

OFFICER DECISION RECORD 1 FORM

This form should be used to record Officer Decisions in Excess of £100k (but below the key decision threshold), or where required by Financial, Contract or other Procedure Rules or following formal delegation from Cabinet or a Cabinet Member or a Council Committee.

Decision Reference No: AHWB.015.2022 Investment Approval re CCTV Strategy

BOX 1**DIRECTORATE:**

Adults, Health and Well Being

Contact Name: Janice Jones

DATE: 16/02/2022

Tel. No: 01302 736684

Subject Matter:

Approval to receive investment proposal funding for the recruitment of a dedicated role to improve intelligence gathering and recovery of CCTV evidence for a period of 2 years.

BOX 2**DECISION TAKEN**

To approve the receipt of the investment proposal to assist the implementation of the CCTV Strategy. A Dedicated Role to Improve Intelligence Gathering and Recovery of CCTV Evidence – Neighbourhood response Team (NRT)/CCTV Officer for a period of 2 years.

BOX 3**REASON FOR THE DECISION**

We have received notification that Phil Holmes, Director of Adults, Health and Wellbeing supports the investment proposal of £64K to employ an NRT/CCTV Officer for a period of 2 years.

This role will sit within the Neighbourhood Response Team, but will be dedicated to improving intelligence gathering to capture CCTV evidence from identified Crime and Anti-Social Behaviour (ASB) hotspots, working closely with locality leads and Stronger Communities Managers. The role also links to the new Doncaster CCTV Strategy and builds on the success of our programme of investment and re-structure of CCTV monitoring.

- The expanded network of CCTV has placed increased demands on the CCTV / Reassurance theme manager and field technician.
- This proposal will establish a field based officer, who is able to proactively gather CCTV evidence from identified crime and ASB hotspots.

- They will work closely with the CCTV manager and field technician and provide greater resilience when these staff are on leave or engaged on existing CCTV projects.
- The role will also liaise closely with locality leads and Stronger Communities Managers to use intelligence to download evidence from the existing network of cameras for urgent cases, speeding up criminal justice outcomes and ASB interventions.
- At the moment, we have key locations where this role can step in to support local enforcement plans, as we know the CCTV footage will be of greatest benefit to local partners. Being highly mobile, the role can deploy quickly to key locations.
- Full training and equipment will be provided and we seek to fund the post for a period of two years, to provide proof of concept and in the interim explore opportunities for longer term funding.
- This proposal complements other improvements we have put forward, designed to speed up CCTV downloads, improve intelligence and respond to urgent installation requests.
- Based upon the cost of a grade 7 NRT officer, we estimate the total costs of the proposal to be £64k over two years and includes £2k for the purchase of a dedicated and specialist laptop.

BOX 4

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

Option 1: Do Nothing

This is not viewed as a viable option, as without the required approval to use the improvement proposal funding this way we would not be able to improve resilience to meet the rising demand for reviewing, downloading and CCTV requests. We would not be able to enhance intelligence gathering using CCTV proactively in identified crime and ASB hot spot locations and meet the requirements of key elements of the CCTV Strategy.

Option 2: Seek approval to use the investment proposal funding to recruit a NRT/CCTV Officer dedicated to improve intelligence gathering and recovery of CCTV evidence.

This option would provide the following benefits:

- Improved resilience to meet rising demand for downloading and CCTV requests.
- Enhanced intelligence gathering using CCTV proactively in identified crime and ASB hotspots
- Meets the requirements of a key elements of our CCTV strategy
- Provides reassurance to the public and elected members, that we have an improved process to meet new demands.
- Reduces the threat harm and risk to vulnerable victims of Crime and Anti-Social Behaviour
- Improve security and confidence of individuals, families and communities
- Increase in evidence gathering to support investigations, and associated enforcement.

Recommended option – utilise the investment proposal funding in this way to enable the Council and its partners the ability to enhance its response to CCTV requests throughout the Borough targeting anti-social behaviour and crime and providing reassurance to members of the public.

- Protecting Vulnerable People;
- Reducing Anti-Social Behaviour;
- Reducing Crime and Re-offending;
- Tackling Serious and Organised Crime;
- Reducing Substance and Alcohol Misuse

BOX 5

LEGAL IMPLICATIONS

Section 17 of the Crime and Disorder Act 1998, places a duty on local authorities, the Police and other partners to exercise their functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder (including anti-social behavior and other behavior adversely affecting the local environment), the misuse of drugs, alcohol and other substances, and re-offending in its area. The purchase and operation of the CCTV cameras will assist the Council in complying with that duty.

S112 of the Local Government Act 1972 allows a local authority to appoint such officers as are necessary for the proper discharge of its functions, on such reasonable terms and conditions as it thinks fit. Salary grade should be determined by job evaluation.

It is advisable to set up a temporary contract for a fixed term. In order for liability in relation to unfair dismissal, to be limited there must be a legitimate reason for a fixed term contract and the employee must be made aware of this reason and of the anticipated length of the contract at the commencement of the contract. After the 4th year of renewal the employee may be entitled to the position on a permanent basis.

If the length of the contract exceeds 1 year upon termination the employee may be entitled to be placed on the redeployment register and after 2 years may be entitled to a redundancy payment.

The Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 confirm that employees should not be treated less favourably on the ground they are fixed term unless this is objectively justified. Less favourable treatment means, but is not limited to pay and terms and conditions.

There are no legal restrictions on the use of Agency workers for a local authority. There is a legal obligation to consider best value and therefore it is recommended that there be regular reviews of the decision to use agency staff to ensure this obligation is being met. There should be a contract that sets out the terms of assignment in place prior to the renewal of the role.

Reed were appointed as the Council's supplier of temporary staff following a procurement process which was compliant with both EU Procurement Regulations and Contract Procedure Rules. In addition care must be taken to ensure the Agency Worker Regulations and the Council's Policies relating to Agency workers and Recruitment in general are adhered to.

Care should also be taken to manage the risk of an implied employment contract, As a minimum there should be regular assessment of the nature of work that agency workers are engaged to do; focus on using agency workers for specific projects or cover for fixed periods. Incorporate a review of requirements for agency workers into a regular review of staffing levels and needs.

The Council should also note that should the worker become a permanent employee in the future, the time spent as an agency worker may count towards continuous service in order for employment rights to be conferred in terms of qualifying service to be able to bring an unfair dismissal.

An agency worker may also be deemed to be a DMBC employee for the purposes of vicarious liability depending on the amount of day-to-day control DMBC has of their work.

From April 2017 the rules relating to the application of the Intermediaries Legislation (IR35) for individuals engaged 'off-payroll' in the public sector has changed. Off-payroll working rules changed on 6 April 2021. From this date, all public authorities will be responsible for deciding the employment status of workers (sometimes known as contractors). Since 6 April 2020, agency workers have had the right to a written statement of terms under section 1 of the ERA 1996 which must be given on day one of their engagement.

It is important that sight is not lost of the Council's recruitment, retention, and vacancy management policies, which should be followed.

Name: Neil Concannon Signature: By Email Date: 17/2/22
Signature of Assistant Director of Legal and Democratic Services (or representative)

BOX 6

FINANCIAL IMPLICATIONS:

As illustrated in the body of the report, the cost proposal of this decision is £64k. This is considered to be for a temporary cost of a Neighbourhood response Team (NRT)/CCTV Officer for a period of 2 years. £33k will be funded in the first year (2022/23) and £31k in the second year (2023/2024) via the Adult Social Care Transformation earmarked reserve and as such needs to be approved by the Director of Adult Services, Chief Financial Officer and Portfolio Holder.

It is expected that this additional post, will help to reduce crime and anti-social behaviour, reduce costs associated with criminal damage and anti-social behaviour and increase the evidence to support enforcement notices and associated income.

Name: _Cheryl Slade_____ Signature: _____ Date: _17.02.22_____
Signature of Chief Financial Officer and Assistant Director of Finance (or representative)

BOX 7

OTHER RELEVANT IMPLICATIONS

HUMAN RESOURCES

Human Resources supports the proposal to recruit to the role, as part of the Investment proposal a new creation form needs completing for the Manage HR System.

The Temporary or fixed 2 year contract:-

- NRT & CCTV Officer JE ID 7990 – Grade 7

The new post should be recruited to in line with DMBC's Safer Recruitment policy, initially open to Redeployees before being advertised to the wider public/internal staff and created on the HR portal.

Employees who were employed before 6 April 2012 and have 1 year's continuous service, or after 6 April 2012 and have at least two years continuous service, accrue employment rights. Employees who complete 2 years continuous service accrue rights to a redundancy payment.

Fixed-term employees have the right not to be treated less favourably than comparable permanent employees because they are on a fixed-term contract. This means you must treat fixed-term employees the same as comparable permanent employees unless there are 'objectively justifiable' circumstances for not doing so (i.e. there is a genuine, necessary and appropriate business reason). This means the same or equivalent (pro-rata) pay and conditions, benefits, pension rights and opportunity to apply for permanent positions within the business.

Under the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002, employees who have been on a fixed-term contract for four years or longer will usually be legally classed as permanent if their contract is renewed or if they are re-engaged on a new fixed-term contract.

The only exemptions are when employment on a further fixed-term contract is objectively justified to achieve a legitimate business aim or when the period of four years has been lengthened under a collective or workplace agreement.

Name: Sarah Brown Signature:  Date: 28.04.22

Signature of Assistant Director (or representative)

ANY IMPLICATIONS SENT TO DEPARTMENTS SHOULD GENERALLY BE SUBMITTED AT LEAST 5 WORKING DAYS IN ADVANCE TO ENSURE THESE CAN BE GIVEN THE RELEVANT CONSIDERATION.

BOX 8

EQUALITY IMPLICATIONS: (To be completed by the author).

Equality impact assessments completed during the development of the Community Safety Strategy with the CCTV Strategy sitting within this.

BOX 9**RISK IMPLICATIONS:** (To be completed by the author)

Being unable to utilise the investment proposal funding to deliver an enhanced CCTV review, downloading and request function across the Borough of Doncaster for the prevention and detection of crime and anti-social behaviour.

BOX 10**CONSULTATION**

AHWB Improvement and Recovery Board

BOX 11**INFORMATION NOT FOR PUBLICATION**

In accordance with the Freedom of Information Act 2000, it is in the Public's interests for this decision to be published in full, redacting only the signatures.

Name: Gillian Parker_ Signature _by email_ Date: 28/04/2022

Signature of FOI Lead Officer for service area where ODR originates

BOX 12**BACKGROUND PAPERS**

Please confirm if any Background Papers are included with this ODR (NO)

(If YES please list and submit these with this form)

BOX 13

AUTHORISATION

Name: Phil Holmes Signature: _____ **Date: 02/03/2022**

Director of _Adults Health and Wel

Does this decision require authorisation by the Chief Financial Officer or other Officer

YES

If yes please authorise below:

Name: Faye Tyas Signature: _____ **Date: _03/05/2022**

Chief Financial Officer and Assistant Director of Finance

Consultation with Relevant Member(s)

Name: Cllr Rachael Blake Signature: _____ **Date: 04/05/2022**

Designation Portfolio holder for Childrens' Social Care, Communities and Equalities

(e.g. Mayor, Cabinet Member or Committee Chair/Vice-Chair)

Declaration of Interest YES/NO

If YES please give details below:

PLEASE NOTE THIS FORM WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE IN FULL UNLESS IT CONTAINS EXEMPT OR CONFIDENTIAL INFORMATION.

Once completed a PDF copy of this form and any relevant background papers should be forwarded to Governance Services at Democratic.Services@doncaster.gov.uk who will arrange publication.

It is the responsibility of the decision taker to clearly identify any information that is confidential or exempt and should be redacted before publication.