
REPORTS FROM THE EXECUTIVE AND COMMITTEES TO COUNCIL

1 REPORT OF THE REVIEW COMMITTEE

Regulation of Investigative Powers Act 2000 (RIPA)

- 1.1 This item of business was referred by the Review Committee on 8 March 2011 to Full Council with a recommendation relating to approval of a revised RIPA Policy.
- 1.2 The role of the Review Committee is to provide a strategic overview of the Council's use of RIPA powers in terms of reviewing policy and considering quarterly and annual statistical reports. The existing policy needed to be revised as a result of Home Office revisions to the Code of Practice on covert surveillance and recommendations arising from the Council's inspection by the Office of Surveillance Commissioners in April 2008.
- 1.3 The Review Committee endorsed suggested revisions to the Council's policy.
- 1.4 It is proposed that Council **RESOLVES** that the revised 'Covert Surveillance Policy and Procedure Manual' (RIPA Policy), as attached at appendix 1, be approved.

Annual Report

- 1.5 The Constitution states that 'the Review Committee must report annually to Full Council on its workings and make recommendations for future work programmes and amended working methods if appropriate'.
- 1.6 At its meeting on 5 April 2011 the Review Committee approved its Annual Report for submission to Council.
- 1.7 It is proposed that Council **RESOLVES** to receive the Annual Report as attached at appendix 2. (HLEMS)

Covert Surveillance Policy and Procedure Manual

Pursuant to the Regulation of Investigative Powers Act 2000



This manual has been prepared to assist officers who undertake covert surveillance but is not intended to be an exhaustive guide

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Covert Surveillance Policy and Procedure Manual

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Guidance

1 Scope

- 1.1 This guidance applies to the planned deployment of Covert Surveillance or the use of Covert Human Intelligence Sources (CHIS) against specified individuals in such a manner as is likely to result in obtaining private information about the person. The following provisions relate therefore to the observation of specified individuals from a vehicle, foot surveillance, the setting up of covert observation positions, the use of equipment for the monitoring of specified individuals and the use of informants or undercover officers.

2 Background

- 2.1 Part II of the Regulation of Investigatory Powers Act 2000 (RIPA) provides a mechanism for public authorities to undertake certain investigative techniques in compliance with the Human Rights Act 1998.
- 2.2 The Home Office has issued revised Codes of Practice to provide guidance to public authorities on the use of RIPA to authorise covert surveillance that is likely to result in the obtaining of private information. The revised Codes of Practice are titled “Covert Surveillance and Property Interference” and “Covert Human Intelligence Sources”.
- 2.3 All Codes of Practice issued pursuant to section 71 of RIPA are admissible as evidence in criminal and civil proceedings. If any provision of the Codes appear to be relevant to a court or tribunal considering any such proceedings, or to the Investigatory Powers Tribunal established under RIPA, or to one of the Commissioners responsible for overseeing the powers conferred by RIPA, they must be taken into account.
- 2.4 This Procedure sets out the procedures that must be followed when the Council undertakes authorised covert surveillance and brings into effect a number of changes that have been implemented by the revised Codes. It is intended to be a best practice guide. This Manual is not intended to replace the Home Office Codes.
- 2.5 Those officers that intend to apply for an authorisation under RIPA must familiarise themselves with the appropriate Code of Practice as well as this Procedure.
- 2.6 The covert surveillance regulated by RIPA and covered by the above codes of practice is in three categories; intrusive surveillance, directed surveillance and covert human intelligence. The Act and Codes set up procedures for the authorisation of these activities. Although not unlawful to undertake covert surveillance without authorisation, obtaining an authorisation will ensure that the action is within the law and safeguards against abuse.
- 2.7 General observations which form part of the duty of normal enforcement does not fall within the scope of the Act e.g. a shop maybe covertly observed prior to being visited. Such observation may use binoculars or cameras to merely reinforce normal surveillance. Where it does not involve systematic surveillance of an individual, this forms part of the everyday functions of law enforcement and this low-level activity is not usually regulated by RIPA.

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- 2.8 The authorising officer should first satisfy themselves that the authorisation is necessary on particular grounds and that the surveillance is proportionate to what it seeks to achieve. Authorising and requesting officers should have regard to the Revised Code of Practice, paragraphs 3.3 - 3.6. This states that obtaining an authorisation will only ensure that there is a justifiable interference with an individual's Article 8 Rights if it is necessary and proportionate for these activities to take place.
- 2.9 It first requires authorising officers to believe that the authorisation is necessary in the circumstances of the particular case for the purpose of 'preventing or detecting crime or of preventing disorder'. Authorising officers should ask themselves if the evidence could be obtained in any other way? Is the surveillance operation really necessary to what the requesting officer is seeking to achieve? Should there be a less intrusive means of obtaining the information, then the authorisation should not be granted.
- 2.10 If the activities are considered necessary, the authorising officer must then satisfy himself that they are proportionate to what is sought to be achieved by carrying them out. He should consider the four elements of proportionality:
- i) balancing the size and scope of the operation against the gravity and extent of the perceived mischief,
 - ii) explaining how and why the methods to be adopted will cause the least possible intrusion on the target and others,
 - iii) considering whether the activity is an appropriate use of the legislation and the only reasonable way, having considered all others, of obtaining the necessary result, and
 - iv) evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented.

3 Covert Surveillance

- 3.1 Covert surveillance means surveillance, which is carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place. There are two categories of covert surveillance defined in RIPA: intrusive surveillance and directed surveillance.

Intrusive Surveillance

- 3.2 Covert surveillance is "intrusive surveillance" if it:-
- Is covert;
 - Relates to residential premises and private vehicles; and
 - Involves the presence of a person in the premises or in the vehicle or is carried out by a surveillance device in the premises or the vehicle. Surveillance equipment mounted outside the premises will not be intrusive, unless the device consistently provides information of the same quality and detail as might be expected if they were in the premises or vehicle. This is unlikely in the case of equipment such as a DAT recorder when used to assess noise nuisance but care must be taken in setting up of equipment and locating the microphone.

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- 3.3 This form of surveillance can therefore only be carried out by the police and other law enforcement agencies. Council Officers must not carry out intrusive surveillance.

Directed Surveillance

- 3.4 Directed surveillance, as defined in RIPA Section 26, is “directed surveillance” if it is undertaken:
- (a) For the purpose of a specific investigation or operation; and
 - (b) In such a manner as is likely to result in obtaining private information about a person (whether or not one specifically identified for the purposes of the investigation or operation); and
 - (c) Otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under this part to be sought for the carrying out of the surveillance.
- 3.5 Private information includes information about a person relating to his private or family life. Covert enforcement functions directed at shops or workplaces are unlikely to require authorisation unless it involves the systematic surveillance of an individual. Nor does it include surveillance carried out by way of immediate response to events that could not have been foreseen.

4 Covert Human Intelligence Sources (‘CHIS’)

- 4.1 If use of a CHIS is contemplated officers must familiarise themselves with the Code of Practice on Covert Human Intelligence Sources.
- 4.2 A CHIS is defined as a person who establishes or maintains a personal or other relationship with another person for the covert purpose of facilitating anything that:
- (a) Covertly uses such a relationship to obtain information or to provide access to any information to another person; or
 - (b) Covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.
- 4.3 A relationship is used covertly if, and only if, it is conducted in a manner calculated to ensure that the person is unaware of its purpose. This relationship is established or maintained specifically to obtain or provide access covertly to information about private or family life of another person. It also covers those activities where the relationship itself can be construed as an infringement of a person’s private or family life.
- 4.4 A member of the public making complaints or giving unsolicited information about individuals is outside the provisions of RIPA. However, someone might become a covert source as a result of a relationship with the case officer. For example when a member of the public is asked to monitor the occupation of a premise. The normal sampling or undertaking of test purchases from shops does not come under the scope of the Act.

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- 4.5 The Benefits Section may use a CHIS as part of their investigation of fraudulent claims of status or the occupation of accommodation. The Safety, Food and Licensing Unit may use a CHIS for licensing functions when undercover officers pose as members of the public and try to purchase services.

5 Authorisations

- 5.1 An authorisation for directed surveillance or the use or conduct of a CHIS, may only be authorised by the council on the following ground:

‘For the purpose of preventing or detecting crime or the prevention of disorder’.

The authorising officer must believe that:

- (a) The action is necessary on one or more grounds set out above; and
- (b) The surveillance is proportionate to what it seeks to achieve.

The Authorising Officer will be responsible for considering all applications for covert surveillance and for granting or refusing authorisations as appropriate. The Authorising Officer will also be responsible for carrying out reviews and ensuring that authorisations are renewed or cancelled where necessary.

- 5.2 The minimum office, rank or position of an Authorising Officer has been designated by the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010. For a local authority the Authorising Officer must be the Director, Head of Service, Service Manager or equivalent.
- 5.3 The Council should also have in place a back-up system for situations where the Authorising Officer is unavailable to grant a written authorisation and the situation becomes urgent. This will enable officers to identify the person who is able to give authorisations in the Authorising Officer's absence.
- 5.4 Wherever knowledge of confidential information, such as a doctor's report, is likely to be acquired through the directed surveillance, a higher level of authorisation is needed. In the City Council, this would be the Head or Paid Service (the Chief Executive) or the person acting as Head of Paid Service in his absence.
- 5.5 A list of those officers who have been nominated as Authorising Officers is given below.
- 5.6 It is also now recommended best practice that there should be a Senior Responsible Officer (SRO) in each public authority who is responsible for:
- The integrity of the processes in place to authorise directed surveillance
 - Compliance with RIPA and with the Codes of Practice
 - Engagement with the Commissioners and inspectors when they conduct their inspections, and
 - Where necessary, overseeing the implementation of any post-inspection action plans recommended or approved by a Commissioner.

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- 5.7 As the SRO for a local authority has to be a member of the corporate leadership team, the Senior Responsible Officer for this Council will be the Head of Legal, Estates & Member Services. He will also be responsible for ensuring that all authorising officers are of an appropriate standard in light of the recommendations or concerns raised in the inspection reports prepared by the Office of Surveillance Commissioners following their routine inspections.
- 5.8 The SRO will also undertake an annual audit of records and will be responsible for the day-to day quality control.
- 5.9 There is also now a requirement for elected members of the Council to review the use of RIPA and to set the policy on covert surveillance at least once a year. Therefore, the Review Committee will review this Policy every 12 months and will report to Full Council, should they be of the opinion that it is not fit for purpose or requires amendment.
- 5.10 The Review Committee will also consider the Council's use of RIPA every 3 months to ensure that it is being used consistently with the Council's Policy.
- 5.11 The Committee should not, and will not, be involved in making decisions on specific authorisations.

Working Code of Practice

6 Authority to Issue

- 6.1 Authorisations are only to be issued by those officers listed below:

Albert Bugeja (Head of Legal, Estates & Member Services) ext 3700

Nicholas Khan (Principal Solicitor) ext 3702

Following advice from the Assistant Surveillance Commissioner, the number of authorising officers has been limited as far as reasonably possible. Furthermore, the officers named above are based in the legal section which should ensure they are not too closely involved with the department requesting the authorisation.

In exceptional circumstances, where no named authorising officer is available, any Service Manager or more senior appointment is prescribed within legislation as an authorising officer. They would not however be permitted to authorise unless they have previously received relevant training.

- 6.2 Officers should not authorise their own activities except as a matter of urgency.

7 Urgent

- 7.1 Authorisations must be in writing unless urgent. When given orally a written record that the authorising officer has expressly authorised the action must be made in the case officers note book or case notes as soon as is reasonably practicable. This must be endorsed by the authorising officer and followed within seventy-two hours with a written authorisation as necessary. It will be rare that an authorisation would be given orally.

8 Information Provided

- 8.1 Any application for permission to conduct a covert operation must be in writing on the appropriate form. The forms listed below are standard forms for use by all public authorities that are listed in Schedule 1 of RIPA. The forms are an indication of the information required before an authorisation can be granted and are consistent with the requirements in the codes of practice. The Home Office recommends that all users of the form should add any information that is relevant to their organisation but avoid taking any information out of the forms.
- 8.2 Forms for the application, review, renewal or cancellation of authorisations are available in the Council's (G), shared, RIPA file.

Directed Surveillance

- DIRECT1 – Authorisation Directed Surveillance
- DIRECT2 – Review of a Directed Surveillance Authorisation
- DIRECT3 – Renewal of a Directed Surveillance Authorisation
- DIRECT4 – Cancellation of a Directed Surveillance Authorisation

Covert Human Intelligence Source

- CHIS1 – Application for Authorisation for the use or conduct of a Covert Human Intelligence Source
 - CHIS2 – Review of a Covert Human Intelligence Source Authorisation
 - CHIS3 – Application for Renewal of a Covert Human Intelligence Source Authorisation
 - CHIS4 – Cancellation of a Covert Human Intelligence Source Authorisation
- 8.3 A written application for authorisation must record:
- (a) The action to be authorised, including any premises or vehicles involved
 - (b) The identities, where known, of those to be the subject of surveillance;
 - (c) A full account of the investigation or operation;
 - (d) The grounds on which authorisation is sought (i.e. for the detection of crime or the protection of public health)
 - (e) How and why the investigation is both necessary and proportionate.
 - (f) Authorising Officer should state in his own words why the investigation is necessary and proportionate.
- 8.4 It is considered good practice for a simple sketch map of the immediate area of investigation, detailing specific observation points, location of monitoring equipment etc, to be appended to the application for authorisation. Further details on completing a written application for authorisation are contained in the Codes of Practice.

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9 Consideration

- 9.1 The investigating officer will keep notes during the initial stages of gathering intelligence. Such records will be held on the case file.
- 9.2 Requests to the authorising officer for authorisation to mount a covert operation will be subject to and based on, the intelligence gathered and recorded on the investigator's notes. The officer will consider if such an operation would assist to prevent, deter and secure evidence to bring offenders to court.
- 9.3 Responsibility for authorisation for a covert operation will be considered on the grounds that any operation is likely to be of value in connection with;
- ‘The prevention or detecting of crime or the prevention of disorder’.
- and that the proposed covert operation is a reasonable means of achieving the desired result. This must be balanced with the individual's rights under the Human Rights Act 1998.
- 9.4 Any authorisation must be on the basis that the activity is both necessary and proportionate. The Authorising Officer must also take into consideration the risk of intrusion into the privacy of persons other than those directly implicated in the operation or investigation (collateral intrusion)
- 9.5 Additional considerations with respect to the use of a CHIS are:
- their likely value as a source of information
 - assessment of any risks to them
 - the use of vulnerable individuals
 - juvenile sources i.e. under 18 years
- 9.6 For further guidance on these issues please see the Home Office code of practice on the use of Covert Human Intelligence Source.
- 9.7 If in doubt, ask the Senior Responsible Officer, Head of Legal, Estates and Member Services BEFORE any directed surveillance and/or CHIS is authorised, rejected, renewed or cancelled.

10 Duration of Authorisations

- 10.1 Authorisations for directed surveillance will cease to have effect three months from the day of issue and for the use of covert human intelligence sources, twelve months. The expiry date and time on the authorisation form will therefore always be three/twelve months from the date of authorisation, controlled by review and cancellation. Authorisations should be reviewed on a regular basis, using the appropriate form, to ensure that they are still necessary and proportionate.

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- 10.2 Authorisations can be renewed prior to their expiry providing the criteria in paragraph 5.1 is met. Applications for renewal must be in writing and the application and the decision, detailing the grounds for the renewal or refusal to renew or withdrawal of the authorisation.
- 10.3 When the case is closed prior to the authorisation expiring or covert surveillance is no longer required or meets the criteria for authorisation, whichever is the sooner, the authorisation must be cancelled by the authorising officer using the appropriate form.

11 Central Record of all Authorisations

- 11.1 The Senior Responsible Officer, Head of Legal, Estates and Member Services will maintain a central record of all authorisations granted, renewed or cancelled by the council. These records to be made available to the relevant Commissioner or an Inspector from the Office of Surveillance Commissioners, upon request.
- 11.2 Within one week of the relevant date, a copy of the application, review, renewal and cancellation form is to be placed in the RIPA Records File kept secure by the Secretary/Personal Assistant to the Head of Legal, Estates & Member Services.
- 11.3 Subject to paragraph 11.5 below, all records shall be retained for a minimum of three years to ensure that they are available for inspection by the Commissioner. Where there is a belief that the material relating to an investigation could be relevant to pending or future criminal or civil proceedings, it should be retained in accordance with the Criminal Procedure and Investigations Act 1996 and kept a period of at least five years.

12 Confidential Information

- 12.1 There are no special provisions under RIPA for the protection of “confidential information”. Nevertheless, special care needs to be taken where the subject of the investigation or operation might reasonably expect a high degree of privacy or where confidential information is involved.
- 12.2 Confidential Information can include matters that are subject to legal privilege, confidential personal information or confidential journalistic material.
- 12.3 In practice, it is likely that most of the surveillance authorised and carried out by the Council would not involve confidential information. However, where there is a possibility that the use of surveillance will enable knowledge of confidential information to be acquired e.g. conversations between a doctor and patient, a higher level of authority for such surveillance is required.
- 12.4 In cases where it is likely that knowledge of confidential information will be acquired, the use of covert surveillance is subject to a higher level of authorisation, namely by the Head of Paid Service (Chief Executive) or, in his/her absence, the Chief Officer acting as Head of Paid Service.
- 12.5 The Applicant should complete the application for authorisation of directed surveillance in the usual way, but with sufficient indication of the likelihood that confidential information will be acquired.

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12.6 At all times during any operation officers are to conduct themselves in a manner that will not breach

- The Human Rights Act 1998
- Regulation of Investigatory Powers Act 2000
- Data Protection Act 1998
- The Council's Enforcement Concordat
- This Guidance & Working Code of Practice
- Any code of practice issued by the Home Office

13 Complaints

13.1 There is provision under RIPA for the establishment of an independent Tribunal. This Tribunal will be made up of senior members of the legal profession or judiciary and will be independent of the Government.

13.2 The Tribunal has full powers to investigate and decide upon complaints made to them within its jurisdiction, including complaints made by a person who is aggrieved by any conduct to which Part II of RIPA applies, where he believes such conduct to have taken place in "challengeable circumstances" or to have been carried out by or on behalf of any of the intelligence services.

13.3 Conduct takes place in "challengeable circumstances" if it takes place:

- (i) with the authority or purported authority of an authorisation under Part II of the Act; or
- (ii) the circumstances are such that it would not have been appropriate for the conduct to take place without authority; or at least without proper consideration having been given to whether such authority should be sought.

13.4 Further information on the exercise of the Tribunal's functions and details of the relevant complaints procedure can be obtained from:

Investigatory Powers Tribunal
PO Box 33220
London
SW1H 9ZQ
020 7273 4514

13.5 Notwithstanding the above, members of the public will still be able to avail themselves of the Council's internal complaints procedure, where appropriate, which ultimately comes to the attention of the Local Government Ombudsman.

14 The Office of Surveillance Commissioners

- 14.1 The Act also provides for the independent oversight and review of the use of the powers contained within Part II of RIPA, by a duly appointed Chief Surveillance Commissioner.
- 14.2 The Office for Surveillance Commissioners (OSC) was established to oversee covert surveillance carried out by public authorities and within this Office an Inspectorate has been formed, to assist the Chief Surveillance Commissioner in the discharge of his review responsibilities.
- 14.3 One of the duties of the OSC is to carry out planned inspections of those public authorities who carry out surveillance as specified in RIPA, to ensure compliance with the statutory authorisation procedures. At these inspections, policies and procedures in relation to directed surveillance and CHIS operations will be examined and there will be some random sampling of selected operations. The central record of authorisations will also be inspected. Chief Officers will be given at least two weeks notice of any such planned inspection.
- 14.4 An inspection report will be presented to the Chief Officer, which should highlight any significant issues, draw conclusions and make appropriate recommendations. The aim of inspections is to be helpful rather than to measure or assess operational performance.
- 14.5 In addition to routine inspections, spot checks may be carried out from time to time.
- 14.6 There is a duty on every person who uses the powers provided by Part II of RIPA, which governs the use of covert surveillance or covert human intelligence sources, to disclose or provide to the Chief Commissioner (or his duly appointed Inspectors) all such documents and information that he may require for the purposes of enabling him to carry out his functions.

Important Note

This Procedure Manual has been produced as a guide only and is primarily based on the revised Codes of Practice on Covert Surveillance and Covert Human Intelligence Sources published by the Home Office. These Codes can be found at **www.homeoffice.gov.uk**.

For further information please contact Legal Services:

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Review Committee Annual Report 2010/2011



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2 Glossary

ECC	Essex County Council
LSP	Local Strategic Partnership
RIPA	Regulation of Investigatory Powers Act 2000
RRAVS	Rayleigh, Rochford and District Association for Voluntary Service

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3 Introduction

- 3.1 During the 2010-11 Municipal Year the Review Committee has considered a number of topics both as a whole Committee and in smaller teams reporting back to the main Committee once the team has completed its work. Details of the Reviews are outlined further on in this report.
- 3.2 In addition to the Committee's role to conduct Reviews it also has the duty to scrutinise decisions made by the Executive and during the year one item has been called in by the Committee for consideration. As part of this role the Committee study the Forward Plan on a monthly basis to consider whether there are any items requiring further investigation or monitoring by the Committee.

4 Local Strategic Partnership and Crime and Disorder Partnership

- 4.1 As part of the review of the Political Decision Making structure during the 2008/09 Municipal Year it was agreed that the Committee would look at the Local Strategic Partnership and also the Crime and Disorder Reduction Partnership.
- 4.2 The Chairmen of both of these partnerships attended the June 2010 meeting and provided an update on the two groups work. In December 2010 the Chairman of the Local Strategic Partnership attended the Committee to advise Members on the partnership's strategy following the reduction in its funding stream.

5 Overview of the Refuse Collection, Recycling, and Street Cleansing Contracts

- 5.1 Representatives of SITA UK attended the Committee in October 2010 and brought Members up to date with progress on the waste and street cleansing contracts.

6 Overview of the Forward Plan

- 6.1 Following on from last year, the Committee continued to look at the Forward Plan on a regular basis. A number of items were selected from the Plan and the relevant Executive Portfolio Holders were invited to attend Committee meetings to discuss the details behind proposed decisions.
- 6.2 The Committee has found this a useful way to explore the reasons behind decisions being made and to reduce the need to consider the call-in of a decision after it has been made.

7 Review of Area Committees

- 7.1 It was agreed by the Committee at its meeting in June 2010 that a project team would be formed to look into the Area Committees. The team obtained evidence from Members, the Parish/Town Councils and the public in their investigation. They also looked at other local Authorities to ascertain what alternatives there might be to the Area Committees.
- 7.2 The report was submitted to the January 2011 meeting of the Review Committee and recommendations produced.

8 Review of Surface Rainwater Drainage Systems – the Ownership and Maintenance of Ditches in the District

- 8.1 This review was instigated following concerns that came out of the flooding events that affected parts of the Country in 2007. Since the inception of the Review the findings from the Pitt Review have been published followed by the Government's response. This has resulted in two acts being passed, The Flood Risk Regulations 2009, and the Floods and Water Management Act 2010.
- 8.2 Under The Flood Risk Regulations 2009 a lead local flood authority is designated for an area. In the case of the Rochford District this is Essex County Council. The County Council has a duty to prepare a flood hazard map and also a flood risk map.
- 8.3 The Committee heard from the Flood Partnership Manager at ECC at its meeting of the 8 February 2011 and it was resolved to close the review and to invite the representative from ECC back in 2012 for an update.

9 Review of the Member Role on Outside Bodies/ benefit to the Council/Outside Body

- 9.1 This topic was selected as worthy of consideration during the June 2010 meeting of the Committee.
- 9.2 A small team was formed from the Committee to look at this topic with a final report submitted to and agreed at the February 2011 meeting. The Committee submitted recommendations to the Executive for consideration.

10 Capital Programme update – Open Spaces and Cherry Orchard Country Park – Call-In

- 10.1 In November 2010 the Review Committee decided to call-in a decision made by the Portfolio Holder for the Environment relating to funds from the Open Spaces Capital Programme being utilised for the provision of fencing at the Grove Woods play area.
- 10.2 Members of the Committee felt that the cost of this work was too high and, therefore, wished to find out more details about the proposed work.
- 10.3 Following detailed discussions with Portfolio Holders and Heads of Service during the December 2010 and January 2011 meetings the Committee recommended to the Portfolio Holder for the Environment that the decision be reconsidered.

11 Other items considered by the Committee

- 11.1 In September 2010 the Committee received a presentation from the Chief Officer of The Rayleigh, Rochford and District Association for Voluntary Service (RRAVS). Members had expressed an interest in hearing from representatives of the group when the Local Strategic Partnership attended the Committee.
- 11.2 The Committee received a presentation from the Chairman of the Rochford Hundred Association of Local Councils in July 2010 and this was followed by a presentation from the Essex Association of Local Councils in November 2010.
- 11.3 Rather than invite the Council's Leisure Contractor, Virgin Active, to a Committee meeting it was agreed that Members of the Committee would take a tour of the Authority's Leisure facilities. The tour took place in September 2010 and Members had the chance to visit the Rayleigh Leisure Centre, Mill Hall and Clements Hall.
- 11.4 In March 2011 the Committee considered a report from the Head of Legal, Estates and Member Services relating to the Regulation of Investigatory Powers Act 2000 (RIPA). It was agreed that the Committee would review the Council's use of RIPA and the policy on an annual basis in the future.

12 Topics for future work programme

- 12.1 The following topics are being forwarded as worthy of consideration by the Review Committee during the 2011/12 Municipal year:-
 - Annual Review of key partnership arrangements
 - Highways maintenance in the District
 - To monitor the Government's new legislation in respect of the health and well being agenda and what it will mean for the District Council.
 - Update on the Climate Change Agenda and a review of the Council's progress in this area.
 - Update on the operation of Choice Based Letting.
 - Allocation of disability grants.

13 Performance Measures

- 13.1 The Review Committee has previously agreed a set of performance measures. These are listed below with the results or comments linked to them.

1. Completion of Overview and Scrutiny work programme on time.

Project	Scheduled Completion date	Actual Completion date	Reason for extension of date
Review of Surface Rainwater Drainage Systems – the Ownership and Maintenance of Ditches in the District	Originally February 09 but project put on hold to await the Government response to the Pitt Review	Review Closed on 8 February 2011 in light of recent legislation and Essex County Council's role as lead flood authority for Essex.	see first column
Review of the Member Role on Outside Bodies/ benefit to the Council/Outside Body	March 2011	February 2011	
Review of Area Committees	March 2011	January 2011	

2. The percentage of Overview and Scrutiny recommendations approved/rejected/acted upon by the Executive.

During this Municipal year the Review Committee has submitted 2 reports to the Executive. 71% of the recommendations have been approved.

3. Number of external representatives involved in Overview and Scrutiny work per annum.

During this year the Committee has heard from representatives of five different external bodies in relation to the items that have been examined.

4. Number of items on the work programme suggested by the public or in response to issues raised through surveys, comments or complaints.

The Review of Area Committees was undertaken following requests from a number of Parish/Town Councils and included feedback from over 100 residents of the District.

5. Number of call-in notices received per annum.

One item has been called in by the Committee this municipal year.

6. The number of times that the Executive state that a decision is urgent and not subject to call-In.

During the year six decisions have not been subject to call-in.

7. Whether sufficient information is provided to witnesses about the Overview and Scrutiny process.

The responses from witnesses would indicate that they are happy with the information supplied to them prior to the meeting.

8. Witnesses' views of value added by Overview and Scrutiny meetings.

The response received would indicate that there could be value in making sure that the witness is fully briefed and understand what powers the Review Committee has.

9. What has changed as a result of the Overview and Scrutiny function?

Following the submission of the Review Committee's report on Area Committees the Executive agreed to replace such Committees with Community Forums. This will see a saving in the Council's budget of approximately £15,000 per annum. A new mechanism to enable residents to ask questions of Members has also been agreed following proposals put forward by the Committee.