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Our Ref: DS
Your Ref:

Date: 27 August 2019

Dear Councillor,

Overview and Scrutiny Committee

A Meeting of the **Overview and Scrutiny Committee** will be held in the **Council Chamber**, on **Wednesday, 04 September 2019 at 18:00**. You are requested to attend.

Yours faithfully,



Chief Executive

To: **Conservative Group**
Councillor Hewlett (Chairman), Councillor Brady (Vice-Chairman) and Councillors
Atkin, Corbin and Dawson

Labour Group
Councillors Bambrick, Gee and Mrs Stuart

AGENDA

Open to Public and Press

- 1 Apologies.
- 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
QUARTERLY REPORT ON USAGE
- 6 SECTION 106 HEALTH ALLOCATIONS (Verbal Update)
- 7 AFFORDABLE HOUSING (Verbal Update)
- 8 BALANCING PONDS (Verbal Update)
- 9 COMMITTEE WORK PROGRAMME 5 - 6

Exclusion of the Public and Press:

- 10 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.
- 11 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:	4th SEPTEMBER 2019	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) – 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 June 2019.

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 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 June 2019 to August 2019 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: 9
DATE OF MEETING:	4th SEPTEMBER 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 2019/20																	Annexe A
Project	Committee Date															Responsible Head of Service	
	Jun-19		Sep-19		Oct-19		Nov-19		Jan-20		Feb-20		Apr-20				
	19	4	16	27	15	12	1										
Annual Report																Head of Legal and Democratic Services	
RIPA																Head of Legal and Democratic Services	
Setting the Work Programme																Strategic Director (Corporate Resources)	
Budget																Strategic Director (Corporate Resources)	
Section 106 Health Allocations																Strategic Director (Service Delivery)	
Rural Play Provision																Strategic Director (Service Delivery)	
Rural Broadband																Strategic Director (Service Delivery)	
Update on Universal Credit																Strategic Director (Corporate Resources)	
Affordable Housing																Strategic Director (Service Delivery)	
Balancing Ponds																Strategic Director (Service Delivery)	
Cycling Provision in South Derbyshire																Strategic Director (Service Delivery)	
Performance measures and benchmarking																Strategic Director (Corporate Resources)	
Fly-tipping Targets																Strategic Director (Service Delivery)	
Recycling																Strategic Director (Service Delivery)	
Rural and Urban Expenditure																Strategic Director (Corporate Resources)	
Traffic Calming and Management																Strategic Director (Service Delivery)	
Key																	
Report to Committee																	
Report to Task Group																	