

Council

Date: Thursday 19th September 2024

Time: 6.30 pm

Venue: Council Chamber - Guildhall, Bath

To: All Members of the Council

Dear Member

You are invited to attend a meeting of the **Council** on **Thursday 19th September 2024** in the **Council Chamber - Guildhall, Bath**.

The agenda is set out overleaf.

Yours sincerely



Jo Morrison
Democratic Services Manager
for Chief Executive

NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

3. Recording at Meetings:-

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control. Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators. We request that those filming/recording meetings avoid filming public seating areas, children, vulnerable people etc; however, the Council cannot guarantee this will happen.

The Council will broadcast the images and sounds live via the internet www.bathnes.gov.uk/webcast. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

4. Public Speaking at Meetings

The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group.

Advance notice is required not less than two full working days before the meeting. This means that for meetings held on Thursdays notice must be received in Democratic Services by 5.00pm the previous Monday.

The Council now has a maximum time limit for this, so any requests to speak cannot be guaranteed if the list is full.

Further details of the scheme can be found at:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

5. Emergency Evacuation Procedure

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are signposted. Arrangements are in place for the safe evacuation of disabled people.

6. Supplementary information for meetings

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

Council - Thursday 19th September 2024
at 6.30 pm in the Council Chamber - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 5.

2. APOLOGIES FOR ABSENCE

3. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to complete the green interest forms circulated to groups in their pre-meetings (which will be announced at the Council Meeting) to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** or an **other interest**, (as defined in Part 4.4 Appendix B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

4. MINUTES - 18TH JULY 2024 (Pages 5 - 14)

To be confirmed as a correct record and signed by the Chair

5. ANNOUNCEMENTS FROM THE CHAIR OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE

These are matters of information for Members of the Council. No decisions will be required arising from the announcements.

6. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

If there is any urgent business arising since the formal agenda was published, the Chair will announce this and give reasons why it has been agreed for consideration at this meeting. In making this decision, the Chair will, where practicable, have consulted with the Leaders of the Political Groups. Any documentation on urgent business will be circulated at the meeting, if not made available previously.

7. QUESTIONS, STATEMENTS AND PETITIONS FROM THE PUBLIC

The Democratic Services Manager will announce any submissions received. The Council will be invited to decide what action it wishes to take, if any, on the matters raised in these submissions. As the questions received and the answers given will be circulated in written form there is no requirement for them to be read out at the meeting. The questions and answers will be published with the draft minutes.

8. ANNUAL CLIMATE AND NATURE PROGRESS REPORT (Pages 15 - 86)

This report sets out our progress on tackling the climate and ecological emergencies over the last financial year (2023-24). We have a commitment to report on our climate progress each year as set out in the Climate Emergency Strategy, and it is the first time we are reporting on the Ecological Emergency Action Plan. As Tackling the Climate & Ecological Emergencies is one of the council's core priorities set out in the Corporate Strategy, this report brings together both elements for the first time.

9. POLICY DEVELOPMENT AND SCRUTINY ANNUAL REPORT 2023-24 (Pages 87 - 100)

To consider the Policy Development & Scrutiny Annual Report for 2023-2024.

10. ANNUAL REPORT ON THE USE OF THE REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) & INVESTIGATORY POWERS ACT (IPA) (Pages 101 - 138)

This report updates council on the use of Regulation of Investigatory Powers Act and Investigatory Powers Act, Policies, and Procedures.

11. MOTION FROM THE GREEN GROUP - RIGHTS OF NATURE (Pages 139 - 140)

12. MOTION FROM THE LIBERAL DEMOCRAT GROUP - WINTER FUEL PAYMENTS

13. QUESTIONS, STATEMENTS AND PETITIONS FROM COUNCILLORS

The Democratic Services Manager will announce any submissions received. The Council will be invited to decide what action it wishes to take, if any, on the matters raised in these submissions. As the questions received and the answers given will be circulated in written form there is no requirement for them to be read out at the meeting. The questions and answers will be published with the draft minutes.

The Committee Administrator for this meeting is Jo Morrison who can be contacted on 01225 394358.

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday 18th July 2024

Present:- **Councillors** Michael Auton, Tim Ball, Alex Beaumont, David Biddleston, Colin Blackburn, Alison Born, Anna Box, Deborah Collins, Paul Crossley, Chris Dando, Jess David, Mark Elliott, Fiona Gourley, Ian Halsall, Dave Harding, Liz Hardman, Gavin Heathcote, Steve Hedges, Saskia Heijltjes, Oli Henman, Joel Hirst, Duncan Hounsell, Shaun Hughes, Dr Eleanor Jackson, Grant Johnson, Samantha Kelly, George Leach, John Leach, Ruth Malloy, Lesley Mansell, Matt McCabe, Paul May, Sarah Moore, Ann Morgan, Michelle O'Doherty, Bharat Pankhania, June Player, Manda Rigby, Dine Romero, Paul Roper, Sam Ross, Onkar Saini, Toby Simon, Shaun Stephenson-McGall, Alison Streatfeild-James, George Tomlin, Malcolm Treby, Karen Walker, Sarah Warren, Andy Wait and Joanna Wright

Apologies for absence: **Councillors** Sarah Evans, Kevin Guy, Alan Hale, Lucy Hodge, Hal MacFie, Robin Moss, Tim Warren CBE and David Wood

12 EMERGENCY EVACUATION PROCEDURE

The Chair drew attention to the emergency evacuation procedure as set out on the agenda.

13 DECLARATIONS OF INTEREST

The Monitoring Officer issued a dispensation for any Councillor over 55 in regards to the motion on Ageing Well so that all Councillors could take part in the debate and vote.

Councillor Dine Romero declared an 'other' interest in the Youth Justice plan item, as her daughter works for the Police.

14 MINUTES - 16TH MAY 2024

On a motion from Councillor Sarah Warren, seconded by Councillor Eleanor Jackson, it was

RESOLVED that the minutes of 16th May 2024 be approved as a correct record and signed by the Chair.

15 ANNOUNCEMENTS FROM THE CHAIR OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE

The Chair made the customary announcement regarding microphone use.

16 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business.

17 QUESTIONS, STATEMENTS AND PETITIONS FROM THE PUBLIC

The Chair made reference to the questions from the public and the responses that had been circulated.

Statements were made by the following members of the public;

Helen Dudden made a statement regarding accessible housing, explaining that the need for accessible homes was urgent and asking what more could be done to ease the problems. She explained her own wait for a home and called for a different type of provision, as the current arrangement meant that often one case jumped over another. On a recent search, 64 people were bidding for 1 home. Councillor Joanna Wright asked how many affordable accessible homes had been built in B&NES over the last 5 years. Helen replied that it was very few.

Neil McCabe made a statement regarding the Sydney Road Liveable Neighbourhood scheme, setting out his opposition to it and the reasons for that, a copy of which is attached to the online record and added to the Minute book. Councillor Sarah Warren commented that there appeared to be inaccuracies in the air quality and traffic data and asked if Neil could provide this information. Neil replied that the information was available via the footnote to his statement, and had been taken from the 2023 Air Quality report. Councillor Grant Johnson asked for the background to the claim that 163 households had been harmed by this initiative, to which Neil replied that the number of households had been available via a map and postcode search and that it therefore followed that more traffic past these homes would mean further harm. Councillor Shaun Hughes asked how much of the data was available before the trial started, to which Neil replied that it was all available before the trial started and so traffic engineers could have reached the same conclusions in a short period of time.

Ian Orpen made a statement regarding the Sydney Road Liveable Neighbourhood scheme, a copy of which is attached to the online record and added to the Minute book. He explained his view that the scheme was poorly thought out and said there was still time to stop the trial and consult on a more suitable alternative. Councillor Grant Johnson noted Ian's comment that the Council hadn't implemented the correct interventions in this case and asked what those would be. Ian replied that there were plenty of traffic calming measures that could be introduced, which would not have the danger associated with blocking roads. Councillor Shaun Hughes asked Ian to elaborate on the dangers he had mentioned, to which Ian gave an example of a 12 year old child facing difficulties riding a bike to school and routes being diverted around primary schools. Councillor Joanna Wright asked if Ian was aware if a circulation plan had been put in place, to which he replied that he was not sure what that was.

Alan Morley made a statement regarding the Sydney Road Liveable Neighbourhood scheme, a copy of which is attached to the online record and added to the Minute book. As a resident from the bottom of North Road, he explained why he considered the scheme was problematic and not for the benefit of the majority.

Eleanore Dickson made a statement on behalf of Danielle Selwood who had been unable to attend. She outlined many incidences of dangerous near misses

happening and the problem of pollution from idling cars contributing to asthma diagnoses.

Simon Allen, Chief Executive of Age UK (B&NES), made a statement relating to the Liberal Democrat Age Friendly motion, setting out the reasons why he urged Members to adopt the motion and join the over 60 current Age Friendly communities in the UK to ensure inclusive communities for everyone. Councillor David Biddleston asked Simon how many older people were affected by Council budget cuts to which Simon replied that it was difficult to say, but he urged all those eligible to take the survey so that the information could be gathered. Councillor Joanna Wright asked Simon if he knew what percentage of the B&NES population was over 55, to which he responded that he didn't have that number, but did know that there were 35,000 over 65s and 31% of those live on their own.

Neil Dickinson made a statement about low traffic neighbourhoods, a copy of which is attached to the online record and added to the Minute book. Councillor Shaun Hughes asked if Neil agreed that enforcement was a key part of solving these issues, to which Neil replied that he certainly did. Councillor Joanna Wright asked Neil, as a member of Speedwatch, what was the fastest speed they had recorded. Neil responded that it was 51mph in a 20mph zone.

Malcolm Baldwin made a statement about the Liveable Neighbourhoods programme, a copy of which is attached to the online record and added to the Minute book. Councillor Grant Johnson asked what the Administration could do to improve the implementation of Liveable Neighbourhoods, to which Malcolm responded that the Council must be proactive in consultation and further reinforce that these are trials. Councillor Joanna Wright asked how many tourists entered the Circus every day. Malcolm replied that it was several hundred every day and it was probably the second largest visitor destination after the area around the Abbey.

Adam Reynolds made a statement about the City Region Sustainable Transport Settlement, a copy of which is attached to the online record and added to the Minute book. Councillor Grant Johnson asked Adam what B&NES could learn from South Gloucestershire Council regarding the delivery of CRSTS for our Authority to achieve the infrastructure it so needs. Adam replied that they appeared to study the rules carefully and accelerated their use of compulsory purchase orders. Councillor Saskia Heijltjes asked if the cost of living crisis had had an effect on implementation of CRSTS, to which Adam responded that since quotes were received in 2020, building costs were considerably higher.

Jane Samson made a statement in support of the Peace motion on the agenda and highlighted some disturbing statistics from the situation in Gaza. She urged Councillors to take a moral stance and vote in favour of the motion.

The Chair thanked everyone for their statements which would be referred to the relevant Cabinet Member.

18 YOUTH JUSTICE PLAN 2024 - 2026

The Council considered the Youth Justice Plan for 2024 – 2026.

On a motion from Councillor Paul May, seconded by Councillor Dine Romero, it was unanimously

RESOLVED to approve the Youth Justice Plan.

19 STANDARDS COMMITTEE ANNUAL REPORT

The Council considered the annual report of the Standards Committee.

On a motion from Councillor Toby Simon, seconded by Councillor June Player, it was

RESOLVED to note the work of the Standards Committee as set out in the Annual report.

[Notes;

- 1. The above successful resolution was carried with 48 Councillors voting in favour and 2 Councillors abstaining.]*

20 TREASURY MANAGEMENT OUTTURN REPORT 2023/24

The Council considered a report giving details of performance against the Council's Treasury Management Strategy for 2023/24.

On a motion from Councillor Mark Elliott, seconded by Councillor Paul May, it was unanimously

RESOLVED that

1. The Treasury Management Report to 31st March 2024, prepared in accordance with the CIPFA Treasury Code of Practice, is noted; and
2. The Treasury Management Indicators to 31st March 2024 are noted.

21 PROPORTIONALITY REVIEW

The Council considered a report proposing a revised proportionality table, following the change in political group membership numbers.

On a motion from Councillor Sarah Warren, seconded by Councillor Lesley Mansell, it was unanimously

RESOLVED to approve the revised political proportionality table.

22 GREEN GROUP MOTION ON PEACE

The Council considered a motion from the Green Group calling for peace in Gaza.

On a motion from Councillor Joanna Wright, seconded by Councillor Sam Ross, it was unanimously

RESOLVED that

Council expresses horror at the conflict in Palestine and Israel and sympathy to all in the Bath and North East Somerset area who have been affected.

Council Notes that:

1. East Jerusalem, the West Bank, the Golan Heights, and Gaza are internationally recognised as being under illegal occupation by Israel. Amnesty International states that Gaza has been subject to 16 years of blockade and multiple NGOs recognise a system of apartheid within this region.
2. On the 7th October 2023, Hamas, launched an assault on Israel – the European Parliament has described this as the deadliest attack on a Jewish community since the end of the Holocaust.
3. The UN states that all nations have a right to self-determination and self-defence, but these rights must be defended within the purview of international law. Nevertheless, a devastating and violent conflict between Israel and Hamas in Gaza has ensued since 7th October 2023:
 - a. Tens of thousands of civilians have lost their lives in this conflict, including Israeli and British citizen, but fatalities are predominantly Palestinian women and children.
 - b. Approximately 75 percent of Gaza's total population, equating to two million people, have been displaced. The displacement exacerbates challenges in the international asylum system, forcing individuals to seek refuge as asylum seekers and refugees.
 - c. The conflict has left Palestine without critical infrastructure, food, water, and resources: multiple hospitals have been targeted in IDF operations, contravening the Geneva Convention; UN officials have deemed the supplies sent to Gaza via trucks as "grossly inadequate", many of which have been blocked by the IDF; the lack of access to clean water has led to the spread of disease due to inadequate sanitation facilities; Palestinians suffer daily from malnutrition, famine, and starvation.
 - d. Both Hamas and Israel are alleged to have committed grave breaches of the Geneva Convention which are defined as War Crimes by Article 8 of the Rome Statute of the International Criminal Court.
4. Israel's ongoing targeting of Gaza, most recently in Rafah - where many refugees have sought shelter, poses a grave threat to regional and international stability. Deliberate attacks on non-combatant civilians or civilian infrastructure are deemed as war crimes under the Rome Statute. Amnesty International has warned that Israel's recurrent assaults on Rafah violate these international laws;
5. The International Court of Justice (ICJ), the highest court of the United Nations, has heard a case of alleged genocide by Israel. The ICJ issued an

interim ruling instructing Israel to prevent genocidal acts and enable humanitarian assistance, despite which civilian casualties in Gaza have increased.

6. The profound and traumatising impact the conflict has had on local residents in Bath and North East Somerset, particularly those with close ties to family, friends or loved ones in Palestine and Israel, and expresses thanks to all residents who shared their experiences and heartfelt feelings at recent full Council meetings.
7. The international conflict has heightened security concerns, exacerbated social and political divisions, increased defence and military budgets, caused economic impacts, potentially distressed diaspora communities, led to protests, occupations, and demonstrations, and influenced media coverage, shaping public perceptions and attitudes within B&NES.

Council:

1. Recognises that the UK has an historical responsibility in this conflict and should support innocent civilians affected by it while striving to secure long-term peace.
2. Reinforces that Hamas do not represent the Palestinian people – and the Palestinian people are not Hamas.
3. Reiterates the ICJ's insistence that Israel must take all measures within its power to prevent acts contravening the genocide convention, ensuring, with immediate effect, that its forces do not commit any act of genocide and immediately improve the humanitarian situation in Gaza.
4. Expresses deep sympathy for all those affected by the conflict in Israel and Palestine, offering solidarity to those in the B&NES area impacted by this conflict.
5. Believes in the long term there can only be a political solution to this crisis. Discussions must restart immediately for a two-state solution, aiming for a safe and viable Palestinian state alongside a safe and secure Israel, to achieve lasting peace.
6. Hopes for an immediate and unconditional release of all hostages.
7. Believes that Muslims, Jews, and people of all faiths and none should feel safe and supported worldwide and condemns the increase in Antisemitic and Islamophobic violence and abuse in the UK.

Council therefore:

1. Supports calls for an immediate, bilateral, ceasefire locally, nationally and internationally.

2. Asks the Council Leader to write to the UK Government on behalf of B&NES Council urging a ceasefire, the release of hostages, the reinstatement of funding for UNRWA, and advocate for lasting peace with a two-state solution on the global stage.
3. Repeats its dedication to combat racism and discrimination in our communities and condemns the use of all dehumanising language. We call on our communities to treat each other with respect and refrain from inflammatory terminology.
4. Resolves to explore how the Council can better support and facilitate events for people of all faiths and none, enabling them to come together and express solidarity and sadness in response to these events.
5. Pledges to promote and facilitate access to local services that offer the best support for residents.
6. Pledges to support these services and facilitate their needs, as they play a key role in assisting and nurturing our residents during these challenging times.
7. Calls on the government to ensure that there are safe and legal routes for refugees and to reform the UK Resettlement Scheme to allow a route to safety for the most vulnerable in Gaza with emergency pathways for those seeking refuge from the conflict and emphasises our readiness **as** a community in Bath and North East Somerset to provide support and open our arms to innocent people displaced and affected by these events, as the community did for refugees from Syria, Afghanistan and Ukraine.
8. Desires to fly the UN flag as a symbol of peace at the Guildhall on appropriate occasions, such as the UN International Day of Peace, in recognition of our shared hope for peace across the world.

[Notes:

1. *The above successful motion incorporates various amendments and additions proposed by Councillor Manda Rigby and accepted into the substantive motion by the mover and seconder.]*

23 LIBERAL DEMOCRAT MOTION ON B&NES AGE FRIENDLY COMMUNITY

The Council considered a motion from the Liberal Democrat group regarding various B&NES Age Friendly initiatives.

On a motion from Councillor Alison Born, seconded by Councillor Sarah Moore, it was unanimously

RESOLVED that

Council:

1. Welcomes the “Ageing Well | Bath and North East Somerset” programme, which is an initiative by Age UK B&NES and the St John’s Foundation.
2. Understands that the goals of the programme are to transform B&NES into an inclusive, supportive and accessible place where everyone can age well, in whichever way they see fit, and for B&NES to become an Age Friendly Community, as defined by the World Health Organisation.
3. Notes and applauds the role of the B&NES 3rd Sector Group in reviving and facilitating the Ageing Well Network. This brings together voluntary sector organisations supporting people to age well and encourage older people to speak out about the issues that are important to them and their communities.
4. Notes the Age Friendly Community framework, established by the WHO, which consists of eight “Domains” or areas of the built and social environment which, when acted upon, can help to address barriers to ageing well, and a “Four-Step Programme Cycle”, which is a development process that places go through to embed an age-friendly way of working.
5. Notes that the “Ageing Well | Bath and North East Somerset” programme has successfully applied for membership to the UK Age Friendly Communities Network. This brings together the approximately 80 age friendly and ageing well communities across the United Kingdom.
6. Endorses the eight goals of the Ageing Well | Bath and North East Somerset programme and welcomes the involvement of Cabinet lead and officer representatives, alongside other local stakeholders, on the Steering Group intended to ensure older people’s needs and views are listened to when decisions are made.
7. Notes that the Health and Wellbeing Board have agreed to receive reports on the progress of the Ageing Well | Bath & North East Somerset programme.

Council therefore:

8. Supports the application to the WHO for B&NES to become an Age Friendly Community.
9. Encourages B&NES residents aged 55 and over to share their insights and experiences in the inaugural [Ageing Well Community Survey](#), which closes on 31 July 2024 and has already received over 1,000 responses.
10. Supports the relevant Cabinet member and Council service sharing relevant data, within information sharing protocols, with the “Ageing Well | Bath and North East Somerset” programme towards the 2024/2025 evidence-based “State of Ageing Report”, to ensure a comprehensive understanding of ageing in B&NES.
11. Invites the Children, Adults, Health and Wellbeing Scrutiny Panel, upon the publication of the evidence-based “Ageing Well | Bath and North East Somerset” programme’s “State of Ageing Report” at the end of 2024, to

consider actions the Council might take, under the eight Domains of Age Friendly Community Framework, to address barriers to ageing well in B&NES.

12. Requests that the relevant Cabinet member and Council service investigate B&NES signing up to the Age Friendly Employer Pledge, taking into account that Age is a protected characteristic under the Equality Act 2010.

[Notes;

1. *During debate, an amendment was moved and seconded by Councillors Saskia Heijltjes and Joanna Wright to add a request to consider improvements to pavements and pedestrian areas, including additional rest areas, clear pathways and enhanced lighting. This was lost on a vote of 10 Councillors in favour, 36 Councillors against and 4 abstentions.]*

24 QUESTIONS, STATEMENTS AND PETITIONS FROM COUNCILLORS

Councillor Shaun Hughes made a statement regarding the proposed parking changes in Midsomer Norton. He set out his view of the negative and damaging impact this would have on the town, which outweighed any positive benefits this would achieve. He commented that there was no financial justification nor realistic air quality implications. He called for common sense to prevail. Councillor Grant Johnson asked if Councillor Hughes considered that the introduction of these charges would impact on the benefits that should be coming from the much needed investment in the town, to which Councillor Hughes replied that they absolutely would. Councillor Joanna Wright asked Councillor Hughes asked how many motorbikes came into Bath from Midsomer Norton every day, to which he replied that he had no idea.

Councillor Onkar Saini made a statement concerning residents' continuing concerns about anti-social behaviour in Combe Down and similar demographic regions. He called for effective partnership working with Police to deter criminal activity and increase feelings of safety.

The Chair thanked both Councillors for their statements which would be considered by the relevant Cabinet Members.

The meeting ended at 8.46 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

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Bath & North East Somerset Council			
MEETING:	Council		
MEETING DATE:	19 September 2024		
TITLE:	Annual Climate & Nature Progress Report		
WARD:	All		
AN OPEN PUBLIC ITEM			
List of attachments to this report:			
Appendix 1: Annual Climate & Nature Progress Report (includes Progress on Actions (Annex A))			

1 THE ISSUE

- 1.1 This report sets out our progress on tackling the climate and ecological emergencies over the last financial year (2023-24). We have a commitment to report on our climate progress each year as set out in the Climate Emergency Strategy, and it is the first time we are reporting on the Ecological Emergency Action Plan. As Tackling the Climate & Ecological Emergencies is one of the council’s core priorities set out in the Corporate Strategy, this report brings together both elements for the first time.
- 1.2 This report notes that there is significant activity underway and planned within the council and across the district to tackle the climate and ecological emergencies. It recognises that more action is needed if we are to meet our climate change targets to be a carbon neutral council by 2030 and lead the district to net zero by 2030.

2 RECOMMENDATION

The Council is asked to;

- 2.1 Note the positive progress achieved over the past year across the priorities set out in the Climate Emergency Strategy and Ecological Emergency Action Plan.
- 2.2 Approve the Annual Climate & Nature Progress Report.

3 THE REPORT

- 3.1 This Report sets out our overall progress with reducing emissions and highlights some of the key work that has been undertaken over the past year.
- 3.2 Bath and North East Somerset district has seen a 39% decrease in emissions between 2005 and 2021, which is consistent with the average across the UK. Data from 2021 is the most recently available at the district level. As a council, we have successfully reduced our own emissions by 36% between the 2016-17 financial year and the 2023-24 financial year.
- 3.3 We have been recognised by independent organisations for our leadership, including our first B score by the Carbon Disclosure Project and ranking 7th of all UK local authorities by Climate Scorecards UK (including ranking 1st for buildings and heating, and joint 1st for biodiversity).
- 3.4 Progress on decarbonising our own operations includes the installation of air source heat pumps, LED lighting and rooftop solar on two care homes resulting in estimated annual carbon savings of approximately 100 tonnes CO₂. The Keynsham Recycling Hub has opened and includes a 3800m² rooftop solar PV array, rainwater harvesting for vehicle washing and plant watering, and planting of more than 200 trees and 500m of perimeter hedgerows to support biodiversity net gain.
- 3.5 Decarbonising our vehicle fleet remains a key challenge, and trials have begun for electric HGV refuse trucks with the potential to replace existing diesel models. This trial complements progress elsewhere in our vehicle fleet, with 20% of light commercial vehicles now electric.
- 3.6 Where the council has more limited control, we use regulatory levers and our convening role to drive change at the district level. Examples include the enforcement of minimum energy efficiency standards which has led to energy efficiency improvements in more than 70 privately rented homes, resulting in a fall in annual energy costs by an average of £388 per property and enabling the saving of more than 125 tonnes of CO₂. The Green Open Homes weekend in November 2023 saw 22 homeowners open their homes to showcase energy saving measures to almost 800 people. Bath and West Community Energy has secured funding to run more Green Open Homes events in BANES communities in 2024.
- 3.7 The council has renewed its cooperation agreements with Bath and West Community Energy and Keynsham Community Energy, enabling continued joint working to deliver local energy projects and opportunities for local people to invest in renewable energy. B&NES is currently in the second phase of Solar Together West of England, a group-buying scheme delivered in partnership with WECA and their partner iChoosr Ltd. This second phase will see around 280 installations of solar panels on BANES residents' rooftops.
- 3.8 The number of people choosing to travel by rail, bus and active travel options (walking, wheeling and cycling) has increased and further projects and investment is planned to continue to encourage such mode shift. Bath now has its first electric bus route, operated by community interest company The Big Lemon and subsidised by the council, providing a vital link between Bath city centre, the University of Bath and the Royal United Hospital.

- 3.9 The council was one of the first to adopt Biodiversity Net Gain, meaning developments in the district will be delivering net gains for nature ahead of much of the UK. A new development at Englishcombe Lane, delivering 16 new homes built for people with autism and/or learning difficulties, has been designed to create a nature-rich setting, aiming to achieve the Building with Nature accreditation and deliver 20% biodiversity net gain.
- 3.10 The Somer Valley Rediscovered project has delivered over 1000 hours of wellbeing activities as part of a Green Social Prescribing offer and has been working with local communities to improve the management of sites across the Somer Valley. This includes work in Waterside Valley where a masterplan has been developed with local people and landscape architects, and ongoing actions to help nature and improve access for local people.
- 3.11 The council is continuing to support people's access and engagement with nature. A successful bid to the UK Shared Prosperity Fund is enabling Avon Wildlife Trust to deliver the Nextdoor Nature project, which empowers local communities to manage green spaces for nature. Bathscape continues to engage thousands of people through walks, events and volunteering opportunities. Bathscape's Footprints podcast was nominated for Best Local Show for the second time at the Audio and Radio Industry Awards.
- 3.12 We are working in partnership to deliver new woodland across BANES. The Great Avon Wood is well underway to becoming a 100 acre woodland near Pensford as part of a crucial partnership with Avon Needs Trees and the Forest of Avon Trust. This will be joined by 422 acres of woodland made possible by the recent purchase of land by Avon Needs Trees. This new woodland, the Lower Chew Forest, will be home to 100,000 trees and a mosaic of nature-rich habitats, including wetlands, miles of hedgerow and species-rich grassland.
- 3.13 The Report also sets out the council's next steps for the series of actions set out in the Climate and Ecological Emergency Action Plans, published in 2023.

4 STATUTORY CONSIDERATIONS

- 4.1 The Council's climate action plans are in keeping with the role identified for local government in the Climate Change Act 2008 and the regular reports of the UK's climate advisory body, the UK Climate Change Committee.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 The Annual Climate & Nature Progress Report outlines the next steps that are covered by existing budgets or notes where there are resource constraints associated with delivery. Business case development will be undertaken and opportunities to increase external funding will be sought.

6 RISK MANAGEMENT

- 6.1 This report recommends that Council note the positive progress achieved over the past year across the priorities set out in the Climate Emergency Strategy and Ecological Emergency Action Plan. As such, a risk assessment has not been conducted in relation to this report.

7 EQUALITIES

7.1 An EIA has not been carried out as this is a report on progress, not new policy. It should be noted that actions to tackle the climate and ecological emergencies have benefits that extend beyond just climate and nature. Home energy efficiency improvements and domestic retrofit can reduce household energy bills. Improved access to public transport and active travel can improve health outcomes and reduce social isolation. Access to nature and green social prescribing can have positive impacts for people experience limiting health conditions.

8 CLIMATE CHANGE

8.1 This Report provides a direct update on the council’s progress towards tackling the climate and ecological emergencies, built on the climate and ecological emergency declarations in 2019 and 2020 respectively. It delivers on our commitment to report annually.

8.2 The Report presents the combined actions of services across the council and sets out the next steps across the identified priority areas for climate (decarbonising buildings, decarbonising transport, increasing renewable energy generation and decarbonising council operations) and ecology (leadership and evidence, land and water management, nature-based solutions, access and engagement, evidence and monitoring, and working in partnership).

9 OTHER OPTIONS CONSIDERED

9.1 None – providing an annual progress report was a commitment set out in the Climate Emergency Strategy and Ecological Emergency Action Plan.

10 CONSULTATION

10.1 As part of the council’s response to the climate and ecological emergencies we conduct regular community engagement, the highlights of which are included within the Report.

10.2 The Annual Climate & Nature Progress Report has been reviewed by the S151 Officer and the Monitoring Officer.

Contact person	Eleanor McGhie eleanor_mcghie@bathnes.gov.uk
Background papers	Appendix 1: Annual Climate & Nature Progress Report Appendix 2: Progress on Actions (Annex A to Annual Climate & Nature Progress Report) Climate Emergency Strategy – available online - https://beta.bathnes.gov.uk/read-our-climate-strategy-and-action-plan

	Ecological Emergency Action Plan – available online - https://beta.bathnes.gov.uk/ecological-emergency-action-plan
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Please contact the report author if you need to access this report in an alternative format
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Bath & North East
Somerset Council

Improving People's Lives

Bath & North East Somerset Annual Climate and Nature Progress Report 2023-24



TACKLING THE CLIMATE &
ECOLOGICAL EMERGENCY

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Foreword

In 2019, we were one of the first councils to declare a climate emergency. We committed to providing the leadership to enable the Bath and North East Somerset area to become carbon neutral by 2030 while doing the same for our own operations. In 2020, we declared an ecological emergency, recognising the severity of the degradation of the natural environment and loss of wildlife, and the urgent need to take action to restore nature.

This year we have redoubled our efforts to tackle the climate and ecological emergencies. We have installed new heat pumps, solar PV and LED lighting upgrades on our estate. We have commenced a significant IT infrastructure project, shifting our on-site, energy intensive servers to an off-site, low carbon alternative. We have opened the new Keynsham Recycling Hub, with a 783 KWP solar PV array, rainwater harvesting and more than 200 trees and 500 metres of perimeter hedgerows. We have made three through-traffic restrictions permanent under the Liveable Neighbourhoods programme, with a further five currently being trialled.

Our Biodiversity Net Gain policy is already delivering on sites across the district, including Englishcombe Lane and Charlcombe Meadows. Our new Local Plan will include additional requirements for nature: sustainable urban drainage systems, more and better-quality green infrastructure, and local targets for tree cover. Our place-based projects are delivering for people and nature, the Somer Valley Rediscovered project for example, has seen over 1,000 people attend 36 events in the first few months of 2024.

We continue to collaborate with partners, supporting the Green Open Homes and Green Heritage Homes projects to increase understanding and uptake of domestic retrofit measures. Our cooperation agreements with Bath & West Community Energy and Keynsham Community Energy have been renewed, enabling us to continue to deliver local renewable energy projects. Working with our partners Avon Needs Trees and the Forest of Avon Trust has led to new projects including the Great Avon Wood and the Lower Chew Forest, creating 522 acres of nature-rich woodland and grassland collectively.

Looking ahead, I am hopeful for key policy changes from the new UK Government. A step change in action at a national level is critical for us to achieve our goals and continue delivering for local people. We will be updating our response to the climate and ecological emergencies in 2025, drawing together our approach with a new joint strategy. I hope that you will continue to engage with us as we work to reduce our emissions, adapt to the changing climate and restore nature.



**Councillor Sarah Warren,
Deputy Council Leader and
Cabinet Member for Climate
and Sustainable Travel**

Working with Communities

Working with our local communities is an important part of delivering action for climate and nature. By encouraging individuals to share their views, participate in action and connect with local landscapes we can tackle the climate and ecological emergencies together. This section shares some of the highlights of our work with communities.

- A collaboration between Somer Valley Rediscovered and Youth Connect South West, has enabled young people to connect with nature through the delivery of short courses on bush craft and film and editing skills in nature video creation.
- Page 24 A Green Social Prescribing offer in Somer Valley, has provided over 1000 hours of well-being activities, attended by 142 local people. These activities have been led by expert facilitators to enable adults to benefit from local nature and support mental and physical health.
- The [Bathscape Podcast, Footprints](#), offers educational and engaging programming on the countryside around Bath. The podcast was nominated for Best Local Show at the 2023 and 2024 Audio and Radio Industry Awards.
- Communities have been supported to connect with the natural landscape surrounding the city of Bath, keep active and improve their wellbeing, through Bathscape's rolling programme of weekly well-being walks. Details are available on the [Bathscape website](#).

CASE STUDY: Collaboration with the Prince's Trust

In September 2023, a collaboration between Somer Valley Rediscovered and the Prince's Trust Programme at Bath College, set out to raise young people's awareness of local nature and the importance of climate awareness.

To date, two teams of young people have been supported to gain skills and confidence through practical volunteering experiences, with a third beginning in June 2024. These experiences have opened the door to further opportunities, with one young person proceeding to a work placement within the Somer Valley Rediscovered project.



A group of young people volunteer as part of a collaboration between Somer Valley Rediscovered and the Prince's Trust.

Working with Communities Continued

- In March 2024, Students aged 11- 18 spoke with Councillor Sarah Warren about priority areas for decarbonisation and nature recovery during the BANES Youth Climate Summit, attended by almost 100 students. The students were invited to share their experiences and perspectives to feed into the council's Active Travel Masterplan.
- In June 2023, charity Climate Hub BANES, took over a vacant unit in Bath city centre, offering activities and information about the climate and ecological emergencies. The temporary use of the property was part of Bath & North East Somerset Council's Vacant Unit Action Project to breathe new life into vacant spaces. We will continue to work with Climate Hub BANES to secure them a more permanent base.
- The council has collaborated with partners in support of community engagement events such as the Festival of Nature, where we facilitated a joint panel discussion on how renewable energy can benefit nature in June 2023, and the Climate Hub Springtime Assembly.
- Nature-based activities and sharing of ideas and action to tackle climate and ecological emergencies, have been delivered through green infrastructure projects including Bathscape and Somer Valley Rediscovered.

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CASE STUDY: Doughnut Economics at Bath Abbey

In October 2023, community groups, voluntary organisations and social enterprises came together at Bath Abbey as part of the Gaia & Treasuring Creation Festival, to hear economist Kate Raworth, talk about Doughnut Economics – an innovative approach to economic thinking that can meet people's needs within the capacity of the planet.

Participants mapped initiatives already underway as well as the challenges and opportunities to further the approach in our district. The mapping work will be used to better inform community engagement on climate and nature across the district, helping to reach a range of people and cover the topics people feel most resonate with them.



Pictured: Economist Kate Raworth (left) and Councillor Sarah Warren (right) in front of the Gaia installation in Bath Abbey.

Climate Emergency

Tackling the Climate Emergency

Our Climate Emergency Strategy sets our ambition and priorities to tackle the climate emergency, with actions targeted across the Bath and North East Somerset area and our own operations. Our four priorities are to:

1. Decarbonise Buildings;
2. Decarbonise Transport;
3. Increase Renewable Energy Generation; and
4. Decarbonise the council's own operations.

Our principles for delivery of these priorities include working in partnership, providing leadership and enabling community action.

As a council, our scope 1 and 2 emissions account for <1% of the total emissions for the wider Bath and North East Somerset area. In alignment with our principles, we see tackling our own operational emissions as important work to provide local leadership on the climate emergency.

To date, much of our emissions progress as a council has been facilitated by the decarbonisation of the electricity grid as renewable energy generation has increased nationally. We are now looking to deliver a step-change in action as a council. The pathway to net zero will not be linear, and many of the projects

highlighted in this report may not deliver carbon savings until the coming years as it takes time for impact to filter through into data. We look forward to reporting our progress in future years, alongside further projects already in the pipeline.

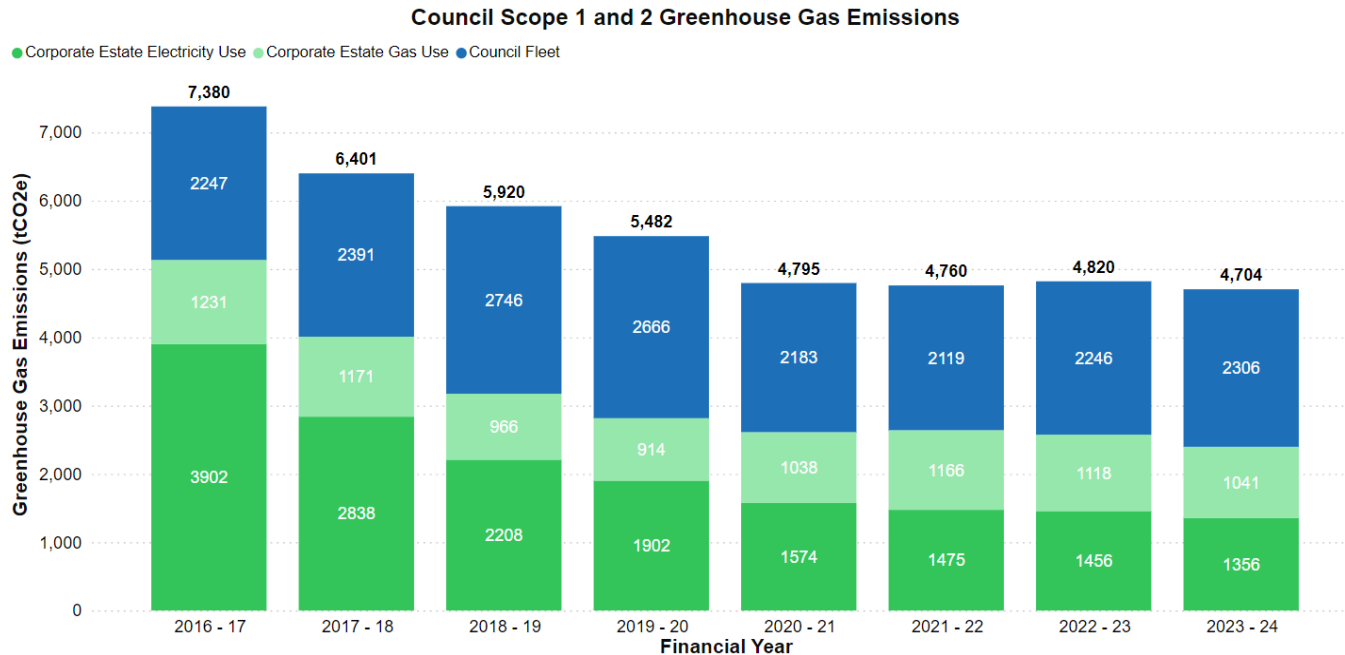
Alongside working on our own emissions as a council, we also work in partnership to support emissions reductions across the whole of the Bath and North East Somerset area. This section of the report highlights some of the key pieces of work completed or underway to tackle the climate emergency.



Pictured left to right: Mandy Lake (Climate Hub), Councillor Oli Henman, Carmen Jones (Climate Hub), Alanna Wright (National Trust) at the Climate Hub Springtime Assembly.

Where We Are Now: Decarbonising Council Operations

The graph below focuses on Scope 1 and 2 emissions for the council's own operations. This includes emissions from gas and electricity use in buildings under our control, and our own vehicle fleet. The council's emissions make up less than 1% of emissions for the Bath and North East Somerset area.



Between 2016-17 and 2023-24*, we have successfully reduced our emissions by 36%. A significant drop in emissions was experienced during the onset of the Covid-19 pandemic and this reduction has been sustained with emissions for the 2023-24 reporting year even lower than those reported during the pandemic. Historic emissions reductions have largely been due to the decarbonisation of the electricity grid, but the following pages provide detail on some of the recently completed or currently underway projects that we expect will reduce our operational emissions over the coming years. We are continuing to explore options for new projects that will lead to a step change in emissions reductions across the council.

***Note:** electricity and gas consumption values for the latter half of 2023-24 are based on conservative estimates due to ongoing billing issues. These values may be subject to change in subsequent reporting cycles.

Highlights: Decarbonising Council Operations

Decarbonising our own operations is crucial to lead action on climate change in the region. We have been recognised by independent organisations for our leadership and are making practical progress on decarbonising our electricity and heating, while decarbonising our vehicle fleet remains a significant challenge.

- Our new Corporate Strategy 2023-2027 sets out our two core policies – tackling the climate and ecological emergencies and giving people a bigger say.
- Tackling the climate emergency has been embedded in all Council decision making via our Doughnut Decision Tool. This requires all Council decisions to be considered through the lens of doughnut economics, capturing the impact on our planetary boundaries and our social foundation.
- In 2023, B&NES were awarded our first B Score from the Carbon Disclosure Project (CDP), for our progress on tackling the climate emergency. Last year, 109 states and regions around the world disclosed their climate data through the Project.
- We were ranked 7th of UK local authorities by Climate Scorecards UK, which assessed action across seven categories: buildings & heating, transport, planning & land use, governance & finance, biodiversity, governance & finance, and waste reduction & food.

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CASE STUDY: Keynsham Recycling Hub

B&NES has invested £41.8m in a state-of-the-art waste facility in Keynsham. The first phase, a public household waste, reuse and recycling centre, opened in April 2023. The final phase of the project, an operational hub to deliver frontline services such as recycling, waste collections and vehicle servicing, is now complete, opening in February 2024.

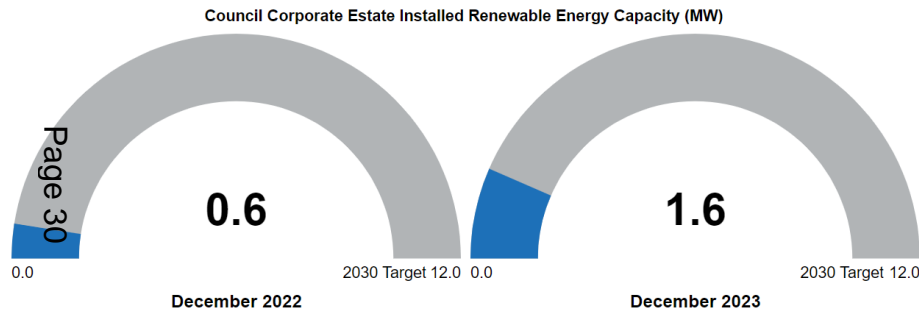
The scheme has been designed with carefully considered sustainability measures built in, including a 3800m² (783KWp) solar PV array on top of the buildings and rainwater harvesting, used for vehicle washing and plant watering. More than 200 trees and 500m of perimeter hedgerows have been planted, strengthening wildlife corridors and supporting biodiversity net gain.



Pictured left to right at the opening of Keynsham Recycling Hub: B&NES Council leader, Councillor Kevin Guy, B&NES Council Chair, Councillor Sarah Moore and Cabinet Member for Neighbourhood Services, Councillor Tim Ball.

Highlights: Decarbonising Council Operations Continued

- In 2023, two care homes (Combe Lea and Cleeve Court) had air source heat pumps, LED lighting and rooftop solar installed. This will result in estimated annual carbon savings of approximately 100 tonnes CO₂, around 4% of the council's corporate estate emissions.
- Renewable energy capacity on the council's corporate estate increased from 0.6 MW to 1.6 MW in December 2023:



- An electric HGV refuse truck has been trialled to replace existing diesel models that are reaching the end of their life. This trial compliments progress elsewhere in our vehicle fleet, with 20% of light commercial vehicles now electric.
- Heat Decarbonisation Plans are underway for our highest emitting buildings and a bid has been submitted for £122k to the Low Carbon Skills Fund for 'Bath Major Assets Energy Network' including Guildhall; Victoria Art Gallery; Roman Baths & Pump Rooms; and Bath Sports & Leisure Centre.

CASE STUDY: Upgrading IT Infrastructure

A significant project to transition our IT infrastructure from on-site servers to off-site cloud servers is currently underway. The council's current servers are located onsite in Keynsham and Bath and are energy-intensive. This project will see the servers transitioned to an off-site cloud-based solution with a low carbon partner.

The project will deliver estimated carbon savings of 124 tonnes of CO₂e over a five-year period. The project is partway through its first year with the impact on energy use and emissions not yet reflected in our data.

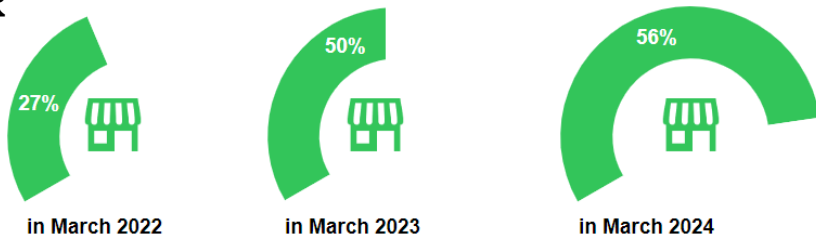
Highlights: Decarbonising Council Operations – Scope 3 Emissions

Scope 3 emissions are those that are produced indirectly by activities outside an organisation's own operations. For the council, this includes emissions associated with our procurement of goods and services, the buildings we own but do not occupy and our corporate travel.

Scope 3 emissions are difficult to measure and reduce as they fall outside our direct control. As a council we are making progress in identifying our Scope 3 emissions sources and what actions we can take to reduce them.

- The percentage of council-owned commercial units with an EPC of A-C has increased from 27% to 56% in March 2024. This means that buildings that are leased from us will be more energy efficient and have lower emissions associated with them.

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CASE STUDY: Pension Fund's Net Zero Goals

Avon Pension Fund provides the Local Government Pension Scheme pension for 400+ local employers and has over 130,000 members, including over 11,000 B&NES council members (employees, pensioners, etc).

Last year the Fund engaged key stakeholders in a review of the net zero targets it sets for its £5.8 billion of investments. Their member survey received over 5,000 responses.

The climate goal review led to the Fund bringing forward its net zero target from 2050 to 2045. This target is underpinned by near-term targets, designed to reduce emissions and finance climate transition. For example, by 2030 they will divest from all companies within high impact sectors that are not on target to reach net zero by 2050.

In 2023 the Fund agreed to allocate 3% of its assets to local impact investments.

In January 2024 they invested alongside five other pension funds into a portfolio of 17 solar farms in the south-west. The collaborative investment will generate around 196MW of electricity, equivalent to powering nearly 70,000 homes.

This investment in local renewable energy will deliver attractive financial returns to help protect Avon Pension Fund members' pensions.

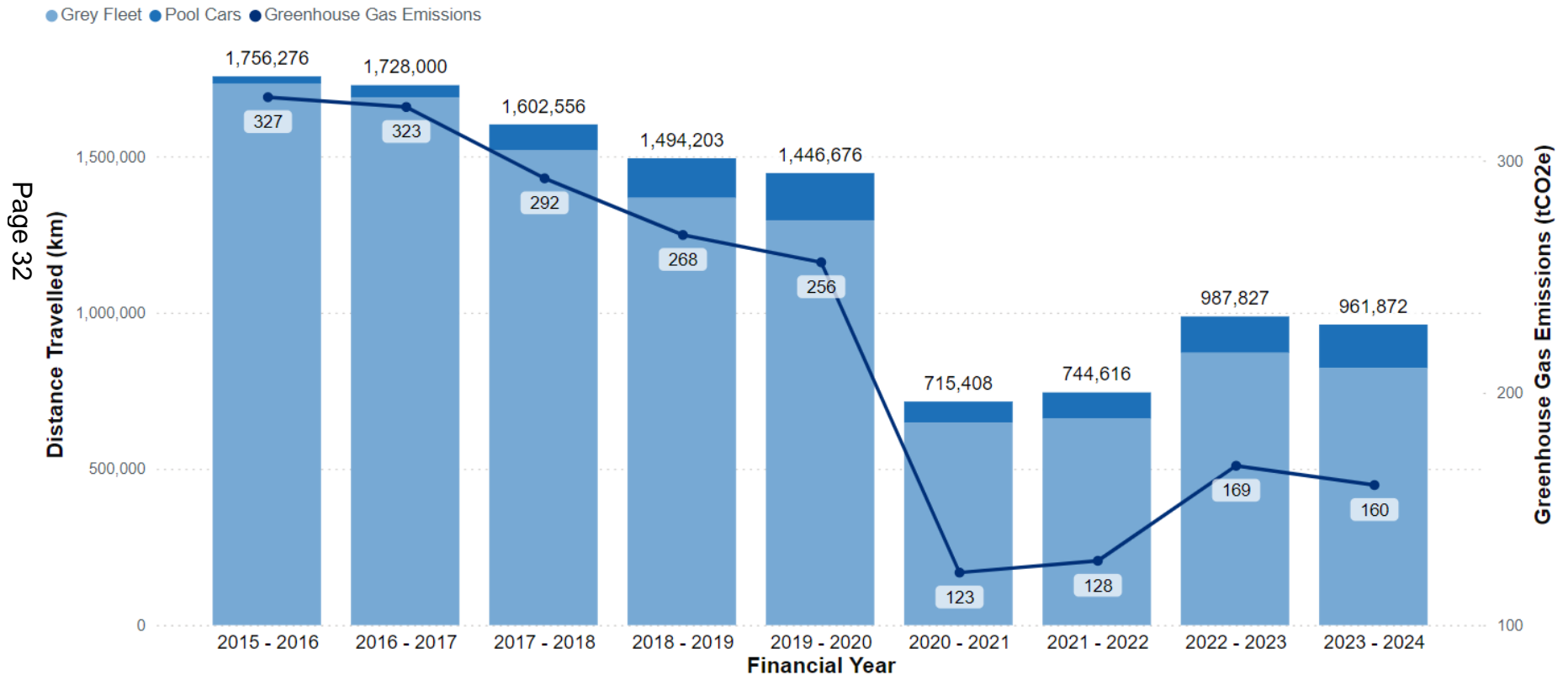


A visit to an Avon Pension Fund investment, a solar farm in South Gloucestershire.

Highlights: Decarbonising Council Operations – Corporate Travel

The emissions from council staff business travel are not captured as part of our Scope 1 and 2 emissions which are reported on page 10. These emissions are classified as part of our Scope 3 emissions. We are making progress at reducing overall business travel mileage and increasing the number of electric vehicles in our pool car fleet, while encouraging staff to use pool cars rather than their own cars for business travel. The emissions associated with business travel have fallen by **51%** since 2015-16.

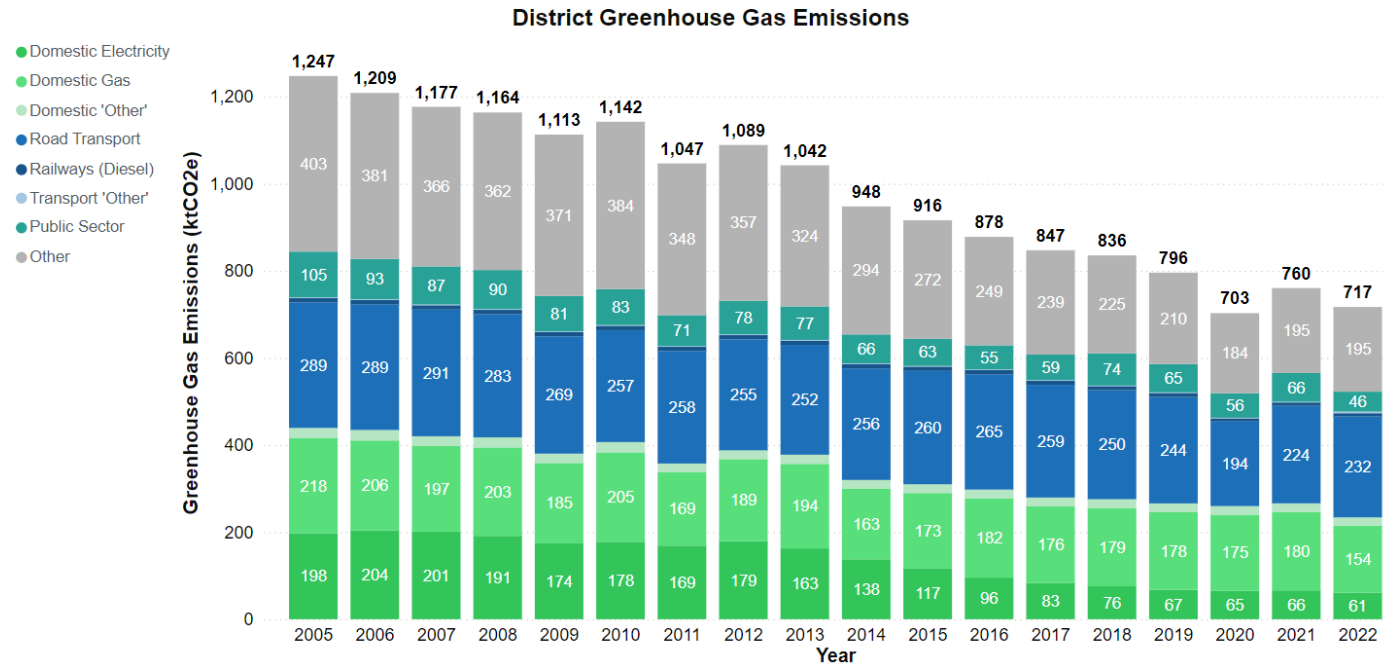
Council Staff Business Travel



Where We Are Now – Decarbonising Bath and North East Somerset District

The graph below shows the Scope 1 and 2 emissions for the Bath and North East Somerset area.

These emissions arise from the direct (gas, petrol, diesel) and indirect (electricity) use of energy, including: homes; commercial and public sector buildings; industry; transport; land use, land use change and forestry; agriculture; and waste management.



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Between 2005 and 2022, greenhouse gas emissions for the district fell by 43%. This is significant progress indicating that we have returned to a falling trajectory after the temporary post-Covid bounce back.

The Climate Change Committee estimates that local authorities in the UK have power or influence over roughly a third of emissions in their local areas². Although B&NES does not have direct control across all areas, we prioritise action where we can have the most impact and deliver for residents – working to decarbonise buildings, transport, and increase renewable energy generation. The following pages share some highlights of projects that are completed or underway to support and deliver emissions reductions across the district.

Highlights: Decarbonising Buildings

Roughly a third of emissions in Bath and North East Somerset come from electricity and gas use in our domestic buildings. Retrofitting existing buildings to improve their energy efficiency, and decarbonising electricity and heating sources are crucial to reduce these emissions. Through unique partnerships, we are balancing the need for decarbonisation with our World Heritage Status in Bath and have been recognised as the leading UK local authority for our action on buildings and heating.

- The Buildings & Heating section for Climate Scorecard UK ranked B&NES 1st of all local authorities in the UK.
- The council is a key partner in the WECA Retrofit West programme, providing grant funding and free retrofit advice to residents and local businesses, as well as delivering green skills development to encourage the scale up of retrofit in the district.
- Residents who are interested in retrofitting their homes have been connected to local services through an advice line. Calls from people in Bath and North East Somerset make up 18% of total enquiries to the Retrofit West programme, and homes in the region make up 20% of housing stock.

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CASE STUDY: Minimum Energy Efficiency Standards

The Domestic Minimum Energy Efficiency Standard Regulations require private rented homes to have an Energy Performance Certificate (EPC) rating of E or above.

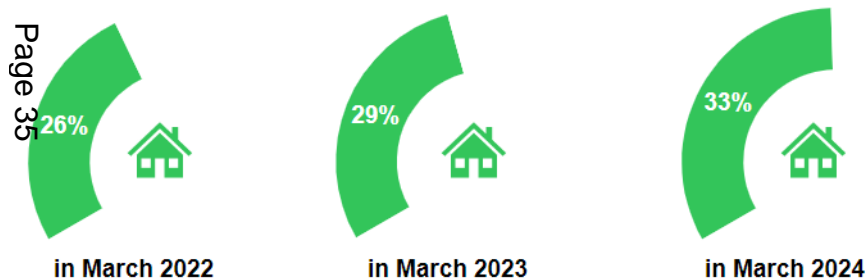
In 2022, Bath & North East Somerset council identified domestic rental properties in BANES with an EPC below that level. Where properties fell short of the minimum E energy rating, the landlords were issued with Compliance Notices, requiring them to improve energy performance or pay a £5000 fine per property.

Improvements have now been completed in more than 70 properties. The introduction of energy efficiency measures has resulted in a fall in annual energy costs by an average of £388 per property and enabled the saving of more than 125.7 tonnes of CO₂ across the district, an average of 3 tonnes per property.



Highlights: Decarbonising Buildings Continued

- The council is a key partner in [Green Heritage Homes](#), a collaborative project to improve understanding of energy efficiency works to listed buildings. The project has a new dedicated Conservation Officer helping to develop pre-application advice for retrofit.
- There were 132 heat pumps installed on domestic buildings in the 2023-24 financial year.
- The percentage of domestic homes in Bath and North East Somerset with an EPC rating of A-C has increased from 26% in March 2022, to 33% in March 2024.



CASE STUDY: Green Open Homes

The Green Open Homes BANES weekend in November 2023 saw 22 homeowners across Bath and the Chew Valley open their homes to showcase energy saving measures to inspire visitors to act on their own home energy. The weekend was made possible by 46 volunteers, including B&NES Green Transformation staff, and attracted 788 visits.

Bath and West Community Energy (BWCE) has secured funding to run further Green Open Homes events in communities throughout BANES in 2024, this time taking a community-led approach. B&NES council is currently supporting with the search for 'champions' to run local events in their area.



A group of people look at solar panels on a roof at one of last year's Green Open Homes.

Highlights: Decarbonising Transport

Decarbonising transport remains one of our biggest challenges, in part due to the rural-urban nature of our district and the combination of changes needed to policy, behaviour and technology. We focus on creating an environment that makes it easier to travel by public transport or active travel, including walking, wheeling and cycling.

- The number of passenger journeys in Bath and North East Somerset taking place on local bus services has increased from 8 million in 2021-22 to 9 million in 2022-23.
- A feasibility study for reopening Salford rail station has been completed, with report publication expected by the end of this year.
- The numbers of rail passenger entries and exits (rail use) has increased at all BANES train stations between 2021-22 and 2022-23. At Bath Spa station there were an estimated 5,468,466 passenger entries and exits in 2022-23, compared to 4,085,704 in 2021-22.
- Since TIER took over the e-Bike/Scooter trials in September 2023 148,111 kilometres have been clocked. There's been more than 70,000 trips taking place and nearly 10,000 riders travelling sustainably.
- 21 bike hangars have already been installed to give people easy and safe storage for bicycles, with a further 20 consulted on.

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CASE STUDY: Electric Bus Service

Travel between the busiest locations in Bath has become greener thanks to the introduction of a new electric bus service. Operated by community-interest company The Big Lemon, the bus, which is the first in the region, provides a vital link between Bath city centre, the University of Bath and the Royal United Hospital. The number 20 route, which is subsidised by the B&NES council Transport Bus Levy, benefits residents, students, tourists and hospital visitors, by providing a greener transportation option.

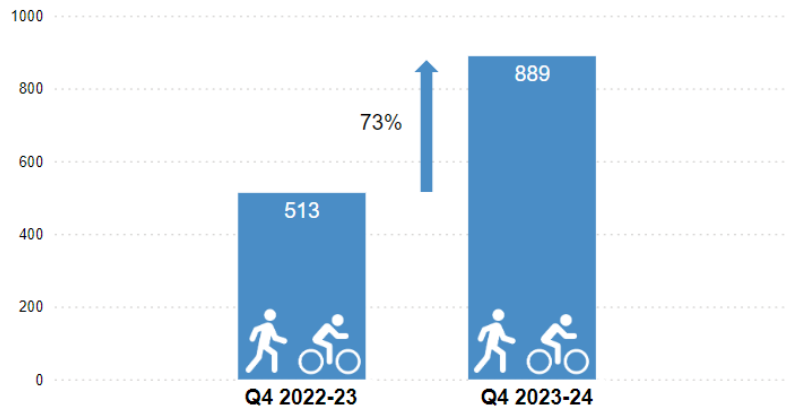


Left to right: Jason Freeman, Operations Manager Bristol & The West at The Big Lemon; Colin Morris, General Manager at The Big Lemon; Georgia-Rose Gleeson, Sustainability Officer at The Royal United Hospital; Councillor Sarah Warren; Tom Druitt, CEO at The Big Lemon.

Highlights: Decarbonising Transport Continued

- Key transport projects have been put forward to consultation including Bath City Centre, the Bristol to Bath Strategic Corridor and Somer Valley Links, with nearly 7,000 responses.
- ModeSHIFT stars awarded to numerous schools. The ModeSHIFT scheme recognises schools, businesses and other organisations that have shown excellence in supporting cycling, walking and other forms of sustainable and active travel.
- Three Liveable Neighbourhood through traffic restrictions were made permanent, one new trial has been introduced and approval given for two more trial Liveable Neighbourhoods later this year.
- Average daily bicycle and pedestrian volumes per counting site have increased by 73% when comparing Q4 (Jan-March) 2023 to Q4 2024:

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CASE STUDY: Queen Charlton Lane, Whitchurch

As part of the Liveable Neighbourhoods programme, through-traffic restrictions were introduced on a trial basis in three locations in 2022, including Queen Charlton Lane, Whitchurch. The aim of the restrictions was to prevent residential areas being used as short cuts and to increase the choice and safety for people who choose to walk, wheel or cycle.

During the trial period for the through-traffic restriction in Queen Charlton Lane, the council gathered feedback from residents and monitored changes to traffic volumes. The monitoring demonstrated that there were no significant traffic impacts on primary alternative routes. Feedback from residents has been positive, with 65% more likely to walk for a short journey since the scheme had been introduced and 54% more likely to cycle or wheel.

Following the success of the three trials, the schemes were made permanent in 2024. The council is now delivering five more through-traffic restriction trials under the Liveable Neighbourhoods programme.



Highlights: Increasing Renewable Energy Generation

Increasing renewable energy generation across the district helps to decarbonise the electricity grid and reduce the emissions associated with our electricity use. We work in close partnership with local energy organisations to identify and develop renewable energy projects that benefit local people. Significant growth in installed capacity is expected but further work is still needed to identify enough suitable sites to meet our 300MW target by 2030.

- The council has renewed its cooperation agreement with Bath & West Community Energy (BWCE) for a further five years, through to 2028 and its cooperation agreement with Keynsham Community Energy. These agreements enable the organisations to continue working together to identify energy projects within the district, opportunities for joint research about community-based projects and opportunities for people in the area to invest in renewable energy projects.
- The council hosted a Wessex Community Energy Network conference in November 2023 on the theme of “Energy Local”- a model that allows renewable energy to be sold to local communities via an “Energy Local Club”. Over 40 people participated in the event at Guildhall, and it has led to the Council and BWCE partnering to develop an Energy Local pilot.
- B&NES council has been awarded £173,166 from the Swimming Pool Support Fund (SPFS) to install rooftop photo voltaic (PV) panels on Bath Sports and Leisure Centre. Installing the solar PV is expected to cut carbon dioxide emissions by 23.04 tonnes and save £41,000 in energy costs each year.

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CASE STUDY: Solar Together

B&NES is currently in the second phase of Solar Together West of England, a group-buying scheme delivered in partnership with the West of England Combined Authority (WECA) and their partner iChoosr Ltd. The scheme offers an easy way for residents and local business to invest in solar panels and battery storage to power their homes and support the council’s carbon neutral ambitions.

The first round, launched as a pilot in 2021, resulted in around 1 MW of installed capacity, with a carbon reduction of 207,518kg. Following this success, the scheme has been approved for a second and third round. The second round is in the delivery phase, with around 280 installations of solar panels due to be completed on BANES residents’ rooftops.

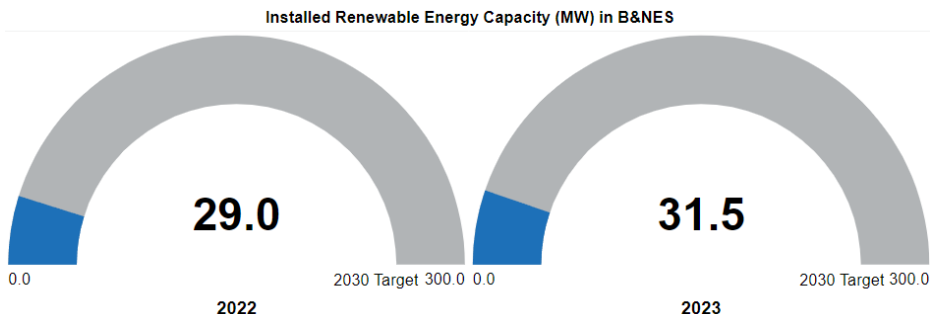


A person installs solar panels on a rooftop.

Highlights: Increasing Renewable Energy Generation Continued

- The Marksbury Plain commercial solar farm is currently under construction and will provide up to 15 megawatts (MW) of capacity. A 9 MW solar farm has planning consent at Howgrove Farm (north of Nempnett Thrubwell) and a pre-application submission has been made for a 6.7 MW solar farm with 49.5 MW of battery storage. The council is looking at options for development of larger renewables projects to meet a generation gap within our own 12 MW target.
- The council is a partner to the £5m Mission Net Zero project led by Bristol City Council. The project will develop a Local Area Energy Plan and Climate Investment Plan for the West of England region. This will give B&NES detailed data on which to base its energy strategy going forward in support of meeting the target for 300 MW new renewables generation by 2030.
- There were 587 domestic solar PV installations in the 2023-24 financial year.
- Installed renewable energy capacity has increased from 23 MW in 2022, to 31.5 MW in 2023:

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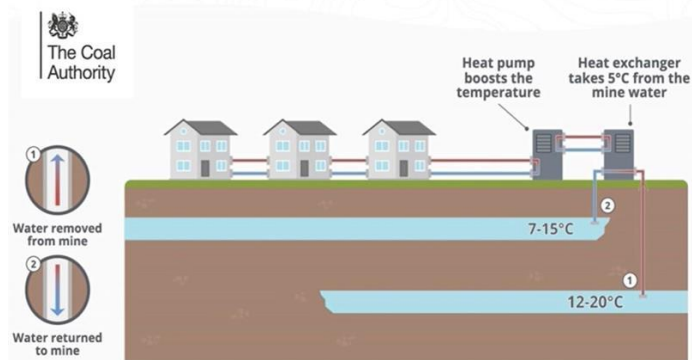


CASE STUDY: Heat from Mines

The council are working with the West of England Combined Authority (WECA) with £1.6m WECA funding to see if heat pumps could utilise warmer water in old mine pits for heating and cooling. There is the potential to heat more than 100,000 homes, schools and hospitals across the West of England.

350 homes, offices, a college and an arts centre in Gateshead (Tyne and Wear) are among the existing schemes that inform the viability of such a scheme in this area.

A successful scheme utilises water that is warmer than the water closer to the surface and goes through a heat exchanger and heat pumps. This can also be used for cooling in times of extreme heat. These pumps use electricity but can generate two to four times the electricity units in heat. With growing decarbonisation of the electricity grid, this provides a very low carbon opportunity for heating and cooling.



Explanation of heat recovery from mines.
Credit: The Coal Authority.

Ecological Emergency

Tackling the Ecological Emergency

Our Ecological Emergency Action Plan sets our priorities and the actions we are taking to tackle the ecological emergency. Our three priorities are to:

1. Increase the extent of land and waterways managed positively for nature;
2. Increase the abundance and distribution of key species; and
3. Enable more people to access and engage with nature.

We are not able to tackle the Ecological Emergency alone, but we recognise that we have an important role to play in tackling the Ecological Emergency, both through our own delivery and policy-making, and through supporting others to take action.

Much of our work on nature recovery so far is being delivered through our Strategic Green Infrastructure Projects, which have led place-based partnerships to benefit nature and people. We are now looking to step up our ambition by better integrating nature recovery across the Council, in areas such as planning, regeneration, management of our estate, and day-to-day operations.

This report provides an update on our progress in tackling the ecological emergency and summarises the work we have done as a council so far.

We look forward to reporting our progress in delivering the Ecological Emergency Action Plan in future years, and to deliver other exciting projects that are in the pipeline.



HM Lord-Lieutenant Mr Mohammed Saddiq, the Chair of Council, Councillor Sarah Moore, the Mayor of Bath, Councillor Dine Romero and council Leader, Councillor Kevin Guy, and Children from Widcombe Junior School planting an English oak in Victoria Park.

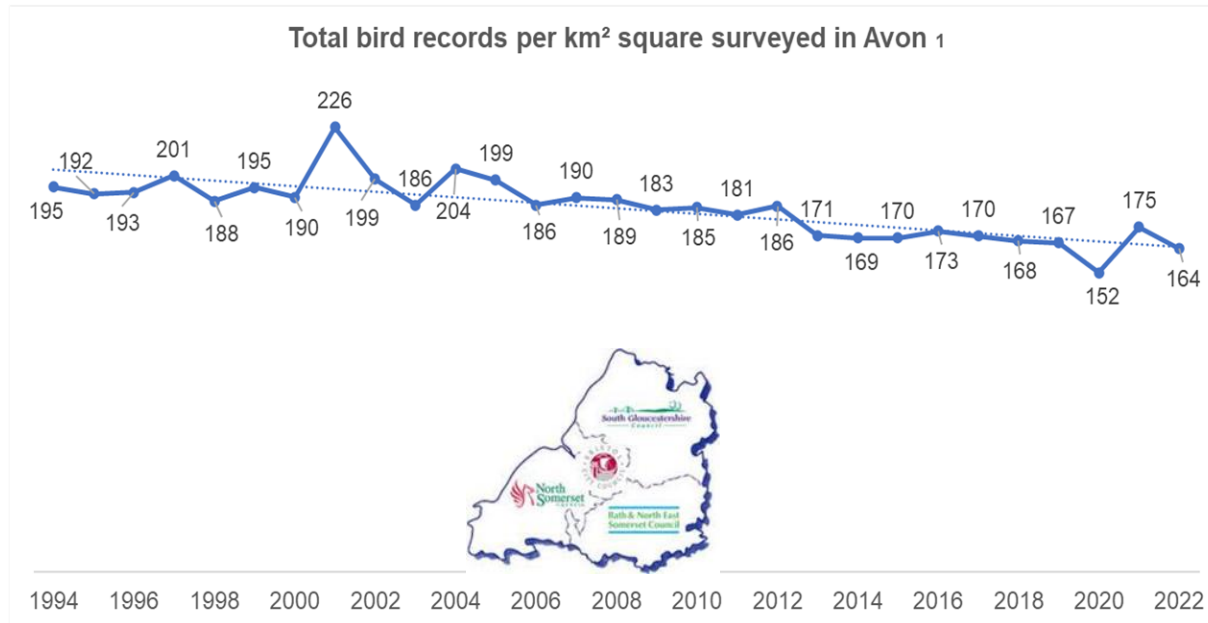


Participants on a Somer Valley Rediscovered Green Social Prescribing course in Midsomer Norton.

Ecological Emergency: Where We Are Now – Bath and North East Somerset District

This section of the Annual Report looks at the data we have on wildlife across the whole of the Bath and North East Somerset area.

The best data we have on wildlife populations is derived from the British Trust for Ornithology's annual Breeding Bird Survey. This data is only currently available for the whole of the West of England, but we expect the declines in BANES will mirror these changes.



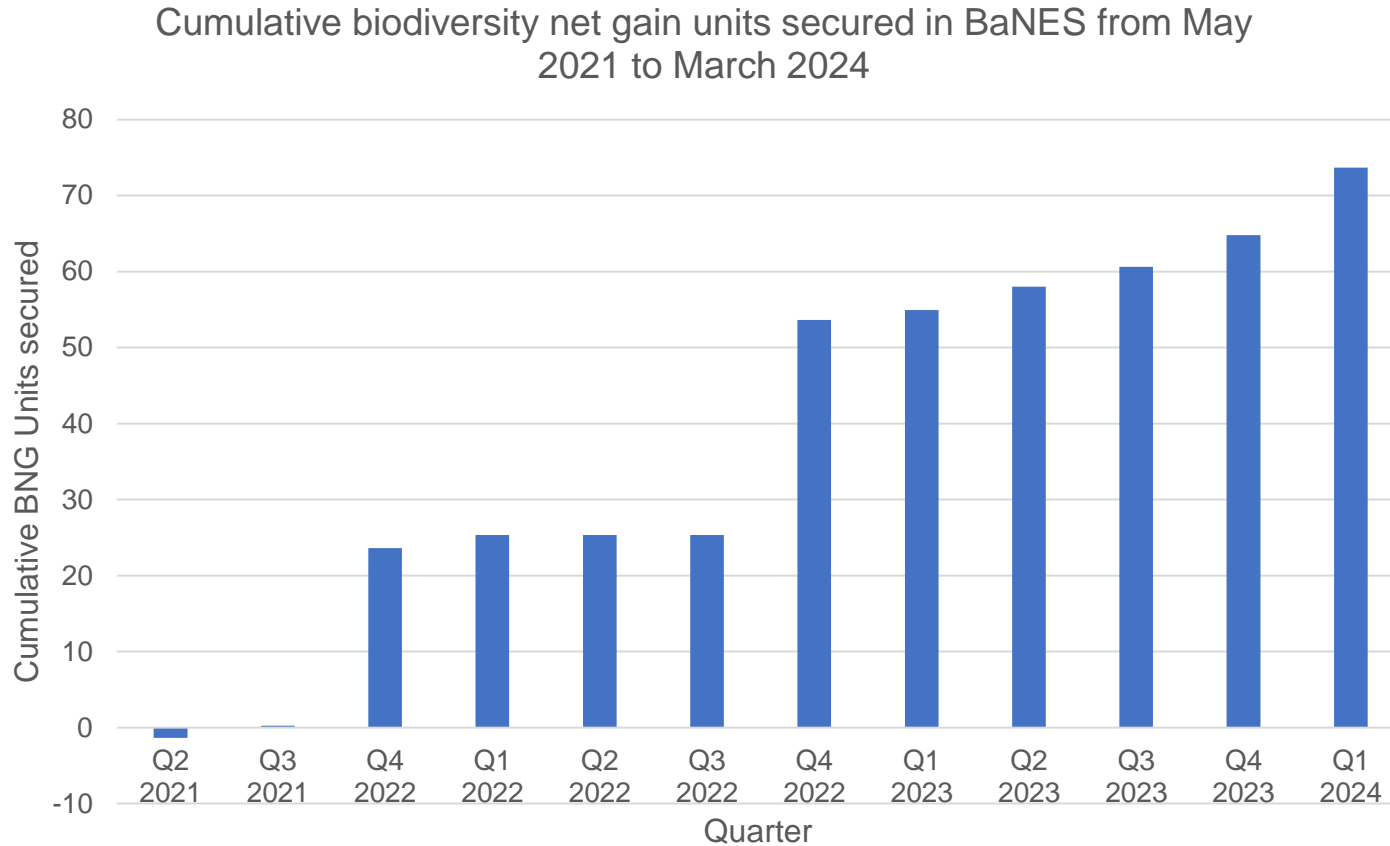
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Between 1994 and 2022, bird populations across the West of England (Avon) fell by approximately 16%. Although these records only go back to 1994, from UK records we can be confident that populations would have fallen significantly before the mid-1990s. The overall decline also masks more drastic decline in certain species, particularly 'specialist' species and insect-eating birds. For example, the swift count in the region fell by 91%, and the cuckoo count by 98%.

As the decline in wildlife is associated with land use change, agricultural intensification, and pollution across the district (as well as climate change), B&NES council does not have direct control over the majority of actions that are needed to reverse the decline in wildlife. That is why we are committed to showing leadership and working in partnership to enable action across the district.

Ecological Emergency: Where We Are Now – Bath & North East Somerset Council

This section of the Annual Report looks at the amount of habitat improved as a result of our Biodiversity Net Gain policy.



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Between May 2021 and February 2024, a cumulative 74 'Biodiversity Units' were secured through planning applications, equivalent to restoring 23 ha of neutral grassland from poor to moderate condition. Most of these Units were secured **before** 10% Biodiversity Net Gain was made mandatory through Planning Policy (January 2023), through a proactive approach. Two large developments were responsible for the majority of the Units delivered.

Highlights: Leadership and Evidence

Having declared an ecological emergency in 2020, it is crucial that B&NES council shows leadership in responding to the crisis facing nature. This year, we have been recognised as the joint-leading local authority nationwide for our response to nature's decline, helped by our ambitious approach to biodiversity net gain. Monitoring the state of nature in the district remains a significant challenge.

- B&NES was ranked joint first out of all local authorities in the country for action on biodiversity by Climate Scorecards UK.
- B&NES was one of the first councils to adopt Biodiversity Net Gain (BNG), meaning developments in the District will be delivering net gains for nature ahead of most places. Our Biodiversity Net Gain policy gained full statutory weight in January 2023, more than a year ahead of national requirements.
- Our developing Local Plan will be our most ambitious for nature recovery. In addition to BNG, emerging policies include a requirement for 'Sustainable Urban Drainage Systems', requirements for developments to have more and better 'green infrastructure', and local targets for tree cover.
- Our Nature Recovery Manager is leading development of the Local Nature Recovery Strategy (LNRS) for the West of England, which is on course to be first in the country to go to publication. The LNRS will set priorities and 'focus areas' for nature recovery across the region, enabling us to better target resources.

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- We have produced the first Strategic Evidence Base for nature in the district, which will help to show how we are progressing towards our ambitions for nature recovery. We are continuing to work with neighbouring local authorities to improve our monitoring of habitats and wildlife.

CASE STUDY: Englishcombe Lane

The council is delivering 16 homes for people with autism and/or learning disabilities at Englishcombe Lane.

The development has been designed to create a tranquil and nature-rich setting, with the aim of achieving 'Building with Nature' Full Accreditation.

As well as the site being nature-rich, the decision to pursue 20% BNG has created the potential for community led biodiversity enhancement schemes in the Englishcombe area.



Opportunities for Biodiversity Net Gain at Englishcombe Lane

Highlights: Land and Investment

Managing more of our land for nature is one of the key ways the council can directly contribute to nature recovery. This year, we have utilised a variety of funding sources and projects to manage more of our land for nature, although challenges such as dealing with the impact of ash dieback remain.

- Having identified council owned sites where there are opportunities for nature recovery, including Odd Down, Entry Hill, and Lansdown, we have secured funding for a Landscape City project that will improve the city's ecological network and develop masterplans for these sites. The project will take forward ideas for an Eco Hub at Entry Hill and a proposed nature trail at Odd Down Sports Ground.
- We are beginning to utilise funding received through Biodiversity Net Gain (BNG) to fund nature recovery on council-owned sites. This includes enhancing 0.5 hectares of bramble scrub to more biodiversity-rich 'mixed scrub' at Charlcombe Meadows, and we expect to replicate this approach on other sites as the demand for BNG grows.
- Bath West Community Energy's proposed solar farm at Fairy Hill will deliver 20% BNG by delivering grassland meadow, shrub and tree planting. This demonstrates how renewable energy and nature recovery can go hand-in-hand.
- The Somer Valley Rediscovered Project is improving the management of five sites across the Somer Valley for nature. This includes delivering 34 hectares of improved, nature-rich green space in Waterside Valley, with better access for local communities and visitors.

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CASE STUDY: Waterside Valley

Through the Somer Valley Rediscovered project, we are working with local communities to improve the management of five sites across the Somer Valley for nature, including Waterside Valley.

Waterside Valley was purchased in July 2021 by Westfield Parish Council with the purpose of enhancing the land as public open space, retaining its wildlife value and natural aspect.

Further to developing a masterplan for the site in 2022 with local people and landscape architects, we are now carrying out actions to help nature and improve access for local people. This includes improving grassland management, tree planting, hedge laying, improving paths, and new interpretation boards.

Through training and volunteer days, we are empowering the local community to manage habitat and monitor wildlife on site.



Volunteers undertaking scrub management in Waterside Valley

Highlights: Land and Investment Continued

- The [Bathscape Landscape Partnership](#) continues to be an effective vehicle for improving the value of the landscape surrounding Bath for nature, while maintaining its unique character. So far, Bathscape has improved the management of 80 hectares of woodland and 100 grasslands, as well as creating 12 new flower-rich meadows.
- We awarded £90,000 of CiL funding to Your Park Bristol and Bath to manage more space for pollinators in our parks and green spaces. This was topped up by £75,000 from the West of England Combined Authority's Pollinator Fund, enabling the creation of new meadows, ponds, planting of new trees and hedgerows.
- Our '[Call for Nature Sites](#)' has resulted in 12 landowners submitting proposals for nature recovery on their land, which we can match with funding through, for example, biodiversity net gain. The proposals include the creation of species-rich grassland, hedgerows, orchards, woodland, ponds and more. The approved sites can be viewed on our [online map](#).
- Our flagship urban green infrastructure project, the [Bath River Line](#) is being delivered this year through a £1.6m investment to improve the river corridor through western Bath. The project will include a number of interventions across the route, including 7ha of green space and path being improved for nature.

CASE STUDY: Improving Bath's parks for pollinators and people

In August 2023, we awarded £90,000 of CiL funding to Your Park Bristol and Bath to manage more space for pollinators in Bath's parks and green spaces. Together with £75,000 from the Combined Authority's Pollinator Fund, this totals £165,000 to transform 18 parks for nature across the city.

In Brickfields park, Your Park has been working with University of Bath students to rejuvenate a bug hotel, sow wildflower seed around the nature pond margins, and take care of hundreds of trees planted in 2022.

And in Henrietta Park, Bee Active has been making the most of a felled tree by working with volunteers to build a stumpery. The stumpery contains sunken logs that provide habitat for invertebrates, amphibians, reptiles and small mammals, as well as being home to a variety of pollinator plants and ferns.



© Your Park Bristol and Bath

Volunteers helping to build a bug hotel.

Highlights: Access and Engagement

Alongside restoring nature, one of our key commitments is increasing residents' access to and engagement with nature. We have a variety of projects that are engaging and empowering people to take action for nature locally, especially where this helps to tackle inequalities in access to green spaces.

- The Somer Valley Rediscovered project has seen over 1,000 people attend 36 events so far in 2024, with 1,038 people attending 33 events in 2023. It has also created numerous volunteering opportunities for residents, including habitat management, wildlife surveying, and monitoring water quality.
- Page 47 Bathscape continues to engage thousands of people in and around Bath in the city's landscape through walks, events and volunteering opportunities. Bathscape's Footprints podcast was again nominated for Best Local Show at the Radio Academy Audio & Radio Industry Awards in 2024, following its first nomination last year.
- WaterSpace Connected is facilitating the construction of a new bridge across the River Avon at Somerdale, opening new opportunities for communities to connect with nature. It is also working with local residents through the Somerdale Shed to manage local green spaces for nature.
- We have published new webpages related to the [Ecological Emergency on the council website](#), enabling residents to better understand our work and how they can help wildlife in the district.

CASE STUDY: Nextdoor Nature

Following a successful bid by B&NES to the UK Shared Prosperity Fund, Avon Wildlife Trust is delivering the 'Nextdoor Nature' project in the Somer Valley. Nextdoor Nature is empowering local communities to manage green spaces for nature, working alongside 'Somer Valley Rediscovered'.

Through Nextdoor Nature, community-led projects have blossomed, including an accessible sensory garden in Peasedown, a community food-growing space outside a pub in Paulton, and improving the Manor Copse woodland and playpark for residents and wildlife.



Residents in the Somer Valley gathering to clear space for a new community garden as part of the Somer Valley Nextdoor Nature project.

Highlights: Working in Partnership

We are not able to reverse nature's decline alone, and we are fortunate to have lots of ambitious organisations taking action for nature in the district.

This year has seen several exciting developments that we have either led or supported in partnership, which are helping progress towards regional ambitions for nature recovery and meeting our manifesto commitment to double tree coverage by 2050 .

- We have supported Avon Needs Trees and the Forest of Avon Trust in securing two huge opportunities for woodland creation in BANES: the 100-acre Great Avon Wood, and the 422-acre Lower Chew Forest. These are significant contributions towards our ambition to double tree coverage across the district by 2050.
- Together with the Forest of Avon Trust, we led a successful bid to be one of the four areas in the country shortlisted for a £10 million grant to create a new 'Forest for the Nation'. If successful, this would enable us to work across the West of England, Gloucestershire and Wiltshire to expand woodland cover and improve woodland management at scale.
- We have published Guidance and Templates for Parish and Town Councils to create their own 'Nature Action Plans', empowering them to identify local opportunities and actions for nature recovery. A number of Parish and Town councils are using this opportunity to create a plan for nature.

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- We supported Bristol Avon Rivers Trust in a successful bid to the West of England Green Recovery Fund to develop 'farmer clusters' in the Chew, Cam and Wellow catchments. These will be transformative in enabling us to better engage with farmers and landholders on delivering our ambitions for nature recovery.
- We have established the Chew Valley Reconnected Partnership to strengthen the Nature Recovery Network and improve the water environment in the Chew Valley. The partnership brings together members representing natural environment and community interests in the Chew Valley, led by an independent Chair.
- The Bristol Avon Catchment Partnership, which we are a supporting member of, published the [Bristol Avon Fish Recovery Strategy](#) in August 2023. The Strategy sets out how we can restore the health of our rivers and bring back thriving fish populations across the catchment.
- Building on the Fish Recovery Strategy, Bristol Avon Rivers Trust has finalised an Action Plan for improving biodiversity along the River Chew. The Action Plan will help us to focus our efforts to restore the health of the Chew through Chew Valley Reconnected.

Highlights: Working in Partnership Continued

CASE STUDY: Great Avon Wood and Wick Farm

Partnership working is proving critical to achieving our ambition to double woodland cover across BANES, demonstrated by two landmark new woodlands in the district

The '[Great Avon Wood](#)', a ground-breaking partnership between Avon Needs Trees (ANT) and the Forest of Avon Trust, is well on its way to creating a 100-acre woodland north of Pensford, the largest woodland creation project on record for the West of England.

This impressive new woodland will soon be trumped in size by the ANT's recent purchase of 422 acres of land near Compton Dando, which will be transformed into the [Lower Chew Forest](#). Lower Chew Forest will be home to 100,000 trees and a mosaic of nature-rich habitats, including wetlands, miles of hedgerow, and species-rich grassland.



Volunteers planting trees in the Great Avon Wood

Together, the two new woodlands could increase woodland cover across B&NES by almost 7%, making a significant contribution towards our ambition of doubling tree coverage across the district by 2050.

In addition to this, a successful Landscape Recovery Fund bid led by ANT will lead to farmers and landholders collaborating to deliver more trees and woodlands across 2,500 acres of land near to Lower Chew Forest. This could include new woodland, hedgerows, field trees and agroforestry, where trees are incorporated alongside grazing or crop production.



Trees planted in the Great Avon Wood

Economic Strategy

Our new [Economic Strategy 2024-2034](#) sets out our priorities across six pillars: greener economy, good work, resilient business, creativity and innovation, housing affordability, and stronger places. Actions across these pillars will drive our overarching vision – *Bath with North East Somerset: Ambitious Together for a Fair, Green, Creative and Connected City Region*.

Tackling the climate and ecological emergencies is at the heart of our Economic Strategy, as our new economy must be a green one. Actions relating to the climate and ecological emergencies cut across the pillars, with headlines including:

Greener Economy: Delivering net zero & nature positive and enhancing our natural assets.

- Build local energy generation capacity and demand for energy saving measures.
- Support businesses to deliver net zero and nature positive in BANES.
- Create opportunities for residents to train and upskill for future green economy jobs.
- Develop BANES to be a broad green economy.

Resilient Business: Building a diverse, creative and sustainable business base.

- We will invest in the infrastructure businesses need.
- We will promote alternative business models and community-led action.

Housing Affordability: Ensuring residents have access to affordable and high quality housing.

- We will deliver high quality and sustainable housing for future generations.

Stronger Places: Enabling all people and places to share in prosperity.

- We will improve & invest in sustainable connectivity within Bath and North East Somerset and to the subregion.
- We will promote place-based strengths to drive economic growth in urban centres and rural areas.
- We will support local food supply chains and food security.

Specific actions set out within the Strategy bolster our response to the climate and ecological emergencies and are included in Annex A. Progress and next steps will be shared in future reports.

References

- 1 – Kate Raworth (2017), Doughnut Economics: Seven Ways to Think Like a 21st Century Economist
- 2 – The Climate Change Committee (2020), [Local Authorities and the Sixth Carbon Budget](#).

Progress on Actions

Progress on Actions – Climate and Ecological Emergency Action Plans

The following pages provide an update on our key actions contained within both our Climate Action Plan for 2023-24 and Ecological Emergency Action Plan. Alongside each action, progress update and next steps, there is a numbered progress rating. The ratings correspond to the below:

- 1 = Action/strategy still in formation
- 2 = Action/strategy in place, but with no current outputs
- 3 = Action/strategy well underway with current outputs
- 4 = Action/strategy mature, with plans for redevelopment or additions
- 5 = Bespoke action/strategy now complete and considered finished

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The Ecological Emergency Action Plan will remain the same for the 2024-25 year, but an updated Climate Action Plan has been included.

Progress on Actions – Climate Emergency – Decarbonising Buildings

No.	Action	Progress Update	Next Steps	Progress Rating
1.1	Development of strategic approach to home energy efficiency retrofit and decarbonisation of heat.	<p>In partnership with the Mayoral Combined Authority, we have been involved in the setup of Retrofit West which aims to accelerate delivery of retrofit outside of the grant funded schemes for low-income households.</p> <p>The new Green Heritage Homes project, in partnership with BWCE and Bath Preservation Trust aims to increase the rate of sensitive retrofitting of historic and listed buildings by growing knowledge and confidence among householders and professionals.</p>	<p>Create of a cross-council working group to ensure a shared approach to retrofit of council-owned buildings.</p> <p>Respond to the outcome of Heat Network Zoning consultation from Government (date TBD).</p> <p>Identify further opportunities to partner with community organisations and bring in funding to support uptake of retrofit measures.</p> <p>Work with WECA, Bristol and South Gloucestershire on the Heat from Mines desktop feasibility study, by May 2025.</p>	1
1.2	Energy profiling of the housing stock in BANES and analyse cost effective interventions.	Completed		5

Progress on Actions – Climate Emergency – Decarbonising Buildings 2

No.	Action	Progress Update	Next Steps	Progress Rating
1.3	<p>Promote government grant schemes including for low-income households, to maximise uptake locally. Explore options to increase direct support for low-income households.</p>	<p>Currently delivering Bright Green Homes scheme with Bristol City Council (City Leap) and North Somerset Council, with 52 eligible households from Bath and North East Somerset to date. Work is ongoing to widen reach of the scheme.</p>	<p>Continue to bid for further Government funding for grants.</p> <p>Continue to raise awareness and use of current support offers, for example, through the Energy at Home website.</p>	3
1.4 Page 55	<p>Develop communication strategies to drive public interest and access to information about retrofit and domestic renewables.</p>	<p>Retrofit Plan Builder tool using Parity Projects data now available for residents to use on the Energy at Home website.</p> <p>Communications are ongoing across the Combined Authority area to raise the profile of the Retrofit West Programme.</p> <p>Our Green Open Homes weekend in November, delivered in partnership with BWCE, Bath Preservation Trust, Buro Happold and Transition Bath, saw nearly 800 people visit 22 properties in Bath and the Chew Valley.</p>	<p>Continue to update the Energy at Home website to make it more useful to residents.</p> <p>Further develop communications approach to amplify support available for retrofit and renewables, e.g. via Green Heritage Homes, Green Open Homes and Solar Together projects.</p> <p>Ongoing preparations for Green Open Homes 2024 with more events with partners including BWCE.</p>	3

Progress on Actions – Climate Emergency – Decarbonising Buildings 3

No.	Action	Progress Update	Next Steps	Progress Rating
1.5	Develop planning policies and guidance to enable energy efficiency improvement of buildings.	<p>The Local Plan Partial Update was adopted in 2023, which amended or updated parts of the adopted Core Strategy and Placemaking Plan to better address the council's priorities, in particular, the climate and ecological emergencies. The Local Plan 2022-42 Options document public consultation closed in April 2024. Policy approaches consulted on included: energy based sustainable construction requirements for new residential and non-residential development, embodied carbon assessment requirements and a retrofit/reuse-first approach to applications involving demolition of an existing building.</p>	<p>The representations received from the public consultation will be reviewed and further evidence work will be undertaken if needed. This will inform the policy approach taken forward in the Draft Plan, which is due to be completed by end 2024.</p>	1

Progress on Actions – Climate Emergency – Decarbonising Buildings 4

No.	Action	Progress Update	Next Steps	Progress Rating
1.6	Maximise benefits to BANES residents from WECA Retrofit Accelerator Hub.	Retrofit West Accelerator advice programme launched in July 2023. There has been good engagement with the advice line, BANES households make up 18% of total enquiries (107 people) and 20% of the housing stock in the region.	<p>Continue to identify opportunities to maximise benefits to BANES residents from Accelerator as a whole, including ongoing engagement with the Combined Authority retrofit steering group.</p> <p>Promote the Retrofit West service to more BANES residents.</p> <p>Work with partners including Bath College to provide business support and skills training to grow the retrofit supply chain locally.</p>	3

Progress on Actions – Climate Emergency – Decarbonising Transport

No.	Action	Progress Update	Next Steps	Progress Rating
2.1	Development of a suite of capital programmes to contribute to a reduction in car use by 25% in BANES.	Significant investment is planned as part of the CRSTS. Projects funded through this scheme should enable a shift towards lowering transport emissions and giving people more travel choices. Public engagement undertaken on projects including the Bristol to Bath, Somer Valley Links, and Bath City Centre.	Bristol to Bath Sustainable Corridor - tendering for detailed design. Somer Valley Links - Project handover from WECA to B&NES due Summer 2024 for full business case and delivery.	3
2.2	Increasing ability to estimate whole-life carbon emissions of transport impact from development projects.	West of England Regional Transport Model (WERTM) is now in use to allow for the estimation of the user impacts of proposed interventions. CRSTS projects are producing Carbon Management Plans (CMP) to design out high embedded carbon early in the design process and to influence choices. Embedded carbon in materials to be quantified (part of CMP).	Ensure that all infrastructure projects have a Carbon Management Plan as part of the brief. Ensure embedded carbon is quantified and included in the monetised impacts assessments so that it is included in the Benefit Cost Ratio.	3

Progress on Actions – Climate Emergency – Decarbonising Transport 2

No.	Action	Progress Update	Next Steps	Progress Rating
2.3	Work with NGED as DNO/DSO to increase grid capacity in BANES to allow for faster rollout of EV fast chargers.	Delivery of EVI is mainly limited by local infrastructure at sub-station level, resolved through project build upgrades. Apr'23 saw project related network upgrade costs become DNO responsibility, amortised across all customer bills. Continued DNO operational engagement meetings, discussing EVI plans with DNO officers.	DNO plans introduction of automated application assessment software, addressing admin bottleneck. Continue DNO operational meetings, focusing on supporting significant EVI work packages of WECA Green Recovery Fund (GRF) and OZEV Local Electric Vehicle Infrastructure (LEVI) fund.	3

Progress on Actions – Climate Emergency – Increasing Local Renewable Energy Generation

No.	Action	Progress Update	Next Steps	Progress Rating
3.1	Develop an evidence base to inform new Local Plan and future workstreams regarding potential deployment of renewable energy in BANES.	<p>The evidence base, the Renewable Energy Resource Assessment (technical resource assessment) has been published.</p> <p>The Local Plan Partial Update was adopted in 2023. The Local Plan 2022-42 is in progress with the Options document setting out the proposed updates to renewable energy policies. The public consultation closed in April 2024.</p>	<p>The representations received on the Options document from the public consultation will be reviewed and further evidence work will be undertaken if needed. This will inform the policy approach taken forward in the Draft Plan, which is to be completed for the end of the year.</p>	4
3.2	Develop communication and engagement strategies to drive public interest and access to information and expertise about renewable energy.	[Action combined with #1.4]		n/a
3.3	Development of Energy Strategy to provide strategic framework and outline of short and longer-term actions.	<p>The Mission Net Zero project has launched. The project will develop a Local Area Energy Plan and Climate Investment Plan for the West of England region. This will give the council detailed data on which to base our Energy Strategy.</p>	<p>Work under way to develop the Energy Strategy with internal and external stakeholders.</p>	1

Progress on Actions – Climate Emergency – Decarbonising Council Operations

No.	Action	Progress Update	Next Steps	Progress Rating
4.1	Develop pipeline of Council renewables projects in line with 2030 target for 12MW installed capacity.	<p>Rooftop solar and LED lighting completed at two more care homes.</p> <p>Clutton Highways solar PV, battery and EV chargepoints installed.</p> <p>£173k grant won for Bath Sports & Leisure Centre rooftop solar.</p> <p>Progressed scheme proposals for Royal Victoria Park nursery rooftop solar; Haycombe Cemetery and St Keyna School (24/25), Odd Down Sports Ground and Keynsham Children's centre.</p> <p>Commenced work with community energy provider installing rooftop solar on Keynsham Leisure Centre</p> <p>Funding awarded from South West Net Zero Hub for meeting c.10MW shortfall in renewable capacity.</p> <p>Progressing Energy Systems Assessments and Heat Decarbonisation Plans for buildings on corporate estate.</p>	<p>Pursue feasibility work for central Bath Council buildings renewable energy and heat decarbonisation work.</p> <p>Use Energy Systems Assessment and Heat Decarbonisation Plans completed to progress building decarbonisation and renewables.</p> <p>Complete rooftop solar installations at Royal Victoria Park; Haycombe Cemetery; Children's Centres; Odd Down Sports Ground etc.</p> <p>Provide evidence to senior leadership around options for meeting 12MW target, to enable a strategic decision on future investment relating to larger non-rooftop sites.</p>	3

Progress on Actions – Climate Emergency – Decarbonising Council Operations 2

No.	Action	Progress Update	Next Steps	Progress Rating
4.2	Put in place the framework and policies for measuring and reducing the council's Scope 3 emissions.	Limited progress on Scope 3 emissions to date. Analysis is available on where our scope 3 emissions are coming from and we have continued to learn from partners about best practice in this area. Specific work has been undertaken for our heritage estate scope 3 which will provide a pilot for a full-council approach.	Develop and pilot approaches to measurement with key teams and suppliers. Set out approach as part of updated Climate Emergency Strategy.	2
4.3	Waste Services action to reduce operational carbon emissions.	The Pixash Lane site is completed and opened to the public in 2023. The site includes a 780 KWP solar array, EV charging, waste-water recycling for vehicle washing and >10% biodiversity net gain.	Further scoping for potential electrification of waste fleet, more detail under action 4.5.	4
4.4	Property Services projects to reduce carbon emissions from the Council's corporate estate.	[Action combined with #4.1]		n/a

Progress on Actions – Climate Emergency – Decarbonising Council Operations 3

No.	Action	Progress Update	Next Steps	Progress Rating
4.5	Decarbonising Council fleet programme.	<p>Set up Fleet Transition working group, including data analysis and electric vehicle infrastructure expertise.</p> <p>Robust initial assessment of baseline emissions from fleet operations, based on existing organisational fuel usage data.</p> <p>Outlined fleet replacement schedule. Assessing the provision of electric vehicle infrastructure at Pixash to support future fleets.</p> <p>Determined feasibility and requirements for a support study by external Fleet Transition experts.</p> <p>Identified current availability of battery electric Refuse Collection Vehicles (RCV).</p> <p>Trialled one type of electric refuse truck in 2024 over several weeks.</p>	<p>The Energy Savings Trust (EST) will be carrying out a detailed feasibility study starting at the end of May to cover:</p> <ol style="list-style-type: none"> 1. Establish zero emission vehicle alternatives to current fleet 2. Assess whether alternatives are fit for purpose and required duty cycles 3. Analyse CO2 savings and whole life costs of alternatives 4. Establish the charging infrastructure requirements. <p>Further trials of electric refuse trucks with different manufacturers will be carried out over the coming months. Once the feasibility study is complete and vehicle trials have been carried out, an initial Fleet Transition Plan will be produced for review by Council.</p>	3

Progress on Actions – Climate Emergency – Decarbonising Council Operations 4

No.	Action	Progress Update	Next Steps	Progress Rating
4.6	Aligning council policies and plans.	<p>The updated Corporate Strategy, agreed in July 2023, continues to prioritise tackling the climate and ecological emergencies. In addition, the Corporate Strategy is informed by doughnut economic principles, which are being further embedded across Council strategic planning and decision making through the use of a bespoke doughnut decision tool.</p> <p>The Council's Economic Strategy is informed by doughnut economic principles, and supports dedicated action on climate and nature, through a focus on creating a Greener Economy, as well as actions promoting green skills, resilient businesses and places, and sustainable tourism.</p> <p>The Local Plan Options consultation included strengthened policies supporting climate and nature goals.</p>	<p>Continue to ensure that the Local Plan development supports strong environmental policies.</p> <p>Develop implementation plans for the Economic Strategy, including action to deliver Greener Economy commitments through the annual updating of our Climate Action Plan.</p> <p>Continue to develop climate and nature KPIs/reporting.</p> <p>Develop and agree internal business case guidance on costing non-delivery of net zero targets to prioritise options that reduce emissions.</p>	4

Climate Action Plan – New actions for 2024-25

No.	Action for 2024-25
Buildings	
1.1	a) Deliver level 0 planning advice to 24 homeowners and 10 full pre-app advice
	b) Develop online guidance pages for Green Heritage Homes project
	c) Engage planners in GHH training modules to enable more planning approvals for retrofit of listed buildings
1.2	Support the programme of Green Open Homes events with Bath and West Community Energy
1.3	Work with West of England Combined Authority and local delivery partners to promote Retrofit West advice and support to B&NES residents ensuring uptake is proportional to other Unitary Authority areas
1.4	Support town and parish Councils and community groups to access funding and expertise to retrofit Community Buildings
1.5	Promote WECA Green Business Grants to support rollout of rooftop solar and heat pumps to commercial buildings
Transport	
2.1	Detailed plans for transport are set out in the Journey to Net Zero plans for Bath and for North East Somerset
Renewables	
3.1	Ensure the Local Plan provides a supportive policy environment to reach the target of 300MW of in-District generation by 2030 with updated policy re enabling wind development in line with new central government policy.
3.2	Develop a Local Area Energy Plan for Bath & North East Somerset through the regional Mission Net Zero project (completion date November 2025).

Climate Action Plan – 2024-25

No.	Action
3.3	Develop a business case for Council to co-invest in renewables sites for local Community Energy projects via a Joint Venture
3.4	Support development of local Community Energy groups through Cooperation Agreements, exploring opportunities for joint projects to accelerate delivery (including solar project with Keynsham Community Energy on Keynsham Leisure Centre)
3.5	Work with Distribution Systems Operator and new Regional Energy System Planner to understand grid opportunities and constraints locally, and unlock new investment to meet future demand
Council	
4.1 Page 66	Develop an implementation plan for decarbonisation of the council's own vehicle fleet.
	Develop a full plan for heat decarbonisation of Corporate Estate by 2030 including costed Heat Decarbonisation Plans for each significant building
	Develop pipeline and costing for 12MW Council owned renewable generation by 2030 (including a minimum 2MW of wind), and deliver an additional 230KW installed capacity in 2024-25
	Develop and pilot approaches to measure and reduce Council Scope 3 emissions. Set out approach as part of updated Climate & Nature Strategy.
Other	
5.1	As part of the development of the new Climate & Nature Strategy, set out our approach to climate change adaptation and resilience, including identifying priority actions.

Progress on Actions – Ecological Emergency – Leadership and Evidence

No.	Action	Progress Update	Next Steps	Progress Rating
1.1	Integrate the ecological emergency into the strategic framework that will be set out in the next Corporate Strategy (2024-)	Corporate Strategy published in 2023, including references to the Ecological Emergency. Action Completed.		5
1.2	Roll-out and embed a Council-wide decision support tool to ensure potential impacts on nature inform all major decisions and projects across the Council, mitigating impacts where necessary.	We have developed a decision support tool, the 'outer ring' of which reflects considerations needed for addressing the Ecological Emergency.	Continue roll-out of the tool across the Council and help to refine the outer ring as needed. Develop advice and guidance on how to determine project outcomes for the considerations in the outer ring.	4
1.3	Ensure the Council's Commercial Strategy supports the vision of being Nature Positive by 2030 and helps tackle the ecological emergency. This should include a framework for using the West of England Nature Recovery Network and, when published, the West of England Local Nature Recovery Strategy, to inform land acquisition, management and disposal.	Initial discussions have been held to identify the best opportunities for nature recovery within the corporate landlord programme.	Integrate nature recovery into the objectives and measures into the corporate landlord programme. Develop the asset challenge framework and drafting of the policy.	2

Progress on Actions – Ecological Emergency – Leadership and Evidence 2

No.	Action	Progress Update	Next Steps	Progress Rating
1.4	Produce and deliver an ecological emergency literacy training programme for Council employees and members.	We have searched for any national resources that we could utilise, which do not exist. From initial scoping of content that would be useful, developing a programme for B&NES alone will be resource intensive.	Explore options for a regional (West of England) programme with the Combined Authority and other Unitary Authorities to make better use of regional resources.	2
1.5	Produce a guidance note for renewable energy projects, including solar and wind developments, to embed management for nature into their schemes.	We are working on including guidance on integrating biodiversity in solar development into the pre-application process for solar developments.	<p>Confirm suitability of guidance, integrate into pre-application process and publish on website.</p> <p>Following publication, check that guidance it is being used by applicants.</p>	3
1.6	Ensure policies and guidance in the new Local Plan address the ecological emergency and improve access to nature, and consider adopting Building with Nature standards.	<p>The Local Plan Options Document included options to adopt the Natural England GI Framework standards, including an Urban Greening Factor, and to Incorporate Natural England Green Space standards.</p> <p>There is also a policy option to include a requirement for new street lined trees, a locally agreed tree canopy cover target, and incorporate the 'right tree, right place' principle.</p>	The representations received from the public consultation on the Local Plan will be reviewed and further evidence work will be undertaken if needed. This will inform the policy approach taken forward in the Draft Plan, which is due to be completed by end 2024.	4

Progress on Actions – Ecological Emergency – Leadership and Evidence 3

No.	Action	Progress Update	Next Steps	Progress Rating
1.7	Evaluate the feasibility of setting a higher requirement for biodiversity net gain, above the mandatory figure of 10%.	<p>Mandatory biodiversity net gain (BNG) has been in force since January 2023, over a year ahead of the national deadline. The policy has resulted in 74 ‘Biodiversity Units’ being required so far, equivalent to restoring 27 ha of neutral grassland from poor to moderate condition.</p> <p>The Local Plan Options Document included options to require 20% biodiversity net gain.</p>	<p>Develop an evidence case for 20% BNG policy to support the next stage of the Local Plan.</p> <p>Ascertain the BNG requirements for the site allocations in the Local Plan, and consider how these will be delivered.</p>	2
1.8	Review and update the Council’s approach to food to integrate opportunities to reduce the impact of food production on nature.	Internal stakeholder group for Food Strategy development first met in Feb 2024.	Publish Food Strategy and ensure it helps to address Ecological Emergency.	1
1.9	Incorporate standards related to nature recovery in the council’s minimum standards for procurement.	Our procurement form has been updated to better reflect Ecological Emergency. We have discussed the best opportunities to reduce impact on nature through procurement in March 2024, ahead of the updating of the B&NES Procurement Strategy in 2024.	Update the B&NES Procurement Strategy to ensure it better reflects opportunities to reduce impact on nature.	3

Progress on Actions – Ecological Emergency – Land and Water Management

No.	Action	Progress Update	Next Steps	Progress Rating
2.1	<p>Identify and deliver opportunities for nature recovery and biodiversity net gain on the following sites as a priority: Entry Hill, Odd Down Sports Ground, The Approach Golf Course and Lansdown, and then on B&NES Council’s wider estate.</p>	<p>Funding from West of England Green Recovery Fund (GRF) for development of Entry Hill Ecology Centre has been secured.</p> <p>An Odd Down nature trail and habitat creation through biodiversity net gain has been included in a planning application for a new Odd Down Sports Pavilion.</p> <p>The potential for a nature park at Lansdown is being explored.</p>	<p>Develop proposal for Entry Hill Ecology Centre if GRF bid successful.</p> <p>Continue delivery of nature improvements at Odd Down.</p> <p>Ascertain potential for joint solar and nature park at Lansdown.</p> <p>Opportunities for use of additional council assets for nature recovery will also be explored, including through the expansion of the council’s BNG Pathfinder project and the possible recruitment of a land advisor.</p>	3
2.2	<p>Package together and fund already-identified opportunities for improving the management of our parks and green spaces for nature.</p>	<p>Successful application to Pollinator Fund to provide more nature-rich space for pollinators in our parks and green spaces. Site database produced with potential for nature recovery action, but lack of bid opportunities/resource to develop bids has meant this hasn't progressed beyond the fund.</p>	<p>Continue to monitor opportunities for funding.</p>	3

Progress on Actions – Ecological Emergency – Land and Water Management 2

No.	Action	Progress Update	Next Steps	Progress Rating
2.3	Design, fund and deliver a training programme for operational staff on how to better manage parks and green spaces for nature.	Parks and Green Spaces staff have completed training on managing grassland for nature. The CPRE Hedgerow Heroes project has also provided training on hedgerow laying and management	Continue to monitor potential funding sources that could enable us to deliver additional training.	3
2.4	Adjust cutting regimes of highways verges where there is scope for improved management for nature.	Not progressed in 2023/24.	<p>Review the Wildthings verges project from ~2000, which assessed verge habitat interests and need for improved management.</p> <p>Explore restarting the project and calling out for other verges of interest to be identified.</p>	1
2.5	Produce a B&NES Tree and Woodland Strategy for 2023-30, including plans for increasing tree and woodland cover, and improving woodland management on our own estate.	A first draft of the Strategy was produced in early 2024.	Finalise the Strategy and ensure it adequately addresses the ecological emergency.	4

Progress on Actions – Ecological Emergency – Land and Water Management 3

No.	Action	Progress Update	Next Steps	Progress Rating
2.6	Create an improved 45-hectare nature park at Somerdale, Keynsham as part of WaterSpace Connected and in partnership with Taylor Wimpey.	The WaterSpace Connected project is working with landowners Taylor Wimpey to improve the space. They are currently exploring options for land management that would maximise nature gain and people engagement.	Develop a masterplan for the nature park.	3
2.7	Extend the Bathscape Partnership Scheme to 2025 and develop the project through to 2030.	Awaiting the official sign off from the lottery for an extension to the Bathscape Partnership to 2026. EOI submitted to West of England Green Recovery Fund to support development of next phase submitted Dec 2023, expect to be successful as of May 2024.	Following confirmation of GRF funding, develop next phase of Bathscape.	3
2.8	Deliver 34 hectares of improved, nature-rich green space in and around Midsomer Norton, Westfield and Radstock as part of Somer Valley Rediscovered.	This is being delivered through Somer Valley Rediscovered. See the Somer Valley Rediscovered website for further detail.	Continued delivery through Somer Valley Rediscovered; completion planned for 2025.	3
2.9	Establish the Chew Valley Reconnected Partnership (CVRP) to coordinate activity among stakeholders and communities to enhance the natural environment of the Chew Valley.	Partnership established in 2023, and is ongoing through the Chew Valley Reconnected project.	Continue to support and coordinate the Chew Valley Reconnected Partnership (CVRP).	4

Progress on Actions – Ecological Emergency – Nature-Based Solutions

No.	Action	Progress Update	Next Steps	Progress Rating
3.1	Identify priority areas for nature-based solutions to localised flooding and runoff of pollutants from the road network and developments; and facilitate partners, including Bristol Avon Rivers Trust and FWAG SW, delivering targeted solutions with landowners.	<p>Met with Bristol Avon Rivers Trust (BART) to discuss opportunities and provide mapping to facilitate identifying of opportunities.</p> <p>Further progress has not yet been possible due to competing priorities but will be picked up in the coming year.</p>	<p>Explore further whether investment in nature-based solutions is feasible at this stage.</p> <p>South Gloucestershire Council and BART are working on a Green Recovery Fund-funded project on this subject, which we will be able to engage with and learn from.</p>	1
3.2	As part of the development of the Local Plan 2025, require developments to deliver Sustainable Urban Drainage Systems (SuDS) that meet adoptable standards and benefit wildlife.	Included as an Option in Local Plan Consultation.	<p>The representations received from the public consultation on the Local Plan will be reviewed and further evidence work will be undertaken if needed. This will inform the policy approach taken forward in the Draft Plan, which is due to be completed by end 2024.</p> <p>Ensure any policy reflects best practice and opportunities, and links with Green Infrastructure policy and standards.</p>	4

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Progress on Actions – Ecological Emergency – Nature-Based Solutions 2

No.	Action	Progress Update	Next Steps	Progress Rating
3.3	Work with Bristol Avon Rivers Trust to restore the River Chew. This will involve identifying, costing and evaluating options for removal or retrofitting of weirs and other barriers to fish passage within the Chew catchment, river habitat restoration, and accessing funding for priority projects.	<p>Bristol Avon Rivers Trust (BART) has completed the detailed Chew Fish Recovery Action Plan, which fulfils the first part of this action.</p> <p>We are working with BART to undertake feasibility work for the removal of the weir and creation of a new wetland area in Keynsham Memorial Park. This has been funded through the Water Environment Investment Fund, BART and the Council with in-kind support provided by EA.</p>	Engage with BART and farm cluster on delivery of the Action Plan, particularly through Chew Valley Reconnected. We anticipate that the proposed Chew Farm Cluster (see 6.8) will better enable delivery of the Chew Fish Recovery Action Plan.	3
3.4	Pilot bat-friendly lighting to reduce the impact on light pollution on wildlife along the Avon River corridor (as part of WaterSpace) and use this to inform our approach to street lighting.	We have begun working with the Bath University bat research lab to explore a joint research project on bat-friendly lighting solutions in BaNES.	We are developing a new partnership approach with the University to developing bat-friendly lighting solutions on the Bristol Bath Railway Path, along the River Avon corridor, and other active travel routes.	2

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Progress on Actions – Ecological Emergency – Nature-Based Solutions 3

No.	Action	Progress Update	Next Steps	Progress Rating
3.5	Produce a toolkit of ecological interventions for highways, infrastructure and regeneration projects that are easy to deliver at low cost and that can contribute to delivery of biodiversity net gain.	A report on the most beneficial interventions has been produced.	Scope out initial list of interventions from this report for internal discussion. Explore links with Green Infrastructure standards	2
3.6 Page 75	Scope out opportunities for the use of nature-based solutions for climate change mitigation (carbon sequestration) and adaptation across the district, and options for funding/financing these.	B&NES is part of a West of England group set up to work on climate adaptation, including the potential for nature-based solutions.	Continue to work with WoE Group to ascertain the need for climate adaptation and identify opportunities for nature-based solutions and how these might be funded. Work with / support carbon off-setting policy requirements.	2
3.7	Use the Invest in B&NES website, as well as other established channels of communication, to better communicate the opportunities to invest in nature for businesses.	The West of England Local Nature Recovery Strategy development involved engaging with businesses on opportunities to invest in nature. Following this, we are now part of regional work to develop a nature forum for businesses.	Continue to support the development of a regional nature forum for businesses. Once the forum is established, identify any resulting opportunities to better engage businesses in B&NES in nature recovery.	3

Progress on Actions – Ecological Emergency – Access and Engagement

No.	Action	Progress Update	Next Steps	Progress Rating
4.1	Seek funding for a dedicated post (or posts) for the Neighbourhood Nature Areas scheme, supporting communities in active management of their local green and blue spaces for nature.	We submitted a successful bid to the UK SPF for a 'Nextdoor Nature' project in the Somer Valley, which delivers these objectives in that area and is run by Avon Wildlife Trust (AWT). The project started in mid-2023.	Continue to support Avon Wildlife Trust in delivering the 'Nextdoor Nature' project in the Somer Valley. Monitor opportunities for funding posts in other areas or across the whole of BANES.	3
4.2 Page 76	Create a dedicated Council webpage on the ecological emergency, and use this as a hub to communicate the work we are doing to address the ecological emergency and how residents can contribute towards nature recovery.	Action completed. A number of webpages were published in 2023, providing residents with more accessible information on the ecological emergency.	Maintain and add to webpages as required to ensure information on how we are tackling the ecological emergency is kept up-to-date.	5
4.3	Embed tackling the ecological emergency within the Bath World Heritage Site Management Plan, explore opportunities for celebrating our natural environment as heritage, and better integrate the ecological emergency within communications related to heritage.	The Bath World Heritage Site Management Plan is currently being drafted, and we are working to ensure it best reflects opportunities for nature recovery.	Finalise and publish the updated Bath World Heritage Site Management Plan and deliver any relevant actions resulting from that Plan.	3

Progress on Actions – Ecological Emergency – Access and Engagement 2

No.	Action	Progress Update	Next Steps	Progress Rating
4.4	Work with partners to establish a social prescribing network within B&NES and make available grants for providers of nature-based activities to build their capacity.	A BANES Green Social Prescribing Providers meeting has been set up through Somer Valley Rediscovered, and Bath City Farm are hosting an event on 20th June to showcase GSP to health professionals.	The West of England Nature Partnership (WENP) Nature and Health Coordinator now has additional capacity to take this forwards due to funding arrangements. The new 3SG Social Prescribing Manager is in the process of creating a BANES social prescribing strategy, which we are now engaging with.	3
4.5	Incorporate actions to improve people's access to nature within the developing Joint Health and Wellbeing Strategy for Bath and North East Somerset.	Joint Health and Wellbeing Strategy published in 2023.	Explore opportunities resulting from the Strategy to improve people's access to nature.	5
4.6	Create apprenticeships, work placements and/or other opportunities for work within the GI & Nature Recovery team, land management and/or ecologists within B&NES.	We have not progressed this action due to a lack of resource to define and develop roles, and to support roles once in place.	Explore opportunities with universities for student placements or projects, which would be less resource intensive.	1

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Progress on Actions – Ecological Emergency – Evidence and Monitoring

No.	Action	Progress Update	Next Steps	Progress Rating
5.1	Produce a ‘State of Nature’ framework for B&NES, including an ‘ecological baseline’ and wildlife index for B&NES to measure progress against, and targets for nature recovery.	<p>Strategic Evidence Base, including information on the natural environment, finalised and published. Ecological emergency indicators have been developed for our internal reporting hub.</p> <p>We are now working in partnership through the West of England Environmental Data Group to develop a regional wildlife index, which could be refined for B&NES, and to develop a regional monitoring framework for nature recovery.</p>	<p>Update our Strategic Evidence Base and ecological emergency indicators with new information as it becomes available.</p> <p>Continue to work with the West of England Environmental Data Group to agree a regional monitoring framework for nature recovery and a regional wildlife index this year.</p>	3
5.2	Trial repeatable techniques for monitoring wildlife populations (such as insect traps or standardised bird counts) on sites owned or managed by B&NES Council, to help evaluate of the effectiveness of interventions for nature.	<p>We are now working on this action in partnership through the West of England Environmental Data Group.</p>	<p>Continue to progress through West of England Environmental Data Group.</p> <p>Explore opportunities for trialling novel monitoring solution such as acoustic monitors, perhaps through the council's pathfinder sites in conjunction with community groups.</p>	2

Progress on Actions – Ecological Emergency – Evidence and Monitoring 2

No.	Action	Progress Update	Next Steps	Progress Rating
5.3	Continue to monitor change in tree canopy cover across BANES, updating the figure at least every three years based on a baseline of 16.5% in 2020.	Approach to monitoring agreed at the West of England level through the regional Tree and Woodland Group.	Use agreed West of England approach to monitor tree cover in BANES.	4
5.4	Survey the condition of Sites of Nature Conservation Interest (SNCIs) within BANES to identify those that lack management plans or are in unfavourable condition and use this evidence to prioritise improvements in management, with an initial focus on SNCIs under B&NES Council ownership.	<p>Desktop exercise completed, and initial round of visits to council-owned SNCIs completed.</p> <p>Engaging with West of England Environmental Data Group on a regional approach to prioritising monitoring of all SNCIs (i.e. not just council-owned).</p>	<p>Further analysis of management needed and actions to be identified to get council-owned SNCIs to good management.</p> <p>Apply regional approach to BANES once agreed.</p>	3
5.5	Combine access to green space mapping with data on multiple deprivation to identify priority areas for improving access to green space.	The developing Green Infrastructure Strategy will be mapping access to green space across the district and using this information alongside data on multiple deprivation to identify priority areas.	To be progressed through the Green Infrastructure Strategy, which is expected to be published in December 2024.	5

Progress on Actions – Ecological Emergency – Evidence and Monitoring 3

No.	Action	Progress Update	Next Steps	Progress Rating
5.6	Include questions in the Council's Voicebox survey from 2023 onwards that monitor people's interest in and engagement with nature.	Questions regarding people's engagement with nature and green spaces included in Voicebox survey 2023 (Question 5). The findings from this report can be found online (link).	Refine questions for 2024 as needed.	5
5.7	Develop and implement a single corporate reporting approach that aligns reporting to government on the implementation of the enhanced NERC duty on Local Authorities with internal reporting on delivery of the Ecological Emergency Action Plan.	NERC duty first consideration completed and presented to senior leadership in 2023.	Approach and scope of reporting to be developed, including regional collaboration.	3

Progress on Actions – Ecological Emergency – Working in Partnership

No.	Action	Progress Update	Next Steps	Progress Rating
6.1	Produce guidance and a template to support parish and town councils in producing Local Nature Action Plans, and ensure these are linked with Avon Wildlife Trust’s Wildlife Champion Network.	‘Nature Action Plan’ guidance and template published in early 2024 and communicated to Parish and Town Councils.	Continue to support Parish and Town Councils in producing NAPs as required.	5
6.2	Support the Forest of Avon Trust and Avon Needs Trees in delivering the ‘Great Avon Wood’ within BANES, providing a new woodland for nature and people, and in their work to establish more trees and woodlands across BANES.	Support provided to the design of the Great Avon Wood. Work now ongoing by Forest of Avon Trust and Avon Need Trees to establish the woodland.	Provide support to Forest of Avon Trust and Avon Needs Trees as required.	4
6.3	Engage with the Beaver Management Group to identify opportunities for restoring biodiversity, re-naturalising waterways and delivering nature-based solutions to flooding, as well as potential challenges, related to the beaver population in BANES.	In contact with Avon Wildlife Trust regarding B&NES being represented on the Beaver Management Group.	Secure representation on the Beaver Management group. Identify ways in which the presence of beavers can deliver nature-based solutions, and how B&NES Council can help to overcome any potential challenges.	2

Progress on Actions – Ecological Emergency – Working in Partnership 2

No.	Action	Progress Update	Next Steps	Progress Rating
6.4	With partners, agree and implement robust measures to sustain and enhance the bat populations of our European-designated sites, including securing a long-term plan for Combe Down Stone Mine and finalising the bat SAC guidance for B&NES.	Joint visit undertaken to review scheme and explore options for securing legacy of mine stabilisation project.	Update and publish SAC guidance for B&NES. Establish internal working group to guide long term legacy of stabilisation project.	2
6.5	Work with National Trust and local residents to establish a nature-rich, accessible wildlife corridor from Bath to Bathampton Meadows.	National Trust led community engagement on what is important to residents in 2023 - the responses indicated there is widespread support for habitat improvements. Some habitat improvements have also begun, including hedge laying.	Continue to support and engage with National Trust in improving management for nature and improving access to Bathampton Meadows for residents.	3
6.6	With partners, ascertain the need and capacity for a sustainable strategy for long-term restoration and management of key grassland sites across BANES or the wider West of England region.	Pathfinder Project through Somer Valley Rediscovered has explored options and feasibility of bringing derelict grasslands sites into active management. Progress on a wider strategy has been put on hold while the West of England Local Nature Recovery Strategy (LNRS) is being developed.	Following publication of the LNRS, explore the appetite for developing an approach for restoring and managing grassland sites across WoE. Explore opportunities for grassland restoration on corporate estate, including working to develop countryside management service.	2

Progress on Actions – Ecological Emergency – Working in Partnership 3

No.	Action	Progress Update	Next Steps	Progress Rating
6.7	Enable and support partners in engaging farmers and landholders on managing land for nature in strategic locations and directing them to funding to do so, focusing initially on the Somer Valley and the River Avon corridor.	West of England Local Nature Recovery Strategy (LNRS) development is ongoing, which will provide farmers and landholders with a tool to ascertain how they can best help nature in strategic locations, and links to funding and guidance.	LNRS to be published later this year. If the establishment of a farmer cluster (see 6.8) in the Somer Valley is successful, begin engagement with this Cluster. Scope out engagement in Avon Corridor with BART and Natural England through Waterspace Connected.	3
6.8	Support farmers in creating farmer clusters within BANES, enabling us to engage with farmers and landholders at a landscape scale; and work with the Duchy of Cornwall, FWAG SW and other partners to spread good practice from exemplar farms.	Bristol Avon Rivers Trust (BART) submitted a successful bid to establish Farm Clusters in the Chew Valley, and the Cam & Wellow, both key areas for BANES.	Support BART in the establishment of farm clusters and use these as opportunities to engage with farmers on delivery of strategic priorities.	3

Progress on Actions – Economic Strategy – Greener Economy

No.	Action [Progress Updates & Next Steps Provided 2025]
Build local energy generation capacity and demand for energy saving measures.	
1.2	Promote the Energy@Home service to residents on low incomes to increase take up of grant support and advice.
1.3	Work with Bath and West Community Energy to increase awareness of their renewable energy projects and support.
1.4	Scope community green bonds to help local residents to invest in local projects across our city, town and rural centres.
1.5	Explore the development of a Local Area Energy Plan, working with sector and regional partners, to ensure our electricity grid supports electrification and decarbonisation.
Support businesses to deliver net zero and nature positive in BANES.	
2.1	Promote WECA's free carbon surveys for SMEs and Green Business grants to help businesses invest in improving the energy efficiency of their premises.
2.2	Develop and promote BANES as a location for leading sustainable businesses (e.g. with B Corp status).
Create opportunities for residents to train and upskill for future green economy jobs.	
3.1	Work with WECA's Retrofit Academy to help local people access training for careers in retrofit.
3.2	Develop an apprenticeship programme for routes into nature and environment jobs.
3.3	Work with our education providers – including schools, Bath College, independent training Providers and universities' - to promote awareness of green jobs and green skills to the current and future workforce (such as through the FWD project).

Progress on Actions – Economic Strategy – Greener Economy 2

No.	Action [Progress Updates & Next Steps Provided 2025]
Develop BANES to be a broad green economy.	
4.1	Continue the roll out of the council's climate literacy training, and develop ecological literacy modules, to increase understanding of climate and nature issues.
4.2	Work with WECA and regional partners to capitalise on the opportunities of the regional green economy.
4.3	Support the work of Retrofit West in developing the business supply chain for retrofit within the district.

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Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	19 September 2024
TITLE:	Policy Development & Scrutiny Annual Report 2023-2024
WARD:	All
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
1. Policy Development & Scrutiny Annual Report 2023-2024	

1 THE ISSUE

1.1 To consider the Policy Development & Scrutiny Annual Report for 2023-2024.

2 RECOMMENDATION

The Council is asked to;

2.1 Note the contents of the Policy Development and Scrutiny Annual Report 2023-2024.

3 THE REPORT

3.1 As part of its statutory duty Council is required to appoint at least one overview and scrutiny committee / panel that has sole responsibility to discharge the functions (under Sections 9F and 9FA to 9FI) of the Local Government Act 2000. The council's current model includes three policy development and scrutiny (PDS) panels. The panels hold the executive to public account, whilst also assisting in the development of council policy.

3.2 The PDS function has agreed to provide an annual report to Council summarising the work of its panels over 2023-2024, the first year of the (2023-2027) administration.

3.3 The annual report provides a synopsis of the work that each of the panels carried out during 2023-2024. It highlights the positive work undertaken by the PDS panels, both internally/externally and evidences the continued importance

the PDS function has in ensuring council decision making is in embedded in good governance.

4 STATUTORY CONSIDERATIONS

4.1 The PDS function is not required to produce an annual report however it is good practice to do so and demonstrates the council's commitment to ongoing high quality, inclusive and transparent governance.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

5.1 There are no direct implications arising from this report.

6 RISK MANAGEMENT

6.1 This report recommends that Council notes the activities undertaken by its Policy Development and Scrutiny function over the last twelve months, as such a risk assessment has not been conducted in relation to this report.

7 EQUALITIES

7.1 The Corporate PDS Panel includes equalities within its remit. Panel members/officers will consult the council's equality leads if relevant to the item being scrutinised.

8 CLIMATE CHANGE

8.1 The report highlights some of the work carried out by the Climate Emergency and Sustainability Panel, which has taken an active role in supporting delivery of the council's climate commitments.

9 OTHER OPTIONS CONSIDERED

9.1 None

10 CONSULTATION

10.1 Monitoring Officer and S151 Officer.

Contact person	Ceri Williams – Designated Scrutiny Officer (01225 396053)
Background papers	None.
Please contact the report author if you need to access this report in an alternative format	

Policy Development & Scrutiny Annual Report

2023 to 2024



Section 1 - Introduction

- Bath and North East Somerset Council (B&NES) operates an executive (cabinet) model within its political management structure. As a consequence it is **statutorily** required to have at least one overview and scrutiny committee.
- The 2023 to 2024 Policy Development & Scrutiny (PDS) Annual Report provides a summary of the council's PDS activity over the last 12 months, which marked the first year of the 2023 to 2027 Council.
- A focus this year has been on developing the relationship with the new executive, with excellent representation from cabinet at PDS Panel meetings being seen as a result.
- Each of the three Panels have concentrated on the priorities of local people, with the member-led PDS work programmes shaped to add value to the council.
- The Annual Report demonstrates how PDS has promoted transparency across the organisation, working to ensure decision makers are held to account and contributing towards realising our overall purpose to **improve people's lives**.



Section 2 – Key Successes for 2023-2024

- This section summarises some of PDS function’s collective achievements over the last twelve months. It also provides an opportunity to review how PDS has delivered against the priorities identified in last year’s Annual Report, which are listed below:
 - i. Continued positive relationships with the executive.
 - ii. More policy development activity.
 - iii. Forward planning to ensure work programmes reflect local priorities.
 - iv. Diversifying how scrutiny is undertaken with increased use of task groups, for example.
 - v. Giving people a bigger say by encouraging public engagement.

Key Successes

- PDS induction – following the 4 May 2023 Council election councillors were invited to attend two PDS induction sessions. These were held on 17 and 18 May and covered the decision-making structure, the purpose of scrutiny and how to deliver effective scrutiny. The sessions were well supported with fifteen councillors attending in person.
- In response to our corporate priority of giving people a bigger say and last year’s PDS target of further encouraging public engagement, PDS Panel meetings have continued to be webcast live. Over two and a half thousand hits have been registered on the council’s YouTube channel, with November 2023 Corporate PDS Panel’s meeting attracting over a thousand views.



Corporate Policy, Development and Scrutiny Panel 14.11.23

1.1K views • Streamed 9 months ago

- Webcasting views on YouTube channel

Month	CAHW	Corporate	CES
July 2023	33	(no meeting)	90
Sept 2023	46	52	193
November 2023	68	1,100	(no meeting)
December	67	(no meeting)	(no meeting)
January 2024	82	160	178
February 2024	83	84	296
March 2024	46	(no meeting)	156
Total	425	1396	913

Total hits 2,734

- As prioritised in last year's Annual Report, there has been an emphasis on developing a positive non-adversarial relationship with the executive, a fundamental in the delivery of effective scrutiny. This aim has very much been realised with nearly all Panel meetings held across the year having cabinet member attendance, with one exception through illness. PDS Panel meetings now all provide an opportunity for Panel members to ask questions of the political portfolio holder, with senior officers also in attendance to provide technical support.
- This year the PDS Chairs and Vice Chairs agreed a new approach towards scrutiny of the 2023 to 2024 draft budget proposals. Collaborating across the function, the draft growth and savings proposals relevant to the Climate Emergency and Sustainability (CES) PDS Panel and Children, Adults Health and Wellbeing (CAHW) PDS Panel were considered by those respective committees. Both the CES and CAHW Chairs then attended the Corporate PDS Panel **23 January 2024** and fed in to discussions around the full draft budget.
- PDS has diversified the way it operates by establishing two task groups this year. Task groups provide an opportunity to explore in detail a specific work area and are an effective tool to help shape policy. The Local Food Growing Task Group explored the challenges and opportunities faced by our residents interested in this area, with the final report's recommendations being positively received by the cabinet member. The Knife Crime Prevention Task Group, formed in response to a Council resolution, is nearing completion and will report its findings and recommendations shortly.
- Forward planning to ensure work programmes reflect local priorities was a priority identified in last year's Annual Report. The next section will provide snapshots of each of the workplans to illustrate how this has been delivered.

Section 3 – Snapshot of Panel activities 2023 to 2024

Snapshot of the work of the Corporate PDS Panel



Chair Cllr Robin Moss

Vice Chair Cllr Lucy Hodge

- **Budget and performance monitoring** – Corporate PDS Panel has extended its historic approach to the budget scrutiny by introducing in year budget monitoring into its work programme. In the past the focus had been solely towards scrutiny of next year’s budget. To complement this approach the Panel is also reviewing quarterly updates on performance to examine how the organisation is performing against its agreed priorities.
- **Council Tax Support Scheme** - following constructive dialogue between the cabinet member and Panel, scrutiny recommendations led to a revision of the scheme, which is designed to support low-income households. The revised model seeks to improve the equity of the scheme to protect the most vulnerable.
- **Working relationships with audit** – work is taking place to coordinate the Audit committee’s work programme with Corporate PDS. Both committees are interested in corporate risk and meetings are scheduled in the autumn to coordinate activities.
- **Call in** – the Panel has considered one call-in this year – this related to Entry-Hill and the disposal of the site for employment use. The decision was called-in by the previous Council but due to the local election the meeting did not take place until the new Panel membership was finalised on 11 July 2023.

A sample of the work programme undertaken by Corporate PDS is detailed below:

Item	What was scrutinised?
Corporate Strategy	The draft Corporate Strategy before adoption at Council.
Commercial Estate Update	The income, lettings and void numbers linked to our commercial estate.
Heritage Services Business Plan	Future priorities for the service 2024-29.
Developing Economic Strategy	The draft Economic Strategy and its focus on meeting the needs of residents and places whilst reducing the impact on natural resources and the environment.
2024/25 Medium Term Financial Strategy	Review of the council's medium term budget setting and planning 2024/25 – 2028/29
Key Performance Update	Review of the end of year performance against our corporate priorities.
Aequus Update	Overview of the Aequus Group including project pipeline and financial forecasting.
Somer Valley Enterprise Zone Update	Review of the associated Local Development Order (LDO) and future ambitions for the SVEZ.
Budget and Council Tax 2024/25 and Financial Outlook	Draft budget proposals for the forthcoming financial year
Council Tax Support Scheme	Consultation update and consideration of the draft proposals

Snapshot of the work of the Climate Emergency & Sustainability Panel



Chair Cllr Andy Wait

Vice Chair Cllr Grant Johnson

- **Core Policy To lead the UK in climate and nature action, building a sustainable future for Bath and North East Somerset - net zero, nature positive by 2030** – the Panel’s work programme has supported delivery of this core policy with regular updates taken on the Climate Strategy and various transport schemes working towards net zero.
- **Local Plan** - recognising the council’s Corporate Strategy commitment to deliver **The right homes in the right places** the Panel reviewed the developing Local Plan, questioning in particular how transport development can support this objective.
- The Panel established a Task Group to review local food growing, chaired by Cllr Sam Ross. The review was successfully completed and recommendations positively received by the cabinet member.
- The Panel held one call-in, **19 February 2024**, relating to the liveable neighbourhoods proposals for Southlands in Weston.

A sample of the work programme undertaken by CES PDS Panel is detailed below:

Item	What was scrutinised?
Climate Strategy Overview	The policy priorities for climate and nature.
Emissions based car parking charges	The proposal to introduce emission-based parking charges at council car parks.
Engagement Strategy on Climate and Ecological Emergency Plans	The approaches to engagement, including consideration of the programme of events.
Liveable Neighbourhoods Update	Programme overview provided to the Panel.
Journey to Net Zero Update	Progress towards reduction of transport related carbon emissions.
Bath & North East Somerset Local Plan Options	The Local Plan's purpose and scope, including priorities.

Snapshot of the work of the Children, Adult, Health & Wellbeing Panel



Chair Cllr Dine Romero

Vice Chair Cllr Liz Hardman

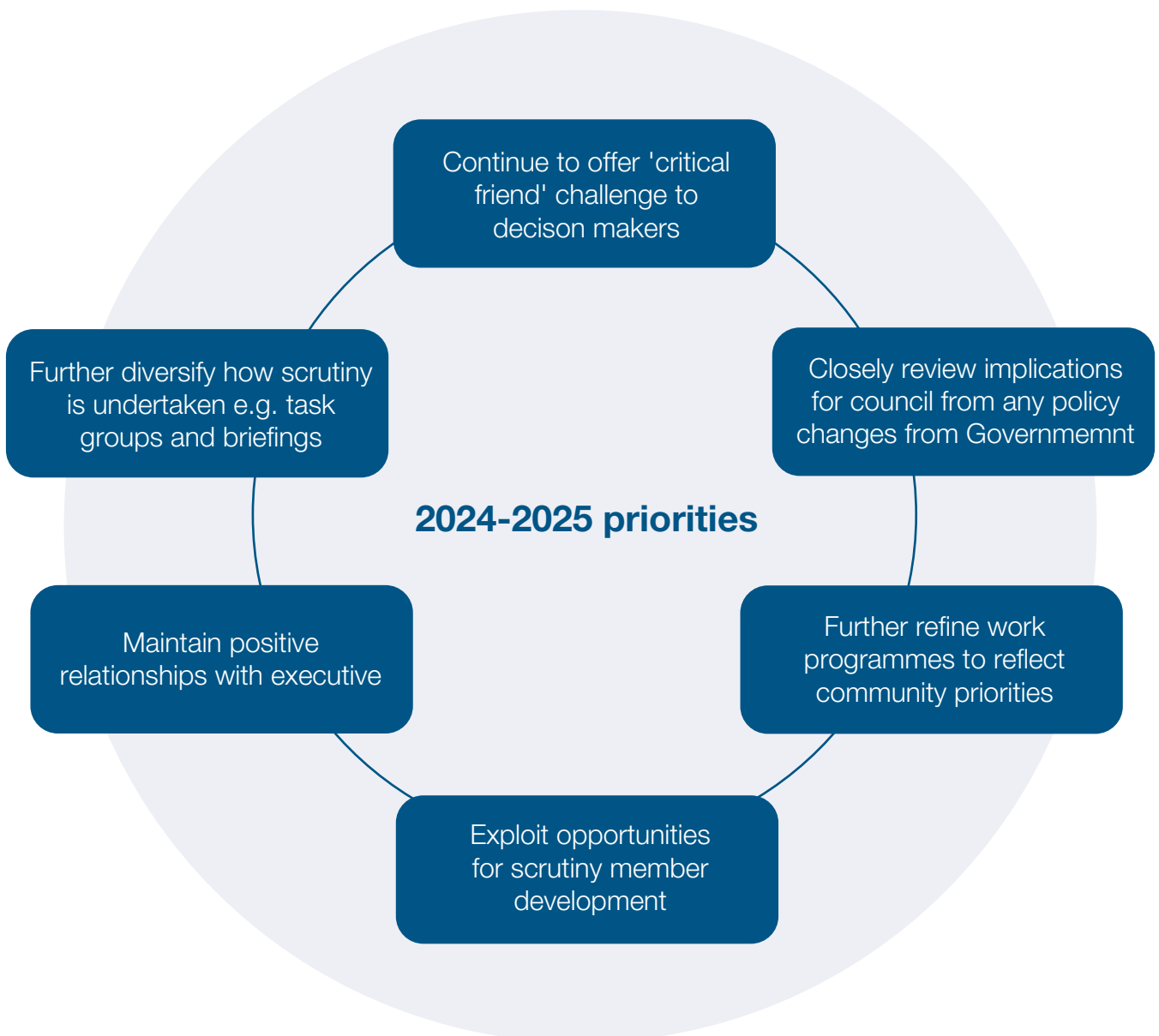
- The Panel has benefitted from excellent support from Integrated Care System (ICS) health partners, with the Director of Place attending Panel meetings. Health scrutiny focus has been on dental and pharmacy provision in particular.
- From an adult social care perspective, the Panel has closely reviewed the transformation programme seeking reassurances on service provision and support for staff transitioning from HCRG.
- The Panel has once more scrutinised education performance asking challenging questions around our results for children eligible for free school meals, whilst also following closely the work of the council in supporting our looked after children.
- The Panel established a task group to consider local knife crime prevention, which will shortly be reporting its findings.

A sample of the work programme undertaken by CAHW PDS Panel is detailed below:

Item considered	What was scrutinised?
Health & Wellbeing Strategy	The implementation plan.
Youth Justice Plan 2023 to 24	The Panel reviewed the Plan which sets out how services will be organised and funded and what functions they will carry out to prevent youth offending
Schools Capital Programme	The Programme for Special Education Needs (SEND), Alternative Provision (AP) and mainstream school places.
Independent Reviewing Officer (IRO) Annual Report	The work of the Independent Reviewing Service (IRS), which is responsible for monitoring and reviewing the care provided to children and young people for whom the Local Authority are Corporate Parents.
Bath & North East Somerset Community Safety & Safeguarding Partnership (BCSSP) Annual Report	The Annual Report and the Panel was able to give recommendations for consideration for the next municipal year
Homeless health	The health of homeless people in B&NES, particularly those sleeping rough.
Dental Services Provision	How the access gap can be addressed and how communication can be improved to residents.
School Meals	Considered the current provision in Bath and North East Somerset with regard the numbers of pupils who are in receipt of Free School Meals.
Education Performance Update	Early-years & school education performance in the academic year 2022-23, including information on school attendance and exclusions.

Section 4 - Looking Forward

- In 2024 to 25 once more the emphasis will be on maintaining a positive relationship with the Executive, whilst ensuring decisions are appropriately challenged.
- Inevitably there will be policy changes that impact the council following the recent change in Government. PDS will closely follow and incorporate into work programme.
- Expand PDS tool kit further to consider further task group reviews, inquiry days and briefings
- Ensure work programme continues to reflect the big local issues for residents.
- Exploit opportunities for scrutiny member development, including training available through Centre for Governance and Scrutiny (CFGGS).



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Bath & North East Somerset Council		
MEETING:	Council	
MEETING DATE	19th September 2024	
TITLE:	Annual Report on the use of the Regulation of Investigatory Powers Act 2000 (RIPA) & Investigatory Powers Act (IPA) 2016	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Appendix 1 Usage Statistics 2023-2024</p> <p>Appendix 2 RIPA & IPA training module</p> <p>Appendix 3 RIPA & IPA Policy</p>		

1 THE ISSUE

- 1.1 This report updates council on the use of Regulation of Investigatory Powers Act and Investigatory Powers Act, Policies, and Procedures.

2 RECOMMENDATION

The Council is asked to:

- 2.1 Note the summary of statistics on the use of Regulation of Investigatory Powers Act 2000 and Investigatory Powers Act 2016 (RIPA/IPA) by the council (Appendix 1);
- 2.2 Note the RIPA & IPA training module (Appendix 2); and
- 2.3 Adopt the Home Office Covert Human Intelligence sources code of practice (revised December 2022) set out at paragraph C.1.13 of the Council’s Policy on the use of Regulation of Investigatory Powers Act 2000 (RIPA) & Investigatory Powers Act (IPA) 2016 (Appendix 3).

3 THE REPORT

- 3.1 The Regulation of Investigatory Powers Act 2000 permits Councils to carry out covert (secret) surveillance of alleged offenders for the prevention and detection of

crime and the protection of public health. This is undertaken by either the use of directed surveillance or the use of a covert human intelligence source (CHIS). The Investigatory Powers Act 2016 allows the council to apply to telecommunications providers for data information (but not the contents of communications) about individuals who are suspected of committing crimes. when RIPA & IPA are applied, It ensures that the actions taken by the council comply with the human rights act 1998. resource implications (finance, property, people)

- 3.2 The Investigatory Powers Commissioner's Office (IPCO) is responsible for the inspection of public authorities with regard to compliance with RIPA & IPA. The council has previously been inspected in May 2014 and June 2017 and in 2020 a 'desk top' inspection was undertaken. the frequency of inspection for local authorities is every 3 years and in all likelihood the council will be inspected in the near future.
- 3.3 A summary of the Council's Annual Return on its use of RIPA and IPA powers to the IPCO is at Appendix 1.
- 3.4. The Council is committed to the continued professional development of Officers using RIPA and IPA powers. Officers using RIPA and IPA powers, therefore, are required to undergo annual training. The RIPA and IPA training module has been updated this year and made available through the Council's online 'Learning Zone' portal with a Certificate generated on successful completion of the training module. The Learning Zone is available to all Officers and will be available to the IPCO on inspection. A link to the RIPA and IPA training module is at Appendix 2.
- 3.5 The Council's Policy on the use of Regulation of Investigatory Powers Act 2000 (RIPA) & Investigatory Powers Act (IPA) 2016 is at Appendix 3 and note that paragraph C.1.13 provides a link to the Home Office Covert Human Intelligence Sources Revised Code of Practice revised December 2022.

4. CHANGES [IPCO] THE INVESTIGATORY POWERS COMMISSIONER'S OFFICE AND THE OFFICE FOR COMMUNICATIONS DATA AUTHORISATIONS (OCDA) HAVE MERGED

- 4.1 A merger has taken place to combine the [IPCO] the Investigatory Powers Commissioner's Office and the Office for Communications Data Authorisations (OCDA) . The merger has been completed. The combined authorisation will be known as ***"The Investigatory Powers Commissioner's Office (IPCO) With A New Tagline: Authorisation And Oversight"***.
- 4.2 The primary purpose of the merger is to make the business and administration processes of the two organisations more efficient, while protecting the independent decision making and oversight functions of each.

Sir Brian Leveson stated : "I am delighted to announce formally the merger of IPCO and OCDA. I am immensely proud of the work achieved by both organisations to date in overseeing and authorising the use of investigatory powers. IPCO was set up following the Investigatory Powers Act 2016 and OCDA was established some two years later following amendments to the IPA, each with different resources, functions and capability. At that later time, it was right that the organisations were separate and able to establish effective working practices for their different functions. Five years on, however, as IPCO and OCDA have matured and the working practices and support systems of the two organisations have aligned, it had made sense formally to join the two and to develop a

single, unified body. I am confident the merger will make administrative processes more efficient while preserving the independence of our statutory functions.”

4.3 The name IPCO has been retained because the organisation’s authorisation and oversight functions derive from powers delegated by the Investigatory Powers Commissioner, whose statutory role was created by the Investigatory Powers Act 2016. The merger will drive administrative change while the functions of authorisation and oversight will remain as before.

4.4 Applications to acquire communications data will continue to be considered by authorising officers exercising the delegated powers of the Investigatory Powers Commissioner and compliance with the Act and the Codes of Practice will still be overseen by teams of inspectors reporting back to the Investigatory Powers Commissioner.

5. STATUTORY CONSIDERATIONS

5.1 The revised code on Covert Surveillance and Property Interference recommends that elected members should review the use of RIPA/IPA powers and set the policy annually.

6. RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

6.1 There are no direct implications arising from this report. Although the Council is an infrequent user of RIPA/IPA powers, the IPCO requires the Council ‘s procedures to remain in a good state of readiness should these need to be implemented. Consequently, the financial implications are limited to the cost of periodic refresher training for officers in the use of RIPA powers.

7. RISK MANAGEMENT

7.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance.

8. CLIMATE CHANGE

8.1 There are no impacts on climate change arising from this report.

9. OTHER OPTIONS CONSIDERED

9.1 None

10. CONSULTATION

10.1 The Monitoring Officer and Council S.151 Officer have been consulted on the contents of this report.

Contact person	Michael Hewitt tel: 01225 395125
Background papers	None
Please contact the report author if you need to access this report in an alternative format	

Annual Return - Key Statistics 2023-2024

SURVEILLANCE DATA

None

COMMUNICATIONS DATA*

1

REQUEST FOR USE OF COUNCIL CCTV BY PARTNER ENFORCEMENT AGENCIES

None

Key Statistics 2023-24

SURVEILLANCE DATA

None

COMMUNICATIONS DATA

None

REQUEST FOR USE OF COUNCIL CCTV BY PARTNER ENFORCEMENT AGENCIES

None

RIPA TRAINING PLAN

**RIPA-IPA TRAINING 2023-2024
(LINK BELOW)**

<https://www.youtube.com/watch?v=tdhHingkUE>

BATH AND NORTH EAST SOMERSET COUNCIL

Policy on

Regulation of Investigatory Powers Act 2000 (RIPA)

and

Investigatory Powers Act 2016 (IPA)

Revised August 2024

BATH AND NORTH EAST SOMERSET COUNCIL

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

&

INVESTIGATORY POWERS ACT 2016 (IPA)

POLICY

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REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

&

INVESTIGATORY POWERS ACT 2016 (IPA)

A.1 Purpose

The purpose of this Policy and accompanying guidance is to explain:

- the scope of RIPA and IPA
- the circumstances where these apply

A.2 Introduction

A 2.1 **RIPA** - which came into force in 2000, regulates the use of investigatory powers exercised by various bodies including Local Authorities, and ensures that they are used in accordance with human rights. This is achieved by requiring certain investigations to be authorised by an appropriate officer and that, judicial approval is obtained before they are carried out.

A 2.2 **IPA** - which came into force in 2019, regulates the acquisition and disclosure of Communications Data (CD) by various bodies including Local Authorities. This is achieved by requiring application for CD to be facilitated by collaboration with the National Anti-Fraud Network (NAFN) and approved by the Investigatory Powers Commissioner's Office (INVESTIGATORY POWERS COMMISSIONER'S OFFICE)

A 2.3 This policy sets out Bath and North East Somerset Council's (the Council) position in relation to RIPA and IPA. Part I deals with RIPA and Part II deals with IPA

A 2.4 Consideration must be given, prior to authorisation as to whether or not the acquisition of private information is necessary and proportionate, i.e. whether a potential breach of human rights is justified in the interests of the community as a whole, or whether the information could be obtained in other ways.

POLICY ON REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

PART I – RIPA

B 1.0 The investigatory powers, which are relevant to a Local Authority, are directed covert surveillance in respect of specific operations involving criminal offences that are either punishable, whether on summary conviction or indictment, by a maximum term of at least six months imprisonment, or are related to the underage sale of alcohol and tobacco and the use of covert human intelligence sources (CHIS). The Act makes it clear for which purposes they may be used, to what extent, and who may authorise their use. There are also Codes of Practice in relation to the use of these powers and these can be viewed at

<https://www.gov.uk/government/collections/ripa-codes>

B 1.1 This policy sets out the practice to be followed before any covert surveillance is undertaken. The Council will only carry out covert surveillance where such action is necessary, proportionate and justified and will endeavour to keep such surveillance to a minimum. The Council recognises its obligation to comply with RIPA when such an investigation is for the purpose of preventing or detecting crime, preventing disorder or the protection of public health and has produced this document as guidance to assist officers. The procedures and guidance set out in this Policy are based on the provisions of RIPA, the Home Office Codes of Practice on Covert Surveillance and Covert Human Intelligence Sources (CHIS), the Home Office guidance to Local Authorities in England and Wales on the judicial approval process for RIPA and the crime threshold for directed surveillance and guidance issued by the Investigatory Powers Commissioner. See

B 1.2 Officers should be aware of the scope and extent of activities covered by the provisions of RIPA. In many cases, investigations carried out by Council officers will not be subject to RIPA, as they involve overt rather than covert surveillance (see below).

B 1.3 RIPA does:

- require prior authorisation and judicial approval of directed covert surveillance
- prohibit the Council from carrying out intrusive surveillance
- require prior authorisation and judicial approval of the conduct and use of CHIS
- require safeguards for the conduct and use of CHIS.

B 1.4 RIPA does not:

- prejudice any existing powers available to the Council to obtain information by any means not involving conduct requiring authorisation under RIPA. For example, it does not affect the Council's current powers to obtain information via the DVLA or from the Land Registry as to the ownership of a property.
- authorise the use of directed covert surveillance unless the crime threshold is met.

B 2.0 **Applications for Authorisations**

B 2.1 All applications for authorisation in accordance with RIPA must be considered by one of the Council's designated authorising officers. Schedule 1 of this Policy identifies the officers authorised to act as the Council's designated persons. Any incomplete or inadequate application forms will be returned to the Applicant Officer for amendment. The Authorising Officer shall in particular ensure that:

- a criminal offence is being investigated;
- there is a satisfactory reason for carrying out the surveillance;
- the crime threshold is met or the offences relate to the underage sale of alcohol or tobacco;
- the covert nature of the investigation is necessary;
- proper consideration has been given to collateral intrusion;
- the proposed length and extent of the surveillance is proportionate to the information being sought;
- the authorisations are reviewed and cancelled;
- records of all authorisations are sent to the Monitoring Officer for entry on the Central Register;
- an analysis of alternative methods, other than directed covert surveillance has been considered as a way of obtaining the necessary information together with reasons why those alternatives are inappropriate. This is to ensure that RIPA powers are used as a last resort;

B 2.2 After authorisation has been obtained from an authorising officer the Applicant Officer must attend the Magistrates' Court in order to obtain Judicial approval for the authorisation.

B 3.0 **Scrutiny and Tribunal**

B 3.1 The Council must obtain an order from a Magistrate approving the grant or renewal of any authorisation for the use of directed surveillance or CHIS before the authorisation can take effect and the activity be carried out. The Council can only challenge a decision of the Magistrate on a point of law by way of judicial review.

B 3.2 The Investigatory Powers Commissioner (IPC) was set up to oversee and monitor compliance with RIPA operations carried out by public authorities. The IPC has "*a duty to keep under review the exercise and performance by the relevant persons of the powers and duties under Part II of RIPA*", and the IPC will from time to time inspect and examine the Council's policies, records, operations and procedures for this purpose.

B 3.3 In order to ensure that investigating authorities are using the powers properly, the Act also establishes a Tribunal to hear complaints from persons aggrieved by conduct, e.g., directed surveillance. Applications will be heard on a judicial review basis. Such claims must be brought no later than one year after the taking place of the conduct to which it relates, unless it is just and equitable to extend this period.

B 3.4 The Tribunal can order:

- B 3.4.1 the quashing or cancellation of any warrant or authorisation;

B 3.4.2 the destruction of any records or information obtained by using a warrant or authorisation;

B 3.4.3 the destruction of records or information held by a public authority in relation to any person.

B 3.5 The Council has a duty to disclose to the Tribunal all documents it requires, if any Council officer has:

B 3.5.1 granted any authorisation under RIPA;

B 3.5.2 engaged in any conduct as a result of such authorisation.

B 4.0 **Benefits of RIPA Authorisations**

B 4.1 RIPA states that if authorisation is given to engage in a certain conduct and the conduct undertaken is in accordance with the authorisation (including judicial approval), then it will be lawful for all purposes. Consequently, RIPA provides a defence to an accusation of an infringement of a human right.

B 4.2 Material obtained through properly authorised covert surveillance is admissible evidence in criminal proceedings.

B 5.0 **Statutory Definitions**

B 5.1 'Surveillance' includes:

B 5.1 monitoring, observing, listening to people, watching or following their movements, listening to their conversations and other such activities or communications.

B 5.1.2 recording anything mentioned above in the course of surveillance.

B 5.1.3 surveillance by, or with the assistance of, appropriate surveillance device(s).

Surveillance can be overt or covert.

B 5.2 **Overt surveillance** will include most of the surveillance carried out by the Council – there will be nothing secretive, clandestine or hidden about it. For example, sign posted CCTV cameras normally amount to overt surveillance (but see 6.6 and 7.3 below). In many cases, officers will be behaving in the same way as a normal member of the public (e.g. in the case of most test purchases carried out by Environmental Health for food hygiene or other purposes), and/or will be going about Council business openly (e.g. a parking attendant walking through a Council car park).

B 5.3 Similarly, surveillance will be overt if the subject has been told it will happen. This will be the case where a noisemaker is warned that noise will be recorded if the noise continues; or where an entertainment licence is issued subject to conditions, and the licensee is told that officers may visit without notice or without identifying themselves to the owner/proprietor to check that the conditions are being met. Such warnings should be given to the person concerned in writing.

B 5.4 Overt surveillance does not require any authorisation under RIPA. Neither does **low-level surveillance** consisting of general observations in the course of law enforcement (for example, where a planning officer drives past a site to check whether planning conditions

are being complied with). Repeated visits may amount to systematic surveillance, however, and require authorisation: if in doubt, legal advice should be sought. Home Office guidance also suggests that the use of equipment such as binoculars or cameras, to reinforce normal sensory perception by enforcement officers as part of a *general* observation does not need to be regulated by RIPA, as long as the *systematic* surveillance of an individual is not involved.

B 5.5 **Covert surveillance** (S. 26(9)(a)) is surveillance carried out in a manner calculated to ensure that the person subject to the surveillance is unaware that it is, or may be taking place. RIPA requires the authorisation to two types of covert surveillance (**directed surveillance** and **intrusive surveillance**) plus the use of CHIS.

B 5.6 **Directed surveillance** (s.26(2)) is surveillance which:

B 5.6.1 is covert; and

B 5.6.2 is not intrusive surveillance (see definition below – **the Council is prohibited by law from carrying out any intrusive surveillance**);

B 5.6.3 is not carried out in an immediate response to events where it would not be practicable to obtain authorisation under the Act;

B 5.6.4 is undertaken for the purpose of a specific investigation or operation in a manner likely to obtain private information about an individual (whether or not that person is specifically targeted for purposes of an investigation).

B 5.6 **Private information** in relation to a person includes any information relating to his private and family life, his home and his correspondence. The fact that covert surveillance occurs in a public place or on business premises does not mean that it cannot result in the obtaining of private information about a person. The way a person runs his/her business may also reveal information about his or her private life and the private lives of others. Prolonged surveillance targeted on a single person will undoubtedly result in the obtaining of private information about him/her and others that s/he comes into contact or associates with.

B 5.7 Similarly, although signposted town centre CCTV cameras do not normally require authorisation, this will be required if the camera is tasked for a specific purpose which involves prolonged surveillance on a particular person or place.

B 5.8 Other examples of directed surveillance include:

B 5.8.1 officers following an individual over a period to establish whether s/he is working whilst claiming benefit.

B 5.8.2 test purchases where a hidden camera or other recording device is used.

B 5.9 Surveillance that is unforeseen and undertaken as **an immediate response** to a situation normally falls outside the definition of directed surveillance and, therefore, authorisation is not required. However, if a specific investigation or operation is subsequently to follow, authorisation must be obtained in the usual way before it can commence. In no circumstance will any covert surveillance operation be given backdated authorisation after it has commenced.

B 5.10 **Intrusive Surveillance (s. 26(3))** occurs when surveillance:

B 5.10.1 is covert;

- B 5.10.2 relates to residential premises and private vehicles; and
- B 5.10.3 involves the presence of a person in the premises or in the vehicle or is carried out by a surveillance device in the premises/vehicle. Surveillance equipment mounted outside the premises will not be intrusive, unless the device consistently provides information of the same quality and detail as might be expected if it were in the premises/vehicle.

Residential premises do not include common areas to which a person has access in connection with their use of occupation for example hotel reception area or communal stairways.

B 5.11 Directed surveillance carried out at the following locations for the purpose of legal consultation shall be treated as intrusive surveillance:

- B 5.11.1 Any place in which persons who are serving sentences of imprisonment or detention, remanded in custody or committed in custody for trial or sentence may be detained;
- B 5.11.2 Police stations;
- B 5.11.3 Hospitals where psychiatric services are provided;
- B 5.11.4 The place of business of any professional legal adviser;
- B 5.11.5 Any place used for the sittings and business of any court, tribunal, inquest or enquiry;
- B 5.11.6 Any place which persons may be detained under certain circumstances provided by the Immigration Act 1971 or UK Border Act 2007.

Intrusive surveillance can be carried out only by police and other law enforcement agencies. **Council officers must not carry out intrusive surveillance.**

- B 5.12 **‘Covert human intelligence source’** (CHIS) (s.26(8)) is defined as a person who establishes or maintains a personal or other relationship with a person for the covert purpose of obtaining information or providing access to information to another person or covertly discloses information obtained through the use of such a relationship or as a consequence of the relationship.
- B 5.13 **‘Authorising Officer’** in the case of Local Authorities these are specified as Assistant Chief Officers (and more senior officers), Assistant Heads of Service, Service Managers or equivalent, responsible for the management of an investigation (see Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (SI 2010/521). The Council’s authorising officers are set out in Schedule 1 to this Policy.
- B 5.14 **‘Applicant Officer’** those council officers who apply for RIPA authorisation.
- B 5.15 **‘Crime Threshold’** applies to an authorisation for directed surveillance to prevent and detect conduct which constitutes one or more criminal offences. The criminal offences

must be punishable, whether on summary conviction or indictment by a maximum term of at least 6 months imprisonment, or be an offence under:

- 7.11.1 S.146 of the Licensing Act 2003 (sale of alcohol to children);
- 7.11.2 S.147 of the Licensing Act 2003 (allowing the sale of alcohol to children);
- 7.11.3 S.147A of the Licensing Act 2003 (persistently selling alcohol to children);
- 7.11.4 S.7 of the Children and Young Persons Act 1933 (sale of tobacco, etc., to persons under eighteen).

B 6.0 **When does RIPA apply?**

Where the directed covert surveillance of an individual or group of individuals, or the use of a CHIS is necessary for the purpose of preventing or detecting crime or of preventing disorder.

B 6.1 The Council can only authorise directed covert surveillance to prevent and detect conduct which constitutes one or more criminal offences. The criminal offences must be punishable, whether on summary conviction or indictment by a maximum term of at least 6 months imprisonment, or be an offence under:

- S.146 of the Licensing Act 2003 (sale of alcohol to children);
- S.147 of the Licensing Act 2003 (allowing the sale of alcohol to children);
- S.147A of the Licensing Act 2003 (persistently selling alcohol to children);
- S.7 of the Children and Young Persons Act 1933 (sale of tobacco, etc., to persons under eighteen).

B 6.2 CCTV – the normal use of CCTV is not usually covert because members of the public are informed by signs that such equipment is in operation. However, authorisation should be sought where it is intended to use CCTV to target a specific individual or group of individuals via CCTV recordings.

B 6.3 The use of RIPA powers must be in relation to the performance of a core function of the Council and not 'ordinary functions' such as employment issues or contractual arrangements. It will include criminal misconduct investigations.

B 7.0 **Training**

B 7.1 Each Director shall be responsible for ensuring that relevant members of staff, involved with any aspect of covert surveillance, are aware of the Act's requirements.

B 7.2 The Monitoring Officer shall ensure that refresher training is offered once a year to all services of the Council and also give advice and training on request. Applicant Officers must have received training and bi-annual refresher guidance on RIPA.

B 8.0 **Central Register and Records**

B 8.1 A Central Register of all authorisations including the application for judicial approval, and Order form shall be retained by the Monitoring Officer. The content of the application forms

and authorisations will be monitored to ensure that they comply with the Act. The Monitoring Officer will report any breaches of this Policy or the Act's provisions to the Strategic Management Team of the Council

B 9.0 **Overview and Scrutiny**

B 9.1 The Monitoring Officer shall be the Senior Responsible Officer who will:

- ensure compliance with the Council's policy, relevant RIPA legislation and guidance;
- engage with commissioners and inspectors when the Council's inspection is due (usually every three years);
- oversee any post-inspection action plans recommended or approved by a Commissioner.

B 9.2 This policy shall be reviewed, and where necessary amended, at least once a year and the version control table at Schedule 2 updated accordingly. If requiring amendment, the revised policy shall be presented to and considered by the following:

- The Strategic Management Team
- The relevant Council Committee/Cabinet

B 9.3 The Senior Responsible Officer will report to the relevant Council committee/Cabinet, detailing the Council's use of RIPA powers, annually.

B 9.4 The Council's elected members will not be involved in any decisions made on specific authorisations granted.

B.10 **Internet & Social Media Policy**

B 10.1 In order to prevent and detect crime a social media policy has been introduced to ensure that a lawful process is followed when accessing Social Networking Sites "SNS" and the internet at Schedule 3

B.11.0 **Aerial Surveillance**

B 11.1 Where surveillance using airborne crafts or devices, for example helicopters or unmanned aircraft ('drones'), is planned, consideration must be given as to whether a surveillance authorisation is appropriate. In considering whether the surveillance should be regarded as covert, account should be taken of the reduced visibility of a craft or device at altitude. If these devices are used in a covert and pre-planned manner, as part of a specific investigation or operation, for the surveillance of a specific person or group of people, a directed surveillance authorisation should be considered. Such covert surveillance is likely to result in the obtaining of private information about a person (namely, a record of their movements and activities) and therefore falls properly within the definition of directed surveillance.

C 1.0 Covert Human Intelligence Source

C 1.1 The RIPA definition (section 26) is anyone who:

C.1.1.1 establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paragraphs C 1.1.2 –C 1.1.3;

C 1.1.2 covertly uses such a relationship to obtain information or provide access to any information to another person; or

C 1.1.3 covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.

C 1.2 Any reference to the conduct of a CHIS includes the conduct of a source which falls within C1.1.1 - C 1.1.3. or is incidental to it. References to the use of CHIS are references to inducing, asking or assisting a person to engage in such conduct.

C 1.3 Section 26(9) of RIPA goes on to define:

C 1.3.1 a purpose is covert, in relation to the establishment or maintenance of a personal or other relationship, if and only if, the relationship is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of that purpose; and

C 1.3.2 a relationship is used covertly, and information obtained as mentioned in section 26 (8)c and is disclosed covertly, if and only if, it is used or, as the case may be, disclosed in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the use or disclosure in question.

C 1.4 The Council is only likely to use a CHIS in **very exceptional circumstances**, and advice should be sought from the Monitoring Officer before any authorisation is sought.

C 1.5 If the Monitoring Officer deems that the use of a CHIS is appropriate the application must be authorised and judicial approval obtained.

C 1.6 The provisions of RIPA relating to CHIS do **not** apply;

C .1.6.1 where members of the public volunteer information to the Council as part of their normal civic duties;

C 1.6.2 where the public contact telephone numbers set up by the Council to specifically receive information;

C.1.6.3 where test purchases are carried out in the normal course of business

C.1.6.4 where members of the public are asked to keep diaries of incidents in relation to planning enforcement or anti-social behaviour.

as none of these situations normally require a relationship to be established for the covert purpose of obtaining information.

C 1.7 If a CHIS is used, both the use of the CHIS and his or her conduct require prior authorisation and judicial approval;

C.1.7.1 conduct – establishing or maintaining a personal or other relationship with a person for the covert purpose of (or incidental to the covert purpose of) obtaining and passing on information

C.1.7.2 use – inducing, asking or assisting a person to engage in the conduct of a source or to obtain information by means of the conduct of such a source.

C.1.8 One person within the Council will be responsible for tasking the source, dealing with them, directing their day-to-day activities and recording information supplied by them and monitoring their welfare and security. A risk assessment MUST be carried out at the start, during and after the investigation (see Schedule 3 and Section 29(5) of RIPA for the specific requirements that need to be satisfied and for details of the different persons required to undertake separate responsibilities).

C.1.9 Special safeguards exist for the use of individuals who are under the age of 18 years old as a CHIS. The Regulation of Investigatory Powers (Juveniles) Order 2000 details the special provisions that must be satisfied.

C.1.10 Only an Authorising Officer may grant an authorisation for the use of a juvenile as a CHIS. Under no circumstances may a juvenile under the age of 16 be authorised to act as a CHIS against the wishes of his parents or person who has parental responsibility for him/her. The duration of an authorisation for the use of a juvenile as a CHIS is one month.

C.1.11A vulnerable individual is a person who is or may be in need of community care services for reason of mental or other disability, age or illness or is unable to take care of himself or protect himself from significant harm or exploitation. Only in the most exceptional circumstances may an Authorising Officer grant an authorisation for the use of a vulnerable individual as a CHIS.

C.1.12 There is a risk that an informant who is providing information to the Council voluntarily may in reality be a CHIS even if not tasked to obtain information covertly. It is the activity of the CHIS in exploiting a relationship which is authorised in the 2000 Act, not whether the CHIS is asked to do so by the Council. Where an informant gives repeat information about a suspect or about a family and it becomes apparent that the informant may be obtaining the information in the course of a neighbourhood or family relationship it may mean that the informant is in fact a CHIS. Legal advice should always be sought in such instances before acting on the information from any such informant.

C 2.0 **Directed Surveillance**

C 2.1 All application forms see

<https://www.gov.uk/government/collections/ripa-forms--2>

must be fully completed by the Applicant Officer with the required details and sufficient information to enable to Authorising Officer to make an informed decision that he is satisfied and believes that RIPA is necessary and proportionate. The application form must also provide all the information required for approval by the Judiciary. No authorisation shall be granted unless the Authorising officer is satisfied that the RIPA authorisation is:

- **Necessary** for either the purpose of preventing or detecting crime or the prevention of disorder that involves a criminal offence or offences that are either punishable, whether on summary conviction or indictment, by a maximum term of at least six months imprisonment or are related to the underage sale of alcohol and tobacco (see paragraph 7.2 the policy above);

- Proportionate this means that:
 - the method of surveillance proposed is not excessive to the seriousness of the matter under investigation;
 - it must be the method that is least invasive of the individual or individual being observed;
 - the privacy of innocent members of the public must be respected and collateral intrusion minimised (see 2.2 below); and
 - that no other form of investigation would be appropriate.

The authorisation completed by the Authorising Officer should indicate that full consideration has been given to the above points and a record should be made on the appropriate forms.

Both the Applicant Officer and Authorising Officer should refer to their training notes regarding the completion of the RIPA forms, with particular attention to necessity and proportionality.

- C 2.2 The Authorising Officer must also take into account the risk of **‘collateral intrusion’** i.e. intrusion on, or interference with, the privacy of persons other than the subject of the investigation, particularly where there are special sensitivities e.g. premises used by lawyers, doctors or priests for any form of medical or professional counselling or therapy. The application form must include a detailed assessment of any risk of collateral intrusion for this purpose.
- C 2.3 Steps must be taken to avoid unnecessary collateral intrusion and minimise any necessary intrusion. The Applicant Officer must inform the Authorising Officer of any unexpected interference with the privacy of individuals who are not covered by the authorisation, as soon as these become apparent.
- C 2.4 A single authorisation may refer to a number of individuals but relate to a single investigation and are “same fact”. However, necessity, proportionality and collateral intrusion should be considered individually. If particular subjects are subsequently ruled out of the investigation, those individuals should be removed at the next review. Such circumstances should prompt an early review.
- C 2.5 Special consideration should be given in respect of confidential information. Particular attention is drawn to areas where the subject of surveillance may reasonably expect a high degree of privacy e.g. where confidential information is involved. Confidential information consists of matters subject to legal privilege, confidential personal information or confidential journalistic material (S98 – 100 Police Act 1997). The Chief Executive, Monitoring Officer or Deputy Monitoring Officer must sign any authorisation before judicial authority is sought.
- C 2.6 Legal Privilege

This applies to legal consultation and includes communications or consultation between an individual and his/her legal adviser or a person representing their client in connection with the giving of legal advice in connection with or in contemplation of legal proceedings. This also includes consultations with medical practitioners. Such information is unlikely ever to be admissible as evidence in criminal proceedings.

If in doubt, the advice of the Monitoring Officer should be sought in respect of any issues in this area.

C 2.7 Confidential Personal Information

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

C 2.9 Confidential Journalistic Material

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

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

Where such information is likely to be acquired, the surveillance may only be authorised by the Monitoring Officer.

C 3.0 Judicial Approval of Authorisations

C 3.1 Once the Authorising Officer has authorised the Directed Surveillance or CHIS the Applicant Officer (who completed the application form) should contact the Magistrates' Court to arrange a hearing for the authorisation to be approved by a Magistrate.

C 3.2 The Applicant Officer will provide the Magistrate with a copy of the original authorisation and the supporting documents setting out the case. This forms the basis of the application to the Magistrate and should contain all the information that is relied upon.

C 3.3 In addition the Applicant Officer will provide the Magistrate with a partially completed judicial application/order form.

C 3.4 The hearing will be in the Magistrates' Court and the Applicant Officer will be sworn in and present the evidence as required by the Magistrate. Any such evidence should be limited to the information in the authorisation.

C 3.5 The Magistrate will consider whether he/she is satisfied that at the time the authorisation was given there were reasonable grounds for believing that the authorisation or notice was necessary and proportionate and whether that continues to be so. He/she will also consider whether the authorisation was given by the appropriately designated person at the correct level within the Council and whether (in the case of directed surveillance) the crime threshold has been met.

C 3.6 The Magistrate can:

C 3.6.1 approve the grant of the authorisation which means that the authorisation will then take effect; or

C 3.6.2 refuse to approve the grant of the authorisation which means the authorisation will not take effect but the Council may look at the reasons for the refusal, make amendments and re-apply for judicial approval; or

C 3.6.3 refuse to approve the grant of the authorisation and quash the original authorisation. The Court cannot exercise its power to quash the authorisation unless the Applicant Officer has at least two business days from the date of the refusal in which to make representations.

C 4.0 **Notifications to Inspector/Commissioner**

C 4.1 The following situations must be brought to the Inspector/Commissioner's attention at the next inspection:

- where an officer has had to authorise surveillance in respect of an investigation in which he/she is directly involved;
- where a lawyer is the subject of an investigation or operation;
- where confidential personal information or confidential journalistic information has been acquired and retained.

C 5.0 **Applications for CHIS**

C 5.1 The process is the same as for directed surveillance except that the authorisation must specify the activities and identity of the CHIS and that the authorised conduct is carried out for the purposes of, or in connection with, the investigation or operation so specified.

All application forms <https://www.gov.uk/government/collections/ripa-forms--2>

must be fully completed with the required details to enable the Authorising Officer to make an informed decision and to be approved by the Magistrate.

C 6.0 **URGENT AUTHORISATIONS**

C 6.1 Urgent authorisations should not normally be necessary. However, in exceptional circumstances, if the authorisation cannot be handled on the next working day the Court's out-of-hours service can be contacted. Legal Advice should be sought from the Monitoring Officer about whether it is appropriate to utilise this facility.

C 6.2 If the need for authorisation has been neglected, or if the situation is of the Applicant Officer's own making, this will not amount to an urgent or exceptional circumstance.

C 7.0 **Duration and Cancellation**

C 7.1 Every authorisation and every renewal (except in the cases of oral authorisations or where the use of a juvenile CHIS is being authorised) must be for the designated statutory period. If the operation is to only last for a short time, this is information which should be considered in the review and/or cancellation.

C 7.2 An authorisation for directed surveillance shall cease to have effect (if not renewed) 3 months less one day from the date of judicial approval but still requires to be cancelled using the appropriate form even if the surveillance is required for less than 3 months.

C 7.3 An authorisation for CHIS shall cease to have effect (unless renewed) 12 months from the date of judicial approval but it is still necessary to cancel the authorisation using the appropriate form.

NOTE:

Authorisations should continue for the minimum period reasonable for the purpose they are given and then cancelled promptly.

C 8.0 Reviews

C 8.1 The Authorising Officer should review all authorisations prior to their expiry date and at intervals determined by him/herself. This should be as often as necessary and practicable. Particular attention should be paid to the possibility of obtaining confidential information. The Applicant Officer can do the necessary research and prepare the papers for the review but the actual review is the responsibility of the original Authorising Officer and should be conducted by him. Necessity and proportionality should be reconsidered if the surveillance is to continue.

C 8.2 The Applicant Officer must make the Authorising Officer aware of any proposed or unforeseen changes to the nature or extent of the surveillance operation which may result in further or greater intrusion into the private life of any person by means of a review. The Authorising Officer should consider whether the proposed changes are proportionate before approving or rejecting them.

C 8.3 Where authorisation is given for the surveillance of unidentified individuals whose identity is later established, the review should include reference to their identity. A fresh authorisation will not be necessary if the investigation remains the same.

C 8.4 Evidence of the review should be recorded.

C 9.0 Renewals

C 9.1 Any Authorising Officer may renew an existing authorisation on the same terms as the original at any time before the original ceases to have effect. This renewal must then be approved by a Magistrate in the same way the original authorisation was approved. The process set out in C 3.0 above should be followed.

C 9.2 A CHIS authorisation must be thoroughly reviewed before any application for renewal is sought. Once the Authorising Officer has approved an application to renew, that application must then be approved by a Magistrate in the same way that the original authorisation was approved. The process set out in C 3.0 above should be followed.

C 10. Central Register of Authorisations

C 10.1 The Council must maintain the following documents:

- a copy of the application and a copy of the authorisation together with any supplementary documentation and notification of the approval given by the Authorised Officer;
- a copy of the order made by the Magistrate;
- a record of the period over which the surveillance has taken place;
- the frequency of reviews prescribed by the Authorising Officer;
- a record of the result of each review of the authorisation;
- a copy of any renewal of an authorisation and order made by the judiciary and supporting documentation submitted when the renewal was requested;

- the date and time when any instruction was given by the Authorising Officer.

C 10.2 To comply with C 10.1 above the Monitoring Officer will hold the central register of all authorisations issued by Authorising Officers of the Council. The original copy of every authorisation, judicial order, review, renewal and cancellation issued should be lodged immediately with Legal Services in an envelope marked 'Private and Confidential'.

C 10.3 The Council must also maintain a centrally retrievable record of the following information for a period of 3 years or until the next IPC inspection whichever is the latter:

- type of authorisation
- date the authorisation was given
- date the Order was made by the Magistrate
- name and rank/grade of the Authorising Officer
- unique reference number of the investigation/operation
- title (including brief description and names of the subjects) of the investigation/operation;
- whether urgency provisions were used, and if so why
- details of renewal
- whether the investigation/operation is likely to result in obtaining confidential information
- whether the authorisation was granted by an individual directly involved in the investigation
- date of cancellation

These records will be retained for at least 3 years and will be available for inspection by the Investigatory Powers Commissioners Office.

C 11. **Retention of Records**

C 11.1 All documents must be treated as strictly confidential and the Authorising Officer must make appropriate arrangements for their retention, security and destruction, in accordance with the Council's Data Protection Policy and the RIPA codes of practice. The retention period of the purposes of this guidance is three years from the ending of the period authorised.

C 11.2 The Council's Records Retention and Disposal Policy should be referred to which sets out how different types of records are created as part of any investigation, their storage, retrieval, maintenance, protection and final disposal. The Council also has a separate Code of Practice which covers these issues specifically for CCTV tapes.

C 12 **Complaints Procedure**

- C 12.1 The Council will maintain the standards set out in this guidance and the relevant Codes of Practice. The IPC has responsibility for monitoring and reviewing the way the Council exercises the powers and duties conferred by RIPA.
- C 12.2 A contravention of the General Data Protection Regulations (GDPR) may be reported to the Information Commissioner. Before making such a reference, a complaint concerning a breach of the guidance should be made using the Council's own internal complaints procedure. To request a complaints form, please contact the Customer Feedback & Standards Manager, Bath and North East Somerset Council on 01225 477013 or via councilconnect@bathnes.gov.uk

POLICY ON INVESTIGATORY POWERS ACT 2016 (IPA)

PART II - IPA

D 1.0 ACQUISITION AND DISCLOSURE OF COMMUNICATIONS DATA

D 1.1 With effect from 5 February 2019, and in accordance with Part 3 and chapter 2 of Part 6 of the Investigatory Powers Act 2016 (“the IPA”), Local Authorities can obtain ‘communications data’(CD) provided that the acquisition of such CD is necessary for the applicable crime purpose ; and proportionate to what is sought to be achieved by acquiring such CD.

D 1.2 The applicable crime purpose will depend upon whether the CD being sought is classified as entity data or events data. Where the CD sought is wholly or partly events data the purpose must be for a serious crime. In any other case the CD must be for the purpose of preventing or detecting crime or of preventing disorder.

- *Serious crime*” means crime where-
- (a) the offence, or one of the offences, which is or would be constituted by the conduct concerned is an offence for which a person who has reached the age of 18 and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of 1 year or more, or
- (b) the conduct involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose

D. 1.3 The Communications data Code of Practice can be accessed here:

<https://www.gov.uk/government/publications/code-of-practice-for-the-acquisition-and-disclosure-of-communications-data>

Important: The Council is NOT Permitted to Intercept any Communications

D 1.4 The purpose and effect of the procedure is the same as RIPA i.e. to ensure proper consideration is given to permitting such investigations and to provide protection against a human rights challenge.

D 1.5 Applications for CD are subject to independent examination, scrutiny and approval by the IPC through the “Investigatory Powers Commissioner’s Office (IPCO). All applications for CD must be undertaken online through NAFN acting as single point of contact SPOC pursuant to the IPA.

D 2.0 What is ‘Communications Data’?

D 2.1 The term Communications Data includes the “who”, “where”, and “how” of a communication but not the content i.e. what was said or written. CD is generated, held or obtained in the provision, delivery and maintenance of communications services i.e. postal services or telecommunications services.

D 2.2 The Council may only acquire less intrusive types of CD. These are:

Entity Data – this data describes or identifies the entity. Entities can be individuals and objects (such as mobile phones).

Events Data –for CD this is limited to communications events which identifies any person, apparatus or location to or from which a communication is transmitted

e.g.:

- incoming call records,
- the location of a mobile phone,
- numbers called

D 2.3 CD relating to Events data is more intrusive than data relating to Entities

D 3.0 **Senior Responsible Officer**

D 3.1 The Monitoring Officer shall be appointed as the Council’s Senior Responsible Officer and in their absence the Deputy Monitoring Officer

The SRO is responsible for

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

D 4.0 **Application Forms**

D 4.1 The Council will maintain a collaboration agreement with the National Anti- Fraud Network (NAFN). All applications must be made online at <https://www.nafn.gov.uk/> NAFN will act as a single point of contact (SPOC) between both the communications service providers (CSPs) and the Council concerning the request and provision of CD. This is to ensure a centralised and managed approach in making applications to obtain CD and facilitates lawful acquisition of CD and effective co-operation between the Council and CSPs.

In addition to being considered by a NAFN SPOC, the applicant for CD must ensure that the Council’s SRO is aware of the application being made before it is submitted to an authorising officer in the IPCO. The Council’s SRO’s will be notified to NAFN.

D 5.0 **Duration**

D 5.1 Authorisations to obtain CD are only valid for one month beginning with the date on which the Investigatory Powers Commissioner's Office approval is granted.

D 6.0 **Renewal and Cancellation**

D 6.1 An authorisation may be renewed at any time during the month it is valid using the same procedure as used in the original application (including IPCO approval). A renewal takes effect on the date which the authorisation it is renewing expires.

D 6.2 The code requires that all authorisations must be cancelled by the Council and sent to the IPCO as soon as it is no longer necessary, or the conduct is no longer proportionate to what is sought to be achieved. The Council must notify the SPOC which must cease the authorised conduct.

D 7.0 **Retention of Records**

D 7.1 Applications, authorisations and notices must be retained until the Council has been audited by the Commissioner. Applications must also be retained to allow the Tribunal (see paragraph D 8.0 to carry out its functions.

D 7.2 A record must be kept of:

- the dates of which the authorisation or notice is started or cancelled;
- any errors that have occurred in the granting of authorisations or giving of notices.

D 7.3 A report and explanation of any errors must also be sent to the Commissioner as soon as is practicable. Communications data, and all copies, extracts and summaries of it, must be handled and stored securely and the requirements of the GDPR must be observed. The Monitoring Officer will maintain a centrally retrievable register.

D 8.0 **Oversight and Complaints**

D 8.1 The Act provides for an Investigatory Powers Commissioner whose remit is to provide independent oversight of the use of the powers contained within the IPA and the code requires any person who uses the powers conferred by the IPA to comply with any request made by the Commissioner to provide any information he requires to enable him to discharge his functions.

D 8.2 The IPC must inform any affected person of any rights that the person may have to apply to the Investigatory Powers Tribunal.

SCHEDULE 1

Designated Persons/Authorising Officers

Chief Executive
Monitoring Officer
Deputy Monitoring Officer

Note: When the above are the Applicant Officer in a matter they may NOT authorise the same application for surveillance.

Senior Responsible Officers for CD

Monitoring Officer
Deputy Monitoring Officer

SPOC for CD

NAFN <https://www.nafn.gov.uk/>

SCHEDULE 2

**VERSION CONTROL TABLE
Since 2014**

RIPA POLICY VERSIONS	DATE	STATUS	Approved by Council
Version 1	14 April 2014	Superseded	
Version 2	18 May 2017	Superseded	
Version 3	31 July 2019	Superseded	
Version 4	15 September 2022	Superseded	
Version 5	01 November 2022		
Version 6	30 August 2024	superseded	

SCHEDULE 3

AUTHORISING A CHIS: PROCEDURE

The Council will only authorise a CHIS in exceptional circumstances. Section 29 of RIPA sets out the criteria for authorising a CHIS.

The Authorising Officer

The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (SI 2010 N0.521) states that the Authorising Officer for a local authority can be a Director, Head of Service, Service Manager or equivalent.

Where the surveillance involves the likelihood of obtaining confidential information, the deployment of juveniles or vulnerable people, then authorisation has to be sought from the Head of Paid Service and in their absence, the acting Head of Paid Service.

Time Limits

The current time limits for an authorisation 12 months for a CHIS (1 month if the CHIS is underage).

A renewal must be authorised prior to the expiry of the original authorisation, but it runs from the expiry date and time of that original authorisation. Authorisations may be renewed more than once if still considered necessary and proportionate and approved by a Magistrate.

Applications for renewals should not be made until shortly before the original authorisation period is due to expire but applicants must take account of factors, which may delay the renewal process (e.g. intervening weekends or the availability of the relevant local authority authorising officer and a Magistrate to consider the application).

Authorising Officer's Consideration

S.29 (2) states:

“A person shall not grant an authorisation for the conduct or the use of a covert human intelligence source unless he believes-

- (a) that the authorisation is necessary on grounds falling within subsection (3);
- (b) that the authorised conduct or use is proportionate to what is sought to be achieved by that conduct or use; and
- (c) that arrangements exist for the source's case that satisfy the requirements of subsection (5) and such other requirements as may be imposed by order made by the Secretary of State. “

Consequently the following matters must be satisfied before authorising the deployment of a CHIS:

1. Necessity

The deployment of a CHIS has to be necessary on one of the grounds set out within in S.29 (3). Local authorities can only authorise on the following grounds; where it is necessary:

“for the purpose of preventing or detecting crime or of preventing disorder.” (S.29 (3) (b))
or

The matter being investigated must be an identifiable criminal offence, constitute disorder or be for the purpose of protecting public health.

2. Proportionality

Proportionality means ensuring that the deployment of the CHIS is the least intrusive method to obtain the required information having considered all reasonable alternatives. This requires consideration of not only whether a CHIS is appropriate but also the method to be adopted, the duration and the equipment to be used. The CHIS Code Para 3.6 provides guidance on the elements of proportionality:-

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1112009/October_2022_Draft_Revised_CHIS_Code_of_Practice_print_.pdf

- balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;
- explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
- considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result;
- evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented.

3. Security and Welfare Arrangements

CHIS's are often placed in difficult and sometime dangerous situations. Appropriate security and welfare arrangements must also be in place in relation to each CHIS. S.29 (5) requires there to be:

- A person who will have day-to-day responsibility for dealing with the CHIS on behalf of that authority, and for his/her security and welfare; (**CHIS Handler**)
-
- A person who will have general oversight of the use made of the CHIS. (**CHIS Controller**) This person must be different to the one above.
-
- A person who will maintain a record of the use made of the CHIS. This can be one of the above or a separate person.
-
- Proper and secure records to be kept about the use made of the CHIS.

4. Risk Assessment:

An applicant considering deploying a CHIS should take into account the safety and welfare of that CHIS when carrying out actions in relation to an authorisation or tasking, and the foreseeable consequences to others of that tasking.

Before authorising the use or conduct of a CHIS, the authorising officer should ensure that a risk assessment is carried out to determine the risk to the CHIS of any tasking and the likely consequences should the role of the CHIS become known. The ongoing security and welfare of the CHIS, after the cancellation of the authorisation, should also be considered at the outset. Also, consideration should be given to the management of any requirement to disclose information tending to reveal the existence or identity of a CHIS to, or in, Court.

The CHIS handler is responsible for bringing to the attention of the CHIS controller any concerns about the personal circumstances of the CHIS, insofar as they might affect:

- the validity of the risk assessment;
- the conduct of the CHIS; and
- the safety and welfare of the CHIS.

Where appropriate, concerns about such matters must be considered by the authorising officer, and a decision taken on whether or not to allow the authorisation to continue.

SCHEDULE 4

Bath & North East Somerset Council Social Media Policy for the Purposes of Regulation of Investigatory Powers Act 2000' RIPA'

Bath & North East Somerset Council recognises the benefits and opportunities that the internet and multi-media provide to access and share information using a wide range of on line facilities. This is referred to Social Networking Sites – 'SNS'.

There are however some considerations and standards to apply when using such sites and this policy establishes the Council's position regarding the use of the internet, mobile web browsing and specifically social media websites when undertaking investigations under and in accordance with RIPA.

The Council's ICT Security Policy provides the basis for this policy and associated guidance. This policy should be read in conjunction with the supporting RIPA Policy and any guidance issued by the IPC – Investigatory Powers Commissioner.

This policy covers external investigations, which could also apply to internal staff that may be subject to an investigation. Advice should be taken from HR should an investigation involve a member of staff.

Contents

1. This policy covers the use of social media, including social networking websites such as Twitter, Facebook, LinkedIn, and YouTube, content communities and blogs.
2. The policy and guidance aim to ensure that the council and its employees when undertaking investigations are protected and that a lawful and fair process is followed.
3. This policy closely relates to other council documents but in particular ICT Security policy.
4. The other legislation that may also be impacted by an investigation being carried out is as follows: Human Rights Act 1998, Freedom of Information Act 2000 and the GDPR

Conducting an investigation under the Social Media Policy.

5. The implications of enforcement through monitoring of social media and its human rights implications are difficult areas for law enforcement with complex privacy considerations:
 - 5.1 The three main issues are:
 - (1) What expectation of privacy a user may reasonably have when posting on the Internet; and
 - (2) How covert or overt the officer looking at information on the internet is being.

(3) Whether or not a RIPA or CHIS authorisation should be obtained.

Investigatory 'Tools'

There are three main investigatory tools under RIPA that Officers may consider using in an investigation involving SNS. They are:

The use of 'Directed Surveillance, which is essentially covert surveillance carried out in places other than residential premises or private vehicles which is relevant where an investigatory technique might infringe Article 8 rights (e.g. where personal data or sensitive data is likely to be accessed or acquired and where there is an expectation of privacy) and which is subject to a 'crime threshold' when investigating criminal offences.

The use of Covert Human Intelligence Source (CHIS) which includes undercover officers (most significantly included covert profiles), informants and persons making test purchases; and

5.2 Powers to acquire or obtain 'communications data'.

5.3 The Council is seeking to focus on 3 broad categories so as to give an indication of what is and what is not acceptable for it to do. Prior to starting a browsing session an officer should consider what he/she is seeking to achieve and is likely to be doing and be aware of when their actions might cross the boundary from one "level" to another.

Three Broad Categories

6. **Category 1** – Viewing publically available postings or websites where **the person viewing does not have to register a profile, answer a question, or enter any significant correspondence in order to view**. E.g. a typical trader's website.

- There must be a low expectation of privacy and **no RIPA authorisation would normally** be required to view or record these pages.
- However, **repeated visits** over time to the extent that you might be perceived as **monitoring** a website, may require authorisation. Private information can remain private information even when posted on such a website and the European Convention on Human Rights has construed that the way a business is run can be private information. If you intend to monitor in this way therefore you may acquire private information and it is recommended that it is done in a **systematic** way with results recorded. Particularly note whether or not you happen to access private information. The fact that on previous visits a lack of private information is found could be good evidence that any subsequent acquisition was incidental and a RIPA authorisation is not required.
- There is unlikely to be **unfairness** (S78 PACE Act) in presenting the pages viewed as evidence. Pay attention to the requirements in Appendix B of the ACPO Good Practice Guide for Digital Evidence (in Chapter 2 of the D&S enforcement manual). If a test purchase is required, you may use a fictitious name and address without triggering the need for a CHIS (or Directed Surveillance) authorisation, provided no "relationship" is formed.

- As above, the **use of a fictitious identity or “covert” account** is not necessarily the trigger for a need for a RIPA authorisation, be it Directed Surveillance, or the in the case of a test purchase, CHIS. More relevant is the likelihood of acquisition of private information, or how far a “relationship” is formed.

7. **Category 2 – Viewing postings on social networks where the viewer has had to register a profile but there is not otherwise a restriction on access.** This would include Facebook where there is no need to be accepted as a “friend” to view. E.g.: Trader has a “shop window” on Facebook advertising a business and products.

- There are differences between this and Category 1. The person who posts information or runs such a website may reasonably expect viewers to work within the terms and conditions of the website.
- Viewing should therefore normally be conducted in an overt manner i.e. via an account profile which uses your correct name, and email address (which should be a B&NES.gov.uk etc. address) or an officer’s Service Sanctioned profile. If this is done there can be no objection to a recording of the visit being made and presented in evidence.
- If the posting or website contains no private information a viewing would not engage privacy issues and therefore a RIPA authorisation is not needed. However it is possible that a mixture of private and business material is displayed, and the ECHR has construed the way a business is run as being private information. The conditions regarding **repeat visits** in Level 1 are therefore relevant.
- A “Covert” account at this level should only be used in the context of a RIPA authorisation.

8. **Category 3– Viewing postings on social networks which require a “friend” or similar status to view.**

- These are **highly** likely to involve viewing private information.
- Repeated viewings will constitute Surveillance and require a RIPA authorisation. This may apply whether or not a “covert” or “overt” account is used, though this is probably best obtained via a CHIS authorisation with the use of a covert profile and appropriate risk assessments.
- An “Overt” account which gains “friend” or similar status may **still require a RIPA authorisation**. It may be that such a status may be given by a default on the part of the person posting or website owner. The officer should be especially sure that their access is being granted as a representative of the Service. For example, on Facebook it is stated that only people who know the person who maintains a profile should send a “friend” request to that profile. A person accepting that friend request may believe the person requesting is an acquaintance that they simply do not recall or know by another name. They still have a justifiable expectation of privacy. While requesting access may not comply with a strict interpretation of Facebook terms and conditions, a clearly identifiable **Officer’s Service Sanctioned profile** is a way to deal with that expectation of privacy, rather than a more neutral officer based profile.

- A “Covert” account at this level should only be used in the context of a RIPA authorisation.

Covert Facebook Accounts:

9. The use of covert Facebook accounts to access postings need to be covered by a RIPA authorisation. Currently there does not seem to be a mechanism for a Service to operate these on Facebook within the company’s terms and conditions. Any evidence obtained via them can run a risk of being considered “unfair”. It is quite likely that the profiles used will become “blown” at some stage and users need to monitor them to ensure this is identified early. Considerable officer time is required to maintain a covert identity.
10. Obtaining a RIPA authorisation will also present an officer with a defence should there be an allegation that they have breached the Computer Misuse Act 1990 – it is an offence to deliberately access unauthorised material.

Covert surveillance of Social Networking Sites (SNS)

11. The fact that digital investigation is routine or easy to conduct does not reduce the need for authorisation. Care must be taken to understand how the SNS being used works. authorising Officers must not be tempted to assume that one service provider is the same as another or that the services provided by a single provider are the same.
12. Whilst it is the responsibility of an individual to set privacy settings to protect unsolicited access to private information, and even though data may be deemed published and no longer under the control of the author, it is unwise to regard it as “open source” or publicly available; the author has a reasonable expectation of privacy if access controls are applied. In some cases data may be deemed private communication still in transmission (instant messages for example). **Where privacy settings are available but not applied the data may be considered open source and an authorisation is not usually required. Repeat viewing of “open source” sites may constitute directed surveillance on a case by case basis and this should be borne in mind.**
13. Providing there is no warrant authorising interception in accordance with section 48(4) of the 2000 Act, if it is necessary and proportionate for a public authority to breach covertly access controls, the minimum requirement is 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 mere reading of the site’s content).
14. **It is not unlawful for a member of a public authority to set up a false identity but it is not advisable 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.
15. A member of a public authority should not adopt the identity of a person known, or likely to be known, to the subject of interest or users of the site without authorisation, and without the consent of the person whose identity is being used, and without considering the protection of that person. The consent must be explicit (i.e. the person from whom consent is sought must agree (preferably in writing) what

is and is not to be done).

Recording Information

16. All information should be recorded on the appropriate form(s) should an authorisation be required.

Training

17. Training should be made available to Officers undertaking any covert or directed surveillance when undertaking investigations.

Related Documents

18. Documents that should be referred to are:
 - RIPA Policy
 - Investigatory Powers Commissioners Codes
 - Council Code of Conduct
 - Council Email and Internet Policies

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Bath and North East Somerset Council

Full Council Meeting 19th September 2024

Green Motion on the Rights of Nature

To be proposed by Cllr Joanna Wright

Council:

- Recognises that nature has rights. By considering these rights in decisions, the Council can promote economies that renew resources and enhance communities' safety, strength, and resilience.
- Understands that nature is a connected system where all living things depend on each other. The rights of others balance the rights of one living thing, and any conflicts between them should be resolved in a way that keeps nature healthy and balanced.
- Acknowledges that all living things, including nature, have the right to live and be respected. This means nature has the right to renew itself, maintain its natural state, contribute to our ecosystem, and be free from harm.
- Recognises that everyone is responsible for respecting and living in harmony with nature - human well-being aligns with nature's by protecting, conserving, and restoring ecological cycles and balances.

Council therefore Resolves:

- To request Cabinet to commission officers to prepare a report to Council outlining how to integrate the "Rights of Nature" into the Council's day-to-day operations, planning procedures, and decision-making processes.
- Following this report, to ask the Council's Constitutional Working Group to recommend how the Council's Constitution can be amended to incorporate the Rights of Nature.
- To ask Council Leaders to write to the Government calling for the "Rights of Nature" to be made statutory.

· *Unless where specifically set out in the statute, motions approved at Council do not bind the Executive (Cabinet) but may influence their future decisions.*

· *Councillors are reminded of their public sector equality duty which requires the Council to consider or think about how their policies or decisions may affect people who are protected under the Equality Act.*

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Bath and North East Somerset Council

Full Council meeting 19 September 2024

Liberal Democrat Group Motion on Winter Fuel Payments for Pensioners

To be proposed by Cllr Dave Harding

Council:

1. Notes the recent announcement by the Labour Government to end universal winter fuel payments and restrict eligibility to only those in receipt of Pension Credits and other benefits.
2. Notes with concern that many pensioners on lower incomes will now not receive vital support with winter fuel costs. Across England and Wales, the number of people eligible for winter fuel payments will fall by 10 million (from 11.4 million to only 1.5 million).
3. Notes that in Bath and North East Somerset, the number of pensioners affected by the change in eligibility criteria is 32,412. That means 91.9% of pensioners currently eligible for winter fuel payments will no longer be able to claim the payment from this winter onwards.
4. Believes that the Labour Government has set the threshold at which pensioners do not qualify for Winter Fuel Payments far too low. Only those receiving a pension of less than £218.15 a week (or £332.95 a week for couples) are eligible for Pension Credits. This is significantly lower than the living wage rate.
5. Notes with concern the low take up of Pension Credit, with only 63% of those eligible nationwide receiving them and over 880,000 pensioners not doing so.
6. Recognises the importance of raising awareness of benefits, such as Pension Credit, to ensure people receive the support they are entitled to. Council welcomes the work being undertaken by the Welfare Support and Public Health teams, with Citizens Advice and Age UK, to promote the Pension Credit scheme to those who may be eligible, and also welcomes Government awareness campaigns, such as the Pension Credit Week of Action.
7. Further notes that the Energy Price Cap is due to rise by 10% in October which, combined with the removal of Winter Fuel Payments, risks pushing thousands of local pensioners into fuel poverty.

[Continued on p2]

- *Unless where specifically set out in the statute, motions approved at Council do not bind the Executive (Cabinet) but may influence their future decisions.*
- *Councillors are reminded of their public sector equality duty which requires the Council to consider or think about how their policies or decisions may affect people who are protected under the Equality Act.*

Council therefore:

8. Asks the Leader of Council to write to the Government, calling for the policy on linking Winter Fuel Payments to Pension Credit receipt to be immediately suspended and for a new threshold determining eligibility for Winter Fuel Payments to be adopted.
9. Asks the Leader of Council to write to all MPs covering the Bath and North East Somerset Council area, asking them to give their formal support to halting the changes to the Winter Fuel Payment eligibility.

- *Unless where specifically set out in the statute, motions approved at Council do not bind the Executive (Cabinet) but may influence their future decisions.*
- *Councillors are reminded of their public sector equality duty which requires the Council to consider or think about how their policies or decisions may affect people who are protected under the Equality Act.*