



**Castle House  
Great North Road  
Newark  
NG24 1BY**

**Tel: 01636 650000**  
[www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk)  
**28 January 2026**

**Chair: Councillor R Holloway  
Vice-Chair: Councillor P Rainbow**

**Members of the Committee:**

**Councillor D Darby  
Councillor A Freeman  
Councillor J Hall  
Councillor P Harris  
Councillor S Haynes**

**Councillor J Kellas  
Councillor D Moore  
Councillor P Peacock  
Councillor M Pringle  
Councillor K Smith**

**Substitutes**

**Councillor L Brazier  
Councillor R Cozens  
Councillor L Dales  
Councillor M Home  
Councillor K Roberts  
Councillor M Shakeshaft  
Councillor T Thompson  
Councillor T Wildgust**

<b>MEETING:</b>	<b>Governance, General Purposes &amp; Local Government Reorganisation Committee</b>
<b>DATE:</b>	<b>Thursday, 5 February 2026 at 6.00 pm</b>
<b>VENUE:</b>	<b>Civic Suite, Castle House, Great North Road, Newark, NG24 1BY</b>
<p><b>You are hereby requested to attend the above Meeting to be held at the time/place and on the date mentioned above for the purpose of transacting the business on the Agenda as overleaf.</b></p> <p><b>If you have any queries please contact Helen Brandham on <a href="mailto:Helen.brandham@newark-sherwooddc.gov.uk">Helen.brandham@newark-sherwooddc.gov.uk</a>.</b></p>	

## **AGENDA**

### **Page Nos.**

1. Notification to those present that the meeting will be recorded and streamed online
2. Apologies for Absence
3. Declarations of Interest from Members and Officers
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### **GOVERNANCE**

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7. Whistleblowing Policy Annual Report
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### **STANDARDS**

None

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## NEWARK AND SHERWOOD DISTRICT COUNCIL

### Minutes of the Meeting of **Governance, General Purposes & Local Government**

**Reorganisation Committee** held in the Civic Suite, Castle House, Great North Road, Newark, NG24 1BY on Thursday, 27 November 2025 at 6.00 pm.

PRESENT: Councillor R Holloway (Chair)  
Councillor P Rainbow (Vice-Chair)

Councillor L Brazier (Substitute), Councillor A Freeman, Councillor J Hall, Councillor S Haynes, Councillor J Kellas, Councillor D Moore, Councillor P Peacock and Councillor L Brazier

IN ATTENDANCE: Councillor N Allen, Councillor R Jackson and Councillor K Smith

APOLOGIES FOR ABSENCE: Councillor D Darby, Councillor P Harris and Councillor M Pringle

#### 11 NOTIFICATION TO THOSE PRESENT THAT THE MEETING WILL BE RECORDED AND STREAMED ONLINE

The Chair advised that the meeting was being recorded and live streamed from Castle House.

#### 12 DECLARATIONS OF INTEREST FROM MEMBERS AND OFFICERS

There were no declarations of interest.

#### 13 MINUTES OF THE MEETING HELD ON 11 SEPTEMBER 2025

The minutes from the meeting held on 11 September 2025 were agreed as a correct record and signed by the Chair.

#### 14 LOCAL GOVERNMENT REORGANISATION IN NOTTINGHAM AND NOTTINGHAMSHIRE

The Committee considered the report of the Chief Executive which sought to provide Members with the latest position in respect of local government reorganisation. It was noted that the Cabinet had considered this matter at their meeting held on 26 November and had agreed the recommendations as detailed in Appendix A to this report, which was to endorse the submission of the Final Proposal for a new unitary structure of local government for Nottingham and Nottinghamshire. The report set out the timetable of the next steps following the submission of the proposal to Government with details of the process undertaken in developing the Council's preferred option of 1e being provided in Appendix A.

In considering the report, Members agreed that the speed with which the final proposal for reorganisation needed to be submitted to central Government was rushed and did not provide sufficient time for local authorities to fully explore their submissions.

Members agreed that, if possible, they would wish to see the next steps detailed within a schedule of deadlines and the actions to be covered. It was suggested that Members could lend their support to Officers in the next stages of transition and that consideration be given to the creation of sub-committees to look at specific areas of work. In response, the Transformation & Service Improvement Officer advised that all the constituent local authorities now needed to reconvene to begin joint working on non-option specific activities.

A Member commented that the Council needed to continue to drive forward their priorities, querying as to when Chief Officers for the new unitary authority would be appointed, before or after the Shadow Authority elections, noting that it would be a catalyst for major change. The Leader of the Council advised that that level of detail had not yet been developed but that consideration must be given as to when and how the appointment process would be actioned. It was anticipated that the Government's decision on the preferred options submitted would be received towards the end of May/June 2026 with the elections to the Shadow Council being held in May 2027. The Transformation & Service Improvement Officer advised that the new Leaders of the Shadow Council would appoint the Chief Officers to the new unitary authority.

Members agreed that preparatory work for the elections to the Shadow Council was vital and that the creation of sub-committees to enable Members to assist Officers in this was essential.

AGREED that the Governance, General Purposes & LGR Committee:

- a) note the decision of the Cabinet in respect of local government reorganisation; and
- b) consider the next steps following the submission of the Final Proposal to Government.

Councillor Lee Brazier left the meeting part way through the following item and therefore did not take part in the discussion or voting.

#### 15 ANNUAL REVIEW OF HOUSING SERVICE COMPLAINTS & IMPROVEMENT REPORT

The Committee considered the report of the Director – Housing, Health & Wellbeing which sought to provide Members with an insight into complaints performance and to confirm the Council's compliance with the Complaint Handling Code for 2024/2025. The report also highlighted themes, trends or risks identified through complaints and presented the Housing Ombudsman Service 2024/2025 Landlord Performance Report.

In considering the report a member sought clarity on the correct definition of maladministration in relation to the Council. The Director advised that the definition was that used by the Housing Ombudsman and that further information would be circulated to members of the Committee.

In referring to local government reorganisation, the Director advised that benchmarking work had already commenced with the other constituent authorities, whose preferred choice was Option 1e, to see how they responded to complaints and how they measured their tenant satisfaction levels.

AGREED (unanimously) that:

- a) the Annual Review of Housing Service Complaints report be approved; and
- b) the Housing Ombudsman Service Report 2024/2025 be noted.

16 REVIEW OF ARRANGEMENTS FOR DEALING WITH CODE OF CONDUCT COMPLAINTS, MEMBER/OFFICER PROTOCOL AND SOCIAL MEDIA PROTOCOL FOR MEMBERS

The Committee considered the report of the Monitoring Officer which recommended some immediate changes to the Council's Arrangements for Dealing with Code of Conduct Complaints to enable complaints which were not deemed valid to be rejected before initial assessment. In addition, the report recommended that Members establish a Working Group to do a wider review of the arrangements for dealing with Code of Conduct Complaints to enable the effective management of complaints. It was also proposed that the Working Group would review the Member/Officer Protocol, the Social Media Protocol for Members and proposals for a Member Development Plan.

The report detailed the rationale to the proposal to review the current arrangements for dealing with Code of Conduct Complaints and the recommendation to establish a Working Group to review the Member/Officer Protocol, the Social Media Protocol for Members and proposals for a Member Development Plan.

In considering the proposed immediate amendment to the Code of Conduct Complaints process, a Member expressed concern as to the proposal not to inform the subject member being complained about when a complaint had been deemed not valid and that this be revised to ensure they were told. He requested that the Committee receive future reports providing details of numbers and trends of complaints made, including those deemed valid and not valid with the rationale for this being that it would inform requests for training. In response the Monitoring Officer advised that in some circumstances there was no subject Member, for example if a complaint had been made about a parish clerk and that the proposal could be amended to include a degree of flexibility for the Monitoring Officer.

In relation to the Government's response to the consultation on changes to the Standards regime, a Member referred to the powers being given to authorities to suspend elected members for a maximum of 6 months etc. (paragraph 1.7 – bullet point 5). He suggested that Officers give consideration to delegate this function to either the whole Council or a specific Committee. The Member also suggested that when a submitted complaint led to a counter-complaint, it would be useful to see them merged and defined as a single complaint. He noted that these were usually the same subject matter and should have a single assessment.

Members agreed that they would wish to see future reports containing numbers and trends of complaints submitted; the number submitted by the same person; whether any were classed as vexatious; the number in relation to district and parish.

In relation to Code of Conduct training, a Member queried whether this would be a mandatory requirement. In response, the Monitoring Officer advised that this could be looked at within the proposed Working Group. It was suggested that the training be undertaken online as this removes the need for Members to attend in person. It was however, acknowledged that not all Members were able to undertake online training and that separate provision would need to be made for them.

In closing the debate, the Chair advised that the membership of the Working Group would be set after the meeting due to the absence of some Committee Members.

AGREED that the Governance, General Purposes & LGR Committee:

- a) approve the Monitoring Officer to make the proposed amendments to the Arrangements for Dealing with Code of Conduct complaints as detailed within this report at para 1.5 with immediate effect, having considered the Members' comments as detailed above;
- b) approve the establishment of a cross-party Working Group, to support a wider review of the Council's Arrangements for Dealing with Complaints, the Member/Officer Protocol, Social Media Protocol for Members and proposals for a Member Development Plan; and
- c) subject to the approval of b), the Chair to determine the membership of the Working Group after the meeting with a recommended membership of up to six Members.

#### 17 CHANGE IN COMMITTEE MEMBERSHIP

NOTED that Councillors Andrew Freeman and Maurice Shakeshaft had exchanged places on the Audit & Accounts and Governance, General Purposes & LGR Committees and that Councillor Shakeshaft was now a substitute member on the Governance, General Purposes & LGR Committee.

#### 18 OPERATION OF NSDC DRONE ASSET

The Committee considered the report of the Director – Planning & Growth which sought to provide Members with an update on the Council's acquisition of a drone asset by the Council.

It was reported that Cabinet had approved the recommendation to purchase a drone asset at their meeting held on 11 November 2025. Details of the proposed usage of the drone were detailed within the report which included: tourism promotion; events; regeneration consultation; overt enforcement activity and recoding for emergency events such as flooding. The proposed usage broadly fell into two categories: investigatory activity and promotional activity with the present drone usage being commissioned on an as-and-when basis from the private market. As detailed in the

report, it was considered there was sufficient demand and benefits to develop a Council drone resource. Attached as Appendix A to the report was the appropriate governance and deployment arrangements in the form of a NSDC Drone Policy.

In considering the proposed Drone Policy a Member queried how responsive the Civil Aviation Authority (CAA) were in relation to granting permission for the Council to commence operation of drones and further details of how many officers would receive the appropriate operational training. In response, the Principal Legal Officer advised that she would provide a written response in relation to the timeframe for permission being granted by the CAA and that it was proposed that 3 officers from different Business Units would undergo the training. She added that once the Council's drone was operational, the service could be offered to other organisations.

In noting paragraph 2.5 of the report, specifically in relation to drone recordings and the storage thereof, a Member queried as to what checks had been done to ensure that should the drone be taken, it could not be used to gain access to the Council's network. The Principal Legal Officer advised that she would provide a written response to the Committee.

AGREED that the Governance, General Purposes & LGR Committee note:

- a) the Drone Usage Policy as detailed in Appendix A to the report; and
- b) the purchase and use of drone assets, primarily for use by NSDC in the discharge of its relevant duties and services.

#### 19 COMMITTEE WORK PROGRAMME

AGREED that the Governance, General Purposes & LGR Committee's Work Programme be noted.

Meeting closed at 7.40 pm.

Chair



Report to: Governance, General Purposes & LGR Committee – 5 February

Director Lead: John Robinson, Chief Executive

Lead Officer: Carina Tona, Transformation & Service Improvement Officer

Report Summary	
<b>Report Title</b>	Local Government Reorganisation in Nottingham and Nottinghamshire
<b>Purpose of Report</b>	To enable the Governance, General Purposes & LGR Committee to consider the latest position in respect of local government reorganisation following the submission to Government in November 2025.
<b>Recommendations</b>	That the Governance, General Purposes & LGR Committee note the progress update provided in respect of local government reorganisation.
<b>Reason for Recommendations</b>	<p>This is in line with the Committee's role to:</p> <ul style="list-style-type: none"><li>a) oversee the plans for, and impact of, Local Government Reorganisation within Nottingham and Nottinghamshire; and</li><li>b) liaise with and advise the Council's Cabinet, Audit &amp; Accounts Committee, Policy &amp; Performance Improvement Committee and other committees so all Members are kept informed and provide an opportunity for them to input their views on LGR.</li></ul>

## 1.0 Background

- 1.1 At a meeting on 26 November, Cabinet were asked to endorse the submission of a final proposal for a new unitary structure of Local Government for Nottingham and Nottinghamshire. All Members of the Council were also invited to attend a presentation on the content of the Final Proposal held on 18 November 2025.
- 1.2 Newark & Sherwood District Council, along with Bassetlaw, Gedling and Mansfield submitted the [north-south proposal](#) to government on 28 November.
- 1.3 The north-south proposal (option 1e) would see the creation of two new unitary authorities:
  - Sherwood Forest (North Nottinghamshire) – comprising Ashfield, Bassetlaw, Gedling, Mansfield and Newark & Sherwood.
  - Nottingham and South Nottinghamshire (South Nottinghamshire) – comprising Broxtowe, Nottingham City and Rushcliffe.



1.4 There were two other proposals submitted in Nottingham and Nottinghamshire:

Option 1b: This option is supported by Nottinghamshire County Council and Rushcliffe Borough Council. This proposal recommends the creation of two new unitary councils:

- Nottingham Council – including Broxtowe, Gedling, and Nottingham City.
- Nottinghamshire Council – including Ashfield, Bassetlaw, Mansfield, Newark and Sherwood, and Rushcliffe.

Option 1bii: In the interim submission feedback, the Government indicated to councils that it would consider boundary reviews as part of final submissions where appropriate. Nottingham City Council chose to pursue this option. This 1bii recommends the creation of two new unitary councils:

- Southwest - Parts of Broxtowe, Gedling and Rushcliffe combined with Nottingham City.
- North and East - Parts of Broxtowe, Gedling and Rushcliffe combined with Ashfield, Bassetlaw, Mansfield and Newark & Sherwood.

**2.0 Proposal /Options Considered**

2.1 Since submitting proposals in November, we, along with other councils have begun focusing on the subsequent phases of work and planning the steps required between now and government decision.

2.2 There are also activities underway relating to the upcoming government consultation and a final opportunity to present our case, reinforce key messages, and highlight the most important elements of our proposal to MHCLG.

**2.3 Statutory Consultation**

2.3.1 As Members know, in the criteria set out from the Secretary of State, the fourth criteria outlined that “proposals should show how councils in the area have sought to work together in coming to a view that meets local needs and is informed by local views.” In August 2025, all nine councils worked collaboratively to gather public views on the future structure of local government through a shared engagement survey. The feedback from this survey helped to shape and form as evidence in our final proposal

2.3.2 Furthermore, in accordance with the Local Government and Public Involvement in Health Act 2007, the Secretary of State must consult affected local authorities and other appropriate persons before implementing any plans. The Government’s statutory consultation is expected to launch in early February, with the process running for several weeks. The purpose of the consultation is to gather further evidence from these groups and other interested parties. Although it is not a public consultation, feedback from residents and businesses is welcomed and will be considered. It is not a popularity exercise or referendum; rather, it seeks informed views on the extent to which each proposal meets the Government’s established criteria.

- 2.3.3 Based on the approach used in previous LGR consultations in Surrey and the Devolution Priority Programme areas, we expect the consultation to pose separate questions for each proposal. Each proposal will be assessed against the Government's six criteria, with respondents asked whether they agree that the proposal meets each one. A single free-text box will also be available for respondents to explain their answers and provide any additional comments.
- 2.3.4 MHCLG has provided an initial list of statutory consultees (**Appendix A**), and we are working with them to ensure that all relevant parties are identified and contact details provided. There are a broad range of organisations across health, education, business, the voluntary sector, and other public sector and national bodies.
- 2.3.5 In addition to these statutory consultees, we are compiling a list of non-statutory consultees and will communicate with them directly to support wider engagement in the consultation.
- 2.3.6 The consultation will be promoted through a neutral joint Nottingham and Nottinghamshire [dedicated LGR website](#) and other existing communication channels, including social media.
- 2.3.7 The consultation will be hosted online, although paper and email submissions will also be accepted. To maximise accessibility, paper copies will be available in council buildings and libraries, and proactive communication will be undertaken to encourage responses from named consultees and other key stakeholders.
- 2.3.8 Engagement with other key stakeholders:
- **Staff drop-in sessions – February/ March**  
All staff will shortly be invited to attend a further drop-in session presentation with the Chief Executive, either in person or online. These sessions offer an opportunity to hear directly about the latest developments in LGR, ask questions, and share feedback. In addition, staff emails and newsletters continue to provide updates on decisions and activities, and signpost staff to further information e.g. the internal LGR hub.
  - **Town and Parish Council briefings – 26 February and 2 March**  
The Council briefed town and parish councils prior to submitting the final proposals. Further briefing sessions have now been arranged to share updates and to address any questions or concerns at this stage.
- 2.4 MHCLG Listening Meetings
- 2.4.1 MHCLG will be holding dedicated one-hour virtual meetings for each proposal submitted. Preparations for these sessions are underway, with meetings expected to take place in late February or early March. These meetings will provide an opportunity for the 1e CEOs to outline our proposal, emphasise any key points, and raise questions directly with MHCLG.

## 2.5 Next Phase of Work - Transition Planning

### 2.5.1 **MHCLG checklist of preparatory activities**

To help guide councils with a starting point of what the next steps are after submission, MHCLG has shared a list (Appendix B) that has been developed with input from sector advisers, Local Partnerships and the Local Government Association. It is based on current and previous experience of LGR and is intended to be iterative rather than exhaustive.

### 2.5.2 **NSDC workshop**

At a workshop on 19 January, the Council will review and populate the checklist provided by MHCLG, confirming resourcing and status for each activity. Alongside this, we aim to identify other 'no-regret actions' that can be progressed ahead of the decision point, focusing on tasks that are not dependent on the option ultimately selected. This work will feed into a wider workshop, as outlined below.

### 2.5.3 **Nottingham and Nottinghamshire workshop**

LGR representatives from each of the nine Councils are due to attend a meeting hosted by Nottinghamshire County Council on 26 January. The aim is to collectively identify priorities, define the approach, and outline resourcing needs to inform recommendations for CEOs consideration.

### 2.5.4 **Capacity and capability to deliver**

Across the City and County, all Councils are giving consideration as to how best to resource the transition to the new structure of local government. An appropriate balance needs to be found between day-to-day service delivery, progressing major capital schemes and preparing for the new Council.

2.5.5 Discussions are underway within NSDC and with partner Councils to address this and an update will be provided at Committee.

### 2.5.6 **LGR Working Group**

Whilst the Committee is an appropriate forum for oversight of LGR activity and updating members in a public setting, some aspects of the transition to unitary status will need detailed and on occasions confidential discussions. One obvious example being that related to staffing arrangements. It is therefore proposed to establish a Working Group that can be convened on an as and when required basis comprising the Chair and Vice of the Committee and all Group Leaders.

## 2.6 Timeline

- 2.6.1 The Committee may also wish to consider next steps in accordance with the timetable below:

<b>Key milestones:</b>	<b>By when</b>
All councils work on transition planning	November 2025 – vesting day
Government launches statutory consultation for several weeks	Early February – Late March 2026
MHCLG holds “listening meeting” with representatives of each proposal submitted	Late February/ Early March 2026
Decision by Government	Before Summer recess 2026
Elections for shadow authority	May 2027
Appointment of CEOs	June 2027
New unitary authority vesting day	April 2028

## 3.0 Implications

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection; Digital & Cyber Security; Equality & Diversity; Financial; Human Resources; Human Rights; Legal; Safeguarding & Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

<b>Implications Considered</b>			
<b>Yes – relevant and included / NA – not applicable</b>			
Financial	NA	Equality & Diversity	NA
Human Resources	NA	Human Rights	NA
Legal	NA	Data Protection	NA
Digital & Cyber Security	NA	Safeguarding	NA
Sustainability	NA	Crime & Disorder	NA
LGR	NA	Tenant Consultation	NA

### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

[Cabinet 26 November: Local Government Reorganisation in Nottingham and Nottinghamshire – Final Proposal](#)

<b>Nottinghamshire Principal Authorities</b>
Ashfield District Council
Bassetlaw Borough Council
Broxtowe Borough Council
Gedling Borough Council
Mansfield District Council
Newark & Sherwood District Council
Nottinghamshire County Council
Rushcliffe Borough Council
Nottingham City Council
<b>Neighbouring Authorities</b>
Derbyshire County Council
Amber Valley Borough Council
Bolsover District Council
Chesterfield Borough Council
Derbyshire Dales District Council
Erewash Borough Council
High Peak Borough Council
North East Derbyshire District Council
South Derbyshire District Council
Derby City Council
City of Doncaster Council
Leicestershire County Council
Blaby District Council
Charnwood Borough Council
Harborough District Council
Hinckley and Bosworth Borough Council
Melton Borough Council
North West Leicestershire District Council
Oadby & Wigston Borough Council
Leicester City Council
Rutland County Council
Lincolnshire County Council
Boston Borough Council
City of Lincoln Council
East Lindsey District Council
North Kesteven District Council
South Holland District Council
South Kesteven District Council
West Lindsey District Council
North East Lincolnshire Council
North Lincolnshire Council
Rotherham Metropolitan Borough Council
<b>Health Bodies</b>
Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust
East Midlands Ambulance Service NHS Trust

NHS Nottingham & Nottinghamshire Integrated Care Board (ICB)
Nottingham University Hospitals NHS Trust
Nottinghamshire Healthcare NHS Foundation Trust
Sherwood Forest Hospitals NHS Foundation Trust
<b>Policing, Fire and Rescue Bodies</b>
Nottinghamshire Constabulary
Nottinghamshire Fire and Rescue Service
Nottinghamshire Local Resilience Forum
Nottinghamshire Police & Crime Commissioner
<b>Other Public Sector Bodies</b>
East Midlands Combined County Authority
Midlands Connect
Nottingham City Safeguarding Adults Board
Nottingham City Safeguarding Children Partnership
Nottinghamshire Association for Local Councils
Nottinghamshire Safeguarding Adults Board
Nottinghamshire Safeguarding Children Partnership
South Yorkshire Mayoral Combined Authority
<b>Business Bodies</b>
CBI Midlands
East Midlands Chamber of Commerce
East Midlands Freeport
FSB East Midlands
IoD Derbyshire and Nottinghamshire
<b>Voluntary Sector Bodies</b>
East Midlands VCSE Alliance (EMVA)
Forever Notts (Community Foundation for Nottinghamshire)
Nottinghamshire Together
One East Midlands
<b>Nottinghamshire Education Bodies</b>
Nottingham Trent University
University of Nottingham
Bilborough College
North Nottinghamshire College
Nottingham College
Portland College
Vision West Nottinghamshire College
<b>Other Bodies</b>
Lord Lieutenant of Nottinghamshire
Marketing Nottingham & Nottinghamshire (LVEP)
<b>National Bodies</b>
Environment Agency
GMB Union
Local Government Association
Local Government Boundary Commission for England
National Association of Local Councils

National Highways
National Housing Federation
UK Health Security Agency
Unison
Unite The Union

Areas to consider	Resources currently available
Cyber, digital, data and technology (“DDaT”)	
Auditing key IT systems including infrastructure, websites, applications, data systems and licences held for their scope, capacity and limitations e.g. social care customer front door, Revenue & Benefits, democratic services and elections, intranet, finance platforms, HR software, reporting tools and any other business applications which will go beyond vesting day. Note versions of applications and modules included.	More detailed MHCLG guidance coming soon. You can read more about the cyber, digital, data and technology ‘playbook’ being created in the <a href="#">blog</a> published earlier this week.
Auditing data and information stored on key IT systems to understand how it is stored and can be moved. Remove out of date information and ensure customer data is updated. For the council website, consider where branding or ‘reskinning’ may be required within platforms or forms.	
Collating all proper documentation for IT systems and infrastructure to avoid longer-term issues with understanding systems, integration and troubleshooting. Ensure existing knowledge is appropriately recorded by DDaT officers.	<a href="#">LGA Cyber 360 review</a>
Auditing DDaT contracts and updating the technology asset register, identifying possible unfavourable terms or limitations that could frustrate transition or incur unexpected costs. Engage suppliers as needed (see Procurement section).	<a href="#">Local government reorganisation: Cyber, digital, data and technology considerations   Local Government Association</a>
Creating a forward plan of IT contracts that may require extending. In advance of an IT strategy for the new council, this will require dialogue across the area about systems intended to be removed but currently a full procurement may not be desirable, and so requires balancing avoiding longer extensions that could prevent change in the new council, but also agreeing longer extensions if needed to ensure continuity in the new council (see Procurement section).	<a href="#">LGR Digital, Data and Technology Delivery Network   Local Government Association</a>
Managing historical data and archive records while ensuring GDPR compliance, including historical papers and microfilm records. Include employee mailboxes and how these may need to be stored and accessed after vesting day.	See cyber, digital and data resources: <a href="#">Devolution and local government reorganisation resources   Local Government Association</a>
Working with other councils in your area and key suppliers to discuss options for how data could be brought together. Explore which data standards, such as Open Referral UK, and SAVVI you will embed going forward. The categories of data that councils have been focused on bringing together are: <ul style="list-style-type: none"><li>• Governance &amp; Corporate (Electoral Services; Stakeholder Engagement Log; Contract Register; Data Protection; Procurement &amp; Contract Management; Customer Services &amp; Access Channels; Emergency Planning and Subsidiaries, Holdings &amp; Joint Ventures).</li><li>• Finance &amp; Audit (Treasury; Finance Systems; Charity Accounts; Earmarked Reserves; Bank Accounts; Payroll Model; Payment Processing; Debt Position; External Finance Consultants; Internal Audit; External Audit; Counter Fraud; Insurance Providers; Revenue &amp; Benefits; Grants Received and Provided).</li><li>• Housing, Property &amp; Assets (Housing Services; HRA; DCN Temporary Accommodation Funding; Property &amp; Non-Property Assets and Asset Management).</li><li>• Digital &amp; Data including Telephony Lines.</li><li>• HR data.</li></ul>	<a href="#">Digital Transformation Learning Hub   Local Government Association</a>  <a href="#">Foundational Specification - Operating Model Toolkit for Case Management Systems - Knowledge Hub</a>  <a href="#">Data Standards for Social Care</a>  <a href="#">Technology Code of Practice</a>



<ul style="list-style-type: none"><li>Environment and Planning (Town &amp; County Planning, Building Control, Climate Change, Environmental Health, Waste &amp; Street Cleaning and Grounds Maintenance).</li></ul>	<a href="#">Local government reorganisation: Data sharing principles and checklist   Local Government Association</a>  <a href="#">Cyber Assessment Framework (CAF) for local government - UK Government Security - Beta</a>
Establishing decision-making principles for bringing data together which can be developed and adopted at the relevant time. Develop interim data sharing agreements where they are required, as a short-to-medium-term solution (see LGA principles). Discuss options for arrangements for a lead organisation or shared service that can host data which is being brought together.	
Compiling up-to-date lists of data sharing agreements with partners such as health and police, so they may be updated as necessary and used by the new council. Use data standards where possible to improve data quality and sharing.	
Agreeing technology principles and standards, aligning to the Technology Code of Practice where possible.	
Baselining the council's cyber resilience using the Cyber Assessment Framework for Local Government (CAF). We strongly recommend councils undertake as a minimum the Organisational Assessment (Objectives A&D) which focuses on managing security risk and minimising the impact of cyber incidents and consider how to embed recommendations in a new council.	
Adopting a governance and decision-making framework for DDaT decisions ahead of LGR, ensuring there is an SRO at the executive level and there are strong connections to other existing LGR PMO and governance mechanisms in the organisation, especially for procurement and contracts.	
Procurement, contract management and supplier alignment	
Updating the Contracts Registers for all systems e.g. banking and insurance, revenue & benefits, housing, social care, health, planning and HR. Capture systems that generate invoices or payments, to ensure systems can eventually be updated with the information of the new council (note that new bank accounts for the new unitary council will be required, and that this is a lengthy process).	<a href="#">Business Process Mapping / BPM Toolkit - Local Partnerships</a>  <a href="#">Service delivery in uncertain times - LGiU</a>  <a href="#">BSA-Report-Local-Government-Reorganisation-and-Procurement-September-2025.pdf</a>  To discuss bespoke support needs, please contact <a href="mailto:procurement@local.gov.uk">procurement@local.gov.uk</a>
For councils with a Housing Revenue Account, updating contract information for long term contracts for housing and facilities maintenance.	
Updating the Contracts Register for major capital programmes that might run up to and beyond vesting day.	
Identifying PFI project contracts and documentation and what the council's responsibilities are in relation to these.	
Planning early engagement with strategically important suppliers used by multiple councils or carrying out critical services, to understand and plan for suppliers' lead in times as well as migration and licence costs (spend data may be used to identify local suppliers and SMEs). Prepare a communications plan for all suppliers to raise awareness of future changes.	
Councils across an area should make arrangements as soon as possible for sharing contract information (with standard fields and data formats) and a list of future planned procurement scheduled to take place before vesting day and relevant data. Set up local information sharing protocols with councils in the area and any necessary formalised structures for sharing contract and procurement data at this stage.	
Setting up a procurement sub-group within any existing LGR PMO structures across the area, with an SRO that is able to take forward responsibility for procurement and contracts during the transition.	

Considering if a Section 16 arrangement (under the 2007 Act) will be needed where there is a shared contract with an external party from vesting day, to set out the roles of the councils and responsibilities of the supplier. This is particularly important for big contracts like PPPs, PFI, Waste and Highways.	
<b>Workforce and HR</b>	
Reviewing HR data to capture current employees. This includes updating the Establishment list covering the entire workforce across the council and any council owned companies or Trusts.	<a href="#">Local government reorganisation support - workforce transformation</a>
Ensuring every member of staff has an up-to-date job description and contract of employment, considering how these might impact the appointment process in a new authority. Work together with councils in the area to discuss job evaluation method options for roles and agreeing job descriptions in the new council.	<a href="#">Ten essential workforce considerations for local government reorganisation (LGR)   Local Government Association</a>
If a county council or unitary authority could be disaggregated as part of reorganisation, consider at this earlier stage what the process looks like for allocating staff to the new unitary authorities, taking into account business need factors and personal preferences. Ensuring new unitary councils have a balance of expertise following the transfer will be key. Such a process will require a degree of discussion with Unions.	<a href="#">Local government reorganisation support - workforce transformation</a>
Engaging early with local recognised unions to ensure clarity on the local government reorganisation timeline and indicative timing of staffing transfers (including pre-TUPE consultation).	
Confirming equal pay position and any agreements in place, including known equal pay risk areas and any plans to address them.	<a href="#">Local Government Reorganisation – Golden handcuffs   Local Government Association</a>
Identifying business critical roles across all affected organisations to prioritise retention strategies and transition plans and manage any recruitment risks. Confirming HR support and advice required.	
Identifying potential Single Points of Failure in the organisation and identifying mitigation measures.	
Scoping HR capacity requirements and skills to maintain BAU and manage large scale change.	
Developing change ready strategies and ensure change management policies for staff are fit for the transition process.	
Identifying live HR disputes and assessing likelihood of resolving before vesting day, and any steps required.	
<b>Finance and council tax</b>	
Maintaining local communication on key financial decisions to smooth the transition to service delivery in any new unitary. Consider forthcoming Section 24 direction and consider limiting/jointly agreeing large procurements, asset disposals, significant changes to employment terms and long-term leases etc. These can lock out opportunity for many years and should be jointly agreed (see explanatory note on financial decisions from MHCLG).	<a href="#">Financial decisions before local government reorganisation - GOV.UK</a>
Considering approach to harmonisation of council tax levels, ensuring a single uniform level of band D council tax is set across the new area, no later than the start of year 8 of reorganisation, and how this will align with broader financial planning.	<a href="#">Local Government Reorganisation: CIPFA's template to support the financial information</a>

Considering the form of a new single local council tax support (LCTS) scheme which must be in place no later than the start of the third year post-restructuring.	<a href="#">Finance   Local Government Association</a>  For bespoke support on financial issues, support is available from <a href="#">CIPFA</a> .
Considering the local approach to discounts for second and empty homes and homes undergoing repairs; council tax premiums; and discretionary discounts under s13A(1)(c) of the Local Government Finance Act 1992.	
Early preparation of statement of the council's likely financial position on (indicative) vesting day date, for both revenue and capital, including assessment of demand pressures and delivering against the medium term financial plan.	
Pensions	
Considering how the Local Government Pension Scheme (LGPS) fund should be structured, managed and governed, including deciding which new authority will take on the role and responsibilities of the Administering Authority's (AA) statutory duties and if there is any scope for mergers.	Speak to the Local Government Pension Scheme team at MHCLG or the Scheme Advisory Board.  The LGPS team can be contacted at <a href="mailto:LGpensions@communities.gov.uk">LGpensions@communities.gov.uk</a>
Considering staffing of the LGPS Fund, particularly during the period of transition to the new AA.	
Considering how the operational risks associated with transfer to a new Administering Authority will be managed, particularly to ensure that there is no impact on payments and all operational risks of transfers are identified and mitigated against (i.e. reliance on the current AA for IT, finance, HR and other functions which currently support the fund).	
Considering how conflicts of interest may be managed by the AA in relation to its other local government functions and those of other participating employers.	
Audit	
Reviewing capacity of the finance team to ensure that accounts can be prepared in good time and audit can progress smoothly to an unmodified opinion, so that new councils have a clear financial starting point.	Contact your external auditor or the MHCLG Local Audit team for further information. The MHCLG Local Audit team can be contacted at <a href="mailto:localaudit@communities.gov.uk">localaudit@communities.gov.uk</a>  Regional Audit Forums are in place to support Audit Committee Chairs. Meeting at least three times a year they provide an opportunity to share good practice and discuss common issues and offer training on key topics, including a focus on LGR. Email <a href="mailto:financeimprovement@local.gov.uk">financeimprovement@local.gov.uk</a> for more information about the regional audit forums and webinars for audit chairs on LGR.
Ensuring there is a complete and accurate register of contingent liabilities, significant risks and outstanding audit recommendations and that it is regularly updated, so that the successor authority has a clear view of risks and liabilities.	
Where audited accounts have been disclaimed due to backstop dates, engaging early with your auditor to discuss requirements for rebuilding assurance by the vesting date. Ensuring that clear working papers and audit trails are available for all opening balances to enable auditors to confirm their accuracy and completeness. This will be particularly important if build-back extends beyond the vesting date for any reason.	
Ensuring that Internal Audit is adequately resourced to maintain essential scrutiny of business-as-usual operations while engaging appropriately with the transition process.	
Developing and regularly updating a complete and accurate register of current or pending litigation and claims, significant risks and outstanding audit recommendations, so that the successor authority has a clear view of risks and liabilities.	
Ensuring all outstanding external audits are completed and have dealt with any qualifications to accounts from previous audits. NB - audits may result in a disclaimed opinion if the auditor has not been able to complete sufficient audit work to issue a qualified or unmodified opinion.	<a href="#">Must know guide: Risk management   Local Government Association</a>

Assets	
Collating existing information on all property assets, including freehold, leasehold and PFI liabilities. Consider forthcoming Section 24 direction and consider limiting/jointly agreeing large procurements, asset disposals, significant changes to employment terms and long-term leases etc. These can lock out opportunity for many years and should be jointly agreed (see explanatory note on financial decisions from MHCLG).	The LGA can provide asset management health checks for local areas to support with preparations, including reviews of existing asset management approaches and strategies by experienced peers and experts to identify steps needed to maximise assets for future use and support service transformation, and to help implement best practice property portfolio management. Speak to your LGA Principal Advisor if you are interested in this service.
Reviewing “in flight” capital projects and assess delivery strategy for all projects running beyond vesting day.	
Reviewing any strategic operational assets for potential “cross-border” delivery risks post vesting day.	
Identifying all asset management systems and ensure data is cleansed prior to vesting day.	
Project team mobilisation and local protocols	
Establishing shared PMO across all authorities and accountable to all, underpinned by agreed governance with central shared funding allocated. The PMO will then be reconfigured as required when decisions on proposals are made.	<a href="#">Solace Guide to standing up an LGR Implementation Team</a>  <a href="#">Local Government Association Webinar: Transitional Governance Plans</a> for recording, transcript and presentation slides.  <a href="#">Local Partnerships Webinar: LGR from submission to decision: a practical guide</a> for recording and presentation slides.  <a href="#">The LG Transparency Code</a> has a recommended schema for published contract information which many councils adhere to.
Beginning to identify an implementation budget and scheme of governance for the use of the budget.	
Preparing executive summary of key service areas, explaining what catch council’s services do, in terms of scope, legal duties, size of budget and workforce as well as priorities in the coming year, to provide an overview for the future Implementation Team, ahead of more detailed deep dives required as part of implementation process.	
Ensuring that there is a Senior Responsible Officer for decision-making at the chief executive or senior leadership team level in each council, after proposals are submitted, to ensure key decisions can continue to be taken balanced with preparation for new councils, in key areas like cyber and digital, workforce, finance etc.	
Where disaggregation of county or unitary services is a possible scenario in an area, identifying how services can be disaggregated, to what timeframe and the resources required. Explore options for partnership working across potential new boundaries, including how services can be shared or jointly hosted if full disaggregation is not full achievable.	
Legislation and legal	
Identifying specific matters that affect the current councils which may require a legal process to transfer to a new council e.g. named board memberships/local legislation/ceremonial rights	<a href="#">Cumbria, Somerset and North Yorkshire councils direction: explanatory note - GOV.UK</a>  <a href="#">North Yorkshire Council and LGR webinar</a>
Review practice from previous examples of local government reorganisation to understand how Section 24 direction and preparatory powers given to new councils in the transition periods can impact on the daily business of the current authorities and consider local circumstances and methods of working to adapt	
Considering any regulatory registrations that are in place e.g. for house facilities such as social care settings, social care services or lead managers. Preparing for any processes that will be required with regulators such as Ofsted and CQC, as each regulated service will need to be reregistered along with the managers.	

Stakeholder engagement and communication	
Maintaining communication with local stakeholders and develop a plan for keeping them informed e.g. council staff, local MPs and backbench councillors and external partners and agencies.	<a href="#">Local Government Reorganisation engagement toolkit   Local Government Association</a>
Keeping stakeholder map under review to ensure readiness for statutory consultation on proposals.	<a href="#">Join the LGA's LGR Comms &amp; Engagement Network</a>  <a href="#">Recommended code of practice for local authority publicity - GOV.UK</a> (for local consultation)

**Resources listed are not exhaustive and information will be updated. You can find more [details of sector support](#) on the LGA Devolution & LGR Hub.**



Report to: Governance, General Purposes & LGR Committee – 5 February 2026

Director Lead: Sanjiv Kohli, Deputy Chief Executive, Director - Resources & S151 Officer

Lead Officer: Lisa Ingram Principal Legal Officer, Deputy Monitoring Officer and RIPA Co-ordinator

Report Summary	
<b>Report Title</b>	Regulation of Investigatory Powers Act 2000 (RIPA) - Annual Report
<b>Purpose of Report</b>	To provide an update for Members on activity by the Council under RIPA from January 2025 to December 2025; and on mandatory training for Officers.
<b>Recommendations</b>	That the Governance, General Purposes and LGR Committee note the contents of the report and agree the minor amendment to the policy.
<b>Reason for Recommendations</b>	To ensure the Council fulfils its statutory obligations and keeps up to date with policy and training.

## 1.0 **Background**

- 1.1 The Regulation of Investigatory Powers Act 2000 (RIPA) gives the Council certain powers to undertake covert surveillance in relation to some investigations undertaken by the Council. Since 2017 the Investigatory Powers Commissioner's Office (IPCO) has been responsible for the oversight of the use of RIPA.
- 1.2 There is a strict authorisation process set out in the legislation requiring that all applications are considered by designated members of the Council's Senior Leadership Team before final authorisation is sought in the Magistrates Court. The Council is required to submit an annual statistical return to the IPCO on the number of authorisations made and the Council is also subject to periodic inspections by the IPCO.
- 1.3 The Council is also able to obtain certain communications data (i.e. data about electronic communications) through the National Anti-Fraud Network (NAFN) who are an expert provider accredited by the IPCO and the Home Office. NAFN submits an annual statistical return to the IPCO of the number of submissions made by the Council requesting information from NAFN.
- 1.4 A programme of monitoring and review is set out in the Council's RIPA policy and guidance. Annual reports of RIPA authorisations are made to the Audit & Governance Committee.

### 1.5 Annual Activity

There has been 0 authorisations sought by the Magistrates court during this period. The Council's use of authorised RIPA surveillance has always been and remains extremely low. This is in line with the majority of other authorities; particularly those who do not have services such as Trading Standards or Consumer Protection teams.

- 1.6 The Council has already submitted the annual statistical return to the IPCO for 2025 which is a NIL return. There have been Nil returns to the IPCO since 2016.

### 2.0 Training

- 2.1 Appropriate training is provided to all Authorising officers. The last training was provided in July 2024. Ongoing advice and training is provided to investigating officers on a case-by-case basis throughout the year. More formal training is planned to be completed by April 2026 to investigating officers in relevant teams.

- 2.2 RIPA is also discussed at the 6 weekly Corporate Enforcement Group meetings to ensure consistency of application of the policy across the Council.

### 3.0 Policy

Sue Bearman was the named Senior Responsible Officer (SRO) for the purposes of RIPA. Following her departure, Sanjiv Kohli was appointed the new SRO. Appendix A has been updated with this change.

### 4.0 Implications

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection; Digital & Cyber Security; Equality & Diversity; Financial; Human Resources; Human Rights; Legal; Safeguarding & Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Implications Considered			
Yes – relevant and included / NA – not applicable			
Financial	NA	Equality & Diversity	NA
Human Resources	NA	Human Rights	NA
Legal	Yes	Data Protection	NA
Digital & Cyber Security	NA	Safeguarding	NA
Sustainability	NA	Crime & Disorder	NA
LGR	NA	Tenant Consultation	NA

#### Financial Implications - FIN25-26/5516

- 4.1 There are no financial implications arising from this report.

#### Legal Implications - LEG2526/7314

- 4.2 This committee has responsibility and oversight for matters falling within Regulation of Investigatory Powers Act.

### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

None



**REGULATION OF INVESTIGATORY POWERS ACT 2000**

**POLICY AND PROCEDURAL GUIDE<sup>1</sup>**

Adopted by Council:	26/9/19
Reviewed/amended <sup>2</sup>	16/11/22-to amend names of Relevant officers only
Reviewed/amended	15/04/2024
Reviewed/amended	30/12/2024
Reviewed/amended	5 February 2026 to amend names of Relevant officers only

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## 1. INTRODUCTION

- 1.1 This policy document shall be readily available at the offices of Newark and Sherwood District Council ("the Council"). It will be available on the Intranet for staff use only and the Internet site of the Council for public to view.
- 1.2 The purpose of this document is to ensure that the Council complies with the Regulation of Investigatory Powers Act 2000 (RIPA) and any associated codes of practice or Government (or other) guidance and as maybe amended from time to time.
- 1.3 This document provides guidance on the regulation of any covert surveillance that is carried out by Council officers. This includes the use of undercover officers, informants and private investigators and other agents of the Council.
- 1.4 Any covert surveillance will have to be authorised and conducted in accordance with RIPA, the statutory codes of practice and this Guide. Any such covert surveillance shall only be for one of the purposes set out in this Guide and for a purpose which the Council is legally required or empowered to investigate as part of its functions.
- 1.5 Covert surveillance will only be used by the Council where it is satisfied that such use to be proportionate to the seriousness of the crime or matter being investigated, and the history and character of the individual(s) concerned.

- 1.6 Before requesting authorisation, Investigating Officers will have regard to this document and the statutory Codes of Practice issued under section 71 of RIPA. The Codes of Practice are available from the RIPA co-ordinator and direct from the Home Office at <http://www.homeoffice.gov.uk/counter-terrorism/regulation-investigatory-powers/ripa-codes-of-practice/>
- 1.7 Authorising officers will have to consider whether it is reasonable, necessary and proportionate for Investigating Officers to undertake covert surveillance and whether it is possible to obtain the evidence through other means.
- 1.8 Authorising Officers must give detailed consideration to the risk of collateral intrusion, i.e. the risk of intruding into the privacy of others while watching someone else. All reasonable and practical steps will have to be taken to minimise or negate this risk.
- 1.9 There should be no situation where an officer engages in covert surveillance without obtaining authorisation in accordance with the procedures set out in this document, the statutory Codes of Practice and from RIPA.
- 1.10 Any queries concerning the content of the document should be addressed to the RIPA co-ordinator. Details of all relevant co-ordinator and authorising officer details are on page 18 of this document.
- 1.11 If you are in any doubt as to whether RIPA applies to any activity you intend to carry out, please seek legal advice from the team or RIPA co-ordinator before you undertake the activity.
- 1.12 This policy should be read in conjunction with the Council's social media policy for employees and the Social Media Policy in respect of Investigations.

## **2. THE REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)**

### **2.1 The background to RIPA**

RIPA provides a legal framework for the control and regulation of surveillance and information gathering techniques which public authorities undertake as part of their duties. On the 25 September 2000 the Regulation of Investigatory Powers Act 2000 was brought into force in England and Wales. The need for such control arose as a result of the Human Rights Act 1998. Article 8 of the European Convention on Human Rights states that:-

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health and morals or for the protection of the rights and freedoms of others.

This right under Article 8 is a "qualified right" and public authorities can interfere with this right for the reasons given in paragraph 2 of Article 8 (above).

RIPA provides the legal framework for lawful interference.

## **2.2 The scope of this Policy and Guide**

This Guide intends to cover the surveillance and information gathering techniques which are most likely to be carried out by the Council.

Neither RIPA nor this Guide covers the use of any “overt” surveillance (i.e. out in the open so that the person/people being observed would know), general observation that forms part of the normal day to day duties of officers, the use of equipment to merely reinforce normal sensory perception (i.e. binoculars) or circumstances where members of the public who volunteer information to the Council.

RIPA does not normally cover the use of overt CCTV surveillance systems since members of the public are aware that such systems are in place.

If an Investigating Officer envisages using any CCTV system for surveillance they should contact the RIPA co-ordinator.

RIPA deals with a wide variety of surveillance types. Some of the other techniques that are covered by RIPA will not, or cannot, be used by local authorities. These include:-

1. Interception of any communication such as postal, telephone or electronic communications without both the sender and receiver's permission; ie to prevent the addressee receiving the communication or reading it prior to them receiving it.
2. The acquisition and disclosure of information as to who has sent or received any postal, telephone or electronic communication; and
3. The covert use of surveillance equipment within any premises or vehicle, including business premises and vehicles with the intention of covertly gathering information about the occupant(s) of such premises or vehicles.

## **2.3 Consequences of not following RIPA**

Section 27 of RIPA provides that surveillance shall be lawful for all purposes if authorised and conducted in accordance with an authorisation granted under RIPA.

Lawful surveillance is exempted from civil liability.

Although not obtaining authorisation does not make the authorisation unlawful per se, it does have serious consequences:-

- (i) Evidence that is gathered may be inadmissible in court;
- (ii) The subjects of surveillance can bring their own proceedings or defeat proceedings brought by the Council against them on human rights grounds, ie. we have infringed their rights under Article 8;
- (iii) If a challenge under Article 8 is successful the Council could face a claim for financial compensation;
- (iv) A complaint could be made to The Investigatory Powers Commissioner's Office and

- (v) Any person who believes that their rights have been breached can have their complaint dealt with by way of a tribunal.

All of the above have a financial impact on the Council as well as harming our reputation with the public, the courts and other professionals.

## **2.4 The Surveillance Commissioner**

Investigatory Powers Commissioner's Office (IPCO) provides independent review and regulation of the use of investigatory powers by intelligence agencies, police forces, councils and other public authorities.

The IP Commissioner and his Judicial Commissioners are responsible for regulating and overseeing the use of investigatory powers by public authorities which include law enforcement, the intelligence agencies, prisons, local authorities and other government agencies (e.g. regulators). In total over 600 public authorities and institutions have investigatory powers.

The IPCO has unrestricted access to all locations, documentation and information systems as necessary to carry out their full functions and duties. They regularly review the way in which public authorities implement the requirements of RIPA. The Council will receive periodic visits from the IPCO. They will check to see if the Council is complying with RIPA.

It is important that the Council can show, with appropriate evidence, that it complies with this Policy and guidance and with the provisions of RIPA.

## **3. COVERT SURVEILLANCE**

Covert surveillance means surveillance that is carried out in a manner calculated to ensure that the person subject to the surveillance is unaware that it is taking place.

There are three categories of covert surveillance:-

1. Directed surveillance (as defined by S26(6) of RIPA 2000)
2. Covert human intelligence sources (CHIS); and
3. Intrusive surveillance (but nothing in this Policy allows the authorising of "Intrusive surveillance" as defined in RIPA) ie. in respect of anything taking place on residential premises or in a private vehicle, involving the presence of an investigator on those premises/vehicles or carried out through a surveillance device such as a camera, recording device or similar.

### **3.1 Directed Surveillance (DS)**

3.1.1 The majority of covert surveillance that will be undertaken by the Council will fall under the heading of Directed Surveillance (DS).

3.1.2 DS is defined as surveillance which is covert, but not intrusive, and is undertaken:-

- (a) for the purpose of a specific investigation or operation;

- (b) in such a manner as it is likely to result in obtaining private information about a person (whether or not that person is the target of the investigation or operation); and
  - (c) in a planned manner and not by way of an immediate response whereby it would not be reasonably practicable to obtain an authorisation prior to the surveillance being carried out. i.e. if an officer walked past just as a fly-tip took place and recorded it on their mobile phone getting the drivers car registration and video of him.
- 3.1.3 It is irrelevant where the subject of the DS is being observed.
- 3.1.4 If you intend to instruct an agent (eg a process server or investigative service) to carry out the DS the agent must complete and sign the form marked “agent’s agreement form” contained in **Appendix B**. The agent will be subject to RIPA in the same way as any employee of the Council would be. This is unlikely to happen often in the Council and advice must always be sought.
- 3.1.5 The flow chart in **Appendix C** gives guidance on when authorisation might be needed.

## 3.2 Covert Human Intelligence Sources (CHIS)

- 3.2.1 Under Part 2 RIPA 2000 Newark and Sherwood District Council is provided with lawful authority to obtain authorisation to use a covert human intelligence source to assist in the investigation of an operation to detect or prevent a crime or disorder. This involves the establishment or maintenance of a personal or other relationship with a person for the covert purpose of obtaining or disclosing private information. A CHIS is a person who:-
- (a) 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) covertly uses such a relationship to obtain information or to provide access to any information to another person; or
  - (c) covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.
- 3.2.2 A relationship is established or maintained for a covert purpose if and only if it is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the purpose. Eg using a false social media account to hide that you are from NSDC and engaging with someone on there.
- 3.2.3 A relationship is used covertly and information obtained is disclosed covertly, if and only if the relationship is used or the information is 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. Eg asking a pub landlord to listen in on a customer and report to NSDC about them; asking a neighbour to befriend someone suspected of ASB **and** to keep diary sheets about them for NSDC.
- 3.2.4 Covert Human Intelligence Sources may only be authorised if the following arrangements are in place:
- that there will at all times be an officer within the local authority who will have day to day responsibility for dealing with the CHIS on behalf of the authority,

and for the CHIS's security and welfare;

- that there will at all times be another officer within the local authority who will have general oversight of the use made of the CHIS;
- that there will at all times be an officer within the local authority who has responsibility for maintaining a record of the use made of the CHIS; and
- that the records relating to the CHIS maintained by the local authority will always contain particulars of all matters specified by the Secretary of State in Regulations.

3.2.5 Legal advice should always be sought where any matters for investigation may involve the use of other enforcement agencies, including the police.

3.2.6 Special consideration must be given to the use of vulnerable individuals for CHIS. A 'vulnerable individual' is a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of himself, or unable to protect himself against significant harm or exploitation.

3.2.7 Any individual of this description, or a juvenile as defined below, should only be authorised to act as a CHIS in the most exceptional circumstances and only then when authorised by the Chief Executive or, in his absence, by the person acting as Chief Executive or in case of short term absences, by the Assistant Director Legal and Democratic Services and Monitoring Officer.

3.2.8 Before an Investigating Officer undertakes any surveillance involving a vulnerable individual they **must obtain legal advice** and consult the RIPA co-ordinator concerning any clarification on the administrative process. Also in these cases, any authorisation must be carried out by the Chief Executive or, in his absence, by the person acting as Chief Executive or in case of short term absences, by the Assistant Director Legal and Democratic Services and Monitoring Officer.

3.2.9 Special safeguards also apply to the use or conduct of juvenile CHIS; ie someone under the age of 18 years you wish to engage as a CHIS. On no occasion should the use or conduct of CHIS under 16 years of age be authorised to give information against his parents or any person who has parental responsibility for him.

3.2.10 There must be additional supervision and care taken for any proposed juvenile CHIS and the person responsible for their use must ensure that additional consideration of their wellbeing and safety is documented before, during and throughout the matter. Refer back to paragraphs 3.2.4 and 3.2.6 above

3.2.11 In other cases, authorisations should not be granted unless the special provisions contained within The Regulation of Investigatory Powers (Juveniles) Order 2000; SI No. 2793 are satisfied. Authorisations for juvenile sources should only be granted by the Chief Executive (or in his absence, the acting Chief Executive).

3.2.12 Before an Investigating Officer undertakes any surveillance involving a juvenile they must consult the RIPA co-ordinator.

3.2.13 The flow chart in **Appendix D** gives guidance on when authorisation might be needed.

**3.2.14 Any Investigating Officer considering the use of a CHIS must seek advice from**

**the RIPA Co-ordinator before taking any steps in relation to a CHIS.**

### **3.3 Intrusive surveillance**

3.3.1 Intrusive Surveillance is available only to the Police or other law enforcement agencies. Intrusive surveillance is defined as covert surveillance that:-

- (a) is carried out in relation to anything taking place on/in any residential premises or in any private vehicle; and
- (b) involves the presence of any individual on the premises or in the vehicle or is carried out by means of a surveillance device.
- (c) if the device is not located on the premises or in the vehicle, it is not intrusive surveillance unless the device consistently provides information of the same quality and detail as might be expected to be obtained from a device actually present on the premises or in the vehicle.

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

## **4. Procedure for Obtaining Authorisations**

### **4.1 The Senior Responsible Officer (SRO):-**

**Role:**

4.1.1 The Codes of Practice place certain responsibilities on the Senior Responsible Officer (RIPA Monitoring Officer):- The Assistant Director Legal and Democratic Services and Monitoring Officer is designated the Council's Senior Responsible Officer (SRO). Code 3.22 states that "within every relevant public authority the SRO must be responsible for:-

- (a) ensuring the integrity of the Council's RIPA processes.
- (b) ensuring compliance with RIPA legislation and the Home Office Codes of Practice.
- (c) engaging with the IPCO when its inspector conducts an inspection.
- (d) overseeing the implementation of any post-inspection plans.
- (e) ensuring that all Authorising Officers are of an appropriate standard in light of any recommendations made by the IPCO inspection reports.
- (f) ensuring that concerns are addressed, where IPCO inspection highlights concerns about the standards of Authorising Officers or application of RIPA.

4.1.2 To ensure these requirements are met the SRO maintains oversight and quality control in relation to RIPA functions and processes. The SRO maintains the Central Record of Authorisations and is also responsible for RIPA training and the heightening of awareness of RIPA issues throughout the Council and an oversight of all applications to ensure ongoing quality control.

**Authorising Officers:** **Appendix A** sets out the officers within the Council who can grant authorisations.



## **4.2 Role:**

An Authorising Officer is an employee of Newark and Sherwood District Council who has received adequate training and has attained a level of competency to be able to provide authorisation. Authorising Officers can authorise, review and cancel directed surveillance. Each of them can authorise, review and cancel the employment of a juvenile or vulnerable CHIS, or the acquisition of confidential information.

- 4.2.1 The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 prescribes that for local authorities the Authorising Officer shall be a Director, Head of Service, Service Manager or equivalent. They must be distinct and in a senior role from the officer responsible for the conduct of an investigation.
- 4.2.2 A designated Authorising Officer must qualify **both** by rank and by competence. Officers who wish to be designated must have been trained to an appropriate level and must maintain their training appropriately so as to have an understanding of the Act and the requirements that must be satisfied of before an authorisation can be granted.
- 4.2.3 Authorisations must be given in writing by the Authorising Officer.
- 4.2.4 Authorising Officers are also responsible for carrying out regular reviews of applications which they have authorised and also for the cancellation of authorisations.

## **4.3 Investigating Officers - What they must do before applying for authorisation.**

- 4.3.1 An Investigating Officer is an officer within the Council who is involved in undertaking a specific investigation or operation. Investigating Officers should think about the need to undertake DS or CHIS before they seek authorisation. They need to consider whether they can obtain the information by using techniques other than covert surveillance. There is nothing that prevents an Investigating Officer discussing the issue of surveillance before progressing further. Consultation should take place with the Officer's manager and/or legal services. Any comments made by a manager or legal representative should be entered into the application for authorisation. Notes of all the discussions should be kept and retained on file.
- 4.3.2 The Codes of Practice advise that Authorising Officers should not be directly responsible for authorising investigations or operations in which they are directly involved although it is recognised that this may sometimes be unavoidable. This is highly unlikely however. Legal advice together with advice from the Authorising Officer's senior line manager should take place before any authorisation is signed in these circumstances.
- 4.3.3 If an Investigating Officer intends to carry out DS or use CHIS they should complete and submit an "Application for Directed Surveillance" form which is marked as such, or an "Application for the use of CHIS" to an Authorising Officer. An electronic version of the most up-to-date forms and Codes of Practice are available online downloaded from the Home Office in **Appendix B**. The Investigating Officer should also consider including an assessment of the risk of collateral intrusion and detail any measures taken to limit this.

4.3.4 **Appendix C** shows the steps which are required as part of the authorisation process and the Covert Surveillance and Property Interference Revised Code of Practice (August 2018) contains best practice guidelines with regard to applications for Directed Surveillance including the need for information to be presented in a fair and balanced way.

4.3.5 The person seeking the authorisation should obtain a Unique Reference Number from the RIPA Co-ordinator and complete parts 1 and 2 of the form having regard to the guidance given in this Guide and the statutory Codes of Practice.

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

#### **4.4 Authorising Officers - What they must do before authorising surveillance**

4.4.1 Before giving authorisation, an Authorising Officer **must** be satisfied that the reason for the request is the permitted reason under the Act and permitted under the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010, i.e.

- in the case of directed surveillance, for the purpose of the prevention and detection of conduct which constitutes one or more criminal offences that are:
  - (i) punishable by a maximum term of at least 6 months imprisonment; or
  - (ii) are offences under:
    - a. Section 146 of the Licensing Act 2003 (sale of alcohol to children)
    - b. Section 147 of the Licensing Act 2003 (allowing the sale of alcohol to children)
    - c. Section 147A of the Licensing Act 2003 (persistently selling alcohol to children); or
    - d. Section 7 of the Children and Young Persons Act 2003 (sale of tobacco etc. to persons under eighteen); and

or

- in the case of CHIS, for the purpose of the prevention and detection of crime or for the preventing of disorder;

and

- e. the desired result of the covert surveillance cannot reasonably be achieved by other means;

and

- f. the risks of collateral intrusion (the risk of obtaining private information about persons who are not the subject of investigation) have been properly considered, and the reason for the surveillance is balanced proportionately against the risk of collateral intrusion with particular consideration given to cases where religious, medical, journalistic or legally privileged material may be inferred or where communications between a Member of Parliament and another person on constituent business may be involved.

and

- g. there must also be consideration given to the possibility of collecting confidential personal information. If there is a possibility of collecting personal information the matter should be passed to the Senior Responsible Officer for consideration.

- 4.4.2 An Authorising Officer **must** also be satisfied that the surveillance in each case is **necessary** and **proportionate**.

This is defined as:-

#### **Necessity**

- Obtaining an authorisation under the 2000 Act will only ensure that there is a justifiable interference with an individual's Article 8 rights if it is necessary and proportionate for these activities to take place.
- The 2000 Act first requires that the person granting an authorisation for directed surveillance believes that the authorisation is necessary in the circumstances of the particular case for the statutory ground in section 28(3)(b) of the 2000 Act being "*for the purpose of preventing or detecting crime or of preventing disorder*".

#### **Proportionality**

- The following elements of proportionality should be considered:
  - i) balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or harm;
  - ii) explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
  - iii) considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the information sought;
  - iv) evidencing as far as reasonably practicable, what other methods have been considered and why they were not implemented, or have been implemented unsuccessfully.

When the Authorising Officer has considered if the surveillance is necessary and proportionate they must complete the relevant section of the form explaining why in his/her opinion the surveillance is necessary and proportionate.

### **4.5 Judicial Approval**

- 4.5.1 From 1 November 2012, any DS or CHIS authorisation granted by an Authorising Officer **does not** take effect until an order has been made by a Justice of the Peace ("Magistrate") approving the grant of the authorisation.
- 4.5.2 When an authorisation has been granted by an Authorising Officer (following the process set out above) and after consultation with Legal Services, an Officer authorised by the Council to appear on its behalf in Magistrates' Court proceedings (the "Applicant") needs to make an application to the Magistrates' Court for judicial approval of the authorisation before the authorisation can take effect (i.e. before lawful surveillance can begin). These steps will be taken by Legal Services. The Investigating Officer will however be asked to attend court when the application is heard.
- 4.5.3 Under the Criminal Procedure Rules 2012, the Applicant must:

- (i) apply in writing and serve the application on the appropriate court officer;
- (ii) attach the authorisation which the Applicant wants the court to approve (NB the original authorisation should be shown to and a copy provided to, the Magistrate. The original authorisation should be retained by the Investigating Officer) ;
- (iii) attach such other material (if any) on which the Applicant is relying to satisfy the court that the authorisation was necessary for the purposes of the prevention and detection of crime and was proportionate (as set out in paragraph 4.4.1) and that the authorisation was granted by a person designated for the purposes of RIPA .

The Applicant should also provide the Magistrate with two copies of a partially completed judicial application/order to assist the process.

4.5.4 The hearing will be in private and heard by a single District Judge/JP who will read and consider the RIPA authorisation or notice and the judicial application/order form. He/she may have questions to clarify points or require additional reassurance on particular matters. The forms and supporting papers must, by themselves, make the case. It is not sufficient to provide oral evidence where this is not reflected or supported in the papers provided. The JP may note on the form any additional information he or she has received during the course of the hearing but information fundamental to the case should not be submitted in this manner.

4.5.5 The relevant Magistrate may approve the granting of a DS authorisation if, and only if, they are satisfied that:

- (i) at the time of the grant (i.e. when approval was given by the Authorising Officer):
  - a. there were reasonable grounds for believing that the authorisation was necessary for the purposes of the prevention and detection of crime and was proportionate (as set out in paragraph 4.4.1); and
  - b. that the authorisation was granted by a person designated for the purposes of authorising DS; and
- (ii) at the time when the relevant Magistrate is considering the matter, there remain reasonable grounds for believing that the authorisation is necessary and proportionate (as set out in paragraph 4.4.1)

4.5.6 The relevant Magistrate may approve the granting of a CHIS authorisation if, and only if, they are satisfied that:

- (i) at the time of the grant (i.e. when approval was given by the Chief Executive)
  - a. there were reasonable grounds for believing that the authorisation was necessary for the purposes of the prevention and detection of crime or disorder and was proportionate (as set out in paragraph 4.4.1) and that the arrangements set out in paragraph 3.2.3, together with any other prescribed requirements, were in place; and
  - b. that the authorisation was granted by a person designated for the purposes of authorising CHIS, and

- (ii) at the time when the relevant Justice of the Peace is considering the matter, there remain reasonable grounds for believing that the authorisation is necessary and proportionate (as set out in paragraph 4.4.1)
- 4.5.7 Where an application is approved by a Magistrate, the Investigating Officer should:
- (i) retain a copy of the judicial application/order that has been signed by the Magistrate;
  - (ii) retain the original authorisation; and
  - (iii) notify the RIPA Co-Ordinator of the Court's approval for the authorisation and provide a copy of the authorisation, application and Order for the RIPA records.
- 4.5.8 Where an application is not approved by a Magistrate, the authorisation does not take effect and the surveillance proposed in the authorisation must not be carried out.
- 4.5.9 Where an application is refused by a Magistrate, the Magistrate may make an order quashing the authorisation.

## **5. Record Keeping, Duration, Review, Errors, Renewal and Cancellation of Authorisations and Errors**

### **5.1 Record Keeping**

- 5.1.1 A record of all authorisations should be centrally retrievable within the Council for a period of at least three years and should be regularly updated and made available to the Investigatory Powers Commissioner and inspectors upon request. This record should contain the information outlined within the Covert Surveillance and Property Interference Revised Code of Practice (August 2018).
- 5.1.2 The Central Record should contain the following:-
- The type of authorisation.
  - The date of the authorisation.
  - Name and rank of the Authorising Officer
  - The Unique Reference Number (URN) of the investigation or operation.
  - The title of the investigation or operation, including a brief description and names of subjects, if known.
  - Details of any renewal of the authorisation.
  - Whether the investigation or operation is likely to result in obtaining confidential information.
  - The date the authorisation was cancelled.
  - Full details of any equipment to be used

### **5.2 Duration**

- 5.2.1 DS authorisations will cease to have effect after **three months** from the date of judicial approval unless renewed (also subject to judicial approval) or cancelled.
- 5.2.2 Authorisations should be given for the maximum duration (i.e. three months) but reviewed on a regular basis and formally cancelled when no longer needed.
- 5.2.3 CHIS authorisations will cease to have effect **after twelve months** from the date of

approval. However, if using a juvenile CHS, the authorisation lasts for one month only but can be reviewed and renewed with court approval. For CHIS authorisations, legal advice must be sought.

- 5.2.4 Investigating Officers should indicate within the application the period of time that they estimate is required to carry out the surveillance, this will be proportionate to the objectives of the investigation and give due consideration to collateral intrusion.
- 5.2.5 The authorising officer must give authorisations in writing, except in urgent cases when they may be given orally by the authorising officer. An urgent case for oral authorisation should only be made if the applicant believes that the time required for an authorising officer to grant a written authorisation would, in the applicant's judgement, be likely to endanger life or jeopardise the investigation or operation for which the authorisation was being sought. An urgent oral authority lasts 72 hours from the time the surveillance was first authorised, unless renewed. .
- 5.2.7 It is the responsibility of the Investigating Officer to make sure that the authorisation is still valid when they undertake surveillance.

### **5.3 Review**

- 5.3.1 An Investigating Officer must carry out a **regular** review of authorisations. If an authorisation is no longer required it **must** be cancelled.
- 5.3.2 The results of any review must be included on the review form (see forms "Review of Directed Surveillance" and "Review of CHIS" available from the RIPA Co-ordinator, or the Home Office website address given in **Appendix B**).
- 5.3.3 The Authorising Officer also has a duty to review authorisations that have been granted when it is necessary or practicable to do so. Particular attention should be given to authorisations involving collateral intrusion or confidential material.
- 5.3.4 The Authorising Officer should keep a copy of the review form for at least 3 years and a copy should be given to the Investigating Officer. A copy of the review form must also be sent to the RIPA Co-ordinator.

### **5.4 Renewals**

- 5.4.1 An Investigating Officer can ask for, and an Authorising Officer can grant, subject to judicial approval, a renewal of an authorisation before it would cease to have effect and not more than 7 days before the original authorisation is due to expire.
- 5.4.2 A renewal can last for up to three months, effective from the date that the previous authorisation would cease to have effect. A renewal may also be granted for urgent cases for 72 hours.
- 5.4.3 An Authorising Officer can grant more than one renewal, subject to judicial approval, as long as the request for authorisation still meets the requirements for authorisation. An Authorising Officer must still consider all of the issues that are required for a first application before a renewal can be granted.
- 5.4.4 If the reason for requiring authorisation has changed from its original purpose it will not be appropriate to treat the application as a renewal. It should be treated as a new authorisation request. The original authorisation should be cancelled and a new authorisation should be sought, granted by an Authorising Officer and approved by a Magistrate.

- 5.4.5 All applications for renewal of authorisations for directed surveillance should include:

Whether this is the first renewal.

Every occasion on which the authorisation has been renewed previously.

Significant changes to the information relating to the conduct to be authorised and also the purpose of the investigation or operation.

The reasons why it is considered to be necessary and proportionate to continue with the directed surveillance

The content and value to the investigation or operation of the information so far obtained by the surveillance and the result of regular reviews of the investigation operation

- 5.4.6 An application for a renewal must be completed on the appropriate form (see forms “Renewal of Directed Surveillance” and “Renewal of CHIS” available from the RIPA Co-ordinator, or the Home Office website address given in **Appendix B**).
- 5.4.7 The Authorising Officer should keep a copy of the renewal and a copy should be given to the Investigating Officer. A copy of the renewal form, judicial application and order must also be sent to the RIPA Co-ordinator.

## **5.5 Cancellations**

- 5.5.1 If the reason for requiring the authorisation no longer exists, the authorisation must be cancelled and in any event as soon as the operation for which an authorisation was sought ceases to be necessary or proportionate by the Authorising Officer. This applies to both original applications and renewals (see forms “Cancellation of Directed Surveillance” and “Cancellation of CHIS” available from the RIPA Co-ordinator, or the Home Office website address given in **Appendix B**).
- 5.5.2 Authorisations must also be cancelled if the surveillance has been carried out and the original aim has been achieved. Authorising Officers will ensure that authorisations are set to expire at the end of the appropriate statutory period.
- 5.5.3 It is the responsibility of the Investigating Officer to monitor their authorisations and seek cancellation of them where appropriate.
- 5.5.4 The Authorising Officer should keep a copy of the cancellation form and a copy should be given to the Investigating Officer. A copy of the cancellation form must also be sent to the RIPA Co-ordinator.

## **5.6 Errors in applications**

- 5.6.1 An error must be reported if it is a “relevant error” to the Investigatory Powers Commissioner as soon as reasonably practicable. If the error is of a serious nature then the Commissioner may require that the person concerned (i.e. who you intended to monitor) is informed of the error. They will consider the seriousness of the error and the potential impact on the person involved ie under surveillance. Legal advice should be sought as soon as possible if errors are identified

## **5.7 Review of Policy and Procedure**

The Council’s Audit and Governance Committee will receive annual reports on the use of RIPA including the use of RIPA by the Authority.

## **6. The RIPA Co-ordinator**

### **6.1 Role**

The RIPA Co-ordinator will:-

- (i) provide a Unique Reference Number for each authorisation sought;
- (ii) keep copies of the forms for a period of at least three years;
- (iii) keep a register of all of the authorisations, reviews, renewals and cancellations, including authorisations granted by other public authorities relating to joint surveillance by the Council and that other public authority;
- (iv) provide administrative support and guidance on the processes involved;
- (v) monitor the authorisations, reviews, renewals and cancellations so as to ensure consistency throughout the Council;
- (vi) monitor each department's compliance and act on any cases of non-compliance;
- (vii) provide training and further guidance on and awareness of RIPA and the provisions of this Guide; and
- (viii) review the contents of the Guide, in consultation with Investigating Officers, Authorising Officers and the Senior Responsible Officer.

All original applications for authorisations and renewals including those that have been refused must be passed to the RIPA Co-ordinator as soon as possible after their completion with copies retained by the Authorising Officer and the Investigating Officer.

The RIPA Co-ordinator shall be either of the people in post of Principal Legal Officer.

All cancellations must also be passed to the RIPA Co-ordinator.

### **6.2 It is however the responsibility of the Investigating Officer, the Authorising Officers and the Senior Responsible Officer to ensure that:-**

- (i) authorisations are only sought and given where appropriate;
- (ii) authorisations are only sought and renewed where appropriate;
- (iii) authorisations are reviewed regularly;
- (iv) authorisations are cancelled where appropriate; and
- (v) they act in accordance with the provisions of RIPA.

## **7. Legal Advice**

Legal Services will provide legal advice to staff making, renewing or cancelling authorisations, including making applications for judicial approval.

## **8. Joint Investigations/Collaborative working**



Where joint investigations are carried out with other agencies, such as the Department of Work and Pensions (DWP) or the Police, the RIPA Co-ordinator should be notified of the joint investigation and provided with a copy of any RIPA authorisation granted by another agency in respect of a joint investigation involving Council officers.

Any person granting or applying for an authorisation will need to be aware of the particular sensitivities in the local community where the surveillance is taking place.

Where possible, public authorities should try to avoid duplication of authorisations as part of a single investigation or operation. Where two agencies are conducting directive or intrusive surveillance as part of a joint operation, only one authorisation is required. Be cautious however of undertaking any form of surveillance that the Council is not authorised to do under another Authorities authorisation.

## **9. National Anti-Fraud Network (NAFN)**

- 9.1 Since September 2014, Local Authorities can only access communications data via the National Anti-Fraud Network (NAFN). 'NAFN is a not-for-profit, non-incorporated body formed by its members to provide services which support their work in the protection of the public purse. Established in 1997, NAFN was created as a centre of excellence to provide data and intelligence to its members. This includes assisting members in the provision of effective corporate and financial governance. NAFN works with its members and other stakeholders to enhance and expand its range of services. It maintains all data in a secure and confidential environment conforming to Government legislation and national best practice
- 9.2 The Council is a member of NAFN. We must remain a paid up member in order to make use of its single point of contact (SPoC) service in relation to communications data.
- 9.3 The Council is a member, primarily to make use of other services provided by NAFN (credit referencing, DVLA checks, debtor tracing etc.) but given that Officers could now utilise the RIPA SPoC service and obtain communications data, guidance needs to be in place to govern the process.
- 9.4 This procedural guide is based on the requirements of The Regulation of Investigatory Powers Act 2000 (RIPA) and the Home Office Code of Practice on the Acquisition and Disclosure of Communication Data. The Council takes responsibility for ensuring its RIPA procedures are continuously improved and asks that any Officers with suggestions contact the RIPA Coordinator in the first instance. If any of the Home Office Codes of Practice change, the appropriate guide will be updated, and the amended version placed on the internet / published accordingly. Regular training sessions will also be provided to ensure that staff members are fully conversant with the Act

## **10. Complaints**

The Investigatory Powers Tribunal (IPT) has jurisdiction to investigate and determine complaints against a public authority use of investigatory powers. It is the only appropriate tribunal for human rights claims against the intelligence services. All complaints for the use of powers should be directed to the IPT.

# Notes and definitions

Superscript notes:

1. Wherever in this document the word Policy and/or Guide is used; this applies to this whole document and is the Council's RIPA Policy.
2. Complete dates on when Policy is adopted and then dates of each review.

## OFFICERS

The following officers are the Senior Authorising Officer, the Authorising Officers, Senior Responsible Officer and RIPA Co-Ordinator for the purposes of RIPA.

<b>Senior Responsible Officer</b>  Sanjiv Kohli - Deputy Chief Executive. Director of Resources. S151 officer
<b>Authorising Officers – Directed Surveillance</b>  Matthew Finch- Director of Communities and Environment Matt Lamb –Director of Growth and Regeneration
<b>Authorising Officer – CHIS</b>  Chief Executive – John Robinson
<b>RIPA Co-Ordinator –</b> Principal Legal Officer and Deputy Monitoring Officer– Lisa Ingram

## AUTHORISATION FORMS

All of the forms necessary for RIPA are available from the Home Office website. These forms are a mandatory part of the process and must be used in line with the guidance.

**All decisions about using regulated investigatory powers must be recorded as they are taken on the required form.**

This is the case for applicants seeking authority to undertake regulated conduct and for Authorising Officers and designated persons who consider and decide whether to grant authority or give notice for that conduct. Select the form that you require from the hyperlinked lists below:-

[www.gov.uk/government/collections/ripa-forms--2](https://www.gov.uk/government/collections/ripa-forms--2)

### Directed Surveillance

#### Application for DS

- <https://www.gov.uk/government/publications/application-for-use-of-directed-surveillance>

#### Renewal form form DS

- <https://www.gov.uk/government/publications/renewal-form-for-directed-surveillance>

#### Review of use of DS

- <https://www.gov.uk/government/publications/review-of-use-of-directed-surveillance>

#### Cancellation

- <https://www.gov.uk/government/publications/cancellation-of-use-of-directed-surveillance-form>

### Covert Human Intelligence Sources

#### Application CHIS

- <https://www.gov.uk/government/publications/application-for-the-use-of-covert-human-intelligence-sources-chis>

#### Review CHIS

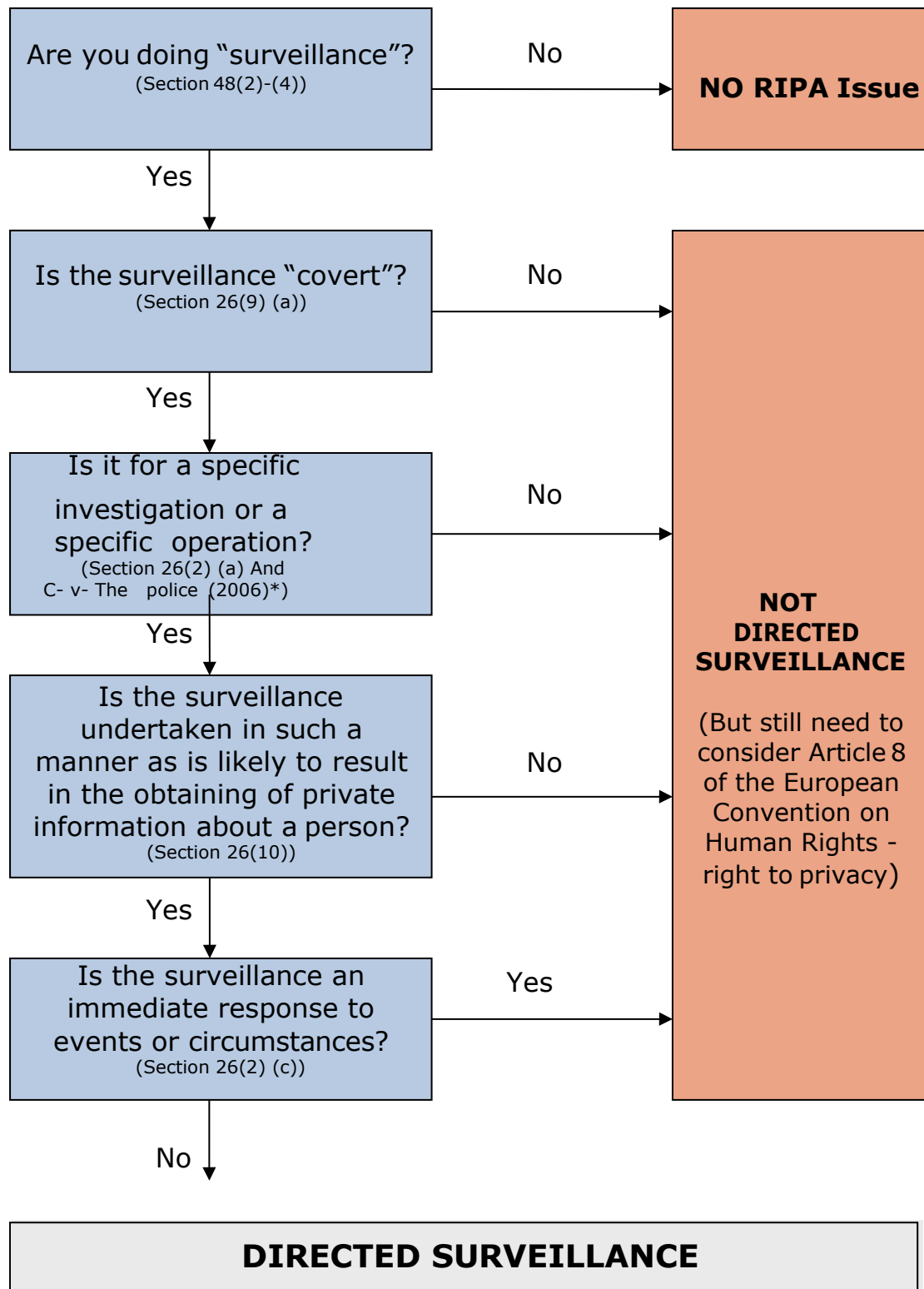
- <https://www.gov.uk/government/publications/reviewing-the-use-of-covert-human-intelligence-sources-chis>

### Reporting errors to the IPCO

<https://www.ipco.org.uk/what-we-do/errors/>

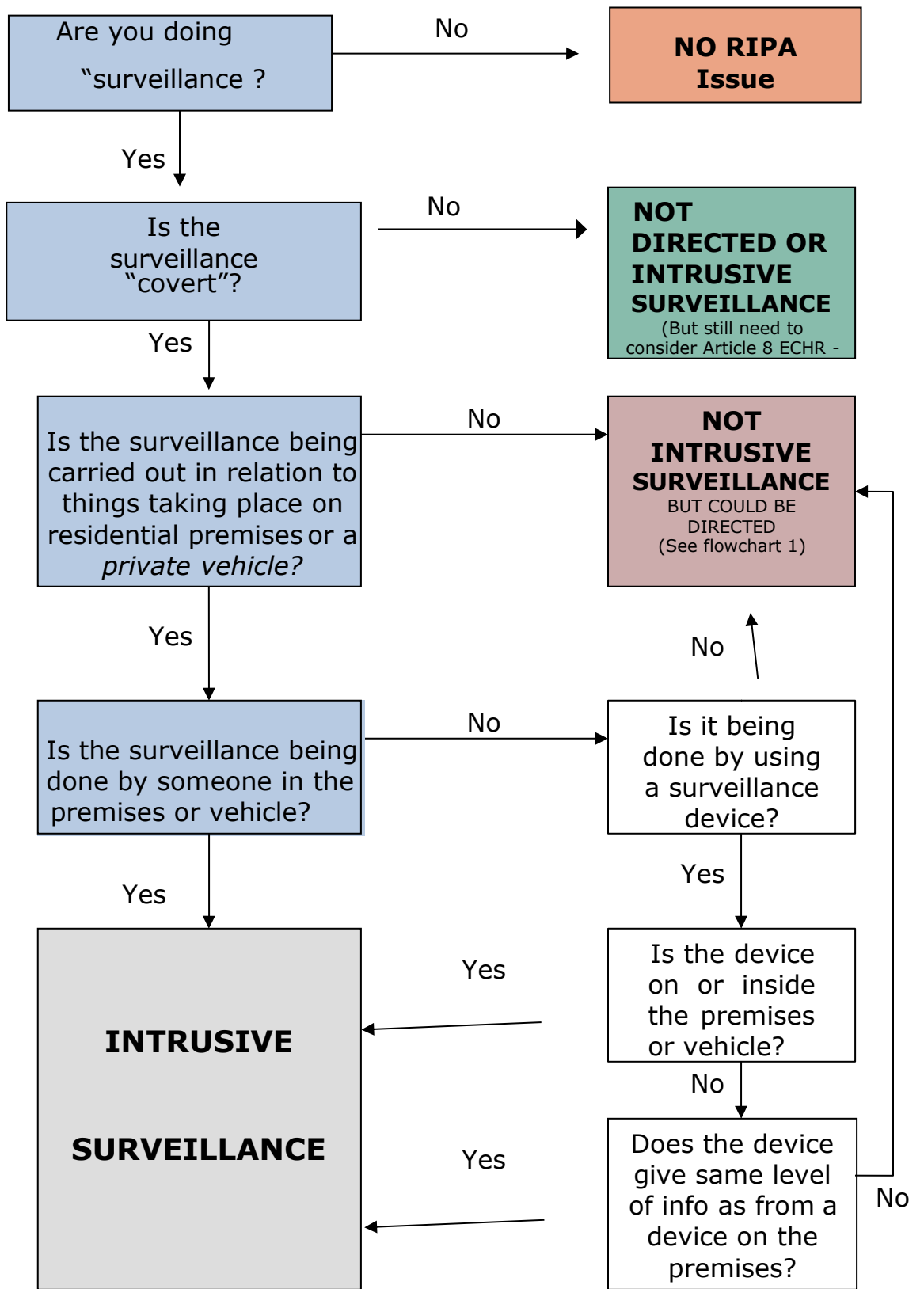
### Flowchart 5.1 - Are you doing Directed Surveillance?

All references are to sections of the Regulation of Investigatory Powers Act 2000

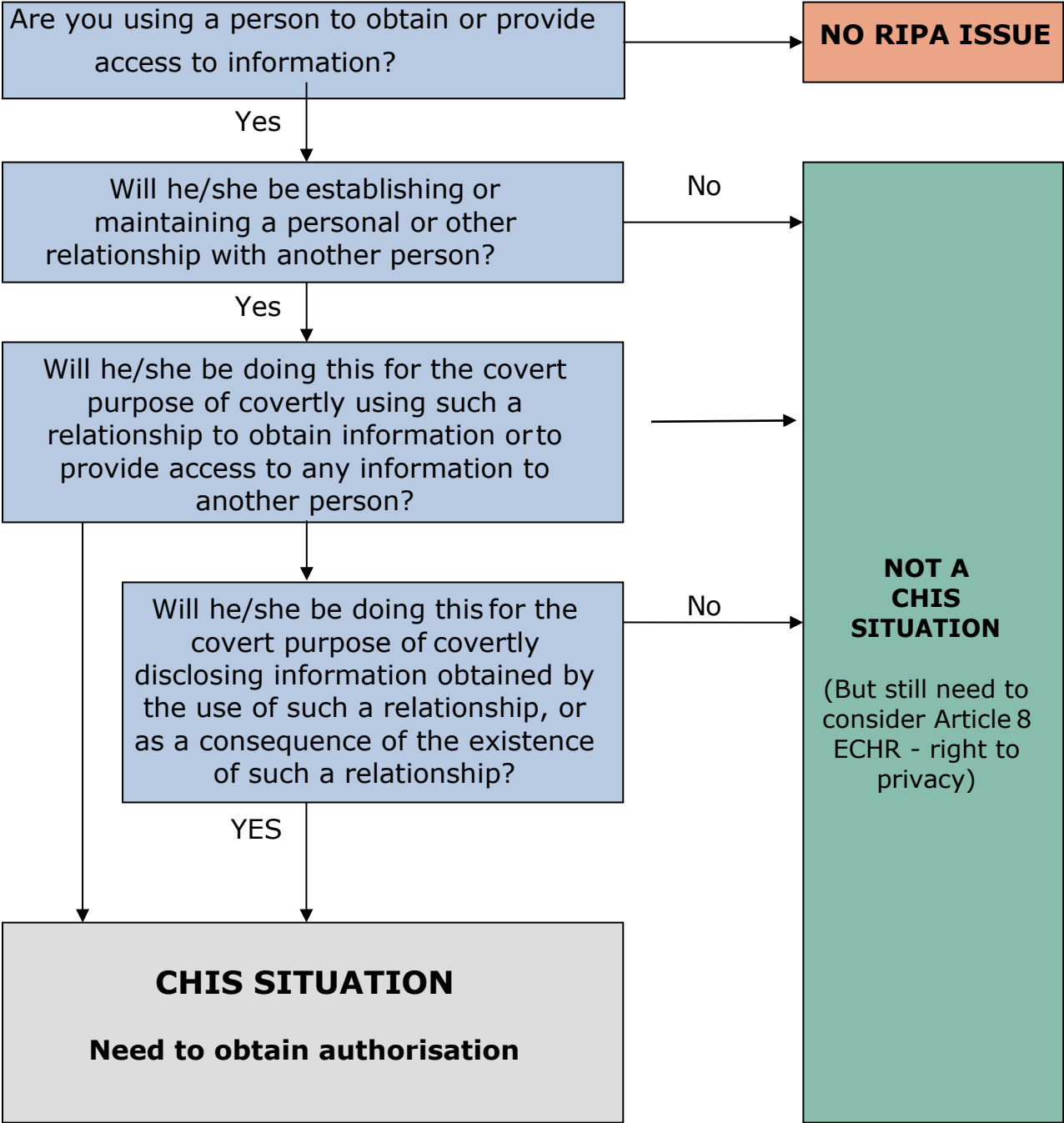


(Also consider if Intrusive Surveillance too – check flowchart 2)

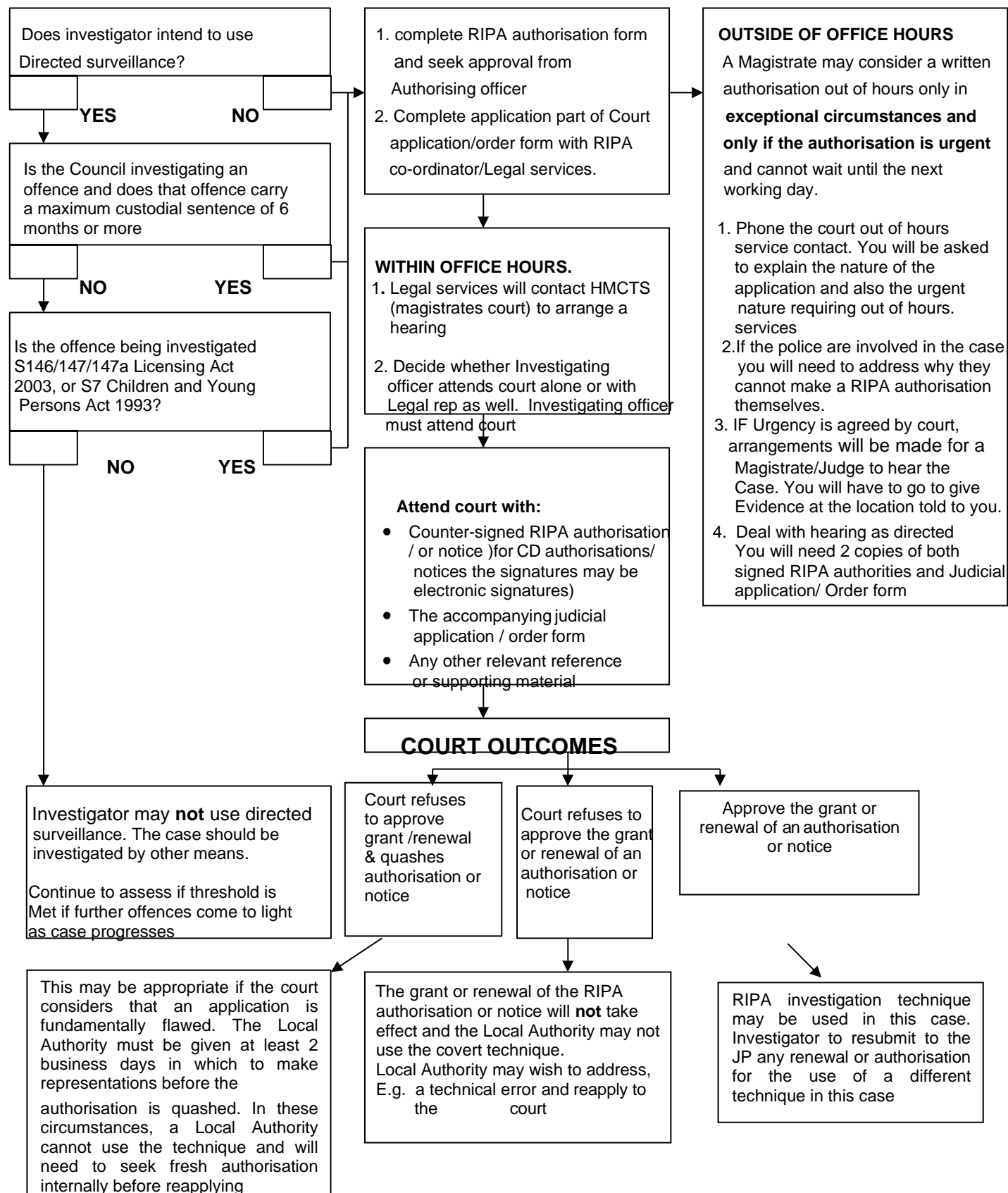
Flowchart 5.2 -Are you doing Intrusive Surveillance?



Flowchart 5.3 - Are you using CHIS? (Section 26(8))



**LOCAL AUTHORITY PROCEDURE: APPLICATION TO A JUSTICE OF THE PEACE SEEKING  
AN ORDER TO APPROVE THE GRANT OF A RIPA AUTHORISATION OR NOTICE**



Obtain signed order and retain original RIPA authorisation / notice. – Ensure copy is given to Legal Services Ripa Co-ordinator. For CD authorisations or notices, Council investigator to provide an additional copy of the judicial order to the SPoC. If out of hours a copy of the signed order is to be provided to the relevant court the next working day.



## **CODES OF PRACTICE**

<https://www.gov.uk/government/publications/interception-of-communications-code-of-practice-2022>

<https://www.gov.uk/government/publications/equipment-interference-code-of-practice--2>

[https://assets.publishing.service.gov.uk/media/5a8080a540f0b62305b8b86e/Acquisition\\_and\\_Disclosure\\_of\\_Communications\\_Data\\_Code\\_of\\_Practice\\_March\\_2015.pdf](https://assets.publishing.service.gov.uk/media/5a8080a540f0b62305b8b86e/Acquisition_and_Disclosure_of_Communications_Data_Code_of_Practice_March_2015.pdf)

<https://www.gov.uk/government/publications/covert-human-intelligence-sources-code-of-practice-2022>

<https://www.gov.uk/government/publications/code-of-practice-for-investigation-of-protected-electronic-information>



Report to: Governance, General Purposes & LGR Committee – 5 February 2026

Lead Officer: Francesca Whyley, Monitoring Officer

Report Summary	
<b>Report Title</b>	Whistleblowing Policy Annual Report
<b>Purpose of Report</b>	An annual report to update the Committee on the implementation of the Council's Whistleblowing Policy.
<b>Recommendations</b>	That the Governance, General Purposes & LGR Committee: a) note the contents of the report; b) agree minor changes to the Whistleblowing Policy to reflect changes to Committees and Monitoring Officer contact details and to reflect changes in employment legislation; and c) agree to further promotion of the Policy to staff in 2026.
<b>Reason for Recommendations</b>	To keep Committee updated as to the operation of the Whistleblowing Policy and to ensure it remains up to date and well promoted.

## 1.0 Background

- 1.1 The Council's Whistleblowing Policy was last updated in 2023 following review by the Audit & Governance Committee. No changes were considered necessary in 2024 and the last annual report was presented to the Audit & Governance Committee in February 2025 with no changes recommended.
- 1.2 In 2025 the Monitoring Officer reported that work had been undertaken to promote the existence of the Policy through the Council's staff newsletter and posters. The Policy itself is available on the staff intranet pages as well as the Council's website.
- 1.3 The Policy is clear and provides detailed information on how whistleblowing complaints will be dealt with. The Policy provides assurance to those raising a complaint that they will be treated fairly. Review of the Policy was previously a function of the Audit & Governance Committee. With the establishment of two separate committees to cover audit and governance functions, this annual report now falls within the remit of the Governance, General Purposes & Local Government Reform Committee and as such the Policy needs to be updated to reflect that.

- 1.4 Since the last review of the Policy there has been a change to the Monitoring Officer position. Again, this change and the updated contact details need to be reflected within the Policy.
- 1.5 The Employment Rights Act 2025 was given royal assent in December 2025. By virtue of this legislation sexual harassment will become a 'qualifying disclosure' under whistleblowing law from April 2026. This will mean protection from detriment and unfair dismissal for whistleblowers making a sexual harassment disclosure. The current Whistleblowing Policy lists sexual abuse as an example of a concern that may be raised through the Whistleblowing Policy, it is proposed that sexual harassment is also included in that list at para 3.4 of the policy to reflect the legislative change.
- 1.6 There have been two reports under the Whistleblowing Policy in 2025. Details of whistleblowing complaints are confidential, but a record of the complaints is available for internal and external auditors if inspection is required. One complaint related to staff and one to contractors.

## **2.0 Proposal /Options Considered**

- 2.1 It is proposed that Members note the detail within the report in relation to the implementation and operation of the Council's Whistleblowing Policy.
- 2.2 It is proposed that Committee approve minor changes to the Policy to reflect changes in Committee roles and the contact details for the Monitoring Officer as well as the inclusion of sexual harassment as an example of a complaint under the policy. Once the Policy is updated it will be shared with the Council's wholly owned companies Active 4 Today and Arkwood developments as a template. Given the minor nature of the changes proposed which do not substantially alter the content of the Policy no consultation is proposed.
- 2.3 In order to ensure continued awareness of the Policy and reporting process for Whistleblowing complaints it is proposed that further communication of the Policy to staff is undertaken in 2026.

## **3.0 Implications**

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection; Digital & Cyber Security; Equality & Diversity; Financial; Human Resources; Human Rights; Legal; Safeguarding & Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

<b>Implications Considered</b>			
<b>Yes – relevant and included / NA – not applicable</b>			
Financial	NA	Equality & Diversity	Yes
Human Resources	Yes	Human Rights	NA
Legal	Yes	Data Protection	Yes
Digital & Cyber Security	NA	Safeguarding	NA
Sustainability	NA	Crime & Disorder	NA
LGR	NA	Tenant Consultation	NA

### **Legal Implications**

- 3.1 The Council should have a clear policy and process setting out how Whistleblowing can be reported and managed through the organisation. Within the Policy itself, detail of the relevant legislation is provided including reference to the Public Interest Disclosure Act which provides certain protection from unfair treatment of whistleblowers.

This Committee are the relevant Committee to review performance under the Policy and approve amendments.

Any Whistleblowing Complaint is treated as confidential.

### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

The current Whistleblowing Policy is attached at **Appendix 1**

The last Annual Report on the Council's Whistleblowing Policy can be found here

<https://democracy.newark-sherwooddc.gov.uk/documents/s22050/Item%2014%2019.02.25%20Whistleblowing%20Policy%20Annual%20Report.pdf>

**NEWARK & SHERWOOD DISTRICT COUNCIL****WHISTLEBLOWING POLICY**

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**1. Introduction**

- 1.1. The aim of this Policy is to encourage employees and others who have serious concerns about any aspect of the Council's work to come forward and voice those concerns in the appropriate way.
- 1.2. 'Whistleblowing' is viewed by the Council as a positive act that can make a valuable contribution to the Council's efficiency and long-term success. It is not disloyal to colleagues or the Council to speak up. The Council is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all of its practices.
- 1.3. A 'Whistleblower' is generally a person who works in or for an organisation and raises an honest and reasonable concern about a possible fraud, crime, danger or other serious risk that could threaten colleagues, service users, customers, members of the public or the success and reputation of the organisation. In doing so they are acting in the wider public interest, usually because it threatens others or impacts on public funds.
- 1.4. This Policy sets out the procedure to follow if you wish to raise a concern. There is legal protection for employees who raise serious concerns in the right way (under the Public Interest Disclosure Act). This Policy is designed to ensure that you can raise your

concerns about wrongdoing or malpractice within the Council without fear of victimisation, subsequent discrimination, disadvantage or dismissal.

## **2. Aims of the Policy**

### **2.1. This policy aims to:**

- Encourage you to feel confident in raising serious concerns and to question and to act upon concerns about Council practice
- Provide avenues for you to raise those concerns and receive feedback on any action taken
- Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- Reassure you that you will be protected from any possible reprisals and victimisation if you have a reasonable belief that you have made the disclosure in the public interest

## **3. When does this Policy apply?**

### **3.1. Any serious concerns that you may have about any aspect of service provision or the conduct of others can be reported under this Policy. This may be something that:**

- makes you feel uncomfortable
- is against any of the Council's existing Codes and policies
- is contrary to established standards of practice
- amounts to improper conduct
- This Whistleblowing Procedure is primarily for concerns where the interests of others or of the organisation itself are at risk and you have a reasonable belief that raising the concern is in the public interest. This Policy does not apply if the concern relates to your personal position as an employee, or in relation to another individual.

### **3.2. One of the following policies or procedures may be appropriate depending on the circumstances:**

- Anti-Fraud and Corruption Strategy
- Children and Adults Safeguarding Policy
- The Council's complaints procedures for concerns about services provided to individuals
- Employee Disciplinary and Dismissal Procedure
- Employee Grievance Procedure
- Employee Dignity at Work Policy
- Procedure for dealing with complaints regarding the conduct of District Councillors

- 3.3. If you are not sure which policy or procedure applies you can ask your line manager or the Council's Monitoring Officer.
- 3.4. This policy is intended to cover major concerns that may fall outside the scope of other procedures. These include:
- The unauthorised use of public funds.
  - Possible fraud or corruption.
  - Sexual or physical abuse of both employees and clients.
  - Health and Safety risks (including risks to the public as well as other employees).
  - Conduct which is an offence or breach of law.
  - Failure to comply with a legal or regulatory duty or obligation.
  - Disclosures related to miscarriages of justice (ie where the Council has acted improperly or unfairly).
  - Damage to the environment.
  - Other unethical conduct including improper use of authority
  - Concealment of any of the above.
- N.B. This is not an exhaustive list

#### **4. Who can raise a concern under this Policy?**

- All Members of the Council
- All employees of the Council including employees of Council-owned companies\*
- Agency workers, consultants and other individuals working for the Council
- Suppliers and those providing services under a contract with the Council, including their employees
- People working in partnership with the Council, and its employees and Members (e.g. volunteers, trustees etc)

\* Concerns regarding companies owned by the Council, for example Active 4 Today Ltd and Arkwood Developments Ltd, are not covered by this Policy. If an employee has concerns regarding a Council-owned company these should be raised with the company. Any concerns by employees of the Council or its Council-owned companies regarding the Council should be raised through this Policy.

If you are not sure which policy or procedure applies you can ask your line manager or the Council's Monitoring Officer.

#### **5. The Council's Assurances to You**

##### **5.1. Everyone who raises a Whistleblowing Concern**

The Council recognises that the decision to report a concern can be a difficult one to make. All concerns reported using this Policy will be given careful consideration, and the

Council will do all it can to help you throughout any investigation.

## **5.2. Employees**

You will not be at risk of losing your job or suffering any form of retribution or detriment as a result of raising your concerns, provided that you reasonably believe that you are acting in good faith and making the disclosure in the public interest, and follow the reporting procedure explained in this Policy. It does not matter if you are mistaken, so long as you reasonably believe there is a problem.

- 5.3. The Council will not tolerate any harassment or victimisation of a whistleblower (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith and will treat this as a serious disciplinary offence which will be dealt with under the disciplinary rules and procedure.
- 5.4. Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that may already affect you.
- 5.5. Rarely, a case might arise where it is the employee that has participated in the action causing concern. In such a case it is in the employee's interest to come into the open as soon as possible. The Council cannot promise not to act against such an employee, but the fact that they came forward may be taken into account.
- 5.6. If you make an allegation in good faith and reasonably believing it to be true, but it is not confirmed by the investigation, the Council will recognise your concern. If however, you make an allegation frivolously, maliciously or for personal gain, appropriate action that could include disciplinary action, may be taken.

## **6. Confidentiality**

- 6.1. The Council will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, it is recognised that you may nonetheless want to raise a concern in confidence under this policy. If you ask that your identity is protected by keeping your confidence, it will not be disclosed without your consent. If the situation arises where the Council is not able to resolve the concern without revealing your identity (for instance because your evidence is needed for disciplinary proceedings, in court, or for child protection or adult safeguarding), it will be discussed with you to determine whether and how the matter can be progressed.
- 6.2. Remember that if you do not tell the Council who you are, it will be much more difficult to look into the matter, or to protect your position, or to give you feedback. Accordingly, while anonymous reports will be considered, this policy is not ideally suited to concerns raised anonymously - concerns raised anonymously are much less powerful, but may be considered at the discretion of the Council. This discretion will be based on the:



- seriousness of the issues raised
- credibility of the concern
- likelihood of confirming the allegation from an attributable source
- evidence base

## **7. How to Raise a Concern**

- 7.1. You may wish to consider discussing your concern with a colleague first, and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

### **7.2. STEP 1**

If you have a concern about malpractice and you have a reasonable belief that disclosing the information is in the public interest, it is hoped that you will be able to raise it first with your immediate manager or supervisor. This will obviously depend upon the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that a member of management is involved you should approach the officers identified in Step 2 below. We advise that you make it clear that you are raising your concerns under the Council's whistleblowing arrangements – this will help managers respond in line with this policy. You may, at any stage, feel the necessity to take independent advice (See Section 5.4).

### **7.3. STEP 2**

If you feel unable to raise the matter with your manager, for whatever reason, you can raise the matter with:

- Your Departmental Director
- The Monitoring Officer
- The Chief Financial Officer (Section 151 Officer)
- The Chief Executive

- 7.4. If, your concern is about the Chief Executive of the Council it can be raised with the Monitoring Officer or the Chief Financial Officer, or with the Council's External Auditors, Mazars LLP.

All contact details are provided on the final page of this Policy.

### **7.5. INDEPENDENT ADVICE**

If you are unsure whether in principle to use this procedure or you want independent advice at any stage, you may contact:

- The Council's Monitoring Officer

- your Union (if you are a member)
- The Council's External Auditors  
Mazars LLP
- The independent charity [Protect](#). They offer a free and confidential helpline.

All contact details are provided on the final page of this Policy.

## 7.6. EXTERNAL CONTACTS

While it is hoped that this policy gives you the reassurance you need to raise such matters internally, it is recognised that there may be circumstances where you can properly report matters to outside bodies, such as the Prescribed Regulators (external bodies able to take and consider your concerns), some of which are outlined below, or the Police. It is strongly recommended that you seek independent advice (see 5.4 above) on the circumstances in which you may be able to contact an outside body safely, before proceeding.

By way of example, relevant Prescribed Regulators to the Council's functions are:

- |                                    |   |
|------------------------------------|---|
| 1. Health and Safety risks         | Health and Safety Executive.  |
| 2. Environmental issues            | The Environment Agency.   |
| 3. Financial Services              | Financial Services Authority (and, pending its full operation, its predecessor bodies) and HM Treasury. |
| 4. Fraud and Fiscal Irregularities | Serious Fraud Office, Inland Revenue and Customs and Excise.  |
| 5. Public Sector Finance           | National Audit Office and Audit Commission.   |
| 6. Competition & Consumer Law      | Office of Fair Trading  |
| 7. Others                          | Certification Officer (Trade Unions),<br>Charity Commission, Information<br>Commissioner's Office       |

Contact details are provided on the final page of this Policy.

## 8. Information needed to raise a concern

8.1. When raising a concern under the procedure you should try to provide the following information:

- The nature of your concern and why you believe it to be true
- The background and history behind the concern;
- Whether you have already raised a concern with anyone and the response; and
- Any relevant dates when actions relating to the concern took place.

8.2. This information should demonstrate that there are reasonable grounds for the

concern to be acted upon. It is important that you do not attempt to investigate the concerns yourself.

- 8.3. Although you are not expected to prove beyond doubt the truth of your suspicion, you will need to demonstrate to the person contacted that you have a genuine concern relating to suspected wrongdoing or malpractice within the Council and there are reasonable grounds for your concern.

## **9. How the Matter Will Be Handled**

- 9.1. Any concerns raised will always receive a response. Once you have notified the Council of your concern, in order to protect individuals and those accused of possible malpractice, initial enquiries will be made in order to identify whether an investigation is appropriate and, if it is, what form it should take.
- 9.2. This may involve an internal enquiry or a more formal investigation by management or Internal Audit, following which, matters may be referred to an external agency (such as External Audit or the Police).
- 9.3. Any investigation may need to be carried out under terms of strict confidentiality, i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. In certain cases however, such as allegations of ill treatment of others, suspension from work may have to be considered immediately. Protection of others is paramount in all cases.
- 9.4. The overriding principle is the public interest.
- 9.5. When you raise the concern you may be asked how you think the matter might best be resolved. If you have any personal interest in the matter, it is vital that this is mentioned at the outset. If your concern more properly falls within another Council Policy, such as the Grievance Procedure or Dignity at Work Policy, you will be notified.
- 9.6. Before a final decision is taken on how to proceed, or as part of the investigation, you may be asked to meet with those investigating the concern.
- 9.7. If a meeting is arranged, employees may wish to be accompanied by a trade union representative or work place colleague. The person who accompanies you should not be involved or have a direct interest in the area of work to which the concern relates. The meeting can be conducted over the telephone or online rather than in person. An in person meeting can be arranged away from your workplace if you wish.
- 9.8. You will be notified who is handling the matter, how you can contact them, and whether your further assistance may be needed.
- 9.9. Within ten working days of a concern being raised, the Responsible Officer will write

to you:

- acknowledging that the concern has been received.
  - indicating how it is proposed to deal with the matter.
  - giving an estimate of how long it will take to complete investigations.
  - advised of the investigating officer (where appropriate).
  - telling you whether any initial enquiries have been made.
  - telling you whether further investigation will be made, and if not, why not.
  - supplying you with information on how the Council will support you if you think this is necessary, whilst the matter is under consideration.
  - advise you of how we will inform you of progress.
- 9.10. The amount of contact between you and the officers considering the matter will depend on both the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.
- 9.11. You will be notified when the matter is concluded and, if appropriate, the outcome of the investigation, maintaining security and confidentiality for all parties as far as possible.
- 9.12. Throughout any investigation, employees will still be expected to continue your duties/role as normal unless deemed inappropriate.
- 9.13. While the purpose of this policy is to investigate possible malpractice and take appropriate steps to deal with it, you will be given as much feedback as appropriate.
- 9.14. Rarely, a case might arise where it is the employee that has participated (or even continues to participate) in the action causing concern. In such a case it is in the employee's interest to come into the open as soon as possible. The Policy cannot undertake not to act against such an employee, but by virtue of coming forward there is a mitigating factor to be taken into account.
- 9.15.** Steps will be taken to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, arrangements will be made for you to receive advice about the procedure. The Council will take all reasonable steps to ensure that you do not suffer a detriment by a colleague because you have made a protected disclosure and if you believe that you have suffered a detriment for having raised a concern you should report this.
- 10. If You Are Dissatisfied**
- 10.1. This Policy is intended to provide you with an avenue within the Council to raise concerns. While it cannot be guaranteed that all matters will be addressed in the way that you

might wish, it will always be the Council's intention to handle the matter fairly and properly. By using this policy, you will help achieve this.

10.2. However if you feel that the Council has not responded correctly at any stage, remember you can go to the other levels and bodies detailed in this Policy:

- The Council's external auditors Mazars LLP
- The Police
- The Prescribed Bodies.

10.3. Contact details are provided on the final page of this Policy.

10.4. If you raise concerns **outside** the Council you should ensure that it is to one of these Prescribed Contacts. A public disclosure to anyone else could take employees outside the protection of the Public Interest Disclosure Act and of this Policy.

10.5. If you do take the matter outside the Council, you must ensure that you do not disclose confidential information, unless it is first agreed with one of these prescribed contacts

10.6. This policy does not prevent you from taking your own legal advice.

## **11. The Responsible Officer**

11.1. The Council's Monitoring Officer has overall responsibility for the maintenance and operation of this policy, and will maintain a corporate register of concerns raised and the results of any investigations made (in a form that will not compromise your confidentiality). All Officers nominated to investigate a concern must ensure the Monitoring Officer is provided with sufficient details for the corporate record.

## **12. Policy Review and Overview**

12.1. The Council's Audit & Governance Committee will keep this Policy under review and will receive an annual report on its operation.

12.2. The annual report will, subject to necessary confidentiality, include a summary of the concerns raised, to which department they related, the post to which the concerns related) and any lessons learned. The report will not include any employee names. The aim of this is to ensure that:

- the Council and/or the relevant department learns from mistakes and does not repeat them, and
- consistency of approach across the departments

12.3. The corporate register together with the annual reports will be available for inspection by internal and external audit, after removing any confidential details.

**Date Reviewed: February 2024**

**Date to be Reviewed: February 2025**

Contact Details	
<b>Departmental Directors</b>	The Council's Intranet – contact the Responsible Officer if you do not have access
<b>Monitoring Officer and Responsible Officer</b>	<a href="mailto:Sue.Bearman@nsdc.info">Sue.Bearman@nsdc.info</a> 01636 655935
<b>Chief Finance Officer/Section 151 Officer</b>	<a href="mailto:Sanjiv.Kohli@nsdc.info">Sanjiv.Kohli@nsdc.info</a> 01636 655303
<b>Chief Executive</b>	<a href="mailto:John.Robinson@nsdc.info">John.Robinson@nsdc.info</a> 01636 655200
<b>External Auditors</b>	Mazars LLP Park View House 58 The Ropewalk Nottingham NG1 5DW  0115 964 4744  Nottingham.Contact@mazars.co.uk
<b>Protect</b>	020 3117 2520  <a href="https://protect-advice.org.uk">https://protect-advice.org.uk</a>
<b>Prescribed Bodies</b>	<a href="https://www.gov.uk/guidance/whistleblowing-list-of-prescribed-people-and-bodies">Whistleblowing: list of prescribed people and bodies - GOV.UK (www.gov.uk)</a>
<b>The Police</b>	Call 101
<b>Your Union</b>	The Council's Intranet – contact the Responsible Officer if you do not have access
<b>Correspondence Address</b>	Newark & Sherwood District Council Castle House Great North Road Newark NG24 1BY



Report to: Governance, General Purposes & LGR Committee – 5 February 2026

Lead Officer: Francesca Whyley, Monitoring Officer

Report Summary	
<b>Report Title</b>	Gifts & Hospitality Annual Report
<b>Purpose of Report</b>	An annual report to update the Committee on the implementation of the Council's Gifts & Hospitality Policies.
<b>Recommendations</b>	That the Governance, General Purposes & LGR Committee note the report and the proposed actions for promotion of the Policy in 2026.
<b>Reason for Recommendations</b>	To keep Committee updated as to the operation of the Gifts & Hospitality Policy and to ensure it remains up to date and well promoted.

## 1.0 Background

- 1.1 A Protocol for Members on Hospitality and Gifts is included in the Council's Constitution. The Protocol is clear that any gift or hospitality with a value in excess of £25 should be notified to the Monitoring Officer in line with the Member's Code of Conduct. Gifts or hospitality below this value do not always have to be recorded if they are insignificant and low value (eg biscuits, tea or coffee provision) but should be reported if they are significant whether or not they are accepted.
- 1.2 Members are required to register gifts and hospitality with the Monitoring Officer via Democratic Services. These details are then published on the relevant Members' web page together with their register of interests.
- 1.3 Having reviewed the Member's Protocol on Hospitality and Gifts there are no proposed amendments. The process for reporting gifts and hospitality by Members is being followed and information published correctly. Reminders should be sent to Members to ensure they maintain awareness of the requirements to declare gifts and hospitality.
- 1.4 There is a separate Gifts & Hospitality Policy for Officers. This is referenced in induction materials for all new starters and is available on the intranet. Officers are required to complete a form to declare offers of gifts and hospitality over £10 in value, these are then reviewed by Business Managers or Directors to determine whether the offers should be accepted or declined and then referred to Administrative Services for publication on the Council's website.



- 1.5 Having considered the Gifts & Hospitality Policy for Officers which was last revised in October 2024 the Policy remains fit for purpose and no changes are proposed at this time.
- 1.6 In order to ensure that Officers maintain awareness in relation to the Policy in respect of gifts and hospitality further work will be undertaken in 2026 to raise awareness of the Policy and procedure.

## **2.0 Proposal /Options Considered**

- 2.1 It is proposed that Members note the detail within the report in relation to the implementation and operation of the Council's Gifts & Hospitality Policy.
- 2.2 It is proposed that Members note that further promotional work will be undertaken in 2026 with officers and Members to maintain awareness of the requirements to record offers of gifts and hospitality .

## **3.0 Implications**

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection; Digital & Cyber Security; Equality & Diversity; Financial; Human Resources; Human Rights; Legal; Safeguarding & Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

<b>Implications Considered</b>			
<b>Yes – relevant and included / NA – not applicable</b>			
Financial	NA	Equality & Diversity	Yes
Human Resources	Yes	Human Rights	NA
Legal	Yes	Data Protection	Yes
Digital & Cyber Security	NA	Safeguarding	NA
Sustainability	NA	Crime & Disorder	NA
LGR	NA	Tenant Consultation	NA

### **Legal Implications**

- 3.1 The Council should have a clear Policy and process setting out how Gifts and Hospitality can be reported and managed through the organisation. The relevant legislative considerations are included in the policy document. In relation to Members, the Code of Conduct requires Members to notify of gifts and hospitality in excess of £25.

### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

The current Gifts and Hospitality Policy is attached at **Appendix 1**

The Code of Conduct for Members and Protocol for Hospitality and Gifts can be found in the [Constitution](#)

The Gifts and Hospitality Register for Officers is available on the Council's [website](#)

Individual Councillor declarations of Gifts and Hospitality can be found on the Council's [website](#).

# **POLICY & GUIDANCE**

## **GIFTS & HOSPITALITY**

**Version 2: March 2018**  
**Revised: October 2024**

## **1.0 Introduction**

- 1.1 It is important that all employees are aware of, and comply with, the Council's policy regarding the acceptance of gifts or hospitality. As well as protecting the Council, this policy is also aimed at protecting the integrity of employees.
- 1.2 This policy applies to all employees of Newark and Sherwood District Council. Failure to comply with this policy could lead to disciplinary procedures being instigated.

**If after reading this policy you are in any doubt as to how./ whether it applies to a given situation, please consult your Business Manager (or above) or a member of the Human Resources team.**

## **2.0 Background**

- 2.1 Very careful consideration must be given to the acceptance of gifts and hospitality. Acceptance of a gift or some hospitality may make it difficult to avoid some obligation real or perceived. You should therefore treat all offers of gifts or hospitality with extreme caution, with a view to not only avoiding impropriety but also any suggestion of it.
- 2.2 The principle behind this policy is that employees should not accept gifts and hospitality, unless the principles outlined in this policy are met. Whilst the refusal of such offers may cause offence or hinder working relationships, the acceptance of such offers could equally be misinterpreted leading to inaccurate expectations of favour or even in some circumstances constituting a criminal offence.
- 2.3 Under no circumstances should you solicit any gift or hospitality.
- 2.4 You need to have regard to how the acceptance of a gift and/or hospitality would be perceived by the general public, regardless of whether you are accepting it in good faith with no intention of giving the provider of the gift/hospitality any preferential treatment.
- 2.5 This is particularly important where it might later be construed to have affected your impartiality when acting in an official capacity (including but not limited to the granting of planning permission or the awarding of a contract).
- 2.6 Gifts must not be accepted from outside contractors, companies or individuals who are or who are likely to enter into a contractual relationship with the Council other than in exceptional circumstances and only with the express permission of your Business Manager or a member of the Senior Leadership Team.
- 2.7 You should give the same considerations to offers made to members of your family or friends as this could be viewed as securing an indirect benefit to you

- 2.8 Repeated offers of gifts and hospitality from one person, firm or organisations, even where the gift or hospitality may not itself be considered to be significant, may render unacceptable what would otherwise have been acceptable.

### **3.0 Gifts**

- 3.1 Various selling techniques are used by suppliers including the offer of 'free' gifts to buyers/purchasers in return for orders being placed. These inducements come in many guises including, but not exclusively, gifts, vouchers, money, discounts off private purchases etc. They should not be accepted in a private capacity. All officers, especially those involved in the procurement process must be on their guard against this type of offer. Where possible any such inducements should be translated into discounts available to the Council.
- 3.2 Only the Council must be the beneficiary of preferential trading terms, not individual officers. You must not acquire goods from, or use the services of, a firm on preferential terms for private purposes if those terms are given directly or indirectly because of the contractual or other business relationship between the firm and the Council.
- 3.3 Although casual gifts offered to you by contractors, firms, suppliers or individuals may not be in any way connected with the performance of official duties, they must be refused. Gifts may only be accepted if they are of a modest or inexpensive nature (e.g. pocket diaries, calendars, pens up to a value of £10). Even if such a small gift is accepted it should still be entered into the Gifts and Hospitality Register.
- 3.4 If, where a gift is received from an unknown donor, where it is impracticable to return the gift to the person or organisation making the gift, or where the officer receiving the gift considers that to return it would cause undue offence the officer should, as soon as practicable after receipt of the gift and informing their Business Manager (or above), pass it to the Chief Executive or Monitoring Officer who will donate it to the Chairman's Charity or dispose of it as appropriate. The Chief Executive or Monitoring Officer will write to the person or organisation making the gift (if known), thanking them on behalf of the Officer and informing them that it has been donated to the Chairman's Charity Fund or otherwise disposed of.

### **4.0 Hospitality**

- 4.1 Offers of meals and drinks (e.g. working breakfast, lunch, dinner or refreshments, provided during the course of attending training, seminars, conferences or official events) held by the Authority may be accepted. Receiving hospitality provided by another public authority in similar circumstances would also normally be acceptable.
- 4.2 Anything which extends beyond that detailed in 4.1 above must have the prior approval of your Business Manager or a member of the Senior Leadership Team. Examples of such hospitality could include, but is not restricted to, invitations from suppliers to lunch, promotional events and/ or Christmas functions, etc.

4.3 Invitations to sporting, cultural or social events (other than official duties), offers of free travel and invitations to other events should only be accepted with the prior approval of the relevant Business Manager or member of the Senior Leadership Team. This applies even if the hospitality is taken in your own time.

4.5 An important criteria in exercising judgement as to what is acceptable as set out in paragraph 4.3 above is what interpretation those in the community or the press might reasonably put upon acceptance having full knowledge of the relevant facts. Ultimately it is your responsibility, having regard to the relevant circumstances to decide whether the offer is acceptable and to seek advice / guidance if you are unsure.

## **5.0 Legal Position**

Briefly the legal position is as follows:

5.1 A term is implied into every contract of employment that the employee will act honestly and faithfully. An employee is in breach of this duty of fidelity if they take advantage of their position to enrich themselves without the knowledge or consent of the employer. Such 'enrichment' belongs to the employer and can be recovered by the employer through the courts.

5.2 A serious consequence of the improper acceptance by an officer of gifts or hospitality from a third party is the possibility that a criminal offence may have been committed. The relevant law is embodied in the Bribery Act 2010; this legislation repealed the previous legislation (Public Bodies Corrupt Practices Act 1889 and the Prevention of Corruption Acts of 1906 and 1916)

5.3 Section 117(2) of the Local Government Act 1972 provides that an officer of a local Authority shall not, under colour of his or her office of employment, accept any fee or reward other than his or her proper remuneration. The expression 'any fee or reward' includes such things as unauthorised commissions, gifts or presents. Assume that this legislation is still valid? It is not covered under the repeals/revocation part of the new legislation...

5.6 If an inducement is offered or thought to have been offered, even if refused, this must be reported to your Business Manager and to the Section 151 Officer as soon as practicable after the approach is made.

## **6.0 Guidance for Completing the Gifts and Hospitality Register**

6.1 The Council's Gifts and Hospitality register is held by Administrative Services and is published on the internet each quarter. The procedure to record any gift is at point 6.5.

6.2 All offers of gifts and hospitality must be recorded in this register. This is regardless of whether the gift/hospitality is accepted or refused. All details in the register must be promptly and fully completed.

6.3 Where a gift or hospitality is accepted, the entry in the corporate register must be supported by written confirmation of approval by the relevant officer (as below).

<b>Gift/Hospitality Offered to:</b>	<b>Approval Required by:</b>
Below Business Manager	Business Manager
Business Manager	Member of the Senior Leadership Team
Member of the Senior Leadership Team	Chief Executive (or in their absence Section 151 Officer or Monitoring Officer)
Chief Executive	Monitoring Officer or Section 151 Officer

6.4 This written approval must be saved to the Gifts and Hospitality network directory and the file name cross referenced to the entry on the register. Whilst all offers of gifts and hospitality must be recorded, written approval is only required where any gift or hospitality over the value of £10 is accepted.

6.5 **Gifts and Hospitality - Procedure Gift/Hospitality offered (whether declined or accepted)**

Officers complete the form from the intranet (under administrative services page) with the following information for logging on the Gifts and Hospitality Register:

- Directorate
- Business Unit
- Name of Officer
- Job Title
- Company Organisation who made the offer
- Description of Gift or Hospitality offered
- Approximate Value of the Gift/Hospitality
- Date of offer and/or refusal

**Gift/Hospitality offered and request to accept:**

Officers send the partially completed form to their Line Manager as per instructions in the policy guide requesting authorisation, if applicable, for the gift or hospitality. Please copy [administrativeservices@newark-sherwooddc.gov.uk](mailto:administrativeservices@newark-sherwooddc.gov.uk) into the e-mail.

Line Managers should then complete the remainder of the form and attach it to an email, replying to their staff confirming authorisation or otherwise, ensuring that [administrativeservices@newark-sherwooddc.gov.uk](mailto:administrativeservices@newark-sherwooddc.gov.uk) is copied into the e-mail. Please ensure the fully completed form is attached.





Report to: Governance, General Purposes & LGR Committee – 5 February 2026

Lead Officer: Francesca Whyley, Monitoring Officer

Report Summary	
<b>Report Title</b>	Update from Governance, General Purposes & LGR Working Group - Arrangements for Dealing with Code of Conduct Complaints, Social Media Protocol and Member Development Plan
<b>Purpose of Report</b>	To update Members on the work undertaken by the Working Group to update the Arrangements for Dealing with Code of Conduct Complaints, the Social Media Protocol for Members and the Member Development Plan
<b>Recommendations</b>	That the Governance, General Purposes & LGR Committee: <ul style="list-style-type: none"> <li>a) note the work undertaken to date by the Working Group;</li> <li>b) agree the changes to the Council's Arrangements for Dealing with Code of Conduct Complaints at Appendix 1 (to be circulated);</li> <li>c) approve the Member Development Plan at Appendix 2; and</li> <li>d) recommend the updated Social Media Protocol for Members at Appendix 3 to Full Council for adoption.</li> </ul>
<b>Reason for Recommendations</b>	<ul style="list-style-type: none"> <li>a) To keep Committee updated as to the work undertaken by the Working group in reviewing the above documents</li> <li>b) To ensure the Arrangements for Dealing with Code of Conduct Complaints are up to date and fit for purpose</li> <li>c) To provide a clear framework for the development and training of Members</li> <li>d) To ensure up to date guidance for Members on the use of Social Media in line with the Local Government Association guidance.</li> </ul>

## 1.0 Background

1.1 In November, this Committee agreed to establish a Working Group to review the following documents:

- Council Arrangements for dealing with Code of Conduct Complaints
- Social Media Protocol for Members
- Member/Officer Protocol
- Member Development Plan

Committee also agreed some immediate updates to the Arrangements for Dealing with Code of Conduct Complaints which enabled an initial filtering of complaints to enable invalid complaints to be dealt with without going through consultation with the Independent Persons.

- 1.2 The Arrangements for Dealing with Complaints, Social Media Protocol and Member Development Plan documents were updated and/or created by officers and were considered by the Working Group at a meeting on 26<sup>th</sup> January 2026. The Member Officer Protocol is yet to be circulated to the Working group but will be reviewed prior to the next Committee meeting. The Working Group included Councillor Linda Dales (Chair), Councillor Penny Rainbow, Councillor Andy Freeman, Councillor Paul Peacock, Councillor Kay Smith and Councillor Jean Hall.

#### Arrangements for Dealing with Code of Conduct Complaints

- 1.3 This document (to be circulated after publication of the agenda) has been reviewed and several changes are recommended. In summary the changes proposed include the following:

- Further detail provided to complainants in terms of what a complaint should contain
- Explanation of the Independent Person's role
- Clarification on complaints referred to the Police and potential delays to investigation where there is police investigation ongoing
- Explanation that complaints may be delayed where capacity is an issue due to volume of complaints
- A clear split in process from initial filtering to check validity to initial assessment where a complaint is valid
- Clarity on investigation timescales
- Updates to reflect reporting of Subject Member details to Committee where there is a breach found.
- Reference to the fact that all parish and Town Council complaints will be provided to the clerk
- Overall grammatical and terminology changes to ensure consistency throughout the document

Overall, the proposed changes recommended, following significant input from the Working Group aim to provide a set of arrangements which are clear for complainants, subject members, the public and investigators. The changes have been made having regard to the Local Government Associations Guidance and in particular the additional information about the reporting of the outcome of complaints to Committee will ensure stronger oversight of complaints.

#### Social Media Protocol for Members

- 1.4 The current Social Media Protocol for Members forms part of the Council's constitution. Work to review this document began earlier in the Autumn in consultation with the Communications team. The Protocol has been essentially re-written and has been prepared having regard to the Local Government Association's Social Media Guidance which is written in a clear and concise way,

providing guidance and support for frequent and non-frequent users of social media. The updated Protocol is at Appendix 3.

- 1.5 The draft Protocol was considered by the Working Group on 26<sup>th</sup> January with some minor recommendations for changes given. In particular, further emphasis was requested on the fact that as a Councillor, even posting on a private Facebook account could be construed as someone “acting in capacity” as a Councillor if the post relates to Council business. Additional minor changes to terminology were also agreed.
- 1.6 The updated Social Media Protocol promotes the use of social media by Councillors as well as providing guidance on how to use social media safely, including advice on privacy settings and disclosure of personal information. The Protocol also covers the responsibilities of Councillors using social media and the higher level of scrutiny that such posts come under. The Protocol is clear that Councillors are responsible for content posted on their accounts and stresses the importance of accuracy in posting. The Protocol also references which sections of the Code of Conduct may be relevant when considering social media posts. Any final adoption of the Protocol would be for Full Councils as this document forms part of the Constitution.

#### Member Development Plan

- 1.7 Following the Peer Review in October 2024 one specific recommendation was to establish an ongoing Councillor Development Programme. The final Peer Review report acknowledged that the new cohort of Members elected in May 2023 received a sufficient induction programme, but ongoing training and development was needed. It was considered that an ongoing development plan would ensure that all Members were kept up to date with the many changes that are happening in local government and understand longer term budget pressures.
- 1.8 Officers have developed the Member Development Plan document at Appendix 2. The document pulls together existing training and development opportunities and outlines more formal support that will be offered to Members to enable them to fulfil their roles. It is important to note that whilst some training will be considered mandatory, for example Code of Conduct Training or specific training for Committees such as planning, the aim of the development plan is for Members to identify areas of training and development that would be beneficial to them through individual member development engagement with Democratic Services. The implementation of the plan would be overseen by this Committee.
- 1.9 The Working group considered the draft member Development Plan and were supportive of the document and recommended that be made clear that Democratic Services would be supporting Members in this process. It was considered by the Working Group to be a positive plan with the ability for members to positively engage in their own development. It was recommended by the group that clarity also be provided around the mandatory nature of Code of Conduct training.

## **2.0 Proposal /Options Considered**

- 2.1 It is proposed that Members note the work undertaken by the Working Group in reviewing the various protocols and procedures. The engagement from the group was key to ensure the documents were fit for purpose.
- 2.2 It is proposed that Members approve the updated Arrangements for Dealing with Code of Conduct Complaints at Appendix 1. The Committee could choose not to agree the updates or propose additional changes; however, the document has been developed in full consultation with officers and the Working Group and the amendments proposed are considered reasonable and necessary to ensure clarity around the process of handling Code of Conduct complaints.
- 2.3 It is proposed that Members approve the Member Development Plan at Appendix 2 to this report. The plan was recommended following peer review and has been reviewed by the Working Group. Again Members could determine not to adopt a plan and training would still be [provided, however the document is considered to provide a positive framework for member development.
- 2.4 It is proposed that Members recommend the Social Media Protocol for Members at Appendix 3 to Council for adoption. The Protocol has been developed with the Working Group and in line with the LGA Social media Guidance for Councillors. Members could determine not to recommend the document to Council as there is already a Social Media Protocol in place, however the document at Appendix 3 is recommended as an updated and easy to read protocol.

## **3.0 Implications**

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection; Digital & Cyber Security; Equality & Diversity; Financial; Human Resources; Human Rights; Legal; Safeguarding & Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

<b>Implications Considered</b>			
<b>Yes – relevant and included / NA – not applicable</b>			
Financial	NA	Equality & Diversity	Yes
Human Resources	NA	Human Rights	NA
Legal	Yes	Data Protection	Yes
Digital & Cyber Security	NA	Safeguarding	NA
Sustainability	NA	Crime & Disorder	NA
LGR	NA	Tenant Consultation	NA

### **3.1 Legal Implications LEG2526/5399**

The Localism Act requires Authorities to have appropriate arrangements in place for dealing with Code of Conduct complaints. Approval of these arrangements is within the remit of this committee. The Arrangements have been drafted to ensure ease of understanding and accessibility in the making of complaints. It also provides clarity around confidential information and what may be put in the public domain.

The Social Media Protocol for Members forms part of the Council's constitution and as such approval of Full Council is required for final adoption. This document provides guidance on data security and personal information in social media posts.

The Member Development Plan is a new document but falls under the remit of governance and supports the Committees function to ensure high standards for Member conduct.

### 3.2 Financial implications

There are no direct financial implications arising from the approval of these protocols. Budget for Member Training has already been agreed.

#### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Appendix 1 – Updated Arrangements for dealing with code of Conduct Complaints (to follow)

Appendix 2 – Member Development Plan

Appendix 3 – Social Media Protocol

# Newark and Sherwood District Council

## Member Development Plan

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## Introduction

1. This Plan outlines the support that will be given to Councillors and any co-opted members to help them fulfil their roles and contribute to the delivery of the Council's strategic objectives. It will ensure that a long-term view is taken of Member development but is also one which can flex to fit changing needs and priorities.
2. The Plan acknowledges that Councillors are not employees of the Council and strives to help them seek a balance between their demanding roles, both inside and outside, of the Council.
3. The Council also acknowledges that Members may have transferable skills from their workplace and/or life experiences that can be used to help them perform their Council role.
4. Many people who are elected as Members have their own political views and core social values. Those in political groups will receive leadership and support from their own group.

## Aims and Objectives

5. The aims and objectives for the Member Development Plan is for all Councillors (and any co-opted members) to have the necessary skills and knowledge to carry out their roles in the Council. To achieve this, development opportunities will be available to all Members and will be delivered through methods, at locations (including remote attendance through Teams), and at times, that ensure equality of access for personal circumstances, backgrounds and learning styles.
6. The Plan has the following aim and objectives:
  - i) To create a clear framework for the development of Members based on their individual needs and the needs of the Council as a whole
  - ii) To ensure that all Members have the skills at a level that is suitable for their roles and responsibilities
  - iii) To ensure that Members feel confident and motivated to undertake their roles
  - v) To ensure that Members are fully aware of their roles and responsibilities, including their community leadership role
  - vi) To support the continued development of Members and help prepare them for Council roles that they may fulfil in the future
  - vii) To ensure a consistency of approach to Member development
  - viii) To attract and retain high calibre Councillors from as wide a range of backgrounds as possible

## Governance

7. Continuous development and learning for Members can be achieved by raising the profile of Member development through regular engagement with the Governance, General Purposes & LGR Committee, as well as working with political group leaders to encourage Member take up of the various training opportunities.

Member development must be undertaken and managed if this strategy is to be successful. To do this, it is vital that Councillors play an integral part in the management of the development programme. Member development can also be based on the identified and agreed needs of the individual Councillors through their participation in a Member Development Profile (MDP) process.

8. The Governance, General Purposes & LGR Committee will advise the Council on all Member development matters and will evaluate the programme to ensure that it is responsive to Members' needs as follows:
  - At least once a year, the Committee will evaluate the implementation and effectiveness of this strategy. If necessary, it will be updated to take account of lessons learned, Member feedback, latest developments and best practice.
  - Where possible, Members will be asked to complete evaluation forms after each training session in the core programme either via a paper form at the session or electronically afterwards. Members attending externally provided courses will be encouraged to provide feedback to the Council on them to ensure that value for money is obtained.
  - MDP meetings will be offered to all Councillors with reviews taking place annually on request. The review meeting will be undertaken with officers from Democratic Services and include an opportunity for Members to comment on the training provided since their initial review and to assess the impact training has had on their ability and capacity to carry out their role and any ongoing benefits. They may also raise requests for additional training.
  - During the year at least one comprehensive survey of Members will be undertaken to investigate a range of issues relating to their needs and their views of the services provided for them.
  - Where appropriate, exit interviews will be undertaken with Members who have resigned or who are not seeking re-election to determine whether member development opportunities contributed to their decision. Evaluation and feedback will be analysed and will inform the provision of Member training and will shape future policies. Each year, the Committee will review the feedback that is received in respect of Member development and share this information with other Councillors, and if necessary, with Cabinet.
9. It will be the responsibility of the Governance, General Purposes & LGR Committee and the Democratic Services team to ensure that the Strategy is reviewed and updated to reflect any changes arising from external and internal factors and that it continues to be fit for purpose.
10. The Governance, General Purposes & LGR Committee will agree and review training and development for Members. The main purpose of the Committee's role is to:
  - Champion and promote learning and development among Members.
  - Identify and develop suitable learning opportunities to ensure that development needs are met, including the Member Induction Programme and support throughout the term of office.
  - Evaluate the quality of training to ensure that training is delivered to a consistently high standard and offers value for money and make recommendations to Cabinet, the Council or its committees as appropriate.
  - Provide strong leadership and guidance in respect of Member development.



- Ensure that learning and development is effective in building capacity and ensuring that Members have the necessary skills and knowledge to carry out their community leadership roles effectively.
- To ensure equal access for all Members to training and development and to promote the use of information technology.

### Identifying Member Development Needs

11. Member development needs will be identified as follows:

- **Corporate / All Member Training Needs**

The environment in which local government operates may change frequently and fundamentally. This is because of changes in the law, corporate priorities, or changes to local government services / structures. The Council must be alert to these changes and be ready to adapt its learning and development to suit every circumstance, and to fill any gaps in skills and knowledge that arise. There are some mandatory training elements such as cyber security to ensure the integrity of the Council's IT systems and Code of Conduct Training which is required to be undertaken as referenced in the Code of Conduct. It is important that members refresh their training to ensure they remain up to date with changes in legislation or process.

- **Specialist Role Needs**

Many Members will have additional roles that they currently carry out, or roles that they aspire to, in the future and these will require specialist or more focused training. These roles include:

- Chair or Vice-Chair of Committees or Sub-Committees
- Leadership, for example Leader of the Council or Leader of a Political Group
- Cabinet Member or Shadow Portfolio Holders
- Regulatory Committees such as Licensing and Planning which exercise quasi-judicial functions
- Overview and scrutiny
- Audit and accounts
- Civic and ceremonial protocols

- **Identifying Personal Development Needs**

For a truly effective training needs analysis which identifies specific development needs for individual Members, a more in-depth discussion is needed on a one-to-one basis with Democratic Services. This can best be achieved through participation in the MDP process.

This involves:

- Participation in an individual Member Development Profile / plan meeting where Councillors can identify any gaps in their skills / knowledge to inform their development needs.
- Considering other relevant, necessary skills e.g. presentational skills, speed reading, public speaking etc.
- Discussions with Political Group Leaders or the Democratic Services Team.
- Reviewing the impact of learning and development through the MDP process as well as feedback received through course evaluation.
- Councillors maintaining their own personal development / training records and regularly reviewing if there any gaps in their skills / knowledge. Based on the above, an overall Member Development Programme will be developed

each year but will be reviewed on a regular basis to ensure that it is responsive to the needs of Members and the Council.

### **How Development Needs will be Met**

12. To support the diverse development needs of Members a range of options will be made available to suit different learning styles and individual circumstances. In some cases, these can be delivered through the Council's own internal resources or, where necessary, specialist providers with a proven track records in terms of training will be brought in. Potential development delivery methods may include:
  - Training courses
  - Informal in-house briefings and workshops, including joint Member / Officer training where appropriate
  - External conferences and seminars
  - Member briefings
  - Written learning materials
  - Peer Mentors
  - E-Learning packages
  - Distance learning packages
  - Visits to other Councils or relevant partners
  - Shadowing opportunities
  - Sharing of knowledge amongst other elected Members
13. Members will be encouraged to be involved in their development, where appropriate, by leading workshops, disseminating expert knowledge, offering mentoring or by encouraging the take-up of Member development opportunities.

### **External Development Opportunities**

14. As a Council we welcome and encourage wider Member attendance on training events provided by external partners and principally East Midlands Councils who have their own Member Development Programme. In addition, we signpost Members to the Local Government Association as the national membership body for all Councils in England which offers resources, support and training activities for all Councillors. Both bodies will be essential in the lead into new unitary authorities under LGR. Appendix C to this Strategy provides further information.

### **Conference Attendance**

15. The Council also enables appropriate attendance by Portfolio Holders and Chairs of Committees etc. to wider courses and conferences such as the Local Government Association Annual Conference and Exhibition and the Housing Ombudsman Service.
16. Individual Portfolio Holders and Chairs will also liaise with appropriate Directors on further training opportunities they are made aware of which are offered by other providers such as the Local Government Partnership Network and Westminster Insight Events. Attendance at such conferences will be assessed against the perceived benefits in terms of the District Council objectives and priorities.
17. Where Members make requests to attend a specific conference / webinar etc. where there is a financial cost to be met from the Member Training and Development budget,

these will be assessed by the relevant Director in consultation with the Leader of the Council and Chair of the Governance, General Purposes & LGR Committee against a criteria of offering value for money, meeting any gaps in knowledge and skills and having a corporate benefit.

Attendance at such courses will usually be reserved for those with special responsibilities.

### **Support for New Members**

18. The following specific support will be offered to new Councillors:
  - After the elections, each new Councillor will be provided with an Induction Guide providing a more detailed introduction to the Council and practical information about being a Councillor. This will include wider information about the district; the Council's Purpose and Values; and the Council's Priorities and Objectives.
  - A comprehensive Induction Programme will be provided to ensure that newly elected Councillors can quickly participate fully in the business of the Council. This will include an opportunity to meet senior officers, find out about the Council's key priorities, be given information to get them started and receive basic training on key areas such as the Code of Conduct.
  - Details of the Democratic Services Team will be given to provide support with information and signposting in accordance with the Member Support Scheme as Appendix A.
  - Councillors who have been elected at by-elections will be provided with a similar Induction Programme and support.
  - New Councillors will be offered a tour of key locations across Newark and Sherwood.

### **Resourcing**

19. An appropriate budget and resources will need to be allocated to support the Member Development Plan. This budget would be allocated to fund activities such as the ones listed below and for the provision of any internal training as set out in Appendix B.
  - Conference / Seminar attendance by specific postholders e.g. Portfolio Holders, Group Leaders, Chair of Committees etc.
  - Opportunities for cross-authority / partner training on a countywide, regional or national basis.
  - Specific training programmes provided by national / regional course providers e.g. the Local Government Association.
  - Relevant opportunities for learning through seminars, conferences or visits hosted by partners.

## Appendix A - Member Support Scheme

1. The Member Support Scheme provides all Councillors with a named contact from Democratic Services following their election.
2. The Scheme is not designed to replace the direct contact and access that all Councillors can expect when they wish to speak to their Group Leaders, the Chief Executive, Directors or Business Managers.
3. Democratic Services can offer support and advice, especially during the first year after a Member is elected or if they have been appointed to a new role and can help the Councillor understand the requirements of the role and develop their confidence. The Member Support Scheme enables Councillors to:
  - be more aware of where to go for information and support;
  - feel more confident in their representative and decision-making roles; and
  - be able to make an early contribution to the work of the Council and representing their local community.
4. If Members need factual information about Council services and details about who to contact within the Council, or any other day to day information about Council business, contact can be made with their named Democratic Services Officer or anyone within the Democratic Services Team.
5. What can a Councillor expect from their named Democratic Services Officer?
  - A friendly and prompt response to any questions however trivial they may seem.
  - Support and advice from the Democratic Services Officer, including the use of email, navigation of the Members Intranet, the Council's website and use of the Modern.gov application to view agendas.
  - Signposting to an appropriate Officer or Councillor to take forward a query as needed.
  - A sounding board to help the Councillor reflect on new experiences and issues raised.
  - A response to emails and telephone calls as promptly as possible and to be advised who will respond to queries if the Democratic Services Officer is unavailable
  - A prompt response to requests to meet with the Democratic Services Officer as required
6. In addition, if requested, a peer Mentor who is usually a Councillor from their own political group, can be assigned to help with signposting and providing advice on all issues affecting the life of a Councillor. Once notified of a request for a Peer Mentor, the Democratic Services Officer will contact Political Group Leaders to ask for a nomination as soon as practicable.
7. The Member Support Scheme is informal and intended to be helpful, therefore, Councillors can make as much or as little use of it as they wish.

**Appendix B - Internal Training Programme**

<b>Training Event</b>	<b>Detail / Notes</b>
All Member training events	2 dates for all Member Training included in the Council calendar each year - scheduled for June and November
Licensing Committee Training	Annual training mandatory for Committee Members
Planning Committee Training	Annual training mandatory for Committee Members
Audit & Accounts Committee Training	Annual Statement of Accounts and Treasury Management training for Committee Members
Policy & Performance Improvement Committee Training	Annual training on the running and purpose of overview and scrutiny, including the operation of working group
Code of Conduct Training	Code of Conduct training for all Members at regular intervals
Social Media	Use of social media training to be offered to all Members
Equalities Impact Assessments Training	To equip elected Members with the knowledge and confidence to interpret and embed Equality Impact Assessments (EIAs) to carry out any of their decision-making responsibility
Media Training	Media awareness for Members, including social media
Member Empowerment Training	To support Members to build confidence, develop practical tools, and feel empowered to express their views more actively in council settings
Funding and Grant Opportunities	To empower elected Members with the knowledge, tools, and confidence to effectively communicate grant funding opportunities and criteria to residents and community groups, thereby improving the quality and targeting of applications
Domestic Abuse Training	All Members to be trained to support the Council's commitment to achieving the Domestic Abuse Housing Alliance (DAHA) accreditation
Data Protection and Cyber Training	To be scheduled on a regular basis to ensure Members are alert to security concerns around data protection and cyber attacks

## **Appendix C – External Sources of Training:**

### **THE LOCAL GOVERNMENT ASSOCIATION**

#### **Detail**

The Local Government Association (LGA) has made all of its training modules available on an open access platform so they can be accessed without a username and password. Councillors should still be able to evidence that they have completed the module by completing the certificate of completion.

#### **Subjects Covered**

- Commissioning of Services
- Community Engagement and Leadership
- Councillor Induction
- Equality and Diversity
- Facilitation and Conflict Resolution
- Handling Complaints for Service Improvement
- Influencing Skills
- Licensing and Regulation
- Planning
- Police and Crime Panels
- Scrutiny for Councillors
- Stress Management and Personal Resilience
- Supporting Your Constituents
- The Effective Ward Councillor
- Holding Council Meetings Online
- Handling Intimidation
- Supporting Mentally Healthier Communities

#### **Contact Details**

Information on courses is available on the Local Government Association website.

<https://www.local.gov.uk/our-support/highlighting-political-leadership>

Subjects Covered: Dates:

### **EAST MIDLANDS COUNCILS**

#### **Detail**

East Midlands Councils (EMC) provides a comprehensive, Councillor Development programme for Member Councils in the East Midlands, of which Newark and Sherwood is one.

#### **Subjects Covered**

- Policy/thematic based events for Councillors in the East Midlands, highlighting specific areas, such as a current programme of events on climate change specifically designed for Councillors
- A briefing service with the latest digested news for local government sent via email.
- Skills workshops delivered in-house, online and face to face on areas such as Chairing skills, Time management and Presentation skills
- Networking sessions with Scrutiny and Councillor Development.

- The East Midlands Regional Councillor Development Charter, we support the assessment and validation of Charter, as well as on-going support
- Personal Development Planning for Councillors
- Action Learning Sets for Councillors
- Developing Impact and Influence Workshops for Councillors

**Contact Details**

Information on courses is available on the East Midlands Councils website.

<https://www.emcouncils.gov.uk/Councillor-Information-and-Support>

**PART F**

**COUNCILLORS**



**CONSTITUTION  
NOVEMBER 2024  
PART F COUNCILLORS  
SOCIAL MEDIA PROTOCOL FOR MEMBERS**

## **1. Purpose of this Protocol**

1.1 Effective communication is at the heart of success for any councillor. Over recent years social media has transformed how elected representatives communicate with their communities. There are many key benefits to using social media as a councillor and it is recognised that there is a range of ability and frequency of use of social media as a communication tool by councillors. Using social media, in particular highly used platforms like Facebook enables Councillors to engage regularly with many residents across all age groups and demographics including residents who are much less likely to read leaflets or attend council meetings.

1.2 This Protocol is intended to provide guidance and support for councillors in utilising social media and complements the general rules under the Code of Conduct for Members. This Protocol provides advice on how to stay safe and secure online, how to use social media sensibly and responsibly, in line with corporate policy. The Protocol sets out the potential risks and benefits of social media usage and gives some practical tips to ensure councillors don't fall foul of any legal or security issues.

## **2. What is Social Media?**

2.1 Social media is the term to describe websites and online tools which allow people to interact with each other by sharing information, opinions, knowledge and interests. This could, for example, be blogs, and postings on a wide range of social media platforms including (but not limited to) Facebook, LinkedIn, Snap-chat, Instagram etc.

2.2 Used well, social media can enable councillors to provide up to date information to residents and communities in a cost-effective way. It can help them:

- i. Promote the work they are doing to a variety of audiences.
- ii. Promote the work of the council to a variety of audiences.
- iii. Engage with residents, businesses and community groups.
- iv. Listen to conversations and issues going on in their local area.

2.3 There are many social media platforms available to use and different social media platforms enable councillors to communicate with different members of the community. Instagram is focused on images and engagements with the images. Facebook remains one of the widest reaching platforms for councillors and it is recommended as the best place to start with social media.

2.4 As a councillor, you need to use your time effectively – you're a busy person! The Local Government Association advice is to start by prioritising one key social media platform and become confident and impactful on it before deciding to move on to others.

## **3. Keeping you safe**

3.1 Make sure if you are using social media that you use secure log in details, don't use your councillor email for example as this may be well known.

3.2 Make sure you maintain a divide between your personal and family life and your public profile. If you post material to your Councillor page, even if it is private, you could be seen to be acting as a Councillor and the Code of Conduct will apply.

3.3 Ensure appropriate privacy settings are applied to whichever platform you choose to use.

3.4 Be aware that Councillors are personally responsible for any content they publish on any form. It is highly recommended that you don't post or share anything online that you would not be comfortable saying or sharing in a public meeting.

3.5 Content on social media is available for a long time. Even if you delete it, someone could have easily screen shot it or used it elsewhere. As a councillor you need to think carefully about what and how much content you put in the public domain.

3.6 Don't share your personal details online such as your phone number or personal photos with family members or friends. Whilst you might be comfortable being in the public glare consider whether your family, friends, work colleagues or neighbours would be as comfortable.

3.7 As with emails you need to be alert to phishing scams, cons or malicious software.

3.8 Beware of those who seek to use social media in a negative or abusive way, sometimes referred to as "trolls". The best advice is not to respond to such individuals and consider deleting or hiding their comments.

3.9 Do not be afraid to block followers or individuals who are persistently abusive to you. You should also consider reporting such conduct to the police. Similarly, where offensive content is posted by others, you should delete it and report it.

## **4. Responsibilities of Councillors**

4.1 There's a golden rule for using social media, which is: if you are unsure about posting something, stop and ask for advice first before doing anything else. The Council's Communications team and/or Legal team can offer advice and support.

Social media works in the public domain. Once something is published it is 'out there' for everyone to see and very easily it can:

- go viral,
- be altered or changed without your consent,
- be taken out of context or
- be shared around the world.

Using social media as an elected (or co-opted) member of a council is very different from using it as someone who isn't. Councillors have additional responsibilities because of their position.

4.2 Councillors are personally responsible for the social media content they create, publish and share. Being a councillor will not prevent someone else pursuing legal action following the publication of an untrue statement. In such a situation, it is likely that you will be held personally liable. No indemnity from the Council will be available. This could include 'liking' or sharing someone else's content publicly as this could be viewed as endorsement.

4.3 Councillors should be mindful of the difference between fact and opinion. They also play a central role in preventing the spread of disinformation. Think twice before you press 'share'. If using Artificial Intelligence in the creation of posts care should be taken to still ensure that the contents are accurate and in context.

4.4 As a Councillor you are a representation of your office and your Council. Care should be taken when posting about Council business to ensure it is an accurate account and does not risk bringing your office or the Council into disrepute.

4.5 Be careful about your "friends" on social media, you shouldn't request or accept a Council employee or contractor providing services to the council as a "friend" on a social networking site where this suggests close personal association. For the avoidance of doubt, this does not apply

to sites which are intended as a neutral, professional connections registry (such as LinkedIn.) As a Councillor you need to be aware of the perception of bias or special treatment.

4.6 As a Councillor you are in a position of authority. When posting comments on social media you must ensure they are respectful and that the platform is not used in any way to attack, insult, abuse, defame or otherwise make negative, offensive or discriminatory comments about council staff, service users, their family or friends, colleagues, other professionals, other organisations, or the council.

4.7. Safeguarding issues are paramount because social media sites are often misused by offenders. Safeguarding is everyone's business – if you have any concerns about other site users, you have a responsibility to report these.

4.8. Be careful not to give the impression your personal website or social media account is an official District Council website or account, for example by misleading use of the Council's logo. It is however acceptable to share the Council's public social media content through your own social media account/s.

4.9 On social media, councillors should also keep in mind their responsibility in relation to confidential information, copyright, data protection, the pre-election period and exempt reports.

4.10 Councillors are still subject to the Code of Conduct on social media where there is an explicit link between the content posted and council business or your role as councillor. As a general rule, councillors should demonstrate good conduct at all times and so should act as though their public engagement on social media falls in scope of the Code of Conduct.

4.11 When posting to social media you should remember that:

- you are an elected representative of your council.
- what you post can affect the reputation of your council.
- your council is a corporate decision-making body – you can't, independently, make decisions for the council on social media.
- some issues and communications are best left to your council's official social media channels, which are usually managed by officers.
- having a single voice or message can be critical in some situations – for example, in the event of major flooding.
- you don't have to respond to or comment on everything on social media – and sometimes it's best not to.

Think before you press 'publish'! There is a simple test. If you would be reluctant to say something face-to-face to a group of strangers in the street, then you probably shouldn't say it on social media.

## **5. Relevant Elements of the Members' Code of Conduct:**

5.1 Where you are posting on a Councillor social media platform or sometimes even if you are posting on a private platform about Council business, the Code of Conduct will be engaged. The following sections of the Code are relevant:

5.2 You must treat others with respect - do not use social media to make personal attacks or indulge in rude, disrespectful or offensive comments.

5.3 You must comply with equality laws – do not publish anything that might be seen as discriminatory against any protected characteristic.

5.4 You must not bully or harass anyone – do not say anything, particularly if it is part of a series of similar comments about a person or on a theme that might be construed as bullying or intimidation.

5.5 You must not bring your office or the council into disrepute – you should not publish anything that could reasonably be perceived as reflecting badly upon or lowering the reputation of you or the Council.

5.6 You must not disclose confidential information - you must not, in your use of social media, just as in any other circumstances, disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature. Inadvertent leaks of the council's confidential information are more likely to take place when a councillor is using social media, rather than, say, when they are carefully drafting a letter for publication in the local paper. This may be because of the more immediate, conversational, off- the cuff nature of much social media communication. Members must be careful to apply exactly the same standards to their social media communications as they would to statements made in a more formal context.

## **6. General**

6.1 The Council wishes to encourage Members' use of technology including social media for effective communication. This guidance is intended to help Members use social media in a way that avoids legal and reputational risk. Councillors are required to engage with any training provided by the Council on use of social media.

## **7. Advice**

The Council endorses the [Local Government Association's Social media guidance for councillors](#) and requires all Councillors to use it if they choose to engage on social media. the guidance has been incorporated into this document. Further guidance can also be accessed.

The Communications Team or the Legal Team are happy to help Members by providing addition advice and guidance as appropriate.



## Work Programme for Governance, General Purposes & LGR Committee

**16 APRIL 2026**

**Report Title/Topic**

Annual Review of the Council's Constitution

Annual Review of Exempt Reports