

Date: 21 August 2023

Dear Councillor,

### **Overview and Scrutiny Committee**

A Meeting of the **Overview and Scrutiny Committee** will be held at **Council Chamber**, Civic Offices, Civic Way, Swadlincote, DE11 0AH on **Wednesday, 30 August 2023 at 18:00**. You are requested to attend.

Yours faithfully,



Chief Executive

To: **Labour Group**

Councillor S Bambrick (Chair), Councillor M Gee (Vice-Chair)  
Councillors A Jones, G Jones and L Mulgrew.

**Conservative Group**

Councillors N Atkin, A Kirke and D Muller.

## **AGENDA**

### **Open to Public and Press**

- 1** Apologies.
- 2** To receive the Open Minutes of the Meeting held on:  
  
23 November 2022 **3 - 6**
- 3** To note any declarations of interest arising from any items on the Agenda
- 4** To receive any questions by members of the public pursuant to Council Procedure Rule No. 10.
- 5** To receive any questions by Members of the Council pursuant to Council Procedure Rule No. 11.
- 6** REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) – **7 - 8**  
REPORT ON USAGE
- 7** HOUSING RELETS AND VOID PROPERTIES - Verbal Update
- 8** COMMITTEE WORK PROGRAMME **9 - 10**

### **Exclusion of the Public and Press:**

- 9** 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.
- 10** To receive any exempt questions by Members of the Council pursuant to Council Procedure Rule No. 11.

OVERVIEW AND SCRUTINY COMMITTEE

23 November 2022

**PRESENT: -**

**Labour Group**

Councillor Bambrick (Chair) and Stuart (Vice-Chair)  
Councillors Gee and L Mulgrew

**Conservative Group**

Councillors Atkin Hewlett and Muller

**In Attendance**

Councillor

OS/28 **APOLOGIES**

The Committee was informed that apologies had been received from Councillor Ackroyd (Conservative Group)

OS/29 **MINUTES**

The Open Minutes of Meetings held on 09 February 2022 and 15 June 2022 were noted and approved as true record and signed by the Chair.

OS/30 **DECLARATIONS OF INTEREST ARISING FROM ITEMS ON AGENDA**

The Committee was informed that no Declarations of Interest had been received.

OS/31 **QUESTIONS RECEIVED BY MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

The Committee was informed that no questions from members of the Public had been received.

OS/32 **QUESTIONS RECEIVED BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

The Committee was informed that no questions from Members of the Council had been received.

**MATTERS DELEGATED TO COMMITTEE**

OS/33 **EAST MIDLANDS AIRPORT PRESENTATION**

East Midlands Airport representatives attended the Committee meeting and delivered a presentation regarding general business updates, noise action plan and the airspace change project.

An East Midlands Airport representative advised the Committee that the last year business had seen a strong recovery from the Covid pandemic and in October 2022 that passenger volumes were at 84% of the 2019 volumes. It was noted that research commissioned earlier in the year in relation to nature of cargo travelling through the airport found that East Midlands Airport had either direct or indirect connectivity to major nodes of the global networks and that the movement of cargo served 75% of alpha cities and 50% of beta cities.

Members raised queries regarding the Freeport.

An East Midlands Airport representative informed the Committee that it was the only airport centred freeport in the country and would be part of a Tax site to encourage investment it was noted that the feedback regarding the Freeport Full Business Case was positive

An East Midlands Airport representative outlined the noise action plan 2019-23 noting that set controls within action plan were approved by secretary of state and that as it was the tail end of the action plan a review would begin at the beginning of 2023. The East Midlands Airport representative gave an overview of measuring and monitoring noise, aircraft technology that was driving quieter operations, reducing noise at source and the opportunities available to help the airport manage noise.

Members raised queries regarding night flights times, widening the parameters for noise monitoring in Melbourne and types of aircraft used for night flights.

The Committee was informed that throughout the year night flight times were between 23:00hrs and 07:00hrs and that the noise monitoring method would be carried out over a 12 month period and the monitoring and model were as accurate as possible. It was further noted that preferential runways were used for taking off which reduced the number of flights over Melbourne and that noise monitors had been placed in Melbourne, Kegworth and Castle Donnington to build up a better picture about how noise impacted on residents.

The Committee was advised during covid there was a big upsurge in capacity and for a period time old version jumbo jets were used but the airport was working hard with airlines so that it would only be temporary and advised that those aircraft would not routinely be in operation.

EMA \do have charging schemes for night flights and noiser aircrafts pay more.

The East Midlands Airport representative presented an overview of the airspace change timeline from 2019/2020 until 2027 onwards, which included flight paths and improved technology on aircraft.

The presentation concluded with the airports approach to corporate responsibility that included a commitment to a more sustainable future and playing a leading role in decarbonising the aviation sector. The Committee was informed of a number of sustainable projects the airport was involved with that included an Eco Garden competition with 25 schools and the National Wildlife Trust and the planting of 1,000 trees in new Cadley Park.

The Chair of the Committee and Members thanked the representative for attending the Committee and invited them to return for following year for an update.

OS/34 **COMMITTEE WORK PROGRAMME**

The Strategic Director (Corporate Resources) presented the Work Programme to the Committee. The Committee was advised that as concern had been raised regarding agency costs and vacant posts a report would be presented at the next Finance and Management Committee. The Chair of Overview and Scrutiny advised that he would attend Finance and Management Committee and request that an action plan be kept under review by Overview and Scrutiny.

**RESOLVED:**

***That the Committee considered and approved the updated work programme.***

OS/35 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RESOLVED:**

***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 would be 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 paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.***

OS/36 **EXEMPT QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11**

The Committee was informed that no exempt questions from Members of the Council had been received.

The Meeting terminated at 19:10 hours

COUNCILLOR S BAMBRICK

CHAIR

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<b>REPORT TO:</b>	<b>OVERVIEW AND SCRUTINY COMMITTEE</b>	<b>AGENDA ITEM: 06</b>
<b>DATE OF MEETING:</b>	<b>30 AUGUST 2023</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM</b>	<b>CHIEF EXECUTIVE</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>ARDIP SANDHU – 595715</b> <a href="mailto:Ardip.sandhu@southderbyshire.gov.uk">Ardip.sandhu@southderbyshire.gov.uk</a>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) – REPORT ON USAGE</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE:</b>

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## **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 1<sup>st</sup> January 2023.

## **3.0 Detail**

- 3.1 The Committee, on 5<sup>th</sup> 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 January 2023 to August 2023 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.



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<b>REPORT TO:</b>	<b>OVERVIEW AND SCRUTINY COMMITTEE</b>	<b>AGENDA ITEM: 8</b>
<b>DATE OF MEETING:</b>	<b>30 AUGUST 2023</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>CHIEF EXECUTIVE</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>DEMOCRATIC SERVICES</b> <a href="mailto:democraticservices@southderbyshire.gov.uk">democraticservices@southderbyshire.gov.uk</a>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>COMMITTEE WORK PROGRAMME</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: G</b>

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**1.0 Recommendations**

1.1 That the Committee considers and approves the 2023-24 work programme.

**2.0 Purpose of Report**

2.1 The Committee is asked to consider the work programme.

**3.0 Detail**

3.1 Attached at Annexe 'A' is a 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 2023/24																	Annexe A
Project	Committee Date																Responsible Head of Service / Strategic Director
	Jun-23		Aug-23		Oct-23		Nov-23		Jan-24		Feb-24		Mar-24				
	14		30		11		22	17		14		27					
Setting the Work Programme																	Strategic Director (Corporate Resources)
RIPA																	Head of Legal and Democratic Services
Budget Setting Approach 2024/25																	Strategic Director (Corporate Resources)
Draft 2024-25 General Fund Revenue Budget																	Strategic Director (Corporate Resources)
Draft 2024-25 HRA Budget																	Strategic Director (Corporate Resources)
Draft Captial Programmes 2024-25 to 2028-29																	Strategic Director (Corporate Resources)
TM Strategy & Prudential Indicators																	Strategic Director (Corporate Resources)
Captial Strategy																	Strategic Director (Corporate Resources)
Draft Medium Term Financial Strategy																	Strategic Director (Corporate Resources)
Housing Repairs and Maintenance Contractor																	Stategic Director (Services Delivery)
Housing Relets and Void Properties - Update																	Stategic Director (Services Delivery)
Section 106 Agreement Funding																	Stategic Director (Services Delivery)
Community Buildings																	Stategic Director (Services Delivery)
East Midlands Airport Update																	Strategic Director (Service Delivery)
Report to Committee																	Verbal Update / Presentation
Report to Task Group																	Public Meeting