



MEETING : OVERVIEW AND SCRUTINY COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : TUESDAY 10 MARCH 2026
TIME : 7.00 PM

PLEASE NOTE TIME AND VENUE

This meeting will be live streamed on the Council's Youtube page:

<https://www.youtube.com/user/EastHertsDistrict>

MEMBERS OF THE COMMITTEE

Councillor David Jacobs (Chair)

Councillors D Andrews, P Boylan, E Buckmaster, R Carter, N Clements,
N Cox, C Horner (Vice-Chair), S Marlow, S Nicholls, T Smith, M Swainston,
G Williams and J Wyllie

Substitutes

Conservative Group: Councillors A Holt and G Williamson
Green Group: Councillors V Burt, V Smith and S Watson
Labour Group: Councillor C Redfern
Liberal Democrat Group: Councillor R Townsend
Reform: Councillor G McAndrew

(Note: Substitution arrangements must be notified by the absent Member to Democratic Services 7 hours before the meeting, i.e. by midday on the day of the meeting)

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Disclosable Pecuniary Interests

A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:

- must not participate in any discussion of the matter at the meeting;
- must not participate in any vote taken on the matter at the meeting;
- must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
- if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
- must leave the room while any discussion or voting takes place.

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Visit <https://www.eastherts.gov.uk/article/35542/Political-Structure> for details.

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AGENDA

1. Apologies

To receive apologies for absence.

2. Minutes - 20 January 2026 (Pages 6 - 15)

To approve as a correct record the Minutes of the meeting held on 20 January 2026.

3. Chair's Announcements

4. Declarations of Interest

To receive any Members' Declarations of Interest.

5. Presentation by Executive Member for Environmental Sustainability (Cllr Hoskin) - The council's approach to achieving net zero carbon by 2030: scrutiny of East Herts Council's 2025 Carbon Emissions report (Page 16)

Presentation from Councillor Tim Hoskin, Executive Member for Environmental Sustainability.

Members, please see the following hyperlink to the report on the Council's website:

[East Herts Council's Carbon Emissions 2025](#)

6. Progress on the Parking Strategy (Pages 17 - 28)

An update on progress against the Parking Strategy, one year on.

7. Regulation of Investigatory Powers Act (RIPA) Policy Review (Pages 29 - 70)

8. Overview and Scrutiny Committee - Draft Work Programme (Pages 71 - 76)

9. Feedback from the Executive

10. Exclusion of Press and Public (if required)

If Part II business is notified and the procedures set out in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 have been complied with, the Chairman will move:

That under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the discussion of item XX on the grounds that it involves the likely disclosure of exempt information as defined in paragraph XX of Part 1 of Schedule 12A of the said Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

11. Urgent Items

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

Agenda Item 2

OS

OS

MINUTES OF A MEETING OF THE
OVERVIEW AND SCRUTINY COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON TUESDAY
20 JANUARY 2026, AT 7.00 PM

PRESENT: Councillor D Jacobs (Chair)
Councillors P Boylan, E Buckmaster,
R Carter, N Clements, N Cox, C Horner,
S Nicholls, T Smith, M Swainston and
J Wyllie

ALSO PRESENT:

Councillors M Goldspink and S Hopewell

OFFICERS IN ATTENDANCE:

Jonathan Geall	- Director for Communities
Katherine Gilcreest	- Housing Lead
Sara Saunders	- Director for Place
Stephanie Tarrant	- Assistant Director for Democracy, Elections and Information Governance

- 293 APOLOGIES
An apology for absence was submitted from Councillor S Marlow.
- 294 MINUTES - 4 NOVEMBER 2025
Councillor Horner proposed, and Councillor Nicholls seconded, a motion the minutes of the meeting held on Tuesday 4 November 2025 be approved as a correct record and signed by the chair, subject to the following amendment:

Delete in minute 224 – ‘Councillor Nicholls declared an interest in the matters referred to in minute 220, on the

grounds that she had participated both of Development Management Forums as a local district ward councillor’.

Replace with – ‘Councillor Nicholls declared an interest in the matters referred to in minute 226, on the grounds that she had participated both of Development Management Forums as a local district ward councillor.’

After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the minutes of the meeting of the Overview and Scrutiny Committee held on 4 November 2025 be approved as a correct record and signed by the Chair, subject to the following amendment:

Delete in minute 224 – ‘Councillor Nicholls declared an interest in the matters referred to in minute 220, on the grounds that she had participated both of Development Management Forums as a local district ward councillor.’

Replace with – ‘Councillor Nicholls declared an interest in the matters referred to in minute 226, on the grounds that she had participated both of Development Management Forums as a local district ward councillor.’

295 CHAIR'S ANNOUNCEMENTS

The Chair welcomed Members and Officers to the meeting. He reminded everyone present to use the microphones when speaking as the meeting was being webcasted. The full webcast of the meeting can be viewed here: Overview and Scrutiny Committee – [20 January 2026](#).

296 DECLARATIONS OF INTEREST

There were no declarations of interest.

297 EXTENSION OF THE GROUND CONTRACT AND THE USE

OF GLYPHOSATE IN THE GROUNDS MAINTENANCE CONTRACT

The Executive Member for Wellbeing submitted a report in respect of the current grounds maintenance contract that was due to expire on 31 December 2027. She explained that Glendale were in year 6 of an 8-year grounds contract with the option of reprocurring or extending for a further 5 years.

The Executive Member for Wellbeing said that should the council wish to retender the contact, the process would need to begin in 2026 and would likely take approximately two years to complete. She said that there were financial implications for that option estimated at approximately £70k to cover the cost of potential external consultants and also for substantial officer time.

The Executive Member for Wellbeing set out the maintenance activities covered by the contract. She said that with local government reorganisation on the horizon, an alternative was to extend the existing contract for up to a further 5 years. Part of this extension could include potential improvements such as around the use of Glyphosate.

The Executive Member for Wellbeing welcomed suggestions around alternative options and said that she was aware that Members were keen to explore what other options maybe available. The Executive Member said that she was keen to hear Members' further thoughts on the ground's maintenance contract and the use of Glyphosate.

Members asked questions in respect of the following:

- Tendering arrangements and removing Glyphosate from the contract
- Outcomes of research into alternatives to Glyphosate as the only available research is out of date
- Not using Glyphosate in parks and alternatives for parks and open spaces

- Local Government Reorganisation review and break clauses in the grounds' maintenance contract
- Alternatives being used by other councils e.g. Hackney (mulches and wildflower planting to encourage wildlife)
- Residue of Glyphosate in children's playgrounds
- Private members' bill going through parliament calling for councils to ban the use of Glyphosate in public areas.
- Health and Safety Executive review of Glyphosate licensing and a public consultation
- Harm of Glyphosate being used in the wrong place (chalk rivers/streams in East Herts)
- Harm to wildlife and a collapse in biodiversity for a number of insect species populations
- What the Council was doing to reduce and eliminate the use of Glyphosate (might have to be the odd exception - i.e. to control Japanese Knotweed)
- If the period of contract extension could be for two years instead of up to 5 years into the new unitary authority
- Further detail around the meeting of monthly key performance indicators (KPIs)

Members heard that there was scope when the contract was extended for Officers to have discussions with the contractor around key elements, which could include the use of Glyphosate and other areas of concern or where the council wanted to see some improvements. There was a strong consensus in line with 1.3 of report to eliminate the use of glyphosate from the grounds' maintenance contract across East Herts Council-owned parks and open spaces.

The Director for Place advised that she would be looking for the team to take these issues forward and, in more detail, as the contract extension was explored. She confirmed that she would come back to Members to explain what Officers had already discussed and how they would take these matters forward. Members were

also advised that there would be a break clause in the contact to allow for what may happen in terms of Local Government Reorganisation.

Councillor Cox proposed, and Councillor Nicholls seconded, a motion that Overview and Scrutiny Committee have considered the proposals to extend the current grounds maintenance contract with Glendale for a further five years and had provided comments to the Executive Member for Wellbeing regarding an alternative use of the herbicide glyphosate and investigations regarding different methods of weed control for East Herts Council's parks and open spaces.

After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that (A) Members of Overview and Scrutiny Committee have considered the proposal to extend the current grounds maintenance contract with Glendale for a further five years.

(B) the comments of the Overview and Scrutiny Committee regarding an alternative use of the herbicide glyphosate and investigations regarding different methods of weed control for East Herts Council's parks and open spaces be forwarded to the Executive Member for Wellbeing.

298 SCRUTINY OF REGISTERED PROVIDERS' COMMUNICATIONS METHODS

Councillor Sue Nicholls, Chair of the Task and Finish Group, submitted a report from the task and finish group that was set up by the Overview and Scrutiny Committee to review communication methods used by registered providers of housing in the district.

Councillor Nicholls thanked the registered providers that had engaged in the process. She also thanked the Members of the Task and Finish Group and the East Herts officers that had supported the work of the Group.

Councillor Nicholls thanked Jane Wilson from East Herts Citizens Advice and Elizabeth Lil and Jonathan Munge from SNG for attending the meeting in December.

Councillor Nicholls said that the establishment of the Task and Finish Group was intended to review the methods of communication used by registered providers to engage with their tenants, elected members and council officers.

Councillor Nicholls said that the scrutiny proposal was driven by a wish to identify actions that could result in tangible improvements not only for residents when dealing with their registered housing provider but also changes for officers - to aid communication and opportunities to develop better working practices, and for Members to enable them to advocate on behalf residents in a more effective and timely manner.

Councillor Nicholls set out when Task and Finish Group meetings were held and referred Members to the minutes from those meetings. She referred to the varied engagement from the registered providers and said that this served to highlight the difficulties with communication experienced by some residents and Members.

Councillor Nicholls said that Members of the Task and Finish Group were impressed by the information that was shared by those who did engage in the process and enabled a greater understanding and insight into the processes used by registered providers, the council and partners to provide services and support for residents.

Councillor Nicholls said that many examples of best practice were shared, and these had been used to inform the recommendations. She summarised the suggestions for changes to working practices and arrangements to help improve communication between officers, registered providers and other stakeholders. Other issues were also identified such as scope for improvements in communication between the council and the East Herts Citizens Advice. Members were advised that this issue

was being taken forward separately from the recommendations.

Councillor Nicholls said that it was worth noting that the housing ombudsman's 2023 spotlight report on attitude, respect and rights had identified that communications were a key issue in around 68% of complaints investigated by the ombudsman. Members were advised that as part of their call for evidence, 58% of respondents had a disability and 58% of those respondents said that no reasonable adjustments had been made to help them with their complaints.

Councillors Nicholls stressed the importance of establishing and maintaining good communications between residents and housing providers as well as other stakeholders. She said that it was important to consider the needs of all residents to avoid exclusion and the unnecessary escalation of issues affecting tenants. Members were advised that poor communication could exacerbate already difficult situations and lead to an erosion of trust leaving tenants feeling frustrated and isolated.

Members asked questions in respect of the Citizens Advice service, anti-social behaviour and neighbour disputes, complaints from residents, keeping track of new housing providers and any follow up work on the recommendations of the Task and Finish Group.

Councillor Nicholls explained that one of the issues was that the citizens advice service did not have up to date contact details for various council departments. She said that they had been updated with that information already and the permissions for video conference calling were being looked at. Members were advised that the availability of space within Wallfields for the Citizens Advice Service was being explored.

Councillor Nicholls explained that officers often already knew about an issue and were best placed to deal with

this. She said that in most instances Members did not need to get involved and they had asked for clearer information and a list of instructions on best practice.

Councillor Nicholls said that officers had given feedback that they would like more ongoing involvement in casework meetings and stakeholder holder meetings.

Councillor Jacobs drew Members' attention to the standing item on the agenda whereby the Executive could report back to Overview and Scrutiny on things that the Executive had taken forward.

Councillor Nicholls proposed, and Councillor Swainston seconded, a motion that Overview and Scrutiny had considered the recommendations made by the appointed Task and Finish Group at paragraph 2.1 of the report and Members agree that the recommendations, subject to any amendments, be forwarded to the Executive Member for Neighbourhoods for her consideration prior to onward recommendation to the Executive.

After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that (A) Overview and Scrutiny had considered the recommendations made by the appointed Task and Finish Group at paragraph 2.1 of the report; and

B Members agreed that the recommendations, subject to any amendments, be forwarded to the Executive Member for Neighbourhoods for her consideration prior to onward recommendation to the Executive.

299 FEEDBACK FROM THE EXECUTIVE
There were no items for Executive feedback.

300 OVERVIEW AND SCRUTINY COMMITTEE - DRAFT WORK
PROGRAMME

The Assistant Director for Democracy Elections and Information Governance submitted the work programme report and Members were invited to consider and determine the work programme going forward.

The Assistant Director for Democracy Elections and Information Governance set out the two matters that were coming forward for the meeting on 10 March 2026. She said that these were AI and its use by the council and the parking strategy progress report.

Members were advised that there were some additional items to be included which were the council's approach to achieving net zero carbon by 2030 and a scrutiny proposal form had been submitted by Councillor Hoskin on the 9 January 2026. This document had been shared with the committee and the leadership team and could be considered for the March 2026 meeting.

The Assistant Director for Democracy Elections and Information Governance said that the sustainable transport topic was still awaiting a proposal form, and this would be required before possibly being brought before Members in June 2026.

Members were advised that a proposal form had been received from Councillor Cox which was on the back of the motion to council in October around sewage discharge into the rivers. This form had also been circulated to members and Democratic Services were now following up on this as a possible topic for June.

The Assistant Director for Democracy Elections and Information Governance said that two proposal forms had been submitted in relation to LGR and the Chief Executive, Helen Standen, had confirmed it would be premature for Overview and Scrutiny to consider this at the at the present time. Members were advised that this matter would therefore be brought before the committee in due course.

Councillor Jacobs said that Members should consider whether a workshop should be held March, as per the approach taken for the last two years, to shape the Overview and Scrutiny Committee work programme in more detail beyond June.

Councillor Horner proposed, and Councillor Clements seconded a motion that the Overview and Scrutiny Committee work programme, as amended, be agreed. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that the Overview and Scrutiny Committee work programme, as amended, be agreed.

301 URGENT ITEMS
There was no urgent business.

The meeting closed at 7.45 pm

Chairman
Date

Agenda Item 5

EAST HERTFORDSHIRE DISTRICT COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

TUESDAY, 10 MARCH 2026

Presentation by Executive Member for Environmental Sustainability (Cllr Hoskin) - The council's approach to achieving net zero carbon by 2030: scrutiny of East Herts Council's 2025 Carbon Emissions report

Presentation by Executive Member for Environmental Sustainability, Councillor Tim Hoskin.

1.0 Summary

1.1 The council's approach to achieving net zero carbon by 2030: scrutiny of East Herts Council's 2025 Carbon Emissions report

2.0 Recommendation

2.1 The Panel is asked to note the presentation.

Overview and Scrutiny Committee

Date: 10th March 2026

Report by: Councillor Tim Hoskin, Executive Member
for Environmental Sustainability

Report title: Progress on the Parking Strategy

Ward(s) affected: All

Summary

- This update summarises progress on the East Herts Council Parking Strategy which was adopted in January 2025.

RECOMMENDATIONS FOR DECISION: That:

(A) Overview and Scrutiny Committee Members review progress to date and make any recommendations to Executive regarding future priorities

1.0 Proposal(s)

1.1 For Committee Members to review progress on strategy objectives to date and recommend any actions or priorities for Executive to consider as the Strategy enters into its second year of delivery.

2.0 Background

2.1 The council adopted a new Parking Strategy in January 2025, which can be found here: [Parking Strategy](#). This followed on from extensive consultation in 2024 including face to face events across the district's towns.

2.2 The aim of the strategy is to make parking rules simpler and more consistent across East Herts, while supporting long-term sustainability and behaviour change goals. In this sense it is worth noting that the strategy is not solely focused on Parking Services but brings together actions and resources from across the council and different partners. It is underpinned by three objectives:

- Support the take-up of more environmentally friendly vehicles

- and sustainable alternatives to driving.
- Making changes to parking to make it fairer, easier, and more consistent across East Herts.
- Adopting a more considerate approach to managing parking services throughout East Herts.

2.3 Each of these objectives are underpinned by a number of individual actions. The purpose of this report is to update Committee Members on progress since the Strategy was adopted.

2.4 **Appendix A** contains a detailed update on each of the strategy objectives.

2.5 Progress has been made in a number of areas however many of the objectives are strategic in nature and designed to encourage long term behaviour change and modal shift.

3.0 Reason

3.1 Committee Members have requested an update on the Parking Strategy given it was adopted just over one year ago.

4.0 Options

4.1 N/A

5.0 Risks

5.1 The ongoing implementation of the strategy does not present any immediate risks to the council.

6.0 Implications/Consultations

6.1 Extensive consultation was undertaken to identify proposals, as outlined in the strategy that was adopted last year. Individual actions are consulted upon directly as required. For example, changes to tariff structures to come in from 5 April 2026 were consulted upon during the Autumn of 2025. In addition, individual Residents Permit Zone proposals are also consulted upon as happened recently in regards to Gladstone Road.

Community Safety

The strategy does not directly address community safety however

various actions, particularly around enforcement, are partially designed to improve public safety in and around schools and the highway.

Data Protection

N/A

Equalities

Individual changes and actions have associated equalities impact assessments undertaken. For example this happened recently with the proposals to implement a charge for blue badge holders after three hours.

Environmental Sustainability

The strategy has objectives around encouraging modal shift and behaviour change around car usage.

Financial

There are no new funding requirements in the strategy

Health and Safety

N/A

Human Resources

N/A

Human Rights

N/A

Legal

N/A

Specific Wards

No

7.0 Background papers, appendices and other relevant material

Parking Strategy - [Parking Strategy 2024 | East Herts District Council](#)
Appendix A – Update on actions

Contact Member

Councillor Tim Hoskin, Executive Member for Environmental Sustainability. tim.hoskin@eastherts.gov.uk

Contact Officer

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Appendix A – summary of progress against Strategy Actions

REF	Action	Progress
AA1	Promote the use of cycling by improving cycling infrastructure throughout East Herts.	<p>The Parking Strategy is a tool to help encourage and nudge behaviour change, particularly through tariff changes to discourage car visits to town centres. However we recognise a comprehensive approach is required with investment in additional infrastructure.</p> <p>The LCWIP is a key part of this approach, consultation for which is now complete. Further details, including the full report, may be found here. Routes with the greatest potential demand and benefit for local people have been identified as ‘priority network’ and assessed for suggested changes. These are currently concepts and all routes will undergo further design/feasibility work and public engagement after the plan is adopted. The Parking Strategy will accommodate any approved changes or improvements as they come forward.</p>
AA2	Work with the Hertfordshire County Council/Schools to engage and educate families on alternative modes of transport.	<p>Most schools in the district have adopted sustainable travel plans setting out how this can be achieved. East Herts enforcement agents visit all schools in the district (secondary and junior) twice every month during drop off and pick up times. This helps act as a deterrent rather than leading to lots of tickets being issued as most drivers will not contravene parking restrictions when they are present. Changing behaviours outside of these visits is more challenging however.</p> <p>In the spring and summer of 2025, the council ran a social media campaign ‘Pedal or Stroll’ to highlight local walking and cycling routes and encourage active travel. This used calendar hooks for the content, such as school holidays and national walking days and months.</p> <p>National ‘Walk to School Week’ takes place from 20-25 May 2026. The council will use this as an opportunity to work with Hertfordshire County Council to promote active travel within our local schools.</p>

AA3	Collaborate with partners to expand the provision of off-street and on-street EV chargepoint infrastructure	<p>EV Concession recently awarded to ensure 10% of all spaces in EH car parks (collectively) will be EV in time. Roll out will begin in Sawbridgeworth and then follow to other areas. The project will initially deliver 193 live chargers over three years with 44 more made ready for future demand.</p> <p>The Local Electric Vehicle Infrastructure (LEVI) tender is also now awarded and will deliver a proposed 478 onstreet chargers, again over three years, throughout the district.</p> <p>Both projects have used commercial leverage to ensure rural areas with less demand will also be well served with charging provision.</p> <p>The council is confident that the EV bays will be well utilised to ensure car parks operate at the optimum in terms of supply and demand to support local businesses, residents and visitors. Officers will closely monitor usage.</p>
AA4	Introduce time-based pricing for parking whereby there are higher tariffs during peak times and lower tariffs during off-peak times.	<p>The proposed new tariff structure is not based on premium times (except for Sundays which are cheaper). Instead there is a recognition that the main towns (Hertford, Bishop's Stortford and Ware) are busier and therefore have higher rates than the smaller towns (Sawbridgeworth, Buntingford and Stansted Abbots). Within this there is also a recognition that some car parks such as Apton Road and Basbow Lane in Bishop's Stortford are "premium" levels with cheaper rates at Northgate End (this is also the case for Old London Road in Hertford). The idea behind this is encourage more usage of the cheaper car parks, freeing up capacity elsewhere.</p>
AA5	Explore opportunities to implement an emissions-based charging structure to permit parking or car park charges.	<p>This was considered as part of the recent review of the RPZ policy and included as a possible recommendation for future implementation by Citisense, who undertook the review. However due to the complexity of implementing it has not been progressed at this time. For car parks, it requires an expensive integration with the P&D machines to the DVLA database to ensure vehicle details are correct and appropriate charges can be applied in real time. If at any point our P&D arrangements go fully online, this would be much easier to implement (the integration for this for online payments only is much more straightforward)</p>

<p>AA6</p>	<p>Lobby Hertfordshire County Council and public transport providers to enhance public transportation infrastructure.</p>	<p>This is an ongoing objective and done mostly through larger developments such as HGGT. Public Transport providers will always be concerned about the viability of routes and services and require surety of patronage before they are willing to invest. Strategic scale schemes can offer reasonably accurate forecasts on patronage and such schemes can be required to fund new provision and routes through legal agreements for a period of time. Developers can be required to offer incentive packages such as welcome packs and travel vouchers to encourage patronage, but longer term success and viability of public transport services relies upon multiple factors external to the strategic sites, including regimes over parking cost and availability at key destinations. If it is cheaper to park in town for a few hours than to take a family of four by bus there and back, taking the car is the more attractive option.</p> <p>Strategic planning, which takes account of cross-border growth can encourage authorities to plan for more strategic provision of public transport such as the HERT (Herts and Essex Rapid Transit) scheme, which is intended to connect large centres of growth across Hertfordshire into the neighbouring town of Harlow in Essex. However, the scale of intervention and investment required to deliver such schemes will require national funding and support to deliver. Major developments such as the Gilston Area (10,000 homes) can forward plan now to be able to support the HERT services in the future but County-wide support and funding will be required.</p> <p>Much interest is given to reducing the number of spaces provided at homes as a way of discouraging multiple car ownership and encouraging walking and cycling as the more convenient option, and new strategic developments are planned to provide day to day services within walking distances of new homes. But this must be balanced with ensuring informal parking does not cause problems elsewhere when home owners have multiple vehicles regardless.</p>
<p>BA1</p>	<p>Review the all-day parking</p>	<p>Changes proposed from 6 April which include changing existing configurations to enable</p>

	tariff option for some town centre car parks to better utilise car parking spaces for shoppers/users.	more short stay and quicker turnover. For example on Gascoyne Way level A, removal of some blue badge spaces on NGE ground floor, removing Long Stay from one part of Kibes Lane and introducing a 3 hour maximum stay at the Library Car Park, Ware)
BA2	Review parking tariffs to maximise the use of under-utilised car parks and rationalise car parking where appropriate.	Changes proposed for 26/27 and links to BA1 and AA4. Aswell as encouraging greater turnover of spaces by creating more short term use, Northgate End in Stortford and Old London Road in Hertford remain with a cheaper rate to encourage further use. Both of these car parks are not operating at capacity currently.
BA3	Benchmark parking charges against neighbouring or similar authorities	This was undertaken as part of the changes to the 2025/26 tariff changes to ensure we are in line with similar areas. As part of the proposed changes to blue badge charges, benchmarking was also undertaken on other areas who have adopted similar approaches. Benchmarking will be undertaken again in the 2027/28 fees and charges process on overall tariffs.
BA4	Review parking tariffs to improve dwell time in high footfall areas	This links to BA2, BA1 and AA4. We know that some of the proposed changes such as premium pricing in some Stortford car parks is making an impact in terms of directing cars to Northgate End however the level of impact on behaviour change and dwell time is unknown. By the end of the financial year we will have 12 months' worth of data in which to identify any trends.
BA5	Review all off street concession parking including blue badge and carers	Changes proposed for implementation from 6 April 2026. This includes creating a chargeable period for blue badge permit holders after 3 hours.

BA6	Review existing charges, including locations and hours. Work to make charges easier, fairer and more consistent while acknowledging the different characteristics of each town and village	Changes proposed for implementation from 6 April 2026. This includes implementing consistent tariffs for weekend charges in Sawbridgeworth, Stanstead Abbots and Buntingford, which are different to the larger towns (Hertford, Bishop's Stortford and Ware)
BA7	Review the current Resident Permit Zones (RPZs) and the need for new RPZs.	<p>New RPZ policy was adopted by Council in October 2025. This follows on from a review conducted by a Citisense to look at possible changes and ways of making it easier to implement schemes. As a result of this we have been able to unlock appetite to progress some schemes. Currently the roadmap for considering new schemes is as follows:</p> <ul style="list-style-type: none"> • Gladstone Road, Ware: scheme about to be formally launched through creation of new traffic regulation order (will also include some changes to yellow lines). Likely implementation in 2-5 months (depending on time to seal order following statutory consultation and implementation of signage, etc) • New Road, Ware: survey completed. Consultation with residents due to begin. If this is supported, likely implementation to be 12 months • Tamworth Road and/ or Currie Street. Public petition received expressing an interest, supported by Ward Members. Survey will begin as soon as Gladstone Road scheme is implemented. Section 106 funding in place to support this. • Woodlands and/ or Stortford Hall Park (Stortford). Residents gathering evidence of issues caused by airport parking. Parking Team in consultation with MAG about funding to support moving to consultation stage. • Park Street, Hertford. Residents have expressed interest and supported by Ward Members. Survey timescales not yet defined. • West Street, Hertford. Survey timescales not yet defined.
BA8	Exploring the introduction of business and resident permits for car parks	There are already some business and resident permit arrangements in place. For example B7, Stortford, which some dedicated business permit use spaces in place. In Bowling Green Lane Buntingford, and Crown Terrace, Stortford residents permits are also available at market rate. No one has applied as of yet. In regards to Northgate End there are also bays

		exclusively for business use, at market rate. Further work analysis planned in 2026/27 to explore issues around lack of take up on residential side. Learning from a trial scheme in Chantry Lane, Stortford, where businesses could use residential spaces, indicated an issue were the restrictions on use (eg. Cant use Saturday) and the requirement to pay the full amount upfront.
BA9	Explore opportunities for making parking payments more consistent across the district	National Parking Platform has launched – this enables all customers to pay using any car park app.
BA10	Explore the introduction of a seasonal parking pass for local workers.	Links to BA8 – further work planned in 2026/27.
BA11	Conduct a district-wide review of the functionality and operability of all pay and display machines	These are kept under review in terms of maintenance and status. ACPOA provide a monthly report in their status which we act upon where required. Issues on the day are also reported however where they aren't working this often relates to the online payment software rather than the machines themselves The P&D machines are considered reliable overall with an average of one machine going out of order daily and returned to service within four hours. Longer term, there may be an appetite to remove these machines and have online only payments; however support for this approach is not yet significant enough to take forward.
CA1	Promote existing support for Carers to park throughout the District.	The RPZ policy does make provision for carer's parking. Currently there are 185 carer's permits being used in the district. Most of these are for carers registered to specific companies who visit residents living in permit zones. A small number are also for family members who undertake caring responsibilities. The charge for these are £50 per year.
CA2	Encourage the use of virtual permits over paper permits to facilitate a more environmentally conscious approach	Residents are encouraged to go online for permits however the online system doesn't offer the level of flexibility they sometime require – often hourly slots between different vehicles for people visiting who could be family members, construction vehicles etc. Residents will visit reception to obtain paper copies of these vouchers. Our longer term plan is to phase these out however that can only be done when permitmarti (the online system) offers this additional flexibility. Currently we have not allocated any additional investment for this.

CA3	Regularly review car park capacity	Car park capacity and spend is monitored regularly and the Portfolio Holder receives a monthly update. By the end of the 25/26 year we may be in a position to identify patterns which could lead to a change in overall capacity and distribution. Current information indicates that Elm Road is the only car park in the district generating less revenue than previous year.
CA4	Review charge levels for vehicles based on size, including motorcycles.	Links to AA5. This was considered as part of the recent review of the policy review and included as a possible recommendation for future implementation. However due to the complexity of implementing it has not been progressed at this time.
CA5	Improve parking enforcement operations to ensure they actively contribute to environmental objectives.	New contract awarded in late 2025 and will launch in January 2026. Enforcement agents are also using air quality monitors to help track air quality in our town centres. This data is being shared with colleagues in East Herts Council.
CA6	Explore opportunities to provide incentives for car-sharing/car-pooling	<p>East Herts trialled an e-car scheme between 2018 – 2022, using leased electric vehicles. They were for EH use only during business hours and then hireable by members of the public outside of these hours. After running the scheme for 3 years we couldn't make it financially sustainable – the level of demand from the public was not enough to cover the additional insurance and maintenance costs. As part of the Old River Lane development however we will be implementing a car share scheme with Cityheart to support the residential units being built. This is likely to be designed closer to the completion date of the scheme (TBC but earliest will be 2028/29)</p> <p>There is also scope to consider allocation of spaces within existing or new RPZs specifically and exclusively for the use of shared cars/car club vehicles. This would seem like an ideal test as it would offer a balance between the space for vehicles being constantly under</p>

pressure and the attraction of a number of households sharing access to a car(s) and just having the responsibility for a car when they need to use it. If successful, this could potentially lower the overall number of vehicles and so release more space to those that retain individual cars. A suitable test/ pilot scheme would need to be found.

EAST HERTS COUNCIL REPORT

OVERVIEW AND SCRUTINY COMMITTEE

DATE OF MEETING: TUESDAY, 10 MARCH 2026

**REPORT BY: JAMES ELLIS – DIRECTOR FOR LEGAL,
POLICY AND GOVERNANCE**

**REPORT TITLE: REGULATION OF INVESTIGATORY POWERS
ACT (RIPA) POLICY REVIEW**

WARD(S) AFFECTED: ALL WARDS

Summary

This report updates the Committee on the Council's recent IPCO inspection and seeks fresh Member approval of the RIPA policy.

RECOMMENDATIONS FOR EXECUTIVE:

- A.** That the Executive considers the content of the report and provides any observations to the Director for Legal, Policy and Governance.
- B.** That the Regulation of Investigatory Powers Act (RIPA) Policy at **Appendix B** be adopted.

1.0 Proposal

- 1.1 To consider the council's recent IPCO inspection and provide an up-to-date review of the council's Regulation of Investigatory Powers Act (RIPA) Policy.

2.0 Background

- 2.1 The Investigatory Powers Commissioner's Office (IPCO) oversee the Council's use of investigatory powers, ensuring that they're used in accordance with the law and in the public interest. They do this by inspecting the Council on a three-yearly basis.
- 2.2 The Council was last inspected in 2022, meaning that the next scheduled inspection was due in 2025.

- 2.3 This inspection by the IPCO took place on 12 September 2025, with the resultant Inspection Report letter being provided to the Chief Executive on 7 January 2026.
- 2.4 The report letter, provided at Appendix A, confirms that the Investigatory Powers Commissioner (IPC) is “*satisfied the information provided offers the required assurance that ongoing compliance with RIPA 2000 and the Investigatory Powers Act 2016 will be maintained*”
- 2.5 The Inspector did, however, highlight that fact that the policy had not been internally reviewed or presented to, and approved, by Members since 2023.
- 2.6 Accordingly, the Director for Legal, Policy and Governance has since undertaken an internal review of the RIPA Policy and now presents this, at Appendix B, to Members for approval. As set out by the IPC, it is considered that the policy remains fit for purpose and requires no amendment at this time, other than to update the job title of the council’s nominated RIPA Senior Responsible Officer (SRO) from Head of Legal and Democratic Services to Director for Legal, Policy and Governance, as well as other authorised officers at Appendix B of the Policy.
- 2.7 The Director for Legal, Policy and Governance, acting in his role at the SRO, has also arranged for fresh RIPA training to be provided to all authorising officers in the coming weeks.
- 2.8 The council’s next review by the IPCO is due in 2028.

3.0 Reasons

- 3.1 At paragraph 5.21.1(l) of the Constitution, the Overview & Scrutiny Committee has responsibility for considering reports relating to the authority’s use of the RIPA.
- 3.2 Whilst the council does not actively make use of its RIPA powers, it is important that RIPA, the policy and its usage, or otherwise, are kept at the forefront of Members’ minds.
- 3.3 The Covert Surveillance and Property Interference Code of Practice requires approval of the council’s policy from elected members.

4.0 Options

- 4.1 To not seek approval of the policy from Members, this is NOT RECOMMENDED as it would be contrary to the requirements of the Covert Surveillance and Property Interference Code of Conduct.

5.0 Risks

- 5.1 It is important that the council continues to operate in accordance with RIPA to ensure that it is able to effectively manage its reputational risk whilst also exercising its legitimate evidence gathering powers in connection with enforcement activity.

6.0 Implications/Consultations

- 6.1 Not regularly reporting on the council's use of RIPA would risk it slipping out of the consciousness of Members.

Community Safety

Yes – Allows the council to legally make use of investigatory practices governed by RIPA, which could be utilised to protect communities from illegal activities.

Data Protection

Yes – Acting in compliance with RIPA means that all data gathered will be dealt with legally and safely.

Equalities

Yes – No RIPA investigations have been conducted by the council and so there is no data against which to assess the potential equalities aspects of RIPA use. If the council sought to use RIPA powers at some point, the equalities aspects would be considered at that time. The risk of having a policy that is not fit-for-purpose could lead to unintended equalities issues or risk of the perception of this.

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

Yes – The use of powers under RIPA directly affects a person’s right to respect for private and family life under Article 8 of the Human Rights Act. It is imperative that RIPA is utilised correctly so as to make legal those potential intrusions.

Legal

Yes – RIPA enables local authorities to carry out certain types of surveillance activity, as long as specified procedures are followed. The information obtained as a result of surveillance operations can be relied upon in court proceedings providing RIPA is complied with. Full details of the RIPA requirements and compliance are set out in the Policy, with relevant documents and guidance document available to relevant officers via the intranet should they consider it necessary to use these powers.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 **Appendix A** – IPCO Inspection Report letter from the Investigatory Powers Commissioner.

7.2 **Appendix B** – Policy

Contact Member

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Helen Standen
Chief Executive
East Herts District Council

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7th January 2026

Dear Chief Executive,

I am grateful to James Ellis, your Director for Legal, Policy and Governance and Monitoring Officer, and nominated RIPA Senior responsible Officer (SRO), for providing IPCO with the information requested by my Inspector, . I am satisfied the information provided offers the required assurance that ongoing compliance with RIPA 2000 and the Investigatory Powers Act 2016 will be maintained. As such, your Council will not require further inspection this year.

While I recognise your organisation has not used its CHIS and surveillance powers for some time, it is important you maintain a level of knowledge and awareness across the organisation to ensure no unauthorised surveillance is carried out by your staff. Unlike most local authorities, you have not delivered any training for some time. The Covert Surveillance and Property interference Code of practice at paragraph 4.46 places a responsibility on your SRO to ensure all authorising officers are of an appropriate standard and as you have not authorised any activity, regular training becomes even more important. Equally raising awareness of RIPA across the wider organisation will help staff recognise when an authorisation should be considered and will help prevent any unauthorised activity.

Your policy has been reviewed by my Inspector and is fine, but it has not been reviewed internally, nor has it been presented to and approved by your elected members as required by the Code of Practice, since 2023. This point is acknowledged by your SRO and should be addressed at the earliest opportunity.

Going forward, I would ask that you ensure that the key compliance issues receive the necessary internal governance and oversight through yourself and your Senior Responsible Officer. Your Council will be due its next inspection in 2028, but please do not hesitate to contact my Office if IPCO can be of assistance in the intervening period.

Yours sincerely,

The Investigatory Powers Commissioner

Information contained in this document is exempt from disclosure under s.23 of the Freedom of Information Act 2000 (FOIA). If consideration is being given to disclosure of this information through any other avenue, please consult IPCO (at info@ipco.org.uk), before making any disclosure.



East Herts District Council

Regulation of Investigatory Powers Act 2000

Policy

Document Control

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East Herts Council
Regulation of Investigatory Powers Act 2000
Policy

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1. Introduction

1.1 Summary

The Regulation of Investigatory Powers Act 2000 ("RIPA") came into force on 25 September 2000 and sought to regulate covert investigation practices undertaken by a number of bodies, including local authorities.

This Policy is the framework on which East Herts Council ("the Council") applies the provisions of RIPA as it relates to covert surveillance. It must be read in conjunction with the statutory codes of practice issued by the Secretary of State and any additional guidance provided by the Investigatory Powers Commissioner's Office (the "IPCO") (formerly the Office of Surveillance Commissioners – OSC) and individual Services to deal with the specific issues of their service.

1.2 Background

The Human Rights Act 1998 requires the Council to have respect for the private and family life of citizens. However, in rare cases, it may be lawful, necessary and proportionate for the Council to act covertly in ways that may interfere with an individual's rights.

The rights conferred by Article 8 of the Human Rights Act are not absolute rights, but qualified right, meaning that it is still possible for a public authority to interfere with those rights provided the following criteria are satisfied;

- (a) It is done in accordance with the law
- (b) It is necessary (as defined in this document); and
- (c) It is proportionate (as defined in this document).

RIPA provides a statutory mechanism for authorising certain types of surveillance. It seeks to ensure that any interference with an individual's right under Article 8 is necessary and proportionate. In doing so, RIPA seeks to ensure both the public interest and the human rights of individuals are suitably balanced.

It is possible that unauthorised surveillance will be a breach of a person's right to privacy under Article 8. Even if surveillance without due authorisation in a particular instance is not illegal, if authorisation is not

obtained, the surveillance carried out will not have the protection that RIPA affords.

If the correct procedures are not followed;

- evidence may be disallowed by the courts,
- a complaint of maladministration could be made to the Ombudsman, and/or
- the Council could be ordered to pay compensation

It is therefore essential that this document, along with any further guidance that may be issued from time to time by the Director for Legal, Policy and Governance, always be complied with.

1.3 Policy Review

RIPA and this document are essential for the effective, efficient and legal operation of the Council's covert surveillance activity. This document will, therefore, be kept under annual review by the Director for Legal, Policy and Governance.

Authorising Officers, as defined below, must bring any suggestions for the continuous improvement of this document to the attention of the Director for Legal, Policy and Governance, at the earliest possible opportunity.

1.4 Scope

RIPA does not;

- Make unlawful anything that is otherwise lawful
- Impose any new statutory duties, or
- Prejudice or disapply any existing powers available to the Council to obtain information by any means not involving conduct that is governed by RIPA. (For example, it does not affect the Council's current powers to obtain information from the DVLA or the Land Registry).

If RIPA procedures are followed correctly the conduct of an investigation will be deemed lawful for all purposes (section 27 RIPA). This protection extends to criminal and civil proceedings, Employment Tribunal hearings and a complaint to either the Local Government Ombudsman or the

Investigatory Powers Tribunal. It therefore provides protection both for the Council and any officer who may have been involved in an investigation.

It should also be noted that the requirements of RIPA, and this policy, extends to external agencies working on behalf of the Council. Where such agencies are carrying out the Authority's statutory functions, the Authority remains liable for compliance with its duties. It is essential that all external agencies comply with the regulations, as they are contractually obliged to do so.

RIPA provides a means of authorising certain acts of covert surveillance for a variety of purposes. To fully understand the effects of RIPA, it is essential to understand the various types of activity that are covered, and those that are not permitted, and the purposes that will justify surveillance.

The provisions of RIPA that apply to Local Authorities provide a regulatory framework that permits;

- The use of Directed Surveillance
- The Use of Covert Human Intelligence Sources
- The Acquisition and Disclosure of Communications Data

2. Definition of Surveillance

"Surveillance" includes:

- Monitoring, observing, listening to persons, watching or following their movements, listening to their conversations or their other activities or communications;
- Recording anything monitored, observed or listened to in the course of surveillance; and
- Surveillance by, or with, the assistance of a surveillance device, which will include cameras, video, and listening or recording devices.

Surveillance can be either overt or covert.

2.1 Overt Surveillance

The overwhelming majority of surveillance undertaken by the Council will be done overtly, meaning there will be nothing secretive or hidden about the way it is conducted. In many cases officers will be going about Council business openly (e.g. a routine inspection by an Environmental Health Officer) or will have notified the subject of the investigation that they are likely to be under surveillance (e.g. where a noisemaker is warned (preferably in writing) that noise will be recorded if it continues.)

Overt surveillance does not require any authorisation under RIPA. Neither does low-level surveillance consisting of general observations in the course of law enforcement (for example, an officer visiting a site to check whether a criminal offence had been committed). Repeated visits may amount to systematic surveillance however, and require authorisation: if in doubt, advice should be sought from the Head of Legal and Democratic Service or the Senior Responsible Officer

Use of body worn cameras should also be overt. Badges should be worn by officers stating body cameras are in use and it should be announced verbally that recording is taking place. In addition, cameras should only be switched on when recording is necessary e.g. when issuing parking tickets.

2.2 Covert Surveillance

Covert surveillance is any 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.

It should be noted that if the same outcome can be achieved by overt means, then those means need to be fully explored in the first instance. Covert surveillance must only be undertaken when there is no less invasive way of achieving the outcome.

3. Directed and Intrusive Surveillance

3.1 Directed Surveillance

Directed surveillance is surveillance which is covert, but not intrusive, and undertaken:

- a) for the purposes of a specific investigation or specific operation;

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

3.2 Intrusive Surveillance

Currently, local authorities are **not** authorised to carry out intrusive surveillance.

Surveillance becomes intrusive if the covert surveillance:

- a) is carried out by means of a surveillance device in relation to anything taking place on any residential premises or in any private vehicle; or
- b) where a device placed outside consistently provides information of the same or equivalent quality and detail as might be expected if it were in the premises or vehicle, or
- c) is carried out in places ordinarily used for legal consultation, at a time when they are being used for such consultations

Therefore directed surveillance turns into intrusive surveillance if it is carried out involving anything that occurs on residential premises or any private vehicle and involves the presence of someone on the premises or in the vehicle or is carried out by means of a surveillance device **OR** when directed surveillance is carried out in places ordinarily used for legal consultation, at a time when they are being used for such consultations.

Residential premises are any part of premises occupied for residential purposes or living accommodation, including hotel rooms or prison cells. However, it does not include common areas in blocks of flats and similar premises.

A private vehicle is a vehicle used primarily for private purposes by the owner or person entitled to use it.

Commercial premises and vehicles are therefore excluded from intrusive surveillance.

Only the police or other law enforcement agencies are permitted to employ intrusive surveillance. Likewise, the council has no statutory powers to interfere with private property.

4. Identifying directed surveillance

You should ask yourself the following questions:

4.1 Is the surveillance overt or covert?

Refer to paragraphs 2.1 and 2.2 above. If your activities are not hidden from the subjects of your investigation, you are not within the RIPA framework at all. If the proposed surveillance is covert in nature, then refer to paragraph 4.2 below.

4.2 Can the same outcome be achieved by overt means?

Does the surveillance have to be covert? If not, then you should proceed with overt surveillance, including the use of signs and other notification techniques so that the subject of the surveillance is aware it is taking place.

4.3 Is the surveillance for the purposes of a specific investigation or a specific operation?

Although, the provisions of the Act do not normally cover the use of overt CCTV surveillance systems, since members of the public are aware that such systems are in use, there may be occasions when public authorities use overt CCTV systems for the purposes of a specific investigation or operation. For example, if the CCTV cameras are targeting a particular known offender. In such cases, authorisation for directed surveillance may be necessary.

4.4 Is the surveillance likely to result in the obtaining of private information about a person?

Private information is defined in RIPA section 26 (10) as including any information relating to a person's private or family life.

The European Court of Human Rights has considered this definition and has found that private life is a broad term not susceptible to exhaustive definition. Aspects such as gender identification, name, sexual orientation and sexual life are important elements of the personal sphere protected by Article 8.

The Article also protects a right to identity and personal development and includes an individual's private or personal relationship with others. It includes an individual's business and family relationships. Family life itself should be treated as extending beyond the formal relationships created by marriage.

4.5 Is the surveillance otherwise than by way of an immediate response to events or circumstances where it is not reasonably practicable to get authorisation?

Directed surveillance does not include covert surveillance carried out by way of an immediate response to events or circumstances which, by their very nature, could not have been foreseen. For example, an environmental crime officer would not require an authorisation to conceal themselves and observe a suspicious person which they came across in the course of a routine patrol.

However, if as a result of that immediate response, you undertake a specific investigation you will need authorisation.

5. Covert Human Intelligence Sources (CHIS)

A person is a covert human intelligence source ("CHIS") if;

- a) he establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paragraph (b) or (c);
- b) he covertly uses such a relationship to obtain information or to provide access to any information to another person; or
- c) he covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.

A purpose is covert, in relation to the establishment or maintenance of a personal or other relationship if, and only if, the relationship is conducted in a

manner that is calculated to ensure that one of the parties to the relationship is unaware of the purpose.

A relationship is used covertly, and information obtained is disclosed covertly if, and only if, it is used or disclosed in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the use or disclosure in question.

A member of the public who volunteers information to the Council is not a covert human intelligence source.

Likewise, members of the public who report allegations of anti-social behaviour and are asked to keep a note of incidents will not normally be CHIS either as they are not usually required to establish or maintain a covert relationship.

It should be noted, however, that if the information provided is recorded as potentially useful or actionable, there is potential duty of care to the individual, and the onus is on the public authority to manage human sources properly. Authorising Officers should be alive to the possibility of 'status drift'. Authorising Officers, when deciding whether to grant an authorisation, should take account of the difference between a volunteer of information already known to the individual and the relevance of the exploitation of a relationship for a covert purpose.

5.1 Conduct and use

The conduct or use of CHIS must be authorised in accordance with RIPA.

Conduct of a CHIS. This is establishing or maintaining a personal or other relationship with a person for the covert purpose of (or is incidental to) obtaining or passing on information.

Use of a CHIS. This includes inducing, asking or assisting a person to engage in the conduct of a source, or to obtain information by means of the conduct of such a source.

The use of a juvenile CHIS may only be authorised for four months at a time¹.

¹ Regulation of Investigatory Powers (Juveniles) (Amendment) Order 2018/715

5.2 Test Purchases

Carrying out test purchases will not require the purchaser to establish a relationship with the supplier with the covert purpose of obtaining information and, therefore, the purchaser will not normally be a CHIS. For example, authorisation would not normally be required for test purchases carried out in the ordinary course of business (e.g. walking into a shop and purchasing a product over the counter).

By contrast, developing a relationship with a person in the shop, to obtain information about the seller's suppliers of an illegal product will require authorisation as a CHIS. Similarly, using mobile hidden recording devices or CCTV cameras to record what is going on in the shop, or an adult is observing a juvenile test purchase, this will require authorisation, as directed surveillance. In all cases, a prior risk assessment is essential in relation to any young person used for a test purchase.

5.3 Security and Welfare

Only the Chief Executive is able to authorise the use of vulnerable individuals and juvenile CHIS's. The Authorising Officer shall have regard to the special safeguards and provisions that apply to vulnerable individuals and juvenile sources, more particularly set out in the Covert Human Intelligence Source Code of Practice which can be found [here](#).

The Authorising Officer shall ensure that arrangements are in place for the proper oversight and management of sources, including appointing individual officers for each source. The person responsible for the day-to-day contact between the public authority and the source will usually be of a rank or position below that of the Authorising Officer.

Officers using a source shall consider the safety and welfare of that source (even after cancellation of the authorisation), and the foreseeable consequences to others of the tasks they are asked to carry out. The Authorising Officer shall carry out a risk assessment before authorising the source.

5.4 Criminal Conduct Authorisations

The [Covert Human Intelligence Sources \(Criminal Conduct\) Act 2021](#) (CHIS(CC)A) received Royal Assent on 1 March 2021 and went live for the police on 15 September 2021. CHIS(CC)A amends the Regulation of

Investigatory Powers Act 2000 and provides an express power to authorise a CHIS to participate in conduct which would otherwise constitute a criminal offence. This power is known as a Criminal Conduct Authorisation (CCA). It is important to note that local authorities have not been given these powers, and it is mentioned here for the avoidance of doubt.

6. Communications Data

Before considering submitting an application for the acquisition of communications data, all officers must first refer the matter to the Senior Responsible Officer.

Communications Data ('CD') is the 'who', 'when' and 'where' of a communication, but not the 'what' (i.e. the content of what was said or written). Local Authorities are not permitted to intercept the content of any person's communications.

Part 3 of the Investigatory Powers Act 2016 (IPA) replaced part 1 chapter 2 of RIPA in relation to the acquisition of communications data (CD) and puts local authorities on the same standing as the police and law enforcement agencies. Previously local authorities have been limited to obtaining subscriber details (known now as "entity" data) such as the registered user of a telephone number or email address. Under the IPA, local authorities can now also obtain details of in and out call data, and cell site location. This information identifies who a criminal suspect is in communication with and whereabouts the suspect was when they made or received a call, or the location from which they were using an Internet service. This additional data is defined as "events" data.

A new threshold for which CD "events" data can be sought has been introduced under the IPA as "applicable crime". Defined in section 86(2A) of the Act this means:

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

- an offence which involves, as an integral part of it, the sending of a communication or breach of a person's privacy.

Further guidance can be found in paragraphs 3.3 to 3.13 of the [Communications Data Code of Practice](#).

The IPA has also removed the necessity for local authorities to seek the endorsement of a Justice of the Peace when seeking to acquire CD. All such applications must now be processed through National Anti-Fraud Network (NAFN) and will be considered for approval by the independent Office of Communication Data Authorisation (OCDA). The transfer of applications between local authorities, NAFN and OCDA is all conducted electronically and will therefore reduce what can be a protracted process of securing an appearance before a Magistrate or District Judge (see local authority procedures set out in paragraphs 8.1 to 8.7 of the Communications Data Code of Practice).

7. RIPA Authorisation Procedure

7.1 General

Directed surveillance and the use of CHIS must be lawfully carried out in strict accordance with the terms of the relevant authorisation and Magistrates Court approval.

The Council can only authorise directed surveillance to prevent and detect conduct which constitutes one or more criminal offences. The criminal offences must be punishable, whether on summary conviction or indictment, by a maximum term of at least 6 months imprisonment or be an offence under:

- a) S146 of the Licensing Act 2003 (sale of alcohol to children);
- b) S147 of the Licensing Act 2003 (allowing the sale of alcohol to children);
- c) S147A of the Licensing Act 2003 (persistently selling alcohol to children); and
- d) S7 of the Children and Young Persons Act 1933 (sale of tobacco etc. to persons under the age of 18)

The Council will only very rarely make use of CHIS so the applicant officer should consult the Director for Legal, Policy and Governance before making an application for a CHIS authorisation in order to ensure that

the current statutory requirements and best practice are being observed.

Applications for authorisations and notices requesting communications data must be processed through the Council's Home Office accredited single point of contact ("SPoC"). As the need to obtain such information will only very occasionally arise the applicant officer should contact the Director for Legal, Policy and Governance before making an application in order to ensure that current statutory requirements and best practice are being observed.

All applications for authorisation must be sought and granted before any surveillance activity takes place. The decision whether or not to authorise an application must not be taken with the benefit of hindsight. This should be borne in mind when submitting an application to the Magistrates' Court.

Once approved, the original authorisation and accompanying paperwork must be forwarded to the RIPA Co-Ordinator (Senior Solicitor – Corporate Legal Team) to allocate the application a Unique Reference Number (URN) and for key details to be entered onto the central register.

7.2 Before Making the Application

Before making an application for an authorisation, the requesting officer must;

- read this policy document,
- determine whether the activity that they are proposing to conduct involves directed surveillance or the use of a CHIS,
- assess whether the activity will be in accordance with the law – is it governed by RIPA,
- assess whether the activity is necessary and why,
- assess whether the activity is proportionate.

If the activity can be conducted overtly or if a less intrusive option is available and practical, then that option should be pursued rather than obtaining a RIPA authorisation.

7.3 Special consideration in respect of confidential information

Particular attention is drawn to areas where the subject of surveillance may reasonably expect a high degree of privacy e.g. where confidential information is involved.

Confidential information consists of personal information (such as medical records or spiritual counselling), confidential journalistic material, confidential discussions between Members of Parliament and their constituents, or matters subject to legal privilege.

Legal privilege

Generally, this applies to communications between an individual and his/her legal adviser in connection with the giving of legal advice in connection with or in contemplation of legal proceedings. Such information is unlikely ever to be admissible as evidence in criminal proceedings.

If in doubt, the advice of the Director for Legal, Policy and Governance should be sought in respect of any issues in this area.

Confidential personal information

This is oral or written information held in (express or implied) confidence, relating to the physical or mental health or spiritual counselling concerning an individual (alive or dead) who can be identified from it. Specific examples provided in the codes of practice are consultations between a health professional and a patient, discussions between a minister of religion and an individual relating to the latter's spiritual welfare or matters of medical or journalistic confidentiality.

Confidential journalistic material

This is material acquired or created for the purposes of journalism and held subject to an undertaking to hold it in confidence.

It should be noted that matters considered to be confidential under RIPA may not necessarily be properly regarded as confidential under section 41 Freedom of Information Act 2000.

Where such information is likely to be acquired, the surveillance may only be authorised by the Chief Executive or, in his absence, the person acting as the Head of Paid Service.

7.4 Who can give Authorisations?

Authorisations may only be given by the Authorising Officers listed in Appendix B. Only the Chief Executive can authorise the use of a CHIS, or the acquisition of confidential information (see paragraph 7.3 above).

Applications for the acquisition of Communications data can only be issued by a Home Office accredited single point of contact ("SPoC") (see paragraph 7.8 below)

It will be the responsibility of Authorising Officers who have been duly certified to ensure their relevant members of staff are also suitably trained as 'applicants' so as to avoid common mistakes appearing on forms for RIPA authorisations.

Training will be given or approved by the Director for Legal, Policy and Governance before Authorising Officers are certified to sign any RIPA forms. A central register of all those individuals who have undergone training or a one-to-one meeting with the Director for Legal, Policy and Governance, on such matters, will be kept by the Director for Legal, Policy and Governance.

Authorising officers should not normally be responsible for authorising operations in which they are directly involved, although it is recognised that this may sometimes be unavoidable. Where an Authorising Officer authorises such an investigation or operation the central register will highlight this and the Commissioner or inspector will be notified of this during his or her next inspection

Authorising Officers will also ensure that staff who report to them follow this guidance document and do not undertake or carry out any form of surveillance without first obtaining the relevant authorisations in compliance with this document.

Authorising Officers must also ensure that, when sending copies of authorisations and associated documentation to the Director for Legal, Policy and Governance, that these are sent in sealed envelopes and marked 'Strictly Private and Confidential'.

Any equipment to be used in any approved surveillance must be properly controlled, recorded and maintained for audit purposes.

7.5 Grounds for Authorisation

An Authorising Officer has a number of obligations within the provisions of the Act, which must be met before carrying out any form of surveillance.

An Authorising Officer shall not grant an authorisation for the carrying out of directed surveillance or for the use of a CHIS or for the obtaining or disclosing of communications data unless they have given **personal consideration** to the facts and believes:

- a) that an authorisation is necessary, and
- b) the authorised investigation is proportionate to what is sought to be achieved by carrying it out

For local authority investigations, authorisation is deemed “**necessary**” in the circumstances of the particular case if it is for the purpose of preventing and detecting crime or of preventing disorder.

Authorisation cannot be sought, and authority must not be given unless you are satisfied that the surveillance is “**proportionate**.” You have to make sure that any interference with privacy is justified by the end being sought. Unless the benefit to be obtained from surveillance is significant, and unless the problem you are seeking to tackle is serious, the use of surveillance is unlikely to be proportionate.

The conduct must also be the least invasive method of achieving the end and the risk of intrusion into the privacy of persons other than those who are directly the subjects of the investigation must be assessed and taken into account (see Collateral Intrusion below).

Consideration must be given to the seriousness of the offence under consideration. Authorisation for directed surveillance can only be granted if the purpose of the surveillance is the prevention or detection of crime(s) punishable by 6 months imprisonment or more, or relates to the sale or alcohol or tobacco to underage persons. Covert surveillance relating to dog fouling and other minor offences will not be deemed a proportionate activity.

Careful consideration needs to be made by authorising officers of all of these points. Such consideration needs to be demonstrated on the

authorisation form in the relevant parts. Authorising Officers must exercise their minds every time they are asked to sign a form. They must never sign or rubber stamp the form without thinking about their personal and the Council's responsibilities.

Any boxes not needed on the form/s must be clearly marked as being 'not applicable' or a line put through the same. Great care must also be taken to ensure accurate information is used and inserted in the correct boxes. Reasons for any refusal of an application must also be kept on the form and retained for future audits.

7.6 Collateral Intrusion

Before authorising an investigation, the Authorising Officer shall also take into account the risk of intrusion into the privacy of persons other than those who are directly the subjects of the investigation or operation; known as collateral intrusion. The investigating officer shall take measures, wherever practicable, to avoid or minimise unnecessary intrusion into the lives of those not directly connected with the investigation or operation.

An application for an authorisation shall include an assessment of the risk of any collateral intrusion. The Authorising Officer shall take this into account, when considering the proportionality of the surveillance.

Where an operation unexpectedly interferes with the privacy of individuals who were not the subject of surveillance or covered by the authorisation in some other way, the investigating officer should inform the Authorising Officer.

7.7 Judicial Approval

The Council is only able to grant an authorisation or renewal to conduct covert surveillance. No authorisations, nor any surveillance granted under them, will take effect until judicial approval has been sought and granted by a Magistrates' Court.

Once the authorising officer has authorised the directed surveillance or CHIS, the investigating officer who completed the application form should contact the Magistrates' Court to arrange a hearing for the authorisation to be approved by a Justice of the Peace.

The investigating officer will provide the Justice of the Peace with a copy of the original authorisation and the supporting documents setting out the case. This forms the basis of the application to the Justice of the Peace and should contain all information that is relied upon.

In addition the investigating officer will provide the Justice of the Peace with a partially completed judicial application/order form.

The hearing will be in private and the investigating officer will be sworn in and present evidence as required by the Justice of the Peace. Any such evidence should be limited to the information in the authorisation.

The Justice of the Peace will consider whether he/she is satisfied that at the time the authorisation was granted or renewed, there were reasonable grounds for believing that the authorisation was necessary and proportionate.

The Justice of the Peace will also consider whether there continues to be reasonable grounds.

The Justice of the Peace must also be satisfied that the person who granted the authorisation was an appropriate designated person and the authorisation was made in accordance with any applicable legal restrictions, for example, the crime threshold for directed surveillance has been met.

The Justice of the Peace will record his/her decision on the order section of the judicial application/order form.

A copy of the RIPA form and judicial application/order form will be retained by the Court.

If the authorisation is approved the council may commence the activity. If the Justice of the Peace refuses to approve the authorisation the council may not commence the activity although, if the reason for refusal is a technical error, the council may address this and reapply without going through the internal authorisation process again.

The Justice of the Peace may refuse to approve the authorisation, and quash it. The exercise of this power should not take place until the applicant has at least two business days from the date of the refusal to make representations.

7.8 Authorisation for Communication Data

The Act provides two different ways of authorising access to communications data; through an authorisation under Section 22(3) and by a provisional notice under Section 22(4).

An authorisation would, following judicial approval, allow the authority to collect or retrieve the data itself. A provisional notice is given to a postal or telecommunications operator and requires that operator to collect or retrieve the data and provide it to the authority serving the notice. An Authorising Officer decides whether or not an authorisation should be granted, or a provisional notice given.

An authorisation under Section 22(3) may be appropriate where:

- the postal or telecommunications operator is not capable of collecting or retrieving the communications data;
- it is believed the investigation may be prejudiced if the postal or telecommunications operator is asked to collect the data itself;
- there is a prior agreement in place between the authority and the postal or telecommunications operator as to the appropriate mechanisms for the disclosure of data.

Notices and, where appropriate, authorisations for communications data must be channelled through SPoC's. The SPoC is able to advise authorising officers as to whether an authorisation or notice is appropriate.

The Council use the services of the National Anti-Fraud Network (NAFN) for all Communications Data enquiries and as such NAFN performs the role of a SPoC through their qualified SPoC officers. All applicants must be registered with NAFN via the NAFN website at www.nafn.gov.uk

Applications to obtain communications data should be made on the NAFN standard form available on the NAFN website and submitted in the first instance to the SPoC. If appropriate the SPoC will forward the application to a Council Authorising Officer for either the authorisation of conduct or the issuing of a notice.

If satisfied that the proposed investigation is both necessary and proportionate, the Authorising Officer will return the authorisation or notice to the SPoC who will then liaise with the applicant and the

postal/telecommunications company, after the appropriate Judicial Approval has been obtained. The disclosure of data under a notice will only be made to the Authorising Officer.

Communications data, and all copies, extracts and summaries of it must be handled and stored securely. The requirements of the Data Protection Act 2018 and the principles of the Criminal Procedure and Investigations Act 1996 must be strictly followed.

8. Activities by other public authorities

The investigating officer shall make enquiries of other public authorities e.g. the police whether they are carrying out similar activities if he considers that there is such a possibility in order to ensure that there is no conflict between the activities of this Council and those other public authorities.

9. Joint Investigations

When some other agency has been instructed on behalf of the Council to undertake any action under RIPA, this document and the forms in it must be used (as per normal procedure) and the agency advised or kept informed, as necessary, of the various requirements. They must be made aware explicitly what they are authorised to do.

When some other agency (e.g. police, Customs & Excise, Inland Revenue etc.):

- a) wishes to use the Council's resources (e.g. CCTV), that agency must use its own RIPA procedures and, before any officer agrees to allow the Council's resources to be used for the other agency's purposes, they must obtain a copy of that agency's RIPA form for the record and/or relevant extracts from the same which are sufficient for the purposes of protecting the Council and the use of its resources
- b) wishes to use the Council's premises for their own RIPA action, the officer should, normally, co-operate with the same, unless there are security or other good operational or managerial reasons as to why the Council's premises should not be used for the agency's activities. In such cases, the Council's own RIPA forms should not be used as the Council is only assisting and not being involved in the RIPA activity of the external agency being involved in the RIPA activity of the external agency.

In terms of (a), if the police or other agency wish to use the Council's resources for general surveillance, as opposed to specific RIPA authorisations, an appropriate letter requesting the proposed use, remit, duration, details of who will be undertaking the general surveillance and the purpose of it must be obtained from the police or other agency before any Council resources are made available for the proposed use.

10. Duration, reviews, renewals and cancellation of authorisations

10.1 Duration

Authorisations must be reviewed in the time stated and cancelled once no longer needed.

Authorisations last for:

- a) 12 months from the date of the judicial approval for the conduct or use of a source
- b) three months from the date of judicial approval for directed surveillance

However, whether the surveillance is carried out/conducted or not in the relevant period, does not mean that the authorisation is spent. Authorisations do not expire, they have to be reviewed, or cancelled if no longer required.

10.2 Reviews

The Authorising Officer shall undertake regular reviews of authorisations to assess the need for the surveillance to continue. The results of a review should be recorded on the central record of authorisations.

Where the surveillance provides access to confidential information or involves collateral intrusion the officer should conduct frequent reviews.

10.3 Renewals

If at any time before an authorisation ceases to have effect, it is necessary for the authorisation to continue for the purpose for which it was given, it may be renewed in writing for a further period of 3 calendar months, beginning with the day when the original authorisation would

have expired. Magistrates Court approval is required before a renewal takes effect.

Authorisations may be renewed more than once, provided they continue to meet the criteria for authorisation and are approved by the Magistrates' Court. The renewal should be kept/recorded as part of the central record of authorisations.

The Authorising Officer must consider the matter afresh, including taking into account the benefits of the surveillance to date and any collateral intrusion that has occurred.

Authorisations can be renewed in writing shortly before the maximum period has expired. The renewal will begin on the day when the authorisation would have expired, provided the necessary judicial approval has been obtained.

An authorisation cannot be renewed after it has expired.

A further requirement in relation to renewal of a CHIS is that judicial approval will only be granted if the Magistrates are satisfied that a review has been carried out, which considers:

- the use made of the source in the period since authorisation was granted (or the last renewal); and
- the tasks given to the source during that period, and the information obtained from the conduct or use of the source

For the purposes of making an Order, the Magistrates have considered the results of that review.

10.4 Cancellations

The Authorising Officer must cancel an authorisation if they become satisfied that the surveillance is no longer required or appropriate.

Authorisations should not be allowed simply to lapse. The duty to cancel a notice falls on the Authorising Officer who issued it.

The Authorising Officer must then cancel the Application without delay. When cancelling the authorisation the Authorising Officer is required to consider whether the surveillance was effective, necessary and met its

objectives. Cancellations must be made using the cancellation form and should briefly detail what product(s) resulted from the surveillance.

When cancelling an authorisation, the Authorising Officer must ascertain what recorded material has been obtained by the use of directed surveillance. The Authorising Officer should comment on the recorded material and how it is to be managed or used thereafter. If the matter is not proceeding to a prosecution, the Authorising Officer must be satisfied that any recorded material has been securely destroyed.

In the case of a notice issued in respect of communications data, the relevant postal or telecommunications operator will be informed of the cancellation.

11. Record Management

11.1 Central record of all Authorisations

The Director for Legal, Policy and Governance shall hold and monitor a centrally retrievable record of all judicially approved authorisations. The Authorising Officer must notify and forward a copy of any provisional notice or authorisation granted, renewed or cancelled and any judicial approval received or refused within 1 week of the event to the Director for Legal, Policy and Governance to ensure that the records are regularly updated.

The record will be made available to the relevant Commissioner or an Inspector from the Investigatory Powers Commissioner's Office. These records will be retained for a period of 5 years from the ending of the authorisation. A record will be kept of the dates on which the authorisation notice is started and cancelled.

The Director for Legal, Policy and Governance will monitor the submission of judicially approved authorisations and notices and give appropriate guidance, from time to time, or amend any provisional or draft document as necessary. The records submitted to the Director for Legal, Policy and Governance, shall contain the following information:

- a) the type of authorisation or notice
- b) the date the authorisation or notice was given;
- c) name and rank/grade of the authorising officer;
- d) the date judicial approval was received or refused;

- e) the unique reference number (URN) of the investigation or operation;
- f) the title of the investigation or operation, including a brief description and names of subjects, if known;
- g) if the authorisation or notice is renewed, when it was renewed and who authorised the renewal, including the name and rank/grade of the authorising officer and the date of judicial approval;
- h) whether the investigation or operation is likely to result in obtaining confidential information;
- i) the date the authorisation or notice was cancelled.

11.2 Records maintained in the Department

The Authorising Officer shall maintain the following documentation, which need not form part of the centrally retrievable record:

- a) a copy of the application and authorisation or notice together with a copy of any order of judicial approval or refusal, as well as any supplementary documentation and notification of the approval given by the Authorising Officer;
- b) a record of the period over which the surveillance has taken place;
- c) the frequency of reviews prescribed by the Authorising Officer;
- d) a record of the result of each review of the authorisation or notice;
- e) a copy of any renewal of an authorisation or notice, together with judicial approval or refusal and the supporting documentation submitted when the renewal was requested;
- f) the date and time when any instruction was given by the Authorising Officer,
- g) the unique reference number for the authorisation (URN)

Each form must have a URN. The Authorising Officers will issue the relevant URN to applicants. The cross-referencing of each URN takes place within the form for audit purposes. Rejected forms will also have URN's.

11.3 Records relating to a CHIS

Proper records must be kept of the authorisation and use of a CHIS. An Authorising Officer must not agree an authorisation for the use or conduct of a CHIS unless he believes that there are arrangements in

place for ensuring that there is at all times a person with the responsibility for maintaining a record of the use made of the CHIS.

The records shall contain the following information:

- a) the identity of the source;
- b) the identity, where known, used by the source;
- c) any relevant investigating authority other than the Council;
- d) the means by which the source is referred to within each relevant investigating authority;
- e) any other significant information connected with the security and welfare of the source;
- f) any confirmation made by a person granting or renewing an authorisation for the conduct or use of a source that the information in paragraph (d) has been considered and that any identified risks to the security and welfare of the source have where appropriate been properly explained to and understood by the source;
- g) the date when, and the circumstances in which, the source was recruited;
- h) the identities of the persons who, in relation to the source;
 - i. hold day-to-day responsibility for dealing with the source and for the source's security and welfare
 - ii. have a general oversight of the use made of the source (not to be the person identified in h) i.
 - iii. have responsibility for maintaining a record of the use made of the source
- i) the periods during which those persons have discharged those responsibilities;
- j) the tasks given to the source and the demands made of him in relation to his activities as a source;
- k) all contacts or communications between the source and a person acting on behalf of any relevant investigating authority;
- l) the information obtained by the conduct or use of the source;
- m) any dissemination of information obtained in that way; and
- n) in the case of a source who is not an undercover operative, every payment, benefit or reward and every offer of a payment, benefit or reward that is made or provided by or on behalf of any relevant investigating authority in respect of the source's activities for the benefit of that or any other relevant investigating authority.

Records which reveal the name(s) of the CHIS should only be disclosed to persons to the extent that there is a need for access to them; if legally necessary; or if ordered by any Court.

12. Retention and destruction

Generally, all material (in whatever media) produced or obtained during the course of investigations subject to RIPA authorisation should be processed, stored and destroyed in accordance with the requirements of the Data Protection Act 2018, UK General Data Protection Regulation (UK GDPR), the Freedom of Information Act 2000 and any other legal requirements, including those of confidentiality and the Council's policies and procedures regarding document retention.

Material obtained from properly authorised surveillance or a CHIS may be used in other investigations. Arrangements shall be in place for the handling, storage and destruction of material obtained through the use of covert surveillance, a CHIS or the obtaining or disclosure of communications data.

RIPA surveillance and CHIS records must be available for inspection by the Investigatory Powers Commissioner and retained for at least five years. Information obtained through covert surveillance or CHIS activity, and all copies, extracts and summaries which contain such material, should also be scheduled for deletion or destruction and securely destroyed as soon as they are no longer needed for the authorised purpose(s) set out in section 9.5 of the Covert Surveillance and Property Interference Code of Practice.

If such information is retained, it should be reviewed at appropriate intervals in line with the relevant retention schedules to confirm that the justification for its retention is still valid. In this context, destroying material means taking such steps as might be necessary to make access to the data impossible.

Authorising Officers must also ensure compliance with the appropriate data protection requirements and any relevant Corporate Procedures relating to the handling and storage of material and the authorising officer, (in consultation with the SRO, is responsible for the retention / destruction decisions in connection with covertly acquired material.

13. Social Media Sites

Whilst it is the responsibility of an individual to set privacy settings to protect unsolicited access to private information, and even though data may be deemed published and no longer under the control of the author, it is unwise to regard it as “open source” or publicly available; the author has a reasonable expectation of privacy if access controls are applied. In some cases, data may be deemed private communication still in transmission (instant messages for example).

Depending on the nature of the online platform, there may be a reduced expectation of privacy where information relating to a person or group of people is made openly available within the public domain i.e. where privacy settings are available, but not applied, however in some circumstances privacy implications still apply. This is because the intention when making such information available was not for it to be used for a covert purpose such as investigative activity, regardless of whether a user of a website or social media platform has sought to protect such information by restricting its access by activating privacy settings.

To avoid the potential for inadvertent or inappropriate use of social network sites in investigative and enforcement roles, Council Officers should be mindful of any relevant guidance and the Council’s separate policy regarding the use of **Social Networking Sites and Conduct of Investigations**.

The Home Office Revised Code of Practice on Covert Surveillance and Property Interference, published in August 2018, provides the following guidance in relation to online covert activity:

‘The growth of the internet, and the extent of the information that is now available online, presents new opportunities for public authorities to view or gather information which may assist them in preventing or detecting crime or carrying out other statutory functions, as well as in understanding and engaging with the public they serve. It is important that public authorities are able to make full and lawful use of this information for their statutory purposes. Much of it can be accessed without the need for RIPA authorisation; use of the internet prior to an investigation should not normally engage privacy considerations. But if the study of an individual’s online presence becomes persistent, or where material obtained from any check is to be extracted and recorded and may engage privacy considerations, RIPA authorisations may need to be considered. The following guidance is intended to assist public authorities in identifying when such authorisations may be appropriate.

The internet may be used for intelligence gathering and/or as a surveillance tool. Where online monitoring or investigation is conducted covertly for the purpose of a specific investigation or operation and is likely to result in the obtaining of private information about a person or group, an authorisation for directed surveillance should be considered, as set out elsewhere in this code. Where a person acting on behalf of a public authority is intending to engage with others online without disclosing his or her identity, a CHIS authorisation may be needed (paragraphs 4.10 to 4.16 of the Covert Human Intelligence Sources code of practice provide detail on where a CHIS authorisation may be available for online activity).

In deciding whether online surveillance should be regarded as covert, consideration should be given to the likelihood of the subject(s) knowing that the surveillance is or may be taking place. Use of the internet itself may be considered as adopting a surveillance technique calculated to ensure that the subject is unaware of it, even if no further steps are taken to conceal the activity. Conversely, where a public authority has taken reasonable steps to inform the public or particular individuals that the surveillance is or may be taking place, the activity may be regarded as overt and a directed surveillance authorisation will not normally be available.

As set out below, depending on the nature of the online platform, there may be a reduced expectation of privacy where information relating to a person or group of people is made openly available within the public domain, however in some circumstances privacy implications still apply. This is because the intention when making such information available was not for it to be used for a covert purpose such as investigative activity. This is regardless of whether a user of a website or social media platform has sought to protect such information by restricting its access by activating privacy settings.

Where information about an individual is placed on a publicly accessible database, for example the telephone directory or Companies House, which is commonly used and known to be accessible to all, they are unlikely to have any reasonable expectation of privacy over the monitoring by public authorities of that information. Individuals who post information on social media networks and other websites whose purpose is to communicate messages to a wide audience are also less likely to hold a reasonable expectation of privacy in relation to that information.

Whether a public authority interferes with a person's private life includes a consideration of the nature of the public authority's activity in relation to that information. Simple reconnaissance of such sites (i.e. preliminary examination with a view to establishing whether the site or its contents are of interest) is

unlikely to interfere with a person's reasonably held expectation of privacy and therefore is not likely to require a directed surveillance authorisation. But where a public authority is systematically collecting and recording information about a particular person or group, a directed surveillance authorisation should be considered. These considerations apply regardless of when the information was shared online.'

14. Scrutiny of investigatory bodies

The Investigatory Powers Commissioner's Office independently scrutinises the use of RIPA powers by the investigatory bodies that are subject to it.

The Commissioners will inspect Councils to ensure compliance with RIPA and can audit/review the Council's policies and procedures, and individual authorisations. Further detail can be found at <https://www.ipco.org.uk/>

15. Elected Members

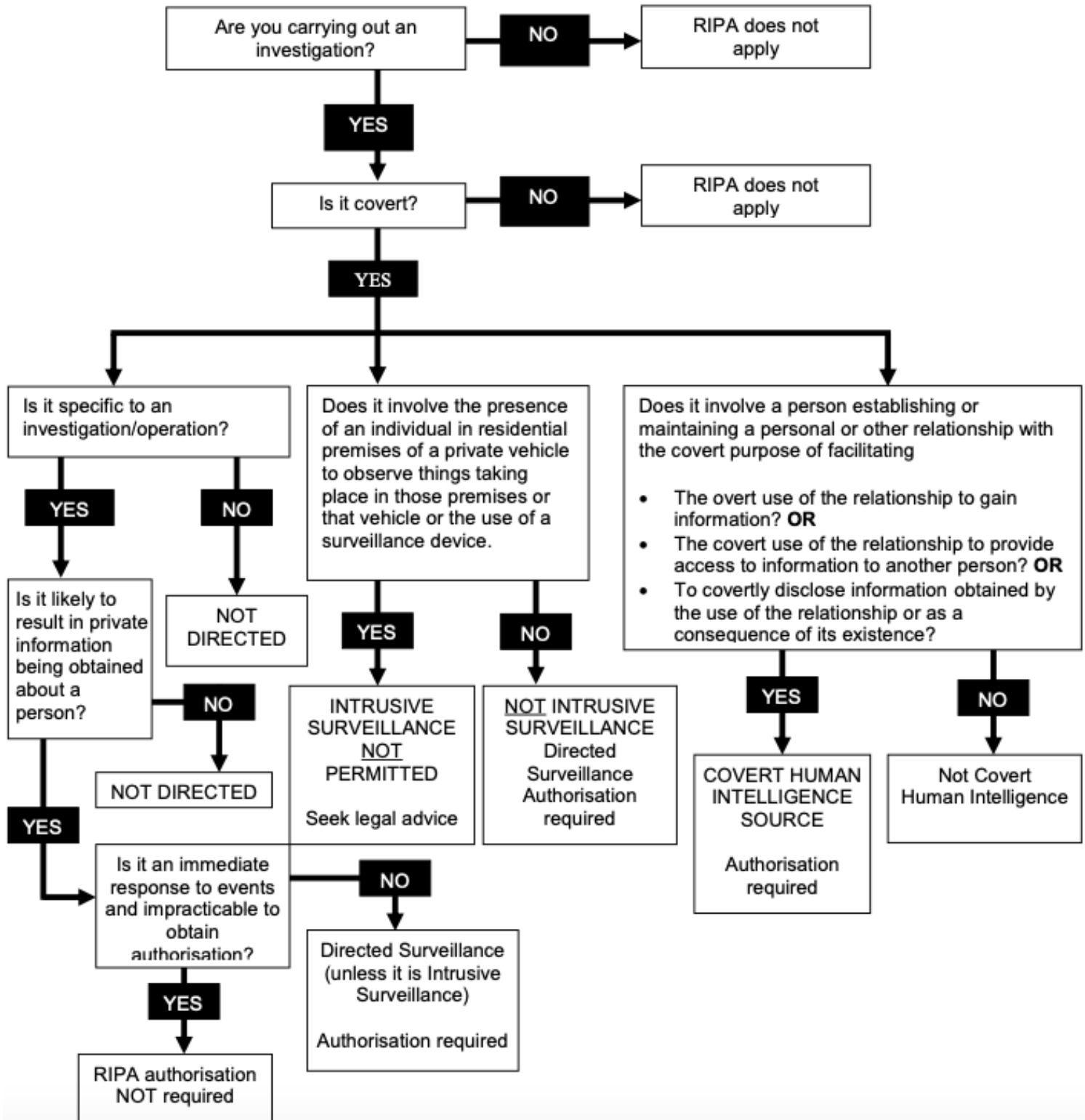
The elected members of the Council will review the council's use of RIPA and the authority's policy and guidance documents at least once a year. They will also be kept informed on a quarterly basis to ensure that it is being used consistently with the council's policy and that the policy remains fit for purpose. Members will not, however, be involved in making decisions on specific authorisations.

APPENDIX A

DIRECTED SURVEILLANCE

Regulation of Investigatory Powers Act 2000

Do you need Authorisation?



APPENDIX B

List of Authorised and Responsible Officers

RIPA Authorising Officers	Chief Executive, Director for Communities Director for Place
Authorising operations where confidential information may be obtained	Chief Executive only
CHIS Authorising Officer	Chief Executive only
CHIS Controller/Handler	Director for Communities Director for Place
Senior Responsible Officer	Director for Legal, Policy and Governance

Please note:

- Where use of a CHIS is authorised, the head of the directorate carrying out the activity shall usually act as the CHIS Handler, with the CHIS Controller role being allocated by the Chief Executive.
- Authorising Officers must be “an assistant chief officer or investigations manager” or above.
- The Authorising Officers should not be directly involved in the investigation.

APPENDIX C i

Application Forms

Directed Surveillance

Application

<http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/application-directed-surveillance?view=Binary>

Review

<http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/review-directed-surveillance?view=Binary>

Renewal

<http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/renewal-directed-surveillance?view=Binary>

Cancellation

<http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/cancellation-directed-surveillance?view=Binary>

Judicial Approval

<http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/local-authority-ripa-guidance/approval-order-form?view=Binary>

APPENDIX C ii

Application Forms

Covert Human Intelligence Sources (CHIS)

Application

<http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/chis-application?view=Binary>

Review

<http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/chis-review?view=Binary>

Renewal

<http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/chis-renewal?view=Binary>

Cancellation

<http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/chis-cancellation?view=Binary>

APPENDIX D

Codes of Practice and Government Guidance

All current Government Codes of Practice are available on the Gov.uk website:

<https://www.gov.uk/government/collections/ripa-codes#current-codes-of-practice>

Protection of Freedom Act 2012 – Changes to provisions under the Regulation of Investigatory Powers Act 2000 (RIPA)

See Home Office website:

<http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/local-authority-ripa-guidance/local-authority-england-wales?view=Binary>

Communications Data Code of Practice

See Home Office website:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/757850/Communications_Data_Code_of_Practice.pdf

East Herts Council Report

Overview and Scrutiny Committee

Date of Meeting: Tuesday 10 March 2026

Report By: Chair of Overview and Scrutiny Committee

Report Title: Overview And Scrutiny Committee - Draft Work Programme

Ward(S) Affected: All Wards

Summary

- This report considers topics for inclusion in the Committee's Draft Work Programme. By establishing a work programme of topics for scrutiny Members are better able to plan their future workload, with an agenda which is focussed, maximising the efficacy of the scrutiny process by taking a longer term, strategic view of the issues facing the council.
- A list of topics is detailed in **Appendix A**.

RECOMMENDATIONS FOR Overview and Scrutiny Committee

(A) That the work Programme at Appendix 1, be agreed.

1.0 Background

1.1 **Appendix 1** sets out the Draft Work Programme which may be reviewed at any time. Members are reminded to complete the scrutiny proposal form when putting forward an item for the draft work programme.

1.2 A key function of the Overview and Scrutiny Committee is to hold the Executive to account for its decisions, to review existing policies and consider proposals for new policies. In doing so, it will act as the Executive's critical friend in the process. The principle power of scrutiny is to influence policies and decisions made by the Council. Its aim should be to achieve positive outcomes for local people by undertaking a thorough targeted

examination of the council's services and procedures and make recommendations for improvement.

- 1.3 It has no formal powers to make changes but where a recommendation is made to the Executive, and the Executive is required to respond to the Overview and Scrutiny Committee if it decides not to accept a recommendation and the rationale for that decision. The Centre for Governance and Scrutiny (CfGS) recommends that the Executive has to respond to any recommendation within two months.

2.0 Update

- 2.1 Topics for scrutiny at the following meetings are detailed below and are also set out in Appendix 1.

- 9 June 2026
- 15 September 2026
- 10 November 2026
- 19 January 2027
- 9 March 2027

- 2.2 The Overview and Scrutiny Committee met for a workshop on Thursday 5 March 2026, to discuss potential topics for scrutiny on the work programme for 2026/27. The Executive were invited to attend to share any upcoming matters they may have that the Committee might like to scrutinise.

- 2.3 The following topics are in the work programme for scrutiny in 2025/26, some of these topics need to be refined via a scrutiny proposal form:

- Progress against the Housing Strategy action plan – report by Jonathan Geall and Katherine Gilcreest, can be considered by the Overview and Scrutiny Committee at any date beyond the end of April 2026
- Sustainable Transport – to be defined by a Scrutiny Proposal Form
- Sewage Discharge into Rivers in East Herts (presentations by Environment Agency, Natural England and Thames Water)

- AI in Local Government and at East Herts – 9 June 2026, delayed from the 10 March meeting
- Local Government Reform – meeting in early 2027 following advice from Helen Standen (CEO)

2.4 All new up and coming strategies and policies will automatically be added to the Overview and Scrutiny Committee work programme, and Members of Overview and Scrutiny can then consider whether they wish to look at these as part of the work programme.

3.0 Reason

3.1 Members are welcome, and are encouraged, to submit a scrutiny proposal at any time. This form is available in the Microsoft Teams channel and provides Officers with sufficient information to assess if it is appropriate for scrutiny and to ensure that specific questions are addressed. A Scrutiny Flowchart is also available which explains the processes involved in submitting a Scrutiny Proposal Form. Democratic Services will then liaise with Officers and the Chairman to consider the best way forward to address the subject and complete the scoping document.

4.0 Options

4.1 The work programme will be kept under review by the Committee throughout the coming year.

5.0 Risks

5.1 The establishment of an Overview and Scrutiny Committee is enshrined in the Local Government Act 2000 (Section 9). The 2000 Act obliges local authorities to adopt political management systems with a separate Executive. Various sub sections of the 2000 Act set out the powers and duties for Overview and Scrutiny Committee including the right to investigate and make recommendations on anything which is the responsibility of the Executive. Legislative provisions can also be found in the Localism Act 2011 (Schedule 2) with options to retain or re-adopt a “committee system” Section 9B.

5.2 Potential risks arise for the council if policies and strategies are developed and / or enacted without sufficient scrutiny. Approval of

an updated work programme contributes to the mitigation of risk (and Call-Ins) by ensuring key activities of the council are scrutinised.

6.0 Implications/Consultations

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

Yes - the proposed Work Programme envisages the Overview and Scrutiny Committee receiving reports on the progress of the council's environmental strategies.

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

Yes - scrutiny is enshrined in statute (the Local Government Act 2000 as amended by the Localism Act 2011)

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 **Appendix 1** - Summary of Topics

Contact Member: Councillor David Jacobs, Chair of the Overview and Scrutiny Committee.
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Contact Officer: James Ellis, Director for Legal, Policy and Governance, Tel: 01279 502170.
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Report Author: Peter Mannings, Committee Support Officer, Tel: 01279 502174.
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Programme of Proposed Scrutiny Topics

Topic	Corporate Objectives (LEAF)	Scrutiny Approach (Summary Bulletin, Report, rapid review or task and finish group)	Background Notes / Officers' comments	Lead Officer(s)	Reporting timeframe
Progress against the Housing Strategy Action Plan		Report by Executive Member for Neighbourhoods	Democratic Services notified of this topic by Jonathan Geall on 16 February following a meeting with the Executive Member for Neighbourhoods (Councillor Goldspink has suggested this as a topic for Scrutiny)	Jonathan Geall and Katherine Gilcreest	Can be considered by the Overview and Scrutiny Committee at any meeting date beyond the end of April 2026
Sewage Discharge into Rivers in East Herts		Presentations by Environment Agency, Natural England and Thames Water	Scrutiny Proposal Form submitted by Cllr N Cox on 4 November 2025		TBC
AI in Local Government and at East Herts		Report by Matt Canterford	Suggested as a topic by Executive Member for Corporate Services (Cllr Dumont) in an email to the Chair on 6 October 2025	Matt Canterford	9 June 2026, delayed from 10 March meeting following an email from Matt Canterford on 17 February
Sustainable Transport		Report	Topic is to be narrowed down via a scrutiny proposal form; the topic will be delayed to September 2026 if a form is not submitted by the 9 June meeting		9 June 2026, or 15 September if no Scrutiny Proposal Form received by 10 March meeting of Overview and Scrutiny Committee
Local Government Reform		Report by Helen Standen	Scrutiny Proposal Forms submitted by Cllrs E Buckmaster and G McAndrew	Helen Standen, CEO	O&S meeting date in 2027, based upon advice from Helen Standen (CEO)
					June 2026
					September 2026
					November 2026
					January 2027
					March 2027