, proportionality and whether the equipment is fit for the required purpose. The Authorising Officer must make it clear on the Authorisation exactly what equipment if any they are authorising and in what circumstances.

## **PART C – Covert Human Intelligence Sources (CHIS)**

### **26. Introduction**

- 26.1 RIPA covers the activities of Covert Human Intelligence Sources (CHIS) which relates not only to sources commonly known as informants (members of the public providing the Council with information), but also the activities of undercover officers. It matters not whether they are employees of the Council, agents or members of the public engaged by the Council to establish or maintain a covert relationship with someone to obtain information.

- 26.2 Not all human source activity will meet the definition of a CHIS. For example, a source may be a public volunteer or someone who discloses information out of professional or statutory duty or has been tasked to obtain information other than by way of a covert relationship. However, Officers must be aware that such information may have been obtained in the course of an ongoing relationship with a family member, friend or business associate. The Council has a duty of care to all members of the public who provide information to us and appropriate measures must be taken to protect that source. How the information was obtained should be established to determine the best course of action. The source and information should also be managed correctly in line with the Criminal Procedures and Investigations Act (CPIA) and the disclosure provisions.
- 26.3 Recognising when a source becomes a CHIS is therefore important as this type of activity may need authorisation. Should a CHIS authority be required, all of the staff involved in the process should make themselves fully aware of the contents of this Policy and the CHIS codes of Practice.
- 26.4 A CHIS, their conduct, and the use to which they are put is defined within Section 26(7) and (8) of RIPA. Chapter 2 of the relevant Code provides examples of where this regime may apply.
- 26.5 Legal advice should always be sought where consideration is given to the use of CHIS.

## **27. Definition of CHIS**

- 27.1 Individuals act as a covert human intelligence sources (CHIS) if they:
- i) establish or maintain a covert relationship with another person to obtain information.
  - ii) covertly give access to information to another person, or
  - iii) disclose information covertly which they have obtained using the relationship or they have obtained because the relationship exists.
- 27.2 A relationship is established, maintained or used for a covert purpose if and only if it is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the purpose. This does not mean the relationship with the Council Officer and the person providing the information, as this is not covert. It relates to how the information was either obtained or will be obtained. Was it or will it be obtained from a third party without them knowing it was being passed on to the Council? This would amount to a covert relationship.
- 27.3 It is possible, that a person will become engaged in the conduct of a CHIS without a public authority inducing, asking or assisting the person to engage in that conduct. An authorisation should be considered, for example, where a public authority is aware that a third party is independently maintaining a relationship (i.e. "self-tasking") in order to obtain evidence of criminal activity, and the public authority intends to make use of that material for its own investigative purposes. (Section 2.26 Codes of CHIS Codes of Practice)

## **28. Vulnerable and Juvenile CHIS**

- 28.1 Special consideration must be given to the use of a Vulnerable Individual as a CHIS. A 'Vulnerable Individual' is a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of himself, or unable to protect himself against significant harm or exploitation. Any individual of this description, or a Juvenile as defined below, should only be authorised to act as a source in the most exceptional circumstances and only then when authorised by the Chief Executive (or, in his absence, the Corporate Director - Monitoring Officer).
- 28.2 Special safeguards also apply to the use or conduct of Juvenile Sources; that is sources under the age of 18 years. On no occasion should the use or conduct of a source under 16 years of age be authorised to give information against his parents or any person who has parental responsibility for him.
- 28.3 If the use of a Vulnerable Individual or a Juvenile is being considered as a CHIS you must consult Legal Services before authorisation is sought as authorisations should not be granted in respect of a Juvenile CHIS unless the special provisions contained within the Regulation of Investigatory Powers (Juveniles) Order 2000; SI No. 2793 are satisfied.

## **29. Lawful Criteria**

- 29.1 The lawful criteria for CHIS authorisation is **prevention and detection of crime and prevention of disorder**. The serious crime criteria of the offence carrying a 6-month sentence etc. does not apply to CHIS.
- 29.2 Authorisations for Juvenile Sources must be authorised by the Chief Executive of the Council (or, in their absence, the Corporate Director - Monitoring Officer).

## **30. Conduct and Use of a Source**

- 30.1 The way the Council use a CHIS for covert activities is known as 'the use and conduct' of a source.
- 30.2 The use of a CHIS involves any action on behalf of a Public Authority to induce, ask or assist a person to engage in the conduct of a CHIS, or to obtain information by means of the conduct of a CHIS.
- 30.3 The conduct of a CHIS is establishing or maintaining a personal or other relationship with another person for the covert purpose of:
- a. Using such a relationship to obtain information, or to provide access to information to another person, or
  - b. Disclosing information obtained by the use of such a relationship or as a consequence of such a relationship or
  - c. Is incidental to anything falling within a and b above.
- 30.4 In other words, an authorisation for conduct will authorise steps taken by the CHIS on behalf, or at the request, of a Public Authority.
- 30.5 The use of a source is what the Authority does in connection with the source, such as tasking (see section 33), and the conduct is what a source does to fulfil

whatever tasks are given to them or which is incidental to it. The Use and Conduct require separate consideration before authorisation. However, they are normally authorised within the same authorisation.

- 30.6 The same authorisation form is utilised for both use and conduct. A Handler and Controller must also be designated, as part of the authorisation process (see Part E and section 42), and the application can only be authorised if necessary and proportionate. Detailed records of the use, conduct and tasking of the source also have to be maintained (see section 37).
- 30.7 Care should be taken to ensure that the CHIS is clear on what is or is not authorised at any given time, and that all the CHIS's activities are properly risk assessed. Care should also be taken to ensure that relevant applications, reviews, renewals and cancellations are correctly performed. (Section 210 CHIS Codes of Practice)
- 30.8 Careful consideration must be given to any particular sensitivities in the local community where the CHIS is being used and of similar activities being undertaken by other public authorities which could have an impact on the deployment of the CHIS. Consideration should also be given to any adverse impact on community confidence or safety that may result from the use or conduct of a CHIS or use of information obtained from that CHIS. (Section 3.18 CHIS Codes of Practice)

### **31. Handler and Controller**

- 31.1 Covert Human Intelligence Sources may only be authorised if the following arrangements are in place:
- That there will at all times be an officer (the **Handler**) within the Council who will have day to day responsibility for dealing with the source on behalf of the authority, and for the source's security. The Handler is likely to be the investigating officer.
  - That there will at all times be another officer within the Council who will have general oversight of the use made of the source; (**Controller**) i.e. the line manager.
  - That there will at all times be an officer within the Council who has responsibility for maintaining a record of the use made of the source. See CHIS record keeping (see Section 37)
- 31.2 The **Handler** will have day to day responsibility for:
- Dealing with the source on behalf of the Local Authority concerned;
  - Risk assessments
  - Directing the day to day activities of the source;
  - Recording the information supplied by the source; and
  - Monitoring the source's security and welfare.

- Informing the Controller of concerns about the personal circumstances of the CHIS that might effect the validity of the risk assessment or conduct of the CHIS

31.3 The **Controller** will be responsible for:

- The management and supervision of the “Handler” and
- General oversight of the use of the CHIS;
- maintaining an audit of case work sufficient to ensure that the use or conduct of the CHIS remains within the parameters of the extant authorisation.

## 32. Undercover Officers

32.1 Oversight and management arrangements for **undercover operatives**, while following the principles of the Act, will differ, in order to reflect the specific role of such individuals as members of the Council. The role of the handler will be undertaken by a person referred to as a **‘cover officer’**. (Section 6.9 CHIS Codes of Practice).

## 33. Tasking

33.1 Tasking is the assignment given to the source by the Handler or Controller such as by asking them to obtain information, to provide access to information or to otherwise act, incidentally, for the benefit of the relevant Local Authority. Authorisation for the use or conduct of a source is required prior to any tasking where such tasking requires the source to establish or maintain a personal or other relationship for a covert purpose.

33.2 In some instances, the tasking given to a person will not require the source to establish a personal or other relationship for a covert purpose. For example, a member of the public is asked to maintain a record of all vehicles arriving and leaving a specific location or to record the details of visitors to a neighbouring house. A relationship has not been established or maintained in order to gather the information and a CHIS authorisation is therefore not available. Other authorisations under the Act, for example, Directed Surveillance, may need to be considered where there is a possible interference with the Article 8 rights of an individual.

33.3 Authorisations should not be drawn so narrowly that a separate authorisation is required each time the CHIS is tasked. Rather, an authorisation might cover, in broad terms, the nature of the source’s task.

## 34. Risk Assessments

34.1 The Council has a responsibility for the safety and welfare of the source and for the consequences to others of any tasks given to the source. It is a requirement of the codes that a risk assessment is carried out. This should be submitted with the authorisation request. The risk assessment should provide details of how the CHIS

is going to be handled It should also take into account the safety and welfare of the CHIS in relation to the activity and should consider the likely consequences should the role of the CHIS become known. The ongoing security and welfare of the CHIS after the cancellation of the authorisation should also be considered at the outset.

### **35. Use of Equipment by a CHIS**

- 35.1 If a CHIS is required to wear or carrying a surveillance device such as a covert camera it does not need a separate intrusive or Directed Surveillance authorisation, provided the device will only be used in the presence of the CHIS. It should be authorised as part of the conduct of the CHIS.
- 35.2 CHIS, whether or not wearing or carrying a surveillance device, in residential premises or a private vehicle, does not require additional authorisation to record any activity taking place inside those premises or that vehicle which takes place in their presence. This also applies to the recording of telephone conversations. This should have been identified at the planning stage.

### **36. CHIS Management**

- 36.1 The operation will require managing by the Handler and Controller which will include ensuring that the activities of the source and the operation remain focused and there is no status drift. It is important that the intrusion is assessed to ensure the operation remains proportionate. The security and welfare of the source will also be monitored. The Authorising Officer should maintain general oversight of these functions.
- 36.2 During CHIS activity, there may be occasions when unforeseen actions or undertakings occur. Such incidences should be recorded as soon as practicable after the event and if the existing authorisation is insufficient, it should either be dealt with by way of a review and re-authorised (for minor amendments only) or it should be cancelled, and a new authorisation obtained before any further action is carried out. Similarly, where it is intended to task a CHIS in a new significantly different way than previously identified, the proposed tasking should be referred to the Authorising Officer, who should consider whether a separate authorisation is required. This should be done in advance of any tasking and details of such referrals must be recorded.

### **37. CHIS Record Keeping**

#### **37.1 Centrally Retrievable Record of Authorisations**

A centrally retrievable record of all authorisations is held by North Norfolk District Council. This record contains the relevant information to comply with the Codes of Practice. These records are updated whenever an authorisation is granted, renewed or cancelled and are available to the Investigatory Powers Commissioner (IPCO) upon request.

- 37.2 The records are retained for 5 years from the ending of the authorisation.

### 37.3 Individual Source Records of Authorisation and Use of CHIS

Detailed records must be kept of the authorisation and the use made of a CHIS. An authorising officer must not grant an authorisation for the use or conduct of a CHIS unless they believe that there are arrangements in place for ensuring that there is at all times a person with the responsibility for maintaining a record of the use made of the CHIS. The Regulation of Investigatory Powers (Source Records) Regulations 2000; SI No: 2725 details the particulars that must be included in these records.

#### 37.4 The particulars to be contained within the records are;

- a. The identity of the source;
- b. The identity, where known, used by the source;
- c. Any relevant investigating authority other than the authority maintaining the records;
- d. The means by which the source is referred to within each relevant investigating authority;
- e. Any other significant information connected with the security and welfare of the source;
- f. Any confirmation made by a person granting or renewing an authorisation for the conduct or use of a source that the information in paragraph (d) has been considered and that any identified risks to the security and welfare of the source have where appropriate been properly explained to and understood by the source;
- g. The date when, and the circumstances in which the source was recruited;
- h. Identity of the Handler and Controller (and details of any changes)
- i. The periods during which those persons have discharged those responsibilities;
- j. The tasks given to the source and the demands made of him in relation to his activities as a source;
- k. All contacts or communications between the source 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 source;
- m. Any dissemination by that authority of information obtained in that way; and
- n. In the case of a source 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 source's activities for the benefit of that or any other relevant investigating authority.

37.5 The person maintaining these records is the RIPA Co-ordinator

37.6 Public authorities are also encouraged to maintain auditable records for individuals providing intelligence who do not meet the definition of a CHIS. This will assist authorities to monitor the status of a human source and identify whether that person should be duly authorised as a CHIS. This should be updated regularly to explain why authorisation is not considered necessary. Such decisions should rest with those designated as Authorising Officers within Public Authorities. (Section 7.5 CHIS Codes of Practice).

### 37.7 Further Documentation

In addition to the above, when appropriate records or copies of the following, as are retained by North Norfolk District Council for 5 years:

- A copy of the authorisation together with any supplementary documentation and notification of the approval given by the authorising officer;
- A copy of any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested;
- The reason why the person renewing an authorisation considered it necessary to do so;
- Any authorisation which was granted or renewed orally (in an urgent case) and the reason why the case was considered urgent;
- Any risk assessment made in relation to the CHIS;
- The circumstances in which tasks were given to the CHIS;
- The value of the CHIS to the investigating authority;
- A record of the results of any reviews of the authorisation;
- The reasons, if any, for not renewing an authorisation;
- The reasons for cancelling an authorisation; and
  - The date and time when any instruction was given by the authorising officer that the conduct or use of a CHIS must cease.

- A copy of the decision by a Judicial Commissioner on the renewal of an authorisation beyond 12 months (where applicable).

37.11 The records kept by the Council should be maintained in such a way as to preserve the confidentiality, or prevent disclosure of the identity of the CHIS, and the information provided by that CHIS. (Sec [7.7-8](#) CHIS Codes of Practice)

37.12 The forms are available in the Appendices: Current link to the Home office Forms is <https://www.gov.uk/government/collections/ripa-forms--2>

- [Application for the conduct or use of Covert Human Intelligence Source \(CHIS\)](#)
- [Review of a Covert Human Intelligence Source \(CHIS\) operation](#)
- [Application for renewal of a Covert Human Intelligence Source \(CHIS\) operation](#)
- [Cancellation of an authorisation for a Covert Human Intelligence Source \(CHIS\) operation](#)

References in these forms to the 'Code' are to the [Covert Human Intelligence Sources Code of Practice Covert Human Intelligence Sources code of practice 2022 - GOV.UK \(www.gov.uk\)](#), which should be consulted for further guidance.

## **PART D – RIPA Roles and ~~Responsibilities~~Responsibilities**

### **38. The Senior Responsible Officer (SRO)**

38.1 The nominated Senior Responsible Officer is Stephen Hems Director for Communities. The SRO with responsibilities for:

- The integrity of the process in place within North Norfolk District Council to authorise Directed and Intrusive Surveillance;
- Compliance with the relevant sections of RIPA and the Codes of Practice;
- Oversight of the reporting of errors to the Investigatory Powers Commissioner (IPC) and the identification of both the cause(s) of errors and the implementation of processes to minimise repetition of errors;
- Engagement with the Investigatory Powers Commissioner Office (IPCO) and the inspectors who support the Commissioner when they conduct their inspections;
- Where necessary, overseeing the implementation of any recommended post- inspection action plans and
- Ensuring that all Authorising Officers are of an appropriate standard, addressing any recommendations and concerns in the inspection reports prepared by the Investigatory Powers Commissioner.

### **39. RIPA Co-Ordinator**

39.1 The RIPA Co-Ordinator is responsible for storing all the original authorisations, reviews, renewals and cancellation forms and the signed approval or refusal documentation from the Magistrate. This will include any authorisations that have not been authorised by the Authorising Officer or refused by a Magistrate.

39.2 The RIPA Co-ordinator will: -

- Keep the copies of the forms for a period of at least 5 years
- Keep the Central Register (a requirement of the Codes of Practice) of all of the authorisations, renewals and cancellations; and Issue the unique reference number.
- Keep a database for identifying and monitoring expiry dates and renewal dates.
- Along with, Directors, Service Managers, Authorising Officers, and the Investigating Officers must ensure that any electronic and paper records relating to a RIPA investigation are used, retained or destroyed in line with

the Councils Information Management policies, departmental retention schedules and the Data Protection Act 2008. (DPA)

- Provide administrative support and guidance on the processes involved.
- Monitor the authorisations, renewals and cancellations with a view to ensuring consistency throughout the Council;
- Monitor each department's compliance and act on any cases of non-compliance;
- Ensure adequate training is provided including guidance and awareness of RIPA and the provisions of this Policy; and Review the contents of this Policy.

#### **40. Managers Responsibility and Management of the Activity**

- 40.1 Line Managers within each area of the Council are responsible for ensuring that in all cases where surveillance is required, due consideration is given to the need for covert surveillance before an application is made for authorisation. That includes the consideration of using overt action, routine enquiries or inspections which are less intrusive.
- 40.2 If authorised it is important that all those involved in undertaking Directed Surveillance activities, including Line managers, are fully aware of the extent and limits of the authorisation. There should be an ongoing assessment for the need for the activity to continue including ongoing assessments of the intrusion. All material obtained, including evidence, should be stored in line with relevant legislation and procedures to safeguard its integrity and reduce a risk of challenge. (See use of material as evidence (Section 61))
- 40.3 Line Managers should also ensure that the relevant reviews (see section 53), renewals (see section 54) and cancellations (see section 55) are completed by the applicant in accordant with the codes and the dates set throughout the process.

#### **41. Investigating Officers/Applicant**

- 41.1 The applicant is normally an investigating officer who completes the application section of the RIPA form. Investigating Officers should think about the need to undertake Directed Surveillance or the use of a CHIS before they seek authorisation and discuss it with their Line manager. Investigating Officers need to consider whether they can obtain the information or achieve their objective by using techniques other than covert surveillance.
- 41.2 The applicant or some other person must carry out a feasibility study as this should be seen by the Authorising Officer. The person seeking the authorisation should then complete the application form having regard to the guidance given in this Policy and the statutory Codes of Practice. There should not be any real delay between the feasibility study and the completion of the application form to ensure that the details within the application are accurate and will not have

changed. The form should then be submitted to the Authorising Officer for authorisation.

- 41.3 The applicant is likely to attend court to seek the approval of a Magistrate, and if approved and involved in the covert activity they must only carry out what is authorised and approved. They, or some other person will also be responsible for the submission of any reviews (see section 53) renewals (see section 54) and cancellations (see section 55).

## **42. Authorising Officers**

- 42.1 The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 prescribes that for Local Authorities the Authorising Officer shall be a Director, Head of Service, Service Manager or equivalent as distinct from the officer responsible for the conduct of an investigation.
- 42.2 Appendix A lists the Authorising Officers within the Council who can grant authorisations all of which are either Director or Assistant Director.
- 42.3 The role of the Authorising Officers is to consider whether to authorise, review, or renew an authorisation. They must also officially cancel the RIPA covert activity. Authorising Officers must have been trained to an appropriate level so as to have an understanding of the requirements in the Codes of Practice and that must be satisfied before an authorisation can be granted.
- 42.4 Authorising Officers should not be responsible for authorising investigations or operations in which they are directly involved. Where an Authorising Officer authorises such an investigation or operation, the central record of authorisations should highlight this, and it should be brought to the attention of a Commissioner or Inspector during their next inspection.
- 42.5 Authorisations must be given in writing by the Authorising Officer by completing the relevant section on the authorisation form. When completing an authorisation, the case should be presented in a fair and balanced way. In particular, all reasonable efforts should be made to take into account information which weakens the case for the authorisation.
- 42.6 Authorising Officers must explain why they believe the activity is both necessary (see section 43) and proportionate (see section 44), having regard to the collateral intrusion. They must also consider any similar activity which may be taking place, or sensitivities in the area.
- 42.7 They also need to explain exactly what they are authorising, against who, in what circumstances, where etc. and that the level of the surveillance is appropriate to achieve the objectives. It is important that this is made clear on the authorisation as the surveillance operatives are only allowed to carry out what is authorised. This will assist with avoiding errors.
- 42.8 If any equipment such as covert cameras are to be used, the Authorising Officer should know the capability of the equipment before authorising its use. This will have an impact on collateral intrusion, necessity and proportionality. They should not rubber-stamp a request. It is important that they consider all the facts to justify their decision. They may be required to justify their actions in a court of

law or some other tribunal.

42.9 The Authorising Officer may be required to attend court to explain what has been authorised and why.

42.10 Authorised Officers must acquaint themselves with the relevant Codes of Practice issued by the Home Office regarding RIPA and the current Procedures and Guidance issued by the Commissioner. This document also details the latest operational guidance to be followed. It is recommended that Authorising Officers hold their own copy of this document. This can be obtained from The RIPA Coordinator.

### **43 Necessity**

43.1 Obtaining an authorisation under RIPA will only ensure that there is a justifiable interference with an individual's Article 8 rights if it is necessary and proportionate for these activities to take place.

43.2 The Act first requires that the person granting an authorisation believe that the authorisation is necessary in the circumstances of the particular case for one or more of the statutory grounds which for Local Authority Directed Surveillance is the prevention and detection of crime and that the crime attracts a custodial sentence of a maximum of 6 months or more, or for the purpose of preventing or detecting specified criminal offences relating to the underage sale of alcohol and tobacco.

43.3 The lawful criteria for CHIS is prevention and detection of crime and prevention of disorder and the offence does not have to have a sentence of 6 months imprisonment.

43.4 The applicant and Authorising Officers must also be able to demonstrate why it is necessary to carry out the covert activity to achieve the objectives and that there were no other means of obtaining the same information in a less intrusive method. This is a part of the authorisation form.

### **44. Proportionality**

44.1 If the activities are deemed necessary, the Authorising Officer must also believe that they are proportionate to what is sought to be achieved by carrying them out. This involves balancing the seriousness of the intrusion into the privacy of the subject of the operation (or any other person who may be affected) against the need for the activity in investigative and operational terms.

44.2 The authorisation will not be proportionate if it is excessive in the overall circumstances of the case. Each action authorised should bring an expected benefit to the investigation or operation and should not be disproportionate or arbitrary. The fact that a suspected offence may be serious will not alone render the proposed actions proportionate. Similarly, an offence may be so minor that any deployment of covert techniques would be disproportionate. No activity should be considered proportionate if the information which is sought could reasonably be obtained by other less intrusive means.

44.3 When explaining proportionality, the Authorising Officer should explain why the

methods and tactics to be adopted during the surveillance is not disproportionate.

44.4 The codes provide guidance relating to proportionality which should be considered by both applicants and Authorising Officers:

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

## **45. Collateral Intrusion**

45.1 Before authorising applications for Directed Surveillance, the Authorising Officer should also take into account the risk of obtaining collateral intrusion which is private information about persons who are not subjects of the surveillance.

45.2 Staff should take measures, wherever practicable, to avoid or minimise unnecessary intrusion into the privacy of those who are not the intended subjects of the surveillance. Where such collateral intrusion is unavoidable, the activities may still be authorised, provided this intrusion is considered proportionate to what is sought to be achieved. The same proportionality tests apply to anticipated collateral intrusion as to intrusion into the privacy of the intended subject of the surveillance.

45.3 All applications must therefore include an assessment of the risk of collateral intrusion and detail the measures taken to limit this to enable the Authorising Officer fully to consider the proportionality of the proposed actions. This is detailed in a section within the authorisation form (Contained within the following link) <https://www.gov.uk/government/collections/ripa-forms--2>

45.4 In order to give proper consideration to collateral intrusion, an Authorising Officer should be given full information regarding the potential scope of the anticipated surveillance, including the likelihood that any equipment deployed may cause intrusion on persons or property other than the subject(s) of the application. If an automated system such as an online search engine is used to obtain the information, the Authorising Officer should be made aware of its potential extent and limitations. Material which is not necessary or proportionate to the aims of the operation or investigation should be discarded or securely retained separately where it may be required for future evidential purposes. It may also need retaining under CPIA. The Authorising Officer should ensure appropriate safeguards for the handling, retention or destruction of such material, as well as compliance with Data Protection Act requirements.

45.5 Where it is proposed to conduct surveillance activity specifically against individuals who are not suspected of direct or culpable involvement in the overall matter being

investigated, interference with the privacy of such individuals should not be considered as collateral intrusion but rather as intended intrusion.

- 45.6 In the event that authorised surveillance unexpectedly and unintentionally interferes with the privacy of any individual other than the intended subject, the authorising officer should be informed by submitting a review form. Consideration should be given in any such case to the need for any separate or additional authorisation.
- 45.7 Where a Public Authority intends to access a social media or other online account to which they have been given access with the consent of the owner, the authority will still need to consider whether the account(s) may contain information about others who have not given their consent. If there is a likelihood of obtaining private information about others, the need for a Directed Surveillance authorisation should be considered, particularly (though not exclusively) where it is intended to monitor the account going forward.

## **PART E – The Application and Authorisation Process**

### **46. Relevant Forms**

46.1 For both Directed Surveillance and CHIS authorisations there are 4 forms within the process. They are:

- Authorisation
- Review
- Renewal
- Cancellation

46.2 All the forms can be obtained from the Government Website at <https://www.gov.uk/government/collections/ripaforms--2>

### **47. Duration of Authorisations**

47.1 Authorisations must be given for the maximum duration from the Date approved by the Magistrate but reviewed on a regular basis and formally cancelled when no longer needed. They do not expire, they must be cancelled when the surveillance is no longer proportionate or necessary. Therefore, a Directed Surveillance authorisation will cease to have effect after three months from the date of approval by the Magistrate unless renewed or cancelled. Durations detailed below:

<b>Directed Surveillance</b>	3 Months
<b>Renewal</b>	3 Months
<b>Covert Human Intelligence Source</b>	12 Months
<b>Renewal</b>	12 months
<b>Juvenile Sources</b>	4 Months
<b>Renewal</b>	4 Months

47.2 It is the responsibility of the Investigating Officer to make sure that the authorisation is still valid when they undertake surveillance.

### **48. Applications/Authorisation**

48.1 The applicant or some other person must carry out a surveillance assessment as this may be required by the Authorising Officer. The person seeking the authorisation should then complete the application form having regard to the guidance given in this Policy and the statutory Codes of Practice. There should not be any real delay between the feasibility study and the completion of the application form to ensure that the details within the application are accurate and will not have changed. The form should then be submitted to the Authorising Officer for authorisation.

48.2 When completing an application for authorisation, the applicant must ensure that

the case for the authorisation is presented in the application in a fair and balanced way. In particular, all reasonable efforts should be made to take into account information which weakens the case for the warrant or authorisation. This is a requirement of the codes.

- 48.3 All the relevant sections must be completed with sufficient information to ensure that applications are sufficiently detailed for the Authorising Officer to consider Necessity, Proportionality having taken into account the Collateral Intrusion issues **Cutting and pasting or using template entries should not take place as this would leave the process open to challenge.**
- 48.4 If it is intended to undertake both Directed Surveillance and the use of a CHIS on the same surveillance subject, the respective authorisation should be completed and the respective procedures followed. Both activities should be considered separately on their own merits.
- 48.5 All applications will be submitted to the Authorising Officer via the Line Manager of the appropriate enforcement team in order that they are aware of the application and activities being undertaken by the staff. The Line Manager will perform an initial quality check of the application. However, they should not be involved in the sanctioning of the authorisation. The form should then be submitted to the Authorising Officer.
- 48.6 Applications whether authorised or refused will be issued with a unique number, which is obtained from the RIPA Co-Ordinator. The number will be taken from the next available number in the central record of authorisations which is held by the RIPA Coordinator.
- 48.7 If not authorised, feedback will be provided to the applicant and the application will be forwarded to the RIPA Co-Ordinator for recording and filing. If having received the feedback, the applicant feels it is appropriate to re submit the application, they can do so and it will then be considered again.

48.8 Following authorisation, the applicant will then complete the relevant section of the judicial application/order form (Contained within the following link) [RIPA forms - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Although this form requires the applicant to provide a brief summary of the circumstances of the case, this is supplementary to and does not replace the need to supply a copy and the original RIPA authorisation as well.

## **49. Arranging the Court Hearing**

- 49.1 It will be necessary within office hours to contact the administration at the Magistrates' Court to arrange a hearing. The hearing will be in private and heard by a single Magistrate. The application to the Magistrate will be on oath.
- 49.2 Officers who may present the application at these proceedings will need to be formally designated by the Council under section 223 of the Local Government Act 1972 to appear, be sworn in and present evidence or information as required by the Magistrate. If in doubt as to whether you are able to present the application seek advice from the Legal Services Team.

## 50. Attending the Hearing

50.1 The applicant in addition to the Authorising Officer will attend the hearing. Upon attending the hearing, the officer must present to the Magistrate the partially completed judicial application/order form, the original and a copy of the RIPA application/authorisation form, together with any supporting documents setting out the case. The original RIPA authorisation should be shown to the Magistrate but will be retained by the Council so that it is available for inspection by IPCO, and in the event of any legal challenge or investigations by the Investigatory Powers Tribunal (IPT).

50.2 The Magistrate will read and consider the RIPA authorisation and the judicial application/order form (contained within the following link)  
<https://www.gov.uk/government/collections/ripa-forms--2>

They may have questions to clarify points or require additional reassurance on particular matters. These questions are supplementary to the content of the application form. **However, the forms and supporting papers must by themselves make the case. It is not sufficient for the Council to provide oral evidence where this is not reflected or supported in the papers provided.**

50.3 The Magistrate will consider whether they are satisfied that at the time the authorisation was granted or renewed, there were reasonable grounds for believing that the authorisation was necessary and proportionate. In addition, they must be satisfied that the person who granted the authorisation was an appropriate Designated Person within the Council to authorise the activity and the authorisation was made in accordance with any applicable legal restrictions, for example, the crime threshold for Directed Surveillance.

## 51. Decision of the Magistrate

51.1 The Magistrate has a number of options which are:

51.2 **Approve or renew an authorisation.** If approved by the Magistrate, the date of the approval becomes the commencement date for the duration of the three months and the officers are now allowed to undertake the activity.

51.3 **Refuse to approve or renew an authorisation.** The RIPA authorisation will not take effect and the Council may **not** use the technique in that case.

51.4 Where an application has been refused, the applicant may wish to consider the reasons for that refusal. If more information was required by the Magistrate to determine whether the authorisation has met the tests, and this is the reason for refusal, the officer should consider whether they can reapply. For example, if there was information to support the application which was available to the Council, but not included in the papers provided at the hearing.

51.5 For, a technical error (as defined by the Magistrate), the form may be remedied without going through the internal authorisation process again. The officer may then wish to reapply for judicial approval once those steps have been taken.

51.6 **Refuse to approve or renew and quash the authorisation.** This applies where the Magistrate refuses to approve or renew the authorisation and decides to quash the original authorisation. However, the court must not exercise its power to

quash the authorisation unless the applicant has had at least 2 business days from the date of the refusal in which to make representations. If this is the case, the officer will inform the Legal who will consider whether to make any representations.

- 51.7 The Magistrate will record their decision on the order section of the judicial application/order form. The court administration will retain a copy of the Council's RIPA application and authorisation form and the judicial application/order form. The officer will retain the original authorisation and a copy of the judicial application/order form.
- 51.8 The Council may only appeal a Magistrate decision on a point of law by judicial review. If such a concern arises, the Legal Services Team will decide what action if any should be taken.

## **52. Post Court Procedure**

- 52.1 It will be necessary to work out the cancellation date from the date of approval and ensure that the applicant and the Authorising Officer is aware. The original application and the copy of the judicial application/order form should be forwarded to the RIPA Co-Ordinator. A copy will be retained by the applicant and if necessary by the Authorising Officer. The central register will be updated with the relevant information to comply with the Codes of Practice and the original documents filed and stored securely.
- 52.2 Where dates are set within the process such as reviews, they must be adhered to. This will help with demonstrating that the process has been managed correctly in line with the Codes of Practice and reduce the risk of errors.

## **53. Reviews**

- 53.1 When an application has been authorised and approved by a Magistrate, regular reviews must be undertaken by the Authorising Officer to assess the need for the surveillance to continue.
- 53.2 In each case the Authorising Officer should determine how often a review should take place at the outset. This should be as frequently as is considered necessary and practicable. Particular attention is drawn to the need to review authorisations frequently where the surveillance provides a high level of intrusion into private life or significant collateral intrusion, or confidential information. They will record when they are to take place on the application form. This decision will be based on the circumstances of each application. However, reviews will be conducted on a monthly or less basis to ensure that the activity is managed. It will be important for the Authorising Officer to be aware of when reviews are required to ensure that the applicants submit the review form on time.
- 53.3 Applicants should submit a review form by the review date set by the Authorising Officer. They should also use a review form for changes in circumstances to the original application which would include a change to the level of intrusion so that the need to continue the activity can be re-assessed. However, if the circumstances or the objectives have changed considerably, or the techniques to be used are now different, a new application form should be submitted, and it will

be necessary to follow the process again and be approved by a Magistrate. The applicant does not have to wait until the review date if it is being submitted for a change in circumstances.

- 53.4 Line managers of applicants should also make themselves aware of when the reviews are required to ensure that the relevant forms are completed on time.
- 53.5 The reviews are dealt with internally by submitting the review form to the Authorising Officer. There is no requirement for a review form to be submitted to a Magistrate.
- 53.6 The results of a review should be recorded on the central record of authorisations.

## **54. Renewal**

- 54.1 A renewal form is to be completed by the applicant when the original authorisation period is about to expire but Directed Surveillance or the use of a CHIS is still required.
- 54.2 Should it be necessary to renew an authorisation for Directed Surveillance or CHIS, this must be approved by a Magistrate.
- 54.3 Applications for renewals should not be made until shortly before the original authorisation period is due to expire. However, they must take account of factors which may delay the renewal process (e.g. intervening weekends or the availability of the relevant Authorising Officer and a Magistrate to consider the application).
- 54.4 The applicant should complete all the sections within the renewal form and submit the form to the Authorising Officer for consideration.
- 54.5 Authorising Officers should examine the circumstances with regard to Necessity, Proportionality and the Collateral Intrusions issues before making a decision to renew the activity. A CHIS application should not be renewed unless a thorough review has been carried out covering the use made of the source, the tasks given to them and information obtained. The Authorising Officer must consider the results of the review when deciding whether to renew or not. The review and the consideration must be documented.
- 54.6 If the Authorising Officer refuses to renew the application, the cancellation process should be completed. If the Authorising Officer authorises the renewal of the activity, the same process is to be followed as mentioned earlier for the initial application whereby approval must be sought from a Magistrate.
- 54.7 A renewal takes effect on the day on which the authorisation would have ceased and lasts for a further period of three months.

## **55. Cancellation**

- 55.1 The cancellation form (contained in the following link)  
[RIPA forms - GOV.UK \(www.gov.uk\)](http://www.gov.uk)  
is to be submitted by the applicant or another investigator in their absence. The Authorising Officer who granted or last renewed the authorisation must cancel it if

they are satisfied that the Directed Surveillance no longer meets the criteria upon which it was authorised. Where the Authorising Officer is no longer available, this duty will fall on the person who has taken over the role of Authorising Officer or the person who is acting as Authorising Officer.

- 55.2 As soon as the decision is taken that Directed Surveillance should be discontinued, the applicant or other investigating officer involved in the investigation should inform the Authorising Officer. The Authorising Officer will formally instruct the investigating officer to cease the surveillance, noting the time and date of their decision. This will be required for the cancellation form. The date and time when such an instruction was given should also be recorded in the central record of authorisations.
- 55.3 The Investigating Officer submitting the cancellation should complete in detail the relevant sections of the form and include the period of surveillance and detail if any images were obtained, particularly any images containing innocent third parties. The Authorising Officer should then take this into account and issues instructions regarding the management and disposal of the images etc. See sections 58 to 65 Safeguarding and the Use of Surveillance Material below.
- 55.4 The cancellation process should also be used to evaluate whether the objectives have been achieved and whether the applicant carried out what was authorised. This check will form part of the oversight function. Where issues are identified including errors (see Part G) they will be brought to the attention of the Line Manager and the Senior Responsible Officer (SRO). This will assist with future audits and oversight and comply with the Codes of Practice.
- 55.5 When cancelling a CHIS authorisation, an assessment of the welfare and safety of the source should also be assessed and any issues identified.
- 55.6 All cancellations must be submitted to the RIPA Co-Ordinator for inclusion in the central Record and storing securely with the other associated forms.
- 55.7 Do not wait until the 3 month period is up to cancel. Cancel it at the earliest opportunity when no longer necessary and proportionate. Line Managers should be aware of when the activity needs cancelling and ensure that staff comply with the procedure.

## **PART F – Central Record and Safeguarding the Material**

### **56. Introduction**

56.1 Authorising Officers, applicants and Line Managers of relevant enforcement departments may keep whatever records they see fit to administer and manage the RIPA application process. This includes the legal obligations under the Criminal Procedures and Investigations Act. However, this will not replace the requirements under the Codes of Practice, which includes the fact that the Council must hold a centrally held and retrievable record.

### **57. Central Record**

57.1 The centrally retrievable record of all authorisations will be held and maintained by the - RIPA Co-Ordinator. It will be regularly updated whenever an authorisation is applied for, refused, granted, renewed or cancelled. The record will be made available to the relevant Commissioner or an Inspector from IPCO, upon request.

57.2 All original authorisations and copies of Judicial applications/order forms whether authorised or refused, together with review, renewal and cancellation documents, must be sent within 48 hours to the – RIPA Co-Ordinator who will be responsible for maintaining the central record of authorisations. They will ensure that all records are held securely with no unauthorised access. If in paper format, they must be forwarded in a sealed envelope marked confidential.

57.3 The documents contained in the centrally held register should be retained for at least three years from the ending of the authorisation or for the period stipulated by the Council's document retention policy, whichever is greater. The centrally held register contains the following information:

- If refused, (the application was not authorised by the AO) a brief explanation of the reason why. The refused application should be retained as part of the central record of authorisation;
- If granted, the type of authorisation and the date the authorisation was given;
- Details of attendances at the magistrates' court to include the date of attendances at court, the determining magistrate, the decision of the court and the time and date of that decision;
- Name and rank/grade 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;
- Frequency and the result of each review of the authorisation;
- If the authorisation is renewed, when it was renewed and who authorised

the renewal, including the name and rank/grade of the authorising officer and the date renewed by the Magistrate;

- Whether the investigation or operation is likely to result in obtaining confidential information as defined in this code of practice;
- The date the authorisation was cancelled;
- Authorisations by an Authorising Officer where they are directly involved in the investigation or operation. If this has taken place it must be brought to the attention of a Commissioner or Inspector during their next RIPA inspection.

57.4 As well as the central record the RIPA Co-Ordinator will also retain:

- The original of each application, review, renewal and cancellation, copy of the judicial application/order form, together with any supplementary documentation of the approval given by the Authorising Officer;
- The frequency and result of reviews prescribed by the Authorising Officer;
- The date and time when any instruction to cease surveillance was given;
- The date and time when any other instruction was given by the Authorising Officer;
- A record of the period over which the surveillance has taken place. This should have been included within the cancellation form.

57.5 These documents will also be retained for three years from the ending of the authorisation.

## **58. Safeguarding and the Use of Surveillance Material**

58.1 This section provides guidance on the procedures and safeguards to be applied in relation to the handling of any material obtained through Directed Surveillance or CHIS activity. This material may include private, confidential or legal privilege information. It will also show the link to other relevant legislation.

58.2 The Council should ensure that their actions when handling information obtained by means of covert surveillance or CHIS activity comply with relevant legal frameworks and the Codes of Practice, so that any interference with privacy is justified in accordance with Article 8(2) of the European Convention on Human Rights. Compliance with these legal frameworks, including Data Protection requirements, will ensure that the handling of private information obtained continues to be lawful, justified and strictly controlled, and is subject to robust and effective safeguards. The material will also be subject to the Criminal Procedures Investigations Act (CPIA), [Criminal Procedure and Investigations Act 1996 \(section 23\(1\)\) Code of Practice - GOV.UK \(www.gov.uk\)](#)

## **59. Authorised Purpose**

59.1 Dissemination, copying and retention of material must be limited to the minimum

necessary for authorised purposes. For the purposes of the RIPA codes, something is necessary for the authorised purposes if the material:

- Is, or is likely to become, necessary for any of the statutory purposes set out in the RIPA Act in relation to covert surveillance or CHIS activity;
- Is necessary for facilitating the carrying out of the functions of public authorities under RIPA;
- Is necessary for facilitating the carrying out of any functions of the Commissioner or the Investigatory Powers Tribunal;
- Is necessary for the purposes of legal proceedings; or
- Is necessary for the performance of the functions of any person by or under any enactment

## **60. Handling and Retention of Material**

- 60.1 As mentioned above, all material associated and obtained with an application will be subject of the provisions of the Data Protection Act (DPA) 2018 and CPIA Codes of Practice. All officers involved within this process should make themselves aware of the provisions within this legislation and how it impacts on the whole RIPA process. Material obtained, together with relevant associated paperwork should be held securely. Extra care needs to be taken if the application and material relates to a CHIS.
- 60.2 Material required to be retained under CPIA should be retained until a decision is taken whether to institute proceedings against a person for an offence or if proceedings have been instituted, at least until the accused is acquitted or convicted or the prosecutor decides not to proceed with the case.
- 60.3 Where the accused is convicted, all material which may be relevant must be retained at least until the convicted person is released from custody, or six months from the date of conviction, in all other cases.
- 60.4 If the court imposes a custodial sentence and the convicted person is released from custody earlier than six months from the date of conviction, all material which may be relevant must be retained at least until six months from the date of conviction.
- 60.5 If an appeal against conviction is in progress when released, or at the end of the period of six months, all material which may be relevant must be retained until the appeal is determined.
- 60.6 If retention is beyond these periods it must be justified under DPA. Each relevant service within the Council may have its own provisions under their Data Retention Policy which will also need to be consulted to ensure that the data is retained lawfully and for as long as is necessary

## **61. Use of Material as Evidence**

- 61.1 Material obtained through Directed Surveillance, may be used as evidence in criminal proceedings. The admissibility of evidence is governed primarily by the

common law, the Criminal Procedure and Investigations Act 1996 (CPIA), the Civil Procedure Rules, section 78 of the Police and Criminal Evidence Act 1996 and the Human Rights Act 1998.

- 61.2 Ensuring the continuity and integrity of evidence is critical to every prosecution. Accordingly, considerations as to evidential integrity are an important part of the disclosure regime under the CPIA and these considerations will apply to any material acquired through covert surveillance that is used in evidence. When information obtained under a covert surveillance authorisation is used evidentially, the Council will be able to demonstrate how the evidence has been obtained, to the extent required by the relevant rules of evidence and disclosure.
- 61.3 Where the product of surveillance could be relevant to pending or future criminal or civil proceedings, it should be retained in accordance with established disclosure requirements. In a criminal case the codes issued under CPIA will apply. They require that the investigator record and retain all relevant material obtained in an investigation and later disclose relevant material to the Prosecuting Solicitor. They in turn will decide what is disclosed to the Defence Solicitors.
- 61.4 There is nothing in RIPA which prevents material obtained under Directed Surveillance authorisations from being used to further other investigations

## **62. Dissemination of Information**

- 62.1 It may be necessary to disseminate material acquired through the RIPA covert activity within North Norfolk District Council or shared outside with other Councils or agencies, including the Police. The number of persons to whom any of the information is disclosed, and the extent of disclosure, should be limited to the minimum necessary. It must also be in connection with an authorised purpose as set out in sec 59 above. It will be necessary to consider exactly what and how much information should be disclosed. Only so much of the material may be disclosed as the recipient needs; for example, if a summary of the material will suffice, no more than that should be disclosed.
- 62.2 The obligations apply not just to North Norfolk District Council as the original authority acquiring the information, but also to anyone to whom the material is subsequently disclosed. In some cases, this will be achieved by requiring the latter to obtain permission from North Norfolk District Council before disclosing the material further. It is important that the Officer In Charge (OIC) of the enquiry considers these implications at the point of dissemination to ensure that safeguards are applied to the data.
- 62.3 A record will be maintained justifying any dissemination of material. If in doubt, seek advice.

## **63. Storage**

- 63.1 Material obtained through covert surveillance and CHIS authorisations, and all copies, extracts and summaries of it, must be handled and stored securely, so as to minimise the risk of loss. It must be held so as to be inaccessible to persons who are not required to see the material (where applicable). This requirement to store such material securely applies to all those who are responsible for the handling of the material. It will be necessary to ensure that both physical and IT

security and an appropriate security clearance regime is in place to safeguard the material.

#### **64. Copying**

- 64.1 Material obtained through covert surveillance may only be copied to the extent necessary for the authorised purposes set out above. Copies include not only direct copies of the whole of the material, but also extracts and summaries which identify themselves as the product of covert surveillance, and any record which refers to the covert surveillance and the identities of the persons to whom the material relates.
- 64.2 In the course of an investigation, North Norfolk District Council must not act on or further disseminate legally privileged items unless it has first informed the Investigatory Powers Commissioner that the items have been obtained.

#### **65. Destruction**

- 65.1 Information obtained through covert surveillance, and all copies, extracts and summaries which contain such material, should be scheduled for deletion or destruction and securely destroyed as soon as they are no longer needed for the authorised purpose(s) set out above. If such information is retained, it should be reviewed at appropriate intervals to confirm that the justification for its retention is still valid. In this context, destroying material means taking such steps as might be necessary to make access to the data impossible.

## **PART G – Errors and Complaints**

### **66. Errors**

- 66.1 Errors can have very significant consequences on an affected individual's rights. Proper application of the surveillance and CHIS provisions in the RIPA codes and this Policy should reduce the scope for making errors.
- 66.2. There are two types of errors within the codes of practice which are:
- Relevant error and
  - Serious error

### **67. Relevant Error**

- 67.1 An error must be reported if it is a “**relevant error**”. A relevant error is any error by a Public Authority in complying with any requirements that are imposed on it by any enactment which are subject to review by a Judicial Commissioner. This would include compliance by public authorities with Part II of the 2000 Act (RIPA). This would include with the content of the Codes of Practice.
- 67.2 Examples of relevant errors occurring would include circumstances where:
- Surveillance activity has taken place without lawful authorisation.
  - There has been a failure to adhere to the safeguards set out in the relevant statutory provisions and Chapter 9 of the Surveillance Codes of Practice relating to the safeguards of the material.
- 67.3 All relevant errors made by Public Authorities must be reported to the Investigatory Powers Commissioner by the Council as soon as reasonably practicable and a full report no later than ten working days. The report should include information on the cause of the error; the amount of surveillance conducted, and material obtained or disclosed; any unintended collateral intrusion; any analysis or action taken; whether any material has been retained or destroyed; and a summary of the steps taken to prevent recurrence.

### **68. Serious Errors**

- 68.1 The Investigatory Powers Commissioner must inform a person of any relevant error relating to that person if the Commissioner considers that the error is a serious error and that it is in the public interest for the person concerned to be informed of error. The Commissioner may not decide that an error is a serious error unless they consider that the error has caused significant prejudice or harm to the person concerned. The fact that there has been a breach of a person's Convention rights (within the meaning of the Human Rights Act 1998) is not sufficient by itself for an error to be a serious error.
- 68.2 It is important that all staff involved in the RIPA process report any issues, so they can be assessed as to whether it constitutes an error which requires reporting

### **69. Complaints**

- 69.1 Any person who reasonably believes they have been adversely affected by surveillance activity by or on behalf of the Council may complain to the Borough

Solicitor who will investigate the complaint. A complaint can also be made to the official body which is the Investigatory Powers Tribunal (IPT). They have jurisdiction to investigate and determine complaints against any Public Authority's use of RIPA powers, including those covered by this Policy.

69.2 Complaints should be addressed to:

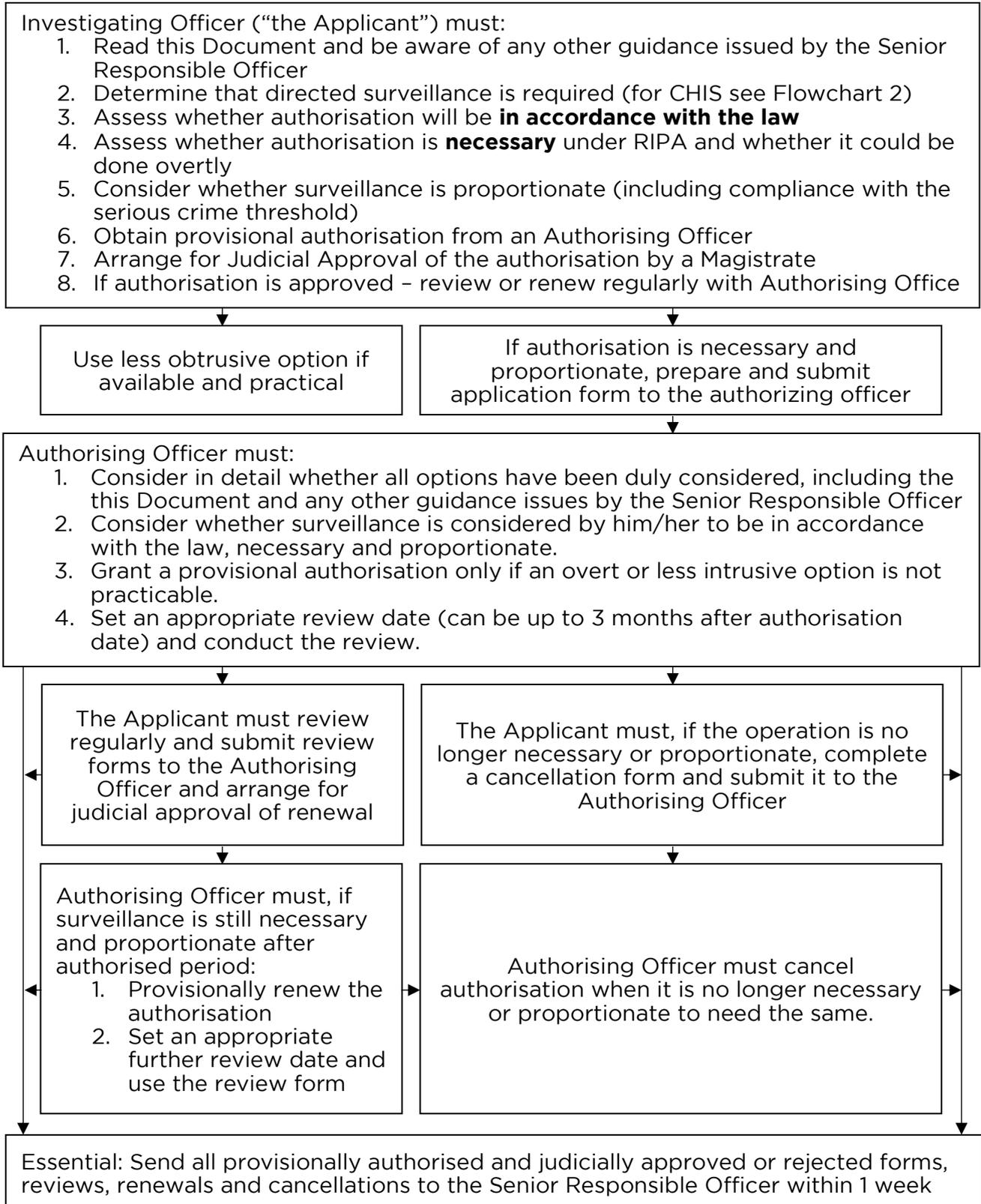
The Investigatory Powers Tribunal PO

Box 33220

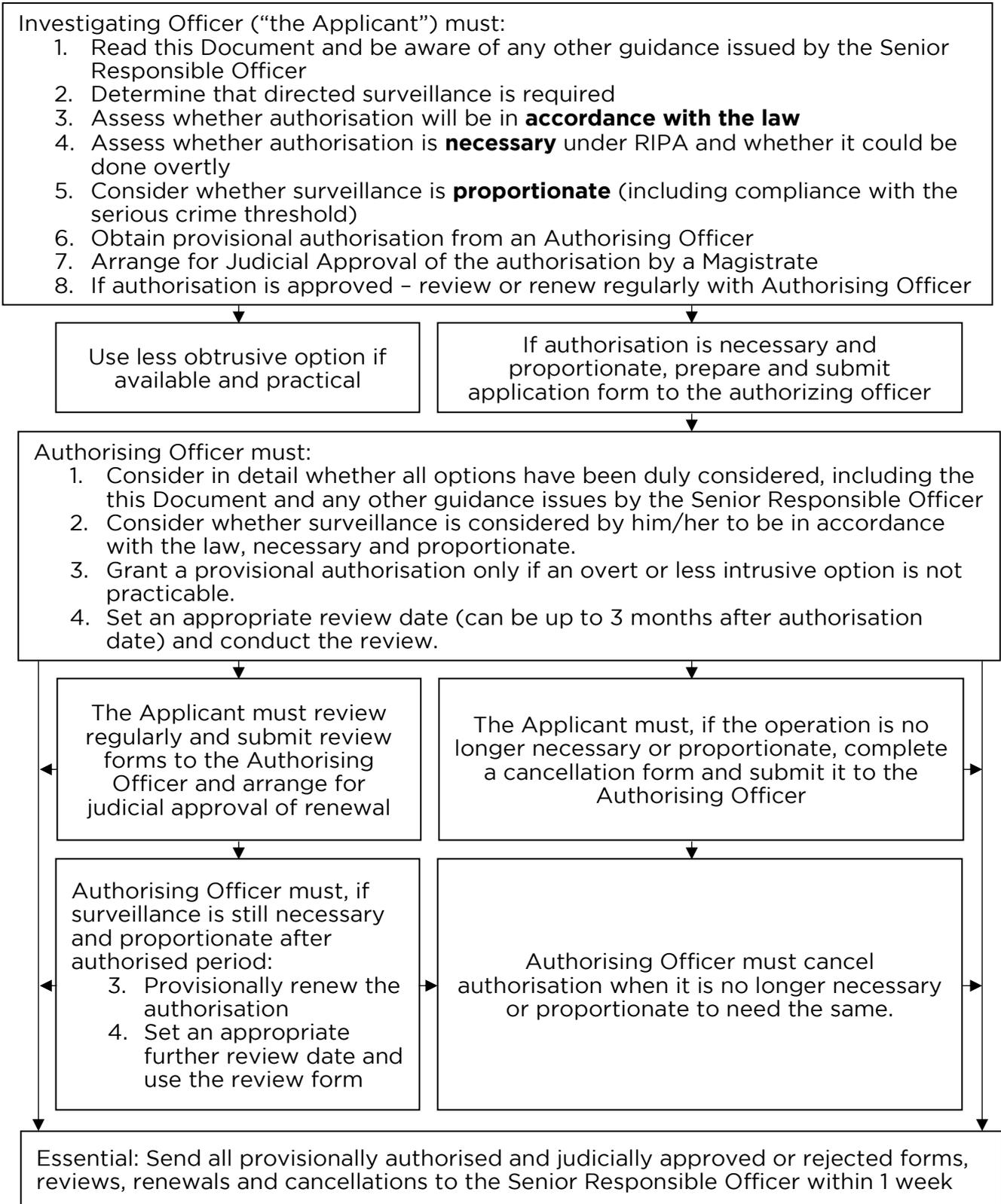
London SW1H 9

## PART H – Appendix

### Flowchart 1: Directed Surveillance



**Flowchart 2: CHIS**



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# Internet & Social Media Research & Investigations

## Policy

Revision	Revision Date
1.	October 2022
2.	October 2023 No Changes



NORTH  
NORFOLK  
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## **1. Introduction**

- 1.1 Online open source research is widely regarded as the collection, evaluation and analysis of material from online sources available to the public, whether by payment or otherwise to use as intelligence and evidence.
- 1.2 The use of online open source internet and Social Media research is a method of obtaining information to assist North Norfolk District Council with its regulatory and enforcement functions. It can also assist with service delivery issues. However, the use of the internet and Social Media is constantly evolving and with it the risks, particularly regarding breaches of privacy under Article 8 Human Rights Act (HRA) and other operational risks.
- 1.3 North Norfolk District Council is a Public Authority in law under the Human Rights Act 1998, and as such, the staff of the authority must always work within this legislation. This applies to research on the internet.
- 1.4 Researching, recording, storing, and using open source information regarding a person or group of people must be both necessary and proportionate and take account of the level of intrusion against any person. The activity may also require authorisation and approval by a Magistrate under the Regulation of Investigatory Powers Act (RIPA) 2000. To ensure that any resultant interference with a person's Article 8 right to respect for their private and family life is lawful, the material must be retained and processed in accordance with the principles of the General Data Protection Regulations (GDPR).

## **2. Scope of Policy**

- 2.1 This policy and associated procedure establishes North Norfolk District Council's approach to ensure that all online research and investigations are conducted lawfully and ethically to reduce risk. It provides guidance to all staff within the authority, when engaged in their official capacity of the implications and legislative framework associated with online internet and Social Media research. It will also ensure that the activity undertaken, and any evidence obtained will stand scrutiny.
- 2.2 This policy takes account of the Human Rights Act 1998, Regulation of Investigatory Powers Act (RIPA) 2000, Criminal Procedures Investigations Act (CPIA) 1996, General Data Protection Regulations (GDPR), NPCC Guidance on Open Source Investigation/Research.
- 2.3 This policy and associated procedure will be followed at all times and should be read, where required with the RIPA Codes of Practice and any other legislation and relevant North Norfolk District Council policies mentioned in this document. Should there be any queries, advice can be sought from the SRO.

2.4 Not adhering to this policy and procedure could result in members of staff being dealt with through the Council's disciplinary procedure.

2.5 This policy should not be exempt from disclosure under the Freedom of Information Act 2000

### **3. Risk**

3.1 Staff must be aware that any activity carried out over the internet leaves a trace or footprint which can identify the device used, and, in some circumstances, the individual carrying out the activity. This may pose a legal and reputational risk to North Norfolk District Council from being challenged by the subject of the research for breaching Article 8.1 of the HRA which states "Everyone has the right to respect for his private and family life, his home and his correspondence". 8.2 states "There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others".

3.2 There is also a risk of compromise to other investigations, therefore, the activity should be conducted in a manner that does not compromise any current or future investigation or tactics.

### **4. Necessity / Justification**

4.1 To justify the research, there must be a clear lawful reason, and it must be necessary. Therefore, the reason for the research, such as, the criminal conduct that it is aimed to prevent or detect must be identified and clearly described. This should be documented with clear objectives. Should the research fall within RIPA activity, the RIPA authorisation deals with this criterion for it to be lawful.

### **5. Proportionality**

5.1 Proportionality involves balancing the intrusiveness of the research on the subject and other innocent third parties who might be affected by it (collateral intrusion) against the need for the activity in operational terms. What is the benefit to carrying out the activity? how will the benefit outweigh the intrusion?

5.2 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. All such activity should be carefully managed to meet the objective in question and must not be arbitrary or unfair

## **6. Private information**

- 6.1 Private information is defined in the RIPA Codes of Practice and states it “includes any information relating to a person’s private or family life. Private information should be taken generally to include any aspect of a person’s private or personal relationship with others, including family and professional or business relationships.
- 6.2 Prior to, and during any research, staff must take into account the privacy issues regarding any person associated with the research.

## **7. Reviewing the Activity**

- 7.1 During the course of conducting the internet open source research, the nature of the online activity may evolve. It is important staff continually assess and review their activity to ensure it remains lawful and compliant. Where it evolves into RIPA activity, the RIPA procedure should be followed. If in doubt, seek advice.

## **8. Use of Material**

- 8.1 The material obtained from conducting open source internet and Social Media research may be used as intelligence or evidence.
- 8.2 Any material gathered from the internet during the course of a criminal investigation must be retained in compliance with the Criminal Procedure and Investigations Act (CPIA) Codes of Practice and all material stored in line with the General Data Protection Regulations (GDPR) data retention policy

## **9. Monitoring and Review of Policy**

- 9.1 This policy will monitored and reviewed where necessary by the SRO for RIPA. The minimum of an annual review will take place.

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# Internet & Social Media Research & Investigations

## Procedure

Revision	Revision Date
1.	October 2022
2.	October 2023



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## 1. Introduction

- 1.1 Online open-source research is widely regarded as the collection, evaluation, and analysis of material from online sources available to the public, whether by payment or otherwise to use as intelligence and evidence.
- 1.2 The use of online open-source internet and social media research techniques has become a productive method of obtaining information to assist North Norfolk District Council with its regulatory and enforcement functions. It can also assist with other functions such as, service delivery issues and debt recovery. However, the use of the internet and social media is constantly evolving and with it the risks, particularly regarding breaches of privacy under Article 8 Human Rights Act (HRA) and other operational risks.
- 1.3 North Norfolk District Council is a Public Authority in law under the Human Rights Act 1998, and as such, the staff of the authority must always work within this legislation. This applies to research on the internet. Just because it may seem easier to carry out internet research does not mean that it should take place without justification.
- 1.4 Researching, recording, storing, and using open-source information regarding a person or group of people must be both necessary and proportionate, and take account of the level of intrusion against any person. The activity may also require authorisation and approval by a Magistrate under the Regulation of Investigatory Powers Act (RIPA) 2000. To ensure that any resultant interference with a person's Article 8 right to respect for their private and family life is lawful, the material must be retained and processed in accordance with the principles of the General Data Protection Regulations (GDPR).

## 2. Scope of Procedure

- 2.1 This procedure is a restricted document for use by North Norfolk District Council staff only. It should not be published or distributed or disclosed under Freedom of Information Requests. However, it can be used for both Criminal and Civil proceedings.
- 2.2 This procedure establishes North Norfolk District Council's corporate standards and instructions, which will ensure that all online research and investigations are conducted lawfully and ethically to reduce risk. It provides guidance to all staff, when they are engaged in their official capacity of the implications and legislative/best practice framework associated with online internet and social media research. It will also ensure that the activity undertaken, and any evidence obtained will stand scrutiny.
- 2.3 This procedure takes account of the Human Rights Act 1998, Regulation of Investigatory Powers Act (RIPA) 2000 August 2018 Codes of Practice, Criminal Procedures Investigations Act (CPIA) 1996, General Data Protection Regulations (GDPR), Association of Chief Police Officers (ACPO) Good Practice Guide for Digital Evidence (March 2012), National Police Chiefs Council (NPCC) Guidance on Open-source Investigation/Research. It also ~~has regard follows to~~ the guidance and best practice advice

documented within the Office of Surveillance Commissioners (OSC) Procedures and Guidance July 2016. ~~The OSC is now replaced by the Investigatory Powers Commissioner's Office (IPCO). However, the~~ Procedures and Guidance document ~~has now been withdrawn by IPCO. The Council will have regard to any revised guidance as and when it is issued by IPCO. is still current.~~

- 2.4 This procedure will be followed at all times and should be read, where required with the RIPA Codes of Practice and other relevant policies mentioned in this document. Should there be any queries, advice can be sought from the SRO or Monitoring Officer. Where activity meets the RIPA criteria the RIPA policy and procedures must be followed.
- 2.5 Not adhering to policy and procedures could result in members of staff being dealt with through the Council's disciplinary procedure.

### **3. Risk**

- 3.1 Staff must be aware that any activity carried out over the internet leaves a trace or footprint which can identify the device used, and, in some circumstances, the individual carrying out the activity. This may pose a legal and reputational risk to North Norfolk District Council from being challenged by the subject of the research for breaching Article 8.1 of the HRA which states "Everyone has the right to respect for his private and family life, his home and his correspondence". 8.2 states "There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others".
- 3.2 There is also a risk of compromise to ongoing covert investigations and tactics; therefore, the activity should be conducted in a manner that does not compromise any current or future investigation or methods.
- 3.3 To reduce these risks, risk assessment should be standard practice and carried out in all cases prior to and during any open-source internet and social media research. This will include whether or not you wish to ensure that the research is non-attributable i.e. cannot be traced back to North Norfolk District Council, such as authorised RIPA activity. (See section 10)
- 3.4 Risk assessments will be recorded within the relevant documentation appropriate to the type of research being undertaken.
- 3.5 If the RIPA procedure is engaged with regard to CHIS activity (see section 10.12), a risk assessment is a requirement of the Codes of Practice.
- 3.6 General routine enquiries (see section 9) will rarely pose a risk as they will be carried out in an open official capacity, as opposed to a covert capacity. They will normally be carried out on networked computers attributable to North Norfolk District Council.
- 3.7 Using trained staff (see section 24) to undertake certain online research will reduce risks. The use of untrained staff will be a risk-based decision by the departmental managers based on the skills and experience of the individual undertaking the research and the nature and level of the research required.

#### 4. Private Information and Privacy

- 4.1 Due to the ease with which internet research can be undertaken and the amount of information available, it is easier to breach someone's privacy on the internet. This information is likely to meet the definition of personal data and therefore the usual General Data Protection Regulations (GDPR) apply.
- 4.2 Whenever a public authority intends to use the internet as part of an investigation, they should consider whether the proposed activity is likely to interfere with a person's Article 8 rights, including the effect of any collateral intrusion. This should be an ongoing assessment. Any activity likely to interfere with an individual's Article 8 rights should only be used when necessary and proportionate to meet the objectives of a specific case.
- 4.3 **Private information** is defined in the RIPA Codes of Practice and states it "includes any information relating to a person's private or family life. Private information should be taken generally to include any aspect of a person's private or personal relationship with others, including family and professional or business relationships. Where such information is acquired by means of covert surveillance of a person having a reasonable expectation of privacy, a Directed Surveillance authorisation is appropriate".
- 4.4 Private life considerations are particularly likely to arise if several records are to be analysed together in order to establish, for example, a pattern of behaviour, or if one or more pieces of information (whether or not available in the public domain) are covertly (or in some cases overtly) obtained for the purpose of making a permanent record about a person or for subsequent data processing to generate further information. In such circumstances, the totality of information gleaned may constitute private information even if individual records do not. Where such conduct includes covert surveillance, a directed surveillance authorisation may be considered appropriate. (Sec 3.5 RIPA Codes of Practice Aug 18)
- 4.5 This is likely to apply to social media sites whether or not access controls have been activated. The other consideration is that the person subject of the investigation has little or no control over the publication of their personal information by other people or organisations.
- 4.6 Where information about an individual is placed on a publicly accessible database, for example the telephone directory or Companies House, which is commonly used and known to be accessible to all, they are unlikely to have any reasonable expectation of privacy over the monitoring by public authorities of that information. Individuals who post information on social media networks and other websites whose purpose is to communicate messages to a wide audience such as Twitter, are also less likely to hold a reasonable expectation of privacy in relation to that information.
- 4.7 Whilst a person may have a reduced expectation of privacy when in a public place, covert surveillance of that person's activities in public may still result in the obtaining of private information. This is likely to be the case where that person has a reasonable expectation of privacy even though acting in public and where a record is being made by a public authority of that person's activities for future consideration or analysis. Surveillance of publicly accessible areas of the internet should be treated in a similar way,

recognising that there may be an expectation of privacy over information which is on the internet, particularly where accessing information on social media websites. (Sec 3.4 Aug 18 RIPA Codes)

- 4.8 There may be a reduced expectation of privacy where information relating to a person or group of people is made openly available within the public domain, **however in some circumstances privacy implications still apply. This is because the intention when making such information available was not for it to be used for a covert purpose such as investigative activity.** This is regardless of whether a user of a website or social media platform has sought to protect such information by restricting its access by activating privacy settings. (Sec 3.13 RIPA Codes of Practice 2018).
- 4.9 Whether a public authority interferes with a person's private life includes a consideration of the nature of the public authority's activity in relation to that information. Simple reconnaissance of such sites (i.e. preliminary examination with a view to establishing whether the site or its contents are of interest) is unlikely to interfere with a person's reasonably held expectation of privacy and therefore is not likely to require a directed surveillance authorisation. But where a public authority is systematically collecting and recording information about a particular person or group, a directed surveillance authorisation should be considered. These considerations apply regardless of when the information was shared online. (Sec 3.15 RIPA Codes of Practice Aug 2018).
- 4.10 As can be seen, it is not only the obtaining of the private information, it is how it is used and managed afterwards. Using the information and analysing the data to make decisions will impact on privacy.
- 4.11 Identifying specific objectives and conducting a privacy assessment prior to (if possible) and during internet research will reduce the level of intrusion and enable proportionality to be assessed. This assessment should be documented.

## 5. Collateral Intrusion

- 5.1 Collateral intrusion is the interference with the private and family life of persons who are not the intended subjects of the research. Measures should be taken, wherever practicable, to avoid or minimise interference with the private and family life of those who are not the intended subjects. Where such collateral intrusion is unavoidable, the activities may still be authorised providing it is considered proportionate to what is sought to be achieved. The same proportionality tests apply to anticipated collateral intrusion as to intrusion into the privacy of the intended subject of the surveillance.
- 5.2 Any collateral intrusion should be kept to the minimum necessary to achieve the specific objectives of the research.
- 5.3 All types of research should therefore include an assessment of the risk of any collateral intrusion, and details of any measures taken to limit and manage the intrusion. This will form part of the procedure if RIPA is engaged.
- 5.4 If for any reason it is intended to access social media or other online account to which an employee of North Norfolk District Council has been

given access with the consent of the owner, this authority will still need to consider whether the account(s) may contain information about others who have not given their consent. If there is a likelihood of obtaining private information about others, the need for either a Directed Surveillance authorisation or some other form of authorisation such as a Non RIPA authorisation should be considered, particularly (though not exclusively) where it is intended to monitor the account going forward. This guidance is contained in the RIPA Aug 18 Codes. If this is the case advice should be sought from the RIPA SRO or RIPA Authoriser.

## **6. Necessity / Justification**

- 6.1 To justify the research, there must be a clear lawful reason, and it must be necessary to undertake the internet research. Therefore, the reason for the research, such as, the criminal conduct that it is aimed to prevent or detect must be identified and clearly described. This should be documented with clear objectives. Therefore, an explanation of why it is necessary to use covert research techniques instead of other conventional enquires will need to be considered. Should the research fall within RIPA activity, the RIPA authorisation deals with this criteria for it to be lawful. (See section 10)

## **7. Proportionality**

- 7.1 Proportionality involves balancing the intrusiveness of the research on the subject and other innocent third parties who might be affected by it (collateral intrusion), against the need for the activity in operational terms. What is the benefit to carrying out the activity? How will the benefit outweigh the intrusion?
- 7.2 The activity will not be proportionate if it is excessive in the circumstances of the case. The extent and depth of the enquiries should cause the least possible intrusion on the subject and others. It would also not be proportionate if the information which is sought could reasonably be obtained by other less intrusive means.
- 7.3 All such activity should be carefully managed to meet the objective in question and must not be arbitrary or unfair.
- 7.4 There should be an ongoing assessment with regard to necessity and proportionality which should be documented when considered. If the research is no longer necessary or proportionate which could be due to the intrusion outweighing the benefit to the enquiries, the activity should end.

## **8. Types and levels of Enquiries**

- 8.1 Enquiries will be treated on a case by case basis and will fall into one of the three categories below:

- 1. General routine enquiries**
- 2. Non RIPA Directed Surveillance activity (requires authorising internally)**

### **3. RIPA activity (requires authorising internally and approved by a Magistrate)**

8.2 The nature of the online activity may evolve during the course of the enquiries; therefore, staff must continually assess and review their activity on a case by case basis to ensure it remains lawful and the correct policies and procedures are followed. Further information regarding each type of enquiry is detailed below.

### **9. General Routine Enquiries**

9.1 The general observation duties of many law enforcement officers and other public authorities do not require RIPA authorisation, whether covert or overt. Such general observation duties frequently form part of the legislative functions of public authorities, as opposed to the pre-planned surveillance of a specific person or group of people. General observation duties may include monitoring of publicly accessible areas of the internet in circumstances where it is not part of a specific investigation or operation. (3.33 Aug 2018 RIPA Codes of Practice)

9.2 These types of enquiries consist of attributable, overt, initial non-repeated research. This includes any research that is intended to identify themes, trends, possible indicators of criminality or other factors that may influence operational strategies. Some examples are shown below:

- Monitoring social media re a future event for resource implications.
- Initial research to proactively identify how many persons are advertising waste collection via social media to tackle illegal waste (fly-tipping).
- Initial enquiries to corroborate a complaint of a regulatory nature.
- Enquires relating to safeguarding issues.
- Initial enquiries to establish whether a suspect in an enforcement investigation has an online presence to assess whether there is intelligence or evidence available?
- Initial enquiries to trace a debtor.

9.3 General routine enquiries will not normally engage the RIPA procedure as they are open and transparent and not normally repeated. They will normally be carried out using North Norfolk District Council's networked computers via open search engines such as Google, and use North Norfolk District Council's official social networking profiles (either corporate or departmental), such as Facebook.

9.4 North Norfolk District Council's networked computers should be used for general routine enquiries which are non-intrusive or of a covert nature such as RIPA operations. A non-attributable computer or laptop should be used for online activity that is covert or may pose a risk to current or future investigations.

9.5 Depending on the circumstances, if having carried out these types of

enquiries it is decided to monitor individuals via repeated viewing of their online presence as part of an ongoing operation or investigation, the RIPA or Non RIPA procedure should be considered. Any decision not to use those procedures should be documented with the rationale for the decision.

#### 9.6 **Level of Authority**

Prior to commencing general routine enquiries on the internet, Senior Environmental Protection Officer or Senior Public Protection Officer approval will be required. This should be documented within the case file notes.

### 10. **Non RIPA Directed Surveillance or CHIS Activity**

10.1 Where covert activity (which would include internet research) that does not meet the RIPA threshold but is still required to be carried out by the Public Authority, it has been made clear that to protect the authority, it should be carried out under a procedure as close to that of the RIPA procedure (Sec 211 and 212 in the OSC Procedures and Guidance 2016.).

10.2 The fact that particular conduct may not be authorised under RIPA does not necessarily mean that the actions proposed cannot lawfully be undertaken, even though without the protection that an authorisation under RIPA would afford.

10.3 When it is decided to use covert surveillance without the protection of RIPA it would be prudent to maintain an auditable record of decisions and actions.

10.4 This type of activity will amount to carrying out directed covert online surveillance of a person or group, which is likely to obtain private information about anyone. However, the incident or reason does not relate to a criminal offence which carries 6 months imprisonment or the sale of alcohol or tobacco to children. An example would be in connection with serious disciplinary investigations.

10.5 This also amounts to CHIS activity which does not relate to the prevention and detection of crime or disorder. (See CHIS Section below [11.12 to 11.29](#))

#### 10.6 **Level of Authority**

In these instances, section 21 of the RIPA Policy should be followed. This will require a Non RIPA application form to be completed which will need authorising internally as per the procedure and signed off by the Authorising Officer (Assistant Director for Environment and Leisure Services).

### 11. **RIPA Activity**

11.1 The two relevant areas of RIPA are:

- **Directed Surveillance**
- **Covert Human Intelligence Source (CHIS)**

- 11.2 **Directed Surveillance** in the context of open-source internet and social media research is **covert surveillance**, which is **not an immediate response** and is undertaken **for a specific investigation or purpose** which is **likely to result in the obtaining of private information about any person**.
- 11.3 To meet the RIPA criteria, for Local Authorities the serious crime criteria applies which means that the investigation must relate to a criminal offence which can receive a sentence of 6 months imprisonment or relate to the sale of alcohol or tobacco to children.
- 11.4 **Definition of surveillance** includes monitoring, observing or listening to persons, their movements, conversations or other activities and communications. It may be conducted with or without the assistance of a surveillance device and includes the recording of any information obtained.
- 11.5 A computer is a surveillance device and depending on the circumstances, repeated viewing of social media is likely to meet the test of monitoring, which in-turn will amount to surveillance.
- 11.6 The RIPA Codes of Practice at 3.12 now provide advice re **covert**. "In deciding whether online surveillance should be regarded as covert, consideration should be given to the likelihood of the subject(s) knowing that the surveillance is or may be taking place. Use of the internet itself may be considered as adopting a surveillance technique calculated to ensure that the subject is unaware of it, even if no further steps are taken to conceal the activity. Conversely, where a public authority has taken reasonable steps to inform the public or particular individuals that the surveillance is or may be taking place, the activity may be regarded as overt and a Directed Surveillance authorisation will not normally be available.
- 11.7 The Codes of Practice state "Private information may include personal data, such as names, telephone numbers and address details. Where such information is acquired by means of covert surveillance of a person having a reasonable expectation of privacy, a directed surveillance authorisation is appropriate" (See Private Information and Privacy section 4).
- 11.8 When assessing whether a RIPA authority is required, the same principles applied to normal operational tactics will need to be applied to the intended online activity. There is no difference between surveillance in a public place or surveillance on the internet. If the RIPA criteria is met, an authorisation will be required and approved by a Magistrate.
- 11.9 The Directed Surveillance Codes of Practice at Sec 3.16 provides the following guidance. In order to determine whether a directed surveillance authorisation should be sought for accessing information on a website as part of a covert investigation or operation, it is necessary to look at the intended purpose and scope of the online activity it is proposed to undertake. Factors that should be considered in establishing whether a directed surveillance authorisation is required include:
- Whether the investigation or research is directed towards an individual or organisation;
  - Whether it is likely to result in obtaining private information about a person or group of people (taking account of the guidance at paragraph 3.6 above);

- Whether it is likely to involve visiting internet sites to build up an intelligence picture or profile;
- Whether the information obtained will be recorded and retained;
- Whether the information is likely to provide an observer with a pattern of lifestyle;
- Whether the information is being combined with other sources of information or intelligence, which amounts to information relating to a person's private life;
- Whether the investigation or research is part of an ongoing piece of work involving repeated viewing of the subject(s);
- Whether it is likely to involve identifying and recording information about third parties, such as friends and family members of the subject of interest, or information posted by third parties, that may include private information and therefore constitute collateral intrusion into the privacy of these third parties.

11.10 Where online monitoring or investigation is conducted covertly for the purpose of a specific investigation or operation is likely to result in the obtaining of private information about a person or group, and the investigation relates to a criminal offence which can receive a sentence of 6 months imprisonment or relate to the sale of alcohol or tobacco to children, an authorisation for directed surveillance should be considered and the RIPA policy and procedure will apply.

11.11 If it amounts to directed surveillance except for the fact it does not relate to a criminal offence which can receive a sentence of 6 months imprisonment or relate to the sale of alcohol or tobacco to children, an internal authorisation for surveillance outside of RIPA should be considered. (See Sec 11 Non RIPA Directed Surveillance or CHIS Activity)

11.12. **Covert Human Intelligence Source (CHIS)**

11.13 There is a considerable amount of information on the internet associated with illegal activity such as, unlicensed operators and fly-tipping offenders advertising through social media. To successfully obtain sufficient evidence and intelligence, it may be necessary to covertly communicate with suspects online. This is likely to require a CHIS authorisation.

11.14 The guidance relating to online covert CHIS activity is in the RIPA CHIS Codes of Practice. The below information is taken from the codes.

11.15. **Definition of a CHIS**

A CHIS is a person who establishes or maintains a personal or other relationship with a person for the purpose of covertly using the relationship to obtain information, or provide access to any information to another person, or covertly discloses information.

11.16 A purpose is covert, if and only if, the relationship is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the purpose.

- 11.17 Unlike directed surveillance, which relates specifically to private information, authorisations for the use or conduct of a CHIS do not relate specifically to private information, but to the covert manipulation of a relationship to gain any information. Accordingly, any manipulation of a relationship by a public authority (e.g. one party having a covert purpose on behalf of a public authority) is likely to engage Article 8, regardless of whether or not the public authority intends to acquire private information.
- 11.18 The lawful criteria for CHIS is **prevention and detection of crime and prevention of disorder** and the offence does not have to have a sentence of 6 months imprisonment. If the enquiry was not for this purpose such as safeguarding or a disciplinary issue it would amount to CHIS activity outside of RIPA which should be authorised under that procedure. (See Sec 9 Non RIPA Directed Surveillance or CHIS Activity)
- 11.19 Any member of a public authority, or person acting on their behalf, who conducts activity on the internet in such a way that they may interact with others, whether by publicly open websites such as an online news and social networking service, or more private exchanges such as e-messaging sites, in circumstances where the other parties could not reasonably be expected to know their true identity (as an official rather than private individual) should consider whether the activity requires a CHIS authorisation. A directed surveillance authorisation should also be considered, unless the acquisition of that information is or will be covered by the terms of an applicable CHIS authorisation. (Sec 4.11 CHIS Aug 18 Code of Practice)
- 11.20 Regarding any contact, the person must know the true identity and in what capacity are they being contacted. If it is not made clear that it's an official capacity from the relevant department etc. it will be a covert relationship. Therefore, befriending someone using a personal profile to obtain information from them and report back to North Norfolk District Council is covert. This should not take place. (See Use of Own Personal Accounts section 17)
- 11.21 This would equally apply to using a member of the public as it would to a member of North Norfolk District Council staff making the contact. The Codes of Practice at 4.12 state "where someone, such as an employee or member of the public, is tasked by a public authority to use an internet profile to establish or maintain a relationship with a subject of interest for a covert purpose, or otherwise undertakes such activity on behalf of the public authority, in order to obtain or provide access to information, a CHIS authorisation is likely to be required. For example:
- An investigator using the internet to engage with a subject of interest.
  - Directing a member of the public (such as a CHIS) to use their own or another internet profile to establish or maintain a relationship with a subject of interest for a covert purpose.
  - Joining chat rooms with a view to interacting with a criminal group in order to obtain information about their criminal activities.
- 11.22 The Codes of Practice also provide advice as to whether registering with a site etc. is establishing a relationship. At 4.13 it states "a CHIS authorisation will not always be appropriate or necessary for online investigation or research. Some websites require a user to register

providing personal identifiers (such as name and phone number) before access to the site will be permitted. Where a member of a public authority sets up a false identity for this purpose, this does not in itself amount to establishing a relationship, and a CHIS authorisation would not immediately be required, though consideration should be given to the need for a directed surveillance authorisation if the conduct is likely to result in the acquisition of private information, and the other relevant criteria are met.

- 11.23 **Example from the Codes of Practice:** An HMRC officer intends to make a one-off online test purchase of an item on an auction site, to investigate intelligence that the true value of the goods is not being declared for tax purposes. The officer concludes the purchase and does not correspond privately with the seller or leave feedback on the site. No covert relationship is formed, and a CHIS authorisation need not be sought.
- 11.24 **Example from the Codes of Practice:** HMRC task a member of the public to purchase goods from a number of websites to obtain information about the identity of the seller, country of origin of the goods and banking arrangements. The individual is required to engage with the seller as necessary to complete the purchases. The deployment should be covered by a CHIS authorisation because of the intention to establish a relationship for covert purposes.
- 11.25 Where a website or social media account requires a minimal level of interaction, such as sending or receiving a friend request before access is permitted, this may not in itself amount to establishing a relationship. Equally, the use of electronic gestures such as “like” or “follow” to react to information posted by others online would not in itself constitute forming a relationship. However, it should be borne in mind that entering a website or responding on these terms may lead to further interaction with other users and a CHIS authorisation should be obtained if it is intended for an officer of a public authority or a CHIS to engage in such interaction to obtain, provide access to or disclose information. (Sec 4.1432 Codes of Practice)
- 11.26 **Example from the Codes of Practice:** The officer sends a request to join a closed group known to be administered by a subject of interest, connected to a specific investigation. A directed surveillance authorisation would be needed to cover the proposed covert monitoring of the site. Once accepted into the group it becomes apparent that further interaction is necessary. This should be authorised by means of a CHIS authorisation. An officer who has maintained a false persona uses that persona to send a request to join a closed group known to be administered by a subject of interest, connected to a specific investigation. A directed surveillance authorisation would be likely to be appropriate in respect of the proposed covert monitoring of the site if the activity is likely to result in obtaining private information. Once accepted into the group it becomes apparent that further interaction is necessary; this should be authorised by means of a CHIS authorisation.
- 11.27 The above scenario would fit an investigation into an unlicensed seller of exotic pets that only sells through a closed group.
- 11.28 Any decision to covertly communicate online without authorisation would need to be documented with the rationale for the decision.
- 11.29 Should it be necessary to covertly engage with subjects online advice should be sought from the SRO or Monitoring Officer.

### 11.30 **Level of Authority**

Where the research and covert activity meets the RIPA criteria, the activity cannot take place unless authorised by a RIPA Authorising Officer and then approved by a Magistrate. The RIPA application and authorisation process detailed within the RIPA policy will be followed.

## 12 **Errors**

12.1 It is important that staff follow all policy and procedures to ensure that if the activity amounts to RIPA activity is properly authorised. This is due to the fact that there are implications for North Norfolk District Council if the activity is deemed to be an error as detailed in the RIPA Codes of Practice and the Council's RIPA Policy. The content is replicated below.

12.2 Proper application of the surveillance provisions in the RIPA codes and this policy should reduce the scope for making errors.

### 12.3 **Relevant Error**

12.4 An error must be reported if it is a "relevant error". A relevant error for is any error by a Public Authority in complying with any requirements that are imposed on it by any enactment which are subject to review by a Judicial Commissioner. This would include compliance by public authorities with Part II of the 2000 Act (RIPA).

12.5 Examples of relevant errors occurring would include circumstances where:

- Surveillance activity has taken place without lawful authorisation.
- There has been a failure to adhere to the safeguards set out in the relevant statutory provisions and Chapter 9 of the Surveillance Codes of Practice relating to the safeguards of the material.

12.6 Errors can have very significant consequences on an affected individual's rights. All relevant errors made by Public Authorities must be reported to the Investigatory Powers Commissioner by the Public Authority that is aware of the error as soon as reasonably practicable and a full report no later than ten working days. The report should include information on the cause of the error; the amount of surveillance conducted, and material obtained or disclosed; any unintended collateral intrusion; any analysis or action taken; whether any material has been retained or destroyed; and a summary of the steps taken to prevent recurrence.

### 12.7 **Serious Errors**

12.8 The Investigatory Powers Commissioner must inform a person of any relevant error relating to that person if the Commissioner considers that the error is a serious error and that it is in the public interest for the person concerned to be informed of the error. The Commissioner may not decide that an error is a serious error unless they consider that the error has caused significant prejudice or harm to the person concerned. The fact that there has been a breach of a person's Convention rights (within the meaning of the Human Rights Act 1998) is not sufficient by itself for an error to be a serious error.

- 12.9 It is important that all staff involved in the RIPA process report any issues, so they can be assessed as to whether it constitutes an error which requires reporting.

### **13. Reviewing the Activity**

- 13.1 During the course of conducting the internet open-source research, the nature of the online activity may evolve. It is important staff continually assess and review their activity to ensure it remains lawful and compliant. Where it evolves into RIPA or non RIPA activity, the respective procedure which takes account of reviews should be followed. If in doubt, seek advice.

### **14. False Accounts**

- 14.1 It is recognised that there may be a requirement to create and use false identity accounts to gather information for certain covert online research and investigations.
- 14.2 False identity accounts are accounts on social media sites that appear to be genuine. They provide basic login details, and may include photographs, a 'legend' and other information that makes them appear genuine. These are generally created for conducting more intrusive online activity which is likely to engage the RIPA procedure.
- 14.3 The creation of a false identity account for the purposes of online research and investigation does not, in itself, require authorisation under RIPA. Although it is likely to breach the terms and conditions of some sites, particularly social networks. The use of a false identity account in relation to a covert investigation is likely to require authorisation under RIPA, dependent upon the activity.
- 14.4 Should it be necessary to create a false account, it should only be used in conjunction with a stand-alone non-attributable computer or laptop (not networked to North Norfolk District Council) which is used for those purposes.
- 14.5 A covert account should not be used for general enquiries unless authorised by the SRO or RIPA Authoriser and justified in writing.
- 14.6 No staff should create a false account without the permission of the SRO or RIPA Authoriser and staff using the accounts will need to have attended some form of suitable Open-source Internet Investigation training course that deals with these issues.
- 14.7 A record should be maintained by the RIPA Co-ordinator of all false accounts. This enables the false identity to be registered which should only be used by that individual officer. It also enables North Norfolk District Council to have oversight of which departments hold false identity accounts.
- 14.8 Any department that has created false accounts must also complete a record for each use of a false identity which records the time, date, user and the purpose. This will assist with oversight.

- 14.9 Use of the false identity within an investigation must be authorised in writing by the RIPA Authoriser to ensure that its use is authorised and lawful. Where the activity engages RIPA or non RIPA Directed Surveillance, the relevant procedure will be followed regarding authorisation. It will also be necessary to liaise with the IT department.

## **15. Use of Official Organisation / Departmental Social Media Accounts**

- 15.1 When conducting internet enquiries or investigations, some will be carried out through genuine open-source techniques and openly available search engines such as Google (open site), and others will be carried out through some form of registration (closed sites) such as, social networking sites, for example Facebook. In the latter, you would have to join Facebook and use the membership password and profile to have access. Having logged on the site, the investigator is able to research the subject of the investigation and obtain a considerable amount of additional information such as, names, addresses, images and friends etc., by accessing the open content held on friends or colleague's pages. This information would not be available via a Google search and is considerably more intrusive.
- 15.2 North Norfolk District Council and some departments have their own membership to some social media networking sites such as Facebook. It is through this organisation's membership profile that access should be gained for general routine enquiries (see section 9) as they are open and transparent, not normally repeated and therefore do not engage the RIPA criteria. They should be used to carry out research using attributable computers. They should not be used on a non-attributable computer as it may pose a risk of compromising the equipment and covert operations.
- 15.3 If other social networking sites are identified which are likely to require some form of internet searches, then an approach should be made via management to the IT department with a view to setting up a Council profile which can be used following the same principles as above.

## **16. Standalone Non-Attributable Computers**

- 16.1 As mentioned earlier, North Norfolk District Council staff must be aware that any activity carried out over the internet leaves a trace or footprint which can identify the organisation carrying out the enquiries and the device used.
- 16.2 Network computers will be operating on the internet with static Internet Protocol (IP) addresses and other identifying features which can reveal information about the device and organisation, and the activity undertaken whilst visiting webpages.
- 16.3 Standalone non-attributable computers or laptops do not normally use the usual network internet connection. They will normally operate on a separate broadband/IP address known as dynamic IP addresses and difficult to trace to North Norfolk District Council.
- 16.4 A log book should be retained with each non-attributable computer or laptop in which details of all usage must be recorded. The RIPA Co-

ordinator will be responsible for ensuring they are completed correctly.

16.5 Under no circumstances should standalone non-attributable computers or laptops be used for personal use and North Norfolk District Council policy and guidance relevant to computer use will still apply.

16.6 The IT department will be responsible for maintaining the computers or laptops, particularly with regards to software and antiviral software updates.

## **17. Use of Own Personal Accounts**

17.1 Many members of staff may have access through their own personal accounts to social media sites such as Facebook. They are for personal use only and under no circumstances should they be used to conduct open-source internet and social media enquiries on behalf of North Norfolk District Council. This is due to the fact that it is impossible to control and the risks. As a result, it is likely to leave the Council facing liability issues over potential breaches of privacy under the HRA or other legislation such as RIPA and the GDPR.

## **18. Use of Mobile Phones**

18.1 Work issue mobile phones should not routinely be used to carry out open-source internet and social media research within the context of this procedure. Staff should only use work mobile phones to carry out research if absolutely necessary and if used, a record must be made re the audit trail. The record should also include why it was necessary to undertake the research using a works mobile phone. Line Managers are expected to manage and oversee the use of mobiles phones being used by staff to carry out internet searches.

## **19. Activities by Members of the Public**

19.1 If during the course of a complaint or enquiry, it is necessary to obtain internet material for intelligence or evidence from a member of the public, they may be asked to provide printed screen shots to corroborate the information. However, any subsequent internet research should be carried out by North Norfolk District Council staff and not the member of the public. This will assist with managing the activity in line with legislation and guidance. It will also reduce the risks associated with these types of enquiries. Therefore, this information should be made clear to the member of the public and documented within the relevant case notes.

## **20. Use of Information and Material Obtained**

20.1 The material obtained from conducting open-source internet and social media research may be used as intelligence or evidence. However, it has varying levels of value due to its reliability and authenticity. The OSC have previously stated that "particular care should be taken when using data or information obtained from open or unevaluated sources such as the internet or social networks". That is because it is not conclusive as to who

posted the information. A considerable amount of information on the internet, unless being capable of time lined is historical data. Therefore, corroboration should be sought. It is currently regarded as hearsay evidence and will require corroboration.

- 20.2 Unless required as evidence in criminal investigations, the material obtained should be considered as intelligence, and therefore potentially sensitive within the disclosure provisions of the Criminal Procedures Investigations Act (CPIA) in criminal cases Similar principles should apply to non RIPA. However, it is always possible that North Norfolk District Council can be ordered to disclose the information.
- 20.3 Any material obtained can be used during a PACE interview under caution. However, it must be recognised that it has a limited value and may call into question the authorisation procedure. It will also disclose investigation tactics which may in turn make these types of enquiries less productive in the future.
- 20.4 With regard to non RIPA material such as in connection with disciplinary issues there is more scope for its use due to the proceedings being civil not criminal. Seek advice if there are any doubts about whether to use the information.

## **21. Preservation of Evidence**

- 21.1 Evidence obtained from the internet is digital evidence. All digital evidence is subject to the same rules and laws that apply to documentary evidence.
- 21.2 The doctrine of documentary evidence may be explained thus: the onus is on the prosecution to show to the court that the evidence produced is no more and no less now than when it was first taken into the possession of the investigator.
- 21.3 It is essential to display objectivity in a court of law, as well as the continuity and integrity of evidence. It is also necessary to demonstrate how evidence has been recovered, showing each process through which, the evidence was obtained. Evidence should be preserved to such an extent that a third party is able to repeat the same process and arrive at the same result as that presented to a court. Therefore, it is important that evidence obtained online is preserved and presented in a manner that is able to withstand scrutiny. With this in mind, as well as the continuity and integrity of the evidence, there are recognised principles with regard to the presentation of digital evidence. These are contained within the Association of Chief Police Officers (ACPO) Good Practice Guide for Digital Evidence, March 2012 (still current) and are:

**Principle 1.** No action taken by law enforcement agencies, persons employed within those agencies or their agents should change data which may subsequently be relied upon in court.

**Principle 2.** In circumstances where a person finds it necessary to access original data, that person must be competent to do so and be able to give evidence explaining the relevance and the implications of their actions.

**Principle 3.** An audit trail or other record of all processes applied to digital evidence should be created and preserved. An independent third party should be able to examine those processes and achieve the same result.

**Principle 4.** The person in charge of the investigation has overall responsibility for ensuring that the law and these principles are adhered to.

- 21.4 These apply to North Norfolk District Council staff the same as law enforcement. With regard to principle 3, an independent third party should be able to examine those processes and achieve the same result as that presented to a court. This is likely to be the same for Civil Court.
- 21.5 The issue when undertaking the research is that it is not normally known at that stage whether the information will end up being used as evidence in either criminal or civil proceedings. Therefore, these procedures should be followed.
- 21.6 To achieve the above, the content of websites or web pages should be evidentially captured using approved video or image capture software. These provide a visible representation of how the website looked when it was visited. The created digital files will contain original source data. If such software is not available, the pages can be saved as screenshots, a standard screen capture of the viewable window or by saving the individual pages. However, this method will not produce digital evidence to the same standard. This means as well as obtaining a visual record, the code from the web pages is secured, which may become relevant to the investigation.
- 21.7 An audit trail should be maintained in a written log of the steps taken to reach the material obtained as evidence. Any material gathered from the internet during the course of a criminal investigation must be retained in compliance with the Criminal Procedure and Investigations Act (CPIA) Codes of Practice and the General Data Protection Regulations (GDPR) data retention policy.

## 22. Written Activity Records

- 22.1 Written records known as audit trails must be recorded in **all cases** of internet research. They assist with compliance of principle 3 mentioned in section 21 earlier. They should detail all the processes applied when obtaining the information and evidence. These will need to be preserved as they may later be required for oversight and to assist with any complaints that may arise with regard to breaches of privacy, or necessity and proportionality issues. Therefore, they may be required to assist with testimony in a court or tribunal relating to the conduct of the examination and procedure adopted.
- 22.2 Audit Trail Contents
- Date time the research took place
  - Requester ID
  - Record of any approval
  - Subject of the research
  - Offence under investigation or other reason
  - Necessity and proportionality
  - Privacy issues
  - Cross reference to any RIPA or non RIPA unique numbers
  - If connected to a complaint etc. cross ref to any unique number attributable to the complaint
  - Aim and objectives, purpose of investigation
  - Sites visited

- Summary of content extracted or printed off
- Account used
- Any other relevant info

22.3 An internet research form is attached at Appendix A which can be used to record the information. This will also assist with having a separate form for disclosure provisions under CPIA.

### **23. Criminal procedures Investigations Act (CPIA)**

23.1 The CPIA sets standards and procedures relevant to criminal investigations. It provides the guidance to all staff involved within an investigation as to their responsibilities. This guidance is designed to:

- Regulate the investigation process
- Regulate the recording and retention of material that is found or is generated in the course of an investigation
- Regulate what is disclosed to the prosecutor and the defence
- Ensure that the investigation is fair
- Stipulates retention time frames for the material obtained

23.2 All research in connection with a criminal investigation must be documented and retained in line with CPIA.

23.3 The CPIA Codes of Practice can be obtained from:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/447967/code-of-practice-approved.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/447967/code-of-practice-approved.pdf)

### **24. Training**

24.1 A risk assessment approach will be required to identify the level of training and the staff to be trained which assists with compliance with principal 2 mentioned at 20.1 earlier. Departmental line managers will have the responsibility of assessing the training requirement. However, this should be linked to the overall corporate strategy with regard to open-source internet and social media research.

### **25. Monitoring and Review of Procedure**

25.1 This procedure will be monitored and reviewed where necessary by the SRO. The minimum of an annual review will take place.

## 26. Further Reading

- RIPA Codes of Practice for Directed Surveillance and CHIS
- Criminal Procedures Investigations Act Codes of Practice
- Association of Chief Police Officers (ACPO) Good Practice Guide for Digital Evidence, March 2012
- ~~OSC procedures and Guidance 2016~~
- RIPA Directed Surveillance and CHIS Codes of Practice August 18
- General Data Protection Regulations (GDPR)

### Internet Research Form

Ref no:	Department:	Date:
Subject of the research (if known) Name DOB or age Address		
Offence/incident or reason for the research:		
Why it is necessary to undertake these particular enquiries in this way:		

Privacy issues:

*Detail any privacy issues identified to date- how you will manage any private information obtained as a result of the research, including it's storage and use:*

Authorised By

Internal Use Only

This log is to record the research undertaken and must include all sites visited and contain rationale for continuing the research taking into account necessity, privacy issues identifies and proportionality.

Internet Research Activity Log		
Date	Activity undertaken including sites visited	By whom

Internal Use Only

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