

**NORTH LINCOLNSHIRE COUNCIL**

**CABINET**

**PLACES SCRUTINY PANEL REPORT - NEIGHBOURHOOD WATCH  
IN NORTH LINCOLNSHIRE**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To consider the report of the Places Scrutiny Panel entitled "Neighbourhood Watch in North Lincolnshire".

**2. BACKGROUND INFORMATION**

- 2.1 Under the revised overview and scrutiny procedure rules agreed at the annual meeting of the council on 25 May 2011, scrutiny reports must now be considered by cabinet. The Places Scrutiny Panel has recently completed a review into Neighbourhood Watch in North Lincolnshire.
- 2.2 The Panel carried out this piece of work following the end of the Humberside Area of Neighbourhood Watch Groups (HANWaG) on 30 November, 2011. It would allow members to learn if the new arrangements are effective, provide co-ordinators with the support and information they need and ultimately whether it provides value for money.
- 2.3 Following the review the panel have made 8 detailed recommendations. A copy of the panel's report including the recommendations is attached as an appendix to this report.

**3. OPTIONS FOR CONSIDERATION**

- 3.1 There are no options associated with this report.

**4. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

- 4.1 There may be some resource implications associated with the recommendations when they are eventually implemented.

5. **OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)**

5.1 There may be other implications associated with the implementation of the recommendations which will be highlighted in any action plan.

6. **OUTCOME OF CONSULTATIONS**

6.1 The panel consulted widely with other members and officers in relation to this review.

7. **RECOMMENDATIONS**

7.1 That the report be received.

7.2 That the Cabinet member for Customer Services and the Director of Places consider the contents of the report and prepare an action plan in response to the recommendations for submission to a future meeting of cabinet.

**DIRECTOR OF POLICY AND RESOURCES**

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21 June, 2012

**Background papers used in the preparation of this report** - Report of the Corporate Scrutiny Panel



# Scrutiny Report

## Places Scrutiny Panel Neighbourhood Watch in North Lincolnshire

June 2012





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# FOREWORD FROM THE CHAIRMAN



**Cllr Trevor Foster**  
Chairman of Places Scrutiny Panel

This review was undertaken at the suggestion of the Director for Corporate and Community Services as the responsibility for Neighbourhood Watch in North Lincolnshire had transferred from HANWAG to North Lincolnshire Council.

The panel acknowledges that Neighbourhood Watch is an essential part of North Lincolnshire's infrastructure and the volunteers who make up the Neighbourhood Watch teams have much to be proud of.

The panel's expectation was that this would be a relatively quick turn-round review. A questionnaire would be sent out to all Neighbourhood Watch members and this would form the backbone of the review. We were then informed that only the contact details of the NW coordinators were on file. This considerably narrowed down our intended target group but the panel agreed we had enough contacts to fulfil our brief.

The review has been beset throughout by resistance to allow contact directly between the Places Scrutiny Officer and the Neighbourhood Watch coordinators. This could, and should, have been resolved quickly but unfortunately the Data Protection Act was consistently cited throughout the review even after council's Legal team had given a definitive ruling that no breach of the act was being incurred.

This protracted review has been beset with data inaccuracies as detailed in the report, however I am confident that despite the issues in data gathering and evaluation we gained enough information to produce a credible review.

Neighbourhood Watch is undoubtedly thriving in North Lincolnshire and should continue to be actively encouraged. The data inaccuracies should be easily remedied and this will help to build up an accurate picture. It is essential that Neighbourhood Watch fully integrates into the North Lincolnshire ethos and the recommendations will help facilitate this.

I would like to thank the panel members for their input and patience and also everyone else who contributed to this review.

# BACKGROUND TO THE REVIEW

At the inaugural meeting of the council's Places Scrutiny Panel on 13 June 2011, the members invited all Directors and Cabinet Members to the meeting. The invitation was to allow the scrutiny panel to familiarise themselves with the portfolio's which were covered by the panel's terms of reference, to discuss their briefs and to identify any potential scrutiny reviews.

The Director of Corporate and Community Services suggested that the members may wish to commence a review into

'Neighbourhood Watch in North Lincolnshire' following the end of the Humberside Area of Neighbourhood Watch Groups (HANWaG) on 30 November 2010. This would allow members to learn if the new arrangements are effective, provide co-ordinators with the support and information they need and ultimately whether it provides value for money.

Members therefore agreed to undertake a review into 'Neighbourhood Watch in North Lincolnshire'.

## SCOPE OF THE REVIEW

The scrutiny panel agreed to focus on a number of key issues. These were:

- That following the end of HANWaG, is the current Neighbourhood Watch provision in North Lincolnshire fit for purpose?
- To learn the views of Neighbourhood Watch groups and their co-ordinators on the council-run service.

# RECOMMENDATIONS

The recommendations of the scrutiny panel are summarised below:

## **Recommendation 1**

That the Places Scrutiny Panel places on record its appreciation to all Neighbourhood Watch Co-ordinators and Group members for the work they do within communities tackling local crime related issues.

## **Recommendation 2**

That the appropriate officer write to all Co-ordinators with a new personal details contact form with the intention of a) updating all Co-ordinators' details, and b) informing them that relevant officers and elected members will have access to their details for appropriate community safety use only.

## **Recommendation 3**

That the Customer Services, Sport and Leisure Cabinet Member conducts an immediate review into the operation and management of Neighbourhood Watch in North Lincolnshire, to be concluded within three months of Cabinet receiving this report, with the aim of determining the following:

- The council's definition and minimum number of properties that constitutes a Neighbourhood Watch Group.
- The exact number and location of all Neighbourhood Watch Groups in North Lincolnshire.
- Which groups are active in North Lincolnshire, and, where a Group is deemed to be inactive, what remedial measures will be put in place to resurrect the Group.

- Whether the current management of the Neighbourhood Watch infrastructure is providing value for money.

## **Recommendation 4**

That the council implement a one-council approach to tackling neighbourhood issues. The current duplication of problem solving by both Neighbourhood Watch and Neighbourhood Action Teams is not an efficient use of Safer Neighbourhoods resources.

## **Recommendation 5**

That the Neighbourhood Watch Development Officer writes to all Neighbourhood Watch Co-ordinators advising them of the contact details of their local Neighbourhood Policing Teams.

## **Recommendation 6**

That the Stronger Communities team ensures that all attendees at Neighbourhood Action Teams sign in at the meeting, stating specifically in what capacity/organisation they are representing.

## **Recommendation 7**

That the Neighbourhood Watch Development Officer ensures that personal contact is made with every Co-ordinator at least once a year and that all contacts are logged to ensure that an audit trail exists of the contact.

## **Recommendation 8**

That this report be re-visited in six months of its receipt by Cabinet to allow members to review what progress has been made and any further questions to be answered.

# FINDINGS

Members wish to state from the outset that this report by no means is intended to criticise the work of Neighbourhood Watch Groups or Co-ordinators. The report focuses purely on Neighbourhood Watch at a strategic level, delivered by North Lincolnshire Council.

## History of Neighbourhood Watch

At its inception in the early 1980s in this country, Neighbourhood Watch was seen as a primarily police-led activity. Force instructions, issued by the Metropolitan Police in June 1983, for example, define Neighbourhood Watch as:

“primarily a network of public spirited members of the community, who observe what is going on in their own neighbourhood and report suspicious activity to the police”.

In simple terms, the citizen becomes “the eyes and ears” of the police, looking out for the usual and unusual to protect their own home and that of their neighbour, thereby reducing opportunities for criminal activity. The neighbourhood becomes a safer place to live, and the fear of crime is reduced.

This definition restricted Neighbourhood Watch, seeing it primarily as contributing to the surveillance opportunities in the neighbourhood. It was clearly implicit that there would be greater communication between the public and the police in the light of what had been seen or heard.

In a report published by the Home Office Crime Prevention Unit in 1988, the definition was broadened to:

“Neighbourhood Watch is generally understood to be a community-based activity supported by local police that is directed towards crime prevention. It involves residents becoming more responsive to the risk of crime and taking action to protect their own and neighbours’ property. Such action may include marking property, reporting suspicious activities and improving home security, which reduce opportunity for crime and increase the risk of detection”.

Not only did the definition broaden to include activities beyond surveillance, but the focus shifted from the public assisting the police (in the earlier Metropolitan Police view), to a community-based activity supported by the police.

A second dimension to Neighbourhood Watch, and thus a second mechanism through which it might prove effective in crime control, is the increased potential created for informal pressures not to behave anti-socially. This is given legitimacy by the community consensus to introduce Neighbourhood Watch.

## Policing in the 21st Century: Reconnecting Police and the People

The Home Secretary recently published a consultation document titled ‘Policing in the 21st Century: Reconnecting Police and the People’. This was a coalition government manifesto commitment to conduct a fundamental review of policing in the UK and the Home Office.

This consultation set out the government's

vision for policing and how it will:

- cut crime and protect the public
- be more directly accountable to the public
- offer value for money.

This will be achieved through greater collaboration, the introduction of Police and Crime Commissioners, less government intervention and bureaucracy and more professional responsibility and judgement, and a new policing and partnership landscape.

Chapter 5 of the consultation refers to 'tackling crime together'. In this chapter, the coalition government give a clear message that 'across the country, the government will support more active citizens: taking part in joint patrols with the police, looking out for their neighbourhoods and passing on safety tips as part of Neighbourhood Watch groups or as Community Crime Fighters.

### **Neighbourhood Watch in Humberside**

Historically Humberside Area Neighbourhood Watch Group (HANWaG) had been responsible for providing the service for the development of Neighbourhood Watch within North Lincolnshire. The service was funded and supported by the four unitary authorities within the Humberside Policing area and the Humberside Police Authority, the funding within North Lincolnshire coming from the Local Authority Area Based Grant.

HANWaG entered into a Service Level Agreement each year with the unitary

authorities detailing the exact level of service each authority could expect to receive. Within North Lincolnshire one Neighbourhood Watch Development Officer contracted to working 37 hours per week was supplied by HANWaG to provide this service.

In July 2010 HANWaG informed the four unitary authorities of a change in the level of service that they were providing to that already agreed. In respect of North Lincolnshire this meant a 20% reduction in the hours that would be provided by the Neighbourhood Watch Development Officer.

In September 2010 the Police Authority and four Unitary Authorities discussed HANWaG's changes to the Service Level Agreements and as a consequence it was decided that the current Service Level Agreement with all the partners would not be renewed in its present form after 31 March 2011. This decision was communicated to HANWaG on 28 September 2010.

HANWaG indicated by a letter dated 4 October 2010 that they would continue to deliver a service to all providers up to 31 March 2011, however on 11 November 2010 HANWaG decided it would cease to function as an organisation after 30 November 2010.

Consequently, the Corporate Services Cabinet Member agreed on 3 December 2010, (a) that the proposal for the future delivery of the Neighbourhood Watch Development service to be provided by the council be endorsed, (b) that staff be

transferred to the council under TUPE arrangements, as outlined in the report, on 1 December 2010, and (c) that a post of Neighbourhood Watch Development Officer be established with effect from 1 December 2010 to accommodate the transferred staff member.

This decision was taken after the Cabinet Member agreed that the continued delivery of Neighbourhood Watch Development within North Lincolnshire was vital in respect of Community Safety and it would be desirable for this function to be delivered from within the council.

### **Contacting Neighbourhood Watch Co-ordinators**

The panel agreed that in order for their review to be effective and evidence based, it was essential that they engaged with all Neighbourhood Watch Co-ordinators. This would allow Co-ordinators to share their thoughts, views and opinions on their role and the support they receive from the council and its partners.

A questionnaire was therefore circulated to all Neighbourhood Watch Co-ordinators on behalf of the Scrutiny Panel.

In total, 165 questionnaires were distributed. However, there are a reported 185 Neighbourhood Watch Groups in North Lincolnshire. This therefore led members to question why there was a discrepancy between the reported number of groups and the actual number of groups on the database. The consultation ran for a calendar month,

and, following the expiry of the consultation period, 65 questionnaires had been returned. This equated to a 40% response rate, which members felt formed a quantitative sample for the responses to be valid.

The findings from the questionnaire have been incorporated into the following sections.

### **Management of Neighbourhood Watch in North Lincolnshire**

As was mentioned previously, the former HANWaG Neighbourhood Watch Development Officer was transferred to the council under TUPE arrangements. The postholder is co-located within the Community Safety Partnership (Safer Neighbourhoods) at Shelford House, Scunthorpe.

Members heard that this arrangement posed many advantages, namely:

- The existing Neighbourhood Watch Development Officer has a wealth of experience and knowledge in how this service is provided.
- There would be no dilution in the level of service supplied to Neighbourhood Watch Development.
- There would be a continuity supplied in respect of the support given for all existing neighbourhood watch groups.
- A seamless transition would take place allowing for the continued development of Neighbourhood Watch within North Lincolnshire.

The members' questionnaire asked specific

questions of Co-ordinators with regard to the frequency to which Co-ordinators contacted HANWaG before it was disbanded and latterly the council for all queries related to Neighbourhood Watch. It was pleasing to note that Co-ordinators contacted the council more frequently than they did HANWaG.

Respondents were also extremely complimentary of the way that the council responded to phone and/or e mail messages and how they responded to issues that have been raised.

Members were, however, concerned about the 'Chinese Wall' that appeared between Neighbourhood Action Teams (NAT) and Neighbourhood Watch. Whilst it's fair to say that some Neighbourhood Watch Groups are represented at the NAT, many Neighbourhood Watch Groups are not represented. The NAT is the local vehicle established to resolve community issues at a local level. Many partners attend the NAT including the Police, council and registered social landlords to name but a few.

Locally, Safer Neighbourhoods Officers support the NAT process. They play a pivotal role in sharing information with key local stakeholders – including Neighbourhood Watch, and shaping appropriate priorities and activities for improving safety in the ward.

Evidence from the panel's questionnaire confirmed that many Co-ordinators do not attend/participate in the NAT process, choosing instead to contact the Neighbourhood Watch Development Officer, therefore, duplicating the work of the NAT.

### **Neighbourhood Watch Groups in North Lincolnshire**

North Lincolnshire Safer Neighbourhoods Partnership (the Community Safety Partnership) is the umbrella body for Neighbourhood Watch in the area. Safer Neighbourhoods has registered with the Home Office as the responsible body. Consequently, via the registration, all Groups have liability insurance.

Members were informed that at the time of writing the report, there were 184 operational Neighbourhood Watch Groups in North Lincolnshire, with a further six groups in the process of being established. This was the highest concentration and most vibrant neighbourhood watch network in the Humberside Police area.

This compared favourably with the other Humberside areas who have the following number of groups:

- North East Lincolnshire – 60 Groups
- East Riding – 60 Groups
- Hull – 90 groups in the Neighbourhood Network which included residents' groups and Neighbourhood Watch Groups

It was reported that during the past 12 months, 11 new Neighbourhood Watch Groups had been formed encompassing 777 homes. In the same period two Groups had folded.

The panel was told that the size of a Neighbourhood Watch Group varies from 10 homes to several hundred. There are

approximately 11,000 homes covered by Neighbourhood Watch Groups in North Lincolnshire. However, members were aware of some Neighbourhood Watch Groups which contained as few as one property.

### **Communicating with Neighbourhood Watch Groups**

Members were made aware that over 85% of Neighbourhood Watch Groups are on e-mail and this allows the co-ordinators to receive regular crime intelligence circulations and other crime and disorder and community information electronically.

Watch co-ordinators are also regularly consulted by Humberside Police Authority and Humberside Fire and Rescue Service as part of their statutory obligation to meet with the public in respect of their performance.

Neighbourhood Watch Groups are also consulted on various national issues, for example, e-petitions.

The findings from the scrutiny panel questionnaire however painted a different picture. Members were concerned to read that 21% of respondents stated that they received no correspondence, newsletters, leaflets or information from the council. Clearly this is a cause for concern if one in five Co-ordinators are not receiving any information from the council.

Of those Co-ordinators who did receive information from the council, only 42% passed the information on to all their watch members.

On a positive note, Co-ordinators were on the whole proactive in communicating with their fellow Neighbourhood Watch Groups, with 61% of respondents stating that they contact other co-ordinators at least once a year.

Of those co-ordinators who did not meet, 83% said they would welcome the opportunity to meet with fellow co-ordinators.

### **Neighbourhood Watch Group Activities**

The activities undertaken by Neighbourhood Watch Groups are extensive and varied. As a matter of routine, Neighbourhood Watch Co-ordinators distribute crime and community information leaflets to the homes in their respective areas. They also carry out regular crime reduction initiatives in their areas such as property marking, etc. (SmartWater & UV pens) and the targeted distribution of personal attack and burglar alarms.

Many Neighbourhood Watch Groups engage and support their communities in providing youth diversionary projects such as the 'Fairplay Football' scheme on the Westcliff Estate and in Winteringham village where the local Watch Group funds a worker for the youth club.

Groups are also involved in activities as wide ranging as snow clearing in winter, funding and running community newsletters and running the community library in Goxhill for example.

### **Neighbourhood Watch Members**

Neighbourhood Watch is an entirely voluntary scheme. However, the 184 groups in North Lincolnshire equates to approximately 9200 individuals who give their time voluntarily to make their communities a better place to live.

The Department for Communities and Local Government calculates that one hour of voluntary time as a contribution of £11.00 to the local economy. Therefore, if a neighbourhood watch member gives on average one hour per week of time to these activities and co-ordination, Neighbourhood Watch contribution to the local economy is over £5 million per year.

Members were pleased to hear that of the 65 responses to the panel's questionnaire, 94% of the respondents were either very clear or clear as to their understanding of what is expected of them in their group.

Members were however concerned that the questionnaire results showed that 35% of respondents never held a street/watch meeting whilst 64% of co-ordinators never circulated a newsletter to their watch members. It is the members' belief that for a Neighbourhood Watch group to be effective there needs to be an effective dialogue between the Co-ordinator and all the watch members. Failure to do so will be to the detriment of the local community.

### **Elected Members Communicating with Neighbourhood Watch Co-ordinators**

Elected members on North Lincolnshire Council currently do not have access to the contact addresses, telephone numbers or email addresses of Neighbourhood Watch Co-ordinators in their respective wards. This occurred as a result of all Co-ordinators signing a pro-forma which specified who would have access to their personal details. Whilst members understood why this was the case, it nevertheless was a sense of frustration to the councillors that they could not share information, liaise on community issues or support the Co-ordinators when they did not know their names or addresses.

To compound member's frustrations, the findings from the scrutiny questionnaire seemed to support the member's argument.

For the question 'would you have any objection to your ward councillors having your contact details', 91% of respondents stated that they would have no objection to ward elected members having their contact details.

Similarly, for the question 'would you have any objection to your local NAT Chair having your contact details in order to circulate relevant information to you', respondents overwhelmingly supported this proposal with 94% of Co-ordinators stating that they had no objection to their NAT Chair having their contact details.

Consequently, members agreed to speak to

the council's Director of Corporate and Community Services and the Monitoring Officer to explore the legal implications of the Data Protection Act 1998.

It was agreed that Elected Members can have access to personal information as long as the provisions of the Data Protection Act 1998 are applied, and the Information Commissioner's Guidance is followed. That access should be necessary and proportionate, as this will help safeguard personal data in accordance with the law.

Should it be determined that certain elected members require access to the information held on the database, individuals should be informed that this is what will happen. In light of the fact that a form has already been completed by individuals which doesn't refer to elected members having access to their information, should it be decided elected members should have access, these individuals would need to be informed this is the case. It may be prudent to send a new form to Neighbourhood Watch Co-ordinators updating their details, and changing the information provided at the bottom of the form accordingly.

As people do have a legal right to object to the processing of information, it would appear that if an individual does strongly object to an elected member having access to their contact details, consideration will have to be given as to whether the details are still provided to the member(s) concerned. In practice, it may simply be that the individual

chooses not to participate or complete the form.

### **Neighbourhood Watch Co-ordinators and Local Crime Partners**

As was mentioned previously, Neighbourhood Watch is generally understood to be a community-based activity supported by local crime partners that is directed towards crime prevention.

However, evidence from the panel's questionnaire showed that an alarming 19% of respondents stated that they didn't know who their local Police Community Support Officer (PCSO) was, with 29% of Co-ordinators stating that they did not have their local PCSO contact details.

More reassuringly 96% of Co-ordinators were aware of their local Neighbourhood Action Team (NAT). However, 25% of respondents stated that they did not attend the NAT.

Members were presented with data from the council's Stronger Communities team which mapped out the number of Co-ordinators who were attending their respective NAT on a ward by ward basis. The statistics were impressive. However, under closer examination, members questioned the accuracy of the statistics and sought further clarification on the NAT attendance by Co-ordinators per ward.

Comments made by Co-ordinators would seem to suggest that there is no 'one council approach' to tackling issues at a

neighbourhood level. Members came to the conclusion that there was duplication between the support provided to NATs and Neighbourhood Watch that was slowing down the resolution of problems. If Neighbourhood Watch fed in to the NAT process properly then issues could be resolved for the sake of the whole community and not just a particular street.

# CONCLUSION

Neighbourhood Watch is the largest community safety organisation in the country, covering six million households. There are 170,000 Neighbourhood Watch Groups ranging from the smallest schemes covering a dozen or so homes in a single street to a county-wide associations with many thousands of members.

Here in North Lincolnshire members heard that there are approximately 185 Neighbourhood Watch Groups in operation. However, it was concerning that Safer Neighbourhoods could not substantiate this figure, and, in fact, the panel discovered that the actual figure was more likely to be 165 Groups. In addition, Safer Neighbourhoods could not confirm how many of these groups were actually active. Members also heard that North Lincolnshire has the most vibrant Neighbourhood Watch network in the Humberside area. Yet the panel was unable to determine if this was actually the case.

This therefore led members to only one conclusion, that they could not prove that the current Neighbourhood Watch arrangements are effective, provide all co-ordinators with the support and information they need and ultimately whether it provides value for money.

The one aspect of Neighbourhood Watch that all parties unanimously agreed was that all co-ordinators and groups should be applauded for the work they do on behalf of their local communities and members hoped their effort and endeavour would continue.

# APPENDIX 1

## Membership of the Places Scrutiny Panel

Councillor - T Foster (chairman)  
A Davison (vice-chair)  
P Clark  
D Oldfield \*  
P Vickers \*

\* Denotes changes as from Annual Meeting of the Council May 2012, previous members of the panel who have contributed to this review are as follows:

Councillor - S Armitage  
J Collinson  
J England  
R Ogg

The panel conducted a number of evidence gathering sessions, speaking to a range of key officers from the council and its partners.

The panel would like to thank them for their valued input and attendance. They also received and considered a range of written evidence, including local and national research, guidance and legislation.

# APPENDIX 2

## Stakeholders interviewed as part of the review

<b>Neil Laminman</b>	Director of Corporate and Community Services, North Lincolnshire Council
<b>Stuart Minto</b>	Assistant Director Community Safety, Corporate and Community Services, North Lincolnshire Council
<b>Ian Welch</b>	Deputy Head of Safer Neighbourhoods (Crime Reduction), Corporate and Community Services, North Lincolnshire Council
<b>Ken Bates</b>	Neighbourhood Watch Development Officer, Corporate and Community Services, North Lincolnshire Council
<b>Councillor C Sherwood</b>	Corporate and Community Services Cabinet Member

# APPENDIX 3

## Legal Implications of Accessing Neighbourhood Watch Database

### 1. Issues

- 1.1 The council owns a database which consists of the contact details of Neighbourhood Watch Co-ordinators. This information includes names, contact addresses, telephone numbers and email addresses.
- 1.2 The information was provided by the individuals on a form that states at the bottom “The information given above will be held on a database for the use of Humberside Police and North Lincolnshire Safer Neighbourhoods Officers only”
- 1.3 The information on the database is “personal data” but it is not “sensitive personal data” in accordance with the definitions in the Data Protection Act 1998.
- 1.4 Consideration is now being given as to whether elected members of North Lincolnshire Council who may require access to this information, should have access to it.

### 2. The relevant law

- 2.1 The Data Protection Act 1998 needs to be considered here as this Act provides a framework of rights and duties that safeguard personal data.
- 2.2 The Data Protection Act lists 8 principles that should be followed and these principles are:
  1. Personal data should be processed fairly and lawfully.
  2. Personal data shall be obtained for lawful purposes
  3. Personal data shall be adequate, relevant and not excessive
  4. Personal data shall be accurate and where necessary, kept up to date
  5. Personal data shall not be kept for longer than is necessary
  6. Personal data shall be processed in accordance with the rights of data subjects
  7. Measures shall be taken against unauthorised or unlawful processing of data and against accidental loss, damage or destruction.
  8. Personal data shall not be transferred to a country outside the European Economic Area.
- 2.3 By using an individual’s personal data, and recording it on a database we are “processing” it. Processing of data can only be carried out if certain conditions are met, and the condition that is relevant here is whether the individual has consented to their data being used in the way proposed.

- 2.4 The council also needs to be open and transparent in the way it processes data, therefore in this situation, the most appropriate way to do this is to ensure the individual has consented to their personal data being used and they are clear who is going to see it.
- 2.5 The council also needs to protect data against loss and damage, and ensure that only the people who need to access that data actually access it. If the council is found to have breached the Data Protection Act 1998 it can be fined up to a maximum of £500,000.
- 2.6 The Guidance from the Information Commissioner’s Office entitled “Advice to Local Authorities on disclosing personal information to elected members” provides:
- “Local Authorities can disclose personal information to an elected member if they need to access and use that information to carry out official duties. Elected Members are, effectively, in the same position as an employee”
- “ When disclosing personal information to the elected member, the local authority should specify the purposes for which that information may be used or disclosed”

### **3. Conclusion**

- 3.1 Elected Members can have access to personal information as long as the provisions of the Data Protection Act 1998 are applied, and the Information Commissioner’s Guidance is followed. That access should be necessary and proportionate, as this will help safeguard personal data in accordance with the law.
- 3.2 Should it be determined that certain elected members require access to the information held on the database, individuals should be informed that this is what will happen. In light of the fact that a form has already been completed by individuals which doesn’t refer to elected members having access to their information, should it be decided elected members should have access, these individuals would need to be informed this is the case. It may be prudent to send a new form to Neighbourhood Watch Co-ordinators updating their details, and changing the information provided at the bottom of the form accordingly.
- 3.3 As people do have a legal right to object to the processing of information, it would appear that if an individual does strongly object to an elected member having access to their contact details, consideration will have to be given as to whether the details are still provided to the member(s) concerned. In practice, it may simply be that the individual chooses not to participate or complete the form.

