

Corporate Scrutiny Committee

Agenda

Date:	Monday, 15th March, 2010
Time:	2.00 pm
Venue:	Committee Suite 1,2 & 3, Westfields, Middlewich Road, Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**
2. **Minutes of Previous Meeting** (Pages 1 - 4)
3. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for members to declare the existence of a party whip in relation to any item on the agenda.

4. **Public Speaking Time/Open Session**

A total period of 15 minutes is allocated for members of the public to make a statement(s) on any matter that falls within the remit of the Committee.

Individual members of the public may speak for up to 5 minutes, but the Chairman will decide how the period of time allocated for public speaking will be apportioned, where there are a number of speakers.

Note: In order for officers to undertake any background research, it would be helpful if members of the public contacted the Scrutiny officer listed at the foot of the agenda, at least one working day before the meeting to provide brief details of the matter to be covered.

For any apologies or requests for further information, or to give notice of a question to be asked by a member of the public

Contact: Mark Nedderman
Tel: 01270 686459
E-Mail: mark.nedderman@cheshireeast.gov.uk

5. **Leisure Review - Update**

Guy Kilminster, Head of Health & Wellbeing to provide a presentation on the Leisure Review.

6. **Regulation of Investigating Powers Act (RIPA) Annual Report** (Pages 5 - 36)

To Consider a report of the Head of Internal Audit and Compliance.

7. **Data Quality Strategy** (Pages 37 - 50)

To consider a report of the Head of Policy and Performance.

8. **Work Programme Progress Report** (Pages 51 - 58)

To consider a report of the Borough Solicitor.

9. **Strengthening the Scrutiny Function** (Pages 59 - 76)

To consider a report of the Borough Solicitor.

10. **Forward Plan - Extracts** (Pages 77 - 80)

To note the current forward plan, identify any new items, and to determine whether any further examination of new issues is appropriate.

11. **Consultations from Cabinet**

To note any consultations referred to the Committee from Cabinet and to determine whether any further action is appropriate.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Corporate Scrutiny Committee**
held on Thursday, 11th February, 2010 at Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor A Thwaite (Chairman)
Councillor J Narraway (Vice-Chairman)

Councillors A Arnold, G Barton, G Baxendale, J Crockatt, M Davies,
S Wilkinson and R Bailey

Apologies

Councillors D Bebbington, S Conquest, P Edwards, D Stockton and D Topping

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 11 January 2010 be approved as a correct record.

3 PUBLIC SPEAKING TIME/OPEN SESSION

There were no statements from members of the public.

4 BUDGET 2010/2011

The Committee considered a report of the Borough Treasurer containing the formal consultation by Cabinet of the Budget for 2010/2011.

The report set out in detail the spending plans and income targets for the Council for the financial year starting on 1 April 2010.

The Chairman reminded members that the Committee had set up a Budget Consultation Group in December 2009 to oversee the consultation process for 2010/2011 budget. The group had met two times during January 2010, during which details of the officer/portfolio budget challenge sessions held in the run up to the consultation process had been discussed. In addition, dates for the budget cycle of Scrutiny meetings had been agreed. The group had been given an opportunity to question some key officers within the Council to seek clarity on critical aspects of the budget, and as a result, there were no outstanding matters that required action by the Committee.

The group had concluded that it needed to reconvene in April to make early preparations for the 2011/2012 budget consultation process to ensure that a clear timetable existed for all internal stakeholders to ensure that Overview and Scrutiny members played an active part in the budget formulation and consultation processes during 2010/2011.

In view of the limited time between the series of budget Scrutiny meetings to be held over the 11 and 12 February and the Cabinet meeting on 16 February, the Chairman sought authority to allow him to formally respond to the consultation after conferring with the Scrutiny Chairs group at its meeting prior to Cabinet on the 16 February with a composite response encompassing the comments of all five Committees.

RESOLVED – That the budget consultation 2010/2011 be noted, and the Chairman be authorised to formally respond to the consultation following conferment with the Scrutiny Chairs group, and present, to Cabinet on the 16 February 2010, a composite response encompassing the comments of all five Committees

5 PERFORMANCE MONITORING

The Committee considered a report of the Head of Policy and Performance containing an overview of the 2009-2010 quarter 3 performance, which summarised performance against all National Indicators and key corporate performance measures.

Overall, the Council gathered information for 212 measures (National Indicators, or part indicators and corporate local indicators) of those:

- 102 (48%) were green
- 68 (32%) were amber
- 42 (20%) were red

Fourth Quarter performance data would be produced after 31 March 2010 for consideration and review by Overview and Scrutiny committees. An annual report summarising the Council's achievements would be brought to the Committee before publication in June 2010.

The Head of Policy and Performance informed the Committee that in March 2010, the Cabinet would be considering a Single Equality Scheme and action plan which would be offered to the Committee for comment.

The Chairman informed Members that due to the proximity of the March meetings of Cabinet and this Committee, it may be necessary to deal with the formal consultation at a mid point meeting.

In view of the increasing importance of the performance monitoring information being presented to Committees, Members requested that a dedicated training session be arranged on Performance monitoring.

RESOLVED – (a) That the report be received

(b) That arrangements be made for the Committee to be consulted on the Single Equality Scheme, prior to the Cabinet Meeting on 16 March 2010, if necessary, at a mid point meeting.

(c) That the Senior Scrutiny Officer be requested to make arrangements for a training session for all Members on performance monitoring.

6 WORK PROGRAMME UPDATE

The Chairman reported upon the recent decision of the Voluntary Sector Task group to recommend that it was disbanded to allow a Corporate Officer Working group to undertake a detailed study of current arrangements to fund Voluntary and Community Organisations across all Council departments. Additional information would be included on the agenda for the next meeting.

In addition, the Chairman highlighted a matter that would be included in the work programme review report at the next meeting, to review the Governance arrangements in Cheshire East in respect of Highways and Transportation issues. The Committee on 15 March 2010, would be asked to prioritise this item.

RESOLVED – That the report be received and noted.

The meeting commenced at 10.30 am and concluded at 11.55 am

Councillor A Thwaite (Chairman)

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CHESHIRE EAST COUNCIL

REPORT TO: CORPORATE SCRUTINY COMMITTEE

Date of Meeting:	15 th March, 2010
Report of:	Head of Internal Audit & Compliance
Subject/Title:	Operational Procedures for Covert Surveillance – Regulation of Investigatory Powers Act 2000 (RIPA)

1.0 Report Summary

- 1.1 To provide assurance that Cheshire East Council is complying with the requirements for covert surveillance under the Regulation of Investigatory Powers Act, 2000, and to inform the Committee of work being undertaken in this area.
- 1.2 RIPA is designed to control the use of surveillance to ensure that there has been a consideration of less intrusive options, that the necessity and proportionality of any surveillance has been assessed and that it has been properly authorised.
- 1.3 Key to the use of RIPA is that it has to be for the purpose of preventing or detecting crime or preventing disorder. Examples of its use in Cheshire East would be tackling serious crimes such as housing benefit fraud, rogue traders and persistent fly tippers.

2.0 Recommendations

- 2.1 That Corporate Scrutiny Committee notes the requirements of RIPA legislation and the actions in place to ensure that the Council complies with these requirements.

3.0 Reasons for Recommendations

- 3.1 It is best practice for Members to have involvement in the overall approach to RIPA and monitor the Authority's surveillance processes, culture and controls. The RIPA policy approved by Cabinet on 24th March 2009 included a recommendation that an annual report be submitted to the relevant Scrutiny Committee.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

5.1 N/A

**6.0 Policy Implications including - Climate change
- Health**

6.1 No direct implications. The operation of RIPA is of importance to the Council in ensuring that legislative requirements are met but also in ensuring that the right culture is developed and that surveillance is used appropriately and linked to achievement of corporate objectives.

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

7.1 None

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

The policies and procedures and the associated independent inspection regimes require the highest standards of professional competence from the Council's enforcement staff as well as from managers who are authorised to approve activities under the policies. Services will therefore need to ensure that arrangements are in place to satisfy ongoing training and professional development requirements.

9.0 Legal Implications

It is essential that the Council has robust policies and procedures in place to enable officers to conduct investigations and obtain evidence and intelligence lawfully.

10.0 Risk Management

10.1 Without clear and robust policies and procedures in place, there would be a risk that officers would fail to comply with the relevant legislation and associated codes of practice. Consequently, complaints may be made against the authority by aggrieved persons, which may proceed to investigation by the independent tribunals set up by the Office of the Surveillance Commissioner. The Tribunals have the power to cancel authorisations, order the destruction of any records obtained in exercise of the powers conferred by RIPA and award compensation as they see fit.

11.0 Background and Options

11.1 **Appendix A** provides an update on the policy and procedures in place for surveillance under RIPA and a summary of ongoing work in this area.

12.0 Overview of Year One and Term One Issues

12.1 N/A

13.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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Designation: Head of Internal Audit and Compliance
Tel No: 01270 685859
Email: Vivienne.quayle@cheshireeast.gov.uk

APPENDIX A

OPERATIONAL PROCEDURES FOR COVERT SURVEILLANCE – REGULATION
OF INVESTIGATORY POWERS ACT 2000

1. Background

1.1 At its meeting on 24th March, 2009, Cabinet approved the policies and procedures for surveillance under the Regulation of Investigatory Powers Act 2000 (RIPA). A copy of these procedures is attached (**Appendix B**).

1.2

surveillance where it is necessary for specific, legally prescribed purposes, and that the surveillance is carried out in such a way that the risk of infringing individual rights is kept to a minimum. By following the authorisation procedures set out in RIPA, Council officers are ensuring that they can demonstrate that the measures taken are proportionate and lawful.

RIPA all

1.3 Under the Act, the Council must keep a detailed record of all authorisations, renewals, reviews, cancellations and rejections for inspection by staff of the Office of the Surveillance Commissioner. It is extremely important that all staff dealing with RIPA applications, either applying to use them or authorising them, have detailed training.

1.4 The Chief Commissioner's Office carries out inspections to oversee surveillance operations carried out by public authorities. Inspections take the form of interviews with senior management and operational staff at all levels, assessment of documentation relating to strategies, policies and procedures and detailed analysis of individual operations. Cheshire East Council has been informed that it will be inspected by the Chief Commissioner's Office on 11th May 2010 and bi-annually thereafter.

1.5 The Council's existing Policy and Procedures for RIPA include a provision for Member scrutiny in the form of an annual report to Scrutiny Committee, hence the submission of this document. It is proposed, however, that, following the inspection, the current policy should be reconsidered and the Annual Report to Members be submitted to the Governance and Constitution Committee in future instead of to this Committee. The Scrutiny Committees can continue to have information about RIPA and/or review its operation in accordance with the Scrutiny work programmes if the individual committees would find this beneficial, but the Governance and Constitution Committee is the more appropriate route for compliance issues to be reported routinely.

2.0 Authorised Officers

RIPA requires a number of senior officers who have been trained to the appropriate level to be nominated as Authorising Officers. It is the responsibility of these officers to consider all RIPA applications and to grant or refuse authorisations, as appropriate. It is suggested that, in order to achieve conformity of practice and

regular training, no more than six Authorising Officers are required. All six members of the Corporate Management Team have been identified and trained as Authorising Officers.

3.0 Central Record of Authorisations

Under the Act the Council must keep a detailed record of all authorisations, renewals, reviews, cancellations and rejections for inspection. This Central Record of Authorisations is maintained by the Compliance Team within Internal Audit, who are also responsible for related administrative functions. The Borough Solicitor has a monitoring role to review and sign-off this Record on a quarterly basis.

Since the inception of the Council there have been a number of discussions regarding the possible use of RIPA, but none of these have progressed to a RIPA application, as an alternative approach has been taken.

4.0 Training

4.1 A significant amount of training has taken place over recent months and this is continuing during the coming months. As well as training for the Authorised Officers, staff from all areas likely to use RIPA have been trained. These include staff from Trading Standards, Housing Benefit Fraud, Internal Audit, Environmental Health and Community Safety. In addition, awareness sessions are being held for staff from a number of other areas, including Children's Services and Adult Social Care.

5.0 CCTV

CCTV systems are normally not within the scope of RIPA since they are overt and not being used for "a specific operation or investigation". However, the protection afforded by RIPA is available when they are used for enforcement activities. Work is currently in progress to ensure that the CCTV operations from the three previous District authorities are operating as one.

6.0 Recommendation

Corporate Scrutiny to:

- note the policy and procedures in place within the Council to ensure compliance with RIPA
- note the steps being taken to ensure that the Council operates best practice with regard to RIPA
- consider any ongoing involvement in RIPA monitoring and any recommendations to feed into Cabinet or Governance and Constitution Committee

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CHESHIRE EAST COUNCIL

SURVEILLANCE UNDER THE REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

POLICY AND PROCEDURE

Applications for Authorisation to carry out Surveillance and for the use of Covert Human Intelligence Sources

**This document sets out the requirements for gaining
authorisation under RIPA, the persons able to grant
authorisation, circumstances when authorisation will be
required and the storage and maintenance of records of
authorisation**

SURVEILLANCE UNDER THE REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

POLICY

P1 BACKGROUND

P1.1 The Regulation of Investigatory Powers Act 2000 (RIPA) came into effect in September 2000. It establishes a regulatory framework for the use of covert surveillance by setting up an authorisation procedure. Covert surveillance is defined in Section 26(9) (a) of RIPA as *“any surveillance which is carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place”*. RIPA seeks to ensure that public authorities only use covert surveillance where it is necessary for a specific, legally prescribed purpose, and that the surveillance is carried out in such a way that the risk of infringing the rights of individuals is kept to an absolute minimum.

P1.2 Some surveillance operations may interfere with Article 8 of the Human Rights Act 1998 which provides that everyone has the right to respect for his private and family life, his home and correspondence. This right is subject to an important qualification - Paragraph 2 of Article 8 provides that:

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

P1.3 RIPA therefore protects an individual's rights and freedoms that are guaranteed by the European Convention and given further effect by the Human Rights Act 1998, whilst allowing a public authority to carry out certain, necessary covert surveillance.

P2 INTRODUCTION

P2.1 Cheshire East Council will on occasion need to use covert surveillance in order to carry out its enforcement functions effectively. Examples of enforcement activities which may require the use of RIPA include benefit fraud, planning enforcement, licensing enforcement, trading standards, environmental health, community safety investigations and breaches of tenancy conditions related to anti-social behaviour and crime. **A local authority may only use covert surveillance for the purpose of the prevention or detection of crime or the prevention of disorder.**

P2.2 Surveillance by a public authority is likely to constitute an infringement of an individual's rights and freedoms which are protected by the Human Rights Act 1998. However, by following the authorisation procedures set out by RIPA, officers of the Council are ensuring that they can demonstrate that the surveillance is necessary for a purpose permitted by the Human Rights Act 1998 and that it is a proportionate measure to take, given all of the circumstances. Compliance with RIPA will significantly reduce the likelihood of any surveillance carried out by the Council being unlawful and therefore subject to legal challenge.

P3 CHESHIRE EAST COUNCIL'S POLICY IN ACCORDANCE WITH RIPA AND THE HOME OFFICE CODES OF PRACTICE

- P3.1 The purpose of this policy and its associated procedure is to reinforce the requirements of RIPA and its Codes of Practice, to ensure compliance with RIPA, to protect the rights of individuals and to minimise the risk of legal challenge as a result of officer actions.
- P3.2 The Council is fully committed to complying with the Human Rights Act 1998 and RIPA. In order to ensure compliance, all covert surveillance must be carried out in accordance with the legislative framework and the Council's RIPA policy and procedure.
- P3.3 In addition to all legislative, policy and procedural requirements, officers must have regard to the Statutory Codes of Practice on the use of covert surveillance and the use of a covert human intelligence source (a "CHIS"), issued by the Home Office. Officers must also have regard to any other guidelines that may be published from time to time.
- P3.4 In particular, any legislative restrictions on the type of covert surveillance that a local authority is authorised to carry out must be observed; all covert surveillance must be properly authorised and recorded; the tests of necessity and proportionality must be satisfied; and the potential for collateral intrusion must be considered and minimised. Definitions of terms are included in the RIPA procedure.
- P3.5 Any officer intending to undertake covert surveillance or use a covert human intelligence source will only do so if the evidence or intelligence sought cannot be obtained by other means.
- P3.6 Embarking upon covert surveillance or the use of a covert human intelligence source without authorisation or conducting covert surveillance outside the scope of the authorisation will not only mean that the "protective umbrella" of RIPA is unavailable but may result in disciplinary action being taken against the officer/officers involved. RIPA also established an independent Tribunal that has full powers to investigate and decide any case within its jurisdiction.
- P3.7 The Council's RIPA policy and procedure will be reviewed annually, or sooner if necessary (e.g. in the event of legislation being amended or revoked).

P4 APPLICATION

- P4.1 The Council's policy is operational forthwith and applies to all Council staff employed under a permanent, temporary, fixed term or casual contract. It also applies to any contractors and/or subcontractors employed by the Council to undertake activities covered by this policy and procedure. All relevant Council contracts issued to contractors/subcontractors will include a term that this policy and associated procedures are to be observed when operating on behalf of the Council.
- P4.2 A copy of this policy document together with the Home Office Codes of Practice and Investigatory Powers Tribunal leaflets will be made available for public inspection at the Council offices' reception areas and on the Council's website.

SURVEILLANCE UNDER THE REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

PROCEDURE

1 TYPES OF SURVEILLANCE

- 1.1 There are three types of covert surveillance: “intrusive surveillance”, “directed surveillance” and surveillance by means of a “covert human intelligence source” (a “CHIS”).

Local authorities are **not** authorised to carry out any form of intrusive surveillance.

Intrusive surveillance is defined in section 26(3) of RIPA as covert surveillance that:

- is carried out in relation to anything taking place on any residential premises or in any private vehicle; and
- involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device (e.g. a listening device in a person’s home or in their private vehicle).

Local authorities are permitted to carry out directed surveillance.

- 1.3.1 Directed surveillance is defined in Section 26(2) of RIPA as surveillance which is covert, but not intrusive, and undertaken:

- for the purposes of a specific investigation or specific operation;
- in such a manner as it is likely to result in the obtaining of **private information** (see Section 13) about the person (whether or not one specifically identified for the purposes of the investigation or operation); and
- otherwise than by way of an immediate response to events or circumstances, the nature of which is such that it would not be reasonably practical for an authorisation under Part II of RIPA to be sought for the carrying out of the surveillance.

- 1.3.2 Directed surveillance will only be carried out on residential premises if a member of the public has requested help or made a complaint to the Council and written permission to conduct the surveillance has been obtained from the householder or tenant from whose premises the surveillance will be carried out. See also paragraph 5.7.

- 1.3.3 Closed Circuit Television (CCTV) systems are normally not within scope of RIPA. However, if they are used for a specific operation or investigation, or if automatic facial recognition by means of CCTV is used, authorisation for the use of directed surveillance must be obtained in accordance with this procedure.

1.4 Local authorities are permitted to use a covert human intelligence source.

1.4.1 A covert human intelligence source (a "CHIS") is defined by section 26(8) of RIPA as a person who:

- establishes or maintains a personal or other relationship with another person for the covert purpose of facilitating the doing of anything falling within the following two paragraphs;
- covertly uses such a relationship to obtain information or to provide access to any information to another person: or
- covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.

1.5 The provisions of RIPA are not intended to apply to circumstances where members of the public volunteer information as part of their civic duties or to contact numbers set up to receive information.

1.6 An authorisation under Part II of RIPA will provide lawful authority for the use of a covert human intelligence source ("CHIS"). Use of a source without an authorisation will not be unlawful but where there is interference by a public authority with the right to respect for private and family life guaranteed under Article 8 of the Human Rights Act 1998 and there is no other lawful authority the consequences of not obtaining an authorisation under RIPA may be that the action is unlawful by virtue of the Human Rights Act 1998.

1.7 Where the use or conduct of a CHIS is likely to interfere with an individual's Article 8 rights an authorisation must be sought in order to ensure that the action is carried out in accordance with the law.

2 OFFICERS ABLE TO MAKE AUTHORISATIONS

Under Section 28(3) of RIPA an authorisation for directed surveillance or the use of a covert human intelligence source ("CHIS") may be granted by an Authorising Officer where he believes that the authorisation is

Necessary in the circumstances of the particular case:

- for the purpose of preventing or detecting crime or of preventing disorder;

and,

Proportionate to what it seeks to achieve.

2.2 Detecting crime includes establishing by whom, for what purpose, by what means and generally in what circumstances any crime was committed, the gathering of evidence for use in any legal proceedings and the apprehension of the person (or persons) by whom any crime was committed.

2.3 The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003 (SI 2003/3171) designates the Authorising Officers for local authorities as the Assistant Chief Officer, Assistant Head of Service, Service Manager or equivalent. In Cheshire East Council the Authorising Officers, each in relation to their functional area, are:

- Third Tier Heads of Service (N.B. but only those who have received appropriate training)
- Directors (N.B. but only those who have received appropriate training)

On occasion, it may be necessary for Fourth Tier Senior Managers to act as authorising officers but again, only those who have received appropriate training.

In cases in which confidential information is likely to be obtained or in which Section 15.2 or 15.3 of this procedure applies.:

- The Chief Executive, or (in his absence)
- The Borough Solicitor (or his or her authorised deputy)

2.4 Authorising Officers should not be responsible for authorising investigations or operations in which they have had or are likely to have any direct involvement. When such authorisation is required, this will be sought from the Head of Service, Director or Solicitor to the Council, as appropriate. When such an investigation or operation has to be authorised in this way, the Central Record of Authorisations should highlight this and the attention of the National Surveillance Commissioner or Inspector should be drawn to it during his next inspection.

3 THE TESTS OF NECESSITY AND PROPORTIONALITY

3.1 Directed covert surveillance or the use of a covert human intelligence source ("CHIS") should only be authorised if the Authorising Officer is satisfied that:

- **The action is NECESSARY (in a democratic society) on the following grounds:**
 - For the prevention or detection of crime or the prevention of disorderand,
- **The surveillance is PROPORTIONATE - The Human Rights Act defines a measure or action as proportionate if it:**
 - Impairs as little as possible the rights and freedoms (of the individual concerned and of innocent third parties),
 - Is carefully designed to meet the objectives in question, is not arbitrary, unfair, or based on irrational considerations.

4 COLLATERAL INTRUSION

4.1 In the case of both directed covert surveillance and the use of a covert human intelligence source, the Authorising Officer must also take into account the risk

of intrusion into the privacy of persons other than those who are directly the subject of the investigation or operation. This is termed “collateral intrusion”.

- 4.2 Any application for an authorisation must include an assessment of the risk of any collateral intrusion and what steps can reasonably be taken to avoid this (if any). This should be a factor taken into account by the Authorising Officer when considering the proportionality of the surveillance.
- 4.3 Officers carrying out the surveillance should inform the Authorising Officer if the investigation or operation unexpectedly interferes with the privacy of individuals who are not covered by the authorisation. Consideration should be given to whether the authorisation should be amended and re-authorised or whether a new authorisation is required.
- 4.4 Any officer applying for or granting an authorisation will need to be aware of the particular sensitivities in the local community where the surveillance is taking place and of similar activities being undertaken by other public authorities which could impact on the deployment of surveillance.

5 APPLICATIONS FOR AUTHORISATION TO CARRY OUT DIRECTED SURVEILLANCE OR USE A COVERT HUMAN INTELLIGENCE SOURCE (“CHIS”)

- 5.1 An application for authorisation must be in writing and on the appropriate form which must be completed in full.
- 5.2 Officers should ensure that they use the current form obtained from the Home Office website (<http://security.homeoffice.gov.uk/ripa/>)
- 5.3 Details of all authorisations must be forwarded within two working days to the Solicitor to the Council who will ensure that details are recorded in a Central Register of Authorisations (Section 12).
- 5.4 Officers requesting authorisation for directed surveillance should consider whether it is necessary to complete a risk assessment, which should be submitted with the authorisation request, where applicable. Officers requesting authorisation to use a covert human intelligence source (“CHIS”) must always complete a risk assessment and submit it with the authorisation request (see also Section 15).
- 5.5 All relevant documentation, including a copy of the authorisation, a record of the period over which surveillance has taken place, any risk assessment, notebooks, surveillance logs and other ancillary documentation will be retained for a period of six years, at which point they will be destroyed.
- 5.6 Other than in exceptional circumstances, the investigation of noise complaints will only be carried out by means of **overt surveillance**. Therefore, an authorisation will **not** normally be required to install a noise recording or monitoring device in a property neighbouring premises that are subject to a noise level complaint, provided the following is observed: (i) the written permission of the complainant must be obtained, (ii) the occupant of the monitored premises must receive notice in writing that noise recording/monitoring equipment may be installed in a neighbouring property (thus rendering the surveillance overt), and (iii) the

surveillance must be carried out within a period of three calendar months from the date of the notice. At the end of the three month period, the surveillance must cease or, if surveillance is to continue, either a further notice must be served on the occupant of the monitored premises or an authorisation to conduct (covert) directed surveillance will be required.

6 URGENT AUTHORISATIONS

- 6.1 In urgent cases authorisation may be given orally by the Authorising Officer. In these cases, a statement that the Authorising Officer has expressly authorised the activity should be recorded in writing as soon as it is reasonably practicable and the appropriate section of the application form should also be completed as soon as reasonably practicable.
- 6.2 A case would not normally be regarded as urgent unless the time that would elapse before the Authorising Officer was available to grant the written authorisation would, in the judgment of the person giving the authorisation, be likely to endanger life or jeopardise the investigation or operation for which the authorisation was being given. An authorisation is not to be regarded as urgent where the need for an authorisation has been neglected or overlooked or if the urgency is of the Authorising Officers own making.
- 6.3 Authorising Officers should not be responsible for authorising investigations or operations in which they are directly involved. However, if, in exceptional circumstances, this is unavoidable, the central Record of Authorisations should highlight this and the attention of the Commissioner or Inspector should be drawn to it during the next inspection.
- 6.4 In urgent cases, in addition to the information to be provided in an application for authorisation, the reasons why the Authorising Officer considered the case so urgent that an oral instead of a written authorisation was given should be recorded.
- 6.5 Only the Authorising Officers listed in paragraph 2.3 above may authorise applications, including in urgent cases.

7 DURATION OF AUTHORISATIONS

- 7.1 A written authorisation granted by an Authorising Officer will cease to have effect (unless renewed) either on specific cancellation or at the end of a period of three months (directed surveillance) or twelve months ("CHIS"), beginning with the day on which it took effect.
- 7.2 Urgent oral authorisations or written authorisations granted by a person who is entitled to act only in urgent cases will, unless renewed, cease to have effect after 72 hours, beginning with the time when the authorisation was granted or renewed.

8 REVIEWS

- 8.1 Regular reviews of authorisations by the Authorising Officer should be undertaken to assess the need for surveillance to continue. All reviews should be completed using the appropriate form.
- 8.2 Officers should ensure that they use the current form obtained from the Home Office website (<http://security.homeoffice.gov.uk/ripa/>)
- 8.3 Particular attention is drawn to the need to review authorisations frequently where surveillance provides access to confidential information or involves collateral intrusion.
- 8.4 Review documentation, including the frequency of reviews and a record of the result of each review, will be retained for a period of six years, at which point it will be destroyed. Documentation detailing any instruction given by the Authorising Officer will be retained for a period of six years, at which point it will be destroyed.

9 RENEWALS

- 9.1 If at any time before an authorisation would cease to have effect, the Authorising Officer considers it necessary for the authorisation to continue for the purpose for which it was given, he may renew it in writing. Renewals may also be granted orally in urgent cases and last for a period of 72 hours.
- 9.2 All Applications for the Renewal of an Authorisation for Directed Surveillance should be on the appropriate form which must be completed in full.
- 9.3 Officers should ensure that they use the current form obtained from the Home Office website (<http://security.homeoffice.gov.uk/ripa/>)
- 9.4 Any renewal documentation, together with any supporting documentation, and any documentation detailing any instruction issued by the Authorising Officer will be retained for a period of six years, at which point it will be destroyed.

10 CANCELLATIONS AND HANDLING OF SURVEILLANCE PRODUCT

- 10.1 The Authorising Officer who granted or last renewed the authorisations must cancel it if he is satisfied that the activity no longer meets the criteria upon which it was authorised or it has fulfilled its objective. If the Authorising Officer is no longer available, this duty will fall on the person who has taken over the role of the Authorising Officer.
- 10.2 Officers should ensure that they use the current form obtained from the Home Office website (<http://security.homeoffice.gov.uk/ripa/>).
- 10.3 On cancellation of an authorisation, the Authorising Officer must be satisfied that the product of any surveillance is properly retained and stored or destroyed. If the surveillance product is of no evidential or intelligence value, it should be destroyed without delay in accordance with Data Protection requirements. If

the surveillance product is of potential evidential or intelligence value, it should be retained on the legal file in accordance with established disclosure requirements, commensurate to any subsequent review.

11 CESSATION OF ACTIVITY

- 11.1 As soon as the decision is taken that the authorised activity should be discontinued, the instruction must be given to those involved to stop all surveillance of the subject or to cease using the covert human intelligence source.
- 11.2 Documentation detailing the date and time when any cancellation instruction was given by the Authorising Officer will be retained for a period of six years, at which point it will be destroyed.

12 CENTRAL RECORD OF AUTHORISATIONS

- 12.1 A Central Record of Authorisations will be held and updated whenever an authorisation is granted, renewed or cancelled. The Customer Services Section is responsible for ensuring that a Central Record is maintained. The record will be made available to the relevant Commissioner or an Inspector from the Office of Surveillance Commissioners, upon request. These records should be retained for a period of three years from the ending of the authorisation, at which point they will be destroyed.
- 12.2 In respect of directed surveillance the Central Record of Authorisations will contain the following information:
 - the type of authorisation: the date the authorisation was given;
 - name and rank/grade of the authorising officer;
 - the unique reference number of the investigation or operation
 - the title of the investigation or operation, including a brief description and names of subjects, if known;
 - whether the urgency provisions were used, and if so why;
 - in the case of a self authorisation by the Authorising Officer, a statement in writing that he/she expressly authorised the action
 - if the authorisation is renewed, when it was renewed and who authorised the renewal, including the name and grade of the authorising officer;
 - whether the investigation or operation is likely to result in obtaining confidential information;
 - the date the authorisation was cancelled.

12.3 In respect of a covert human intelligence source ("CHIS") the Central Record of Authorisations will contain the following information:

- a copy of the authorisation together with any supplementary documentation and notification of the approval given by the Authorising Officer;
- a copy of any renewal of an authorisation together with the supporting documentation submitted when the renewal was requested;
- the reason why the person renewing an authorisation considered it necessary to do so;
- any urgent authorisation which was granted or renewed orally (in an urgent case) and the reason why the case was considered urgent;
- the risk assessment made in relation to the source ("CHIS");
- the value of the "CHIS" to the investigating authority;
- a record of the results of any reviews of the authorisation;
- the reasons, if any, for not renewing an authorisation;
- the reasons for cancelling an authorisation - cancellations are to be completed on the appropriate form
- the date and time when any instruction was given by the Authorising Officer to cease using a "CHIS".

13 PRIVATE INFORMATION

13.1 "Private information" is defined in Section 26(10) of RIPA as including any information relating to a person's private or family life. The concept of private information should be broadly interpreted to include an individual's private or personal relationship with others and should also be taken to include activities of a professional or business nature. Family life should be treated as extending beyond the formal relationships created by marriage.

14 CONFIDENTIAL INFORMATION

14.1 The Act does not provide any special protection for confidential information. Nevertheless, particular care should be taken in cases where the subject of the investigation might expect a high degree of privacy or where confidential information is involved. Confidential information consists of matters subject to legal privilege, confidential personal information or confidential journalistic material.

14.2 In cases where, through the use of surveillance, it is likely that knowledge of confidential information will be acquired, the use of surveillance is subject to a higher level of authorisation. In cases where confidential information is likely to

be acquired it will be the Chief Executive or (in his/her absence) the Borough Solicitor who must give the authorisation. The Act does not provide any special protection for legally privileged information. Nevertheless, such information is particularly sensitive and surveillance which acquires such material may engage Article 6 and Article 8 of the European Convention/Human Rights Act 1998.

- 14.3 An application for surveillance which is likely to result in the acquisition of legally privileged information should only be made in exceptional and compelling circumstances. The application should include, in addition to the reasons why it is considered necessary for the surveillance to take place, an assessment of how likely it is that the information subject to legal privilege will be acquired. In addition the application will clearly state whether the purpose (or one of the purposes) of the surveillance is to obtain legally privileged information. Full regard should be had to the particular proportionality issues such surveillance raises.
- 14.4 Similar considerations must be given to authorisations that involve confidential personal information and journalistic material. In cases where confidential personal information and confidential journalistic material has been acquired and retained, the matter should be reported to the relevant Commissioner or Inspector during his next inspection and the material be made available to him if requested.

15 ADDITIONAL REQUIREMENTS FOR AUTHORISATION OF COVERT HUMAN INTELLIGENCE SOURCES ONLY

- 15.1 Covert human intelligence sources may only be authorised if the following additional arrangements are in place:
- There is an employee of the Council with day to day responsibility for dealing with the source and for the source's security and welfare.
 - There is a Senior Officer who has general oversight of the use made of the source.
 - An officer will be responsible for maintaining a record of the use made of the source.
 - Those records will contain any matters specified by the Secretary of State – The Regulation of Investigatory Powers (Source Records) Regulations 2000 (SI 2000/2725) set out these matters.
 - That records disclosing the identity of the source and the information provided by him/her will not be made available to others except on a need to know basis.
- 15.2 Vulnerable individuals (a person who is in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care or protect himself against significant harm or exploitation) may be authorised to act as a CHIS **only in the most exceptional circumstances**. Authorisation must be given by the Chief Executive or (in his/her absence) the Borough Solicitor.

- 15.3 Authorisations for juvenile sources (under 18) should only be granted if the provisions contained in The Regulation of Investigatory Powers (Juveniles) Order 2000 (SI 2000/2793) are satisfied. Any authorisation should be granted by the Chief Executive or (in his/her absence) the Borough Solicitor. The duration of an authorisation for the use or conduct of juvenile sources is **one month. A source under the age of 16 must not be authorised to give information against his parents or any person who has parental responsibility for him.**
- 15.4 If a juvenile source (under 18) is to be used, the authorising officer is responsible for obtaining the written consent of the parent or guardian or the person caring for the juvenile, unless to do so would compromise the juvenile's welfare or safety. The authorising officer is also responsible for ensuring that an appropriate adult is present at any meeting. An appropriate adult means a parent or guardian, person who has assumed responsibility for the wellbeing of the CHIS or, in their absence, a person who is responsible for the wellbeing of the CHIS and who is over 18 who is neither a member of, nor employed by, the Council.
- 15.5 **On no occasion should the use or conduct of a source under 16 years of age be authorised to give information against his parent or any person who has parental responsibility for him/her.**
- 15.6 The processing of information obtained as a result of surveillance will be restricted to specified employees employed in Information & Communication Technology Services and Audit. Only relevant senior managers will have access to the information collected to enable appropriate action to be taken. They will respect the confidentiality of all information and only disclose the information to other appropriate senior managers where further action is required.
- 15.7 When a covert human intelligence source ("CHIS") is used, a "Handler" (who can be an officer of the Council), and who must have received appropriate training, should be designated as having the day to day responsibility for dealing with the "CHIS". This responsibility shall extend to security, safety and welfare of the "CHIS". In addition, a "Controller" should be designated to have the general oversight of the use made of the "CHIS". These requirements also apply in cases in which the "CHIS" is an officer of the Council.
- 15.8 The officer requesting authorisation for the use of a covert human intelligence source ("CHIS") must also complete a risk assessment and submit it to the Authorising Officer together with the authorisation request.

16 MONITORING OF RECORDS

- 16.1 The Solicitor to the Council will be responsible for monitoring authorisations and conducting a six monthly review of applications, authorisations, refusals, reviews renewals and cancellations.

17 SCRUTINY

- 17.1 The Borough Solicitor will ensure that an annual report is submitted to the Council's Scrutiny Committee. The report will include details of the overall number and type of authorisations granted and the outcome of the case, where known. In

addition, the report will provide a breakdown of the same information by service or groups of services, as appropriate.

- 17.2 The report should also include the results of the most recent inspection carried out by a representative of the Office of Surveillance Commissioners, where applicable (inspections may not take place annually).

18 FURTHER INFORMATION

- 18.1 For further guidance please see the relevant Home Office guidance available from the Home Office website <http://www.homeoffice.gov.uk/> or contact Legal Services.

CHESHIRE EAST COUNCIL

ACQUISITION AND DISCLOSURE OF

COMMUNICATIONS DATA

UNDER THE REGULATION OF

INVESTIGATORY POWERS ACT 2000 (RIPA)

POLICY AND PROCEDURE

**This document sets out the requirements for gaining authorisation to
acquire communications data under RIPA**

ACQUISITION AND DISCLOSURE OF COMMUNICATIONS DATA UNDER THE REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

POLICY

P1 BACKGROUND

P1.1 The Regulation of Investigatory Powers Act 2000 (RIPA) came into effect in September 2000. It establishes a regulatory framework for the acquisition of communications data by setting up an authorisation procedure. Communications data are defined in Section 21(4) of RIPA and include information held by any postal service or telecommunications service or system. RIPA seeks to ensure that public authorities only acquire communications data where it is necessary for a specific, legally prescribed purpose, and that the acquisition is carried out in such a way that the risk of infringing the rights of individuals is kept to an absolute minimum.

P1.2 The acquisition of communications data may interfere with Article 8 of the Human Rights Act 1998 which provides that everyone has the right to respect for his private and family life, his home and correspondence. This right is subject to an important qualification - Paragraph 2 of Article 8 provides that:

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

P1.3 RIPA therefore protects an individual's rights and freedoms that are guaranteed by the European Convention and given further effect by the Human Rights Act 1998, whilst allowing a public authority to carry out certain, necessary covert surveillance activity.

P2 INTRODUCTION

P2.1 Cheshire East Council will on occasion need to acquire communications data in order to carry out its enforcement functions effectively. Examples of enforcement activities which may require the acquisition of communications data include, in particular, trading standards investigations relating to doorstep crime, counterfeiting and other fraudulent trading activity. **A local authority may only acquire communications data for the purpose of the prevention or detection of crime or the prevention of disorder.**

P2.2 The acquisition of communications data by a public authority is likely to constitute an infringement of an individual's rights and freedoms which are protected by the Human Rights Act 1998. However, by following the authorisation procedures set out by RIPA, officers of the Council are ensuring that they can demonstrate that the data acquisition is for a purpose permitted by the Human Rights Act

1998 and that it is a proportionate measure to take, given all of the circumstances. Compliance with RIPA will significantly reduce the likelihood of any acquisition of communications data by the Council being unlawful and therefore subject to legal challenge.

P3 CHESHIRE EAST COUNCIL'S POLICY IN ACCORDANCE WITH RIPA AND THE HOME OFFICE CODE OF PRACTICE ON THE ACQUISITION AND DISCLOSURE OF COMMUNICATIONS DATA

- P3.1 The purpose of this policy and its associated procedure is to reinforce the requirements of RIPA and the Code of Practice, to ensure compliance with RIPA, to protect the rights of individuals and to minimise the risk of legal challenge as a result of officer actions.
- P3.2 The Council is fully committed to complying with the Human Rights Act 1998 and RIPA. In order to ensure compliance, all communications data acquisition must be carried out in accordance with the legislative framework and the Council's RIPA policy and procedure.
- P3.3 In particular, any legislative restrictions on the type of communications data that a local authority is authorised to access must be observed; any acquisition of data must be properly authorised and recorded; the tests of necessity and proportionality must be satisfied; and the potential for collateral intrusion must be considered and minimised. Definitions of terms are included in the RIPA procedure.
- P3.4 Any officer intending to acquire communications data will only do so if the evidence or intelligence sought cannot be obtained by other means.
- P3.5 Acquiring communications data without authorisation or outside the scope of the authorisation will not only mean that the "protective umbrella" of RIPA is unavailable but may result in disciplinary action being taken against the officer/officers involved. RIPA also established an independent Tribunal (the Investigatory Powers Tribunal) that has full powers to investigate and decide any case within its jurisdiction that includes the acquisition and disclosure of communications data.
- P3.6 The Council's Acquisition and Disclosure of Communications Data Policy and Procedure will be reviewed every year, or sooner if necessary (e.g. in the event of legislation being amended or revoked).

4 APPLICATION

- 4.1 The Council's policy is operational forthwith and applies to all Council staff employed under a permanent, temporary, fixed term or casual contract. It also applies to any contractors and/or subcontractors employed by the Council to undertake activities covered by this policy and procedure. All relevant Council contracts issued to contractors/subcontractors will include a term that this policy and associated procedures are to be observed when operating on behalf of the Council.
- 4.2 A copy of this policy document will be made available for public inspection at the Council offices' reception areas and on the Council's website.

ACQUISITION AND DISCLOSURE OF COMMUNICATIONS DATA UNDER THE REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

PROCEDURE

1 CATEGORIES OF COMMUNICATIONS DATA

1.1 Section 21(4) of RIPA defines three categories of communications data, only two of which can be accessed by the local authority.

1.2 Local authorities are **not** authorised to acquire “traffic data” i.e. information that identifies any person, equipment or location to or from which a communication is or may be transmitted. Furthermore, the powers do **not** extend to the acquisition of the contents of the communication itself.

1.2.1 The categories of communications data which may be acquired by the local authority are:

- section 21(4)(b) of RIPA: any information (excluding traffic data and the contents of a communication) about the use made by any person (i) of any postal service or telecommunications service; or (ii) in connection with the provision to or use by any person of any telecommunications service, or any part of a telecommunication system, and
- section 21(4)(c) of RIPA: any information (excluding traffic data, the contents of a communication and information falling within paragraph section 21(4) (b) of RIPA) that is held or obtained, in relation to persons to whom he provides the service, by a person providing a postal service or telecommunications service .

1.2.2 Examples of the information that may be obtained under section 21(4) (b) of RIPA are listed below. The full list appears in the Code of Practice for the Acquisition and Disclosure of Communications Data.

- Itemised telephone call records
- Itemised records of connections to internet services
- Itemised timing and duration of service usage (calls and/or connections)
- Information about amounts of data downloaded and/or uploaded
- Records of postal items, such as records of registered post, recorded or special delivery postal items, records of parcel consignment, delivery and collection.

1.2.3 Examples of the information that may be obtained under section 21(4) (c) of RIPA are listed below. The full list appears in the Code of Practice.

- Subscriber checks (also known as “reverse look ups”)
- Subscriber or account holders’ account information, including names and addresses for installation, and billing including payment method(s), details of payments
- Information about the subscriber to a PO Box number.
- Information about apparatus used by or made available to, the subscriber or account holder including the manufacturer, model, serial number and apparatus codes.

2 ORGANISATIONS FROM WHICH LOCAL AUTHORITIES MAY ACQUIRE COMMUNICATIONS DATA

- 2.1 All communications data are acquired from Communication Service Providers (CSPs). These may be:
- Telecommunications service providers (e.g. mobile phone service providers, landline phone service providers or International Simple Voice Resellers)
 - Internet service providers (e.g. internet service providers (ISPs), Virtual ISPs and Portals)
 - Postal service providers

3 OFFICERS ABLE TO GRANT AUTHORISATIONS

- 3.1 Under section 22(2) of RIPA an authorisation for the acquisition of communications data may be granted or a notice issued by a Designated Person where he believes that the conduct is:

Necessary in the circumstances of a particular case:

- for the purpose of preventing or detecting crime or of preventing disorder, and

Proportionate to what it seeks to achieve.

- 3.2 Detecting crime includes establishing by whom, for what purpose, by what means and generally in what circumstances any crime was committed, the gathering of evidence for use in any legal proceedings and the apprehension of the person (or persons) by whom any crime was committed.
- 3.3 The Regulation of Investigatory Powers (Communications Data) Order 2003 (SI 2003/3172) prescribes the office, rank or position of a Designated Person within a local authority as the Assistant Chief Officer, Assistant Head of Service, Service Manager or equivalent. In Cheshire East Council the Designated Persons are:

- Fourth Tier Senior Managers (N.B. but only those who have received appropriate training)
- Third Tier Heads of Service (N.B. but only those who have received appropriate training)
- Directors (N.B. but only those who have received appropriate training)

4 THE TESTS OF NECESSITY AND PROPORTIONALITY

4.1 The acquisition of communications data should only be authorised if the Designated Person is satisfied that:

- **The action is NECESSARY (in a democratic society) on the following grounds:**
 - For the prevention or detection of crime or the prevention of disorder and,
- **The surveillance is PROPORTIONATE - The Human Rights Act defines a measure or action as proportionate if it:**
 - Impairs as little as possible the rights and freedoms (of the individual concerned and of innocent third parties),
 - Is carefully designed to meet the objectives in question is not arbitrary, unfair or based on irrational considerations.

5 COLLATERAL INTRUSION

- 5.1 The Designated Person must also take into account the risk of intrusion into the privacy of persons other than those who are directly the subject of the investigation or operation. This is termed “collateral intrusion”.
- 5.2 Any application should include an assessment of the risk of any collateral intrusion and what steps can reasonably be taken to avoid this (if any). This should be a factor taken into account by the Designated Person when considering the proportionality of the acquisition of the communications data.
- 5.3 The Designated Person should be informed if the acquisition of the data unexpectedly infringes the privacy of any individual not under investigation. Consideration should then be given to determine whether it is necessary to report an error, or whether the authorisation should be amended and re-authorised, or whether a new authorisation is required. It should be noted that there is not likely to be any collateral intrusion identified when acquiring subscriber data.

6 ROLE AND RESPONSIBILITIES OF THE SINGLE POINT OF CONTACT (SPoC)

- 6.1 Integral to the acquisition of communications data under RIPA is the Single Point of Contact (‘SPoC’). The Home Office Code of Practice recommends that all authorities that use powers to acquire communications data have a SPoC, which

may be an individual Accredited Officer or a unit comprised of more than one Accredited Officer.

- 6.2 All Accredited Officers must attend a Home Office Approved Course and, on successful completion of an examination, will be added to the Home Office list of Accredited Officers. In addition, the Accredited Officer must keep abreast of the law relating to, and developments within, the communications industry.
- 6.3 The SPoC appointed by the Council has the following responsibilities:
- To assess whether access to communications data in a particular case is reasonably practical for the Communication Service Providers (CSPs)
 - To advise investigators and designated persons on the practicalities of accessing different types of communications data from different Communication Service Providers (CSPs)
 - To advise investigators and Designated Persons on whether specific communications data falls under Section 21(4) (b) or 21(4) (c) of RIPA
 - To assess any cost and resource implications for both the Council and the CSP
 - To provide a safeguard for CSPs that authorisations and notices are authentic
 - To retain records of all applications, authorisations and notices
 - To retain a record of the dates on which authorisations and notices are started and cancelled
 - To retain all applications in the event that there may be a Complaints Tribunal
 - To retain a record of any errors that may have occurred in the granting of authorisations, or issuing of notices, and provide an explanation to the Interception of Communications Commissioner
 - To maintain a SPoC log sheet for each application they are involved in.
- 6.4 The SPoC will assess the application and in particular whether the request has been made properly and whether the required communications data can reasonably be obtained together with any adverse cost or resource implications. Following this assessment, the SPoC must forward a copy of the application for consideration by the Designated Person for signature.
- 6.5 This SPoC system aims to provide an efficient regime, as it ensures consistency in dealing with the postal or telecommunications operators on a regular basis, enables the Council to self-regulate, and reduces the burden on the postal and telecommunications operator. It also provides a guardian and gatekeeper function to ensure that the Council acts in an informed and lawful manner.

7 THE SENIOR RESPONSIBLE OFFICER

- 7.1 Within every local authority a Senior Responsible Officer (the person holding the office, rank or position of a Designated Person within the public authority) must be responsible for:
- the integrity of the process to acquire the communications data,
 - compliance with Chapter II of Part 1 of the Act and the Code of Practice for the Acquisition and Disclosure of Communications Data,
 - oversight of errors, the implementation of processes to minimise errors and engagement with inspectors of the Interception of Communications Commissioner's Office (IOCCO) during inspections, and
 - where necessary, oversight of the implementation of post-inspection action plans approved by the Commissioner.

8 INFORMATION TO BE PROVIDED IN APPLICATIONS FOR THE ACQUISITION OF COMMUNICATIONS DATA

- 8.1 All applications to acquire communications data must be made in writing by the applicant/investigating officer on the appropriate form. Officers should ensure that only current forms are used, obtained from the Home Office website (<http://security.homeoffice.gov.uk/ripa/>).
- 8.2 All such requests must include the following information:
- Name or designation of the officer requesting the communications data
 - The operation and person (if known) to which the requested data relates
 - A description of the data requested and, where appropriate, the relevant time period(s)* (*see 9.5 below)
 - The category of communication data by reference to the relevant section of RIPA
 - The grounds on which the acquisition of the data is considered to be necessary
 - An explanation as to why the acquisition of the data is considered proportionate to what it seeks to achieve
 - An indication (where appropriate) that the matter of collateral intrusion has been considered
 - The timescale within which the data is required.

9 PROCEDURE FOR ACQUIRING COMMUNICATIONS DATA

- 9.1 Completed application forms should be initially assessed by the SPoC. If it appears to the SPoC that the application reaches the legal threshold for the acquisition of communications data, he must then give the application form a unique reference number, identify the relevant Communications Service Provider (CSP) and insert the CSP's details on the application before passing it to the Designated Person for consideration.
- 9.2 If the SPoC does not consider that the application reaches the legal threshold, he must return the application for further development and record this on a log sheet which must be retained. The SPoC should ensure that only the current form is used, obtained from the Home Office website <http://security.homeoffice.gov.uk/ripa/>).
- 9.3 The Designated Person will assess all applications forwarded by the SPoC and either authorise or reject the applications. If the application is refused, the SPoC will return a copy of the application with the reason for rejection and note this on the log sheet. If a Notice is required under section 21(4)(b), this must be drafted by the SPoC and submitted to the DP with the application. The DP must then insert their name and the date and time of issue (which must be the same time and date as the approval of the application). The SPoC will then serve the notice on the CSP. The SPoC should ensure that only current forms are used, obtained from the Home Office website (<http://security.homeoffice.gov.uk/ripa/>).
- 9.4 The notice should be retained by the SPoC must be in writing or, if not, recorded in such a manner that produces a record, and must include:
- A unique reference number and the name of the Local Authority
 - A description of the data to be obtained or disclosed specifying where relevant, any historic or future date(s) and where appropriate, time periods,
 - The purpose for which the data is required under s. 22(2) (the prevention or detection of crime or prevention of disorder)
 - The name (or designation) and office, rank or position of the Designated Person
 - A record of the date and when appropriate the time when the notice was given by the Designated Person
 - The manner in which the data should be disclosed. The notice should include the name and contact details of the SPoC.
 - If relevant, any indication of urgency or time within which the CSP is requested to comply.
 - An explanation that compliance with the notice is a requirement of the Act.

- 9.5 The SPoC should have particular regard to the period of time for which data are requested and specify the shortest period in which the objective for which the data are sought can be achieved. To do otherwise would have an impact on the proportionality requirement and impose an unnecessary burden on the CSP.
- 9.6 In the vast majority of cases, communications data will be acquired via an assurance that authorisation has been given or via a notice. At present the Council does not have direct access to service provider systems in order to be able to retrieve communications data direct by prior agreement between the local authority and the relevant service provider.
- 9.7 The Designated Person can grant an authorisation under s. 22(3) instead of giving a notice. The s. 22(3) authorisation will enable the SPoC to engage in conduct to acquire data under s. 21(4)(c) to identify the user of a phone or communications address. The SPoC has one month from the authorisation being granted to engage in the conduct. This reduces the bureaucracy previously experienced with number porting and secondly enables the SPoC, where necessary, to apply for additional account information in order to identify the user of an unregistered prepaid mobile telephone, without referring each request back to the Designated Person.

10 DURATION OF AUTHORISATIONS AND NOTICES

- 10.1 All notices and authorisations requesting communications data from the service provider are valid for a one month from the date on which the authorisation is granted or notice given.

11 RENEWALS

- 11.1 Notices and authorisations can be renewed for a period of up to one month by the grant of a further authorisation or the giving of a further notice. A renewed authorisation or notice takes effect upon the expiry of the authorisation or notice it is renewing.
- 11.2 Where the Designated Person agrees to the renewal, the Designated Person must have considered the reasons why it is necessary and proportionate to continue, and record the date of the renewal.

12 CANCELLATIONS

- 12.1 The Designated Person should cancel a notice as soon as it is no longer necessary, or the conduct is no longer proportionate to what is sought to be achieved. The duty to cancel a notice falls primarily on the Designated Person who issued it, or on that person's behalf, by the SPoC. The SPoC should ensure that only the current form is used, obtained from the Home Office website (<http://security.homeoffice.gov.uk/ripa/>).

- 12.2 In the event of the cancellation of a notice, the SPoC must inform the relevant postal or telecommunications operator of the cancellation without delay.
- 12.3 A record of cancellation must be recorded on the appropriate form by the SPoC and retained
- 12.4 Similarly, where the Designated Person considers that an authorisation should cease to have effect, because the conduct authorised becomes unnecessary or no longer proportionate to what was sought to be achieved, the authorisation should be withdrawn.

13 RECORDS

- 13.1 Applications, authorisations copies of notices and records of the withdrawal and the cancellation of notices must be retained in written or electronic form and physically attached or cross-referenced where they are associated with each other.
- 13.2 All records must be held centrally by the SPoC and be available for inspection by a representative of the Interception of Communications Commissioner's Office.

14 ERRORS

- 14.1 When a reportable error has been made by the local authority, the matter should be reported to the Senior Responsible Officer, the Designated Person, and then in written or electronic form to the Interception of Communications Commissioner's Office. In deciding if an error is reportable, the local authority should refer to the Code of Practice.

15 SCRUTINY

- 15.1 The Solicitor to the Council will ensure that an annual report is submitted to the Council's Scrutiny Committee. The report will include details of the overall number and type of authorisations granted and the outcome of the case, where known. In addition, the report will provide a breakdown of the same information by service or groups of services, as appropriate.
- 15.2 The report should also include the results of the most recent inspection carried out by a representative of the Communications Commissioner's Office, where applicable (inspections may not take place annually).

16 FURTHER INFORMATION

- 16.1 For further guidance please see the relevant Home Office guidance available from the Home Office website <http://www.homeoffice.gov.uk/> or contact Legal Services.

CHESHIRE EAST COUNCIL

REPORT TO: CORPORATE SCRUTINY

15 March 2010

Date of Meeting:

Report of:

Head of Policy and Performance

Subject/Title:

Data Quality

Portfolio Holder:

Councillor David Brown

1.0 Report Summary

1.1 This report provides Corporate Scrutiny with an overview of the Council's Data Quality Strategy and proposes that Corporate Scrutiny initiate a review programme to monitor data quality arrangements. The Council's data Quality Strategy is attached at appendix 1.

2.0 Decision Requested

2.1 Corporate Scrutiny Committee IS requested to:

- 1) Note the Data Quality Strategy and the actions being carried out to evaluate performance against the actions and standards it sets.
- 2) Support data quality improvement through a programme of reviews and assessments.
- 3) Take responsibility for ongoing review of the Data Quality Strategy.

3.0 Reasons for Recommendations

3.1 To ensure that performance against the Council's Data Quality Strategy requirements is scrutinised and that the Council fulfils its responsibilities in respect of quality data.

4.0 Wards Affected

4.1 All

5.0 Local Ward Members

5.1 All

6.0 Policy Implications including - Climate change - Health

- 6.1 Good data quality supports the effective delivery of all Council policies including climate change and health.

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

- 7.1 None

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

- 8.1 Financial decision making relies on sound and accurate data. Poor or incomplete information may result in inefficient use of resources, non-achievement of value for money and failure to deliver the Council's objectives.

9.0 Legal Implications (Authorised by the Borough Solicitor)

- 9.1 The legislation governing the handling/holding of data has remained the same for a few years now (data protection and freedom of information). However, interest in how data is held has increased and the regulator (the Information Commissioner) has become more active. This is a complex area and one where the local authorities can lose both reputationally and financially if they fail to take their obligations seriously. Breaches of legislation can involve not just civil actions, but also criminal sanctions.

The way that local authorities take decisions is being subjected to greater scrutiny and it is important that when taking such decisions they have the best information that can be obtained available to help inform their decision-making. The quality of the data held plays a critical part in decision-making and if a decision is made which relies upon data that is inaccurate/inadequate, it could lead to a decision being successfully challenged (whether by judicial review, or other means).

The delivery of services can be compromised if data quality is poor. For example, it could lead to services being delivered badly and/or to the waste of public funds. This might be highlighted in an audit, or worse still could cause a local authority to fail in its statutory duties. There are high profile instances of problems caused by poor data handling and sharing and poor quality data heightens the risks involved.

10.0 Risk Management

- 10.1 Poor data quality is a risk for all services and is addressed by them in their risk assessments and risk management plans.

11.0 Background and Options

11.1 The Council's Data Quality Strategy has been put in place to ensure that the Council carries out its responsibilities on respect of producing and using quality data in an effective and co-ordinate manner. It plays a vital role in the management and improvement of Council services. The Strategy acknowledges that quality data are an integral part of the Council's operational, performance management and governance arrangements.

11.2 The Audit Commission have said that public bodies are accountable for the public money they spend and must manage competing claims on resources to meet the needs of communities they serve and plan for the future. The financial and performance information they use to account for their activities, both internally and externally, to their users, partners, commissioners, government departments and regulators, must be appropriate for these purposes, providing the level of accuracy, reliability and consistency required. They also highlight the importance of published performance indicators as the basis of external assurance and the need for confidence that information reflects actual performance.

Characteristics of Quality Data

11.3 The Cheshire east Data Quality Strategy defines the key characteristics of quality data:

- Accuracy – fit for purpose
- Validity – recorded and used in compliance with relevant requirements
- Reliability – Reflecting stable and consistent data collection processes
- Timeliness – captured quickly and available when needed
- Relevance – Relevant to its purpose
- Completeness – reflect all the information needs

The Strategy then sets out the means by which data quality will be ensured.

Ensuring Data Quality

11.4 There are seven aspects to the delivery of quality data in the Council. These are:

- Awareness – everyone recognises the need for quality data, and their contribution
- Definitions – everyone knows which performance measures are produced from the performance information they provide and how those measures (including national Indicators) are defined
- Recording – information is recorded and entered on an ongoing, timely basis to ensure information can be collated effectively
- Verification – there are verification procedures in place as close to the point of input as possible
- Systems – are fit for purpose and staff have the expertise to get the best out of them
- Output – Performance measures are extracted regularly and efficiently and communicated quickly.
- Presentation – Performance measures are presented in such a way as to give an easily understood and accurate picture of performance.

Roles and Responsibilities

11.5 A commitment to data quality across the organisation is vital and is reflected in the roles and responsibilities of management, staff and Councillors. The Data Quality Strategy identifies roles and responsibilities at a number of levels:

Officers

- Corporate Management Team: responsible for the strategic approach to data quality as set out, for example, in the Corporate Plan
- Heads of Service: have overall ownership and responsibility for data quality within their service areas
- Team managers: have day to day responsibility for ensuring data quality within their service delivery areas
- Performance team: Reviewing the Strategy and associated action plan
- Responsible Officers: take ownership of data collecting and reporting of specific National Indicators and assure standards
- Technical Officers: are responsible for producing information and applying data definitions
- All staff: who are responsible for in-putting or extracting data are responsible for quality in respect of this specific data.

Members

- Overall responsibility for data quality lies with the Portfolio holder for Performance and Capacity
- Responsibility for review of data quality with lies with Corporate Scrutiny Committee. They evaluate both ongoing data quality and the effectiveness of the Data Quality Strategy.

Partners

11.7 The Data Quality Strategy notes that important information is passed between the Council, partner organisations and other external agencies. It defines responsibilities for ensuring that partners are aware of the Council's requirements and for assuring data quality

National Indicator Audit

11.8 To help take forward the Data Quality Strategy and develop an action plan, an audit of National Indicators has been commissioned. This has reviewed the calculation of a sample of national Indicators, the data used to calculate the measures, including procedural guidance for collection of data and examination of key systems and interviews with staff. Findings from the audit are currently being analysed and will be reported to Corporate Scrutiny. The intention is to include any actions identified from the audit in a comprehensive action plan to take forward the Data Quality Strategy.

Next Steps

11.8 Data quality is of paramount importance to the Council. Corporate Scrutiny Committee is requested to agree to undertake a programme of work to challenge data quality across the Council. This is likely to include:

- An examination of roles and responsibilities for data quality and tests to determine whether role requirements are being met
- An evaluation of data quality assurance arrangements across key systems
- An assessment of officers' awareness of data requirements in their areas
- An examination of the presentation of information to identify best practice in the Council
- An assessment of the risk associated with poor data quality and actions across the Council to identify and address the risks.

12.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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Improving Services Together

Data Quality Strategy



Contents	Page
1 Introduction: Data Quality in Cheshire East	3
2 Objectives of the Strategy	3
3 Definition of Data Quality	3
4 The National Indicator Set	4
5 Structure of this Strategy	4
5.1 Awareness	4
5.2 Definitions	5
5.3 Recording	5
5.4 Verification	5
5.5 Systems	5
5.6 Output	6
5.7 Presentation	6
6 Roles and Responsibilities	6
6.1 Officers	6
• Corporate Management Team	6
• Heads of Service	6
• Team Managers	6
• Planning & Performance Team	7
• Responsible Officers	7
• Technical Officers	7
• All Staff	7
6.2 Councillors	8
6.3 Partners	8
7 Training and Development	8
8 Data Quality Action Plan	8

1 Introduction: Data Quality in Cheshire East

The purpose of this Strategy is to outline how Cheshire East Council will ensure an effective and coordinated approach to data quality. Data quality is an integral part of our operational, performance management, and governance arrangements. Cheshire East Council has a responsibility to ensure that all data held across the organisation is relevant, fit for purpose, reliable, timely, accurate, and supports pertinently the processes and systems for which it is sourced and retained.

Cheshire East has an obligation to ensure that its employees have an understanding of why they collect data, how it is being measured, and what it will be used for.

All data retained electronically must be stored on relevant and secure IT systems, and subject to IT system control via regular data backups, as outlined in the Council's IT Strategy.

2 Objectives of this Strategy

Data is vital in managing and improving our Services, undertaking our day-to-day activities and maintaining accountability. Therefore, we want to maintain the highest standards of data quality, ensuring that we have the right information at the right time at the right cost. In addition, the actions we undertake to ensure data quality will also be considered as part of external audit and inspection and this will be reflected in the organisational assessment undertaken by the Audit Commission as part of Comprehensive Area Assessment (CAA).

This Strategy intends to set the guidelines for:

- Putting in place systems, policies and procedures to enable the highest possible data quality, including information that is shared between ourselves and our partners
- Ensuring that all staff, Councillors, partners and any other stakeholders understand their roles and responsibilities.

3 Definition of Data Quality

There are six key characteristics of good data quality that should be used when assessing performance data:

Characteristic

Accuracy	Data should be sufficiently accurate for its intended purposes ('fit for purpose') and should be captured once only, although it may have multiple uses. Accuracy is most likely to be secured if data is captured as close to the point of activity as possible. Appropriate quality checks must be in place to ensure consistent data accuracy, which may be subject to verification via internal and external audit processes.
Validity	Data should be recorded and used in compliance with relevant requirements, including the correct application of any rules or definitions. This will ensure consistency between periods and with similar organisations.
Reliability	Data should reflect stable and consistent data collection processes across collection points and over time.

Timeliness	Data should be captured as quickly as possible after the event or activity and must be available to support information needs and influence decision-making.
Relevance	Data captured should be relevant to the purposes for which it is used, and will require periodic review to ensure that changing requirements are both considered and acted upon.
Completeness	Data requirements should be clearly specified based on the information needs of the organisation and data collection processes matched to these requirements.

4 The National Indicator Set

The new national indicator set, introduced in April 2008, means that the Government and their inspectorates will now base their activity on constantly updated data. Therefore, it is more important than ever to improve the quality of data at the point of collection and entry, to ensure it is fit for purpose throughout the year.

This also means that it is vital to develop data quality systems and processes in partnership with those organisations that contribute to the National Indicator Set. The arrangements for data quality will therefore also be set out in our Local Area Agreement.

5 Structure of this Strategy

Listed below are seven key aspects of ensuring data quality. This Strategy will address each of these in turn.

- **Awareness** – everyone recognises the need for good data quality and how they can contribute
- **Definitions** – everyone knows which Performance Indicators are produced from the performance information they provide and how those indicators are defined
- **Recording** – information is recorded and entered on an ongoing, timely basis to ensure information can be collated effectively
- **Verification** – there are verification procedures in place as close to the point of input as possible
- **Systems** – are fit for purpose and staff have the expertise to get the best out of them
- **Output** – Performance Indicators are extracted regularly, efficiently and communicated quickly
- **Presentation** – Performance indicators are presented in such a way as to give an easily understood and accurate picture of performance.

5.1 Awareness

Data quality is the responsibility of every member of staff entering, extracting or analysing data from any of the Council's performance information systems and every relevant officer should be aware of his or her responsibilities. The commitment to data quality will be communicated clearly throughout the Council to reinforce this message. It is important, therefore, for key Council Plans and Strategies to include reference to data quality and a clear indication of its importance.

Contravention of the Council's Data Quality Strategy considered to be wilful or deliberate "neglect of duty or behaviour liable to bring the Council into disrepute" may be subject to disciplinary review under the definition outlined in the Cheshire East Disciplinary Policy.

Each performance indicator will be allocated a 'responsible officer' – a named Council officer who has internal responsibility for ensuring consistency in the application of definitions and data collection systems. Where responsibility for an indicator clearly lies with a partner organisation, the responsible officer will liaise with that organisation to ensure that data is available as and when required.

5.2 Definitions

All officers who are involved in entering, calculating, monitoring and reporting performance indicators should have an awareness of how they contribute to managing performance effectively. This, as a minimum, should be knowledge of the performance indicator, what it is used for, what it is measuring and whether there are important technical guidelines that need to be taken into account.

It is important that data is recorded consistently, allowing for comparison over time, and national benchmarking. If local performance indicators or proxy measures are used, clear definitions must be set.

5.3 Recording

There must be adequate controls over the input and recording of performance data to ensure that this is consistently accurate. The aim should be 100% accuracy 100% of the time. Officers will have clear guidelines and procedures for using systems and will be adequately trained to ensure that information is being entered consistently and correctly. Data quality will be a key component of performance management training, available to all key officers and Members.

Information should be recorded on time as required. In particular, performance information should be recorded in-line with the Council's quarterly performance management cycle.

5.4 Verification

Data requirements should be designed along the principle of 'getting it right first time' in order to avoid unnecessary time spent on verifying data. Yet, there may still be the need for verification processes and where this is needed it should exist closest to the point of data input.

Within the National Indicator Set, a significant amount of data and performance information is supplied from external sources. Where possible, we will work alongside our partners to decide what data should be collected and what standards should be applied.

When entering into contracts with service providers it is essential that, wherever relevant, there is a requirement to provide timely and accurate performance information, and that we are clear with the contractor about their responsibilities for data quality.

5.5 Systems

Arrangements for collecting and recording data, and reporting it as performance information, will be integrated as far as possible into the wider business planning and performance management processes. Therefore, responsibility for maintaining a robust control environment for information systems lies centrally and will be developed as part of the Council's performance management and information management arrangements.

5.6 Output

Best use can be made of performance data if it is produced and communicated on a

timetable that allows for management action.

Performance indicators, particularly those that can be measured in-year, will be reported and monitored through the quarterly performance monitoring and reporting process. This process also links the performance against indicators to the priorities set out in the Council's Corporate Plan and the actions set out in Service Plans.

It is important that performance information is subject to scrutiny and challenge, where appropriate, before being passed up the line for management action. This can be undertaken in a number of ways, including performance review meetings, scrutiny reviews and other officer and Member performance groups.

5.7 Presentation

Presenting information in an appropriate manner leads to better, more informed decision-making and, ultimately, improved performance.

When information is presented it should be in a clear, concise format that highlights key information for Members and officers to view. Where appropriate, background evidence may be necessary if called upon.

Importantly, consideration should be given to the audience, whether internal or external, as data can often be used in a variety of ways to suit a variety of purposes. Therefore, what is suitable for one set of stakeholders may not be understood or be useful for others.

It is also important to provide comparative figures for prior periods and/or comparable organisations or groups.

6 Roles and Responsibilities

6.1 Officers

If organisations are to achieve consistently high standards of data quality to underpin their performance information, clear leadership from the top of the organisation is essential, together with a comprehensive management and accountability framework.

In addition, responsibility for data quality will be reflected in job descriptions, where appropriate, as well as the appraisal process.

Corporate Management Team is responsible for the strategic approach for data quality, as set out in key Council documentation, for example the Corporate Plan.

Heads of Service have overall ownership and responsibility for data quality within their service areas and will ensure that:

- Managerial reviews of data quality are undertaken
- Targets and achievements are communicated appropriately
- Commitment to data quality is stated clearly in job descriptions for all relevant roles
- Staff recognise data quality responsibilities as integral to their role

Team Managers have day to day responsibility for ensuring data quality within their service delivery area, and that:

- New members of staff receive appropriate training and instruction to ensure an awareness of how and why data is collected
- Staff have access to this Strategy and other relevant Policies and procedures
- Indicator calculations are correct, timely, evidenced and complete, and reviewed regularly for relevance

Planning & Performance Team has responsibility for:

- Reviewing this Strategy and Action Plan
- Submitting any indicator information to the Audit Commission that is not held on the hub or by partners
- Reviewing and retaining the corporately held list of all indicator responsible officers
- Advising Directorates and Services of new and amended performance indicators so that data quality processes can be set up/amended
- Checking and following-up data returns and ensure that appropriate explanations are provided for performance exceptions
- Maintaining links to national performance indicator guidance and disseminate information as appropriate
- Developing the performance management framework and systems to incorporate data quality functionality
- Coordinating cross-directorate performance peers group
- Working with colleagues to ensure that data is used to establish or maintain timely, accurate and relevant performance measures with appropriate approaches to target setting.

Responsible Officers will be identified to take ownership of data collecting and reporting of specific national and local indicators. It is important that this role is seen as a core part of their job and not an 'add on'. Each responsible officer should ensure that:

- The procedures needed to produce the information to the required standard are documented
- They have sufficient ability to allocate resources, programmes and people to help achieve the objectives
- Where appropriate, they work with the corporate performance management team to ensure that systems are fit for purpose
- Quarterly reports will be produced on each indicator.

Technical Officers will be identified to support the process of data collecting and reporting of specific national and local indicators. It is important that each technical officer is able to support – and deputise in the absence of the responsible officer – in producing indicator information. Each technical officer should ensure that:

- They have detailed knowledge of the indicator definition and the systems/processes which are used to produce this indicator
- They are responsible for producing the performance information/indicator in a timely way
- They can answer detailed questions regarding the calculation of the indicator, interrogation of related systems, and data quality
- They keep appropriate records of systems and procedures and any quality issues.

All staff inputting or extracting data have responsibility for:

- Understanding how – and why – data is being collected, and how it will be used
- Getting it right first time
- Their own knowledge of relevant definitions and available guidance
- Up-to-date record keeping
- Providing updated information to the performance management team in line with the performance management timetable and reporting against any specific action plans in under-performing areas.

6.2 Councillors

The Portfolio holder for Performance and Capacity has overall Member responsibility for

data quality.

Working together with officers, Members will have responsibility for quarterly performance reports.

Members have an important scrutiny role in assessing the performance of the authority and, therefore, the quality of this data should be subject to Member-driven review as part of this role. This will help to ensure further consistency and accountability.

6.3 Partners

Important information is passed between the Council, partner organisations and other external agencies. Where performance information is provided directly to the Council by external agencies our intention is to work together, wherever possible, to provide assurance. It is the responsibility of each Service within the Council for making partner organisations aware of our policy objectives and expectations. Any doubts about performance data quality should be addressed.

Responsibility for data verification lies within the Service receiving or sending information to and from our partners.

It is also important in developing cross-organisational agreements, frameworks, plans and strategies that consideration is given to performance data and the accuracy of it (for example our Local Area Agreement). The key aspects of data quality, as described in section 3, should be applied

7 Training and development

Key contacts for submitting performance information to the Council's performance management team will be trained, as appropriate, to ensure that appropriate information is submitted in a timely and efficient manner. This may also apply to partners and any training should cover new requirements as and when they arise.

Service and Team Managers should develop their own competency in managing performance information and to understand how the use of indicators can help them in their jobs.

8 Data Quality Action Plan

Implementation of the Data Quality Strategy is through the actions listed in the Action Plan.

This Data Quality Strategy will be reviewed in 12 months.

CHESHIRE EAST COUNCIL

REPORT TO: CORPORATE SCRUTINY COMMITTEE

Date of Meeting: 15 March 2010
Report of: Borough Solicitor
Subject/Title: Work Programme update

1.0 Report Summary

- 1.1 To review items included in the Committee's Work Programme and to prioritise new items added since the last meeting of the Committee.

2.0 Recommendations

- 2.1 That the Committee agree its Work Programme, determine a priority order, agree timescales and methodology.
- 2.2 That the Voluntary Sector Task Group be disbanded pending an interim progress report from the Head of Policy and Performance.
- 2.3 That the completion by the Budget Consultation group of its initial deliberations in relation to the 2010/11 budget consultation be noted and the Committee re-convene the group with new membership to oversee the budget setting and consultation processes from 2011/12 and beyond.

3.0 Reasons for Recommendations

- 3.1 It is good practice to agree a Work Programme to enable effective management of the Committee's business.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 Not applicable.

6.0 Policy Implications including - Climate change - Health

- 6.1 Not known at this stage.

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

- 7.1 None identified at the moment.

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

8.1 Not known at this stage.

9.0 Legal Implications (Authorised by the Borough Solicitor)

9.1 None.

10.0 Risk Management

10.1 There are no identifiable risks.

11.0 Background and Options

11.1 The Committee has reviewed its work programme at meetings throughout the year and has refined the list into an active' and 'reserve' list. From the active list, the Committee had set up a Task and finish Group to review the role and funding of the Voluntary Sector and more recently, a Budget Consultation Group, involving Members from all 5 Overview and Scrutiny Committees, to oversee the budget Consultation preparations.

11.2 At its meeting held on the 3 February 2010, the Voluntary Sector task group took a critical look at the review and scope, based upon the fact that that the total funding position across all Council directorates for 2010/2011, was still not clear. The group was informed that the Council was taking a pragmatic view about funding the voluntary sector for the 2010/11 financial year by honouring existing commitments, with a proviso that each organisation will be advised that the Council is currently reviewing that position and the funding arrangements may change in subsequent years.

11.3 Work was consequently underway across all corporate areas to identify future funding commitments and budgetary provision. Unfortunately, it had still not been possible to unravel all existing commitments from the demised authorities which in turn meant that a clear picture has not yet been established about future commitments and budget requirements.

11.4 Although there is a general acceptance that a comprehensive review was required, the task group considered that this would be best achieved through a Corporate Officer working group.

11.5` Members consequently recommended that this Committee should disband the Task group and allow the review to take place through a Corporate Officer working group.

11.6.1 The Budget Consultation group met twice during January 2010. At its first meeting, the group agreed its terms of reference and sought

additional information from Finance officers on the 'Challenge sessions' that had been held between the portfolio holder and service heads.

- 11.7 At its second meeting on 29 January 2010, members of the group were able to question representatives from Service departments on a number of issues and were provided with an outline of the main points dealt with at the challenges sessions. The group was then able to recommend the budget cycle of O&S meetings which took place over 11 and 12 February 2010
- 11.8 The group reiterated its commitment to continuing the good work already started by recommending that preparations for the 2011/2012 Budget Consultation process should begin in April of this year, with the aim of having in place a robust timetable early in the new civic year to involve O&S committees in budget setting at the very start of the process and to ensure a continuing involvement throughout the new financial year.
- 11.9 The Committee had identified at the beginning of the current municipal year, asset management as a potential work programme item. At the present time, this matter sits in the reserve list. The Chairman has suggested that subject to prioritisation, this matter be brought into the active list for 2010/2011 for the committee to commission a study into the portfolio of assets held by the Council with a view to making recommendations as to their potential future retention/and or disposal.

12.0 Overview of Year One and Term One Issues

- 12.1 It is good practice to have a Work Programme for the Committee to consider and prioritise on a regular basis.

13.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Mark Nedderman
Designation: Senior Scrutiny Officer
Tel No: 01270 529640
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Corporate Scrutiny Committee Work Programme 2009/2010 – Revised
Dec.09

ACTIVE LIST		
Issue	Priority	Comments
Grants to Voluntary Organisations To review the role, and funding for voluntary organisations.	High	Recommendation to disband the group . Full explanation is included in the covering report
Budget To give consideration to the proposed budget	High	Budget Consultation Panel concluded its business on the 2010/2011 budget. Now seeking authority to continue. See covering report.
Sustainable Community Strategy	High	Discussion paper to be submitted in 2010
Local Area Partnerships	High	A Discussion paper to be submitted to April 2010 meeting
Corporate Plan	High	Discussion paper to be submitted to April 2010 meeting
Local Development Framework	High	Presentation given to September meeting. Details of Action plan now required
Video Recording of Council Meetings (recommendation from Council)	Medium	Recommendation forwarded to the Leader of the Council in February 2010
Start times of Committee meetings	Medium	Review complete. Recommendations supported by the Leader of the Council, and to be fed into the consultation process for the 2010/11
Cheshire East Culture	Medium	One of the priorities identified by the Resources Portfolio Holder

ICT systems – Harmonisation and Improvement	High	Policy Development. To be the subject of a future briefing.
RESERVE LIST		
Risk Management	Low	Briefing to be received from the head of policy and performance
Review of IT provision and Support for members	High	Task and Finish Group held in abeyance until panel established under the Portfolio Holder has completed its review
Project Management	Low	An officer group has been established to pursue this matter and therefore no further action is required from the committee at this stage.
Sport – 2012 Olympics	Medium	Any draft proposals to accommodate athletes etc. will be submitted to the committee for consultation in due course.
Leisure Centre Management	Medium	The committee to be consulted on proposals for future governance and management when the Cabinet review is complete.
Events	Low	An officer group is rationalising the list of current events which range from Cheshire show, Tatton show, Party in the Park to small agricultural shows. The Committee is likely to be consulted.
Assets Register/Management	Medium	Presentation to be given to a future meeting
Future of Council owned farms	Medium	Consultation paper to be submitted to a future meeting

Procurement	Medium	Presentation to be given to a future meeting
Shared Services	Medium	Discussion paper to be submitted on a date to be agreed

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HESHIRE EAST COUNCIL**REPORT TO: CORPORATE SCRUTINY COMMITTEE**

Date of Meeting: 15 March 2010
Report of: Borough Solicitor
Subject/Title: Strengthening the Overview and Scrutiny Function

1.0 Report Summary

To update on the work carried out by Overview and Scrutiny so far and to establish a framework to strengthen the overview and scrutiny function during 2010/11.

2.0 Recommendations

- 2.1 That the Committee approve the recommended approach and timetable for approving Overview and Scrutiny Work programmes in 2010/2011 and to make any initial suggestions on potential work programme items for 2010/2011

3.0 Reasons for Recommendations

- 3.1 It is good practice to agree a Work Programme to enable effective management of the Committee's business.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 Not applicable.

**6.0 Policy Implications including - Climate change
- Health**

- 6.1 Not known at this stage.

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

- 7.1 None identified at the moment.

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

8.1 Not known at this stage.

9.0 Legal Implications (Authorised by the Borough Solicitor)

9.1 None.

10.0 Risk Management

10.1 There are no identifiable risks.

11.0 Background and Options

11.1 Since vesting day the Cabinet and CMT has focused on ensuring that critical services are delivered to some of the most vulnerable members of our communities. This has been especially demanding for Cabinet Members and Chief Officers who have had tremendous challenges facing them. As such, to embark on a rigorous and challenging Overview and Scrutiny Work Programme for 2009/10 would have added little significant value to the Council. In recognition of these unique circumstances the Overview and Scrutiny Committees have undertaken a light touch approach to their work. They have focused on developing effective working relationships and understanding the emerging issues for the Council and its Partners. This is helping to provide clarity about the role of Overview and Scrutiny at Cheshire East that was absent at the time of vesting day. This paper sets out the progress made by each of the Overview and Scrutiny Committees, other achievements to date and makes proposals on developing a rigorous and challenging Overview and Scrutiny Work Programme for 2010/11.

12.0 The Overview and Scrutiny Work Programme 2009/10

12.1 Attached at Appendix 1 is a summary of the different matters which each Committee has been involved in that form the basis of the Overview and Scrutiny Work Programme 2009/10. Each matter has been linked to a corporate objective. For 2010/11 this should be expanded to include LAA priorities and relevant BVPIs etc.

12.2 A number of other activities have been taking place to develop the Overview and Scrutiny function and these include

- Establishing a Scrutiny Chairmen's Group that co-ordinates the work of the Committees and champions the Overview and Scrutiny Function
- Training and development sessions have been held and further session on scoping and questioning techniques will be run by North West Employers in March 2010.
- Effective Health Scrutiny is taking place

- A successful joint bid to the Centre for Public Scrutiny to become a Scrutiny Development Areas to help develop the role of overview and scrutiny in tackling health inequalities.
- Three call ins of a Cabinet Decisions
- Strong focus on implications of CAA
- Strong relationship with colleagues from Performance Management
- Extensive research on the Local Strategic Partnership and the LAA
- Development of a Protocol between the Sustainable Communities Scrutiny Committee and the Safer Cheshire East Partnership to provide a framework for that scrutiny to take place in accordance with Part 3 of the Police and Justice Act 2006
- Leading role in the Budget consultation for 2011/2012 through the establishment of a Budget Consultation group. This group will begin work in April 2010 to prepare for the 2011/2012 Budget

13. Strengthening the Overview and Scrutiny Function

Since vesting day Overview and Scrutiny has largely sat outside of the business planning cycle of the Council. If Overview and Scrutiny is to add value to the work of the Council, it needs to ensure that the majority of its work programme compliments the work of CMT and Cabinet. Therefore it is proposed that the 2010/11 work programme is drawn up in consultation with CMT and Cabinet and as such becomes part of the business planning cycle of the Council. However, it must also be stressed that in order for Overview and Scrutiny Committees to function effectively, CMT must acknowledge that the role of O&S is not to be restricted to acting as a sounding board for consultations, and therefore ensure that opportunities are given to O&S committees to undertake pre-scrutiny work on policy development. This role should also be reflected in the work programmes of the respective Committees. Set out below is a suggested time table and activity to achieve this:-

Date	Activity
March 2010	Overview and Scrutiny Committees considers potential items for Work Programme for 2010/11
March 2010	CMT considers potential items for Work Programme for 2010/11
March 2010	Cabinet Briefing considers potential items for Work Programme for 2010/11
April 2010	Overview and Scrutiny Committees consider draft Annual Report
April 2010	Annual Scrutiny Review involving CMT Cabinet and Overview and Scrutiny to look at lessons learned from 2009/10 and consider emerging Programme for 2010/11
May/June 2010	Annual Scrutiny Review outcomes considered by Overview and Scrutiny Chairmen and draft

	Programme for 2010/11 agreed and referred to CMT for information. This will include identifying clear links with corporate objectives and LAA priorities.
June 2010	Overview and Scrutiny Committees receive Work Programme and begin planning its delivery
July 2010	Council Receives Annual Scrutiny Report

Consideration should also be given to the Scrutiny Chairmen presenting a joint report to Council meeting every 6 months on the specific work of Overview and Scrutiny and to use this as an opportunity to promote Overview and Scrutiny activities generally.

14.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Paul Jones/Mark Nedderman
 Designation: Democratic Services Team Manager/Senior Scrutiny Officer
 Tel No 01270 686459
 Email: mark.nedderman@cheshireeast.gov.uk

Issue	Description/Comments	Suggested by	Portfolio Holder	Corporate Priority	Current Position	Date for completion
Grants to Voluntary Organisations	Task and Finish group set up to offer advice to Cabinet on a fair and equitable system of allocating financial support and grants to the Voluntary and Community sector.	Committee	D Brown	Building a New Council – Value for money	Current review suspended to allow an officer working group to pull together a full picture of existing commitments from the demised authorities. The Committee to receive a progress report in the summer	July 2010
Budget	Consultation group set up to review consultation arrangements for 2011/2012.	Committee	F Keegan	Building a New Council – Value for money	The group has guided the current years consultation process, but its main body of work will be to determine consultation arrangements in subsequent years.	April 2010

Sustainable Community Strategy	This item is duplicated in Sustainable Communities, and that committee will now take the lead	Head of Policy and Performance	D Brown	Stronger Communities	No action required	N/A
LAP's	Discussion paper required to inform committee of current arrangements	Committee	D Brown	Stronger Communities – devolving service provision	Ongoing	April 2010
Corporate Plan	Discussion paper required to inform committee of current arrangements	Committee	D Brown	Building a new Council - Enhance partnership working	Ongoing	April 2010
Local Development Framework	Presentation given to September meeting	Chairman	D Brown	Environmental Sustainability	Details of Action plan awaited, before any further action is taken	TBA
Video recording of Council Meetings	Should the Council invest in providing broadcast facilities.	Question at Council	F Keegan	Building a new Council	The Committee considered interim report based upon experience of C & N ,recommended that no action be taken until the long term meeting arrangements known	N/A
Start Time of	Some members in	Leader of the	F Keegan	Building a new	Recommended	N/A

Committee meetings	employment had problems with morning meetings. A request was received to review start times	Council		Council	that majority of Committee meetings begin at 2.00pm. Majority of committee chairmen not taken on board and most meetings remain in the morning	
Cheshire East Culture	Part of the transformation agenda to inculcate a new 'Cheshire East Culture'	Committee	F Keegan	Building a new Council	No action taken to date	Ongoing
ICT harmonisation and Improvement	Harmonisation and improvement ICT facilities across the Council	Committee	F Keegan	Building a new Council	Presentation received by the Committee in November 2010	Ongoing
Risk Management	Assess the Council's Risk management arrangements	Committee	D Brown	Building a new Council	No action to date. Update required from Head of Audit	Ongoing
Local Transport/liaison committees	Consider setting up local political arrangements to advise/determine local highway and transportation issues	Chairman	R Menlove	Safer Communities Improving traffic flow and Road Safety	New item not yet prioritised	Ongoing

Items to Monitor or consider at future Meetings

Review of It provision and support for members

Sport 2012 Olympics
Leisure Centre Management
Events
Assets Register
Future of Council Owned farms
Procurement
Shared Services

Sustainable Communities Overview and Scrutiny Committee Work Programme February 2010

Issue	Description/Comments	Suggested by	Portfolio Holder	Corporate Priority	Current Position	Date for Completion
Review of CCTV – Progress Report	The Committee had previously considered the project plan for the effective delivery of the Councils CCTV systems	Committee	Silvester	Safer Communities – Reducing crime and the fear of crime	On target	25 March 2010
Sustainable Community Strategy	To assist in developing the Sustainable Community Strategy for the next 15 years.	Committee	Brown	The corporate plan feeds into the Sustainable Community Strategy. Safer Communities.	On target	25 March 2010
Review of the CDRP Plan	The Crime and Disorder Act 1998 requires a plan to be produced. This will be reviewed by the Committee.	Committee	Silvester	Safer Communities – Reducing crime and the fear of crime	On target	25 March 2010
Budget Impact on Performance Indicators	The Committee wish to examine whether or not the budget deficit will have a negative impact on the performance indicators	Committee	Keegan/Brown	Building the Council – provide value for money	On target	25 March 2010

Revisions to the Local Area Agreement	The LAA has been refreshed to make any essential changes to the targets. This revisions will be reported to the Committee	Committee	Brown	Building the Council – enhance partnership working	On target	25 March 2010
SCEP response to NI47 – Road Safety	The SCEP have been requested to respond to NI47 and this indicator was underperforming.	Committee	Brown	Safer Communities – improving Road safety	Delayed due to the availability of a SCEP Representative	25 March 2010
Update on Performance Indicators	The Committee wish to monitor any underperforming Performance Indicators	Committee	Brown	Building the Council	On going	25 March 2010

Environment and Prosperity Scrutiny Committee Work Programme February 2010

Issue	Description/Comments	Suggested by	Portfolio Holder	Corporate Priority	Current Position	Date
Strategic Highways	This issue relates to the delivery of the Local Transport Plan in conjunction with the Sustainable Community Strategy. There are several issues which need to be resolved by Members.	Committee	Macrae	The Local Economy – Improving Roads and Highways	On target	24 March 2010
Performance Indicators – Street Cleansing	Members had previously given consideration to the performance indicators which fell within the remit of this Committee. This area was underperforming.	Committee	Brown	Environmental Sustainability – Improving environmental cleanliness	Postponed from the last meeting due to the meeting overrunning	24 March 2010
Waste PFI	The Committee will challenge and monitor the affordability of the waste PFI	Portfolio Holder	Menlove	Environmental Sustainability – Managing waste	Delayed due to technical reasons	Special Meeting
Integrated Transport Service	The current provisions are being reviewed by officers. The Committee agreed to receive regular updates on the review	Committee and Portfolio Holder	Macrae	The Local Economy – maintaining an efficient transport network	Ongoing	24 March 2010
Annual	Following on from its	Committee	Silvester	Environmental	Ongoing	24 March

Progress Report on Air Quality	previous work regarding climate change the Committee will monitor the progress report			Sustainability – tackling Climate Change		2010
Recycling Harmonisation	There are several systems in place for collecting recycling which need to be harmonised.	Committee	Menlove	Environmental Sustainability – Managing waste	Task and finish panel - Membership requires approval. Delayed pending the waste PFI outcome	After Waste PFI
Highway Maintenance Term Contract	This contract will be ending in 2011. The Committee hope to harmonise highway maintenance across the borough	Committee	Menlove	The Local Economy – Improving Roads and Highways	Task and finish panel - Membership requires approval	March 2010
Affordable Housing Strategy and tour of successful affordable rural housing schemes	The Committee received a briefing on 6 August regarding the Strategic housing Review. The Committee had significant concerns regarding affordable housing in rural areas and the impact of the recession.	Portfolio Holder	Macrae	The Local Economy – Improving availability of affordable and appropriate housing	Awaiting confirmation date for the completion of the draft strategy	TBA
Sustainable Towns Strategy	Ongoing briefings regarding town centre redevelopment	Committee	Macrae	Environmental Sustainability – Reinforcing the	ongoing	April

				distinctive characteristics of towns and villages		
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Items to Monitor or consider at future Meetings

Road Gritting Report
Environmental Enforcement
Affordable Warmth Strategy
Carbon Reduction Commitment
Visitor Economy Strategy

Children and Families Scrutiny Committee Work Programme

Issue	Description / Comment	Suggested by	Portfolio Holder	Corporate Priority	Current Position	Date
Safeguarding and Redesign of Children's Services	Committee to be kept updated on the current position with the redesign - Challenges and Opportunities, emerging work programme, update on redesign of integrated service delivery - and given the opportunity to comment	Committee	J P Findlow	Children and Young People – fulfil their potential	Committee receives regular updates	On-going
Performance	(key exceptions –	Committee	J P	Children	Submitted	March

reporting	red/amber and explanations/commentary) to include adoption rates, staffing information and profile of children in Cheshire East		Findlow	and Young People – fulfil their potential	to Scrutiny on a 3 monthly basis	2010 then every quarter
Inspections	Committee to be informed of the outcome of any relevant inspections	Committee	J P Findlow	Children and Young People – fulfil their potential	Report on Fostering inspection due in the spring	
Review of Residential Provision	Task/Finish Panel set up and underway	Head of Children and Families/Portfolio Holder	J P Findlow	Children and Young People – fulfil their potential, promote safety, care and stability	Scoping report agreed and the Panel is undertaking its work	Summer 10 to report to Committee
Family Support Services	Task/Finish Panel set up	Head of Children and Families/Portfolio Holder	J P Findlow	Children and Young People – fulfil their potential, promote safety, care and stability, improve educational attainment	Panel to hold first meeting shortly and undertake Scoping exercise	
School	Scrutiny to be a consultee	Head of Children	J P	Children		

Admissions Policy	when a policy has been developed	and Families	Findlow	and Young People – fulfil their potential, improve educational attainment		
Teenage Pregnancy – reduction	Committee to be kept updated on action taken as a result of the visit by the National Support Team	Committee	J P Findlow	Children and Young People – fulfil their potential		22 March 2010

Health and Adult Social Care Scrutiny Committee Work Programme

Issue	Description/ Comments	Suggested by	Portfolio Holder	Corporate Priority	Current Position	Date
North West Ambulance Service/Community First Responders	Committee to be updated on position with Community First Responders (following Scrutiny Review by	Committee		Build a new council – enhance partnership working	Update on CFR scheme; Foundation Trust application	March 10 Summer 10

	CCC) and application on Foundation Trust status					
Social Care Redesign	Committee to receive regular updates to full meeting or mid point	Committee	R Domleo	Improve wellbeing, health and care of people	Updates to most meetings	March 10
Safeguarding Adults	Training event for all members	Mid point	R Domleo	Improve wellbeing, health and care of people	Training event arranged for all members	19 March 10
Future Healthcare Proposals – Knutsford and Congleton	Task/Finish Panel set up and underway	PCT - Substantial Development or Variation in service			Regular meetings underway	20 May 10
Diabetes/Obesity – Scrutiny Review	Task/Finish Panel set up and underway, looking of outcomes following CCC reviews of these topics	Committee	A Knowles J P Findlow (maybe more)	Improve wellbeing, health and care of people; Children and Young People – promote their safety, care and stability	First meeting held, scoping report agreed	

Care Quality Commission	New inspection regime by CQC, committee to give views at appropriate time; briefing on role of CQC	CQC	R Domleo	Improve wellbeing, health and care of people	Presentation by CQC	10 March
Centre for Public Scrutiny pilot project	Joint work with CWAC on health inequalities		A Knowles	Improve wellbeing, health and care of people	First meeting held to plan key information required and timeline. Report to main committee to get support and agree governance arrangements	10 March

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FORWARD PLAN 1 MARCH 2010 - 30 JUNE 2010

This Plan sets out the key decisions which the Executive expect to take over the next four months. The Plan is rolled forward every month. It will next be published in mid March and will then contain all key decisions expected to be taken between 1 April and 31 July 2010. Key decisions are defined in the Councils Constitution.

Reports relevant to key decisions, and any listed background documents may be viewed at any of the Councils Offices/Information Centres 6 days before the decision is to be made. Copies of, or extracts from these documents may be obtained on the payment of a reasonable fee from the following address:-

Democratic Services Team
Cheshire East Council ,
c/o Westfields, Middlewich Road, Sandbach Cheshire CW11 1HZ
Telephone: 01270 529736

However, it is not possible to make available for viewing or to supply copies of reports or documents, the publication of which is restricted due to confidentiality of the information contained.

A decision notice for each key decision is published within 6 days of it having been made. This is open for public inspection on the Council's Website, Council Information Centres and Council Offices.

The law and the Council's Constitution provides for urgent key decisions to be made. A decision notice will be published for these in exactly the same way.

Forward Plan 1 March 2010 to 30 June 2010

Key Decision	Decisions to be Taken	Decision Maker	Expected Date of Decision	Proposed Consultation	How to make representation to the decision made
CE09/10-06 Crewe Green Link Road Project	To consider a highways scheme to open up a strategic employment site at Basford East, to adopt the business case, refresh a decision to make a compulsory purchase order, and to note the financial implications and risk.	Cabinet	Before 31 Mar 2010	Statutory consultations have been carried out and will continue at each stage of the process.	John Nicholson, Strategic Director Places
CE09/10-26 Connect 2 - European Regional Development Fund	To enter into a contract with the North West Development Agency to develop pedestrian and cycle links between Nantwich and employment sites in Crewe.	Cabinet	Before 31 Mar 2010	Local consultation has taken place as part of the development of the proposal and will continue prior to implementation.	John Nicholson, Strategic Director Places
CE09/10-29 Council Blueprint for Transformation	To approve the blueprint for transformation for Cheshire East, and a high level implementation plan.	Cabinet	Before 30 Jun 2010	With Management Teams, Members, and external partners including the PCT and local strategic partners.	Paul Bradshaw, Head of HR and Organisational Development

Key Decision	Decisions to be Taken	Decision Maker	Expected Date of Decision	Proposed Consultation	How to make representation to the decision made
CE09/10-32 Business Planning Process 2010 - 2013	To approve the Business Planning Report for 2010-2013 incorporating updated budget and policy proposals together with the Capital Programme.	Cabinet	16 Feb 2010	Through the Corporate Scrutiny Committee, all Members, and a range of local stakeholders including PCT's, Parish Councils, social care representatives, businesses, Trade Unions, schools forum and the Citizens Panel.	Lisa Quinn, Borough Treasurer and Head of Assets (Section 151 Officer)
CE09/10-34 Building Schools for the Future	To consider the implications arising from a decision to prepare for and/or enter the Building Schools for the Future Programme, and to decide whether to apply for early entry and commit resources to this.	Cabinet	Before 31 Mar 2010	The review will include full engagement with stakeholders including members, schools, and governors, dioceses, schools forum, the PCT and community groups.	John Weeks, Strategic Director People
CE09/10-37 Review of Children's Homes Provision	To decide how children's homes placements will be provided to ensure good outcomes for cared for children in Cheshire East.	Cabinet	Before 31 May 2010	Children and Families Scrutiny Committee and the Children in Care Council.	John Weeks, Strategic Director People
CE09/10-38 Waste Treatment PFI Contract: Affordability Ceiling	To approve an affordability ceiling for the Waste Treatment PFI Contract.	Cabinet	Before 31 Mar 2010	With the Monitoring Officer and the Section 151 Finance Officer.	John Nicholson, Strategic Director Places

Key Decision	Decisions to be Taken	Decision Maker	Expected Date of Decision	Proposed Consultation	How to make representation to the decision made
CE09/10-39 Review of Adults Social Care Provider Services in Cheshire	To agree to explore the options available to the Council and its partners to reshape and refocus existing provision of Adults Social Care which can better respond to current and future demand and provide better value for money.	Cabinet	Before 31 May 2010	Consultation to include affected users and carers, residents, local involvement networks, the PCT, staff, the voluntary sector.	John Weeks, Strategic Director People