

Cabinet

Wednesday 17 April 2024 at 6:00 p.m.

Meeting venue: Conference Room 2, Council House, Lichfield Street, Walsall.

[Livestream Link](#)

Portfolios

Councillor M.A. Bird,
Leader of the Council



Councillor G. Perry,
Deputy Leader
Resilient
Communities



Councillor A.
Andrew, Deputy
Leader and
Regeneration



Councillor K.
Ferguson,
Internal Services



Councillor K.
Pedley,
Adult Social Care



Councillor G. Flint,
Wellbeing, Leisure
and Public Spaces



Councillor S. Elson,
Children's



Councillor M.
Statham,
Education and Skills



Councillor K.
Murphy,
Street Pride



Councillor G. Ali,
Customer



Quorum 3 members

Democratic Services, The Council House, Walsall, WS1 1TW
Contact name: Craig Goodall Telephone: 01922 654765 Email: craig.goodall@walsall.gov.uk
[Walsall Council Website](#)

**If you are disabled and require help to and from the meeting room,
please contact the person above**

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Specified pecuniary interests

The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Localism Act 2011 are the interests specified in the second column of the following:

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a member in carrying out duties as a member, or towards the election expenses of a member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Regulations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</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>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to a member's knowledge):</p> <p>(a) the landlord is the relevant authority;</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to a member's knowledge) has a place of business or land in the area of the relevant authority; 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 more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

Schedule 12A to the Local Government Act, 1972 (as amended)

Access to information: Exempt information

Part 1

Descriptions of exempt information: England

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:
 - (a) to give any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
8. Information being disclosed during a meeting of a Scrutiny and Performance Panel when considering flood risk management functions which:
 - (a) Constitutes a trades secret;
 - (b) Its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the risk management authority);
 - (c) It was obtained by a risk management authority from any other person and its disclosure to the public by the risk management authority would constitute a breach of confidence actionable by that other person.

Part 1 – Public session

1. **Apologies**

2. **Minutes – 20 March 2024**

(Enclosed pp.7-22)

3. **Declarations of interest**

4. **Local Government (Access to Information) Act, 1985 (as amended):**

To agree that the public be excluded from the private session during consideration of the agenda items indicated for the reasons shown on the agenda.

5. **Petitions**

(Note: For advice on how to submit petitions, contact Democratic Services. Contact details on the front page of the agenda).

6. **Questions**

(30 minutes will be allowed for pre-submitted questions from non-executive members and the public. All questions will have been submitted at least 7 clear days before the meeting. Answers will be provided at the meeting - no supplementary questions will be allowed.)

7. **Forward plan**

(Enclosed pp.23-28)

Portfolio Holder for Children's: Councillor Elson

Key Decision

8. **Care Experience as a Protected Characteristic**

(Enclosed pp.29-36)

Deputy Leader and Resilient Communities: Councillor Perry

Non-key Decision

9. **Resilient Communities - Safer Streets Update**

(Enclosed pp.37-44)

Leader of the Council: Councillor Bird

Non-key Decision

10. **Council Plan 2022-25 – Q3 23/24**

(Enclosed pp.45-65)

Deputy Leader and Resilient Communities: Councillor Perry

Key Decision

11. Surveillance and Access to Communications Data
(Enclosed pp.66-131)

Portfolio Holder for Internal Services: Councillor Ferguson

Key Decision

12. Contract Award – Multi-Functional Printing Devices, Production Printing Devices and Associated Software
(Enclosed pp.132-137)

Portfolio Holder for Street Pride: Councillor Murphy

Key Decision

13. Supply of Hired Compact Sweeper Contract
(Enclosed pp.138-142)

Portfolio Holder for Adult Social Care: Councillor Pedley

Key Decision

14. Extension of Contractual Arrangements for Local Healthwatch for Walsall under Reg 72 to allow for full design, tendering and implementation
(Enclosed pp.143-149)

Recommendations from Overview and Scrutiny

15. Recommendations from the Economy and Environment Overview and Scrutiny Committee regarding Fixed Penalty Notices and Enforcement Legislation
(Enclosed pp.150-151)

Part II – Private Session

Deputy Leader and Regeneration: Councillor Andrew

Key Decision

16. Purchase of a Property in Pelsall for Operational Purposes

(Enclosed pp.152-158)

[Exempt information under paragraph 3 of Part I of Schedule 12A of the Local Government Act, 1972 (as amended)]

Portfolio Holder for Internal Services: Councillor Ferguson

Key Decision

17. Contract Award – Multi-Functional Printing Devices, Production Printing Devices and Associated Software

(Enclosed pp.159-162)

[Exempt information under paragraph 3 of Part I of Schedule 12A of the Local Government Act, 1972 (as amended)]

Portfolio Holder for Street Pride: Councillor Murphy

Key Decision

18. Supply of Hired Compact Sweeper Contract

(Enclosed pp.163-168)

[Exempt information under paragraph 3 of Part I of Schedule 12A of the Local Government Act, 1972 (as amended)]

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Cabinet

Wednesday 20 March 2024

Minutes of the meeting held in Conference Room 2 at the Council House, Lichfield Street, Walsall at 6pm.

Present

Councillor Bird (Chair)	Leader of the Council
Councillor Andrew	Deputy Leader and Regeneration
Councillor Elson	Children's Services
Councillor Ferguson	Internal Services
Councillor Flint	Health and Wellbeing
Councillor Murphy	Clean and Green
Councillor Perry	Deputy Leader and Resilient Communities
Councillor M. Statham	Education and Skills

In attendance

E. Bennett	Chief Executive
D. Brown	Executive Director – Economy, Environment and Communities
J. Greenhalgh	Executive Director – Resources
C. Male	Executive Director – Children's and Customer
S. Darcy	Director of Finance, Corporate Performance Management and Corporate Landlord
D. Moore	Director – Regeneration and Economy
A. Osborn	Director of Commissioning
S. Portman	Head of Law
C. Goodall	Principal Democratic Services Officer
E. Cook	Democratic Services Officer

Part 1 – Public Session

4190 Welcome

Councillor Bird opened the meeting by welcoming everyone and explaining that the Cabinet was meeting that evening in person and that the agenda and reports for this meeting were available on the Council's website. He explained that voting would be by way of a show of hands which would be witnessed and recorded by the Democratic Services officer in attendance.

4191 Apologies

No apologies were received.

4192 Minutes

The minutes of the meeting held on 7 February 2024 were submitted.

Resolved

That the minutes of the meeting held on 7 February 2024, a copy having been sent to each member of the Cabinet, be approved and signed as a correct record.

4193 Declarations of interest

The following declarations of non-prejudicial interest were received:

- Councillor Perry – Item 9 - ‘Walsall Proud: Update and next stages of transformation’
- Councillor Andrew - Item 10 - ‘Darlaston Long Term Plan’

4194 Local Government (Access to Information) Act, 1985

Resolved

That the public be excluded from the meeting during consideration of the items set out in the private part of the agenda for the reasons set out therein and Section 100A of the Local Government Act, 1972

4195 Petitions

Cllr Whitehouse submitted a petition to oppose the change of use of the heritage Bridge pub in Short Heath.

4196 Questions

No questions were received.

4197 Forward plan

The forward plan as of March 2024 was submitted:

(annexed)

Resolved

That the forward plan be noted.

4198 Public Sector Equality Duty Annual Report 2024

Councillor Bird introduced the report setting out the Public Sector Equality Duty Annual Report 2024, future plans and work already done to strengthen equality, diversity and inclusion across the Council.

(annexed)

It was **moved** by Councillor Bird and **seconded** by Councillor Andrew and it was;

Resolved (unanimously)

- 1. That Cabinet noted and celebrated the successes highlighted by the Equalities Annual report;**
- 2. That Cabinet approved the Council's Annual report and note the future plans and work already underway to strengthen EDI across the Council.**

4199 **Walsall Proud: Update and Next Stages of Transformation**

Councillor Bird introduced a report recognising the Council's transformation journey over the previous five years and setting out the approach for the next stages of transformation.

(annexed)

It was **moved** by Councillor Bird and **seconded** by Councillor Elson and it was;

Resolved (unanimously)

That Cabinet noted:

- 1. The positive progress of the Council's transformation journey over the past 5 years and recognised the successful outcomes which had been delivered.**
- 2. That the contract with PwC had now come to an end.**
- 3. The approach for the next stages of Walsall's transformation work.**

4200 **Darlaston Long Term Plan for Towns**

Councillor Andrew introduced a report which sought to ensure civic leadership and effective management of the Darlaston Long Term Plan for Towns fund.

(annexed)

It was **moved** by Councillor Andrew and **seconded** by Councillor Bird and it was;

Resolved (unanimously)

- 1. That authority be delegated to the Section 151 Officer, in consultation with the Cabinet Member for Regeneration, to perform the accountable body function for the Darlaston Long Term Plan for Towns and to administer funds according to the instructions of the Darlaston Town Board.**
- 2. That authority be delegated to the Section 151 Officer to be in receipt of and administer the sums of £50,000 and £200,000 capacity funding**

followed by the remainder of the £20m fund in a profile yet to be set by the government and to agree with the Darlaston Town Board as to the optimum use of these sums.

3. That authority be delegated to the Executive Director for Economy, Environment and Communities in consultation with the Deputy Leader (Regeneration) to agree the final Darlaston Town Board membership, governance and operating arrangements.

4201 **West Midlands Local Transport Plan Settlement and Transport Capital Programme 2024/25**

Councillor Andrew introduced a report which sought to ensure the delivery of a programme of transport capital projects in 2024/25 that supported the implementation of the West Midlands Local Transport Plan (LTP), City Region Sustainable Transport Settlement (CRSTS), and Active Travel Fund (ATF) objectives in various locations across Walsall.

(annexed)

It was **moved** by Councillor Andrew and **seconded** by Councillor Bird and it was;

Resolved (unanimously)

1. That Cabinet approves the Walsall Council Transport Capital Programme 2024/25 funding of £5.635m as set out at Table 2 in Section 4 of this report.
2. That Cabinet approves the utilisation of the Local Network Improvement Plan element of the grant funding for 2024/25 (£1.563m) as described in paragraphs 4.45 and 4.46 of this report and Appendices A to F, including the provisional allocation of carry forward from 2023/24 to the 2024/25 programme.
3. That Cabinet approves the utilisation of the Promotion of Community Health and Safety – council capital funding for 2024/25 (£0.12m) as set out in Appendix A, including the provisional allocation of carry forward from 2023/24 to the 2024/25 programme.
4. That authority be delegated to the Executive Director for Economy, Environment & Communities, in consultation with the Cabinet Member for Regeneration, to manage any required changes to the 2024/25 Local Network Improvement Plan and Promotion of Community Health and Safety capital programme, including amending individual scheme budgets (within the overall programme budget); adding new projects (to replace or part-replace other projects that can no longer be delivered); and managing carry forward, to maximise the use of the grant.
5. That authority be delegated to the Executive Director for Economy, Environment & Communities, in consultation with the Cabinet Member

for Regeneration, to negotiate on its behalf with the West Midlands Combined Authority and government departments to maximise the values of future financial resources allocated to the council in pursuit of its transport priorities, including signing relevant agreements and contracts for schemes which are approved within the Walsall LNIP transport capital programme 2024/25.

6. That authority be delegated to the Executive Director for Economy, Environment & Communities, in consultation with the Cabinet Member for Regeneration, to authorise the sealing of deeds and/or signing of grant agreements relating to the development of City Region Sustainable Transport fund projects, including the A41/A4038 Moxley to Walsall Town Centre Walk, Cycle and Bus Corridor project.
7. That authority be delegated to the Executive Director for Economy, Environment & Communities, in consultation with the Cabinet Member for Regeneration, to authorise the sealing of deeds and/or signing of grant agreements relating to the development and delivery of Active Travel Fund projects, including the Willenhall Pinson Road to Rose Hill Cycle Scheme.
8. That authority be delegated to the Executive Director for Economy, Environment & Communities, in consultation with the Cabinet Member for Regeneration, to approve the final highway designs to be implemented for the Willenhall Pinson Road to Rose Hill Cycle Scheme.

4202 **Town Deal and Future High Street Fund updates**

Councillor Andrew introduced a report which sought approval for the necessary delegations of authority to continue to progress the delivery of the transformational Town Deal and Future High Streets Fund schemes.

(annexed)

It was **moved** by Councillor Andrew and **seconded** by Councillor Bird and it was;

Resolved (unanimously)

1. That authority be delegated to the Executive Director of Economy, Environment & Communities, in consultation with the Deputy Leader and Portfolio Holder for Regeneration, in relation to the Walsall Town Deal (excluding projects that cover both Town Deal areas- see Appendix A) and the Future High Streets Fund (Connected Gateway) projects to:
 - (i) Approve, as necessary, any amendments or variations to the project business case(s) to ensure that the programme can continue to be delivered, subject to being within the approved programme, outcomes and/or project budget and no additional funding allocation being required.

- (ii) **Approve works to action the implementation of projects in accordance with approved project business case(s), including designs, invitations and acceptance of tenders, quotations or estimates (subject to Financial and Contract Rules), and final designs.**
 - (iii) **Authorise the Council entering into the contractual arrangements and other related documents for such goods, works and services and any variations thereof, should this be required throughout the duration of the term of any contracts and provided they are in line with the council's Contract Rules and any relevant legislation, including the Public Contracts Regulations 2015.**
- 2. That authority be delegated to the Executive Director of Resources & Transformation, in consultation with the Deputy Leader and Portfolio Holder for Regeneration, in relation to the Bloxwich Town Deal (including projects that cover both Town Deal areas - see Appendix A) to:**
- (i) **Approve, as necessary, any amendments or variations to the project business case(s) to ensure that the programme can continue to be delivered, subject to being within the approved programme, outcomes and/or project budget and no additional funding allocation being required.**
 - (ii) **Approve works to action the implementation of projects in accordance with approved project business case(s), including designs, invitations and acceptance of tenders, quotations or estimates (subject to Financial and Contract Rules), and final scheme plans.**
 - (iii) **Authorise the Council entering into the contractual arrangements and other related documents for such goods, works and services and any variations thereof should this be required throughout the duration of the term of any contracts and provided they are in line with the council's Contract Rules and any relevant legislation, including the Public Contracts Regulations 2015.**

4203 Healthy Levelling Up Partnership (LUP)

Councillor Andrew introduced a report which sought approvals to take forward the Walsall Healthy Levelling Up Partnership and deliver positive outcomes for the local area.

(annexed)

It was **moved** by Councillor Andrew and **seconded** by Councillor Bird and it was;

Resolved (unanimously)

- 1. That Cabinet approve that the council act as the Accountable Body for the Walsall Healthy Levelling Up Partnership, to be in receipt of and**

administer funds of up to £20million in accordance with government guidance and approvals.

2. That authority be delegated to the Executive Director for Economy, Environment and Communities, in consultation with the Cabinet Member for Regeneration, to agree the final Walsall Healthy Levelling Up Partnership priority projects with DLUHC, and to finalise governance and delivery responsibilities.

4204 **Approval of the design brief for the Walsall Connected Gateway Project**

Councillor Andrew introduced the report setting out plans to deliver the Walsall Connected Gateway project, which aimed to improve connectivity between the town centres rail and bus stations, whilst modernising the Saddlers Centre and delivering public realm enhancements in Walsall Town Centre.

(annexed)

The decision was taken in the private session following consideration of exempt information (see minute number 4216).

4205 **Law change in relation to Fixed Penalty Notice Levels for littering and certain waste offences**

Councillor Perry introduced the report which considered the level at which fly-tipping, litter and duty of care fixed penalty notices should be set within Walsall.

(annexed)

It was **moved** by Councillor Perry and **seconded** by Councillor Bird and it was;

Resolved (unanimously)

1. That Cabinet approve the following maximum levels for fixed penalty notices for litter, household duty of care and fly tipping:

Offence	Maximum Fixed Penalty Notice Level
Litter	£500
Household Duty of Care	£600
Fly Tipping	£1000

2. That Cabinet set a date of 1 April 2024 as the commencement date for the implementation of the new levels.
3. That authority be delegated to the Executive Director for Economy, Environment and Communities in consultation with the Deputy Leader (Resilient Communities) and the Portfolio Holder for Street Pride, to agree appropriate levels for discounted charges.

4206 Contract for Waste Treatment and Disposal Services – Green Waste

Councillor Murphy introduced a report which sought approval for new waste contracts to ensure the Council had in place appropriate arrangements for the treatment and final disposal of green (garden) waste.

(annexed)

The decision was taken in the private session following consideration of exempt information (see minute number 4218).

4207 School Gate Parking Update

Councillor Murphy introduced the report which provided an update on the progress made and seeking support for the continued implementations of recommendations made by the Scrutiny Overview Committee working group in 2022-23.

(annexed)

It was **moved** by Councillor Murphy and **seconded** by Councillor Bird and it was;

Resolved (unanimously)

That Cabinet note the progress to date and support the continued implementation of the recommendations of the Scrutiny Overview Committee in respect to school gate parking.

4208 Alternative Education Framework Contract

Councillor Statham introduced the report which informed Cabinet of the proposed arrangements for securing a new Alternative Education Framework to be in place for Spring 2024.

(annexed)

The decision was taken in the private session following consideration of exempt information (see minute number 4219).

4209 Proposed Local High Needs Funding Formula 2024/25

Councillor Statham introduced the report which sought to ensure a continued fair, needs-led and child-centred approach to allocating funding for school aged children with Special Educational Needs & Disabilities (SEND).

(annexed)

It was **moved** by Councillor Statham and **seconded** by Councillor Bird and it was;

Resolved (unanimously)

That Cabinet approve the Local High Needs Funding Formula for 2024/25.

4210 **Proposed Local Early Years Funding Formula 2024/25**

Councillor Statham introduced the report which sought approval to utilise the recommended Local Early Years Funding Formula in allocating the Early Years Block of the Dedicated Schools Grant (DSG) to Early Years Providers in 2024/25.

(annexed)

It was **moved** by Councillor Statham and **seconded** by Councillor Bird and it was;

Resolved (unanimously)

That Cabinet approve the Local Early Years Funding Formula as set out in Appendix A.

4211 **SEN Place Requirement**

Councillor Statham introduced the report which provided an overview of the current position of SEN (Special Educational Needs) placements and options to support the development of education provision for Walsall's most vulnerable children.

(annexed)

It was **moved** by Councillor Statham and **seconded** by Councillor Bird and it was;

Resolved (unanimously)

- 1. That Cabinet note the number of places we currently have in Walsall, the number of places we require in the borough and the recommendations on how to meet the requirement of places. Walsall currently have 1,121 places across the borough, with 124 additional places approved to be provided through Specialist Resourced Provision expansion. A potential 500-740 places are required to meet projected demand over the next five years.**
- 2. That Cabinet approve budgetary provision in the sum of £5,900,000, to complete phase 5 of the Educational Development Centre.**

3. That Cabinet approve budgetary provision in the sum of £1,140,000 to convert Rowley Robins to provide 47 pupil places for special educational needs.
4. That Cabinet approve budgetary provision in the sum of £2,000,000 to improve the facilities at Oakwood Special School for pupils with special educational needs.
5. That Cabinet approve budgetary provision in the sum of £4,700,000 to expand the programme of SRPs by 100 places.
6. That Cabinet approve budgetary provision in the sum of £3,956,250 to progress the feasibility studies for expansion of special schools as referred to in section 4.8 to RIBA stage 4, detailed design, to allow for a more accurate cost estimate and to allow a procurement exercise to be undertaken.
7. That Cabinet approve the New Leaf pupil referral unit to be permanently located at Stroud Avenue and to approve budgetary provision in the sum of £300,000 to progress the feasibility studies for required improvement works to RIBA stage 4, detailed design, to allow for a more accurate cost estimate and to allow a procurement exercise to be undertaken.
8. That authority be delegated to the Executive Director for Resources and Transformation, in consultation with the Portfolio Holder for Internal Services to enter into a contract for the works and to subsequently authorise the sealing or signing of any associated contracts, deeds or other related documents award the contract following the completion of the procurement process.
9. That authority be delegated to the Executive Director Childrens Services, in consultation with the Leader, to make minor amendments to the budgetary provision in the event of the successful tender exceeding the estimated amount to a maximum of 10%
10. That authority be delegated to the Executive Director of Resources and Transformation, to authorise any variations to the contractual arrangements or other related documents for such works should this be required throughout the duration of the term of any contracts and provided they are in line with the Council's Contract Rules and any relevant legislation, including Public Contract Regulations 2015.
11. That authority be delegated to the Executive Director of Resources and Transformation to enter into contracts for the works required.

4212 Schools Growth Funding

Councillor Statham introduced the report which sought approval to adopt a policy for the application of revenue funding for school growth, extending options to fund schools for agreed increased pupil place numbers at different points throughout the financial year.

(annexed)

It was **moved** by Councillor Statham and **seconded** by Councillor Bird and it was;

Resolved (unanimously)

That Cabinet adopt the Schools Growth Funding Procedure (Appendix A).

4213 **Exclusion of public**

Resolved

That during consideration of the remaining items on the agenda, the Cabinet considers that the items for consideration are exempt information by virtue of Paragraph 3 of Part I of Schedule 12A of the Local Government Act, 1972, and accordingly resolves to consider the items in private.

Part 2 - Private Session

The following is a public summary of decisions taken in the private session.

4214 **Acquisition of a Strategic Town Centre Development Site**

Councillor Andrew introduced the report seeking approval for the acquisition of a strategic town centre development site.

(annexed)

It was **moved** by Councillor Andrew and **seconded** by Councillor Bird and it was;

Resolved (unanimously)

1. **That Cabinet approves the acquisition of the freehold interest in the strategic town centre development site and delegates the approval of the final terms of the acquisition to the Executive Director for Resources and Transformation in consultation with the Portfolio Holder for Regeneration on the proviso that:**
 - a) **the legal due diligence to be undertaken by the council's external lawyers demonstrates that the property presents a good and marketable title;**
 - b) **the building surveys undertaken as part of the council's due diligence are satisfactory; and**
 - c) **the transaction represents a purchase at best value.**
2. **That authority be delegated to the s151 Officer in consultation with the Portfolio Holder for Regeneration to identify the appropriate method of short-term funding for the purchase, in the event that the allocated Levelling Up Partnership funding is not available to be drawn down in time for the completion of the transaction.**

(Exempt Information under paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended)

4215 **Acquisition of a Town Centre Property for Strategic Regeneration**

Councillor Andrew introduced the report seeking approval for the acquisition of a town centre property for strategic regeneration.

(annexed)

It was **moved** by Councillor Andrew and **seconded** by Councillor Bird and it was;

Resolved (unanimously)

1. That Cabinet approves the acquisition of the freehold interest in the town centre property and delegates the approval of the final terms of the acquisition to the Executive Director for Resources and Transformation in consultation with the Portfolio Holder for Regeneration on the proviso that:

- a) the legal due diligence currently being undertaken by the council's external lawyers demonstrates that the property presents a good and marketable title;**
- b) the building surveys undertaken as part of the council's due diligence are satisfactory; and**
- c) the transaction represents a purchase at best value.**

2. That authority be delegated to the s151 Officer in consultation with the Portfolio Holder for Regeneration to identify the appropriate method of short-term funding for the purchase, in the event that the allocated Levelling Up Partnership (LUP) funding is not available to be drawn down in time for the completion of the transaction.

3. That authority be delegated to the Executive Director for Resources and Transformation in consultation with the Portfolio Holder for Regeneration to agree terms and enter into any leases required in the property on the proviso that the terms for any lease represent best consideration or the best terms available in the marketplace.

(Exempt Information under paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended)

4216 **Approval of the design brief for the Walsall Connected Gateway Project**

Councillor Andrew introduced the report including exempt information, setting out plans to deliver the Walsall Connected Gateway project.

(annexed)

It was **moved** by Councillor Andrew and **seconded** by Councillor Bird and it was;

Resolved (unanimously)

That Cabinet approve the RIBA Stage 3 brief design for the Connected Gateway project and allow the project to commence RIBA Stage 3 works.

(Exempt Information under paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended)

4217 **Strategic Acquisition in Pheasey**

Councillor Andrew introduced the report which sought approval of the strategic acquisition of land in Pheasey via Compulsory Purchase Powers.

(annexed)

It was **moved** by Councillor Andrew and **seconded** by Councillor Bird and it was;

Resolved (unanimously)

1. That Cabinet authorise the use of Compulsory Purchase Powers under the Town and Country Planning Act 1990 to acquire the freehold interest of the land in Pheasey subject to:

- i. undertakings to pay the council's costs in full, together with the compensation payable to the freeholder be received;**
- ii. The grant of full planning permission for the scheme (or a resolution to grant);**
- iii. Funding being in place to deliver the scheme; and**
- iv. the land to be acquired being essential to the delivery of the approved scheme.**

2. That authority be delegated to the Executive Director for Resources and Transformation in consultation with the Director of Finance and the Portfolio Holder for Regeneration, to approve the use of the Council's capital budget to cashflow all costs associated with the acquisition of the third-party land parcels (including any unregistered land).

(Exempt Information under paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended)

4218 **Contract for Waste Treatment and Disposal Services – Green Waste**

Councillor Murphy introduced the report which sought approval for new waste contracts to ensure the Council had in place appropriate arrangements for the treatment and final disposal of green (garden) waste.

(annexed)

It was **moved** by Councillor Murphy and **seconded** by Councillor Flint and it was;

Resolved (unanimously)

1. That Cabinet approve the award of Lot 1, for the provision of Waste Treatment and Disposal Services – (Kerbside Collected) Green Waste, with a projected annual contract value of circa. £410,000 (collection vehicles to direct deliver the waste to the bidders' facility), to Greener Composting Ltd.
2. That, following consideration of the confidential report in the private session of the agenda, Cabinet approve the award of Lot 2, for the provision of Waste Treatment and Disposal Services – (from sources other than kerbside collections) Green Waste, with a projected annual contract value of circa. £110,000 (excluding transport), to Greener Composting Ltd.
3. That Cabinet delegate authority to the Executive Director, Economy, Environment and Communities, in consultation with the Portfolio Holder for Street Pride to enter into contracts with the successful bidder by using the most appropriate procedures and to subsequently authorise contract extensions, contract variations, the sealing of deeds and/or signing of contracts and any other related documents for the provision of such services.
4. That Cabinet notes the financial impact on the 2024/25 disposal budget is a pressure of circa. £24,000 per annum dependent on the waste tonnages sent for disposal.

(Exempt Information under paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended)

4219 **Alternative Education Framework Contract**

Councillor Statham introduced the report which informed Cabinet of the proposed arrangements for securing a new Alternative Education Framework to be in place for Spring 2024.

(annexed)

It was **moved** by Councillor Statham and **seconded** by Councillor Murphy and it was;

Resolved (unanimously)

1. That Cabinet approve the award of contracts for the period 10 April 2024 to 9 April 2027 with an option to extend for up to 3 years in total, in blocks of up to 12 months at any one time, to providers listed in Table 1 onto the Alternative Education Framework.
2. That authority be delegated to the Executive Director for Children's Services, in consultation with the Portfolio Holder for Education and Skills, to award contracts for the provision of Alternative Education to new providers who are approved and appointed to the alternative education framework during the lifetime of the framework.

3. That authority be delegated to the Executive Director for Children’s Services, in consultation with the Portfolio Holder for Education and Skills, to authorise all subsequent call offs from the framework agreements in accordance with the processes for doing so and terms and conditions of any such call offs that are set out in the Alternative Education Framework agreement.
4. That authority be delegated to the Executive Director Executive Director for Children’s Services, in consultation with the Portfolio Holder for Education and Skills, to enter contracts and to subsequently authorise the sealing or signing of any associated contracts, deeds or other related documents.
5. That authority be delegated to the Executive Director for Children’s Services, in consultation with the Portfolio Holder for Education and Skills, to authorise any variations to the contractual arrangements or other related documents for such services should this be required at any time during the term of any contracts and provided they are in line with the Council’s Contract Rules and any relevant legislation, including Public Contracts Regulations 2015.

(Exempt Information under paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended)

The following decision was made as an Urgent Decision required to protect the Council’s financial interests by the meeting of a grant conditions deadline.

In accordance with Part 4.2, Paragraph 16 of the Constitution the agreement of, that the decision could not be reasonably deferred was sought and obtained from Councillor John Murray, as Chair of the Scrutiny Overview Committee, on 19 March 2024.

In accordance with Part 4.5 of the Constitution, Paragraph 17.02 – Overview and Scrutiny Procedure Rules, consent was provided from the Mayor on 19 March 2024 to waive the call-in process in order to protect the Councils interests.

4220 Public Sector Decarbonisation Scheme – Walsall Council House and Civic Centre

Councillor Bird introduced the report which sought approval to authorise the award of contracts to purchase materials required during the 2023/24 financial year as part of the Public Sector Decarbonisation, as an urgent decision.

(annexed)

It was **moved** by Councillor Bird and **seconded** by Councillor Elson and it was:

Resolved (unanimously)

1. That authority be delegated to the Executive Director of Resources & Transformation in consultation with the Portfolio Holder for Internal

Services to authorise the award of contracts to purchase materials required during the 2023/24 financial year as part of the Public Sector Decarbonisation Scheme for the Council House and Civic Centre, to claim the full grant in compliance with the conditions before 31st March 2025, which may result in contracts for goods/materials exceeding £500,000.

- 2. That authority be delegated to the Executive Director of Resources & Transformation in consultation with the Portfolio Holder for Internal Services to authorise the award of contracts to purchase materials required during the 2024/25 financial year to complete the Public Sector Decarbonisation Scheme for the Council House and Civic Centre, to claim the full grant in compliance with the conditions before 31st March 2024, which may result in contracts for goods/materials exceeding £500,000.**
- 3. That authority be delegated to the Executive Director of Resources & Transformation to enter into contract(s) and to subsequently authorise the sealing or signing of any associated contracts, deeds or other related documents.**

(Exempt Information under paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended)

There being no further business, the meeting terminated at 7:21 pm.

Chair:

Date:



FORWARD PLAN OF KEY DECISIONS

**Council House,
Lichfield Street,
Walsall, WS1 1TW**
www.walsall.gov.uk

8 APRIL 2024

FORWARD PLAN

The forward plan sets out decisions that are termed as “key decisions” at least 28 calendar days before they are due to be taken by the Executive (Cabinet). Also included on the plan are other decisions to be taken by the Cabinet (“non-key decisions”). Preparation of the forward plan helps the Council to programme its work. The purpose of the forward plan is to give plenty of notice and an opportunity for consultation on the issues to be discussed. The plan is updated each month with the period of the plan being rolled forward by one month and republished. Copies of the plan can be obtained from Democratic Services, Walsall MBC, Council House, Walsall, WS1 1TW craig.goodall@walsall.gov.uk and can also be accessed from the Council’s website at www.walsall.gov.uk. The Cabinet is allowed to make urgent decisions which do not appear in the forward plan, however, a notice will be included on the agenda for the relevant Cabinet meeting which explains the reasons why.

Please note that the decision dates are indicative and are subject to change. Please contact the above addressee if you wish to check the date for a particular item.

The Cabinet agenda and reports are available for inspection by the public 7 days prior to the meeting of the Cabinet on the Council’s website. Background papers are listed on each report submitted to the Cabinet and members of the public are entitled to see these documents unless they are confidential. The report also contains the name and telephone number of a contact officer. These details can also be found in the forward plan.

Meetings of the Cabinet are open to the public. Occasionally there are items included on the agenda which are confidential and for those items the public will be asked to leave the meeting. The forward plan will show where this is intended and the reason why the reports are confidential. Enquiries regarding these reasons should be directed to Democratic Services (craig.goodall@walsall.gov.uk).

“Key decisions” are those decisions which have a significant effect within the community or which involve considerable expenditure or savings. With regard to key decisions the Council’s Constitution states:

- (1) A key decision is:
 - (i) any decision in relation to an executive function which results in the Council incurring expenditure which is, or the making of savings which are, significant, having regard to the Council’s budget for the service or function to which the decision relates or
 - (ii) any decision that is likely to have significant impact on two or more wards within the borough.
- (2) The threshold for “significant” expenditure/savings is £500,000.
- (3) A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.

**FORWARD PLAN OF KEY DECISIONS
MAY 2024 TO AUGUST 2024 (08.04.2024)**

1	2	3	4	5	6	7
Reference No./ Date first entered in Plan	Decision to be considered (to provide adequate details for those both in and outside the Council)	Decision maker	Background papers (if any) and Contact Officer	Main consultees	Contact Member (All Members can be written to at Civic Centre, Walsall)	Date item to be considered
67/23 (4.12.23)	Council Plan 2022/25 – Q3 23/24: To note the Quarter 3 2023/24 (outturn) performance against the Markers of Success in the Council Plan 2022/25.	Cabinet Non-key Decision	Elizabeth Connolly Elizabeth.Connolly@walsall.gov.uk	Internal Services	Cllr Bird	17 April 2024
22/24 (18.3.24)	Acquisition of a Property in Pelsall for Operational Purposes: To approve the acquisition of a property for operational purposes. <i>This will be a private session report containing commercially sensitive information.</i>	Cabinet Key Decision	Nick Ford Nick.Ford@walsall.gov.uk	Internal Services	Cllr Andrew	17 April 2024
20/24 (4.3.24)	Protective Characteristics for Care Leavers: To agree that ‘care experience’ be treated as if it were a Protected Characteristic under the Equalities Act 2010, so that decisions on future services and policies made and	Cabinet Key Decision	Zoe Morgan Zoe.Morgan@walsall.gov.uk	Internal Services	Cllr Elson	17 April 2024

	adopted by the council consider the impact on people with care experience.					
13/24 (5.2.24)	<p>Multifunctional Devices leasing contract:</p> <p>To consider the award of a 5-year contract for the leasing of multifunctional devices (MFDs) and production print devices.</p> <p><i>This will include a private session report containing commercially sensitive information.</i></p>	Cabinet Key Decision	Sharon Worrall Sharon.Worrall@walsall.gov.uk	Internal Services	Cllr Ferguson	17 April 2024
19/24 (4.3.24)	<p>Compact Sweeper Hire Contract:</p> <p>Award of contract for 5 hired compact sweepers (plus a spare) for 6 years. Street Cleaning – Clean & Green.</p> <p><i>This will include a private session report containing commercially sensitive information.</i></p>	Cabinet Key Decision	Den Edwards Den.Edwards@walsall.gov.uk	Internal services	Cllr Murphy	17 April 2024
21/24 (4.3.24)	<p>Healthwatch Contract Extension:</p> <p>For Cabinet approval to extend the current contractual arrangements for Healthwatch under Reg 72 to allow for full design, tendering and implementation.</p>	Cabinet Key Decision	Grace Charles Grace.charles@walsall.gov.uk	Internal Services	Cllr Pedley	17 April 2024
10/24 (5.2.24)	<p>Surveillance and Access to Communications Data:</p>	Cabinet Key Decision	David Elrington David.Elrington@walsall.gov.uk	Internal Services	Cllr Perry	17 April 2024

	To review the authority's performance as regards directed surveillance and to approve an updated policy for surveillance and the interception of communications data.					
12/24 (5.2.24)	Walsall Safer Streets – Palfrey Big Local and General Update: To cover the work of Palfrey Big Local, their resident led approach and the outcomes they have achieved.	Cabinet Non-key Decision	Paul Gordon Paul.Gordon@walsall.gov.uk	Internal Services Palfrey Big Local	Cllr Perry	17 April 2024
23/24 (18.3.24)	Commercial Strategy: To agree the strategic approach to generating income, reducing costs, fostering an entrepreneurial culture, forming partnerships, and investing in businesses to support local economies and social objectives	Cabinet Key Decision	Michele McPherson Michele.McPherson@walsall.gov.uk	Internal Services	Cllr Bird	June 2024
24/24 (8.4.24)	Interim provision of street lighting services: To ensure the provision of street lighting between the end of the PFI and the start of the next term contract.	Cabinet Key Decision	Katie Moreton Kathryn.Moreton@walsall.gov.uk	Internal Services	Cllr Andrew	June 2024
16/24 (14.02.24)	Playing Pitch and Outdoor Sports Strategy: To adopt a new strategy and establish a council led steering group to undertake ongoing monitoring and annual update.	Cabinet Key Decision	Jaki Brunton-Douglas Jaki.Brunton-Douglas@walsall.gov.uk Black Country PPOSS - Overarching Strategic Framework	Internal Services	Cllr Flint	June 2024

			Walsall PPOSS - Assessment Report			
57/23 (6.11.23)	<p>Walsall Net-Zero 2041 Climate Strategy:</p> <p>To approve the Walsall Net-Zero 2041 Strategy.</p>	Cabinet Key Decision	<p>Katie Moreton</p> <p>Kathryn.Moreton@walsall.gov.uk</p>	Internal Services	Cllr Flint	July 2024
66/23 (4.12.23)	<p>Waste Management Strategy Update - Fryers Road Household Waste Recycling Centre redevelopment (HWRC):</p> <p>That Cabinet approve the pre-tender budget for the redevelopment of a larger Fryers Road HWRC and agree to use the Pagabo framework (design and build stages) for the procurement of Fryers Road HWRC.</p>	Cabinet Key Decision	<p>Katie Moreton</p> <p>Kathryn.Moreton@walsall.gov.uk</p> <p>Stephen Johnson</p> <p>Stephen.Johnson@walsall.gov.uk</p>	Internal Services	<p>Cllr Andrew</p> <p>Cllr Murphy</p>	July 2024

Cabinet – 17 April 2024

Care Experience as a Local Protected Characteristic

Portfolio: Councillor Elson – Children’s

Related portfolios:

Service: Childrens Social Care

Wards: All

Key decision: Yes

Forward plan: Yes

1. Aim

- 1.1 For Cabinet to consider designating ‘care experienced’ as a local protected characteristic following the passing of a Notice for Motion requesting this to happen at Council on 24 February 2024.

2. Summary

- 2.2 The outcomes of children and young people in care have been extensively researched, with a clear pattern of lower educational attainment of care experienced children and young people, in comparison to their non-care experienced peers. They are also an overrepresented group within our prison population and account for 26% nationally of the current homeless population.
- 2.3 Despite targeted policy developments to support educational attainment for children and young people in care, for example, the development of virtual schools and the pupil premium plus, they continue to be less likely to transition to higher education at the ages of 18 and 19 years old, compared to their non-care experienced peers. They remain a largely marginalised group within society and are extremely vulnerable as a consequence.
- 2.4 The Public Sector Equality Duty is a duty imposed on all UK public bodies by Section 149 of the Equality Act 2010, to take equalities considerations into account when exercising any of their functions and making decisions. This includes a requirement to advance equality of opportunity between people who share a protected characteristic and those who do not. It is because of the advantages as outlined above that it is suggested to make care experienced a local Equality characteristic to ensure when decisions are taken the needs of some of the most vulnerable young people in our community and go some way in addressing the imbalance that currently exists.

- 2.5 In practice, this would mean that the council will need to consider Care Leavers in line with the other protected characteristics that exist in law. So, for example it can provide them greater opportunities in accessing work and training opportunities as their status would define them as needing additional consideration. Whilst there are already pathways in place to support our care leavers, this is largely a process that is championed by children's services rather than the wider corporate parenting duty that should sit within the wider council.
- 2.6 Another element of the local offer that is being strengthened by this motion being approved is our housing offer for care leavers. Whilst there are currently bespoke contracts in place with WHG to support some of our care leavers, the additional element of Care Leaver status being protected means that this process will be much more robust and leaves no room for young people to be discriminated against when struggling to maintain tenancies owing to their past trauma and specific levels of need.
- 2.7 In addition to above, the data would collect as part of our equality duties will further illuminate where care experienced people struggle the most, which will assist in determining future policies and service delivery. Essentially, this should mean all areas where discrimination can be a factor in determining services. For the young people themselves this should mean that services are easier to access as their needs are better recognised
- 2.8 On the 28th February 2024, a motion was put forward at a Council meeting by Councillors Elson, Jukes, Harrison, Waters, Hicken, and Worrall, outlining the the council's care, and recommended that a report goes to Cabinet asking them to formally act and call upon partners to treat care experience as a local protected characteristic.

3. Recommendations

- 3.1 That 'Care Experienced' be treated as a local protected characteristic as part of Walsall Council's Equality Duty.

4. Report detail - know

- 4.1 Walsall currently has 665 children in care, and we are supporting 285 young people that have now left our care. This is line with a national picture of an increase in children entering care over the past decade.
- 4.2 The Independent Review of Children's Social Care by Josh McAllister was published in May 2022. This national report included recommendations that the 'Government should make care experience a protected characteristic'. It also notes that making care experience a protected characteristic would provide greater authority to employers, businesses, public services, and policy makers to put in place policies and programmes which promote better outcomes for care experienced people. It would make the UK the first country in the world to recognise care experienced people in this way. Whilst this

was not fully endorsed by Central Government, Local Councils across the country have since passed their own motions to treat care experience as a protected characteristic.

- 4.3 Care experienced people face significant barriers that impact them throughout their lives and despite their resilience, society often does not always take their vulnerabilities into account. As such, care experienced people often face discrimination in all facets of their lives including access to housing, health, education, relationships, employment and as an overrepresented group within the criminal justice system.
- 4.4 'Care Experience' is a term used to describe people who are, or who have been, in the care of a Local Authority. Care experience is not currently deemed to be a protected characteristic in law but with more councils now treating care experience as if it were a protected characteristic, it means that those Council's must actively take the needs of this cohort into account in all future policy and decision making. This will include a requirement to undertake Equality Impact Assessments that explicitly considers the needs of this cohort of people.
- 4.5 The Equality Act 2010 outlines nine protected characteristics enshrined within law. These include:
 - Age
 - Sex
 - Gender reassignment
 - Race
 - Disability
 - Pregnancy/maternity
 - Sexual orientation
 - Religion or belief
 - Marriage/Civil partnership
- 4.6 The Equality Act is supported by the Public Sector Equality Duty, which requires that public bodies such as Councils consider how people will be affected by decisions and services and to ensure that public services meet all different people's needs. As a public body, under the Equality Act 2010, the Council must have due regard to the need to:
 - eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it;
 - And foster good relations between people.
- 4.7 The Council are currently reviewing the Council's equality objectives to align to the Equality Framework for Local Government. These new equality objectives will be developed as part of a new all-encompassing EDI Strategy

and delivery plan. The new EDI strategy aims to consolidate all streams of EDI work across the Council. This ensures that there is a clear One Council vision for Equalities aligned to our new Council Plan that is in development for later in the year and helping drive forward delivery of our overarching borough vision We are Walsall 2040.

- 4.8 The Equality Impact Assessment tool will be refreshed to support the new EDI strategy and objectives. As part of this the Council will be giving due consideration to other local characteristics the Council may choose to adopt as part of its responsibilities under the Equality Act. Ahead of this we are proposing that Care leavers/Care experienced is the first local characteristic to be adopted by the Council and is incorporated within the newly refreshed EQIA toolkit and guidance later this year.

4.9 Council Plan priorities

Our council priorities outline the following:

- Walsall people will have appropriate skills and access to jobs so economic benefits are felt in each of our communities.
- Make a positive difference to the lives of Walsall people: Increasing independence and improving healthy lifestyles so all can positively contribute to their communities.
- Children are safe from harm, happy and learning well with self-belief, aspiration and support to be their best: Walsall children are provided with the best start in life so they can fulfil their potential and make positive contributions to their communities.
- Safe, resilient and prospering communities: Walsall is a clean, safe and healthy place, with the right housing to meet need, accessible to all and with a strong sense of belonging and cohesion.

We are Walsall 2040 also outlines the following ambitions for residents:

- Thriving and happy
- Healthy and well
- Prosperous and innovative
- Proud of our Borough

In addition, our Corporate Parenting Strategy outlines that every elected member and employee of this Council, along with partner agencies, is a corporate parent to the children in our care. And as such, we are all responsible for providing the best possible care, safeguarding and outcomes for the children who are looked after by us.

Care experienced young people have the right to expect everything from a corporate parent that would be expected from a responsible and good parent. This includes how families continue their support, care, and ambition for their children after they leave home and gain independence. To be the best corporate parents we can be, we need to be in a position to make a real and sustained difference. Introducing a protected characteristic for care experience

will mean that some of our most vulnerable residents within the borough will have greater opportunities to be ambitious and strive to achieve to be the best version of themselves.

Risk management

- 4.10 As already highlighted, there is ongoing prejudice against a group that already suffers disadvantage within society. Despite care experienced people making up around 1.4 per cent of the UK population, they account for 25 per cent of homeless people in England and a quarter of the prison population. Nearly half of all under 21-year-olds in contact with the criminal justice system have been in care. Doing what we can to protect them from forms of discrimination will help us to better equip them when preparing for adulthood.

Financial implications

- 4.11 There are no financial implications to this being considered. However, by assisting the transition to adulthood and the impact this may have in helping to reduce the need for support, there may be cost savings in the longer term when meeting the needs of these young people.

Legal implications

- 4.12 The Equality Act 2010 is intended to eliminate discrimination and specifically references 9 protected characteristics for that purpose, including (but not limited to) age, disability, race and religion. The Children and Social Work Act 2017 addresses the corporate parent principles and the duties of the local authority, in addition to the related duties under The Children Act 1989. Acknowledging a personal characteristic, such as care experience, as being akin to a protected characteristic furthers the principles of the Equality Act in the absence of legislative change and the addition of a further protected characteristic. Treating Care Leaver as a protected characteristic would bring care experience to the forefront of the Councils decision making, meaning that all decisions would take account of the positive or negative impact they could have on people with care experience.

Procurement Implications/Social Value

- 4.13 As outlined in Walsall's 2022 – 2025 council plan, we aim to reduce inequalities and make the most of potential. Together we are committed to:
- enabling residents, communities and businesses to fulfil their potential and thrive.

Property implications

- 4.13 None

Health and wellbeing implications

- 4.14 As a Council we have a responsibility to provide the best possible care and safeguarding for all those children who have been looked after by us and then to support them as they embark on the next chapter of their lives as young adults. It's so important that as part of this we challenge prejudice and negative attitudes about care leavers and provide the support they need to tackle this themselves.

Reducing Inequalities

- 4.15 It is within our power to create a society that embraces the unique journeys of care experienced individuals and protect them from discrimination and disadvantage. By making care experience a local protected characteristic, we send a powerful message of inclusivity and empathy to not just our young people but the wider community of Walsall.

That the Council recognises that care experienced people are a group who are likely to face discrimination and that future decisions, services and policies made and adopted by the Council should be assessed through Equality Impact Assessments to determine the impact of changes on people with care experience, alongside those who formally share a protected characteristic.

As part of our continued work in reducing these inequalities for our care experienced young people, they themselves have advised us that they welcome such a motion that allows them to feel valued and supported by us as their corporate parent. This goes much wider as taking such a move also supports our corporate grandparent agenda as the impact of this will ultimately serve both our young people now and their own families in the future. It is foreseen that the recommendations within this report could have a positive effect upon young adults with care experience through having their 'Care leaver' status considered alongside other protected characteristics set out in the Equality Act 2010.

Staffing implications

- 4.16 In consultation with our Strategy and Policy Unit, we have agreed that there needs to be more guidance available to officers completing Equality Impact Assessment (EqIA) forms in order to take into account this as a protected characteristic. The team are in full support of this being included and have stated that officers completing EqIAs in the future may need to seek further assistance from someone who deals with this cohort for advice and clarification, should they need to do so.

Climate Impact

- 4.17 None

Consultation

- 4.18 This matter has been presented to and discussed with our Portfolio Holder for Childrens Social Care, Cllr Elson and she has provided her support to the same. The motion was put forward and unanimously supported at Council on the 28th February 2024.

5 Decide

- 5.1 To Approve 'Care Experienced' as a local protected characteristic by Walsall Council (Recommended).

6 Respond

- 6.1 Subject to approval of the recommendation from Council by Cabinet , the next step will be to include care experience as a protected characteristic as part of Walsall Council's Equality Duty.

7 Review

- 7.1 We already have a substantive local offer for our care experienced young people as outlined in our Local Offer to Care Leavers. In the event that this proposal is endorsed by Walsall Council, it is proposed the impact of this change will be measured alongside our annual review of our Local Offer which is scrutinised by Walsall Corporate Parenting Board. This will include ensuring that consideration to care leavers status is outlined within future policy and strategies where appropriate, and act as a point of contact for consideration on this issue as and when the need arises.
- 7.2 The implications of being able to recognise this for our care experienced young people can be far reaching and could have a positive impact on a number of key factors that can enhance our Local Offer. Nationally, there is a significant number of care experienced young people that do not have access to Education, Employment and Training opportunities. This is not just in relation to resources but more about the care experienced community being able to be considered for such opportunities without the stigma attached to their care history being a factor in determining their ability to do the job or be successful on a training course.
- 7.3 For some time, we have had young people unable to access courses in certain areas as their past behaviours have meant that they are prejudged as not suitable. An example of this is a young person that had a history of violent behaviour and was refused a place on a course in relation to hairdressing because of health and safety concerns. Whilst it may be for good reason in certain circumstances to make such decisions, in some, the stigma that has remained attached to some of our young people has ultimately ended in them being disadvantaged based on historical behaviours exhibited at a time when they were experiencing trauma.

- 7.4 The main aims for adopting 'Care Experienced' in this way are to support and improve outcomes in the following areas: supporting economic transition to adulthood; accessing work readiness and employability skills; building future careers and gaining experience, championing access to apprenticeships and support through recruitment processes and ensuring priority is given to care experienced young people when appropriate accommodation is needed. If we can utilise this protected characteristic to widen opportunities for our young people then we will ultimately see a positive impact on their opportunity to better their life chances.
- 7.5 Currently we have a Corporate Parenting Strategy that outlines both our duties and our offer to those that are in and/or have left our care. In order to enhance the commitment to our care experienced young people, we are now looking to develop a care leavers strategy that will further outline our corporate responsibilities towards care leavers, ensuring that there is due attention paid to significant policy areas as outlined within this report.

Background papers

None

Author

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Head of Service

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Signed
Colleen Male
Executive Director Childrens Services
09.04.2024



Signed
Cllr Stacie Elson
Portfolio Holder Childrens Social Work
09.04.2024

Cabinet – 17 March 2024

Resilient Communities – Safer Streets update

Portfolio: Councillor Perry - Deputy Leader & Resilient Communities

Related portfolios: All

Service: Resilient Communities

Wards: All

Key decision: Yes

Forward plan: Yes

1. Aim

1.1 The Safer Streets programme is a strength-based approach designed to improve the safety and feeling of safety within our communities.

2. Summary

2.1 The resilient community approach adopted by the Council in 2019 has proved a successful tool in empowering and supporting communities. The approach is based on themes of personal responsibility, community response, integrated services and integrated enforcement which work together to support our communities.

2.2 One Palfrey Big Local and Blessed 2 Bless will be in attendance to present the asset based approaches to their work.

2.3 There is a general update on Safer Streets progress across a wide range of groups including the support for a new community group in Rough Hay.

2.4 The report showcases work by One Palfrey Big Local and Blessed 2 Bless. Both organisations will highlight their work and the importance of trust when delivering successful change for our residents' council.

3. Recommendations

3.1 That Cabinet notes the update to the safer streets programme and further commits to develop strength based approaches within the Council.

3.2 That Cabinet will receive an update on the Safer Streets initiative in six months.

4. Report detail - Know

Context

- 4.1 In October 2019, Cabinet approved a report on resilient communities entitled 'Resilient Communities – A New Model of Personal Responsibility, Community Led Solutions, Integrated Community Safety and Community Protection and Enforcement'. This introduced the concept of resilient communities, which is a resident led, strength-based approach that, where appropriate, utilises individuals and communities to support themselves and underpins that support with integrated services and integrated enforcement.



- 4.2 **Personal responsibility** – focusing on individuals and families. It looks to ensure that people are communicated with effectively and then asks people to act responsibly in their everyday lives. This approach can be used across a full range of activities from litter to more complex criminal activity. It seeks for people to understand what they can do for themselves
- 4.3 **Community Led solutions** – the community response to COVID-19 and the involvement of many of our community organisations was remarkable. The services delivered throughout the pandemic could only be achieved with a strong community sector. The sector provided high quality and adaptable services focused on the needs of our communities. Community organisations have a strong track record of delivery.
- 4.4 **Integrated Services** – the holiday activity fund (HAF) programme and Walsall Connected work with Money Home Job are good examples of integrated services delivering joined up programmes of work with resilient communities playing a part in supporting council activities. Ensuring that teams have a joined-up approach for the benefit of residents is key.
- 4.5 **Integrated Enforcement** – we must work effectively with our partners to ensure residents are supported and protected. Walsall is a nice place to live and work and those that want to create issues for residents through fly tipping, ASB or

other illegal activities are not welcome. There is and will continue to be better work with partners to ensure residents of Walsall have good partnership responses

- 4.6 The COVID-19 pandemic-focused attention on the efficiency and effectiveness of local communities and the voluntary sector in tackling issues and taking responsibility for solutions. The strength-based approaches identified have proved a great success. Lessons from this difficult period include:
- a) Building trust between communities and statutory services is a key design feature of a resilient community's approach. This trust is slow to gain and quick to lose. It requires good honest communication, a listening style and respect for communities.
 - b) Communities are happy to play their part in solutions if they are appropriately supported. The creation of a street pastor service for the town centre and community work across the borough provides evidence of this willingness.
 - c) Small investments build large increases in social capital.
 - d) Residents respond positively to speedy resolution of issues.
- 4.7 The community and personal responsibility element of safer streets is built on trust built up through a different approach to supporting communities. At the heart of the approach is asset-based community development (ABCD). We look for, celebrate and support community assets and community strength through our innovative community development approaches. These approaches receive national recognition
- 4.8 Research, published on the 14 February 2024, led by the University of Kent, and Belong (the cohesion and integration network) identifies a “virtuous circle between volunteering and social cohesion. The research identified that “when people feel part of a more cohesive community, they are more likely to volunteer to support others. Furthermore, those who volunteer to support others subsequently come to feel they are part of a more cohesive community”
- 4.9 Two organisations have been invited to Cabinet to talk about their work, as set out below.

Blessed 2 Bless

- 4.10 Blessed 2 Bless were originally based in Birmingham. This faith-based group found themselves in difficulty, needing to move from previous accommodation quickly. Walsall Council stepped in to support the group with some short-term accommodation which re-focused the group's efforts on Walsall. This support has led to support for those impacted by the current economic challenges through the following:
- A facility created in the Manor Hospital to support those leaving hospital avoiding unnecessary delays in discharges. In addition, the foodbank supports staff in need.

- Working with the James Brindley Foundation on the availability of knife amnesty bins within the Palfrey and Caldmore areas.
 - Creation of a community safety hub (in collaboration with The Watch) in Sun Street.
 - Encouraging and youth organisations and activities within the local area.
 - Supporting the use of specialist organisations (Lionheart challenge, Terrier's project) to help positively influence young people within Walsall.
- 4.15 Both organisations are focused on collaborating with each other and with others who want to make a difference in the area.
- 4.16 In addition to the two schemes in focus there is also continued positive community activity in areas supported by the Safer Streets programme
- 4.17 Blakenall – Support for additional resources and activities in the area including the following:
- Additional outreach services
 - The Lionheart Challenge
 - Open days and community events
- 4.18 Bloxwich Community Partnership are the community lead for the work in the area and have been granted additional funding of £100,000 from Walsall Council and a further £40,000 from other sources to pursue this work.
- 4.19 Ryecroft Community Hub are planning an intervention focusing on providing safety equipment to vulnerable adults.
- 4.20 Short Heath – Short Heath Lest We Forget are working on a project to link the war memorial in Short Heath to the Falkland Islands. A video is now on display in a Buenos Aires museum.
- 4.21 Proffitt Street – Mindkind continue to deliver strongly with a fathers group focusing on mental health and positive parenting. Work with Childrens Services Early Help team with two members of the group delivering parenting support. Five members have been trained to deliver wellbeing walks across localities.
- 4.22 Alumwell – The community facility has received conditional planning agreement. The Church at Junction 10 are developing their local network to support community safety activity as part of operation Caldmore, Palfrey and Pleck.
- 4.23 Mossley – Ongoing support for the community building, services are being fine-tuned through the disabled facilities grant and assistance with development.
- 4.24 Black Country Innovate – The Safer Walsall Partnership contracted with Black Country Innovate and De Montfort University to deliver hate crime research which was unveiled at a conference on the 29 th February 2024. This research will enable partners to focus on this key issue.
- 4.25 Rough Hay residents group – The Council are supporting, through its safer streets programme, a resident group in George Rose Park. This initiative is in its

early stages but will focus on community safety initiatives and is aligned to the Long Term Plan for Darlaston, a levelling up initiative.

- 4.26 The small investments within the safer streets programme and the different approach to decision making, faster cheaper and more focused on supporting assets in the community, is creating stronger links with our communities. This groundwork has allowed us to support more projects within the community. These projects including Walsall Connected which has co-design and coproduction at its heart. Council resources are stretched, this approach continues to leverage social value into our community approach and our We are Walsall 2040 vision.

Council Plan Priorities

- 4.27 Our Resilient Communities approach supports all the “We are Walsall 2040” priorities. The Resilient Communities approach has empowered communities through our asset-based locality approach and has started to build happy and building a community that cares utilising the virtuous circle identified by the Belong network and University of Kent research.

Risk management

- 4.28 There are no significant risks in relation to Safer Streets. There will be a risk register supporting each of the agreed interventions.

Financial implications

- 4.29 There are no direct financial implications relating to this report.

Legal implications

- 4.30 There are no legal implications relating to this report.

Procurement Implications/Social Value

- 4.31 There are no direct procurement implications for this report and any resulting procurement processes must comply with the Council’s Contract Rules.

Property implications

- 4.32 There are no direct property implications relating to this report.

Health and wellbeing implications

- 4.33 Building confidence in our communities alongside giving residents the opportunity to join in activities for community good will have a positive impact on Health and Wellbeing.

- 4.34 There is strong connectivity between Public Health outcomes and our approaches to Community Development. Resilient Communities approaches often develop prevention solutions which support health and wellbeing outcomes.

Reducing Inequalities

- 4.35 Approaches that increase social value and kindness will have a positive impact on reducing inequalities and accelerating the virtuous circle between our work and social cohesion.

Staffing implications

- 4.36 There are no direct staffing implications relating to this report.

Climate Impact

- 4.37 There are no direct climate change implications to this report

Consultation

- 4.38 Safer Streets initiatives are co-designed and delivered by our communities.

5. Decide

- 5.1 The following options have been considered:

- a) Do Nothing – The council could decide to disinvest in resilient community approaches. This would lead to reversal in community confidence and would negatively impact the council's priorities.
- b) Seek other ways of inspiring and involving our communities through non-asset-based approaches. These are generally not as sustainable as asset-based approaches.
- c) Re-confirm cabinet's commitment to the resilient communities approach and in particular the safer streets initiative. This is the preferred option as resilient communities has a track record of successful delivery.

6. Respond

- 6.1 Further work to embed strength-based approaches within the Council will be identified and delivered. Cabinet will receive further safer streets update in six months.

7. Review

- 7.1 A Resilient Communities external evaluation report will be commissioned and submitted to Cabinet for consideration.

Background papers

Research from University of Kent demonstrating the synergy between social cohesion and volunteering (February 2024): [New research demonstrates synergy between social cohesion and volunteering - News Centre - University of Kent](#)

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Dave Brown
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5 April 2024



Councillor Garry Perry
Portfolio Holder – Resilient
Communities

5 April 2024

Cabinet – 17 April 2024

Council Plan: Markers of Success Q3 23/24

Portfolio: Councillor Bird – Leader of the Council

Related portfolios: All

Service: Policy & Strategy Unit

Wards: All

Key decision: Yes

Forward plan: Yes

1. Aim

- 1.1 To report on Quarter 3 of the 2023/24 Council Plan Markers of Success – highlighting achievements for that period and any support requirements to ensure the Markers are met.

2. Summary

- 2.1. The new Council Plan was published In May 2022 and continues to present Walsall's intention to focus on the five (5) EPICC¹ priorities, which were first introduced in the 2018-21 publication.
- 2.2. These priorities are underpinned by 10 outcomes (two outcomes per priority) and each outcome has two Markers of Success (two markers per outcome).
- 2.3. These 20 Markers of Success are the tools to measure performance throughout 2022/23, which inform the Council, Walsall residents and businesses and provide data/information to review and monitor throughout the year.
- 2.4. The performance for each Marker of Success will be reported to Cabinet on a quarterly basis.
- 2.5. This Paper is the report on the Markers of Success, covering the period October – December 2023 (i.e. Quarter 3).

3. Recommendations

- 3.1. That Cabinet note the performance in Q3 relating to the period October – December 2023.

¹ Economic growth, People, Internal focus, Children, Communities

3.2. That Cabinet note any key achievements, identified interdependencies and support required to achieve the Outcomes, set out in this report.

4. Report detail - know

Context

4.1. A three-year Council Plan for 2022-25 was approved by Council and published in May 2022.

4.2. The Council Plan sets out 5 areas of focus (EPICC), 10 outcomes and 20 markers of success to assess performance and progress in delivery of the plan.

4.3. The quarterly reports present the Council directorates' performance in relation to the agreed areas of focus (see priorities and outcomes below).

Council Plan priorities

4.4 The five Council Plan priorities and ten outcomes:

Priorities:	Outcomes:
Economic: enable greater local opportunities for all people, communities and businesses	1. Supporting a dynamic, resilient and diverse economy where businesses invest, and everyone has the right jobs and the right housing in the right place
	2. Education, training and skills enable people to contribute to their community and our economy
People: encourage our residents to lead active, fulfilling and independent lives to maintain or improve their health and wellbeing	3. People can access support in their community to keep safe and well and remain independent at home
	4. People are supported to maintain or improve their health, wellbeing and quality of life
Internal focus: Council services are customer focused effective, efficient and equitable	5. We get things right, first time and make all services accessible and easy to use
	6. The Council will deliver trusted, customer focused, and enabling services, which are recognised by customers and our partners for the value they bring
Children: have the best possible start and are safe from harm, happy, healthy and learning well	7. Children and young people thrive emotionally, physically, mentally and feel they are achieving their potential
	8. Children grow up in connected communities and feel safe everywhere

Communities: empower our communities so that they feel they are connected and belong in Walsall, creating safe and healthy places whilst building a strong sense of community	9. Our communities will be more resilient and supportive of each other
	10. People are proud of their vibrant town, districts and communities

- 4.5. Responsibility for reporting performance against the Council Plan from 2022/23 onwards lies with the Policy & Strategy Unit. This allows teams across the Hub to work closely with services to develop an insightful understanding of performance in order to help drive the achievement of our outcomes. However, with Hub development still ongoing, it was agreed with Corporate Management Team and Directors' Group that the existing Markers of Success would be continued for 2022/23, alongside development of the future process – which will be developed during 2023/24.
- 4.6. Each Marker of Success has an agreed baseline, the 'point zero' from which this year's Outcomes will continue to be measured. Each quarter, a template questionnaire is completed by the named 'data owner', and signed off by a director, which then populates the Dashboard.
- 4.7. Following adoption of the Council Plan 2022/25, some of the Outcomes and Markers of Success have been revised and the measures reported last year no longer reflect the Outcome. Where this is the case, new measures and baselines have been developed with Directors and data owners.
- 4.8. The summary below shows overall progress against targets as of submission of papers for CMT on 26/03/24. All outcomes have either met or exceeded the target set or are on course to do so by the end of 23/24 (including some outcomes where measures are still being developed and a narrative update has been provided).

Performance	QTR 3	
Green	10	Met/exceeded target
Amber	9	Close/On Track to achieving target
Red	0	Did not achieve target
Grey	1	Data not yet available/provided (as of 05/04/24)

- 4.9. Overall performance compared with last year will be possible once returns are available for all priorities and further Key Achievements will be included as an appendix should additional data be provided (see appendix 2).
- 4.10. Data owners were also asked to identify 'interdependencies' alongside performance returns (see appendix 3). While these are clearly understood for some Markers of Success, this is not the case across all Markers and so work will continue during 2024/25 to strengthen this understanding.

Risk management

- 4.11. Risks have been identified with regards to submitting quarterly and updating data for the agreed quarterly returns:
- i. Incomplete / current data unavailable,
 - ii. Resource constraints e.g. staffing,
 - iii. Unexpected demands e.g. having to redirect capacity to support inspections.
- 4.12. There is a prominent risk where a Marker of Success is consistently rated Amber or Red, with no clear sign of progression, as this would indicate a difficulty in the relevant MoS being achieved. The inability to achieve any given MoS will impact the delivery of the overall aims and goals of the council.
- 4.13. Directors have identified what actions they will be taking and what additional support is required next quarter to achieve the 2023/24 Marker. These risks will be regularly reviewed.

Financial implications

- 4.14. One of the key metrics used in MoS 6A relates to the value for money provided by council services. The commentary on this MoS includes a summary of the budget position and spend for that quarter.

Legal implications

- 4.15. There are no direct legal implications from this report.

Procurement Implications/Social Value

- 4.16. There are no direct procurement implications from this report.

Property implications

- 4.17. There are no direct property implications from this report.

Health and wellbeing implications

- 4.18. Achieving the Outcomes published will contribute significantly to having a positive impact on the health and wellbeing of our residents and staff.
- 4.19. The importance of continuing to closely monitor these Measures of Success is acknowledged by all stakeholders.

Reducing Inequalities

- 4.20. The implications for, and ability to, reducing inequalities were considered when agreeing the Measures of Success for the new Council Plan.

- 4.21. Every successful Outcome will contribute to reducing inequalities in the Borough and supporting residents and staff desires to maximise their potential.

Staffing implications

- 4.22. There are no direct staffing implications from this report.

Climate Impact

- 4.23. There are no direct implications to climate impact from this report.

Consultation

- 4.24. Council directors discuss the Measures of Success at CMT and submit the data for the quarterly returns, which informs and populates the Dashboard and appendices.

5 Decide

Cabinet agrees to the continuation of reviewing and reporting on the Markers of Success in this format on a quarterly basis in order for the Council to monitor the Outcomes outlined in the 2022-25 Council Plan, which will inform Cabinet on the 2022-25 forward plan.

6 Respond

Progress on Markers of Success is currently monitored through the Corporate Management Team on a quarterly basis prior to submission to Cabinet.

7 Review

Updates will be collated and presented to Cabinet on a quarterly basis.

Appendices

- Appendix 1 Q3 Markers of Success Dashboard
- Appendix 2 Q3 Key Achievements
- Appendix 3 Q3 Identified Interdependencies

Background papers

None

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Signed



Judith Greenhalgh
Executive Director – Resources & Transformation

17 April 2024

Signed



Councillor M Bird
Leader of the Council

17 April 2024

Council Plan Performance Reporting: Q3 23/24

	Outcome	Marker of Success	Lead Director(s)	Performance / Data owner contacts	Baseline measures - updated for 22/23	Qtr4: Jan - Mar 2023	Qtr1: Apr - Jun 2023	Qtr2: Jul - Sep 2023	Qtr3: Oct - Dec 2023	Q3 Comment / Progress achieved to date
ECONOMY	1. Supporting a dynamic, resilient and diverse economy where businesses invest and everyone has the right jobs and the right housing in the right place	1a. Better connectivity, improved reliability and well maintained transport networks creating an environment where businesses are supported to thrive and grow	Philippa Venables (David Moore)	Richard Pohribnyj	Highways condition: free from defects (Source: Safety Inspections Monitor, Tarmac Contract KPI, UTC Dashboard)	G	G	G	G	Highway Safety Inspections completed on time = 100% Highway emergency defects attended to within 1 hour = 100%
				Simon Tranter (Dan Turner)	Business Engagements (Source: Evolutive CRM & Walsall Works Records)	G	G	G	G	For Q3 2024 69 businesses received non-financial assistance (E23) and completed a diagnostic form with Walsall Council's Business Growth Team. 13 Entrepreneurs were also assisted to be 'business ready' (E23) as per our contractual obligations and outputs as part of the delivery of Business Growth West Midlands.
		1b. Regenerating the borough to support places where people are proud to live and work, delivering affordable homes and attracting inward investment	Philippa Venables / David Moore	Simon Tranter (Joel Maybury)	Progress on the delivery of a range of development projects that will provide new housing and employment floorspace and enhance the town and district centres with a total package of investment of circa £500m	G	G	G	G	Remediation of the 18ha SPARK site is now nearing completion and is on programme to complete in early/mid 2024. The site is now being jointly marketed to potential occupiers and a reserved matters planning application for development of the first phase of units is currently being determined. In addition, the third community newsletter has been distributed to provide information on the project to local people. The site will be developed for circa 620,000sqft of new employment floorspace located directly adjacent to the M6 between J9 and J10 providing around 1100 jobs; pre-development work for the nearby Council owned former Gasholders site is progressing following Cabinet approval in December 2022, with the objective of developing a high quality employment scheme which can deliver circa 250,000sqft of new floorspace; as part of the West Midland Devolution Deal a Walsall Growth Zone is being established in which rates from nominated employment sites will be retained to unlock funding to support local growth; implementation of the Willenhall Framework Plan is ongoing to support new housing delivery with work underway to progress Phase 1 at Moat Street / Villiers Street for development of circa 106 new homes.

	2. Education, training and skills enable people to contribute to their community and our economy	2a. Provide access to education, apprenticeships and training to improve productivity and skills	Phillippa Venables (David Moore)	Simon Tranter (Jane Kaur Gill)	Walsall Apprentices on programme (BC Data Cube, April 2021)	G	G	G	A	<p>Apprenticeship data is always lagged by approximately 6 months and we have no further new data since the full academic data for 2022/23 was released and presented in the last Q2 Success Measure report. The data released for the full academic by the BC Economic Intelligence Unit provided breakdowns of starts, achievements, age, gender, levels and ethnicity. The sub-group met and agreed the following key actions:</p> <ul style="list-style-type: none"> • Obtain a fuller breakdown of data across business sectors to identify specific changes in key sectors and job roles. • What marketing campaigns we could influence to encourage under-represented groups to participate more in apprenticeships ie BAMEs • Obtain any further breakdown on Apprenticeship numbers ie BAME across ethnicity type, levels and sectors • Use data to target key groups to support marketing of Apprenticeship ie faith groups, com groups – • Targeted comms plan for unrepresented groups esp during Apprenticeship week • Deliver a Apprenticeship event in Feb 2024 • Engage with the multi cultural apprenticeship awards to improve profile of BAME Apps • Utilise the business growth team to promote SPF business grants to achieve job creation through an apprenticeship rather than direct employment • Promotion of path 2 apprenticeships promotion when launched in 2024 • Construction into work campaign (SWAP) which could lead learners to apprenticeship roles • Relationships building with health care providers to offer bespoke recruitment sessions, notwithstanding the use and promotion of apprenticeships <p>These figures showed a marked reduction from previous years start, with -130 fewer Apprenticeship starts compared to the previous year. For background, in 2021/22 which saw 1,910 apprenticeship starts in Walsall, which was an increase of 9.8% (+170) since 2020/21.</p>
		2b. Reducing unemployment through collaborative working with employers and partners	Phillippa Venables (David Moore)	Simon Tranter (Jane Kaur Gill)	Walsall Universal Credit Claimant Data (ONS, March 2021)	A	A	A	A	December 2023 claimant count statistics show 9,485 benefit claimants of working age who are actively seeking employment, compared to a similar number in Q2 (9,475 in September 2023).
PEOPLE	3. People can access support in their community to keep safe and well and remain independent at home	3a. People are supported to build on their strengths and those in their communities to sustain their independence.	Jennie Pugh	Anne Doyle / Tina James/Paul Calder/Donna Gyde/Jan Milligan	Our success will be measured by the percentage of people approaching the Council for support who are successfully redirected to universally accessible community-based support to meet their needs	G	G	G	G	<ul style="list-style-type: none"> • 987 people were signposted to universally accessible community support services such as pendant alarm services, physiotherapy services, GPs and housing providers. This is a 6.7% decrease on the 1061 people who were signposted during Q3 2022/23 • 280 of 357 (78.4%) of people not previously in receipt of long-term support who exited reablement services made no further request for ongoing support. The percentage of people not requiring support following a reablement episode has shown an improving trend when compared to the previous year – 71.7% at the end of Q3 2022/23 – as well as an improvement on both the 61.6% at the end of Q1 2023/24 and 67.3% at the end of Q2 2023/24 • 345 carers received support in the form of advice and guidance or replacement care. The number of carers in receipt of support has seen a 17% increase from 123 during Q2 2022/23
		3b. People feel safe in their home and community	Jennie Pugh	Anne Doyle /Tina James/Paul Calder/Donna Gyde/Jan Milligan	Our success will be measured by the percentage of people who report as part of their annual review, that assessed need delivered through community based services is contributing to feeling safe	G	G	G	G	<ul style="list-style-type: none"> • Of the 145 safeguarding enquiries concluded during the period where a risk was identified, the risk was removed or reduced in 125 (86.2%) cases. A decrease on 89.7% in Q2 of 2023/24 • 2638 people were supported to live independently at home during the quarter via the provision of a long-term community-based service, a 0.3% increase on the 2630 people supported during quarter 2 and a 7.7% increase on the 2449 people supported during Q3 of 2022/23. <p>The components of services being received in Q3 2023/24 (please note a single person may receive more than one component)</p> <ul style="list-style-type: none"> 1570 received directly commissioned domiciliary care, (compared to 1581 during Q2) 722 were supported via a direct payment, (compared to 710 during Q2) 295 were residing in a directly commissioned supported living placement, (compared to 284 during Q2) 122 in extra care housing (compared to 115 in Q2) 66 in a shared lives placement (compared to 61 during Q2)
	4a. People know how to maintain or improve their health and wellbeing and get timely support for this, where required.	Nadia Inglis	Claire Heath	Our success will be measured by outputs from the Healthy Lifestyle single wellbeing service, and aligned to development of the wider Wellbeing Outcomes Framework	G	G	G	G	The community based POP! supports young people with their wellbeing is being delivered in Walsall.	

	4. People are supported to maintain or improve their health, wellbeing and quality of life	4b. People can access timely social care support and reablement to prevent a hospital admission or facilitate a timely discharge	Jennie Pugh	Kerrie Thorne/Matt White/Jan Milligan	Success will be measured by a reduction in emergency admissions and delayed transfers of care attributable to ASC - linked to ICS and reablement figures	G	G	G	G	<p>During Q3 – 201 people were referred as hospital avoidance cases</p> <p>The Outcomes for people referred for hospital avoidance:</p> <ul style="list-style-type: none"> • 3 person was fast tracked (Pathway 4) • 44 people were Pathway 0 - signposted to other services and did not require care or reablement (30 people during Q2) • 345 people were admitted to Pathway 1 for reablement (106 people during Q2) • 8 people were admitted to Pathway 2 into a bed-based rehab facility (10 people during Q2) • 5 people were admitted to Pathway 3 for ongoing health and social care assessments in a bed-based facility (4 people during Q2) <p>During Q3 – 886 people were referred as hospital discharge cases onto Pathway 1 (Reablement in the community) (802 people during Q2)</p> <p>Total = 1087 people discharged via community reablement, or admission avoided in Q2 of 23/24 (compared to 948 in Q2)</p>
INTERNAL	5. We get things right, first time and make all services accessible and easy to use	5a. Services will be accessible and easy to use with improved customer satisfaction	Elise Hopkins	Michelle Dudson/Michael Taylor	Infrastructure and tools to monitor on-going customer satisfaction are still under development. These are anticipated to be available when the right resources are in the Hub, and when we have introduced the additional functionality available in the Genesis Cloud system (and later on CRM). A quarterly progress update will be provided. Proxy	A	A	G	G	Customer satisfaction surveys were enabled in July 2023, in Q3 CSAT was 88.89% and NPS 92. The surveys are being sent manually and we are currently working with Genesys to automate surveys with a current go live date of April 2024
		5b. Customers and partners report that they would recommend working with us in the future	Elise Hopkins		Annual proxy measures to be used - sustaining/improving on performance from 21/22 - % of adult social care users reporting that the services they receive make them feel safer (85.8%) - % of people raising safeguarding alerts reporting that they achieved their desired outcome (88.8%)	A	A	A	A	"This measure has been reported against in previous quarters based on an annual survey response, which captured the views of only a small subset of service users in adult social care. Policy & Strategy Unit are currently focussing on the effectiveness of the measures within the Internal Focus priority as part of their work to overhaul the Corporate Performance Reporting process and ensure it supports performance-driven conversations. This will include understanding the Key Performance Indicators used elsewhere (for example to monitor our Proud Promises and our Enabling and Support Services workstream). Replacement measures will be explored as a priority and introduced in future quarters. "
	6. The Council will deliver trusted, customer focused, and enabling services, which are recognised by customers and our partners for the value they bring	6a. Services will provide value for money measured through delivery of outcomes within agreed resources	Shaun Darcy	Vicky Buckley/Jacky Matthews/Nic Rickhauss	Delivering on our 3 Proud Promise measures: • Improved outcomes and customer experience • Improved employee satisfaction and engagement • Improved service efficiency and performance (deliver within approved budget and deliver Proud savings)	A	A	A	A	Efficiencies Promise: Budget position and Outturn 2023/24: As at quarter 1, the reported corporate financial position indicated a potential council wide variance to budget of £14m, primarily arising from non delivery or delayed delivery of savings (£7.3m after mitigating actions) and pressures within adults social care demand costs. Actions to address these are currently being identified.
		6b. Services are trusted and customer focused measured through staff satisfaction/engagement scores.	Michele Leith	Michele Leith	Enabling Communication and Culture (ECC) work stream has been re-scoped, the themes in the new plan to be delivered include: - Updating the action plan developed after the staff survey - A pay and reward review - Workforce Strategy - Organisation Development Strategy - Culture Stocktake: where are we now?	A	A	A	A	The OD strategy and Workforce strategy have been written, launched and work has begun on the action plans, which will be completed in 2006. The 2023 employee survey result have recently been returned and many of the concerns have already been captured in the aforementioned strategies and actions are underway. Additional actions will be developed in a new employee action plan that is under development. A draft plan will be to CMT at the end of March for ratification. Work is continuing on the review and development of a new set of values and behaviours for the organisation.
					% of children who attend good and outstanding schools	G	G	A	A	On 20/12/23: 86.7% of children attended good and outstanding schools, a small decrease compared to Q2 (86.9%)
					% of 16, 17 and 18 year olds who are not in Education, Employment and Training	G	G	A	G	At end December 2023: 5.7% of young people were NEET (1.8%) or "unknown" (3.9%) compared to 15.0% in Q2 (1.4% NEET, 13.6% unknown).

CHILDREN	7. Children and young people thrive emotionally, physically, mentally and feel they are achieving their potential	7a. Children and young people have access to high quality education and training opportunities and schools are more inclusive	Colleen Male	Dave Trask/Viki Elliot-King	% of children excluded from school (fixed term and permanent)	A	A	A	A	During the period 1st Oct – 22 Dec 23 (23/24 Academic Year): Primary: Suspensions – 0.37% (99) - an increase from 0.20% (55) when compared to Oct - Dec 2022-23 academic year. Permanent Exclusion – Less than 0.01% (1) - no change when compared to Oct - Dec 2022-23 academic year. Secondary: Suspensions – 4.71% (892) an increase from 1.90% (360) when compared to Oct - Dec 2022-23 academic year. Permanent Exclusion – 0.07% (13) no change when compared to Oct - Dec 2022-23 academic year. Please note: More schools are sharing their suspension data with Walsall now, so comparisons to last year's data should be treated with caution.
		7b. Children and young people with additional needs or in specific circumstances are identified and supported to have their health and education needs met.	Colleen Male	Dave Trask/Viki Elliot-King	% of Care Leavers who are in Education, Employment and Training	A	A	A	R	At the end of December 23: 52.3% of Care Leavers aged 19-21 were in EET - a decrease from Q2 (53.4%)
					% of EHC assessments completed within 20 weeks	R	R	G	G	In calendar year 2023: 58.8% of EHC assessments were completed in 20 weeks - an increase compared to 2022 (8.5%) Significant work has been undertaken in this area to improve and streamline the processes for undertaking EHC assessments, and the timeliness of decisions to assess and issue have improved markedly as a result, as has the timeliness of advice received from health and other professionals during the assessment. The backlog has been cleared and timeliness of new assessments entering the system is improving.
					% of children in care with up to date health assessment	A	A	R	R	At the end of December 2023: 80.4% of children who had been in care for at least 12 months had an up-to-date health assessment – a decrease from Q2 (85.8%)
	8. Children grow up in connected communities and feel safe everywhere	8a. Services and support is responsive to needs of different communities, partners are proactive in responding to these needs and children and families have easier and timelier access to services.	Colleen Male	Dave Trask/Viki Elliot-King	% of social care contacts which lead to a referral	A	A	A	A	During calendar year 2023: 24.4% of Social Care contacts led to a referral, a decrease compared to the Q2 figure (25.6%) for the period Oct 22 – Sep 23. Performance is in line with other local authorities.
					% of social care assessments completed within 45 days	G	G	G	G	During calendar year 2023: 87.6% of social care assessments were completed within 45 days – a slight decrease from the Q2 reported figure (87.8%) but performance remains stable and higher than statistical neighbour authorities (78.7%), regional comparators (81.2%) and the national figure (82.5%) for 22/23.
		8b. Children and families are better connected with community resources to enable them to build resilience, are involved in developing their plans and can provide regular feedback.	Colleen Male	Dave Trask/Viki Elliot-King	% of children and young people who contribute to their CP conferences	G	G	G	G	During calendar year 2023: 98% of children and young people contributed to their CP conference – an increase from the figure reported in Q2 (96%).
					% of children and young people who contribute to their LAC review	G	G	G	G	During calendar year 2023: 96.5% of children and young people in care contributed to their LAC review – an increase from the figure reported in Q2 (96.3%)
					Number / Rate per 10,000 of children entering care	G	G	A	A	In calendar year 2023: 30 children per 10,000 aged 0-17 (205) entered care – an increase from the figure reported in Q2 (29/10,000 – 198) There has been an increase in the number of unaccompanied asylum-seeking children coming into the care of Walsall Children's Services since the opening of the asylum seeker's hotel in Walsall.
					Number of first time entrants into the criminal justice system	A	A	A	A	Calendar year 2023: 58 children entered the system as formal 'first time entrants'. This includes children we are caretaking on behalf of other areas; therefore, the number should be reported as 55. This is the fourth consecutive month where we have seen a positive reduction in first time entrants following an excellent piece of joint-audit work with the Police. This helped the partnership understand opportunities to improve our processes and effectively divert children away from the formal criminal justice system. To further support a 'Child First' approach to out of court disposal decision making, the YJS has commissioned specialist legal training from the Youth Justice Legal Centre (YJLC) for the YJS, Police and other partners to increase the number of diversion interventions and reduce the number of formal statutory outcomes. Although we have reduced FTEs over a four-month period, we are hopeful that these numbers will remain consistently low over the forthcoming months. The partnership needs to keep progress here under review.

COMMUNITIES	9. Our communities will be more resilient and supportive of each other	9a. There will be a vibrant and diverse community and voluntary sector providing help and support where people need it with a range of volunteering opportunities	Paul Gordon	Paul Gordon (Irena Hergottova)	<ul style="list-style-type: none"> - Number of volunteering opportunities (One Walsall) - Development of improved and joint volunteering infrastructure (PG designing through new tender) - Number of new groups involved in voluntary sector (One Walsall) - Qualitative feedback 	A	A	A	G	<p>During the quarter, the new VCS infrastructure model has identified more grass roots groups within the localities. Monthly drop-in sessions within the localities have enabled easier access for groups to gain support and this has varied from developing policies and procedures, funding advice and starting up new groups.</p> <p>The VCS Locality Leads also completed mapping of youth provision within their locality which will be used in collaboration with the Children and Young People Alliance.</p>
		9b. Trust will be built within and between communities across the Borough	Paul Gordon	Paul Gordon (Irena Hergottova)	<ul style="list-style-type: none"> - Involvement of CVS (excluding One Walsall) in anchor organisation committees - Qualitative feedback 	A	A	A	G	<p>Team Walsall has been set up and new VCSE infrastructure model has been presented to relevant DMTs/CMT. Terms of Reference have been agreed with a 2nd meeting on 27 Feb to develop a forward plan. It includes greater emphasis on including faiths, ethnically diverse and disability organisations into future structures and membership. This will be achieved also through closer cooperation with Walsall for All and Race Equality Task Force (WMCA).</p> <p>The opportunity to access VCSEs training courses were promoted through VCS Locality Leads has ensured an increase in the number of groups attending. The trust between the officers and organisations has meant more groups have attended the training particularly on 'Writing Successful Bids'.</p> <p>Discussions are under-way with partners around bringing Libraries closer to partnerships with VCSEs in the area and co-designing joint delivery. A number of high-profile events took place focusing on trust building</p>
	10. People are proud of their vibrant town, districts and communities	10a. The Borough's streets are clean, green and welcoming, with more waste recycled and less going to landfill	Kathryn Moreton	Joanne Cockbill	% of household waste by disposal method (reuse/recycle/composting; energy recovery; landfilled)	A	A	A		Data is available a quarter in arrears - Q3 figures will be available early-Mid April. There have been additional complications obtaining the data this quarter as this is the first quarter where data is impacted by the processes and operations at Sherborne recycling centre. For more information please contact the stated data owner.
		10b. People feel safe in their local area and anti-social behaviour and crime – particularly environmental crime is reduced	Kathryn Moreton	Joanne Cockbill / Dave Elrington	<ul style="list-style-type: none"> -How safe or unsafe do you feel when out and about in your local area during the day (77%) and after dark (26%) - baseline from WAW 2040 Residents' Survey. - Number/size/ type of Flytipping incidents dealt with by Clean and Green (Flycapture) 	A	A	A	G	<p>Number of complaints are relatively stable for community protection type issues for example 600 Fly tipping complaints in 2023 compared to 618 in the same period 2022.</p> <p>4617 Community Protection complaints Q1 to Q3 in 2022, 4775 Community Protection complaints- Q1-Q3 in 2023.</p> <p>FPN rates are high with 359 litter FPNs being issued in the first three quarters with approximately 60% payment rate and 15 fly tipping FPNs being issued with 100% payment rate. Continued joint working with Police has led to weekly visits to and raids on shops selling illicit tobacco and vapes.</p> <p>Joint work in Blakenall and Bloxwich around crime and ASB continues with focuses on attacks on public transport in the area being a priority.</p>

	Outcomes:	Markers of Success:	Key Achievements:
	<p>1. Supporting a dynamic, resilient and diverse economy where businesses invest and everyone has the right jobs and the right housing in the right place</p>	<p>1a. Better connectivity, improved reliability and well maintained transport networks creating an environment where businesses are supported to thrive and grow</p>	<p>Key achievement is meeting 100% performance targets for highway safety inspections and highway emergency defect response times. Key achievements include:</p> <ul style="list-style-type: none"> - Increased interest in our recently launched SME Productivity Grants - Increased number of referrals to local and regional support programmes - The launch of our Walsall Start-Up Programme, delivered in partnership with the Black Country Chamber of Commerce - Deepening our collaborative work with the Best of Walsall business group by formalising and further structuring our working together - Increased amount of referrals to the BEAS (Business Energy Advice Service) and subsequent take up of net zero energy audits in Walsall
		<p>1b. Regenerating the borough to support places where people are proud to live and work, delivering affordable homes and attracting inward investment</p>	<p>The development partner procurement process has resulted in the selection of Keepmoat Homes Ltd while the Outline Planning Application has received delegated approval and the council's Cabinet has approved a CPO to support land assembly; a Strategic Delivery Plan has been completed for the Walsall Gateway residential opportunity area located to the north of the town centre which can provide circa 500 new homes while work is also progressing on a plan for the Station Quarter area; the council is delivering the Connected Gateway project supported by £11.4m from the government's FHSF with detailed design work is now underway; work is taking place to progress projects that are part of both Walsall and Bloxwich Town Deals with £23.5m awarded to each area respectively. Work is also ongoing with government to establish a Levelling Up Partnership which could be allocated up to £20m in funding. In addition Darlaston has been awarded £20million over 10 years as part of the government's Long Term Plan for Towns programme.</p>
<p>E</p>	<p>2. Education, training and skills enable people to contribute to their community and our economy</p>	<p>2a. Provide access to education, apprenticeships and training to improve productivity and skills</p>	<p>The Council was the lead sponsor of this year's Ladder for the Black Country Apprenticeship Awards, an event held in late November 2023. The event was a high profile event and was attended by the new Chief Executive, Executive Director for Regeneration, Director for Regeneration and Portfolio Holder for Education and Young People. The winners for this years awards, include a Walsall Business Support Apprentice in the 'Apprentice of the Year' category and employer Blakemores won the category for Apprentice Employer of the Year.</p> <p>The Councils commitment to apprenticeships is long standing and aligns to the pledge made when Walsall Works was launched in 2012 to tackle youth unemployed by creating new apprenticeships through a subsidised grant. The Council also understands the challenge we have in growing the skills levels of the working age population in the borough, and in particular with some young people, and how a well designed apprenticeship can help to improve skills for the young person and also improve workforce development and skills.</p> <p>During this year, we lobbied with the WMCA and supported the creation of a new pre-apprenticeship programme which is being designed to address the challenge of attracting young people who may not have the entry requirements of a full apprenticeship. The new Paths 2 Apprenticeship programme is being piloted with some employers in the region, and will offer a 4-16 pre-employment support programme to prepare young people aged 19-29 year olds into a full apprenticeship.</p> <p>The rationale for supporting and lobbying for this intervention is that this is that Walsall still presents with a high volume of working age adults not possessing any qualifications, and shows there are nearly 17,000 (9%) adults having no qualifications. At a higher level, only 27% of adults hold a higher Level 4 qualification. The biggest skills deficit is still around digital skills with 56% of working adults not having the right skills fit for work. This coupled with sector shortages in construction, retail, health care, logistics and professional services, creates the ideal opportunity to actively promote the creation of apprenticeships for adults to</p>

		<p>employers to help people without the relevant professional skills to enter the workforce and develop the skills whilst working. However, it is often challenging to encourage older adults to apply for new apprenticeships and its more common for existing adults in the workplace to access apprenticeships.</p> <p>Walsall Council continues to lead by example through its internal apprenticeship programme, Endless Possibilities, and the authority won the prestigious 'Large Employer of the Year' award at the Juniper Training Apprenticeship Awards 2023.</p> <p>In addition, the Council funded award winning Walsall Works programme continues to promote apprenticeships as a valuable route to employment. It still continues to work closely with local and national employers to understand their labour market demands and to bring opportunities closer to local people through a free job matching service and any employers expressing interest in a apprenticeship are signposted to suitable training providers ie Walsall College, Performance through People. The team actively source and host these apprenticeship vacancies on their website www.walsallworks.com, through weekly jobs bulletin and on social media platforms. We host regular monthly events to match local people to local jobs / apprenticeships and the Walsall Works Expo is the largest jobs fair in the Black Country bringing together exhibitors to meet with hundreds of local jobseekers who are available and seeking work. We plan to host an Apprenticeship event in February 2024, to promote vacancies within specific employers.</p> <p>Walsall Works has extensive partnerships with employers, training providers and partner organisations such as DWP, Housing and Health Services. The support offered is bespoke to client needs and is delivered in a hybrid model, using virtual channels and face to face engagement through qualified employment advisors who based within partner organisations and community sector settings. The programme supports any residents who makes contact, but our main target groups are those who are at risk of becoming long term unemployed, young people, BAME communities, women, women fleeing domestic violence, care leavers, young offenders, teenage mums, those with special education needs, learning difficulties and disabilities, those in supported housing, people aged over 50, social housing tenants or those who have left work due to a health barrier.</p> <p>The programme pro-actively signposts services delivered by partner organisations and offers participants support with wrap around services ie bespoke training leading to vocational qualifications, specialist courses as well as support with housing, debt advice, counselling, work clothing, travel costs for work and childcare support. We proactively support our community sectors with improving their financial literacy and digital capability in order for them to offer non-accredited and accredited training ie personal budgeting, cost of living support, basic skills, digital skills, employability skills, vocational courses and pre-employment programme.</p> <p>Good quality employer engagement is vital in our delivery to bring forward local job vacancies, work placements, apprenticeships, volunteering and in-work support to improve sustainable employment. For individuals who are furthest from the labour market, we are able to bring forward paid work placements in the private sector and through social value drawn in from our major contractors. Our core aim is to provide pre-work and in-work support for individuals with barriers to employment which can include access to on the job counselling services and mental health support to help transition people into work.</p>
	<p>2b. Reducing unemployment through collaborative working with employers and partners</p>	<p>We rely on our continued working relationships with apprenticeship providers, such as Walsall College, are largely responsible for sourcing, marketing and filling apprenticeship vacancies.</p>

			<p>Whilst we do receive their monthly vacancy lists to promote vacancies to our participants but we are finding that employers are largely recruiting young people via schools or through progression of their existing student pool. There are still very few new apprenticeship starts which attract older adults, but we note that apprenticeship levy paying employers are attracting their existing workforce to take up higher apprenticeship, especially in key disciplines ie social work, programme management, leadership and management at a diploma and degree level programmes.</p> <p>We have also noted that the Council is actively utilising the levy funding, to create apprenticeships in social work and programme management which will help progress the existing workforce into professional and technical roles. Therefore, participation for older adults the pathway is generally for those already in the workforce, and in particular with large employers through their apprenticeship levy programme as this is a government driver to creating new apprenticeships.</p> <p>The introduction by Government on new pre-employment programmes such as Sector Work Academy Programmes, Bootcamps and flexibility to access Level 3 skills courses, may have contributed to the reduction and the appetite to create apprenticeships from employers as they can still secure funding to upskill their workforce.</p> <p>More work to get employers on board needs to take place and in particular to encourage them to offer valuable work placements as part of a new pre-apprenticeship routes for young people, especially as some employers still only wish to recruit learners who have just completed GCSE's with good Maths, English and Science qualifications. Unfortunately, this disadvantages willing young people who wish to participate in apprenticeships but who do not have the required entry requirement to commence a level 2 learning programme. We are proud to have worked with the WMCA to design a new pre-apprenticeship programme to help progress young people who do not wish are not attractive to employers due to deficits in basic skills. This model may be attractive to vulnerable young people as it will offer incentives to young claimants to participate and would not affect their entitlement to benefits. This will create a natural feeder to live apprenticeship vacancies available within business.</p>
P	3. People can access support in their community to keep safe and well and remain independent at home	3a. People are supported to build on their strengths and those in their communities to maintain and/or maximise their independence.	<p>Q3 saw the embedding of the OT Therapy clinics operating from Goscote, with 151 people now having been seen. To support the preventative offer, there was also the introduction of the Virtual House, helping residents to stay safe and independent at home. This initiative shows examples of and information about equipment, assistive technology and sensory aids which can help to make daily tasks around the home easier.</p> <p>Principal OT and PSW workshops took place with all operational teams in November and December to embed learning from audits and support roll out of more outcome focused care and support, accompanied by an updated strengths-based practice handbook. 68 staff have completed training to become trusted assessors for low level equipment.</p> <p>Throughout Q3, Employment Services continue to support a significant range of people to achieve their aspirations around Employment, Education and training, with 55 individuals achieving positive outcomes by December 2023. These individuals have played a key role in the development and success of the Councils Supported Internship Programme, with 3 young people supported from within the service securing internship opportunities.</p> <p>Staff within the Outreach Service have successfully completed an accredited Independent Travel Training Qualification, enabling the team to support people preparing for adulthood, as well as adults, to travel independently.</p>

		<p>Brain in Hand is designed via an app to support adults who have autism, mental health conditions or cognitive impairments, offering personalised support, anxiety management tools, a daily planner, emergency support, access to strategies, progress monitoring and remove connectivity. It promotes independence, wellbeing and overall quality of life. This initiative is being supported by Provider Services, is currently being used to help up to 15 individuals via the use of a personalised mobile phone app. The service also promotes a range of other apps, as well as encouraging the use of other assistive technology equipment.</p> <p>The work of Shared Lives has seen a number of success stories during the quarter where people have moved to independent living, promoting autonomy and person centred support.</p> <p>The ICS Review Team have conducted a total of 68 proactive reviews of care packages put in place following hospital discharge in order to maximise the independence of the individuals involved, ensuring that support is proportionate and relevant.</p>
	<p>3b. People feel safe in their home and community</p>	<p>The proportion of S42 enquiries completed within 28 days has improved from Q2.</p> <p>DoLS waiting lists continue to reduce, despite increasing demand, with the backlog by the end of quarter 3 standing at 258. This is down from 335 at the end of 2022/23.</p> <p>The Locality teams are on target to achieve 100% of their annual reviews by the end of Q4, ensuring that care needs are effectively met in the least restrictive way and involving the person in the decision making process.</p> <p>Work has been undertaken to gain further insight into the trigger reasons for people needing long term support and the flow from hospital discharges. Findings have been shared with Commissioning colleagues and will continue to be monitored quarterly.</p> <p>Due to the closure of one of the borough's care home, commendable efforts were made by Adult Social Care and ICS staff to relocate the residents in a timely manner.</p> <p>In October 2023 long term assessments and reviews were allocated to 9 auditors, plus a total of 6 Section 42 Safeguarding Enquiries allocated to one further auditor. The auditors had no prior involvement in the case and did not audit any work from their own team. Cases were randomly selected from the period 1st July 2023 to 30th September 2023. The strengths-based audit tool used was the Regional Principal Social Worker peer audit tool with the addition of the Lived Experience Audit Tool. Overall findings were summarised and shared with the team managers and teams. The overall casefile audit results show that in total there were 59% of audits graded as good and 41% as requiring improvement and this has informed an action plan at the end of the report. However, people's experience of the process was overwhelmingly positive and people felt listened to.</p>
<p>4. People are supported to maintain or improve their health, wellbeing and quality of life</p>	<p>4a. People know how to maintain or improve their health and wellbeing and get timely support for this, where required.</p> <p>4b. People can access timely social care support and reablement to prevent a hospital admission or facilitate a timely discharge</p>	<p>This quarter there have been: 771 visits to the POP website 231 visits to the hubs from new and existing service users 115 service users accessing the hubs (new and existing) 65 new service users accessing the hubs 34 of the new service users reside in deciles of deprivation 1-3</p> <p>The 95% target for people remaining in the community following an admission intervention was achieved due to the low number of bedded placements (Pathway 2 &</p>

			<p>3) made. Significant increase (from 948 to 1,087) in the discharge to the community number.</p> <p>It should be noted that 6 of the people were placed into rehabilitation (Pathway 2) beds with the potential to be discharged home following this intervention. We need to implement a reporting mechanism around whether people who are placed into Pathway 2 beds are subsequently discharged home. It is likely that the Pathway 3 (2.6%) placements will result in long term care home placements.</p>
I	5. We get things right, first time and make all services accessible and easy to use	5a. Services will be accessible and easy to use with improved customer satisfaction	Our NPS and CSAT is consistently above industry standards, and we are in the final stages of moving towards automating customer satisfaction surveys with a go live in April 2024
		5b. Customers and partners report that they would recommend working with us in the future	This measure is being re-evaluated and therefore has no feedback
	6. The Council will deliver trusted, customer focused, and enabling services, which are recognised by customers and our partners for the value they bring	6a. Services will provide value for money measured through delivery of outcomes within agreed resources	See above. Identification of mitigating actions has been a key success.
		6b. Services are trusted and customer focused measured through staff satisfaction/ engagement scores.	
C	7. Children and young people thrive emotionally, physically, mentally and feel they are achieving their potential	7a. Children and young people have access to high quality education and training opportunities and schools are more inclusive	<p>Walsall is now broadly inline with the national average for the % of schools which have been judged to be good or better. We aim to be better than national when our RI/inadequate schools are inspected in line with Ofsted's inspection schedule.</p> <p>Establishment of Walsall Learning Alliance 'exclusions' sub group with a focus on 'belonging' to give strategic oversight for suspensions, exclusions and wider inclusion to support pupils remaining in schools and settings.</p>
		7b. Children and young people with additional needs or in specific circumstances are identified and supported to have their health and education needs met.	<p>There is now a dedicated NEET worker within the virtual school that is focussing on a specific young people that have been identified for being able to find work, education or training.</p> <p>The NAG group oversees and tracks all of the young people that are NEET and so we know which young people that we need to target.</p> <p>Walsall works and the virtual school do drop ins from the hub and are based within the service twice a week.</p> <p>DWP are also joining this group and will be offering additional support at the hub one day a week.</p> <p>There are monthly meetings in place with Group Managers and the CIC health nurse to ensure that there is monitoring of the health assessments and that all children in care have an up-to-date health assessment.</p> <p>Decision Making Processes for EHC Assessments are more robust and effective leading to more timely decisions at 6 and 16 weeks.</p>
	8. Children grow up in connected communities and feel safe everywhere	8a. Services and support is responsive to needs of different communities, partners are proactive in responding to these needs and children and families have easier and timelier access to services.	he Right Help, Right Time threshold guidance has been revised and launched in February 2024. The revised guidance focuses on having the right conversations and identifying and responding to need at the earliest opportunity. The RHRT guidance aligns with the supporting families programme priorities and has a stronger emphasis on earliest help and single agency

		<p>8b. Children and families are better connected with community resources to enable them to build resilience, are involved in developing their plans and can provide regular feedback.</p>	<p>support where this is appropriate, meaning more children, young people and their families should receive the right help at the earliest time.</p> <p>The percentage of social work Child and Family Assessments remains consistent and above regional and national comparators. As a service, we have retained a level of stability and been able to support and develop staff to provide the foundations for practice in this area.</p> <p>The Family Safeguarding Model has now been established for over 3.5 years, and provides a high level of support to families where children are on statutory Child in Need and Child Protection Plans to avoid children coming into care. This continues to have a positive impact in respect of the proportion of children entering into care being from families open due to safeguarding concerns within the family - there will always be a need for this for some children, but we seek to ensure the most support possible has been provided to avoid this.</p> <p>Walsall's implementation of the Family Safeguarding Model has been the subject of a peer review from the Centre for Family Safeguarding, and received significant positive feedback. We have seen an decrease in the duration of care over the past two quarters, indicating that pre proceedings have been effective and meaning that permanency is secured for children who cannot remain with their families promptly.</p> <p>Walsall's Participation Strategy is focused on making sure children's and young people's voices are heard, and this is reflected in the data on Child Protection Conferences and Child in Care Reviews.</p> <p>There has been an increase in children participation in child protection conference and child in care reviews.</p>
<p>C</p>	<p>9. Our communities will be more resilient and supportive of each other</p>	<p>9a. There will be a vibrant and diverse community and voluntary sector providing help and support where people need it with a range of volunteering opportunities</p>	<p>The East locality have worked with several organisations to create a structure that will help develop their businesses allowing new volunteers to be fully inducted and supported within each organisation. They have robust, externally quality assured processes that we can share with organisations to support volunteers.</p> <p>The South Locality held an event in which was supported by over 30 volunteers on preparation and on delivery day. Speaking different languages, coming from different cultures, different ethnic backgrounds and faiths did not stop them coming together, investing their efforts and work as a team. The volunteer's mobilisation and participation was an example of community cohesion and shared community values.</p> <p>Walsall Council has arranged a 'Volunteers and the law' training course delivered through a national provider for the sector. This took place on 17 January and there has been a big take up of the course.</p> <p>The Wild Canvass exhibition took place in Darlaston Library on 27 January 2024. The Tale of 10 exhibition/book collection of migrant stories have been launched in Lichfield Street Hub.</p>

		<p>National Social Prescribing Day was celebrated on Thursday 12 March. Making Connections Walsall celebrated the event by holding 4 locality based events, where residents, user users and professionals could come and find out more about the offer.</p> <p>Received funding from the UKSP to promote 'Heritage' within Walsall. Each locality lead arranged events in partnership with Heritage Lottery in 'Heritage' buildings. This included Aldridge Transport Museum and Walsall Leather Museum. Over 30 VCS grass roots organisations attended and was really positively received. This new way of locality based working resulted in more interest in this topic area than in previous years.</p> <p>Completed Community Cohesion and social integration consultation with 20 focus groups with 'protected characteristics'.</p>
	<p>9b. Trust will be built within and between communities across the Borough</p>	<p>The 1st VCS Recognition AWARDS event took place on Friday 19 January where over 40 VCS organisation have been invited to nominate 2 staff or volunteers from their organisation. The event had a special section for Cresswell Wanderers FC who received the Kings Award for Voluntary Services at the end of last year and the Brindley Foundation for their work with getting the Knife Angel to Walsall. Awards will be presented by Portfolio Holder Deputy Leader Garry Perry.</p> <p>Walsall for All quarterly meeting on 20 February saw the launch of Community Advisors with diverse lived experiences – this is a joint initiative between W4A and Walsall Together.</p> <p>Walsall Community Resilience Forum was set up in February 2024 focusing on Contest and providing greater engagement with diverse communities, faiths and cultural group on this important counter-extremism subject.</p> <p>Walsall published a WALSALL: From 'Report to Support' A Borough-wide study of experiences and responses to hate. A multiagency conference took place on 29 Feb to present the findings and kickstart the action plan development in this area of work.</p> <p>A funding of 100k for a Skills Centre at AAINA Community Hub (better outcomes racialised communities) has been attracted to Walsall from the Race Equality Task Force (WMCA) through excellent cooperation between Walsall for All, Council and WMCA.</p> <p>International Women's Day was celebrated in numerous venues w/c 5-9 March, focusing on cultural competencies, diversity, access, employability and professional support for women.</p> <p>Council took part in the dialogue between Black African and Caribbean communities and Police force on 9 March 2024, focusing on race inequality and outcomes in policing. Some further work will be required in this area.</p>
<p>10. People are proud of their vibrant town, districts and communities</p>	<p>10a. The Borough's streets are clean, green and welcoming, with more waste recycled and less going to landfill</p> <p>10b. People feel safe in their local area and anti-social behaviour and crime – particularly environmental crime is reduced</p>	<p>Targeted enforcement work coupled with educational and diversionary activity is becoming more normalised acknowledging that enforcement can help with short term issue but can solve all problems long term. Efficient processing of fixed penalty notices and prosecution cases is leading to good outcomes that are then highlighted in social and other media.</p>

	Outcomes:	Markers of Success:	Interdependencies:
	1. Supporting a dynamic, resilient and diverse economy where businesses invest and everyone has the right jobs and the right housing in the right place	1a. Better connectivity, improved reliability and well maintained transport networks creating an environment where businesses are supported to thrive and grow	<p>For highway safety inspections and highway emergency defect response times interdependencies are performance of Alloy software and performance of highway contractor Tarmac.</p> <ul style="list-style-type: none"> - We continue to work closely with private sector business organisations as listed above - We continue to work closely with and help to shape the support offered by public sector business support organisations such as the West Midlands Combined Authority - We continue to work closely with colleagues internally here at the council, including our Employment & Skills team, Business Rates team and Regulatory Services team. - We will need further support from our enabling colleagues, including Procurement and Recruitment colleagues.
		1b. Regenerating the borough to support places where people are proud to live and work, delivering affordable homes and attracting inward investment	n/a
<p>ECONOMIC - Enable greater local opportunities for all people, communities and businesses</p>	2. Education, training and skills enable people to contribute to their community and our economy	2a. Provide access to education, apprenticeships and training to improve productivity and skills	<p>We rely on our continued working relationships with apprenticeship providers, such as Walsall College, are largely responsible for sourcing, marketing and filling apprenticeship vacancies. Whilst we do receive their monthly vacancy lists to promote vacancies to our participants but we are finding that employers are largely recruiting young people via schools or through progression of their existing student pool. There are still very few new apprenticeship starts which attract older adults, but we note that apprenticeship levy paying employers are attracting their existing workforce to take up higher apprenticeship, especially in key disciplines ie social work, programme management, leadership and management at a diploma and degree level programmes.</p> <p>We have also noted that the Council is actively utilising the levy funding, to create apprenticeships in social work and programme management which will help progress the existing workforce into professional and technical roles. Therefore, participation for older adults the pathway is generally for those already in the workforce, and in particular with large employers through their apprenticeship levy programme as this is a government driver to creating new apprenticeships.</p> <p>The introduction by Government on new pre-employment programmes such as Sector Work Academy Programmes, Bootcamps and flexibility to access Level 3 skills courses, may have contributed to the reduction and the appetite to create apprenticeships from employers as they can still secure funding to upskill their workforce.</p> <p>More work to get employers on board needs to take place and in particular to encourage them to offer valuable work placements as part of a new pre-apprenticeship routes for young people, especially as some employers still only wish to recruit learners who have just completed GSCE's with good Maths, English and Science qualifications. Unfortunately, this disadvantages willing young people who wish to participate in apprenticeships but who do not have the required entry requirement to commence a level 2 learning programme. We are proud to have worked with the WMCA to design a new pre-apprenticeship programme to help progress young people who do not wish are not attractive to employers due to deficits in basic skills. This model may be attractive to vulnerable young people as it will offer incentives to young claimants to participate and would not affect their entitlement to benefits. This will create a natural feeder to live apprenticeship vacancies available within business.</p>
		2b. Reducing unemployment through collaborative working with employers and partners	There are high levels of interdependencies with the migration of legacy benefit claimants to the new Universal Credit system and this is ongoing for a further year. This may

			<p>correlate to the ongoing fluctuation and increases in UC benefit numbers, which may not necessarily show that the numbers have increased due to new benefit claims.</p> <p>Collaboration is key to success, as Statutory government funded organisations are largely responsible for improvements required to achieve this marker of success ie DWP, JC+ Offices, FE Colleges and Training Providers. We continue to work closely with them to ensure that their resources and funding are directed appropriately to address the needs of our participants and will work with them to improve the quality of local offer ie provision for our unemployed and low skilled residents.</p>
<p>PEOPLE - Encourage our residents to lead more active, fulfilling and independent lives to maintain or improve their health and wellbeing</p>	<p>3. People can access support in their community to keep safe and well and remain independent at home</p>	<p>3a. People are supported to build on their strengths and those in their communities to maintain and/or maximise their independence.</p>	<p>Continuous Improvement programme workstreams/3Ps</p>
		<p>3b. People feel safe in their home and community</p>	<p>Continuous Improvement programme workstreams/ 3Ps (people process and practice) involving Adult Social Care, Commissioning, ICBs, Safeguarding Partnerships.</p> <p>CXC having robust processes and a capable workforce to ensure that people at risk of or experiencing abuse or neglect are referred to Access promptly.</p>
	<p>4. People are supported to maintain or improve their health, wellbeing and quality of life</p>	<p>4a. People know how to maintain or improve their health and wellbeing and get timely support for this, where required.</p>	<p>N/a</p>
		<p>4b. People can access timely social care support and reablement to prevent a hospital admission or facilitate a timely discharge</p>	<p>Interdependency with Walsall Healthcare Trust (Frail Elderly Service, Care Navigation, Virtual Wards and Rapid Response) and Intermediate Care service</p>
<p>INTERNAL FOCUS - Council services are customer focused effective, efficient and equitable</p>	<p>5. We get things right, first time and make all services accessible and easy to use</p>	<p>5a. Services will be accessible and easy to use with improved customer satisfaction</p>	<p>telephony provider finalising configuration of the functionality.</p>
		<p>5b. Customers and partners report that they would recommend working with us in the future</p>	<p>This measure is being re-evaluated and therefore has no feedback</p>
	<p>6. The Council will deliver trusted, customer focused, and enabling services, which are recognised by customers and our partners for the value they bring</p>	<p>6a. Services will provide value for money measured through delivery of outcomes within agreed resources</p>	
		<p>6b. Services are trusted and customer focused measured through staff satisfaction/ engagement scores.</p>	
<p>CHILDREN Have the best possible start and are safe from harm, happy, healthy and learning well</p>	<p>7. Children and young people thrive emotionally, physically, mentally and feel they are achieving their potential</p>	<p>7a. Children and young people have access to high quality education and training opportunities and schools are more inclusive</p>	<p>Schools working in collaborations have better outcomes than those schools working in isolation.</p>
		<p>7b. Children and young people with additional needs or in specific circumstances are identified and supported to have their health and education needs met.</p>	<p>There is a need for a collaborative approach with training providers, employment advice, colleges and the virtual school. There is a wider corporate parenting agenda in respect of working with business in the local area to widen the apprenticeships offered to care experienced young people.</p>

			<p>There is an interdependency with health input in regards to health assessments.</p> <p>Timeliness is dependent on Health, Social Care and Education colleagues providing advice in a timely manner.</p>
	8. Children grow up in connected communities and feel safe everywhere	8a. Services and support is responsive to needs of different communities, partners are proactive in responding to these needs and children and families have easier and timelier access to services.	<p>Partnership understanding and application of threshold to ensure the right help and support is offered to children, young people and families at the right time.</p> <p>Partnership working relationships to engage with partners and gather information.</p>
		8b. Children and families are better connected with community resources to enable them to build resilience, are involved in developing their plans and can provide regular feedback.	<p>There is interdependency across children services, the partnership and the wider community and voluntary sector.</p>
COMMUNITIES - Empower our communities so that they feel they are connected and belong in Walsall, creating safe and healthy places whilst building a strong sense of community.	9. Our communities will be more resilient and supportive of each other	9a. There will be a vibrant and diverse community and voluntary sector providing help and support where people need it with a range of volunteering opportunities	<p>Support from the Policy and Strategy Team, Children and Young People Alliance.</p>
		9b. Trust will be built within and between communities across the Borough	<p>There are inter-dependencies with Safer Borough Partnership (hate crime, black communities policing, resilience forum/contest)</p> <p>There are also inter-dependencies with Walsall Together and Community Advisors.</p>
	10. People are proud of their vibrant town, districts and communities	10a. The Borough's streets are clean, green and welcoming, with more waste recycled and less going to landfill	
		10b. People feel safe in their local area and anti-social behaviour and crime – particularly environmental crime is reduced	<p>Partnership working is key to any success both internally and externally with police, social landlords and others to ensure actions are successful short and longer term. Support by elected members and an understanding of priorities and areas of focus which may need to be set aside is also crucial.</p>

Cabinet – 17 April 2024

Surveillance and Access to Communications Data

Portfolio: Councillor Perry – Deputy Leader & Resilient Communities

Related portfolios:

Service: Community Safety and Enforcement

Wards: All

Key decision: No

Forward plan: Yes

1. Aim

- 1.1. The Regulation of Investigatory Powers Act 2000 (RIPA) and the Investigatory Powers Act 2016 (IPA) provide a framework for public bodies including local authorities to ensure investigatory techniques are used in a way that is compatible with the Article 8 right to respect for private and family life, enshrined in the European Convention on Human Rights (ECHR). RIPA and IPA ensure that these techniques are used in a regulated way and provides safeguards against the abuse of such methods. In the case of local authorities' use of these covert techniques will only be authorised through a court of summary jurisdiction if considered legal, necessary and proportionate.

2. Summary

- 2.1. This report asks Cabinet to consider and approve the revised policy and procedures regarding the use of the powers available to the Council under the RIPA and the IPA. It also informs Cabinet about the Council's use of the RIPA powers available to it.
- 2.2. The proposed revisions are to update the existing corporate policy and procedures only. There is no change to the Council's approach to use of the powers available to it under the RIPA and the IPA. However, the existing policy and procedures required updating not least because of structural changes within the authority.
- 2.3. The Council only very rarely uses the powers available to it, but it still needs to have a robust and up to date policy in place which officers can follow should the need arise. If the council's policy is not fully compliant with current legislative requirements this may lead to the Council not meeting its statutory obligations, exceeding its powers and placing it at risk of legal challenge with its attendant reputational and financial consequences.

3. Recommendations

- 3.1. That Cabinet recommend to Council the approval of the Council's Regulation of Investigatory Powers Act 2000 ('RIPA') and the Investigatory Powers Act 2016 ('IPA') Corporate Policy and Procedures.

4. Report detail - know

Context

- 4.1. Cabinet received a report about the RIPA Corporate Policy and Procedures on the 7 September 2022. The current policy and procedures state that every year elected members should be asked to review their content for the period in question and to recommend any changes to that content. Members should also be provided with an annual update on the Council's use of the RIPA powers available to it. This report serves as a review of 2023 as well as an update to the relevant policies for the years ahead.
- 4.2. RIPA and the IPA put a regulatory framework around a range of investigatory powers used by local authorities. This is done to ensure the powers are used lawfully and in a way that is compatible with Article 8 of the European Convention on Human Rights which governs an individual's right to respect for their private and family life, home and correspondence. Any interference with that right must be necessary, proportionate and in accordance with the law. If these requirements are not met any investigation undertaken that interfered with this right would be unlawful.
- 4.3. RIPA surveillance can therefore be used for example in relation to fly tipping, food related offences, benefit fraud, trading standards offences including the sale of counterfeit goods and some test purchases as well as health and safety at work matters.
- 4.4. There are three separate investigatory powers available to the Council, two under RIPA:
 - Covert directed surveillance – which includes covert surveillance in public areas (not including residential premises or private vehicles which is never permissible) which is likely to result in the obtaining of private information.
 - Use of covert human intelligence sources ('CHIS') – this includes undercover officers, public informants and people making test purchases (for example, relevant in trading standards cases).
- 4.5. The third under the IPA:
 - Obtaining communications data from telecommunications providers – this includes service use or subscriber information (but not the content).
- 4.6. Before the Council may undertake covert surveillance under RIPA, there are various criteria which must be met including only carrying out covert surveillance where the criminal offence under investigation ordinarily carries a

term of imprisonment of six months or more, its use is authorised internally by a senior officer and the external approval of the application by a Magistrate. For surveillance required under the IPA authorisations involve scrutiny by the National Anti-Fraud Network and are granted by the Office for Communications Data Authorisations a national body who act on behalf of the Council. The information obtained because of surveillance operations or acquired from telecommunications providers can be relied on in court proceedings providing RIPA or the IPA is complied with.

- 4.7. The Investigatory Powers Commissioner's Office ('the IPCO') is responsible for the inspection of public authorities with regard to compliance with RIPA. Inspections take place periodically and focus on RIPA policies, procedures, and practice. The last inspection by the IPCO was in January 2020 and a letter was sent to the authority in September 2023 requesting a written update on its compliance with legislation. The outcome of the submission of the written information is awaited.
- 4.8. The Council's Corporate Policy and Procedures were last reviewed in September 2022. The Corporate Policy and Procedures are being further revised to ensure it is up to date with current legislation and compliant with relevant Home Office Codes of Practice. The revised Corporate Policy and Procedures for RIPA and IPA are attached as **Appendix 1** to this report.
- 4.9. The Home Office Covert Surveillance and Property Interference Code of Practice requires local authorities to involve elected members in strategic oversight of RIPA including setting the relevant Policy and considering reports on its use by the Council. Cabinet is advised that in the calendar year 2022 there were three directed surveillance applications to the magistrate's court and in 2023 there were four RIPA applications. Each of these applications was for the purposes of tackling crime and disorder in relation to age restricted sales of tobacco, vapes or alcohol by Trading Standards. No applications for communications data were made in the same period.
- 4.10. In March 2024 training on the use of RIPA was arranged for relevant council staff including Environmental Health, Trading Standards, Community Protection and Community Safety, Legal Services, Planning and Building Control, Housing Standards, Environmental Protection, Childrens and Adults services.

Council Plan priorities

- 4.11. By using the tools and powers in the legislation, the corporate priorities are supported:
 - children are safe from harm and healthy for example in restricting the illegal sale of age restricted goods such as alcohol and tobacco
 - there are greater local economic opportunities for all people, communities and businesses for example by investigating and restricting the supply of illicit and unsafe goods

- communities are empowered so they feel they are well connected and belong in Walsall, creating safe and healthy places that build a strong sense of community for example by ensuring communities are protected from crime linked to organised crime groups or from the disruption caused by children who have been drinking underage

Risk management

- 4.12. Where there is an interference by a local authority with the right to respect for private and family life guaranteed under Article 8 of the European Convention on Human Rights and where there is no other source of lawful authority, the consequence of not obtaining an authorisation under the 2000 and 2016 Acts may be that the action is unlawful by virtue of section 6 of the Human Rights Act 1998.
- 4.13. Failure to follow the procedures set out in the legislation and the Councils Policies may result in the Council's actions being deemed unlawful and consequently lead to claims for compensation, loss of reputation and information being ruled inadmissible in a prosecution action. Adherence to these Acts also provides an additional layer of protection under the Data Protection Act 2018 and the General Data Protection Regulations 2016. These risks are mitigated by the adoption of the policies and training of staff.

Financial implications

- 4.14. The financial implications of these procedures are in training of staff which is met from the existing staff training budgets for those services whose staff may use RIPA and therefore need to be aware of its practical and lawful implementation. There is a financial risk of failing to adhere to the 2000 and 2016 Acts in that it may lead to claims for compensation.

Legal implications

- 4.15. The legislation enforced by teams across the council contain tools and powers to enable them to investigate criminal offences. The 2000 and 2016 Acts provide some controls on the use of these powers. The legal implications of failing to follow these requirements is the same as is outlined in the risk management section.

Procurement Implications/Social Value

- 4.16. There are no procurement implications to this report.

Property implications

- 4.17. There are no property implications to this report.

Health and wellbeing implications

- 4.18. There are no health and wellbeing implications to this report.

Reducing Inequalities

- 4.19. The implications for reducing inequalities have been taken into account. The approvals process requires that all the circumstances of any persons identified are considered in each case. An equalities impact assessment (EqIA) has been carried out and is attached to this report as **Appendix 2**.

Staffing implications

- 4.20. The only staffing implications relevant to this report is in the provision of training to officers.

Climate Impact

- 4.21. There are no climate implications to this report.

Consultation

- 4.22. There are no consultations required because of this report.

5. Decide

- 5.1. This report is to enable members of cabinet to present the draft proposed policies to Council in order that they can be formally adopted to mitigate the risks identified in paragraph 4.13.

6. Respond

- 6.1. If cabinet accept the recommendations, a report will be presented to full Council to adopt the draft policies.

7. Review

- 7.1. The Senior Responsible Officer provides oversight on the use of RIPA and IPA. An annual report will be presented to members as required in the Surveillance Code of Practice.

Appendices

Appendix 1: Regulation of Investigatory Powers Act 2000 (“RIPA”) and the Investigatory Powers Act 2016 (“IPA”) Policy and Procedure.

Appendix 2: Equalities impact assessment

Background papers

- Interception of communications code of practice 2022
- Covert surveillance code of practice

- Covert Human Intelligence Sources code of practice 2022
- Code of practice for investigation of protected electronic information

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Dave Brown
Executive Director – Economy,
Environment & Communities

5 April 2024



Councillor Perry
Portfolio Holder – Resilient
Communities

5 April 2024



Walsall Council

Regulation of Investigatory Powers Act 2000 (“RIPA”) and the Investigatory Powers Act 2016 (“IPA”)

Policy and Procedure

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1. Abbreviations

CCTV	Closed Circuit Television
CSP	Communications Service Provider
Council	Walsall Council
CHIS	Covert Human Intelligence Sources
DPA	Data Protection Act 2018
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms agreed on 2 November 1950
HRA	Human Rights Act 1998
IPA	Investigatory Powers Act 2016
IPCO	The Investigatory Powers Commissioner's Office
NAFN	The National Anti-Fraud Network
OCDA	The Office for Communications Data Authorisations
PFA	Protection of Freedoms Act 2012
RIPA	Regulation of Investigatory Powers Act 2000
SPoCs	Single Points of Contact for acquisition and disclosure of communications data

2. Introduction

- 2.1 This Policy & Procedures document (the Policy) is based upon the requirements of the Regulation of Investigatory Powers Act 2000 (RIPA), the Investigatory Powers Act 2016 (IPA), the Home Office Codes of Practice on Covert Surveillance and Property Interference, Covert Human Intelligence Sources and Acquisition and Disclosure of Communications Data.
- 2.2 The use of covert surveillance, covert human intelligence sources and the acquisition of service user or subscriber information in relation to communications data is sometimes necessary to ensure effective investigation and enforcement of the law. However, they should be used only rarely and in exceptional circumstances. RIPA requires that public authorities follow a clear authorisation process prior to using these powers. Authorisations granted under Part II of RIPA are subject to all the existing safeguards considered necessary by Parliament to ensure that investigatory powers are exercised compatibly with the ECHR.
- 2.3 The objective of this policy and procedure is to ensure that all investigations are carried out effectively and are properly authorised. In addition, it provides guidance to officers and elected members on the requirements and outlines the procedures to be followed in utilising their investigatory powers.
- 2.4 These investigatory powers should only be used in circumstances where it is necessary and proportionate having considered all the requirements of the legislation, codes of practice and this policy. The legislation and codes should be consulted from time to time, and at annual review to ensure this document remains up to date.

This document should be in conjunction with the legislation and the Home Office's Codes of Practice.

3. Consequences of Failing to Comply with this Policy

- 3.1 Consequences of failing to comply with this policy where there is interference with the right to private and family life, home and correspondence under Article 8 of the ECHR, as incorporated in the Human Rights Act 1998, and where there is no other source of lawful authority for the interference, the consequences of not following the correct authorisation procedure set out under RIPA (or IPA) and this Policy may result in the council's actions being deemed unlawful by the courts under Section 6 of the HRA or by the Investigatory Powers Tribunal. This may open-up the council to claims for compensation and loss of reputation.
- 3.2 Additionally, any information obtained that could be of help in a prosecution will be inadmissible.
- 3.3 Any queries or concerns relating to RIPA or obtaining communications data should be referred to the Legal Services or the SRO for preliminary advice at the earliest possible opportunity.

4. Background

- 4.1 On 2 October 2000, the Human Rights Act 1998 ("HRA") made it unlawful for a local authority to breach any article of the ECHR.

The ECHR states:

- (a) individuals have the right to respect for their private and family life, home and correspondence (Article 8 ECHR); and
- (b) there shall be no interference by a public authority with the exercise of this right unless that interference is:
- in accordance with the law;
 - necessary; and
 - proportionate

- 4.2 RIPA, which came into force on 25 September 2000, provides a lawful basis for two types of investigatory activity to be carried out by local authorities which might otherwise breach the ECHR.

The activities are:

- covert directed surveillance
- covert human intelligence sources ("CHIS")

- 4.3 Since May 2019, the Investigatory Powers Act 2016 (IPA) provides a lawful basis for local authorities to acquire communications data which was previously obtained through RIPA.

- 4.4 RIPA and IPA set out procedures that must be followed to ensure the RIPA and obtaining communications data activity is lawful. Where properly authorised

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under RIPA or IPA the activity will be a justifiable interference with an individual's rights under the ECHR; if the interference is not properly authorised an action for breach of the HRA could be taken against the council, a complaint of maladministration made to the Local Government and Social Care Ombudsman or a complaint made to the Investigatory Powers Tribunal. In addition, if the procedures are not followed any evidence collected may be disallowed by the courts. RIPA and IPA seek to balance the rights of individuals against the public interest in the Council being able to carry out its statutory duties.

4.5 **What RIPA Does and Does Not Do**

RIPA does:

- Require prior authorisation of directed surveillance
- Prohibit the council from carrying out intrusive surveillance
- Require authorisation of the conduct and use of CHIS
- Require safeguards for the conduct of the use of a CHIS

RIPA does not:

- Make unlawful conduct which is otherwise lawful.
- Prejudice any existing power to obtain information by any means not involving conduct that may be authorised under RIPA. For example, it does not affect the council's current powers to obtain information via the DVLA or to obtain information from the Land Registry as to the owner of a property.
- Apply to activities outside the scope of Part II of RIPA, which may nevertheless be governed by other legislation, including the HRA. A public authority will only engage RIPA when in performance of its 'core functions' – i.e. the functions specific to that authority as distinct from all public authorities.
- Apply where covert surveillance is carried out as part of an immediate response to events where it is not reasonably practical to obtain a RIPA authorisation.
- Apply to general observation activities that is unlikely to result in obtaining of any private information about a person or is not directed at particular individuals.

4.6 **What IPA Does and Does Not do**

IPA does:

- Permit the council to obtain specific types of communications records from communications service providers.
- Compel disclosure of specific types of communications data from telecom and postal service providers.

IPA does not:

- permit the council to intercept the content of any person's communication, and it is an offence to do so without any other form of lawful authority
- permit the council to obtain internet connection data.

Further information about the types of communication data the council can obtain can be found at 13.2.

A list of pertinent legislation is contained at **Appendix 3**

- 4.7 The requirements of RIPA, as supported by this document, are important for the effective and efficient operation of the council's actions with regard to Covert Surveillance and Covert Human Intelligence Sources. This policy and procedure document will therefore be kept under annual review by the Executive Director of Economy, Environment & Communities, who is the nominated Senior Responsible Officer (SRO) for the purpose of RIPA. Authorising officers (AOs) must bring any suggestions for continuous improvement of this document to the attention of the Executive Director for Economy, Environment & Communities at the earliest opportunity.
- 4.8 In circumstances where RIPA does not apply, this does not mean that surveillance cannot be undertaken, but it must be carried out with due regard to all legal requirements, giving due attention to the necessity, reasonableness and proportionality tests.
- 4.9 This policy and guidance document will be considered by Cabinet on an annual basis and this report will include a review of the use of RIPA by the organisation. Where changes are required to the Policy either because of updates to legislation, codes of practice or other guidance; the Policy and details of the use to which it has been put will be considered by Cabinet before progressing for approval and adoption by full council. Minor amendments to the policy, for example as a result of structural changes within the organisation or adding further AOs, may be made by the Executive Director Economy, Environment and the Communities during the life of the policy and will be brought to the attention of Cabinet and full Council as part of the annual report.

5. Policy Statement

- 5.1 The council is determined to act responsibly and in accordance with the law. All staff who are considering undertaking RIPA activity should be aware that where that activity may involve handling confidential information or the use of vulnerable or juvenile persons as sources of information, a higher level of authorisation is required. Please see 8 (in respect of handling confidential information) and 9 and 10 (in respect of using information sources who are vulnerable or juvenile persons) below.
- 5.2 The Executive Director Economy, Environment and Communities is the council's Senior Responsible Officer (SRO) and is responsible for the following roles:
- Appointing RIPA AOs
 - Appointing Approved Rank Officers for Communications Data
 - Maintaining a central record of all RIPA and Communication Data authorisations
 - Arranging training to individuals appointed as AOs and Approved Rank Officers, and

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- Carrying out an overall monitoring function as the SRO for the council's use of RIPA and IPA powers.

Any officer who is unsure about any RIPA activity or the acquisition or disclosure of Communications Data should contact either the SRO, a relevant AO or Legal Services for advice and assistance.

6. Types of Surveillance

6.1 Surveillance can be defined as “overt”, “covert”, “directed” and “intrusive” and includes:

- monitoring, observing, listening to persons, watching or following their movements, listening to their conversations and other such activities or communications.
- recording anything mentioned above in the course of authorised surveillance.
- surveillance, by or with, the assistance of appropriate surveillance device(s).

Overt Surveillance

6.2 The majority of the council's surveillance activity will be overt surveillance i.e. will be carried out openly. For example:

- where the council performs regulatory checks on licensees to ensure they are complying with the terms of any licence granted.
- where the council advises a resident that their activities will be monitored as a result of neighbour nuisance allegations.
- or where an officer uses body worn cameras and informs the individual that the camera will be switched on and recording will take place. This type of overt surveillance is normal council business and is not regulated by RIPA.

Covert Surveillance

6.3 This is where surveillance is carried out in a way that ensures that the person subject to the surveillance is unaware it is taking place.

6.4 Where covert surveillance activities are unlikely to result in obtaining of any private information about a person (because the surveillance although covert is general or low level, and is not directed at particular individuals), no interference with Article 8 rights occurs, and an authorisation under RIPA is not required.

6.5 RIPA authorisation may however be required where the surveillance is repeated for a particular purpose and could amount to systematic surveillance of an individual. If in doubt advice should be sought from Legal Services.

Covert Directed Surveillance

- 6.6 Surveillance that is:
- covert
 - not intrusive
 - for the purposes of a specific investigation or operation
 - likely to obtain private information about a person (whether or not that person was the target of the investigation or operation); and
 - not carried out as an immediate response to events or circumstances which could not have been foreseen prior to the surveillance taking place

Directed Surveillance Crime Threshold

- 6.7 Following the changes to RIPA introduced by the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2012 a crime threshold applies to the authorisation of directed surveillance by local authorities.
- 6.8 Walsall Council AOs may not authorise directed surveillance unless it is for the purpose of preventing or detecting a criminal offence and meets the following:
- The criminal offence is punishable by a maximum term of at least 6 months imprisonment, or
 - involves the sale of tobacco and alcohol to underage children which is an offence under sections 146, 147, or 147A of the Licensing Act 2003 or section 7 of the Children and Young Persons Act 1993 (offences).

The RIPA Crime threshold only applies to Directed Surveillance, not to CHIS or Communications Data. The Home Office Code of Practice for covert surveillance can be found on the Home Office website at

[Covert surveillance code of practice - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Where covert surveillance is required but does not meet the RIPA crime threshold, a non-RIPA directed surveillance application may be made. For further details about surveillance outside of RIPA, please see 6.10.

Covert Intrusive Surveillance

- 6.9 Covert intrusive surveillance takes place when covert surveillance is carried out in relation to anything taking place on residential premises or in a private vehicle and which involves the presence of an individual or surveillance device on the premises or in the vehicle, or which uses a device placed outside the premises or vehicle which consistently provides information of the same quality and detail as expected of a device placed inside. Additionally, the Regulation of Investigatory Powers (Extension of Authorisations Provisions: Legal Consultations) Order 2010 states that covert surveillance carried out in relation to anything taking place in certain specified premises is intrusive when they are being used for legal consultation.

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Non RIPA Authorisations

- 6.10 Some activity is not classed as directed surveillance and no authorisation is required nor can be given for that activity for example:
- Covert surveillance in immediate response to events. Where officers are carrying out their routine duties and an incident occurs that they decide to follow and it is not reasonably practicable to be expected to obtain an authorisation, then an authorisation is not required.
 - Covert surveillance as part of general observation work. Where officers are carrying out routine work, such as walking through town to ensure there are no breaches of legislation which they enforce, monitoring publicly accessible parts of the internet which are not part of a specific investigation, then this is not classed as covert surveillance.
 - Covert surveillance not related to the statutory grounds or core activities of the Authority. RIPA authorisation is only required for specific investigations or operations where it is necessary on the grounds specified in s28(3) of the 2000 Act. Covert surveillance carried out for any other purpose should be conducted in accordance with the relevant legislation and RIPA authorisation is not required. RIPA is required for core functions that are specific to that authority, e.g. the work of enforcement teams within the Council.
 - General activities that are carried out by all authorities, e.g. employment issues, are classed as ordinary functions and not subject to RIPA. However, other legislation such as the Human Rights Act, General Data Protection Regulations may apply.
 - Overt use of CCTV and ANPR systems. CCTV systems are used by the Council in a number of situations and the public are normally made aware that they are in use. RIPA authorisation is not normally required where these systems are used for the general monitoring of the area or to review an incident and gather evidence of a crime after it has happened.
 - However, where the system is used in a covert manner to monitor a particular subject as part of a planned operation, this becomes directed surveillance, and a RIPA authorisation should be obtained.
 - Covert surveillance as part of an equipment interference warrant. Where a warrant has been obtained under part 5 of the 2016 Act, then a separate RIPA authorisation is not required.
 - Recording equipment worn by a CHIS. Where a CHIS acting under a conduct authorisation wears a recording to record information obtained in their presence a separate RIPA authorisation is not required.
 - Covert recording of noise recording sound levels only. A RIPA authorisation is not required where a covert noise recording device records only sound levels; machinery, music or other non-verbal noise; or verbal content is recorded at a level which does not exceed that which can be heard in the street outside or adjoining the property with the naked ear.
- 6.11 Where investigating officers are undertaking surveillance, they should still give consideration to the necessity and proportionality of the surveillance and seek authorisation from an AO to proceed.

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- 6.12 The appropriate 'Application for authorisation to carry out directed surveillance' forms at **Appendix 2** should be completed, authorised and stored securely by the relevant AO.

7 Private information

- 7.1 The 2000 Act states that 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.
- 7.2 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.
- 7.3 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 when accessing information on social media websites (see 14).
- 7.4 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.

Practical examples of these differing scenarios can be found in the [Code of Practice for Covert Surveillance and Property Interference](#) on the Home Office website.

8 Confidential Information

- 8.1 A higher level of authorisation to apply to the Magistrates Court is required in relation to RIPA activity when the subject of the investigation might reasonably expect a high degree of privacy, or where "confidential information" might be obtained. For the purpose of RIPA this includes:
- communications subject to legal privilege¹
 - communications between a member of parliament and another person on constituency matters
 - confidential personal information² and

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- confidential journalistic material³

¹ Legal privilege is defined in section 98 of the Police Act 1997 as:

- communications between a professional legal adviser and his client, or any person representing his client which are made in connection with the giving of legal advice to the client.
- communications between a professional legal adviser and his client or any person representing his client, or between a professional legal adviser or his client or any such representative and any other person which are made in connection with or in contemplation of legal proceedings and for the purposes of such proceedings.
- items enclosed with or referred to in communications of the kind mentioned above and made in connection with the giving of legal advice, or in connection with or in contemplation of legal proceedings and for the purposes of such proceedings.

Communications and items are not matters subject to legal privilege when they are in the possession of a person who is not entitled to possession of them, and communications and items held, or oral communications made, with the intention of furthering a criminal purpose are not matters subject to legal privilege.

If advice is required on this point, officers should contact the Legal Services.

- ²Confidential personal information is described at paragraph 9.29 of the Home Office Covert Surveillance and Property Interference Revised Code of Practice.
- ³Confidential journalistic material is described at paragraph 9.38 of the Home Office Covert Surveillance and Property Interference Revised Code of Practice.

8.2 The AO and the person carrying out the surveillance must understand that such information is confidential and is subject to a stringent authorisation procedure. Authorisation can only be granted by the Chief Executive or in their absence by an officer acting as Head of Paid Service.

8.3 Any officer contemplating RIPA activity where the above circumstances may apply must seek advice from Legal Services prior to making any application.

9. Covert Human Intelligence Sources (“CHIS”)

9.1 The council is permitted to use CHIS subject to strict compliance with RIPA.

9.2 Under the 2000 Act, a person is a CHIS if:

- they establish or maintain a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within Section 26(8)(b) or (c);
- they covertly use such a relationship to obtain information or to provide access to any information to another person; or
- they covertly disclose information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.

9.3 A RIPA authorisation and order from a magistrate is required for the above activity and should be obtained whether the CHIS is a council officer or another person who is asked to be a CHIS on the council’s behalf. Authorisation for CHIS can only be granted if it is for the purposes of preventing or detecting crime or of preventing disorder.

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- 9.4 Members of the public who volunteer information to the council and those engaged by the council to carry out test purchases in the ordinary course of business (i.e., they do not develop a relationship with the shop attendant and do not use covert recording devices) are not CHIS and do not require RIPA authorisation.
- 9.5 However, by virtue of section 26(8) (c) of RIPA, there may be instances where an individual, who covertly discloses information though not tasked to do so may nevertheless be a CHIS. The important question is how did the member of the public acquire the information which they volunteer? If they acquired it in the course of, or as a result of the existence of, a personal or other relationship, they are likely to fall within the definition of a CHIS. If the Council then makes use of the information, and the informant is thereby put at risk, the council may be in breach of its duty of care owed to the individual. It is recommended that legal advice is sought in any such circumstances.
- 9.6 The Covert Human Intelligence Sources Code of Practice can be found on the Home Office website.
- 9.7 The [Covert Human Intelligence Sources \(Criminal Conduct\) Act 2021 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2021/17) restricts the authorisation of a CHIS who can carry out criminal conduct to certain organisations. Local authorities are not included within scope of this list. Therefore, Walsall Council will not authorise a CHIS to carry out criminal conduct.

10 Vulnerable Individuals⁵ /Juvenile CHIS

- 10.1 The Investigatory Powers Commissioner must be informed within seven working days of a CHIS authorisation of a vulnerable adult or a juvenile source. The Investigatory Powers Commissioner intends to keep such authorisations under close review and will report any relevant findings in his annual report.
- 10.2 Special safeguards apply to the authorisation of a vulnerable adult as a CHIS. A vulnerable adult is a person aged 18 or over who by reason of mental disorder or vulnerability, other disability, age, or illness, is or may be unable to take care of themselves, or unable to protect themselves against significant harm or exploitation. Where it is known or suspected that an adult may be vulnerable, they should only be authorised to act as a CHIS in exceptional circumstances.
- 10.3 The use or conduct of a CHIS under 16 years of age must not be authorised to give information against their parents or any person who has parental responsibility for them.
- 10.4 In other cases, authorisations should not be granted unless the special provisions contained in The Regulation of Investigatory Powers (Juveniles) Order 2000 are satisfied. This sets out rules about parental consent, meetings, risk assessments and the duration of the authorisation.
- 10.5 Any officer contemplating the use of a juvenile or a vulnerable person as a CHIS must seek advice from the City Solicitor or the Democratic Services Legal

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Team prior to making the application. Authorisation for an application to the Magistrates Court can only be granted by the Chief Executive or in their absence by an officer acting as Head of Paid Service.

⁵A vulnerable individual is a person who by reason of mental disorder or vulnerability, other disability, age or illness, is or may be unable to take care of themselves or protect themselves against significant harm or exploitation.

11. CCTV

11.1 The installation and use of unconcealed CCTV cameras for the purpose of generally observing activity in a particular area is not surveillance requiring RIPA authorisation. However, there are specific provisions regulating the use of CCTV cameras in public places and buildings and the council has drawn up a Corporate CCTV Policy which officers must comply with see **Appendix 5**. However, if CCTV cameras are being used in such a way that the definition of covert directed surveillance is satisfied, RIPA authorisation should be obtained.

11.2 For instance the use of town centre CCTV systems to identify those responsible for a criminal act immediately after it happens will not require RIPA authorisation. However, the use of the same CCTV system to conduct planned surveillance of an individual and record his movements is likely to require authorisation.

11.3 Protocols should be agreed with any external agencies requesting use of the Council's CCTV system. The protocols should ensure that the council is satisfied that authorisations have been validly granted prior to agreeing that the CCTV system may be used for directed surveillance.

12. Aerial Surveillance

12.1 Where surveillance is carried out using aircraft, whether manned, e.g. helicopters, or unmanned, e.g. drones, or other aerial devices then the same considerations need to be given to whether RIPA authorisation is needed as for any other type of surveillance. Particular consideration needs to be given to the reduced visibility and awareness of the device at height.

Acquisition and Disclosure of Communications Data

Communication Service Providers ("CSPs")

13.1 CSPs are organisations that are involved in the provision, delivery and maintenance of communications such as postal, telecommunication and internet service providers but also, for example, hotel or library staff involved in providing and maintaining e-mail access to customers. The Council must obtain communications data from CSPs in strict compliance with IPA.

Types of Communications Data

- 13.2 Sections 261 and 262 IPA 2016 provide the definitions of communications data, telecommunications, postal services and systems.
- 13.3 Communications data is the ‘who’, ‘where’, ‘when’ and ‘how’ of a communication such as a letter, phone call or e-mail but not the content, not what was said or written. The council is not able to authorise the interception or acquisition of the content of communications.
- 13.4 Postal Data is anything comprised in or attached to a communication for the purpose of a postal service, for example addresses or markings of the sender or the recipient either in writing or through online tracking.
- 13.5 Telecommunications data are all communications data held by a telecommunications operator or obtainable from a telecommunications system.

Previously under RIPA the categories of telecommunication data were “traffic data”, “service user data” and “subscriber data”. These have been replaced under IPA with two types of telecommunication data:

Entity Data- this is data about entities or links between individuals and devices. Entities can be individuals, groups and objects such as mobile phones, tablets or other communication devices.

Entity data broadly replaces “subscriber data” under RIPA, and may include:

- names and addresses of subscribers, email or telephone account holders as well as payments made;
- make and model of the device used;
- the connection, disconnection and reconnection of services an individual has subscribed to or may have subscribed to.

Entity data describes or identifies how individuals are linked to devices but does not include information about individual events.

Events Data - this is more intrusive; it identifies or describes events which consist of one or more entities, such as individuals engaging in an activity at a specific point (or specific points) in time.

Events data may include:

- call records
- location of a mobile phone
- information which identifies the sender or recipient from data held in the communication
- timing and duration of a call

Events data does not include non-communication events such as a change in address or telephone number.

A basic example of the difference between entity and events data is where a subscriber check is required, such as requiring information about who is the subscriber for mobile number 07999 123456. This would be entity data but if further information is required about the date/time a phone call was made, location or the duration, this would be classed as events data. Obtaining events data requires a higher threshold than for entity data. Further information about this can be found at paragraph 15.32.

The Communications Data Code of Practice contains a non-exhaustive list of examples of events data or entity data. If an applicant is unsure of the category of data they are seeking (entity or events data), or other information relating to telecommunications or postal systems covered under IPA, the applicant should discuss this with their Single Point of Contact (SPoC) or contact the Democratic Services Legal Team for advice.

13.6 The council is not permitted to make an application that requires the processing or disclosure of internet connection records for any purpose.

13.7 The council is not able to intercept or obtain the content of communications in any circumstances, for example the details contained within an email, text message or voicemail.

13.8 Legal basis for Communications Data Authorisation and Notices

IPA provides for acquisition and disclosure of communications data by local authorities only for the prevention and detection of crime or disorder as set out in s73 and s60A IPA 2016. As such the council is unable to access communications data for investigations that are not for the purpose of prevention and detection of crime, for example for civil action or internal employee disciplinary matters.

13.9 Obtaining events data must, in addition, be for serious crime defined in section 86(2A) IPA 2016 as:

- An offence for which an adult is capable of being sentenced to one year or more in prison.
- Any offence involving violence, resulting in a substantial financial gain or involving conduct by a large group of persons in pursuit of a common goal.
- Any offence committed by a body corporate, or;
- Any offence which involves, as an integral part of it the sending of a communication or a breach of privacy.

Care should be taken that the appropriate lawful requirements for the purpose of the investigation are met and the correct authorisation procedure is followed before obtaining the data from communication service providers. Advice should be sought from the Legal Services if in doubt.

13.10 Acquisition and disclosure of communications data is also overseen by the Investigatory Powers Commissioner's Office (IPCO).

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- 13.11 The details of the procedure for obtaining communications data can be found at 15.32.
- 13.12 Under section 11 IPA 2016, it is an offence for a person in a public authority knowingly or recklessly to obtain communications data from a telecommunications operator or postal operator without lawful authority. The Home Office Acquisition and Disclosure of Communications Data Code of Practice can be found on the Home Office website.

14. Use of Social Media/Internet

- 14.1 The internet may be utilised to obtain information including viewing specific user profiles on Social Networking Sites ('SNS') or searching SNS to try to find profiles that contain useful information. Used correctly, research of SNS might provide invaluable evidence or at least useful intelligence.
- 14.2 Some activity on SNS might however constitute Directed Surveillance or require CHIS authorisation, some may not. Similarly, some research might be likely to result in the obtaining of private information, some may not. Activity that does not meet the threshold for RIPA authorisation but might be likely to result in obtaining private information will require consideration of Human Rights issues such as balancing the protection of rights with the breach of privacy, necessity and proportionality, as well as compliance with the Data Protection Act 2018 where personal information is likely to be accessed or obtained. Where the RIPA crime threshold is not met, a non RIPA authorisation may still be required. See the non RIPA procedure 6.10.
- 14.3 It is important to note that images of persons are private information, and also for officers to be aware that it is possible they might obtain private information about other individuals not just the specific user on the profiles which are viewed, captured or recorded. These individuals might not even be aware this private information has been made public by the profile/account holder.
- 14.4 Whilst it is the responsibility of an individual to set privacy settings to protect unsolicited access to private information, and even though data may be deemed published and no longer under the control of the author, it is unwise to regard it as 'open source' or publicly available; the author has a reasonable expectation of privacy if access controls are applied.
- 14.5 Where privacy settings are available but not applied the data may be considered open source and an authorisation is not usually required. However, in some circumstances where data is considered open source, privacy expectations may still nevertheless apply, and authorisation should be sought. This is because as stated in the Home Office Covert Surveillance and Property Interference Code of Practice the intention of the subject in making the data public was not for it to be used covertly for an investigatory purpose. In deciding whether online surveillance should be regarded as covert, consideration should be given to the likelihood of the subject knowing that surveillance could be taking place.

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- 14.6 If reasonable steps are taken to inform the public or the subjects that surveillance could take place (where appropriate), the surveillance may be deemed as overt, for which authorisation may not be required
- 14.7 If it is necessary and proportionate for an officer to covertly record information from a SNS, the minimum requirement is an authorisation for directed surveillance. An authorisation for the use and conduct of a CHIS is necessary if a relationship is established or maintained by a n officer of the council or by a person acting on the council's behalf (i.e. the activity is more than mere reading of the site's content). This could occur if an officer of the council covertly asks to become a 'friend' of someone on a SNS. It is not unlawful for an officer of the council to set up a false identity, but it is inadvisable for that officer to do so for a covert purpose without an authorisation.
- 14.8 Use of an established overt presence of the public authority on the SNS to look at publicly available information on the profile is possible and viable if the council has a presence on the SNS which is used to publicly and overtly make the presence of the council known, however this does not mean that information freely displayed on a profile is "fair game". The first visit to an SNS profile which might be displaying lots of private information could be regarded as a 'drive by' however any subsequent visits, particularly on a regular basis are likely to require authorisation for directed surveillance if the council is likely to obtain private information, and this would be obvious as a result of the initial visit.
- 14.9 The following factors should be taken into account when considering using social media sites as part of an investigation:
- whether the investigation/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
 - whether it is likely to involve visiting other internet sites to build up an intelligence picture or profile
 - whether the information obtained will be recorded or retained and consideration of the appropriate safeguards
 - whether the information is likely to provide an observer with a platform of lifestyle
 - whether the information is being combined with other sources of information 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
 - whether it is likely to involve identifying and recording information about third parties, such as family or friends of the subject, that may include private information and therefore risk collateral intrusion into the privacy of others.

15. Authorisation Procedures

- 15.1 AOs for directed surveillance and CHIS AOs are responsible for assessing and authorising covert directed surveillance and the use of a CHIS.

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It is the responsibility of AOs to ensure that when applying for judicial authorisation the principles of necessity and proportionality are adequately considered and evidenced; and that reviews and cancellations of authorisations are carried out as required under this Policy.

- 15.2 Schedule 1 of the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order (2010) prescribes the rank or position of AOs for the purposes of Section 30(1) of RIPA (covert surveillance and CHIS). For Local Authorities they prescribe a “Director, Head of Service, Service Manager or equivalent”. The term Director is not defined within legislation but in Walsall Council it has been determined that it would normally equate to second or third tier management. SRO designates which officers can be AOs. Only these officers can authorise directed surveillance and the use of CHIS. A list of AOs is available at Appendix 1. Any requests for amendments to the lists must be made in writing and sent to the SRO.
- 15.3 All authorisations must follow the procedures set out in the Policy. AOs are responsible for ensuring that they have received RIPA training prior to authorising RIPA activity. When applying for or authorising RIPA activity under the Policy, officers must also take into account the corporate training and any other guidance issued from time to time by the SRO.
- 15.4 Authorisation of RIPA Covert Directed Surveillance and Use of a CHIS.**
- 15.5 RIPA activity applies to covert directed surveillance and use of CHIS whether by Council employees or external agencies engaged by the Council. Council officers wishing to undertake directed surveillance or use of a CHIS must complete the relevant application form (see para 15.40) and forward it to the relevant AO.
- 15.6 RIPA Directed Surveillance and use of a CHIS can only be authorised if the AO is satisfied that the activity is:
- (a) in accordance with the law i.e. it must be in relation to matters that are statutory or administrative functions of the Council.
 - (b) necessary for the purpose of preventing or detecting crime or preventing disorder. This is the only ground available to the Council for authorising RIPA activity and there is a crime threshold for directed surveillance as described in paragraph 6.7 above; and
 - (c) proportionate to what it seeks to achieve. This involves balancing the seriousness of the intrusion into the privacy of the subject of the operation (or any other person as may be affected) against the need for the activity in investigative operational terms. Any conduct that is excessive as to the interference and the aim of the conduct or is in any way arbitrary will not be proportionate. Serious consideration must be given to identifying the least intrusive method of obtaining the information required.
- 15.7 Applicant officers should ask the following types of questions to help determine whether the use of RIPA is necessary and proportionate:

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- why it is believed the proposed conduct and use is necessary for the prevention of crime or the prevention of disorder (as appropriate)
 - how the activity to be authorised is expected to bring a benefit to the investigation
 - how and why the proposed conduct and use is proportionate to the intelligence dividend it hopes to achieve, having regard to the gravity and extent of the activity under investigation.
 - how and why the methods to be adopted will cause the least possible intrusion to the subject/s i.e. interfere with their rights under the ECHR.
 - what other reasonable methods of obtaining information have been considered and why they have been discounted
- 15.8 AOs should not be responsible for authorising their own activities i.e. those operations/investigations in which they are directly involved. However, it is recognised that in exceptional circumstances this may sometimes be unavoidable.
- 15.9 Particular consideration should be given to collateral intrusion on or interference with the privacy of persons who are not the subject(s) of the investigation. Collateral intrusion occurs when an officer undertaking covert surveillance on a subject observes or gains information relating to a person who is not the subject of the investigation. An application for an authorisation must include an assessment of the risk of any collateral intrusion or interference and measures must be taken to avoid or minimise it. This must be taken into account by the AO, particularly when considering the proportionality of the surveillance.
- 15.10 Particular care must be taken in cases where confidential information is involved e.g. matters subject to legal privilege; confidential personal information; confidential journalistic material; confidential medical information; and matters relating to religious leaders and their followers. In cases where it is likely that confidential information will be acquired, officers must specifically refer this to the SRO or Legal Services for advice.
- 15.11 The activity must be authorised before it takes place. At the time of authorisation, the AO must set a date for review of the authorisation and review it on that date. A copy of the completed Home Office application and authorisation form must be forwarded to the SRO within one week of the authorisation by e-mail as a scanned document. The SRO will maintain a central register of the Council's RIPA activity and a unique reference number will be allocated to each application.
- 15.12 **Approval by Magistrates Court**
- 15.13 Following changes under the Protection of Freedoms Act 2012, there is an additional stage in the process for RIPA Directed Surveillance and CHIS investigatory activities. After the Authorisation form has been countersigned by the AO, the Council is required to obtain judicial approval for either the authorisation or a renewal of an authorisation.

- 15.14 The magistrate will have to decide whether the council's application to grant or renew an authorisation to use RIPA should be approved and it will not come into effect unless and until it is approved by the Magistrates Court.
- 15.15 A separate application should be completed when the Council is requesting judicial approval for the use of more than one of the RIPA surveillance techniques (i.e. Directed Surveillance and CHIS) at the same time.
- 15.16 In cases where there is collaborative working with another agency, for example, the Police, as part of a single investigation or operation, only one authorisation from one organisation is required. This should be made by the lead authority of that particular investigation. Duplication of authorisation does not affect the lawfulness of the investigation or operation but could create an unnecessary administrative burden. Where the Council is not the lead authority, Council officers should satisfy themselves that authorisation has been obtained, and what activity has been authorised.
- 15.17 It should be noted that only the initial authorisation and any renewal of the authorisation require magistrates' approval.
- 15.18 There is no requirement for officers presenting authorisations to the Magistrates Court to be legally qualified.

15.19 The Role of the Magistrates Court

15.20 The role of the Magistrates Court is set out in section 32A RIPA (for directed surveillance and CHIS). These sections provide that the authorisation, shall not take effect until the Magistrates Court has made an order approving such authorisation or notice. The matters on which the Magistrates Court needs to be satisfied before giving judicial approval are that:

- There were reasonable grounds for the local authority to believe that the authorisation or notice was necessary and proportionate.
- In the case of a CHIS authorisation, that there were reasonable grounds for the local authority to believe that:
 - arrangements exist for the safety and welfare of the source that satisfy section 29(5) RIPA;
 - the requirements imposed by Regulation of Investigatory Powers (Juveniles) Order 2000 were satisfied;
- The local authority application has been authorised by an AO.
- The grant of the authorisation was not in breach of any restriction imposed by virtue of an order made under the following sections of RIPA:
 - 29(7)(a) (for CHIS),
 - 30(3) (for directed surveillance and CHIS)

15.21 The procedure for applying for directed surveillance or use of a CHIS is:

- Applicant officer obtains preliminary legal advice from the Democratic Services Legal Team

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- Applicant officer completes an application
- Authorisation is sought from the AO
- Applicant officer/legal representative creates court pack and applicant officer proceeds to court
- Applicant officer organises the directed surveillance or use of a CHIS to take place
- Applicant officer sends copy Magistrates Court order to the SRO

15.22 **Additional Requirements for Authorisation of a CHIS**

15.23 A CHIS must only be authorised if the following arrangements are in place:

- there is a council officer with day-to-day responsibility for dealing with the CHIS (CHIS handler) and a senior council officer with oversight of the use made of the CHIS (CHIS controller)
- a risk assessment has been undertaken to take account of the security and welfare of the CHIS
- a council officer is responsible for maintaining a record of the use made of the CHIS
- any adverse impact on community confidence or safety regarding the use of a CHIS has been considered taking account of any particular sensitivities in the local community where the CHIS is operating; and
- records containing the identity of the CHIS will be maintained in such a way as to preserve the confidentiality or prevent disclosure of the identity of the CHIS

15.24 A record of decision for CHIS must be completed which covers the requirements that should be in place for handling a CHIS including juvenile and vulnerable CHIS.

15.25 **Requirements for Authorisation of Acquisition and Disclosure of Communications Data**

The rules on the granting of authorisations for the acquisition of communications data are different from directed surveillance and CHIS authorisations and involve three roles within the council.

The roles are:

- Applicant Officer
- Approved Rank Officer
- Senior Responsible Officer

The two external roles are:

- Single Point of Contact (SPoC) at the National Anti-Fraud Network (NAFN)
- AO in the Office of Communications Data Authorisations (OCDA)

15.26 Applicant and their responsibilities

The applicant is a person involved in conducting or assisting an investigation or operation and who makes an application in writing or electronically to obtain communications data. Applicants must submit applications through the central NAFN (SPoC) portal. Applicants will need to be registered with NAFN to access the portal and have valid login and security details. An allocated SPoC officer will then check all applications for legal compliance and, where necessary, provide feedback before submitting for authorisation to OCDA. The applicant will complete an application form setting out for consideration the necessity and proportionality of a specific requirement for acquiring communications data.

- 15.27 Any member of staff engaged in a relevant role i.e. one which requires carrying out investigations may be an applicant, subject to any internal controls or restrictions put in place within public authorities.

The applicant must:

- describe the communications data required, specifying, where relevant, any historic or future date(s) and, where appropriate, time period(s)
- specify the purpose for which the data is required, by reference to a statutory purpose under the Act
- include a unique reference number
- include the name and the office, rank or position held by the person making the application
- describe whether the communications data relates to a victim, a witness, a complainant, a suspect, next of kin, vulnerable person or other person relevant to the investigation or operation
- include the operation name (if applicable) to which the application relates
- identify and explain the time scale within which the data is required
- explain why the acquisition of that data is considered necessary and proportionate to what is sought to be achieved by acquiring it
- present the case for the authorisation in a fair and balanced way. In particular, all reasonable efforts should be made to take account of information which supports or weakens the case for the authorisation
- consider and, where appropriate, describe any meaningful collateral intrusion – the extent to which the rights of any individual not under investigation may be infringed and why that intrusion is justified in the circumstances
- consider and, where appropriate, describe any possible unintended consequences of the application; and
- where data is being sought from a telecommunications operator or postal operator, specify whether the telecommunications operator or postal operator may inform the subject(s) of the fact that an application has been made for their data.

- 15.28 The applicant should record subsequently whether the application was authorised by an authorising individual and when that decision was made. Applications should be retained by the public authority and be accessible to the SPoC.

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15.29 **Approved Rank Officer (ARO)**

This is the Walsall Council officer who is aware that the application is being made by the applicant and is able to verify to the SPoC at NAFN that the acquisition of communications data is necessary and proportionate for the purpose it is required for before it is authorised externally by OCDA. The ARO does not authorise or approve any element of the application and is not required to be operationally independent.

15.30 **Senior Responsible Officer (SRO) and their responsibilities**

The Senior Responsible Officer (SRO) within Walsall Council is the Executive Director Economy and Environment.

15.31 The SRO is responsible for:

- The integrity of the process in place within the public authority to obtain communications data
- engagement with AOs in the Office for Communications
- Data Authorisations (where relevant)
- compliance with Part 3 of the Act and with the Code of Practice, including responsibility for novel or contentious cases
- oversight of the reporting of errors to the IPC and the identification of both the cause(s) of errors and the implementation of processes to minimise repetition of errors
- ensuring the overall quality of applications submitted to OCDA
- engagement with the IPC's inspectors during inspections; and
- where necessary, oversight of the implementation of post-inspection action plans approved by the IPC

Single point of contact (SPoC) and their responsibilities

15.32 The SPoC is an individual trained to facilitate the lawful obtaining of communications data and effective co-operation between a public authority, the Office for Communications Data Authorisations (OCDA) and telecommunications and postal operators. To become accredited an individual must complete a course of training appropriate for the role of a SPoC and have been issued the relevant SPoC unique identifier.

15.33 Public authorities are expected to provide SPoC coverage for all reasonably expected instances of obtaining communications data. Walsall Council is a member of the National Anti-Fraud Network (NAFN). NAFN is an accredited body for the purpose of providing data and intelligence under the IPA for all public bodies. As part of their portfolio, they offer a comprehensive SPoC service.

15.34 The SPoC will:

- assess whether the acquisition of specific communications data from a telecommunications operator or postal operator is reasonably practicable or whether the specific data required is inextricably linked to other data

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- advise applicants on the most appropriate methodology for acquisition of data where the data sought engages a number of telecommunications operators or postal operators
 - engage with applicants to develop and implement effective strategies to obtain communications data in support of operations or investigations
 - advise on and manage the use of the request filter, specifically in relation to progress of requests through the filter and compliance by the filter with the relevant authorisation
 - advise on the interpretation of the Act, particularly whether an authorisation is appropriate
 - provide assurance that authorisations are lawful under the Act and free from errors
 - consider and, where appropriate, provide advice on possible unintended consequences of the application
 - assess any cost and resource implications to both the public authority and the telecommunications operator or postal operator of communications data requirements
- 15.35 SPoC's have received training specifically to facilitate lawful acquisition of communications data and effective co-operation between the council, OCDA and the communication service providers.
- 15.36 AO at Office of Communications Data Authorisations (OCDA). Communications Data applications no longer require judicial approval as is required for directed surveillance under RIPA. The AO at OCDA scrutinises the application independently and either approves or rejects the application setting out the justification for the decision, taking into account the lawfulness of the conduct, and that the appropriate standards and safeguards have been addressed. The council is not permitted to contact OCDA directly, all correspondence must be through the SPoC at NAFN.
- 15.37 **The procedure for applying for acquisition of communications data** is as follows:
- Applicant obtains preliminary legal advice from Legal Services.
 - Applicant officer creates an application using the Cycomms Web Viewer on the NAFN website.
 - SPoC Officer at NAFN triages and accepts the application into the Cyclops system.
 - SPoC Officer uses Cyclops to update the application details and completes the SPoC report. As part of this, SPoC checks that the Council is lawfully permitted to obtain Communications Data for the purpose it is required for, determines the conduct such as the type of data needed to achieve the Council's purpose. Where the application is for Events Data, that the legal threshold is met and, in all cases, the conduct is justified based on the seriousness of the offence, the risk of unintended results, the risk of excessive data being obtained, including collateral intrusion, including whether other considerations or recommendations are required.
 - The SPoC liaises with applicant officer and Approved Rank Officer if further work is required.

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- SPoC sends the application to the Office of Communications Data (OCDA) for external approval on behalf of the council.
- If SPoC receives authorisation from OCDA, SPoC sends request to Communications Service Provider (CSP).
- SPoC receives results back from CSP and returns results to Applicant.
- Applicant accesses the Web Viewer and downloads results.
- Applicant sends details of the investigation, type of data required, whether the application was approved by OCDA and the date for this to the Democratic Services Legal Team who will update the Central Record. If the application is refused by OCDA, the council can either:
 - decide not to proceed with the application
 - resubmit the application with revisions including the justifications for doing so
 - challenge the decision made by OCDA if this is agreed by the SRO
 - further guidance from OCDA can be provided

Completing a Communication Data application form

15.38 An application to acquire communications data must:

- state the type of data required e.g. entity or events data; describe the communications data required e.g. the subscriber details linked to a telephone number, email address etc
- the timescales or specific date or period of the data that it is required. If the data will or may be generated in the future, the future period is restricted to no more than one month from the date on which the authorisation is granted
- specify the purpose for which the data is required and set out the legislation under which the operation or investigation is being conducted. This must be a statutory function of the Council for the prevention or detection of crime or preventing disorder (or for events data, this must meet the threshold for serious crime)
- include a unique reference number
- include the name and the office, rank or position held by the person making and verifying the application
- describe whether the communications data relates to a victim, a witness, a complainant, a suspect, next of kin, vulnerable person or other person relevant to the investigation or operation
- include the operation name (if applicable) to which the application relates
- explain why the acquisition of that data is considered necessary and proportionate in the circumstances based on the link between the investigation, the subject or other individuals and, and why the specific communication data is required, what other lawful, reasonable or least intrusive methods were considered and why these were rejected
- present the case for the authorisation in a fair and balanced way taking into account the size and scope of the investigation. In particular, all reasonable efforts should be made to take account of information which supports or weakens the case for the authorisation
- consider and, where appropriate, describe any risk of meaningful collateral intrusion. the extent to which the privacy rights of any individual not under

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investigation may be infringed and why that intrusion is justified in the circumstances. For example, where access is for 'outgoing calls' from a 'home 23 telephone' collateral intrusion may be applicable to calls made by family members who are outside the scope of the investigation. The applicant therefore needs to consider what the impact is on third parties and try to minimise it

- consider and, where appropriate, describe any possible unintended consequences of the application; and
- where data is being sought from a telecommunications operator or postal operator, specify whether the telecommunications operator or postal operator may inform the subject/individual(s) of the fact that an application has been made for their data

Urgent Authorisations

15.39 By virtue of the fact that an authorisation under RIPA is not approved until signed off by a Magistrates Court, urgent oral authorisations are no longer available. Urgent oral authorisations are also not available for Communications Data.

Application Forms

15.40 Only the RIPA Forms listed below can be used by officers applying for RIPA authorisation. The forms should be taken from the Home Office web pages so they are up to date. <https://www.gov.uk/government/collections/ripa-forms--2>

(a) Directed Surveillance

- [Application for Authority for Directed Surveillance](#)
- [Review of Directed Surveillance Authority](#)
- [Renewal of Directed Surveillance Authority](#)
- [Cancellation of Directed Surveillance](#)

(b) CHIS

- [Application for Authority for Conduct and Use of a CHIS](#)
- [Review of Conduct and Use of a CHIS](#)
- [Cancellation of Conduct and Use of a CHIS](#)
- [Renewal of Conduct and Use of a CHIS](#)

15.41 Authorisation/notice durations are:

- for covert directed surveillance the authorisation remains valid for 3 months after the date of authorisation
- for a CHIS the authorisation remains valid for 12 months after the date of authorisation (or 4 months if a juvenile CHIS is used)
- a communications data notice remains valid for a maximum of 1 month. All authorisations and notices are expected to specify dates and times for the acquisition or disclosure of the information

Authorisations should not be permitted to expire; they must be either renewed or cancelled when the activity authorised has been completed or is no longer necessary 24 or proportionate in achieving the aim for which it was originally authorised. This is a statutory requirement which means that all authorisations must be reviewed to decide whether to cancel or renew them.

Review of Authorisations

- 15.42 AOs must make arrangements to periodically review any authorised RIPA activity.
- 15.43 Officers carrying out RIPA/IPA activity, or external agencies engaged by the Council to carry out RIPA/IPA activity, must periodically review it and report back to the AO/Approved Rank Officer if there is any doubt as to whether it should continue. For Juvenile CHIS, the relevant Code of Practice stipulates that the authorisation should be reviewed on a monthly basis.
- 15.44 All reviews should be recorded on the appropriate Home Office form.
- 15.45 A copy of the council's notice of review of an authorisation must be sent to the SRO within one week of the review to enable the central record on RIPA to be updated.

Renewal of Authorisations

- 15.46 If the AO considers it necessary for an authorisation to continue a renewal may be sought for a further period, beginning with the day when the authorisation would have expired but for the renewal. The AO must consider the matter again taking into account the content and value of the investigation and the information so far obtained.
- 15.47 Renewed authorisations will normally be for a period of up to 3 months for covert directed surveillance, 12 months in the case of CHIS, 4 months in the case of juvenile CHIS and 1 month in the case of a communications data authorisation. Authorisations may be renewed more than once, provided they are considered again and continue to meet the criteria for authorisation.
- 15.48 Applications for the renewal of an authorisation for covert directed surveillance or CHIS authorisation must be made on the appropriate form and added as an addendum to the application form which granted the initial authorisation.
- 15.49 All RIPA renewals will require an order of the Magistrates Court.
- 15.50 A copy of the council's notice of renewal of an authorisation must be sent to the SRO within one week of the renewal together with a copy of the Magistrates Court order renewing the authorisation to enable the central record on RIPA to be updated.

15.51 For communications data, renewals must be made via the NAFN SPoC and authorised by OCDA. The reasoning for seeking renewal of a communications data authorisation should be set out by the applicant in an addendum to the application form which granted the initial authorisation.

Cancellation of Authorisations

15.52 The person who applied for or last renewed the authorisation must cancel it when they are satisfied that the covert directed surveillance, CHIS or communications data authorisation or notice no longer meets the criteria for authorisation such as when it is no longer necessary for the statutory purpose, or the activity is no longer deemed to be proportionate. For covert directed surveillance and CHIS cancellations must be made on the appropriate Home Office form (see paragraph 15.40).

15.53 Where necessary and practicable, the safety and welfare of the CHIS should continue to be taken into account after the authorisation has been cancelled, and all welfare matters addressed.

15.54 A copy of the council's notice of cancellation of an authorisation must be sent the SRO within one week of the cancellation to enable the central record on RIPA to be updated.

15.55 For Communications Data, the NAFN SPoC must be made aware of the cancellation who will cease the authorised activity, ensure any notices are cancelled and inform the Communication Service Provider.

15.56 What happens if the surveillance has unexpected results?

15.57 Those carrying out the covert surveillance should inform the AO if the investigation unexpectedly interferes with the privacy of individuals who are not the original subjects of the investigation or covered by the authorisation. In some cases, the original authorisation may not be sufficient to cover the activity required or information likely to be gathered and, in such cases, consideration should be given as to whether a separate authorisation is required.

15.58 Errors

15.59 Proper application of the RIPA provisions, and robust technical systems, should reduce the scope for making errors. A senior officer within a public authority is required to undertake a regular review of errors and a written record must be made of each review. For the council, this will be the SRO.

15.60 An error may be reported if it is a "relevant error". Under section 231(9) of the Investigatory Powers Act 2016, a relevant error is an error by a public authority in complying with any requirements that are imposed on it by an enactment, such as RIPA, which is subject to review by a Judicial Commissioner.

15.61 Examples of a relevant error include where surveillance or CHIS activity has taken place without lawful authorisation, and/or without adherence to the

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safeguards set out within the relevant statutory provisions or the relevant Home Office Code of Practice. Where a relevant error has been identified, the Council should notify the Investigatory Powers Commissioner (IPCO) as soon as reasonably practical, and no later than 10 working days (unless otherwise agreed by IPCO). The process for informing the IPCO is set out in the relevant Home Office Codes of Practice

16 Records and Documentation

16.1 Departmental Records Applications, renewals, cancellations, reviews and copies of notices must be retained by the council in written or electronic form, and physically attached or cross referenced where they are associated with each other. These records will be confidential and should be retained for a period of at least five years from the ending of the authorisation and destroyed in accordance with the council's Retention and Disposal Policy. Where it is believed that the records could be relevant to pending or future court proceedings, they should be retained and then destroyed five years after last use.

16.2 In relation to communications data, records must also be held centrally by the SPoC. These records must be available for inspection by the IPCO and retained to allow the Investigatory Powers Tribunal to carry out its functions.

16.3 A central record central record of authorisations, renewals, reviews and cancellations is maintained by:

Executive Director Economy, Environment and Communities
Walsall Council
Darwall Street
Walsall
WS1 1TP

16.5 The central record is maintained in accordance with the requirements set out in the Home Office Codes of Practice. In order to keep the central record up to date AOs/applicant officers must, in addition to sending through the Home Office application, authorisation form, Magistrates Court order or OCDA decision documents within one week of the authorisation being approved by the Magistrates Court or OCDA, send notification (by e-mail) of every renewal, cancellation and review on the council's notification forms (see paragraphs 15.40).

17. Safeguarding and the Use of Material.

17.1 All material obtained through the use of directed surveillance, CHIS or acquisition of communications data records containing personal data must be handled in accordance with the Data Protection Act 2018 (DPA) and the Council's Data Protection Policy.

- 17.2 The data protection principles under the DPA includes that personal data should only be processed if it is lawful to do so, that the data are adequate, relevant and not excessive for the purpose it was collected.
- 17.3 A personal data breach can be broadly defined as a security incident that has affected the confidentiality, integrity or availability of personal data Care must also be taken that personal data collected as part of an investigation is held in a manner that ensures appropriate security of the data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage. A personal data breach may need to be reported to the Information Commissioner's Office within 72 hours of officers becoming aware of the breach.
- 17.4 To mitigate against risk of personal data being compromised, all records and materials should be stored securely; clearly labelled; classified where appropriate as OFFICIAL or SENSITIVE to demonstrate the degree of sensitivity of the information; the appropriate retention period should be recorded at the outset and reviewed. Access to material obtained should be limited to those officers that have a legitimate reason for storing or accessing the records, with appropriate access controls in place. The data should not be stored for any longer than is necessary for any authorised purpose, and thereafter securely destroyed. This applies to all copies, extracts and summaries of the material obtained.
- 17.5 Where an authorisation results in excessive data having been acquired, the data should only be retained where it's appropriate and lawful to do so. The data must be reviewed to determine whether there is an intention to use it, and the reasons for requiring it, including whether retention of the data is necessary and proportionate contact Legal services if advice is required.
- 17.6 IPCO has produced recommendations in respect of safeguarding data (6 Data Assurance steps) that the council is required to demonstrate compliance with. The recommendations can be found at **Appendix 4** of this Policy.
- 17.7 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 for a suitable further period, commensurate to any subsequent review.
- 17.8 Particular attention is drawn to the requirements of the Code of Practice issued under the Criminal Procedure and Investigations Act 1996. This requires that material which is obtained in the course of a criminal investigation and which may be relevant to the investigation must be recorded and retained.
- 17.9 There is nothing in RIPA which prevents material obtained from properly authorised surveillance from being used in other investigations. The council will ensure that adequate arrangements are in place for the handling and storage of material obtained through the use of covert surveillance to facilitate its use in other investigations.

17.10 In addition to the data protection considerations above, material obtained must be used, stored and destroyed in compliance with any other legal requirements, including confidentiality. Information Security guidance is available on the intranet at the Protecting Information pages.

18. Use of Material as Evidence

18.1 Material obtained may be used as evidence in criminal proceedings. Ensuring the continuity and integrity of evidence is important and governed by other legislation. Material obtained as a result of covert surveillance is also subject to the disclosure rules of the Criminal Procedure and Investigations Act 1996 and its associated codes of practice. Particular attention needs to be paid to the requirement to disclose all material obtained during the course of an investigation which may be relevant to the investigation when making an application for RIPA and in carrying out and recording information during the course of surveillance.

19. Disseminating Material

19.1 It is necessary to share information internally within the authority and with external organisations such as other local authorities, the police and oversight organisations. This must be limited to the minimum necessary for the authorised purposes of the investigation or functions of the relevant organisation. This includes restricting dissemination within the authority to only those persons who have a bona fide need to know the information. The amount of material disclosed should be the minimum necessary, including where relevant providing only a summary of the material.

19.2 Where material is disseminated outside the organisation, similar provisions will apply. The restrictions on further dissemination should be explicitly outlined in writing including, where relevant, the need to obtain written permission before disseminating the material further.

19.3 Material should not be disseminated to bodies outside the UK without ensuring that they have appropriate safeguards in place. The AO should be consulted before material is disseminated to bodies outside the UK.

20. Training & Advice and Departmental policies, procedures and codes of conduct

20.1 The SRO will arrange regular training on RIPA. All AOs; designated persons and investigating officers should attend at least one session every two years and further sessions as and when required. Training can be arranged on request and requests should be made to the SRO. In particular training should be requested for new starters within the Council who may be involved in relevant activities.

20.2 Where in practice, departments have any policy, procedures or codes of practice in relation to RIPA that are different from or in addition to this Code, they must immediately seek advice from the Legal Services or the SRO.

21. Complaints

21.1 Any person who believes they have been adversely affected by surveillance activity by or on behalf of the Council may complain to the SRO.

They may also complain to the Investigatory Powers Tribunal at:

Investigatory Powers Tribunal
PO Box 33220
London
SW1H 9ZQ

Or via the website <https://www.ipt-uk.com/content.asp?id=28>

Appendix 1 - List of Authorised Officer posts

Post & Current Post Holder	Scope of Authorisation
<p>Head of Community Safety and Enforcement</p> <p>Current Incumbent David Elrington</p>	<p>Local Authority applications and Safer Walsall Borough Partnership – where the council is the lead agency.</p> <p>Applications for covert human intelligence source (CHIS) except in the case of juvenile / vulnerable adults in which case Annex A of the relevant Home Office Codes of Practice apply.</p>
<p>Director of Resilient Communities</p> <p>Current Incumbent Paul Gordon</p>	<p>Local Authority applications and Safer Walsall Borough Partnership – where the council is the lead agency.</p> <p>Applications for covert human intelligence source (CHIS) except in the case of juvenile / vulnerable adults in which case Annex A of the relevant Home Office Codes of Practice apply.</p>
<p>Director of Governance and Monitoring Officer</p> <p>Current Incumbent Anthony Cox</p>	<p>Local Authority applications and Safer Walsall Borough Partnership – where the council is the lead agency.</p> <p>Applications for covert human intelligence source (CHIS) except in the case of juvenile / vulnerable adults in which case Annex A of the relevant Home Office Codes of Practice apply.</p>
<p>Executive Director Economy & Environment</p> <p>Current Incumbent Dave Brown</p>	<p>Local Authority applications and Safer Walsall Borough Partnership – where the council is the lead agency.</p> <p>Applications for covert human intelligence source (CHIS) except in the case of juvenile / vulnerable adults in which case Annex A of the relevant Home Office Codes of Practice apply.</p>
<p>Chief Executive</p> <p>Current Incumbent Emma Bennett</p>	<p>Applications for covert human intelligence source (CHIS) where the CHIS is a juvenile / vulnerable adult.</p> <p>In her absence, this can be a person acting as the Head of Paid Service.</p>
<p>All Executive Directors</p>	<p>Applications for covert human intelligence source (CHIS) where the CHIS is a juvenile / vulnerable adults only in the absence of the Chief Executive.</p>

In the absence of any post holder, this function is delegated to another trained AO, not to a person acting for the post holder. In the case of an approval of an application for a CHIS who is a juvenile/vulnerable person, this role is restricted to the Head of Paid service, or in their absence a person acting as head of paid service.

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Appendix 2 Non RIPA Authorisation

Unique Reference Number

Non-RIPA - Authorisation

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

DETAILS OF APPLICATION
Give rank or position of AO:
AO: Rank: Has a pre-surveillance risk assessment been carried out? Yes No Standard Risk Assessment for these exercises
Describe the purpose of the specific operation or investigation.

The identities, where known, of those to be subject of the surveillance.
Explain the information that it is desired to obtain as a result of the surveillance.
Identify on which grounds the surveillance is <u>necessary</u>.
<ul style="list-style-type: none"> • For the purpose of preventing or detecting crime or of preventing disorder;
Explain <u>why</u> this surveillance is necessary on the grounds you have identified.
Supply details of any potential collateral intrusion and why the intrusion is unavoidable. Describe precautions you will take to minimise collateral intrusion.
Explain <u>why</u> this surveillance is proportionate to what it seeks to achieve. How intrusive might it be on the subject of surveillance or on others? And why is this intrusion outweighed by the need for surveillance in operational terms or can the evidence be obtained by any other means?
1. Confidential information.
INDICATE THE LIKELIHOOD OF ACQUIRING ANY CONFIDENTIAL INFORMATION:

2. Applicant's Details			
Name (print)		Tel No:	
Grade/Rank		Date	
Signature			
3. AO's Statement. [Spell out the "5 Ws" – Who; What; Where; When; Why and HOW– in this and the following box.]			
I hereby authorise directed surveillance defined as follows:			
Who:			
What:			
Where:			
When			
How:			
4. Explain <u>why</u> you believe the surveillance is necessary.			
5. Explain why you believe the surveillance to be proportionate to what is sought to be achieved by carrying it out.			
Date of first review			
Programme for subsequent reviews of this authorisation. Only complete this box if review dates after first review are known. If not or inappropriate to set additional review dates then leave blank.			
Name (Print)		Grade / Rank	
Signature		Date and time	
Expiry date and time [e.g.: authorisation granted on 1 April 2005 - expires on 30 June 2005, 23.59]			

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Appendix 3 Legislation

The Regulation of Investigatory Powers Act 2000

<http://www.legislation.gov.uk/ukpga/2000/23/contents>

The Protection of Freedoms Act 2012

<http://www.legislation.gov.uk/ukpga/2012/9/contents/enacted>

The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2012, SI 2012/1500

<http://www.legislation.gov.uk/uksi/2012/1500/made>

The Human Rights Act 1998 <http://www.legislation.gov.uk/ukpga/1998/42/contents>

The Data Retention and Acquisition Regulations 2018

<http://www.legislation.gov.uk/uksi/2018/1123/contents/made>

[Covert Human Intelligence Sources \(Criminal Conduct\) Act 2021 \(legislation.gov.uk\)](http://www.legislation.gov.uk/uksi/2021/1123/contents/made)

Home Office Revised Code of Practice on Covert Surveillance and Property Interference August 2018 [CHIS Code \(publishing.service.gov.uk\)](http://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/711123/cps-2018-08.pdf)

Home Office Revised Code of Practice on Covert Human Intelligence Sources December 2022 [CHIS Code \(publishing.service.gov.uk\)](http://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1123456/cps-2022-12.pdf)

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Appendix 4 IPCO 6 Data Assurance steps

The Investigatory Powers Commissioner's Office recommends that authorities take the following actions to help assist with demonstrating compliance and adherence to obligations regarding the safeguard any data that has already been obtained or that may be obtained under RIPA or IPA:

- 1) Review the safeguarding obligations in the relevant Home Office Code of Practice for directed surveillance, CHIS, and Communications Data.
- 2) Ensure that internal safeguarding policies for retaining, reviewing and disposing of any relevant data are accurate and up to date.
- 3) Ensure that the AO/approved rank officer has a full understanding of any data pathways used for RIPA/IPA, such as where the data is stored, who has access and why, how the data is protected from unauthorised access.
- 4) Ensure that all data obtained under IPA and RIPA is clearly labelled and stored securely with a known retention policy.
- 5) Review the wording of safeguards in any applications to obtain data under IPA and RIPA and ensure that they accurately reflect the internal retention and disposal processes.
- 6) Review whether data obtained under previous authorisations is being retained for longer than is necessary and, if appropriate, consider disposing of retained data. If the data is still required, it must be lawful, necessary and proportionate.



Code of Practice

**For the operation of
Walsall Council
CCTV Surveillance Camera Systems**



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Section 1 – Introduction and legislation

1.1 Introduction

This Code of Conduct must be followed for any Closed Circuit Television (CCTV) system that exists within the control of Walsall Council or is intended to be deployed within the borough including but not limited any systems or cameras deployed from within the directorates or services of Walsall Council or by third parties as part of any contract or service delivery requirement. For the purpose of this document, the 'owner' of the system is Walsall Council. The 'system manager' is Walsall Council. For the purpose of the UK Data Protection Legislation the 'data controller' is Walsall Council unless otherwise specified within third party agreements or contracts.

1.2 Statement in respect of The Human Rights Act 1998

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

The system managers recognises that their responsibility to ensure that the scheme should always comply with all relevant legislation, to ensure its legality and legitimacy. The scheme will only be used as a proportional response to identified problems and be used only in so far as it is necessary in a democratic society, in the interests of public safety, for the prevention and detection of crime or disorder, for the protection of health and morals, or for the protection of the rights and freedom of others.

CCTV Systems shall only be deployed and or operated in accordance with the Surveillance Camera Commissioners code of practice, relevant legislation such as the Regulation of Investigatory Powers Act, UK Data Protection legislation and with respect for all individuals, recognising the right to be free from inhuman or degrading treatment and avoiding discrimination on any ground such as sex, race, colour language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or any other status.



1.3 Legislation

CCTV operations are subject to legislation under:

The Surveillance camera code of practice 2013

The UK General Data Protection Regulations

The Data Protection Act 2018 (DPA)

The Human Rights Act 1998 (HRA)

The Freedom of Information Act 2000 (FOIA)

The Regulation of Investigatory Powers Act 2000 (RIPA)

The Protection of Freedoms Act 2012

It is important that the operation of the CCTV system complies with these Codes, Obligations, Acts, Council policies, procedures and guidelines governing this Code of Practice. This is to ensure that the Council, its staff running the system, and the public are protected from abuses of the system.

Section 2 – Aim and Objectives

2.1 Aim of Code Practice

The aim of this Code of Practice is to ensure that any Council employee involved in the operation of CCTV systems including mobile and or covert cameras, understand the principles that govern the operation of such systems alongside their duties and responsibilities will operating or monitoring such systems.

The primary purpose of the CCTV systems is to improve security and provide additional protection to members of staff and members of the public using the facility.

This Code of Practice sets out the framework for the CCTV system and how it will be used.

The CCTV system will not be used for any other purpose other than as specified within the self-assessment tool (see appendix B) or as set out in this document without the prior approval of The (SRO) Senior Responsible Officer for CCTV and or the CCTV central administration or control team/service where appropriate.

The day-to-day management of the CCTV systems will be the responsibility of designated CCTV control persons, as appointed by the council as the responsible officer.

Each service area that has CCTV systems in operation will nominate designated responsible officers for ensuring the compliance of this code of practice.

2.2 Objectives of the system

The objectives of any CCTV system are:-

- To help reduce the fear of crime
- To help prevent and deter crime
- To support and maintain health and safety for all staff
- To support the health and safety of all residents
- To support appropriate traffic management

Section 3 - Purpose Statement and principles

It is important that staff and those charged with operating CCTV systems understand exactly why the system has been introduced and what it will and will not be used for. The key objectives of the CCTV systems are:

- To enhance premises security and reduce insurance premiums
- To protect any Council staff member or Council partners' staff, or members of the public using our services
- To prevent, deter and detect crime and anti – social behaviour
- To discourage aggressive or violent behaviour towards staff
- To reduce staff fear of crime or aggressive and violent behaviour
- To provide evidence in cases of suspected or alleged illegal activity
- To assist with the safe and efficient movement of people, vehicles and goods
- To assist staff in the safe operation of equipment, and where appropriate, assist in the Training of staff
- To help promote, support and investigate health & safety concerns or improvements

Walsall Council respects and supports individuals' entitlement to go about their lawful business, and this is a primary consideration in regard to the operation of the system.

Although there is inevitably some loss of privacy when CCTV systems are installed, cameras will not be used to monitor the progress of individuals in the ordinary course of lawful business in the areas under surveillance.

All cameras are sited so that they are clearly visible, and publicity is given to the fact that CCTV is in operation at the facility. This Code of Practice is available to be read on request.

3.1 General Principles of Operation

In order to comply with our legal obligations the following principles must be adhered to when implementing and operating any CCTV system.

- CCTV systems will be operated in accordance with all the requirements and principles of the Human Rights Act 1998
 - CCTV systems will be operated in accordance with the UK Data Protection Legislation at all times.
 - CCTV systems will be operated in accordance with the Protection of Freedoms Act 2012
 - CCTV systems will be operated in accordance with 12 guiding principles as set out by the surveillance camera commissioner within the CCTV Code of Practice.
- 1) Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.
 - 2) The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.
 - 3) There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints.
 - 4) There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.
 - 5) Clear rules, policies and procedures must be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them.



- 6) No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system, and such images and information should be deleted once their purposes have been discharged.
- 7) Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes.
- 8) Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.
- 9) Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.
- 10) There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.
- 11) When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.
- 12) Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.

This will ensure that all CCTV systems will be operated fairly, within the law, and only for the purposes for which it was established and are appropriate measures with regards to the rights of individuals while having regard for the CCTV Code of Practice as issued by the Secretary of State under Section 30 of the Protection of Freedoms Act 2012.

3.2 Monitoring and recording facilities

CCTV systems within the council and or borough are monitored either internally through appropriate measures in line with this code, or externally via third parties operating under appropriate agreements, contracts and or conditions for the lawful and safe recording or monitoring of CCTV systems.

External third parties will follow the Information Governance and data Protection procedures for assessment on compliance of the legal obligations which may include Data Privacy Impact and Information Security Technical assessments.

This ensures that any system being implemented achieves adequate and appropriate security controls and complies with the obligations and duties imposed on those suppliers to lawfully monitor or record CCTV systems.

Any members of staff both external and or internal staff who operate, monitor or access CCTV images or recordings will have appropriate training and SIA CCTV monitoring certification in the use of the equipment and must conform to this code of practice at all times.

Only authorised CCTV operators are able to monitor CCTV systems and produce copies of recorded images in either hard copy or digital formats, replay or copy any pre-recorded data as lawfully requested and in accordance with this code of practice.

3.4 Processing and Handling of Recorded Material

All recorded material will be processed and handled strictly in accordance with the Data Protection Legislation and Regulations alongside this Code of Practice in that only lawfully justified requests for copies or recordings of any CCTV system will be considered before disclosure is made.

All images remain the property and copyright of Walsall Council.

Legally justified requests include but are not limited to:

- Police disclosure requests made through the submission of an appropriate WA170 disclosure request.
- Legal requests for disclosure from insurance companies in the event they submit an appropriate request where the lawful basis for disclosure has been made clear.
- Court orders or other legally required disclosures that are accompanied by the proper and appropriate lawful basis for disclosure.

Requests from private individuals for copies of CCTV footage do not fall within the right to access, more commonly known as subject access requests. CCTV footage is not captured as part of an individual's records and does not contain personal data relating to that individual that is identifiable directly.

Therefore any requests for copies of CCTV footage should only be justified where there is the suspicion of a crime or event such as a road traffic accident where the individual requests copies of such footage through the police or their insurer.



In such cases the CCTV system can be reviewed to identify if any such relevant footage exists and such footage then held separately in readiness and preparation for a lawful request to disclose. This action ensures that any potentially required is available at the time of the request and not deleted in error or through systems settings.

Each use of images will be noted in the CCTV register, and media awaiting viewing or being retained for Council purposes, will be held securely.

All images transferred from the system hard drives will be retained for 28 days and then erased, subject to the following:

If the images are being used to investigate any of the situations covered in Section 3, they will be held until any investigation or process is complete, and then erased.

A record will be made in the CCTV register of the disclosure of any recorded images or footage to the police or other justified requester, who will be required to sign to accept responsibility for recorded images before they are disclosed or shared.

Confirmation of signature or receipt can be obtained via manual signature or email where the appropriateness and or identity of the recipient has been confirmed.

To ensure the timely response to lawfully justified disclosures, footage can be released via the councils one drive or secure network and made available to appropriate individuals via those methods.

Section 4 – Declaration of Confidentiality

4.1 Confidentiality

Every individual with any responsibility under the terms of this code of practice and who has any involvement with The Councils CCTV systems, will be required to have completed appropriate levels of training including the annual data protection mandatory training and uphold the highest levels of confidentiality at all times.



Appendix A – Personnel and Responsibilities

System Owners

Walsall Council including any service area that operates CCTV directly

Responsibilities

Walsall Council is the 'owner' of the system. For the day to day operational management of the system, this duty is delegated to the authorised responsible officer of the council within that service area or directorate.

The role of responsible officer will includes the responsibility to:

1. Ensure the provision and timely maintenance of all CCTV equipment
2. Agree to ensure any proposed alterations and additions to the system, have completed the self-assessment test fully to an approved standard.
3. Ensure that all CCTV systems being monitored and or materials or footage accessed, copied or shared are only undertaken by approved and authorised personal.
4. Maintain day-to-day management of the system and the monitoring of compliance of this code.



Potential Disciplinary Matters and Security

Tampering with cameras, unauthorised monitoring or recording equipment, images or recorded data, or otherwise interfering with the correct functioning of any part of the system by any member of staff may be regarded as misconduct and could lead to disciplinary action, which may result in dismissal or criminal prosecution.

Any breach of the legislation and or Code of Practice will be regarded as a serious matter, which could also lead to disciplinary action.

The responsibility for guaranteeing the security of the system will rest with the responsible officer, as the appointed person, who will, in the first instance, report and or investigate all breaches or allegations of breaches of security in accordance with the councils data breach management and investigation procedures.

Complaints about the operation of the system should be addressed to the Responsible Service Manager in the first instance who will acknowledge and respond to the complaint or escalate further accordingly.



Appendix B – CCTV Self-Assessment Tool and Code of Practice

The CCTV Self-Assessment Tool is available from the CCTV operations responsible officers and or our Data Protection Officer. Here is an outline of the requirements and guidance from that tool:

Self Assessment Tool

How well does your organisation comply with the 12 guiding principles of the Surveillance Camera Code of Practice? Complete this easy to use self assessment tool to find out if you do.

Using this tool

This self assessment tool has been prepared by the Surveillance Camera Commissioner (SCC) to help you and your organisation identify if you're complying with the [Surveillance Camera Code of Practice](#) (the Code). It should be completed in conjunction with the Code, and can help to show you how well you comply with each of its 12 guiding principles.

It is possible to be largely compliant with some principles and to fall short against others. As a result you will note that at the end of the questions against each principle there is a space to include an action plan. This is so you can put actions in place over the next year to improve your compliance to that principle. These boxes can also be used to make a note of what evidence you could produce if required to show your compliance to that principle.

The template contains a combination of open and closed questions. For the open questions, there is a limit on how much you can write within the template, so please feel free to include any additional notes as an annex to the document – there are additional blank pages at the end of the tool to help you to do so.

Remember that your organisation may operate more than one surveillance camera system, with a scope that extends across several purposes and many geographical locations. So, before you start clarify the scope of the system(s) you propose to self assess for compliance against the Code.

[Click here to access the tool directly](#)

The full CCTV Code of Practice is available on the below link

[Click here to access the CCTV Code of Practice](#)

Equality Impact Assessment (EqIA) for Policies, Procedures and Services

Proposal name	Walsall Council Regulation of Investigatory Powers Act 2000 ("RIPA") and the Investigatory Powers Act 2016 ("IPA") Policy and Procedures		
Directorate	EEC		
Service	Resilient Communities		
Responsible Officer	David Elrington		
Proposal planning start	14/3/2024	Proposal start date (due or actual date)	This is the actual start date of proposal and not the date you completed the EqIA. (dd/mm/yy)
1	What is the purpose of the proposal?	Yes / No	New / revision
	Show which category the proposal is and whether it is new or a revision.		
	Policy	Yes	Revision
	Procedure	Yes	Revision
	Guidance		
	Is this a service to customers/staff/public?		
	If yes, is it contracted or commissioned?		
	Other - give details		
2	What is the business case for this proposal? Please provide the main purpose of the service, intended outcomes and reasons for change?		
	The council is required to comply with the Council Regulation of Investigatory Powers Act 2000 ("RIPA") and the Investigatory Powers Act 2016 during the course of its duties specifically with regard to surveillance, covert human intelligence sources and communications data. To this end it has a policy for4 such matters and this policy is due for renewal.		
3	Who is the proposal likely to affect?		
	People in Walsall	Yes / No	Detail
	All	Y	It will mainly affect those who are accused of or under investigation for committing crime.
	Specific group/s		
	Council employees		
	Other (identify)		
4	Please provide service data relating to this proposal on your customer's protected characteristics.		
	There is no major change to the way in which the council will operate it is an update of an existing policy driven by statutory requirements. The correct use of the powers allows the council to set aside certain human rights in the pursuance of criminals however the policy is used sparingly and tightly governed by codes of practice and is subject to judicial scrutiny.		

5 Please provide details of all engagement and consultation undertaken for this proposal. (Please use a separate box for each engagement/consultation).

No consultation (other than internal services) is taking place it is a legal duty and the outcome of any consultation would not change the manner in which the policy is drafted or used.

Consultation Activity

Complete a copy of this table for each consultation activity you have undertaken.

Type of engagement/consultation	e.g. focus group, survey, drop in, local, area panels, local engagement.	Date	dd/mm/yy
Who attended/participated?	e.g. general public, service users (specify if it was for a protected characteristic group e.g. Disability Forum).		
Protected characteristics of participants	Summary of the protected characteristic monitoring data.		
Feedback <ul style="list-style-type: none"> • Overall views and key comments including quotes from participants used to help express sentiments in relation to your proposal; • Views of people with protected characteristics in relation to your proposal; • Avoid using general feedback, unless you can compare it with views of people with protected characteristics. 			

6 Concise overview of all evidence, engagement and consultation

N/A

7 How may the proposal impact each protected characteristic or group? The impact may be positive, negative, neutral or not known. Give reasons and if action is needed.

Characteristic	Impact Yes / No	Reason	Action needed Yes / No
Age	N	It is the persons conduct that decides whether they are subject to investigation or not. There are some safeguards around using children and vulnerable adults to assist in investigations.	N
Disability	N	As above	N
Gender reassignment	N	As above	N

Marriage and civil partnership	N	As above	
Pregnancy and maternity	N	As above	N
Race	N		
Religion or belief	N	As above	N
Sex	N	As above	N
Sexual orientation	N	As above	N
Armed Forces	N	As above	N
Care responsibilities	N	As above	N
Health, Social and economic inequalities	N	As above	N
Other (Give Detail)			

Further information	<p>The policy controls how the council uses its powers to tackle crime and those accused of crime. The only time residents should be impacted is if they are under investigation for crime or they are victims of crime and the council uses these powers to investigate to assist them.</p>
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8	Does your proposal link with other proposals to have a cumulative effect on particular equality groups? If yes, give details.	(Delete one) No
	N/A	
9	Which justifiable action does the evidence, engagement and consultation feedback suggest you take?	
A	No major change required When no potential for discrimination or adverse impact is identified and all opportunities to promote equality have been taken.	

Action and monitoring plan				
Action Date	Action	Responsibility	Outcome Date	Outcome

Where the assessment indicates a potential negative impact (B, C or D in question 7), identify how you will reduce or mitigate this impact. The full impact of a proposal will only be known once it is introduced, so always set out arrangements for reviewing the actual impact of the proposals e.g. 6 month or 12 months after implementation.

Identify who the monitoring will be reported to and what it is part of e.g. service monitoring or project monitoring. Then ensure the outcome of each action is added, this is just as important as identifying the potential impact.

Update to EqIA

Date	Detail

Use this section for updates following the commencement of your proposal.

Contact us

Community, Equality and Cohesion
Resources and Transformation

Telephone 01922 655797

Textphone 01922 654000

Email equality@walsall.gov.uk

Inside Walsall: [http://int.walsall.gov.uk/Service information/Equality and diversity](http://int.walsall.gov.uk/Service_information/Equality_and_diversity)

Cabinet – 17 April 2024

Contract Award – Multi Functional Printing Devices, Production Printing Devices and Associated Software

Portfolio: Councillor Ferguson – Internal Services

Related portfolios: None

Service: Resources & Transformation
Transformation & Digital, Digital and Technology Services

Wards: None

Key decision: Yes

Forward plan: Yes

1. Aim

1.1 To ensure that the Council can continue to deliver its services using both digital and hard copy records.

2. Summary

2.1. This report should be read in conjunction with the private report – Contract Award – Multi Functional Printing Devices, Production Printing Devices and Associated Software Report, to be considered by Cabinet on this Agenda.

2.2. The Council's current contract for the supply of multi-functional devices, production print devices and secure print software is due to expire on 30 July 2024. To ensure service continuity, it is necessary to have a replacement contract in place prior to this date to allow sufficient time to retire old devices and implement new devices.

2.3. This is a key decision because it exceeds the threshold for significant expenditure.

2.4. Awarding the proposed contract will give the Council a secure and stable environment for printing hard copy documentation when it is required and scanning digital records.

2.5. The print management software which is also part of this contract will support the Council's digital strategy.

2.6. The proposed contract is for a 5-year term and will accommodate for flexibility and change as and when it is required; for example, relocating devices when

buildings close or amalgamate and returning a percentage of devices which are no longer required without penalty.

3. Recommendations

- 3.1. That following consideration of the confidential report in the private session of the agenda Cabinet approves the award a 5-year contract, with an associated value in the region of £1.6 million, to Konica Minolta Business Solutions (UK) Ltd, for the leased supply of multifunctional printing devices, production printing devices and associated printing software.
- 3.2. That Cabinet delegate authority to the Executive Director Resources to enter into subsequent lease agreements which may be taken out under this contract and to subsequently authorise the sealing or signing of any associated contracts, deeds or other related documents.
- 3.3. That Cabinet delegate authority to the Executive Director Resources to vary the contract/leases during the contractual period to ensure the Council continues to achieve value for money and the service continue to meet the corporate priorities.

4. Report detail - know

Context

- 4.1 The Council have used Konica Minolta multi-functional devices and secure print software for the past 5 years. The previous contract was awarded against a Crescent Purchasing Consortium Framework for a 5-year term. Due to the pandemic, the devices were underutilised, and the contract was subsequently extended for a further 12-month period until end July 2024.
- 4.2 The current contract includes 92 corporate devices (Fleet) and 7 devices within Print & Design (Production). Each device is subject to a separate Leasing Agreement; whilst extending the existing contract for a further 12 months the opportunity was taken to co-terminate the individual leases into 3 common end dates.
- 4.3 In June 2023, after extending the existing contract, DaTS engaged with Procurement to establish the most appropriate procurement route to enter a new contractual arrangement in readiness to start replacing the existing devices and services during July 2024.
- 4.4 DaTS and Print & Design defined the Council's printing, copying, and scanning requirements and Procurement advised on the most appropriate procurement route to meet the specified requirements. Third Party Spend Board approved the selected route to Market on 8 November 2023.
- 4.5 Crescent Purchasing Consortium were selected to provide an independent consultancy and benchmarking service. Benchmarking was undertaken

against all suppliers on the framework, who were able to meet the Council's requirements.

- 4.6 The benchmarking provided by Crescent Purchasing Consortium demonstrated that that out of the 5 suppliers on the Framework, Konica Minolta would deliver best value. Due to commercial sensitivity a comparison of supplier costs and a breakdown of the contract costs is included in the private agenda report.

Council Plan priorities

- 4.7 The need to scan, copy and print documentation is an integral part of the Council's daily activities; the introduction of electronic document and records management will see the requirement for "hard copy" decline but the need to digitise paper records will increase.
- 4.8 Delivery of the Council Plan and priorities depends on the Council's service areas being able to produce professional hard copy and digital documentation; the full implementation of this contract will enable service area to continue to deliver their excellent services.

Risk management

- 4.9 All activity undertaken throughout this project has been in line with Council procedures and other external legislation and regulations therefore all risk has been minimised.

Financial implications

- 4.10 There are no additional revenue implications for the new contract; budget is in place for the existing contract, and this will be sufficient for the new contract; the increase in lease charges has been mitigated by:
- a. Reducing the number of devices down to 73 (Fleet) and 6 (Production)
 - b. Reduction in the page printing costs (the click charges)
- 4.11 Further economies could be achieved by changing working practices, for example prints over 20 pages could be routed to Print and Design as the click charges for the Production devices is lower than the Fleet devices and further savings could be achieved by turning off colour capability across the corporate devices; however, it should be recognised that these measures may not be practical for service users and could give rise to inefficiencies elsewhere – i.e. timely production of printed material, collection and distribution.

Legal implications

- 4.12 The Council will be entering into a contract with standard framework terms and conditions which cannot be varied. Procurement advised that the Council can use the framework and DaTS were satisfied that the framework providers and services available are fit purpose.

- 4.13 The procurement exercise which the Council has carried out in accordance with the requirements of the Public Contracts Regulations 2015. Services will be evidenced by a written contract under the terms of the relevant framework, which will be agreed by the Head of Legal and Democratic Services and shall be made and executed in accordance with the Council's Contract Rules.

Procurement Implications/Social Value

- 4.14 The commercial advantages of using a compliant framework agreement are the reduced timescales of procurement procedures, flexibility and the increased purchasing power to potentially realise savings.
- 4.15 One option the Council considered was using the Crown Commercial Service Framework Agreement RM6174 (Multi-functional Devices, Print & Digital Workflow Software Services and Managed Print Service Provision) however, this would have to be facilitated via a mini-competition utilising the Council's own resources; this option was therefore discounted.
- 4.16 Crescent Purchasing Consortium (CPC) facilitates a framework agreement to purchase Multifunctional Devices and Associated Print Services and Supplies with the option to direct award. Public sector entities are permitted to use this framework which also provides free unbiased consultancy benchmarking services.
- 4.17 The proposed award of contract is compliant with the Public Contract Regulations 2015 and the Council's Contract Rules.
- 4.18 Input has been sought from Procurement, as required to ensure the conduct of compliant procurement process.

Property implications

- 4.19 There are no direct property implications however it should be noted that the new contract allows for a 10% reduction in devices so should building closures happen up to 7 devices can be returned and the leases terminated without penalty.

Health and wellbeing implications

- 4.20 There are no direct health and wellbeing implications arising from this report.

Reducing Inequalities

- 4.21 Through liaison with the Consultation and Equalities team, the feedback is that an Equalities Impact Assessment is not required.

Staffing implications

- 4.22 There are no staffing implications; the project will be delivered using existing resources.
- 4.23 Because the equipment being installed is very similar to the equipment being decommissioned there is very little impact upon the end users experience.

Consultation

- 4.24 External consultation has not been undertaken as the use of these devices remains within the Council and has no impact upon the Council’s delivery of services to citizens.

5. Decide

- 5.1 The following options were considered prior to undertaking the tendering process:

	Benefits	Risks
Option 1: Extend current leases	None	MFDs are end of life therefore supplier is unable to support them
Option 2: “Buy out” current leases	There would be no quarterly rental costs to pay (click charges would still be payable)	MFDs are end of life therefore supplier is unable to support them
Option 3: Remove all MFDs	Lease and printing costs would be saved	Services would be unable to operate without the ability to Scan and Print
Option 4: Tender to lease new devices	New contract gives opportunity to reduce devices. Services can continue to operate.	None.

- 5.2 After considering these options at Third Party Spend Board option 4 was endorsed; all procurement activity has been in line with Council procedures and other external legislation and regulations.

6. Respond

- 6.1 Subject to approval of the recommendation, DaTS will continue to work with Procurement and Legal Services to ensure that the contract and subsequent lease agreements are appropriately authorised.

6.2 A project team will manage the device replacement cycle ensuring that there is minimum “downtime” for each site, returning old equipment and updating inventory systems.

7. Review

7.1 The contract will be reviewed via quarterly supplier contract management meetings.

Appendices

None

Background papers

None

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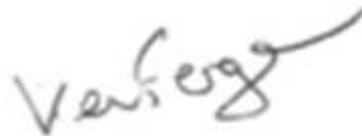
Signed



Judith Greenhalgh
Executive Director – Resources & Transformation

17 April 2024

Signed



Councillor K Ferguson
Portfolio Holder – Internal Services

17 April 2024

Cabinet – 17 April 2024

Supply of Hired Compact Sweeper Contract

Portfolio: Councillor Murphy – Street Pride

Related portfolios: None

Service: Highways, Transport & Operations – Place & Environment

Wards: All

Key decision: Yes

Forward plan: Yes

1. Aim

- 1.1. By 2040 Walsall will be a borough known for having vibrant clean towns with quality green spaces that residents and visitors enjoy.

2. Summary

- 2.1. The council utilise compact sweepers to deliver the street cleansing function. Compact sweepers can be difficult to service, maintain and repair creating a risk of significant down time. The hire contract mitigates the risk of a full complement of sweepers not being available for front-line service delivery.
- 2.2. The current provider supplies six sweepers to the council through The Procurement Partnership Ltd framework. A spare sweeper is included in the contract so that service continuity is maintained in the event of a breakdown, accident, or servicing.
- 2.3. The contract was awarded for five years from 18 November 2019 to 17 November 2024 with no options for extensions.
- 2.4. This is a key decision due to the financial value of the contract.

3. Recommendation

- 3.1 That, following consideration of the confidential report in the private part of the agenda, Cabinet approve the award of a contract from 18 November 2024 to 17 November 2027 to Dawsongroup with an anticipated value of £698,400 for the supply of compact sweepers.
- 3.2 That Cabinet delegate authority to the Director of Place & Environment, in consultation with the Portfolio Holder for Street Pride, to subsequently authorise the sealing or signing of any associated contracts, or related documents.

3.3 That Cabinet delegate authority to the Director of Place & Environment to authorise any variations to the contractual arrangements or other related documents for such services should this be required throughout the duration of the term of any contracts and provided they are in line with the council's Contract Rules and any relevant legislation, including the Procurement Act 2023.

4. Report detail - know

Context

- 4.1. The council has a statutory duty under the Environmental Protection Act 1990 to keep relevant highways for which it is responsible, clean and clear of litter and refuse. In discharging this duty, the council follows the guidelines identified in the Code of Practice on Litter and Refuse which sets out rectification times where cleanliness has fallen below the acceptable level.
- 4.2. The council also has a statutory duty to keep land clean for which it has a direct responsibility to maintain (e.g. council car parks and open spaces). The standards of cleansing and rectification times for such areas are similar to those of the relevant public highways in the vicinity.
- 4.3. The council does not have a responsibility to clean private land.
- 4.4. Compact sweepers are difficult to service, maintain and repair. The reliable service life is approximately three years, after which they become more and more unreliable.
- 4.5. Demonstrations of available sweepers have led to two different models being chosen and specified. The Bucher CX202 and Schmidt Swingo 200+ were specified in a mini competition to source suppliers.
- 4.6. Pricing was sought for a six-year fixed-price arrangement, with new sweepers at three years (this price will be used in the price evaluation). Alternative pricing was sought for three-, four- and five-year options plus an optional period if the bidders had a more cost effective offer.
- 4.7. A mini-competition was conducted by Halton Housing using their e-tendering portal with a closing date of 12:00 noon on 19 February 2024. Halton Housing received one reply to the mini competition, which was forwarded for the council to evaluate to make sure it was a suitable submission.
- 4.8. The submission was evaluated in accordance Halton Housing criteria that was published in the mini competition with 40% of the evaluation based on price and 60% based on the quality submission. The Quality Criteria were scored using the principles detailed below:

Performance	Judgement	Score
Meets the standard and exceeds the standard in some or all of those aspects.	Excellent	9-10
Meets the standard in all aspects but does not exceed it.	Good	7-8

Performance	Judgement	Score
Meets the standard in the majority of aspects but fails in some.	Satisfactory	5-6
Fails to meet the standards in the majority of aspects but meets in some	Unsatisfactory	3-4
Significantly fails to meet the standard	Poor	1-2
Completely fails to meet the standards	Failed	0

- 4.9. Following the evaluation process, the preferred supplier was found to have submitted a compliant submission with a moderated quality score of 112 out of 140 (48% out of 60% max score).

The three-year price for the Schmidt Swingo model was identified to be the most economically advantageous option.

Council Plan priorities

- 4.10. Procuring the supply of hired compact sweepers will help the council to achieve one of the aims of our Council Plan 2022-2025, namely, to develop a healthier, cleaner, and safer borough that is welcoming, safe and supportive for all of our residents.

Risk management

- 4.11. There is a significant risk of deterioration to the cleanliness of the borough without the use of compact sweepers. Their low weight and superior manoeuvrability are ideal for use in confined spaces, pavements, slabbed surfaces and pedestrian areas, as well as residential streets.
- 4.12. To mitigate the risk, the replacement of the existing five compact sweepers is required. If you reduce the number of sweepers there is a further risk to the cleanliness of the borough.

Financial implications

- 4.13. The total contract value is £698,400.
- 4.14. The new contract is a price increase of £75,589 per annum, £28,345 in 2024/25 and full amount in 2025/26 onwards. This gives a pressure of £5,500 each year for the next 3 years which will be funded within the existing revenue budget and there will be no further inflation until the contract ends in November 2027.

Legal implications

- 4.15. Halton Housing Framework will form the basis for the contract terms and conditions.

Procurement Implications/Social Value

- 4.16. The mini competition was undertaken via the Halton Housing framework for the contract hire of vehicles [Lot 2, Contract Hire of Specialist Vehicles and

Commercial Vehicles Exceeding 5,000 kg GVW] which is a framework that was tendered in compliance with the Public Contract Regulations 2015 and that Walsall Council are entitled to utilise.

Property implications

- 4.17. There are no property implications.

Health and wellbeing implications

- 4.18. The new contract would support the Health and Wellbeing Strategy with a clean and well-maintained local environment.

Reducing Inequalities

- 4.19. There are no direct ways for reducing inequalities for Walsall citizens with this report.

Staffing implications

- 4.20. There are no staffing implications.

Climate Impact

- 4.21. The sweepers have the latest Euro 6 engine - with diesel particulate filter, SCR and water heated AdBlue system.
- 4.22. There is insufficient reserve electrical power at the Environmental Depot to consider electric sweepers for this contract at the present time.

Consultation

- 4.23. There have been no external stakeholders identified for consultation.

5. Decide

- 5.1. There are three options for consideration:
- 5.2. Option 1: Do Nothing - If no further action is taken, the contract will expire the council will operate a reduced number of sweepers. This will result in a reduction in sweeping frequencies to quarterly and a deterioration of borough cleanliness.
- 5.3. Option 2: Contract Award [Recommended] - If the contract is awarded, the current service standard, level of service resilience and apportionment of risk will be maintained.
- 5.4. Option 3: Capital Purchase - If the council purchase compact sweepers service provision will, in theory, remain largely unchanged. However, as set out in this report, this is considered to be a higher risk approach due to known maintenance issues.

6. Respond

- 6.1. If Cabinet approve the proposed contract award, mobilisation prior to implementation in November 2024 will commence.

7. Review

- 7.1. Fleet Services carry out routine contract monitoring on a weekly basis. Formal six-monthly reviews take place to assess financial and operational performance over the life of the contract.

8. Appendices

- 8.1. None

9. Background papers

- 9.1. None

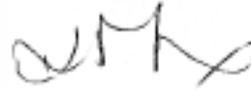
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Dave Brown
Executive Director

9 April 2024



Councillor Murphy
Portfolio Holder

9 April 2024

Extension of contractual arrangements for Local Healthwatch for Walsall under Reg 72 to allow for full design, tendering and implementation.

Portfolio: Councillor Pedley – Adult Social Care

Related portfolios: Councillor Flint – Wellbeing, Leisure and Healthy Spaces

Service: Adult Social Care

Wards: All

Key decision: Yes

Forward plan: Yes

1. Aim

For the Council to be assured that it will continue to have compliant contractual arrangements in place, which are fit for purpose to allow for full design, tendering and implementation (TUPE is likely to apply).

2. Summary

- 2.1. To allow for the preparation of a robust competitive tendering exercise, there is a need to extend the contractual arrangements with Engaging Communities Solutions CIC for Healthwatch which is a statutory function which the local authority has to fund. Healthwatch was established under the Health and Social Care Act 2012 to understand the needs, experiences and concerns of people who use health and social care services and to speak out on their behalf.
- 2.2. The Contract with Engaging Communities Solutions CIC expires on 31 May 2024.
- 2.3. There is a need for the service to continue beyond the expiry date to allow for a comprehensive review of the existing service provision and for full design, tendering and implementation.
- 2.4. Adult Social Care have identified the need for extension, due to capacity within the team and the need to include areas that will support CQC readiness. There has not been sufficient time available to complete a compliant tender process.

3. Recommendations

- 3.1. That Cabinet approves the extension of the existing contract with Engaging Communities Solutions CIC for a period of 10 months from 1st June 2024 to March 31, 2025, at a value of £158,708.
- 3.2. That Cabinet delegate authority to the Executive Director for Adult Social Care, Public Health and the Hub in consultation with the Portfolio Holder for Adult Social Care, to subsequently authorise the sealing of deeds and/or signing of contracts and any other related documents for the provision of such services as well as any variations to the contractual arrangements or other related documents should this be required throughout the duration of this contract.

4. Report detail - know

Context

Healthwatch

- 4.1 Healthwatch is a statutory function which the local authority has to fund. Healthwatch was established under the Health and Social Care Act 2012 to understand the needs, experiences and concerns of people who use health and social care services and to speak out on their behalf.

Local Healthwatch for Walsall

- 4.2 Local Healthwatch for Walsall is the independent champion for people who use health and social care services. Healthwatch exists to make sure that those running services, and the government, put people at the heart of care.
- 4.3 Local Healthwatch for Walsall is unique in that its main purpose is to understand the needs, experiences and concerns of people who use health and social care services and to speak out on their behalf.
- 4.4 There are 2 main elements to Local Healthwatch for Walsall:

Public and Patient Involvement: To actively engage communities in a dialogue about their health and social care needs to ensure that services and commissioners act upon feedback and can demonstrate that they have done so.

Information, Signposting & Advice: A service to provide, or signpost to, information about local health and care services including, how to access them and make informed choices.

- 4.5 The Healthwatch contract was originally awarded following the completion of a compliant procurement process, by approval of the Executive Director of Adult Social Care on 16 April 2019 to Engaging Communities Solutions CIC.
- 4.6 The original procurement resulted in the formation of a contract for three years with 2 options for the Council to extend the contract by up two further years

(3+1+1). Both options have been used by the Council in order to extend the contract term up to and including 31 May 2024.

- 4.7 The Executive Director of Adult Social Care Public Health and Hub approved the extension of contract for the provision of Local Healthwatch for Walsall, to the Engaging Communities Solutions CIC, via the Council's contractual options to extend, for a further period of 2 years from 01 June 2022 to 31 May 2024.
- 4.8 Adult Social Care are also working on procurement documents required to undertake a compliant procurement process to tender for the service during this extension request.

Council Plan priorities

- 4.9 Ensuring appropriate contractual arrangements for Local Healthwatch for Walsall are in place will help achieve the corporate priority of encouraging residents to lead active, fulfilling and independent lives to maintain or improve their health and wellbeing. It will do so by ensuring people can access support in their community to keep safe, well and independent at home and are supported to maintain or improve their health, wellbeing and quality of life

Risk management

- 4.10 The contract extension will ensure that the Council is compliant with its Contract Rules and able to respond compliantly to demands to meet statutory duties until the new Healthwatch contract is in place.

Financial implications

- 4.11 The 10-month extension from 1 June 2024 to 31 March 2025 at a value of £158,708. This can be funded from within the existing budget.

Legal implications

- 4.12 Adult Social Care and Procurement will liaise with legal services to ensure that the extension of the current contractual arrangements is carried out compliantly under regulation 72 of the Public Contracts Regulations and using a methodology which will be robust and contractually binding for both parties to the existing contract. See also point 4.16 below.

Procurement Implications/Social Value

- 4.13 All procurement activity will need to be undertaken in compliance with Public Contract Regulations 2015 (the Regulations) and the Council's Contract Rules. Procurement and legal services will coordinate to ensure that there is a consistency of advice and approach.
- 4.14 As the contract extension options which were originally available in the contract have now been used up by the Council, in order to extend this contract any

further, the Council and the provider may agree to modify the contract by agreement, but only in accordance with the available options under Regulation 72 of the Regulations. Advice has been sought as to whether or not this modification falls under the range of modifications which are permitted by Regulation 72. The proposed 10-month term represents below 20% of the original total 5-year term created by the contract when it was originally let on 1 June 2019. In these circumstances the proposed term is not considered to be a 'substantial' amendment to the existing contract as defined under by the various scenarios detailed in regulation 72(8). Therefore, the proposed extension of the term is considered to be a lawful modification under regulation 72(1)(e) of the Regulations, which permits modifications which (regardless of their value) are not substantial within regulation 72(8) of the Regulations. On the above basis Legal Services has advised Procurement that the proposed contract term modification should be compliant under Regulation 72 of the Regulations, and the Council's Contract Rules and are unlikely to expose the Council to any significant risk of legal challenge (particularly given that the further extension will run in tandem with the carrying out of the new procurement process) to replace the existing contract with a new long term contract.

- 4.15 Procurement will ensure that all notices which need to be published in order to carry out in line with the Regulations and guidance published by the Cabinet Office.
- 4.16 Adult Social Care will work with Engaging Community Solutions CIC to agree Social Value benefits during the 10-month extension.

Property implications

- 4.17 No Council property assets are implicated by the proposals in the report.

Health and wellbeing implications

- 4.18 Continuing to commission this service will enable the Council to promote independence, choice and control for adults and their families and ensure service user voice is heard in the services it commissions. It will:
- Obtain the views of people about their needs and experience of local health and social care services. Local Healthwatch for Walsall make these views known to those involved in the commissioning and scrutiny of care services.
 - Make reports and make recommendations about how those services could or should be improved.
 - Promote and support the involvement of people in the monitoring, commissioning and provision of local health and social care services.
 - Provide information and advice to the public about accessing health and social care services and the options available to them.

- 4.19 It also links and contributes to the Council's corporate priorities which are referred to in section 4.9 of this report.

Reducing Inequalities

- 4.20 The implications for reducing inequalities have been taken into account and assessed as set out below:
- i. Consideration has been given to the Council's responsibility under the Equality Act 2010; and
 - ii. The Council's duty to meet people's eligible needs will remain the same following the award of the new contracts for the Services.

- 4.21 An Equality Impact Assessment (EqIA) is not required as this is a statutory service.

Staffing implications

- 4.22 TUPE is likely when this contract is re-procured via a compliant procurement apply, and the proposed 10-month extension would allow for all TUPE implications to be considered.

Climate Impact

- 4.23 There is no climate impact implicated by the proposals in the report.

Consultation

- 4.24 Engaging Communities Solutions CIC has been consulted about extending the contract and has confirmed that it would be willing to accept a 10-month extension to the existing service within the same budget. 

5 Decide

Cabinet is requested to consider the content of this report and to agree the recommendation as outlined in section 3.

6 Respond

Subject to Cabinet approval of the recommendation, Adult Social Care will work with corporate colleagues to:

(a) Progress the award of:

- The extension of the Local Healthwatch for Walsall Contract from 1 June 2024 to 31 March 2025.
- Continue to work on procurement documents required for the Council to run a compliant procurement process to tender for the service.

7 Review

Once the Healthwatch contract has been extended, the Local Healthwatch for Walsall contract will be reviewed in line with our contract management and individual support plan review process.

Appendices

Background papers

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Signed



Kerrie Allward
Executive Director
Adult Social Care and Public Health

5 April 2024



Councillor Keir Pedley
Portfolio Holder
Adult Social Care

5 April 2024

Cabinet – 17 April 2024

Recommendations from Economy and Environment Overview and Scrutiny Committee regarding Fixed Penalty Notices and enforcement legislation

Portfolio: Councillor Perry – Deputy Leader and Resilient Communities

Related Portfolios: None

Service: Economy, Environment and Communities

Wards: All

Key decision: N/A

Forward plan: N/A

1. Aim

To receive a recommendation from the Economy and Environment Overview and Scrutiny Committee made on 27 February 2024.

2. Recommendations

That Cabinet considers the recommendations of the Economy and Environment Overview and Scrutiny Committee.

3. Report detail – know

At its meeting of 27 February 2024, the Economy and Environment Overview and Scrutiny Committee received an overview of the Council's fly tipping enforcement activities.

The Committee noted that the Council had a statutory responsibility to ensure that the collection and disposal of waste generated or deposited was appropriately undertaken. Fly tipping was a primary concern for the Council and Members noted that the number of reported cases of fly tipping and side waste had remained consistent throughout 2023 but had reduced since 2020.

The Environmental Crime Scene Initiative was noted as a good example of working with local areas to identify and advertise fly tipping incidents within areas. This work provided an example to local communities that fly tipping was a crime and due to its success, the initiative was being rolled out to other areas of the Borough. To compliment this approach, the Council was committed to strengthen enforcement and had invested in five new staff within Community Protection. Members noted a number of examples of enforcement action taken by the Council including actions resulting from CCTV deployment.

The Committee debated the limitations of fixed penalty notices and noted the change in legislation to raise the upper limits of littering from £150 to £500 and fly tipping from £400 to £1000. There was a consensus that the financial limitation was not enough to discourage individuals from fly tipping. As such, the Committee unanimously agreed to recommend that the Cabinet work with the Local Government Association to increase the financial levels of fixed penalty notices and strengthen enforcement legislation.

Resolved:

That, the Cabinet work with the Local Government Association to lobby Government to increase the financial levels of fixed penalty notices for littering and fly tipping and strengthen enforcement legislation.

4. Decide

The recommendations of the Committee are set out and the Cabinet could choose to:

1. Accept the recommendations as set out;
2. Reject the recommendations; and/or
3. Choose to receive a report in more depth at a future Cabinet meeting.

5. Respond

Following the decision of Cabinet, the Economy and Environment Overview and Scrutiny Committee will be advised of the outcome of their recommendation.

6. Review

Subject to the decision of Cabinet, further reports at Economy and Environment Overview and Scrutiny Committee meetings or Cabinet meetings may be required.

Background papers

None

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