

OVERVIEW AND SCRUTINY COMMITTEE

27th October 2010

**PRESENT:-**

**Conservative Group**

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

**Labour Group**

Councillors Bambrick, Lane and Mrs. Mead.

**APOLOGY**

An apology for absence from the Meeting was received from Councillor Mrs. Plenderleith (Conservative Group).

OS/14. **MINUTES**

The Open Minutes of the Meeting held on 15th September 2010 were taken as read, approved as a true record and signed by the Chairman.

OS/15. **HEALTH SCRUTINY**

It was reported that in 2008, the Committee undertook a scrutiny review of NHS dentistry and out of hours services delivered at the Health Centre in Civic Way, Swadlincote. At the 2010 Scrutiny Focus Session and subsequent Committee Meeting there was further discussion about health scrutiny and an update was requested. Officers contacted the Derbyshire County Primary Care Trust (PCT) for an update and appended to the report was a list of the services now delivered from the Swadlincote Health Centre. With regard to dental services, a number of questions had been posed to the Head of Dental Commissioning and these were set out in the report, together with the responses received. Further feedback was provided from the Urgent Care Commissioning Manager about the services delivered from the Health Centre in Civic Way.

Members welcomed the report, but felt that the PCT representatives should have attended the Meeting to give the update. Reference was made to the list of services delivered from the Health Centre, but Members wished to know how frequently these were provided and to how many patients. The information was the same as that provided to the Committee previously. It was stated that PCTs were in a period of transition, but a contrary view was expressed that they should still be able to respond to the Committee's enquiries. It was questioned whether the schedule of services should be circulated at the Council's Area Forums. Comments were made about providing an x-ray service and the community's perception about the lack of

services delivered from the Centre. There was a consensus that representatives of the PCT should be invited to attend a future meeting, and that this might need to be a special meeting of the Committee, to accommodate their availability. The purpose of the meeting would be to discuss the frequency of services shown in the circulated schedule and numbers of patients that had received them. It was suggested that once a date had been agreed, Members could submit questions, which would be provided to the PCT representatives in advance of the meeting.

**It was agreed to request a further Meeting with representatives of the Primary Care Trust, to discuss the issues set out above.**

OS/16. **REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) – QUARTERLY REPORT**

A report was submitted on the use of the RIPA powers since 1st April 2010. It also sought the Committee's approval to change the Council's Policy and Guidance document, in light of recent amendments.

Members were reminded of the Home Office Guidance, which came into force in April 2010 and the subsequent Council decision in July to approve the Council's RIPA Policy and Guidance document and 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 2009 to March 2010, seventeen directed surveillance authorisations were granted by the Council and the report summarised the purposes of these authorisations. During the period April to September 2010, four authorisations had been granted and details were again provided of the types of cases involved.

On 5th October 2010, the Office of Surveillance Commissioners (OSC) published the latest guidance document, which indicated the way in which the Commissioner was minded to construe particular statutory provisions. In the absence of case law, this was the most reliable indicator of likely judicial interpretation. As a result of this document, amendments had been made to the Council's RIPA policy and a copy was appended to the report highlighting the amendments. Subject to approval of the guidance and policy document, training would be provided to officers and the authorising officers, to highlight the importance of the changes.

A Member questioned how useful the seventeen authorisations in 2009/10 had been and the number of cases that resulted in successful outcomes. Officers were requested to give such feedback in future monitoring reports. Further information was provided on the process and it was noted that such

authorisations were a measure of last resort when other avenues had been exhausted. A case by case approach was taken for each authorisation.

**It was agreed:-**

- (1) That the Committee notes the internal report on the Council's use of the Regulation of Investigatory Powers Act 2000 in the last six months.**
- (2) That the Council's Policy and Guidance document on the Regulation of Investigatory Powers Act 2000 be approved, in light of the amendments made in accordance with the Office of Surveillance Commissioners Procedures and Guidance document 2010.**
- (3) That future monitoring reports include statistics on the number of successful outcomes resulting from a RIPA authorisation.**

OS/17. **BROADBAND IN SOUTH DERBYSHIRE**

An update report was provided on the continuing work on broadband in South Derbyshire. Funding applications had been submitted through the East Midlands Development Agency (EMDA) and the Rural Development Programme for England for pilot projects to demonstrate the benefits of high-speed broadband access. To apply for this funding, Expressions of Interest (EOIs) had to be completed. Two schemes were submitted, to upgrade and replace the existing broadband infrastructure for the Overseal exchange and to provide a wireless broadband service to the community of Hilton. Both EOIs were successful and EMDA had asked that these be progressed to a full application.

On 29th September 2010, British Telecom (BT) announced that the Etwall exchange, which covered Hilton, would be upgraded to super-fast broadband. This meant that the project for a wireless broadband service in Hilton would no longer be necessary and the application to EMDA would not be progressed. It was noted that the lobbying undertaken by the District Council had contributed to BT's decision to upgrade this exchange.

This meant the project for Overseal could be concentrated on. This area was identified as providing the best return on investment and without some form of public sector funding, the Overseal exchange area was not considered to be commercially viable to upgrade. The bid to upgrade the Overseal exchange, had been promoted by a press release, a link on the Council's website and through interviews on Radio Derby. Through this process, further case studies had been received, which continued to highlight the problems that businesses and citizens met. The full application could not be submitted by a public sector body and therefore a consortium was being established to manage the application. The full application from the consortium had to be submitted to EMDA by 26th November 2010.

In response to a Members question, it was confirmed that the Overseal exchange served some 3,100 properties. Responses were also provided on the measures to "future proof" the infrastructure upgrade and a synopsis was

given of the process and overall timetable. It was noted that there were twenty BT exchanges within South Derbyshire and BT had plans to upgrade four of these exchanges. If the Overseal application was successful, it would still leave fifteen exchanges that were unable to supply super-fast broadband. Another initiative publicised was BT's "race to infinity".

**It was agreed:**

- (1) That the Committee notes the ongoing work carried out in trying to improve the broadband infrastructure in South Derbyshire.**
- (2) That the Committee notes the announcement by British Telecom (BT) to upgrade the Etwall exchange (which also covers Hilton) in Autumn 2011 to super-fast broadband, taking into account the lobbying of BT carried out by South Derbyshire District Council to improve the area's broadband infrastructure.**
- (3) That the Council is recommended to support the successful expression of interest, in upgrading the Overseal exchange area to super-fast broadband, by assisting the consortium being set up to apply for funding.**
- (4) That the Council continues to raise the profile of South Derbyshire within BT/Openreach and other relevant organisations, in relation to the poor broadband service that is available in many parts of the District.**

OS/18. **OVERVIEW AND SCRUTINY WORK PROGRAMME**

It was reported that the Committee agreed an annual work programme, which was reviewed at each Meeting. Appended to the report was the updated work programme for the current Municipal year. Members noted that the first task group meeting on the Review of Funded Voluntary Organisations took place immediately prior to the Committee. The review areas proposed for consideration at the next Meeting were the Etwall Leisure Centre and Rosliston Forestry Centre.

**The Committee noted the report submitted.**

C. JONES

CHAIRMAN

The Meeting terminated at 6.40 p.m.