



## Audit and Risk Management Committee

<b>Date:</b>	<b>Wednesday, 23 September 2009</b>
<b>Time:</b>	<b>This meeting will commence at 7.00pm or on the rising of the Special Meeting of the Committee, whichever is the later</b>
<b>Venue:</b>	<b>Committee Room 1 - Wallasey Town Hall</b>

**Contact Officer:** Mark Delap  
**Tel:** 0151 691 8500  
**e-mail:** [markdelap@wirral.gov.uk](mailto:markdelap@wirral.gov.uk)  
**Website:** <http://www.wirral.gov.uk>

---

## AGENDA

### 1. DECLARATIONS OF INTEREST

Members are asked to consider whether they have personal or prejudicial interests in connection with any item(s) on this agenda and, if so, to declare them and state what they are.

### 2. MINUTES (Pages 1 - 10)

To receive the minutes of the meeting held on 29 June 2009.

### 3. OFFICE OF SURVEILLANCE COMMISSIONERS INSPECTION REPORT - 22 JULY 2009 (Pages 11 - 54)

### 4. USE OF SMART CCTV ENFORCEMENT VEHICLE (Pages 55 - 84)

### 5. STATEMENT OF ACCOUNTS

To be circulated separately.

### 6. AUDIT COMMISSION - ANNUAL GOVERNANCE REPORT

To be circulated separately.

### 7. LETTER OF REPRESENTATION

To be circulated separately.

8. **AUDIT COMMISSION - PERFORMANCE MANAGEMENT REVIEW (Pages 85 - 106)**
9. **DATA QUALITY ACTION PLAN AND PROGRESS REPORT (Pages 107 - 112)**
10. **ROLE OF THE CHIEF FINANCE OFFICER (Pages 113 - 118)**
11. **AUDIT COMMISSION REPORTS (Pages 119 - 130)**
12. **INTERNAL AUDIT WORK: JUNE TO AUGUST 2009 (Pages 131 - 140)**
13. **CORPORATE RISK REGISTER (Pages 141 - 154)**
14. **CORPORATE RISK AND INSURANCE MANAGEMENT (Pages 155 - 160)**
15. **REPORTS SUBMITTED AFTER DEADLINES - UPDATE (Pages 161 - 164)**
16. **ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR**

## AUDIT AND RISK MANAGEMENT COMMITTEE

Monday, 29 June 2009

Present: Councillor P Southwood (Chair)

Councillors RL Abbey C Povall  
L Fraser P Reisdorf  
J Crabtree

### 1 DECLARATIONS OF INTEREST

Members were asked to consider whether they had personal or prejudicial interests in connection with any item(s) on this agenda and, if so, to declare them and state what they were.

No such declarations were made.

### 2 MINUTES

The Director of Law, HR and Asset Management presented the minutes of the meeting held on 31 March 2009. In response to a question from the Chair in relation to minute 63 (Audit Commission Annual Governance Report – Action Plan Update), the Director of Finance confirmed that all of the outstanding items within the action plan to deliver the recommendations of the Audit Commission had now been completed.

In response to a further comment in relation to monitoring the submission of late reports (minute 74 (Reports Submitted After Deadlines) refers), the Director of Law, HR and Asset Management proposed to present a further monitoring report the September meeting of the Committee.

**Resolved – That subject to the following amendment, the minutes of the meeting held on 31 March 2009, be approved –**

#### **Minute 70 – Risk Register Assessment Criteria**

**The addition of the following to the resolution –**

**(3) That the risk scoring matrix be included in all future reports to the Audit and Risk Management Committee.**

### 3 APPOINTMENT OF VICE-CHAIR

The Director of Law, HR and Asset Management requested the Committee to consider the appointment of a vice-chair for the ensuing municipal year.

On a motion by Councillor Abbey and seconded by Councillor Fraser, it was –

**Resolved – That Councillor Reisdorf be appointed Vice-Chair for the remainder of the municipal year.**

#### 4 **INTERNAL AUDIT ANNUAL REPORT**

The Chief Internal Auditor reported that the Internal Audit Section of the Finance Department planned and completed audits to review all relevant areas of risk and reports, including recommendations, produced following audits were presented to managers. An overall report was produced annually and he presented the Annual Audit Report for 2008/2009.

In order to meet statutory requirements the Internal Audit Section had conducted audits to review the operation of the internal control systems. The Audit Commission had reviewed the operation of Internal Audit and indicated satisfaction with the service and concluded that there were no major issues to be reported. In response to a comment from a member in relation to uncollected Council Tax, the Director of Finance confirmed that Wirral's collection rate was very high, with only small amounts written off each year.

The Chair referred to the effect of the shortfall in the level of staffing resource, which had resulted in the section being unable to complete all of its targets. The Chief Internal Auditor referred to the difficulties being experienced in the retention and recruitment of staff. However, a recruitment process for Senior Auditors was underway and he confirmed that work had been prioritised and the key target of completing all of the high risk audits had been achieved.

**Resolved – That the report be noted.**

#### 5 **STATEMENT OF ACCOUNTS**

In line with the Accounts and Audit Regulations 2003, the Director of Finance presented the 2008/2009 Statement of Accounts (SOA). They had been produced in accordance with the statutory accounting framework laid down by the Accounts and Audit Regulations 2003, which was further supported by the Statement of Recommended Practice (SORP). The SORP was updated annually and specified the accounting principles and practices required to prepare a Statement of Accounts which presented fairly the position of a local authority. The Director had signed the Accounts and requested approval of the Committee for signature by the Chair on behalf of the Council.

The Accounts were subject to audit and if the Audit Commission required any material amendments to the Accounts, then as stipulated by the Regulations, they would be reported to the 23 September 2009 meeting of the Committee.

The Chief Accountant gave a detailed presentation, which provided an explanation of the content of the SOA and highlighted key messages in relation to –

- financial performance for the year;
- the position of balances at the year end;
- detailed statements and explanatory notes explaining key areas;
- comparison of 2008/09 with 2007/08;
- an explanation of the way the Accounts were compiled; and
- an explanation of details for safeguarding public money.

The Director indicated that given the complex technical nature of the Accounts, the Committee was not expected to be able to review the Accounts in detail. However, the Committee's role was to ensure that quality control procedures were in place and he set out a number of factors for the Committee to consider in scrutinising the SOA.

In response to comments from members, the Director provided information in relation to the rate of return on investments and provided an explanation with regard to both short term borrowing and comparative net revenue expenditure between 2007/08 and 2008/09.

**Resolved – That the Statement of Accounts 2008/09 be approved and signed by the Chair of the Audit and Risk Management Committee.**

## 6 CORPORATE RISK AND INSURANCE MANAGEMENT

The Director of Finance provided information on the corporate risk and insurance management objectives for 2009/2010 and detailed recent progress made against the existing objectives and the anticipated developments in the coming months. He set out the principle areas of responsibility and provided details of significant tasks which needed to be addressed during 2009/2010, together with target dates for completion.

In response to a comment from a member, the Director confirmed that the significant tasks which needed to be addressed in 2009/2010 in relation to the principal areas of responsibility were on target for completion by the deadlines set out in his report. In response to further comments in relation to various historic claims, some of which dated back to the 1950's, he reported that the processing of those claims placed a significant administrative burden on the Risk and Insurance Team due to their complex nature and often the unavailability of records. However, in relation to current claims, he confirmed that repudiation rates were very high.

**Resolved – That the plans for 2009/2010 and progress to date be noted.**

## 7 INTERNAL AUDIT UPDATE

The Chief Internal Auditor reported that in order to assist in effective corporate governance and fulfil statutory requirements, the Internal Audit Section of the Finance Department reviewed management and service delivery arrangements within the Council as well as financial control systems. Work areas were selected for review on the basis of risks identified on the Corporate Risk Register and as assessed by Internal Audit in consultation with Chief Officers and Managers.

He provided an evaluation the performance of the Internal Audit Section and presented details of the actual work undertaken over the period April – June 2009. He commented that although there were no items of significance identified during the audit process that required action by Members, he drew attention to measures being taken by management to improve systems of control over Data Security and Removable Media following audits.

**Resolved – That the report be noted.**

## 8 ETHICAL GOVERNANCE - AUDIT COMMISSION REPORT

The District Auditor presented the Audit Commission Report on Ethical Governance and indicated that its aim was to assess how far:

- the Council had complied with Part III of the Local Government Act 2000 and the relevant sections of the Local Government and Public Involvement in Health Act 2007;
- the Council ensured that the Standards Committee had access to the right information and support to enable it to do its job properly;
- members and officers understood and were aware of ethical issues;
- members abided by the Code of Conduct; and
- members and officers had training needs in this area

The work covered four key lines of enquiry and comprised an electronic survey of members, senior managers and Democratic Services officers in the Council; and an assessment of how well the Council's ethical governance arrangements were working, including document review, interviews and focus groups. The report concluded that the Council had a good understanding of the key ethical governance issues that it faced and the action needed to promote and maintain standards. It highlighted positive features and also identified where further work and clarity was needed.

The recommendations contained within the report formed the basis of an action plan, which had been agreed with council officers to address the issues arising from the review. The report and action plan were to be presented to the Standards Committee to agree the content and comment on the action plan before it was finalised. The report, survey results and action plan were intended to provide the Standards Committee with a baseline assessment of where the Council was now and a positive framework for strengthening ethical governance arrangements to result in increased confidence in local democracy and better outcomes for local people.

### **Resolved –**

**(1) That the report be noted.**

**(2) That a progress report upon compliance with the action plan be presented to the next meeting of the Committee.**

## 9 GOVERNANCE OF PARTNERSHIPS - AUDIT COMMISSION REPORT

The District Auditor presented the Audit Commission Report on Governance of Partnerships. The report referred to previous audits that were intended to strengthen governance arrangements for the establishment, monitoring and control of partnerships. The review of partnership working considered whether recommendations from previous work had been implemented and whether relevant aspects of the Value for Money (VFM) Conclusion and Key Lines of Enquiry (KLOEs) within the Use of Resources (UoR) assessment for 2009 were likely to be satisfied.

The report concluded that although the Council generally worked well with partners, it identified further work that was needed to strengthen corporate arrangements for governing partnerships, including the timely implementation of previously agreed

actions. The recently approved Partnership Toolkit was being rolled out and it was anticipated that its implementation would clarify roles and responsibilities.

The District Auditor referred to a number of recommendations contained within the report, which formed the basis of an action plan that had been agreed by officers

**Resolved –**

**(1) That the report be noted.**

**(2) That an update report be presented to the next meeting of the Committee.**

## 10 **AUDIT COMMISSION REPORTS**

The Chief Internal Auditor presented a summary of reviews undertaken by the Audit Commission since April 2008 and detailed the action that Wirral Council had subsequently taken to implement the recommendations contained within the associated reports. He commented that the Audit Commission had issued 11 final reports for the period 1 April 2008 to date in respect of Wirral Council and 2 in respect of Merseyside Pension Fund, which were set out in the appendix to his report. All had been reported to the appropriate Committee, with an attached action plan where required.

**Resolved – That the report be noted.**

## 11 **ANNUAL AUDIT AND INSPECTION LETTER 2007/2008**

The District Auditor presented the 2007/2008 Annual Audit and Inspection Letter, which had been presented to the Cabinet on 23 April 2009 (minute 465 refers). It provided an overall summary of the Audit Commission's assessment of the Council and drew upon the most recent Comprehensive Performance Assessment (CPA), the findings and conclusions from the audit of the Council for 2007/2008 and from any inspections undertaken since the last Annual Audit and Inspection Letter. It confirmed that Wirral Council had improved its final assessment under CPA and was assessed as three star and improving well. He highlighted the key messages contained within the document and set out the action needed to be taken by the Council and its partners. Further detailed findings, conclusions and recommendations on the areas covered by audit and inspection work were included in reports that had been issued to the Council during the year. The report also noted that the Council had taken a positive and constructive approach to audit and inspection work and the District Auditor thanked the Council's staff for their support and cooperation during the audit.

He indicated that the first results in relation to the CAA would be published in Autumn 2009 and would include performance data from 2008/2009, the first year of the new National Indicator Set and key aspects of the Local Area Agreement.

In response to a question from a member in relation to the assessment for Financial Reporting being lower than other local comparable authorities, the District Auditor confirmed that the score of two reflected their assessment of errors within the accounts that were above the Audit Commission's materiality level.

**Resolved – That the report be noted.**

## 12 ANNUAL AUDIT FEE 2009/2010

The Director of Finance outlined the proposed Audit Commission fees for 2009/2010. The fees were based on a risk based approach to audit planning as set out in the Code of Audit Practice and reflected only the audit element of the work, excluding any inspection and assessment fees. The fee proposed for 2009/2010 was 13% above the scale fee for Wirral Council of £343,236 and he outlined the factors that placed the Council towards high risk in terms of 'audit risk', which meant that the Audit Commission had more work to do because of individual circumstances.

The expected Total Audit Fee for 2009/2010, including certification of claims and returns, was £558,035, an increase of £14,425 from 2008/2009.

In response to a question from a member as to how Wirral's fee compared to other Merseyside authorities, the District Auditor agreed to provide officers with the information for it to be presented to the next meeting of the Committee.

**Resolved –**

**(1) That the audit fees for 2009/2010 be agreed.**

**(2) That a further report be presented to the next meeting of the Committee to include comparison fee levels charged to other Merseyside local authorities.**

## 13 MERSEYSIDE PENSION FUND - AUDIT COMMISSION FEE 2009/2010

The Director of Finance reported that the Audit Commission undertook a separate audit of the Merseyside Pension Fund (MPF), and made a separate charge in relation to fees. The total fee proposed by the Audit Commission for the current financial year was £73,700 plus VAT, which was 4% above the scale fee and represented an overall increase of £12,000 or 19% above the level for 2008/2009. He reported that the Pensions Committee (minute 7 (18 June 2009) refers) had approved the increase having considered the justification for it.

**Resolved – That the proposed increase in Audit Commission fees in relation to the Merseyside Pension Fund for 2009-2010 be noted.**

## 14 AUDIT COMMISSION - STATEMENT OF RESPONSIBILITIES OF AUDITORS

The Director of Finance presented an updated version of the Audit Commission Statement of Responsibilities of Auditors and of Audited Bodies. He commented that the new statement was effective from 1 April 2008 and would apply from the 2008/2009 audits. It reflected changes in the auditing regime and clarified the responsibilities of auditors and audited bodies in certain areas, including pension funds, charitable funds, data quality and the electronic publication of the financial statements.

**Resolved – That the report be noted.**



15 **MEMBERS TRAINING**

The Director of Finance reported that the CIPFA guidance Audit Committees – Practical Guidance for Local Authorities recommended that the members of an Audit Committee should receive specific training in their role and responsibilities as members of that Committee. He commented that since 2006 the training requirements had been comprehensively achieved at minimum cost by appointing one of the members of the working party who wrote the guidance to undertake the training. The course has been supplied over two sessions at a cost of £2,500 and he set out the modules covered.

**Resolved –**

**(1) That the existing trainer, Anna Klonowski, be retained for Members training in 2009/2010.**

**(2) That the Director of Finance be requested to liaise with the trainer and ascertain possible dates for the provision of training for consideration by members.**

16 **AUDIT AND RISK MANAGEMENT COMMITTEE - SELF ASSESSMENT CHECKLIST**

Further to minute 66 (31 March 2009), the Chair reported that as part of the annual Review of the System of Internal Audit, she had completed an evaluation of the role and effectiveness of the Audit and Risk Management Committee. She presented the document for consideration by the Committee and referred to a number of actions that were identified during the completion of the evaluation.

**Resolved –**

**(1) That the Self Assessment Checklist, completed by the Chair, be endorsed.**

**(2) That the Director of Finance be requested to present a further report to the next meeting of the Committee in relation to the actions required as a result of the evaluation.**

**(3) That a formal annual report on the work and performance of the Audit and Risk Management be undertaken for submission to the Cabinet at the end of the municipal year.**

17 **2008/2009 PERFORMANCE AND FINANCIAL REVIEW**

The Deputy Chief Executive/Director of Corporate Services presented the full year performance and financial report for 2008/2009. It was one of a series of reports upon the performance of the Council's corporate plan towards delivering the vision of building a more equal and prosperous Wirral. The report was intended to provide members with an overview of performance, financial, risk and sickness monitoring during 2008/2009 and to provide an outline of progress towards achieving each of the council's five strategic objectives. It had been placed in the Council's Web Library and had formed the basis of a presentation to the Cabinet (minute 10 (28 May 2009) refers).

**Resolved –**

**(1) That the report be noted.**

**(2) That a further report be presented to the next meeting of the Committee in relation to the implementation of planned additional controls to manage risks identified in the Corporate Risk Register.**

**18 DATA QUALITY ACTION PLAN AND PROGRESS REPORT**

The Deputy Chief Executive/Director of Corporate Services reported that, in 2008 the Audit Commission carried out an assessment of the Authority's data quality arrangements for 2007/2008. Those findings were reported to the Committee on 26 January 2009 (minute 56 refers) and to the Cabinet on 9 April 2009 (minute 456 refers).

The Data Quality Action Plan had been developed to address the Audit Commission's recommendations and also included recommendations made by the Council's own Internal Audit function during 2007/2008 and any outstanding recommendations made by the Audit Commission in 2006/2007, where appropriate.

He set out a number of key issues/risks which had been identified in the Data Quality Action Plan, which would need to be controlled throughout its implementation and he provided information in relation to progress against the actions within the plan as at 15 June 2009.

**Resolved –**

**(1) That the progress against the Data Quality Action Plan at the first quarter 2009/2010 be noted.**

**(2) That a further more detailed report in relation to actions be presented to the next meeting of the Committee.**

**19 EXEMPT INFORMATION - EXCLUSION OF MEMBERS OF THE PUBLIC**

**Resolved – That in accordance with section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by the relevant paragraphs of Part 1 of Schedule 12A to that Act.**

**20 ADULT SOCIAL SERVICES - FOLLOW UP OF PIDA DISCLOSURE - UPDATE REPORT**

Further to minute 37 (4 November 2008), the Director of Law, HR and Asset Management provided a brief formal update as to the current position in relation to the Audit Commission Summary Report 'Adult Social Services – Follow up of PIDA Disclosure'. He reported that the investigation of additional documentation provided to him had led to a disciplinary investigation and he had advised consistently since November 2008 that consideration of the wider issues arising from the Audit

Commission's report should be deferred pending conclusion of all internal Council disciplinary procedures.

**Resolved – That the report be noted and that, once all internal Council disciplinary procedures in this matter are concluded, a special meeting of the Committee be convened to consider the Internal Audit report.**

21

**The Chair approved consideration of the following item of Urgent Business  
SURVEILLANCE VEHICLE**

A Member referred to the recent deployment of a surveillance vehicle in Wirral, which had caused concern amongst some local residents in the Bromborough area as it appeared to be taking photographs in the vicinity of a primary school. Members were not able to provide an explanation to members of the public as to its use and under what authority it was operating.

**Resolved – That a full report be presented to the next meeting of the Committee in relation to the guidelines and control measures in place for the use of the vehicle, and to include information as to where images will be stored and for what purpose they are gathered.**

---

This page is intentionally left blank

WIRRAL COUNCIL

**AUDIT & RISK MANAGEMENT COMMITTEE – 23 SEPTEMBER 2009**

REPORT OF THE DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

**OFFICE OF SURVEILLANCE COMMISSIONERS INSPECTION REPORT –  
22 JULY 2009**

---

## **1. BACKGROUND**

1.1 The Regulation of Investigatory Powers Act 2000 (RIPA) governs how public bodies use surveillance methods: The Council may use covert surveillance for the purpose of preventing or detecting crime or preventing disorder.

1.2 The origin of RIPA lies in the Human Rights Act 1998 which places restrictions on the extent to which public bodies may interfere with a person's right to respect for his or her home and private life and correspondence during the course of an investigation into suspected criminal activities. The provisions of RIPA ensure (in summary) that any such interferences are in accordance with the law and are necessary and proportionate (i.e. the seriousness of the suspected crime or disorder must outweigh any possible interferences with the personal privacy of the persons being investigated and of persons who associate with them).

1.3 The Council's Constitution authorises the Directors of Regeneration, Technical Services and Finance to designate Heads of Service and Service Managers to authorise the use of covert surveillance in accordance with the procedures prescribed by RIPA.

1.4 The Office of Surveillance Commissioners (OSC) is responsible for overseeing the operation of RIPA. The OSC inspects the Council regularly. It has done so in July 2003, 2007 and 2009.

1.5 This report summarises the findings of the OSC following its most recent inspection on 1<sup>st</sup> July 2009 and the action being taken to implement its recommendations.

## **2. THE USE OF RIPA BY THE COUNCIL**

2.1 Between 1<sup>st</sup> July 2007 and 30 June 2009 the Council granted 58 authorisations for covert surveillance (an average of 29 annually).

2.2. Of those authorisations, 44 were for covert surveillance by the Wirral Anti-Social Behaviour Team to gather evidence of serious anti-social behaviour (mainly on housing estates) for use in proceedings for possession

injunctions and anti-social behaviour orders. The use of covert surveillance by the installation of cameras and sound recording equipment is a valuable means of overcoming the barriers raised by witness intimidation to evidence obtained by other means. It also is potentially more reliable evidence than the recollection of a witness whose memory may be fallible and whose evidence may be perceived as biased against the defendant.

2.3 Eleven authorisations were for covert surveillance by Wirral Trading Standards officers for use in investigations into offences such as the sale of counterfeit goods and of cigarettes, alcohol or fireworks to under-age children. They often take the form of "test purchases" in a shop from a retailer suspected of committing offences and the intrusion into personal privacy is minimal.

2.4 Three authorisations were granted by the Director of Technical Services for investigations into fly-tipping, unlawful street trading and the illegal deposit of skips on the highway. The high standard of those authorisations was particularly commended by the Surveillance Inspector when he examined them on 1<sup>st</sup> July 2009.

### 3. OSC REPORT

3.1 The report of the Surveillance Commissioner dated 22 July 2009 is contained in Appendix 1.

3.2 His Surveillance Inspector found that all four of the recommendations made by the previous Inspector had been carried out – namely;

3.2.1 Home Office model forms were being used;

3.2.2 A central record of authorisations had been compiled;

3.2.3 The training needs of applying and authorising officers had been analysed and training events organised;

3.2.4 Training events had covered the defects found by the previous inspector in the content of authorisations for covert surveillance.

3.3 The OSC made the following recommendations to improve the Council's implementation of RIPA:

#### Policy and Guidance Document

3.3.1 The Council's Policy and Guidance document should include practical advice for those seeking or granting authorisations for covert surveillance; it should cover the use of CCTV for covert surveillance and contain more detail about the use of covert human intelligence sources (CHIS).

### The Council's Response

Additional paragraphs in Appendix 2 will be inserted into the Policy Document (Appendix 3) to include practical advice (paras 3.13 and 3.19), the use of CCTV (para 3.19) and more information on CHIS (para 4.5). The current Code of Practice for CCTV is attached in Appendix 4 and will be revised by the Department of Regeneration and the Police to reflect changes since its introduction and to ensure compliance with RIPA.

### Central Oversight

3.3.2 There should be a single person with responsibility for maintaining the Central Record of Authorisations and for overseeing the use of authorisations for covert surveillance.

### The Council's Response

Whenever an Authorising Officer grants an authorisation he or she should telephone the Central Services Manager in the Department of Law, HR and Asset Management and obtain a unique reference number. The Authorisations should then be immediately sent electronically to the Central Services Manager for inclusion in the relevant department's electronic folder and for inclusion on the Central Record. The contents of that Central Record are described in a new paragraph, 3.20 in the Policy Document (Appendix 2). A Group Solicitor has now been assigned to monitor proactively the use of RIPA. He will be the solicitor assigned to give advice to the anti-Social Behaviour Team (the main user of RIPA). He will hold quarterly meetings with the Co-ordinators in the Regeneration, Finance and Technical Services Departments to assess compliance with RIPA and the Policy Document using the information obtained from the electronic folder of authorisations and the Central Record of Authorisations. The first of such meetings since the inspection took place on 28 August 2009.

### Defects in Authorisations

3.3.3 The Inspector noted certain weaknesses in the content of authorisations which are discussed in paragraphs 7.4 and 7.5 of his report. These imperfections must be remedied but it is important to note that the Inspector did not find that any authorisations (other than one retrospective authorisation) were unlawful or had been granted unnecessarily or were disproportionate or had involved too great an intrusion into a person's privacy. The defects were imperfections rather than fundamental flaws.

### The Councils Response

Further guidance on the completion of an authorisation has been added to paragraph 3.13 of the Policy Document. There will be more central oversight of the standard of the content of authorisations by the Group Solicitor assigned for that purpose by the Head of Legal and Member Services. Efforts

will be made to organise future training which is more orientated towards practical advice on how to complete properly applications for authorisations.

**4. FINANCIAL, STAFFING, LOCAL AGENDA 21, PLANNING, SOCIAL INCLUSION AND LOCAL MEMBER IMPLICATIONS**

There are none.

**5. EQUAL OPPORTUNITIES IMPLICATIONS**

The purpose of RIPA is to strike a fair balance between the rights of individuals to privacy and the rights of public bodies to act in the public interest to detect and prevent criminal behaviour.

**6. COMMUNITY SAFETY IMPLICATIONS**

The use of RIPA enables the Council to use covert surveillance to tackle the problem of anti-social behaviour and disorder.

**7. BACKGROUND PAPERS**

There are none.

**8. RECOMMENDATIONS**

**8.1 Members note the report of the OSC and approve the proposed response to his recommendations.**

Bill Norman  
Director of Law, H.R. and Asset Management



# **APPENDIX 1**



Office of Surveillance  
Commissioners

400  
050  
CHIEF EXECUTIVE

24 JUL 2009

EXECUTIVE

24 JUL 2009  
COPY BN  
24.7.09



Chief  
Surveillance  
Commissioner

Restricted

22nd July 2009

Dear Mr. Maddox,

Covert Surveillance

On 1<sup>st</sup> July 2009, one of my inspectors, Mr Graham Wright, accompanied by Mr Kevin Davis, visited your Council on my behalf to review your management of covert activities. I am grateful to you for the facilities afforded for the inspection.

I enclose a copy of Mr Wright's report which I endorse. I am pleased to see that the recommendations made following the last inspection 2 years ago have all been discharged. But the present fragmented system and lack of clear, consistent, management is not explained by this recent change in personnel with responsibility for RIPA oversight. The weaknesses identified can readily be remedied if the recommendations are followed.

The recommendations are that your Policy document be amended to reflect the comments made in paras 6.2 and 6.3 of the report, that maintenance of the Central Record be rationalised and a more robust, consistent regime of quality assurance introduced and that the defects in authorisations identified in paras 7.4 and 7.5 remedied by applicants, authorising officers and those responsible for corporate oversight.

I shall be glad to learn that your Council accepts the recommendations and will see that they are implemented.

One of the main functions of review is to enable public authorities to improve their understanding and conduct of covert activities. I hope your Council finds this process constructive. Please let this Office know if it can help at any time.

Yours sincerely  
Christy-Ann Rose

Mr Stephen Maddox  
Chief Executive  
Wirral Metropolitan Borough Council  
Town Hall, Brighton Street  
Wallasey  
Wirral  
Merseyside, CH44 8ED

RESTRICTED



Office of Surveillance  
Commissioners

OFFICE OF SURVEILLANCE COMMISSIONERS

INSPECTION REPORT

WIRRAL METROPOLITAN BOROUGH COUNCIL

1 July 2009

Surveillance Inspector:  
Graham Wright

## RESTRICTED

### DISCLAIMER

This report contains the observations and recommendations identified by an individual surveillance inspector, or team of surveillance inspectors, during an inspection of the specified public authority conducted on behalf of the Chief Surveillance Commissioner.

The inspection was limited by time and could only sample a small proportion of covert activity in order to make a subjective assessment of compliance. Failure to raise issues in this report should not automatically be construed as endorsement of the unreported practices.

The advice and guidance provided by the inspector(s) during the inspection could only reflect the inspectors' subjective opinion and does not constitute an endorsed judicial interpretation of the legislation. Fundamental changes to practices or procedures should not be implemented unless and until the recommendations in this report are endorsed by the Chief Surveillance Commissioner.

The report is sent only to the recipient of the Chief Surveillance Commissioner's letter (normally the Chief Officer of the authority inspected). Copies of the report, or extracts of it, may be distributed at the recipient's discretion but the version received under the covering letter should remain intact as the master version. Distribution beyond the recipient's own authority is permissible but it is requested that the 'Secretary to OSC', Office of Surveillance Commissioners, is informed of the named individuals to whom copies or extracts have been sent. Any references to it, or extracts from it, must be placed in the correct context.

The Office of Surveillance Commissioners (OSC) is not a public body listed under the FOI Act 2000, however, requests for the disclosure to a third party of any information contained within this report should be notified to the Secretary to OSC."



Office of Surveillance  
Commissioners

OSC/INSP/075

The Rt. Hon Sir Christopher Rose  
Chief Surveillance Commissioner  
Office of Surveillance Commissioners  
PO Box 29105  
London SW1V 1ZU

10<sup>th</sup> July 2009

## OSC INSPECTION REPORT – Wirral Metropolitan Borough Council

### 1 Date of Inspection

The inspection took place on Wednesday 1<sup>st</sup> July 2009.

### 2 Inspector

Graham Wright conducted the inspection and was accompanied by Kevin Davis.

### 3 Introduction

3.1 Wirral Metropolitan Borough Council (MBC) is one of the five constituent authorities of Merseyside. It employs approximately 12,500 staff (including teaching staff) serving a population of approximately 313,000. It was last inspected by the OSC in July 2007. In the period since the previous inspection the council has authorised 42 Directed Surveillance and no Covert Human Intelligence Sources (CHIS).

3.2 None of the above mentioned authorisations involved the acquisition of confidential information and I was not informed of any breaches.

3.4 There has been one change in the Directorate structure of the council with the creation of a Directorate of Law, Human Resources and Asset Management.

3.5 The Chief Executive is Mr. Stephen Maddox and the address for correspondence is Wirral Metropolitan Borough Council, Town Hall, Brighton Street, Wallasey, Wirral CH44 8ED.

### 4 Inspection Approach

4.1 This one day inspection commenced by meeting with the Chief Executive. He welcomed the inspection process and demonstrated a genuine interest in the council's usage and governance of RIPA.

## RESTRICTED

- 4.2 We then met with Rosemary Lyon (Interim Head of Legal and Member Services) and Colin Hughes (Group Solicitor) who currently is overseeing RIPA processes following the departure of the previous Head of Legal and Member Services. They informed us of the council's response to the recommendations of the previous inspection, the council's authorisation and oversight arrangements and details of training provided.
- 4.3 There was also a meeting with the following Authorising Officers and enforcement officers. We discussed the activities of their departments and provided feed-back on the authorisations that had been examined:
- Mike O'Brien – Anti Social Behaviour Team
  - Lucy Pritchard – Enforcement Coordinator ASB
  - Simon Hutchinson – Risk and Insurance
  - John Sebborn – Anti Social Behaviour Team
  - John Kenny – Community Safety (CCTV)
  - John Malone – Trading Standards Manager
  - Abdul Bari – Trading Standards
  - David Green – Director, Technical Services
  - Sue Bannister – Environmental Enforcement
  - Phil Black – Enforcement Manager, Technical Services
  - Malcolm Flanagan – Revenue, Benefits and Customer Services
  - Kris NG – Housing Benefits
- 4.4 We also met with Drew Rai (Central Services Manager) who devised and maintains the Central Record of authorisations. Prior to the visit I had examined the council's policy document and training presentation and feed-back on them was provided on the day. We also examined 24 authorisations for Directed Surveillance on the day of the visit.
- 4.5 At the conclusion of the inspection feed-back was given to Bill Norman (Director of Law, Human Resources and Asset Management), Rosemary Lyon and Colin Hughes regarding the main findings of the inspection.
- 5 Review of Progress Against Previous Recommendations**
- 5.1 The 2007 inspection made four recommendations, all of which were accepted by the council.
- 5.2 *The Head of Legal and Member Services, in his RIPA monitoring role should ensure that the latest version of the Home Office model forms are used for authorising all future Directed Surveillance applications and that through the use of such forms, the imperfections found in the earlier applications and authorisations are not repeated.*

The most recent Home Office templates have now been taken into use and are available electronically to practitioners. Whilst some shortcomings remain in

authorisations and allocations, **this recommendation can be considered as discharged.**

- 5.3 *The central record should be regularly updated and capture all the information required by the Codes of Practice. It should be used more effectively in order to provide central oversight and monitoring of all authorisations.*

The Central Record of authorisations now complies with the requirements of the Code of Practise in that all the information required is contained in it and to that extent **this recommendation can be considered as discharged.** However, the maintenance and use of the record is the subject of a recommendation in this report.

- 5.4 *A training needs analysis should be undertaken to identify knowledge gaps and thereafter a corporate RIPA training event held to educate and inform all potential applicants and authorising Officers.*

The training needs analysis has been done and three events held since the previous inspection. **This recommendation can be considered as discharged.**

- 5.5 *The issues and imperfections discovered during this inspection should be included in the curriculum of any future corporate RIPA training event.*

This was done during the above mentioned training events. Therefore, notwithstanding the fact that weaknesses are still evident, **this recommendation can be considered as discharged.**

## 6 Policies and Procedures

- 6.1 As mentioned previously, the council's policy and guidance document had been examined prior to the inspection visit. It is the *Policy and Procedure on the Use of Powers Under RIPA (2008)*. The document contains the Human Rights background and context of RIPA and all the relevant definitions. There is also a description of the internal processes for authorisation.
- 6.2 Whilst the document does not contain any inaccurate information and guidance, it lacks practical advice to those who may seek or grant authorisation, concentrating more of the legal aspects of RIPA. There is also very little explanation regarding the provisions and actions action to be taken in respect of CHIS.
- 6.3 There is no CCTV protocol or guidance regarding the use (by council staff or other agencies) of such systems in circumstances regarding authorisation under RIPA.
- 6.4 The process for applying for and obtaining authorisation is that applicants will usually complete the relevant forms and forward them electronically to an



## RESTRICTED

Authorising Officer. This officer should then ring a legal secretary to obtain a URN from the Central Record. When this has been obtained and the authorisation granted the relevant file will be electronically stored in the relevant department's folder and the Central Services Manager informed of this fact in order that the authorisation can be accessed and a full Central Record entry completed. A hard copy of the authorisation is securely retained in Legal Department.

- 6.5 Subsequent submissions are similarly dealt with.

## 7 Inspection Findings

### Central Record and Oversight

- 7.1 Whilst the Central Record of authorisations complies with the Code of Practice in terms of its content, it is not used to have oversight, or conduct any management, of authorisations granted by the council. It is also the case that several authorisations had not been entered on the Central Record and only came to light as part of the preparation for this inspection.
- 7.2 There is currently no corporate quality assurance of authorisations and compliance audit as there is no single person with clear responsibility for this and the maintenance of the Central Record. This is fragmented and is failing to address the poor quality of some authorisations and lack of compliance with laid down processes.

### Directed Surveillance

- 7.3 This is the only form of covert activity undertaken by the council and is predominantly used for investigations into Anti Social Behaviour, Trading Standards matters, Benefit Fraud and waste tipping.
- 7.4 The standard of applications and authorisations varied considerably. Those from Technical Services in particular were of a good standard. Others had failings in some aspects and several from Trading Standards were authorised retrospectively by the Authorising Officer. This had been done in a transparent fashion, with the authorisations having been clearly marked to this effect and had occurred due to the fact that the Authorising Officer from the applicant's department was absent and therefore the activity was not authorised until after it had been conducted. I am satisfied that this was done as a result of lack of understanding by the applicant but is clear evidence of the need for some form of oversight that can pick up on such mistakes and ensure that they do not recur - rather than waiting for the issue to be highlighted at the next OSC inspection.
- 7.5 Whilst the above mentioned matter was the most serious defect, others could render authorisations vulnerable to challenge. The following weaknesses were discovered during our examination:



## RESTRICTED

- It was not always clear as to what the information/intelligence was that an investigation was based upon
- Applicants failed to properly answer why the covert activity was necessary and proportionate
- Authorising Officers failed to evidence their considerations regarding the key principles of necessity and proportionality
- Authorising Officers failed to set down an accurate description of all the covert activity they were authorising
- Cancellations were late and contained very little detail regarding what activity had been conducted under the authorisation, what surveillance product had been obtained and how that product was being stored, retained, or destroyed
- Where a technical feasibility study has been completed this should be included in the documentation considered by the Authorising Officer and officers carrying out technical installations should have sight of the relevant authorisation prior to the installation being carried out
- Review dates should be stipulated by the Authorising Officer at the time of authorisation

### Training

- 7.6 The council has held several training events since the previous OSC inspection and these have been attended by the vast majority of staff who may be an applicant or Authorising Officer.
- 7.7 I examined the content of those events and found it to be an accurate and relevant description of the law. What was lacking was a more practical application of the provisions of RIPA and guidance regarding the completion of applications and authorisations.

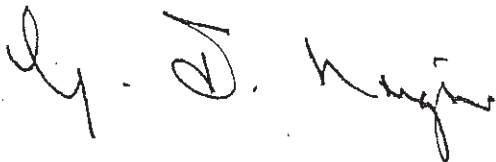
## 8 Conclusion

- 8.1 Wirral MBC uses the powers vested under the Regulation of Investigatory Powers Act 2000 in appropriate investigations. There has been a recent change in personnel with responsibility for RIPA oversight but even this does not account for the fragmented system and total lack of clear and consistent management.
- 8.2 The solution is simple and will result in greater levels of compliance and an improvement in standards.
- 8.3 I would like to pass on my thanks to all the staff we met for their co-operation and courtesy. Particular thanks should be passed to Colin Hughes who made all the arrangements for the day and provided me with the pre-read material.

RESTRICTED

9 Recommendations

- 9.1 The council policy document should be amended to address the failings found and there should be a policy/protocol regarding the use of council CCTV – paragraphs 6.1 to 6.3
- 9.2 The maintenance of the Central Record of authorisations should be rationalised and a more robust, consistent quality assurance regime introduced – paragraphs 7.1 and 7.2
- 9.3 The listed failings in Directed Surveillance authorisations should be borne in mind by applicants, Authorising Officers and those with responsibility for corporate oversight – paragraphs 7.4 and 7.5



Surveillance Inspector

## APPENDIX 2

### **POLICY AND PROCEDURE GUIDANCE ON RIPA – PROPOSED ADDITIONS**

#### 3.13 **Add** the following sentences

Officers should ensure that when they complete the authorisation forms they comply with the following requirements:

- (a) the information on which an investigation is based must be clearly identified
- (b) applications should state clearly why the covert activity is believed to be necessary and proportionate.
- (c) Authorising Officers should clearly state why they consider the covert activity is necessary and proportionate (including the steps to be taken to minimise intrusions into privacy, particularly of those persons not suspected of crime or disorder). They must never be granted retrospectively.
- (d) Authorising Officers must describe accurately all the covert activity which they are authorising so as to ensure that the limits are not infringed.
- (e) Technical feasibility studies should be presented to the Authorising Officer along with the application for authorisation. They should be attached to the authorisation. If the authorisation is granted, the person carrying out technical installations (e.g. of cameras and sound recording equipment) must see the relevant parts of the authorisation prior to the installation of any surveillance equipment.
- (f) Review dates should be stipulated by Authorising Officers at the time they authorise the covert surveillance for any extended period. This is to ensure that the need for continuation of the surveillance is regularly assessed and recorded on Form RIPAD52 and that (where appropriate) authorisations are

either renewed (before they expire) on Form RIPAD54 or cancelled on Form RIPAD53.

- (g) Cancellations of authorisations should be made promptly when the need for covert surveillance has ceased. The cancellation should contain a full description of the activity which has been authorised, what the results of the surveillance were, and how and when any products of the surveillance will be stored, retained or destroyed.

### ADD

3.19 The following examples illustrate the circumstances in which it is necessary and appropriate to obtain authorisation for covert surveillance:

- 3.19.1 Residents report to the Anti-social Behaviour Team that the occupants of a neighbouring property are disturbing them at night by engaging in noisy parties or quarrels fuelled by the consumption of alcohol and threaten them with violence when they protest.

In such circumstances covert surveillance (e.g. by means of a camera and sound recording devices unobtrusively fitted to an adjoining property) would be necessary to prevent crime and disorder (because witnesses are likely to be intimidated) and proportionate (the disturbance is frequent and at a high level). The recording device should not normally be capable of picking up conversations at a normal level within the home targeted (and consequently is not intrusive). The Authorising Officer must therefore have available a technical feasibility study .

The amount of collateral intrusion on the privacy of the persons should be low (if the device is directed only at the targeted property) and if the need for continual surveillance is regularly reviewed by the Authorising Officer to

ensure that the recording device is removed (when, for example it becomes apparent that the antisocial behaviour has ceased or significantly diminished) Those fitting the recording device must be shown that part of the authorisation which defines the permitted coverage of the camera so that the limits of the authorisation are not infringed.

3.19.2 The police approach the operators of the Council's CCTV cameras and ask them to train their cameras on a particular part of a public place where they suspect drug dealers are doing business. Council staff may only comply with the request of the police if they are satisfied that the police officers have obtained the necessary authorisation for directed surveillance from their superiors. Whilst the cameras are overt, they would be used for the purposes of a specific investigation or specific operation and therefore that use would require authorisation. Members of the public would not normally expect public cameras to be trained on specific individuals or on specific public places for protracted periods and therefore their use in that instance would be covert. The same principles would apply if Trading Standards Officers requested the use of CCTV cameras to monitor the activities of suspected illegal traders in a prohibited street. Authorisation for directed surveillance would be required before the CCTV cameras could be used for that purpose.

#### **ADD**

3.20 The Head of Legal and Member Services will compile and maintain electronically a central record of authorisations granted by authorising

Officers. That central record shall contain the following information about the authorisation:

- (a) Whether it is for Directed Surveillance or Covert use of Human Intelligence Source.
- (b) Its unique reference number.
- (c) Applicant's name and title.
- (d) Department and Section.
- (e) Identity of Target and the title of the investigation.
- (f) Date of authorisation.
- (g) Renewal Date and name and/or title of Authorising Officer.
- (h) Review Date.
- (i) Whether the urgency provisions were used and, if so, why?
- (j) Whether the investigation is likely to result in obtaining confidential information.
- (k) Cancellation Date.

The information contained in the Central Record will be used by the Head of Legal and Member Services to monitor the use by departments of RIPA. It will be a standing item on the agenda of the quarterly meetings of the Coordinators Group referred to in paragraph 7.1.

#### **ADD**

- 4.5 The following examples illustrate the circumstances in which it is necessary and proportionate to obtain authorisation for the use of a CHIS (Covert Human Intelligence Source).

4.5.1 The Anti-Social Behaviour Team engage a private detective to pose as a tenant of Wirral Partnership Homes in order to form a relationship with a group of tenants suspected of committing acts of serious anti-social behaviour, including criminal damage to property, drug dealing and intimidation of other tenants. The purpose of establishing a relationship is to obtain information admissible in possession proceedings (e.g. by covert tape recordings of conversations) or to assist the police or the Anti-Social Behaviour Team to anticipate the future criminal behaviour of the tenants under suspicion. No potential witnesses are willing to co-operate with the Anti-Social Behaviour Team by installing cameras in the properties. Authorisation would be required in such circumstances since the private detective will be establishing a personal relationship with the subjects to obtain and disclose information to the Anti-Social Behaviour Team in a manner that is calculated to ensure that the subjects are unaware of the purpose of the personal relationship. This example also illustrates the difficulties, dangers (and expense) of using a CHIS in the circumstances where evidence cannot be obtained by other methods.

4.5.2 A trading standards officer enters a shop and makes a "test purchase" from a retailer suspected of selling "counterfeit goods". No authorisation would be required for a CHIS because he would not be establishing a personal relationship with the retailer (although if he had attached to his person a concealed camera it would be necessary for him to obtain authorisation for directed surveillance). If on the other hand, the trading standards officer struck up a conversation with the retailer whilst posing as a member of the public in order to ascertain whether the retailer (without any encouragement

from the Trading Standards Officer) would offer to sell him (or another customer) counterfeit goods, then he would be acting as a CHIS and authorisation would be required. The essence of a CHIS is that he obtained information by winning someone's confidence on a false basis



# **APPENDIX 3**



# POLICY AND PROCEDURE ON THE USE OF POWERS UNDER THE REGULATION OF INVESTIGATORY POWERS ACT

## 1. INTRODUCTION

- 1.1 *"Surveillance plays a necessary part in modern life. It is used not just in the ~ targeting of criminals but as a means of protecting the public from harm and ~ preventing crime."*

From the Foreword to the Home Office's Code of Practice on Covert Surveillance

- 1.2 The use of covert surveillance by public authorities, particularly local authorities has been the subject of much recent debate. The use of covert surveillance is properly a matter of public concern. The purpose of this policy is to set out exactly how the Council will use its surveillance powers and comply with best practice.
- 1.3 **Councils may only use covert surveillance for the purpose of preventing or detecting crime or preventing disorder and where doing so is in the public interest.** The Council uses covert surveillance to support its enforcement activities. It has been used principally by the Regeneration Department in dealing with anti-social behaviour and trading standards cases. This has resulted in many successful cases being brought which might otherwise not have been possible bringing rogue traders to account and improving the lives of Wirral residents suffering from severe anti-social behaviour. In 2007/8 the Council used directed surveillance on 45 occasions; 36 in anti-social behaviour cases and nine in cases investigated by Trading Standards.
- 1.4 The Council approved a policy and procedure for the use of covert surveillance in 2004. The Council has been inspected twice by the Office of the Surveillance Commissioner in 2003 and 2007. The use of surveillance was also the subject of a review by the Council's Internal Audit Team in 2008. The need to revise and update the Council's Policy and Procedure was identified as part of that review.

## 2. RELEVANT LEGISLATION

### 2.1 The Human Rights Act 1998 (HRA)

2.1.2 The HRA gives effect to the rights and freedoms guaranteed under the European Convention on Human Rights and Fundamental Freedoms ("the Convention"). Article 8 of the Convention is relevant in the context of covert surveillance in that everyone has the right to respect for his/her private and family life, home and correspondence. It is now clear from decided cases that this right extends to activities of a professional or business nature and so includes employees. Article 6 of the Convention is relevant in the context of covert surveillance in that everyone has the right to a fair trial, including internal procedures or hearings, and fairness extends to the way in which evidence is obtained.

2.1.3 Consequently, there is to be no interference with the exercise of these rights by any public authority, except where:

Such interference is in accordance with the law and is necessary in a democratic society in the interests of:

- national security
- public safety
- the economic well-being of the country
- for the prevention of disorder or crime
- for the protection of health or morals
- the protection of the rights and freedoms of others.

The Council is a public authority. However, as mentioned above (and explained in more detail in section 3 below), local authorities may **only** undertake covert surveillance for the purpose of preventing or detecting crime or preventing disorder.

2.1.4 The HRA can be found at:

[www.opsi.gov.uk/ACTS/acts1998/19980042.htm](http://www.opsi.gov.uk/ACTS/acts1998/19980042.htm)

2.2 **The Regulation of Investigatory Powers Act 2000 ("RIPA")** (and associated Regulations)

2.2.1 RIPA was introduced shortly after the HRA to ensure that the use by public bodies of surveillance was codified. Prior to RIPA there was only limited regulation of the use by public bodies of surveillance. RIPA was passed to ensure a consistency of approach and to set in place safeguards to ensure that the use of surveillance is proportionate.

2.2.2 RIPA was passed well before the terrorism attacks on September 11 and was not introduced to deal with terrorism. RIPA and its associated regulations also follow the philosophy of recent legislation in trying to strike a balance between community responsibilities, including effective law enforcement, and individual rights and freedoms.

### 3.0 COVERT SURVEILLANCE

3.1 The term surveillance includes

- Monitoring, observing or listening to people, their movements, their conversations or their other activity or communication;
- Recording anything monitored, observed or listened to in the course of surveillance;
- Surveillance by or with the assistance of a surveillance device.

3.2 **Covert** surveillance is surveillance that 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. This needs to be contrasted with the deployment of **overt** surveillance. The use of such surveillance in places to which the public has access is increasingly commonplace. The Council has employed it in the form of CCTV monitoring of its offices, car parks and the town centres. CCTV monitoring is undertaken in accordance with the Council's Code of Practice for the operation of CCTV. CCTV is usually clearly marked through the use of signage.

3.3 RIPA applies where any covert surveillance of an identifiable or named person is carried out by a public authority carrying out an investigatory function. RIPA includes a local authority within the description of public authority.

3.4 Covert surveillance can be either

- (a) **intrusive**, that is, carried out in relation to anything that is taking place on any residential premises or in any private vehicle by an individual or a surveillance device on the premises or in the vehicle; or
- (b) **directed**, that is, undertaken for the purposes of a specific investigation or operation and involving the observation of a person or persons in order to gather information about them.

3.5 **Local authorities are not authorised to conduct intrusive surveillance.**

3.6 **Directed** covert surveillance that is likely to result in obtaining private information about a person is permitted by RIPA and its associated regulations if such surveillance has been authorised in the manner provided by the Act, the Home Office Code of Practice and the prescribed standard forms. Private information is any information relating to a person's private or family life.

- 3.7 An authorising officer for a public authority may only grant authorisation to carry out directed surveillance if it is necessary in the interests of:
- national security (not applicable to local authorities);
  - preventing or detecting crime or of preventing disorder;
  - public safety (not applicable to local authorities);
  - protecting public health (not applicable to local authorities);
  - assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department (not applicable to local authorities); or
  - is specified by regulations.
- 3.8 Local authorities may only authorise use of covert directed surveillance on the ground that it is necessary in the interests of preventing or detecting crime or of preventing disorder. The use of surveillance must also be proportionate to what is being sought to achieve.
- 3.9 Authorisation is not required to record things which are not planned but arise in the course of an investigation. For example if an enforcement officer is attending a property to visit a witness and observes a neighbour causing criminal damage he/she can record what they saw without authorisation.
- 3.10 Particular care needs to be taken when the surveillance may give rise to the obtaining of **confidential information**. In this context confidential information means:
- Where legal professional privilege applies;
  - Confidential personal information; or
  - Confidential journalistic material

**Legal professional privilege** will apply to oral and written communications between a professional legal adviser and his/her client made in connection with the giving of legal advice or in connection with or contemplation of legal proceedings.

**Confidential personal information** is information held in confidence about a person's physical or mental health or to spiritual counselling or assistance. The information must have been created or acquired in the course of a trade, business or profession or for the purpose of any paid or unpaid office.

**Confidential journalistic material** includes material acquired or created for the purposes of journalism and held subject to an undertaking to hold it in confidence.

If the purpose of the surveillance is to obtain confidential information then this will need to be approved by the Head of Legal and Member Services and the Chief Executive. If in the course of an operation confidential material is obtained through surveillance this must be notified immediately to the Head of Legal and Member services. It must be retained and provided to the inspector from the Office of the Surveillance Commissioner at the next inspection.

- 3.11 An applying officer wishing to use directed surveillance must complete **FORM RIPADS1** (all forms are attached to this policy). The applying officer must fully complete all parts of the form. The officer should refer as necessary to the Home Office Code of Practice, available as set out in paragraph 3.18 below.
- 3.12 The applying officer must consider the proportionality of the use of surveillance. The officer must consider the seriousness of the matter being investigated, the impact that any evidence obtained through the surveillance will have on the investigation and the level of intrusion which will be caused. The officer must take steps to ensure that any intrusion is kept to the minimum level necessary. Any intrusion in to the private life of persons not the subject of the investigation (e.g. family or visitors) should be minimised.
- 3.13 The completed form should be referred to an **authorising officer**. All Chief Officers may designate officers within their department as authorising officers for the purposes of RIPA. On receipt of the form the authorising officer will contact the Head of Legal and Member Services to obtain a unique reference number. The authorising officer must be a Head of Service or Service Manager. The authorising officer will place the form on the central register. The register is an electronic folder with access rights limited to authorising officers (for their area only) and the Head of Legal and Member Services or his/her nominated representatives (to all contents). When an authorising officer places a form on the register he/she will also separately notify the Head of Legal and Member Services by e-mail that this has been done. If the authorising officer does not have access to the register he or she will e-mail the form to the Head of Legal and Member Services who will arrange for it to be placed on the register. All forms for authorised applications shall be placed on the register immediately. All applications shall remain on the register for at least 3 years.
- 3.14 **Urgent Oral Applications**
- 3.14.1 It is possible to grant urgent oral authorisations. It is envisaged that this will be done very rarely, if ever. No authorisations have been granted in this way in the past 3 years. The Code of Practice states that this should not be done:
- unless the time that would elapse before the authorising officer was available to grant the authorisation would, in the judgement of the person giving the authorisation, be likely to endanger life or jeopardise the investigation or operation for which the authorisation was being given. An authorisation is not to be regarded as urgent where the need for an authorisation has been neglected or the urgency is of the authorising officer's own making.*



3.14.2 Where an urgent authorisation is granted the authorising officer must record as soon as is practicable the reasons for granting the authorisation urgently. An urgent authorisation will lapse after **seventy two hours**.

### 3.14 **Review/Cancellation**

3.15.1 Written authorisations will lapse automatically unless they are renewed after **3 months**. However, authorisations should be reviewed on a regular basis and cancelled when they are no longer required for the purpose for which they were granted. In each case the authorising officer within each public authority should determine how often a review should take place. This should be as frequently as is considered necessary and practicable. On carrying out a review the authorising officer should complete a **Form RIPADS2**. Once completed the form should be placed on the central register immediately either by the authorising officer directly or via the Head of Legal and Member services. If the form is placed directly on the register the authorising officer must notify the Head of Legal and Member Services that this has been done by e-mail.

3.15.2 If upon review the need for directed surveillance no longer exists then the authorisation will be cancelled immediately. On cancellation the authorising officer shall complete **Form RIPADS3**. The completed form shall be placed on the central register either by the authorising officer directly or via the Head of Legal and Member services. If the form is placed directly on the register the authorising officer must notify the Head of Legal and Member Services that this has been done by e-mail.

### 3.16 **Renewal**

If the authorisation is due to lapse it may be renewed for a period of a further 3 months provided the need for the surveillance continues. If a renewal is required a **Form RIPADS4** shall be completed. If an authorisation is renewed for a further period of 3 months it should be reviewed during that period.

### 3.17 **Audit Checks**

The Head of Legal and Member Services shall carry out a regular audit of authorisations contained on the central register at least once every 3 months.

### 3.18 **Code of Practice**

The Home Office Code of Practice on the Use of Covert Surveillance can be viewed at: <http://security.homeoffice.gov.uk/ripa/publication-search/ripa-cop/>

#### 4.0 COVERT HUMAN INTELLIGENCE SOURCES (CHIS)

- 4.1 The use of CHISs is also regulated by RIPA. A CHIS is a person who establishes or maintains a relationship with someone in order to obtain information, to provide another person with access to information or to disclose information as a consequence of that relationship. Should an officer consider the use of a CHIS as necessary, they must liaise with the Head of Legal and Member Services. If the use of a CHIS is deemed necessary, special arrangements will be made for their use in accordance with the Home Office Code of Guidance on Covert Human Intelligence Sources (see paragraph 4.5 below). It is not anticipated that CHISs will be used often by the Council. However, if professional witnesses are used they may fall within the definition of CHISs.
- 4.2 If an investigating officer does believe that the use of a CHIS is necessary in the course of an investigation he/she should complete **FORM RIPACHIS1**. The officer must consider the safety and welfare of a person acting as a source and must carry out a risk assessment before authorisation is granted. The use must be proportionate to what is intended to be achieved. The authorisation will lapse automatically if not renewed after a period of **12 months**.
- 4.3 Special considerations apply if the person to be used as a source is **vulnerable** or a **juvenile**. In such circumstances advice should be sought from the Head of Legal and Member Services. Authorisation may only be granted by the Chief Executive, as Head of Paid Service, or in his/her absence a Chief Officer.
- 4.4 The same procedures outlined above in respect of directed surveillance of:
- Maintenance of a central register
  - Confidential information
  - Review
  - Cancellation
  - Renewal; and
  - Audit checks

Shall also apply to the use of CHISs. The following forms shall be used **FORM RIPACHIS2** (review), **FORM RIPACHIS3** (cancellation) and **FORM RIPACHIS4** (renewal)

#### 4.5 Code of Practice

The Code of Practice relating to the use of CHISs can be found at:  
<http://security.homeoffice.gov.uk/ripa/publication-search/ripa-cop/>



## 5.0 COMMUNICATIONS DATA

- 5.1 Requests for communications data will be dealt with by **designated persons**. Those persons who are authorising officers for the purposes of directed surveillance and CHISs shall also be designated persons for the purposes of obtaining communications data. Each local authority must have its own **Single Point of Contact (SPOC)**, to whom applicants can submit their requests for communications data. This is to ensure there is a specific point of accountability in each authority requesting data for reasons connected with RIPA and the HRA etc. The SPOC for Wirral Council is the Trading Standards Manager
- 5.2 It is important to note that we are not referring here to the interception of communications or the **content** of communications. The Council does not have power to intercept communications or acquire content.
- 5.3 There are 3 types of communications data;
- traffic data;
  - service use data; and
  - subscriber data.
- 5.4 More information on what constitutes these types of communication data is set out in the Home Office Code of Practice (see paragraph 5.9 below). Advice can also be sought from the Head of Legal and Member Services. Local authorities are only able to seek disclosure under RIPA of service use data and subscriber data not of traffic data.
- 5.5 Applications may be made for service use data e.g. itemised bills or subscriber data e.g. whether a person uses a particular network, who is the user of a particular number. A request for such information can only be made where it is necessary for the purpose of preventing or detecting crime or preventing disorder. The request must be proportionate. The form for completion for disclosure of communications data including guidance on completion is attached as **FORM RIPACD 1**. An authorisation or notice remains valid for **one month**. A valid authorisation or notice may be renewed for a further period of one month.
- 5.6 An authorisation or notice must be cancelled as soon as it is no longer necessary for the service provider to comply with the notice or the conduct required by the notice is no longer proportionate to what was sought to be achieved.
- 5.7 The **Senior Responsible Officer** must be responsible for:
- the integrity of the process in place within the public authority to acquire communications data;
  - compliance with Chapter II of Part I of the Act and with this code;

- oversight of the reporting of errors to the Interception of Communications Commissioners Office (IOCCO) and the identification of both the cause(s) of errors and the implementation of processes to minimise repetition of errors;
- engagement with the IOCCO inspectors when they conduct their inspections; and
- where necessary, overseeing the implementation of post-inspection action plans approved by the Commissioner.

In Wirral the Senior Responsible Officer is the Head of Legal and Member Services.

5.8 In Wirral there has been very limited use of these powers. In the year 01/01/08 – 31/12/08 there were only 2 requests made for subscriber data by the Council.

5.9 The Home Office Code of Practice on the use of Communications Data can be viewed at: <http://security.homeoffice.gov.uk/ripa/publication-search/ripa-cop/acquisition-disclosure-cop.pdf>

## 6.0 REPORTING AND REVIEW

5.1 The Council recognises the public interest in the use by it of these powers. It is essential that it regularly monitors and reviews the use of these powers. Therefore, this policy and procedure shall be subject to a review on at least an annual basis. The Head of Legal and Member Services shall report annually to the Chief Officers Management Team on the use of these powers and the Director of Law, HR and Asset Management shall report annually to the Cabinet and the Audit and Risk Management Committee.

## 7.0 COORDINATION AND TRAINING

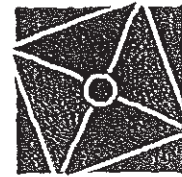
7.1 All Departments that use or may use the Council's powers under RIPA shall nominate a Departmental Coordinator under this Policy. The Departmental Coordinators shall meet at least once a quarter to review the operation of this policy, share best practice and consider training needs. Those meetings shall be chaired by the Head of Legal and Member Services or his/her nominated representative. Appendix 1 shows the list of Departmental coordinators.

7.2 The Council shall ensure that adequate training is provided to officers in the use of the powers. A training register shall be maintained and all authorising/designated officers will receive training at least every 2 years. A copy of the register is attached as Appendix 2. If an authorising/designated officer has not attended any training for a period of 2 years they shall **automatically cease** to be a responsible/authorised officer.

This page is intentionally left blank

# **APPENDIX 4**

**CODE OF  
PRACTICE FOR  
CLOSED CIRCUIT  
TELEVISION**



## CODE OF PRACTICE

### 1.00 INTRODUCTION

1.01 This Code of Practice covers the purpose, use, accountability, management and monitoring of the Hamilton Quarter Closed Circuit Television (CCTV) system.

1.02 The system is owned by:

**Metropolitan Borough of Wirral**  
Wallasey Town Hall  
Brighton Street  
Wallasey  
Wirral  
Merseyside  
L44 5AA

1.03 The principles of Town Centre CCTV surveillance were approved by the Council's Policy and Resources General Panel on the 8th August 1996, following full consultation with the Merseyside Police.

1.04 The **system** enables video/data transmissions to be relayed from remote cameras at the sites listed in paragraph 1.07 back to the central control room via optical fibre.

1.05 All video circuits are fed into a central switching matrix located at the Council's control room. The local police control room is able to observe the system from remote facilities on a monitor. The Council control room has full telemetry control over the cameras. Time-lapse video recording of all circuits is undertaken by the Council. Real time recording may occur from time to time to assist police operations or responses to civil emergencies.

1.06 The camera control system provides all video switching and telemetry facilities.

1.07 The **cameras cover** the areas in and around:-  
Hamilton Square, Argyle Street, Cleveland Street, Conway Street,  
Hamilton Street, Market Street, Price Street and nearby car parking areas.  
The precise area of camera coverage in each location is not stated for operational reasons.



1.08 . All **recorded material** on video tapes is the property of the Metropolitan Borough of Wirral and the copyright of the material recorded thereon remains with the Council at all times.

## 2.00 PURPOSE

2.01 The **purpose** of the scheme is to reduce crime and the fear of crime by helping to provide a safer environment for those people who live and work in the area and for visitors.

2.02 The system will provide the police with assistance to detect, deter and prevent **crime**. It will:

- help identify, apprehend and prosecute offenders
- provide the police with evidence to enable criminal and civil proceedings to be brought in the courts
- help to maintain public order.

2.03 In addition, the system will enable traffic and parking to be monitored by the Council.

2.04 The system will be operated at all times with due regard for the **privacy** of individuals and will not to be used to invade the privacy of any individual in residential, business or other private premises, buildings or land.

2.05 The system will not be used to harass any person or group of persons going about their business in a lawful way.

2.06 Any user found to have contravened the privacy of individuals in breach of this Code of Practice will be subject to the disciplinary procedures of the Council or police as appropriate.

2.07 The **key objectives** of the system are:

- to provide public reassurance and to deter crime
- to detect, prevent or reduce the incidence of all crime
- to improve general security in the area, both in terms of personal safety and the security of buildings and premises
- to reduce the theft of and from vehicles both on the street and in car parks
- to reduce graffiti, vandalism and other criminal damage

- to reduce the level of disorder and minor crime in the area
- to improve communication between, and the operational response of, police patrols in and around the town centre and assist in the policing of the area
- to reduce the fear of crime and encourage the regeneration of the area
- to assist the police with specific operations aimed at either catching criminals or intelligence gathering and in the event of acts of terrorism or civil emergencies
- to assist in traffic management by monitoring traffic accidents or obstructions thereby preventing or alleviating interruptions to traffic flow
- to identify missing persons.

2.08 Evidence in the form of recorded material is only available to the police and tapes are handed over only after the relevant reports have been completed. Other statutory bodies, such as Customs and Excise, may also be provided with recorded evidence on receipt of an official request. The criteria governing the release of tapes is stated in paragraph 15.00 **Recorded Material**.

2.09 The Metropolitan Borough of Wirral Council and the Merseyside Police are **committed** to complying with this Code of Practice in all their dealings with the CCTV system.

2.10 A joint **Operational Guidelines Manual** covering the operation of the CCTV system has been prepared jointly by the Council and the Merseyside Police and both organisations will strive to comply with that manual at all times. To maintain the integrity of the system the manual is a restricted document.

### 3.00 DATA PROTECTION IMPLICATIONS

3.01 The activities carried out under the CCTV system will not fall within the scope of the Data Protection Act 1984.

3.02 Should the operation of the CCTV subsequently fall within the scope of this Act, then it will be so registered and a statement to that effect will be included in the annual report and added to this Code of Practice.

### 4.00 CHANGES TO THE CODE OF PRACTICE

4.01 **Major changes** to the Code of Practice will only take place after full consultation between the Council and the Merseyside Police. Notice of major changes will be placed in the local press prior to implementation to allow for public comments to be taken into account. These changes will only become effective after the approval of the Council and will be reported in the annual report each year.



4.02 **Minor changes** to the Code of Practice will be made by the Principal Community Safety Officer on behalf of the Council and the local Police Superintendent on behalf of the Merseyside Police and these changes will be reported in the annual report each year.

4.03 A **major change** is one which will have a significant impact upon the Code of Practice or upon the operation of the system. A **minor change** is one which, for example, may be required for clarification or which arises as a result of technical changes to the system and will not have major implications.

4.04 This Code of Practice will be subject to periodic review to ensure that it reflects best practice and responds to changes in criminal or case law.

## 5.00 RESPONSIBILITIES OF THE COUNCIL

5.01 As the owner of the system, the Metropolitan Borough of Wirral is responsible for the introduction, implementation and updating of the Code of Practice in consultation with the police and for ensuring compliance with the **Operational Guidelines Manual**.

5.02 The Council will have regard to the requirements for accountability and the protection of the interests of the public and of the individual and will be responsible for public consultation as appropriate.

## 6.00 MANAGEMENT OF THE SYSTEM

6.01 The **day to day management** of the system will be carried out by the Council's **Principal Community Safety Officer** and the Community Patrols Section. It includes daily tape changing and review, daily liaison with the police, fault identification and repair instigation.

6.02 **Access to the Council's control room** is strictly controlled and the names of all visitors are recorded in a log book. Access to that control room for police officers is only permitted upon production of the officer's warrant card.

6.03 Access to the police control room is controlled by separate police regulations.

6.04 Access to recorded material is controlled by the Council's Community Patrols Section and police officers are permitted to review and retain video tapes only after providing the relevant report and signing the log of borrowed tapes.

6.05 The documentation used for the daily management of the system is included in the **Operational Guidelines**.

## 7.00 INSTALLATION

- 7.01 The introduction of CCTV to the area was carried out only after extensive **consultation** between the Council, the public and the police.
- 7.02 Camera positions are those identified as being the most effective in detecting or preventing crime. Where building-mounted, the express permission and agreement of the freeholder and any leaseholders has been obtained. This agreement is formalised by a licence sealed by all parties including the Council and provides for future maintenance and emergency repairs to be carried out by the Council's authorised contractor.
- 7.03 There is no provision in the system installation for **sound** to be transmitted or recorded.
- 7.04 The equipment may be **changed** at any time to take account of technological improvements. Changes will be agreed by the representatives of the Council and the police. Any technological change will be included in the annual report.
- 7.05 **Dummy cameras** will not be deployed as part of the system.

## 8.00 ACCOUNTABILITY

- 8.01 **The Public** will have access to copies of this Code of Practice and the annual report in accordance with the Local Government (Access to Information) Act 1985.
- 8.02 **The Council** will receive regular reports on the deployment and effectiveness of the system and will receive and approve the annual report including details of crime statistics relevant to the area covered by the system.
- 8.03 Procedures for audit of council procedures are described in paragraph 10.03 Audit of the System.
- 8.04 **The police** will comply with this Code of Practice in all matters relating to the operation of the CCTV system.
- 8.05 Internal police procedures are in place to ensure proper monitoring and audit of the police use of the system. The officer responsible for such audit is the Inspector responsible for Strategy and Planning at Birkenhead Police Station.

## 9.00 PUBLIC INFORMATION

- 9.01 All **cameras** will be overt and readily identifiable in full view of the public. Dummy cameras and covert cameras will not be deployed as an integral part of the system.

- 9.02 Signs indicating that CCTV monitoring is taking place will be prominently displayed in the area covered by the system. The signs will not define the precise areas covered by the field of view of the cameras but will be distributed throughout the area as a deterrent to criminals and a reassurance to the general public.
- 9.03 This **Code of Practice** is a public document as defined under the Local Government (Access to Information) Act 1985 and is available for inspection by members of the public. Copies are available at the Hamilton Quarter office, all public libraries and information points within Council premises.
- 9.04 In addition, a copy of the Code is available for inspection at Birkenhead and Wallasey police stations.
- 9.05 This Code of Practice and the Operational Guidelines Manual have been compiled using the advice contained in the Local Government Information Unit document - A Watching Brief (A Code of Practice for CCTV).
- 9.06 The council, in consultation with the police, will publish an **annual report** on the operation of the CCTV system to the Council's Policy and Resources General Panel. The report will be available to the public in accordance with the Local Government (Access to Information) Act 1985.
- 9.07 The report will include comparative crime statistics for the area covered by the system; details of significant arrests achieved through the deployment of the cameras; an assessment of the effectiveness of the system in addressing the key objectives and details of any complaints. Costs of maintaining and repairing the system will also be included.
- 9.08 The report will also include a review of partnership changes (if any) and policy developments which are likely to affect the purpose and operation of the system.

## 10.00 ASSESSMENT OF THE SCHEME AND CODE OF PRACTICE

- 10.01 The scheme will be independently evaluated periodically and the **evaluation** will include the following:
- an assessment of the impact the scheme has had upon crime in the area covered;
  - comparison with neighbouring similar areas not covered by CCTV;
  - the views of voluntary organisations;
  - whether the key objectives have been and are continuing to be met;
  - a commitment from the Council that recommendations from the evaluation will be taken into account in the future operation of the scheme;

- an assessment of the operation of the Code of Practice and the Operational Guidelines Manual.

10.02 The Principal Community Safety Officer will **monitor** the operation of the scheme and the implementation of the Code of Practice.

10.03 Regular **audit** of the operation of the system, the Code of Practice and the Operational Guidelines Manual will be undertaken by the Hamilton Quarter and will include examination of control room records; video tape histories and their contents and will be undertaken sufficiently frequently to provide effective monitoring of the system.

## 11.00 COMPLAINTS

11.01 The **procedure** will be that followed universally throughout the Metropolitan Borough of Wirral. Further information, details and the necessary documentation are available at any Council office.

11.02 The **annual report** will contain statistical information on the complaints received during that year. Any complaints which result in changes in policy or to the Code of Practice will be described in the annual report.

11.03 Any complaint about the **police** involvement of the system will be dealt with under the statutory police complaints procedure.

## 12.00 BREACHES OF THE CODE AND SECURITY

12.01 Prime responsibility for the Code of Practice and for security surrounding the system rests with Metropolitan Borough of Wirral. This responsibility includes ensuring that breaches are investigated and remedied.

12.02 **Responsibility** for security on a day-to-day basis rests with the Principal Community Safety Officer. The Community Patrols Section maintains a rota to cover absence to maintain proper security at all times.

12.03 Major **breaches** of the Code of Practice will be investigated by the Council's **Senior Inspector (Management Services of the Education Department)** and he shall have responsibility for making recommendations to remedy any major breach which is proved. If a **criminal offence** is disclosed then the matter will be referred to the police.

12.04 Minor breaches will be investigated by the Principal Community Safety Officer.



### 13.00. CONTROL AND OPERATION OF CAMERAS

- 13.01 Information recorded shall be accurate, adequate, relevant and not exceed that necessary to fulfil the purpose of the system.
- 13.02 Information recorded shall have been obtained in accordance with the provisions of the Code of Practice.
- 13.03 **Operation** of camera equipment will be carried out with the utmost probity. Only staff responsible for using the equipment will have access to the operating controls. All use of cameras will accord with the purposes and key objectives of the system as defined by the Code of Practice.
- 13.04 Cameras will not be used to look into private property except where there are substantial grounds for believing that a serious offence is taking place.
- 13.05 Camera operators are subject to supervision and disciplinary procedures as set out in the paragraph 2.04 Privacy. Camera operators are aware that video tapes are subject to routine audit and that they may be required to justify their interest in a member of the public or premises.

### 14.00 ACCESS TO AND SECURITY OF CONTROL ROOM

- 14.01 Access to the **control room** is strictly controlled and only those persons on legitimate business are allowed access.
- 14.02 A record is maintained of all visitors to the control room and access is only allowed after formal identification has taken place.
- 14.03 Access for visitors to view the system will only be permitted after full consultation with the system manager or the Principal Community Safety Officer.
- 14.04 A **log book** of visits to the control room is maintained. This book contains details of the individual and organisation, date, time and purpose of visit.
- 14.05 All works to the control room will be carried out in strict compliance with current **Health and Safety** requirements and in accordance with accepted best practice.

### 15.00 RECORDED MATERIAL

- 15.01 Recorded material will only be used for the purposes defined in the Code of Practice.
- 15.02 Access to recorded material will only take place as defined in the Code of Practice.

- 15.03. Recorded material will not be sold or used for commercial purpose or the provision of entertainment.
- 15.04 The showing of recorded material to the public will only be allowed in accordance with the law. This can be done in response to the needs of the police in connection with the investigation of crime and will be conducted in accordance with the provisions of any relevant Code of Practice under the Police and Criminal Evidence Act 1984 and any advice and guidance given to the police from time to time or in any other circumstances provided by law.
- 15.05 Sufficient tapes will be available including a supply of spare tapes to replace those removed for evidential purposes.
- 15.06 Tapes will be used in strict rotation and be retained for 28 days before being reused. All tapes will be separately indexed and those required by the police for evidential purposes will be separately stored to avoid accidental re-use.
- 15.07 The tape retention policy has been agreed with the police and the Crown Prosecution Service.
- 15.08 All tapes will be degaussed mechanically immediately prior to reuse and used no more than twelve times before replacement. After twelve uses the tapes will be degaussed and disposed of to charitable organisations approved by the Council.
- 15.09 Tapes will be stored in a secure cupboard or cabinet. Tapes will be individually and uniquely identified and labelled. A register will be kept giving dates when individual tapes were used. The tape register and method of storing tapes will be subject to regular audit.
- 15.10 Tapes required for **evidential purposes** shall be treated as exhibits and be retained and stored according to procedures agreed from time to time with the police and the Crown Prosecution Service.
- 15.11 Council staff will provide the police with a statement confirming the tape's integrity if required for evidential purposes.
- 15.12 Tapes provided to the police shall at no time be used for anything other than the purpose specified and identified when the tape is released to the police by the Council.
- 15.13 An authorised police officer may, by agreement with the Council, visit the control room from time to time to confirm that agreed procedures for tape handling are being followed.
- 15.14 Access to tapes by third parties in connection with civil disputes may be obtained only by court order. Lawyers acting for defendants or victims in connection with criminal proceedings may apply for access to the tapes only in accordance with rules of discovery.

15.15 Other requests, including those from the media or commercial undertakings will be considered by the Principal Community Safety Officer in conjunction with such other advisers as he may choose to consult. Generally, taped material will not be released unless it can be clearly demonstrated that the release would assist with the investigation of an incident or crime to which taped record relates. In no event, will taped records be released for commercial or media exploitation or gain. In the event that release under the foregoing terms is recommended, then, written approval must be obtained before handing over the tape(s) takes place.

15.16 The Partnership is committed to working closely with the National Missing Persons Helpline, and tape extracts or hard copy from the system tapes may be passed to the NMPH where it is jointly considered that this will directly assist in the location of a missing person.

## **16.00 PHOTOGRAPHS**

16.01 Still photographs from live incidents will only be taken at the request of the police officer in charge at the scene.

16.02 A police officer authorised by a police officer of at least the rank of sergeant may request the production of a still photograph taken at a live incident or a still photograph from a video recording. The authorising officer should be satisfied that the still photograph is required for the prevention or detection of crime.

16.03 All still photographs will remain the property of the Council. Any still photographs released to the police will be dealt with by the police as an exhibit and shall not be used for anything other than the purpose specified and identified when released to the police.

16.04 Procedures for the taking, retention and supply of still photographs will be subject to regular audit.

## **17.00 POLICE USE OF THE SYSTEM**

17.01 Police use of the system will be in accordance with local needs and the purpose of the system and will be in accordance with the Code of Practice.

17.02 The police will use the system in response to specific incidents to protect life and property and to prevent or detect crime.

17.03 The police may direct the operational use of the system in the event of a pre-planned event after consultation between the Principal Community Safety Officer and the Senior Police Officer in charge of the event.

17.04 In the event of the above situations, responsibility for recordings will remain with the Council.

This page is intentionally left blank



## WIRRAL COUNCIL

### AUDIT & RISK MANAGEMENT COMMITTEE – 23 SEPTEMBER 2009

#### REPORT OF THE DIRECTOR OF TECHNICAL SERVICES

#### USE OF SMART CCTV ENFORCEMENT VEHICLE

##### 1. EXECUTIVE SUMMARY

- 1.1 This report describes the use by the Technical Services Department of the mobile CCTV enforcement vehicle (Smart car) to detect parking contraventions. The Audit and Management Committee requested the report on 29 June 2009.
- 1.2 The report recommends that Members note the use by the Director of Technical Services of the mobile CCTV enforcement vehicle (Smart car) for traffic and parking enforcement purposes and endorse the CCTV Enforcement Code of Practice appended to the report.

##### 2. BACKGROUND

- 2.1 At the meeting of the Audit and Risk Management Committee on 29 June 2009 the issue of the recent use of a Smart car surveillance vehicle was raised, it was resolved that *“a full report be presented to the next meeting of the committee in relation to the guidelines and control measures in place for the use of the vehicle, and to include information as to where images will be stored and for what purposes they are gathered”*. This report is the result of that resolution.
- 2.2 The powers to undertake civil parking enforcement were granted to Wirral Council in 2003 through the Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of Wirral) Order 2003 and the Road Traffic Regulation Act 1991. Since that time the Director of Technical Services has had delegated authority to undertake parking enforcement on behalf of the Authority. In common with many other highway authorities, Wirral contracts out the provision and deployment of enforcement officers to an external service provider.
- 2.3 On 31st March 2008 Part 6 of the Traffic Management Act 2004 (TMA) was enacted to replace the Road Traffic Regulation Act 1991. This new legislation introduced a two-tier level of parking penalty and gave authorities further powers in relation to parking enforcement. Reports to Cabinet in November 2007 and March 2008 detailed the main principles and changes that would result from the enactment of Part 6 of the TMA.
- 2.4 One of the many changes introduced with the TMA was the powers given to authorities to issue penalty charge notices by post and also to

undertake enforcement through the use of an approved device ie CCTV camera. An approved device includes the complete system of camera, recording and playback equipment, software and hardware.

- 2.5 In November 2008 the Council extended its contract with its enforcement service provider and as part of the contract renewal negotiations was offered the use of a mobile CCTV vehicle at no additional cost to the Authority. Through its enforcement service provider Wirral subsequently sought approval for the use of a mobile CCTV enforcement vehicle (Smart car), as an approved device, from the Home Office and the Secretary of State approved this on 23 February 2009. The CCTV enforcement vehicle has been used for parking enforcement purposes regularly since 31<sup>st</sup> March 2009.

### **3. REPORT - CCTV ENFORCEMENT**

- 3.1 Enforcement by an approved device is governed by a number of regulations and guidance documents that support the TMA 2004. This is set out minimum standards for procedures and processes and to ensure the system is operated fairly and with proportionality and integrity. In addition to this local authorities must produce and work to local policies; these include a parking enforcement strategy, operational procedures and a code of practice.
- 3.2 Together these documents should set out in detail the aims, priorities and procedures for undertaking CCTV parking enforcement. The current Parking Enforcement Policy was considered and approved by Cabinet in March 2008 and sets out the principles for parking enforcement across the borough, it also states that CCTV enforcement may be used in the following circumstances: *“cameras may be used in places where enforcement is difficult or sensitive such as school entrance markings and locations where a high turnover of persistent, but generally short duration parking, creates traffic problems but are difficult or not practical to enforce by conventional means”*.
- 3.3 Since the powers to undertake CCTV enforcement were enacted a list of potential locations for enforcement has been produced. These are locations that have proven, over almost five years of enforcement, to be difficult or impractical to enforce with any reasonable level of success, by conventional means. In this context success is measured by there being a reasonably high level of compliance with the restrictions in force. Included in this list are sensitive locations - these are locations which may have a known history of road traffic accidents, locations near to high generators of vulnerable road users (ie children) and some busy shopping areas which rely on roadside deliveries and are affected by persistent short duration parking. Typical locations therefore include school entrance zig zag markings, pedestrian crossing zig zag markings and some local and town centres shopping streets.

3.4 The complete CCTV operation is undertaken under the principles contained within an Enforcement Code of Practice (CoP) and following the CCTV enforcement procedures manual. The CoP sets out aims, key principles and minimum standards, and the procedures manual details how the system will be used to comply with the CoP. The purpose of the CoP is to ensure that the public can be confident that the system is being used only for its intended purpose and with due regard for privacy, data protection, confidentiality and fairness. Included in the document are standards for equipment, systems, personnel, training, use of cameras, recording and viewing, security, integrity, document release and retention. A copy of the Code of Practice is appended to the report and some of the key principles are detailed below.

- Only devices specifically and individually approved for parking enforcement by the home office will be used. For Wirral the only approved device is the CCTV Smart car system.
- Personnel involved in recording CCTV contraventions, reviewing cases or considering appeals must be authorised and correctly trained for such purposes.
- Equipment, data and images will be securely managed so that only authorised users will have access.
- Physical data such as CDs, DVDs, tapes etc will be kept in secure and controlled environments. Data held on electronic systems will only be available to authorised users and password protected.
- Records will be maintained and kept of all data stored, accessed, copied, viewed or destroyed.
- All persons operating CCTV cameras will be enhanced level CRB checked.
- CCTV equipment may only be used for traffic/parking enforcement purpose, unless expressly permitted for other uses under other legislation. For example the CCTV enforcement vehicle system could only be used for covert surveillance following a RIPA authorisation, and its potential use for such purposes is likely to be limited due to the very overt nature of the vehicle and recording equipment.
- In normal use the cameras may only record images directly associated with traffic enforcement and must not search for, view or record any other persons or property.

- 3.5 Wirral is currently one of a small number of authorities outside London to have Secretary of State approval for CCTV parking enforcement (London boroughs operate under different legislation), and as a consequence the CoP and Procedures Manual have been evolving documents during the initial period of the scheme operation. The CoP as appended is considered to be a final document and has been produced having due regard for the legislation and statutory guidance. The CoP will still be regularly reviewed and may be amended in accordance with the procedures laid down within the document.
- 3.6 The Smart CCTV enforcement vehicle has been provided by NSL for use on the Wirral contract. It is based upon a standard Smart car and has been modified to provide a mobile CCTV control room including cameras, recording and playback equipment. All equipment is commercial quality and meets home office standards for enforcement purposes: this is to ensure integrity of data and to prevent misuse. The main camera is turret mounted and can extend to a maximum height of 4.5m (15 feet) above ground level - a similar height to someone standing on the upper deck of a double deck bus. This camera has full tilt, pan and zoom facilities. Secondary cameras are also mounted in the vehicle at window level and may also be used for enforcement purpose although the field of view is obviously much more restricted.
- 3.7 Although the Code of Practice is appended, I have summarised below how the CCTV vehicle is used in practice on a day-to-day basis.
- 3.8 A rolling programme of locations has been compiled for enforcement. During school term times, the vehicle will visit schools with enforceable entrance markings, at start and finish times, as determined by the Road Safety Unit in partnership with the schools and the Police. Outside of these periods the vehicle will visit approved locations across the borough, to enforce yellow line and pedestrian crossing restrictions. The enforcement contractor in response to local traffic conditions and instructions from the Council will determine the exact frequency and duration of these visits.
- 3.9 Before commencing enforcement traffic signs will be erected either end of the enforcement location to advise motorists of the presence of the CCTV camera, this is in addition to the on-vehicle markings and the existing road markings and signs. The CCTV operator in the vehicle will monitor traffic conditions and capture on video instances where it is believed a contravention has occurred, a manual log of all events is also kept. All recordings automatically stamp information such as date, location, time, frame number etc onto the video images captured. At the end of a shift two sets of data are removed from the vehicle one is the evidence copy and the second a working copy. The evidence copy is a complete recording of everything the camera has captured, it is sealed and securely stored. This copy will not normally be used again but is retained as a backup and for future evidential purposes. The

working copy contains only snapshots or clips of video containing images of contraventions that have occurred.

- 3.10 At the Enforcement Control Room, located in Cheshire Lines Building the working copy together with the event log is used to review the contraventions and to load the case data onto the parking enforcement management system. This is the same system used for conventional enforcement. In addition to inputting data about the date, time, vehicle, location and the contravention a number of still photo images (typically three) are produced from the working video and also loaded on to the case. The working copy video is sealed and securely stored; this copy may be used again, for example when considering an appeal.
- 3.11 A DVLA enquiry is undertaken to ascertain the registered keeper details for any vehicle seen to be in contravention and a Penalty Charge/Notice to Owner is sent to them by first class post, the PCN contains images of the contravention. This usually occurs within a couple of days of the contravention being recorded but must be within 14 days of the event. A motorist who receives a penalty charge has 21 days to pay at the discount rate (7 days more than for a conventionally served penalty) or 28 days to appeal. From this point onwards the process of appeals, payments and debt recovery are the same as for conventionally served penalty charge notices.
- 3.12 Motorists may request to see further images or view video footage if they appeal. Other members of the public could request to view footage if they have reason to believe they may have been captured on video. The release of images for viewing in these circumstances is subject to strict controls to ensure only data specifically and directly related to the person making the request can be viewed.

#### **4. FINANCIAL AND STAFFING IMPLICATIONS**

- 4.1 There are no specific financial or staffing implications arising directly from this report.

#### **5. EQUAL OPPORTUNITIES IMPLICATIONS**

- 5.1 The mobile CCTV enforcement vehicle (Smart car) is intended for traffic and parking enforcement purposes. It is operated in an overt manner and may only view and record images of the comings and goings of traffic and any contraventions occurring - such images would be visible to most other users of the public highway.

#### **6. PLANNING IMPLICATIONS**

- 6.1 There are no specific planning implications arising directly from this report.

## **7. COMMUNITY SAFETY IMPLICATIONS**

- 7.1 The use of CCTV enforcement enables the Council to undertake enforcement in locations that have proven difficult or impossible by more conventional means. In particular the programme of school entrance marking enforcement in partnership with the Police, schools and the Road Safety Unit should have a significant effect in changing driver behaviour in these locations.

## **8. HUMAN RIGHTS IMPLICATIONS**

- 8.1 This report and the appended Code of Practice have been produced with due regard for human rights, data protection, access to information and surveillance legislation and guidance.

## **9. LOCAL AGENDA 21 IMPLICATIONS**

- 9.1 There are no specific Local Agenda 21 implications arising directly from this report, however, effective enforcement can improve the quality of life of those affected by intrusive or dangerous parking.

## **10. ANTI-POVERTY IMPLICATIONS**

- 10.1 There are no specific anti-poverty implications arising directly from this report.

## **11. SOCIAL INCLUSION IMPLICATIONS**

- 11.1 There are no specific social inclusion implications arising directly from this report.

## **12. ACCESS TO INFORMATION ACT**

- 12.1 No background papers have been used in the preparation of this report.

## **13. LOCAL MEMBER SUPPORT IMPLICATIONS**

- 13.1 This report has implications for all wards.

## **14. RECOMMENDATIONS**

- 14.1 Committee is requested to:

(1) Note the content of this report

(2) Endorse the appended Enforcement Code of Practice.

**DAVID GREEN, DIRECTOR  
TECHNICAL SERVICES**

**CODE OF PRACTICE FOR OPERATION OF  
CCTV ENFORCEMENT CAMERAS IN  
WIRRAL**

Version 2  
Sept 2009



# CONTENTS

	<b>Page</b>
<b>1.0 INTRODUCTION</b>	<b>3</b>
1.1 Background	3
1.2 Code of Practice	3
1.3 The Legal framework	3
1.4 Responsibility	4
1.5 Security of Operations	4
1.6 Areas subject to enforcement	5
1.7 Signs to be displayed	5
1.8 Description of Equipment	6
1.9 Information to be captured	6
<b>2.0 CCTV CAMERA SCHEME</b>	<b>7</b>
2.1 CCTV Camera Enforcement	7
2.2 Enforcement of traffic regulations by CCTV camera	7
2.3 Extensions and changes to the area surveyed	8
2.4 Operation of the System – Monitoring of Traffic including Representations	8
2.5 Issue of Penalty Charge Notices (PCNs)	9
<b>3.0 RETENTION AND USE OF EVIDENCE</b>	<b>9</b>
<b>4.0 OWNERSHIP, COPYING AND RELEASE OF RECORDINGS</b>	<b>11</b>
<b>5.0 VIEWING OF VIDEO TAPES OR OTHER RECORDING MEDIUM</b>	<b>12</b>
<b>6.0 GUIDELINES FOR APPEALS</b>	<b>13</b>
<b>7.0 SECURITY OF OPERATIONS</b>	<b>15</b>
<b>8.0 PROCEDURES MANUAL</b>	<b>15</b>
<b>9.0 OPERATING PERSONNEL</b>	<b>15</b>
<b>10.0 AVAILABILITY OF THE CODE TO THE PUBLIC</b>	<b>16</b>
<b>11.0 MONITORING AND REVIEW OF CODE</b>	<b>16</b>
<b>12.0 CHANGES TO CODE</b>	<b>16</b>
<b>13.0 QUERIES AND COMPLAINTS ABOUT CODE</b>	<b>16</b>

## **APPENDICES**

- 1. Particulars of Operating Authorities**
- 2. Traffic Regulation Orders relevant to this Scheme**
- 3. Example CCTV Enforcement Log Sheet**
- 4. Sample Camera Operator Witness Statement (Parking Contraventions)**

## **1.0 INTRODUCTION**

### **1.1 Background**

1.1.1 Implementation of Part 6 of the Traffic Management Act 2004 in March 2008 gave local authorities the powers to undertake enforcement through the use of CCTV cameras. The introduction of enforcement of parking regulations by CCTV cameras is just one element of the Councils enforcement policy to improve traffic flow, reduce congestion and pollution, reduce accidents, improve the reliability and punctuality of public transport and improve the availability and turnover of parking spaces. The introduction of CCTV enforcement is an additional tool to assist in the delivery of these aims by reducing the level of contraventions particularly in sensitive or difficult to enforce areas.

1.1.2 An essential and integral part of any CCTV system is a Code of Practice, which sets out the objectives of the system and the rules by which it will be operated. This Code of Practice ensures that issues such as privacy, integrity and fairness are properly dealt with. It sets a minimum standard that must be adhered to by all persons and bodies in Wirral enforcing traffic regulations using CCTV cameras to ensure public confidence in the scheme.

1.1.3 The Operational Guidance to Local Authorities: Parking Policy and Enforcement issued in March 2008 makes reference to the Code of Practice for Operation of CCTV Enforcement Cameras and A Code of Practice for Bus Lane Camera Enforcement using Attended CCTV Equipment for Approved English Local Authorities Outside London. This code of practice has been produced having regard to and in accordance with the principles contained within those two documents.

### **1.2 Code of Practice**

1.2.1 Key Purpose of Code

1.2.2 An essential and integral part of any CCTV system is a Code of Practice to ensure that issues such as privacy and integrity are properly respected. This Code of Practice sets out the way in which enforcement of parking regulations using CCTV cameras will be conducted. This Code of Practice has been drawn up to ensure that the use of CCTV to undertake enforcement is consistent throughout the borough and in accordance with current good practice. The Code ensures that issues such as privacy and integrity are properly respected. The use of CCTV in public places must take place in accordance with the advice and guidelines issued by the Department for Transport, Home Office Scientific Development Branch and Information Commissioner's Office. The following documents offer further information and advice for local authorities:

- BS 7958:2005 Closed circuit television (CCTV) – Management and operation - Code of practice
- CCTV Code of Practice published by Information Commissioner (2008)

### **1.3 The Legal Framework**

1.3.1 The operation of CCTV systems must be undertaken with due regard to the following legislation:

- The Data Protection Act 1998
- The Human Rights Act 1998
- The Regulation of Investigatory Powers Act 2000
- The Freedom of Information Act 2000

1.3.2 The enforcement of traffic and parking regulations by CCTV cameras outside of the Greater London Area is regulated under the following statutory instruments:

- Road Traffic Regulation Act 1984
- Traffic Management Act 2004
- Road Traffic Act 1991
- The Civil Enforcement of Parking Contraventions (England) General Regulations 2007
- The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007
- The Removal and Disposal of Vehicles (Amendment) (England) Regulations 2007
- The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007
- The Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007

1.3.3 Together these Acts allow a Local Authority to install fixed or mobile structures and equipment on or near a highway for the detection of contraventions of Traffic Regulation Orders.

## **1.4 Responsibility**

1.4.1 Management responsibility for the operation of the system and observance of this Code of Practice resides with the operating Authority. The local authority should document the details of the management structure, specific roles and responsibilities and training for CCTV enforcement. These should form part of the local CCTV enforcement protocols.

1.4.2 All personnel permitted to operate the System will be obliged to work to rules of confidentiality. They will be fully instructed in their responsibilities. All staff undertaking enforcement of traffic regulations must have completed appropriate training to their position. All staff operating the system will be responsible for working in full accord with this Code of Practice and local procedures. They will be subject to their employer's normal disciplinary procedures and will sign an acknowledgement that they understand this Code of Practice and local procedures.

## **1.5 Security of Operations**

- 1.5.1 The CCTV enforcement operations will be carried out in a secure and lockable environment only accessible by authorised personnel. All video recordings, witness statements and other records will be stored in a secure environment.
- 1.5.2 Access to CCTV control rooms will be strictly monitored and controlled by authorised personnel. Details of all events and visits will be recorded in accordance with local operational guidelines. Technical, maintenance and repair work will only be carried out by authorised personnel under the supervision of a responsible officer of the Council.
- 1.5.3 In order to ensure data is processed fairly and lawfully an audit trail of CCTV surveillance and video recording must be established. This audit trail must be detailed as part of the operational procedures. This should be established before images and data are collected.
- 1.5.4 All master or 'evidence video' recordings or still images must be held securely, in an unalterable state or storage medium. Details of the methods of protection and security arrangements should be recorded in the procedures manual. The method of 'electronic' protection must conform to the industry standard to ensure the security of the data.
- 1.5.5 Access to the systems and data storage areas must be controlled to prevent tampering or unauthorised viewing. The audit trail developed as part of operational procedures should retain records of who has accessed videos or images, the system and when.
- 1.5.6 If using VHS videotapes these must be degaussed before re-use and disposal. Tapes should not be degaussed or re-used more than twelve times.
- 1.5.7 Digital images should not be deleted without authority. Any disposable media that are used to record digital images should be physically destroyed (e.g. shredded) once they are no longer required. Any disposal or deletion must be recorded in the audit trail.
- 1.5.8 With the exception for images posted on Penalty Charge Notices, the release of videos or images will only be made by an authorised officer. The procedure for production, release and destruction of videos and images will be subject to regular audit as outlined in local procedures.

## **1.6 Areas subject to enforcement**

- 1.6.1 The areas that will be enforced must be defined by a Traffic Regulation Order. Details of the extents of the area in which civil parking enforcement and CCTV enforcement can be undertaken are given in Appendix 2. Full details of all relevant Traffic Regulation Orders are held at the Town Hall, Wallasey and will be provided to the Traffic Penalty Adjudicator as part of the Penalty Charge Notice appeal process.
- 1.6.2 CCTV surveillance must be specific to these areas. It will not be used to invade the privacy of any persons in domestic, business or other private premises, buildings or land. When panning between vehicles all endeavours should be made to restrict the field of view to the public highway, the camera should not hover, zoom or focus on any person or property unless this is

incidental and unavoidable and is directly associated with the enforcement of traffic or parking contraventions.

## **1.7 Signs to be displayed**

- 1.7.1 Signing (including road markings) is required to legally indicate the parking or waiting regulation orders to drivers. These should be checked regularly to avoid challenges on the grounds of inadequate, inconsistent or defective signing. It is suggested that a maintenance log is established.
- 1.7.2 It is a requirement that 'CCTV Camera' enforcement signs are also erected on the approach to the areas to be enforced. The signs will not define the field of view of the cameras but will advise that camera enforcement is taking place. The sign to be displayed on the approach is prescribed by the Traffic Signs Regulations and General Directions. Further information on signing can be obtained from the Department for Transport.

## **1.8 Description of Equipment**

- 1.8.1 The Traffic Management Act 2004 provides the necessary powers to enable the Secretary of State by regulation to make provision for the imposition of penalty charges in respect of parking contraventions. The CCTV equipment to be used for parking enforcement is defined in The Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007.
- 1.8.2 Only equipment and systems complying fully with The Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007 and which have been certified and approved in writing by the secretary of state may be used for parking enforcement within Wirral. A record and copy of all approvals must be kept on file.
- 1.8.3 CCTV enforcement cameras must be erected and operated in an overt manner, they should be visible with no attempt to hide the camera. They may be mounted at fixed locations, on temporary fixed locations or on mobile operating platforms. Cameras may rotate through 360° and have zoom, pan and tilt capability.

For the avoidance of doubt, the cameras may be;

- 'Static' - permanently sited at a particular location
  - 'Mobile' - can be moved from one location to another, this could include vehicle mounted cameras
  - Of 'Analogue' or 'digital' image format.
  - Hard-wired, networked or wireless networked.
- 1.8.4 Fixed cameras are connected to a monitoring station by a secure data link. If a dedicated 'fixed' data link is not used, sufficient precautions must be taken to ensure the security of the data being transmitted by means of current, industry standard, data encryption or security. With vehicle mounted cameras the monitoring station may be attached to or an integral part of the vehicle.
  - 1.8.5 The monitoring station allows the operator to select and view the output from any one of the available CCTV cameras in the system at any time and provides controls to pan, tilt and zoom that camera as necessary.

## **1.9 Information to be captured**

1.9.1 The recording of video footage or digital images of the contravention will be used to identify the following:

- Location (or camera reference number).
- Date, time in hours and minutes and video frame.
- Vehicle Registration Mark.
- The make, model and colour of the vehicle.

## **2.0 CCTV CAMERA SCHEME**

### **2.1 CCTV Camera Enforcement**

2.1.1 Closed Circuit Television (CCTV) cameras operated by local authorities in public places are used for a wide variety of purposes including the prevention and detection of crime, protection of public and private property, town centre management, traffic monitoring and the enforcement of traffic regulations. A single CCTV camera may be used for a number of these purposes at different times of the day.

2.1.2 The CCTV enforcement cameras operated by or on behalf of Wirral may be owned or leased by the authority or provided through contract by an enforcement service provider.

2.1.3 This Code of Practice specifically relates to the use of CCTV cameras when they are being used to enforce traffic regulations. It is supplemented by a CCTV enforcement procedures manual containing specific instructions on the use of the camera and recording equipment and control room procedures. Separate Codes of Practice exist covering the other purposes for which CCTV cameras may be used.

2.1.4 Mobile or transportable cameras may also be temporarily sited within an area for the purposes of the enforcement of traffic regulations. The use of such cameras will be governed by this Code of Practice and any procedures ancillary to it.

2.1.5 Operation of the system will also take full account of the Road Traffic Regulation Act 1984, Traffic Management Act 2004, The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007, The Civil Enforcement of Parking Contraventions (England) General Regulations 2007, The Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007 and all other relevant legislation and statutory guidance.

2.1.6 Records of the keepers of vehicles, which contravene traffic regulations, will be obtained in accordance with the Driver and Vehicle Licensing Agency enquiry procedures.

2.1.7 All data shall be processed fairly and lawfully and the operators of the system will ensure that appropriate security measures shall be taken against



unauthorised access to, alteration, disclosure or destruction of, personal data and against accidental loss or destruction of personal data.

## **2.2 Enforcement of traffic regulations by CCTV camera**

2.2.1 The primary purpose of the CCTV camera enforcement system ('the system') is to ensure the safe and efficient operation of the road network through the detection of contraventions of traffic regulations.

2.2.2 In order to deter non-compliance with Traffic Regulations the system enables fully trained staff: -

- to monitor traffic activity in accordance with this Code of Practice and so to deter violation of traffic regulations;
- to identify vehicle registration number, colour and type of unauthorised vehicles contravening traffic regulations;
- to support the serving of Penalty Charge Notices (PCN's) to the registered keeper of vehicles identified contravening the regulations;
- to record evidence of each contravention to ensure that representations and appeals can be fully answered;
- to enable timed and dated pictorial evidence of such unauthorised driving or stopping to be produced for adjudication or as information to the owner of such vehicles;
- to enable the immediate despatch of a Civil Enforcement Officer for targeted enforcement of vehicles contravening traffic regulations.

2.3.3 The system is intended to view activity on public carriageways, footways and verges. It will not be used to invade the privacy of any persons in domestic, business or other private premises, buildings or land.

## **2.3 Extensions and changes to the area surveyed**

2.3.1 Wirral Council can extend or change the areas covered by the CCTV system subject to normal internal procedures provided that those areas remain within the extents of the area authorised for civil parking enforcement (see Appendix 2).

2.3.2 Changes to the purpose of the system and to the type of equipment and data links used are major changes. They may only be made in accordance with the arrangements set out in Section 12 specifying how changes to the Code can be made.

## **2.4 Operation of the System: Monitoring of Traffic**

2.4.1 The system will be operated for the purposes of enforcing traffic regulations. This Code of Practice applies to the use of the system for that purpose only.

2.4.2 Only properly trained and qualified operators (see section 8.0 - Operating Personnel) will operate the system.

2.4.3 Operation of the systems may only be undertaken fully in accordance with the CCTV Enforcement Procedures Manual. Suitable digital recording media may be drawn from stock and loaded or allocated. All components of the equipment will be checked for correct function.

- 2.4.4 The operator will then start observation of the traffic in accordance with enforcement plans. It is essential that the operator 'locates' the field of view on any tape or section of a tape on which a contravention is recorded. (Directing the camera to unique landmarks and to any adjacent relevant camera enforcement signs for approximately three seconds each will achieve this.) The operator must move cameras with due regard for the privacy of the individual and must ensure that as cameras are panned, zoomed and tilted that they do not pause on any field of view other than the carriageways and adjacent footways which make up the Areas of Application.
- 2.4.5 A contravention of traffic regulations will be identified, by monitoring the screen and operating the cameras in real time. The operator must obtain the most effective images of a vehicle and its surrounding circumstances at the time when any contravention may be occurring. Contraventions must be identified at the time when they are committed. Pre-recorded video images will not be studied to identify contraventions committed at some earlier time.
- 2.4.6 When a contravention is observed and sufficient evidence has been recorded, the operator will record the time in hours (HH) and minutes (MM) and sufficient vehicle identifier information in the CCTV enforcement log sheet (see Appendix 3). The operator will then continue monitoring.
- 2.4.7 When a non traffic 'incident' is caught on camera operators will follow procedures agreed locally with the Police and other scheme partners. All such incidents are to be recorded on a CCTV enforcement log sheet (see Appendix 3) and additional notes added to the comments and observations section.
- 2.4.8 At the end of the monitoring period the operator will record the exact time and, if videotape, DVD or CD-R is being used;
- remove the 'evidence' tape or disc;
  - seal the 'evidence' tape or disc in an evidence bag or with a security tag;
  - lock the evidence in secure storage.

## **2.5 Issue of Penalty Charge Notices (PCNs) including Representations**

- 2.5.1 The operator will use the contemporaneous record, or tags on the digital record, to identify the sections of the 'working' video recording, which contain possible contraventions.
- 2.5.2 Each contravention will be reviewed on the working video to decide whether it is clear and indisputable. Appropriate details of the vehicle and circumstances involved in clear and indisputable contraventions are recorded, and registered keeper details obtained. A PCN is then sent to the registered keeper.
- 2.5.3 All PCN's are to be issued within 14 days of the contravention and may be sent by first class post. Service of the PCN sent by first class post is taken to have been effected on the second working day after the day of posting.
- 2.5.4 Representations: with regard to parking contraventions, formal representations specifically concerned with the issue of any Penalty Charge

Notice (PCNs) from this system can be made once the combined PCN/Notice to Owner has been issued to the keeper of the vehicle.

- 2.5.5 The enforcing authority must consider all representations and if it does not accept them, issues a Notice of Rejection. If the keeper is not satisfied by this outcome, there is a right of further appeal to the independent Adjudicators at the Traffic Penalty Tribunal (see section 6.0 – Guidelines for Appeals).

### **3.0 RETENTION AND USE OF EVIDENCE**

#### **3.1 Operator evidence**

- 3.1.1 The operator's observation of a contravention is the primary evidence of that contravention of which the video captured is the physical copy of the operators view of the contravention as it occurred. The issued Penalty Charge Notice is the enforcing authority's declaration that a clear and undisputable contravention has been observed. All records made during a monitoring period are retained in secure storage.

#### **3.2 Recorded video evidence**

- 3.2.1 Recorded video evidence is retained to support the primary evidence supplied by the operator. All observations are concurrently recorded on twin video recordings. One video recording is known as the 'evidence video' and the other the 'working video'. All video-recordings regardless of format must be individually numbered for unique identification.

#### **3.3 If a videotape, DVD or CD-R is being used for the 'evidence video'**

- 3.3.1 The evidence video will only be removed from its secure storage if:
- it is required for adjudication evidence
  - it is no longer required for evidential purposes
- 3.3.2 An audit log will be kept to track the movement of all evidential media. A record commences at the point that the monitoring begins, and ends when the media is released from secure storage to be degaussed/deleted/destroyed.
- 3.3.3 An evidence video may be released for reuse when all contraventions recorded on it have been fully and finally settled.

#### **3.4 If a digital storage medium is being used for the 'evidence video'**

- 3.4.1 The system must ensure that the 'evidence video' of the two recordings is held separately, securely and can only be accessed by authorised personnel. An audit log will be kept to track the movement of all evidential media. A record commences at the point that the monitoring begins, and ends when the media is released from secure storage to be degaussed/deleted/destroyed.

#### **3.5 Use and storage of the 'working video'**

- 3.5.1 At the end of each recording period the 'working video' recording is used to review the potential contraventions identified by the operator. Thereafter the

recording is placed in secure storage. The 'working video' recording will only be removed from storage for the following purposes: -

- to generate still images or on screen prints or photographs;
- for viewing by authorised processing staff when considering representations and appeals;
- for viewing under strictly controlled conditions as defined in paragraph 2.5.15;
- for copying or release to third parties under the circumstances defined in paragraph 2.5.10;
- for monitoring purposes to obtain statistics on the performance of the scheme;
- for the purpose of additional monitoring.

3.5.2 A complete record is kept of the movement and viewing of every 'working video' recording. This begins when the tape, or disc, is placed in the recorder prior to a monitoring period, covers all uses and ends when it is released from secure storage and magnetically erased prior to reuse or destruction. In the case of digital storage medium it begins from the time the operator 'logs-on' to the system at the start of a monitoring period and ends when the video recording is deleted.

3.5.3 A 'working' recording is released for reuse, or destruction, when all contraventions recorded on it have been fully processed. In the case of digital images these should be securely deleted once they are no longer required.

#### **4.0 OWNERSHIP, COPYING AND RELEASE OF RECORDINGS**

4.1 All recordings are the property of the Council and may not be copied or released from the Control Room or from secure storage without the formal written agreement of the Senior Officer nominated in Appendix 1 paragraph 4. A copy of the section of a working video recording, relevant to a particular contravention, will only be released: -

- To the Parking and Traffic Penalty Tribunal Service (and copied to the appellant)
- To the Police
- To Lawyers acting for appellants in Traffic Appeals
- To Lawyers acting for defendants/victims in connection with criminal proceedings
- To a third party prosecuting authority, such as Customs & Excise or the Health & Safety Executive.
- By court order, in connection with civil proceedings
- In the case of VHS video, to be magnetically erased and properly disposed of after twelve cycles of use.

4.2 Recordings (or copies of a section of a recording) will only be released over signature to representatives of the above organisations after proof of identity. Recordings (and copies of recordings), which are released, remain the property of the Council. Any recording released to the Police will be dealt with by the Police as an exhibit and shall not be used for anything other than the purpose specified and identified when released to the Police. A detailed

record must be kept of the recording (or section of it) that has been released and the reason for its release.

- 4.3 The Council will provide the Police with a statement confirming the integrity of the recording, if required for evidential purposes.
- 4.4 Under no circumstances will recordings be released to members of the public, except as per section 5.1 below, or to media or other commercial organisations, except those contracted to undertake enforcement on behalf of the authority.
- 4.5 Recorded material will only be used for the purposes defined in this Code of Practice and will only be accessed as defined in this Code of Practice. In no circumstances will recorded material (or any copies or still prints generated from it) be sold or lent for any purpose other than those set out above. Copyright of all recorded material and stills printed from such material remain totally with the operating Authority.

## **5.0 VIEWING OF VIDEO TAPES OR OTHER RECORDING MEDIUM**

- 5.1 A person who has received a PCN or the keeper of the vehicle is entitled to view that section of the video recording showing the contravention for which the PCN was issued. Viewing of videotapes, or other recording medium, will only be arranged following formal agreement of the Senior Officer nominated in Appendix 1 paragraph 5. Viewing of the video evidence should be arranged as soon as possible after a request has been made by the person in receipt of the PCN. The viewing area should not only be secure, but it should be designed and laid out so that only those in the viewing room can see the images. A still image may be supplied at no charge, as an alternative, in a situation where it is not possible to arrange a viewing of video evidence.
- 5.2 Viewing of video recordings will only be permitted in the following circumstances:
  - to support the issue of a PCN
  - as an alternative to releasing a recording to one of the parties nominated in paragraph 5.1 above
  - as part of internal audit, review or disciplinary procedures
  - as part of the training process for control room staff.
- 5.3 Viewing will only take place in a secure viewing area. It will be supervised by properly qualified Control Room staff. Only the 'working video' recording will be viewed. 'Evidence video' recordings will not be viewed.
- 5.4 The person supervising the viewing must enter full details of the event in the Control Room Records including: -
  - time, date and location of viewing
  - the serial numbers of all tapes or discs viewed, the sections of those tapes or discs that were viewed (using the start and finish frame numbers) if applicable.
  - the reasons for viewing each tape or disc
  - details of the people present at the viewing.

In the case of digital storage media it is sufficient for the system to log, with the video image;

- time, date and location of viewing
- the reasons for viewing
- details of the people present at the viewing.

5.5 The event will also be entered into the individual history of each video recording viewed.

5.6 These records should be subject to regular audit, at least once a year, by officers specified in Appendix 1, paragraph 6.

5.7 Still Images

5.7.1 A still image may be supplied to a person who has received a PCN to support that PCN. A copy of the still image may be supplied at the same time that the PCN is issued. A still image may be supplied as an alternative to viewing video evidence, following formal agreement of the Senior Officer named in Appendix 1 paragraph 5. No charge is to be made for supplying the image. The image then becomes the property of the person who received the PCN. All other still images will remain the property of the operating Authority.

5.7.2 A still image is a print onto paper of the picture held on a single field or frame of the video recording. The prescribed equipment will be used to generate these still images and each image produced will contain its unique frame number and the time (HH MM SS) and date (DD MM YY – or similar format) of the occurrence.

5.7.3 Still images will only be generated at the discretion of the Senior Officer named in Appendix 1 paragraph 5 and only for the following purposes;

- to support the issue of a PCN;
- as evidence for an Appeal;
- or if the Police, or other organisation approved by the operating Authority, request such an image with detailed written reasons for their request.

5.7.4 Each still image will be given a unique serial number and will be logged and accounted for at all times. Still images will only leave the Control Room as an integral part of the issued PCN or when requested by the recipient of the relevant PCN or signed out as evidence in the possession of the Police or other organisation listed in paragraph 4.1.

5.7.5 Still images may not be copied or released from the Control Room without the formal written agreement of the Senior Officer nominated in Appendix 1 paragraph 5.

5.7.6 Still images, which are no longer required, are to be destroyed in the Control Room and the destruction of each image will be recorded in the Control Room records.

5.7.7 The procedure for production, release and destruction of still images will be subject to regular audit.

## **6.0 GUIDELINES FOR APPEALS**

6.1 All appeals and representations must be considered and dealt with having full regard for and totally in accordance with The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 and the Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions issued in 2008 and in accordance with local policies on mitigation and cancellations.

### 6.2 The Appeal Form

6.2.1 An appeal form must be enclosed with every Notice of Rejection of Representations issued by an enforcing authority.

6.2.2 The *official use* box must be completed by an authorised official of the enforcing authority. This must state the PCN No, the Vehicle Registration Number, the name of the keeper to whom the Notice of Rejection was sent and the date the Notice of Rejection was sent. This information must be completed for an appeal to be registered and enables the appeal service to check that the right person is lodging an appeal and that it has been submitted in time.

### 6.3 Evidence

6.3.1 The following items will be required as mandatory evidence by the Traffic Penalty Tribunal Adjudicators:

a) Authorised Officer Witness Statement - A declaration that at the time the contravention was observed the monitoring and recording equipment used was of a type approved by the Secretary of State and was in full working order at the time. An example of the Authorised Officer Witness Statement that should be used for parking contraventions is included in Appendix 4. The Authorised Officer Statement also includes details of the evidence that is being produced (e.g. stills from video recording) and confirmation that these were produced in accordance with the Code of Practice. In order for the Authorised Officer to sign the declaration reference should be made to the CCTV Enforcement Log Sheet to determine the status of the equipment at the time at which the contravention was witnessed. An example of a CCTV Enforcement Log Sheet is included in Appendix 3.

b) Copy of the Penalty Charge/Notice to Owner

c) A case summary - This should include the relevant part of the regulation allegedly contravened and deal with any exemption claimed by the appellant.

d) Copies of any representations made and all correspondence

e) Copy of the Notice of Rejection

f) Still or video images of the Offence.

6.3.2 The list above is not exhaustive. As in any case before the Traffic Adjudicators, the Adjudicator may ask for other forms of evidence not mentioned above. The Councils will be given at least 21 days notice to



submit evidence for Appeals. The evidence must be with the Traffic Adjudication Office 7 days before the hearing date (if date of hearing known).

#### 6.4 Adjournments

- 6.4.1 The Adjudicators have indicated that they will usually allow one 14 days adjournment of a postal case. They have therefore delegated authority to the Proper Officer's staff to deal with such requests, which should be sent in writing to the Parking and Traffic Appeals Service. Applications for adjournments for longer periods for postal cases or for personal cases must be made in writing with reasons to the Adjudicator.

### **7.0 SECURITY OF OPERATIONS**

- 7.1 The CCTV traffic monitoring operations will be carried out in a secure and lockable Control Room. Control room may include a secure mobile control vehicle.
- 7.2 All monitoring, recording and control equipment will be located in this room or in the case of mobile CCTV in a secure mobile control vehicle. All 'evidence' and 'working' recordings witness statements and other records will be stored in secure and locked cabinets within this room or other secure environment.
- 7.3 Visitors may only access the Control Room when authorised by the Senior Officer named in Appendix 1 paragraph. 5.
- 7.4 A logbook will be maintained in the Control Room in which details of all events and visits will be entered.
- 7.5 If the Control Room is left unattended for any time or for any interval, no matter how short, the tape, disc and record storage cabinets and the recording equipment and its controls must be securely locked and inaccessible to any unauthorised person. Any alternative secure storage room must be subject to the same conditions of attendance.
- 7.6 Technical, maintenance and repair work will only be carried out under the supervision of a responsible officer of the Borough. Safe guards re maintenance of vehicle etc. passwords etc cameras disabled

### **8.0 PROCEDURES MANUAL**

- 8.1 A CCTV Enforcement Procedures Manual listing duties, responsibilities and procedures to be followed will be available in the Control Room at all times. Access to that manual shall be restricted to officers who have responsibility for operating the system. The manual will be regularly updated to reflect current good practice.

### **9.0 OPERATING PERSONNEL**

#### 9.1 Responsibilities

- 9.1.1 Management responsibility for the operation of the system and observance of this Code of Practice resides with the Officers listed in Appendix 1 Paragraph 6.

9.1.2 All staff operating the system will be responsible for working in full accord with this Code of Practice and the CCTV Enforcement Procedures Manual. They will be subject to their employer's normal disciplinary procedures and will sign an acknowledgement that they have been trained in and understand the Code of Practice and the Procedures Manual. Breaches of this Code of Practice or of the Procedures will result in disciplinary action.

## 9.2 Selection and Training

9.2.1 All personnel permitted to operate the System will be selected in accordance with the Employer's or the external service providers Standard Recruitment Procedures for personnel who are obliged to work to rules of confidentiality.

9.2.2 They will be fully instructed in their responsibilities and role in operating CCTV.

9.2.3 All staff undertaking enforcement of traffic regulations using CCTV cameras must have successfully completed an approved training course.

9.2.4 Training will include: -

- all aspects of this Code of Practice
- all aspects of Control Room Procedures
- all aspects of equipment operation
- system audit procedures
- issue of PCN's
- knowledge of the areas of application in the Borough
- the necessary underpinning knowledge of Traffic Law
- Health & Safety

9.2.5 Full records of training and of assessments of competence will be kept according to the Employer's Standard procedures.

9.2.6 Operators will only be permitted to operate the system unsupervised when they have proved their competence according to the Employer's Standard Procedures.

## 10.0 AVAILABILITY OF THE CODE TO THE PUBLIC

10.1 Copies of this Code of Practice are publicly available in accordance with the Freedom of Information Act 2000. The Code can be inspected at the address given in Appendix 1 Paragraph 2. or view/downloaded via the Councils website at [www.wirral.gov.uk](http://www.wirral.gov.uk)

## 11.0 MONITORING AND REVIEW OF CODE

11.1 The enforcing Local Authority will prepare an annual report on the issuing of Penalty Charge Notices, which will be presented to the Department for Transport. These reports will be made available for public inspection either in writing or through the Local Authority's website. The Code of Practice will be reviewed and changed if it is deemed appropriate following this annual report or if requested by the 'Traffic Penalty Tribunal' Joint Committee.

## **12.0 CHANGES TO CODE**

- 12.1 It is intended that this Code will be amended as necessary to ensure that it continues to reflect current good practice. Changes to the Code will be classified as minor and major. Any change, which affects the purposes for which cameras will be used or the type of equipment to be used, constitutes a major change.
- 12.2 Minor changes may only be made after the agreement of senior representatives concerned in the operation of the scheme. Changes of nominated Officers are minor changes.
- 12.3 Major changes to the Code may only be made with the authority of the appropriate Cabinet Member or Committee within the Authority.

## **13.0 QUERIES AND COMPLAINTS ABOUT CODE**

- 13.1 Queries and complaints about this Code or its general operation should be sent to the address given in Appendix 1 Paragraph 3.
- 13.2 Queries or appeals against any specific Penalty Charge Notice (PCN) shall be made to the address shown on that PCN.

## **APPENDIX 1**

### **PARTICULARS OF OPERATING AUTHORITY**

**1 Authority responsible for the Scheme**

*Wirral Borough Council*

**2 Local Address at which this Code of Practice can be inspected**

*Technical Services Dept, Cheshire Lines Building, Canning Street,  
Birkenhead, CH41 1ND*

**3 Address to which queries and Complaints about the scheme should be sent**

*Technical Services Dept, Cheshire Lines Building, Canning Street,  
Birkenhead, CH41 1ND*

**4 Senior Officer who can authorise copying and release of tapes**

*Mike Wilkinson, Assistant Director  
Phil Black, Enforcement Manager*

**5 Senior Officer who can authorise access to Control Room, viewing of recordings and release of still images.**

*Phil Black, Enforcement Manager  
Steve Atkins, Parking Services Manager*

**6 Officers responsible for operation of the system and observance of the Code of Practice:**

**Overall responsibility**  
*Phil Black*

**Responsibility for day to day operations**  
*Steve Atkins (WBC)  
Simon Hummer (NSL)*

**Responsibility for Training**  
*Steve Atkins (WBC)  
Simon Hummer (NSL)*

**TRAFFIC REGULATION ORDERS RELEVANT TO THIS SCHEME**

The Scheme applies to all Traffic Regulation Orders made and in operation within the borough of Wirral and specifically within the limits of the area defined within Statutory Instrument 2711, The Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of Wirral) Order 2003 as detailed below.

The whole of the borough of Wirral except -

- (a) the entire length of the M53, and its on and off slip roads, within the borough; and
- (b) the Kingsway Tunnel Approach from its junction with the M53 at Junction 1 to the Kingsway Tunnel entrance, and its on and off slip roads and marshalling areas, within the borough;
- (c) the A5139 Docks Link Road, from its junction with Poulton Bridge Road to its junction with the A554;
- (d) the approaches to the Queensway Tunnel as follows -
  - (i) Tunnel Road from its junction with the A41 to the tunnel entrance;
  - (ii) from the junction with Conway Street and Hamilton Street, but not including the roundabout that forms the junction, to the tunnel entrance; and
  - (iii) the flyover from Borough Road to the tunnel entrance;
- (e) the Chester Street (Underpass) from its junction with Tunnel Road to its junction with Ivy Street; and
- (f) the Cross Town Link (Flyover), Birkenhead from its junction with Chester Street to its junction with Borough Road East.

EXAMPLE CCTV ENFORCEMENT LOG SHEET

**CCTV Enforcement Log Sheet**

**Date:**

**CEO Operator Number:**

**Vehicle Number:**

**Shift Start Time:**

**Shift End Time:**

**Daily Deployed Hours:**

**Contraventions Recorded:**

**Signed:**



Appendix 3

Date	CCTV Enforcement Log Sheet			
Start Time	End Time	Street Name	Location of CCTV vehicle (e.g. o/s number 10)	Location of CCTV Camera enforcement signs (e.g. Junction of A Road/B Road)





# CCTV Enforcement Log Sheet

Date:

Page of

Time	Street	Location of vehicle	Restriction	Code	CEO	VRM
<b>Make</b>	<b>Colour</b>	<b>Comments &amp; Observations</b> (including details of any non-traffic or parking related incidents to be referred to other partner e.g. Police)				
<b>Review by</b>	<b>PCN Number</b>					
		<b>Reason for not issuing PCN</b>				

Page 83

Time	Street	Location of Vehicle	Restriction	Code	CEO	VRM
<b>Make</b>	<b>Colour</b>	<b>Comments &amp; Observations</b> (including details of any non-traffic or parking related incidents to be referred to other partner e.g. Police)				
<b>Review by</b>	<b>PCN Number</b>					
		<b>Reason for not issuing PCN</b>				



## Camera Operator Witness Statement (Parking Contraventions)

TPT Case No:

PCN No:

I can confirm that I am a Civil Enforcement Officer employed by NSL Services Group to undertake parking enforcement duties on behalf of Wirral Borough Council.

This statement is true to the best of my knowledge and belief. I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything that I know to be false or do not believe to be true.

The enclosed page of the log is a true statement of events recorded at the time of the contravention. I produce in evidence in the above case, video or stills from video. I certify that these were produced from a video recording made by a mobile CCTV camera on the date and at the location show on the log.

I further certify:

1. that this/these was/were produced in accordance with the Wirral Code of Practice for the Operation of CCTV Enforcement Cameras;
2. that the monitoring and recording equipment used at the location and time specified is a prescribed device approved by the Secretary of State under The Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007;
3. that, to the best of my knowledge and belief, all conditions subject to which approval was given were satisfied;
4. that traffic signs to advise motorists that camera enforcement is taking place were placed at the limits of the enforcement area in a position clearly visible to approaching motorists.

Civil Enforcement Officer Number: \_\_\_\_\_

Initials: \_\_\_\_\_

Dated: \_\_\_\_\_

WIRRAL COUNCIL  
AUDIT AND RISK MANAGEMENT COMMITTEE

23<sup>RD</sup> SEPTEMBER 2009

REPORT OF THE DEPUTY CHIEF EXECUTIVE/DIRECTOR OF CORPORATE SERVICES

## **AUDIT COMMISSION – PERFORMANCE MANAGEMENT REVIEW**

---

### **1. Executive summary**

- 1.1 Wirral Council has made some significant steps to improve performance management both across the organisation from a corporate and departmental perspective, and for Wirral's local strategic partnership.
- 1.2 In April 2009, the Audit Commission began a review of the performance management arrangements in place across the council, in order to work with the authority to deliver further improvements. A key aim of the review is to focus upon how performance management is applied consistently across departments. It is anticipated that the review will not only examine progress and highlight areas of good practice, but will also identify further opportunities for improvement.
- 1.3 The review was divided into a number of stages, the first of which involved an online survey with a sample of managers across the council, and a baseline questionnaire exercise to obtain an initial picture of performance management arrangements and issues within departments. The purpose of this stage was to identify some preliminary messages and indicative findings to inform the more detailed work in stage two, rather than to provide judgments or conclusions.
- 1.4 This report provides the initial findings from the first stage of the Audit Commission's work, and presents the next steps to be taken. A report outlining the findings of Stage One of their review, titled "Performance Management" Stage One – Audit Commission, August 2009, is attached at Appendix 1.
- 1.5 The Audit Commission is currently undertaking a Better Financial Management Review and it is intended that the second stage of the Performance Management Review will be integrated with this work.

### **2. Background**

- 2.1 Wirral Council has significantly strengthened its approach to performance management and this can be evidenced through the following developments:

- The 2008 Comprehensive Performance Assessment (CPA) assessed Wirral as a 3 star council – improving well

- The production of Wirral's sustainable community strategy which sets out a 2025 vision for Wirral;
- The launch of Wirral's 2008/11 Corporate Plan in April 2008 which sets out 5 clear strategic corporate objectives, medium term aims and annual priorities for improvement
- Revisions to both the format and timetable of reports to elected members to combine financial, performance and risk information to enable effective decision making.
- The development and adoption of a consistent format for departmental business planning to fully reflect the contribution which departments will make towards the Corporate Plan.
- The launch of Wirral Council's data quality policy in 2007 and implementation of the data quality action plan to further improve arrangements, including the roll-out of a data quality training workshop.
- A robust approach to target setting implemented across the Council.

2.2 The latest direction of travel statement from the Audit Commission reflected the improvements made and included the following judgment:

"The Council continues to develop its capacity for future delivery and has improved its arrangements for managing its resources. Ambitions and priorities for the area have been clarified and performance management arrangements are being strengthened."

2.3 The Council recognises that there is further work to be done, and we will continue to develop our performance management arrangements to drive further improvements. This review will act as a catalyst to these further improvements, providing the Council with a series of findings, rather than recommendations, and providing a focused improvement planning session to explore areas for further development.

### **3. Findings from Stage One**

- 3.1 The report outlining the findings from Stage One is attached at appendix 1. This report provides the initial findings from the baseline questionnaire exercise which was completed by each department, and the findings from the online survey exercise, and does not at this stage form only judgments. The purpose of the report is to outline areas which might be further explored at Stage Two. The online survey was distributed to a sample of 705 staff comprising chief officers and senior, middle and first line managers. 442 responses were received, giving an excellent response rate of just under 63%.
- 3.2 The findings reflect the significant improvements Wirral Council has made in performance management, particularly with the overwhelming majority of the 442 respondents consistently agreeing or strongly agreeing with nearly all of the questions in the online survey which probe the corporate direction, the shared vision, the approach to managing service performance, improving services, improving performance management and improving people management.
- 3.3 Specific findings which the Audit Commission draw out in their review include the following:

- The sustainable community strategy and corporate plan are generally recognised as strategic drivers (91.9% of respondents either agreed or strongly agreed that there are clear Council-wide strategic objectives, aims and improvement priorities which set out an overall direction for the Council. Also, 85.3% either agreed or strongly agreed that there are clear departmental and corporate targets for performance and 87.6% of the 442 respondents agreed or strongly agreed that there are clear objectives, standards and targets for their service.)
- The Key Issues Exchanges (KIE) are clearly given high priority throughout the Council and provide an effective means of promoting ownership of corporate and partnership priorities. (81% of respondents either agreed or strongly agreed that they understand how the work they do contributes to delivering our vision and shared priorities. Also, 79.5% either agreed or strongly agreed that they have personal objectives which are linked to service objectives, targets and standards and 79.9% of respondents either agreed or strongly agreed that there is a service / team plan which sets out how service objectives will be achieved).
- Departments are working in a wide range of partnerships and delivering many national and regional imperatives. (71.6% of respondents agreed or strongly agreed that the Council works constructively with its partners to deliver on its vision and shared priorities).
- The Council has a generally strong approach to people management. (94.1% of respondents either agreed or strongly agreed that they understand their role and responsibilities for managing employees in their service, and 80.4% either agreed or strongly agreed that they are familiar with and understand the Council's HR policy frameworks, procedures and processes for managing people).

3.4 Whilst the above findings are extremely positive, one of the key purposes of working with the Audit Commission to examine our performance management arrangements was to identify areas for further investigation and improvement. The Audit Commission have set out areas to be probed further.

3.5 Following Stage One of their review, the Audit Commission have proposed to use Stage Two to investigate the following areas in further detail:

- Understanding of strategic priorities and links to service/team plans
- Approach to business planning within services and how this links to / is supported by corporate arrangements
- Planning for improvement – how engagement with other service providers and local people is used in target and standard setting
- Workforce planning
- How the information technology needs of service areas are being addressed to support continuous improvement

- Member engagement in challenging performance.

#### **4. Next Steps**

- 4.1 Stage two of the review will be integrated with the Audit Commission's Better Financial Management Review and will involve a series of focus groups with managers and elected members, to further explore the issues raised during stage one. This stage will also involve "departmental tracers" whereby a review of key corporate and service documents used to improve performance will be carried out, with a focus on two selected departments, Technical Services and the Children & Young People's Department.
- 4.2 The final part of the review will involve an improvement planning session facilitated by the Audit Commission, focused upon any issues raised during the review, with the purpose to enhance existing performance management arrangements within Wirral.

#### **5. Financial implications**

- 5.1 There are no immediate financial implications for Wirral resulting from this report

#### **6. Staffing implications.**

- 6.1 There are no staffing implications for Wirral resulting from this report.

#### **7. Equal Opportunities implications**

- 7.1 There are no equal opportunities implications for Wirral resulting from this report

#### **8. Community Safety implications**

- 8.1 There are no community safety implications for Wirral resulting from this report.

#### **9. Local Agenda 21**

- 9.1 There are no environmental implications for Wirral resulting from this report.

#### **10. Planning implications**

- 10.1 There are no planning, land use etc. implications for Wirral resulting from this report.

## **11. Anti-poverty implications**

11.1 There are no implications for people from deprived communities in Wirral resulting from this report.

## **12. Social inclusion implications**

12.1 There are no implications that will potentially exclude individuals or groups from accessing services resulting from this report

## **13. Local Member Support implications**

13.1 There are no local member support implications arising from this report.

## **14. Background Papers**

14.1 None.

## **15. Recommendations**

15.1 Audit and Risk Management Committee note the findings of Stage One of the performance management review, and the areas for further focus outlined in section 3.5.

15.2 Committee members note the intention that Stage Two of the review will be integrated with the Audit Commission's Better Financial Management Review to reflect and build upon the improvements the council has made towards integrating performance and financial management.

## **J. WILKIE**

Deputy Chief Executive/Director of Corporate Services

This report was prepared by Siân Williams, who can be contacted on 0151 691 8637.



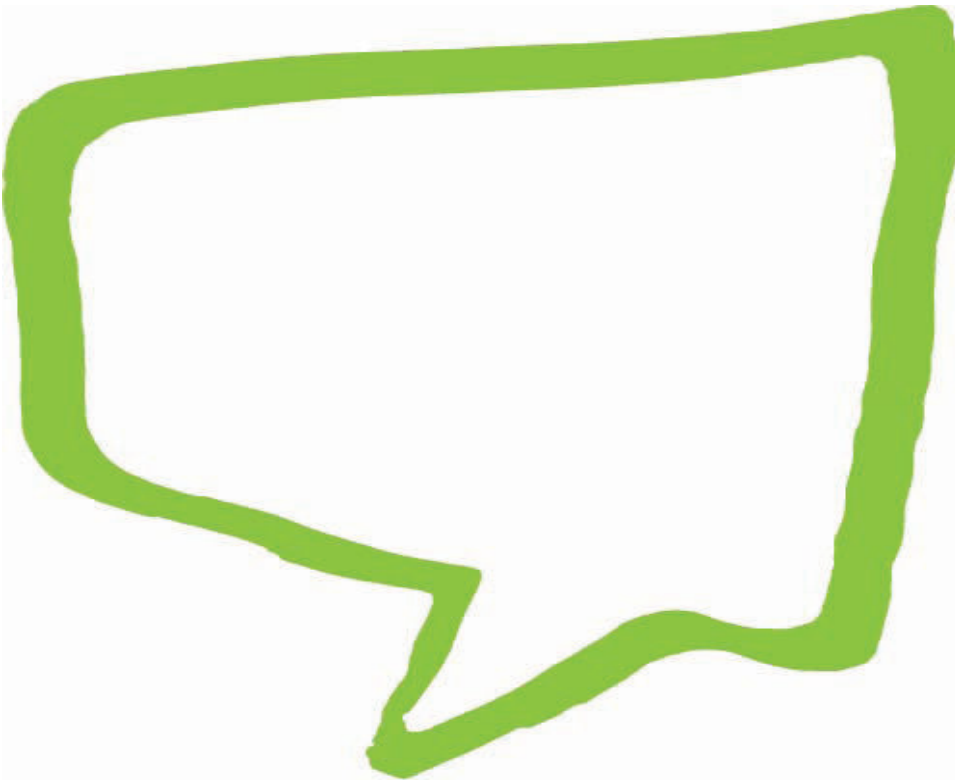
This page is intentionally left blank

# Performance Management Stage 1

Wirral Metropolitan Borough Council

Audit 2008/09

August 2009



---

# Contents

<b>Introduction and background</b>	<b>3</b>
<b>Stage 1 audit approach</b>	<b>5</b>
<b>Overall summary and areas for further investigation</b>	<b>7</b>
<b>Appendix 1 – Online survey</b>	<b>9</b>

---

## Status of our reports

The Statement of Responsibilities of Auditors and Audited Bodies issued by the Audit Commission explains the respective responsibilities of auditors and of the audited body. Reports prepared by appointed auditors are addressed to non-executive directors/members or officers. They are prepared for the sole use of the audited body. Auditors accept no responsibility to:

- any director/member or officer in their individual capacity; or
- any third party.

# Introduction and background

- 1 Since its last corporate assessment in 2005, Wirral Council has done much work to strengthen its approach to performance management. Key developments include:
  - the production of Wirral's sustainable community strategy;
  - a refresh of the Council's corporate plan; and
  - revisions to both the format and timetable of reports to elected members.
- 2 The Council recognises that there is scope for it to build on its performance management arrangements, so we have agreed to carry out a review to both examine progress and identify further opportunities for improvement. Whilst informing our other assessments at the Council (Use of Resources, Managing Performance and the wider Area Assessment), our review aims to:
  - provide a reality check on the Council's progress in embedding its current performance management framework to a consistent level across the organisation;
  - identify the key enablers of, and barriers to, the effective implementation of the Council's current performance management arrangements;
  - identify the main drivers in those areas where performance management arrangements are most effective; and
  - help the Council improve its performance management arrangements as it seeks to achieve its ambitions.
- 3 The review comprises a range of work which we have agreed with the Council will be carried out in two distinct stages:
  - Stage 1 - spring 2009:
    - a baseline questionnaire to obtain an initial picture of performance management arrangements and issues within departments across the Council; and
    - an online survey of a sample of managers selected by the Council in which respondents are asked to indicate the extent to which they agreed/disagreed with a series of statements concerning: corporate direction, contributing to a shared vision, embedding a culture of continuous improvement, improving services, improving performance management and improving people management.
  - Stage 2 - autumn 2009:
    - a series of focus groups with managers and elected members;
    - a review of key corporate and service documents used to improve performance; and
    - an action planning session focused on the issues which need to be addressed to enhance the existing performance management framework.

- 4 This report sets out the key findings from the first stage of our work. It has been prepared to provide the Council with interim feedback and highlight issues for further investigation. It does not set out any definitive conclusions about the Council's performance management arrangements or make any recommendations. These will be covered in a second and final report which we will make on completion of stage 2 of the review.

# Stage 1 audit approach

- 5 We attended a joint meeting of the Council's corporate improvement and performance management groups in April to discuss the overall programme for the review, and to agree the detail of the surveys for stage 1.
- 6 Baseline questionnaires were then completed by the nominated performance leads for the following departments:
  - Corporate Services;
  - Finance;
  - Children and Young People;
  - Technical Services;
  - Adult Social Services; and
  - Law, HR and Asset Management.
- 7 For Regeneration, separate questionnaires were completed for the following service areas:
  - Re-housing Services;
  - Sport and Recreation;
  - Strategy and Implementation;
  - Housing Strategy Team;
  - Licensing;
  - Environmental Health;
  - Cultural Services;
  - Community Safety;
  - Supported and Special Needs Housing;
  - Community Services
  - Housing Market Renewal Initiative;
  - Libraries; and
  - Trading Standards.
- 8 Around the same time, the online survey was distributed by the Council to a sample of 705 staff comprising chief officers and senior, middle and first line managers. A total of 442 responses were received, giving an excellent response rate of just under 63 per cent.
- 9 In the next section of the report, we draw together the key findings from the two surveys to highlight potential issues for further consideration and investigation as part of stage 2 of the review. The key findings from the two surveys are then set out in the sections which follow.

- 10 The completed baseline questionnaires and overall analysis of the online survey have been made available to the Council as a separate data-pack. We have also developed a tool to help the Council undertake its own analysis of the online survey results if required.

# Overall summary and areas for further investigation

- 11 Preliminary findings indicate that whilst the sustainable community strategy and corporate plan are generally recognised as strategic drivers, the sense of shared vision may not yet be felt by all staff within the organisation. This may suggest opportunities to improve the way in which key documents such as these are disseminated but, more so, how they are 'made real' to staff.
- 12 Key issues exchanges are clearly given high priority throughout the Council and provide an effective means of promoting ownership of corporate and partnership priorities. However the potential of this good level of staff contact may not yet be being realised. This is because the stage one findings suggest that the approach to business planning, particularly at service and team level, is not yet consistently strong. If this is the case, it will be more difficult for staff to appreciate the contribution they need to make to corporate and partnership priorities as well as their own performance against them.
- 13 All departments are working in a wide range of partnerships and delivering many national and regional imperatives. Some of the responses indicate that national and local priorities may not be completely aligned. If potential conflicts are not considered and resolved during business planning, departments could be left with a less clear view of their priorities for delivery or even a sense that they are working to competing priorities. This may account for the responses in the free text section of the online survey about the way in which resources are allocated at the Council.
- 14 Our preliminary findings suggest that the Council has a generally strong approach to people management but responses about longer term workforce planning were less positive. Workforce planning should form part of business planning but responses to the online survey indicate that arrangements to support this may not yet be consistently in place. There was also little clarity about the action being taken by the Council to make the workforce representative of the local community.
- 15 Arrangements for monitoring, managing and challenging service performance are clearly still being developed within all departments, but all are at very different stages. In this respect, specific areas for further consideration are the extent to which:
  - good practice is being shared both between and within departments;
  - information technology needs (systems and staff) to support performance management are being identified, considered and addressed at a corporate level; and
  - the extensive contact departments already have with other providers and with local people is being used to drive improvements in services through target and standard setting.
- 16 The role of elected members in challenging performance also offers potential for further investigation.



17 We are proposing to probe the following areas in more detail as part of our stage two work:

- understanding of strategic priorities and links to service/team plans;
- the approach to business planning within services and how this links to/is supported by corporate arrangements - partnership working/resolving conflicting priorities;
- planning for improvement - how engagement with other service providers and local people is being used in target and standard setting;
- workforce planning;
- how the information technology needs of service areas are being addressed to support continuous improvement; and
- Member engagement in challenging performance.

# Appendix 1 – Online survey

## Navigation

If at any point you would like to go back a page, please use the 'back' button at the foot of the page, not the 'back' button in the browser. Once you have completed the survey, please send us your response by CLICKING THE SUBMIT BUTTON

## Queries

If you experience technical difficulties in accessing/using this survey, please contact the Audit Commission ICT Department helpdesk on 0844 798 7822; If you have a query or experience difficulty with the language or content of this survey, please contact Andrew Wells on 07976 757998, [a-wells@audit-commission.gov.uk](mailto:a-wells@audit-commission.gov.uk)

## Confidentiality

This survey is entirely confidential and respondents will not be identified. All results will be anonymised and will not be attributed to individuals

## The Data Protection Act

Under the Data Protection Act, we have a legal duty to protect any information collected from you. Only the minimum appropriate personal data is requested and held, and it is only kept for so long as the purpose requires.

Information collected by the Audit Commission will be stored and processed in databases owned solely by the Audit Commission.

We will not provide any of your personal information obtained by us to other companies or individuals without your consent unless required to by law.

### Which type of manager are you?

Chief Officer	0.9%
Senior Management (ie member of the departmental management team)	10.4%
Middle Manager (ie you manage other managers)	34.1%
First Line Manager (ie you manage staff only)	54.4%

### Within which department/service do you work?

Department of Corporate Services headed by Jim Wilkie	4.3%
Department of Law, HR and Asset Management headed by Bill Norman	5.2%
Department of Adult Social Services headed by John Webb	13.0%
Department of Children and Young People headed by Howard Cooper	17.5%
Department of Regeneration headed by Alan Stennard	25.1%
Department of Technical Services headed by David Green	10.3%
Department of Finance headed by Ian Coleman	24.4%

Department of Corporate Services headed by Jim Wilkie, please select your service area	
Corporate Policy	26.3%
Strategic Development	47.4%
Tourism and Marketing	21.1%

Department of Law, HR and Asset Management headed by Bill Norman, please select your service area	
Law	39.1%
Human Resources	39.1%
Asset Management	17.4%

Department of Adult Social Services headed by John Webb, please select your service area	
Communities and Well Being	10.5%
Finance and Performance	19.3%
Reform Unit	5.3%
Care Services	31.6%
Integrated Commissioning	3.5%
Access and Assessment	29.8%

Department of Children and Young People headed by Howard Cooper, please select your service area	
Participation and Inclusion	19.5%
Learning and Achievement	35.1%
Planning and Resources	29.9%
Children's Social Care	14.3%

Department of Regeneration headed by Alan Stennard, please select your service area	
Culture	52.7%
Housing and Regeneration	31.8%
Regulation	15.5%

Department of Technical Services, headed by David Green, please select your service area	
Streetscene and Waste	33.3%
Building Design and Development Control	44.4%
Support and Information Services	22.2%

Department of Finance headed by Ian Coleman, please select your service area	
Benefits Revenue and Customer Services	41.1%
Financial Services	15.9%
IT Services	17.8%
Support Services	15.0%
Merseyside Pension Fund	7.5%
Change	1.9%

## Appendix 1 – Online survey

Please select one box on each line to indicate by how much you agree or disagree with the following statements

### Corporate direction

Wirral's 2009-2012 Corporate Plan sets out the Council's vision and strategic objectives together with how these will be delivered						
	Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree	Don't Know
There are clear Council-wide strategic objectives, aims and improvement priorities which set out an overall direction for the Council	37.7%	54.2%	5.0%	1.8%	0.5%	0.5%
The Council will be able to measure how successful we have been at achieving our strategic objectives, aims and priorities	24.8%	56.9%	14.7%	1.8%	0.2%	1.1%
There are clear departmental and corporate targets for performance	34.3%	51.0%	9.7%	3.6%	0.7%	0.2%
I know how successful we are in achieving strategic objectives, aims and priorities	21.7%	47.6%	20.5%	7.9%	0.7%	0.9%
The Council targets its resources to deliver corporate priorities and objectives	14.9%	50.6%	19.4%	10.8%	1.6%	1.6%
I understand how the work I do contributes to delivering the Council's vision and strategic objectives	41.5%	49.2%	6.1%	2.0%	0.5%	0.2%
Comments		7.2%				

### Contributing to a shared vision

Wirral's sustainable community strategy - Wirral 2025: More Equal, More Prosperous - sets out a shared vision for Wirral. One of the ways in which we are delivering this vision is through Wirral's local area agreement						
	Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree	Don't Know
I understand how the Council's strategic objectives will help to deliver Wirral's sustainable community strategy and local area agreement	18.1%	53.3%	18.1%	6.5%	0.5%	3.2%

The Council works constructively with its partners to deliver on its vision and shared priorities	22.8%	48.8%	20.5%	3.2%	0.9%	3.4%
I understand how the work I do contributes to delivering our vision and shared priorities	30.7%	50.3%	11.5%	5.0%	0.5%	1.6%
Comments	5.4%					

### Managing service performance

Embedding a culture of continuous service improvement						
	Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree	Don't Know
The Council effectively challenges why services are provided	10.6%	49.7%	24.4%	9.5%	2.3%	2.9%
The Council effectively challenges how services are provided	13.5%	49.0%	20.8%	11.3%	1.8%	2.7%
The Council uses the results of consultation to improve the way services are delivered	11.5%	49.7%	23.5%	9.0%	2.5%	2.7%
The Council uses internal comparative data to improve the performance of its services	11.1%	50.3%	23.9%	6.5%	0.7%	6.8%
The Council uses external comparative data to improve the performance of its services	11.1%	46.5%	28.4%	4.3%	0.7%	8.1%
The Council uses the most appropriate provider of services to ensure continuous service improvement	8.1%	41.5%	30.2%	10.8%	1.4%	6.8%
The Council delivers customer-focussed services	19.4%	56.4%	14.9%	6.3%	1.1%	0.7%
Comments	7.4%					

## Appendix 1 – Online survey

Improving services						
	Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree	Don't Know
There are clear objectives, standards and targets for my service	41.3%	46.3%	7.4%	3.6%	0.5%	0.5%
These objectives, standards and targets are focussed on customers' needs and expectations	33.9%	45.6%	12.0%	6.3%	0.7%	0.9%
Service targets are challenging yet achievable	22.6%	52.6%	15.8%	6.5%	0.7%	0.9%
There is a service/team plan which sets out how service objectives will be achieved	30.9%	49.0%	12.4%	4.7%	0.9%	1.6%
Resources have been prioritised to deliver service objectives	19.4%	45.1%	18.3%	12.4%	2.0%	1.6%
Equality impact assessments are completed for all services	16.5%	41.5%	24.2%	4.3%	0.7%	12.0%
Comments		7.0%				
Improving performance management						
	Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree	Don't Know
I was able to contribute to setting objectives, standards and targets for my service	35.7%	39.3%	11.1%	11.3%	2.0%	0.2%
I have personal objectives which are linked to service objectives, targets and standards	31.2%	48.3%	12.0%	6.5%	1.1%	0.5%
I receive appropriate training and development to help me achieve my personal objectives	28.0%	45.8%	14.0%	8.6%	2.7%	0.2%
I receive regular feedback on my own performance against objectives and targets	21.2%	43.1%	17.6%	14.2%	3.2%	0.2%
Relevant and accurate information is collected to assess service performance and the achievement of objectives	26.0%	46.5%	17.6%	6.1%	1.4%	2.0%

Service performance is reviewed systematically by drawing on this information	23.3%	46.0%	19.6%	6.3%	1.1%	3.2%
I know how successful we are in achieving service objectives, standards and targets	29.6%	46.5%	15.1%	5.9%	1.1%	1.1%
There is an effective response if standards or targets are not met	19.0%	43.6%	19.0%	11.3%	3.4%	2.3%
Elected members play an active role in reviewing performance	11.1%	30.7%	32.1%	10.2%	4.5%	10.8%
Performance information is used in setting service objectives, standards and targets	21.9%	47.4%	19.0%	4.5%	1.1%	5.4%
Comments	5.2%					

### Improving People Management

	Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree	Don't Know
I understand my role and responsibilities for managing employees in my service	52.1%	42.0%	2.7%	0.5%	0.0%	0.2%
The corporate HR strategy for managing people supports the Council in achieving its objectives	14.7%	46.3%	23.3%	7.2%	2.5%	3.6%
I am familiar with and understand the Council's HR policy frameworks, procedures and processes for managing people	22.8%	57.6%	11.5%	3.6%	0.5%	1.1%
Potential workforce planning issues are identified	12.2%	44.0%	27.3%	7.7%	0.7%	5.4%
Appropriate action is taken on workforce planning issues	10.2%	35.4%	31.8%	10.8%	1.6%	7.0%
The Council is taking action to develop leadership and managerial capacity	20.5%	42.4%	22.6%	7.7%	1.6%	2.5%
The Council is taking action to ensure the workforce reflects the profile of the local community	10.6%	36.6%	34.5%	4.5%	0.7%	9.9%

## Appendix 1 – Online survey

The Council is taking action to ensure staff understand and apply best practice in equality when delivering services	28.0%	53.0%	12.4%	2.5%	0.0%	1.4%
The Council is monitoring the diversity of its workforce	28.2%	53.0%	11.3%	1.1%	0.2%	3.6%
Comments	6.5%					

Thank you for taking the time to complete this survey. Please send us your response by clicking on the submit button below.



---

# The Audit Commission

The Audit Commission is an independent watchdog, driving economy, efficiency and effectiveness in local public services to deliver better outcomes for everyone.

Our work across local government, health, housing, community safety and fire and rescue services means that we have a unique perspective. We promote value for money for taxpayers, auditing the £200 billion spent by 11,000 local public bodies.

As a force for improvement, we work in partnership to assess local public services and make practical recommendations for promoting a better quality of life for local people.

---

## Copies of this report

If you require further copies of this report, or a copy in large print, in Braille, on tape, or in a language other than English, please call 0844 798 7070.

© Audit Commission 2009

For further information on the work of the Commission please contact:

Audit Commission, 1st Floor, Millbank Tower, Millbank, London SW1P 4HQ

Tel: 0844 798 1212 Fax: 0844 798 2945 Textphone (minicom): 0844 798 2946

[www.audit-commission.gov.uk](http://www.audit-commission.gov.uk)

WIRRAL COUNCIL  
AUDIT AND RISK MANAGEMENT COMMITTEE

REPORT OF THE DEPUTY CHIEF EXECUTIVE/DIRECTOR OF CORPORATE  
SERVICES

## DATA QUALITY ACTION PLAN AND PROGRESS REPORT

---

### 1. Executive summary

- 1.1 The purpose of this report is to provide Audit and Risk Management Committee with Wirral's Data Quality Action Plan and progress against actions within the plan at the second quarter.

### 2. Background

- 2.1 In 2008 the Audit Commission carried out an assessment of the Wirral Council's data quality arrangements for 2007/2008. These findings were reported to Audit and Risk Management Committee on January 26<sup>th</sup> 2009. It was agreed by Cabinet on April 9<sup>th</sup> 2009 that a comprehensive Data Quality Action plan would be developed and reported to Corporate Improvement Group and Audit and Risk Management Committee on a quarterly basis. Progress against the Data Quality Action Plan was reported to Audit and Risk Management Committee at the first quarter on 29<sup>th</sup> June 2009.

### 3. Data Quality Action Plan

- 3.1 The Data Quality Action Plan has been developed to address the Audit Commission's recommendations. This action plan also includes recommendations made by the council's own internal audit function during 2007/08 and any outstanding recommendations made by the Audit Commission in 2006/07 where appropriate. The Audit Commission's 2008 recommendations can be found in Appendix 1.

### 4. Action plan progress at the Second Quarter

- 4.1 The following table shows relevant actions from the Data Quality Action plan and progress made against them as at 7<sup>th</sup> September 2009:

Rec No	Action	Date	Status
R1, R2	Refresh Terms of Reference for Performance Management Group and Corporate Improvement Group	March 2009	Completed

Rec No	Action	Date	Status
R1, R2, R4,	Refresh Data Quality Policy	Awaiting sign off.	In Progress
R1, R7, R10, R11	Complete performance indicator reviews for national indicator set and local indicators able to be reviewed at this stage.	August 09	Completed
R1, R3	Analyse PI reviews; escalate issues to Internal Audit; develop 'Common Themes' action plan including the development of a PI for monitoring data quality improvements.	November 09.	In progress
R1, R2, R5	Quarterly reporting on Data Quality Action plan and cascading messages through Departmental Management Teams	2 <sup>nd</sup> Report Sept 09.	Completed
R2	Create Partnership Data Quality Agreement and make available on LSP website.	Awaiting sign off by LSP Executive.	In Progress
R3, R8	Evaluation of all Council systems used to calculate PIs and the implementation of any Internal Audit recommendations	This was done through the PI reviews conducted in August 09.	Completed
R4	Chief Officers are requested to ensure that data quality features in KIE reviews for all responsible and calculating officers.	April 2009	Completed
R5	Support the roll out of the Data Quality Workshop, and identification of communication channels and best practise to share from each department.	Workshops held Mid-June 2009.	Completed
R6	Analyse scrutiny and cabinet dates and consider the possibility of making reports available earlier via the virtual server.	March 2009	Completed
R8, R9, R11	Review previous Internal Audit Reports to ensure any previous recommendations have / will be carried out.	March 2009	Completed

## **5. Data Quality Assessment 2008/09**

- 5.1 The Use of Resources element of the Council's organisational assessment of CAA will be partly informed by an assessment of our data quality arrangements for 2008/09. Data quality will feed into the Key Line of Enquiry (KLOE) 2.2 "Data Quality and Use of Information" under the "Governing the Business" theme.

## **6. Financial implications**

- 6.1 There are no immediate financial implications for Wirral resulting from this report.

## **7. Staffing implications**

- 7.1 There are no staffing implications for Wirral resulting from this report.

## **8. Equal Opportunities implications**

- 8.1 There are no equal opportunities implications for Wirral resulting from this report.

## **9. Community Safety implications**

- 9.1 There are no community safety implications for Wirral resulting from this report.

## **10. Local Agenda 21**

- 10.1 There are no environmental implications for Wirral resulting from this report.

## **11. Planning implications**

- 11.1 There are no planning, land use etc. implications for Wirral resulting from this report.

## **12. Anti-poverty implications**

- 12.1 There are no implications for people from deprived communities in Wirral resulting from this report.

## **13. Social inclusion implications**

- 13.1 There are no implications that will potentially exclude individuals or groups from accessing services resulting from this report.

## **14. Local Member Support implications**

- 14.1 There are no local member support implications arising from this report.

## **15. Background Papers**

- 15.1 The following background papers were used in the preparation of this report:-
- Data Quality Report – Audit 2007/2008 - Audit Commission January 2009
  - Data Quality Report – Audit and Risk Management Committee 26<sup>th</sup> January 2009
  - Data Quality Report – Cabinet 9<sup>th</sup> April 2009
  - Data Quality Action Plan and Progress Report 29<sup>th</sup> June 2009.

**16. Recommendations**

- 16.1 Audit and Risk Management Committee note the progress against the Data Quality Action Plan at the second quarter.

**J. WILKIE**

Deputy Chief Executive/Director of Corporate Services

This report was prepared by Sarah Risnes, who can be contacted on 0151 691 8149.

## Data Quality Action Plan: Audit Commission Recommendations

Recommendation
<p><b>R1</b> Strengthen arrangements for providing leadership and governance on data quality by:</p> <ul style="list-style-type: none"> <li>• clarifying the respective roles and responsibilities of the CIG and PMG specifically for championing data quality;</li> <li>• developing an action plan which addresses common themes from service based reviews of data quality and includes measurable targets for improvement, and keeping progress against the plans and targets under regular review within the forum of the PMG;</li> <li>• producing regular reports for the CIG on progress against the action plan and targets, and ensuring that key messages are being communicated back to departmental management teams through both the CIG and PMG; and</li> <li>• producing an annual report on progress against the action plan and targets for the Audit and Risk Management Committee.</li> </ul> <p>Implementing this recommendation will help the Council to further develop its corporate approach to ensuring the quality of its data. We do not anticipate that implementing this recommendation will incur significant cost.</p>
<p><b>R2</b> Refine the corporate data quality policy by:</p> <ul style="list-style-type: none"> <li>• documenting the respective roles and responsibilities of CIG and PMG for championing data quality (see also recommendation 1);</li> <li>• clarifying the respective roles and responsibilities of internal audit and of PMG in reviewing data quality at service level; and</li> <li>• defining the requirements for validating third party data and arrangements for data sharing to support partnership working.</li> </ul> <p>Implementing this recommendation will help the Council realise the full potential of the data quality policy in supporting and facilitating improvements. We do not anticipate that implementing this recommendation will incur significant cost.</p>
<p><b>R3</b> Within each service area, evaluate how information systems are being used to calculate performance indicators and take appropriate action to address any opportunities for improvement identified by this review.</p> <p>Implementing this recommendation will help the Council ensure that performance indicators are being calculated in the most efficient and effective way. We do not anticipate that implementing this recommendation will incur significant cost.</p>
<p><b>R4</b> Put arrangements in place to ensure that performance against data quality standards and targets is consistently covered in appraisals for staff with specific responsibilities for data quality, and that action is taken to address any development needs identified by these appraisals.</p>
<p><b>R5</b> Put arrangements in place to ensure that common issues and opportunities for improvement arising from data quality reviews undertaken by internal audit and PMG are communicated to all relevant staff.</p> <p>Implementing these recommendations will help the Council ensure that all relevant staff are sufficiently skilled and appropriately supported to deliver the requirements of the corporate data quality policy. We do not anticipate that implementing this recommendation will incur significant cost.</p>

**R6** Investigate the factors which impact on the timeliness of performance reports to Cabinet and the overview and scrutiny committees, and take action to address any issues identified by this review.

Implementing this recommendation will help the Council to improve the capacity of its members for providing effective scrutiny and challenge to performance. We do not anticipate that implementing this recommendation will incur significant cost.

**R7** The Council should review its compliance testing arrangements to ensure that data collected and reported for Housing Benefits PIs is robust.

**R8** The Council have improved in their reporting of HIP HSSA - Private sector homes vacant; however they are continuing to experience considerable difficulties in compiling the indicator which could be easily remedied by setting up queries (SQLs) to interrogate the Council Tax system (Academy). More effective use could also be made of officer time in validating the data on empty properties, again through improved working with staff within the Council Tax section.

**R9** Our spot check testing found HIP HSSA repeat homelessness indicator was fairly stated. However, we found that the corporate DQ policy has not yet been fully implemented. Guidance/procedures for calculating the indicator are not yet documented in all service areas.

There is further scope to make more effective use of IT in the calculation of indicators. Data has required some manual manipulation which has demanded officer time and increased the risk of error.

In addition there is scope to extend corporate training/briefing on common DQ issues.

**R10** The Council should carry out a review of its management arrangements in order to ensure that they are correctly collecting and reporting data in line with the new requirements of the NIS.

**R11** We would urge Corporate Services to revisit the recommendations made in the internal audit report to ensure that they are equipped to report on the new national indicators.

## WIRRAL COUNCIL

### AUDIT AND RISK MANAGEMENT COMMITTEE

23 SEPTEMBER 2009

### REPORT OF THE DIRECTOR OF FINANCE

### THE ROLE OF THE CHIEF FINANCIAL OFFICER

#### 1. EXECUTIVE SUMMARY

- 1.1. Following discussions between HM Treasury, the Audit Commission and CIPFA and a consultation exercise, CIPFA has issued a statement on the role of the Chief Financial Officer in Public Service organisations. The paper contains five principles all of which are already met in this Authority.

#### 2. BACKGROUND

- 2.1. A Public Limited Company (PLC) would not be allowed to operate without a professionally qualified Finance Director on its main board. The same situation does not apply throughout the Public Sector, although it is essential for a professionally qualified Finance Director to sit on a NHS board.
- 2.2. In Local Government this situation has traditionally prevailed but in recent years an increasing number of local authorities have implemented management structures which break from this tradition. This has been the cause of increasing concern to the Government and the Audit Commission. The Government has now clarified its position.
- 2.3. In recognition of the centrality of financial issues to organisational success it is Government policy that all Government Departments should have a professional Finance Director reporting to the permanent secretary with a seat on the departmental board, at a level equivalent to other Board members. In Managing Public Money, HM Treasury recommends 'It is good practice for all other public sector organisations to do the same, and to operate the same standard'. This means the Finance Director should be professionally qualified, report directly to the paid head of the organisation, and a member of the senior team that exercises management leadership, with a status equivalent to other members.

#### 3. CONSULTATION

- 3.1. Following discussions between HM Treasury, the Audit Commission and CIPFA, CIPFA issued a consultation paper in December 2008.
- 3.2. A response to the consultation paper was prepared for the Cabinet on 5 February 2009 and agreed by the Leader of the Council under delegation.
- 3.3. Following the closure of consultation on 28 February 2009, CIPFA issued a statement on the role of the Chief Financial Officer (CFO) in June 2009. This consists of five principles which are listed below together with the governance requirements attached to each principle.



## 4. THE PRINCIPLES

### 4.1. Principle 1

The CFO in a public service organisation is a key member of the Leadership Team, helping it to develop and implement strategy and to resource and deliver the organisation's strategic objectives sustainably and in the public interest.

#### Governance Requirements

- Set out a clear statement of the respective roles and responsibilities of the Leadership Team and its members individually.
- Ensure that the CFO reports directly to the Chief Executive and is a member of the Leadership Team with a status at least equivalent to other members.
- If different organisational arrangements are adopted, explain the reasons publicly, together with how these deliver the same impact.
- Determine a scheme of delegation and reserve powers, including a formal schedule of those matters specifically reserved for collective decisions by the Board, and ensure that it is monitored and updated.
- Ensure that organisation's governance arrangements allow the CFO:
  - to bring influence to bear on all material business decisions; and
  - direct access to the Chief Executive, other Leadership Team members, the Audit Committee and external audit.
- Review the scope of the CFO's other management responsibilities to ensure financial matters are not compromised.
- Assess the financial skills required by members of the Leadership Team and commit to develop those skills to enable their roles to be carried out effectively.

### 4.2. Principle 2

The CFO in a public service organisation must be actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer term implications, opportunities and risks are fully considered, and alignment with the organisation's overall financial strategy.

#### Governance Requirements

- Establish a medium term business and financial planning process to deliver the organisation's strategic objectives, including:
  - a medium term financial strategy to ensure sustainable finances;
  - a robust annual budget process that ensures financial balance; and
  - a monitoring process that enables this to be delivered.

- Ensure that professional advice on matters that have financial implications is available and recorded well in advance of decision making and used appropriately.
- Ensure that those making decisions are provided with information that is fit for the purpose – relevant, timely and giving clear explanations of financial issues and their implications.

#### 4.3. **Principle 3**

The CFO in a public service organisation must lead the promotion and delivery by the whole organisation of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently, and effectively.

##### Governance Requirements

- Make the CFO responsible for ensuring that appropriate advice is given on all financial matters, for keeping financial records and accounts, and for maintaining an effective system of financial control.
- Ensure that systems and processes for financial administration, financial control and protection of the organisation's resources and assets are designed in conformity with appropriate ethical standards and monitor their continuing effectiveness in practice.
- Address the organisation's arrangements for financial and internal control and for managing risk in Annual Governance Reports.
- Publish annual accounts on a timely basis to communicate the organisation's activities and achievements, its financial position and performance.
- Maintain and resource an effective internal audit function.
- Develop and maintain an effective Audit Committee.
- Ensure that the organisation makes best use of resources and that taxpayers and/or service users receive value for money.
- Embed financial competencies in person specifications and appraisals.
- Assess the financial skills required by managers and commit to develop those skills to enable their roles to be carried out effectively.

#### 4.4. **Principle 4**

The CFO in a public service organisation must lead and direct a finance function that is resourced to be fit for purpose.

##### Governance Requirements

- Provide the finance function with the resources, expertise and systems necessary to perform its role effectively.
- Ensure there is a line of professional accountability to the CFO for finance staff throughout the organisation.

#### 4.5. **Principle 5**

The CFO in a public service organisation must be professionally qualified and suitably experienced.

##### Governance Requirements

- Appoint a professionally qualified CFO whose core responsibilities include those set out under the other principles in this Statement and ensure that these are properly understood throughout the organisation.
- Ensure that the CFO has the skills, knowledge, experience and resources to perform effectively in both the financial and non-financial areas of their role.

### 5. **PROPOSED IMPLEMENTATION AND COMPLIANCE**

- 5.1. Implementation will be effective in time for inclusion with the Annual Governance Statement for 2010. The Annual Governance Statement for 2009 was submitted to the Audit and Risk Management Committee for approval on 31 March 2009. The Annual Governance Statement is signed by the Leader of the Council and the Chief Executive prior to audit by the Audit Commission. Any local authority which does not comply with the five principles will have to provide an explanation in the Annual Governance Statement.
- 5.2. The Council complies with all of the principles.
- 5.3. It is recommended that the principles and governance requirements are presented to the Audit Committee.
- 5.4. CIPFA is now preparing detailed guidance for each sector of the public services and expects to issue a consultation paper on revisions to the role of the CFO in local government by the end of 2009.

### 6. **FINANCIAL AND STAFFING IMPLICATIONS**

- 6.1. As Wirral already complies with all the principles there are no additional financial or staffing implications.

**7. EQUAL OPPORTUNITIES IMPLICATIONS**

7.1. There are none arising from this report.

**8. LOCAL AGENDA 21 IMPLICATIONS**

8.1. There are none arising from this report.

**9. PLANNING IMPLICATIONS**

9.1. There are none arising from this report.

**10. COMMUNITY SAFETY IMPLICATIONS**

10.1. There are none arising from this report.

**11. HUMAN RIGHTS IMPLICATIONS**

11.1. There are none arising from this report.

**12. LOCAL MEMBER SUPPORT IMPLICATIONS**

12.1. There are none arising from this report.

**13. BACKGROUND PAPERS**

13.1. Managing Public Money - HM Treasury 2007  
Role of the Chief Financial Officer in Public Service Organisations - CIPFA June 2009.

**14. RECOMMENDATION**

14.1. That compliance with the five principles be noted.

IAN COLEMAN  
DIRECTOR OF FINANCE

FNCE/ /09

This page is intentionally left blank

## **WIRRAL COUNCIL**

### **AUDIT AND RISK MANAGEMENT COMMITTEE**

**23 SEPTEMBER 2009**

### **REPORT OF THE CHIEF INTERNAL AUDITOR**

#### **AUDIT COMMISSION REPORTS**

##### **1. EXECUTIVE SUMMARY**

1.1 This report summarises reviews undertaken by the Audit Commission since April 2006 to date as requested by Audit and Risk Management Committee on 29 June 2009, and details the action that Wirral Council has subsequently taken to implement the recommendations contained within the associated reports.

##### **2. BACKGROUND**

2.1 On 29 June 2005, the Finance and Corporate Management Select Committee resolved that it should receive an annual report detailing the results of the reviews undertaken by Internal Audit as to how the Council has responded to Audit Commission reports.

2.2 The Financial Regulations (4.3.15) state that it is incumbent on Chief Officers to ensure that the receipt and action taken in response to the recommendations within external audit reports, relating to services for which they are responsible, are reported promptly to the appropriate Committee.

##### **3. FINDINGS**

3.1 The Audit Commission issued 41 final reports for the period 1<sup>st</sup> April 2006 to date in respect of Wirral Council and 8 in respect of Merseyside Pension Fund. These are listed in Appendix 1 to this report.

3.2 All reports have been reported to the appropriate Committee. Assurances have been obtained that recommendations have been implemented or are in the process of being implemented, and that Members have been kept updated on current progress.

##### **4. FINANCIAL AND STAFFING IMPLICATIONS**

4.1 There are none arising from this report.

##### **5. LOCAL MEMBER SUPPORT IMPLICATIONS**

5.1 There are no local member support implications.

**6. LOCAL AGENDA 21 STATEMENT**

6.1. There are no local agenda 21 implications.

**7. PLANNING IMPLICATIONS**

7.1. There are no planning implications.

**8. EQUAL OPPORTUNITIES IMPLICATIONS**

8.1. There are no equal opportunities implications.

**9. COMMUNITY SAFETY IMPLICATIONS**

9.1. There are no community safety implications.

**10. HUMAN RIGHTS IMPLICATIONS**

10.1. There are no human rights implications.

**11. BACKGROUND PAPERS**

11.1 Audit Commission Reports issued since 1 April 2006 to date. (See Appendix 1).

**12. RECOMMENDATION**

12.1. That the report is noted.

DAVID A. GARRY  
CHIEF INTERNAL AUDITOR

FNCE/252/09

**AUDIT COMMISSION REPORTS ISSUED 2006/2007**

**Appendix 1**

**Wirral Council**

Ref	Date of Final Issue	Report Title	Recs		Action Plan		Reported to Committee	Comments
			No	High	Attached	Complete		
1.	May 2006	Probity in Partnerships	9	6	Yes	Yes	Executive Board 4/10/06	Reports to Executive Board 2/11/06, 8/2/07 and Audit and Risk Management 28/9/06. Regular progress reports have been submitted to Members.
2.	May 2006	Prudential Code	7	-	Yes	Yes	Audit and Risk Management 29/6/06	A verbal assurance was provided that all recommendations have now been implemented.
3.	May 2006	BVPI Summary Report	-	-	No	-	-	Not reported to Committee separately, content is included in the Annual Audit and Inspection Letter.
4.	September 2006	1Business Management Arrangements	8	6	Yes	Yes	Executive Board 4/10/06	A report updating progress was presented to Audit and Risk Management Committee 29/3/07. Regular progress reports have been submitted to Members.
5.	September 2006	Annual Governance Report	2	2	Yes	Yes	Executive Board 4/10/06	Regular progress reports have been submitted to Members.
6.	October 2006	Corporate and Service Planning – Interim Position Statement	-	-	No	N/A	-	Report comments on implementation of recommendations arising from the CPA Corporate Assessment 2005, and states that positive progress is being made. A part 2 update report produced November 2007.



Ref	Date of Final Issue	Report Title	Recs		Action Plan		Reported to Committee	Comments
			No	High	Attached	Complete		
7.	December 2006	Working in Partnership – Health Improvement	6	5	Yes	Yes	Social Care, Health and Inclusion Overview and Scrutiny Committee 6/3/07	Joint report of Director of Adult Social Services and Chief Executive of Wirral PCT.
8.	December 2006	Issues Arising from the Opinion Audit	24	5	Yes	N/A	-	Not reported to Committee separately, content is included within the Annual Governance Report.
9.	December 2006	Use of Resources Report 2006	-	-	Yes	Yes	Cabinet 24/1/07	An Action Plan has been produced so as to develop areas for improvement.
10.	January 2007	Social Services Budgetary Control	11	9	Yes	Yes	Cabinet 24/5/07	All recommendations have been implemented.
11.	March 2007	Housing Market Renewal	13	7	Yes	Yes	Housing and Community Safety 28/11/07	A verbal assurance was provided that all recommendations have been implemented.
12.	March 2007	Annual Audit and Inspection Letter	-	-	No	-	Cabinet 24/5/07	Report is for information.
13.	May 2007	Audit and Inspection Plan	-	-	No	-	Cabinet 24/5/07	Sets out Audit Commission planned work for 2006/07. There are no recommendations – report is to inform Members.
14.	May 2007	Review of Internal Audit	12	5	Yes	Yes	Audit and Risk Management 28/6/07	All recommendations have been implemented.
15.	May 2007	Strategic Approach to Housing	6		Yes	Yes	Housing and Community Safety Overview and Scrutiny Committee 11/6/07	A verbal assurance was provided that all recommendations have been implemented.
16.	May 2007	Grant Claims and Returns	5	0	Yes	Yes	Audit and Risk Management 28/6/07	A verbal assurance was provided that all the recommendations have been implemented with the exception of recommendation R4 which is an ongoing continuous process.

## Merseyside Pension Fund

Ref	Date of Final Issue	Report Title	Recs		Action Plan		Reported to Committee	Comments
			No	High	Attached	Complete		
1.	September 2006	Audit Opinion	-	-	N/A	N/A	Pensions Committee 25/9/06	Report is for information.
2.	January 2007	Annual Report	-	-	N/A	N/A	Pensions Committee 29/1/07	Report is for information.
3.	May 2007	Final Accounts Memorandum	-	-	N/A	N/A	No	Report to Officers only, content included in reports above.

## AUDIT COMMISSION REPORTS ISSUED 2007/2008

### Wirral Council

Ref	Date of Final Issue	Report Title	Recs		Action Plan		Reported to Committee	Comments
			No	High	Attached	Complete		
1.	July 2007	Review of Electrical Maintenance Contract Arrangements	6	2	Yes	Yes	Audit and Risk Management 27/09/2007	Verbal assurance provided that recommendations R1, R2, R3, R5 and R6 have been implemented and are a continuous process. R4 is not to be implemented.
2.	September 2007	Annual Governance Report	3	2	Yes	Yes	Cabinet 18/10/07	Progress reports submitted to Members.
3.	November 2007	BVPP	-	-	N/A	N/A	No	Statutory report for officers. There were no matters to report and no recommendations arising.
4.	November 2007	Final Accounts Memorandum	11	6	Yes	Yes	Audit and Risk Management 06/12/07	All recommendations have been implemented with the exception of R11 which is an ongoing continuous process.
5.	November 2007	Update -Corporate and Service Planning	2	2	Yes	Yes	-	Both recommendations have been implemented. Recommendation (R1) reported to Cabinet 13/03/08.
6.	December 2007	Use of Resources Auditor Judgements	-	-	Yes	Yes	Finance and Best Value 19/03/08	Report provides details of the Audit Commission 2007 CPA Use of Resources judgement for Wirral. Also explains changes to 2008 assessment criteria and details actions and milestones necessary to achieve further improvement.
7.	January 2008	Merseytram	2	-			No	Recommendations made were for suggestions for any future projects and therefore no action required.

Ref	Date of Final Issue	Report Title	Recs		Action Plan		Reported to Committee	Comments
			No	High	Attached	Complete		
8.	January 2008	Local Area Agreement	4	0	Yes	Yes	Audit and Risk Management 07/04/08	A verbal assurance was provided that all recommendations have been implemented.
9.	January 2008	Benefits Realisation and Change Management	5	4	Yes	Yes	Cabinet 07/02/08	All recommendations have been implemented.
10.	March 2008	Annual Audit and Inspection Letter	-	-	No	-	Audit and Risk Management Committee 07/04/08	This report provides an overall summary of the Audit Commission's assessment of the Council. Report is for information.

## Merseyside Pension Fund

Ref	Date of Final Issue	Report Title	Recs		Action Plan		Reported to Committee	Comments
			No	High	Attached	Complete		
1.	May 2007	Audit Plan 2007/08	-	-	N/A	N/A	Pensions Committee 02/07/07	Sets out Audit Commission planned work for 2007/08. There are no recommendations, report is to inform Members.
2.	September 2007	Audit Opinion for MPF – Financial Statements.	-	-	N/A	N/A	Pensions Committee 25/09/07	Report is for information.
3.	November 2007	Final Accounts Memorandum	2	1	Yes	Yes	Pensions Committee 26/11/07	Recommendations have been implemented.

## AUDIT COMMISSION REPORTS ISSUED 2008/2009

### Wirral Council

Ref	Date of Final Issue	Report Title	Recs		Action Plan		Reported to Committee	Comments
			No	High	Attached	Complete		
1.	May 2008	Grant Claims and Returns	6	2	Yes	Yes	30 September 2008 Audit and Risk Management Committee	All recommendations have been implemented.
2.	June 2008	Audit and Inspection Plan	-	-	N/A	N/A	30 June 2008 Audit and Risk Management Committee	
3.	July 2008	Democratic Arrangements	5	1	Yes	Yes	30 September 2008 Audit and Risk Management Committee	Progress report issued to Audit and Risk Management Committee 26 January 2009, addressing action to implement recommendations.
4.	August 2008	Adult Social Services – Follow Up of PIDA Disclosure	-	-	N/A	N/A	30 September 2008 Audit and Risk Management Committee	Five recommendations made. Ongoing investigation.
5.	August 2008	Waste Management – Mersey Waste Authorities	-	-	N/A	N/A	No	Report relates to Merseyside Waste Disposal Authority, therefore the report and ongoing implementation of required actions have been addressed through this mechanism via the Senior Officers' Working Group.
6.	August 2008	Data Quality (Part of 07/08 plan)	8	5	Yes	Yes	Action Plan reported to Audit & Risk Management Committee 26 January 2009.	Recommendations implemented/In the process of being implemented.

Ref	Date of Final Issue	Report Title	Recs		Action Plan		Reported to Committee	Comments
			No	High	Attached	Complete		
7.	September 2008	Annual Governance Report	13	-	Yes	No	30 September 2008 Audit and Risk Management Committee	Includes value for money conclusion and opinion on financial statements. Regular progress update reports have been submitted to Members.
8.	October 2008	Health Inequalities	2	-	-	Yes	23 July 2009 Cabinet	Recommendations are being monitored by the Local Strategic Partnership, Action plan reported to Cabinet on the 23 July 2009 and has been reported to the Local Strategic Partnership Executive Board.
9.	December 2008	Use of Resources Project Brief	-	-	N/A	N/A	15 January 2009 Cabinet	
10.	January 2009	Access to Services	3	-	-	-	05 February 2009 Cabinet	The method of implementation of recommendations is currently being considered.
11.	January 2009	Use of Resources	-	-	Yes	Yes	05 February 2009 Cabinet	
12.	January 2009	Data Quality	11	3	Yes	Yes	26 January 2009 Audit and Risk Management Committee	Incorporated recommendation made in 06/07 & 07/08. Recommendations implemented/In the process of being implemented.
13.	March 2009	Annual Audit and Inspection Letter	-	-	-	-	23 April 2009 Cabinet	
14.	June 2009	Ethical Governance	7	3	Yes	Yes	29 June 2009 Audit and Risk Management Committee	Recommendations timescales not yet due for implementation.
15.	June 2009	Governance of Partnerships	8	3	Yes	Yes	29 June 2009 Audit and Risk Management Committee	Recommendations timescales not yet due for implementation with the exception of recommendation R6 which has been implemented.

## Merseyside Pension Fund

Ref	Date of Final Issue	Report Title	Recs		Action Plan		Reported to Committee	Comments
			No	High	Attached	Complete		
1.	June 2008	Audit Plan	-	-	N/A	N/A	24 June 2008 Pensions Committee	
2.	September 2008	Annual Governance Report – MPF	-	-	-	-	29 September 2008 Pensions Committee	



This page is intentionally left blank

## **WIRRAL COUNCIL**

### **AUDIT AND RISK MANAGEMENT COMMITTEE**

**23 SEPTEMBER 2009**

#### **REPORT OF THE CHIEF INTERNAL AUDITOR**

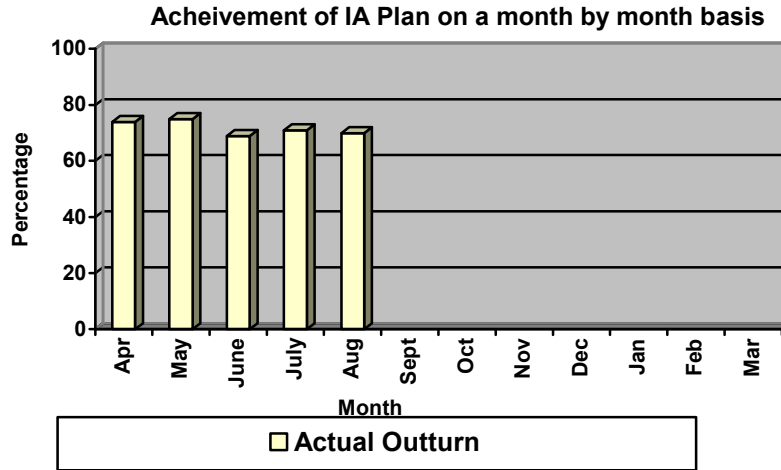
##### **INTERNAL AUDIT WORK: JUNE TO AUGUST 2009**

### **1. EXECUTIVE SUMMARY**

- 1.1. In order to assist in effective corporate governance and fulfil statutory requirements, the Internal Audit Section of the Finance Department reviews management and service delivery arrangements within the Council as well as financial control systems. Work areas are selected for review on the basis of risks identified on the Corporate Risk Register and as assessed by Internal Audit in consultation with Chief Officers and Managers.
- 1.2. This report identifies and evaluates the performance of the Internal Audit Section at 2. and includes details of the actual work undertaken over the period and the number of 'High' risk recommendations identified in reports at 3. There are no items of significance identified during the audit process that require action by the Members for this period.

### **2. INTERNAL AUDIT – PERFORMANCE**

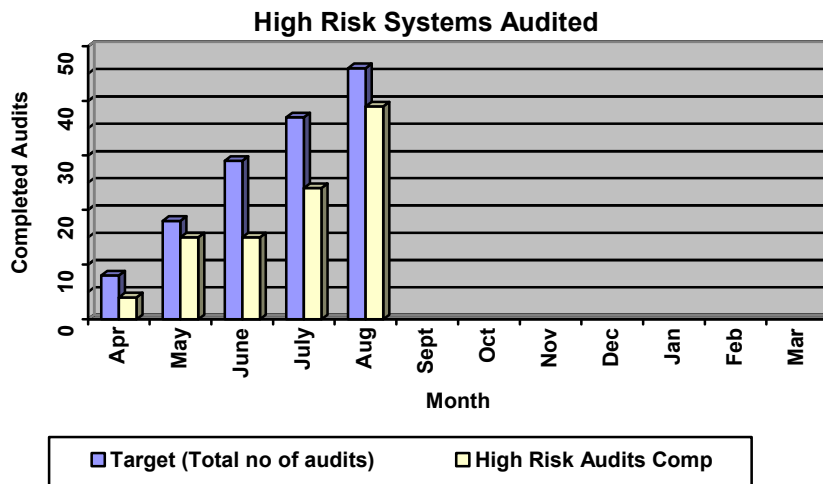
- 2.1. This report summarises the audit work completed between 11 June 2009 and 31 August 2009. The specific nature of the work that has been undertaken or is currently ongoing is identified in Appendix I. 46 audit reports were produced during this period. 66 high and 73 medium priority recommendations were identified in the reports issued. Management has agreed to implement all of the recommendations made within a satisfactory timescale. Those reports identifying high priority recommendations are analysed in more detail in section 3 of this report.
- 2.2. The Section constantly evaluates the effectiveness of its performance including a number of performance indicators in key areas as identified for the period 1st April to 31<sup>st</sup> August 2009:
  - 2.2.1. To ensure that 90% of the Internal Audit plan is completed by the 31 March 2010.



- a. This is an input based measure i.e. the estimated number of days required each month to deliver the whole of the audit plan. For the year to date achievement has averaged 70% against a target of 90%. This is primarily as a result of long term staffing resource problems being experienced over the period. However, whilst this is an important measure, it is of more relevance for the Council to ensure that the major risks to the Authority are reviewed.
- b. The Internal Audit Plan comprises a substantial number of audits designed to review the risks to Council systems, these audits are weighted according to the significance of the risk posed and ranked as either high, intermediate, medium or low priority. It is essential that all of the high risk audits are completed in the year.

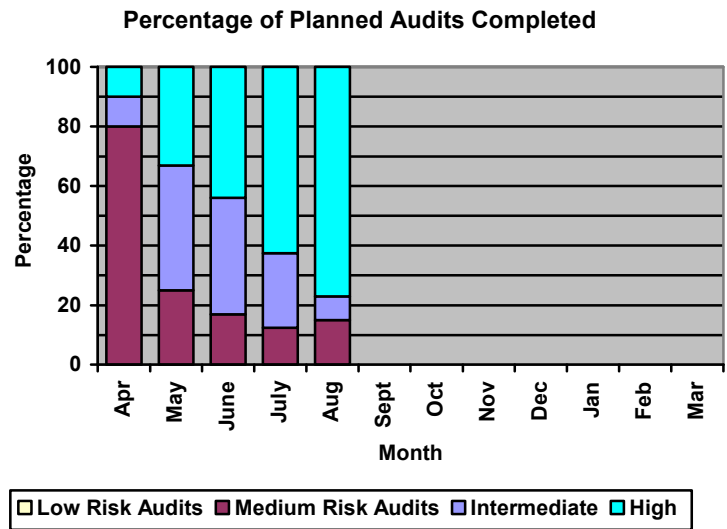
2.2.2. High Risk systems audited as a percentage of total audits completed.

- a. To ensure that all of the key risks identified in the Internal Audit Plan are reviewed, we monitor the number of high risk audits undertaken as a percentage of all audits and have prioritised the delivery of these audits and focused on these during the year. This is analysed in more detail in the chart below.



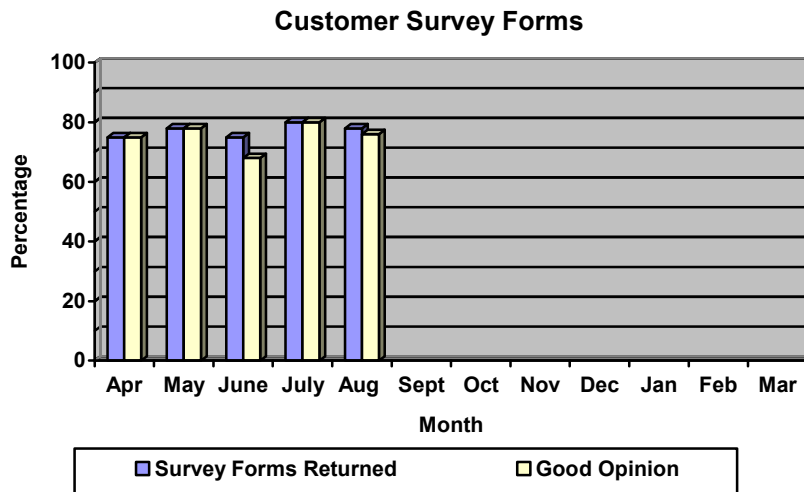
- b. The chart clearly identifies that the number of high risk audits undertaken is a reasonable proportion of the total number of audits completed at this stage of the year. The policy of the Internal Audit Section is to complete as many of these audits as early as possible, however for operational reasons a significant number of these audits cannot actually be completed until later in the year. Of the 113 high risk audits identified in the audit plan, 18 have now been completed representing 39% of the proportionate total and the Section has audits scheduled for the remainder of the year to ensure that it achieves the target of completing all of these audits by the year end.

2.2.3. Planned audits completed.



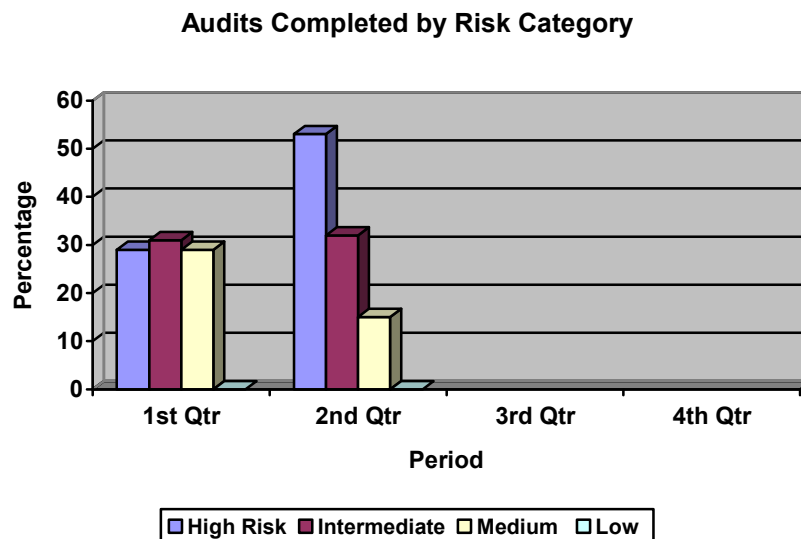
- a. I measure the estimated number of planned audit reports which will be completed each month. It is expected that 561 audit reports including follow ups, some of which relate to the 2008/09 Audit Plan, will be issued this year. To date 46 reports have actually been produced, representing a proportionate figure of 20% of the total number of reports for the period. This figure does not though include a significant number of audits including follow ups that are currently ongoing and scheduled for completion later this period.
- b. The performance is however below target for this time of the year and is directly related to the ongoing staffing issues which the Section has been experiencing. In addition to this, the loss of a number of members of staff studying for examinations and a number that have been on long term sick leave have effected output. Various measures have been introduced to increase output over this period and a number of job advertisements recently placed in a further attempt to recruit suitably experienced staff to ensure that the Section is able to achieve a significant proportion of the Audit Plan by the year end.

2.2.4. Percentage of Customer Satisfaction Forms returned indicating a 'good' opinion of the service.



- a. Customer survey forms are completed by the clients following the completion of an audit and pose a number of questions relating to the audit, its findings and the conduct of the auditor. The chart identifies the percentage of those forms returned that indicate a positive opinion of the service. This clearly indicates that the Internal Audit Section is viewed very positively by its clients and is regarded as adding value to the systems that it audits. Where feedback from clients identifies issues appropriate measures have been taken by management to address these and prevent any re-occurrence.

2.2.5. The percentage of audits completed by risk category.



- a. This chart clearly demonstrates that whilst it is the deliberate policy of the Internal Audit Section to ensure that all high and intermediate risk audits are completed during the year, as it is essential to the well being of the Council to address risks in these

areas, it is not always possible to complete all of this work during the early part of the year. Due to a number of factors including systems that can only be audited at the year end and the differing needs of the clients it has not been possible to focus exclusively on these audits and consequently a significant number of medium risk audits have also been completed over the period. It is anticipated that all of the high and intermediate audits and a significant proportion of the medium risk will be completed by the year-end. Any audits that are unable to be undertaken during the year will be carried forward to the Audit Plan for 2010/11 and the risk to the effectiveness of Council systems in these areas re-assessed as part of this process.

#### 2.2.6. Follow up Audits

- a. To comply with current best practice and Audit Commission recommendations, follow-up audits are undertaken for all completed audits up to six months after the completion date, to confirm the implementation of agreed recommendations. The majority of the required follow up audits complete this period relate to work undertaken in the previous year. No significant delays have occurred in this area despite the resource problems experienced to date. No outstanding issues were identified that require the attention of the Audit and Risk Management Committee at this time.

### 3. INTERNAL AUDIT PLAN - PROGRESS OF WORK

- 3.1 The following table identifies audits undertaken over the period which include recommendations of a high priority nature. All the audits were of systems categorised as 'High Risk' except those identified with an asterix.

Audit	Total Recs Agreed	Recs Not Agreed
Health and Safety Review - Corporate	6	-
Health and Safety Review – DASS	3	-
Health and Safety Review – CYPD	3	-
Financial Management Standard In Schools (FMSIS) Review – Fender Primary	2	-
FMSIS School Review – Grove Street Primary	5	-
FMSIS School Review – Mendell Primary	3	-
FMSIS School Review – St Peter and Paul Catholic	4	-
FMSIS School Review – St Andrew CE Primary	6	-

ICT Network Controls	4	-
* Car Parking Income Review	1	-
Health and Safety Review - Regeneration	1	-
FMSIS School Review – Observatory	10	-
FMSIS School Review – Pensby Primary	6	-
FMSIS School Review – Sommerville Primary	7	-
* Complaints System Review	1	-
Environmental Health	4	-
Palatine Road Properties (Final Accounts Review)	1	-
Health and Safety Review – Law, HR & Asset Man	2	-
Health and Safety – Technical Services	1	-
Performance Indicators Review	1	-
Together Pathfinder (Grants Review)	4	-
* Hard to Fill Posts - Review	2	-
* Records Management Review	1	-
* Car Mileage – All Departments	2	-

3.2 All of the action plans in respect of the audits identified have been returned fully completed and identify appropriate timescales for the implementation of agreed recommendations.

#### 4. **FINANCIAL AND STAFFING IMPLICATIONS**

4.1. There are none arising from this report.

#### 5. **LOCAL MEMBER SUPPORT IMPLICATIONS**

5.1. There are no local member support implications.

#### 6. **LOCAL AGENDA 21 STATEMENT**

6.1. There are no local agenda 21 implications.

#### 7. **PLANNING IMPLICATIONS**

7.1. There are no planning implications.

**9. EQUAL OPPORTUNITIES IMPLICATIONS**

9.1. There are no equal opportunities implications.

**10. COMMUNITY SAFETY IMPLICATIONS**

10.1. There are no community safety implications.

**11. HUMAN RIGHTS IMPLICATIONS**

11.1. There are no human rights implications.

**12. BACKGROUND PAPERS**

12.1. Internal Audit Annual Plan 2009/10.

12.2. Audit Reports.

**13. RECOMMENDATION**

13.1. That the report be noted.

DAVID A GARRY  
CHIEF INTERNAL AUDITOR

FNCE/251/09



## APPENDIX I

### INTERNAL AUDIT PLAN 2009/10

#### WORK CONDUCTED/ONGOING – 11 JUNE to 31 AUGUST 2009

#### 1. SYSTEMS

- (a) Finance
  - Bank Reconciliation
  - Council Tax
  - Customer Services Management
  - Creditors
  - Pensions Administration
  - Treasury Management
  - Housing Benefits
  - NNDR
  - Debtors
  
- (b) Law, HR and Asset Management
  - Corporate Governance
  - Car Mileage
  - RIPA
  - Health and Safety
  - Hard to Fill Posts
  
- (c) Children & Young People
  - Schools
  - Financial Management Standard in Schools
  - Schools – Statement on Internal Control
  - Contact Point
  
- (d) Technical Services
  - Final Accounts
  - Capital Contracts
  - Car Parking
  - Tendering Procedures
  - Health and Safety
  
- (e) Regeneration
  - Landlord Accreditation Scheme
  - Environmental Health – Food Safety
  - Environmental Health – Pest Control
  
- (f) Adult Social Services
  - Charging Policy (PIDA)
  - Health and Safety
  
- (g) Corporate Services
  - Performance
  - Local Area Agreement
  - Data Quality

- (h) Corporate Systems
  - Corporate Governance
  - Annual Governance Statement
  - Risk Management
  - Performance Management
  - National Fraud Initiative
  - Health and Safety
  - Car Mileage
  - Strategic Change Program
  - Complaints

## 2. **SCHOOLS**

- (a) 12 FMSIS Schools (incl Follow Ups)

## 3. **ICT**

- (a) Removable Media
- (b) ICT Governance
- (c) Schools ICT Governance
- (d) Information Management
- (e) Network Controls

## 4. **PERFORMANCE AND BEST VALUE**

- (a) Performance Indicators
- (b) Local Area Agreements

## 5. **ANTI-FRAUD**

- (a) National Fraud Initiative
- (b) CIPFA Anti Fraud Self Assessment Exercise
- (c) Regulation of Investigatory Powers (RIPA)
- (d) Creditor Payments Exercise

## 6. **INVESTIGATIONS**

- (a) PIDA – Adult Social Services
- (b) Procurement

## 7. **OTHER**

- (a) Wirral Methodist/Family Housing Association's
- (b) 5 Final Accounts (totalling £1.5million examined)

This page is intentionally left blank

## WIRRAL COUNCIL

### AUDIT AND RISK MANAGEMENT COMMITTEE

23 SEPTEMBER 2009

### REPORT OF THE DIRECTOR OF FINANCE

#### CORPORATE RISK REGISTER

#### 1. EXECUTIVE SUMMARY

1.1 This report summarises the review of the issues contained within the Corporate Risk Register. It was approved by the Cabinet on 3 September 2009.

#### 2. BACKGROUND

2.1 The Corporate Risk Register is a key element of the Risk Management Strategy. It contains those issues that have the greatest potential to prevent or frustrate the achievement of the Strategic Objectives as set out in the Corporate Plan. These issues are reflected in Departmental Service Plans and so are closely aligned with the Corporate Planning process as success in managing the risks is a key factor in overall performance. The achievement of the objectives is supported by the implementation of the control actions identified to mitigate the impact of the risks.

2.2 The existing Risk Management Strategy defines the following roles in relation to the Register.

- Chief Officers identify and evaluate the Corporate Risks.
- Cabinet scrutinise the risks put forward by Chief Officers.
- Corporate Improvement Group assists Chief Officers with the ongoing maintenance of the Risk Register in keeping it as a 'live' document.

#### 3. THE EXISTING REGISTER

3.1. The Register has been developed over time with the last version approved by Cabinet on 10 December 2008. It contained 31 risks made up of three elements:-

- (i) Broad medium term issues. These are a combination of individual risks which would have a significant corporate impact if they materialised, and risks which individually are perhaps of less importance but which pose a threat as they potentially impact on many or all departments.
- (ii) A further set of risks identified by the Corporate Improvement Group through examination of departmental service plans.
- (iii) 'Short term' risks added by Corporate Improvement Group following evaluation of issues escalated upwards by individual departments.

- 3.2. As many of the specific risks are in reality aspects of some of the broader risks and others could be more clearly defined a review of the Register has been undertaken.

#### **4. THE REVIEW**

- 4.1 The aim of the review was to rationalise the risks in order to produce a more easily understandable and manageable Risk Register. This included consideration of the approaches by other local authorities and particularly those regarded as demonstrating 'best practice' in risk management.
- 4.2 The analysis undertaken showed that there was little consistency as to the number of risks featuring in local authority Corporate Risk Registers nor whether the risks themselves were defined in broad or more specific terms.
- 4.3 Each of the risks was considered in turn in relation to the following points:
- Is the threat which it poses covered by another risk?
  - Does the risk remain a significant threat (or has it become less critical)?
  - Could the description be more meaningful and more easily understood?
  - Does the description truly describe a threat to a Corporate Objective?
- 4.4 The main changes made to the Register are as follows:-
- Through rationalisation the number of risks included is now 14.
  - Risks have been ordered so as to place together those which have a degree of relevance to each other.
  - An indicator has been included showing how the risks relate to the Corporate Plan objectives.
  - Information on the controls for each risk has been reduced to reflect solely those which are considered key to mitigating the risk.
  - Additional control actions relate directly to activity planned for the current year which should further mitigate the risk.
- 4.5 It is important to remember that the Register describes critical potential threats and that the inclusion of a particular issue does not mean that the event or situation described is a current problem, rather that it would be significant if it was not managed effectively. The revised Register which is appended represents the views of officers on the key challenges faced in delivering the Strategic Objectives.

#### **5. FUTURE DEVELOPMENTS**

- 5.1. The review focused on rationalising the issues contained in the Register and updating information on key controls. A re-evaluation of the scores for each risk will be undertaken prior to the next update.
- 5.2 Progress against the risks on the Register will continue to be provided as part of the quarterly Performance and Financial Monitoring Report.

- 5.3 An improvement to current processes would be to involve Cabinet more directly and at an earlier stage in reviewing key corporate risks. This could form part of the annual refresh of the Corporate Plan priorities which could be extended to include an assessment of the resource implications and risks associated with achieving the priorities.

## **6. FINANCIAL IMPLICATIONS**

- 6.1. Whilst there are no direct financial implications arising from this report, effective management of those risks with a financial impact will help improve value for money.

## **7. STAFFING IMPLICATIONS**

- 7.1 There are no direct staffing implications. However some of the corporate risks directly concern human resources issues.

## **8. EQUAL OPPORTUNITIES IMPLICATIONS**

- 8.1. Effective management of the corporate risks will contribute to the achievement of all corporate objectives.

## **9. COMMUNITY SAFETY IMPLICATIONS**

- 9.1 Effective management of the corporate risks will contribute to the achievement of all corporate objectives.

## **10. LOCAL AGENDA 21 IMPLICATIONS**

- 10.1. Effective management of the corporate risks will contribute to the achievement of all corporate objectives.

## **11. HUMAN RIGHTS IMPLICATIONS**

- 11.1 Effective management of the corporate risks will contribute to the achievement of all corporate objectives.

## **12. PLANNING IMPLICATIONS**

- 12.1 There are none arising from this report.

## **13. LOCAL MEMBER SUPPORT IMPLICATIONS**

- 13.1. There are no specific implications for any Members or wards.

**14. BACKGROUND PAPERS**

14.1 Risk Management Strategy - July 2008.

14.2 Corporate Risk Register - December 2008.

**15. RECOMMENDATIONS**

15.1. That Members note the revised Corporate Risk Register.

15.2 That progress in managing the corporate risks continues to be included in the quarterly Performance and Financial Monitoring Report.

IAN COLEMAN  
DIRECTOR OF FINANCE

FNCE/202/09

**CORPORATE RISK REGISTER – SEPTEMBER 2009**

CORPORATE PLAN – OBJECTIVES	
1	To create more jobs, achieve a prosperous economy and regenerate Wirral
2	To create a clean, pleasant, safe and sustainable environment
3	To improve health and well being for all, ensuring people who require support are full participants in mainstream society
4	To raise the aspirations of young people
5	Create an excellent Council

Description	Lead Officer	Inherent Risk Score	Existing Key Controls	Residual Risk Score	Further Control Actions Required	Officer Responsible	Target Date										
1. Death or serious injury to a service user, staff member, or anyone to whom the Council owes a duty of care. <table border="1" data-bbox="145 981 537 1045" style="margin-top: 10px;"> <tr> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> </tr> <tr> <td></td> <td></td> <td>√</td> <td>√</td> <td></td> </tr> </table>	1	2	3	4	5			√	√		<b>Stephen Maddox</b> <i>(Staff and general public)</i>	<b>High</b> 4x5 = 20	<ul style="list-style-type: none"> <li>Register of corporate H&amp;S risks developed.</li> <li>Corporate and departmental H&amp;S policy specifies roles and responsibilities</li> <li>Legislative Compliance Audit programme of all Council premises</li> <li>Programme of auditing H&amp;S management systems</li> <li>Delivery of essential emergency training for fire and first aid</li> <li>Investigation of all significant accidents &amp; incidents by H&amp;S Officers</li> <li>Delivery of training for significant hazardous work activities</li> </ul>	<b>Medium</b> 2x5 = 10	<ul style="list-style-type: none"> <li>Deliver Institute Of Safety and Health (IOSH) Managing Safely training to all Managers and Supervisors below Head of Service</li> <li>Review and develop H&amp;S arrangements</li> <li>Continuing audits of H&amp;S arrangements</li> <li>Implement health surveillance arrangements for occupational health risks</li> </ul>	<ul style="list-style-type: none"> <li>Mark Camborne</li> <li>Mark Camborne</li> <li>Mark Camborne</li> <li>Mark Camborne</li> </ul>	<ul style="list-style-type: none"> <li>Apr 2008 onwards</li> <li>Ongoing</li> <li>Ongoing</li> <li>Sept 2009</li> </ul>
1	2	3	4	5													
		√	√														



Description	Lead Officer	Inherent Risk Score	Existing Key Controls	Residual Risk Score	Further Control Actions Required	Officer Responsible	Target Date										
2. Safeguarding arrangements (children) are inadequate  <table border="1"> <tr> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> </tr> <tr> <td></td> <td></td> <td>√</td> <td>√</td> <td></td> </tr> </table>	1	2	3	4	5			√	√		<b>Howard Cooper</b>  <i>(Children and Young People)</i>	<b>High</b>  <b>5x5 = 25</b>	<ul style="list-style-type: none"> <li>• Work of Local Safeguarding Children Board</li> <li>• LSCB monitors serious case review action plans.</li> <li>• Weekly performance monitoring of changes to contact and referral taking in CADT.</li> <li>• Monthly VCI reporting to the Chief Exec.</li> <li>• Lead Member Briefing following each LSCB</li> <li>• National Notification of Serious Child Care Incidents to OFSTED</li> <li>• Continuing programme for disseminating learning from serious child care incidents</li> <li>• Child Death Overview Panels</li> <li>• Continuing review of S118 IRO applications</li> </ul>	<b>Medium</b>  <b>2x5 = 10</b>	<ul style="list-style-type: none"> <li>• Review capacity to undertake regular audits across agencies;</li> <li>• Review LSCB governance arrangements;</li> <li>• Review serious case review framework;</li> <li>• Revised VCI framework for reporting to Chief Executive</li> <li>• Implement Child Care Risk Management procedure</li> </ul>	<ul style="list-style-type: none"> <li>• Caroline McKenna</li> <li>• Caroline McKenna</li> <li>• Caroline McKenna</li> <li>• Julia Hassall</li> <li>• Julia Hassall</li> </ul>	<ul style="list-style-type: none"> <li>• Sept 2009</li> <li>• March 2010</li> <li>• March 2010</li> <li>• Sept 2009</li> <li>• Dec 2009</li> </ul>
1	2	3	4	5													
		√	√														

Description	Lead Officer	Inherent Risk Score	Existing Key Controls	Residual Risk Score	Further Control Actions Required	Officer Responsible	Target Date										
3. Safeguarding arrangements (adults) are inadequate.  <table border="1" data-bbox="152 406 539 475"> <tr> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> </tr> <tr> <td></td> <td></td> <td>√</td> <td></td> <td></td> </tr> </table>	1	2	3	4	5			√			<b>John Webb</b>  <i>(Adults)</i>	<b>High</b>  <b>5x5 = 25</b>	<ul style="list-style-type: none"> <li>• Extra capacity added to the DASS safeguarding adults unit</li> <li>• Whole system review of safeguarding completed &amp; recommendations being implemented</li> <li>• Risks identified and review being project managed</li> <li>• Training being rolled out across agencies</li> <li>• Regular monitoring reports to DASS strategic leadership team, project board and safeguarding adults partnership board</li> </ul>	<b>Medium</b>  <b>2x5 = 10</b>	<ul style="list-style-type: none"> <li>• Continue to implement recommendations from whole system review</li> </ul>	<ul style="list-style-type: none"> <li>• Francesca Tomlin</li> </ul>	<ul style="list-style-type: none"> <li>• March 2010</li> </ul>
1	2	3	4	5													
		√															

Description	Lead Officer	Inherent Risk Score	Existing Key Controls	Residual Risk Score	Further Control Actions Required	Officer Responsible	Target Date										
4. Inadequate preparation for / management of the impact of a pandemic  <table border="1"> <tr> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> </tr> <tr> <td>√</td> <td>√</td> <td>√</td> <td>√</td> <td>√</td> </tr> </table>	1	2	3	4	5	√	√	√	√	√	Stephen Maddox	<b>High</b> 5x5 = 25	<ul style="list-style-type: none"> <li>• Specific strategy updated regularly by Adult Social Services (DASS)</li> <li>• Ongoing work with Primary Care Trust (PCT)</li> <li>• Engagement with independent social care providers</li> <li>• Priorities for anti-viral drugs within workforce identified</li> <li>• Ongoing meetings with key agencies to ensure resilience for Pan Flu</li> <li>• Briefings to COMT &amp; Heads of Service by Health Protection Agency</li> </ul>	<b>Medium</b> 2x5 = 10	<ul style="list-style-type: none"> <li>• Meet with relevant departments to ensure adequate numbers of trained staff and availability of supplies.</li> <li>• Identify buildings for distribution of anti viral drugs</li> <li>• Undertake Senior Officers Command &amp; Control Exercises</li> </ul>	<ul style="list-style-type: none"> <li>• Mark Camborne</li> <li>• Mark Camborne</li> <li>• Mark Camborne</li> </ul>	<ul style="list-style-type: none"> <li>• Ongoing</li> <li>• July 2009</li> <li>• Sept 2009</li> </ul>
1	2	3	4	5													
√	√	√	√	√													
5. Inadequate continuity and recovery arrangements adversely affect service delivery in the event of an emergency situation  <table border="1"> <tr> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> </tr> <tr> <td></td> <td></td> <td>√</td> <td>√</td> <td></td> </tr> </table>	1	2	3	4	5			√	√		Stephen Maddox	<b>High</b> 5x5 = 25	<ul style="list-style-type: none"> <li>• Dedicated team provides support and guidance.</li> <li>• IT disaster recovery planning audit</li> <li>• Identified external suppliers and compiled position statement as to their arrangements</li> <li>• Awareness sessions delivered</li> </ul>	<b>Medium</b> 2x4 = 8	<ul style="list-style-type: none"> <li>• Finalise the Wirral Business Continuity Plan</li> <li>• Meet with each Dept to finalise Business Continuity Plans</li> <li>• Ensure external agencies have cohesive continuity arrangements</li> <li>• Conduct exercise to test the efficiency of plans</li> <li>• Multi-Agency meetings on IT and anti-viral collection points</li> </ul>	<ul style="list-style-type: none"> <li>• Mark Camborne</li> <li>• Individual Chief Officers</li> <li>• Mark Camborne</li> <li>• Mark Camborne</li> <li>• Suzanne Williams</li> </ul>	<ul style="list-style-type: none"> <li>• Linked to swine flu review</li> <li>• Sept 2009 (revised)</li> <li>• Ongoing</li> <li>• See swine flu review</li> <li>• Ongoing</li> </ul>
1	2	3	4	5													
		√	√														

Description	Lead Officer	Inherent Risk Score	Existing Key Controls	Residual Risk Score	Further Control Actions Required	Officer Responsible	Target Date										
<p>6 Changing need and demand for services is not managed effectively or co-ordinated at a corporate level</p> <table border="1" data-bbox="152 499 539 564"> <tr> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> </tr> <tr> <td>√</td> <td>√</td> <td>√</td> <td>√</td> <td>√</td> </tr> </table>	1	2	3	4	5	√	√	√	√	√	Jim Wilkie	<p><b>High</b></p> <p>5x5 = 25</p>	<ul style="list-style-type: none"> <li>Needs analyses and evidence bases inc. policy / legislative changes used to inform corporate / business planning.</li> <li>Budget / priority setting process fully engages Elected Members with approval by full Council.</li> <li>Infrastructure for co-ordinating strategic service planning inc. CIG.</li> <li>Understanding needs through community engagement (e.g. Area Forums, Older and Young People's etc.).</li> <li>Equality considerations are accounted for through equality impact assessments.</li> <li>Single Equality Scheme sets out statutory requirements and duties relating to Wirral's diverse communities.</li> <li>Joint Strategic Needs Assessment (JSNA)</li> </ul>	<p><b>Medium</b></p> <p>2x4 = 8</p>	<ul style="list-style-type: none"> <li>Continue to improve corporate service planning process.</li> <li>Implement the Community Engagement Strategy (finalise strategy document)</li> <li>Drive forward further improvement in understanding and responding to community needs</li> </ul>	<ul style="list-style-type: none"> <li>Jim Wilkie</li> <li>Jim Wilkie</li> <li>Jim Wilkie</li> </ul>	<ul style="list-style-type: none"> <li>Ongoing</li> <li>Sept 09 (Cabinet)</li> <li>Nov 09 (LSP Exec)</li> <li>Ongoing</li> </ul>
1	2	3	4	5													
√	√	√	√	√													

Description	Lead Officer	Inherent Risk Score	Existing Key Controls	Residual Risk Score	Further Control Actions Required	Officer Responsible	Target Date										
7. A negative image of the authority impacts on the level of inward investment. <table border="1" data-bbox="152 560 539 624"> <tr> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> </tr> <tr> <td>√</td> <td>√</td> <td>√</td> <td>√</td> <td>√</td> </tr> </table>	1	2	3	4	5	√	√	√	√	√	Jim Wilkie	<b>High</b> 5x4 = 20	<ul style="list-style-type: none"> <li>Central media management team</li> <li>Communications and Marketing Strategy.</li> <li>Wirral Corporate Identity and guidance circulated.</li> <li>Learning from external inspections improved</li> </ul>	<b>Medium</b> 2x4 = 8	<ul style="list-style-type: none"> <li>Increase community understanding of Council role and plans</li> <li>Regularly review the appropriateness of public relations arrangements</li> <li>Transparency in services</li> </ul>	<ul style="list-style-type: none"> <li>Emma Degg</li> <li>Emma Degg</li> </ul>	<ul style="list-style-type: none"> <li>Ongoing</li> <li>Ongoing</li> </ul>
1	2	3	4	5													
√	√	√	√	√													
8. The Council does not maintain arrangements for good corporate governance. <table border="1" data-bbox="152 935 539 999"> <tr> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>√</td> </tr> </table>	1	2	3	4	5					√	Stephen Maddox	<b>High</b> 5x5 = 25	<ul style="list-style-type: none"> <li>Constitution regularly reviewed, reported to Members and officers.</li> <li>Risk-based internal audit programme.</li> <li>Annual Governance Statement.</li> <li>Corporate Governance Monitoring Group.</li> <li>Code of Corporate Governance.</li> <li>CIPFA/SOLACE 'Delivering Good Governance' Framework</li> <li>Training Members</li> <li>Standards and Audit &amp; Risk Management Committees</li> <li>ICT Security policy and role of FoI officer</li> </ul>	<b>Medium</b> 2x5 = 10	<ul style="list-style-type: none"> <li>Strengthening annual governance process</li> <li>Enhance governance for Change Programme</li> <li>Undertake annual review of individual strategies</li> <li>Further integration of key strategies and plans</li> <li>Additional Member training</li> </ul>	<ul style="list-style-type: none"> <li>Head of Legal Services</li> <li>David Smith</li> <li>Individual Chief Officers</li> <li>CIG</li> <li>?</li> </ul>	<ul style="list-style-type: none"> <li>July 2009</li> </ul>
1	2	3	4	5													
				√													

Description	Lead Officer	Inherent Risk Score	Existing Key Controls	Residual Risk Score	Further Control Actions Required	Officer Responsible	Target Date										
<p>9. Partners do not work together effectively to optimise outcomes for local people.</p> <table border="1" data-bbox="152 560 539 627"> <tr> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> </tr> <tr> <td>√</td> <td>√</td> <td>√</td> <td>√</td> <td></td> </tr> </table>	1	2	3	4	5	√	√	√	√		Jim Wilkie	<p><b>High</b></p> <p>5x5 = 25</p>	<ul style="list-style-type: none"> <li>Needs analyses and evidence bases inform the partnership's priority setting and key plans and strategies</li> <li>Action-led delivery plans for partnership priorities.</li> <li>Strong strategic leadership for the partnership (Executive Board)</li> <li>Council is the accountable body for Wirral's LSP. Supported by senior management inc. joint posts such as the Joint Director of Public Health.</li> <li>Partnership toolkit and register developed to support governance.</li> <li>Identified Council role and responsibilities for all major partnerships.</li> </ul>	<p><b>Medium</b></p> <p>2x5 = 10</p>	<ul style="list-style-type: none"> <li>Periodic checks to ensure partnerships comply with Wirral's governance arrangements;</li> <li>Annual review of key partnership register</li> <li>Drive forward further improvement in understanding and responding to community needs</li> <li>Enhanced guidance and training regarding grants</li> <li>Develop a performance management framework for the Sustainable Community Strategy.</li> </ul>	<ul style="list-style-type: none"> <li>Head of Legal Services</li> <li>Head of Legal Services</li> <li>Jim Wilkie</li> <li>Pete Molyneux</li> <li>Jim Wilkie</li> </ul>	<ul style="list-style-type: none"> <li>Ongoing</li> <li>t.b.c.</li> <li>Ongoing</li> <li>Ongoing</li> <li>t.b.c.</li> </ul>
1	2	3	4	5													
√	√	√	√														

Description	Lead Officer	Inherent Risk Score	Existing Key Controls	Residual Risk Score	Further Control Actions Required	Officer Responsible	Target Date										
10. The Change Programme is not delivered  <table border="1"> <tr> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> </tr> <tr> <td>√</td> <td>√</td> <td>√</td> <td>√</td> <td>√</td> </tr> </table>	1	2	3	4	5	√	√	√	√	√	Ian Coleman	High 4x5 = 20	<ul style="list-style-type: none"> <li>• Reports to Corporate Improvement Group and Members</li> <li>• Change Programme Board</li> <li>• Clear focus on 6 themes</li> </ul>	High 4x4 = 16	<ul style="list-style-type: none"> <li>• Strengthen assurance role</li> <li>• Enhance Board role</li> </ul>	<ul style="list-style-type: none"> <li>• David Smith</li> <li>• Jim Wilkie</li> </ul>	<ul style="list-style-type: none"> <li>• t.b.c.</li> <li>• Ongoing</li> </ul>
1	2	3	4	5													
√	√	√	√	√													
11. Available resources are not allocated to meet service demands in line with corporate priorities  <table border="1"> <tr> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> </tr> <tr> <td>√</td> <td>√</td> <td>√</td> <td>√</td> <td>√</td> </tr> </table>	1	2	3	4	5	√	√	√	√	√	Stephen Maddox	High 5x5 = 25	<ul style="list-style-type: none"> <li>• Medium Term Financial Capital HR and IT strategies linked and reflect priorities in Corporate Plan.</li> <li>• Strong links between service &amp; financial plans.</li> <li>• Investment based on business cases for projects.</li> <li>• Effective financial management by planning monitoring and reporting</li> <li>• Programme of financial management training.</li> <li>• Impacts of the economic downturn identified and appropriate responses developed</li> </ul>	Medium 2x5 = 10	<ul style="list-style-type: none"> <li>• Review Medium Term Financial Plan</li> <li>• Review Capital Strategy</li> <li>• Review IT Strategy</li> <li>• Review HR Strategy</li> <li>• Implement Use of Resources action plan</li> </ul>	<ul style="list-style-type: none"> <li>• Tom Sault</li> <li>• Tom Sault</li> <li>• John Carruthers</li> <li>• Head of HR</li> <li>• Tom Sault</li> </ul>	<ul style="list-style-type: none"> <li>• July 2009</li> <li>• July 09</li> <li>• July 2009</li> <li>• July 2009</li> <li>• Ongoing</li> </ul>
1	2	3	4	5													
√	√	√	√	√													
12. The reduction in available financial resources available from 2011/12 restricts our ability to deliver the Corporate Objectives  <table border="1"> <tr> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> </tr> <tr> <td>√</td> <td>√</td> <td>√</td> <td>√</td> <td>√</td> </tr> </table>	1	2	3	4	5	√	√	√	√	√	Ian Coleman	High 5x5 = 25	<ul style="list-style-type: none"> <li>• Medium Term Financial Strategy linked to Corporate Plan</li> <li>• Strong links between service &amp; financial plans.</li> <li>• Investment based on business cases for projects</li> <li>• Use of LGA / SIGOMA to lobby central government</li> </ul>	High 3x4 = 12	<ul style="list-style-type: none"> <li>• Regular review of financial projections</li> <li>• Consolidation of efficiencies (e.g. Strategic Change Programme)</li> </ul>	<ul style="list-style-type: none"> <li>• Ian Coleman</li> </ul>	<ul style="list-style-type: none"> <li>• Ongoing</li> </ul>
1	2	3	4	5													
√	√	√	√	√													





This page is intentionally left blank

## **WIRRAL COUNCIL**

### **AUDIT & RISK MANAGEMENT COMMITTEE**

**23 SEPTEMBER 2009**

### **REPORT OF THE DIRECTOR OF FINANCE**

#### **CORPORATE RISK AND INSURANCE MANAGEMENT**

##### **1. EXECUTIVE SUMMARY**

- 1.1. This report provides information to Members on recent progress made against the existing objectives for this service and the anticipated developments in the coming months.

##### **2. INSURANCE MANAGEMENT PROGRESS**

- 2.1. Liability claim statistics to the end of the first quarter have been compiled. Overall performance continues to be encouraging and shows a steady and relatively predictable trend which is a pattern favoured by underwriters. This should enable competitive pricing in the forthcoming tenders. Insurers will be interested in activity over a five year period and in the five years to the end of August 2009 Wirral received on average of 37 new public liability claims per month. This compares favourably with the preceding five year period figure of 102 claims per month. Claims costs also remain towards the lower end of expectations with liability on the Authority in less than 20% of all submitted public liability cases. An important area is highway claims and the performance of the highway maintenance contractor has a direct and substantial bearing on the number and costs of claims received in respect of the statutory duty to maintain the highways. Wirral continues to maintain an acceptable ratio of success in the lower courts. In the year to date the Authority has been successful in six of the eight County Court cases that have proceeded to a hearing. Many cases are now discontinued by the claimants prior to trial in the knowledge that Wirral will mount a sound and robust defence.
- 2.2. Members may recall that the previous report referred to an historic abuse case involving Wirral as a defendant. Subsequently the Authority received an unfavourable judgement from the Court of Appeal and it provided little clarity on the legal position on limitation in these matters. Leading Counsel has recommended that the matter be pursued to the Supreme Court (House of Lords) as the case is of considerable public interest. The insurers for the period in question (the 1970's) have agreed to fully fund this application in order that the insurance industry can obtain some certainty on how these claims should be handled.

- 2.3. The Contract Notice for the Liability Insurance and Liability Claims Handling contracts due for renewal from April 2010 was submitted to OJEU on 24 August 2009. This is a key contract and with assistance from the contracted insurance brokers, a detailed timetable has been prepared. As with the previous contract, the evaluation will favour quality of claims handling and policy wording with price an important but secondary factor. Given the importance of quality the evaluation processes seek to ensure that contractors have appropriate systems and personnel to deliver the promised service levels. This builds upon the innovative approach successfully implemented for the last tendering exercise and which subsequently received national recognition at the ALARM awards.
- 2.4. The contract notice for the corporate IT and data insurance contract has been published in OJEU. This policy will also be renewed from April 2010 and work has commenced on attempting to establish the sums to be insured for all IT equipment together with realistic consequential costs for loss of data in order that cost effective and appropriate cover can be sought from the market.
- 2.5. Work continues with the Department of Law, Human Resources and Asset Management over changes to insurance arrangements for the building portfolio with particular regard to the implications of the Strategic Asset Review.
- 2.6. Renewal of the Property, Money Fidelity Guarantee and Personal Accident insurance policies were agreed. As these contracts are subject to a Long Term Agreement there were no changes to the extent of cover or premium rates.
- 2.7. A marketing exercise is being undertaken on the Marine Craft insurance policy prior to the expiry of the current contract on 30 September 2009. No significant changes are envisaged in the scope of cover or premium cost of this policy.
- 2.8. The scheduled audit of existing liability claims handlers has not been undertaken because of the increasing demands highlighted in the previous sections. However, the regular monitoring of the service levels has not identified any areas of particular concern.

### **3. CORPORATE RISK MANAGEMENT – PROGRESS**

- 3.1. The draft of the revised Corporate Risk Register has been considered by Chief Officers and by the Corporate Improvement Group and was agreed by the Cabinet on 3 September 2009. This is the subject of a separate report on this agenda.
- 3.2. The annual review of the Corporate Risk Management Strategy has been completed and should be the subject of a report to Cabinet on 24 September 2009, and subsequently to this Committee.

- 3.3. The Risk & Insurance Officer continues to assist with the implementation of the Strategic Change Programme. This includes supporting the Department of Law, Human Resources and Asset Management with risk management arrangements for the new HR and Payroll system project.
- 3.4. New guidance for officers on improving the quality of information on risks and opportunities relating to key decisions in Cabinet reports has been approved by Chief Officers and the Corporate Improvement Group.
- 3.5. Preparatory work has been undertaken for a major Risk Ranking exercise of the Secondary Schools. Each school will have a half day visit by members of the team resulting in a summary report highlighting existing good practice in managing risks and areas for improvement.
- 3.6. The Risk & Insurance Officer has worked with the Corporate Health Safety and Resilience Team to produce a joint risk management / health and safety module for the corporate induction course.

#### **4. INSURANCE MANAGEMENT – ISSUES FOR NEXT PERIOD**

- 4.1. Liability claims statistics for quarter 2 of 2009/10 will be compiled.
- 4.2. Historical abuse claims are expected to continue to provide a significant workload with the publicity surrounding a number of recent successful cases expected to increase the volume of such complex claims.
- 4.3. The complex tender document for the Liability and Liability claims handling contracts will be produced and issued to insurers which have passed the Pre-Qualification Questionnaire stage. This process will necessitate the creation of a detailed statistical claims history together with a comprehensive current risk profile for the Authority. Evaluation of bids will require a review of policy wording together with site visits and interviews with all short listed claims handling teams.
- 4.4. Finalisation of figures and issue of the full IT insurance tender document and the evaluation of the submissions will also be conducted in the coming period.
- 4.5. The marketing exercise for the Marine Craft insurance will be concluded by the end of September 2009.
- 4.6. The Contract Notice for the Legal Defence Services tender will be submitted to OJEU and copies of the Pre-Qualification Questionnaire provided to those expressing interest.
- 4.7. The Insurance Fund budget for 2010/11 should be compiled and reported to Cabinet in November. This will include the establishment of a budget for each individual school based on actual risk exposures.
- 4.8. As with the current period the competing demands present a challenge for the Team which may, again, result in the deferral of some lower priority matters.

## **5. RISK MANAGEMENT – ISSUES FOR NEXT PERIOD**

- 5.1. The Corporate Improvement Group will carry out the quarter 2 review of the Corporate Risk Register. This will inform the quarterly Financial and Performance Monitoring Report.
- 5.2. The Risk & Insurance Officer will begin reviews of the quality of information on risk in reports to Cabinet and provide constructive feedback to individual Chief Officers and to the Corporate Improvement Group.
- 5.3. Details of a process to be followed for the fundamental review of the approach to risk and uncertainty will be developed.
- 5.4. The Risk & Insurance Officer continues to assist with the implementation of the Strategic Change Programme in working with both the Department of Adult Social Services and the Department of Law, Human Resources and Asset Management.
- 5.5. The Risk & Insurance Officer will continue to work with the Policy and Performance Team in the Department of Corporate Services to further embed risk management arrangements in the governance of the Local Strategic Partnership.
- 5.6. The Risk & Insurance Officer and Corporate Performance Manager will begin a series of visits to Departmental Management Teams to improve consistency in the quality and the degree of information in Departmental Service Plans on the risks to delivery of aims and objectives.

## **6. FINANCIAL IMPLICATIONS**

- 6.1. There are none arising directly from this report.

## **7. STAFFING IMPLICATIONS**

- 7.1. There are none arising directly from this report.

## **8. EQUAL OPPORTUNITIES IMPLICATIONS**

- 8.1. There are none arising directly from this report.

## **9. ENVIRONMENTAL IMPACT STATEMENT**

- 9.1. There are none arising directly from this report.

## **10. LOCAL MEMBER SUPPORT IMPLICATIONS**

- 10.1. There are none arising directly from this report.

11. **BACKGROUND PAPERS**

11.1. Data from the Figtree claims database

11.2 Liability claim statistics.

12. **PLANNING IMPLICATIONS**

12.1. There are none arising directly from this report.

13. **RECOMMENDATION**

13.1. That the report be noted.

IAN COLEMAN  
DIRECTOR OF FINANCE

FNCE/248/09

This page is intentionally left blank

WIRRAL COUNCIL

AUDIT AND RISK MANAGEMENT COMMITTEE – 23 SEPTEMBER 2009

REPORT OF THE DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

## **REPORTS SUBMITTED AFTER DEADLINES – UPDATE**

---

### **EXECUTIVE SUMMARY**

At its meeting on 26<sup>th</sup> January 2009, Audit and Risk Management Committee considered a report produced by the Audit Commission on Data Quality. As a result of the discussion on this item, at its meeting on 31 March 2009, the Committee considered a report in relation to the number of late reports, by Committee, which had been received by Committee Services for the cycle ended 9 February 2009. Members consequently requested the submission of further monitoring reports.

#### **1.0 Background**

1.1 Although a review of the scrutiny structure reduced the number of meetings, it should be noted that the number of meetings scheduled by the Council necessitates a large number of reports to be generated across the democratic process as a whole.

1.2 Deadlines for all Committees are circulated to all Chief Officers and report authors at the beginning of the Municipal Year and are available on the Council's Intranet site.

1.3 Appendix 1 to this report sets out the number of late reports, by Committee, received by Committee Services. The Committee cycle that ended with the meeting of the Council on 13 July 2009 has been used to provide this information and the figures presented to the meeting held on 31 March are included for comparison purposes. In some instances the reports may have been received after the agenda had been published and therefore a supplementary agenda may have been produced.

1.4 There has been a marked decrease in the number of late reports compared to the last monitoring report.

#### **2.0 Financial implications**

There are no financial implications.

#### **3.0 Staffing implications**

There are no staffing implications.



#### **4.0 Equal opportunities implications**

There are no equal opportunity implications.

#### **5.0 Community safety implications**

There are no community safety implications.

#### **6.0 Local Agenda 21 implications**

There are no Local Agenda 21 implications.

#### **7.0 Planning implications**

There are no planning implications.

#### **8.0 Anti-poverty implications**

There are no anti-poverty implications.

#### **9.0 Social inclusion implications**

There are no social inclusion implications.

#### **10.0 Background Papers**

There are no background papers.

#### **RECOMMENDATION**

That the report be noted.

**Bill Norman**

Director of Law, HR and Asset Management

Appendix 1

LATE REPORTS RECEIVED BY COMMITTEE

COMMITTEE	DATE	LATE REPORTS
Council	9 February 2009	0
Cabinet	15 January 2009	4/21 (19%)
	5 February 2009	3/36 (8%)
Audit and Risk Management	26 January 2009	10/13 (77%)
Employment and Appointments	28 January 2009	9/14 (64%)
Licensing H&S & General Purposes Committee	12 January 2009	0
Pensions Committee	14 January 2009	2/20 (10%)
Planning Committee	8 January 2009	1/19 (5%)
	29 January 2009	1/22 (5%)
Standards Committee	27 January 2009	2/8 (25%)
Children's Services and Lifelong Learning OSC	13 January 2009	2/12 (16%)
Community & Customer Engagement OSC	4 February 2009	0
Corporate Services OSC	12 January 2009	4/7 (57%)
	4 February 2009	0
Culture, Tourism and Leisure OSC	27 January 2009	0
Environment OSC	28 January 2009	7/11 (64%)
Finance and Best Value OSC	21 January 2009	3/13 (23%)
Housing and Community Safety OSC	15 January 2009	0
Regeneration and Planning Strategy OSC	19 January 2009	0
Social Care and Health OSC	20 January 2009	1/10 (10%)
Council	13 July 2009	0
Cabinet	28 May 2009	7/19 (36%)
	25 June 2009	4/18 (22%)
Audit and Risk Management	29 June 2009	2/16 (12%)
Employment and Appointments	15 June 2009	3/13 (23%)
Licensing H&S & General Purposes Committee	19 May 2009	0
Pensions Committee	18 June 2009	0
Planning Committee	21 May 2009	0
	11 June 2009	1/9 (11%)
	2 July 2009	0
Standards Committee	30 June 2009	0
Children and Young People O&S	2 June 2009	0
Council Excellence O&S	1 July 2009	0
Economy and Regeneration O&S	15 June 2009	0
Health and Well Being O&S	22 June 2009	0
Sustainable Communities O&S	1 June 2009	1/4 (25%)
Scrutiny Programme Board (O&S)	27 May 2009	0

This page is intentionally left blank