

**Please ask for Democratic Services**

Phone (01283) 595722/ 595848

Typetalk 18001

DX 23912 Swadlincote

Democratic.services@southderbyshire.gov.uk

Our Ref

Your Ref

Date: 22 August 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, 31 August 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, Muller and Smith.

**Independent Group**

Councillor MacPherson.

## **AGENDA**

### **Open to Public and Press**

- 1** Apologies and to note any Substitutes appointed for the Meeting.
- 2** To note any declarations of interest arising from any items on the Agenda
- 3** To receive any questions by members of the public pursuant to Council Procedure Rule No.10.
- 4** To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 5** REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) – **3 - 4**  
REPORT ON USAGE
- 6** COMMITTEE WORK PROGRAMME **5 - 6**

### **Exclusion of the Public and Press:**

- 7** 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.
- 8** To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.  
Details

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<b>REPORT TO:</b>	<b>OVERVIEW AND SCRUTINY COMMITTEE</b>	<b>AGENDA ITEM: 5</b>
<b>DATE OF MEETING:</b>	<b>31 AUGUST 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> February 2022.

## **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 February 2022 to August 2022 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: 6</b>
<b>DATE OF MEETING:</b>	<b>31 AUGUST 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 2022-23 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 2022/23																				Annexe A	
Project	Committee Date																			Responsible Head of Service	
	Jun-22			Aug-22			Oct-22			Nov-22			Jan-23		Feb-22		Mar-22				
		15				31		12				23	4			8			29		
Overview of the Public Realm Works in Swadlincote Town Centre and Leisure																				Chief Executive	
Land Charges Update																				Chief Executive	
Digital Derbyshire and BT Update (TBC)																				Strategic Director (Corporate Resources)	
Setting the Work Programme																				Strategic Director (Corporate Resources)	
Flexible Working Policy Review																				Strategic Director (Corporate Resources)	
Budget																				Strategic Director (Corporate Resources)	
RIPA																				Head of Leagal and Democratic Services	
Housing Repairs and Maintenance Contractor (subject to availability)																				Strategic Director (Service Delivery)	
East Midlands Airport Update																				Strategic Director (Service Delivery)	
Planning Service Delivery Update																				Strategic Director (Service Delivery)	
GP Surgeries / Appointments																				Strategic Director (Service Delivery)	
Report to Committee																				Verbal Update / Presentation	
Report to Task Group																				Public Meeting	