

Overview & Scrutiny Committee – 1 December 2022

Minutes of the meeting of the **Overview & Scrutiny Committee** held on **1 December 2022** when there were present:-

Chairman: Cllr Mrs J E McPherson

Cllr R P Constable
Cllr A H Eves
Cllr Mrs E P Gadsdon
Cllr J N Gooding
Cllr Mrs J R Gooding

Cllr R Lambourne
Cllr J R F Mason
Cllr R Milne
Cllr G W Myers

VISITING MEMBER

Cllr D S Efde

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs J E Newport, L J Newport, D W Sharp, M G Wilkinson and S A Wilson.

SUBSTITUTES

Cllr C M Stanley - for Cllr D W Sharp

OFFICERS PRESENT

T Lilley - Director, Communities & Health
N Lucas - Assistant Director, Resources
S Worthington - Principal Democratic & Corporate Services Officer

233 MINUTES

The Minutes of the meeting held on 8 November 2022 were approved as a correct record and signed by the Chairman.

234 2022/23 MID YEAR TREASURY MANAGEMENT REVIEW

The Committee considered the report of the Assistant Director, Resources providing an update on the Council's treasury management activity for the period 1 April – 30 September 2022.

In response to a Member asking for clarification around the figures set out in the table at paragraph 6.2 of the report, officers advised that this provided details of the cumulative impact of the Council's smaller investments and the corresponding amounts that had been brought back to the Council for cash management purposes. Interest rates were currently favourable and thus investments had made good returns for the Council.

Responding to a supplementary question as to whether the Council might make more longer term investments to take advantage of greater investment returns, officers advised that shorter term investments were made in order that the

Council had cash on hand when needed; liquidity was a high priority of the Council's treasury management strategy. The strategy was reviewed annually by this Committee and was also reviewed by the Council at budget setting time, but doesn't currently allow investments in excess of 1 year.

Officers confirmed, in response to a Member query, that it would be possible to include in future treasury management reports a glossary of acronyms.

In response to a Member question relating to the costs for consultancy advice on investments, officers advised that the Council had a 3-year contract for investment advice which had been procured via framework which assured value for money. The specific costs would be circulated to Members outside the meeting. It was further noted that the Council's modest investments did not warrant employing a dedicated officer with investments expertise.

Recommended to Council

That the contents of the treasury management mid year report be noted. (ADR)

(This was unanimously agreed.)

235 REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

The Committee considered the report of the Director of Communities and Health providing an update on the use of RIPA over the past year.

In response to Member questions the following points were noted:-

- Since 2017 the Department for Work & Pensions was responsible for investigating potential fraud relating to housing benefit or Universal Credit.
- RIPA would not be used in order to investigate fraudulent use of Council housing. The legislation was such that surveillance could only be granted for the prevention and detection of crimes that could result in a minimum imprisonment of 6 months; the regime was very restrictive. Fraudulent use of housing would be followed by way of interviews with residents, checks of the family situation, etc. The Council did not, of course, have any housing stock. More details of procedures for dealing with fraudulent use of housing would be provided to Members outside the meeting.
- The wording in paragraphs 3.7 and 6.1 (1) of the policy, on pages 7.7 and 7.10 of the report, would be clarified to Members outside the meeting relating to whether the 6 month criminal sentence was a minimum or maximum sentence.
- Fly tipping and graffiti would not necessarily be best dealt with by a reliance on CCTV. Community intelligence was the key to tackling these issues. There had been around 410 reported fly tipping incidents in the District during 2021/22 which was lower than other areas. As part of the #OneTeam

service reviews that would be undertaken there would be a service review of community safety which would look at staffing as part of the review.

- Although the Council had not exercised its powers under RIPA during 2021/22 it was important to have a policy and procedures in place.
- It was not illegal for residents to have bonfires. It was, however, challenging to establish whether or not such bonfires constituted a statutory nuisance and in order to do that such nuisance had to be witnessed first hand by a qualified officer.
- Cameras could not be used as evidence. There was a dedicated officer at BBC who had expertise in RIPA and CCTV whose contact details could be given to Members if they wanted further advice/information.
- The RIPA Monitoring Officer would be the Interim Director of People & Governance.
- National Enforcement Solutions, although not operating 24/7, nevertheless worked alongside BBC officers and were effective at investigating fly tipping. It wasn't necessary to be on site at the time of a fly tipping; National Enforcement Solutions staff were effective at investigating, sorting through rubbish that had been fly tipped with a view to future prosecution.

Resolved

That the Council's annual usage of RIPA be noted. (DCH)

236 TERMS OF REFERENCE OF THE COUNCIL'S FLOOD FORUM

The Committee received a verbal update from the Task & Finish Group on its work in respect of reviewing the terms of reference of the Council's Flood Forum.

The Task & Finish Group met on 15 November and was asked to look at key areas relating to flood management and whether there was proactivity and resilience in dealing with flood management and to examine the Council's relationships with the statutory bodies. It was noted that the Flood Forum brings together all relevant statutory authorities, including Essex County Highways, Essex County Council as the Flood Authority, the Environment Agency, Anglian Water and British Waterways Board. There was a general consensus at the meeting that the Council was more reactive with dealing with flooding after it had happened.

The Task & Finish Group was advised that at a meeting on 10 November it had been agreed to put forward a case for the appointment of a new member of staff leading on drainage and flood prevention. The Group had sent five key questions to the Emergency Planning Officer relating to flood management and agreed that these questions, together with the officer responses received,

would be circulated to the Committee outside the meeting.

The Group also looked at the Flood and Water Management Act 2010 and about flood and coastal erosion risk as the District has coastline and river estuaries within it. It looked at flood risk management within the context of the National Planning Policy Framework.

The Task & Finish Group considered it important that an accurate actions log be kept of all issues raised at Flood Forum meetings and with actions included on agendas to ensure that actions were followed up on. The Group was working on a range of recommendations that had to be feasible and affordable and a written report would come back to the Committee, once finalised.

237 KEY DECISIONS DOCUMENT

The Committee noted the content of the Key Decisions Document.

238 WORK PLAN

The Committee discussed and noted the work plan.

The meeting closed at 8.29 pm.

Chairman

Date

If you would like these minutes in large print, Braille or another language please contact 01702 318111.