

OVERVIEW AND SCRUTINY COMMITTEE

14th September 2011

PRESENT:-

Conservative Group

Councillor Mrs. Plenderleith (Chairman), Councillor Atkin (Vice-Chairman) and Councillors Mrs. Brown and Mrs. Patten.

Labour Group

Councillors Bambrick and Pearson.

OS/3. **APOLOGIES**

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

OS/4. **MINUTES**

The Open Minutes of the Meeting held on 29th June 2011 were taken as read, approved as a true record and signed by the Chairman.

OS/5. **DECLARATIONS OF INTEREST**

Councillors Mrs. Patten and Mrs. Plenderleith declared a prejudicial interest in respect of the Scoping Document for the review on Early Years Provision, as Members of a Surestart Centre Management Committee. Councillor Mrs. Plenderleith also declared a prejudicial interest in the Funded Voluntary Organisations Review, due to her involvement in one of the voluntary organisations that currently received funding from the Council.

OS/6. **REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) – INSPECTION, POLICY AND GUIDANCE DOCUMENT AND QUARTERLY REPORT**

A report was submitted following an inspection by the Office of Surveillance Commissioners (OSC) and to seek approval of the Council's Regulation of Investigatory Powers Act 2000 (RIPA) Policy and Guidance Document. Furthermore, the Committee was asked to note the Council's use of this legislation since October 2010.

Background was provided on the role of the OSC and the requirements for inspection. An inspection had taken place on 5th April 2011 and the report explained how this had been conducted including the officers interviewed as part of the process. The report set out the findings from the inspection, highlighting the recognition of good practice and some minor amendments suggested for further improvement.

It was also reported that during the period October 2010 to May 2011, there had been no usage of RIPA powers. Clarification was provided on the inspection requirements and officers were applauded on the positive report.

It was agreed:-

- (1) That the Committee approves the Council's Regulation of Investigatory Powers Act 2000 Policy and Guidance Document, in light of the recommendations following the inspection by Assistant Surveillance Commissioner, H.H. Norman Jones QC of the Office of Surveillance Commissioners.**
- (2) That the Committee notes the internal report on the Council's use of the RIPA powers in the last two quarters.**

OS/7. **BROADBAND IN SOUTH DERBYSHIRE**

An update was provided on the ongoing work to seek improvements in broadband infrastructure in South Derbyshire. Members were reminded of the partnership bid submitted to the East Midlands Development Agency and Rural Development Programme for England, to improve the broadband services in Hilton and Overseal, together with the subsequent announcement that British Telecom (BT) would be upgrading the Etwall exchange, which covered the Hilton area. Efforts had been concentrated on the bid to upgrade the Overseal exchange, although a major funding issue meant that the overall programme for this funding was cancelled and no projects had been progressed.

Broadband Delivery UK (BDUK), which was a team within the Department of Culture, Media and Sport, had been established to deliver the Government's broadband strategy, to bring superfast broadband to all parts of the United Kingdom. BDUK 's main role was to allocate and distribute some £530m of funding nationally. County councils, unitary authorities and local enterprise partnerships could apply for this funding by developing a local broadband plan. Derbyshire County Council had submitted an application to BDUK and had been allocated £7.39m, subject to finding equivalent match funding. The County Council and Derbyshire Economic Partnership were progressing a delivery and roll out plan for Derbyshire and would and would consult this Council as part of this process. The Council would now work with these bodies to endeavour to improve the broadband infrastructure within South Derbyshire.

An update was also provided on the Etwall exchange including the details of improvement to superfast broadband and other measures proposed to improve the broadband speeds in this area. The Council planned to work with BT in promoting the benefits resulting from the exchange upgrade, which would include a joint press release. Further information was provided on planned exchange upgrades in Chellaston, Mickleover and Swadlincote. If the Overseal exchange upgrade was secured then this would leave 15 exchanges within the South Derbyshire area that were still unable to supply superfast broadband.

The Chairman gave supplementary information regarding the bid to improve the Overseal exchange, the improvements secured to the Etwall exchange, and planned publicity. It was noted that improvements to the Chellaston exchange would also benefit the areas of Weston-on-Trent and Barrow-on-Trent. It was confirmed that other internet service providers would be able to link into the new infrastructure being provided. A Member reported the poor broadband service in the more rural, north-western parished areas. It was hoped that the continued efforts could improve broadband services to these areas.

It was agreed:-

- (1) That the Committee notes the ongoing work carried out in trying to improve the broadband infrastructure across South Derbyshire.**
- (2) That the Committee notes the progress of BT/Openreach in upgrading certain areas covered by the Etwall exchange by Autumn 2011 to superfast broadband.**
- (3) That the Council works with Derbyshire County Council, through BDUK funding, to endeavour to improve the broadband infrastructure in South Derbyshire.**
- (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/8. **SCOPING OF REVIEWS**

It was reported that at the Scrutiny Focus Session in June, the Committee gave initial consideration to its work programme and Members were invited to propose and “scope” potential review areas for consideration. Two scoping documents were subsequently produced and circulated to the Committee for input. The reviews concerned Mobile Telephone Network Coverage and Early Years Provision in South Derbyshire. Further review areas were proposed as an outcome from the budget scrutiny work earlier in the year. These related to Housing Benefit Subsidy and Empty Properties. Copies of the scoping documents had been circulated and the Committee considered these in turn.

Mobile Telephone Network Coverage

The Member proposing this review felt it lead on from the broadband work, as there were areas of poor coverage within South Derbyshire. It was suggested that a task group could be formed to gather further information on coverage and a potential source suggested was the BBC technology website. The information could then be fed into the scoping document for this review area with a report back to a future Meeting of the Committee. It was noted that mobile telephone operators produced their own rolling programmes of mast provision and this information should be available from the Planning Department. There was also recognition of potential resident opposition to the siting of mobile telephone masts in certain areas. It was acknowledged that

this was a sensitive aspect of the review. Members were asked to consider the size of the task group, together with nominations.

It was agreed:-

- (1) That a task group of four Members is appointed to seek further information for the review of Mobile Telephone Network Coverage.**
- (2) That this task group comprises Councillors Mrs. Patten and Mrs. Plenderleith of the Conservative Group, and that two nominations are submitted by the Labour Group.**

Reimbursement of Housing Benefit Subsidy

The purpose of this review was explained. It was proposed to submit a further report to the next Meeting of the Committee on this review area and to seek contributions from appropriate officers to further the review work. In response to Members' questions, an outline was provided on some aspects of this review.

It was agreed:-

That the Committee approves the scoping document for the review on Reimbursement of Housing Benefit Subsidy, as submitted and that a further report on this review is submitted to the next Meeting of the Committee.

Empty Properties

Officers explained that it had been necessary to progress this review area, so in addition to the scoping paper, a presentation was provided. Initially, this explained the purpose of the review, being to understand the extent of empty properties across the District and to ensure the data source used to calculate the New Homes Bonus was accurate, in order to maximise income. A definition was provided of empty properties and details were given of how the review was completed. From Council Tax records, it was identified that some 468 properties had been vacant for more than 6 months and site visits were made to each of these properties. The outcome was reported in a table, together with a statistical analysis and the status of properties confirmed as being empty. A further graph showed empty properties by electoral ward. In terms of the New Homes Bonus, this equated to an income of £180,000 for South Derbyshire. The presentation then looked ahead at future issues, including funding aspects, to encourage owners to bring empty properties back into use and the growing housing waiting list. The Council could give advice or take enforcement action. Further initiatives referred to were the Empty Property Landlord Grant, Private Sector Leasing Schemes and the Rent Deposit/Guarantee Scheme. It was proposed that a draft Empty Property Strategy would be submitted to the November Housing and Community Services Committee, which would be followed by a period of consultation, with the aim of adopting a new Strategy by April 2012.

In response to Members' questions, it was confirmed that there had been negligible additional costs in undertaking this work, as it had been fitted around existing duties. There was discussion about the possibility of future

funding. It was noted that the Government had earmarked separate monies for this initiative for two years only, after which time the position was less certain. Reference was made to the Council's housing waiting list, which was at its highest level. It was questioned whether there were known themes or reasons why certain properties remained empty. The Committee also discussed assisting access to the private rented sector. The Chairman felt this was a commendable piece of work and a good news story for the Authority. Comparative information was also sought and it was suggested that this be included with a copy of the presentation slides, to be circulated to all Members of the Committee.

It was agreed:-

- (1) That the Committee accepts the scoping document for the review on Empty Properties, notes the presentation provided and records its thanks to all the staff involved in this work.**
- (2) That a copy of the presentation slides, including the additional comparative data be circulated to all Members of the Committee.**

Early Years Provision in South Derbyshire

Note: Councillors Mrs. Patten and Mrs. Plenderleith left the Meeting during the consideration of this scoping document and Councillor Atkin chaired the item.

The Member proposing this review gave an outline. It was suggested that a task group be utilised to gather further comparative information for this review. The need for officer support was also discussed, it being suggested that it might be appropriate for an officer from the policy team, given their links to the Local Strategic Partnership. The Committee was asked to determine the size of the task group to be used together with nominations. A further suggestion was liaison with Derbyshire County Council as the authority responsible for this service area.

It was agreed:-

That a task group of four Members is appointed to progress the review of Early Years Provision in South Derbyshire with two nominations from the Conservative Group, the appointment of Councillor Pearson and one other nomination from the Labour Group.

OS/9. WORK PROGRAMME

It was reported that the Overview and Scrutiny Committee agreed an annual work programme, which was reviewed at each Meeting. The Committee was asked to consider review areas to be included on the Agenda for the next Meeting. With regard to the review on HRA Self Financing, Members were reminded of the presentation to the next Finance and Management Committee. It was reported that a briefing paper had been provided to Members, following the earlier suggestion for a review of the Council House allocation process. Other potential review areas raised previously related to

the Northgate contract, the ICT Strategy and the Joint Leisure Contract. Updates on each of these areas were provided.

The Chairman felt that ICT would now be progressed by the Finance and Management Committee, with input from the Member Champions. Officers updated on HRA Self Financing, explaining and plans for a paper at the next Meeting on the Income Strategy. The Overview and Scrutiny Committee could add value to this aspect before the matter was considered at the appropriate policy committees.

A Member provided a report back following his attendance at a Derbyshire County Council workshop on Scrutiny and Health Reforms. He reported on two presentations provided at the workshop by NHS Derby City and Derbyshire County and from the Centre for Public Scrutiny.

It was agreed to note the report on the work programme.

OS/10. **FUNDED VOLUNTARY ORGANISATIONS REVIEW**

Note: At 6.35 p.m. Councillor Mrs. Plenderleith left the Meeting and Councillor Atkin chaired this item.

A report was submitted, which confirmed the details of current funding provided to voluntary organisations and considered a proposed way forward with this review area. The current funding to nine voluntary organisations was subject to service level agreements. The organisations had a direct impact on the delivery of the Council's strategic objectives, either as enabling infrastructure organisations or through direct service delivery. The Council had representation on the Board of each of these organisations and monitoring and support was undertaken through the Community Partnerships Scheme.

Members were reminded of the review of the Shopmobility Scheme, which sought to understand more about the service that the voluntary organisation provided. This review had been undertaken using a task group, which reported its findings to the full Committee in January 2010. It was proposed to undertake similar reviews for each of the other funded voluntary organisations, again using task groups, with periodic reports to the full Committee. The Committee was asked to consider this proposal, the next organisation to be reviewed and to seek nominations for membership of the task group.

In response to Members' questions, there was discussion about how the reviews would be conducted and the nomination of Members to task groups, as some Members were involved in some of the organisations that currently received funding from the Council.

It was agreed:-

- (1) That the Funded Voluntary Organisations Review is included in the work programme for 2011/12.**

- (2) That the review is progressed using task groups, to meet with each of the voluntary organisations that the Council funds, to understand more about their operation and the value that they provide with periodic reports to the full Committee.**
- (3) That all Members of the Committee be invited to participate in the task groups, subject to research from Officers regarding potential conflicts of interest.**

N. ATKIN

CHAIRMAN

The Meeting terminated at 6.50 p.m.