

Notice of Meeting

Communities Select Committee

**Date & time**

Tuesday, 7
November 2017 at
10.00 am

Place

Ashcombe Suite,
County Hall, Kingston
upon Thames, Surrey
KT1 2DN

Contact

Andy Baird, Democratic
Services Officer -
andrew.baird@surreycc.gov.uk
Room 122, County Hall
Tel 020 8541 7609

Chief Executive

Julie Fisher

If you would like a copy of this agenda or the attached papers in another format, eg large print or braille, or another language please either call 020 8541 9122, write to Democratic Services, Room 122, County Hall, Penrhyn Road, Kingston upon Thames, Surrey KT1 2DN, Minicom 020 8541 8914, fax 020 8541 9009, or email .

This meeting will be held in public. If you would like to attend and you have any special requirements, please contact Andy Baird, Democratic Services Officer - andrew.baird@surreycc.gov.uk on 020 8541 7609.

Elected Members

Rachael I. Lake (Chairman), Mr Saj Hussain (Vice-Chairman), Mr Bob Gardner, Mr David Goodwin, Miss Alison Griffiths, Mr Richard Hampson, Miss Marisa Heath, Mrs Jan Mason, Mr Cameron McIntosh, Mrs Lesley Steeds, Ms Barbara Thomson and Mr Keith Witham

TERMS OF REFERENCE

The Committee is responsible for the following areas:

Community Safety	Crime Disorder and Reduction
Relations with the Police	Fire and Rescue Service
Cultural Services	Library Services
Major Cultural and Community Events	Heritage
Arts	Citizenship
Registration	Sport
Volunteering and Voluntary Sector Relations	Customer Services
Localism	Trading Standards and Environmental Health
Community Engagement	

AGENDA

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

2 MINUTES OF THE PREVIOUS MEETING: 7 SEPTEMBER 2017

(Pages 1
- 6)

To agree the minutes of the previous meeting as a true and accurate record of proceedings.

3 DECLARATIONS OF INTEREST

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter:

- I. Any disclosable pecuniary interests and / or
- II. Other interests arising under the Code of Conduct in respect of any item(s) of business being considered at this meeting

NOTES:

- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest
- As well as an interest of the Member, this includes any interest, of which the Member is aware, that relates to the Member's spouse or civil partner (or any person with whom the Member is living as a spouse or civil partner)
- Members with a significant personal interest may participate in the discussion and vote on that matter unless that interest could be reasonably regarded as prejudicial.

4 QUESTIONS AND PETITIONS

To receive any questions or petitions.

Notes:

1. The deadline for Member's questions is 12.00pm four working days before the meeting (*1 November 2017*).
2. The deadline for public questions is seven days before the meeting (*31 October 2017*)
3. The deadline for petitions was 14 days before the meeting, and no petitions have been received.

5 REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) UPDATE 2017/18

(Pages 7
- 26)

Purpose of report:

To review the County Council's use of the Regulation of Investigatory Powers Act 2000 (RIPA) and to outline proposed updates to the existing

corporate RIPA policy. The proposed updates include a section on social media and the use of online selling platforms as well as a change to Surrey County Council's Senior Responsible Officer (SRO) for RIPA.

6 SURREY PERFORMING ARTS LIBRARY - OPTIONS FOR THE FUTURE (Pages 27 - 48)

Purpose of the report:

To provide the Communities Select Committee with a briefing on Surrey Performing Arts Library; the context of Medium Term Financial Plan savings; and options being considered for the future operation of the Library.

7 RECOMMENDATIONS TRACKER AND FORWARD WORK PROGRAMME (Pages 49 - 50)

The Committee is asked to review and approve the Forward Work Programme and Recommendations Tracker and provide comment as required.

8 DATE OF THE NEXT MEETING

The next public meeting of the committee will be held on Thursday 8 February in the Ashcome Suite at County Hall.

Julie Fisher
Acting Chief Executive
Published: Monday, 30 October 2017

MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE

Those attending for the purpose of reporting on the meeting may use social media or mobile devices in silent mode to send electronic messages about the progress of the public parts of the meeting. To support this, County Hall has wifi available for visitors – please ask at reception for details.

Anyone is permitted to film, record or take photographs at council meetings with the Chairman's consent. Please liaise with the council officer listed in the agenda prior to the start of the meeting so that the Chairman can grant permission and those attending the meeting can be made aware of any filming taking place.

Use of mobile devices, including for the purpose of recording or filming a meeting, is subject to no interruptions, distractions or interference being caused to the PA or Induction Loop systems, or any general disturbance to proceedings. The Chairman may ask for mobile devices to be switched off in these circumstances.

It is requested that if you are not using your mobile device for any of the activities outlined above, it be switched off or placed in silent mode during the meeting to prevent interruptions and interference with PA and Induction Loop systems.

Thank you for your co-operation

This page is intentionally left blank

MINUTES of the meeting of the **COMMUNITIES SELECT COMMITTEE** held at 10.00 am on 7 September 2017 at Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN.

These minutes are subject to confirmation by the Committee at its meeting on Tuesday, 7 November 2017.

Elected Members:

- * Rachael I. Lake (Chairman)
- Mr Saj Hussain (Vice-Chairman)
- * Mr Bob Gardner
- * Mr David Goodwin
- * Miss Alison Griffiths
- * Mr Richard Hampson
- * Miss Marisa Heath
- * Mrs Jan Mason
- * Mr Cameron McIntosh
- * Mrs Lesley Steeds
- Ms Barbara Thomson
- * Mr Keith Witham

* = In attendance

In attendance

Steve Burnell, Surrey Fire and Rescue Service Group Commander
Ann Charlton, Director of Legal, Democratic and Cultural Services
Denise Turner-Stewart, Cabinet Member for Communities

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies were received from Barbara Thomson and Saj Hussain. Richard Wilson substituted for Barbara Thomson.

2 MINUTES OF THE RESIDENT EXPERIENCE BOARD MEETING: 9 MARCH 2017 [Item 2]

The minutes from the previous meeting (formerly the Resident Experience Board), 9 March 2017 were agreed as a true and accurate record.

3 DECLARATIONS OF INTEREST [Item 3]

None were received.

4 QUESTIONS AND PETITIONS [Item 4]

None were received.

5 TRANSFER OF EMPLOYMENT OF CORONER'S OFFICERS AND SOME SUPPORT STAFF FROM SURREY POLICE TO SURREY COUNTY COUNCIL [Item 5]

Witnesses:

Ann Charlton, Director of Legal, Democratic and Cultural Services

Declarations of interest:

None

Key points raised during the discussion:

1. Members of the Communities Select Committee expressed concern regarding the costs proposed for transferring staff from the employment of Surrey Police to Surrey County Council (SCC) as outlined in the report. Officers advised that extensive negotiations had taken place with Surrey Police to reach the five year phased withdrawal plan. It was acknowledged that SCC would be taking on additional costs of £1.22m over the next five years and then £610k per annum on top of existing budgetary pressures arising from the transfer of staff but that the Council had a duty to provide a Coroner's Service.
2. Members suggested that a one off capital contribution of £50k from Surrey Police towards procuring a new IT system for the Coroner's Service may not be sufficient to cover the costs of the new system. Officers informed the Committee that Case Management Systems, which the Council was seeking to procure for the Coroner's Service, were less complex IT systems and so the cost associated with procuring these was lower than for other types of software.

3. The Committee was advised that due to the current financial climate, SCC's IT & Digital Team would assume responsibility for providing and maintaining IT for the Coroner's Service following the transfer. Members stressed that the financial implications should be reviewed to factor in IT costs.
4. It was noted that the Council's responsibilities were governed under the Coroners and Justice Act 2009, which states that the Council was required to meet all the costs of the Coroner's Service including body removal, post mortems and toxicology reports.
5. Members highlighted that the report made no reference to administration or location of staff following transfer over to SCC's employment. The Committee was informed that these were not mentioned in the report as staff would continue to operate from their existing offices situated in Woking. The Select Committee noted that administration staff within the Service were seconded in from Surrey Police and officers acknowledged that a review of working arrangements to provide a more stable staff environment.

Recommendations:

- a) The Committee has considered and endorses this proposal to Cabinet, with concern with the additional financial pressure it will bring.
- b) The committee acknowledges and also expresses concern that this is an additional statutory function for the Council to fund.

6 VERBAL UPDATE ON THE IMPLICATIONS OF THE GRENFELL TOWER DISASTER [Item 6]

Witnesses:

Steve Burnell, Surrey Fire and Rescue Service Group Commander

Declarations of interest:

None

Key points raised during the discussion:

1. The Committee received a presentation from the Surrey Fire and Rescue Service on the implications of the Grenfell Tower disaster, providing members with an information update on SFRS support and response as a result of this tragedy.
2. Using Gibson Court in Hinchley Wood as an example, officers explained how SFRS had contributed to improvements in fire safety in large residential buildings. Gibson Court was destroyed by fire in 2011 but was rebuilt with advice from SFRS. Once the building was finished SFRS also assessed the building to ensure that it could be occupied safely.

3. The Officer explained that Fire Safety Orders did not permit fire and rescue services to enforce fire safety in private dwellings although Community Safety teams did provide engagement and influence in this area.
4. Members requested further information on the processes in place for relinquishing control of a scene once the fire had been extinguished. They were informed that fire officers would remain on site until handover where there was a potential danger and risk to the public. Extending this period was difficult as SFRS had to be ready to respond to other emergencies.
5. Officers stated that buildings were classed as high rise if they were over 18metres tall or if they had more six floors or more. At the time of the meeting, there were 83 high rise buildings in Surrey. It was further stated that SFRS had vehicles capable of reaching 43 metres to tackle a blaze and that Surrey had one of the highest firefighting platforms nationally.
6. Discussions turned to the issue of compartmentation where buildings are sub-divided by design in order to restrict the spread of fire. Members expressed concern that there was lack of awareness about compartmentation. Officers acknowledged that compartmentation was complex but assured the Committee that compartmentation was well-known within the construction industry. SFRS would, however, add informative material to their website in order to provide additional information to the public on compartmentation. The Committee was further informed that the Regulatory Fire Safety Order places a duty on owners to carry out a risk assessment of their building/premises, including compartmentation, and to act on any issues identified within the risk assessment.
7. Members asked whether SFRS had experienced an increase in call outs involving white goods. Officers advised the Committee that this was not the case any misconception relating to this was caused by social media, publicising stories highlighting stories on white goods causing fires.
8. It was noted that significant work was taking place within SFRS to promote the installation of sprinklers within a private dwelling as a means of reducing fatalities arising from fires. There was no requirement on home owners to have fire extinguishers or blankets located within their property.
9. Members registered concerns in regard to the 'stay put' policy and queried which buildings this applied to in Surrey. It was noted that this information could be found on SFRS's website and the service were open to having discussions with occupiers how to plan going forward.

Recommendations:

The Committee notes the update and reports accordingly to the Overview and Budget Scrutiny Committee.

**7 SURREY FIRE & RESCUE SERVICE MEMBER REFERENCE GROUP
SCOPING AND TERMS OF REFERENCE [Item 7]**

Key points raised during the discussion:

1. The Committee agreed the terms of reference for the Surrey Fire and Rescue Service Member Reference Group.
2. The Committee supported the appointment of the following members to the Surrey Fire and Recuse Service Member Reference Group,
 - Cllr Saj Hussain (Chair)
 - Cllr Bob Gardner
 - Cllr Cllr Keith Witham
 - Cllr Alison Griffiths
3. It was noted that the Overview and Budget Select Committee would review and approve the terms of reference for the Surrey Fire and Rescue Service Member Reference Group at its meeting on Thursday 14 September 2017.

Recommendations:

The Communities Select Committee:

- a) approved the draft Terms of Reference for the Surrey Fire & Rescue Service Integrated Risk Management Plan Member Reference Group;
- b) agreed the Membership of the Surrey Fire & Rescue Service Integrated Risk Management Plan Member Reference Group; and
- c) agreed to submit the Terms of Reference to the Overview and Budget Scrutiny Committee for approval.

8 FORWARD WORK PROGRAMME [Item 8]

Key points raised during the discussion:

1. It was noted a user service was being launched regarding Surrey Performing Arts Library. Members suggested that once this survey had closed the Committee should receive a report on its outcome.

Recommendations:

None

9 DATE OF THE NEXT MEETING: THURSDAY 7 NOVEMBER 2017 [Item 9]

The next full meeting will be held on Tuesday 7 November 2017, in the Ashcombe Suite County Hall.

Meeting ended at: 12.09 pm

Chairman

This page is intentionally left blank

**SURREY**

Communities Select Committee

DATE: Tuesday 7 November

TITLE: Regulation of Investigatory Powers Act 2000 (RIPA) Update 2017/18

Purpose of report:

To review the County Council's use of the Regulation of Investigatory Powers Act 2000 (RIPA) and to outline proposed updates to the existing corporate RIPA policy. The proposed updates include a section on social media and the use of online selling platforms as well as a change to Surrey County Council's Senior Responsible Officer (SRO) for RIPA.

Introduction:

1. Surrey County Council's (SCC) Corporate Policy on the use of RIPA, as agreed by Cabinet, includes a scrutiny role for the Communities Select Committee which oversees the use of RIPA by the Authority.
2. This report provides a summary of how RIPA has been utilised over the previous financial year in order to tackle crime and protect local residents from harm. The report also outlines updates which have been made to SCC's Corporate Policy on the use of RIPA in particular to reflect the growing use of social media as a sales platform.
3. RIPA sets out a regulatory framework for the use of covert investigatory techniques by public authorities. RIPA does not provide powers to carry out covert activities. If such activities are conducted by Council officers then RIPA regulates them in a manner that is compatible with the European Convention on Human Rights, particularly Article 8-the right to respect for private and family life. Central Government guidance about RIPA for Local Authorities can be found at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118173/local-authority-england-wales.pdf
4. Use of RIPA techniques (detailed below) have to be agreed internally by an authorising officer or a designated person within the Council. They can only be used where it is considered necessary and proportionate and any authorisation must be approved at court by a Justice of the Peace.

Background:

5. Local Authority Trading Standards Services conduct criminal investigations into a wide range of activities bringing criminals to justice whilst protecting local communities and legitimate businesses.
6. The Human Rights Act (HRA) 1998 came into force in October 2000, enshrining the principle of the rights in respect of private and family life, and that there should be no interference by a public authority except in accordance with the law.
7. During criminal investigations it is sometimes necessary to interfere with an individual's right to privacy, for example, by carrying out surveillance activity covertly or by tracing the subscriber of a telephone number used in connection with a crime.
8. RIPA allows such activities to continue and properly regulates such investigative activity.
9. The use of RIPA is included within existing Corporate Governance Policies and the Policy Custodian on behalf of SCC is Trevor Pugh, Strategic Director for Environment and Infrastructure. Trevor Pugh is the newly appointed Senior Responsible Officer.

What types of activities can be authorised?

10. Three different types of activity can be authorised. These are:
 - **Communication Data Checks** – used to obtain subscriber and billing details. This **does not** include the ability to “bug” or otherwise monitor calls and their content or open emails.
 - **Directed Surveillance** - covert targeted monitoring of an individual. Used in situations such as age restricted test purchase exercises. This **does not** include ‘intrusive surveillance’ i.e. an individual’s private residence or vehicle.
 - **Covert Human Intelligence Sources (CHIS)**, using or tasking individuals who establish or maintain a relationship with another person for a covert purpose e.g. using a profile on social media for the purpose of posing as a potential customer to investigate the sale of illicit goods over the internet.
11. In all cases, after less intrusive approaches have been considered, the activity authorised must be necessary and proportionate to the nature of the criminal offence under investigation. The offences under investigation must also either;
 - meet the ‘serious crime threshold’ being offences that attract a maximum custodial sentence of six months (or more) or,

- be those that relate to underage sales of alcohol or tobacco for directed surveillance only.
12. All applications for authorisations are initially scrutinised by the accredited RIPA Single Point of Contact (SPoC) or in-house senior legal officers, then the National Anti-Fraud Network (NAFN) in the case of communications data, before being passed to the Community Protection Manager or Policy and Operations Manager to authorise. The authorised application is then presented in private to a Justice of the Peace by a senior legal officer.
13. The Protection of Freedoms Act 2012 came into force on 31 October 2013. This requires RIPA authorisations to undergo judicial review with a magistrate approving a RIPA application only if satisfied that it:
- is necessary for the prevention and detection of crime or prevention of disorder;
 - is proportionate in human rights terms to what it seeks to achieve;
 - has been authorised by a person in the authority at the level designated in RIPA;
 - meets any other restriction imposed by order (e.g. serious crime threshold); and
 - in the case of a CHIS, sets out that the relevant procedures and supporting officers are in place to protect the welfare and safety of the CHIS.
14. All authorisations must be fully recorded and are subject to regular external oversight. There are two external inspecting bodies and both report to Parliament who also conduct audit visits and require annual returns of use.
- **The Office of Surveillance Commissioners (OSC)** - looks at how public authorities make use of authorisations in relation to Directed Surveillance and Covert Human Intelligence Sources.
 - **Interception of Communications Commissioner's Office (IOCCO)** - looks at how public authorities make use of authorisations to seek communications data.
 - **Cabinet Member for Communities** – receives quarterly and annual reports on use of RIPA.

Review of local authority use of RIPA 2016/17

15. During 2016/17 a total of three RIPA authorisations were granted. For comparison purposes, the figures for three previous years are also given. These figures demonstrate that the usage of RIPA is relatively low reflecting the Service's move to a genuinely intelligence led service and an adherence to the principles enshrined in the HRA of using RIPA only where absolutely necessary.

	2013/14	2014/15	2015/16	2016/17
Communications Data Authorisations	1	0	1	3
Directed Surveillance Authorisations	4	3	5	0
CHIS Authorisations	0	0	0	0

Details of communications authorisations:

16. The first communication check was used to ascertain the identity of persons responsible for companies acting fraudulently in the advertisement of conservatory work. The number was identified as a pay as you go number (PAYG) and no further lines of enquiry were required and the authorisation was therefore cancelled.
17. The second communication check was used to ascertain the identity of cold caller/person responsible for the company which acted fraudulently in the advertisement and conducting of roofing work. PAYG information was received and no further lines of enquiry were required and therefore the authorisation was cancelled.
18. The third communication check was used to ascertain the identity of a person responsible for possible Consumer Protection from Unfair Trading Regulatory offences and money laundering offences for gardening work and criminal damage. Information was received that the number was registered to an individual who had already been identified and interviewed as a suspect. The investigation was subsequently closed and the authorisation cancelled.

<p>Updating the Policy - Social Media and Online Selling Platforms and new Senior Responsible Officer</p>

19. In this changing marketplace, Trading Standards are often investigating offences where the traders and individuals have used online media as sales platforms. To bring the Corporate Policy up to date officers have included reference to the use of social media. It also includes reference to the new SRO, Trevor Pugh.
20. Attached to this report as Annex 1 is the proposed new version of the Corporate Policy with the addition in paragraph 12 that provides guidance about how RIPA applies to the surveillance of social media and online selling platforms.

<p>Conclusions:</p>

21. The only use of RIPA by the Council over the past year has been by Trading Standards.
22. The use of RIPA enables the Local Authority to detect and prevent crime and protect Surrey communities and businesses.

23. Authorisations have been made and considered appropriately and all have received judicial approval.

Financial and value for money implications

24. The use of RIPA in the ways outlined above provides protection from any legal claims in relation to alleged breaches of the Human Rights Act.

Equalities implications

25. Many rogue traders deliberately target elderly and vulnerable people. The investigative techniques covered by RIPA are often used in these crimes to help identify and locate such criminals. Therefore the Trading Standards Service can continue to effectively protect the most vulnerable people in Surrey's communities. Any decision to use techniques covered by RIPA are made against standard criteria and are not influenced by ethnicity, race or other factors. The process also requires that consideration be given to any local community influences or sensitivities.

Risk management implications

26. The use of RIPA in the ways outlined above provides protection from any legal claims in relation to alleged breaches of the Human Rights Act.

Implications for the Council's Priorities or Community Strategy/Local Area Agreement Targets

27. The use of RIPA enables the Council to undertake criminal investigations which help protect vulnerable people, local communities and legitimate business.

Recommendations:

It is recommended that the Communities Select Committee:

- i. considers the use of RIPA by Surrey County Council during 2016 -17 by scrutinising the above summary; and
- ii. supports the proposed additions to the Corporate Policy.

Next steps:

The views of the Select Committee will be used to inform Cabinet when it considers the final sign off for the updated Corporate Policy in November 2017.

Report contact:

Steve Ruddy – Trading Standards Head of Service

Contact details:

01372 371730

steve.ruddy@bucksandsurreytradingstandards.gov.uk

Annexes:

Annex 1 – Social Media and Online Platform RIPA policy

Sources/background papers:

None

SURREY COUNTY COUNCIL

POLICY & PROTOCOL

ON THE REGULATION OF INVESTIGATORY POWERS ACT 2000

&

THE PROTECTION OF FREEDOMS ACT 2012

**Including Directed Surveillance, use
of Covert Human Intelligence
sources and the Acquisition of
Communications Data**

Scope

This Protocol applies to Directed Surveillance, Covert Human Intelligence Sources and the Acquisition of Communications Data undertaken by officers of Surrey County Council.

Human Right Act principles and the Regulation of Investigatory Powers Act 2000

The Human Rights Act 1998 (HRA) came into force in October 2000. One of the principles enshrined in the Act is that everyone has the right to respect for their privacy and family life, home and correspondence and that there should be no interference by a public authority except in accordance with the law. The HRA recognises however that there are circumstances in a democratic society where it may be necessary for the State (which includes a range of public authorities of which Surrey County Council is one) to interfere with these rights. The Regulation of Investigatory Powers Act 2000 (RIPA) make provision for public authorities to carry out certain forms of surveillance and use covert human intelligence sources in the course of investigations but this can only be done in accordance with certain principles and for local authorities for the **prevention of disorder or the prevention/detection of crime.**

There is a duty on the Council to act in a way that is compatible with the individual's rights and failure to do so may enable a person to seek damages against the Council or to use our failure as a defence in any proceedings that we may bring against them.

To be able to justify any interference with the right to respect for an individual's privacy under the HRA, the Council needs to demonstrate that any interference is not only for one the prevention or detection of crime, but is also:

- **lawful**
- **necessary** for the purposes of the investigation and
- **proportionate** to what we want to achieve

The Protection of Freedoms Act 2012 has introduced two significant changes to the use of RIPA

1) All local authority authorisations to use RIPA can only be given effect once an order approving the authorisation is given by a Justice of the Peace.

2) Applications for directed surveillance by local authorities must first meet the 'directed surveillance crime threshold'. Directed surveillance may only be authorised to prevent or detect criminal offences that;

- Are punishable by a maximum term of at least 6 months imprisonment, or,
- Are related to the sale of alcohol or tobacco to underage persons.

In cases of conflict between the Policy or Reference Guide and relevant statutes or the statutory Code of Practice, the statute or statutory Code shall prevail.

Directed Surveillance

Directed surveillance is sometimes needed in an investigation, but is likely to be regarded as an intrusion into an individual's privacy and a possible breach of his/her human rights. RIPA has been enacted to protect public authorities from challenge on the basis of a breach of human rights. For this reason, the terms on which directed surveillance may lawfully be undertaken, and the Council protected, have been explicitly set out in the RIPA and a statutory

Code of Practice. Consideration must also be given to the requirements of the Data Protection Act and Criminal Procedure and Investigations Act 1996 in respect of the subsequent retention, use and storage of data or information obtained.

Where directed surveillance is considered appropriate, it is necessary for it to be **formally authorised**. This applies whether the surveillance is to be undertaken by Council Officers or by an outside agency acting on the Council's behalf. Authorising officers will need to satisfy themselves that a defensible case can be made for the directed surveillance activity.

RIPA applies controls on "directed surveillance" and "intrusive surveillance". The Council can only authorise directed surveillance (as defined later in this document) and **cannot** "bug" properties or individuals.

Covert Human Intelligence Source (CHIS)

In a few investigations it is necessary and appropriate to use a human source that provides information in confidence and may also involve seeking information from a party who does not know that the information will be given to the investigator. The procedures set out in this document are intended to maintain safety, integrity and compliance with legislation by strictly controlling and regulating the relationship between the Council and a human intelligence source.

A Council officer who:

- establishes a relationship with another person to obtain information (without disclosing that purpose), or
- encourages a third party to establish or use a relationship with someone to obtain information, and to pass it on without that person's knowledge

is acting as (or directing) a "covert human intelligence source" often referred to as undercover officers or the use of informants. Such activity may also breach an individual's human rights and is therefore controlled by RIPA. The use of an "informant" that has been tasked to obtain information can be particularly involved and should only be used in special circumstances. The use of any human intelligence source must always be **formally authorised**.

Acquisition of Communications Data

The Council **cannot** obtain the content of phone calls, e-mails or postal communication. They can obtain the subscriber and billing details and where necessary the called and received numbers. Such activity would also breach an individual's human rights and is therefore strictly controlled and is required to be **formally authorised**. The authorisation process must comply with an approved Code of Practice and be carried out by specialist trained Officers. Consideration must also be given to the requirements of the Data Protection Act in respect of the subsequent retention, use and storage of data or information obtained.

Surrey County Council Policy on the use of Surveillance and the Acquisition of Communication Data

In carrying out investigations into the alleged illegal activities of individuals and organisations, the Council will seek to ensure that any interference with the rights of any person is lawful, necessary and proportionate to the objectives of the investigation. In particular, the Council recognises that any use of covert surveillance by its staff (and others acting on its behalf) should be in accordance with the requirements of the Regulation of Investigatory Powers Act 2000 (as amended) and any statutory Code of Practice. Also, that the acquisition of communications data will be in accordance with the requirements of that Act and in addition the Regulation of Investigatory Powers (Communications Data) Order 2000 (as amended) and the statutory Codes of Practice.

To ensure compliance with the above, the Council has formally adopted and published this policy and guidance for officers.

Service Managers are required to ensure that officers and services act in compliance with this policy and guidance.

1 Reference Guide to procedures

- 1.1 This Reference Guide sets out the Council's procedures for the authorisation and conduct of covert surveillance operations, covert human intelligence sources and the obtaining of communications data. It provides a brief summary of the main requirements of relevant law and the Statutory Code of Practice.
- 1.2 The Guide is an aide for clarification and is not a substitute for the legislation or the Code itself, which must be regarded as the definitive reference material.
- 1.3 The Trading Standards service takes the lead for the County Council in relation to RIPA and the central file of authorisations is retained by the Head of Trading Standards who has the role of corporate RIPA Monitoring Officer.
- 1.4 All authorisations, reviews, renewals and cancellations, in their original form, must be submitted to the RIPA Monitoring Officer as soon as possible after they are granted, and a copy retained by the submitting service. The RIPA Monitoring Officer will retain all such documentation in a RIPA file. The RIPA Monitoring Officer is responsible for central quality control of all RIPA authorisations and documentation and should review each on receipt. He should ensure that all reviews and cancellations are carried out within any time limits set. The RIPA Monitoring Officer is responsible for ensuring that all authorising officers are adequately trained and that there is an effective policy for the heightening of RIPA awareness throughout the Council.
- 1.5 Where services other than Trading Standards wish to seek authorisation for activities covered by RIPA they must seek guidance from Legal Services or from the Trading Standards Service

- 1.6 The Council scheme of delegation identifies those posts which are able to authorise Directed Surveillance, the use of Covert Human Intelligence Sources (CHIS) and applications for Communications Data. Those posts are highlighted in paragraph 4.2. No other officers may authorise these activities.

2 What is “surveillance”?

- 2.1 Surveillance includes monitoring, observing or listening to persons, their movements, their conversations or their other activities.
(NB surveillance does not necessarily involve the use of devices like binoculars, tape recorders or cameras.)
- 2.2 RIPA applies controls on “**directed surveillance**” and “**intrusive surveillance**”. **The Council can only authorise directed surveillance.**

3. What is “Directed Surveillance”?

- 3.1 Surveillance will be “directed surveillance” if it is:
- covert (i.e. intended to be carried out without the person knowing); and
 - undertaken for a specific operation (as opposed to, for example, routine CCTV surveillance of an area); and
 - carried out in such a way as to make it likely that private information will be obtained about any person (NB: not necessarily the person ‘targeted’).
 - Targeted use of electronic surveillance. Such as;
 - ANPR (Automatic Number Plate Recognition), which can be used in conjunction with CCTV systems to track the movements of a vehicle by reference to the number plate.
 - Social Media, which can be used to interact with, record or monitor information about a person.
- 3.2 “Private information” includes any information relating to a person’s private or family life. This phrase should be interpreted widely, and considered to include all manner of personal information including personal telephone calls made from work and business matters which are not intended to be public.
- 3.3 Secretly recording anything overtly observed or heard will be considered covert surveillance, e.g. secretly recording a phone call you made or receive.
- 3.4 Surveillance will not be covert (and will therefore be outside the definition of “directed surveillance” and not require RIPA authorisation) if the subject has been warned of it. Surveillance by CCTV (fixed or mobile) will not be covert if there is adequate signage and it is not used to target an individual.
- 3.5 Surveillance carried out in or into residential premises or any private vehicle, is called “**intrusive surveillance**” and **local authorities cannot authorise such surveillance.**
- 3.6 Special rules apply to the interception of communications. The Council is not permitted to intercept private mail or communications. Nor are they allowed

to covertly monitor phone calls, emails, etc during the course of transmission (or to covertly record them during transmission for possible subsequent monitoring). Unless it is doing so under the separate provisions of the Telecommunications (Lawful Business Practice)(Interception of Communications) Regulations 2000.

- 3.7 All applications, authorisations, reviews and renewals require a consideration of proportionality and necessity. In considering these concepts regard should be made to each of the following:

Necessity: Whether the proposed covert surveillance is necessary for the purposes of preventing or detecting crime or preventing disorder and why it is necessary to use covert surveillance in the operation under consideration.

Proportionality:

- A. Is the proposed covert surveillance proportional to the mischief being investigated.
 B. Is the proposed covert surveillance proportional to the anticipated intrusion on the target and others.
 C. Have other overt means of acquiring the evidence been considered and discounted.

4 The authorisation process for Directed Surveillance under RIPA

- 4.1 Directed surveillance may only be undertaken with proper authorisation, which will ensure that the principles of **legality, necessity and proportionality** are properly considered.

Applications for directed surveillance only must first meet the 'directed surveillance crime threshold'. Directed surveillance may only be authorised to prevent or detect criminal offences that;

- Are punishable by a maximum term of at least 6 months imprisonment, or,
- Are related to the sale of alcohol or tobacco to underage persons.

Before surveillance may be carried out, the Investigating Officer must:

- complete an application form seeking authorisation
- obtain signed authorisation on that form from a designated authorising officer.

Once this is complete the application and accompanying paperwork must be prepared and presented for **judicial approval** by a **Justice of the Peace (JP)**. The JP **must be satisfied** that on the papers submitted that the **application is legal, necessary and proportionate**. This presentation will be made in private by one of the Senior Legal Officers within the Trading Standards service, or a similarly experienced officer.

- 4.2 The County Council authorises the following designated senior officers to authorise surveillance. These Officers hold a role or rank as specified in the

Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003.

Head of Trading Standards
Assistant Head of Trading Standards
Policy and Operations Manager

Where an authorisation may involve a “vulnerable” or juvenile source, RIPA requires that the authorisation must come from the Chief Executive or in his / her absence a Strategic Director. The local authority has not in the past made any such authorisation and it is extremely unlikely to need to do so in the future. In any such event legal advice must be obtained with reference to the legislation and Codes of Practice.

- 4.3 In all cases, authorising officers must be suitably trained and competent and where appropriate operations must be risk assessed.

5 Surveillance that might involve collateral intrusion

- 5.1 Collateral intrusion is where a third party’s privacy is infringed (e.g. where in monitoring the target individual an officer also observes, records or photographs one or more innocent third parties, this could be considered “collateral intrusion”).
- 5.2 Where authorisation for surveillance is requested, the authorising officer will, amongst other things, have to be satisfied that the risks of collateral intrusion have been considered and minimised and that any intrusion into privacy that may still occur is proportionate to what is sought to be achieved by the surveillance.
- 5.3 Accordingly, investigating officers will need to consider the potential for collateral intrusion in identifying possible locations for surveillance.
- 5.4 If directed surveillance unexpectedly gives rise to intrusion into a third party's privacy, the investigating officer should bring this to the attention of the Authorising Officer, so that the continuation of the authority can be reviewed and the decision recorded. If the collateral intrusion renders the surveillance disproportionate, then the authority should be cancelled and a new application made, if appropriate.
- 5.5 In the unlikely event of collateral intrusion, it will be dealt with in accordance with statutory and internal policies and procedures.

6 Surveillance where it is likely that ‘confidential material’ will be obtained

- 6.1 Confidential information consists of matters subject to legal privilege, confidential personal information or confidential journalistic material as defined within sections 98 to 100 of the Police Act 1997.

- 6.2 Confidential information includes people's communications with their solicitor or minister of religion, journalistic material, medical records, communications between a Member of Parliament and another on constituency matters, and other matters which have particular sensitivity or where one would expect a particularly high level of privacy.
- 6.3 If, exceptionally, an investigating officer thinks that confidential information as detailed within paragraph 6.1 and 6.2 may be obtained in the course of conducting surveillance, then authorisation must be obtained from the most senior officers, namely Chief Executive or (in his absence) Strategic Director. The local authority has not needed to do this previously and is unlikely to do so in the future. However the Office of Surveillance Commissioners has asked that provision for this be included in any corporate policy.
- 6.4 In all cases, authorising officers must be suitably trained and competent.

7 Authorisations for Surveillance Time Limits

- 7.1 Written authorisation for directed surveillance is valid for three months, but must be reviewed by the authorising officer at least every month. The authorising officer should complete the review form after carrying out the review.
- 7.2 If it is necessary to continue the surveillance for longer than three months, an application for the renewal of authorisation for surveillance must be made on a renewal form before the authorisation ceases to have effect. A renewal will have effect for three months immediately following the expiry of the previous authorisation. The process for renewing an authorisation is identical in all respects to that of an initial application.

8 Cancellation of Authorisation of Surveillance

- 8.1 At the end of any surveillance that has been carried out, the authorising officer must complete cancellation form to cancel the authorisation for surveillance and in any event do so before the expiry of any authorisation or subsequent renewal.

9 Officers Keeping and Destroying Records of Surveillance

- 9.1 All investigating officers have a legal obligation under the Criminal Procedure and Investigations Act 1996 to keep full and accurate records of criminal investigations. This would include all RIPA documentation and the results of the surveillance undertaken. In many circumstances there are legal obligations to disclose anything relevant to an affected party, and we may also have to demonstrate fairness and propriety to a court or tribunal reviewing what we have done.
- 9.2 Copies of authorisations, renewals and cancellations given should be retained on the investigation file and investigating officers must record:

- an account of events observed and/or conversations overheard (preferably in an official notebook)
 - a full account of any surveillance which has taken place in or on a private place (permitted only in order to maintain contact with a moving target or to assess whether the target has been lost)
 - reasons for, and the nature of, any inadvertent intrusion in or into a private place, and the results
 - reasons for selecting a specific target if authorised only for general observations
 - all records shall be kept in a safe and secure manner
- 9.3 A record of authorisations granted (copies of all the forms involved) must be kept in a safe and secure manner. The Trading Standards Service retains the central file of all authorisations and a copy of every authorisation granted needs to be forwarded to Trading Standards together with copies of any associated, reviews, renewals and cancellations.
- 9.4 Ultimately, all material gathered by surveillance must be destroyed in accordance with best practice and data retention policy (treat as confidential waste). Where a case goes to court, the material should be retained until there is no longer any prospect of any appeal against the court's decision (or, if a sentence of imprisonment is ordered in a criminal case, until the defendant has served the sentence). Should no action ultimately be taken in any case, surveillance material should be destroyed forthwith. Data Protection Act requires that data is not kept longer than necessary.

10 Acquisition of Communications Data under RIPA

- 10.1 There are circumstances when communications data is permitted to be obtained from Communications Service Providers (CSPs). Communications data **does not** include the content of any communication, but is information about the circumstances in which a communication has been sent, this applies to postal, telephone and Internet services.
- 10.2 RIPA defines the three types of communications data that can be obtained from the CSPs: subscriber information e.g. names and addresses of people to whom services are provided; service use information e.g. itemised telephone billing records; and traffic data e.g. information identifying the location from or to which a communication has been made. The local authority can only seek subscriber data and service use information but **NOT** traffic data. More practical guidance on the process and procedure for making Communications data checks is available directly from Trading Standards.
- 10.3 The authorisation process must comply with the approved Code of Practice and includes completion of all the necessary Forms. The principles outlined in Section 4, 5, & 6 all apply. The County Council has designated specific officers/postholders under the corporate Scheme of Delegation to authorise the use of Communication data checks. Those posts are highlighted in paragraph 4.2. No other officers may authorise the acquisition of communications data.

- 10.4 Once this is complete the application and accompanying paperwork must be prepared and presented for **judicial approval** by a **Justice of the Peace (JP)**. The JP **must be satisfied** that on the papers submitted that the **application is legal, necessary and proportionate**. This presentation will be made in private by one of the Senior Legal Officers within the Trading Standards service or a similarly experienced officer.
- 10.5 All requests of this type are submitted through a service provided by the National Anti Fraud Network (NAFN) who contact CSP's as a Single Point of Contact (SPoC) on our behalf and provide us with the results.
- 10.6 The SPoC is an officer who has undergone formal training with the Home Office, is independent from the investigation, will advise the applicant, and will submit applications for authorisation if, and only if, they meet all the formal requirements, including those of necessity and proportionality. Authorisation is then given by the Designated Senior Officer, also independent from the investigation. If the application is authorised, it is returned to the SPoC officer who will obtain the communications data from the CSP and pass it to the applicant. Officers able to act as designated officers and SPoC's are found at paragraph 15.
- 10.7 The principles of record keeping and destruction should, where applicable be applied as shown above (Section 9).

11 Covert Human Intelligence Sources (CHIS)

- 11.1 The most common use of this technique will be the use of an officer who is required to develop a relationship with an individual without disclosing that they are doing so on behalf of the Council, for the purposes of an investigation, for example when attempting to carry out certain types of test purchase. Particular care must be taken to consider the safety and welfare of the officer.
- 11.2 The other less frequent use would be of an "informant" or similar party who obtains information from another party, without disclosing the intention and the information obtained is then relayed to and used by the Council for the purposes of an investigation. Of particular concern in these types of events must be the safety and welfare of the people involved (officer and "informant") and risk assessments must be carried out and recorded. Also there must be strict control about information regarding the identities of those involved. As this type of investigatory technique requires particular care and control it should only be considered for use in investigation in exceptional circumstances. Legal advice should be sought prior to any such operation in conjunction with advice from specialist officers in Surrey Police.

In such exceptional circumstances a CHIS will require management by a handler and controller. Records must be kept by a record maker in accordance with the Code of Practice for CHIS and the RIPA (Source Records) Regulations SI 2000/2725.

- 11.3 The authorisation process must comply with the approved Code of Practice and includes completion of all the necessary Forms. The principles outlined in

Section 4, 5, & 6, all apply. The County Council has designated specific officers/postholders under the corporate Scheme of Delegation to authorise the use of Covert Human Intelligence Sources. Those posts are highlighted in paragraph 4.2. No other officers may authorise these activities.

- 11.4 Once this is complete the application and accompanying paperwork must be prepared and presented for **judicial approval** by a **Justice of the Peace (JP)**. The JP **must be satisfied** that on the papers submitted that the **application is legal, necessary and proportionate**. This presentation will be made in private by one of the Senior Legal Officers within the Trading Standards service, or a similarly experienced officer.
- 11.5 The Time Limits for the authorisation of Covert Human Intelligence Source shall be no more than 12 months. Reviews should take place as appropriate and as frequently as considered necessary and practical by the authorising officer.
- 11.6 The principles outlined in Section 8 apply but in addition where necessary, the safety and welfare of the source should continue to be taken into account.
- 11.7 The principles of Section 9 apply however particular care must be exercised for the safe and secure storage and eventual destruction of any record.

12 Surveillance of Social Media/Online Selling Platforms

- 12.1 Nobody could have predicted the speed and the way that the internet would shape modern society. Over the last decade the way the world communicates has changed and continues to do so as new technology and applications are developed .As such, it is only right that public authorities that serve society should be able to use the internet in a safe and responsible way to protect the people it serves.
- 12.2 When considering surveillance of social media or online selling platforms there is an expectation of privacy. Would a social media user or group using a fully open online forum expect the local council to monitor their communications on a daily basisWell the question you would have to ask is would you sit outside that persons house on a daily basis to see where they go, who they meet and who they visit?
- 12.3 The RIPA codes of practice are clear in the definition of private and family life as prescribed in ARTICLE 8 Human Rights Act. These should be taken in the broadest possible terms.
- 12.4 *Right to respect for private and family life*
1. Everyone has the right to respect for his private and family life, his home and his correspondence.
 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the

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

Any such interference would need RIPA consideration

- 12.5 Authorising Officers should not assume that one service provider is the same as another or that services provided by a single provider are the same. Whilst it is an individual's responsibility to set privacy settings to protect private information, and even though data may be deemed to be published and no longer under the control of the author, it is unwise to regard it as 'open source' or publicly available. The author will have a reasonable expectation of privacy if access controls are applied.
- 12.6 Where privacy settings are available but not applied the data may be considered open source and an authorisation is not usually required. **However, repeat viewings of 'open source' sites may constitute directed surveillance on a case by case basis and this should be borne in mind.**
- 12.7 If it is necessary and proportionate for a public authority to breach covertly access controls, the minimum requirement will be an authorisation for directed surveillance. An authorisation for the use and conduct of a CHIS is necessary if a relationship is established or maintained by a member of a public authority or by a person acting on its behalf (i.e. the activity is more than merely reading the site's content.)
- 12.8 It is not unlawful for a member of a public authority to set up a false identity but it is inadvisable for a member of a public authority to do so for a covert purpose without authorisation. Using photographs of other persons without their permission to support the false identity infringes other laws.
- 12.9 For intelligence officers not working under RIPA there needs to be clear direction around what can and cannot be done:
1. No setting up of false profiles
 2. No bypassing security settings
 3. No gathering of private information
 4. No repeated viewing of individuals accounts even when public and unprotected
- 12.10 Any research should be recorded containing the date and sites visited and the reason. This should be supervised by the Senior Intelligence Officer and records be available for inspection by regulatory commissions.
- 12.11 These control measures should stop the chance of status drift from basic online research to online surveillance.
- 12.12 If research identifies a need to capture online evidence of an offence by means of a screen shot then this should be recorded and stored in-line with local policy.

13 Training

- 13.1 Any Unit/Service that proposes to undertake directed surveillance, covert human intelligence sources, or obtaining permitted communications data, must first ensure that all relevant staff have received sufficient instruction to enable them to comply with RIPA and the various Codes of Practice. They will then need to be added to the Authorised Officer List, and in the case of obtaining communications data have undergone Home Office recognised and accredited training.

14 Management Monitoring and Annual Report

- 14.1 Any service that undertakes directed surveillance, the use of covert human intelligence sources and acquisition of communications data should have in place a system of auditing to ensure that staff involved have had the necessary instruction to comply with RIPA and the Codes of Practice and that all the requisite procedures are consistently followed.
- 14.2 The procedures and records referred to in this protocol are subject to inspection by Office of the Surveillance Commissioner (in relation to Surveillance and Covert Human Intelligence Sources) and the Interception of Communications Commissioner's Office (in relation to communication data).
- 14.3 The RIPA Monitoring Officer for the County Council is the Head of Trading Standards who maintains the central record of RIPA authorisations.
- 14.4 The Head of Trading Standards will produce an annual review of all corporate RIPA activity each year, which will summarise the range of issues for which RIPA authorisation was granted. The report will be submitted to the Head of Legal Services and to the Communities Select Committee. The review will include a summary of the results of any external inspection by the Office of Surveillance Commissioners and the Interception of Communications Commissioners Office. The annual report will then be published, with a view to ensuring openness, transparency and enhancing public confidence in the application of RIPA by the local authority.
- 14.5 In addition the relevant Cabinet Member also receives regular updates on RIPA use which provide greater detail of the individual authorisations for the period, whilst ensuring that individual operations cannot be identified and compromised.

15 Forms

- 15.1 Copies of all current RIPA forms for Directed Surveillance, Covert Human Intelligence Sources, Communications checks are retained by and are available from the Trading Standards Service.

16 Contact Officers

- 16.1 Various officers can be contacted for further information and advice on the application of RIPA.

Trevor Pugh	Strategic Director for Environment & Infrastructure (Senior Responsible Officer)
Steve Ruddy	Head of Trading Standards (Monitoring Officer)
Amanda Poole	Assistant Head of Trading Standards

16.2 Designated Senior officers who may authorise Communications Data Checks are:

Steve Ruddy	Head of Trading Standards
Amanda Poole	Assistant Head of Trading Standards

**Communities Select Committee****7 November 2017****Surrey Performing Arts Library- options for the future****Purpose of report:**

To provide the Communities Select Committee with a briefing on Surrey Performing Arts Library; the context of Medium Term Financial Plan savings; and options being considered for the future operation of the Library.

Introduction:

1. The Surrey Performing Arts Library (SPAL) is part of the Surrey County Council (SCC) library network. It is based at Denbies in Dorking and while it has strong local links it is designed to be a countywide service and also supplies loan items to groups across the Surrey's borders and nationwide. It helps support the cultural life of the County by bringing together a wide range of material on all aspects of performing arts particularly through its specialist service to performance groups. This is through the loan of multiple sets of music and drama materials borrowed by groups at affordable charges and by single copy books borrowed by individuals. These materials can be borrowed by visiting the library at Denbies or by collection from local libraries. In supporting music and drama participation it helps spread the many well attested community cohesion as well as health and wellbeing benefits of participation and engagement into the lives of Surrey residents.
2. SPAL also hosts, at cost to SCC, some collections on behalf of other organisations including the Ralph Vaughan Williams Society archive and collection as well as the Kirby collection on behalf of Making Music.
3. It is one of very few music and drama libraries remaining in the UK which illustrates the challenges local authorities face in keeping a specialist, non-statutory library open in difficult financial times. The reduction in other libraries lending music and drama resources nationally has resulted in Surrey becoming a net lender of material to other library services rather than a borrower and this has become an additional strain on the Service.

4. SPAL is an award winning library in its field, with an excellent reputation for its staff and service. However, within its operational arrangements and performance, even before the decision to reduce its budget, it has been facing a number of challenges which need be taken into account in deciding its way forward in the future.
5. The Medium Term Financial Plan (MTFP) assumes that PAL will be made cost-neutral to the library service's controllable budget and a corresponding reduction of £180,000 has been made to the 2018-19 budget.
6. Recognising the benefits delivered by SPAL, given the efficiencies already realised in the library service and future budget savings to be made, the Service has been developing options centred round finding a possible sustainable future for this specialist service given the £180,000 budget reduction that is necessary.

Why the service needs to change

7. SPAL is a highly regarded service by its users but over the last five years its borrower numbers have generally declined year on year. Between 2012 and 2017 active borrowers have reduced by 19% despite efforts by staff and managers to increase use. As shown in Annex 4, the user base is now quite narrow. While recognising its specialist function, SPAL's annual visitor numbers of 15,829 in 2016/17 places it 47 out of 53 Surrey libraries. Issues of 106,413 in 2016/17 place it 11 out of 53 libraries- but if this is adjusted to take account of multiple copies of the same item in these figures, PAL is on a similar ranking as its visitor numbers. Although efforts have been made by staff and managers, the overall trend is down.
8. The remit of SPAL is to be a countywide service, and users can order materials from it and collect and return at a Surrey library of their choice. It has developed close local links in the Dorking area but has a lower profile in the County as a whole and among non-users. There are also potential users with which the service is not engaging in its current form. Use is predominantly by music groups as opposed to drama groups. Of the total group borrowers, 52% have a postcode outside SCC's administrative area. There is an opportunity through change to redefine the role of SPAL and find ways to increase its reach and impact while also making it financially more effective.
9. One part of SPAL's remit is to provide services which lead to increased wellbeing among individuals by encouraging their participation as both a performer and an audience. Charging rates have been set historically at a level aimed at being inclusive and accessible by even small groups. Current

income for SPAL is £68,000 per annum. More detailed information on SPAL's income can be found within Annex 3. Concern has been expressed by some key stakeholders such as Making Music that prices should not rise too much, while other stakeholders feel there is scope for price rises. Clearly the pricing regime needs to be reviewed to make SPAL financially sustainable including the price differentiation between Surrey and non-Surrey groups.

10. Surrey participates in a number of library interlending (ILL) schemes which entitle it to borrow music scores and play sets from participating libraries and, as part of reciprocal arrangements, other organisations can borrow from Surrey. As other specialist libraries have closed, Surrey has become a net supplier to other authorities. The complex administrative arrangements and charging schemes now disadvantage Surrey. Surrey is underwriting the cost of lending to other organisations by around £80,000 a year. The £29,733 cost of resources borrowed from other authorities is partially offset by income derived from loaning them to Surrey residents. The total cost of funding the ILL scheme as currently operated represents over 53% of PAL's net budget. More information is included in Annex C. A decision will have to be made whether or not to withdraw from these schemes, move to a cost recovery basis, or set up a new scheme.
11. The current computer system provides a range of problems. The library service's computer system is a general purpose system which does not meet the specialist needs of a performing arts library in enabling it to run efficiently. Coping with this has resulted in labour intensive additional processes and the system does not facilitate library users being able to order, pay for and manage their requirements and accounts on line and with ease. A bespoke performing arts system such as that used in Nottingham needs further investigation as this could provide greater efficiency for staff and satisfaction for public users helping reduce costs in any future operating model.
12. Recent Chartered Institute of Public Finance and Accountancy (CIPFA) figures indicate that PAL holds 205,206 individual items which includes 35,216 playsets and 97,554 music sets. The stock has a breadth and depth which is greatly appreciated by users. This does, however, result in a large utilisation of space with a low turnover of stock particularly for single copies. It must also be noted that a significant amount of stock, known as the Kirby collection, is owned by Making Music with a requirement of Alan Kirby's bequest that the fund supports choirs and choral societies in Surrey. The collection also contains material bought from South East Performance Sets Interloans group (SEPSIG) funds. A future stock and retention strategy will have to be created for SPAL which also takes into account continually declining book purchasing budgets.

The Options

13. In recent years a number of financial, charging and promotional changes have been made within SPAL to improve its efficiency and finances but more radical change is now needed to deliver the savings and build a sustainable future for SPAL.
14. In order to achieve the £180,000 budget reduction, the service proposed three main options:-
- a. **Option 1:** Keeping the music collections and drama collections entire, but relocating them separately across SCC's major libraries, where there is suitable capacity. No single Surrey library has the capacity to take the entire collection. Given the large number of SPAL members who order and collect locally this is seen as a workable, less expensive alternative. These collections would be supported by the staff of the host library along with volunteer assistance and the existing high footfall of the host library would provide a fresh audience and a chance to engage with new customers- people's choirs, play reading groups etc.
 - b. **Option 2:** For SPAL to be continued in the care of a partner or partners in a body or organisation which would manage and support its future outside of SCC management and ownership, at a different location and funded independently in some way, while still retaining access to the stock by Surrey residents. This is seen as welcome by some stakeholders who otherwise foresee a specialist library such as SPAL continuously under threat due to recurring budget reductions over the coming years.
 - c. **Option 3:** Initially closure had to be considered due to the overall budgetary pressures facing the Council. However, the service is now confident that the collections could still be made available if necessary by relocating them to other Surrey libraries.

Contact with stakeholders and user questionnaire

15. The Library Service has been concentrating for some months on the £500,000 savings it had to make this year and, at the same time, has been looking closely at all aspects of how SPAL currently operates with a view to increasing its use and reach, raise its profile, and the upcoming savings required within the MTFP 2018-19. This summer, the Service commenced meetings about SPAL with key stakeholders including Friends of the Surrey Performing Arts Library (FOSPAL) and Making Music (the national

organisation representing music societies, the Ralph Vaughan Williams Society and the Leith Hill Festival.

16. A consultation was planned specifically as a user survey (and not an open public survey) the purpose being practical and solely to establish how the various options would impact on users. It was launched on 4 September 2017. The questionnaire also included an option for respondents to express an interest in offering to take on the library or being willing to discuss options.
17. The service also contacted 43 other stakeholders active in the field to make them aware of what was happening and inviting them to get in touch if they wished to be involved in developing options for the future.
18. The survey, as expected, generated interest and, in response to requests, the deadline for responses was extended to 1 October 2017. However, 79% of responses were received within the original survey period. At closure, 1474 on-line responses were received and 220 comments. An analysis of the responses is attached at Appendix 4.

Conclusions:

19. SPAL is a highly respected and appreciated service but with high running costs for its output and with a declining level of users and business a more effective operating model needs to be developed which also achieves the required savings of £180,000 from the Library Service's budget effective from 1 April 2018-19.
20. In terms of making SPAL more cost effective in any framework, three problems need to be addressed; labour intensive staff processes due to a less than ideal computer system; a solution to the high staff and budget impact of the ILL system; a new pricing regime which is realistic for its market and does not deter the many small groups who use the service.
21. The user survey had a good level of response and has given a clear steer on the views of users on the three options. A useful range of organisations have stepped forward to discuss involvement in the future of SPAL. While option 2 had the higher number of positive responses- finding a way of making SPAL independent of SCC- nevertheless results also indicated that a high proportion of users would still use the Service as outlined in Option 1 - relocating the music and drama collections separately to other main libraries in the County.

Recommendations:

The Communities Select Committee agrees that:

- i. Further evaluation work takes place in relation to costing a new IT system better suited to the specific needs of a performing arts library such as the system currently in use in Nottingham;
- ii. the Library Service carries out further analysis of the current ILL systems and propose a range of changes which would improve the financial viability of the ILL service and also evaluate the impact of withdrawing from the systems;
- iii. the service produces and implements a range of revised pricing for PAL services which can be implemented in shorter and longer timescale;
- iv. Option 3, closure of the service, is removed from the list of options. Having done feasibility studies of option 1 the service is confident that keeping the music and drama collections intact and relocating them within main libraries in the system is a practical way for PAL to continue to operate under the remit of SCC with a different operating model and could achieve the required budget reductions. There is no evidence the music and drama collections need to be co-located. The service will continue developing option 1.
- v. the service works as a priority on option 2 for which a preference was expressed in the questionnaire- an independent future for PAL, and in tandem Option 1 as a safety net to continue to make the collections publically available if a suitable partnership cannot be established. Currently the service is working on a number of leads which have arisen from the survey and the additional stakeholder contacts.

Next steps:

Contingent on discussions at the Select Committee meeting, officers will seek to progress recommendations i to iii as outlined above.

Following further work, and dependent on the availability of stakeholders for Option 2 a range of options for decision will be presented to cabinet for decision.

Report contact: Peter Milton Head of Cultural Services

Contact details: peter.milton@surreycc.gov.uk
07837 557742

Annexes:

Annex 1 Borrowers, visits and issue trends

Annex 2 Budget

Annex 3 Charges, price rises and comparison with other authorities

Annex 4 Full Consultation analysis

Sources/background papers: none

This page is intentionally left blank

Borrower, visit and issue trends

Borrowers. People can join at any library in Surrey and, once they have a ticket, borrow books from any library

Over the last 5 years, PAL's borrower numbers have generally declined year on year. The rate of decline in the 5 full years between 2012 and 2017 was 17% for registered borrowers and 19% for active borrowers. New borrowers joining are low for PAL placing them in 47th against other Surrey libraries in 2016/17. This reflects the specialist nature of the service but partially explains the declining numbers of overall borrowers as there are fewer new joiners than those allowing their membership to lapse

There are double the number of music groups to drama groups and numbers have remained fairly stable over the years despite efforts by the PAL staff and the library service to increase borrower numbers. The number of library authorities borrowing from PAL is also stable. Detailed analysis of active borrowers showed that a significant number of individual borrowers registered at PAL borrowed their material from libraries other than PAL

Out of county use. Groups borrowing multiple copies of plays or music are registered as either Surrey or Non-Surrey. PAL policy is to allow people or groups to join as a Surrey borrower if they reside in an area adjoining Surrey or rehearse in Surrey.

52% of total group borrowers have a postcode outside the administrative area of Surrey: this increases to 59% for drama groups and decreases to 48% for music groups.

Visitors. PAL has a specialist function, and borrowers have the facility to request and collect items at local libraries without travelling to PAL. However PAL's annual visitor numbers of 15,829 in 2016/17 ranked against all Surrey libraries. This gives a placement of 47 out of 53 libraries and provides part of the rationale in Option 1, where visible provision in a library already with substantial footfall may help encourage more people to engage with the stock than at the standalone Denbies site.

Book issues. Issues of 106,413 in 2016/17 give PAL a placement of 11 out of 53 libraries. It should be noted that the bulk of items borrowed from PAL are multiple copies of the same item e.g. a vocal set may frequently include 40 pieces or more and each piece is recognised as a single issue. If account is taken of this and the ranking based on title not copies, PAL would be on a similar ranking as its visitor numbers.

This page is intentionally left blank

Surrey Performing Arts Library Budget

		2015/2016
Expenditure		
Library expenditure	Staffing (including travel)	£160,603.36
	General expenditure	£9,000.22
	Stock expenditure (reduced in 2017 as part of reduction to general bookfund)	£29,837.87
Property	Building expenditure	£91,811
Total expenditure		£291,252.37
Income		
	Income from West Sussex contract (financial year/agreement ended March 2016)	-£2,731.00
	Income from general sales - subscriptions, set hire charges	-£56,403.22
	Income from CD/DVD hire, requests	-£4,189.70
	Room hire	-£945.00
	TOTAL INCOME	-£64,268.92
Net cost of service		£226,983.45

Specific figures unobtainable as they form part of the library general contracts

Current computer software. The Nottingham developed software package would be approx £10,000-£15,000 one off purchase plus annual fee.

Computer hardware and peripherals

Transport internally between the library network

Library membership cards

Insurance

This page is intentionally left blank

Fees and charges at Surrey Performing Arts Library (SPAL)

Background.

The Performing Arts Library's main source of income comes from group membership - hire charges, booking fees and member subscriptions.

A review of Surrey Performing Arts Library was carried out by a member of SCC Policy and Performance Team. That report identified that our fees and charges for performance groups were low compared with the private sector and some library authority controlled performing arts libraries.¹ These were reviewed and the new prices put in place in September 2014. They were last amended in 2016 to reflect the withdrawal of the West Sussex contract and the increased charges that West Sussex groups would have to pay.

The changes and rationale for each change were:

Subscriptions	2013-2014	2015-2016	% Increase	Rationale
Surrey and West Sussex*	£25	£26	4%	Easier for groups to absorb and unlikely to lead to non-renewal.
Other groups	£32	£33	3.12%	

Vocal Scores	2013-2014	2015-2016	% Increase	Rationale
Surrey and West Sussex*	£5 per 20 per month	£5 per 20 per month	0%	Increases in ILLs and other charges will very substantially increase costs for Surrey choirs, but we don't ILL for non-Surrey choirs.
Other groups	£7 per 20 per month	£8 per 20 per month	14.29%	

Packaged Vocal Sets	2013-2014	2015-2016	% Increase	Rationale
Surrey and West Sussex*	£4 per 20 per month	£4 per 20 per month	0%	Scores only cost c.£2 each. Any increase would lead choirs to stop borrowing.
Other groups	£6 per 20 per month	£6 per 20 per month	0%	

Orchestral Sets	2013-2014	2015-2016	% Increase	Rationale
Surrey and West Sussex*	£8 per set per month	£9 per set per month	12.5%	Increase in ILLs and other charges will have less impact than on choirs.
Other groups	£10 per set per month	£11 per set per month	10%	

Play Sets	2013-2014	2015-2016	% Increase	Rationale
Surrey and West Sussex*	£4 per set per month	£4 per set per month	0%	Most price sensitive borrowers. Considerably less expensive to buy than music.
Other groups	£5 per set per month	£5 per set per month	0%	

Reservation Fees	2013-2014	2015-2016	% Increase	Rationale
All groups	£3 per title	£4 per title	33.33%	Should raise more than £1000, but not be a deterrent to reserving.

Interlibrary Loan Fees	2013-2014	2015-2016	% Increase	Rationale
All groups	£5 per set	£10 per set	100%	Recover more ILL /courier costs.

* In 2016 the service, due to budgetary constraints, West Sussex Libraries withdrew from their contract with SCC to provide services to West Sussex performance groups. The cost to West Sussex at that point was £9,000 pa. At that time, West Sussex groups were charged the same as non-Surrey groups, however hire charges and subscription charges were largely maintained at the Surrey rate until autumn 2016 as part of the withdrawal agreement.

Comparison with other Performing Arts Libraries (PALs).

To determine how SCC charges fit into the market pattern, the service looked at 10 library authority controlled PALs, most of which operate music only.²

Direct comparison with other PALs is not made easy due to the varied pricing structures with some dividing vocal scores by timing (under or over 5 minutes), some pricing per copy and other per set. As can be seen from above, SCC have chosen a simplified pricing structure based on type and/or copies. However, some comparisons can be made.

Subscription fees:

Only 4 others indicate they levy a subscription fee. As the remaining 8 choose not to offer a subscription service, then Surrey could be said to perform competitively in this area

Nottingham: none for music groups; £50pa for drama groups

Liverpool: £28pa (Liverpool); £58pa (outside Liverpool)

Hampshire: £15

Surrey: £26pa (Surrey); £33pa (outside Surrey)

Based on active borrowing 2016-2017 this would have achieved c £13,000 income.

Set hire charges.

Music (comparison is hire per month per set of 20 for local groups only)
Surrey is competitively priced.

Hampshire	£25	Surrey	£10
CYML	£15	Kent	£4
Nottingham	£14		

Orchestral sets: charges vary considerably from £40 for first month (£20 pcm thereafter) in Leeds to £2 or £4 pcm in Kent and our own £9 pcm sitting in between.

Drama sets. The only comparison is with Leeds (charge is per copy) so an average 12 copy playset would cost £6 in Leeds and £4 in Surrey

Search fee (ILL fee)

Surrey	£10 per set of 20	Nottingham	£6
--------	-------------------	------------	----

¹ The major factors contributing to the PAL budget are high staff costs due to administratively complex processes with the service housed in high quality, high cost property.

² Carlisle Library; Community and Youth Music Library (CYML); Encore Music Hull; Hampshire; Kent Libraries; Leeds Music and Performing Arts Library; Liverpool Libraries; Nottingham; Oxford Libraries; Westminster Music Library; Westminster Reference Library (Performing Arts Collection)

This page is intentionally left blank

Surrey Performing Arts Library. Summary of findings from the user survey.

Background.

A user survey was sent to those registered at Surrey Performing Arts Library (PAL) who had been seen¹ between 1 August 2015 and 31 August 2017². Group representatives encouraged their members to complete the survey. This enabled us not only to gather information on the active use of material but also to get an indication of their views on the 3 options proposed in the survey. The response to those 3 options is listed below.

A total of 1474 responses were received: a postcode mapping comparison of active borrowers and respondents indicated that the user survey reached its intended audience. 78% of the responses were submitted during the first 2 weeks of the period.

509 groups were notified of the survey. 168 (33%) were recorded on our system as not having borrowed items within the previous 12 months (38% of music groups and 23% of drama groups)

Postcode mapping of Surrey based PAL borrowers³ indicates concentrations of in the following geographical areas: a) immediate Dorking area; b) Leatherhead/Fetcham/Epsom/Ewell; c) Redhill/Reigate; d) Guildford/Godalming.

Our West Sussex users are spread throughout the county with concentrations around the south coast (Shoreham to Bognor) and the Horsham area. Use by groups within the immediately neighbouring London boroughs also show on the map (Kingston/Surbiton/ New Malden).

User profile

Based on responses to the monitoring section, the demographic profile of PAL is female, retired, white British with no disability or long standing condition. The gender bias at 58.9% female shows a slight variance to the gender balance of library membership as a whole (61.7% female). However, the age demographic of Pal is markedly different to that of the general library. Of the 1353 people who gave us age details, 11.5% (155) were under the age of 45 compared with 62.4% of that age group within the overall library membership. For a general performing arts library service this imbalance is a concern.

¹ "Seen" is defined as activity recorded on the library computer system. Data extraction: 31/8/2017

² 346 music groups; 164 drama groups; 752 individual borrowers

³ Borrowers using the service from 1 January 2015 to 31 Aug 2017

Membership balance of respondents.

64.2% of respondents were from the musical end of the performing arts spectrum. The remaining balance was 11% drama groups/members and 24.8% were answering as individuals.

The user survey attracted a high level of response from those who use the current Denbies site to collect and return items and for whom this is their local library. Although this is a countywide service focussing on dance, drama, music and other performing arts, there was a general tone within the additional comments that this facility belonged in Dorking or at least within Mole Valley. This seemed to be argued on a single element of the performing arts - music - and the connection of Vaughan Williams to the area - Leith Hill Place, Leith Hill Music Festival and the small specialised collection PAL holds and hosts (some of which is already housed in the Surrey History Centre).

For many “its actual location doesn’t matter” as long as the service continued to provide their material. For West Sussex users, retaining the facility to pick up at their local West Sussex library was highlighted as a concern.

It should be noted that groups in West Sussex have a strong relationship with Surrey Libraries as their own local library authority firstly contracted the service out to Surrey Libraries and then, due to further budget reductions, withdrew their financial support. Fortunately, the close working relationship between Surrey and West Sussex library services means these groups can collect PAL material from their own local West Sussex library – a process that can be continued within option 1 but would have to be negotiated for option 2. One commented that he/she would be much less happy with option 2 “since some stock came from West Sussex Music Library some years ago and I believe that is why we have continued access. I would not like our access to be threatened.”

How they use the service.

Consistent with the level of response from the music and drama community, multiple copies of vocal/orchestral scores and play sets were the main pre-occupation of the respondents.

Respondents were asked to indicate their most frequent way of choosing material⁴. The response differed according to the type of material they wanted to borrow. Browsing was a favoured method for drama groups and individuals (40.4% [127 of 314] and 48.8% [261 of 535] respectively). For music groups, there was no

⁴ The options were: 1) visit staff in the library; 2) telephone staff in the library 3) email the library; 4) visit the library and browse; 5) use online catalogues; 6) other method

overwhelmingly favoured choice with an equal spread, the most frequent being face-to-face contact at 27% (280 of 1037 respondents).

Comments bore out that keeping the music sets as a single collection and the drama as a single collection (not necessarily co-located) were fundamental to the way they operate. It should be noted that there would be no loss of this facility should the 2 collections be re-located as proposed in option 1.

The staff at SPAL were well regarded, being “helpful and informative” (adjectives frequently used to describe all our staff working in libraries) and some concern was expressed about a perceived loss of specialist knowledge.

It should be noted that contact with staff can range from the simple request “what do I have on loan?” renewal, the author of a work, whether something is on the shelves and available to borrow to a more complex enquiry. The questionnaire did not venture into that area.

What do people value most about the current service at the Performing Arts library?

People were asked to rank which service they valued most from a list of the following options.

Range of items I can borrow
Facility to book vocal/orchestral/play sets in advance
Competitive hire charges
Staff support
Good access for collection /drop off of heavy items
Facility to view catalogue online
Facility to order material at any time by email or online form
Something else

The more respondents who selected the same option as their most valued service, the higher it appeared in the overall ranking of the options. The range of stock was the option which came out highest, along with how they can plan to use it.

The competitive hire charge was the third most valued feature for both music and drama groups.

We also know from the questionnaire that music groups (because of the numbers of copies which might be involved) also use other sources to ensure they have the required numbers (confirmed by 302 (22%) of the 1373 people who replied to this question). Examples of services which they mentioned using are: commercial lending organisations such as Chameleon and Gernontius; other choirs and orchestras; other public libraries and private libraries.

107 of the 1030 comments were around a willingness to pay increased fees.

Although use of online means of helping choice was not as highly valued, there were some interesting comments on how these could be improved e.g. by developing a Netflix type solution and digitising music.

How often do people borrow multiple copy sets?

The standard loan period for general library material is 3 weeks. For groups hiring multiple copy sets this rises to 3 months. Of the 1400 people who responded, 620 (44.3%) borrow multiple copy sets every 3 months and 358 (25.6%) every 6 months. It does show that people may only use the library every 3 or 6 months. Given that PAL offers an advance booking facility (up to 6 months), the stock can be out of circulation for large amounts of the year.

Options for the future of the Performing Arts library

The respondents were asked to think about the proposed options on the future of Performing Arts that were being considered.

Option 3 – closure of the service - brought the strongest response whereby 1325 people (91.6%), out of 1474 who responded, disagreed or strongly disagreed with this statement, showing a desire for the service to be retained in some way.

Option 1 contained 2 elements within the proposal.

- a) Housing the music sets in a new library location and the drama sets in a different location. The service would operate by a mix of Surrey County Council staff and volunteers.
- b) Moving single copy⁵ items so they become part of the general library stock and distributed throughout the Surrey library network.

Although disagreeing with the options, nearly 60% of respondents told us they would use the library as usual or slightly less indicating that the move would not deter them from continuing to borrow music/play sets from a location other than Denbies. Less than 10% would stop using the service. It should be noted that many groups already

⁵ Single copies refers to books, music scores, CDs and DVDs which are not part of any set

use other Surrey and West Sussex library as a pickup/drop off point so a change of location would have little impact.

When asked at which library they would prefer the music and drama sets to be housed, the top 3 libraries were Guildford, Epsom and Redhill for both music and drama subjects.

Supporters of Option 1 commented on the wish to see the service retained in a public library setting to retain “democratic control over... a public resource” and were concerned at the profit making element of an outside organisation. They also made clear that their concern was to keep the music collections and drama collections entire, and co-location was not essential.

Option 2 proposed a transfer of ownership in part or to a community or other organisation on the understanding that the stock will continue to be available to the public

With a total of 1458 responses, this proposal drew a high response. 470 (32%) strongly agreed with this and half that number strongly disagreeing

Comments were made on the length of time needed to achieve this and people worried a great deal about the apparent deadline of 1 April 2018. Others expressed concerns about the way that the collections would be developed in the future and sustained and “there would have to be a very watertight agreement to ensure future accessibility”.

The comments on option 2 also highlight that many are concerned that PAL should not be “split up” and indicated that they thought a transfer to an organisation outside the council would not result in two very separate “music” and “drama” libraries.

This page is intentionally left blank

Communities Select Committee – Forward Work Programme

2017/18



Topic	Scrutiny method	Timescale	Involvement of other committees	Expected outcome
Annual Scrutiny of Community Safety Partnerships	Formal Report	8 February 2017	N/A	Fulfilment of the statutory scrutiny of Community Safety Partnerships carried out annually. The committee will scrutinise the work of Surrey's Community Safety Partnerships, and provide recommendations for their continued work. This item will also include a 'deep-dive' report that will consider a specific aspect of the work undertaken by Surrey's Community Safety Board.
Surrey Fire and Rescue Service Integrated Risk Management Plan	Task Group	November 2017 – March 2018	N/A	<p>Surrey Fire and Rescue Service will be developing a new comprehensive Integrated Risk Management Plan (IRMP). The new plan will set out how the Service will continue to deliver efficient and effective Prevention, Protection and Response within Surrey, whilst achieving required savings within the MTFP.</p> <p>The Communities Select Committee has established a Member Reference Group to provide Member-led support and act as a critical friend in the design and delivery of the new Integrated Risk Management Plan required to help achieve the savings within the MTFP.</p>
Armed Forces Covenant	To be determined	To be determined	N/A	This item requires further scoping.
Surrey Public Sector Estate	Formal Report	To be determined	N/A	To review use of the public sector estate in Surrey and to consider how Surrey County Council and partner organisations' future plan to utilise publicly owned buildings and infrastructure to support effective and efficient service delivery following the LGA and Cabinet Office's One Public Sector Estate initiative
Voluntary, Community and Faith Sector Resilience	Formal Report	To be determined	N/A	To review the resilience of Surrey's Voluntary, Community and Faith Sector in light of increasing demand and growing pressure on budgets.

Communities Select Committee – Forward Work Programme 2017/18



Surrey Fire and Rescue Service Integrated Risk Management Plan	Task Group			<p>Surrey Fire and Rescue Service will be developing a new comprehensive Integrated Risk Management Plan (IRMP). The new plan will set out how the Service will continue to deliver efficient and effective Prevention, Protection and Response within Surrey, whilst achieving required savings within the MTFP.</p> <p>The Communities Select Committee has established a Member Reference Group to provide Member-led support and act as a critical friend in the design and delivery of the new Integrated Risk Management Plan required to help achieve the savings within the MTFP.</p>
-----------------------------------------------------------------------	------------	--	--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------