

To: Councillor Brock (Chair)  
Councillors Terry, Barnett-Ward, Emberson,  
Ennis, Gittings, Hoskin, Leng, McEwan,  
Mitchell, Robinson, Rowland, Thompson  
and White

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20 October 2023

Your contact is: **Simon Hill - Committee Services (simon.hill@reading.gov.uk)**

### **NOTICE OF MEETING - POLICY COMMITTEE 30 OCTOBER 2023**

A meeting of the Policy Committee will be held on Monday, 30 October 2023 at 6.30 pm in the Council Chamber, Civic Offices, Reading, RG1 2LU. The Agenda for the meeting is set out below.

- 1. CHAIR'S ANNOUNCEMENTS**
- 2. DECLARATIONS OF INTEREST**

**3. MINUTES** **5 - 14**

- 4. PETITIONS AND QUESTIONS**

To receive any petitions from the public and any questions from the public and Councillors.

**5. READING BUSINESS IMPROVEMENT DISTRICT** **BOROUGH**  
**BALLOTS** **WIDE** **15 - 90**

This report outlines the success of Reading's two Business Improvement Districts (BIDs) and seeks endorsement for a proposal for two BIDs for the period 2024 – 2029 covering the town centre and the Abbey Quarter. The report also seeks approval for the Council to vote in favour of both BID proposals in respect of its properties within the BID 'area of benefit'.

**6. SINGLE HOMELESSNESS ACCOMMODATION** **BOROUGH**  
**PROGRAMME** **WIDE** **91 - 96**

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This report seeks authority to bid for capital funds to the value of £480,000 and revenue funds to the value of £167,789 from the Department for Levelling Up, Housing and Communities Single Homelessness Accommodation Programme to purchase and provide support to six additional Housing First units from 1 April 2024 to relieve and prevent rough sleeping in Reading.

**7. DIGITAL & CUSTOMER TECHNOLOGY DELIVERY UPDATE** **BOROUGH WIDE** **97 - 104**

This report provides an update on the progress since October 2022 of implementation of the Connected Reading Digital Transformation Strategy.

**8. RIPA & IPA POLICY AND PROCESS 2023** **BOROUGH WIDE** **105 - 262**

This report seeks approval for the updated RIPA & IPA Policy, governing the Council's lawful use of Covert Surveillance techniques and the lawful acquisition of Communications Data as investigative tools for investigations.

**ITEMS FOR CONSIDERATION IN CLOSED SESSION**

**9. EXCLUSION OF THE PRESS AND PUBLIC**

The following motion will be moved by the Chair:

“That, pursuant to Section 100A of the Local Government Act 1972 (as amended) members of the press and public be excluded during consideration of the following items on the agenda, as it is likely that there would be disclosure of exempt information as defined in the relevant Paragraphs of Part 1 of Schedule 12A (as amended) of that Act”

**10. DECLARATIONS OF INTEREST FOR CLOSED SESSION ITEMS**

**11. RTL SHAREHOLDER REPORT – PROJECT RIDER** **BOROUGH WIDE** **263 - 318**

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**Present:** Councillor Brock (Chair);

Councillors Terry (Vice-Chair), Barnett-Ward, Emberson, Ennis, Gittings, Hoskin, Leng, McEwan, Mitchell, Robinson, Rowland, Thompson and White

### 21. MINUTES

The Minutes of the meeting held on 10 July 2023 were agreed as a correct record and signed by the Chair.

### 22. QUESTIONS

A question on the following matter was submitted by a Councillor:

	<u>Questioner</u>	<u>Subject</u>	<u>Reply</u>
1.	Cllr White	Drone Superhighway Above Reading	Cllrs Ennis

(The full text of the questions and responses was made available on the Reading Borough Council website).

### 23. VOLUNTARY & COMMUNITY SECTOR COMPACT 2023 TO 2025

The Committee considered a report on a Voluntary and Community Sector Compact for 2023 to 2025.

The report explained that the Compact had specifically been requested from the sector and co-produced over six months by the Council and voluntary and community sector organisations across the borough. The aim of the Compact was to create and embed mechanisms that ensured the work to improve the lives of residents and communities was effectively joined up, targeted to add most value, and each partner supported the other as much as it could.

The Compact provided a framework for partnership working, with dialogue and collaborative working between the Council and the Voluntary and Community Sector including the following:

- Our Shared Ambition
- How we will Work Together
- Principles of Our Compact Approach
- The Relationship Between Reading Borough Council and the Voluntary & Community Sector
- Our Compact Offer
- Accountability for the Compact
- Annual Review

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The Compact covered the period for 2023-25 and would align with existing Closing the Gap funding agreements between the Council and voluntary and community sector as well as the Council's medium term financial strategy. Progress would be reviewed annually by the Council and the Voluntary and Community Sector.

It was noted that a key element in the action plan would be to raise awareness and that the Compact worked for the whole sector. The Action Plan had been developed with the voluntary and community sector and would be taken to the Council's Social Inclusion Board and reviewed on a regular basis.

Rachel Spencer, Chief Officer, Reading Voluntary Action, attended the meeting representing the Reading Voluntary sector leaders. She explained that the leaders of RVA would raise awareness and encourage the wider sector to be involved in the Compact. Rachel confirmed that she would attend a future meeting to update the Committee and to share positive working across the sector.

### **Resolved –**

- (1) That the Voluntary and Community Sector Compact 2023-25 as presented in Appendix 1 to the report be approved;**
- (2) That, as per section 10 of the Voluntary and Community Sector Compact, the Committee receive annual updates on the activities of the Compact at future Policy Committee meetings.**

### **24. STRATEGIC INFRASTRUCTURE - ELECTRIC NETWORK CAPACITY**

The Committee received a report that provided information on network capacity issues in the local grid due to the growing energy demand and how this could impact on the ability to deliver a range of Local Plan and climate policy ambitions.

The report explained that the local electricity network was operated by the District Network Operator (DNO) which was Scottish and Southern Electricity Network (SSEN) for Reading and a large area of southern England. The Borough was now facing network capacity issues in the local grid due to the delivery of various climate policy initiatives which were not previously a constraint on the council's projects or housing delivery. The grid capacity needed to comply with the Local Plan policy requirements, and might not be able to be secured due to the DNO placing restrictions on new developments if they generated new electricity consuming loads via heat pumps and/or EV charging points.

Officers had met with SSEN to discuss support of Net Zero and economic development. SSEN submitted to the Committee a response to the report setting out a local position and work they would undertake with the Council. SSEN had informed the Committee that there were no restrictions, however, a case-by-case approach would be undertaken with more flexibility than previously understood. The Council would also be able to engage with a Net Zero accelerator tool to support future demand modelling.

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It was noted that discussions on the issue had taken place with neighbouring areas and partner organisations who shared the same concerns. The report outlined several proposals including:

- Direct engagement with SSEN
- Indirect lobbying of SSEN
- Local Area Energy Planning
- Regional System Planning
- Lobbying SSEN to fund work to enable council to be more 'intelligent' clients' due to the complex policy area.

### **Resolved –**

- (1) That the content of the report be noted;**
- (2) That options to engage with Scottish and Southern Electricity Network from a local and regional perspective, with a view to determining how best to unlock capacity needed for environmentally and economically sustainable growth, as outlined in the report, be agreed.**

### **25. REVIEW OF THE CONSTITUTION**

The Committee received a report that set out revisions to the Council's Constitution. The last review of the Constitution had taken place in October 2022 and a further review had been agreed after 12 months to assess whether the objectives of the review had been successful and to consider further revisions.

As part of the 2022 review the scope of officer delegation had been significantly broadened and a new definition of a 'Key Decision' agreed. Following the new scheme of delegations and introduction of the new Constitution officers were invited to training sessions with the Legal Services Manager and Democratic Services Manager on the new system. No issues in relation to the changes had been identified, however, the Key Decision criteria would be kept under review by the Monitoring Officer and continued training and support would be offered to officers.

It was reported that there had been progress on the review of the Financial Regulations, but due to the prioritisation of outstanding audits and the implementation of the new financial system, these were not ready for submission. It was anticipated that the Financial Regulations would be presented to a forthcoming Policy Committee ahead of Council in January 2024.

The revision of the Contract Procedure Rules would be considered at Audit and Governance Committee on 27 September 2023 and recommended onto Council on 17 October 2023. Revised Terms of Reference for the Audit & Governance Committee would be presented to the Audit and Governance Committee on 27 September to be considered and recommended onto Council on 17 October 2023.

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A revised Article 12 of the Constitution included amendments as set out in Appendix 1. Other amendments included in the review and outlined in the associated report were as follows:

- Specific Officers Delegations
- Sealing of Documents
- Casual Appointments to Committees
- School Admission Forum
- Cultural Partnership Board

### **Recommended to Council –**

- (1) That the progress to simplify decision making since October 2022 be noted;**
- (2) That progress toward revised Financial Regulations be noted;**
- (3) That Article 12 of the Constitution be revised in accordance with the recommendations of the associated report (as set out in Appendix 1);**
- (4) That references to the School Admission Forum and the Cultural Partnership Board be removed from Article 10 (Consultative Committees and Forums);**
- (5) That the revised working for Sealing of Documents be adopted as set out in paragraph 3.34 of the associated report;**
- (6) That the existing power of the Monitoring Officer to make changes to Committees etc. during the municipal year, be added to Part 3 (Officer Delegations) of the Constitution.**

### **26. ROUGH SLEEPING DRUG AND ALCOHOL TREATMENT GRANT (RSDATG) AND MULTIPLE DISADVANTAGE OUTREACH TEAM (MDOT) CONTRACT**

The Committee considered a report setting out approval to seek to procure and award a contract for the Rough Sleeper Drug and Alcohol Treatment Grant 2024/25 for one year plus 18 months. The expected total value of the contract was £1,866,460. This would be on the understanding and strict condition that the Council received early confirmation from the Department for Levelling Up, Housing and Communities that they would agree to extend the grant beyond 31 March 2025.

The report explained that the Ministry of Housing, Community and Local Government (MHCLG) and Department of Health and Social Care (DHSC), had announced at the Budget in March 2020 that they had secured £262m to be available during 2020-2024 for drug and alcohol treatment and related provision. This was specifically to meet the needs of people experiencing rough sleeping who had drug and alcohol dependence needs. A further funding allocation for 2024/25 had been announced in June 2023.

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In January 2022 Reading had awarded a contract to Change Grow Live (CGL) to deliver the Multiple Disadvantage Outreach Team (MDOT) service. This was initially for 15 months plus 1 year and the contract extension was due to end March 2024. It was reported that the total value of the CGL contract in the 2022/23 outturn was £2,000,770 and for 2023/24 predicted to be £2,075,770. The separate MDOT contract with CGL 2023/24 annual spend was £746,584.

The re-procurement of the service would ensure continuity of the service and protect vulnerable residents.

### **Resolved –**

- (1) That a procurement for the Rough Sleeper Drug and Alcohol Treatment Grant (24/25) for one year + 18 months (an expected total value of £1,866,460), on the condition that Department Levelling Up, Housing and Communities extend the grant beyond 2024/25 be approved;**
- (2) That the Executive Director of Communities & Adult Social Care, in consultation with the Lead Councillor for Education and Public Health, be authorised to award the new contract from 1 April 2024 and any extensions to the contract.**

### **27. 2023/24 QUARTER 1 PERFORMANCE AND MONITORING REPORT**

The Committee considered a report setting out the projected revenue and capital outturn positions for 2023/24 for both the General Fund and the Housing Revenue Account (HRA) as at the end of Quarter 1 and the performance against the measures of success set out in the Council's Corporate Plan. The following documents were attached to the report:

- Appendix 1 – General Fund Revenue Financial Monitoring and Performance Quarter 1
- Appendix 2 – Brighter Futures for Children (BFfC) Budget Monitoring Report Period 3
- Appendix 3 – Capital Programme Quarter 1
- Appendix 4 – Corporate Plan Performance Measures (Monthly & Quarterly) Quarter 1
- Appendix 5 – Corporate Plan Projects and Initiatives Quarter 1

The report noted that the Council remained financial stable, however, it was not immune to several wider pressures impacting on the Local Government sector including:

- A cost-of-living crisis with pay and inflation pressures far in excess of what was anticipated when the budget was set in February 2023;
- Cost pressures arising from increasing demand and increasing complexity of need in children's social care services;
- Increasing numbers of families presenting as homeless;
- Income still not returning to pre-Covid levels.

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There was also an increasing trend of non-delivery of savings, with only 42% of savings currently showing as on track or delivered. As a result of these factors there was a forecast adverse variance of £11.255m on General Fund (GF) revenue service expenditure. This was broken down as follows:

- £0.288m Adult Care & Health Services
- £3.981m Economic Growth & Neighbourhood Services
- £1.142m Resources
- £0.015m Chief Executive Services
- £5.829m Children's Services Delivered by Brighter Futures for Children (BFfC)

Detailed explanation for these variances were contained within Section 3 of the report.

It was noted that other Corporate Budgets were forecasting an adverse net variance of £0.374m. This variance included a forecast pressure of £1.243m relating to current 2023/24 pay award assumptions. This pressure on pay inflation was predominantly offset by positive net variances of £0.869m within Other Corporate Budgets mainly due to the forecast release of all other contingencies. The pressure relating to the pay award was assumed to be funded by a drawdown from the Pay & Inflation earmarked reserve. In addition, the Capital Financing budget was currently forecast to deliver a positive net variance of £2.472m.

A corporate contingency of £4.108m was set for 2023/24 to mitigate against non-delivery of savings. This contingency was now fully released to offset against the adverse variance on service expenditure. Overall, this resulted in a projected overall adverse net variance of £3.806m. While this level of adverse variance was manageable within existing reserves, it was important to take action now in order to avoid a worsening of the Council's financial position. Each Directorate had been tasked with developing a Recovery Plan to identify options/mitigations for in-year savings. If successful this would avoid the need to implement additional spend controls at a later point. The results would be presented to Policy Committee in December as part of the 2023/24 Quarter 2 Performance and Monitoring Report.

The provisional General Fund Capital Programme outturn was forecasting a positive net variance of £0.728m against a proposed revised budget of £107.178m in 2023/24. This variance related to £0.842m of the Delivery Fund that had not yet been allocated to specific proposals as at the end of Quarter 1 and an adverse variance of £0.114m on approved Delivery Fund allocations.

The approved Housing Revenue Account (HRA) budget assumed a drawdown from HRA reserves of £2.499m. At Quarter 1 the forecast revenue outturn position was a positive net variance of £0.661m. Therefore, a drawdown from HRA Reserves of £1.838m was forecast rather than the originally budgeted £2.399m. The HRA Capital programme was forecasting to spend to budget against a revised budget of £36.442m in 2023/24.

The report also set out performance against the measures of success published in the Council's Corporate Plan. Of the 26 Corporate Plan Performance Measures monitored monthly or quarterly, 52% were currently "green", 46% "amber" and 2% "red". 38% had

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improved since Quarter 4 of 2022/23, whilst 50% had gotten worse. Of the 48 Corporate Plan Projects, 52% were currently “green”, 46% “amber” and 2% red”. Those measures that had shown significant change since Quarter 4 of 2022/23 were set out in Appendix 4 to the report.

### Resolved –

- (1) That it be noted that:
  - a) That the forecast General Fund revenue outturn position for Quarter 1 was an adverse net variance of £3.806m;
  - b) £0.044m (1%) of savings had been delivered (blue) to date in this financial year, with a further £3.345m (41%) of savings on track to be delivered (green) by March 2024; £2.730m (33%) of savings were currently categorised as non-deliverable (red) and £1.999m (25%) categorised as at risk of delivery (amber);
  - c) That the General Fund Capital Programme was forecasting a positive net variance of £0.728m against the proposed revised budget of £107.178m;
  - d) That there was a total £4.595m Delivery Fund available for 2023/24 (inclusive of 2022/23 approved carry forwards). At Quarter 1, £3.753m of this funding had been allocated to approved schemes;
  - e) That the Housing Revenue Account (HRA) was projecting a positive net variance of £0.661m as at the end of Quarter 1, which resulted in a forecast contribution to HRA reserves of £0.051m;
  - f) That the HRA Capital Programme was forecasting to spend to budget against the proposed revised budget of £36.442m;
  - g) The performance achieved against the Corporate Plan success measures was as set out in Section 11 of the associated report and Appendices 4 and 5;
- (2) That the amendments to the General Fund Capital Programme (as set out in Section 7 and Appendix 3 of the report) resulting in a revised Capital Programme budget of £107.178m for 2023/24 be approved;
- (3) That the Scheme & Spend approval for the two General Fund Capital Programme schemes as set out in paragraph 7.8 and Table 13 totalling £0.309m be approved;
- (4) That spend approval for the three General Fund Capital Programme scheme as set out in paragraph 7.9 and Table 14 of the report totalling £24.800m be approved;
- (5) That the amendments to the HRA Capital Programme (as set out in further detail in Section 10 and Appendix 3 of the report) resulting in a revised HRA Capital Programme net budget of £36.442m for 2023/24 be approved.

**28. EXCLUSION OF THE PRESS AND PUBLIC**

**Resolved –**

That pursuant to Section 100A of the Local Government Act 1972 (as amended), members of the press and public be excluded during consideration of items 29 and 30 below as it was likely that there would be a disclosure of exempt information as defined in the relevant paragraphs specified in Part 1 of Schedule 12A to that Act.

**29. BRIGHTER FUTURES FOR CHILDREN LTD - APPOINTMENT OF DIRECTORS**

The Committee, in its capacity as the sole member of Brighter Futures for Children Ltd, considered a report regarding appointments to the Board of Directors. Details regarding the appointments were set out in the confidential report.

**Resolved –**

- (1) That the appointment of the Chair of Brighter Futures for Children Ltd be extended from 31 March 2023 until 31 March 2027;**
- (2) That the Brighter Futures for Children Board be invited to agree a scheme for the staggered retirement and appointment of the current Independent Non-Executive Directors over a four-year period from October 2024 to November 2028;**
- (3) That the Chief Executive, in consultation with the Leader of the Council, be authorised to agree the terms and conditions of the further appointment of the Chair until 31 March 2027;**
- (4) That the Assistant Director of Legal and Democratic Services be authorised to give notice in writing to the Company Secretary under Article 10.1 as regards the further appointment of the Chair until 31 March 2027;**
- (5) That the Assistant Director of Legal and Democratic Services be authorised, in consultation with the Chief Executive and the Leader of the Council, to approve the Reserved Matter under Article 26.2 with regard to the Board's proposed retirement and appointment scheme for the Independent Non-Executive Directors.**

(Exempt information as defined in Paragraph 1)

**30. READING TRANSPORT LIMITED SHAREHOLDER REPORT**

The Committee, in its capacity as shareholder of Reading Transport Limited (RTL), considered a report setting out at Appendix 1 a Shareholder Update Report and 2022/23 Annual Review submitted by RTL. Provisional Management accounts were attached to the report submitted by RTL at Annexes 1-3.



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### Resolved –

- (1) That the contents of the confidential report and Annual Review as attached at Appendix 1 be noted;
- (2) That Reading Transport Limited's provisional management accounts for the year ending 3 April 2023 be noted;
- (3) That the appointment of Operations Director, effective from 3 July 2023, as set out in the confidential report be noted.

(Exempt information as defined in Paragraph 3)

(The meeting started at 6.30 pm and closed at 8.02 pm)

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## Policy Committee

30 October 2023



**Reading**  
Borough Council  
Working better with you

<b>Title</b>	Reading Business Improvement District Ballots
<b>Purpose of the report</b>	To make a decision
<b>Report status</b>	Public report
<b>Report author</b>	Emma Gee, Acting Executive Director Economic Growth and Neighbourhood Services & Nigel Horton-Baker, Chief Executive REDA
<b>Lead Councillor</b>	Cllr Liz Terry, Corporate Services & Resources
<b>Corporate priority</b>	Inclusive Economy
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. That the Committee endorses the proposals for the Reading Central BID and Abbey Quarter BID ballots as outlined in section 3 “The Proposal”.</li> <li>2. That the Committee approves the Council voting in favour of both the Reading Central BID and Abbey Quarter BID ballots for the period 2024 – 2029 in the forthcoming ballots.</li> <li>3. That the Committee delegates authority to vote for the proposed BIDs to the Executive Director Economic Growth and Neighbourhood Services.</li> </ol>

### 1. Executive Summary

- 1.1. This report outlines the success of Reading’s two town centre Business Improvement Districts (BIDs), Reading Central BID establishment in 2006, and Abbey Quarter BID, establishment in 2019. For the last BID period from 2019 this includes investing almost £5m of additional funding to improve the attractiveness of the two BID areas, supporting the continued economic success of the town.
- 1.2. For the period 2024 - 2029, REDA the Council’s arm’s length economic development company (and the promoter) is putting forward two BID proposals covering the whole of the town centre and Abbey Quarter which will yield a collective BID levy of £7m over 5 years. The report describes the role of REDA, in managing both BIDs and the ballot process.
- 1.3. The report seeks the Council’s endorsement of proposals for both BIDs for the period 2024 - 2029. The report highlights the fact that the Council is eligible to vote in the required ballot on both BID proposals in respect of its properties within the BID ‘area of benefit’ and seeks approval for the Council to vote in favour of the proposed ballot.

### 2. Policy Context

- 2.1. The Council strongly supports measures to sustain and improve the economic viability of the town centre and the quality of its offer to residents, visitors, and the business community. The Council already provides a range of services to support the town centre and the BID plans would be in addition to these, see Appendices 6 Baseline Statements – Reading 2024 – 2029. The Council has consistently backed the establishment and subsequent ballots of the BID since their inception.

- 2.2. The Council is asked to endorse the continued operation of both the Reading Central BID and Abbey Quarter BID covering the whole of the town centre, to bring added value services that will benefit the town centre, residents, visitors, and businesses alike. The operation of BIDs is prescribed through legislation (Business Improvement Districts (England) Regulations 2004, SI 2004/2443) with specific requirements for their establishment and continued operation.
- 2.3. The BID process require a ballot of all businesses with a rateable value of £10,000 or greater within the two designated BID areas.
- 2.4. For the BIDs to be approved a simple majority (51%) of those voting (turnout) must vote in favour and these must represent a majority of the aggregate rateable value of those voting. If a BID receives a 'yes' vote all eligible business rate payers within the designated area will pay an additional levy (as proposed in the respective BID business plans) on their business rates to fund extra services.
- 2.5. The Council through its ownership of several properties and car parks in the proposed BID areas is eligible to vote in both ballots and will be required to pay the respective levy if the results of one or both of the ballots are in favour of a BID.

### 3. The Proposal

- 3.1. Reading has had a BID in the town centre since 2006, being one of the first BIDs outside London and has also been successful in three subsequent BID ballots including the introduction of a second BID, the Abbey Quarter BID (2019 – 2024). The BIDs have been successfully managed since their inception by the Council's, arm's length economic development company REDA (trading name for Reading UK) and the company is also leading on taking forward proposals for the continued operation of the BIDs.
- 3.2. The next ballots are due in February 2024. The last ballots in February 2019 yielded the following results:

BID Name	% in favour by number	% in favour by value
Reading Central BID	80%	94%
Abbey Quarter BID	87%	97%

- 3.3. The BIDs have successfully delivered a range of enhanced services complementing the Council's statutory responsibilities. The BIDs services provide commercial, retail and hospitality businesses with a safer, cleaner, more attractive, more vibrant, and better-connected town centre.
- 3.4. This is funded by the business levy in the designated area that amounts to nearly £1million per year (2019-2024) and will be nearly £1.5million in the proposal from 2024 - 2029. The BIDs and their Committees also act as the eyes and ears of the town and as an advocate of all businesses providing a collective voice on issues of concern. The BIDs are an effective partner to the statutory bodies in bringing about improvements and positive change.
- 3.5. Below is a sample snapshot of projects and initiatives delivered as part of the 2019-2024 Business Plans. The snapshot documents below accompany the annual BID levy bills highlighting to BID levy paying businesses the initiatives supported through the BID levy. See Appendices for links to BID Business Plans 2019 – 2024:
  - Appendices 1 Reading Central BID Business Plan 2019 – 2024
  - Appendices 2 Abbey Quarter BID Business Plan 2019 – 2024
- 3.6. Services and initiatives supported over the 5-year BID term include:
  - Business Wardens – 2 contracted SIA accredited (Security Industry Authority) wardens, working closely with retailers and security staff, Police, CCTV operators and agencies such as Street Pastors and St Mungos to support those individuals most vulnerable, as well as tackling issues of anti-social behaviour and shoplifting, retrieving on average £5000 worth of stolen goods for retailers each month.

- CCTV staff – in collaboration with the Council and the Police, the BID funds the wage costs of the CCTV operators and working closely with the staff assists in ongoing investigations where required.
- Floral installations – Summer and Winter floral installations throughout the town bring animation and colour to the streets of Reading, enjoyed by visitors and workers in the town centre. Flower troughs decorate the Town Hall and Museum in Summer, and many hanging baskets are installed along the main pedestrian thoroughfares of the town. For the Jubilee year the summer flowers were colour co-ordinated with the national Jubilee colours.
- Christmas lighting and events – the annual lighting installation is funded and installed by the BID, this includes the Christmas trees and associated events through the festive season. The Christmas tree light switch on event is growing in popularity and this year, working with the Hexagon, the BID have arranged the Pantomime Dame to turn on the Christmas tree lights.
- Seasonal and cultural events – the BID levy also supports many cultural events through the year including the Reading Lantern Parade, Rabble theatre productions, Down at the Abbey, Are You Listening?, Bastille Day, and Diwali, with plans to support Chinese New Year too. Alongside this to help drive footfall the BID has introduced trails through the town centre including the Easter trail and the recent Reading Dino Trail, and a Halloween trail planned for later in the year. These trails are always free for families to attend ensuring that no economic sectors of our local population are overlooked and include trail stops and map pick up points in the Library and Town Hall buildings, helping drive footfall to these areas too.
- Recycling initiatives – for several years the BID has contracted the Council's street care team to carry out a weekly collection of cardboard from BID businesses. Over the years this service has grown in popularity and used by many differing sectors within our town. Recently the BID has replicated this service for the collection of small electrical items (WEEE) which are then recycled through the recycling centre. This service has also proved popular with businesses looking to recycle locally and responsibly.
- Night time economy support – working closely with the Council's Licencing Team as well as the local Policing team the BID has been able to support many local initiatives including anti spiking campaigns, the First Stop and Street Pastor support services, security teams, numbered Hi-Viz door supervisor tabards, night time specific training courses, and lead on the Purple Flag accreditation which includes input from many teams within the Council including Licencing, Trading Standards and Street Care.
- Training - a relatively new service, the BID now offers training to BID levy businesses following feedback. This includes: First Aid training and Mental Health Awareness training which have been very well received, each session fully booked and attended with waiting lists for both. Other training includes Coaching for Managers, Disability Awareness, and Deaf Awareness all of which were well received, and will continue to be run.
- Deep cleaning – additional to the Council's street cleansing services the BID funds a bi-annual deep cleansing of the pedestrianised areas through the town centre. Taking place end of Spring and early Autumn these cleans remove the build-up of gum and grime through jet washing and steam cleaning. These services are delivered overnight when the town is quieter, or during the day where the areas have residences.



3.7. Outside of these specified Business Plan activities other examples of added value of the BIDs in the last 5 years include:

- Operational throughout Covid lockdowns the BIDs delivered continued Business Warden services, distributed large quantities of hand sanitiser to essential retailers, worked with the Council to co-ordinate queue markings for re-opening businesses, continued communications around retail, office and hospitality capacities, a conduit for information on Covid recovery grants and furlough details, pivotal in linking businesses keen to support community groups and charities during Covid lockdowns.
- Developed the Friday meeting bringing together the University, Reading Borough Council and Wokingham Borough Council with key night time management in the lead up to the first Freshers events post Covid.
- Worked as the conduit of information between businesses, the Council and Police bodies during the enforced road closures following the Forbury Gardens attack, including distributing information on key memorial events and updates.
- Acting as a conduit between businesses and other services following the fire in Union Street including co-ordinating signage and contractors to complete the works as soon as was possible.
- Participating in multi-agency working on the issues of homelessness, begging and community safety, assisting in delivering projects and programmes funded by Government grants, eg Safer Streets 4, Welcome Back Fund, High Street Heritage Action Zone.

3.8. Options Proposed – Reading Central BID Ballot

- Geography – discussions were held with the Reading Central BID Committee regarding changes to geographical areas. It was decided to extend the North West boundary to include Greyfriars Road and Station Hill, as well as Cheapside and Minster Street. This ensures a cohesive approach to the whole town centre and encompasses the new commercial areas currently under construction.
- Day Time Levy Percentage – the current levy has remained at 1% since 2007. Taking account of inflation on goods and services to the BID and the level and breadth of services demanded by the businesses it was agreed to propose a rise to 1.4%. This levy is still well below most other BIDs in the country. A range of levy percentages were considered but the Reading Central BID Committee felt 1.4% best delivered the services required. These rates were then considered at a joint meeting of both BID Committees and it was agreed that the town centre would be

best served by a single BID levy rate of 1.4%. The Central BID Committee also considered applying inflationary amounts on an annual basis, however it was thought that this was already accounted for in the rise from 1% to 1.4%, also that simplicity and consistency throughout the 5 years would be more acceptable to business and more likely to attract the yes vote.

- Night-time Levy Percentage – Reading’s hospitality and night-time economy suffered disproportionately during Covid, compared to the retail and office sectors, and is still recovering. It is proposed to align their levy with that of the daytime (1.4%) instead of charging an additional 2% as in previous BID terms (which would make it 3.4%).

### 3.9. Options Proposed – Abbey Quarter BID Ballot

- Geography - discussions were held with the Abbey Quarter BID Committee regarding changes to geographical areas. It was decided that the area was still fit for purpose and no changes were proposed.
- Day Time Levy Percentage – the current levy has remained at 1% since 2019. Taking account of inflation on goods and services to the BID and the level and breadth of services demanded by the businesses it was agreed to propose a rise to 1.4%. This levy is still well below most other BIDs in the country. A range of levy percentages were considered but the Abbey Quarter BID Committee felt 1.4% best delivered the services required. These rates were then considered at a joint meeting of both BID Committees and it was agreed that the town centre would be best served by a single BID levy rate of 1.4%. The Abbey Quarter BID Committee also considered applying inflationary amounts on an annual basis, however it was thought that this was already accounted for in the rise from 1% to 1.4%, also that simplicity and consistency throughout the 5 years would be more acceptable to business and more likely to attract the yes vote.

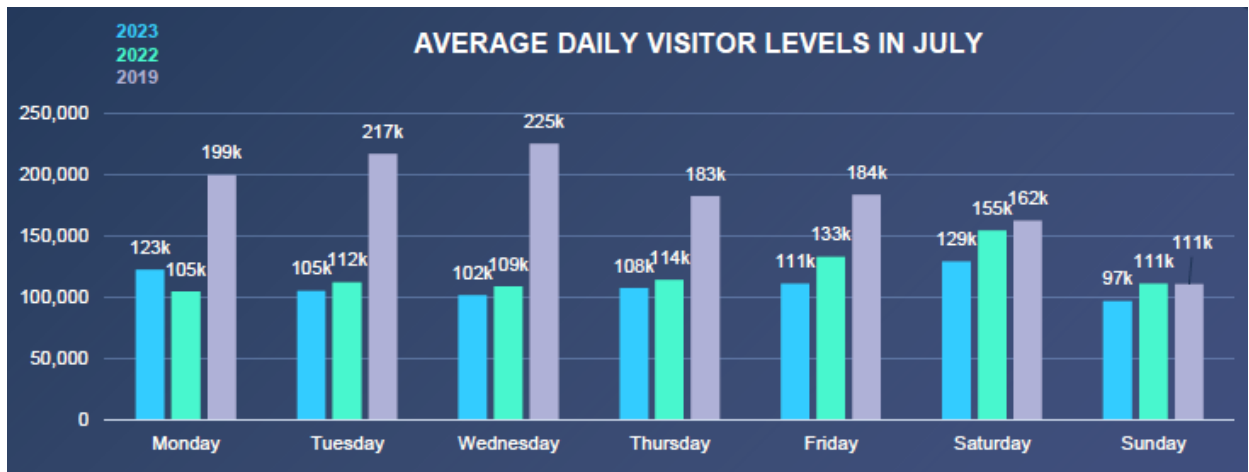
### 3.10. Options Proposed - One BID Area or Two

- Given the experience of running two BIDs (one with a retail focus and the other an office focus) it has become evident that the two areas have different needs, although some common themes exist. It was agreed to keep the two BID areas separate and to allow the resulting business plans to reflect the differences.
- Having two BID Committees (one focussing on the office sector, and the other on retail/hospitality) allows the BID levy payers to manage their differing priorities and perspectives separately in a way that one Committee would not be able to do. While also ensuring economies of scale and efficiencies of managing the services collectively. See Appendices for maps and street names:
  - a. Appendices 3 Street Names
  - b. Appendices 4 BID Maps Central and Abbey Quarter

### 3.11. Options Proposed – Themes

- From the consultation it was clear that there were a set of common themes in terms of services requested by the businesses, however given the strong office nature of the Abbey Quarter it was clear they had set different levels of priority on the different themes and particular services within those themes. Consideration was given to the fact that there are offices, retail and hospitality across both BID areas in varying ratios and if agreed and voted for we would operate the BIDs in tandem so that all offices, retail and hospitality would receive the services and initiatives most relevant to them, regardless of their location.
- The common themes that were identified in the consultation will be featured in the Business Plans and prioritised according to the needs and demands of the two separate BID areas. These themes are :
  - a. Social & Healthy (offering businesses and their staff opportunities to engage in activities that promote their health and wellbeing as well as the opportunity to give back to our local communities)
  - b. Enhancing & Exciting (animating our town centre to increase experiential activities attracting residents, employees and visitors to enjoy and use the town centre to live, work and play)

- c. Safe & Secure (ensuring that the town centre is safe day and night for all who use it)
  - d. Environmental & Sustainable (involving BID levy payers in working towards our Reading 2050 vision, the Council's climate emergency and the Reading Climate Change Strategy)
  - e. Informed & Represented (being a collective voice on matters in the town centre; supporting businesses to grow through the provision of information, recruitment, and retention of staff)
- 3.12. Footfall data shows that while visitors and shoppers are beginning to return at the weekends with numbers nearing pre-Covid levels, this is not reflected in the weekdays. The new hybrid working arrangements in place for many office-based organisations shows that footfall across the town centre, Monday to Friday, sits at around 50% of pre-Covid levels. This has a substantial impact on local retailers and services alike. Considering this town centre usage change the BID services going forward are reflective of this.
- 3.13. Increasing the number of experiential events (trails, food markets, theatre, music) to drive footfall will ensure the town centre is seen as an exciting and vibrant place to work in, visit, shop and spend leisure time.



- 3.14. Promoting wellbeing activities and initiatives to those who work in the office sector will help encourage staff back into the offices, a move supported by many businesses. Businesses are keen to support the health and wellbeing of their staff and incentives like these are well received.
- 3.15. Through staff events the BID will be able to support charities and agencies working with communities in need. Businesses in the local area have shown their willingness to support such activities in the past and the BID will be building on this social value.
- 3.16. Safety concerns continue to be heard across all sectors both from the day and night-time economies. Continuing to support CCTV and Wardens, as well as night-time economy initiatives remains a priority.
- 3.17. Sustainability and the climate change agenda form their own theme in the business plans for 2024 – 2029. Building on the already successful cardboard recycling collaboration with the Council, the BID will continue to grow the WEEE recycling initiative too. Trees for Streets and Urban Planting Schemes will be researched with the Parks and Highways Teams in the Council, as well as looking to introduce Carbon Literacy training for all businesses helping them work towards their carbon reduction goals.
- 3.18. The recommendations at the beginning of this report request that the Committee:
- Endorses the proposals for the Reading Central BID and Abbey Quarter BID ballots as outlined in section 3 “The Proposal”.
  - Approves the Council voting in favour of both the Reading Central BID and Abbey Quarter BID ballots for the period 2024 – 2029 in the forthcoming ballots.
  - Delegates authority to vote for the proposed BIDs to the Executive Director Economic Growth and Neighbourhood Services.



#### **4. Contribution to Strategic Priorities**

- 4.1. The primary Corporate Plan theme that the BID Business Plans address is an Inclusive Economy. The BID plans will:
- Maintain the vitality of the town centre as new regeneration plans come forward.
  - Ensure the town centre is a thriving community that is safe and attractive.
  - Provide a range of experiences that reflect the multi-cultural make up of Reading.
  - Support the growth and promotion of independent businesses.
  - Encourage all businesses to commit to sustainable practices.
  - Ensure businesses have the workforce and skills to provide the goods and services that Reading's residents need.
  - Support employees to make healthy choices when working and travelling in to and around the town centre.
- 4.2. REDA and the BID Committees will work together with the Council to ensure the most efficient, economical, and effective use of our joint resources for the benefit of those living, working, and visiting the town centre.
- 4.3. The BID Business Plans will complement the Council's Corporate Plan through delivering training, employment opportunities for local people as well as promoting the visitor attractions of the town centre through multi-cultural events throughout the year. The BID will support local purchasing of goods and services, promoting a circular economy in the first instance.
- 4.4. The BID Committees include two Assistant Directors from DEGNS, representing the Council, one on each of the BID Committees and the Leader and Chief Executive of the Council represent the Council on the REDA Board.

#### **5. Environmental and Climate Implications**

- 5.1. The aim of the BID is to improve the economic vitality of the town centre - retaining its strengths and repurposing it to attract new business, visitors and residents. It is important that the BID addresses the sustainability of the town centre by undertaking activities that do not have any negative impact on climate change or mitigate against the impacts it could have. The BID has introduced a theme to the new BID Business Plans for the next 5 years 'Environmental and Sustainable', to promote, train and provide businesses with advice to help them and their employees adapt to the changes and reduce impact. The BID will also seek to minimise any climate impact of the services they undertake. Overall, the judgement of the BID Business Plans is that the impact on resilience will be "Nil" and the impact on emissions will be "Low Positive" indirect effect through education, promotion and training. The overall impact therefore of the new BID Business Plans proposed is a Net Low Positive and Low Impact (L) in terms of publicity and risk to the Council's impact on services and capital assets. See Appendices:
- Appendices 5 Impact Assessment CIA Tool
- 5.2. In the current BID term wild flowering has been introduced to several areas around the town, including central reservations. Reedbeds have also been installed in collaboration with the Kennet and Avon Canal Trust and the Environment Agency, improving biodiversity above and below the water level.
- 5.3. Research has already started on the provision of Carbon Literacy training for businesses and their staff providing them with the tools and knowledge to meet their carbon goals.

#### **6. Community Engagement**

- 6.1. Earlier in the year the BID carried out a Pre-Consultation Survey of BID businesses as a 'straw poll' exercise to gauge feedback on services delivered and priorities of the BID businesses.
- 6.2. The results of this informed the questions and themes of the formal consultation carried out by the BID of all businesses and stakeholders. This was done electronically through regular

BID communications and by hardcopy distribution via Royal Mail as well as hand delivery by Wardens and BID staff. Consultation exercises were also carried out with the REDA Board and Reading's PubWatch group.

- 6.3. The consultation document asked respondents business demographic information including business sectors and stakeholders. Respondents were also asked to rate services and make suggestions for any other initiatives or projects for the BID Team to research.
- 6.4. A more intensive consultation process has been focussed on the areas of potential expansion for the BID, this includes Greyfriars Road, Minster Street, Cheapside and Station Hill. As well as receiving hardcopies of the Consultation documents, and electronic versions where email addresses were available, these businesses were also contacted with letters of introduction, follow up letters, LinkedIn messages, and meetings where possible. The Consultation documents were shared with Abbey Councillors for their information.
- 6.5. 155 responses were received, see Appendices for details:
  - Appendices 7 Formal BID Consultation Results August 2023
- 6.6 The BID proposals have been developed by a business-led sub-committee of the REDA Board considering the results of the consultation (see Section 6 'Community Engagement' for further details), at the Reading Central BID Committee (10th October) and the Abbey Quarter BID Committee (19th October 2023). Ballot papers will go out on the 22nd January 2024 and all eligible business rate payers will have until the Thursday 22nd February 2024 to vote. The result of the ballot will be announced on Friday 23rd February 2024. As part of the wider consultation of the BID and its initiatives and projects, meetings continue to be held with Assistant Directors to agree baselines. It is important to ascertain these baseline agreements with the Council so the BID can demonstrate all projects and initiatives delivered through BID funding are over and above what is already provided. See Appendices:
  - Appendices 6 Baseline Statements – Reading 2024 - 2029

## **7. Equality Implications**

- 7.1. No Equality Impact Assessment (EIA) is relevant to the decision.
- 7.2. The renewal of the BID supports the Council's strategic equality aims and it is expected to have a positive overall impact on equalities through making the town centre more accessible and safer for all.
- 7.3. Through the BID we support a range of events which are being extended to reflect the ethnicity of the borough.
- 7.4. Through the provision of Business Wardens and keeping the town centre safe and clean makes it more accessible and welcoming to all members of the community and visitors.
- 7.5. All public facing events are delivered as free to attend ensuring that those from disadvantaged communities are not overlooked.
- 7.6. All services and initiatives are procured locally where possible ensuring as close to a circular economy as is possible.
- 7.7. A wide range of cultural events are planned to reflect the diversity of the population of the borough and workforce, for example celebrating different cultural festivities including Diwali and Chinese New Year.
- 7.8. The proposer REDA operates under the terms and conditions of Reading Borough Council and operates an equal opportunities policy for all BID staff.
- 7.9. The services of the BID will be delivered to the businesses and their employees regardless of special characteristics.

## **8. Other Relevant Considerations**

- 8.1. No other relevant considerations.

## 9. Legal Implications

- 9.1. The Council pays Business rates on its commercial premises and if the BID plan is agreed at ballot by a majority vote, the Council is obliged to make BID levy payments on those of its premises within the BID areas.
- 9.2. The Chief Executive has been notified by REDA of its intention to go to ballot, via letter that was also sent to the Secretary of State, dated 1<sup>st</sup> June 2023.
- 9.3. The Chief Executive will be required to write to the Secretary of State stating the Council's agreement to run the ballot, no later than 26<sup>th</sup> November 2023.

## 10. Financial Implications

- 10.1. The Council has 11 hereditaments within scope of the BID ballots. These are across both BID areas but primarily within the Reading Central BID area. The full list of the individual hereditaments and the financial implication of a 1.4% levy on business rates can be found below.
- 10.2. If agreed at ballot the BID'S will raise an additional £1.5M worth of enhanced services and initiatives as explained in the themes above, and in more detail in Appendices 8 BID Themes.
- 10.3. The Council will need to make provision for the increase in BID levy within its Medium Term Financial Plan.

BID	Trading Name	Address	Postcode	Current RV	BID Levy 1.4%
Abbey	ABBEY GATEWAY	Lecture Room Abbey Gateway, Reading	RG1 3BD	£15,500.00	£217.00
Abbey	READING CENTRAL LIBRARY	15 23 Kings Road, Reading	RG1 3AR	£252,500.00	£3,535.00
Central	BROAD STREET MALL CAR PARK	Multi Storey Car Park, Broad Street Mall, Reading	RG1 7QE	£665,000.00	£9,310.00
Central	CAR PARK B	Car Park B Civic Centre, Castle Street, Reading	RG1 7TH	£42,750.00	£598.50
Central	CIVIC CENTRE	Bridge Street Plaza, Bridge Street, Reading	RG1 2LU	£1,630,000.00	£22,820.00
Central	COUNCIL NURSERY	Pt Gnd Flr Bridge Street Plaza, Bridge Street, Reading	RG1 2LU	£54,500.00	£763.00
Central	QUEENS ROAD CAR PARK	At Queens Road, Reading	RG1 4AR	£640,000.00	£8,960.00
Central	READING BOROUGH COUNCIL	18 Hosier Street, Reading	RG1 7JL	£15,750.00	£220.50
Central	READING BOROUGH COUNCIL	18 Castle Street, Reading	RG1 7RD	£13,750.00	£192.50
Central	THE HEXAGON	The Hexagon, Castle Street, Reading	RG1 7RJ	£137,000.00	£1,918.00
Central	TOWN HALL	Town Hall, Blagrove Street, Reading	RG1 1PW	£530,000.00	£7,420.00
					<b>£55,954.50</b>

## 11. Timetable for Implementation

- 11.1. Following the Policy Committees endorsement, REDA will formally request the Council to hold the ballot. All voters will then receive a Notice of Ballot and Business Plan, followed by the formal ballot papers from 25<sup>th</sup> January 2024. The voting period will last 4 weeks to 22<sup>nd</sup> February 2024. The results will be announced on 23<sup>rd</sup> February 2024 following which there will be a 1-month challenge period. Should the process remain unchallenged the BID plan will then come into effect from the 1<sup>st</sup> of April 2024 to 31<sup>st</sup> March 2029.

## **12. Background Papers**

12.1. There are none.

### **Appendices**

Appendices 1 Reading Central BID Business Plan 2019 – 2024

Appendices 2 Abbey Quarter BID Business Plan 2019 – 2024

Appendices 3 Street Names

Appendices 4 BID Maps Central and Abbey Quarter

Appendices 5 Impact Assessment CIA Tool

Appendices 6 Baseline Statements – Reading 2024 – 2029

Appendices 7 Formal BID Consultation Results August 2023

Appendices 8 BID Themes

Appendices 9 Budgets

## FINANCIAL IMPLICATIONS

The financial implications arising from the proposals set out in this report are set out below:-

### 1. Revenue Implications

The BID Ballot proposer REDA has put forward a plan to increase the BID Levy from 1% to 1.4% . It has never been raised since the first BID was proposed in 2007 .

In 23/24 the cost to the Council will be £49,137.50 (this includes £35,537.50 from the 1% BID levy and £13,600 from the 2% Night-time BID levy).

The change in the BID levy to a flat 1.4% will cost the Council £55,954.50 per annum from 24/25, an additional £6,817 per annum based on the current rateable values of properties.

BID Levy based on 1.4% of the Business Rate of each hereditament	2024/25 £000	2025/26 £000	2026/27 £000	2027/28 £000	2028/29 £000
	6.817	6.817	6.817	6.817	6.817
<b>Expenditure</b>	<b>6.817</b>	<b>6.817</b>	<b>6.817</b>	<b>6.817</b>	<b>6.817</b>
Income from: Fees and charges (see note2) Grant funding (specify) Other income					
<b>Total Income</b>					
<b>Net Cost(+)/saving(-)</b>	6.817	6.817	6.817	6.817	6.817

### 2. Capital Implications

<b>Capital Programme reference from budget book: page line</b>	<b>2023/24 £000</b>	<b>2024/25 £000</b>	<b>2025/26 £000</b>
Proposed Capital Expenditure	N/A	N/A	N/A
Funded by Grant (specify) Section 106 (specify) Other services Capital Receipts/Borrowing			
<b>Total Funding</b>	N/A	N/A	N/A

**Note:** where more than one option /proposal is being made it may be easier to set out the above information in an Appendix.

### 3. Value for Money (VFM)

The payment of this BID levy will leverage £1.5M from the private sector through BID levy payment. This will deliver additional services to the town centre as detailed above and attached.

The BID pays a service fee for the collection of the BID levy to the Business Rates team.

The BID pays for the ballot process.

The BID pays annually for the cardboard and WEEE recycling collections.

#### **4. Risk Assessment.**

There will be limited impact on Reading Borough Council and all expenditure is budgeted within BID levy income. See attached Appendices 9 Budgets.

# READING CENTRAL BUSINESS IMPROVEMENT DISTRICT

**BUSINESS PLAN & RENEWAL PROPOSAL 2019-24**





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## A Business Improvement District is ...

A defined area where businesses have voted to invest collectively in local improvements to enhance their trading environment. BIDs provide extra services within their areas, funded via a BID levy charge, which is payable by non-domestic ratepayers. BID services are additional to the services provided by the public services and local authority. See page 18 for our BID area.

Reading UK exists to boost business and enhance visitor experiences in a way that improves the quality of life of all in the Reading region.



**Graham Mountford**  
General Manager, Broad Street Mall & BID Chair

'Our Business Improvement District has been front and centre of Reading town centre's economy for 12 years and during that time it has added incredible value to our town.'

## Businesses come together to support Reading BID renewal

(Left to right) Andreas Christou – Nationwide Building Society, Inspector Sarah Sanderson – Thames Valley Police, Bobby Loneragan – Reading BID, Andy Briggs – The Oracle, Becky Ottery – Eclectic Games, Graham Mountford – Broad Street Mall and BID Chair, Richard Forte – McDonalds, Trine Oestergaard – House of Fisher, Nigel Horton-Baker – Reading UK, Darren Reed – Nationwide Building Society, Sara Wilder – John Lewis, Grant Thornton – Reading Borough Council, Danny Fraifeld – Purple Turtle.





# It is vital Reading continues to invest in a positive future

**Dear BID Business,**

Reading Central BID has been in existence since 2006. In this time it has been successfully renewed by vote on three occasions and in the last five years, provided approximately £2.2 million extra private investment in the town centre funded by a nominal levy, equivalent to 1% of rateable value paid by local businesses. Reading UK has worked with many partners including Reading Borough Council and Reading UK's BID Committee – made up of 18 town centre businesses and partners to deliver our strategy.

The current BID period ends on 31 March 2019. Reading UK has invited the BID Committee to formulate a renewal proposal for what will be a challenging 2019-24. For the BID to continue, businesses must vote in favour in a postal ballot between January and February 2019.

**We plan to deliver all the services set out in this document while holding the BID levy at just 1% (excluding businesses licensed after midnight, see pages 15 and 19).**

We commit to maintain the added value additional services that have made the town centre more attractive and secure and which shoppers, visitors and our own business community have come to expect. We will explore new approaches to combating crime, increasing footfall, attract and retain skilled staff and support the night-time economy. We will involve the wider business community and those investing in Reading to create a more cohesive town centre.

We must avoid complacency at all costs. Reading town centre is amongst the busiest in the South, prospering despite difficult national trading conditions. It is vital that we continue to invest in the extra services laid out in this document to ensure that we maintain our pre-eminent position in the coming years.

On behalf of the businesses in Reading, we urge you to read this proposal and vote YES 2019-24!



Yours faithfully,

*Adam*

**Adam Jacobs**

Co-owner Jacobs the Jewellers,  
Chair, Reading UK



# Some BID highlights since 2014

- Over 45000 hours of extra PCSO presence and over 8500 hours of additional manned CCTV
- Piloted a Business Warden working with town centre businesses to combat ASB and shoplifting which proved enormously successful
- 2500 floral displays including hanging baskets, troughs and planters adorning the town centre
- 280,000 sqm. pedestrian thoroughfares deep cleaned to remove chewing gum and detritus to maintain an attractive environment
- Grew the popular free weekly cardboard recycling collection scheme from 3 tons (47 businesses registered) per week in 2013 to 5/6 tons per week 2018 (over 130 businesses)
- Festive lighting scheme – the biggest in the South East outside London. Over 400,000 LED lights and a series of moving illuminations
- A broad and exciting programme of street events to attract footfall, including Eat Reading, weekly Artisan Food Market Wednesdays and Fridays (Market Place) and a programme of events annually including ARENA the summer cultural and Christmas programmes
- Pivotal financial support for the First Stop Hub and Street Pastors who offer medical and pastoral help to the public until 3.30am in the town centre
- Anti-Begging and ASB initiatives with partners and police to tackle incidences of anti-social behaviour and aggressive begging





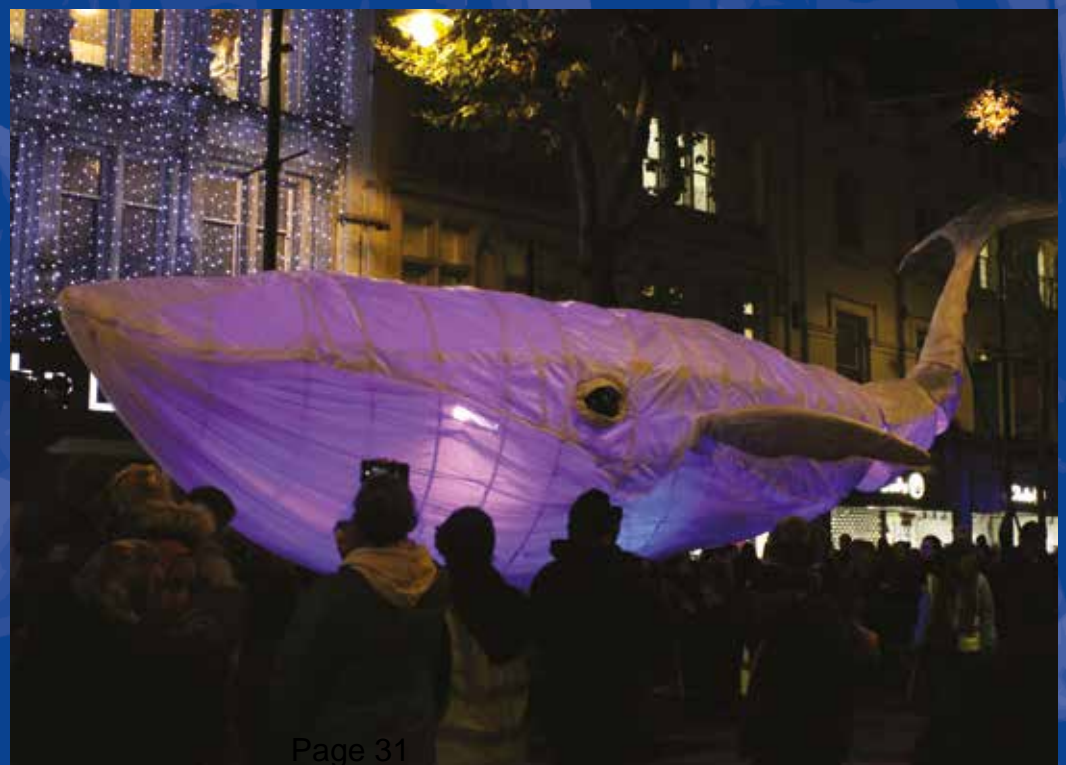
# More BID highlights since 2014

- Introduced 'DISC' – a cloud based system to share information on offenders and ban them from town centre premises
- Silver Award winner in the BID category of the National Finals of 'Britain in Bloom' 2015 and 2016. Silver Gilt Award Winner 2018
- Regular BID socials, AGMs and digital monthly newsletter communications to over 500 BID contacts with printed versions for businesses not connected by email
- Achieved and renewed Purple Flag Accreditation, a scheme that recognises Reading Central's best practice and excellence in the safe management of the town centre at night time
- 3900 hours of night time security (2014-16) provided at town's taxi ranks at weekends by BID employed Taxi Marshals providing security for visitors to the night time economy
- Initiated new intelligence elements including footfall counters and mobile phone sensors to generate monthly footfall/local national trend and KPI reports
- Close partnership working with Townsafe Radio Scheme involving over 80 businesses and RBAC (Reading Business Against Crime) to combat theft, shoplifting and ASB. Supported and hosted annual Police initiatives such as Project Griffin counter terror and anti-fraud workshops
- Worked with the Prince's Trust 'Healthy High Street' initiative, and commercial partners including M&S, Santander, Greggs, Wilko, EE and Boots to foster initiatives to maintain a vibrant high street



**Fiona Brownfoot**  
Director, Retail & Leisure,  
Hicks Baker

'The retail landscape is facing challenges from many directions, therefore it is imperative that town centres do everything in their power to ensure that the micro environment is as attractive and welcoming and safe and accessible as possible.'





# Even more BID highlights since 2014

- Funded 'ARENA' for arts and culture. The programme of free events complemented many of the town centre's annual showpieces such as the inaugural Reading-on-Thames Festival and Reading Year of Culture 2016
- Established the 'Reading Indies' digital platform for local businesses to promote the 'independent' retail sector
- Collaborated with police and licensed trade in the renewal of the 'Best Bar None' Scheme and PUBWATCH in town centre licensed premises which are now thriving
- Annual marketing campaign specifically supporting the Christmas offer including the 2018 campaign with match funding from Reading Borough Council to maintain the town's position as a prime retail/business destination
- Worked with Reading UK Economic Development to promote annual Job Fairs and training events to BID businesses
- Some BID sponsored and supported annual initiatives:
  - Reading Fringe Festival
  - Open for Art
  - Reading Retail Awards
  - Reading Year of Culture
  - Reading Cultural Awards
  - Reading on Thames Festival
  - Pride of Reading
  - Friends of Reading Abbey
  - ALT Reading Awards



# Your feedback – What you told us was important to your business

We consulted widely among town centre businesses to get your feedback on what the current BID has delivered over the past five years and what new initiatives you would like to see.

## This is how you responded

- More improvements to town centre public realm
- Better day and night-time security with a rigorous partnership plan to lessen Anti-Social Behaviour (ASB) shoplifting and begging
- Continued investment in our Christmas campaigns and enhanced marketing and promotion of Reading's town centre offer
- Expand our successful cardboard recycling initiative to include paper, glass and other waste including coffee grounds
- Innovative year-long events diary to maximise day and night footfall and positive public perception of the town centre. Explore possibilities of exploiting Reading's heritage offering – Abbey Ruins, waterways and Reading Prison etc. – to the same end
- Further initiatives that build on our award winning floral displays and street deep cleansing
- Improved communication and networking among BID members
- Partner working that promotes a safe and welcoming night-time experience in Reading
- Improved intelligence, marketing, communication, networking and engagement with key stakeholders

In 2012 Reading's vacancy rate of 11.29% was 28% below the national average. At **8.71% in 2017** Reading continues to demonstrate excellent resilience in its retailing performance

Hicks Baker



**Kevin Little**  
Owner, Frosts Fishmongers

'The BID brings so much to Reading – Christmas lights, chewing gum-free streets and flowers in the summer. The money we have to pay to be members of the BID is so little compared to what we get back, including the cardboard collection and many other events through the year.'



# Reading in numbers

**Leading UK city for growth.**  
For the third year running, Reading (with Oxford) is the highest performing city

This reflects continued improvement across a range of measures including jobs, income and skills.

DEMOs/PwC Good Growth for Cities 2018

**1425** people treated at First Stop Hub 2014 – 2017

NHS



**26,678,525**

Reading bus passengers 2017/18. Up 4% on 2016.

Reading Buses 2018

Since 2016 more commuters come to Reading by train (**over 25,000 daily**) than leave

ORR



Reading ranked in the **top 20** British retail centres by total retail spend

RDH 2016



**Retail newcomers.** In the retail sector in 2017, 54 lease deals rented over 100,000 sq. ft. of floor space. Many of those newcomers were in the restaurant sector, including Veenoo, Pho and The Botanist.

CoStar

## A high productivity centre

Reading is the third most productive city in the UK with average productivity per person of £68,900.

Centre for Cities



## A UK Smart City Reading is ranked among the UK's top 20 leading 'smart cities'.

Reading is a key challenger city which has laid the foundations to become a 'smart city'. Using technology to tackle urban challenges, Reading is expected to make major strides over the coming years. The report highlighted the launch of the Reading 2050 Vision and the Thames Valley Low Carbon Project in particular as key smart initiatives.

UK Smart Cities Index, commissioned by Huawei UK

Reading's Broad Street currently enjoys average footfall of **2.5 million** per month

Springboard

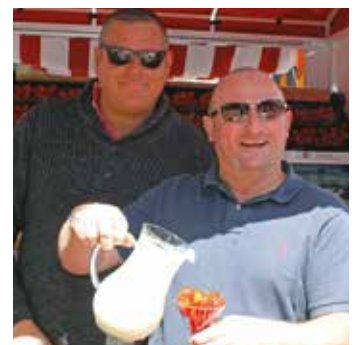


# 75%

Three quarters of millennials in south east UK would consider relocating to Reading for work.

Reading UK research

**Strong demand for office space.** Within Greater Reading in 2017/18, 124 office lease deals were concluded, leasing a total of nearly 644,000sq ft. of office space, with an average deal of just over 5,000sq ft. across 78 buildings.





# Business proposal BID4 2019-24

In May we undertook a consultation of businesses and stakeholders in the BID area which took the form of printed, online and face-to-face surveys and meetings. Almost 200 businesses – 45% of the total 453 hereditaments responded.

This proposal is anchored on the successful services that have proved most popular over the past 13 years. We have also taken your feedback on board to set out a raft of new initiatives with a goal of taking Reading to the next level as the prime regional destination to shop, work and visit.

## Fastest growing economy to 2021

Reading is forecast to be the fastest growing city/town in the UK, with 2.3% Gross Value Added (GVA) growth per year over the period 2018-2021.

EY's UK Region and City Economic Forecast



**Darren Reed**  
Senior Branch Manager,  
Nationwide

'We are keen to support not only the centre of Reading but surrounding areas also, helping to encourage them to come into town. The BID helps create an attractive retail environment with the extra services it provides and Nationwide is pleased to invest in Reading.'



## More business

We will continue to challenge perceptions, increase profile and raise the bar to demonstrate ambition with regard to the quality of the experience on offer, focusing on family, workers, children, evening economy, culture and heritage and supporting annual seasonal and festive activities.

### New

- Launch a comprehensive new 'Reading-What's On' website to attract more visitors to the day and night time economy
- Introduce a discount scheme for almost 25,000 workers in the BID and Abbey Quarter to maximise spending in the BID area
- Execute eye-catching marketing campaigns regionally and nationally to highlight Reading as a principal shopping, business and leisure destination
- Investigate partnerships to introduce mooring facilities on Kennet & Avon Canal at/near town centre to attract more visitors to stop in town instead of passing through
- Promote the town centre through Reading UK membership of the Great West Way visitor marketing consortium from Bristol to Heathrow, targeting group and overseas travel markets, increasing the number of visitors all year round

Investing  
**£557k**  
2019-24



### Continue

- Continue to fund and manage Reading's annual Christmas lights (the biggest seasonal display in the region outside London) and imaginative Christmas events and promotions programme
- Deliver and support an annual programme of events and festivals including Reading on Thames Festival, Reading Fringe and ARENA summer arts programme
- Develop the social media initiative 'Reading Indies'. @rdgindies launched in 2017 to celebrate Reading's unique independent offer, provide digital training for independents with the aim of achieving 10,000 followers
- Work with Reading UK's in-house Employment & Skills resource to promote job fairs and training opportunities to help underpin resilience and staff retention
- Produce over 100,000 Town Centre visitors' guide/maps
- Manage and license a range of agreed street activities, such as street entertainment, events and promotions

## More secure

### New

- Following a tremendously successful trial in 2018 – employ two full time professional Business Wardens working with the police and associated agencies to patrol the BID area, building on recent successes combatting shoplifting, aggressive begging, drug taking, rough sleeping and anti-social behaviour
- Build on our initial work to support National Business Crime Solution's crime and Anti-Social Behaviour Manifesto launched in 2018 and working with business leaders and SMEs to demonstrate best practice in combatting shoplifting and ASB
- Invest in security fencing and automatic gating for St Mary's Service Yard area which is used by over 50 businesses and has historically attracted notorious levels of ASB

### Continue

- Employ 1.5 equivalent CCTV operators to help ensure that the BID area achieves near 24hour camera coverage
- Fund two versions of 'DISC' a cloud based system to share information on offenders and ban them from town centre premises. A collaboration with both Reading Business Against Crime (RBAC) and Betwatch
- Increase support to Reading Business Against Crime (RBAC) and Town Safe radio scheme used by over fifty businesses, linking them with CCTV, PCSOs, Business Warden and Police
- Continue to lobby for more town centre police presence day and night to help combat nationally fast-growing levels of crime and ASB
- Maintain close working with partners – police, council, member organisations and the voluntary sector to maximise town centre security for visitors, residents and workers

To ensure the proposals above are an effective contribution to town centre safety and crime reduction there will be a comprehensive review of this element of the proposal at the end of each year.

Investing  
**£676k**  
2019-24



**Becky Ottery**  
Owner, Eclectic Games

'The past few years of the BID have been full of great work – a new Town Centre Warden, continuing beautiful flowers and lights, regular deep clean of the streets, and a packed calendar of events promoting Reading and attracting people to the town throughout the year.'





**PC Vince Moore working closely with BID Warden Daniel Hughes to reduce shoplifting, crime and anti-social behaviour in our town centre**

In the last quarter of 2018 there were 50 arrests made resulting in prison sentences, Community Protection Notices (CPNs) and Criminal Behaviour Orders (CBOs) which exclude persistent offenders from the town centre. As a result of ongoing police and warden work, aggressive begging is at its lowest in five years and business feedback reports shoplifting is down almost 40% on early 2018.

**Some of the positive feedback received from BID businesses**

"I simply cannot express enough how grateful we are as a store to the BID, they have made a real difference in our life by employing really fantastic and hands on security."

"Losses have reduced from £2.5k per week to just under £1k per week. Dan and Vince have been amazing support."

"The support I have received from Dan and Vince has been fantastic, always responding quickly and regularly popping in to make sure all is well."



## More attractive

### New

- Deliver enhanced bi-annual seasonal and floral displays (summer and winter)
- Invest in innovative and eye catching lighting and planting projects on Queens Walk, Hosier Street and Dusseldorf Way to improve the public realm, make the area more appealing and dispel ASB
- Initiate a new annual summer floral festival to build on the BID's awards in Britain in Bloom 2015, 2016 and 2018
- Investigate and initiate recycling schemes taking in paper, plastics, coffee grounds and glass

### Continue

- Increase participation in the hugely successful free cardboard collection scheme which has grown from 47 subscribers in 2014 to 130 currently and removes 4-6 tons of cardboard weekly from town centre free of charge
- Investigate further partner working with match funding to make tangible improvements to the town centre public realm
- Twice annual deep cleansing and gum removal of 64,000 sq. metres of pedestrian thoroughfares

Investing  
**£644k**  
2019-24



**Andy Briggs**

General Manager, The Oracle

'The BID has brought so much to Reading over the past twelve years. Many businesses will not remember Reading without Christmas lights and chewing gum free streets, but these are exactly the sort of services we stand to lose if we do not renew the BID.'



## More night-time

A second-tier levy is planned to those businesses operating a licence after midnight to fund additional services specifically for that sector. The monies raised will be ring-fenced for the initiatives below to promote the evening and late-night economy, reduce crime and disorder and improve safety for the public, workers, the police and premises.

**If you run a licenced premises (alcohol or non-alcohol open at any time of the year after midnight) your charge will include the standard 1% Levy plus the 2% Night-time Levy.**

### New

- Launch a comprehensive new 'Reading-What's On' website to attract more visitors to the night time economy

### Continue

- **Purple Flag Accreditation.** The BID, in partnership with numerous bodies including Reading Borough Council and Thames Valley Police achieved Purple Flag Status for Reading in 2016 (with a commendation in 2017). Purple Flag is the nationally recognised marque that celebrates best practice in operation and managing a vibrant, cultural and safe evening and late night-time economy
- **First Stop Hub.** Providing a facility at St Mary Minster at weekends until 3.30am for NHS treatment, triage assessment and a place of refuge. BID funding will continue to support ongoing costs of NHS medical practitioners and security
- **Friday Night Briefings.** Continue to work with PubWatch and the police to support the Friday Night Briefings where safety, banning and dispersal issues are planned, discussed and shared with door staff and town centre venue managers
- **Best Bar None.** Audit to ensure that licensed premises management teams are using best practice in their operations
- **Reading Street Pastors.** Much respected volunteers, part-funded by the BID, working from the First Stop hub, engaging with town centre visitors and those in distress during busy weekend periods
- **PubWatch.** Sharing intelligence with officers from Thames Valley Police and Reading Borough Council on licensing and crime. Implement 'DISC' – a cloud based system to share information on offenders and ban them from town centre premises
- **Doorwatch.** Briefings and ongoing training for door supervisors

Investing  
**£197k**  
2019-24



**Danny Fraifeld**  
Owner, The Purple Turtle

'We continue to support the BID and the partnerships it fosters. We are proud that, BID led, Reading has achieved 'Purple Flag' status again with a commendation for demonstrating best practice in the safe management of the night time economy for the public and our staff.'



## More connected

### New

- Provide enhanced professional intelligence/forecasting and information dissemination capability
- Regular BID member socials and networking events including work-life balance initiatives to maximise staff loyalty and retention
- Develop [www.livingreading.co.uk](http://www.livingreading.co.uk), [www.readingbid.co.uk](http://www.readingbid.co.uk), @readingindies and social media as key channels of communication to get the most from our conversation with stakeholders

Investing  
**£136k**  
2019-24

### Continue

- Promote Reading Central for inward investment and increased footfall through the high-profile use of the Reading UK brand
- Re commission footfall intelligence infrastructure in the town centre
- Proactively place stories in regional, national and international media to promote Reading Central profile more widely
- Monthly newsletters to BID members and interested stakeholders
- BID LinkedIn page



**Robert Williams**  
Chief Executive Officer,  
Reading Buses

'We know that the success of our transport business is strongly linked to the success of the Town Centre. Tens of thousands of people choose to work, shop and visit the town centre every day and the BID has been instrumental in making it an exciting place to be.'

**UK digital capital.**  
Reading has eight times the UK average concentration of tech businesses

Tech Nation 2018



## More ambition

### Our vision beyond 2019

Following consultation in the Abbey Quarter district, Reading UK is embarking on an ambitious plan to deliver a second business orientated BID.

This historic area of over 300 predominantly commercial enterprises employs over 11,000 workers. This proposed BID area will compliment and buttress the current Reading Central BID (full details [www.abbeyquarter.co.uk](http://www.abbeyquarter.co.uk)).

Voting will take place simultaneously with this Reading Central BID vote.

**A high wage economy.** Reading is one of the most dynamic economies for wages, jobs, high skills, productivity and business start-ups in the country

The Centre for Cities



Among Europe's **top 25 cities** for investment

Reading has been ranked among the top 25 European business cities of the future for foreign direct investment.

European Cities of the Future Awards 2018/19

## Enlarged BID area

We are proposing slight alterations to the current boundary to fully take in the main retail, financial and hospitality 'quarters' of the town centre. These minor additions close the gaps between the existing BID area and sites that have been or are planned to be regenerated.

### Streets included in BID 2019-24

Blagrove Street, Bridge Street (part), Broad Street, Butter Market, Castle Street, Chain Street, Cheapside, Clonmel Walk, Cross Street, Cusden Walk, Duke Street, Dusseldorf Way, Friar Street, Garrard Street, Gun Street, Forbury Road (part), Hosier Street, High Street, Kings Road (part), King Street, London Street (part), Market Place, Merchants Place, Oxford Road (part), Queen's Road (part), Queen Victoria Street, Queens Walk, San Francisco Libre Walk, Station Approach, Station Hill, Station Road, St Mary's Butts, The Forbury (part), Union Street, West Street, Wiston Terrace and Valpy Street.





# Essential information

## BID levy and liability

The initiatives outlined in this business plan can be delivered from an initial levy of 1% of rateable values. The liability to pay the levy is on all hereditaments (listed in the 2019 Non-Domestic Rating List that have a rateable value of £10,000 or more, and that are within the proposed BID area).

### What will be the cost to my business?

At a 1% levy, the cost to all business in the BID will be:

Rateable value of property	Annual levy	Weekly cost	Daily cost
£10,000	£100	£1.92	£0.27
£20,000	£200	£3.85	£0.55
£50,000	£500	£9.60	£1.37
£100,000	£1,000	£19.23	£2.75
£250,000	£2,500	£48.08	£6.89
£500,000	£5,000	£96.15	£13.74

If you run a licenced premises (alcohol or non-alcohol open at any time of the year after midnight) your charge will include the Night Time Levy (described in this document) made up of 1% as above plus the 2% night-time levy. Total 3% see below.

### Night-time economy levy

Rateable value of property	Annual levy	Weekly cost	Daily cost
£10,000	£300	£5.76	£0.81
£20,000	£600	£11.55	£1.65
£50,000	£1500	£28.80	£4.11
£100,000	£3,000	£57.69	£8.25
£250,000	£7,500	£144.24	£20.67
£500,000	£15,000	£288.45	£41.22

If you would like to find out the rateable value of your business, refer to your rates bill or check it at [www.voa.gov.uk](http://www.voa.gov.uk)

### The BID levy, liability and collection

For businesses located within the BID area, a BID levy of 1% of rateable value will be charged on all hereditaments that appear in the local Non-Domestic Rating List, as of 1 January 2019. This figure will remain unaltered throughout the term of the BID (regardless of further changes that may occur to provide certainty and defend against fluctuations). No individual hereditament within the BID area will be disregarded or exempted from the BID levy.

The BID levy may increase by an inflationary factor of up to 3% in successive years (e.g. up from 1% to 1.03% in year 2). In the case of an empty, partly refurbished or demolished hereditament (rateable property) the property owner will be liable for the BID levy, and will be entitled to vote. There will be no void period and every property will pay for all 365 days of the year.

The BID levy will be collected by Reading Borough Council with a provision for instalments.

### Funding priorities

Reading UK is committed to keeping overhead costs to a minimum and directing most resource to frontline projects and services. It will seek in-kind and pro bono support from partners to cover overhead costs, and voluntary contributions to augment the BID 2019-24 budget.

### Financial arrangements and budget allocations

Reading Borough Council will collect and reimburse Reading UK with BID levies on a monthly basis and at a prudent level of contingency. Reading UK will provide Reading Borough Council, BID committee, board and auditor with regular updates detailing expenditure under the BID and cash flows.

## The BID ballot

### Voting entitlement

A ratepayer will be entitled to vote in the BID ballot if they are listed as a non-domestic ratepayer on the date of notice of ballot. The ballot will have to meet two tests.

1. A simple majority of those voting must vote in favour.
2. Those voting in favour must represent a majority of the aggregate rateable value of those hereditaments that have voted.

Each person entitled to vote in the BID ballot shall have one vote in respect of each hereditament that they occupy or own in the geographical area of the BID on which non-domestic rates are payable.

### Commencement and duration of the BID

The BID, if approved, will start on 1 April 2019 and will operate for five years. A postal ballot of business ratepayers in the BID area, based on the list of non-domestic ratepayers, will take place between 24 January and 21 February 2019. The result of the ballot will be published on the Reading Borough Council website, on 22 February.

# Governance

## Who is proposing the BID?

The BID proposer is Reading UK who initiated and managed Reading's previous BIDs. Reading UK is a non-profit, Community Interest Company limited by guarantee, established in 2005.

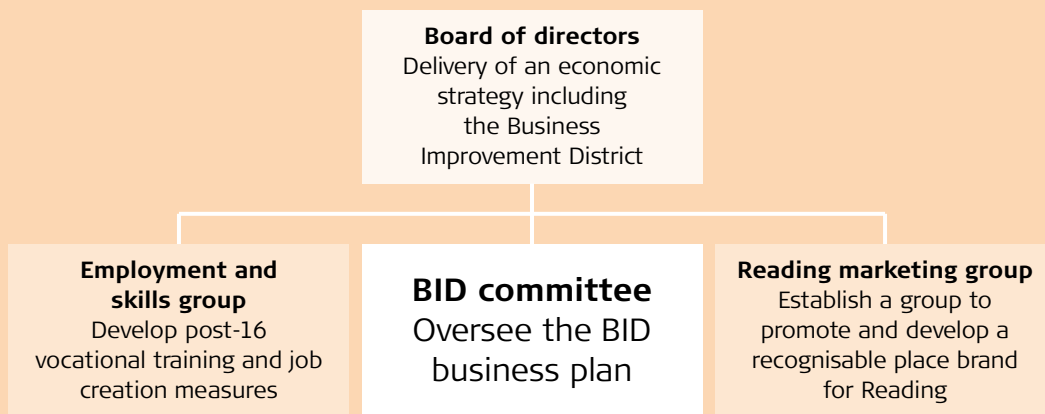
BID committee members are stakeholders and volunteers appointed on an annual basis from representative business, local agency sectors from appropriate geographical areas within the BID. This BID Committee is 'managed' by the BID Manager, who is a staff member of Reading UK.

## Management of the BID

Reading UK considers the Reading Central BID an integral part of economic development, and will oversee its delivery. Reading UK will act as the 'BID Body' but will continue to delegate operational control to a committee of the Company's Board of Directors – the BID Committee. The Board appoints the committee chair and delegates authority to the BID committee to deliver the business plan.

Variations can be made by the BID Committee where alterations represent less than a 25% variation of budget. For larger variations, an EGM or AGM will be held.

## Reading UK governance structure



## Present BID committee

Retail



Hospitality



Service business



Local authority



Police



Reading UK



# Projections for 5 year budget, 2019-24:

2019 Income (1% levy): **£492,000**  
 2024 Income Night-time programme (additional 2% levy): **£43,000**  
 Total annual projected levy income: **£535,000**

Income	Year 1 2019	Year 2 2020	Year 3 2021	Year 4 2022	Year 5 2023	Totals
BID4 levy at 1% all businesses	492,000	490,000	490,000	490,000	485,000	2,447,000
BID4 night-time levy at 2% additional	43,000	42,000	40,000	39,000	39,000	203,000
Voluntary contributions confirmed	28,000	28,000	28,000	28,000	28,000	140,000
Additional voluntary contribution target	10,000	12,000	14,000	15,000	20,000	71,000
Sponsorship target	5,000	6,000	6,000	6,000	6,000	29,000
<b>Total income</b>	<b>578,000</b>	<b>578,000</b>	<b>575,000</b>	<b>575,000</b>	<b>575,000</b>	<b>2,890,000</b>

Expenditure	Year 1 2019	Year 2 2020	Year 3 2021	Year 4 2022	Year 5 2023	Totals
More night-time	41,000	40,000	39,000	39,000	38,000	197,000
More secure	128,000	130,000	135,000	140,000	143,000	676,000
More business	113,000	113,000	113,000	110,000	108,000	557,000
More connected	30,000	28,000	26,000	26,000	26,000	136,000
More attractive	130,000	131,000	129,000	127,000	127,000	644,000
BID service plan expenditure	442,000	442,000	442,000	442,000	442,000	2,210,000
Net BID balance	+136,000	+136,000	+136,000	+136,000	+136,000	680,000
Management and administration	*110,000	110,000	113,000	115,000	115,000	563,000
Contingency	18,000	18,000	15,000	13,000	13,000	77,000
Levy collection	8,000	8,000	8,000	8,000	8,000	40,000
<b>Total expenditure</b>	<b>578,000</b>	<b>578,000</b>	<b>578,000</b>	<b>578,000</b>	<b>578,000</b>	<b>2,890,000</b>

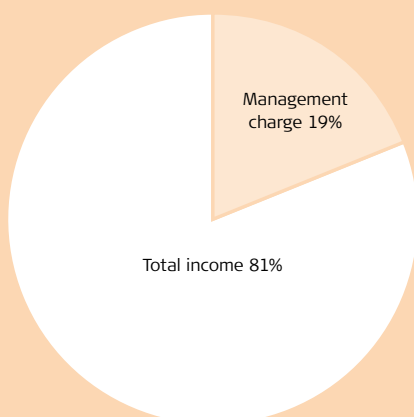
- Levy income based on a 97% collection rate
- Fixed costs shown under the heading of 'management and administration' will be funded through voluntary contributions where possible and revenues freed will be allocated to extra/expanded agreed projects
- \*Management and administration figure of £110k represents 19% of projected income, in keeping with the Industry Criteria and Guidance and includes all levy collection charges. Where possible this will be funded through non-BID levy income to release further resource to programmes

- In the event of extraordinary circumstances during the lifetime of the 2019-24 BID, Reading UK will bill at the rate on the local Non-Domestic Rating List, as of 1 January 2019
- Expenditure Year 1 actual budget, years 2-5 will be reviewed on a year by year basis

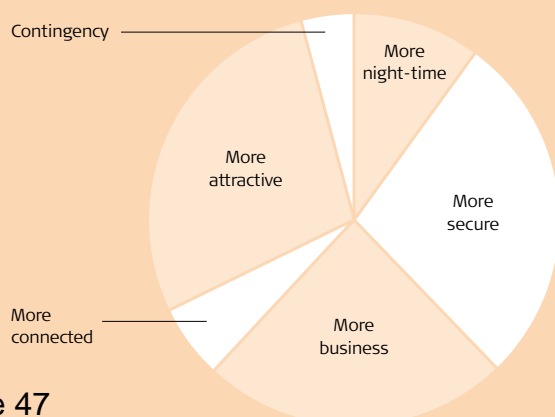
### Alteration to bid arrangements

The BID area and the BID levy percentage cannot be altered without an Alteration Ballot.

### Management charge as a percentage of total income



### Total expenditure per programme area



## Measuring success

Formalising a series of quantifiable KPIs will allow for a full evaluation of success. The following will measure critical factors to inform future decision-making. KPIs will be monitored by the BID team and reported back to the levy payers at bi-monthly BID management meetings.

- Cleansing review (Excellent = 10. Very poor = 0) review **monthly**
- Maintenance (Excellent =10. Very poor = 0) review **monthly**
- Footfall % +/- review **monthly**
- Crime levels % +/- review **quarterly**
- Vacancy rates/empty units % +/- review **quarterly**
- Business climate % +/- review **quarterly**
- Visitor +/- review **bi-annually**
- Number of marketing campaigns – review **annual**
- Number of events. Plan **tbc**

To ensure that BID resources are directed towards delivering real added value, a positive partnership with Thames Valley Police and Reading Borough Council will continue ensuring meaningful dialogue on baseline services including highways, street furniture, maintenance, cleansing, CCTV, community safety, market trading, licensing, enforcement of street activities, lighting, landscaping, environmental health and trading standards are maintained and higher standards met where possible.

## Frequently asked questions

### Will the levy be adjusted for inflation?

The levy will be subject to an annual adjustment in line with the (All Items) Retail Price Index, to account for inflation, up to a maximum of 3% on the previous year's levy.\*

### Are the major shopping centres in the BID area?

The Oracle and Broad Street Mall shopping centres are not in the BID area. However, they both have units that face directly onto the BID area. These businesses will be charged the levy, and the same principle will apply to centres and arcades such as Kings Walk, Harris Arcade and Bristol & West Arcade. Both shopping centres pay a voluntary levy through their management companies on behalf of their tenant businesses.

### Who collects the levy?

The BID levy will be collected by Reading Borough Council on an annual basis and the funds transferred to Reading UK net of collection costs. Final yearly accounts will be produced and submitted to Companies House by Reading UK.

### When will I need to pay?

The levy will be due in full on 1 April each year that Reading Central BID is in operation, and will be invoiced on a separate bill from the business rates.

### Will the levy change as a result of a rating valuation appeal?

There will be no adjustments during the year to reflect changes in individual rating values due to appeals. Changes in rating values will be reflected in a corresponding change to the levy collected from the appropriate properties in the following year.

### Will new businesses be liable for the levy?

Where a new assessment is brought into the rating list (e.g. a newly erected property, a refurbished property or a property resulting from a split or merger), the BID levy will be due on the new assessment from the effective date of the entry in the rating list, and the BID levy will be apportioned accordingly. Where there was no liable person as at 1 April of each financial year, the liable person as at the effective date of the rating list entry will be liable to pay the BID levy for that year.

### What will happen following a removal from the rating list?

Where a property is taken out of rating (e.g. due to demolition or a split or a merged assessment), the BID levy will be due up to the date of the removal from the rating list and the annual. BID levy will be apportioned accordingly.

### Will there be discounts for empty properties?

For empty properties, there is no void period.

### How will the BID ensure recovery action?

Write-off action has only been authorised by Reading UK's BID Committee after extensive and thorough recovery action has been exhausted. Reading UK will make a provision for non-collection of levy and a prudent contingency will be established in each financial year. In the event of non-payment, Reading Borough Council will issue appropriate reminders. Summons will be issued and court action may be taken, for which extra costs will become payable by the levy payers concerned.

### What is the relationship of 'Reading UK' to the BID?

'Reading UK' is the not for profit inward investment company for Reading and has managed and delivered Reading's last three BIDs. Reading UK is the proposer of this BID renewal.

\* This option has never been implemented thus far, in the BID's 12 year existence.

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# How to vote

## **Postal ballot will take place ...**

A postal ballot of business ratepayers in the BID area will take place between 24 January and 21 February 2019.

## **On 10 January ...**

The Notice of Ballot along with a Ballot Statement outlining the key points of the BID proposal will be sent to the voting contact for your business.

## **On 17 January ...**

The full proposal will be mailed to voters.

## **Your ballot ...**

Your ballot paper will reach the named BID voting contact for your business on 24 January and must be cast and returned by 5pm on 21 February 2019. ERS is the designated independent electoral organisation carrying out the election on behalf of Reading Borough Council.

For more information on the ballot process or the business plan proposal, contact the BID Manager, Bobby Lonergan, on **0118 937 4462 / [bid@livingreading.co.uk](mailto:bid@livingreading.co.uk)**

**If you want Reading's success to continue we urge you to vote YES for the 2019-24 BID.**



**Jo Lovelock**

Leader of Reading Borough Council

'Funding from the Reading BID, coupled with in-kind support from the Council, has created an attractive and vibrant heart to Reading, bringing benefit to town centre businesses, Reading residents, visitors and the many thousands of people who work in the area.'







# VOTE YES!

We are proud of the BID achievements to date. If you want this success to continue, you must vote yes for the next BID.

## Find out more

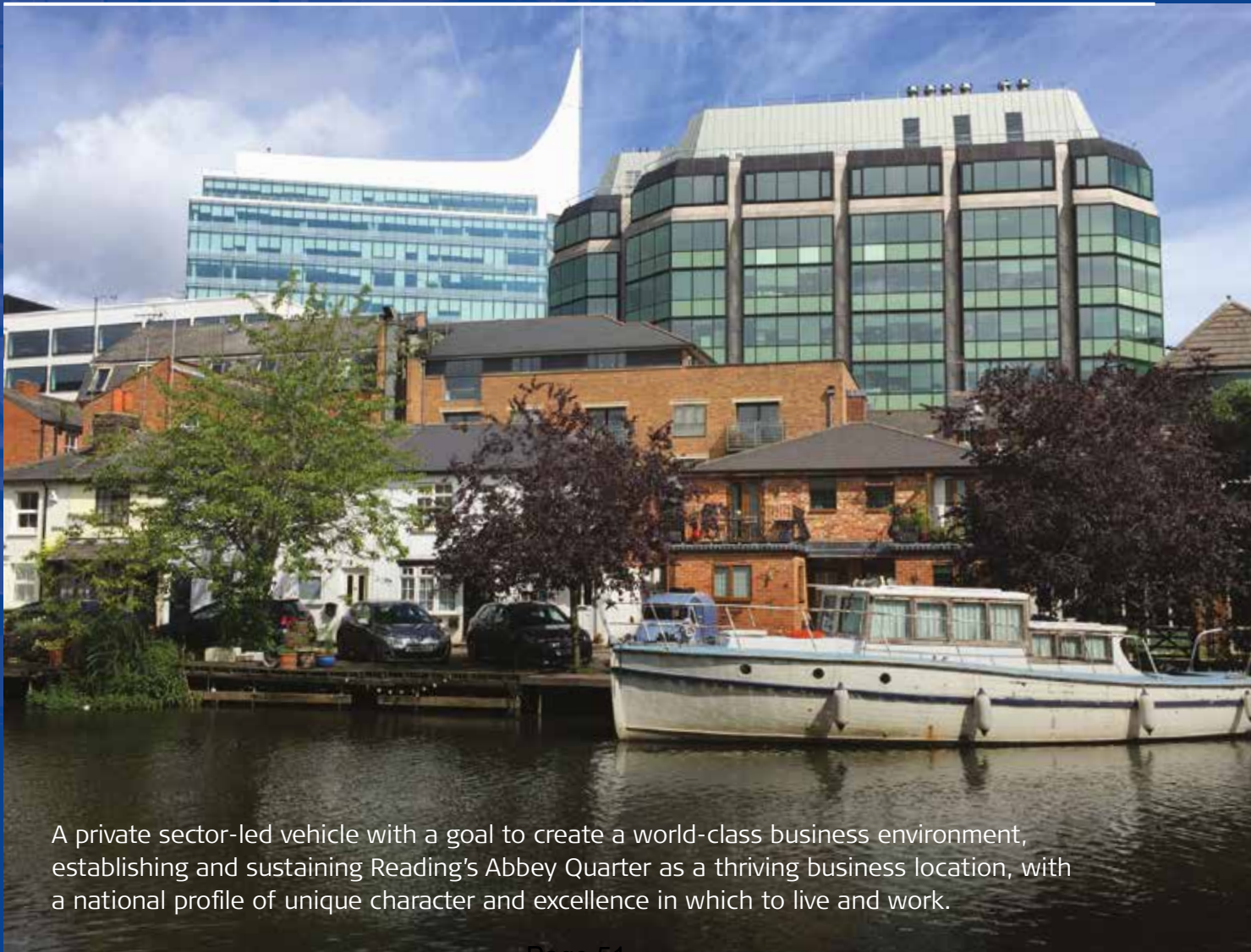
Please call at any time for further information on this proposal, a member of the BID team will be happy to answer your questions or visit you personally.

Reading UK  
The Library Building  
Abbey Square  
Reading RG1 3BQ  
T 0118 937 4462  
E [bid@livingreading.co.uk](mailto:bid@livingreading.co.uk)  
[www.readingbid.co.uk](http://www.readingbid.co.uk)

# ABBNEY QUARTER BUSINESS IMPROVEMENT DISTRICT

**BUSINESS PLAN 2019-24**

Reading UK  
Growing opportunity



A private sector-led vehicle with a goal to create a world-class business environment, establishing and sustaining Reading's Abbey Quarter as a thriving business location, with a national profile of unique character and excellence in which to live and work.

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## What is a Commercial BID?

This is an area which has a mandate to create extra services in addition to those already provided by the public authorities to maximise the experience for businesses, shoppers and workers. The decision to create and continue a BID is enabled through a vote of all eligible businesses in the BID area. If carried, they contribute a small levy on their business rates (typically around 1%) to deliver the plan of extra services.

There are over 300 business improvement districts across the UK including the current Reading Central BID which 530 town centre businesses have voted to maintain on three occasions since 2006.

Reading UK exists to boost business and enhance visitor experiences in a way that improves the quality of life of all in the Reading region.

## Who is proposing the BID?

The BID proposer is Reading UK who initiated and manage Reading's previous town centre BIDs. Reading UK is the inward investment company for Reading. It is a non-profit, Community Interest Company limited by guarantee, established in 2005. The Board of Reading UK is made up of founder members of the company, local stakeholders and major financial contributors including:

- Jacobs the Jewellers
- Peter Brett Associates
- Broad Street Mall (Chair Reading BID)
- First Great Western
- M & G
- Barton Willmore Partnership
- Reading Borough Council
- University of Reading
- Mapletree (Green Park)
- Oracle Shopping Centre
- Reading Football Club
- Reading College
- Lichfields
- PWC
- Reading UK



# Invest in a positive Abbey Quarter future

## Dear Colleague,

You are a business operating within the area surrounding Reading's historic Abbey Ruins and prison. Reading UK, the economic development and marketing company for Reading, has consulted on whether there is interest from businesses such as yours to develop a new BID to deliver improvements in areas such as public realm, place marketing, regenerating the waterways, safer and cleaner public spaces and a clear commercial requirement to attract and retain the very best talent.



Yours faithfully,

**Adam Jacobs**  
Co-owner Jacobs the Jewellers,  
Chair, Reading UK

A business improvement district (BID) model is proposed for the Abbey Quarter. BIDs are funded by a small levy that is collected as a supplement to business rates and the BID model is one that operates successfully all over the UK and internationally.

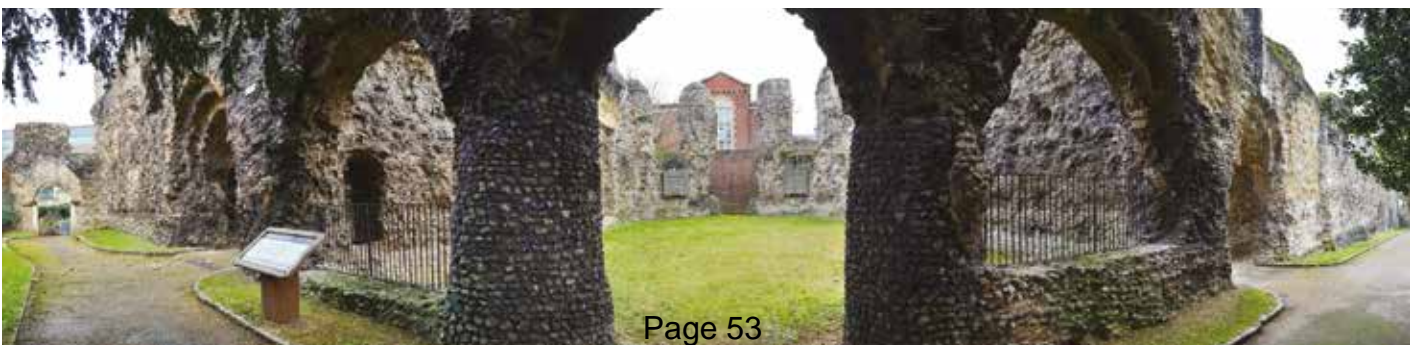
A BID gives our local business community a direct say in where money should be invested.

**Based on a 1% levy, the total amount raised that could be directly invested for the benefit of the Abbey Quarter would be in excess of £400,000 annually.**

A BID can only be implemented after a ballot takes place and a majority 'yes' vote is achieved. Only organisations with a rateable value in excess of £10,000 per annum are entitled to vote. It is therefore crucial that every organisation in the proposed area participate in the ballot.

The BID would come under the auspices of Reading UK, Reading's economic development and marketing company which already runs Reading Central BID in the retail core. It will be managed by an independent operating board made up of representatives from amongst the business community which will decide the priorities for activity. A modest investment will deliver a world-class business district and a positive return on your investment.

As Chair of Reading UK and owner of a business in Reading Central BID, I ask you to consider this exciting proposition and vote 'yes' to the benefits it offers business in Reading's historic Abbey Quarter community.



# Abbey Quarter BID area

## Streets included in BID 2019-24

Abbey Square, Abbey Street, Abbots Walk, Crane Wharf, Duncan Place, Forbury Road, Forbury Square, Highbridge Wharf, Kenavon Drive, Kennet Side, Kennet Street, Kings Road (partial 1-121), Queens Road (partial 3-75), The Forbury (partial) and Watlington Street (partial 1-25).



# Reading in numbers

## Leading UK city for growth.

For the third year running, Reading (with Oxford) is the highest performing city

This reflects continued improvement across a range of measures including jobs, income and skills.

DEMOs/PwC Good Growth for Cities 2018



## Strong demand for office space

Within Greater Reading in 2017/18, 124 office lease deals were concluded, leasing a total of nearly 644,000sq ft. of office space, with an average deal of just over 5,000sq ft. across 78 buildings.

CoStar



## Fastest growing economy to 2021.

Reading is forecast to be the fastest growing city/town in the UK, with 2.3% Gross Value Added (GVA) growth per year over the period 2018-2021

EY's Regional Economic Forecast 2018

## Among Europe's top 25 cities for investment

Reading has been ranked among the top 25 European business cities of the future for foreign direct investment.

European Cities of the Future Awards 2018/19



# Abbey Quarter – Your priorities

We consulted widely – in writing, by survey, face to face, building tenant meetings and digitally to get your feedback on what initiatives you thought important or would like to see over the coming five years.

## Here is a brief summary of your feedback:

- Eye catching enhanced public realm
- Re-generate the historic Abbey Quarter waterways
- Extra security tackling crime and antisocial behaviour
- Seasonal lighting
- Seasonal floral displays
- Focus on safety measures for staff around car parks and waterways
- Fast response to issues surrounding security and ASB
- Staff work-life balance initiatives/fitness/cultural/wellbeing events
- Vibrant events calendar highlighting cultural, historical and leisure opportunities to attract and keep a stable motivated workforce
- Communal recycling schemes and programme of sustainability projects
- Improved communication/intelligence and networking opportunities
- Improved wayfinding and signage
- Positive working and money saving shared service procurement with the current Reading Central BID
- Regional and national place marketing
- Celebrate the Abbey Quarter's historic and cultural qualities to brand the area as an iconic business destination
- Acting as your voice, co-ordinated lobbying



**Kim Cohen**  
Partner, Barton Willmore

'As an employer who cares about the working environment of our staff and maintaining a positive trading environment to build a world class business destination, Barton Willmore supports a positive vote for the Abbey Quarter Commercial District.'

## A UK Smart City Reading is ranked among the UK's top 20 leading 'smart cities'

Reading is a key challenger city which has laid the foundations to become a 'smart city'. Using technology to tackle urban challenges, Reading is expected to make major strides over the coming years. The Index highlighted the launch of the Reading 2050 Vision and the Thames Valley Low Carbon Project in particular as key smart initiatives.

# Reading Abbey Quarter Commercial District aims to be:

A private sector-led vehicle with a goal to create a world-class business environment, establishing and sustaining Reading's Abbey Quarter as a thriving business location, with a national profile of unique character and excellence in which to live and work that can:

- Achieve a positive return on your investment
- Attract enthusiastic qualified workers to the Abbey Quarter and maximise staff retention by building an attractive, healthy work environment
- Coordinate businesses as a powerful single voice to promote the improvement in both the Abbey Quarter's public realm and the quality of its commercial, cultural and leisure provision
- Create a confident sense of place through an imaginative planned programme of events
- Increase the Commercial District's desirability, attract inward investment and achieve regional competitive advantage
- Work with public sector partners to create and sustain a safe, clean and vibrant environment in which to live, work and visit
- Provide a mechanism for stakeholders to influence the formation and delivery of policies for the improvement of the Abbey Quarter

Our proposal is presented with propositions within the following work streams and programs:

- Cleaner and Greener
- Safer
- Branded
- Connected



**Bill Gornall King**  
Partner, Boyes Turner  
President Thames Valley Chamber of Commerce

'With the re-opening of our historic Reading Abbey and plans being discussed to re-vitalise Reading Prison, now is a unique opportunity for all of us in the 'Abbey Quarter' to come together, to build on these positives and to position ourselves as one of the pre-eminent business locations in the south. I urge colleagues in this historic area to engage with the proposal and explore the possibilities the proposed 'Abbey Quarter' Commercial District can offer to all of our businesses, our staff and visitors.'

## Cleaner and greener

The BID will identify streets that its constituent businesses see as a priority and will seek to lever in public sector match funding to enable a programme of improvements to be made over its five-year lifespan.

- Investigate re-generating the historic Abbey Quarter waterways by:
  - Adding semi-permanent art lighting installations on the bridges between Duke Street and the Prudential (Kings Road) to attract visitors and lessen fear of crime and anti-social behaviour (ASB) among staff leaving work at night time
  - Introduce punting on the Kennet between Oracle and Reading Prison as a leisure facility
  - Deliver waterside coffee concessions and berthing for barges to attract visitors and minimise perception of risk and ASB
- Seasonal floral displays (200-300 floral baskets, troughs and planters)
- Seasonal lighting and decorations scheme at Christmas
- Implement initiatives that will improve business efficiency and profitability, such as consultancy advice
- Energy cost reduction initiatives and innovative waste management and recycling including paper, cardboard and coffee grounds. Further savings can come from working positively with current Reading Central BID initiatives
- Identify 'hotspots' that require street washing and deep cleaning which have high footfall, ASB, concentrations of bars, restaurants and fast food outlets
- Organise a rapid response to supplement Reading Borough Council (RBC) services dealing with the removal of graffiti, pavement detritus, fly-tipping, fly-posting etc. including within private property (that would not otherwise be dealt with by the local authority) in timescales acceptable to businesses in a world-class business district

**£501k**  
investment  
over five  
years

## A high productivity centre

Reading is the third most productive city in the UK with average productivity per person of £68,900.

Centre for Cities



**John Ellis,**  
Reading Office  
Senior Partner,  
PricewaterhouseCoopers

'The 'Abbey Quarter' Commercial District that is being proposed, deserves everyone's attention. With business support this initiative could result in our area gaining greater profile as a premier business location nationally.'





## Safer

- Security/warden service, tackling crime and anti-social behaviour, employing full-time professional wardens working with your business, the police and associated agencies to patrol the area combatting drug dealing/taking, rough sleeping, shoplifting, littering, aggressive begging and anti-social behaviour
- Funding support for the CCTV operation to help ensure that Abbey Quarter business benefits from near 24hour CCTV with additional coverage introduced where necessary
- Increase support to Reading Business Against Crime (RBAC) and Town Safe Radio Scheme currently successfully deployed by over fifty businesses in the town centre, linking them with CCTV, business wardens and Police
- Lobby for greater police presence day and night to help combat nationally growing levels of crime and ASB
- Working with Reading Business Against Crime (RBAC), fund 'DISC' – a cloud based system to share information on aggressive beggars, shoplifters and ASB offenders and ban them from areas and premises
- Provide an interface with businesses on street based issues to liaise with the police, the council, its service providers and contractors on street management and maintenance and business continuity during construction work
- Build close working with partners – police, council, member organisations and the voluntary sector to maximise security for visitors, residents and workers promoting the Abbey Quarter as a 'low risk' location

**£370k**  
investment  
over five  
years

**A high wage economy.** Reading is one of the most dynamic economies for wages, jobs, high skills, productivity and business start-ups in the country

Centre for Cities



**Nigel Horton Baker**  
Executive Director,  
Reading UK

'I firmly believe we can promote the Abbey Quarter nationally as a unique, iconic business location and an appealing place to work by exploiting the historic Abbey Ruins re-opening, making full use of the untapped opportunities our waterways afford.'

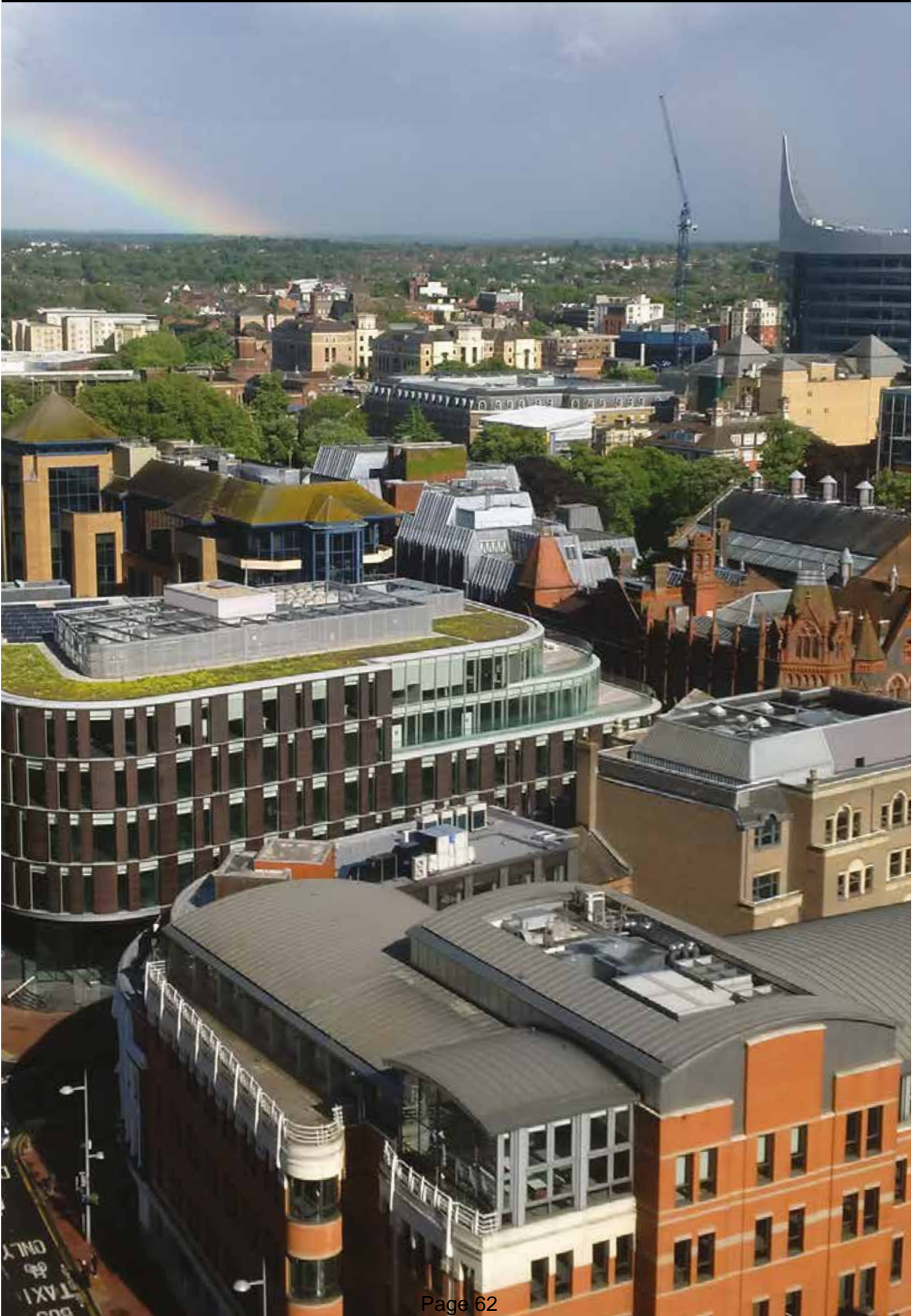




**Reading UK will ensure the considerable security successes achieved in Reading Central BID will be enjoyed by your business and workers in the Abbey Quarter. PC Vince Moore working closely with BID Warden Daniel Hughes to reduce shoplifting, crime and anti-social behaviour in our town centre.**

In the last quarter of 2018 there were 50 arrests made resulting in prison sentences, Community Protection Notices (CPNs) and Criminal Behaviour Orders (CBOs) which exclude persistent offenders from the town centre. As a result of ongoing police and warden work, aggressive begging is at its lowest in 5 years and business feedback reports shoplifting is down almost 40% on early 2018.





## Connected

This theme covers events and a communications plan to foster positive work-life balance perceptions among workers that maximises staff retention and loyalty.

- Host a calendar of regular eye-catching events to animate public spaces in the Commercial District at strategically selected points in the year including the festive season, Valentine's Day, Easter, summer holidays and Halloween to ensure a vibrant environment for workers
- Introduce an ongoing networking schedule allowing businesses to showcase their offer and provide valuable business to business opportunities
- Initiate and manage a series of Abbey Quarter health and social initiatives such as choirs, aerobics classes, mindfulness, health screening, jogging and many more activities to encourage workers and businesses to engage with each other, identify with their environment and strengthen loyalty and staff retention
- Introduce an Abbey Quarter Staff Benefits Scheme offering your employees the chance to enjoy exclusive discounts at a large range of outlets including bars, restaurants and shops throughout the town centre. This can be tied to a developing scheme underway in Reading Central BID which could involve over 25000 local employees
- Reading UK has built-in capacity to support the Abbey Quarter in the areas of employment and skills and will communicate and market these opportunities on an ongoing basis

**£300k**  
investment  
over five  
years



**UK digital capital.**  
Reading has eight times the UK average concentration of tech businesses

Tech Nation 2018



**Trine Oestergaard**  
Managing Director,  
House of Fisher

'I am convinced a positive response in the Abbey Quarter, to the proposed Commercial District, will offer significant benefits over the coming years to our key stakeholders, guests and staff.'



## Branded

- Identify and implement branding initiatives throughout the Abbey Quarter and through related marketing collateral to reinforce its sense of place, identity and excellence
- Celebrate the Abbey Quarter's untapped historic and cultural heritage showcasing Reading Prison, the newly opened Abbey Ruins and surrounding waterways to brand the area as an iconic business destination
- Regional and national place marketing. Improved wayfinding and signage including a digital 'How to get to' guide/map
- Produce a multi-media tool that provides a broad range of information for new, existing and potential businesses, investors and visitors – from where to buy a sandwich through to information on rental values and inward investment opportunities
- Support and lobby the agencies charged with attracting inward investment to the city region, ensuring that the Commercial District remains a key driver of our economy

**£444k**  
investment  
over five  
years



**Jo Lovelock**  
Leader of Reading  
Borough Council

'The historic Abbey Quarter which takes in The Forbury, Abbey Ruins, Reading Prison and the waterways that run through it, is a precious asset. BID status will kick-start a new programme of activity and development allowing businesses a proper say in shaping this.'



# Essential information

## BID levy and liability

The initiatives outlined in this business plan can be delivered from a levy of 1% of rateable values. The liability to pay the levy is on all hereditaments (listed in the 2019 Non-Domestic Rating List that have a rateable value of £10,000 or more, and that are within the proposed BID area).

### What will be the cost to my business?

At a 1% levy, the cost to all business in the BID will be:

Rateable value of property	Annual levy	Weekly cost	Daily cost
£10,000	£100	£1.92	£0.27
£20,000	£200	£3.85	£0.55
£50,000	£500	£9.60	£1.37
£100,000	£1,000	£19.23	£2.75
£250,000	£2,500	£48.08	£6.89
£500,000	£5,000	£96.15	£13.74

If you would like to find out the rateable value of your business, refer to your rates bill or check it at [www.voa.gov.uk](http://www.voa.gov.uk)

### The BID levy, liability and collection

A BID levy of 1% of rateable value will be charged on all hereditaments that appear in the local Non-Domestic Rating List, as of 1 January 2019. This figure will remain unaltered throughout the term of the BID (regardless of further changes that may occur to provide certainty and defend against charge fluctuations). No individual hereditament within the Abbey Quarter area will be disregarded or exempted from the levy.

The levy may increase by an inflationary factor of up to 3% in successive years (e.g. up from 1% to 1.03% in year 2). In the case of an empty, partly refurbished or demolished hereditament (rateable property) the property owner will be liable for the levy, and will be entitled to vote. There will be no void period and every property will pay for all 365 days of the year.

The levy will be collected by Reading Borough Council with a provision for instalments.

### Funding priorities

Reading UK is committed to keeping overhead costs to a minimum and directing most resource to frontline projects and services. It will seek in-kind and pro bono support from partners in the wider community to cover overheads and voluntary contributions to supplement the 2019-24 budget.

## The BID ballot

### Voting entitlement

A ratepayer will be entitled to vote in the BID ballot if they are listed as a non-domestic ratepayer on the date of notice of ballot. The following rules apply: the ballot will have to meet two tests.

1. A simple majority of those voting must vote in favour (50%+).
2. Those voting in favour must represent 50%+ of the aggregate rateable value of those hereditaments that voted.

Each business person entitled to vote in the BID ballot shall have one vote in respect of each hereditament that they occupy or own in the geographical area of the BID on which non-domestic rates are payable.

### Commencement and duration of the BID

The BID, if approved, will start on 1 April 2019 and will operate for five years. A postal ballot of business ratepayers in the BID area, based on the list of non-domestic ratepayers, will take place between 24 January and 21 February 2019. The result of the ballot will be published on the Reading Borough Council website on 22 February (the same day as Reading Central BID vote is announced).

## Levy projected income and expenditure

Income Based on 97% collection	Year 1 2019	Year 2 2020	Year 3 2021	Year 4 2022	Year 5 2023	Totals
Abbey Quarter levy 1%	409,000	409,000	409,000	409,000	409,000	2,045,000
New additional voluntary	0	0	5,000	5,000	10,000	20,000
Sponsorship target	0	5,000	10,000	10,000	10,000	35,000
<b>Total income</b>	<b>409,000</b>	<b>414,000</b>	<b>424,000</b>	<b>424,000</b>	<b>429,000</b>	<b>2,100,000</b>

Expenditure Based on 97% collection	Year 1 2019	Year 2 2020	Year 3 2021	Year 4 2022	Year 5 2023	Totals
Branding/place marketing and events	70,000	90,000	100,000	100,000	84,000	444,000
Work life balance/connected	60,000	60,000	60,000	60,000	60,000	300,000
Public realm/cleaner	80,000	147,000	113,000	83,000	78,000	501,000
Security/safer	70,000	75,000	75,000	75,000	75,000	370,000
BID service plan expenditure	280,000	372,000	348,000	318,000	297,000	1615,000
Net BID balance						
Management and administration*	69,000	71,000	73,000	75,000	77,000	365,000
Contingency	16,000	16,000	16,000	22,000	0	70,000
Levy collection*	10,000	10,000	10,000	10,000	10,000	50,000
<b>Total expenditure</b>	<b>377,000</b>	<b>471,000</b>	<b>449,000</b>	<b>428,000</b>	<b>385,000</b>	<b>2,100,000</b>

Variations in the budget can be made by the BID Committee where alterations represent less than a 25% variation of budget. For larger variations, an EGM or AGM will be held.

- Fixed costs shown under the heading of 'management and administration' will be funded through voluntary contributions where possible and revenues freed will be allocated to extra/expanded agreed projects
- \*Management/administration and levy collection figure of £415k represents just 19% of projected levy income over 5 years, well within the BID Industry Criteria and Guidance and includes all levy collection charges. Where possible this collection will be funded through non-BID levy income to release further resource to programmes
- In the event of changes in circumstance during the lifetime of the 2019-24 BID, Reading UK will bill at the rate on the local Non-Domestic Rating List, as of 1 January 2019

## Measuring success

Formalising a series of quantifiable KPIs will allow for a full evaluation of success. The following will measure critical factors to inform future decision-making. KPIs will be monitored by the BID team and reported back to the levy payers at bi-monthly BID management meetings.

- Cleansing (Excellent = 10. Very poor = 0) review **monthly**
- Maintenance (Excellent =10. Very poor = 0) review **monthly**
- Footfall % +/- review **monthly**
- Crime levels % +/- review **quarterly**
- Vacancy rates/empty units % +/- review **quarterly**
- Business climate % +/- review **quarterly**
- Visitor +/- review **bi-annually**
- Number of marketing campaigns – review **annual**
- Number of events. Plan **tbc**

To ensure that BID resources are directed towards delivering real added value, a positive partnership with Thames Valley Police and Reading Borough Council will continue ensuring meaningful dialogue on baseline services including highways, street furniture, maintenance, cleansing, CCTV, community safety, market trading, licensing, enforcement of street activities, lighting, landscaping, environmental health and trading standards are maintained and higher standards met where possible.

## Frequently asked questions

### Will the levy be adjusted for inflation?

The levy can be subject to an annual adjustment in line with the (All Items) Retail Price Index, to account for inflation, up to a maximum of 3% on the previous year's levy.

### Who collects the levy?

In accordance with the regulations, the Abbey Quarter levy will be collected by Reading Borough Council on an annual basis and the funds transferred to Reading UK net of collection costs. Final yearly accounts will be produced and submitted to Companies House by Reading UK.

### When will I need to pay?

The levy will be due in full on 1 April each year that the Abbey Quarter BID is in operation, and will be invoiced on a separate bill from the business rates.

### Will the levy change as a result of a rating valuation appeal?

There will be no adjustments during the year to reflect changes in individual rating values due to appeals. Changes in rating values will be reflected in a corresponding change to the levy collected from the appropriate properties in the following year.

### Will new businesses be liable for the levy?

Where a new assessment is brought into the rating list (e.g. a newly erected property, a refurbished property or a property resulting from a split or merger), the BID levy will be due on the new assessment from the effective date of the entry in the rating list, and the BID levy will be apportioned accordingly. Where there was no liable person as at 1 April of each financial year, the liable person as at the effective date of the rating list entry will be liable to pay the BID levy for that year.

### What will happen following a removal from the rating list?

Where a property is taken out of rating (e.g. due to demolition or a split or a merged assessment), the BID levy will be due up to the date of the removal from the rating list and the annual BID levy will be apportioned accordingly.

### Will there be discounts for empty properties?

For empty properties, there is no void period.

### How will the BID ensure recovery action?

Reading UK will make a provision for non-collection of levy and a prudent contingency will be established in each financial year. In the event of non-payment, Reading Borough Council will issue appropriate reminders, summons will be issued and court action may be taken, for which extra costs will become payable by the levy payers concerned.

## Governance

### Who is proposing the BID?

The BID proposer is Reading UK who initiated and manage Reading's previous town centre BIDs. Reading UK is the inward investment company for Reading. It is a non-profit, Community Interest Company limited by guarantee, established in 2005. The Board of Reading UK is made up of founder members of the company, local stakeholders and major financial contributors including:

- Jacobs the Jewellers
- Peter Brett Associates
- Broad Street Mall (Chair Reading BID)
- First Great Western
- M & G
- Barton Willmore Partnership
- Reading Borough Council
- University of Reading
- Mapletree (Green Park)
- Oracle Shopping Centre
- Reading Football Club
- Reading College
- Lichfields
- PWC
- Reading UK

### Management of the BID

Reading UK considers the Abbey Quarter District an integral part of economic development, and will oversee its delivery. Reading UK will act as the 'BID Body' but will continue to delegate operational control to a committee of the Company's Board of Directors – the Committee. The Board appoints the committee chair and delegates authority to the committee to deliver the business plan.

Business District committee members are stakeholders and volunteers appointed on an annual basis from representative business, local agency sectors from appropriate geographical areas within the Abbey Quarter. This Committee is managed by the BID Manager, who is a staff member of Reading UK. In addition, Reading UK has built-in capacity to support the Abbey Quarter in the areas of employment and skills, economic development, marketing and communications.

# How to vote

A postal ballot of business ratepayers in the BID area will take place between 24 January and 21 February 2019. On 10 January, the Notice of Ballot along with a Ballot Statement outlining the key points of the BID proposal will be sent to the voting contact for your business.

Your ballot paper will reach the named BID voting contact for your business on 24 January and must be cast and returned by 5pm on 21 February 2019.

ERS (Electoral Reform Services) is the designated independent electoral organisation carrying out the election on behalf of Reading Borough Council.

## Find out more

Contact, Bobby Lonergan,  
**0118 937 4462 / [bid@livingreading.co.uk](mailto:bid@livingreading.co.uk)**  
**[www.abbeyquarter.co.uk](http://www.abbeyquarter.co.uk)**









Reading UK  
The Library Building  
Abbey Square  
Reading RG1 3BQ  
T 0118 937 4462  
E [bid@livingreading.co.uk](mailto:bid@livingreading.co.uk)  
[www.abbeyquarter.co.uk](http://www.abbeyquarter.co.uk)



## Reading Central and Abbey Quarter BIDs

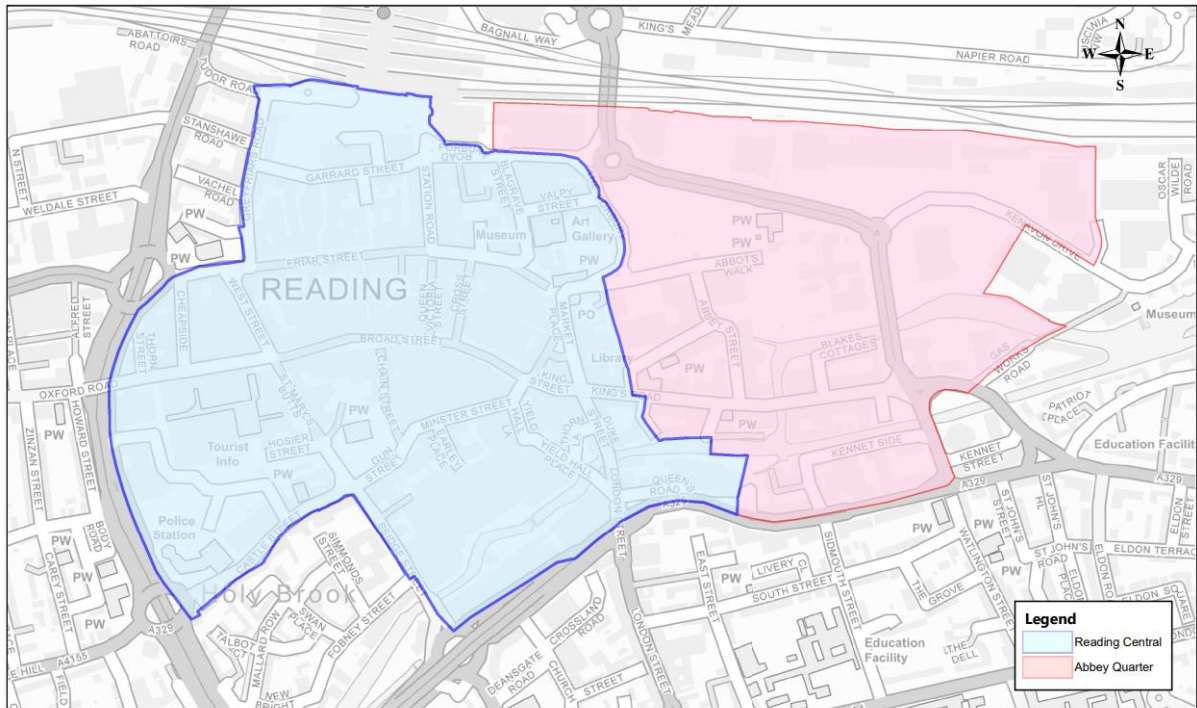
### List of Streets

Abbey Quarter BID	Reading Central BID
Abbey Square	Blagrove Street
Abbey Street	Bridge Street (part)
Abbots Walk	Broad Street
Crane Wharf	Butter Market
Duncan Place	Castle Street
Forbury Road	Chain Street,
Forbury Square	<i>Cheapside</i>
Highbridge Wharf	Clonmel Walk
Kenavon Drive	Cross Street
Kennet Side	Cusden Walk
Kennet Street	Duke Street
Kings Road (partial 1-121)	Dusseldorf Way
Queens Road (partial 3-75)	Friar Street
The Forbury (partial)	Garrard Street
Watlington Street (partial 1-25)	<i>Greyfriars Road</i>
	Gun Street
	Forbury Road (part)
	Hosier Street
	High Street
	Kings Road (part)
	King Street
	London Street (part)
	Market Place
	Merchants Place
	<i>Minster Street</i>
	Oxford Road (part)
	Queen's Road (part)
	Queen Victoria Street
	Queens Walk
	San Francisco Libre Walk
	Station Approach
	Station Hill
	<i>Station Hill Development</i>
	Station Road
	St Mary's Butts
	The Forbury (part)
	Union Street
	West Street
	Wiston Terrace
	Valpy Street
	<i>Newly proposed streets</i>



# Reading Central and Abbey Quarter BID Area Maps

Produced by RBC's GIS & Mapping Services team



Title: **BID Areas**  
**Reading Central and Abbey Quarter**  
Drg.No.: GIS00525 Date: 30/06/2023 Scale at A4: 1:6000  
Produced by GIS & Mapping Services Ref: G:\Mapinfo\Data\Client datasets\Chief Executives\Business Improvement District\BID Areas 2023  
© Crown copyright and database rights 2023 Ordnance Survey 100019672





Project / Proposal Name or Reference:		Date:	Your Name:	
Reading Central & Abbey Quarter BID Ballot		30-Aug-23	Alexa Volker	
1. IMPACT ON CARBON EMISSIONS				
HOW WILL THIS PROJECT/PROPOSAL AFFECT:	CONSIDERATIONS <i>See guidance below on determining whether negative or positive impacts are High, Medium or Low</i>	IMPACT? <i>Use drop down list</i>	GUIDANCE IF NEGATIVE/NIL RATING HAS BEEN AWARDED	SUMMARISE HOW YOU PLAN TO MANAGE AND REDUCE ANY NEGATIVE IMPACTS
1 ENERGY USE	<ul style="list-style-type: none"> <li>* More energy will be consumed or emissions generated (by RBC or others) = Negative Impact</li> <li>* No extra energy use is involved or any additional energy use will be met from renewable sources = Nil Impact</li> <li>* Energy use will be reduced or renewable energy sources will replace existing fossil fuel energy = Positive Impact</li> </ul>	Low Positive	<ul style="list-style-type: none"> <li>Consider:</li> <li>- Energy efficiency measures</li> <li>- Renewable energy</li> <li>- Reducing demand for energy</li> </ul>	By promoting actions to reduce energy use in office, commercial and retail businesses. We have regular contact with 600+ businesses in the town centre. We will provide business advice (1:1 and group training) and providing employees with basic information on climate change and how to reduce the impacts. At Christmas we have a seasonal lighting display throughout the town centre (mid November to end December), for the enjoyment of visitors making it more attractive to shop, socialise and visit. We use only LED low voltage lights, the usage has been calculated to be the equivalent of only 870 homes turning on 1 x 100watt light bulb per house each day. They run of the Council's electricity supply to the street lights which is 100% 'green' electricity which is certified through REGOs (Renewable Energy Guarantee of Origin). We will re-contract this service in 2024 and seek to further reduce, pro rata, the emissions of the new scheme.
2 WASTE GENERATION	<ul style="list-style-type: none"> <li>* More waste will be generated (by RBC or others) = Negative Impact</li> <li>* No waste will be generated = Nil Impact</li> <li>* Less waste will be generated OR amount of waste that is reused/ recycled will be increased = Positive Impact</li> </ul>	Low Positive	<ul style="list-style-type: none"> <li>Consider:</li> <li>- Re-usable/recycled goods</li> <li>- Recycling facilities</li> <li>- Reducing/reusing resources</li> </ul>	Through the BID's weekly cardboard collection service and quarterly small electrical recycling services (both contracted through Reading Borough Council), we ensure recycling is done locally, also offering businesses an easy to use service that encourages them to recycle continuously. We seek to increase the uptake of these services and research other schemes including the recycling of laptops into local community training for work projects around the borough.
3 USE OF TRANSPORT	<ul style="list-style-type: none"> <li>* RBC or others will need to travel more OR transport goods/people more often/further = Negative Impact</li> <li>* No extra transport will be necessary = Nil Impact</li> <li>* The need to travel, the use of transport and/or of fossil fuel-based transport will be reduced = Positive Impact</li> </ul>	Low Positive	<ul style="list-style-type: none"> <li>Consider:</li> <li>- Use of public transport</li> <li>- Reducing need to travel or transport goods</li> <li>- Alternative fuels/electric vehicles/walking and cycling</li> </ul>	All marketing and promotional activities positively reinforces the use of the trains, buses and active travel options. For events in the town centre public transport options are listed encourage both staff and visitors to the town centre to use these. Active walking campaigns include the Annual Reading Walking Festival and the BID's weekly WalksWorks sessions. The TravelPax initiative will also encourage money off travel when using Reading Buses.
2. IMPACT ON RESILIENCE TO THE EFFECTS OF CLIMATE CHANGE				
HOW WILL THIS PROJECT/PROPOSAL AFFECT THE ABILITY OF READING TO WITHSTAND:	CONSIDERATIONS <i>See guidance below on determining whether negative or positive impacts are High, Medium or Low</i>	IMPACT? <i>Use drop down list</i>	GUIDANCE IF NEGATIVE/NIL RATING HAS BEEN AWARDED	SUMMARISE HOW YOU PLAN TO MANAGE AND REDUCE ANY NEGATIVE IMPACTS
4 HEATWAVES	<ul style="list-style-type: none"> <li>* Increased exposure of vulnerable people and/or infrastructure to heat stress = Negative Impact</li> <li>* No increase in exposure to heat stress = Nil Impact</li> <li>Reduced exposure of vulnerable people and/or infrastructure to heat stress = Positive Impact</li> </ul>	Nil	<ul style="list-style-type: none"> <li>Greater need for cooling, ventilation, shading and hydration methods</li> </ul>	We are not planning any infrastructure projects. At outdoor events in the town centre weather forecasts will be monitored, risk analysis undertaken and provide suitable first aid services in the event that any one is affected by high temperatures on the day. Research has begun with the Council's Highways team on urban planting and the trees for streets campaign.
5 DROUGHT	<ul style="list-style-type: none"> <li>* Water use will increase and/or no provision made for water management = Negative Impact</li> <li>* Levels of water use will not be changed = Nil Impact</li> <li>* Provision made for water management, water resources will be protected = Positive Impact</li> </ul>	Nil	<ul style="list-style-type: none"> <li>Greater need for water management and perhaps reserve supplies</li> </ul>	We undertake bi-annual deep cleaning of the payments using water. We will take care to avoid drought periods when undertaking this service.
6 FLOODING	<ul style="list-style-type: none"> <li>* Levels of surface water run-off will increase, no management of flood risk = Negative Impact</li> <li>* Levels of surface water run-off &amp; flood risk are not affected = Nil Impact</li> <li>* Sustainable drainage measures incorporated, positive steps to reduce &amp; manage flood risk = Positive Impact</li> </ul>	Nil	<ul style="list-style-type: none"> <li>Consider flood defenses mechanisms or alternative arrangements (business continuity)</li> </ul>	We will have no direct impact.
7 HIGH WINDS / STORMS	<ul style="list-style-type: none"> <li>* Exposure to higher wind speeds is increased or is not managed = Negative Impact</li> <li>* No change to existing level of exposure to higher wind speeds = Nil Impact</li> <li>* Exposure to higher wind speeds is being actively managed &amp; reduced = Positive Impact</li> </ul>	Nil	<ul style="list-style-type: none"> <li>Greater need for stabilisation measures, robust structures resilient to high winds</li> </ul>	We will have no direct impact. Weather forecasts will be monitored and risk assessments undertaken. We will act on the information at the time and cancel events if they could be affected by storms or high winds in a way that would cause physical damage or risk to individuals. This includes the weekly WalksWorks initiative.
8 DISRUPTION TO SUPPLY CHAINS	<ul style="list-style-type: none"> <li>* Exposure to supply chain disruption for key goods and services is increased = Negative Impact</li> <li>* No change in exposure to supply chain disruption for key goods and services = Nil Impact</li> <li>* Exposure to supply chain disruption for key goods and services is reduced = Positive Impact</li> </ul>	Nil	<ul style="list-style-type: none"> <li>Source key goods and services locally as it reduces exposure to supply chain disruption and boosts the local economy</li> </ul>	We always seek to source goods and services locally to minimise supply chain disruption caused by travel distances, as well reducing CO2 emissions. We work with our supply chain ensure they understand the actions needed to respond to the impact and effects of climate change.
		Net Low Positive		

**Weighing up the negative and positive impacts of your project, what is the overall rating you are assigning to your project?:**

*This overall rating is what you need to include in your report/ budget proposal, together with your explanation given below.*

**Guidance on Assessing the Degree of Negative and Positive Impacts:**

*Note: Not all of the considerations/ criteria listed below will necessarily be relevant to your project*

Low Impact (L)	<ul style="list-style-type: none"> <li>* No publicity</li> <li>* Relevant risks to the Council or community are Low or none</li> <li>* No impact on service or corporate performance</li> <li>* No impact on capital assets, or relates to minor capital assets (minor works)</li> </ul>
Medium Impact (M)	<ul style="list-style-type: none"> <li>* Local publicity (good or bad)</li> <li>* Relevant risks to the Council or community are Medium</li> <li>* Affects delivery of corporate commitments</li> <li>* Affects service performance (e.g.: energy use; waste generation, transport use) by more than c.10%</li> <li>* Relates to medium-sized capital assets (individual buildings or small projects)</li> </ul>
High Impact (H)	<ul style="list-style-type: none"> <li>* National publicity (good or bad)</li> <li>* Relevant risks to the Council or community are Significant or High</li> <li>* Affects delivery of regulatory commitments</li> <li>* Affects corporate performance (e.g.: energy; waste; transport use) by more than c.10%</li> <li>* Relates to major capital assets (larger buildings and infrastructure projects)</li> </ul>

In the box below please summarise any relevant policy context, explain how the overall rating has been derived, highlight significant impacts (positive and negative) and a plain actions being taken to mitigate negatives and increase positives. This text can be replicated in the 'Environment and Climate Impacts' section of your Committee Report, though please note you may need to supplement this climate impact assessment with commentary on other (non-climate) environmental impacts:

The aim of the BID is to improve the economic vitality of the town centre - retaining its strengths and repurposing it in order to attract new business, visitors and residents. It is important that we address the sustainability of the town centre by undertaking activities that do not have any negative impact on climate change or mitigate against the impacts it could have. We have introduced a theme to our new BID Business Plans for the next 5 years 'Environmental and Sustainable', to promote, train and provide businesses advice to help them and their employees adapt to the changes and reduce impact. We will also seek to minimise any climate impact of the services we under Overall our judgement of the BID Business Plans is that the impact on resilience will be "Nil" and the impact on emissions will be "Low Positive" indirect effect through education, promotion and training. The overall impact therefore of the new BID Business Plans proposed is a Net Low Positive and Low Impact (L) in terms of publicity and risk to the Council's impact on services and capital assets.

## Baseline Statements for the Reading Central & Abbey Quarter Business Improvement District (BID) 2024 – 2029

As a BID we must deliver services that are in addition to those provided by our statutory partners, Reading Borough Council and Thames Valley Police. To demonstrate this, we establish a 'baseline statement' that is effective on the day of the ballot, setting out what services are provided by those partners and allowing the BID to pledge additional support.

Details of the baseline statements from Reading Borough Council and Thames Valley Police delivered in the two Reading BIDs areas are detailed below:

### Public Highway Maintenance

Highways & Traffic Services Manager, Reading Borough Council

- Managing the Urban Traffic Management System.
- Leading on policy development for strategic policies e.g. planning, transport, urban design, resilience, energy, licensing, digital connectivity, public health, community safety.
- Managing the network to secure expeditious movement of traffic and to reduce/ prevent road casualties/improve air quality including managing planned works on the public highway (street works), and maintenance of traffic signalling equipment and CCTV cameras.
- Conducting bi-weekly highway inspections in accordance with the Council's inspection policy and hierarchy, identifying safety defects and arranging repair as per the Council's investigatory levels for action.
- Undertaking maintenance projects in accordance with the asset management principals.
- Maintaining and servicing all street lights on adopted public highways, including signage and road marking.
- Publishing licences for skips, scaffolding, utility works, A-boards and pavement cafés on the public highway.
- Enforcing and arranging removal of obstructions on the public highway.
- Managing Council-owned car parks and on street parking.
- Providing bus service allocation, bus stops, coach parking and taxi ranks, including bus shelter maintenance.
- Investing in the town centre to improve and update the public highway infrastructure.

### Community Safety, Health and Wellbeing

Community Partnerships Service Manager, Rough Sleeping Initiatives Team Leader, Emergency Planning and Business Continuity Officer, Reading Borough Council

- Co-ordinating a strategic response to crime and disorder.
- Managing and maintaining Town Safe Radio.
- Managing town's CCTV network.
- Promoting business continuity to minimise business impacts during periods of disruption, via Berkshire Business Continuity Forum.
- Offering advice and guidance and preparing businesses for town centre evacuation and shelter plans in conjunction with the SECTU courses.
- Co-ordinating local authority liaison at the scene of emergencies.
- Co-ordinating the promotion and distribution of adverse weather warnings or emerging risks.
- Commissioning substance misuse treatment services and working with commissioned providers.

- Working in partnership to deliver harm reduction initiatives.
- Commissioning homelessness services and continue to work closely with Wardens.

### **Waste Collection and Street Scene**

Neighbourhood Services Manager, Reading Borough Council

- Providing a bagged domestic waste collection to residential properties within the town centre on a Tuesday morning.
- Providing a trade waste collection service from bins presented on the day of collection and collect pre-paid trade sacks.
- Delivering a street cleaning service to comply with the Clean Neighbourhood and Environment Act 2005 - the town centre must be returned to an A1 graded standard before 8:30am.
- Providing a general town centre cleansing service (the area within the IDR) 7-days a week from 5.30am until 7.30pm every day of the year except Christmas day. The service will clean and sweep the main retail / shopping area of the town centre daily and will then move to a weekly cleansing schedule for the residential areas on the periphery of the town. Staff generally work on a 5/7 shift pattern, based on a 37-hour working week.
  - 5.30am – 1.30pm: mechanical sweeping, graffiti and washdown, manual sweepers, vehicle tippers emptying litter bins.
  - 11.00am – 7.30pm: mechanical sweeping, manual sweepers/electric cart emptying litter bins and bagged waste
- Providing and maintaining benches throughout town centre.
- Providing litter bins throughout town.
- Managing and maintaining parks and green spaces.
- Undertaking tree maintenance and management.

### **Cultural Operation of Museums, Libraries and Events**

Assistant Director of Culture, Reading Borough Council

- Facilitating and licencing major events and festivals including Reading Festival, Reading Half Marathon and Reading Pride.
- Commissioning and/or delivering an annual events programme for the town which includes Armed Forces Day, WaterFest and Children’s Festival.
- Managing and maintaining cultural and public buildings and activities including Council-run museums, libraries and theatres.
- Working across the arts and creative industries, venues, practitioners, relevant council services and other stakeholders offering practical support and advice in order to champion Reading’s creative industries.
- Providing adult learning programmes through New Directions as well as supporting skills, initiatives and projects through REDA.
- Supporting REDA’s activities in promoting tourism and hospitality within Reading.

### **Sustainability and Climate Emergency Services**

Head of Climate Strategy, Reading Borough Council

- Hosting and serving as ‘accountable body’ for the Reading Climate Change Partnership (on whose Board REDA is also represented), particularly in development and delivery of the Reading Climate Emergency Strategy.
- Developing and delivering the Council’s corporate Carbon Plan and projects arising from this to decarbonise Council assets and services.

- Initiating or participating in strategic initiatives designed to help Reading meet its net zero ambitions (e.g. developing green energy projects, heat network proposals or strategic sustainable transport initiatives).
- Raising awareness of climate change issues and encouraging positive action to reduce carbon emissions by staff, partner organisations, residents and businesses.
- Helping communities, residents and businesses understand and prepare for the impacts of a changing climate and to become more resilient to those impacts.

### **Planning, Transport and Public Protection**

Planning, Transport and Public Protection Services, Reading Borough Council

- Being responsible for planning policy, planning applications, building control, enforcement and pre-applications services.
- Managing licensing policy and regulation of licensed premises – public houses/restaurants etc where the sale of alcohol or regulated entertainment takes place.
- Licensing of late night (after 11pm) food providers and street trading consents.
- Licensing of taxis.
- Being lead body for pollution matters which include noise (industrial and commercial noise/licensed premises), air and land pollution.
- Being the lead body for consumer protection including product safety, fair trading, weights and measures, counterfeiting, food standards, underage sales of alcohol and tobacco; food safety, health and safety at work, including registration of new businesses; inspections in terms of food safety compliance (targeted at high risk businesses).
- Licensing of large Houses in Multiple Occupation in the private rented sector.
- Ensuring private rented sector accommodation meets minimum housing standards.
- Overseeing transport strategy, all modes of travel, including active travel, public transport and other vehicle journeys.
- Managing Council parking assets (Broad St Mall, Queens Road, Pay & Display), including civil enforcement.
- Being responsible for animal welfare and dog wardens.

### **Finance**

Revenues & Benefits Manager, Reading Borough Council

Provision of Business Rates and BID Levy processing and reporting systems.  
 Collection, administration and enforcement of Business Rates and BID Levy.  
 Administration of reliefs and exemptions of the above, where applicable.  
 Application for Liability Order at Magistrates Court, enforcement of Business Rates and BID levy debtors.  
 Financial accounting and payment of levy income to the BID, quarterly.  
 Annual and previous year reconciliations of BID payments.



## **Policing Services**

Chief Inspector & Deputy LPA Commander, Thames Valley Police

- Engaging with local residents and business communities to understand their needs and priorities
- Work with our partners by sharing information, to identify and manage risk and vulnerability.
- Work in partnership (to include Neighbourhood Policing Teams, BID wardens, CCTV) to engage with the community to problem solve our shared priorities.
- Working with our partners (Including Reading Business Against Crime – RBAC) to problem solve issues of crime and disorder and manage persistent offenders.
- Have an increased focus on prevention and disruption of Neighbourhood crimes, Violence Against Women and Girls and Knife crime.
- Increased visibility through targeted patrols in hot spot areas
- Take an active involvement with PubWatch to prevent persistent offenders from frequenting licensed premises within Reading.
- Work with our partners to create Safer Spaces for Women and Girls across Reading
- Support bystander training in support of the Violence Against Women and Girls agenda
- Taking an active role with Reading's BID Committees to address the needs of the business community.

## Reading Central and Abbey Quarter BIDs

### Formal Consultation Results

The results of an earlier pre-consultation helped formulate the formal consultation carried out in early Summer. Sent out to all BID businesses and stakeholders, respondents were asked to rate the services delivered during the current BID term and give ideas on initiatives going forward.

Responses between Reading Central and Abbey Quarter were a 70/30 split, with a high percentage of overall replies coming from the office sector, followed by those based in retail, then hospitality and leisure and finally the night time economy.

From the results of both the pre-consultation, formal consultation, and feedback, five themes were created that encapsulate the various priorities. These themes sit across both BID areas in varying degrees of priority.

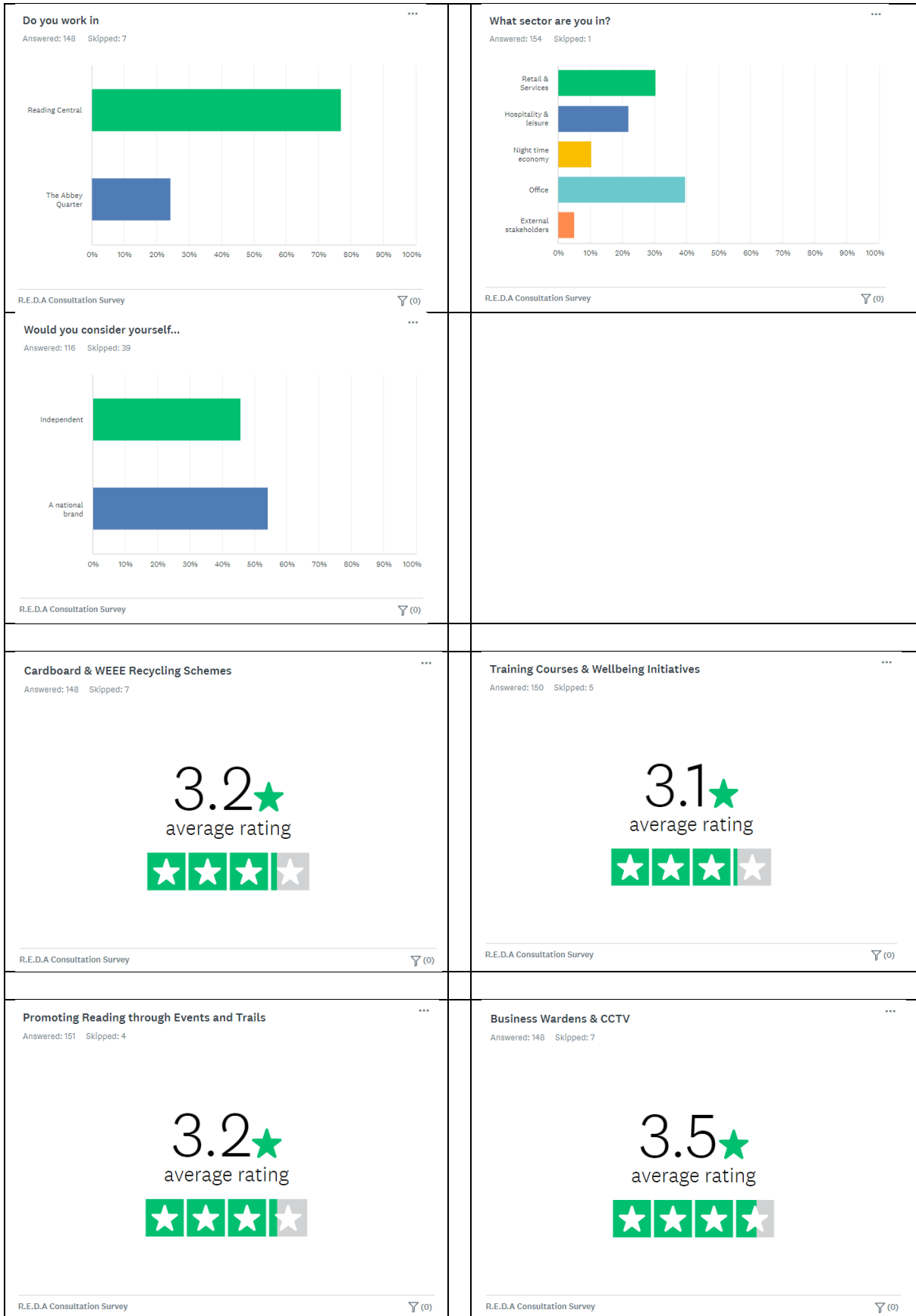
Social & Healthy – the physical and mental wellbeing of staff is a priority to all businesses, and being able to offer activities and pursuits to improve both have already been welcomed. Alongside these businesses often ask for initiatives where they can ‘give back to local communities’ prompting the need for creative, social value initiatives that business can engage in.

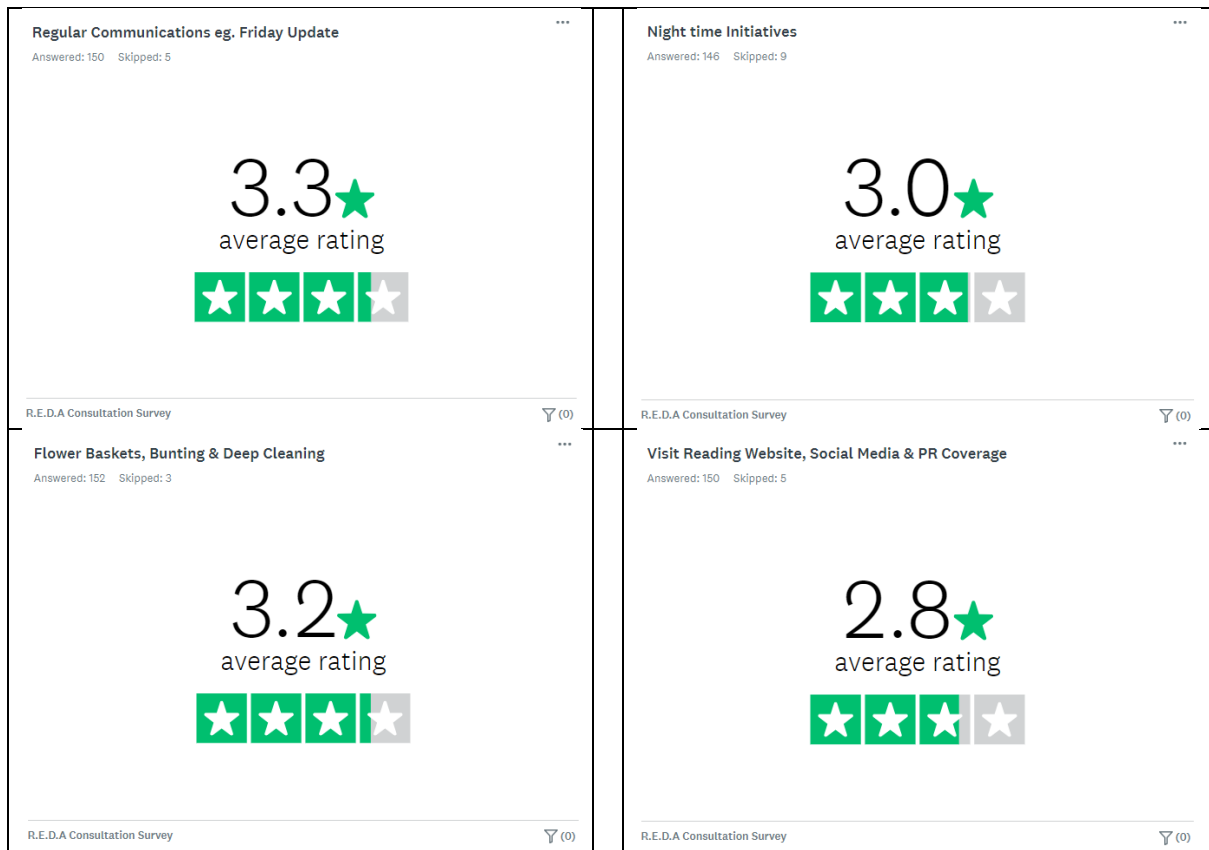
Enhancing & Exciting – the retail landscape is changing as are the habits of shoppers, no longer do people visit the town centre to shop it is now also important to animate the town centre with events and experiences that everyone can take part in. Already seasonal trails and food markets have shown positive feedback and plans going forward will improve on these.

Safe & Secure – unsurprisingly the highest scored initiative by all business sectors. Retailers and night time economy feedback mentions there not being enough Wardens to cover the area, asking for more Warden coverage, and references made regarding uncertain CCTV coverage and the need to improve this. The proposed new BID term acknowledges the need for more Warden coverage.

Environmental & Sustainable – landlords, managing agents, national retailers and corporate sector BID businesses are insisting on more climate and sustainability related initiatives both for their staff to be involved with but also for the town they choose to base themselves in, to be aligned to. Practical recycling initiatives have been well received; these will be extended with other recycling outlets explored. Carbon literacy training for businesses and staff will be rolled out across the town centre.

Informed & Represented – the BID and REDA sit in an ideal position to help lobby on behalf of businesses, acting as a collective voice on town centre, regional and national matters. With our relationships and working closely with partners the BID can bring help businesses with a joined up approach on town centre issues. Continuing the provision of training courses and jobs fairs the BID will help with retention and recruitment of staff, while regular sales and footfall data will inform businesses of the high street health.





#### Feedback comments:

- Alexa and team has and always been doing a great job! Keep it up!
- A "Town Manager" who can coordinate initiatives and events.
- Potential security drop ins to the branch to show face and let staff know they are there for protection if needed.
- Dusseldorf Way and Queens Walk need paving slabs mended and daily litter picking please! And a PCSO/similar who can issue a fine to litterers! This exists round the UK already. Install a "Queens Walk" street sign.
- The feedback from the Reading office has been that the wellbeing and personal development opportunities offered by Reading BID are extremely good value. Initiatives with Yoginah, F45 and training courses offered through the scheme have always proven popular and we would be keen for these kind of development opportunities (whether physical, mental or professional) to continue going forwards. Emotional intelligence courses and management topics would be well received. The office has also appreciated being made aware of new local business openings/introductory offers and ideas - and venues that might be relevant for staff events.
- As a business that rely on footfall on the outside of town centre, it will be great to be able to do more activities on the ground of Davidson House and also for the council to support with seasonal application for the summer. As we invest and support in the local area, we find that this is one part that needs more focus.
- Not on emails used to work them but not anymore.
- Reduction of bikes/e-scooter through Broad Street



- With the BID wardens we don't always feel the two of them is enough and there's times when no one is working.
- More CCTV coverage (especially for bicycles) and securities to help prevent shoplifting.
- We could try promoting Reading with some extra adds around the train station.
- Perhaps an Apprenticeship Event to engage BID businesses more and help businesses meet their staffing gaps.
- Please continue what you are doing. Personally I have found the wellbeing events inc yoga and the networking initiatives invaluable in the return to office and an encouragement to play a part in the wider community. It has made me feel proud that we have such a thriving Reading business and town centre.
- ASB Training for management team
- Identify more what the council does, and what the BID services are, people think the council do a lot. Love the lighting in Chain Street and Union Street. Need more graffiti removal. Electric bikes and scooters are a problem in the town centre.
- What happened to extending the loading bay in Friar Street? State of pavement is poor, the number of buses are causing severe ruts in the road. Ebikes and Escooters travelling at speed on pedestrian areas and the wrong way down one way streets
- I think it's time for the BID to be run by a new organisation with vision, creativity and one that actually delivers a bold new future and initiatives for Reading.
- more creative writing, art
- more writing workshops!
- Staff members mention an improved library but as that is already in the pipeline they will be very pleased.
- A lot of the benefits of the BID are not well known within our office. I am also unsure about the overlap between BID provided services and those which are provided by our building owners.
- Better marketing for social events and seasonal activities
- no - main thing is safety, wardens, CCTV, which is all being done.
- Supporting homelessness and theft of retail stores.
- More food festivals, always gets town busy
- Not at present
- Big fan of the F45 classes, have made more attention to Reading BID announcements following the classes being implemented
- BID meetings, Crime Reduction meetings and Gambling Licensee meetings were all really beneficial and interesting before COVID hit, getting back to regular meetings involving these topics would be great for our business.
- street art, enhanced street cleaning
- The training courses being offered (eg First Aid) are really good. More training like this is always useful as, although it should be done regularly anyway, finding the time and money to send staff on courses can often be a barrier to smaller independents.
- Working half my week in Soho and half in Reading, the drug problem Reading has and the same faces begging on the high street and around the station is so very apparent and really reflects badly on the town and people coming in, I know this is a huge social issue and feel sorry for them, I also feel bad raising it, but as we are trying to make Reading more attractive to investment and working here, it is an issue that is adding to the perception issue.

- Council CCTV needs improving along St Marys Butts and Hosier Street. Often asked for ours from Police re early morning incidents after our venue has closed.
- Expanding slightly to include Oxford Road and Cemetary Junction.
- Town Security
- All important (above question).
- Sort out Echo Tango!!
- Reading Rep sits just outside the Abbey BID. However, much of our work occurs in this and Reading Central BID. I would like to suggest more time is taken to look at what cross promotional activity might be possible with prestigious institution's in the town that can help shine a light on Reading from a national POV. Reading Rep's work is frequently in the national press and we are an organisation that we know the town is proud to host. Affiliating organisation to initiatives to drive people into the town is beneficial for the organisations and the town.
- Working in partnership with local charities to improve the Reading and support residents in these area's.
- Street begging can be an issue in some parts of the BID. In other towns I work with there are schemes available for the public to donate to local homeless charities on a contactless payment sign in the street. This discourages the public from giving cash to beggars and the hope is in turn that those individuals move on and disturb businesses and locals less.
- Not included in the BID up to now , so have not been part of all the initiatives. I think its vitally important the town has the organisation, and I look forward to being part of it .
- Training is a great opportunity, as well as wellbeing. For accommodation suppliers, it might be good to have access to brochures and / or discounts to events (for example, I will try to promote better Henri I if there is another performance next year) REDA does an amazing job though!
- encouraging people to explore further such as the river side parks
- Planting of trees, more recycling schemes, community activities
- No and thank you for all you do :)
- it will be good to have more networking events and pop up food stalls.
- Love the newsletter, please continue with this - Could you ask The Oracle Marketing to feature in any suitable events - IE our rollerskating event happening now.
- Continue providing wellbeing activities, staff engagement events, safety & security in Reading, business (retail & restaurants) discounts, energy saving tips etc
- Support for full time workers to study & develop along their job/on the weekend.
- As an individual I cannot comment on the value of the projects to the business I am employed by. I would suggest that the organisations are working in silo. I have only taken part in the yoga sessions. I have no visibility on the other projects, I cannot comment on the impact on Reading town nor do I know that they hoped to achieve and to what degree they were successful. I did like the weekly round up as it gave visibility of events that as a Reading resident I would otherwise not have known about
- I found yoga and other wellbeing classes and events extremely valuable, and the Healing Music Festival was wonderful and would love to have it in town again/more regularly.
- Really enjoy the wellbeing sessions (yoga and F45) would love to see a larger variety! :)
- Really nice Friday update! Please continue providing the courses eg fire fighting etc.
- Specific mention and plan re begging, homelessness and ASB. Approach this head on, noting it would be partnership with RBC, Police, Launchpad etc etc but that BID will take a leading

role in it. All the elements in Nigel's current 18 point town centre plan should be covered off too. thanks!

- Keep the Central Library central and in the Abbey Quarter. We love the Central Library building

## Reading Central and Abbey Quarter BID Themes – 2024 – 2029

<b>Social &amp; Healthy</b>	
<b>Reading Central BID</b>	<b>Abbey Quarter BID</b>
Breast Cancer/Movember campaigns	Breast Cancer/Movember campaigns
Wellbeing activities	Business networking
Winter Warmer initiative	Staff engagement initiatives
Greater Change donation schemes	Wellbeing activities
Walk Works	PA/EA Networks
Business networking	Winter Warmer initiative
	Young professionals networking
	Greater Change donation schemes
	Walk Works

### **Social & Healthy :**

- Donation schemes – support the continued implementation and growth of contactless giving schemes that benefit local charities and life-changing organisations we work with.
- Winter Warmer initiative – in collaboration with NetworkRail grow the initiative of Reading based staff donating their used Winter clothing for local distribution using the train station as a central hub.
- PA/EA Networks – continue to grow this networking group, introducing local hospitality venues to PAs and EAs from large corporates in the town.
- Wellbeing activities – research more wellbeing activities throughout the week that are suited to staff and businesses, eg running clubs and creative initiatives.
- Staff engagement initiatives – continue supporting, research and build on events that encourage more people into the office, that bring together staff in competitive events eg Sports Day, Launchpad's Pancake Race.
- Business networking – 'meet your neighbour' events encouraging regular, local business networking.
- Breast Cancer Awareness and Movember campaigns - corporate businesses are keen to be involved with national campaigns such as these, promoting health and wellbeing among their staff and giving them the opportunity to become involved. Equally associated retailers want to be involved in these campaigns in creative ways such as talks, demonstrations and discounted shopping opportunities.
- Young professionals – research and build an event to engage young professionals, under-30yrs, to help them build their own local networks, to be hosted by various corporate employers focussing on networking and introductions.
- Walk Works – continue our collaboration with Walk Works to lead weekly networking walks around our town, facilitating networking opportunities and introducing walkers to the history and undiscovered gems in our town. Continue theming walks around awareness days eg Mental Health Awareness etc.



## Reading Central and Abbey Quarter BID Themes – 2024 – 2029

<b>Enhancing &amp; Exciting</b>	
<b>Reading Central BID</b>	<b>Abbey Quarter BID</b>
Seasonal events	Seasonal events
Theatre and music events	Theatre and music events
Seasonal maps and trails	Multi-cultural celebrations
Multi-cultural celebrations	Floral installations
Floral installations	Christmas lighting
Christmas lighting	Pavement deep cleaning
Pavement deep cleaning	Food and drink maps
Food and drink maps	Gift cards
Support street art installations	
Encourage vinyls on windows and site hoardings	
Gift cards	

### **Enhancing & Exciting :**

- Seasonal events – continue supporting Reading Food Festival, Vegan Festival and Chilifest. Research more regular markets, ie antiques markets, to drive footfall. During December grow the Advent calendar of events focussing on after work activities for the office population during the week and activities that attract visitors and families at the weekends.
- Theatre and music events – promote and support local music and theatrical productions such as Reading Fringe, Rabble, Down At The Abbey and Are You Listening? drawing new audiences into the town’s evening economy.
- Seasonal maps and trails – create different themed maps and trails for visitors and shoppers to enjoy while visiting the town centre, all to be provided at no charge to the public and where possible to cover high street retailers and shopping malls to create a cohesive feel and encourage visitors to discover hidden gems within the town.
- Multi-cultural celebrations – celebrating the multi-cultural society of both residents and staff, sponsoring Bastille Day, Diwali and Chinese New Year celebrations, researching further cultural festivities.
- Summer floral installations – continue growing our floral installations throughout the town centre, creating feature areas with baskets, troughs and tiered planters. Research floral installations in Union Street.
- Christmas lighting – redesign the theme of the town centre’s Christmas lighting installation, look to expand festive lighting into new areas. Include more standalone lighting installations in the Abbey Quarter office area.
- Pavement deep cleaning – work in collaboration with Streetscene to purchase an industrial hoover for use in the town centre, targeting areas of grime normally out of reach to mechanised street sweepers. Continue with the bi-annual deep cleaning programme.
- Food and drink maps – design and produce visitor maps highlighting the many and varied food and drink offerings in the town centre including a handy guide on where to find them.
- Supporting street art and window vinyl installations – work with the Council on the policy supporting street art installations, explore themes to create a street art tour of the town, identify suitable locations and work with the landlords/agents.
- Work with landlords, agents and businesses to install REDA designed artwork on window vinyls and hoarding to improve empty units and construction sites.
- Gift cards – research the viability of gift cards.

## Reading Central and Abbey Quarter BID Themes – 2024 – 2029

<b>Safe &amp; Secure</b>	
<b>Reading Central BID</b>	<b>Abbey Quarter BID</b>
Business Wardens	Business Wardens
CCTV staffing	CCTV staffing
Street Pastors & First Stop	Improve pedestrianisation of Broad Street
DISC barring system	Enhance lighting and street furniture.
Purple Flag accreditation	Community Safety Committees
Night time economy	
Improve pedestrianisation of Broad Street	
Reading Business Against Crime	
Town Safe Radio Scheme	
Enhance lighting and street furniture.	
Community Safety Committees	

### **Safe & Secure :**

- Business Wardens – over the course of the next BID term increase the number of Wardens on rota, giving them the ability to increase their visibility in all areas of the BID and allow them to focus on lower level ASB issues as well shoplifting issues.
- CCTV staffing – work with the Council to move the management of CCTV, ensuring closer management of CCTV operators, increasing the numbers of CCTV operators and improving flexibility in coverage of CCTV, ensuring the town centre is adequately covered during the busiest times.
- Street Pastors & First Stop – continue to support Reading’s Street Pastors and First Stop services that enhance the visitor experience of our night time economy. Work with this group to gain insights into the night time visiting economy, themes to explore and merging issues to address.
- DISC barring system – continue to provide the DISC barring system for use in managing anti-social behaviour, collect evidence for use in prosecutions, and share intelligence with retailers and venues signed up to the system.
- Purple Flag accreditation – continue to lead on the Purple Flag accreditation process, identifying and showcasing good practice from across the town centre, including organisations with a stake in the town’s night time economy including Reading University and College.
- Night time economy – support the night time economy through their PubWatch group, helping with initiatives and projects, lobbying agencies where possible.
- Lobbying to improve pedestrianisation of Broad Street – ensuring vehicle access is managed, and dangerous cycling reduced for the safety of all people using this area.
- Reading Business Against Crime (RBAC) – continue promoting and supporting monthly security meetings, encouraging security staff to attend and benefit from the intelligence shared with retailers by Police, Wardens and Council staff.
- Town Safe Radio Scheme – continue using this radio scheme for the Wardens, promote the use of the radio to retailers and venues and encourage take up.
- Lobbying to improve lighting and street furniture – continue to work closely with the Council to identify areas for improved lighting and public realm infrastructure for the purpose of designing out crime.
- Represent businesses at Community Safety Committees raising concerns and lobbying for solutions.

**Reading Central and Abbey Quarter BID Themes – 2024 – 2029**

<b>Environmental &amp; Sustainable</b>	
<b>Reading Central BID</b>	<b>Abbey Quarter BID</b>
Support the Council's NetZero agenda	Support the Council's NetZero agenda
Cardboard recycling	Cardboard recycling
WEEE recycling	WEEE recycling
Energy saving introductions	Energy saving introductions
Litter picking initiatives	Litter picking initiatives
Trees for Streets initiative	Trees for Streets initiative
Carbon Literacy training	Carbon Literacy training
Climate Change Festival	Climate Change Festival
Waterways – day-tripper mooring availability	Waterways – greener/faster commute options
Feasibility study – rooftop beehives	Feasibility study – rooftop beehives

**Environmental & Sustainable:**

- Work with the Council's Climate Strategy team to promote and support NetZero messaging, activities and campaigns.
- Cardboard recycling – build on the already successful cardboard recycling scheme operated in conjunction with the Council and The Oracle. Encourage more businesses to take part. Promote the scheme through local marketing and social media to encourage more take up.
- WEEE recycling – increase the usage of this scheme by promoting through social media campaigns. Encourage more businesses to use the scheme and promote the cost saving incentives.
- Energy saving introductions – research energy saving initiatives and energy cost saving introductions
- Litter picking initiatives – build on litter picking initiatives like RAYS (Reading Adopt Your Street), encourage businesses keen on local environmental initiatives to take up this scheme in their local areas.
- Climate Change Festival – continue supporting and promoting this annual event with network partners.
- Trees for Streets initiative – research further with the Council's Highways teams this initiative, identify areas for trees, install in collaboration with local businesses building a tree in their local areas.
- Carbon Literacy training – introduce training for all businesses and staff, helping them to reach their carbon reduction goals and support the Councils' climate change goals.
- Waterways – research opportunities to utilise the local waterways (Kennet & Avon canals and The Thames) more effectively, including private moorings for day-trippers to visit the town centre, as well as a greener daily commute option.
- Work with professional apiarists to research the feasibility of installing beehives on high rise building rooftops, including the continued management of the beehives.

**Reading Central and Abbey Quarter BID Themes – 2024 – 2029**

<b>Informed &amp; Represented</b>	
<b>Reading Central BID</b>	<b>Abbey Quarter BID</b>
Footfall data	Business promotions
Sales data	Jobs Fairs
Business promotions	Training courses
Jobs Fairs	Marketing and social media
Training courses	Friday Update
Marketing and social media	REDA inward investment and campaigns
Friday Update	
REDA inward investment and campaigns	

**Informed & Represented :**

- Footfall data – the BID will contract the provision of footfall data intelligence, this will be available to all BID businesses who register to receive it. The data will show the use of the town centre, informing all sectors of business the peaks and troughs of footfall throughout the day and night.
- Sales data – the BID will contract the provision of sales data intelligence, this will be available to all BID businesses who register to receive it. The data will show the health of high street sales.
- Business promotions - BID businesses can book commercialisation spaces within the town centre's pedestrianised areas to promote their businesses. This is normally a paid for service to external businesses.
- Jobs Fairs - Regular jobs fairs organised in conjunction with DWP's JobCentre are held centrally in the town centre, attracting large numbers of job seekers. BID businesses will be invited to have a stall at these events to assist in recruiting new staff.
- Training courses – build the annual training prospectus based on business feedback, continue delivering Emergency First Aid, Mental Health Awareness, Coaching, Deaf Awareness, Basic Life Support Awareness Training and Disability Awareness courses.
- Marketing and social media – promote Reading town centre events and businesses through BID and REDA public relations, marketing and social media channels. This includes associations with Heritage Open Days, regional tourism groups, group travel organisations, property professionals and investor groups.
- Through REDA promote inward investment, develop a long-term strategy for Reading as a destination, conduct visitor research, build the conferencing website page.
- Friday Update – continue to produce our weekly newsletter to all businesses in the BID area highlighting events and offers available to you and your staff. As a way of advertising BID businesses can include special offers for the town centre.



**Draft Budgets (September 2023)**

First draft of budget for Reading Central BID.

REDA Board and BID Committee amendments, final decisions and sign off – November 2023

Reading Central BID					
5 Year Budget Plan					
	Year One	Year Two	Year Three	Year Four	Year Five
	2024/25	2025/26	2026/27	2027/28	2028/29
BID Levy Income *	£761,410.90	£761,410.90	£761,410.90	£761,410.90	£761,410.90
Operating Costs	£112,000.00	£117,600.00	£123,480.00	£129,654.00	£136,136.70
Safe & Secure	£148,675.00	£156,108.75	£163,914.19	£172,109.90	£180,715.39
Environment & Sustainable	£17,500.00	£18,375.00	£19,293.75	£20,258.44	£21,271.36
Enhancing & Exciting	£338,420.00	£355,341.00	£373,108.05	£391,763.45	£411,351.63
Social & Healthy	£9,600.00	£10,080.00	£10,584.00	£11,113.20	£11,668.86
Informed & Represented	£66,225.00	£63,338.75	£65,820.69	£68,426.72	£71,163.06
Contingency	£68,990.90	£40,567.40	£5,210.23	-£31,914.81	-£70,896.09
Total Expenditure	£692,420.00	£720,843.50	£756,200.68	£793,325.71	£832,306.99

\* Total BID Levy Invoiced = £801,485.16

95% payment rate = £761,410.90

**Draft Budgets (September 2023)**

First draft of budget for Abbey Quarter BID.

REDA Board and BID Committee amendments, final decisions and sign off – November 2023

Abbey Quarter BID					
5 Year Budget Plan					
	Year One	Year Two	Year Three	Year Four	Year Five
	2024/25	2025/26	2026/27	2027/28	2028/29
BID Levy Income *	£659,114.75	£659,114.75	£659,114.75	£659,114.75	£659,114.75
Operating Costs	£88,000.00	£92,400.00	£97,020.00	£101,871.00	£106,964.55
Safe & Secure	£98,475.00	£103,398.75	£108,568.69	£113,997.12	£119,696.98
Environment & Sustainable	£19,500.00	£20,475.00	£21,498.75	£22,573.69	£23,702.37
Enhancing & Exciting	£142,700.00	£149,835.00	£157,326.75	£165,193.09	£173,452.74
Social & Healthy	£90,900.00	£95,445.00	£100,217.25	£105,228.11	£110,489.52
Informed & Represented	£41,975.00	£44,018.75	£46,164.69	£48,417.92	£50,783.82
Contingency	£177,564.75	£153,542.25	£128,318.63	£101,833.82	£74,024.77
<b>Total Expenditure</b>	<b>£481,550.00</b>	<b>£505,572.50</b>	<b>£530,796.13</b>	<b>£557,280.93</b>	<b>£585,089.98</b>

\* Total BID Levy Invoiced = £693,805.00

95% payment rate = £659,114.75

## Policy Committee

30 October 2023



**Reading**  
Borough Council  
*Working better with you*

<b>Title</b>	Single Homelessness Accommodation Programme (SHAP)
<b>Purpose of the report</b>	To make a key decision
<b>Report status</b>	Public report
<b>Report author</b>	Selina Ma, Acting Rough Sleeping Initiatives Team Manager (Contracts and Commissioning)
<b>Lead Councillor</b>	Cllr Ellie Emberson, Lead Councillor for Housing
<b>Corporate priority</b>	Thriving Communities
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. That Policy Committee authorises the application to DLUHC for Single Homeless Accommodation Programme (SHAP) funding in the maximum sum of £647,789. The grant will cover both revenue and capital expenditure to (a) purchase six additional units and (b) acquire one additional Housing First support worker.</li> <li>2. That, subject to the successful outcome of the application outlined in point 2 above, the Assistant Director of Housing and Communities, in consultation with the Lead Councillor for Housing, be authorised to enter into a grant agreement with DLUHC for it provide SHAP funding of a maximum sum of £647,789.</li> <li>3. That Policy Committee approve the budget of £705,900 to match fund the capital element of the grant, funded through a combination of S106 contributions and Housing Revenue Account borrowing.</li> <li>4. That Policy Committee approve the total capital spend of £1,185,900 to purchase six homes as set out in the body of the report.</li> <li>5. The Assistant Director of Housing and Communities be delegated to purchase the relevant properties.</li> </ol>

### 1. Executive Summary

1.1 This report seeks authority to bid for capital funds to the value of £480,000 and revenue funds to the value of £167,789 from the Department for Levelling Up, Housing and Communities (DLUHC) Single Homelessness Accommodation Programme (SHAP) to purchase and provide support to six additional Housing First units from 1<sup>st</sup> April 2024 to relieve and prevent rough sleeping in Reading.

1.2 The maximum grant funding ask is £647,789 comprised of both revenue and capital funding. The table below shows the proposed grant funding split between revenue and capital:

	2024/25	2025/26	2026/27
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<b>Revenue</b>	£56,600	£54,185	£57,003
<b>Capital</b>	£480,000		
<b>Total</b>			£647,789

- 1.3 The SHAP capital programme assumes the acquisition of 6 one-bedroom properties at a total estimated cost of £1,185,900. The programme is funded with £480,000 of DLUHC grant and £705,900 of match funding (S106 £44,000 and HRA borrowing £661,900).

## 2. Policy Context

- 2.1. In 2018, the Government published their national Rough Sleeping Strategy and Action Plan aiming to halve rough sleeping by 2022 and eliminate it by 2027. In 2019, Reading's Rough Sleeping Strategy 2019 – 2024 was published to support this aim with key priorities being (1) Early intervention and prevention; (2) Recovery and community intervention; (3) Rapid intervention; (4) United support and enforcement action in Reading and (5) Provision of information and alternative ways for the public to give/support to those on the streets.
- 2.2. In April 2022, the Council was awarded DLUHC grant funding through the Rough Sleeping Initiative (RSI) 2022-25 to fund Housing First and tailored off the streets support. The contracts were awarded, following an open tender exercise, to St. Mungo's for 30 months from 1<sup>st</sup> October 2022 to March 2025.
- 2.3. In September 2022, the Government published their new cross-government strategy 'Ending rough sleeping for good', setting out how they are investing £2 billion over the next three years to tackle homelessness and rough sleeping. The Single Homelessness Accommodation Programme (SHAP) was announced as part of this strategy, with the aim to increase the supply of good quality, specialist accommodation and housing-led approaches.
- 2.4. Reading has limited existing Housing First provision, currently sourced through a combination of its own stock and registered providers accommodation. The funding under SHAP would allow Reading to increase its provision of longer-term accommodation meeting the needs of vulnerable residents to support in recovery and integration into the wider community. The expansion of Housing First provision will consequently improve throughput in existing supported accommodation widening the reach of these services to other individuals that require an off the streets offer. Expanding Housing First fits with Reading's approach under RSI 2022-25, moving from outreach towards in reach support once people are accommodated, helping them to sustain their accommodation long term.

## 3. The Proposal

- 3.1. It is proposed that, subject to grant funds being allocated and awarded by DLUHC to Reading under SHAP, RBC purchase and provide support to six additional Housing First units from 1<sup>st</sup> April 2024.
- 3.2. The revenue funding would provide for one additional FTE Housing First support worker over three years, from April 2024 to March 2027. The additional role would complement the existing Rough Sleeping Initiative (RSI) grant funded contract delivering Housing First.
- 3.3. There is an 'evergreen' grant funding condition which requires that properties purchased under the SHAP scheme will need to be made available to the single homeless cohort in perpetuity.

### Other Options Considered

- 3.4. To not submit a bid for grant funding from the Single Homeless Accommodation Programme to purchase and provide support to an additional six Housing First units.



#### **4. Contribution to Strategic Aims**

- 4.1. The report's recommendations contribute to the Council's Corporate Plan theme of Thriving Communities by:
- Tackling inequality in our society, to ensure everyone has an equal chance to thrive whatever their economic, social, cultural, ethnic or religious background
  - Building relationships and strengthening the capacity and resilience of the voluntary and community sector
  - Prioritising the needs of the most marginalised groups and the most vulnerable adults in our communities
- 4.2. Tackling the effects of the pandemic, such as increased unemployment, long term health problems, mental health issues and social isolation where rough sleeping/risk of rough sleeping is the ultimate symptom of these effects.

#### **5. Environmental and Climate Implications**

- 5.1. The Climate Impact Assessment tool indicated there will be net nil impact as a result of this proposal. This impact is expected due to all six properties to be refurbished in line with the Council's existing stock and therefore is likely to result in improved thermal efficiency.

#### **6. Community Engagement**

- 6.1. The funding application to SHAP is being co-produced with DLUHC, as informed by significant on the street intelligence and ongoing needs analysis of those sleeping rough/at risk of sleeping rough.
- 6.2. In February 2022 RBC undertook a self-assessment to assess strengths and gaps, specific cohort needs and how Reading plans to shape services and outcomes for rough sleeping groups over the next three years.
- 6.3. To inform this self-assessment and support compilation of priorities, Homeless Link provided an independently facilitated workshop with commissioned, statutory services including Public Health, VCS and faith sector partners. All of Reading's Homelessness Partnership (HoP) partners were invited to give their views. This was followed up by an on-line survey which asked sector partners to prioritise the themes they had identified in the workshop. Findings confirmed that specialist, 24/7 staffed projects for women, complex couples and those experiencing mental ill-health are a priority for Reading.

#### **7. Equality Implications**

- 7.1. Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to—
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.2. An Equality Impact Assessment (EqIA) is not relevant to this decision and it has been determined that the decision will not/could not have a differential impact on people with a protected characteristic.

#### **8. Legal Implications**

- 8.1. Section 120(1)(2) of the Local Government Act 1972 (LGA) and section 2(1)(2)(4)(a)(4)(c) and (5) of the Local Government Act 2000 give the Council the power to acquire land. Under section 120(1)(2), the Council may by agreement acquire any

land, whether situated inside or outside its area, for any purpose for which it is authorised by the LGA or any other enactment to acquire land. This power is exercisable even if the land is not immediately required for that purpose. Until it is needed for the purpose for which it was acquired, any land acquired under this subsection may be used for the purpose of any of the Council's functions.

- 8.2. The Council will need to enter into the DLUHC's grant agreement and comply with the conditions for the grant. Section 9 of the Housing Act 1985 gives councils the power to provide housing accommodation by erecting or acquiring houses. This could include erecting or acquiring houses to be used for temporary accommodation. Any such temporary accommodation erected or acquired using the Section 9 power would need to be accounted for within the HRA by virtue of Section 74(1) of the Local Government Housing Act 1989, unless the accommodation is leased to the Council for a period of 10 years or less, in which case it would need to be accounted for within the General Fund.

## **9. Financial Implications**

- 9.1. The grant funding request is for £647,789, comprised of both revenue and capital funding.
- 9.2. The SHAP business case assumes the acquisition of 6 one-bedroom properties at a total estimated cost of £1,185,900. The programme is funded with £480,000 of DLUHC grant and £705,900 of match funding (S106 and HRA borrowing).
- 9.3. The properties will be ready for letting, once any refurbishment works have been carried out (£20,000 refurbishment costs per property assumed in the business case), resulting in an immediate revenue stream.
- 9.4. The financial viability of each acquisition will be assessed before an offer is made and properties will only be considered once an assessment of their condition has been carried out by the Housing Surveying Team.
- 9.5. The financial viability of the proposed 6 acquisitions has been evaluated against the approved 30-year HRA business plan. The financial viability has returned a positive Net Present Value (NPV) and enhances the overall position within the 30-year HRA business plan.
- 9.6. Grant funding would be awarded under s.31 of the Local Government Act 2003 meaning that spend will be restricted to the activities laid out in the bid application. The grant received would be ringfenced to meet these activities. Should there be delays in the recruitment of the additional Housing First support worker or purchase of the units or underspend that requires grant carry-over into the next financial year, written permission would be requested by RBC from DLUHC. If this permission was not granted, and their decision was not to allow the repurposing or carry-over of funds that resulted in a surplus, clawback provision may be enacted by DLUHC.

## **10. Timetable for Implementation**

- 10.1. The deadline for the bid submission is 10<sup>th</sup> November 2023. It is expected that DLUHC will confirm successful awards by 15<sup>th</sup> December 2023.
- 10.2. The deadline for capital delivery under the scheme is March 2025. It is intended that the new Housing First role will be recruited to and in post by 1<sup>st</sup> April 2024.

## **11. Background Papers**

- 11.1. There are none.

## FINANCIAL IMPLICATIONS

The financial implications arising from the proposals set out in this report are set out below:-

### 1. Revenue Implications

	2023/24 £000	2024/25 £000	2025/26 £000	2026/27 £000
Employee costs (see note1)				
Other running costs				
Capital financings costs				
<b>Expenditure</b>		£56.6	£54.185	£57.003
Income from:				
Fees and charges (see note2)				
Grant funding (specify)				
Other income				
<b>Total Income</b>		£56.6	£54.185	£57.003
Net Cost(+)/saving (-)		Nil	Nil	Nil

The net cost of the proposal can be funded from (specify service and approved cost centre budget).

**Note 1:** Specifying any one off early retirement and redundancy costs. With regard to early retirement costs set out capitalised pension cost and pay back period in a separate paragraph.

**Note 2:** In a separate table/appendix set out detailed fees and charges proposals and sensitivity analysis.

### 2. Capital Implications

Capital Programme reference from budget book: page line	2023/24 £000	2024/25 £000	2025/26 £000
Proposed Capital Expenditure		£1,185,900	
Funded by			
DLUHC grant		£480,000	
Section 106		£44,000	
Other services			
Capital Receipts/Borrowing		£661,900	
<b>Total Funding</b>		£1,185,900	

**Note:** where more than one option /proposal is being made it may be easier to set out the above information in an Appendix.

### 3. Value for Money (VFM)

Staff costings for grant applications have been benchmarked against existing provision and known market salaries, provider on-costs, overheads and inflationary salary increases to ensure VFM.

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## Policy Committee

30 October 2023



**Reading**  
Borough Council  
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<b>Title</b>	Digital & Customer Technology Delivery Update
<b>Purpose of the report</b>	To note the report for information
<b>Report status</b>	Public report
<b>Report author</b>	Martin Chalmers, Chief Digital and Information Officer
<b>Lead Councillor</b>	Cllr Liz Terry, Deputy Leader and Lead Councillor for Corporate Services and Resources
<b>Corporate priority</b>	Our Foundations
<b>Recommendations</b>	1. That Policy Committee notes the progress made to date on digital technology delivery.

## 1 Executive Summary

- 1.1 The *Connected Reading* Digital Transformation Strategy was approved in July 2021. A progress report on strategy implementation was provided in October 2022. That paper committed to the provision of a future progress update. This is that update.
- 1.2 The October 2022 paper also included a proposal, which was agreed, for the appointment of a Digital Transformation Partner. Following a framework mini-competition, PwC was selected as that partner, with the contract being signed in April 2023.
- 1.3 In parallel with the running of that procurement, the Council submitted a successful bid for digital transformation funding through the Future Councils Pilot competition run by DLUHC. A grant of £750k was received in March 2023.
- 1.4 Section 3 of this paper provides a update on each of the following workstreams, covering progress since October 2022 and next planned steps:
  - Case and Customer Management
  - Customer Journey Optimisation
  - Web Services Development
  - Digital Inclusion
  - Independent Living
  - Adult Social Care
  - Microsoft 365 Adoption and Exploitation.

## 2 Policy Context

- 2.1 The *Connected Reading* Digital Transformation Strategy set out a vision, connected to the Council's strategic aims, that **"Strong, connected relationships with residents, businesses and partners underpin a healthy, thriving and inclusive borough"**. Digital technologies also underpin the *Achieving Customer Service Excellence* Customer Experience Strategy, which was approved by the Policy Committee in January 2020.

- 2.2 The last progress report on strategy implementation was provided to Policy Committee in October 2022. That report provided updates on six workstreams and set out a proposal, which was agreed by Policy Committee, for the appointment of a Digital Transformation Delivery Partner on a framework contract basis.
- 2.3 Section 3 of this report describes, for each workstream, the progress made since the October 2022 report and the planned next steps. Section 4 describes the contributions that the work has made and will make to the delivery of the Council's strategic aims.

### 3 The Proposal

The proposal is that Policy Committee notes the progress and next steps set out below.

#### 3.1 Procurement of Digital Transformation Delivery Partner

- 3.1.1 Following a framework mini-competition run via the Crown Commercial Services Management Consultancy Framework 3 contract, PwC was selected as the Digital Transformation Delivery Partner. The contract was signed in April 2023.
- 3.1.2 The contract is a framework agreement under which specific work packages are let, each being subject to appropriate business justification and approval. PwC's work with us is covered in the workstream updates below.

#### 3.2 Case and Customer Management

- 3.2.1 As reported in October 2022, Arcus Global was selected through open competition as the supplier for this workstream, providing a solution based on the Salesforce Customer Relationship Management platform on to which Arcus Global has built "out of the box" forms and processes for a number of local government functions. The contract was signed in January 2023.
- 3.2.2 The project combines two requirements from the original digital transformation strategy. The first – **case management** - is to enable more efficient and effective delivery of around fifty functions in the fields of built environment, planning and regulatory services. This part of the project is at an advanced stage, with the system configuration stage nearing completion, preparations for data migration in train and the first user training due to launch in October. Go-live is planned for February 2024, in line with the approximate one-year duration noted in the October 2022 report.
- 3.2.3 Unlike the case management requirement, which is being met almost entirely through configuration of pre-existing Arcus Global product, the second requirement – **customer management** – requires a combination of existing product and the development of new forms and processes using Salesforce. Following completion of its design stage, the go-live date for this requirement has been planned for July 2024. This intentionally prudent timing reflects both the need to accommodate that development work and the need to avoid drawing the business into testing, training and deployment activity around the year-end and election periods.
- 3.2.4 The launch of the Case and Customer Management solution is being coordinated with:
- The introduction of **single sign-on** across web services so that customers need only one username and password to access all Council digital services
  - The provision of appropriate **mobile computing devices**, which will be selected in consultation with staff, so that field workers (eg in planning and regulatory roles) can use the Case and Customer Management System to enter information on site at the time of a visit, rather than needing to type the information into the system later in the office or at home.

#### 3.3 Customer Journey Optimisation

- 3.3.1 In parallel with the Case and Customer Management project, PwC has undertaken a discovery exercise, identifying the potential for effectiveness and efficiency benefits to be gained by redesigning customer journeys end to end so that they work optimally for

customers and staff (both groups being involved in the design) and then implementing those designs. This will involve:

- Changes to business processes
- Revisions to the structure and content of the Council website, to make it easier to find and understand information, and carry out transactions
- Exploitation of the capabilities of the Case and Customer Management system currently under development
- The use of “chatbot” technology, to automate frequent, simple customer interactions via the website
- The use of voice automation, to allow such customer interactions to be delivered via voice, using conversational artificial intelligence, which can operate in multiple languages.

3.3.2 The next steps in this workstream are to confirm the first areas on which service redesign should be focused, and to select chatbot and voice automation technologies.

### 3.4 Web Services Development

3.4.1 The most significant single area of focus has been in the development of the **Housing Digital Presence**, a project that is being delivered by a multidisciplinary team drawn from Housing, the RBC web team and PwC. Since the start of this work in June 2023:

- Twenty web pages have been redesigned, in consultation with residents, of which ten have now gone live. The work has significantly improved the quality and accessibility of the content. Examples are the [Universal Credit](#) and [Paying your Rent](#) pages. The pages in development include a self-assessment form so that residents can better understand their eligibility and options in relation to council and affordable housing.
- Eight animated videos to assist residents through their housing application process have been developed and will shortly be launched.

3.4.2 In the next phase of this work, which was launched in September:

- Following the mapping of customer journeys for housing tenancy and housing repairs, twenty further web pages are being designed to enable greater self-service by residents. These include a new area covering the tenancy agreement.
- Four further videos, focused on homelessness and finding a home, will be developed.
- Design work relating to private renting and home improvement will be conducted.

3.4.3 Other significant web services delivery has included:

- **Delivery of an online version of the [Reading Transport Strategy 2040](#)**, presenting this important consultation, which is 180 pages in printable form, in a readily navigable and engaging form.
- **Development of a car park booking tool for the Civic Centre**, eliminating triple keying (user, customer fulfilment centre and security team) of car park booking requests and also acting as a pathfinder for the implementation of internal workflow using Microsoft automation products within our current suite, a significant tool for application rationalisation (our plan to reduce the large number of isolated small applications in use across the organisation by replacing them with the use of strategic platforms such as those provided by Microsoft and Salesforce).

3.4.4 Work currently in progress includes the **integration of the Love Clean Reading web application with the Whitespace system**, which is being extended to cover streetscene as well as waste. This will mean that reports by residents of litter, graffiti, etc will be automatically transferred into the Whitespace application for action by streetscene teams. (Currently, such reports generate emails which have to be manually transcribed into the application.)

### 3.5 Digital Inclusion

3.5.1 The following progress has been made on the areas for action identified in the October 2022 update:

- A proof-of-concept **public WiFi solution** was successfully completed at the Pinecroft children’s residential unit and the Cressingham children’s short-break service. In order to ensure best value, an additional proof of concept from another supplier was commissioned at Sun Street, Hexham Road Community Centre, Coley Community Centre, and the Ground floor of the Civic Centre in reception and the surrounding areas. The conclusions of this latter work will be available in the very near future, which will enable a decision to be taken on procurement and rollout to other Council buildings.
- A contract has been placed with a provider which can **sanitise and refurbish old Council laptops for donation**. So far in the last 18 months we have had 21 cleansed and refurbished laptops available to donate to the community. The small numbers reflect the fact that most equipment released to that provider has not been reusable. This reflects both the need to retain equipment for spares and the fact that the Council has been operating laptops significantly beyond their normal lifetime. With the move to a shorter technology refresh cycle (this year, all laptops over seven years old are being replaced), the numbers of released, fully depreciated but reusable laptops are likely to increase in the future. Recipients of refurbished laptops so far have been Whitley Wood Community Centre and Cedar Court sheltered accommodation.
- **Broadband connectivity is now to be provided to all community centres** owned and managed by the Council at no charge by Virgin Media as part of their social value commitments. (This is wider provision than originally planned.) The first stages of site design and deployment work by Virgin Media and their third parties, are now in progress. We are also planning the use of volunteer effort from suppliers to help with community awareness and skills around the launch of these connections in early 2024.

### 3.6 Independent Living

3.6.1 This workstream is piloting the use of digital in its broadest sense to enable vulnerable and elderly people to live as independently as is right for them for as long as possible, building on successes already achieved through the implementation of “first generation” technology-enabled care such as fall detectors. Its primary focus is on intelligent pattern-of-life analysis via in-home sensors that enables a shift to proactive care, eg detecting patterns of behaviour that indicate a fall is more likely, rather than simply detecting that a fall has occurred.

3.6.2 In October 2022, we reported that Howz and Intelligent Lilli had each been selected as pilot providers. In an ongoing pilot, solutions have been trialled with over thirty service users. The results have confirmed the hypothesis that such technology can indeed enable prolonged independence, improving the quality of life of service users and avoiding unnecessary cost. Pilot cases have included:

- a number of cases where service users’ families, who had been concerned that additional care might be required, have been reassured by the data that this is not necessary, both reducing their stress and supporting decisions not to increase care, with associated cost
- a case where data collected led to the proactive identification of medical issues leading to changes in treatment which in turn have reduced the risk of a fall
- a case where data enabled a provider to respond to an issue by re-timetabling the delivery of its existing care better to meet the needs of the service users, rather than increase the amount and cost of care.



3.6.3 In October 2023, the Council was awarded a £1.08m (over 2 years) grant from NHS England for continuation of the project Mobilisation of the next stage of the project enabled by that funding, is in progress.

### 3.7 Adult Social Care

3.7.1 Work has been carried out on two projects relating to Adult Social Care. The first, **Adult Social Care Digital Front Door**, was a requirement identified in the *Connected Reading* strategy. Its purpose is to offer a digital entry point to residents and health professionals for information, advice and guidance, online needs assessment and online referral.

3.7.2 PwC has conducted options assessment and business case development for the project and the Mosaic Portal, which is a key component of the approach, has been recently procured. Delivery plans are currently being developed in tandem with the planning around the related Voluntary and Community Sector Front Door initiative.

3.7.3 The second project has been **Adult Social Care System and Process Improvement**, a study for which was commissioned from PwC and has been recently completed. This work leads on from the work on Mosaic Data, reported on in October 2022, which identified the need for work on the way in which Mosaic is configured and used. Following review of the study report, which identified clear areas in which processes could be simplified to improve staff efficiency and effectiveness, PwC has been asked to plan in detail a first increment of improvement work. The report has also identified the potential for significant improvements to the financial element of Mosaic. A capital bid for work in that area is being considered for potential inclusion in the Medium Term Financial Strategy.

### 3.8 Microsoft 365 Adoption and Exploitation

3.8.1 Having made a significant commitment to Microsoft 365, which includes the Office suite and such collaboration tools as Sharepoint, it is important that we maximise value for money by exploiting its capabilities. The first step in this process – the migration of shared files to SharePoint, which was described in the October 2022 report – was completed in early 2023.

3.8.2 Informed by that project, which included a significant training element incorporating both online and face-to-face training, we are now focusing even further on staff digital skills training. We have conducted a staff skills survey which found that, while user confidence in using standard applications such as Word and Outlook was high, confidence for Teams, SharePoint and Excel was low.

3.8.3 Alongside continued work to develop the ICT training offer, and to engage senior leaders both to understand teams' training needs and to promote the support available, we are planning to initiate a project to build and equip a network of internal digital champions. This is in line with good practice successfully adopted in other authorities with whom we have engaged as part of our participation in the DLUCH Future Councils programme.

## 4 Contribution to Strategic Aims

4.1 The *Connected Reading* Digital Strategy was expressly designed to support all three themes of the Corporate Plan. This is reflected by the fact that Digital Transformation is itself identified explicitly as one of "Our Foundations".

4.2 A benefit common to many of the workstreams described above, notably the Case and Customer Management stream, is that they **eliminate the double-keying of information between systems**. For example, the implementation of the Adult Social Care Digital Front Door will eliminate the need for adult social care referrals to be manually transcribed from the current Granicus electronic forms system to the Mosaic social care system, a process that can take up to half an hour.

- 4.3 While the Case and Customer Management and Adult Social Care system and Process improvement workstreams deliver efficiency savings for structured processes, the Microsoft 365 Adoption and Exploitation workstream is focused on **enabling efficient collaboration**. For example, it has been used to streamline the production of committee papers such as this one by allowing multiple authors and reviewers to collaborate by working together on a single copy of a document, rather than exchanging multiple versions of documents and comments via email.
- 4.4 The workstreams also enable customers readily to engage with the Council via digital channels. In line with the **customers first** aspect of Our Foundations, facilitating access to such channels, particularly for routine transactions for the many for whom digital is now the norm both improves service to those customers and frees staff time to deal with complex cases and those for whom digital access is not appropriate. The potential introduction of voice automation as part of the Customer Journey Optimisation workstream offers the prospect of extending automated access for routine transactions to those who are not digital users.
- 4.5 Giving readily accessible information to residents – as, for example, we are doing through the videos developed for Housing Digital Presence and content produced under Web Services Development – **builds self-reliance** and engagement with residents. Through our work on Digital Inclusion, we are extending the reach of that benefit.
- 4.6 The building of self-reliance is also a key outcome of the Independent Living project, where the trial has confirmed the potential for technology to enable people to live more independently, with both quality-of-life benefits for the residents and financial savings.

## **5 Environmental and Climate Implications**

- 5.1 There are no direct environmental or climate implications from the workstreams described in this paper. However, it should be noted that the work is an enabler of the delivery of climate-related benefits by the wider Council, the engaging digital presentation of the Local Transport Plan being one example.

## **6 Community Engagement**

- 6.1 In line with industry best practice for user-centred design, the community is being engaged in testing the design of customer-facing digital services and content. For example, content developed in the Housing Digital Presence workstream has been tested with tenants through Tenant Panel sessions.

## **7 Equality Implications**

- 7.1 There are no specific equality impacts arising from this decision. However, accessibility continues to be a design criterion for any digital services (eg compliance with the internationally accepted Web Content Accessibility Guidelines).

## **8 Other Relevant Considerations**

- 8.1 None.

## **9 Legal Implications**

- 9.1 None.

## **10 Financial Implications**

- 10.1 There are no specific financial implications arising from this paper as it is a progress report.
- 10.2 The work described above is being funded from a combination of:
- a grant of £750k which was secured in March 2023 through a successful competitive bid to the DLUHC Future Councils Programme
  - existing capital budgets

- Delivery Fund allocations

10.3 Digital transformation contributes to business efficiency through, in particular:

- **Reductions in demand**, eg:
  - The tenant-focused content being developed by Housing Digital Presence is designed to reduce not only questions from tenants but also the occurrence of incidents that might necessitate repairs or other action.
  - The Independent Living pilot has proved by example that it can enable unnecessary increases to care packages.
- **“Shift left”** of demand from human to digital channels by providing online content and processes that are engaging and easy to use, so that users will turn to digital channels before telephoning the Council. This is a focus of the Case and Customer Management, Web Services Development and Customer Journey Optimisation workstreams, including the latter’s exploration of voice automation that turns the telephone itself into a digital channel. The work on Digital Inclusion is intended to reduce barriers to those who would wish to use digital channels but are at present excluded from doing so.
- **Increased process efficiency**, for example the elimination of double-keying as set out at 4.2 above. Improved processes also reduce failure demand.

10.4 The impact of such benefits is being factored into the forthcoming Medium Term Financial Strategy for review as part of the forthcoming budget process.

## **11 Timetable for Implementation**

11.1 Implementation details are covered at section 3 above.

## **12 Background Papers**

12.1 None

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## Policy Committee

30 October 2023



**Reading**  
Borough Council  
Working better with you

<b>Title</b>	RIPA & IPA Policy & Process 2023
<b>Purpose of the report</b>	To make a decision
<b>Report status</b>	Public report
<b>Report author</b>	Lindsay Weinstein, Senior Prosecutions Barrister Michael Graham, Assistant Director of Legal and Democratic Services
<b>Lead Councillor</b>	Cllr Liz Terry, Deputy Leader and Lead Councillor for Resources and Corporate Services
<b>Corporate priority</b>	Our Foundations
<b>Recommendations</b>	1. That the new RIPA & IPA Policy 2023 is adopted

### 1. Executive Summary

- 1.1 To consider and approve the updated Reading Borough Council's (RBC) RIPA & IPA Policy, governing the Council's lawful use of Covert Surveillance techniques and the lawful acquisition of Communications Data as investigative tools for investigations.
- 1.2. The Investigatory Powers Act 2016 was introduced as the new statutory framework governing the acquisition of Communications Data, which was previously incapsulated within the Regulation of Investigatory Powers Act 2000. RBC's previous RIPA Policy therefore required a comprehensive review and amendment to reflect the new statutory framework and mandatory processes for Local Authorities including but not limited to:
  - Commencement of Office for Communications Data (OCDA);
  - Cessation of mandatory requirement for local authorities to apply for Judicial Approval for all Communications Data (CD) applications;
  - Mandatory requirement for all local authority CD applications and renewals to be submitted to NAFN (National Anti-Fraud Network) for initial approval;
  - Mandatory requirement for all local authority CD applications and renewals which are approved by NAFN to then be submitted by NAFN to OCDA for its authorisation, replacing the former mandatory requirement for local authorities to apply for Judicial Approval for authorisations or renewals

### 2. Policy Context

- 2.1. Regulation Investigatory Powers Act 2000 (RIPA) Part II provides the statutory framework to enable covert surveillance to be lawfully authorised and conducted by public authorities including local authorities. As set out above, until 2016, RIPA was also the statutory framework for the lawful acquisition of Communications Data, but this investigative technique is now governed by the Investigatory Powers Act 2016 (IPA). Both RIPA and IPA are supported by Codes of Practice. The purpose of both statutory regimes is to provide the lawful basis for public authorities to ensure they do not infringe a person's Article 8 rights (Right to Privacy), except as may be permitted, to ensure a

public authority acts in a way which is compatible with the European Convention on Human Rights 1950 (ECHR) and Human Rights Act 1998 (HRA).

- 2.2. The Investigatory Powers Commissioner's Office (IPCO) is the governing body for both RIPA and IPA and who undertakes inspections of public authorities, including local authorities (LAs). Inspections of LA's acquisition of Communications Data (CD) is undertaken at NAFN (National Anti-Fraud Network) rather than at the LA as all LA CD applications post IPA must be submitted to NAFN. IPCO RIPA Inspections of LA's use of RIPA take place every 2-3 years.
- 2.3. RBC's Senior Responsible Officer (SRO) for both RIPA and CD is the Assistant Director of Legal and Democratic Services, Michael Graham, who has overall responsibility for the Council's lawful use of RIPA and IPA.
- 2.4. Prior to 2023, IPCO last undertook a remote RIPA Inspection of RBC in May 2020. IPCO's May 2020 RIPA Report contained three recommendations which, primarily due to the Covid pandemic were not actioned and/or factored into RBC's then RIPA Policy, nor was the change in the statutory regime for CD following the commencement of IPA.
- 2.5. The new RIPA & IPA Policy (**Appendix 1**) along with its 32 Appendices are presented with this report (**Appendix 2**). The 32 Appendices are procedural in nature but are presented for the sake of completeness. However, please note, all 32 Appendices are Confidential for operational reasons, thus are Private, whilst the Report is Public.
- 2.6. On 12 June 2023 RBC's Information Governance Board scrutinised the new RIPA & IPA Policy and no requests for amendments or additions were raised.
- 2.7. The strategic review of RBC's RIPA & IPA Policy and Process also encompassed the provision of a bespoke RIPA & IPA training programme for enforcement officers, authorising officers.
- 2.8. On 23 May 2023, RBC received IPCO's Pre-Inspection letter from Inspector Mr Horne, who undertook RBC's May 2020 Inspection. It should be noted IPCO has changed its approach to LA RIPA inspections, as rather than automatically undertake such inspections IPCO now serves the LA a Pre-Inspection letter, the response to which determines IPCO's next step, including whether an inspection is required and if so, whether it is undertaken remotely or in person.
- 2.9. On 22 June 2023, following the Information Governance Board's consideration of the new RIPA & CD Policy on 12 June 2023, the Council submitted a comprehensive reply to IPCO's Pre-Inspection Letter.
- 2.10. On 27 June 2023 The Rt. Hon. Sir Brian Leveson (The Investigatory Powers Commissioner) wrote to RBC's Chief Executive to confirm,  
*"I am satisfied that your reply provides assurance that ongoing compliance with RIPA 2000 and the Investigatory Powers Act 2016 will be maintained. As such, your Council will not require further inspection this year."*
- 2.11. The letter further confirmed RBC's next inspection will take place in 2026.

### **3. The Proposal**

- 3.1. The Council is lawfully permitted to undertake covert surveillance and/or acquire CD, as investigatory tools for enforcement investigations which satisfy the relevant statutory criteria. Therefore, there may be circumstances where it is both necessary and proportionate for the Council to utilise RIPA for the purpose of preventing and/or detecting crime or disorder and/or IPA as it is necessary for the applicable crime purpose<sup>1</sup> and is proportionate. The proposed Policy covers the use of the powers.

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<sup>1</sup> See RIPA & IPA Policy paragraphs 189-192 Page 106

- 3.2. If the Council wishes to undertake covert surveillance it first requires internal authorisation from one of the Council's RIPA Authorising Officers (AOs) before submitting a mandatory application for Judicial Approval to Reading Magistrates' Court. The Application must be granted by a Magistrate before and in order for the covert surveillance to lawfully permitted.
- 3.3. Prior to 2016, LAs also required Judicial Approval from a Magistrate for the grant of all CD applications. IPA removed this mandatory requirement and replaced it with the mandatory requirement for all LA CD Applications to be submitted to NAFN via its online portal. The process requires the Applicant to upload the application to NAFN, notify a RBC's Designated Senior Officer (DSO) of the application and the DSO must then confirm notification of the application. If the application is accepted by NAFN with or without having first requested clarification or a rework of the application, the application is then submitted by NAFN to the Office of Communications Data (OCDA) for consideration as to whether the application should be granted. If the application is granted by OCDA it is submitted to the Telecommunications Operator<sup>2</sup> (TO) or Partial Telecommunications Operator<sup>3</sup> (PTO) for processing. The requested CD is provided by the TO or PTO to OCDA for its onward submission to NAFN who then notify and make available the CD to the Applicant.

### **Recent regulatory activity**

- 3.4. Prior to August 2023, the Council had made infrequent use of RIPA to undertake covert surveillance but had submitted CD applications to NAFN. In August 2023, RBC's SRO authorised in advance of the new RIPA & IPA Policy being approved, Trading Standards Team to submit a Directed Surveillance Application for authorisation of a Test Purchase operation for the underage sale of alcohol and nicotine inhaling products (vapes) at Reading Festival 2023, as it was deemed necessary and proportionate in accordance with RIPA. This application was therefore a test case for the new RIPA procedures introduced by the new RIPA & IPA Policy & Process.
- 3.5. The Applicant officer obtained internal authorisation from one of RBC's RIPA Authorising Officers then submitted an Application for Judicial Approval to Reading Magistrates' Court, using the Judicial Approval Protocol.<sup>4</sup> Judicial Approval was successfully granted by a District for a pre-planned collaborative operation with Thames Valley Police, which took place and resulted in two test purchases for underage sales of vapes taking place. RBC's Trading Standard's took immediate enforcement action by requesting the market inspector expel the stall holder from the event and prohibit their return; a follow up warning letter was also sent to the stall holder and the stall holder's resident LA was notified of the fact and outcome of the two underage sales and enforcement action taken, so as to ensure the LA is on notice, if the person is responsible for any further underage sale of vapes or age restricted products within their LA.
- 3.6. On 15 August 2023, RBC was notified via email by NAFN that IPCO was to undertake its annual review and audit of all IPA CD requests processed by NAFN on behalf of its members, for the period November 2022 – August 2023. The Inspection was scheduled to take place between 11-14 September 2023 and if necessary, the inspectors would contact RBC if they required further information or clarification regarding any of its applications during the specified period.
- 3.7. Further, NAFN advised that the inspectors would be looking for examples of how CD had been successfully used in investigations and requested examples to be provided by 4 September 2023. RBC submitted two applications during the specified period for the same investigation both of which are still active, hence there is available feedback to be provided. On 12 September 2023 RBC replied confirming the status of the two CD applications submitted within the relevant period.

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<sup>2</sup> See RIPA & IPA Policy paragraph 200

<sup>3</sup> See RIPA & IPA Policy paragraph 201

<sup>4</sup> RIPA & IPA Policy Appendices 6,7,15-17

- 3.8. Following the conclusion of the RIPA & IPA Policy and process strategic review and as a result of IPCO's RIPA Pre-Inspection positive outcome, no remedial action was required regarding RBC's new RIPA & IPA Policy. Accordingly, the new RIPA & IPA Policy is ready for submission to and consideration by Policy Committee.
- 3.9. It should be noted, if the Policy Committee approves the RIPA & IPA Policy, RBC's Social Media and HR Policies will be updated to factor in the RIPA & IPA Policy requirements regarding "*Online Overt & Covert Surveillance including Social Media/Networking Sites*<sup>5</sup>," undertaken by RBC staff, to ensure all policies are consistent with each other. The process to implement these additional policy changes has commenced and will be completed if this Policy is approved.
- 3.10. Further, RBC's CCTV Policy will also requires updating to factor in the requirements of the RIPA & IPA Policy, to ensure third party CCTV requests either for the use of RBC's surveillance cameras to undertake covert surveillance or for third parties to request footage from RBC surveillance cameras are lawfully submitted and processed.<sup>6</sup>

#### **4. Contribution to Strategic Aims**

- 4.1. Consideration and review by Policy Committee of the Council's RIPA & IPA Policy will assist the council's lawful use of covert surveillance and the acquisition of CD by ensuring the Council does not misuse its powers and generally assist to promote resident's confidence in the Council's knowledge and use of both the RIPA and IPA statutory regimes, in order to prevent and/or detect crime and/or disorder.

#### **5. Environmental and Climate Implications**

- 5.1. There are no environmental and/or climate implications arising from the Council's RIPA & IPA Policy and/or the Council's lawful use of covert surveillance and/or the acquisition of CD.

#### **6. Community Engagement**

- 6.1. Consideration and the approval of RBC's RIPA & IPA Policy does not require any consultation, community engagement or information to be provided. This draft policy has already undergone both internal and external scrutiny.

#### **7. Equality Implications**

- 7.1. As set out above, the statutory regimes applicable to lawful use of covert surveillance and/or acquisition of CD are RIPA and IPA. Therefore, neither the Equality Act 2010 and/or an Equality Impact Assessment (EIA) are relevant to the Policy Committee's decision as to whether it approves the new RIPA & IPA Policy.

#### **8. Other Relevant Considerations**

- 8.1. There are no other issues relevant to this Report and/or its purpose.

#### **9. Legal Implications**

- 9.1. As set out in paragraph 2.1. above, in the absence of complying with both statutory regimes for the lawful use covert surveillance and the acquisition of CD, the Council as a public authority would be acting in a way that was not compatible with an individual's Article 8 Right to Privacy under ECHR, HRA and Codes of Practice. The Policy therefore provides guidance for and the implementation of both statutory regimes to ensure compliance whilst utilising the bespoke processes and internal oversight contained within the Policy.

#### **10. Financial Implications**

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<sup>5</sup> See RIPA & IPA Policy paragraphs 60-76

<sup>6</sup> See RIPA & IPA Policy paragraphs 134-136



- 10.1. There are no specific financial implications to this Report. However, a failure by the Council to comply with the relevant statutory regime as contained within RBC's RIPA & IPA Policy and process could result in:
- i) Evidence obtained being rendered inadmissible and excluded from criminal proceedings (resulting in wasted time and costs);
  - ii) Application for Judicial Review by the person whose Article 8 Right to Privacy is alleged to have been breached (entailing exposure to litigation costs);
  - iii) Complaint to the Investigatory Powers Tribunal who has the power to award compensation to the complainant as well as other remedies (unnecessary financial costs);

## **11. Timetable for Implementation**

- 11.1. It is intended for the RIPA & IPA Policy to have immediate effect and to be complied with by all RBC staff from 31 October 2023.

## **12. Background Papers**

- 12.1. There are none.

## **Appendices**

- 1. RIPA & IPA Policy
- 2. RIPA & IPA Appendices 1-32

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**READING BOROUGH COUNCIL**

**CORPORATE POLICY AND PROCESS**

**REGULATION OF INVESTIGATORY  
POWERS ACT 2000 (RIPA)**

**&**

**INVESTIGATORY POWERS ACT 2016  
(IPA)**

**RESTRICTED**

**REVISED VERSION 1 – MAY 2023**

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## INTRODUCTION & KEY MESSAGES

1. This policy sets out the statutory framework and procedures which permit the Council's lawful use of covert surveillance techniques and the acquisition of Communications Data (CD) for use in an investigation.
2. The Human Rights Act 1998 (HRA) gave effect in UK law to the rights of individuals enshrined in the European Convention on Human Rights 1950 (ECHR). Some rights are absolute whilst others are qualified, thus it is permissible for the state to interfere with those rights, provided certain conditions are satisfied. One of those rights is a person's right to respect for their private and family life, home, and correspondence.<sup>1</sup>
3. When public authorities seek to obtain private information about a person by means of covert surveillance Article 8 is the most likely to be engaged.
4. Regulation of Investigatory Powers Act 2000 (RIPA) Part II provides the statutory framework to enable covert surveillance to be lawfully authorised and conducted and IPA [Investigatory Powers Act 2016] provides the statutory framework for the acquisition of Communications Data (CD) obtained by a public authority, whilst ensuring the public authority (including local authorities) does not infringe a person's Article 8 rights, except as may be permitted by Article 8(2). Consequently, a public authority can act in a way that is compatible with the ECHR and HRA.<sup>2</sup>
5. This Corporate RIPA & IPA Policy & Procedures Policy provides the Council guidance as to the use of covert surveillance and CD and has been approved by the Policy Committee.<sup>3</sup> In addition the Audit & Governance Committee has an oversight role and will therefore carry out high-level annual reviews of the RIPA & IPA Policy and Processes.
6. Any member of staff who is unsure regarding any aspect of this Policy and/or the statutory framework must contact the Council's Senior Responsible Officer<sup>4</sup> at the earliest opportunity.
7. **Compliance with this Policy and Procedures is mandatory for all relevant Council services and officers.** This Policy is accessible on the Council's RIPA & Communications Data Hub.<sup>5</sup>

## COUNCIL POLICY STATEMENT

8. Reading Borough Council (RBC) takes its statutory responsibilities seriously and will always act in accordance with the statutory framework including relevant Orders and Codes of Practice. Accordingly, the Senior Responsible Officer (SRO) is duly authorised by the Council to monitor, review, and amend this Policy as and when required. For administration and operational effectiveness, the SRO is also authorised to add or substitute an Authorising Officer or Designated Senior Officer when required.

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<sup>1</sup> Article 8 ECHR

<sup>2</sup> Human Rights Act 1998 Section 6 – It is unlawful for a public authority to act in a way which is incompatible with a Convention right.

<sup>3</sup> [Insert date Policy approved by Policy Committee](#)

<sup>4</sup> [Appendix 1](#)

<sup>5</sup> [Insert link to Council's RIPA & Comms Data Hub](#)

## RIPA STATUTORY FRAMEWORK

### DEFINITION OF SURVEILLANCE

9. Surveillance for the purposes of RIPA includes <sup>6</sup>:
- (a) monitoring, observing, or listening to persons, their movements, their conversations or their other activities or communications;
  - (b) recording anything monitored, observed, or listened to in the course of surveillance;
  - (c) surveillance by or with the assistance of a surveillance device;
10. Surveillance may be conducted with or without the assistance of a surveillance device, includes the recording of any information obtained and can be undertaken whilst on foot, mobile or static. Surveillance also includes references to the interception of a communication in the course of its transmission by means of a postal service of telecommunication system, if and only if <sup>7</sup>:
- (a) the communication is one sent by or intended for a person who has consented to the interception of communications sent by or to them; and
  - (b) there is no interception warrant authorising the interception.
11. Methods of “recording,” surveillance were expanded in Part 2 of the Protection of Freedoms Act 2012, which dealt with the regulation of CCTV and other surveillance camera technology and introduced the Surveillance Camera Code of Practice<sup>8</sup>. The Act states “surveillance camera systems include... any other systems for recording or viewing visual images for surveillance purposes,<sup>9</sup>” which includes Body Worn Videos, as confirmed by the College of Policing Body Worn Guidance 2014 and *AB v Hampshire Constabulary* IPT/17/191/CH [2019].

### LAWFUL SURVEILLANCE

12. Surveillance will be lawful if<sup>10</sup>:
- (a) an authorisation under this Part confers an entitlement to engage in that conduct on the person whose conduct it is; and
  - (b) his conduct is in accordance with the authorisation

### TYPES OF SURVEILLANCE

13. There are two types of surveillance, namely **overt** and **covert**.

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<sup>6</sup> RIPA Section 48(2)(a)-(c)

<sup>7</sup> RIPA Section 48(4)

<sup>8</sup> First published June 2013, amended November 2021, came into force 12 January 2022

<sup>9</sup> Protection of Freedoms Act 2012 Section 29(6)(b)

<sup>10</sup> RIPA Section 27(1)

## OVERT SURVEILLANCE

14. Most surveillance carried out by the Council will be overt, thus it will fall outside the remit of RIPA. An example of overt surveillance is the Council's overt CCTV.<sup>11</sup>

## COVERT SURVEILLANCE

15. Surveillance is covert if and only if, it is carried out in a manner that is calculated to ensure that persons who are the subject to the surveillance are unaware that it is or may be taking place.<sup>12</sup>

## CATEGORIES OF COVERT SURVEILLANCE

16. There are three categories of covert surveillance:

- i) **Directed**<sup>13</sup>
- ii) **Covert Human Intelligence Source [CHIS]**<sup>14</sup>
- iii) **Intrusive**<sup>15</sup>

Please note, local authorities are prohibited from conducting intrusive surveillance.

## DIRECTED SURVEILLANCE

17. Directed surveillance (DS) is **covert** but not intrusive surveillance and undertaken<sup>16</sup>:

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

### Example

18. Investigation into a suspect (target) who claimed Direct Payment from a Council based upon his declared disabilities. It is suspected the target is not disabled, partially sighted and/or has substantially exaggerated his injuries. Officers wish to undertake a covert DS operation involving officers positioned in an unmarked van outside of the target's home address. The intended directed surveillance operation intends to capture by photographs and video, the target attending and/or exiting the property, to ascertain his method of transport, whether he is the driver or passenger and the extent to which he can walk unaided.

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<sup>11</sup> Council's CCTV Policy (insert link)

<sup>12</sup> RIPA Section 26(9)(a)

<sup>13</sup> RIPA Section 28

<sup>14</sup> RIPA Section 29

<sup>15</sup> RIPA Section 32

<sup>16</sup> Covert Surveillance & Property Interference Revised Code of Practice 2018, paragraph 3.1



19. DS is necessary for the prevention or detection of crime as it is suspected the target has invented and/or exaggerated his purported disabilities, thus the offence being investigated is fraud. Fraud is a criminal offence which satisfies the DS local authority preliminary condition test, namely the **Crime Threshold Test**, requiring the offence being investigated is punishable with imprisonment of at least six months (see below).
20. The proposed DS operation is covert, is to be used for a specific investigation and will be conducted in a manner likely to result in obtaining private information about the target, namely his movements, mobility, family members and his daily activities in and around his home address. Accordingly, the intended surveillance operation constitutes DS, therefore a RIPA DS authorisation is required and must be obtained along with Judicial Approval, before and in order, to ensure the DS is lawfully obtained and is any evidence obtained is admissible in criminal proceedings.

### **COVERT HUMAN INTELLIGENCE SOURCES [CHIS]**

21. A CHIS is perhaps more commonly known as an informant. A person is a CHIS if they/them:<sup>17</sup>
  - a) **establishes or maintains a personal or other relationship** with a person for the covert purpose of facilitating that doing of anything falling within paragraphs (b) or (c);
  - b) **covertly uses such a relationship to obtain information or 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
22. A relationship is established or maintained for a covert purpose if any 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.<sup>18</sup> A covert relationship and information obtained from it disclosed covertly, if and only if it is to be used, or as the case may be, 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.<sup>19</sup>
23. Most CHIS applications are for both **use** and **conduct** of a CHIS, as the CHIS is usually tasked to undertake covert action and once completed to respond to tasking. Care should be taken to ensure the CHIS is clearly instructed on the type and remit of the task and that all CHIS activities are properly risk assessed.
24. In practice the reactive nature of the work of a CHIS and the need for a CHIS to maintain cover may make it necessary to engage in conduct which was not envisaged at the time the authorisation and Judicial Approval was granted. Such conduct is deemed incidental and is regarded as properly authorised, even if not included in the initial authorisation but is likely to occur only in exceptional circumstances such as where the incidental conduct is necessary to protect life and limb or national security.

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<sup>17</sup> RIPA Section 26(8)(a)-(c)

<sup>18</sup> RIPA Section 26(9)(b)

<sup>19</sup> RIPA Section 26(9)(c)

## Key Difference Between Directed Surveillance & CHIS

25. The key difference between DS and the use of a CHIS is that the first involves obtaining private information through covert means, whereas the second involves the manipulation of a relationship to obtain information. Any manipulation of a relationship amounts to a fundamental breach of trust which depending on the covert purposes, can place a CHIS in serious danger. Consequently, extra precautions may be required to ensure a CHIS is not identified.

## Establishing, Maintaining & Using a Relationship

26. Establishing a relationship means the “set up,” and maintenance of the relationship but which does not require endurance over any particular period<sup>20</sup> and so a relationship of seller and buyer may be deemed to exist between a shopkeeper and customer even if only a single transaction takes place. Repetition of a sale does not determine the existence of a relationship as this is determined on all the circumstances including the length of time of the contact between the two and the nature of any covert activity.

### Example 1

27. Intelligence suggests a local shopkeeper openly sells alcohol to underage customers without asking any questions. The Council task a trained juvenile to make a purchase of alcohol where no prior discussion between the shopkeeper and juvenile is required and thus it is not necessary to establish a relationship between the two. The tasked juvenile is not a CHIS, but it is good practice to obtain a Directed Surveillance Authorisation.

### Example 2

28. A like scenario but where the shopkeeper only sells to juveniles known to and trusted by them from a room at the back of the shop. To gain access to the room it is necessary for the trained tasked juvenile to first be deployed to establish/set up a relationship between the two so that he can gain the shopkeeper’s trust. In these circumstances a relationship was necessary and so was established and maintained for a covert purpose, thus a CHIS authorisation is required. Please note the additional safeguards for juvenile CHIS and the duration of the authorisation (see below).

## CHIS SCENARIOS

29. A CHIS may be an officer or member of the public. Previous common examples of a CHIS were the infiltration of gang, or an undercover police officer recruited into a drugs operation.

## Relevant Source

30. This is a CHIS who holds an office, rank or position with the public authority which does not include local authorities, hence **local authorities are prohibited** from using this type of CHIS.<sup>21</sup>

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<sup>20</sup> CHIS Revised Code December 2022 paragraph 2.18

<sup>21</sup> Regulation of Investigatory Powers (Covert Human Intelligence Sources: Relevant Sources) Order 2013, Article 8

## Participating CHIS's

31. The **Covert Human Intelligence Sources (Criminal Conduct) Act 2021**<sup>22</sup> introduced an explicit statutory power for the intelligence agencies, law enforcement and a number of limited wide public authorities to authorise a CHIS to participate in criminal conduct where it is necessary and proportionate to do so. Local authorities do not fall within the remit of wider public authorities and so are **prohibited** from utilising a participating CHIS.<sup>23</sup>

## Online Role Player

32. Suspects' increased use of social media has led to CHIS techniques expanding to include the use of online CHISs, known as a "role players," who do not disclose their true identity. Any covert online operation involving a tasked role player to establish and/or maintain a relationship for the covert purpose of obtaining information and/or provide access to any information to another person and/or the disclosure of information constitutes a CHIS, albeit the relationship is exclusively online.
33. The forums online role players can be deployed in include social media networking sites, chat rooms and online gaming Apps. Where a website or social media account requires a minimal level of interaction, such as sending or receiving a friend request before access is permitted, this may not be sufficient to amount to establishing a relationship. Equally electronic gestures such as "like," or "follow," in response to a post does not in itself constitute forming a relationship. Whilst these scenarios do not constitute a CHIS, they do both require a DS authorisation.
34. Some websites require a user to register providing personal identifiers such as name and phone number. If an officer is authorised to use a Council controlled account in a false identity (pseudonym) in order to register for a website, that in itself does not amount to establishing a relationship and so a CHIS authorisation is not immediately required. However, consideration should be given to the need for a directed surveillance authorisation if the conduct is likely to result in the acquisition of private information, and the other relevant criteria are met.
35. If an officer sends a request to join a closed group known to be administered by a subject of interest connected to a specific investigation, a DS authorisation should be obtained to cover the covert monitoring of the site. If having entered the group it is intended the officer or CHIS will engage in such interaction to obtain, provide access to, or disclose information, a CHIS authorisation is required.<sup>24</sup>
36. Where the use of the internet is part of the tasking of a CHIS, the risk assessment carried out in accordance with the Code,<sup>25</sup> should include consideration of the risks arising from that online activity, including factors such as the length of time spent online and the material to which the CHIS may be exposed. This should also take into account of any disparity between the technical skills of the CHIS and those of the handler or AO and the extent to which this may impact on the effectiveness of oversight.<sup>26</sup>

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<sup>22</sup>The Regulation of Investigator Powers (Criminal Conduct Authorisations) (Amendment) Order 2021 (SI 2021/680) in force from 10 August 2021

<sup>23</sup> The Regulation of Investigator Powers (Criminal Conduct Authorisations) (Amendment) Order 2021, Article 7

<sup>24</sup> CHIS Revised Code December 2022, paragraph 4.30

<sup>25</sup> CHIS Revised Code December 2022, paragraph 4.34

<sup>26</sup> CHIS Revised Code December 2022, paragraph 4.34

37. Where it is intended that one or more officer shares the same online persona, each officer should be clearly identifiable within the overarching authorisation for that operation, providing clear information about the conduct required of each officer and including risk assessments in relation to each officer involved. This situation may arise when officers are working in shifts with regards their monitoring and interaction with the subject.
38. Please see below **ONLINE COVERT SURVEILLANCE INCLUDING SOCIAL MEDIA/NETWORKING SITES** for further guidance.

### **Test Purchasing**

39. The Council's position regarding test purchases for one-off sales carried out by either an adult or juvenile is that such conduct does not constitute CHIS, as the purchaser is not required to, nor does he/she establish any relationship in a one-off sale. However, you should consider whether test purchasing requires a DS authorisation, particularly where it is intended to covertly record the test purchase.

### **Public Volunteer**

40. In many cases involving human sources, a relationship will not have been established or maintained for a covert purpose. Members of the public often volunteer or provide information they have observed or acquired other than through a relationship and without having been induced, asked, or tasked which is not a CHIS scenario. Even if the volunteer was subsequently tasked to continue to obtain and provide such information to the Council if it is not necessary to establish or maintain a relationship in order to obtain and provide this information the informant does not become a CHIS. However, please note this activity would require a DS authorisation.
41. If a person provides anonymous tip off information to a hotline, even if the caller obtained the information because of a relationship, such as reporting their son for having extensively graffitied a skate park located in Reading, having seen the images on their son's private Instagram account, the parent is not a CHIS, as the information is not being disclosed on the basis of a relationship which was established or maintained for a covert purpose. However, if the caller is asked and agrees to be tasked to provide further information thereafter based upon their relationship, then a CHIS authorisation is required, and the informant should be treated as a CHIS.

### **Status Drift**

42. A less obvious CHIS where a member of the public initially provides the information of their own volition and so was not tasked, but subsequently becomes a CHIS due to "status drift." This arises where the member of the public provides repeat information about suspect(s) in circumstances where it becomes apparent that the untasked informant obtained the information during his family or neighbourhood relationship. The reality is the untasked informant has due to status drift become an informant and thus is a CHIS.

## Use of Equipment by a CHIS

43. A CHIS wearing or carrying a surveillance device does not need a separate directed or intrusive surveillance authorisation provided the device will only be used in the presence of the CHIS. Please note, **local authorities are prohibited** from carrying out Intrusive Surveillance.

## Local Considerations & Community Impact Assessments

44. For CHIS applications both the Applicant, AO and Magistrate need to be aware of any sensitivities in the local community where the CHIS is being used and of similar activities being undertaken by other public authorities which could have an impact on the deployment of the CHIS. Consideration should also be given to any adverse impact on community confidence or safety that may result from the use or conduct of a CHIS or use of information obtained from that CHIS. The Code recommends where an AO from a public authority considers that conflicts may arise, where possible they should consult a senior officer within the police force areas in which the CHIS is deployed. All public authorities should also consider consulting with other relevant public authorities to gauge community impact.<sup>27</sup>

## SPECIAL CONSIDERATIONS FOR CHIS AUTHORISATIONS

45. For both vulnerable individuals and juveniles, only the Chief Executive (Head of Paid Service) or the person acting as Chief Executive are permitted to authorise CHIS Applications and/or Renewals.<sup>28</sup> Further, the Investigatory Powers Commissioner's Office must be informed within 7 days of a CHIS authorisation of a vulnerable adult or a juvenile source.<sup>29</sup>

## Vulnerable Individuals

46. 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 themselves, or unable to protect themselves against significant harm or exploitation. A vulnerable individual should only be authorised to act as a CHIS in the most exceptional circumstances.<sup>30</sup>

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<sup>27</sup> CHIS Revised Code December 2022, paragraph 3.28

<sup>28</sup> CHIS Revised Code December 2022, Annex A

<sup>29</sup> CHIS Revised Code December 2022, paragraph 4.1

<sup>30</sup> CHIS Revised Code December 2022, paragraph 4.2



## Juvenile CHIS

47. Whilst it is unlikely the Council will deploy a juvenile CHIS, if utilised, the following enhanced safeguards for Juvenile CHIS's (under 18) must be complied with<sup>31</sup>:

- Juvenile CHIS Authorisation duration extended from 1 to 4 months;
- Use of a Juvenile CHIS is not to be authorised unless the public authority has made a risk assessment which must take into account the risk of any physical injury or psychological distress to the source arising in the course of or as a result of the conduct being authorised. The assessment must be taken into account by the person granting the authorisation who must ensure any risks are justified and that the risks have been explained to and understood by the source. The risk assessment must be updated before any renewal is authorised;
- For sources between 16-18, a decision whether or not to inform a parent or guardian of a source is taken on a case by case basis;
- For sources under 16:
  - A prohibition on a source being tasked in relation to a parent or person with parental responsibility;
  - A requirement for an appropriate adult to be present at all meetings between the source and the public authority tasking them;
  - Requirement that where the young person's parent is available but may not themselves be suitable to act as one (e.g., if they support the ideology or criminal intentions of those against whom the juvenile CHIS may be deployed), there should be a suitable qualified person to act as the appropriate adult;

48. In addition to the requirements and safeguards of RIPA, the Orders and Code of Practice, relevant public authorities may also wish to put in place further internal guidance to support their staff in the operation of a CHIS, for example a process to be followed as to how to safeguard and promote the wellbeing of the juvenile CHIS, including how to assess their maturity and capacity to give informed consent; a requirement to ensure the handlers are properly trained to deal with young people and requirements to consider all aspects of safeguarding to a young person. At present RBC has not prepared a CHIS internal guidance document, as it is not anticipated the council will utilise juvenile CHISs. If the position changes preparation of such additional guidance will be considered.

## MANAGEMENT OF A CHIS

49. Tasking is the assignment given to the CHIS asking them to obtain, provide access to or disclose information. In order, for an Authorising Officer ("AO") to be able to grant a CHIS authorisation, both the AO Magistrate (Judicial Approval), must believe that in addition to the operation being necessary and proportionate, that arrangements exist ensuring that<sup>32</sup>:

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<sup>31</sup> Regulation of Investigatory Powers (Juveniles) Order 2000 as amended by Regulation of Investigatory Powers (Juveniles) (Amendment) Order 2018 (SI 2018/715) and CHIS Revised Code December 2022, paragraphs 4.3- 4.12

<sup>32</sup> RIPA Section 29(4A) & (5)

- (a) there will be at all times a “**handler**,” of the specified rank with the relevant investigatory authority, with day-to-day responsibility for the source.”
50. The handler of a CHIS will have day to day responsibility for dealing with and directing the CHIS, recording information supplied by the CHIS and monitoring the CHIS’s security and welfare which should be brought to the attention of the CHIS controller if there are any concerns regarding the personal circumstances of the CHIS which might affect either the validity of the risk assessment; the conduct of the CHIS; and the safety and welfare of the CHIS. The handler is usually the rank or position below the AO.
- (b) that there will be at all times a “**controller**,” of the specified rank with the relevant investigatory authority with general oversight of the use made of the source;
- (c) that there will at all times be a person of the specified rank with the relevant investigatory authority who will have responsibility for maintaining a **record** of the use made of the source;
- (d) that the records relating to the source that are maintained by the relevant investigatory authority will always contain particulars of all such matters (if any) as may be specified for the purposes of this paragraph in regulations made by the Secretary of State;
- (e) that the records maintained that disclose the identity of the source will not be available to persons except to the extent that there is a need for access to them to be made available to those persons;

### CHIS Records

51. Detailed records must be kept of the authorisation and use made of a CHIS in accordance with the Order.<sup>33</sup> In addition, records of copies of the following should be kept for at least five years:<sup>34</sup>
- a copy of the authorisation together with any supplementary documentation and notification of the approval given by the authorising officer;
  - a copy of any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested;
  - the reason why the person renewing an authorisation considered it necessary to do so;
  - any authorisation which was granted or renewed orally (in an urgent case) and the reason why the case was considered urgent;
  - any risk assessment made in relation to the CHIS;
  - the circumstances in which tasks were given to the CHIS;
  - the value of the CHIS to the investigating authority;
  - a record of the results of any reviews of the authorisation;
  - the reasons, if any, for not renewing an authorisation;
  - the reasons for cancelling an authorisation; and
  - the date and time when any instruction was given by the authorising officer that the conduct or use of a CHIS must cease.

<sup>33</sup> The Regulation of Investigatory Powers (Sources Records) Regulations 2000, Article 3 (a) – (n)

<sup>34</sup> CHIS Revised Code December 2022, paragraph 8.6

52. Relevant investigatory authority," means the public authority for whose benefit the activities of that individual as such a source are undertaken.<sup>35</sup>

### Security & Welfare

53. Any public authority deploying a CHIS should take into account the safety and welfare of the CHIS when carrying out actions in relation to an authorisations or tasking, and the foreseeable consequences to others of that tasking. Before authorising the use or conduct of a CHIS, the AO should ensure a risk assessment is carried out to determine the risk to the CHIS of any tasking and the likely consequences should the role of the CHIS become known. This should consider the risks relating to the specific tasking and circumstances of each authorisation and should be updated to reflect developments during the course of the deployment, as well as after deployed if contact is maintained. The ongoing security and welfare of the CHIS after the cancellation of the authorisation should also be considered at the outset and reviewed during the authorisation period of the CHIS.
54. Consideration must also be given to the management of any requirement to disclose information which could risk revealing the existence or identity of the CHIS. For example, this could occur due to disclosure to a court or tribunal or any other circumstance where disclosure of information may be required and strategies minimising the risks to a CHIS or others should be put in place.
55. Where appropriate concerns about are raised to and considered by the AO, a decision must be taken as to whether or not the authorisation should continue.

### INTRUSIVE SURVEILLANCE

56. As set out above, **local authorities are prohibited** from carrying out intrusive surveillance. Intrusive surveillance is covert surveillance that<sup>36</sup>:
- a) consists in the carrying out of intrusive surveillance of any such description as is specified in the authorisation;
  - b) is carried out in relation to anything taking place on any residential premises or in any private vehicle;
  - c) is carried out for the purposes of, or in connection with the investigation or operation so specified or described
57. Intrusive surveillance involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device. Surveillance equipment outside the premises or vehicle will not be intrusive unless the device consistently provides information of the same quality and detail as might be expected from a device that is in the premises/vehicle.

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<sup>35</sup> RIPA Section 29(8)

<sup>36</sup> RIPA Section 32(5)(a)-(c)

58. Private vehicle means any vehicle which issued primarily for the private purposes of the person who owns it or of a person otherwise having the right to use it.<sup>37</sup> Residential premises means so much of any premises as is for the time being occupied or used by any person, however temporarily, for residential purposes or otherwise as living accommodation (including hotel or prison accommodation that is so occupied or used). DS carried out on premises ordinarily used for legal consultations at a time when they are being used as such is to be treated as intrusive surveillance.<sup>38</sup>

#### **AERIAL COVERT SURVEILLANCE (DRONES)**

59. Where surveillance is to be carried out by airborne crafts or devices for example unmanned aircraft colloquially known as drones, consideration should be given as to whether a surveillance authorisation is required. In determining whether the surveillance is to be regarded as covert, consideration should be given as to the reduced visibility of a craft or device at altitude.

#### **ONLINE OVERT & COVERT SURVEILLANCE INCLUDING SOCIAL MEDIA/NETWORKING SITES**

60. Reading Borough Council has updated its Social Media Policy<sup>39</sup> to specifically address the use of social media for investigations.

#### **Permitted Online Access**

61. To undertake any form of overt and / or covert online surveillance Staff/officers must **only** use a social media account; account name; login details that have been authorised, created, and is controlled by an AO on behalf of the Council.

#### **Prohibitions**

62. The following activity is **prohibited** by any Council staff member seeking to undertake either initial intelligence gathering and/or for any form of overt and/or covert surveillance.

##### **Officers are prohibited from:**

- (a) using their own personal social media accounts and /or their personal login details to undertake intelligence gathering and/or any form of overt or covert surveillance;
- (b) using a false identity(pseudonym) to carry out overt surveillance;
- (c) using a false identity (pseudonym) to carry out covert surveillance **unless** this activity, pseudonym, and details of the true identity of the officer are all contained in the DS or CHIS application, which must be authorised by an AO and Judicial Approval granted;
- (d) adopting the identity of a person known, or likely to be known to the subject of interest and/or users of the site for either overt and/or covert DS or to be used by a CHIS;

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<sup>37</sup> RIPA Section 48(1), S48(7)(a) - (b) & S48(8)

<sup>38</sup> The Regulation of Investigatory Powers (Extension of Authorisations Provisions: Legal Consultations) Order 2010 No 461

<sup>39</sup> Social Media Policy ([Social media | Reading](#))/insert link to RIPA & Comms Data Hub

## **ONLINE OVERT ACTIVITY**

### **Publicly Available information (PAI)**

63. In addition to utilising online role players as CHIS's, there is a wealth of information available online which provides opportunities for public authorities to view and/or gather intelligence and/or evidence. This is often referred to as publicly available information (PAI) or open source research.
64. The fact the content of many social media sites and websites are freely accessible does not mean officers can access the material without consideration of and in accordance with RIPA. Consideration must therefore be given as to the likelihood of the subject knowing that the surveillance is or may be taking place.
65. Initially information accessed for intelligence purposes only and/or to establish or check basic facts are unlikely to require a DS RIPA authorisation. Further, if online open resource research is undertaken prior to an investigation, it is unlikely to engage privacy considerations and will not require a DS authorisation at that stage. Where a public authority has taken reasonable steps to inform the public or individual that the surveillance is or may be taking place, the activity is overt, and a DS authorisation is not normally required.
66. Undertaking open source research on platforms such as Companies House containing information about an individual in a publicly accessible database is unlikely to provide the subject a reasonable expectation of privacy. Similarly, subjects who post material on social media networks or websites to engage with a wide audience are less likely to hold a reasonable expectation of privacy in relation to that information.
67. Accessing social media accounts having been given full access with the consent of the owner does not negate the need to consider whether the account may contain information about others who have not given their consent such as friends who comment or post within this account, which constitutes collateral intrusion (see below).

## **ONLINE COVERT ACTIVITY**

68. The use of a Council controlled account(s) to undertake online covert activity does not create a CHIS scenario, because it does not in itself amount to establishing a relationship, but consideration should be given to obtaining a DS authorisation and Judicial Approval, if the conduct is likely to result in the acquisition of private information and the other relevant criteria are met<sup>40</sup>. The key issue is therefore the intended purpose and scope the online activity is proposed to be.

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<sup>40</sup> CHIS Revised Code December 2022, paragraph 4.29



## Online Covert Directed Surveillance

69. Factors to be considered in establishing whether a DS authorisation is required for online covert directed surveillance include<sup>41</sup>:

- Whether the investigation or research is directed towards an individual or organisation;
- Whether it is likely to result in obtaining private information about a person or group of people (taking account of the guidance at paragraph 3.6 above);
- Whether it is likely to involve visiting internet sites to build up an intelligence picture or profile;
- Whether the information obtained will be recorded and retained;
- Whether the information is likely to provide an observer with a pattern of lifestyle;
- Whether the information is being combined with other sources of information or intelligence, which amounts to information relating to a person's private life;
- Whether the investigation or research is part of an ongoing piece of work involving repeated viewing of the subject(s);
- Whether it is likely to involve identifying and recording information about third parties, such as friends and family members of the subject of interest, or information posted by third parties, that may include private information and therefore constitute collateral intrusion into the privacy of these third parties;

70. Where information is openly available in the public domain, whilst there may be a reduced expectation of privacy, such as where information relating to person or a group of people is made openly available within the public domain, there may still be privacy implications because whilst it was intended to make the information publicly available, it was not to be used for a covert purpose such as an investigation. This is the position regardless of whether a user of a website or social media platform sought to protect such information by restricting its access by activating privacy settings.<sup>42</sup>

71. An example would be a local Facebook buy and sell group with 5000 members for the purpose of offering new and/or used items for sale. The Council is investigating a subject and it was known the subject advertised counterfeit items for sale within this Facebook group which first required the group's administrator to accept the invite request to join. If an officer sent an invite to join the group in order to identify, access and monitor the posts of the subject as part of this investigation, then despite the fact it was a large Facebook group with no privacy settings once membership was authorised, a DS authorisation should be sought, as when the administrators made the group publicly available with no privacy settings, it was not anticipated that the information accessible would be used for a covert purpose such as this investigation.

72. Repeated or systematic viewing, collecting, or recording of private information from "open," social media sources such as Facebook, Twitter, Snapchat, and LinkedIn including information relating to the interests, activities and movements of individuals and their associates could be regarded as a form of covert surveillance. Once the access and study of an individual's online presence becomes persistent or where any material obtained is to be extracted and recorded and may engage privacy considerations, such as screenshotting a Facebook account, then a DS RIPA authorisation should be obtained and the fact this information was provided and shared online does not alter this position.

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<sup>41</sup> Covert Surveillance & Property Interference Revised Code of Practice 2018, paragraph 3.16

<sup>42</sup> Covert Surveillance & Property Interference Revised Code of Practice 2018, paragraph 3.13

73. Please note, internet searches carried out by third parties on behalf of a public authority may still require a DS authorisation.<sup>43</sup>

### Online Covert CHIS

74. Any member of a public authority, or person acting on their behalf, who conducts activity on the internet in such a way that they may interact with others, whether by publicly open websites such as an online news and social networking service, or more private exchanges such as e-messaging sites, in circumstances where the other parties could not reasonably be expected to know their true identity,<sup>44</sup> should consider whether the activity requires a CHIS authorisation.

75. An example would be the Council tasks an officer to covertly purchase goods from several websites to obtain information about the identity of the seller, country of origin of the goods and banking arrangements. In doing so the officer will be required to engage with the seller to obtain the information required and to complete the purchases. This scenario requires the officer to establish and maintain a relationship with the seller and therefore a CHIS authorisation is required.

76. This section should be read in conjunction with **CHIS – Online Role Players** above.

### LOCAL AUTHORITY RIPA PROHIBITIONS

77. Local authorities are prohibited from carrying out:

- i) Intrusive Surveillance;
- ii) Property Interference;
- iii) Authorising urgent authorisations;
- iv) CHIS Criminal Conduct authorisations;

78. If any officer considers **trespass** is required as part of any authorised surveillance, this would constitute property interference which is **prohibited** by local authorities. The surveillance should therefore **cease** immediately, and the operation should be referred to both the AO and SRO as a matter of urgency.

### LOCAL AUTHORITY RIPA LIMITATIONS

79. RIPA limits local authorities to using three covert techniques for the purpose of preventing or detecting crime or preventing disorder<sup>45</sup>:

- i) Directed Surveillance;
- ii) Covert Human Intelligence Sources (CHIS);
- iii) Communications data;

80. The Protection of Freedoms Act 2012 (POFA) came into force on 1 November 2012 and introduced significant changes and limitations to how local authorities were permitted to utilise RIPA, in addition to being required to obtain Judicial Approval (see below).

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<sup>43</sup> Covert Surveillance & Property Interference Revised Code of Practice 2018, paragraph 4.32

<sup>44</sup> As an official rather than a private individual

<sup>45</sup> RIPA Schedule 1 Part 1 paragraph 17

## Judicial Approval of Local Authority RIPA authorisations

81. Authorisations and Notices under RIPA for the use of Directed Surveillance and CHIS are not effective until Judicial Approval has been granted by a Justice of the Peace.<sup>46</sup> Please note, Judicial Approval is no longer required for Communications Data applications (see below).

## Directed surveillance Crime Threshold Test

82. The Crime Threshold Test only applies to authorisations and renewals for Directed Surveillance. Local authorities are only permitted grant an authorisation for directed surveillance for criminal offences which either are<sup>47</sup>:
- a) punishable whether on summary conviction or indictment by a maximum custodial sentence of six months or more; or
  - b) related to the underage sale of alcohol or tobacco;
  - c) related to underage sale<sup>48</sup> and/or proxy purchasing<sup>49</sup> of nicotine inhaling products<sup>50</sup>
83. Examples of offences that satisfy the Crime Threshold are more serious criminal damage, dangerous waste dumping and serious or serial benefit fraud. If an officer is unsure of the relevant criminal offence(s) being investigated or the penalties, legal advice should be obtained from a Prosecution specialist<sup>51</sup> who will assist in identifying the potential criminal offence(s) arising out of the facts of the investigation at that stage. If no offence is identified and/or the offences identified do not satisfy the Crime Threshold Test, a DS RIPA application should not be submitted and/or authorised.

## Prevention of Disorder

84. Local authorities cannot authorise directed surveillance for the purpose of preventing disorder, unless it involves criminal offence punishable by a maximum of term of at least 6 months e.g., affray which is normally prosecuted by the police in any event rather than a local authority. Local authorities are therefore no longer permitted to use RIPA for low level offences for example dog fouling, littering, dog control, fly posting. These restrictions therefore impact investigations from the outset as they require consideration at the commencement of an investigation as to whether the conduct being investigated is a criminal offence. If an investigation has already commenced for conduct amounting to a criminal offence that would satisfy the Crime Threshold test, but during the investigation the position changes so the conduct amounts to a less serious offence not meeting the threshold, then any live directed surveillance authorisation should be cancelled forthwith.

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<sup>46</sup> Section 38 Protection of Freedoms Act 2012

<sup>47</sup> Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2012 (SI 2012/1500)

<sup>48</sup> Lawful age to sell nicotine inhaling products is 18

<sup>49</sup> The adult making the purchase commits the offence not the retailer

<sup>50</sup> The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2015 (SI 937) in force since 1 October 2015

<sup>51</sup> **Appendix 10**

## TWO MANDATORY TEST FOR DIRECTED SURVEILLANCE & CHIS

### NECESSITY

85. A local authority Authorising Officer (AO) shall not grant an authorisation for the carrying out of Directed Surveillance and/or CHIS unless he/she believes the authorisation is **necessary**. The sole necessity ground applicable to local authorities is, “ **for the purpose of preventing or detecting crime or disorder.**”<sup>52</sup>
86. The officer completing and submitting the application must carefully explain why it is necessary to use the covert technique requested and the AO must explain why/she is satisfied the covert surveillance is necessary. Please note, in the case of Directed Surveillance the Crime Threshold Test must also be satisfied (see above).

### PROPORTIONALITY

87. A local authority Authorising Officer (AO) shall not grant an authorisation for the carrying out of Directed Surveillance and/or CHIS unless he/she believes the authorised surveillance is proportionate to what is sought to be achieved by carrying it out.<sup>53</sup> No activity should be considered proportionate if the information which is sought could reasonably be obtained by other less intrusive means.
88. The following should be considered in determining proportionality:<sup>54</sup>
- balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or harm;
  - explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
  - 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;
  - evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented, or have been implemented unsuccessfully;
89. The officer completing and submitting the application must carefully explain why the particular covert method, technique and tactic is an appropriate use of RIPA and a reasonable way of achieving the desired objective.
90. The AO must consider the risk of obtaining private information about persons who are not the subjects of the surveillance (collateral intrusion). In brief, the AO needs to clearly articulate why the proposed activity is proportionate to what is sought to be achieved and take into account, the risk of obtaining private information about persons who are not the subjects of the surveillance activity (collateral intrusion). The AO’s considerations need to be fully documented.

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<sup>52</sup> RIPA Directed Surveillance Section 28(3)(b) & CHIS Section 29(3)(b)

<sup>53</sup> RIPA Directed Surveillance Section 28(2)(b) & CHIS Section 29(2)(b)

<sup>54</sup> Covert Surveillance & Property Interference Revised Code of Practice 2018, paragraph 4.7

## AUTHORISATIONS

91. Surveillance will be lawful if<sup>55</sup>:

- (a) an authorisation under this Part confers an entitlement to engage in that conduct on the person whose conduct it is; and
- (b) his conduct is in accordance with the authorisation

## KEY ROLES

### AUTHORISING OFFICERS

92. A designated person known as an “Authorising Officer,” (AO) is lawfully permitted to grant authorisations for Directed Surveillance or use of a CHIS. The rank of local (AO’s) lawfully permitted to act as AO are **Director, Head of Service, Service Manager or equivalent**.<sup>56</sup> EBC’s list of AOs is contained within the Appendices<sup>57</sup> and is reviewed and maintained by the SRO. Before and in order to become an AO, training must be completed the SRO must authorise the AO to commence their role.
93. The Chief Executive is an AO’s (Head of Paid Service) and is the only one permitted to approve any action or operation involving the recruitment of a juvenile CHIS, any other vulnerable person or where surveillance may result in the Council obtaining access to legally privileged or confidential information. Please note, local authority authorising officers are not permitted to authorise urgent authorisations.
94. AOs are responsible for ensuring all staff who report to them for the purposes of RIPA receive a copy of this Policy; are informed of the mandatory requirement to follow this Policy; require internal authorisation and thereafter Judicial Approval before a covert surveillance operation can be undertaken and commenced.
95. The Investigatory Powers Commissioners Officer (IPCO) confirms the “responsibility for authorising an activity always remains with the Authorising Officer,” even after Judicial Approval. This responsibility includes conducting timely reviews, renewals if required and cancelling the authorisation promptly once the operation is concluded or if grounds for the authorisation no longer apply, rather than simply permitting the remaining time of the authorisation to run out.
96. All AOs should wherever possible be independent of the investigation and this is one of the criteria within the RIPA URN Request Form.<sup>58</sup> Where the AO authorises their own activity this will be recorded in the RIPA Centrally Retrievable Record<sup>59</sup> and should be highlighted to the IPCO inspector at the next inspection.

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<sup>55</sup> RIPA Section 27(1)

<sup>56</sup> The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 No 521, Schedule, Part 1 & 480

<sup>57</sup> **Appendix 2**

<sup>58</sup> **Appendix 13**

<sup>59</sup> **Appendix 5**



97. AOs are urged not, “restrict contemplation to the type of tactic rather than the specific facts of the activity. It is unwise to approach RIPA ... from the perspective of labels.” It is the AO’s statutory duty to be satisfied the proposed activity is both necessary and proportionate. The AO should set out in their own words why they believe the covert surveillance is both necessary and proportionate.
98. AOs should routinely state “who, what, when, where and how,” i.e., who is the target; what action is being authorised; when it is to take place; where or at which location; how the activity is to be done. Care must also be taken to ensure words used do not unintentionally limit the activity. This can be avoided by using wording such “and/or,” to permit both alternatives.
99. AO’s must also pay particular attention to Health and Safety issues that may arise or be raised by any propose surveillance. Under no circumstances should an AO approve a RIPA application any form of surveillance unless and until, they are health and safety of Council employees/agents are suitably addressed and/or the risks minimised, so far as is possible and proportionate to/with the proposed surveillance. If any AO is in any doubt, they should obtain prior guidance regarding the issue from a member of the Management Team, the Council’s Health and Safety Officer and/or the SRO.

#### **SENIOR RESPONSIBLE OFFICER**

100. The Council’s Senior Responsible Officer (SRO) is the Council’s Assistant Director of Legal & Democratic Services<sup>60</sup> in accordance with the requirement that the SRO is a member of the corporate leadership team<sup>61</sup>. The Codes for Directed Surveillance, CHIS and Communications Data specifies the SRO is responsible for<sup>62</sup>:
- The integrity of the process in place within the public authority to authorise directed surveillance and request communications data;
  - Compliance with Part II of RIPA, Part 3 of Investigatory Powers Act (IPA) and Codes
  - Oversight of the reporting errors to the Investigatory Powers Commissioner (IPC) and the identification of both the cause(s) of errors and implementation of processes to minimize repetition of errors; similarly, to The Office of Communications Data Authorisations (OCDA)
  - Engagement with IPCO and inspectors who support the Commissioner when they conduct their inspections; similarly, with OCDA and its inspectors;
  - Where necessary, overseeing the implementation of any post-inspection action plans recommended or approved by a Judicial Commissioner; similarly, the Investigatory Powers Commissioner;
  - Ensuring that all authorising officers are of an appropriate standard, addressing any recommendations and concerns in the inspection reports prepared by the Investigatory Powers Commissioner;

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<sup>60</sup> **Appendix 1**

<sup>61</sup> Directed Surveillance & Property Interference Revised Code of Practice 2018, paragraph 4.46

<sup>62</sup> Directed Surveillance & Property Interference Revised Code of Practice 2018, paragraph 4.41

101. The SRO is responsible for and required to provide or organise training for AO's and certifying any new AO. The SRO is authorised to retract an AO's certification and authorisation if it is felt the AO has either not complied with the statutory framework and/or this Policy. To reactivate an AO's RIPA certificate of authorisation further approved training will be required. The SRO is also responsible for ensuring all relevant members of staff who do or may utilise RIPA as "Applicants," receive RIPA training to ensure they are aware of the RIPA statutory framework and process.

## **JUDICIAL APPROVAL**

102. Since 1 November 2012 local authorities must obtain Judicial Approval for both Directed Surveillance and CHIS Applications and Renewals, in addition to requiring internal authorisation from an AO. Please note, Judicial Approval is not required for reviews or cancellations and is no longer required for Communications Data applications (see below). The process for applying for Judicial Approval is set out in **Appendices 16 and 17** and the authorisation does not commence until it has been obtained.

## **KEY TERMS**

### **PRIVATE INFORMATION**

103. Private information relates to a person who has or may have a reasonable expectation of privacy, including any information relating to his private or family life,<sup>63</sup> such as a person's private or personal relationship with others such as family and professional or business relationships. Whilst a person may have a reduced expectation of privacy in a public place, covert surveillance of that person's activities may still result in obtaining private information. An example would be two people holding a conversation in a bus street or on a bus who may have a reasonable expectation of privacy over the contents of their conversation and so a DS authorisation would be appropriate for a public authority to record or listen to the conversation as part of a specific operation or investigation.

### **COLLATERAL INTRUSION**

#### **Directed Surveillance**

104. Before authorising directed surveillance, the AO should consider the risk of obtaining private information about persons who are not the subjects of the surveillance. Particular consideration should be given in cases where religious, medical, journalistic, or legally privileged material may be involved or where communications between a member of parliament and another person on constituency business may be involved.
105. An application should include an assessment of the risk of collateral intrusion and the details of any/all measures taken to limit this, to enable the AO to fully consider the proportionality of the proposed actions, such as pixelating the faces of the children and/or partner of the target.

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<sup>63</sup> RIPA section 26(10)

106. Where it is proposed to conduct surveillance activity specifically against individuals who are not suspected of direct or culpable involvement in the overall matter being investigated, interference with the privacy of such individuals should not be considered as collateral intrusion but rather as intended intrusion.

## **CHIS**

107. Before authorising the use or conduct of a CHIS, the AO should take into account the risk of interference with and wherever practicable, avoid or minimise interference with the private or family life of persons who are not the intended subjects of the CHIS activity. If collateral intrusion is unavoidable, the activities may still be authorised provided it is considered proportionate to the aims of the intended intrusion and it should be kept to a minimum necessary to achieve the objective of the operation. All applications should include an assessment of risk of any collateral intrusion and details of any measures taken to limit this, to enable the AO to fully consider the proportionality of the proposed use or conduct of a CHIS.

## **CONFIDENTIAL OR PRIVILEGED MATERIAL**

108. Particular consideration should be given in cases where the subject of the investigation/operation might reasonably assume a high degree of confidentiality. This includes material from the following categories:
- i) Confidential journalistic material or a journalist's source;
  - ii) Legally privileged;
  - iii) Confidential personal information or communications between an MP and another person or constituency business;

## **Confidential Information**

109. Confidential information can include oral and written communications held in confidence concerned an individual (living or dead) who can be identified from it and the material in question relates to his/her physical or mental health or to spiritual counselling. The material therefore consists of personal information (such as medical records or spiritual counselling, confidential journalistic material, confidential discussions between Members of Parliament and their constituents) or matters subject to legal professional privilege (solicitor and client).
110. Directed surveillance likely to intended to result in the acquisition of knowledge of confidential or privileged material can only be granted by AO's permitted to grant authorisations for confidential or privileged information, namely the Chief Executive (Head of Paid Service) or the person acting as the Head of Paid Service.<sup>64</sup> Such information requires particular consideration and unwarranted access to them during an investigation may be grounds for cancelling the authorisation.

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<sup>64</sup> Covert Surveillance & Property Interference Revised Codes of Practice 2018, Annex A

## Journalistic Material & Journalistic Sources

111. Confidential journalistic material includes material acquired or created for the purposes of journalism and held subject to an undertaking to hold it in confidence, as well as communications resulting in information being acquired for the purposes of journalism and held subject to such an undertaking.<sup>65</sup> Any authorisation seeking to acquire material that is believed will be confidential journalistic material must contain a statement that the purpose is to acquire material which is believed will contain confidential journalistic material. The AO must then consider what appropriate safeguards are required regarding the handling, retention, use and disclosure of the material.
112. A journalistic source is a person acting as an intermediary between the journalist and source. Any authorisation seeking to identify or confirm a source of journalistic information the authorisation must contain a statement that this is the purpose of the application, and the AO must then consider what appropriate safeguards are required regarding the handling, retention, use and disclosure of the material. Where confidential journalist material that identifies the source of the information is retained or disseminated to an outside body, the material should be marked "Confidential." Where such material has been obtained and retained for any other purposes, the matter should be reported to the Commissioner as soon as is reasonably practicable.
113. Where material is created or acquired with the intention of further a criminal purpose, the material is not to be regarded as having been created or acquired for the purposes of journalism.

## Items Subject to Legal Privilege

114. In general, communications between professional legal advisers and their clients are subject to legal privilege unless they are intended for the purpose of furthering criminal acts. The acquisition of material subject to legal privilege is particularly sensitive and may give rise to issues under Article 6 (right to a fair trial) as well as engaging Article 8. There are three scenarios where legally privileged items will or may be obtained:
- i) Where privileged material is intentionally sought;
  - ii) Where privileged material is likely to be obtained; and
  - iii) Where the purpose or one of the purposes is to obtain items that, if they were not generated or held with the intention of furthering a criminal purpose, would be subject to privilege.

## Privileged Material Intentionally Sought

115. This category of material includes the acquisition of such material during legal consultations which as set out above constitutes intrusive surveillance which local authorities are **prohibited** from doing (see above). Any application for such material outside of a legal consultation must contain a statement that the purpose or one of the purposes of the authorisation is to obtain legally privileged material and such an application should only be granted or approved if the AO be granted Judicial Approval as appropriate, is satisfied that there are exceptional and compelling circumstances that make the authorisation necessary where there is a threat to life or limb or in the interests of national security.

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<sup>65</sup> Police Act 1997 Section 100

## **Privileged Material Likely to be Obtained**

**116.** This category of material also includes the acquisition of such material during legal consultations which as set out above constitutes intrusive surveillance which local authorities are **prohibited** from doing (see above). Any application for such material outside of a legal consultation must be clear that the acquisition of such material is likely and should include reasons why the surveillance is necessary and an assessment of how likely it is that information subject to legal privilege will be obtained. The application should also confirm any inadvertently obtained material that is subject to legal privilege will be treated in accordance with the safeguards and that reasonable and appropriate steps will be taken to minimise access to the material that is subject to legal privilege.

## **Covert Surveillance intended to result in the acquisition of knowledge of matters that would be subject to legal privilege if they were not created or held with the intention of furthering a criminal purpose**

**117.** This category of material also includes the acquisition of such material during legal consultations which as set out above constitutes intrusive surveillance which local authorities are **prohibited** from doing (see above). Any application in this scenario must include a statement setting out the reasons for believing that the items are likely to be created or held to further a criminal purpose e.g., communications with a lawyer seeking to obtain a false alibi or assisting the suspect in evading arrest will not be privileged as the communications are intended to further a criminal purpose. The Authorisation can only be issued where the AO and subsequent Magistrate consider the matters are likely to be created or held with the intention of furthering a criminal purpose.

## **Covert Surveillance of Legal Consultations**

**118.** As set out above, DS carried out on premises ordinarily used for legal consultations at a time when they are being used as such is to be treated as intrusive surveillance. Local authorities are prohibited from undertaking any form of intrusive surveillance.

## **Lawyers' Material**

**119.** Where a lawyer acting in their professional capacity is the subject of covert surveillance, it is possible that a substantial proportion of any material which will or could be acquired will be subject to legal privilege. Therefore, in any case where the subject of covert surveillance is known to be a lawyer acting in a professional capacity, the application should be made on the basis that it is likely or intended to acquire items subject to legal privilege and the procedure set out above must be followed.



## KEY ADDITIONAL SURVEILLANCE ISSUES

### ACTIVITY NOT FALLING WITHIN THE DEFINITION OF COVERT SURVEILLANCE

120. The effect of RIPA Section 80 is to make authorised surveillance lawful, but it does not make unauthorised surveillance unlawful. The Council reserves the right to exercise its discretion regarding an investigation to determine that an alternative view or approach is required where the operation lies outside of the RIPA regime and controls. In such cases where the Crime Threshold is not met, the Council will adhere to the Non-RIPA Surveillance Protocol<sup>66</sup> and create and maintain written logs of activity which will be made available to internal and external oversight by IPCO.<sup>67</sup>
121. Please note, any application or renewal for the use of the Non-RIPA will additionally require authorisation from the Council's Senior Responsible Officer<sup>68</sup> (SRO) as well as authorisation from an Authorising Officer.<sup>69</sup>
122. The Code of Practice on Covert Surveillance makes clear that routine patrols, observation at trouble "hotspots," immediate response to events and the overt use of CCTV are all techniques not requiring RIPA authorisation.<sup>70</sup>
123. Certain surveillance does **not** constitute either intrusive or directed surveillance. In the following scenarios, **either** an authorisation cannot be granted due to the specific circumstances, **or** an authorisation is not required **BUT** all such activity is **permitted**:
- Covert surveillance by way of an immediate response to events;
  - Covert surveillance as part of general observation activities;
  - Covert surveillance not relating to the statutory grounds in RIPA;
  - Overt use of CCTV & ANPR systems;
  - Certain other specific situations;

#### Immediate Response

124. Covert surveillance carried out as an immediate response to events so that it is not reasonably practicable to obtain a RIPA authorisation, does not require a DS authorisation even though it is likely to reveal private information about a person.<sup>71</sup>

#### General Observation Activities

125. General observation duties whether overt or covert do not require RIPA authorisations as they form part of the legislative functions of public authorities as opposed to pre-planned surveillance of a specific person or group. An example is EBC officers attending a car boot sale where it is suspected counterfeit goods are being sold. At that stage there is not a specific investigation and instead the intention is through reactive policy to identify potential offenders. As part of this general duty of a public authority, the obtaining of private information is unlikely and so a DS authorisation is not required.

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<sup>66</sup> **Appendix 26**

<sup>67</sup> Previously recommended by OSC's Procedures & Guidance 2016 (withdrawn by IPCO)

<sup>68</sup> **Appendix 1**

<sup>69</sup> **Appendix 2**

<sup>70</sup> Covert Surveillance & Property Interference Code of Practice paragraphs 2.21-2.29

<sup>71</sup> RIPA Section 26(2)(c)

## Surveillance not relating to specific grounds or core functions

126. RIPA is required by public authorities who wish to carry out “core functions,” which are specific public functions as opposed to “ordinary functions,” undertaken by all authorities such as employment and contractual issues. Ordinary functions do not fall under the remit of RIPA as they are covered by the Data Protection Act 2018 and the Information Commissioner’s Employment Practices Code.
127. If a Council employee is suspected of undertaking additional employment during work hours, sick and holiday absences and the Council wishes to carry out covert surveillance outside of the employee’s Council role, whilst there is a high likelihood of obtaining private information about the staff member, the surveillance would not constitute DS as it relates to the Council’s ordinary functions, namely employment and contractual obligations, which are not core functions.<sup>72</sup>
128. If a Council employee is on long term paid sick leave for injuries alleged to have been sustained during his employment and it is suspected the employee has had exaggerated and/or fabricated the purported injuries, the application for and receipt of full sick pay gives rise to the potential criminal offence of fraud. If the Council wished to carry out DS to ascertain if the employee is injured as declared or at all, the proposed investigation would relate to a core function of EBC and the proposed DS is likely to result in obtaining private information. Accordingly, a DS authorisation should be considered and is required.

## Overt Surveillance Cameras – CCTV & ANPR

129. The Council’s overt CCTV is governed by Surveillance Camera Code of Practice and overseen by the Biometrics and Surveillance Camera Commissioner<sup>73</sup>. The Code provides a framework of good practice including the processing of personal data<sup>74</sup> and a public authority’s duty to comply with Human Rights Act 1998. Whilst the use of overt ANPR systems to monitor traffic flows or detect motoring offences does not require a RIPA authorisation, please note the Council’s RIPA CCTV Protocol regarding third party requests for use of the Council’s CCTV.<sup>75</sup>
130. “Surveillance camera systems,” includes<sup>76</sup>
- (a) CCTV & ANPR
  - (b) Any other systems for recording or viewing visual images for surveillance purposes
  - (c) Any systems for storing, receiving, transmitting, processing, or checking the images or information obtained by (a), (b); or
  - (d) Any other systems associated with, or otherwise connected with (a) – (c)

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<sup>72</sup> C v The Police (IPT/03/32)

<sup>73</sup> [Biometrics and Surveillance Camera Commissioner - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

<sup>74</sup> Data Protection Act 2018

<sup>75</sup> **Appendix 23**

<sup>76</sup> Protection of Freedoms Act 2012 Section 29(6)

## Specific Situations – Authorisations Not Available

131. The following examples do not constitute directed or intrusive surveillance, **but** such activity is **permitted**:

- Use of a recording device by a CHIS for which a conduct authorisation permitted the recording of any information already exists;
- Overt or covert recording of the interview of a member of the public in a voluntary interview conducted by a public authority;
- Covert recording of noise where the recording is decibels only nor non-verbal noise such as music, machinery or the recording of verbal content is made at a level that does not exceed that which can be heard on the street outside or adjoining property with the naked ear;
- Entry on or interference with property or wireless telegraphy (not permitted by local authorities);

## COMBINED AUTHORISATIONS

132. Combined authorisations are permitted but are less likely to occur within the Council due to local authority restrictions and prohibitions regarding of certain surveillance categories.

## COLLABORATION WITH OTHER AUTHORITIES/AGENCIES

133. The Council will endeavour to obtain written collaboration agreements with any other authorities with whom it works regularly, such as the Police or neighbouring authorities.

## CCTV THIRD PARTY REQUESTS

134. A third party (other agency e.g., the police) may request the Council to undertake surveillance for them by using the Council's resources, for example CCTV. Directed Surveillance requests to access/use the Council's CCTV must comply with the RIPA CCTV Protocol.<sup>77</sup> The Council will only permit the Police and other third parties to use its CCTV systems to carry out targeted covert surveillance (which includes the disclosure of recordings) if the requirements of the Protocol are adhered to.

135. An example would be if the police requested to use the Council's overt CCTV cameras by diverting and directing them for a pre-planned specific investigation located at both entrances and within an alleyway situated off Bridge Street, Reading, as intelligence indicates there is a drug den operating in a vacant shop in Bridge Street situated adjacent to the alleyway. The police's intended directed surveillance is to be used in a manner that is likely to result in obtaining private information and the police must obtain a directed surveillance authorisation which specifically includes the required use of the Council's CCTV system. However, if an armed robbery took place and whilst the police were in pursuit of the suspect, they required urgent assistance to track the suspect's route to locate and arrest them, the police's request to divert and utilise the Council's overt town centre CCTV is an immediate response to an event, a DS authorisation application is not practicable and is therefore not required.

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<sup>77</sup> Appendix 23

136. If any officer is in doubt as to how to proceed, please consult the Senior Responsible Officer at the earliest opportunity.<sup>78</sup>

### **CONSEQUENCES OF NON-COMPLIANCE WITH RIPA**

137. Where covert surveillance is proposed for activity falling within the ambit of RIPA, this Policy and Processes must be strictly adhered to, to protect both the Council and individual officers from the following:

#### **Evidence Rendered Inadmissible**

138. If covert surveillance is not lawfully undertaken the evidential product obtained may be deemed inadmissible by a trial judge in criminal proceedings,<sup>79</sup> as the court has the discretion to exclude evidence on which the prosecution proposes to rely to be given, if it appears to the court that, having regard to all the circumstances, including the circumstances in which was obtained, the admission of the evidence would have such an adverse effect on the fairness of the proceedings that the court ought not to admit it. Accordingly, the court may exclude the evidential product of covert surveillance because the prejudicial effect of adducing it outweighs any probative value.

#### **Legal Challenge**

139. Article 8 of the European Convention on Human Rights establishes a “right to respect for private and family life, home and correspondence”. Any potential breach could give rise to an application for Judicial Review proceedings in the High Court by the aggrieved person.

#### **Complaint to The Investigatory Powers Tribunal (“IPT”)**

140. This Tribunal is made up of senior members of the judiciary and the legal profession. Any person who believes that his or her Article 8 rights have been unlawfully breached by an authority using the RIPA authorisation process may submit a complaint the IPT.

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<sup>78</sup> **Appendix 1**

<sup>79</sup> Police & Criminal Evidence Act 1984 Section 78

## RIPA PROCESS

### MANDATORY URN

141. If DS satisfies the Crime Threshold Test or for a CHIS, officers must first obtain a Unique Reference Number [URN] for the operation from the Council officer responsible for the RIPA Centrally Retrievable Register,<sup>80</sup> prior to the completion and/or submission of an application for DS or CHIS to an Authorising Officer (AO).

### RIPA URN REQUEST FORM

142. Following the introduction of the Crime Threshold Test<sup>81</sup> the applicant/officer must answer the following six questions within the RIPA URN Request Form:<sup>82</sup>
- i) Is DS/CHIS for the prevention or detection of Crime or disorder?
  - ii) If so, specify the criminal offence(s) being investigated and the statute(s);
  - iii) For Directed Surveillance only, does the criminal offence(s) being investigated meet the Crime Threshold Test (punishable with a period of at least six months imprisonment); or
  - iv) Does the offence(s) relate to the underage sale/supply of alcohol or tobacco/nicotine?
  - v) Is the proposed covert surveillance both necessary and proportionate?
  - vi) Have you considered collateral intrusion and how this could be minimised?
143. The completed RIPA URN Request Form must be emailed to the Officer responsible for the RIPA Centrally Retrievable Register<sup>83</sup> or a prosecution specialist<sup>84</sup> in their absence. Once the RIPA URN Request Form is received, considered, and satisfied, an URN will be allocated from the electronic RIPA Central Retrievable Record of Authorisations kept and maintained by the relevant officer. All relevant information from this form must be inputted in the RIPA Centrally Retrievable Register and completed RIPA URN Request Form emailed to the applicant and named AO.

### FORMS TO BE USED

144. All RIPA forms are to be accessed from the Home Office website to ensure all forms are the most recent version<sup>85</sup> and the link to the forms will also be located on the RIPA & IPA Hub.<sup>86</sup>

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<sup>80</sup> **Appendix 4**

<sup>81</sup> Protection of Freedoms Act 2012

<sup>82</sup> **Appendix 13**

<sup>83</sup> **Appendix 4**

<sup>84</sup> **Appendix 10**

<sup>85</sup> **Appendix 14**

<sup>86</sup> **RIPA & IPA Staff Hub Page (insert link)**



## APPLICATION

145. The Application Form should be submitted to an AO from the list of certified AOs.<sup>87</sup> The Applicant should ensure the Application sets out all relevant facts including providing details of the crime, proposed activity, and justification for the intended covert operation. It is not permitted to leave aspects of the application to be provided orally by the Applicant or to be solely contained in supporting documents.

146. All applications should be completed and authorised in a bespoke form rather than cutting and pasting the basis for the application or reasoning for the decision from previous applications. Best practice for all authorisations permitted by local authorities is contained in the Code<sup>88</sup>:

- All applications must set out the reason why the authorisation is necessary and proportionate;
- Where a specific investigation or operation is involved, the nature of that investigation;
- For Directed Surveillance, the crime(s) being investigated that satisfy the Crime Threshold Test;
- CHIS applications should include the purpose for which the CHIS will be tasked or deployed;
- CHIS applications should include the nature of what the CHIS conduct will be;
- Details of potential collateral intrusion and why it is justified;
- Details of any material subject to legal privilege or other confidential information that may be obtained as a consequence of the authorisation;
- Applications should avoid repetition of any information;
- Information contained in applications should be limited to that required by the relevant legislation and code;
- The case for an authorisation should be presented in the application in a fair and balanced way and all reasonable efforts should be made to take account of information which supports or weakens the application for authorisation;
- An application should not require the sanction of any person other in a public authority other than an AO;
- Where it is foreseen, that other agencies will be involved in carrying out the surveillance, these agencies should be detailed in the application;
- Authorisations should not generally be sought for activities already authorised;

## AUTHORISATION

147. Officers must obtain both an internal authorisation of the application/renewal by an AO and Judicial Approval. The AO must be satisfied the authorisation or renewal is both necessary and proportionate and that in relation to Directed Surveillance, it also satisfies the Crime Threshold Test.

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<sup>87</sup> Appendix 2

<sup>88</sup> Directed Surveillance & Property Interference Revised Codes of Practice 2018, paragraph 4.40

148. To avoid any suggestion that any form has been simply signed off by an AO it is recommended that a copy is retained with the AO's wet signature i.e., original handwritten one, not merely a typed or electronic signature. The Council must be ready and able to provide the relevant witness if authenticity is ever questioned in Court. Please note, the use or conduct of a source to obtain knowledge of matters subject to legal privilege MUST be subject to the prior approval of the Judicial Commissioner.

## **JUDICIAL APPROVAL**

149. An authorisation or renewal for Directed Surveillance or a CHIS is not activated until Judicial Approval is granted by a Magistrate and is both dated and timed. The application and hearing process is contained in **Appendix 17**.

### **Matters subject to Legal Privilege**

150. Where the activities of a CHIS will result in the CHIS obtaining, providing access to, or disclosing matters subject to legal privilege, EBC must obtain prior approval from an Investigatory Powers Judicial Commissioner before authorising such conduct. EBC must provide the Magistrate a copy of any such approval as part of the application process.

### **Officers Authorised to Apply for Judicial Approval**

151. Reading Borough Council has a list of authorised officers<sup>89</sup> who are lawfully permitted to appear on behalf of the Council to apply for Judicial Approval, rather than by an officer from Legal Services<sup>90</sup>. It is anticipated that the officer will be the Applicant of the authorisation and Judicial Approval Application, as they will have full knowledge of the application and intended surveillance operation.

### **Judicial Approval Application & Hearing Guidance**

152. To prepare for, attend and apply for Judicial Approval at Reading Magistrates' Court, please follow the guidance contained in **Appendix 17**.

### **Judicial Approval Process between RBC & Reading Magistrates' Court**

153. To prepare for and arrange a Judicial Approval Application Hearing, please follow the Protocol contained in **Appendix 16**.

### **Outcomes**

154. There are 3 possible outcomes for an Application for Judicial Approval:

- i) Application Granted → effective from that date and time;
- ii) Refuse to grant or renew the Authorisation  
[Applicant can then re-apply once the gap/error has been corrected];
- iii) Refuse to grant or renew the Authorisation and quash the AOs Authorisation.

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<sup>89</sup> **Appendix 7**

<sup>90</sup> Local Government Act 1972 Section 223

155. Please note, the Magistrate can only quash the Authorisation if the Applicant has had at least 2 business days' notice, from the date of refusal, in which to make representations against the refusal.

## DURATION

156. The period of validity for all authorisations commences on the date Judicial Approval was granted, not the date the Authorising Officer approved the application. The duration of the authorised surveillance is as follows:

- Directed Surveillance 3 months
- CHIS 12 months
- Juvenile CHIS 4 months<sup>91</sup> (see review requirements)

## REVIEWS

157. Regular reviews of all authorisations are required, the frequency of which should be determined and timetabled by the AO, once the authorisation has been granted and Judicial Approval obtained. The results of the review should be recorded in the RIPA Centrally Retrievable Record (CRR).<sup>92</sup>

## Directed Surveillance

158. Any proposed or unforeseen changes to the nature or extent of the activity which may result in further or greater intrusion into the private life of any person such as an additional person who has been identified as being an associate of the main subject, should also be brought to the attention of the AO by way of a review. The AO should consider if the proposed changes are proportionate before approving or rejecting them and any changes must be highlighted at the next renewal if one is required.

159. If the identity of an individual becomes known during the course of directed surveillance, the terms of the authorisation should be amended at review to include the identity of the individuals and it would be appropriate to convene a review specifically for this purpose.

160. Where the surveillance provides access to confidential information or involves collateral intrusion, the AO should conduct regular more frequent reviews. It is also possible and appropriate for an AO to cancel aspects of an authorisation during the course of a review where it is no longer required such as DS against one of a number of named subjects.

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<sup>91</sup> Regulation of Investigatory Powers (Juveniles) (Amendment) Order 2018 (SI 2018/715). Duration increased from 1-4 months.

<sup>92</sup> **Appendix 5**

## CHIS

161. Where a CHIS authorisation provides for interference with the private or family life of initially unidentified individuals whose identity is later established, a new authorisation is not required, provided the scope of the original authorisation envisaged interference with the private or family life of such individuals and this should be highlighted at renewal (if applicable). Further, if the nature or extent of intrusion into the private or family life of any person becomes greater than anticipated at the original authorisation, the AO should immediately review the authorisation and reconsider the proportionality of the operation which should then be highlighted at renewal (if applicable).
162. A juvenile CHIS authorisation is now valid for 4 months but there is a requirement to review the authorisation at not less than monthly intervals to ensure it is maintained for no longer than necessary. The monthly reviews will take into account the operational case for maintaining the deployment and will also consider the impact on the mental and physical welfare of the young person.<sup>93</sup>

## RENEWALS

163. Renewals are permitted more than once, and the fact and outcome should be recorded in the RIPA CRR. The AO must consider the application afresh including taking into account the benefits of the surveillance undertaken to date and any collateral intrusion that has occurred. If the application has resulted in the obtaining of confidential or legally privileged items, this fact should be highlighted in the renewal application.
164. Please note an authorisation will automatically expire unless a Renewal Application is made prior to its expiration and Judicial Approval is obtained. Applicants and AOs should be proactive about diarising, renewing, and cancelling authorisations as appropriate.

## CANCELLATION

165. The officer has a duty to request the AO to cancel an authorisation when it no longer meets the criteria upon which it was originally authorised. If the original AO is no longer available, this duty falls to the person who has taken over the role or the person acting as the AO.
166. An example would be where a DS authorisation was obtained in order to conduct test purchases which were completed within 21 days. Consequently, the authorisation is no longer required, and it is bad practice to simply let the authorisation run to the automatic expiration date. Therefore, as soon as a decision is taken to discontinue the authorisation, the instruction must be given to those involved to stop all surveillance of the subject(s) as soon as reasonably practicable.
167. The RIPA cancellation form must be completed by the officer, authorised by the AO and the original form must be emailed to the SRO<sup>94</sup> who must then update the RIPA CRR. It is good practice that a record should be retained detailing the product obtained from the surveillance and whether or not the objectives were achieved.

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<sup>93</sup> CHIS Revised Code December 2022, paragraph 4.8

<sup>94</sup> **Appendix 1**

## RIPA CENTRALLY RETRIEVABLE REGISTER

168. The SRO is responsible for oversight of the RIPA Centrally Retrievable Register (CRR), to be maintained by an appointed lawyer,<sup>95</sup> which must include all the categories of data required by the Code.<sup>96</sup> From April 2023 the Council will use an electronic CRR to record the required details.<sup>97</sup> The previous RCRR paper version and thereafter electronic record must both be retained for perpetuity.

## RIPA DOCUMENTATION - CENTRALLY RETRIEVABLE RECORDS

169. The SRO is also required to obtain and retain for all covert surveillance operations the following, in a restricted location<sup>98</sup>:

- i) RIPA URN Request Form;
- ii) All original applications, any supplemental documentation, and the authorisations;
- iii) Emailed versions of ii), saved in a restricted RIPA IKEN folder with restricted access;
- iv) Copy of the granted Judicial Approval Form B; (Application/Renewal);
- v) Copy of the Order granting Judicial Approval (Application/Renewal);
- vi) A record of the period over which the surveillance has taken place;
- vii) The frequency of reviews prescribed by the AO;
- viii) A record of the result of each review;
- ix) A copy of any renewal of an authorisation together with the supporting documentation submitted when the renewal was requested;
- x) The date and time when any instruction to cease surveillance was given;
- xi) The date and time when any other instruction was given by an AO;

170. AOs or officers must provide **by hand** all **original** RIPA forms to the SRO within **7 days** of grant in a double sealed envelope marked "**OFFICIAL - Strictly Private & Confidential**" and/or email a scanned copy it to the SRO<sup>99</sup> via the designated email address contained in **Appendix 1**<sup>100</sup>. The Judicial Approval Applicant must similarly provide the SRO by hand the original Judicial Approval granted/refused Form B within **7 days** of grant in a sealed envelope marked "**Strictly Private & Confidential,**" and/or email a scanned copy to the SRO via the same designated email address.

## RETENTION OF RECORDS

171. Records must be available for inspection by the Investigatory Powers Commissioner and for the Investigatory Powers Tribunal (IPT). Please note the IPT will consider complaints made up to one year after the conduct to which the complaint relates to and where equitable to do so, may consider complaints made more than one year after the conduct to which the complaint relates, particularly where continuing conduct is alleged. Although records are only required to be retained for at least three years, it is therefore desirable, if possible, to retain records for up to **five years**.

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<sup>95</sup> **Appendix 4**

<sup>96</sup> Directed Surveillance & Property Interference Revised Code 2018 paragraph 8.1

<sup>97</sup> **Appendix 5**

<sup>98</sup> Directed Surveillance & Property Interference Revised Code 2018 paragraph 8.2

<sup>99</sup> **Appendix 1**

<sup>100</sup> **Sro@reading.gov.uk**

## SAFEGUARDS

172. Public authorities should ensure their actions when handling information obtained by covert surveillance comply with relevant legal frameworks and the Code so that any interference with privacy is justified in accordance with ECHR Article 8(2). Compliance includes data protection to ensure the handling of private information obtained continues to be lawful, justified and strictly controlled and is subject to robust and effective safeguards. Any breach must be reported to the Commissioner and any breaches of data protection should be reported to the Information Commissioner. Public authorities must also keep their internal safeguards under periodic review to ensure they remain up to date and effective.

## DISSEMINATION

173. Dissemination must be limited to the minimum necessary for authorised purposes if the material:

- is or is likely to become necessary for any of the statutory purposes set out in RIPA in relation to covert surveillance (the remaining provisions to do not apply to local authorities<sup>101</sup>);
- is necessary to facilitate the carrying out of the functions of the public authorities under RIPA;
- is necessary for facilitating the carrying out of any functions for the Commissioner of IPT;
- is necessary for the purposes of legal proceedings; or
- necessary for the performance of the functions of any person by or under any enactment

174. In addition to limiting the number of persons to whom the material should be disseminated to, there are also restrictions of the extent of the material disseminated for example, providing a summary of the material rather than copies of all authorisations and/or logs regarding the remit of the operation and evidence obtained. Please note, RIPA does not prevent material obtained under Directed Surveillance authorisations from being used to further any other investigations where it becomes relevant and in accordance with the safeguards required by the Code.<sup>102</sup>

## USE OF MATERIAL AS EVIDENCE

175. Subject to the statutory framework governing the admissibility of evidence<sup>103</sup> material obtained from directed surveillance or a CHIS is admissible as evidence in criminal proceedings. It is therefore vital for officers to ensure there is evidential integrity of the product obtained from the covert surveillance operation and the product is retained in accordance with the disclosure regime (see below).

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<sup>101</sup> Police Act 1997 & Intelligence Services Act 1994

<sup>102</sup> Covert Surveillance & Property Interference Revised Code 2018 paragraph 9.6

<sup>103</sup> Criminal Procedure & Investigations Act 1996; Civil Procedure Rules, Police & Criminal Evidence Act 1984 section 78 and the Human Rights Act 1998 & Covert Surveillance & Property Interference Revised Code



## HANDLING MATERIAL

176. All public authorities are required to have internal arrangements for the dissemination, copying, storage and destruction of private information obtained through covert surveillance. Further, the personal data obtained must be safeguarded by the AO and Data Controller in accordance with the Data Protection Act 2018 and the Council's Data Protection Policy.<sup>104</sup>

## COPYING

177. Copying material obtained from covert surveillance including summaries and extracts of the material is only permitted in accordance with the dissemination necessity principles (see above).

## STORAGE

178. All material obtained through covert surveillance and any copies/extracts from it must all be handled and stored securely to minimise the risk of loss or theft. The following protect security measures must be applied to the material:

- material must be inaccessible to officers not connected to the operation;
- material must be inaccessible to officers connected to but not authorised by the Officer in Charge (OIC) of the investigation to have access;
- IT security to minimise the risk of unauthorized access to IT systems;

## DESTRUCTION

179. Information obtained through covert surveillance and all copies, extracts, summaries which contain such material should be scheduled for deletion or destruction and securely destroyed as soon as they are no longer needed for the authorised purpose(s) set out in above.<sup>105</sup> If such information is retained, it should be reviewed at appropriate intervals to confirm that the justification for its retention is still valid. In this context, destroying information means taking such steps as might be necessary to make access to the data impossible. Please note, if the material is necessary for the purposes of legal proceedings, in particular a prosecution, the disclosure regime must be complied with regarding the retention of material.

## PROTECTION OF THE IDENTITY OF A CHIS

180. CHIS's may place themselves at considerable risk, thus all organisations have a responsibility to protect the identity of those working as a CHIS and others who may be affected by the disclosure of the CHIS's identity. Attempts to protect the identity of the CHIS's must be made using all reasonable and lawful means possible and where appropriate, neither confirming or denying (**NCND**) the existence of or identity of the CHIS. There are well-established legal procedures under Public Interest Immunity (PII) or closed material procedures that can be applied when seeking to protect the fact and identity of a CHIS from disclosure in such circumstances or by abandoning the prosecution in order to protect the fact and identity of the CHIS. This would be dealt with by Legal Services and prosecution counsel in conjunction with the AO, as the Council would be the prosecuting authority.

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<sup>104</sup> Council' Data Protection Policy (insert link)

<sup>105</sup> Covert Surveillance & Property Interference Revised Code 2018 paragraph 9.5

## ACQUISITION OF COMMUNICATIONS DATA

181. The Investigatory Powers Act 2016 (IPA)<sup>106</sup> Part 3 and the Code of Practice<sup>107</sup> provide the statutory framework for the lawful acquisition of communications data (CD) by relevant public authorities. Local authorities are deemed to be a relevant public authority.<sup>108</sup>

### OFFICE OF COMMUNICATIONS DATA AUTHORISATIONS (OCDA)

182. The Investigatory Powers Commissioner's Office is responsible for the independent authorisation of CD requests which is delegated to the Office of Communications Data Authorisations (OCDA).<sup>109</sup>

### LAWFUL ACQUISITION OF CD

183. IPCO may authorise a public authority to engage in any conduct which is<sup>110</sup>:

- a) For the purpose of obtaining data from any person; and
- b) Relates to:
  - i) a telecommunications system, or
  - ii) data derived from a telecommunications system

### COMMUNICATIONS DATA

184. Communications Data is information about communications: the "who," "when," "where," "when" "how," and "with whom," of a communication but not what was written or said (the content)<sup>111</sup>. Generally, CD is acquired from a Telecommunications Operator (TO) (previously referred to as the Communication Service Provider).

### TWO CATEGORIES OF COMMUNICATIONS DATA (CD)

185. All communications data held by a telecommunications operator or that which is obtainable from a telecommunications system now falls into two categories of CD, replacing the three subcategories of CD under RIPA (subscriber data; traffic data; and service use information).

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<sup>106</sup> In force since 11 March 2019

<sup>107</sup> Communications Data Code of Practice November 2018

<sup>108</sup> Investigatory Powers Act 2016 Section 73(1)

<sup>109</sup> Investigatory Powers Act 2016 Section 60A

<sup>110</sup> Investigatory Powers Act 2016 Section 60A (2)

<sup>111</sup> Communications Data Code of Practice November 2018, paragraph 2.18

## ENTITY DATA

186. Entity data covers information about a person or thing and about links between a telecommunications service, part of a telecommunications system and a person or thing that identify or describe the person or thing. This therefore includes devices such as phones, tablets and computers and the link between a person and their device is the entity data.<sup>112</sup> This category of CD broadly replaces subscriber data and includes:

- Subscriber information identify of the person to whom the services are provided
- Subscriber checks who is the subscriber of the phone number 01234 567890
- Subscriber/account holder names, address of installing, billing payments etc.
- Connection/disconnection what the account holder is allocated or has subscribed to
- Reconnection information

## EVENTS DATA

187. Events data identifies or describes events which consist of one or more entities engaging in an activity at any specific time or times. Event Data refers to both Traffic Data and Service Use Information. Events data includes the following details regarding the communication<sup>113</sup>:

- Date and time sent;
- Duration;
- Frequency;
- Call diversion;
- IP address;
- Information tracing the origin or destination of a communication that is or has been in transmission;
- Sender or recipient of a communication
- Information identifying the location of apparatus when a communication is, has or may be made or received (e.g., the location of a mobile phone);
- Itemised telephone call records;
- Volume of data downloaded and/or uploaded;
- Use of services i.e., conference calling, call messaging, call waiting

## LOCAL AUTHORITY PROHIBITIONS

188. Local Authorities are prohibited from:

- i) obtaining the content of any communication i.e., what was said or written;
- ii) acquiring the Internet Connection Records (ICRs)

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<sup>112</sup> Communications Data Code of Practice November 2018, paragraph 2.38

<sup>113</sup> Communications Data Code of Practice November 2018, paragraph 2.45

## TWO MANDATORY TESTS FOR COMMUNICATIONS DATA REQUESTS

### NECESSITY

189. Local authorities as relevant public authorities are permitted to internally grant, then seek external authorisation from NAFN and thereafter Office of Communications Data Authorisations (OCDA) for authorisations if and only if they are necessary<sup>114</sup> for the **applicable crime purpose**.<sup>115</sup>

#### Applicable Crime Purpose

190. The applicable crime purpose test was introduced on 1 November 2018<sup>116</sup> and the purpose depends on whether the CD being sought is entity or events data:<sup>117</sup>

- (a) where the communications data is wholly or partly **events data**, the purpose of preventing or detecting **serious crime**;
- (b) in any other case, the **purpose of preventing or detecting crime or preventing disorder**;

#### Serious Crime Threshold – Events Data

191. Applications for CD which are wholly or partly events data are now<sup>118</sup> only permitted where they are necessary for the purpose of preventing or detecting serious crime. Applications for Entity Data must be necessary for the purpose of preventing or detecting crime or preventing disorder but do not have to constitute a serious crime.

192. Offences satisfying the Serious Crime Threshold are<sup>119</sup>:

- An offence capable of attracting a prison sentence of 12 months or more (for persons 18+ in England)
- An offence by a person who is not an individual (i.e., corporate body);
- An offence which involves, as an integral part of it, the sending of a communication;
- An offence which involves, as an integral part of it, a breach of a person's privacy;
- An offence falling within the definition of serious crime (i.e., where the conduct involves the use of violence, results in substantial financial gain or is by a large number of persons in pursuit of a common purpose);

### PROPORTIONALITY

193. The conduct the subject matter of the Application must be proportionate<sup>120</sup> to what is sought to be achieved.

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<sup>114</sup> Investigatory Powers Act 2016 Section 61(1)(a)

<sup>115</sup> Investigatory Powers Act 2016 Section 60A(7)(b) introduced by The Data Retention & Acquisition Regulations 2018 Regulation 5

<sup>116</sup> The Data Retention & Acquisition Regulations 2018

<sup>117</sup> Investigatory Powers Act 2016 Section 60A (8)

<sup>118</sup> Since 1 November 2018

<sup>119</sup> Investigatory Powers Act 2016 Sections 86(2A) & 263(1)

<sup>120</sup> Investigatory Powers Act 2016 Section 61(1)(c)

## KEY ROLES

### SENIOR RESPONSIBLE OFFICER

194. The Council's Senior Responsible Officer (SRO) is the Council's Assistant Director of Legal & Democratic Services.<sup>121</sup> The Communications Data Code of practice specifies the SRO is responsible for<sup>122</sup>:

- the integrity of the process in place within the public authority to acquire communications data;
- engagement with authorising officers in the Office for Communications Data Authorisations (where relevant); compliance with Part 3 of the Act and with this code, including responsibility for novel or contentious cases (see paragraph 8.45);
- oversight of the reporting of errors to the IPC and the identification of both the cause(s) of errors and the implementation of processes to minimise repetition of errors;
- ensuring the overall quality of applications submitted to OCDA by the public authority;
- engagement with the IPC's inspectors when they conduct their inspections; and
- where necessary, oversight of the implementation of post-inspection action plans approved by the IPC

### DESIGNATED SENIOR OFFICER

195. A Designated Senior Office (DSO) for local authorities must be an individual who holds the position of director, head of service or service manager (or equivalent); or a high position,<sup>123</sup> which mirrors the rank required for RIPA AOs. The Council's DSOs are listed in **Appendix 3**.<sup>124</sup>

196. A DSO must be independent from those operations or investigations and so should be far enough removed from the applicant's line management chain or the investigation so as to not be influenced by operational imperatives, such as pressure to expedite results on a particular operation. The DSO should therefore not be within the same department or unit or an integral part of the investigation. It is not considered good practice for applicants to be able to choose a designated senior officer on a case-by-case basis. Accordingly, the DSO should be selected from a different department.

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<sup>121</sup> **Appendix 1**

<sup>122</sup> Communications Data Code of Practice November 2018, paragraph 4.10

<sup>123</sup> Investigatory Powers Act 2016 section 73(2)

<sup>124</sup> **Appendix 3**

## NAFN SPOC

197. The SPOC facilitates the lawful acquisition of CD, effective cooperation between the public authority and OCDA and for local authorities, the required designated SPOC is NAFN. NAFN will consider and provide the following guidance where required:

- Whether it is reasonably practical to obtain the data;
- Provide clear advice on the interpretation of IPA, particularly whether an authorisation is appropriate;
- Ensure authorisations are lawful under IPA and meet the Serious Crime Threshold Test for Events Data requests;
- Consider and where appropriate provide explicit advice on possible unintended consequences of the application such as excess data; sensitive professions and collateral intrusion;
- Explain why the service(s) recommended support the objective(s) of the investigation;
- Add value in comments, considerations and recommendations as prescribed in the Code of Practice under the roles and responsibilities of the SPOC;
- Where appropriate, flag any issues regarding quality assurance of the application to be remedied before submission of the application;
- Monitor applications returned for rework or rejected by OCDA and determine the reasons why;
- Provide organisational and/or individual training as and where necessary, sharing best practice advice and support;

198. NAFN must therefore be provided coverage for all CD acquisitions RBC intends to make. In exceptional cases where NAFN is not available (sudden illness), public authorities should limit the risk by using collaboration arrangements with other authorities.<sup>125</sup> If this situation occurs, local authorities are expected to report to IPCO the circumstances and reasons requiring this course of action, prior to the next inspection.

## APPLICANT

199. The applicant is a person involved in conducting or assisting an investigation/operation within a public authority who makes an application for the acquisition of communications data, which is set out above, must be submitted to NAFN for onwards submission to OCDA if approved by NAFN.

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<sup>125</sup> Investigatory Powers Act 2016 Section 78



## KEY TERMS

### TELECOMMUNICATIONS OPERATOR

200. A person who offers or provides a telecommunications service to persons in the UK or controls or provides a telecommunications system which is wholly or partly in the UK or controlled from the UK. This includes application and website providers but only if they provide a telecommunications service. This term replaces the previous term of Communications Service Provider (CSP).

### PARTIAL TELECOMMUNICATIONS OPERATOR

201. A new interpretation to be applied to the acquisition of CD has come into effect,<sup>126</sup> following OCDA and IPCO's agreement that many organisations are now considered as a partial telecommunications operator who hold CD which they previously provided under the Data Protection Act. The effect is that a range of data previously accessible under data protection gateways will now require CD applications. One of the main changes relates to **mandatory information** provided whilst accessing a telecommunications service (including a website). It would include for example eBay subscriber information as contact details (name and email address) that are mandatory to provide to open an account, which will now require the subscriber information to be obtained by a CD application but the transaction details and advert history must be obtained under the Data Protection Act.<sup>127</sup> Examples of whether the information required is a CD or DPA request have been provided in a Guidance Pack issued by ACTSO.<sup>128</sup>

### CONTENT

202. Content is any element of a communication, or the data attached to it or associated with it, that might reasonably be considered to be the meaning of the communication. Obtaining such information would constitute **Targeted Intercept** which **local authorities are prohibited from obtaining**.

### POSTAL OPERATOR

203. Postal service includes any service which consists of one or more of the collection, sorting, conveyance, distribution, and delivery of postal items and which is offered or provided as a service the main purpose of which, or one of the main purposes of which, is to transmit postal items from place to place. Postal items include letters, postcards, packets, and parcels and therefore the remit of postal operators includes companies beyond the Post Office such as Amazon, DPD etc.

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<sup>126</sup> Came into effect from 16 February 2023

<sup>127</sup> DPA Request

<sup>128</sup> **Appendix 32** – Guidance issued by Association of Chief Trading Standards Officers

## POSTAL DEFINITIONS

204. Communications data in relation to a postal service has 3 elements:<sup>129</sup>

- i) *Postal data which is or has been compromised in or attached to the communication for the purpose of the service which it was transmitted;*

Includes any information that identifies or appears to identify any person or location to or from which a communication is or may be transmitted and includes addresses, markings on the outside of the postal item, records of correspondence, online tracking of communications.

- ii) *Data relating to the use made by a person of a postal service;*

Includes information about the use made of services to which the user is allocated or has subscribed to, the price paid to send the item, records such as registered post etc

- iii) *Information held or obtained by a postal operator about persons to whom the postal operator provides or has provided a communications service, and which relates to the provision of the service*

Includes information about any person to whom a service is provided, whether a subscriber or guest, if used or not used the service e.g., information about the person associated with a PO Box.

## INTERNET CONNECTION RECORDS (ICRs)

205. An ICR provides details of the internet service that a specific device has connected to (e.g., a website or instant messaging application). It will not provide the full browser history of details of every web page visited, content or details of the recipient of a message or any activity on a particular website. **Please note local authorities are prohibited from obtaining ICRs.**

## THIRD PARTY DATA

206. Where a communication is sent there may be multiple providers involved in the delivery of the communication and each provider may require different elements of communications data to route the communication. For example, when sending an email there will be the email provider, the internet access provider for the sender and the internet access provider for the recipient. The email provider will require the email address to route the communication but neither internet access provider has any need to see or access the full email address in order to connect the sender or recipient to the mail server.

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<sup>129</sup> Investigatory Powers Act 2016 section 262(3)(a) – (c)

207. Where one telecommunications operator is able to see or access the communications data in relation to applications or services running over their network, in the clear, but does not process that communications data in any way this is regarded as third party data. A telecommunications operator is considered to process data if it specifically looks at an item of data in order to determine what action to take or if it has a set of rules in place which determine how a communication should be routed depending on certain items of data.

208. A communications data authorisation may be given for the acquisition by a public authority of third party data on a forward looking basis where necessary and proportionate in relation to a specific investigation. A telecommunications operator or postal operator need only obtain and disclose third party data where reasonably practicable to do so. Where such data is encrypted by the third party a telecommunications operator is under no obligation to decrypt such information.

#### **COLLATERAL INTRUSION**

209. The risk of obtaining communications, equipment data or other information about non targets. Each Application should identify the risk of collateral intrusion and specify what steps will be undertaken to reduce it.

#### **JOURNALISTIC SOURCES**

210. The only category of CD which requires local authorities to first obtain authorisation from OCDA and approval by an IPCO Judicial Commissioner is where the purpose of a CD application is to identify a journalistic source. The Applicant and SPOC should pay special consideration to these applications and inform their DSO.

#### **NOVEL OR CONTENTIOUS CIRCUMSTANCES**

211. Due to ongoing improvements in technology, there will be circumstances where the potential acquisition of CD may be considered novel or contentious. In such circumstances, public authorities are permitted to see guidance from OCDA prior to progressing any conduct to acquire CD. This is a discretionary approach and if taken, a public authority must ensure the SRO is made aware and supports this course of action before the request for guidance to OCDA is submitted.

#### **COLLABERATIVE ORGANISATION**

212. An organisation that has formalised a collaboration agreement in place under the provisions of the Act, to be utilised for example where the SPOC is unexpectedly unavailable.

## ACQUISITION OF COMMUNICATIONS DATA PROCESS

### LOCAL AUTHORITIES

213. Local authorities are public authorities<sup>130</sup> who are permitted to acquire CD in limited circumstances but must be party to a collaboration agreement,<sup>131</sup> which requires their membership of **NAFN**.<sup>132</sup> IPA abolished the requirement for local authorities to obtain Judicial Approval for CD and since March 2019, local authorities **must** submit all CD Applications to NAFN for assessment as to whether the application should be submitted to The Office for Communications Data Authorisations (OCDA) to obtain authorisation.<sup>133</sup> Guidance as to the CD process is contained in **Appendix 22**.

### OPERATIONAL PRIORITISATION

214. To assist OCDA as to the operational urgency of an application for CD and to ensure it is appropriately triaged, “**Operational Prioritisation**,” was introduced. There are **four** prioritisation categories and **local authorities are only permitted** to use **Priorities 2-4**:

OPERATIONAL PRIORITISATION	DEFINITION
<b>Priority 1</b>	
<b>Immediate Threat to Life or Serious Harm</b>	<b>Not applicable to local authorities</b>
<b>Priority 2</b>	
<b>Urgent Operational Necessity</b>	The urgent acquisition of CD will directly assist the <b>prevention or detection of the commission of a serious crime, or the making of arrests or the seizure of illicit material, or where there the operational opportunity will be lost</b> . Or any of the scenarios described for Priority 1 which whilst urgent do not require immediate action
<b>Priority 3</b>	
<b>Routine (Time Constraint on Application)</b>	Not urgent but include specific or time critical issues such a bail or court dates or where a specific line of investigation into a serious crime and early acquisition of CD will directly assist in the prevention or detection for that crime or safeguarding and preservation of human life
<b>Priority 4</b>	
<b>Routine</b>	Matters that support a specific line of investigation into a crime or incident but are not urgent and do not meet any time critical issues. The acquisition of CD as a matter of course will assist in that investigation

<sup>130</sup> Investigatory Powers Act 2016 Section 73(1)

<sup>131</sup> Investigatory Powers Act 2016 Section 73(1)

<sup>132</sup> National Anti-Fraud Network <https://www.nafn.gov.uk/>

<sup>133</sup> Commenced March 2019

## CATEGORY OF COMMUNICATIONS DATA REQUIRED

215. Consideration must be given at the outset as to whether Entity or Events Data is required. Usually, it is appropriate to start with obtaining entity data to confirm information within the investigation. However, if there is sufficient information known at the outset, it may be appropriate to request Events Data first. For example:

- a victim reports receiving nuisance or threatening telephone calls or messages;
- a person who is the subject of an investigation or operation is identified from intelligence to be using a specific communications service;
- a victim, a witness or a person who is the subject of an investigation or operation has used a public payphone;
- a person who is the subject of an investigation or operation is identified during an investigation (such as a kidnap) or from detailed analysis of data available to the public authority to be using a specific communications service;
- a mobile telephone is lawfully seized, and communications data is to be acquired relating to either or both the device or its SIM card(s); or
- a witness presents certain facts and there is a need to corroborate or research the veracity of those, such as to confirm the time of an incident they have witnessed.

## APPLICATION

216. Officers should complete a Communications Data Application form within the NAFN portal ensuring it is clear as to whether the application is for Entity or Events Data; is necessary; satisfies the Applicable Crime Purpose test; and for Events Data also satisfies the Serious Crime Threshold Test. All Applications must also be proportionate and the Application to acquire CD must<sup>134</sup>:

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

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<sup>134</sup> Communications Data Code of Practice November 2018, paragraph 5.4

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

217. General guidance for Applications is:

- All addresses should be accurately validated based on source material before the completion of the application form by the Applicant;
- Keep all applications simple, legal, and concise;
- Avoid acronyms and abbreviations unless explained first;
- Use standard terminology to describe the main subject in your application (e.g., Victim, witness, complainant, suspect etc.);
- Clearly state the crime, offence, and purpose at the start of the Application;
- Be specific about daters of intelligence within the Application;
- Do not refer to another application, document, or system instead of addressing necessity and proportionality;
- Be specific about how you have or have tried to attribute the identifier (e.g., name/date of birth/home address/email address) to the person the subject of the Application;
- Clearly state the objective of your application. Do not name the services or products from the service provider;
- Ensure all applications are checked for accuracy of content and grammar before submission;
- Always consider the victim's right of privacy when describing events within applications. These can be high level descriptions and do not need to contain graphic details of offences;

## DSO PROCESS

218. Before an application is submitted to NAFN's portal, a copy of the paper CD Application must be provided to a DSO<sup>135</sup> to review and provide internal authorisation. Guidance for DSO's when considering a CD Application is:

- Objectively review the application;
- Objectively review an individual's right to privacy (not limited to the subject);
- Provide a bespoke authorisation avoiding use of standard phrases such as "the data should be held in accordance with the policy";
- Explicitly state the crime/offence you understand is the subject of the investigation;
- Clearly record have fully considered and understood the Application;
- Clearly record necessity is understood and has been considered;
- Clearly record proportionality is understood and has been considered;
- Clearly record consideration has been given to any potential for the authorisation to result in unintended consequences (e.g., collateral intrusion);
- Specifically state how the service requested will support the objective outlined in the Application;
- For applications into certain professions, explicit consideration must be given and recorded regarding any unintended consequences of such applications and address whether the public interest is best served by the Application;

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<sup>135</sup> Appendix 3



- If it is a novel or contentious Application, clearly explain why you consider the application to be so and include why this is considered to be a lawful request

219. Where the DSO does not consider the acquisition of communications data specified in the application to be necessary and proportionate, they may either seek further information from the applicant or refuse the request for onward submission to NAFN.

### **SUBMISSION TO NAFN**

220. If the DSO authorises the Application, the officer must then upload the Application to NAFN's portal following which the named DSO will receive a notification to authorise the application within the NAFN portal. Once authorised NAFN will consider the application in accordance with the Communications Data Application Process Guidance<sup>136</sup> and if authorised, will be submitted to OCDA for consideration as to whether the Application should be granted.

### **OCDA'S REFUSAL TO GRANT AUTHORTISATION**

221. Where a request is refused by an authorising officer in OCDA, the public authority has three options:

- i) not proceed with the request;
- ii) resubmit the application with a revised justification and/or a revised course of conduct to acquire communications data;
- iii) resubmit the application with the same justification and same course of conduct seeking a review of the decision by OCDA. A public authority may only resubmit an application on the same grounds to OCDA where the senior responsible officer or a person of equivalent grade in the public authority has agreed to this course of action. OCDA will provide guidance on its process for reviewing such decisions.

222. If NAFN refuse to submit the application to OCDA or OCDA refuses the Application for CD, the activity cannot commence.

### **AUTHORISATION**

223. An authorisation provides for persons within a public authority to engage in conduct relating to a postal service or telecommunication system, or to data derived from such a telecommunication system, to obtain communications data. The following types of conduct may be authorised:

- conduct to acquire communications data - which may include the public authority obtaining communications data themselves or asking any person believed to be in possession of or capable of obtaining the communications data to obtain and disclose it; and/or
- the giving of a notice - allowing the public authority to require by a notice a telecommunications operator to obtain and disclose the required data.

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<sup>136</sup> Appendix 22

224. An authorisation of conduct to acquire communications data may be appropriate where, for example:

- there is an agreement in place between a public authority and a telecommunications operator or postal operator to facilitate the secure and swift disclosure of communications data. Many telecommunications operators and postal operators have auditable acquisition systems in place to ensure accurate and timely acquisition of communications data, while maintaining security and an audit trail;
- where the data can be acquired directly from a telecommunication system and the activity does not constitute interception or equipment interference; or
- a public authority considers there is a requirement to identify a person to whom a service is provided but the specific telecommunications operator or postal operator has yet to be conclusively determined as the holder of the communications data.

225. An authorisation to give a notice may be appropriate where a telecommunications operator or postal operator is known to be capable of disclosing (and, where necessary, obtaining) the communications data. An authorisation of conduct to acquire communications data must<sup>137</sup>:

- describe the conduct which is authorised and describe the communications data to be acquired by that conduct specifying, where relevant, any historic or future date(s) and, where appropriate, time period(s);
- specify the purpose for which the conduct is authorised, by reference to a statutory purpose under of the Act;
- include a unique reference number;
- specify the identity, rank, or position (or unique identifier) of the authorising individual granting the authorisation.
- where applicable, confirm in writing that a SPOC has been consulted on this application;
- record the date and, when appropriate to do so, the time when the authorisation was granted;
- specify when the communications data is to be obtained and disclosed by use of the request filter;
- if engaging the request filter, specify whether the processing of data (and its temporary retention for that purpose) is authorised and, if so, provide a description of the data that may be processed and the type or nature of processing to be performed (e.g., geographic correlation, IP address resolution);
- if engaging the request filter or acquiring ICRs, specify whether any threshold for the number of results returned is set which would prevent any portion of records being disclosed; and
- where data is being sought from a telecommunications operator or postal operator, specify whether the telecommunications operator or postal operator may inform the subject(s) of the fact that an application has been made for their data.

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<sup>137</sup> Communications Data Code of Practice November 2018, paragraph 6.5

226. In addition, an authorisation to give a notice must<sup>138</sup>:

- specify the operator to whom the notice applies and the nature of requirements to be imposed;
- identify the public authority;
- Where the grant of an authorisation is recorded separately from the relevant application, they should be cross-referenced to each other.
- specify or describe the person(s) to whom the data is to be, or may be, disclosed or how to identify such person(s); and
- confirm whether a telecommunications operator or postal operator may disclose the existence of this requirement, or any related pursuant authorisation or notice, to a customer or other individual.

## NOTICES IN PURSUANCE OF AN AUTHORISATION

227. The giving of a notice is appropriate where a telecommunications operator or postal operator is able to retrieve or obtain specific data, and to disclose that data, and the relevant authorisation has been granted. A notice may require a telecommunications operator or postal operator to obtain any communications data if that data is not already in its possession.

228. The decision to authorise the issuing of a notice must be based on information presented in an application. Once the authorising individual has authorised the giving of a notice, it will be given to a telecommunications operator or postal operator in writing. The notice should contain enough information to allow the telecommunications operator or postal operator to comply with the requirements of the notice. A notice must<sup>139</sup>:

- describe the communications data to be obtained or disclosed under the notice specifying, where relevant, any historic or future date(s) and, where appropriate, time period(s);
- specify the requirements being imposed and the telecommunications operator or postal operator on whom the requirements are being imposed;
- Ordinarily the applicant or other person within the investigation or operation will prepare a schedule of data, for example telephone numbers, to enable the SPOC to undertake the acquisition of subscriber information. The schedule will include details of the person who prepared it, cross reference it to the relevant notice or authorisation and specify the events data from which the data are derived
- specify the manner in which the data should be disclosed and specify or describe the person(s) to whom the data is to be, or may be, disclosed or how to identify such person(s);
- include a unique reference number and identify the public authority;
- specify the name (or unique identifier) of the officer giving the notice;
- be given in writing or, if not, in a manner that produces a record, within the public authority, of its having been given;
- record the date when the giving of a notice was authorised by the authorising individual;
- where appropriate, provide an indication of any urgency or time within which the telecommunications operator or postal operator is requested to comply with the requirements of the notice;

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<sup>138</sup> Communications Data Code of Practice November 2018, paragraph 6.6

<sup>139</sup> Communications Data Code of Practice November 2018, paragraph 6.23

- include an explanation that compliance with the notice is a requirement of the Act unless the notice is cancelled. A telecommunications operator or postal operator which has not complied before the period of validity for the authorisation expires is still required to comply. The notice should contain sufficient information including the contact details of the SPOC to enable a telecommunications operator or postal operator to, where necessary, confirm the notice is authentic and lawful; and
- if permission has been given, confirm the telecommunications operator or postal operator may disclose the existence of this requirement, or any related pursuant authorisation or notice, to a customer or other individual

229. A telecommunications operator or postal operator is not required to do anything under a notice which it is not reasonably practicable for it to do. A notice may only require a telecommunications operator or postal operator to disclose the communications data to the public authority. This will normally be to the public authority's SPOC i.e. NAFN.

#### **DURATION**

230. Once granted the CD authorisation is valid for one month.

#### **RENEWAL**

231. A renewed authorisation takes effect upon the expiry of the authorisation it is renewing. The renewal application will similarly have to be submitted to NAFN for its authorisation and onward submission to OCDA. Accordingly, the time required to complete this process must be factored in and back calculated from the current date of expiration, to ensure sufficient time is given in order to obtain a renewal authorisation from OCDA prior to the current authorisation expiring.

#### **CANCELLATIONS**

232. The DSO granting the authorisation must cancel it if at any time after the grant of authorisation by OCDA, it is no longer necessary for a statutory purpose, or the conduct required by the authorisation is no longer proportionate to what was sought to be achieved.

#### **COMMUNICATIONS DATA CENTRALLY RETRIEVABLE RECORD**

233. The Council CD electronic centrally retrievable register is maintained by a Legal Services' Officer.<sup>140</sup>

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<sup>140</sup> Appendices 8 and 9

## RECORD KEEPING

234. A copy of the online Application/Review/Renewal or Cancellation form submitted online to NAFN must be retained and be provided to the SRO by hand, within 7 days, in a double sealed envelope marked “**OFFICIAL SENSITIVE- Strictly Private & Confidential**” and/or emailed to the SRO via the designated email.<sup>141</sup> Due to the degree of sensitivity and risk arising from obtaining and retaining documents in a central database, OCDA only retains the CD applications for a limited period. Public authorities are therefore required to keep records of both CD applications issued and decisions received from OCDA. The Council has mirrored the retention period for covert surveillance documentation and will retain records for a period of 5 years.
235. Each relevant public authority must also keep a record of the following information<sup>142</sup>(only those applicable to local authorities are listed):
- A. the number of applications submitted by an applicant to a SPOC seeking the acquisition of communications data;
  - B. the number of applications submitted by an applicant to a SPOC seeking the acquisition of communications data, which were referred back to the applicant for amendment or declined by the SPOC, including the reason for doing so;
  - C. the number of applications submitted to an authorising individual for a decision to obtain communications data, which were approved after due consideration by the DSO and thereafter by OCDA;
  - D. the number of applications submitted to an authorising individual for a decision to obtain communications data, which were referred back to the applicant or rejected after due consideration, including the reason for doing so;
  - E. the number of authorisations of conduct to acquire communications data granted by the DSO and thereafter OCDA;
  - F. the number of authorisations to give a notice to acquire communications data granted by the DSO and thereafter OCDA;
  - G. the number of notices given pursuant to an authorisation requiring disclosure of communications data;
  - H. the priority grading of the authorisation for communications data (see Operational Prioritisation Table above);
  - I. whether any part of the authorisation relates to a person who is a member of a profession that handles privileged or otherwise confidential information (such as a medical doctor, lawyer, journalist, member of a relevant legislature, or minister of religion) (and if so, which profession);

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<sup>141</sup> **Appendix 1**

<sup>142</sup> Communications Data Code of Practice 2018 paragraph 24.4

- J. the number of times an authorisation is granted to obtain communications data in order to confirm or identify a journalist's source; and
  - K. the number of items of communications data sought, for authorisation granted by a DSO and thereafter OCDA.
236. These records should distinguish between requests considered by OCDA<sup>143</sup> and those considered by DSOs.<sup>144</sup>
237. For each item of communications data (including consequential data) included within a notice or authorisation, the relevant public authority must also keep a record of data required by the Code,<sup>145</sup> which is contained in the Council's Electronic Communications Data Centrally Retrievable Register (CRR).<sup>146</sup> If the advice of a Judicial Commissioner or OCDA has been sought prior to the acquisition of communications data that could be considered novel or contentious, the fact and views of OCDA or the Judicial Commissioner will be recorded in the CD CRR. It is the responsibility of the Senior Responsible Office to maintain this record. These records must be sent in written or electronic form to the IPC, as requested by them.

## SAFEGUARDS

### GENERAL

238. In addition to the requirements of the data protection legislation, CD held by a public authority should be treated as information with a classification marking<sup>147</sup> of Official with a caveat of Sensitive (Official Sensitive), though it may be classified as higher if appropriate.
239. Communications data acquired under the Act and all copies, extracts and summaries of it, must be held in a manner which provides an adequate level of protection for the relative sensitivity of the data and meets the data protection principles outlined in relevant data protection legislation. Data must be effectively protected against unauthorised access and use, with particular consideration given to the principles of data security and integrity. Access to communications data must be limited to the minimum number of trained individuals necessary for the authorised purposes. Individuals should be granted access only where it is required to carry out their function in relation to one of the purposes for which the public authority may acquire communications data.

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<sup>143</sup> Investigatory Powers Act 2016 Section 60A

<sup>144</sup> Investigatory Powers Act 2016 Sections 61 & 61A

<sup>145</sup> Communications Data Code of Practice 2018, paragraph 24.6

<sup>146</sup> **Appendix 9**

<sup>147</sup> Government Classification Scheme (2018)

<https://security-guidance.service.justice.gov.uk/government-classification-scheme/#government-classification-scheme>



240. The above documentation is to be provided to the SRO by hand within 7 days of grant in a double sealed envelope marked “**OFFICIAL SENSITIVE- Strictly Private & Confidential**” and/or emailed to the SRO via the designated email address.<sup>148</sup> The SRO will retain all material in a secure location with access restricted to the SRO and officer responsible for maintaining the CD Centrally Retrievable Record. The CD CRR should be retained for perpetuity.

## RETENTION

241. Communications data may only be held for as long as the relevant public authority is satisfied that it is still necessary for a statutory purpose. When it is no longer necessary or proportionate to hold such data, all copies of relevant data held by the public authority must be destroyed. Data must be deleted such that it is impossible to access at the end of the period for which it is required. If such material is retained, it should be reviewed when appropriate to confirm that the justification for its retention is still valid for one or more of the authorised purposes.

242. Records must be available for inspection by the Investigatory Powers Commissioner and for the Investigatory Powers Tribunal (IPT). Please note the IPT will consider complaints made up to one year after the conduct to which the complaint relates to and where equitable to do so, may consider complaints made more than one year after the conduct to which the complaint relates, particularly where continuing conduct is alleged. Although records are only required to be retained for at least three years, it is therefore desirable, if possible, to retain records for up to **five years**.

## NOTIFICATION

243. Where communications data is being sought from a telecommunications operator or postal operator, if the telecommunications operator or postal operator is permitted to notify the subject(s) of the fact that a request has been made for their data the relevant public authority must specify this when requesting the data. The public authority must, at the point of application, consider whether it would be damaging to investigations to notify the individual that their data will be acquired. Please note, if the CD is required for the purpose of a criminal investigation, care must be taken not to tip the subject off prior to the completion of the investigation and outside of the formal pre-interview disclosure and/or disclosure process (see below).

## NOTIFICATION OF SERIOUS ERRORS

244. If the CD is wrongly acquired or disclosed, the public authority making or establishing an error has been made must report the error to the SRO and IPC.<sup>149</sup> The criteria for the IPC to notify an individual of the error is that it is a serious error and it is in the public interest for the individual concerned to be informed of the error. If the person is informed, they must be informed of their right to apply to IPT.

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<sup>148</sup> **Appendix 1**

<sup>149</sup> Investigatory Powers Act 2016 Section 231

## NOTIFICATION IN CRIMINAL PROCEEDINGS

245. Where communications data has been acquired during the course of a criminal investigation that comes to trial, an individual will be made aware in most cases that data has been obtained. Where communications data is used to support the prosecution case it will be served as evidence on the defendant. Additionally in compliance with its disclosure obligations the prosecution will reveal the existence of communications data (and potentially the material generated in the process of it being obtained) to a defendant on a schedule of non-sensitive unused material if that data is relevant. Please see **Disclosure Duties & Obligations** for further guidance.

## COMPLIANCE & OFFENCES

246. It is an offence for a person without lawful authority to knowingly or recklessly obtain CD from a telecommunications operator or postal operator.<sup>150</sup> It is a defence to show the person acted in the reasonable belief that the person had lawful authority to obtain the CD.<sup>151</sup> The offence is triable either way and is punishable in the Magistrates' Court with a maximum term of 12 months imprisonment and a maximum of two years in the Crown Court.<sup>152</sup>

## DISCLOSURE DUTIES & OBLIGATIONS (RIPA & IPA)

247. In addition to considering document storage, retention and destruction, officers must also consider their Disclosure Duties & Obligations. The statutory framework for disclosure is Criminal Procedure & Investigations Act 1996, Criminal Procedure & Investigations Act Code of Practice,<sup>153</sup> Covert Surveillance & Property Interference Revised Code 2018,<sup>154</sup> CHIS Revised Code December 2022 and Communications Data Revised Code of Practice 2018.
248. There is a duty to record, retain and review material created and/or obtained during an investigation. The Disclosure Officer (DO) is responsible for disclosure within the investigation, their disclosure obligations begin at the start of the investigation, and it remains a continuing duty to conduct a thorough investigation and manage all material appropriately. There is also a duty to follow all reasonable lines of inquiry whether they point towards or away from a suspect.
249. Unused material is material that is **relevant** but does not form part of the prosecution case. Relevant material is ***anything that appears to have some bearing on any offence under investigation, or any person being investigated, or on the surrounding circumstances unless it is capable of having an impact on the case.***

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<sup>150</sup> Investigatory Powers Act 2016 Section 11(1)

<sup>151</sup> Investigatory Powers Act 2016 Section 11(3)

<sup>152</sup> Investigatory Powers Act 2016 Section 11(4)

<sup>153</sup> Last revised 2015

<sup>154</sup> Chapter 9

250. The DO has a duty to review unused material and compile Disclosure Schedules containing Unused Material. There are two types of Schedules of Unused Material, firstly a Schedule of **Non-Sensitive Unused Material**<sup>155</sup> which is disclosable to the defence and must be provided to the defence either as part of Initial Disclosure and thereafter subsequent schedules or updates provided to the defence. The second is the Schedule of **Sensitive Unused Material**,<sup>156</sup> which is not disclosable to the defence due to its contents.
251. In compiling the schedules, the DO must assess each item to determine if it meets the **Disclosure Test**. The Disclosure Test requires the prosecution to provide the defence copies or access to any material which might reasonably be considered capable of undermining the prosecution case and/or assisting the defence, which has not been previously disclosed.
252. RIPA & CD Authorisations, Reviews, Renewal and Cancellation forms are usually listed in the **Schedule of Sensitive Material**, as they are likely to disclose the systems and practices of the investigating authority. Directed Surveillance logs are usually listed in the **Non-Sensitive Schedule** albeit they may require redactions.
253. Once provided the relevant Schedules of Unused Material, the prosecutor has a duty to review the schedules and relevant documents, in particular the authorisation and supporting documents. If it is determined the material does not assist the defence or undermine the prosecution case, there is no requirement to disclose the material to the defence. Therefore, the Directed Surveillance or CHIS authorisation should only be disclosed to the defence (redacted if required) where it satisfies the disclosure test, or the defence has raised lawfulness of the authority.
254. *R v GS & Others*,<sup>157</sup> confirmed the validity or otherwise of surveillance authorisations goes to the lawfulness of the evidence obtained, not admissibility as Surveillance Commissioner's decisions, "shall not be subject to appeal or liable to be questioned in any court."

## RIPA & IPA OVERSIGHT

### APPROVAL OF POLICY

255. The Council's RIPA & IPA Policy and Processes is submitted to the Policy Committee for its approval.

### ANNUAL REVIEW OF POLICY

256. The Code<sup>158</sup> requires a review of the Policy at least once a year. The officer responsible for maintaining the RIPA Centrally Retrievable Record (CRR)<sup>159</sup> is also responsible for preparing an annual RIPA & IPA Report and Review of the RIPA & IPA Policy to the Audit & Governance Committee which provides members the basis to consider and review the adequacy of the Council's RIPA & IPA Policy.

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<sup>155</sup> Form MG6C

<sup>156</sup> Form MG6D

<sup>157</sup> [2005] EWCA Crim

<sup>158</sup> Directed Surveillance & Property Interference Revised Code 2018, paragraph 4.47

<sup>159</sup> **Appendix 5**

257. The Code also recommends elected members consider internal reports on the use of RIPA and CD on a regular basis, to ensure that it is being used consistently with the local authority's policy and that the policy remains fit for purpose. Accordingly, following each RIPA/IPA Bi-Annual meeting the SRO will prepare an internal report to the elected members as to the content and outcome of the meeting.

## **RIPA & IPA BI-ANNUAL MEETINGS**

258. The introduction of RIPA and IPA bi-annual meetings chaired by the SRO for all those with designated roles will ensure all relevant updates to the statutory framework and any issues which arise from the SRO's internal monitoring of the RIPA Centrally Retrievable Records will be addressed and remedied where required in a timely manner. As set out above, the SRO will prepare and submit an internal report to the elected members following the biannual meeting.

## **INTERNAL MONITORING**

259. The SRO will undertake an internal reviews and audit of the RIPA Centrally Retrievable Record (CRR) and the CD Centrally Retrievable Record not less than quarterly. The SRO will also identify any issues arising from the internal audit and raise such issues at the RIPA bi-annual meeting with AOs to address and resolve the live issues. Any urgent matters should be raised with the AO's as soon as is possible and, in any event, prior to the next meeting.

## **TRAINING**

260. All new AOs and DSOs are appointed by the SRO who will ensure all AOs and DSOs attend suitable training and refresher courses. All Council officers utilising RIPA and/or IPA must also have attended a suitable training and refresher courses. The Council now has electronic Central RIPA and IPA Training Registers to record all RIPA training for AOs, DSOs officers and lawyers.<sup>160</sup> Whilst undertaking the internal audits of the RIPA CRR, the SRO will also identify any training needs for staff and/or monitoring issues to be raised with individual AO's and/or at a RIPA & IPA bi-annual Meeting. Additionally, the SRO will provide RIPA and IPA updates/advice notes and briefings to all relevant staff when required.

## **REPORTING TO THE COMMISSIONER**

### **Reporting Errors**

261. Public authorities are expected to have thorough procedures in place to comply with RIPA, for example the careful preparation and checking of authorisations to reduce the scope for making errors. A person holding a senior position within each public authority must undertake regular reviews of errors and a written record must be made of each review. This will be undertaken by the SRO.
262. An error must be reported it is a "relevant error,"<sup>161</sup> is an error by a public authority in complying with any requirements that re imposed on it by any enactment which are subject to review by a Judicial Commissioner.

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<sup>160</sup> **Appendices 19 & 20**

<sup>161</sup> Investigatory Powers Act 2016 section 231(9)

263. Errors must be notified to the Investigatory Powers Commissioner as soon as is reasonably practicable and no later than **ten working days** after the error has been identified.<sup>162</sup> Where the full facts cannot be ascertained within that time, an initial notification must be sent with an estimated timescale for the error being reported in full and an explanation of the steps being undertaken to establish the full facts of the error.

### Serious Errors

264. IPCO is under a statutory duty<sup>163</sup> to inform the person of any relevant error relating to that person if the Commissioner considers that the error is a serious error and that it is in the public interest for the person concerned to be notified of the error. The error is deemed serious if the error has caused significant prejudice or harm to the person concerned. Factors to be considered when determining if it is in the public interest to inform the person of the error are.<sup>164</sup>

- The seriousness of the error and its effect on the person concerned;
- The extent to which disclosing the error would be contrary to the public interest or prejudicial to:
  - National security;
  - The prevention or detection of serious crime;
  - The economic well-being of the UK; or
  - The continued discharge of the functions of any of the intelligence services;

265. The Commissioner must seek submissions from the public authority before deciding whether to inform the person regarding the error. If the Commissioner decides to inform the person of a serious error, the information provided to the person must include their right to apply to IPT and provide such details of the error as the Commissioner considers to be necessary for the exercise of those rights.

### CODES OF PRACTICE

266. The Home Office publishes Codes of Practice for Covert Surveillance & Property Interference; CHIS; Communications Data and the Surveillance Camera, the links for which are contained in **Appendices**<sup>165</sup> and are located on the RIPA & IPA Hub <sup>166</sup> and are admissible in evidence in any court proceedings. Public authorities like the Council may be required to justify the use, granting or refusal of authorisations by reference to the Codes. If any officer is uncertain as to the meaning or application of any aspect of the Codes, legal advice should be obtained from the SRO<sup>167</sup>.

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<sup>162</sup> Investigatory Powers Act 2016 Section 235(6)

<sup>163</sup> Investigatory Powers Act 2016 section 231

<sup>164</sup> Covert Surveillance & Property Interference Revised Code 2018 paragraph 8.16

<sup>165</sup> **RIPA COP Appendix 12 & IPA COP Appendix 18**

<sup>166</sup> **Insert RIPA & IPA Hub link**

<sup>167</sup> **Appendix 1**

## **INVESTIGATORY POWERS COMMISSIONER'S OFFICE (IPCO)**

267. The Investigatory Powers Commissioner's Office (IPCO) is the supervisory body for RIPA & IPA and deals with the following:

- Requests for RIPA Statistical Information;
- Inspections of Local Authorities usually every 2-3 years;
- Publication of regular reports on RIPA Activity;

## **INVESTIGATORY POWERS TRIBUNAL (IPT)**

268. The IPT is an independent body with full powers to investigate and decide any case within its jurisdiction. The Tribunal has at its disposal a range of possible remedies, as wide as those available to an ordinary court which is hearing and deciding an ordinary action for the infringement of private law rights. The IPT will consider complaints made up to one year after the conduct to which the complaint relates and, where it is equitable to do so, may consider complaints made more than one year after the conduct to which the complaint relates<sup>168</sup> particularly where continuing conduct is alleged.

269. Apart from compensation, other orders that may be made by the Tribunal include:

- an order quashing or cancelling any warrant or authorisation; and
- an order requiring the destruction of any records of information which (i) have been obtained in exercise of any power conferred by a warrant or authorisation; or (ii) are held by any public authority in relation to any person.

270. Any action unlawful covert surveillance or the acquisition of CD may have financial and reputational implications for the Council as well as affect its ability to utilise RIPA (see *Gary Davies v British Transport Police* (IPT/17/93/H)).

271. As to costs, unlike Rule 10 of the Tribunal Procedure (First-Tier Tribunal) General Regulatory Chamber Rules 2009 (SI No.1976) there is no express power to award costs in Section 67(7) of RIPA, nor in the Rules. The Tribunal has only awarded costs on one occasion (*Chatwani & Others v the National Crime Agency*).

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<sup>168</sup> see section 67(5) of the Act



## MISCELLANEOUS

### POLICY REVISION HISTORY

REVISION	REVISION DATE
1	
2	
3	July 2019
4	October 2022
5	October 2023
6	
7	

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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