

HARBOROUGH DISTRICT COUNCIL

MINUTES OF THE MEETING OF THE RESOURCE AND PERFORMANCE SCRUTINY PANEL

held at the Sports Pavilion and Community Centre,

Recreation Ground, Coventry Road, Lutterworth, Leicestershire.

20<sup>th</sup> June 2013

commencing at 6.30p.m.

Present:

Councillor Bannister (Chairman)

Councillors: Mrs. Ackerley (Ex Officio), Galton, Golding (until 7.15p.m.), Graves (until 7.15p.m.),  
Holyoak, Knowles, Smith, Mrs. Wood.

Officers: A. Graves, V. Jempson, K. Mistry, E. O'Neill, M. Perris, S. Riley.

Apologies for absence were received from Councillors Dewes, King (Portfolio Holder for Planning, Community Safety and Environment) and Hall (substitute provided).

ELECTION OF CHAIRMAN FOR THE 2013/14 YEAR

It was moved by Councillor Golding and seconded by Councillor Smith that Councillor Bannister be elected Chairman for the 2013/14 year. There being no further nominations, it was

RESOLVED that: Councillor Bannister be elected Chairman for the 2013/14 year.

APPOINTMENT OF VICE-CHAIRMAN FOR THE 2013/14 YEAR

It was moved by Councillor Holyoak and seconded by Councillor Mrs. Wood that Councillor Dewes be appointed Vice-Chairman for the 2013/14 year. There being no further nominations, it was

RESOLVED that: Councillor Dewes be appointed Vice-Chairman for the 2013/14 year.

NOTIFICATION OF SUBSTITUTIONS

Councillor Smith substituted for Councillor Hall.

DECLARATIONS OF MEMBERS' INTERESTS

Councillor Mrs. Ackerley declared a personal interest in the report titled 'Proposed Amendments to the Regulation of Investigatory Powers Policy'. The nature of the interest was stated to be that she was a serving Magistrate.

AMENDMENTS TO THE REGULATION OF INVESTIGATORY POWERS (RIPA) POLICY

V. Jempson, temporary Principal Solicitor, introduced this report to the Panel and outlined the proposed changes to the RIPA Policy.

The Panel NOTED that:

- (i) the Council's RIPA Policy was last updated in February 2011. Since that date the Protection of Freedoms Act 2012 has come into force. Sections 37 and 38 of that Act,

- amends the Regulation of Investigatory Powers Act 2000 to require that, where an Authorising Officer has granted an authorisation for the use of directed surveillance or for the use of covert human intelligence sources, judicial approval will be required.
- (ii) the Council is required to make an application, without giving notice, to the Magistrates' Court. The Magistrates will give approval if and only if, at the date of the grant of authorisation or renewal of an existing authorisation they are satisfied that:
- (a) there were reasonable grounds for believing that obtaining the covert surveillance or use of a human covert intelligence source was reasonable and proportionate and that these grounds still remain.
- (b) the "relevant conditions" were satisfied in relation to the authorisation. Relevant conditions include that:
- the relevant person was designated as an Authorising Officer.
  - it was reasonable and proportionate to believe that using covert surveillance or a covert human intelligence source was necessary and that the relevant conditions have been complied with.
  - the grant or renewal of any authorisation or notice was not in breach of any restrictions imposed under section 25(3) of RIPA ( restrictions on the rank of the person granting the authorisation).
  - any other conditions provided for by an order made by the Secretary of State were satisfied.
  - if the Magistrates' Court refuses to approve the grant of the authorisation, then it may make an order to quash that authorisation.

The Panel asked questions about, and made comments on, the report. A summary of the discussion is provided below:

Question/Comment	Response
On how many occasions has the Council invoked its RIPA powers?	Zero.
The RIPA policy uses the phrases 'Judicial Approval' and 'Judicial Authorisation'. Are these different ways of expressing the same thing?	Yes.
Does the Council's SPOC Officer have to be employed directly by the Council. Could the Council's SPOC Officer be part of a post that is shared with another local authority?	The Chief Executive stated that she would investigate this question and report back to Members.

The Panel RESOLVED to recommend to the Executive that:

- (i) the RIPA policy be amended, as outlined in the report, to provide that any Authorising Officer who proposes to approve an application for the use of directed surveillance or for the use of a covert human intelligence source must immediately inform the Senior Responsible Officer who will then make arrangements for an application to be made to the Magistrate's Court. It is anticipated that the Senior Responsible Officer will authorise the Investigating Officer to attend the Magistrates' Court to make the necessary application.
- (ii) following the recent restructure of the Council's Corporate Management Team, changes need to be made to the Officers currently designated as Authorised Officers. It is suggested that the Authorised Officers should be the Chief Executive and the Corporate Directors. In addition, the flowchart contained within the Policy should be

amended to reflect the changes to the Senior Management Team as part of the restructure.

### CORPORATE PROPERTY STRATEGY AND ASSET REGISTER

S. Riley, Head of Financial Services and Section 151 Officer, introduced the report to the Panel.

The Panel NOTED that:

- (i) the Council is obliged, by statute, to make the best possible use of its assets. To this end, the Council had recently employed a Corporate Assets Manager. This post had recently undertaken a review of the Council's assets in order to ascertain how to obtain the best value for money of its assets.
- (ii) capital receipts obtained from the sale of property assets do not necessarily have to be ring-fenced for use on other property assets. These receipts may be used to support the capital programme in general or front-line services.

The Panel RECOMMENDED that:

- (i) in the interest of clarity, the acronym 'BREAM' referred to in the property strategy, should be expanded (Building Research Establishment Environmental Assessment Method).
- (ii) the following garage sites be declared surplus to the Council's requirements:
  - Main Street, Fleckney
  - Ashby Rise, Great Glen
  - St. Cuthbert's Avenue, Great Glen
  - Newcombe Street, Market Harborough (disused)
  - Paget Road, Lubenham
  - Home Close, Kibworth
- (iii) the Council should approve in principle the disposal of the sites listed above, at (ii), subject to appropriate consultation.
- (iv) The Settling Rooms building, Market Harborough, and the land on which it is located, be declared surplus to requirements. The Council should enter into discussions with any Interested Party.
- (v) the enacting of property disposals be delegated to the Corporate Property Officer (Chief Executive) in consultation with the Monitoring Officer, the Section 151 Officer and the Portfolio Holder for Finance and Assets without further referral back to Executive or Council. Before implementing this delegation, a report should be brought to the Constitutional Review Committee recommending appropriate parameters of delegation. These parameters should indicate at what financial level this delegation be appropriate.
- (vi) if assets are to be disposed of then regard should be given to the Community Right to Bid provisions of The Localism Act.
- (vii) the Corporate Property Strategy and Asset Register be forwarded to the Executive, with the Minutes of this Meeting appended.

### STREET CLEANSING REVIEW

M. Bradford, Service Manager for Contracted Services, provided the Panel with an overview of this report.

The Panel NOTED that:

- (i) As part of the Council's Transformation Programme in 2012, it was recommended that:  
*"...the frequency of street cleansing by zone be reviewed jointly with FOCSA although the recent community engagement survey has revealed that HDC residents are satisfied with the standard of service... in the current climate it is worth considering what reductions in street cleansing costs can be made with adversely impacting on the overall level of service directly..."*
- (ii) Street Cleansing is a statutory Local Authority function. Streets throughout the District have been delineated in Zones. Zones fall into broad categories according to land usage and volume of traffic. Each zone has a specific standard of cleanliness than needs to be achieved within specific time.

The Panel considered three options for revisions to the street cleansing service in Zone 7 locations and RECOMMENDED that: the scheduled service for Zone 7 cease and be replaced with a responsive, reactive service only (as set out in the report as 'Option 2').

MATTERS OF SPECIAL URGENCY

None received.

The Meeting ended at 8.20p.m.

Subject to approval by the Resource and Performance Scrutiny Panel