



F. McArdle
Chief Executive

Civic Offices, Civic Way,
Swadlincote, Derbyshire DE11 0AH

www.south-derbys.gov.uk

Please ask for: Democratic Services
Phone: (01283) 595722 / 595848
Minicom: (01283) 595849
DX 23912 Swadlincote
Email :
democraticservices@south-derbys.gov.uk

Date: 2 September 2014

Dear Councillor,

Overview and Scrutiny Committee

A Meeting of the **Overview and Scrutiny Committee** will be held in the **Council Chamber**, on **Wednesday, 10 September 2014 at 18:00**. You are requested to attend.

Yours faithfully,

Chief Executive

To:- **Conservative Group**
Councillor Mrs. Plenderleith (Chairman), Councillor Atkin (Vice-Chairman) and
Councillors Mrs. Hood and Mrs. Patten.

Labour Group
Councillors Bambrick, Heath, Mrs. Mead and Pearson.



AGENDA

Open to Public and Press

- 1 Apologies
- 2 To receive the Open Minutes of the Meeting held 14th May 2014.

Open Minutes 14th May 2014 **3 - 6**
- 3 To note any declarations of interest arising from any items on the Agenda
- 4 To receive any questions by members of the public pursuant to Council Procedure Rule No.10.
- 5 To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 6 Presentation by the Chief Executive on Individual Electoral Registration (Verbal presentation).
- 7 Regulation of Investigatory Powers Act 2000 (RIPA) **7 - 8**

Exclusion of the Public and Press:

- 8 The Chairman may therefore move:-
That in accordance with Section 100 (A) of the Local Government Act 1972 the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.
- 9 To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.

OVERVIEW AND SCRUTINY COMMITTEE

14th MAY 2014

PRESENT:-

Conservative Group

Councillors Mrs Plenderleith (Chairman), Atkin (Vice-Chairman), Mrs Hood and Mrs Patten

Labour Group

Councillors Bambrick, Dunn and Pearson

OS/.29 **APOLOGY**

An apology for absence from the Meeting was received from Councillor Mrs Mead

OS/.30 **MINUTES**

The minutes of the meetings held on the 22nd January and 12th February 2014 were agreed as a true record.

OS/.31 **Regulation of Investigatory Powers Act**

The Committee received a report on the Council's use of the Regulation of Investigatory Powers Act (RIPA) 2000 since February 2014. This made it clear that RIPA was intended to regulate the use of investigatory powers and to ensure that they are used in accordance with human rights. With this in mind the Council has made only sparing use of these powers and members were informed that no use had been made of them over the last four months.

RESOLVED:

The Committee note the report

OS/.32 **Annual Report**

The Committee then considered its draft Annual Report for the 2013/14 local government year. This report outlined how the Committee had discharged its functions over the year and in particular, what issues the Committee had

looked at. In particular, the report highlighted the work that members had carried out on domestic abuse. The Committee had found out that there were many groups providing services to the victims of domestic abuse, but that there were doubts about their long term financial viability. For this reason members had agreed to raise the issue with the Police & Crime Commissioner for Derbyshire. The officers were asked to find out what response had been received from the Commissioner.

The report made it clear that the Committee had also carried out an important investigation into 'environmental volunteering'. What had emerged from this investigation is that a lot of activity is already taking place and that the Council is now actively seeking local companies to become involved in the scheme and asking them for suggested projects to work on.

Members welcomed the report, which it was felt reflected adequately the work that the Committee had carried out during the year.

OS/.33 **The Committee's Work Programme**

The Committee received a report setting out some suggestions on how the Committee might identify and agree possible issues to form the basis for its work programme during the new local government year. Once members had decided what issues that they wished to scrutinise and what questions they would like to address then, the report argued, officers would be able to produce some specific proposals for how the investigations should run. A range of internal and external stakeholders could then be consulted in order to gauge their views on how they should be carried-out.

Members considered a range of possible topics for the Committee to scrutinise, the councillors who would be responsible for carrying out the initial scoping exercise and in particular what lines of enquiry they would like to cover. At the conclusion of their discussion, they agreed a number of topics as the basis for their core work programme; which could be added to if other issues were identified by members during the course of the year.

The Committee agreed to look at the following topics and identified the members who would take lead responsibility for scoping the issues that should be covered by any investigations:

- Cemetery provision in the district. Members noted that the Committee had previously identified this investigation as part of its work programme, but that this had not yet been taken place. The Committee was informed by the Director of Finance and Corporate Services that work was ongoing on this issue. He agreed to submit a report to the Committee at its meeting in June.
- The Choice Based Letting System. In particular, members were keen to find out whether it was properly understood by those seeking to use it and

whether it had proved cost effective as a value for money measure. Councillor Dunn was nominated to scope the areas to be covered by the investigation.

- Electoral processes. The Committee had identified this as a potential issue for scrutiny. However, it was noted that Council would receive a presentation at Annual Council on the new system for individual electoral registration. This new scheme would require all adults to register in order to retain their right to vote. It was agreed, therefore, that the investigation be scoped following on from this presentation, so that the potential impact of the changes on what issues will have to address in order to ensure that people do register were properly understood. It was agreed that the Chairman and Vice Chairman of the Committee should take the lead in scoping this investigation
- Dental provision in the district. Members discussed examples of how people had been forced to travel to dentists at some distance for dental treatment because they were unable to register with a dental practice in South Derbyshire. There was concern that the problem could become worse, given the increasing population of the district. The Committee felt that this investigation would address an issue that was important for the wider community and complement the wider health scrutiny being carried out at a county-wide level. It was agreed that Councillor Patten should take the lead in scoping this investigation.

Members discussed other possible investigations and especially sickness levels of both of the staff directly employed by the Council and also those employed by Northgate. The Committee was informed that the Finance & Management Committee had already asked for information on Council sickness levels to be submitted to it on a regular basis. The Overview & Scrutiny Committee was content with this approach, but asked that the information about Northgate staff absences should also be submitted to the Finance & Management Committee. The Director of Finance & Corporate Services agreed to do this.

The Committee considered a possible review of leisure in the borough and in particular, whether we have the right leisure facilities and whether we are doing enough to enable hard to reach groups participate in sport and exercise. Members felt that there could be value in this, but felt that any investigation would need to be carefully thought through and not replicate any earlier work. It was agreed that Councillor Atkin should give some further thought to this in order to determine whether it would be suitable topic for the Committee work programme.

The Committee agreed to consider this and any further ideas for the work programme at its meeting in June.

Councillor Dunn thanks the chair for welcoming him to the committee and advised that he would be leaving the committee post Annual Council.

The meeting closed at 6.40pm

RESOLVED:

That the Annual Report of the Overview & Scrutiny Committee be agreed and submitted to Annual Council.

The meeting ended at 6.45pm

MRS. A. PLENDERLEITH

CHAIRMAN

REPORT TO:	Overview and Scrutiny Committee	AGENDA ITEM: 7
DATE OF MEETING:	10th September 2014	CATEGORY: DELEGATED
REPORT FROM:	Chief Executive	OPEN
MEMBERS' CONTACT POINT:	Ardip Kaur – 595715 ardip.kaur@south-derbys.gov.uk	DOC:
SUBJECT:	Regulation of Investigatory Powers Act 2000 (RIPA) – Authorising Officers & Report on Usage	REF:
WARD(S) AFFECTED:	All	TERMS OF REFERENCE:

1.0 Recommendations

- 1.1 To consider the internal report on the Council's use of the Regulation of Investigatory Powers Act 2000 in the last quarter.

2.0 Purpose of Report

- 2.1 To receive a report on the Council's use of the Regulation of Investigatory Powers Act 2000 ("RIPA") since May 2014.

3.0 Detail

- 3.1 Full Council on 3rd March 2014 approved the Council's amended RIPA Policy and Guidance document. The Overview and Scrutiny Committee is authorised to review the Council's use of RIPA, set the Council's general surveillance policy, and consider quarterly reports on the use of RIPA to ensure that it is being used as per the Council's policy.
- 3.2 RIPA is intended to regulate the use of investigatory powers and ensure they are used in accordance with human rights. This is achieved by requiring certain investigations involving covert surveillance to be authorised by an appropriate Authorising Officer and then a JP before they are carried out.
- 3.3 Directed surveillance is often conducted by local authorities to investigate benefit fraud or to collect evidence of anti-social behaviour. It may involve covertly following people, covertly taking photographs of them or using hidden cameras to record their movements.
- 3.4 RIPA stipulates that the person (Authorising Officer) granting an authorisation for directed surveillance must believe that the activities to be authorised are necessary on one or more statutory grounds. The members of the Corporate Management Team, identified in the Council's Policy and Procedure, consider all applications for authorisation. The Authorising Officer must ensure that there is satisfactory reason for carrying out the surveillance, the covert nature of the investigation is necessary,

proper consideration has been given to collateral intrusion, and the proposed length and extent of the surveillance is proportionate to the information being sought. This involves balancing the seriousness of the intrusion into the privacy of the subject of the operation against the need for the activity in investigative and operational terms. Following legislative changes, in addition to the aforementioned, the Council is required to obtain judicial approval prior to using covert techniques and the Councils use of directed surveillance under RIPA will be limited to the investigation of crimes which attract a six month or more custodial sentence.

3.5 The usage of RIPA during the period May 2014 to July 2014 has been nil. No authorisations have been requested or granted.

4.0 Financial Implications

4.1 None arising directly from this report.

5.0 Corporate Implications

5.1 The Council must act in accordance with recent legislative changes regarding the authorisation process and the surveillance crime threshold.

6.0 Community Implications

6.1 Covert surveillance is carried out in a manner calculated to ensure that the person subject to the surveillance is unaware of it taking place. The Council carries out directed surveillance which is covert, not intrusive, is not carried out in an immediate response to events, and is undertaken for the purpose of a specific investigation or operation in a manner likely to obtain private information about an individual.

6.2 Section 8 of the application form asks the applicant to supply details of any potential collateral intrusion and to detail why the intrusion is unavoidable. The idea behind collateral intrusion is to identify who else, apart from the subject of the surveillance, can be affected by the nature of the surveillance. Any application for authorisation should include an assessment of the risk of the collateral intrusion and this should be taken into account by the Authorising Officer when considering proportionality. The Authorising Officer needs to know by those carrying out the surveillance if the investigation or operation would unexpectedly interfere with the privacy of individuals not covered by the authorisation. An Authorising Officer must be made aware of any particular sensitivities in the local community.