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Date: 29 November 2016

Dear Councillor,

Overview and Scrutiny Committee

A Meeting of the **Overview and Scrutiny Committee** will be held in the **Council Chamber**, on **Wednesday, 07 December 2016** 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 Billings, Mrs. Coe and Mrs. Patten.

Labour Group
Councillors Bambrick, Dunn and Dr. Pearson.



AGENDA

Open to Public and Press

- 1** Apologies.
- 2** To receive the Open Minutes of the Meeting held on 19th October 2016.
Overview and Scrutiny Committee 19th October 2016 Open Minutes **4 - 7**
- 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) – QUARTERLY REPORT ON USAGE **8 - 9**
- 7** RECYCLING (Verbal presentation)
- 8** TELECARE PROVISION (Verbal presentation)
- 9** COMMITTEE WORK PROGRAMME REPORT **10 - 11**

Exclusion of the Public and Press:

- 10** 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.

- 11 To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.



OVERVIEW AND SCRUTINY COMMITTEE

19th October 2016

PRESENT:-

Conservative Group

Councillor Mrs Farrington (Chairman), Councillor Swann (Vice-Chairman)
and Councillors Billings and Mrs Patten

Labour Group

Councillor Dunn

In attendance

Councillor Atkin

OS/19 **APOLOGIES**

Apologies were received from Councillors Mrs Coe (Conservative Group),
Bambrick and Dr Pearson (Labour Group)

OS/20 **MINUTES**

The Open Minutes of the Meetings held on 22nd June 2016 and 7th September
2016 were taken as read, approved as a true record and signed by the
Chairman.

OS/21 **DECLARATIONS OF INTEREST ARISING FROM ITEMS ON AGENDA**

The Committee were informed that no declarations of interest from Members of
the Council had been received.

OS/22 **QUESTIONS RECEIVED BY MEMBERS OF THE PUBLIC PURSUANT TO
COUNCIL PROCEDURE RULE NO. 10**

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

OS/23 **QUESTIONS RECEIVED BY MEMBERS OF THE COUNCIL PURSUANT TO
COUNCIL PROCEDURE RULE NO. 11**

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

OS/24 **NATIONAL HEALTH SERVICE DERBY & BURTON HOSPITALS UPDATE**

Gavin Boyle, Chief Executive, Derby Teaching Hospitals and Alison Wynne, Director of Strategy and Partnerships, Burton Hospitals attended the Meeting and provided the Committee with an update on the organisation's collaborations plans.

Members raised queries relating to meeting the health needs resulting from housing / population growth, joint procurement, hospital choice, staffing numbers and Dementia Friendly information, points responded to by the NHS representatives.

The Chairman led Members in thanking Mr Boyle and Ms Wynne for their attendance and presentation.

OS/25 **EAST MIDLANDS AMBULANCE SERVICE UPDATE**

Annie Palmer, External Relations and Engagement Manager attended the Meeting and addressed the Committee, highlighting the organisation's actions aimed at improving its service provision. Apologies were proffered on behalf of Martin Watts, General Manager, who was unable to attend the Meeting at short notice.

Members raised queries regarding the number of ambulances in service, emergency call categories, the impact of calls referred by the 111 service and difficulties in attaining GP appointments and the eight minute response target, points Ms Palmer responded to.

The Chairman led Members in thanking Ms Palmer for her attendance and presentation.

Councillor Dunn, whilst welcoming the information relayed during the above presentations, queried the Committee's role in such matters and its relevance to the Committee. The Chairman stated that any health related matter fell within the remit of the Committee with its overview responsibility on behalf of South Derbyshire residents.

OS/26 **SECTION 106 CONTRIBUTIONS UPDATE**

The Director of Community and Planning Services, in conjunction with Nwando Umeh, Commissioning Manager – Primary & Community Services, of the NHS Southern Derbyshire Clinical Commissioning Group, provided the Committee with an update on the current Section 106 Contributions situation.

The Chairman queried how the process might be improved and it was agreed that funding needs within South Derbyshire would be reviewed in an attempt to allocate the outstanding funds. The Vice-Chairman noted progress made by Ms Umeh's predecessor in the post and the Committee's role in aiding the process. Ms Umeh commented that, in relation to Section 106 matters, South Derbyshire was one of the more engaged authorities in the county.

The Chairman thanked Ms Umeh for attending the Meeting.

OS/27 **FESTIVAL OF LEISURE**

The Director of Community and Planning Services delivered an update to the Committee, emphasising the joint aims of keeping net costs to a minimum and maximising community participation.

Members raised queries relating to the inclusion and engagement of other areas in the District, as well as the benefits of the revenue generated by those attending these local events, far outweighing costs incurred in their provision. The Director responded to these matters, also outlining plans for the 2017 event.

OS/28 **MEMBER IT PROVISION UPDATE**

The Director of Finance and Corporate Services presented the report to Committee. Members considered the report's content and discussed options as to how replacement iPads could be assessed by the Committee and delivered to the wider Member group.

RESOLVED:-

Members agreed that the option of replacing iPads with a more suitable device to meet the updated needs of Members be pursued.

OS/29 **TRIDENT MEETING UPDATE**

The Chairman provided feedback on the Trident meeting, reporting that residents had since reported positive outcomes.

Councillor Dunn, having noted the contents of the feedback, queried the situation regarding unit valuation at the Oaklands location, a point the Chairman stated could be raised at a future meeting with Trident. The Vice-Chairman emphasised the need to establish working relationships with such organisations and the role the Committee had in this endeavour.

OS/30 **STREETSCENE & RECYCLING / BULKY WASTE COLLECTIONS**

The Director of Housing and Environmental Services referred to the scoping documents circulated to Committee Members.

Members requested that the criteria of the reports be expanded to include options relating to a zero tolerance policy to littering, disposal costs (although it was noted that some of these fell outside the Council's remit), resource provision and fly tipping prevention / prosecution activities. Reports would be compiled relating to the above topics, for submission to the Committee at its December meeting.

OS/31 **COMMITTEE WORK PROGRAMME 2016-17**

The Committee considered and approved the updated work programme.

RESOLVED:-

Members considered and agreed the proposed Committee Work Programme for 2016/17.

OS/32 **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.

EXEMPT QUESTIONS FROM MEMBERS OF THE COUNCIL UNDER COUNCIL PROCEDURE RULE NO 11

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

The Meeting terminated at 8.05pm.

COUNCILLOR MRS FARRINGTON

REPORT TO:	OVERVIEW AND SCRUTINY COMMITTEE	AGENDA ITEM: 6
DATE OF MEETING:	7TH DECEMBER 2016	CATEGORY: DELEGATED
REPORT FROM	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	ARDIP KAUR – 595715 ardip.kaur@south-derbys.gov.uk	DOC:
SUBJECT:	REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) – QUARTERLY REPORT ON USAGE	REF:
WARD(S) AFFECTED:	All	TERMS OF REFERENCE:

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 1st September 2016.

3.0 Detail

- 3.1 The Committee, on 22nd June 2016 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 September 2016 to November 2016 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.

REPORT TO:	OVERVIEW AND SCRUTINY COMMITTEE	AGENDA ITEM: 9
DATE OF MEETING:	7th DECEMBER 2016	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	ROOPY PABLA (EXT.5848) CHRIS TYLER (EXT.5722)	DOC:
SUBJECT:	COMMITTEE WORK PROGRAMME	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: G

1.0 Recommendations

1.1 That the Committee considers and approves the updated work programme.

2.0 Purpose of Report

2.1 The Committee is asked to consider the updated work programme.

3.0 Detail

3.1 Attached at Annexe 'A' is an updated 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 Work Programme 2016/17														Annexe A								
Project	Committee & Date	Jun-16		Sep-16		Oct-16		Nov-16		Dec-16		Jan-17		Feb-17		Mar-17		Apr-17		May-17		Responsible Head of Service
			22		7		19				7		18		8		22					
Annual Report																						Legal and Democratic Services Manager.
RIPA																						Legal & Democratic Services Manager
Setting the Work programme																						Director of Finance and Corporate Services
Budget																						Director of Finance and Corporate Services
Festival of Leisure																						Director of Community and Planning
Street Scene																						Director of Housing and Environmental Services
Recycling/Bulky Waste Collections																						Director of Housing and Environmental Services
Derbyshire Community Health Provision																						Director of Community and Planning
Adult Care/Public Health																						Director of Community and Planning
Member IT Provision																						Director of Finance and Corporate Services
Voluntary Sector																						Director of Community and Planning
Section 106 Progress																						Director of Community and Planning
Domiciliary Dental Provision																						Director of Community and Planning
Ambulance Service																						Director of Community and Planning
Telecare Provision																						Director of Housing and Environmental Services
Member Training																						Director of Community and Planning / Legal & Democratic Manager
Dementia & Their Carers Public Meeting																						Director of Community and Planning
Local Provision of End of Life Care - Public Meeting																						Director of Community and Planning
Key																						
Report to Committee																						Verbal Update / Presentation
Report to Task Group																						Public Meeting