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Date: 1 September 2015

Dear Councillor,

### **Overview and Scrutiny Committee**

A Meeting of the **Overview and Scrutiny Committee** will be held in the **Council Chamber**, on **Wednesday, 09 September 2015 at 18:00**. You are requested to attend.

Yours faithfully,

Chief Executive

To:- **Conservative Group**  
Councillor Mrs. Farrington (Chairman), Councillor Swann (Vice-Chairman)  
and Councillors Atkin, Mrs. Coe and Mrs. Patten

**Labour Group**  
Councillors Bambrick, Mrs. Stuart and Pearson.



## **AGENDA**

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

- 1** Apologies
- 2** To note any declarations of interest arising from any items on the Agenda
- 3** To receive any questions by members of the public pursuant to Council Procedure Rule No.10.
- 4** To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 5** DOMICILIARY DENTAL PROVISION IN DERBYSHIRE -  
PRESENTATION
- 6** SECTION 106 HEALTH BASED PLANNING CONTRIBUTIONS -  
VERBAL PRESENTATION
- 7** REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) – **3 - 4**  
QUARTERLY REPORT ON USAGE
- 8** WORK PROGRAMME 2015-16 **5 - 6**

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

- 9** The Chairman may therefore move:-  
That in accordance with Section 100 (A) of the Local Government Act 1972 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.



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<b>REPORT TO:</b>	<b>OVERVIEW AND SCRUTINY COMMITTEE</b>	<b>AGENDA ITEM: 7</b>
<b>DATE OF MEETING:</b>	<b>9<sup>TH</sup> SEPTEMBER 2015</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM</b>	<b>CHIEF EXECUTIVE</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>ARDIP KAUR – 595715 ardip.kaur@south-derbys.gov.uk</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) – QUARTERLY 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> June 2015.

## **3.0 Detail**

- 3.1 Full Council on 2<sup>nd</sup> March 2015 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 Corporate Management 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 June 2015 to August 2015 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>9<sup>th</sup> SEPTEMBER 2015</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>CHIEF EXECUTIVE</b>	<b>OPEN PARAGRAPH NO: N/A</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>TOVE CECILIA LINDGREN tove.lindgren@south-derbys.gov.uk (EXT. 5848)</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>WORK PROGRAMME 2015-16</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: N/A</b>

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## **1.0 Recommendations**

1.1 That the Overview and Scrutiny Committee considers its work programme and agrees the review area(s) for the next meeting.

## **2.0 Purpose of Report**

2.1 To enable the Committee to review and update its work programme.

## **3.0 Detail**

3.1 The Overview and Scrutiny Committee agrees an annual work programme, which is reviewed at each meeting. Attached at Annexe 'A' is the updated work programme for 2015/16. Members are asked to consider the work programme for future meetings and particularly the review areas to be included on the agenda for the next meeting.

3.2 Task Group Members are invited to give verbal updates.

## **4.0 Financial Implications**

4.1 There are no financial implications arising from this report.

## **5.0 Corporate Implications**

5.1 None arising directly from this report.

## **6.0 Background Papers**

6.1 Scoping documents for reviews and previous Committee reports.

## Overview &amp; Scrutiny Work Programme 2015/16

Project	Committee & Date	Jun-15		Sep-15		Oct-15		Nov-15		Dec-15		Jan-16		Feb-16		Mar-16		Apr-16		May-16		Responsible Head of Service
				24	9			21			9		20		10				23			
Annual Report				█															█			Legal and Democratic Services Manager.
Setting the Work programme				█																		Director of Finance and Corporate Services
Section 106 Health Based Planning Contributions					█			█		█		█		█				█				Director of Community and Planning
NHS Dental provision					█			█														Director of Community and Planning
Cemetery Provision								█														Director of Community and Planning
RIPA					█					█				█								Legal and Democratic Services Manager.
Electoral Services										█												Chief Executive
Fibre Optic Works								█														Chief Executive
Budget													█		█							Director of Finance and Corporate Services
Rent Arrears												█										Director of Finance and Corporate Services
Festival of Leisure													█									Director of Community and Planning
Community Grant Fund Process												█										Director of Community and Planning

## Key

Report to Committee

