

OVERVIEW AND SCRUTINY COMMITTEE

9th February 2011

PRESENT:-

Conservative Group

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

Labour Group

Councillor Bambrick.

OS/29. **APOLOGIES**

Apologies for absence from the Meeting were received from Councillors Lane and Mrs. Mead (Labour Group).

OS/30. **MINUTES**

The Open Minutes of the Meeting held on 8th December 2010 were taken as read, approved as a true record and signed by the Chairman.

OS/31. **REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) – QUARTERLY REPORT**

A report was submitted on the use of RIPA powers since 1st April 2010. Members were reminded of the Home Office Guidance that came into force in April 2010 and the subsequent Council decision in July to approve the Council's RIPA policy and guidance document and to give authorisation to the Overview and Scrutiny Committee. RIPA was intended to regulate the use of investigatory powers and ensure they were used in accordance with human rights. Directed surveillance was often conducted by local authorities to investigate benefit fraud or to collect evidence of anti-social behaviour. RIPA stipulated that the authorising officer must believe that the activities were necessary on one or more statutory grounds. A Member of the Corporate Management Team considered all applications for authorisation and the report explained the issues which must be weighed in granting that authorisation.

During the period April to September 2010, four authorisations were granted by the Council and for the period September 2010 to January 2011 a further two authorisations were granted. The report summarised the purposes of these authorisations. At the last Meeting, Members requested that details be provided of the benefit gained from each authorisation and this was also summarised within the report.

Amendments had been approved to the Council's RIPA Policy and Guidance document at the Committee's Meeting on 27th October 2010. Since then,

training had been provided, to highlight the importance of the changes and to reinforce best practice.

It was further reported that in late January, the Home Secretary had announced the outcome of a review of counter terrorism and security powers to Parliament. Part of this review included councils' use of RIPA, to undertake covert surveillance and to access communications data. The Coalition Government had set out the intention to "ban the use of powers in RIPA by councils, unless they were signed off by a Magistrate and required for stopping serious crime". Over the summer, the Local Government Group had been in discussions with the Home Office at a Ministerial level and with civil servants regarding this review. Following the lobbying, this led to a number of recommendations that were reported to Members. These included the need to have Magistrates approval for the use of covert directed surveillance, human intelligence sources and access to communications data. The use of RIPA should be confined to cases where the offence carried a maximum custodial sentence of 6 months or more, which meant it, could not be used for a number of low-level anti-social behaviour offences. In the interim, before the changes were implemented formally, the Committee might wish to highlight this review and ask Officers to consider seriously whether it was appropriate to authorise directed surveillance for activities in cases without a maximum custodial sentence of 6 months or more. Through lobbying, councils were able to continue using RIPA to tackle irresponsible retailers who persistently sold alcohol and tobacco to children.

The expectation was that the Freedom Bill would introduce the Magistrates approval process and it might be laid before Parliament in mid February, with the serious crime threshold being introduced in secondary legislation later in the year. It was clear that councils should only use covert surveillance as a last resort.

The Committee discussed the timescale for introducing changes and felt this should be reviewed formally when the Bill became enacted. A question was submitted about the budget implications associated with RIPA work. This included the ability to recover costs incurred and particularly those relating to Magistrates applications. A Member considered the review was worrying as the Council did not seek many RIPA authorisations, it was facing additional costs because of the Magistrates process and could no longer use directed surveillance for anti-social behaviour work.

It was agreed:-

- (1) That the Committee notes the internal report on the Council's use of the Regulation of Investigatory Powers Act 2000.**
- (2) That the Monitoring Officer be instructed to advise applicants and Authorising Officers of the review and ask them to consider seriously whether it is appropriate to authorise directed surveillance for activities that do not carry a maximum custodial sentence of 6 months or more.**

OS/32. SWADLINCOTE WOODLANDS SCHEME

Further to Minute No. OS/10. of 15th September 2010, a detailed report was submitted to update Members on the Swadlincote Woodlands Scheme. The report included sections on site management options and costs, grant opportunities and the development of a 10-year site management plan. A review of staffing levels with a subsequent reduction in on-site staff had provided projected annual savings of just under £37,000. This meant that the estimated expenditure, less profiled income would only require a contribution of £7,374 per annum from the remaining Section 106 monies. The funds would last for a further six years, addressing the immediate concerns over maintenance of the site. There was further discussion about the exit strategy produced for the Swadlincote Woodlands Scheme and the arrangements proposed through this report. It was suggested that the Overview and Scrutiny Committee could revisit this review area in three years to monitor progress.

Officers provided further detail on the development of a 10-year site management plan. The site could be divided into four zones comprising natural woodland, active woodland, sporting woodland and amenity woodland. For each of these zones, key management objectives were proposed together with actions, resources and timescales.

Reference was made to an adjacent area of privately owned land, which had been occupied periodically by travellers, and it was questioned how the Council's site would be secured. A Member had undertaken research on scrutiny reviews by London borough councils in respect of their parks, which had been passed to Officers. He also referred to vegetation in ponds on the Site and Officers explained planned works to address this.

It was noted that play equipment on the site had been vandalised and was questioned whether the lower staff presence could lead to this situation worsening. The management plan proposed the provision of replacement equipment that was less susceptible to vandalism. In terms of funding sources it was questioned whether the National Forest could help and officers explained the consultants support available. Another area discussed was the establishment of a "Friends of" group for the site. It was suggested that a progress report could be submitted in June 2012.

It was agreed:-

- (1) That the Committee notes the revised staffing arrangements, which result in reduced operating costs for the site.**
- (2) That it be observed that the Section 106 monies will last longer as a result of the reduced revenue commitments.**
- (3) That the Committee approves the principle of the Site Management Action Plan and recommends that this be considered further by the Housing and Community Services Committee.**

- (4) That an update be provided to the Overview and Scrutiny Committee in June 2012 and that the review is revisited in detail in three years time.**

OS/33. **CONSULTATION ON THE COUNCIL'S BUDGET – HOUSING REVENUE ACCOUNT.**

As the second part of the budget scrutiny process, the Committee gave consideration to the Housing Revenue Account Budget for 2011/12. This had been considered at the Meeting of the Housing and Community Services Committee the previous week, at which Scrutiny Members had been invited to be present. A summary was given of the key matters discussed by the Policy Committee, including the decisions taken regarding the average rent increase and that concerning the re-letting of vacant properties. The report included sections on the principles of housing finance, the financial position previously and a review of the business plan. A key issue covered was rent convergence and other sections looked at the guideline rent levels, subsidy and the implications for self-financing related to the rent increase. The detail of the report and a number of appendices expanded on each of these issues.

A Member referred to the decision taken by the Housing and Community Services Committee, regarding the average rent increase of 5.4%. He spoke about the implications, in terms of rent convergence and for the future self-financing option. Another Member reminded of representations made to the Policy Committee two years ago, which were subsequently taken on board, to reduce the average level of rent increase. A number of questions were then submitted with regard to housing benefit and the impact for tenants, if the decision had been taken to increase rent levels in line with the Government guideline. This included the proportion of tenants who were in receipt of some form of benefit and the implications of setting a level of rent increase below the Government guideline. A Member questioned whether a scrutiny review of the benefit system would be worthwhile and a particular area was the changing position with costs falling more and more to local authorities through a "capping" approach, affecting the amount of total benefit the Council could claim back in certain instances.

The Chairman questioned whether Overview and Scrutiny should make representations on the decision taken on the average rent increase. There was a consensus that this should not be pursued and the decision of the Policy Committee should be noted.

It was agreed:-

- (1) To note the decisions taken by the Housing and Community Services Committee with regard to the Housing Revenue Account budget for 2011/12.**
- (2) That consideration be given to including a review within the 2011/12 work programme, to look at the increasing costs falling to local authorities associated with the housing benefit system.**

OS/34. **WORK PROGRAMME**

It was reported that the Committee agreed an annual work programme, which was reviewed at each Meeting. Members were reminded of the requirement to undertake crime and disorder scrutiny work at least once each year. Details were given of the review area considered in 2009/10 and the discussions that had taken place in identifying a proposed review area for 2010/11. It was felt a useful piece of work could be undertaken to look at promotion of the Police Safer Neighbourhood Teams. The Police “have your say day” results were published just before Christmas, and South Derbyshire had scored lowest in the County on the question: “Before this event, did you know that you had a Safer Neighbourhood Policing Team in your area?” It was suggested that the Committee could meet with relevant officers to research this and consider a strategy for improving public awareness, as its review area for the current year. This could be undertaken at the Meeting scheduled for 23rd March 2011. The Committee discussed the survey, referring also to attendance levels at the Safer Neighbourhood Meetings and a recent initiative to encourage people to become special constables.

Consideration was also given to the arrangements for producing the Committee’s Annual Report. It was proposed to circulate a draft version to Members electronically to enable the final document to be considered at the Committee Meeting on 23rd March 2011. Due to the District and Parish Council Elections there would be no Meeting in May, where the Annual Report would normally be finalised.

It was agreed to note the report submitted and to approve the proposals set out above for the crime and disorder scrutiny work and production of the annual report.

C. JONES

CHAIRMAN

The Meeting terminated at 7.15 p.m.