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Our Ref

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Date: 1<sup>st</sup> February 2022

Dear Councillor,

**Overview and Scrutiny Committee**

A Meeting of the **Overview and Scrutiny Committee** will be held at **Council Chamber**, Civic Offices, Civic Way, Swadlincote, DE11 0AH on **Wednesday, 09 February 2022 at 18:00**. You are requested to attend.

Yours faithfully,



Chief Executive

To: **Labour Group**

Councillor Bambrick (Chair), Councillor Stuart (Vice-Chair) and  
Councillor Gee.

**Conservative Group**

Councillors Atkin, Hewlett and Patten.

**Independent Group**

Councillor Roberts.

## AGENDA

### Open to Public and Press

- 1 Apologies
- 2 To receive the Open Minutes of the following Meetings:  
  
1st September 2021 4 - 5  
  
3th October 2021 6 - 8
- 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 BUDGET SCRUTINY 2022-23 9 - 11
- 7 REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) –  
REPORT ON USAGE 12 - 13
- 8 COMMITTEE WORK PROGRAMME 14 - 15

### Exclusion of the Public and Press:

- 9 The Chairman may therefore move:-  
That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) 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.
- 10 To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.  
Details



OVERVIEW AND SCRUTINY COMMITTEE

1<sup>st</sup> September 2021

**PRESENT:-**

**Labour Group**

Councillor Bambrick (Chair) and Councillor Stuart (Vice-Chair).

**Conservative Group**

Councillors Atkin Patten.

OS/01 **APOLOGIES**

The Committee was informed that apologies had been received from Councillors Gee, Hewlett (Labour Group) and Roberts (Independent Group).

OS/02 **DECLARATIONS OF INTEREST ARISING FROM ITEMS ON AGENDA**

The Committee was informed that no Declarations of Interest had been received.

OS/03 **QUESTIONS RECEIVED BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

The Committee was informed that no questions from members of the Public had been received.

OS/04 **QUESTIONS RECEIVED BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

The Committee was informed that no questions from Members of the Council had been received.

OS/05 **OVERVIEW AND SCRUTINY - INTERNAL AUDIT REVIEW**

The Strategic Director (Corporate Resources) presented the Report to the Committee which had been received at Full Council with no comments arising.

The Chair noted that Scrutiny training had been provided and offered to all Members of the Council which had been well presented and very useful.

Members discussed the parameters for the Night Flight Plan at East Midlands Airport and agreed to invite a member of the Airport staff to address the Committee about the airport expansion, freight traffic, new aircraft and the

impact to local residents. A suggestion was made to contact Parish Councils and Area Forums to gather questions in advance for the Airport presenter.

The Strategic Director (Service Delivery) confirmed that a letter had been sent to Novus inviting their representative to the October Committee Meeting.

**RESOLVED:-**

***That the Committee considered the report at Appendix 1 of the report.***

***That the Committee considered the 'Conclusions' and 'Suggested Actions' outlined in Appendix 1 of the report.***

OS/06 **COMMITTEE WORK PROGRAMME**

The Strategic Director (Corporate Resources) presented the Work Programme to the Committee and requested that the Committee considered an area of the budget to be added to the Work Programme. The Chair confirmed that he would contact the Finance and Management Chair to discuss the most appropriate items for the Committee scrutinise.

**RESOLVED:-**

***That the Committee considered and approved the updated work programme.***

OS/07 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RESOLVED:-**

***That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it would be 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 paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.***

**EXEMPT QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11**

***The Committee was informed that no exempt questions from Members of the Council had been received.***

The Meeting terminated at 18:35 hours.

COUNCILLOR BAMBRICK

CHAIR

OVERVIEW AND SCRUTINY COMMITTEE

13<sup>th</sup> October 2021

**PRESENT:-**

**Labour Group**

Councillor Bambrick (Chair) and Councillor Stuart (Vice-Chair) and Councillor Gee.

**Conservative Group**

Councillors Atkin, Hewlett and Patten.

**Independent Group**

Councillor Roberts.

**Non Grouped**

Councillor Wheelton.

OS/08 **APOLOGIES**

The Committee was informed that no apologies had been received from Members.

OS/09 **MINUTES**

The Committee received the minutes of the meetings held on 2<sup>nd</sup> September 2020, 14<sup>th</sup> October 2020, 25<sup>th</sup> November 2020, 13<sup>th</sup> January 2021, 20<sup>th</sup> February 2021 and 31<sup>st</sup> March 2021.

OS/10 **DECLARATIONS OF INTEREST ARISING FROM ITEMS ON AGENDA**

The Committee was informed that no Declarations of Interest had been received.

OS/11 **QUESTIONS RECEIVED BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

The Committee was informed that no questions from members of the Public had been received.

OS/12 **QUESTIONS RECEIVED BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

The Committee was informed that no questions from Members of the Council had been received.

**OS/13 SDDC & NOVUS PARTNERSHIP – WHOLE HOUSE FRAMEWORK (Presentation)**

The representatives from Novus presented slides detailing their working partnership with the Council to Members. Additional information was provided to Members in the form of printed matter.

**OS/14 COLLABORATIVE WORKING**

The Strategic Director (Corporate Resources) introduced the report to Members informing them that the workstream details requested by the Committee would be the start of a process to look at partnerships with the Council.

The Council work with other organisations either through a Service Level Agreement or Shared Service. A list of current partnerships was available to Members if further scrutiny of any partnership was required by the Committee.

Members asked if any bench marking was available of Councils giving Value for Money when working with other Councils, could further partnership arrangements be put in place by the Officers, are partnerships reviewed by the Auditors and are Heads of Service scrutinized when deciding the delivery of services. The Strategic Director (Corporate Resources) was not aware of a league table with benchmarking data and informed Members that Heads of Service review the delivery of services and check that it is the best way to deliver that particular service, be it through in-house, shared service or partnership. The Auditor would provide an opinion in the Value for Money statement which could advise on a risk to a service. The scrutiny of service delivery plans would be at the point of review by the policy Committee and Members would have the opportunity to question the Heads of Service and use of collaborative working.

**RESOLVED:-**

***That the Committee noted the current extent of partnership and collaborative working undertaken by the Council and identified the next steps within the scope of the review.***

**OS/15 REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) – REPORT ON USAGE**

The Strategic Director (Corporate Resources) presented the report to the Committee on behalf of the Monitoring Officer, noting that no authorisations had been sought.

**RESOLVED:-**

***To note the internal report on the Council's use of the Regulation of Investigatory Powers Act 2000.***

OS/16 **COMMITTEE WORK PROGRAMME**

The Strategic Director (Corporate Resources) presented the Work Programme to the Committee.

**RESOLVED:-**

*That the Committee considered and approved the updated work programme.*

OS/17 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RESOLVED:-**

*That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it would be 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 paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.*

**EXEMPT QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11**

*The Committee was informed that no exempt questions from Members of the Council had been received.*

The Meeting terminated at 19:40 hours.

COUNCILLOR S BAMBRICK

CHAIR

<b>REPORT TO:</b>	<b>OVERVIEW AND SCRUTINY COMMITTEE</b>	<b>AGENDA ITEM: 6</b>
<b>DATE OF MEETING:</b>	<b>9 FEBRUARY 2022</b>	<b>CATEGORY:</b>
		<b>RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>STRATEGIC DIRECTOR CORPORATE RESOURCES</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>KEVIN STACKHOUSE (01283 595811)</b> <a href="mailto:kevin.stackhouse@southderbyshire.gov.uk">kevin.stackhouse@southderbyshire.gov.uk</a>	<b>DOC:</b> h/KS/budgets/budget round 2022 23/O&S Budget Committee Feb 22
<b>SUBJECT:</b>	<b>BUDGET SCRUTINY 2022-23</b>	
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: 6.03 (a) (i)</b>

## **1.0 Recommendations**

- 1.1 That the Committee consider the proposed budgets of the Council for 2022/23 and provide feedback to Finance and Management Committee.
- 1.2 That the Committee consider the medium-term financial plans of the General Fund and Housing Revenue Accounts and make any recommendations to Finance and Management Committee to support budget and policy development.

## **2.0 Purpose of the Report**

- 2.1 To scrutinise the Council's budget proposals for 2022/23, together with the medium-term spending plans.

## **3.0 Detail**

- 3.1 The detailed budget proposals were reported and considered by each of the Council's Policy Committees in January. In addition, the Finance and Management Committee will consider consolidated proposals and the updated Medium-Term Financial Plan (MTFP) for the General Fund on 10 February 2022.
- 3.2 The Housing and Community Services Committee considered the proposed Housing Revenue Account (HRA) and its longer-term (10-year) Financial Plan on 6 January 2022. The Committee approved a rent increase for 2022/23 of 4.1%, in accordance with the national Rent Standard.
- 3.3 The Council has a statutory obligation to set a Budget and Council Tax before 9 March, with Full Council due to consider and approve final proposals on 23 February 2022. Recommendations will be made by the Finance and Management Committee at its meeting on 10 February.
- 3.4 Therefore, this Committee are asked to review proposals and provide any feedback to Finance and Management Committee. Links to the reports for Housing and

Community Services Committee on 6 January 2022 and to Finance and Management Committee on 10 February 2022 are provided below.

[Housing Revenue Account](#)

[General Fund](#)

3.5 The Council's Section 151 Officer will provide an overview of the proposals at the meeting.

#### **4.0 Financial Implications**

4.1 As detailed in the Budget reports.

#### **5.0 Corporate Implications**

##### **Employment Implications**

5.1 None

##### **Legal Implications**

5.2 None

##### **Corporate Plan Implications**

5.3 The Council's Budget and spending plans provide the financial resources to enable delivery of the Corporate Plan.

##### **Risk Impact**

5.4 Financial risks and individual risk registers are detailed within budget reports. The proposed spending plans include provision to mitigate the financial and wider business risks identified in the Corporate Plan.

#### **6.0 Community Impact**

##### **Consultation**

6.1 The Council is statutorily required to consult on its budget proposals, prior to setting the annual Council Tax rate, with the local business and community sector. The Council has an established process in place to meet this requirement.

6.2 Consultation takes place for approximately four weeks following approval of the draft budget proposals by Finance and Management Committee in January each year. Any feedback is reported to the Council as part of the final approval process.

6.3 There is no statutory requirement to consult with residents or other stakeholders, although it is considered good practice to do so. Traditionally, the Council has disseminated proposals through Area/Community Forums and via a presentation at the South Derbyshire Partnership Board. Many authorities do consult formally regarding their budget proposals and medium-term financial plans prior to setting budgets, using panels, representative groups, etc. as a way of fully engaging local people.

## **Equality and Diversity Impact**

6.4 None

## **Social Value Impact**

6.5 None

## **Environmental Sustainability**

6.6 None

## **7.0 Background Papers**

7.1 Budget working papers maintained on the Financial Management System

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<b>REPORT TO:</b>	<b>OVERVIEW AND SCRUTINY COMMITTEE</b>	<b>AGENDA ITEM: 7</b>
<b>DATE OF MEETING:</b>	<b>9 FEBRUARY 2022</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM</b>	<b>CHIEF EXECUTIVE</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>ARDIP SANDHU – 595715</b> <a href="mailto:Ardip.sandhu@southderbyshire.gov.uk">Ardip.sandhu@southderbyshire.gov.uk</a>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) – REPORT ON USAGE</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>All</b>	<b>TERMS OF REFERENCE:</b>

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## **1.0 Recommendations**

- 1.1 To note the internal report on the Council's use of the Regulation of Investigatory Powers Act 2000.

## **2.0 Purpose of Report**

- 2.1 To note the report on the Council's use of the Regulation of Investigatory Powers Act 2000 since 1<sup>st</sup> September 2021.

## **3.0 Detail**

- 3.1 The Committee, on 5<sup>th</sup> September 2018 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 Leadership 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 September 2021 to December 2021 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.

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<b>REPORT TO:</b>	<b>OVERVIEW AND SCRUTINY COMMITTEE</b>	<b>AGENDA ITEM: 8</b>
<b>DATE OF MEETING:</b>	<b>9 FEBRUARY 2022</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>CHIEF EXECUTIVE</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>DEMOCRATIC SERVICES</b> <a href="mailto:democraticservices@southderbyshire.gov.uk">democraticservices@southderbyshire.gov.uk</a>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>COMMITTEE WORK PROGRAMME</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: G</b>

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**1.0 Recommendations**

1.1 That the Committee considers and approves the 2021-22 work programme.

**2.0 Purpose of Report**

2.1 The Committee is asked to consider the work programme.

**3.0 Detail**

3.1 Attached at Annexe 'A' is a work programme document. The Committee is asked to consider and review the content of this document.

**4.0 Financial Implications**

4.1 None arising directly from this report.

**5.0 Background Papers**

5.1 Work Programme.

Overview & Scrutiny Committee Work Programme 2021/22																				Annexe A											
Project	Committee Date																			Responsible Head of Service											
	Sep-21					Oct-21					Nov-21				Jan-22			Feb-22			Mar-22										
	1					13					24					12					9					30					
Internal Audit Report: Review of Scrutiny	█																														Head of Legal and Democratic Services
RIPA						█															█										Head of Legal and Democratic Services
Setting the Work Programme	█																														Strategic Director (Corporate Resources)
Housing Repairs and Maintenance Contractor <i>(subject to availability)</i>							█																								Strategic Director (Service Delivery)
Collaborative Working with other Authorities						█																									Strategic Director (Corporate Resources)
East Midlands Airport: Night Time Policy (subject to availability)													█																		Strategic Director (Service Delivery)
Budget																	█					█									Strategic Director (Corporate Resources)
Report to Committee										█						Verbal Update / Presentation						█									
Report to Task Group										█						Public Meeting						█									