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Our Ref: DS
Your Ref:

Date: 8 January 2019

Dear Councillor,

Overview and Scrutiny Committee

A Meeting of the **Overview and Scrutiny Committee** will be held in the **Council Chamber**, on **Wednesday, 16 January 2019 at 18:00**. You are requested to attend.

Yours faithfully,



Chief Executive

To:- **Conservative Group**
Councillor Swann (Chairman), Councillor Mrs Wyatt (Vice-Chairman) and Councillors
Atkin, Murray and Mrs Patten

Labour Group
Councillors Bambrick, Dr Pearson and Mrs Stuart

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** VISIT TO NORTH WARWICKSHIRE BOROUGH COUNCIL **3 - 6**
- 6** REGULATION OF INVESTGATORY POWERS ACT 2000 (RIPA) – QUARTERLY REPORT ON USAGE **7 - 8**
- 7** BUDGET SCRUTINY 2019 **9 - 10**
- 8** COMMITTEE WORK PROGRAMME **11 - 12**

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.

REPORT TO:	OVERVIEW AND SCRUTINY COMMITTEE	AGENDA ITEM: 5
DATE OF MEETING:	16th JANUARY 2019	CATEGORY: (See Notes) DELEGATED or RECOMMENDED
REPORT FROM:	STRATEGIC DIRECTOR – SERVICE DELIVERY	OPEN
MEMBERS' CONTACT POINT:	ADRIAN LOWERY, 5764 adrian.lowery@south-derbys.gov.uk	DOC:
SUBJECT:	VISIT TO NORTH WARWICKSHIRE BOROUGH COUNCIL	
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: (See Notes)

1.0 Recommendations

1.1 That the Committee note the report.

2.0 Purpose of the Report

2.1 To update the Committee on a visit by Scrutiny Members and an officer to North Warwickshire Borough Council to compare performance on Street Scene services.

3.0 Detail

3.1 During 2017 the Overview and Scrutiny Committee undertook a review of Street Scene services, particularly focusing on litter related issues. As part of this review the Committee requested a visit to a neighbouring authority, which it felt performed well, a visit to North Warwickshire Borough Council was subsequently organised by the then Interim Director of Housing and Environmental Services.

3.2 A visit in early December 2017, by Cllr Swann, Chair of Overview and Scrutiny, Cllr Billings, Vice Chair of Overview and Scrutiny and Adrian Lowery, Direct Services Manager took place.

3.3 The visit consisted of a meeting at the main offices of North Warwickshire Borough Council between the representatives of South Derbyshire District Council and Senior Politicians and Officers of North Warwickshire Borough Council.

3.4 Whilst no formal presentation was made by North Warwickshire Borough Council, both their officers and Councillors were happy to answer questions and a lengthy exchange of information took place. During the round table discussions it was clear that both Councils faced very similar issues around littering and fly tipping, grounds maintenance and refuse collection.

3.5 One key factor emerged which could explain any perceived differences in performance, this was the difference in resources, North Warwickshire Borough

Council employ 17 full-time staff on cleansing duties whilst at the time of the visit South Derbyshire District Council employed 9 full-time cleansing staff. Since the visit South Derbyshire District Council has increased the resources on Cleansing, Grounds Maintenance and Refuse Collection. Cleansing resources are now 10 full-time employees.

- 3.6 One logistical similarity was the distance to disposal sites for cleansing teams, North Warwickshire Borough Council had developed a system of utilising refuse teams whilst on collection duties to liaise with cleansing teams and collect waste from them, this reduced travel time to disposal sites and allowed for more litter collections to take place. Given that South Derbyshire's designated disposal sites for cleansing and grounds waste are both situated in Derby, officers have considered if the North Warwickshire model could work in South Derbyshire.
- 3.7 Due to South Derbyshire's refuse collection service being organised on a zoned collection regime, there are too many occasions when there would be no refuse vehicles in areas where cleansing teams were working and as such the North Warwickshire model would not work in South Derbyshire. Members agreed some years ago to move to zoned collections, with the main benefits of this being all properties in a specific geographical area have the same collection day. This makes communicating collection information simpler and provides resilience in areas to deal with vehicle breakdowns. However, not to be deterred from finding a solution, Direct Services has adapted an old refuse freighter which now acts as a receptacle at the Boardman Road depot for cleansing waste and is emptied once a week. This vehicle can also be taken out to large fly-tip clearances, thus reducing the number of journeys to and from the disposal sites in Derby.
- 3.8 During the time of the visit, South Derbyshire District Council lead members were also considering improvements for Street Scene and Waste Collection services, following a number of meetings with officers a report was developed and approval was given by Environmental and Development Services, Housing and Community Services and Finance and Management Committees in early 2018 for the following increase in resources – one additional cleansing operative and compact sweeper, four additional grounds operatives and associated equipment and one additional refuse freighter and crew.
- 3.9 During winter hours the four additional grounds operatives are deployed on cleansing duties; the effect of this is to increase the resources on cleansing to 11.6 full-time equivalent employees.
- 3.10 Further to the above, in April 2018, a number of Service Standards covering Street Cleansing, Grounds Maintenance and Waste Collection were approved by both Environmental and Development Services and Housing and Community Services Committees, two further reports have been prepared to enable enhanced delivery against these Standards, one report is a project to improve data capture and communications which was considered by Finance and Management Committee on 10 January, the other report is to establish the performance measures to ensure standards are being delivered which will be presented to Environmental and Development Services Committee at the end of January.
- 3.11 Overview and Scrutiny Committee also noted the work of the Council on tackling litter in a report to the 17 October 2018 Committee and a further report is to be considered by Environmental and Development Services Committee on 24th January as a follow up to this report.

4.0 Financial Implications

4.1 None associated directly with this report.

5.0 Corporate Implications

Employment Implications

5.1 As contained in the report.

Legal Implications

5.2 The Council is a designated Principle Litter Authority and has a statutory duty to arrange for the collection of litter and fly tipping. Failure to meet our statutory duty could lead to the public serving notice on the Council or the Secretary of State intervening.

Corporate Plan Implications

5.3 To deliver services that keep the District clean and healthy is a commitment in the Corporate Plan; the Council has adopted a number of service standards to help deliver this commitment.

Risk Impact

5.4 Reputational risk if Street Cleansing Services are not delivered to a high standard; however, the service standards, additional resources allocated and renewed focus on delivering excellent services helps to mitigate this risk.

6.0 Community Impact

Consultation

6.1 None

Equality and Diversity Impact

6.2 None

Social Value Impact

6.3 Enhancing the health and well-being of local communities can be aided through keeping the District clean and tidy, evidence from the governments Litter Strategy identifies that residents feel safer in their local environment when it is free from litter, detritus and graffiti.

Environmental Sustainability

6.4 The introduction of a refuse vehicle to operate as a mobile disposal point has resulted in fewer journeys to fixed disposal points in Derby, the investment in new vehicles has delivered fuel efficiency and a reduction in emissions. The quick

removal of fly-tips helps to reduce the volume of tipping and could mean fewer collections are needed in the long-term.

REPORT TO:	OVERVIEW AND SCRUTINY COMMITTEE	AGENDA ITEM: 6
DATE OF MEETING:	16TH JANUARY 2019	CATEGORY: DELEGATED
REPORT FROM	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	ARDIP KAUR – 595715 ardip.kaur@south-derbys.gov.uk	DOC:
SUBJECT:	REGULATION OF INVESTGATORY POWERS ACT 2000 (RIPA) – QUARTERLY REPORT ON USAGE	REF:
WARD(S) AFFECTED:	All	TERMS OF REFERENCE:

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 1st September 2018.

3.0 Detail

- 3.1 The Committee, on 5th 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 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 September 2018 to November 2018 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.

REPORT TO:	OVERVIEW and SCRUTINY COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	16th JANUARY 2019	CATEGORY:
		RECOMMENDED
REPORT FROM:	STRATEGIC DIRECTOR CORPORATE RESOURCES	OPEN
MEMBERS' CONTACT POINT:	KEVIN STACKHOUSE (01283 595811) kevin.stackhouse@southderbyshire.gov.uk	DOC: u/ks/budgets/budget round 1920/briefings/OS committee Jan 19
SUBJECT:	BUDGET SCRUTINY 2019	
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: 6.03 (a) (i)

1.0 Recommendations

- 1.1 That the Committee consider the proposed budgets of the Council for 2019/20 and make any recommendations to Finance and Management Committee as part of the consultation process.
- 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 2019/20, together with the medium term spending plans.

3.0 Detail

- 3.1 The detailed budget proposals have been reported and considered by each of the Council's Policy Committees earlier in January. In addition, the Finance and Management Committee considered consolidated proposals and the updated Medium-Term Financial Plan (MTFP) of the General Fund on 10 January 2019. [Budget Report 2019/20](#)
- 3.2 Furthermore, the Housing and Community Services Committee considered the proposed Housing Revenue Account (HRA) and its longer-term (10-year) Business Plan on 8 January 2019. [HRA budget and Spending Plan](#)
- 3.3 It is intended that these reports will provide the background and detailed basis for scrutiny. A presentation of the proposals and spending plans will be made at the meeting, together with confirmation of the decisions arising from the Policy Committees.

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 Budget proposals and medium-term financial plans contribute directly to the key outcome of “Maintaining Financial Health” (O1) in the Corporate Plan.

Risk Impact

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

6.0 Community Impact

Consultation

6.1 The spending proposals will be disseminated at forthcoming Area Forum meetings, together with representatives of Council tenants and the local business community. In addition, the proposals will be presented to a meeting of the South Derbyshire Partnership Board on 30 January 2019.

Equality and Diversity Impact

6.2 None

Social Value Impact

6.3 None

Environmental Sustainability

6.4 None

7.0 Background Papers

7.1 Budget working papers maintained on the Financial Management System

REPORT TO:	OVERVIEW AND SCRUTINY COMMITTEE	AGENDA ITEM: 8
DATE OF MEETING:	16TH JANUARY 2019	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	DEMOCRATIC SERVICES democraticservices@south-derbys.gov.uk	DOC:
SUBJECT:	COMMITTEE WORK PROGRAMME	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: G

1.0 Recommendations

1.1 That the Committee considers and approves the updated work programme.

2.0 Purpose of Report

2.1 The Committee is asked to consider the updated work programme.

3.0 Detail

3.1 Attached at Annexe 'A' is an updated 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 2018/19														Annexe A	
Project	Committee Date													Responsible Head of Service	
	Jun-18		Sep-18		Oct-18		Nov-18		Jan-19		Feb-19		Mar-19		
		20		5		17		28		16		13		27	
Annual Report		█												█	Legal and Democratic Services Manager.
RIPA		█		█						█				█	Legal & Democratic Services Manager
Setting the Work Programme		█													Strategic Director (Corporate Resources)
Budget										█					Strategic Director (Corporate Resources)
Update on Section 106 Health Allocations		█													Strategic Director (Service Delivery)
Rural Play Provision		█										█			Strategic Director (Service Delivery)
Universal Credit				█											Strategic Director (Corporate Resources)
Rural Broadband				█											Strategic Director (Service Delivery)
Customer Services / Engagement				█											Strategic Director (Corporate Resources)
Housing Stock / Allocations / Monitoring						█									Strategic Director (Service Delivery)
Litter Collection						█									Strategic Director (Service Delivery)
Multi-Team Working								█				█			Strategic Director (Service Delivery)
Safer Neighbourhood Grants								█							Strategic Director (Service Delivery)
Key															
Report to Committee	█							█							
Report to Task Group	█							█							