

OVERVIEW AND SCRUTINY COMMITTEE

30th June 2010

PRESENT:-

Conservative Group

Councillor Jones (Chairman), Councillor Mrs. Farrington (Vice-Chairman) and Councillors Atkin, Mrs. Hood and Mrs. Plenderleith.

Labour Group

Councillors Bambrick, Lane and Mrs. Mead.

OS/1. **MINUTES**

The Open Minutes of the Meeting held on 12th May 2010 were taken as read, approved as a true record and signed by the Chairman.

OS/2. **DECLARATIONS OF INTEREST**

Councillors Mrs. Farrington, Jones, Lane, Mrs. Mead and Mrs. Plenderleith declared prejudicial interests in respect of Minute No. OS/8, the scoping document for the Funded Voluntary Organisations review, due to their involvement in groups that currently received funding from the Council. Councillors Mrs. Farrington and Jones also declared personal interests in the report on Etwall Leisure Centre, as Members of Derbyshire County Council.

OS/3 **ETWALL LEISURE CENTRE**

A report was submitted on the financial out-turn figures for the Etwall Leisure Centre. Members were reminded that the Meeting on 12th May 2010 was held at the Etwall Leisure Centre and included a tour and presentation, linked to the review of community use of the Centre. At that time, it was requested that the financial out-turn figures for the Centre be reported to this Meeting. The Head of Finance and Property Services had submitted a report presented recently to the Leisure Centre's Joint Management Committee on the Statement of Accounts for 2009/10. That report comprised an executive summary and overall commentary, with sections on membership and swimming instruction, the Statement of Accounts and the Annual Governance Statement.

Questions were responded to on the staffing costs and building running costs for the new Centre. It was requested that a breakdown of these budget areas be provided to Members. Reference was also made to identified risks, particularly the possible withdrawal of a funding partner and the impact of the Government decision to terminate free swimming schemes for certain sections of the population. Further information was requested on the numbers of people

that had taken up the offer of free swimming at both the Etwall and Green Bank Leisure Centres. The position on decommissioning costs for the old Etwall Leisure Centre was also reported.

It was agreed that the Committee receives the report on the Statement of Accounts for the Etwall Leisure Centre and that the information requested above be circulated to the Committee.

OS/4. **OVERVIEW AND SCRUTINY WORK PROGRAMME**

A report was submitted following the Committee's Annual Focus Session, held on 15th June 2010, which made proposals for the draft work programme for 2010/11. The Focus Session included a discussion of existing reviews, together with a new review area proposed by a Member. The Committee had discussed publicity and consultation arrangements, together with required scrutiny areas on crime and disorder, the budget and a new area on the Regulation of Investigatory Powers Act (RIPA). Breakout groups then scoped two proposed review areas.

Members were reminded of the documents circulated for the Focus Session, including a schedule, which set out the position on existing review areas. The report summarised the outcome from Members' discussions of this document, making proposals for the reviews that should remain on the work programme for 2010/11.

An officer from the Communications Team was present at the Committee, to enable further discussion about publicity and consultation on the work programme. The Council was focussing on a number of campaigns this year including the promotion of local democracy. The officer referred to recent reviews, particularly broadband and the publicity and national interest this area had attracted. Reference was then made to the review areas proposed for the year ahead, and the officer expressed her thoughts on how they could be publicised, including through electronic means. It was suggested that a press release on the annual report could be linked to a request for public input to the work programme. Another suggestion was for Committee Members to speak at the summer round of area forums, to seek input to the work programme. The Chairman suggested producing a poster, which listed the planned work areas and requesting public feedback. Another suggestion was to rename the Committee. It was noted this would have to be considered by the Council Meeting, but could be proposed through the Annual Report.

The Committee was also reminded of the prescribed scrutiny areas on crime and disorder, the budget and RIPA. The proposed work programme was reviewed. It was suggested that a health scrutiny update be included on the programme, to be received at the September meeting. Officers had agreed to seek an update following the earlier review work.

Members were also reminded of the scoping documents discussed at the Focus Session, which had been considered further by officers and had been circulated for the Committee's formal approval. As several Members had declared prejudicial interests in the Funded Voluntary Organisations review, it

was agreed to defer the consideration of that scoping document until the end of the meeting.

It was agreed:-

- (1) That the Committee approves the recommendations from the Annual Focus Session, as set out within the report.**
- (2) That the initial work programme, a copy of which is incorporated in the Signed Minute Book at Annexe SMB1, is approved.**
- (3) That the Committee approves the scoping document for the Swadlincote Woodlands Funding review a copy of which is incorporated in the Signed Minute Book at Annexe SMB2.**
- (4) That the Committee agrees the proposals for consultation on the work programme and publicity as outlined above.**

OS/5. **BROADBAND**

A verbal update was provided on developments since the last Meeting. The planned meeting with representatives of BT and Openreach had been delayed and was now expected to take place in July. Endeavours were being made for South Derbyshire to be selected as a pilot area for initiatives on improving broadband speeds in rural areas. Reference was made to an announcement by the Secretary of State, Jeremy Hunt about this. A further opportunity was the call for a universal service commitment on minimum broadband speeds.

A dialogue had continued with the East Midlands Development Agency, about potential European funding for infrastructure improvements. The Council was liaising with BT on the production of a self-help leaflet for those experiencing poor broadband speeds. Reference was also made to the Member of Parliament's (Mrs. Heather Wheeler M.P.) recent meeting with the Chairman and Chief Executive of BT and the subsequent press coverage.

There was a discussion about internet service providers offering improved connection speeds in certain areas, the minimum take up requirements and the potential for high set-up costs.

The Committee accepted the update and requested a further report to the September meeting.

Note: At this point, Councillor Mrs. Plenderleith left the meeting.

OS/6. **PRIVATE HIRE LICENSING – PRESENTATION**

The Committee received a presentation from Carl Jacobs, the Commercial Standards and Licensing Manager. The presentation covered the following areas:-

- Purpose of the Section
- Staffing

- Work Areas
- Income and Activities
- Liquor Licensing
- Joined Up Working
- Night Visits - Liquor Licensing
- Private Hire Statistics and New Conditions
- Proactive Enforcement
- Proms Initiative.

Arising from the presentation, Members asked a number of questions. These related to the increasing income from licensing activities and the requirements for personal licences for those selling alcohol. The respective duties of licensing and other environmental health officers, when dealing with noise problems and joint working between the officers were then discussed. The requirements for private hire operators to be based in South Derbyshire and issues associated with limousines were also raised. Clarification was provided on the different charging arrangements for hackney carriages and private hire vehicles. Questions were also asked about the Section's capacity to meet current and anticipated future demands on the service.

The Committee recorded its thanks for the presentation. Officers were asked to consider if there were any specific areas they felt the Committee could undertake a review on and Committee Members were asked to do likewise.

It was agreed that the presentation be received and that a report be provided to the next meeting on any potential review areas identified.

OS/7. **REGULATION OF INVESTIGATORY POWERS ACT 2000 – REVISED CODE OF PRACTICE**

It was reported that the Home Office had published new Regulation of Investigatory Powers Act 2000 (RIPA) Orders and a Code of Practice that came into force on 6th April 2010. These documents ensured that covert surveillance techniques could continue to be used by public authorities, but only where they were necessary and proportionate. A report was submitted which made recommendations to the Full Council, for the Overview and Scrutiny Procedure Rules to be amended in line with the requirements under the revised Code of Practice. It recommended that Council approve the RIPA Policy and Guidance document, in light of the amendments to the legislation and the revised Code of Practice. It was further recommended to authorise the Overview and Scrutiny Committee to review annually the use of RIPA and to set the Council's Policy and Guidance, considering internal reports on the use of RIPA on a quarterly basis.

The detail of the report provided background on this legislation and the reasons why directed surveillance was conducted by local authorities. It explained the requirements on the authorising officer, which in this authority was a member of the Corporate Management Team or the Monitoring Officer. The Head of Legal and Democratic Services ensured that training was provided each year. The Office of Surveillance Commissioners undertook inspections every 2 to 3 years and information was provided on the inspection

process. An inspection took place in February 2009, which concluded that the Council was a very moderate user of directed surveillance and it stated that excellent policies and regular training were in place, to ensure that high standards were achieved. Four recommendations were made in terms of the Council's policy, which had been taken onboard, promoting excellence.

The changes to the Policy and Guidance Document included the revision of prescribed officers who could sign authorisations. It was now recommended to be a member of the Management Team or Head of Legal and Democratic Services. The Chief Executive's authorisation was required in a number of reported circumstances.

Further amendments to the Council's policy were reported. Councillors had been given a formal scrutiny role in relation to RIPA. The new Code stated that at least once each year, Members should review the authority's use of RIPA and set the general surveillance policy. It was proposed that Council delegate this role to Overview and Scrutiny, which should also consider internal reports on the use of RIPA, at least on a quarterly basis. A copy of the Guidance document showing the changes in light of the amendments was appended to the report.

During the period March 2009 to April 2010, 17 directed surveillance authorisations were granted by the Council. In future, it was proposed that a yearly report be submitted to Overview and Scrutiny, outlining the number of authorisations for the previous year and to ensure that the Council's Policy and Guidance document remained fit for purpose. On a quarterly basis, it was proposed that the Overview and Scrutiny Committee receive details of the number of authorisations granted in that period and the department that had requested the authorisation.

In response to questions, further information was provided on the authorisation process and the roles of respective officers. It was explained why the Overview and Scrutiny Committee had been selected for this new work area, rather than the Standards Committee or Audit Sub-Committee. Related to this, there was discussion about corporate governance. The need for Member training was also questioned. It was asked whether RIPA authorisations were ever refused and Members requested that statistical data on the number of such requests be included within the quarterly monitoring reports to the Committee.

It was agreed:-

- (1) That the Council is recommended to authorise the Overview and Scrutiny Committee to:**
 - **Review annually the Council's use of RIPA.**
 - **Set the Council's general surveillance policy.**
 - **Consider internal reports on the use of RIPA quarterly to ensure that it is being used as per the Council's Policy.**

- (2) That Council is recommended to approve the Council's Regulation of Investigatory Powers Act 2000 Policy and Guidance document in light of the amendments to the legislation and the revised Code of**

Practice, a copy of which is incorporated in the Signed Minute Book at Annexe SMB3, and that Officers be authorised to update the Constitution accordingly.

OS/8. **SCOPING DOCUMENT – FUNDED VOLUNTARY ORGANISATIONS**

Note: at 7.50p.m, Councillors Mrs. Farrington, Jones, Lane and Mrs. Mead left the Meeting. It was agreed that Councillor Bambrick chair the remainder of the Meeting.

Further to Minute No. OS/4 above, the Committee gave consideration to the scoping document for this proposed review area. It was suggested that the names of the 9 voluntary organisations that currently received funding be included on the scoping document. The timing and arrangements for the review were also discussed. Given the recorded interests of some Members, this review would lend itself to task group working.

It was agreed:-

- (1) That the Committee approves the updated scoping document for the review of Funded Voluntary Organisations, a copy of which is incorporated in the Signed Minute Book at Annexe SMB4.**
- (2) That a task group is appointed to undertake this review area comprising Councillors Atkin, Bambrick and Mrs. Hood.**
- (3) That a presentation is made to the task group on 27th October 2010, to commence this review.**

S. BAMBRICK

CHAIRMAN

The Meeting terminated at 7.55p.m.