

POLICY OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting: 8 March 2011

Present: Councillor G Morris (Chair)
Councillors A Barnes, Driver (substituting for H Steen),
Jackson, Kenyon, Milling, Morris and C Pilling
K Pilkington, Co-opted Member

In Attendance: Councillor Swain, Portfolio Communities
Fiona Meechan, Director Customer and Communities
Michael Riley, Communities Manager
Gemma Rooke, Community Engagement Officer
Sarah Blackwell, Solicitor
Tamzin Percival, Assistant Operations Manager
(Parks and Open Spaces)
Pat Couch, Scrutiny Support Officer

Councillor Robertson

In the absence of Councillor H Steen, Councillor Morris chaired the meeting.

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor H Steen.

2. MINUTES OF THE LAST MEETING

Resolved:

That the Minutes of the last meeting held on 18 January 2011 be agreed as a correct record and signed by the Chair.

3. DECLARATIONS OF INTEREST

Councillor Jackson declared an interest as Chief Executive of the Horse and Bamboo Theatre.

4. URGENT ITEMS OF BUSINESS

No urgent items were raised.

5. PUBLIC QUESTION TIME

There were no public present.

6. CHAIR'S UPDATE

The Chair indicated that the Tourism Strategy would be presented to the next

meeting, but clarification was requested for Members.

7. REGULATION OF INVESTIGATORY POWERS ACT – REVISED CODES OF PRACTICE

The Assistant Solicitor presented a report on the Regulation of Investigatory Powers Act Revised Code of Practice and made reference to the following.

In April 2010 the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 came into force and the Home Office issued two revised Codes of Practice. These required the Council to take certain action to implement new responsibilities in respect of its activities, authorised under the Regulation of Investigatory Powers Act 2000 (“RIPA”). The revised Codes of Practice were titled, “Covert Surveillance and Property Interference” and “Covert Human Intelligence Sources”.

The RIPA requires that when the Council undertakes directed surveillance or uses Covert Human Intelligence Sources for the purpose of the prevention or detection of crime, these activities must be authorised by an authorising officer.

Currently, the Director of Business was responsible for the day to day management of the Council’s functions in relation to RIPA. It was recommended that the Director of Business be appointed Senior Responsible Officer for the purposes of RIPA. There are also eight other Officers within the Council who were able to authorise covert surveillance.

Members were made aware that there were currently plans to ban the use of powers in RIPA by councils, unless signed off by a Magistrate. The Freedom Bill was expected to be laid before Parliament, which would introduce the Magistrates’ Courts approval process.

It was also stated within the Code of Practice, that as good practice, elected members should review the Authority’s Regulation of Investigatory Powers Act 2000 on a quarterly basis to ensure it was being used consistently and that the Policy remains fit for purpose. It was agreed that quarterly reports would be considered by the Performance Overview and Scrutiny Committee and that Cabinet review the Council’s RIPA Policy annually.

A number of questions were raised, to which the Council’s Assistant Solicitor responded as follows:

- Possibility of resource implications
- Was a quarterly review too excessive, taking into account the low number of 8 authorisations over the last three year, with none between April 2010 – March 2011.

Members agreed that it was essential that the Policy was in place should the Council require to use it.

Resolved:

1. The changes to the Council's Policy Statement be recommended to Council for approval and be adopted with immediate effect.
2. That the Director of Business be appointed as 'Senior Responsible Officer' for the purposes of RIPA and the Constitution be updated to reflect this.
3. That Policy Overview and Scrutiny Committee recommend that Cabinet be authorised to review the Council's RIPA Policy and the use of RIPA, annually and report to the Portfolio Holder, should they be of the opinion that it is not fit for purpose.
4. That the Committee recommend that Performance Overview and Scrutiny Committee be authorised to consider the Council's use of RIPA every quarter to ensure that it is being used consistently with the Council's Policy.
5. That the Committee recommend that all future amendments to the Policy be delegated to the Director of Business in consultation with the Portfolio Holder.

8. GRANTS FUNDING POLICY – Procedure and Terms of Reference

The Communities Manager presented a report which outlined the recommendations made by Cabinet on 26th January 2011, on the proposals for the development of robust, open and transparent criteria. This included guidance for applicants, application form, scoring matrix and evaluation panel for awarding and distribution of grant funding.

Applicants could apply for grant funding from £100 upwards and there were different application forms to complete, depending on the amount requested by the applicant.

The report and its appendices would be presented to Cabinet on 17th March for approval. The grants process would open on 21st March with completed applications received by 12 noon on 18th April, with recommendations of the evaluation panel to be submitted to Cabinet on 29th June for ratification.

The Communities Manager indicated that the timeline that they were working to was quite tight and Councillor Swain informed the Committee that there was a possibility of a further meeting being held between 20th May and 29th June to discuss grants.

Councillor Jackson had previously sent written comments to Members of the Committee on the proposed community grants system and application forms and she was thanked by the Committee for this useful information.

A number of questions were raised as follows, to which the Communities Manager responded:

- Issue around training for Members of the grant panel to ensure they are familiar with the scoring mechanism
- How would the membership of the panel be determined?
- The costs of administrating the grants
- Need to evaluate the process and how its working
- The need for a explanation letter to accompany the application forms
- Include with the application forms on the website, information on other grants which were available (LCC and grantfinder)

The Communities Manager agreed to incorporate into the grants process, some of the suggestions made by Councillor Jackson to help achieve a successful new grants system and process.

Resolved:

1. That the Policy Overview and Scrutiny Committee recommend to Cabinet the adoption of the revised grant allocation process with the inclusion of amendments/suggestions made by the Members of the Committee.
2. That the Policy Overview and Scrutiny Committee recommend to Cabinet that any further amendments to the grants process, including amendments to the Constitution, be delegated to the Director of Customer and Communities in consultation with the Portfolio Holder.
3. That Policy Overview and Scrutiny recommend to Cabinet that Performance Overview and Scrutiny Committee review the grants allocation on a six monthly basis.
4. That thanks be given to Councillor Jackson for providing the worthwhile and useful comments.

9. Cemetery Strategy

The Assistant Operations Manager for Parks and Open Spaces presented the Cemetery Strategy, which was aimed to guide future developments of cemeteries and bereavement services. The Strategy was intended as an internal working document that could be amended to reflect changes in trends and legislation.

The Council maintains four cemeteries across the Borough – Haslingden, Rawtenstall, Bacup and Whitworth, all of which have been subject of varying maintenance regimes, yet there has never been one comprehensive strategy guiding the longer term future of the cemeteries.

The Council also provides a bereavement service to assist customer with options available to remember loved ones. Whilst the Council provides an efficient and well respected burial service, it also provides alternative memorials and the creation of new ashes gardens.

Resolved:

1. That the Policy Overview and Scrutiny Committee recommend to Cabinet the adoption of the Strategy
- 2 The Committee recommend to Cabinet that all future minor amendments to the strategy to be delegated to the Director of Customer and Communities in consultation with the Portfolio Holder.

10. Memorials on Graves

The Assistant Operations Manager for Parks and Open Spaces presented information around the current issues faced with enforcing existing Cemetery rules and regulations, in particular those in relation to memorials on a grave. She also asked Members to consider options to enable agreement on the procedure for implementing/enforcing the cemetery rules and regulations.

In June 2010, the Committee expressed a preference to option 3 as follows;

To enforce existing cemetery rules and regulations for new graves and also for those graves which are re-opened for further interments. Additional memorials would be removed at a time of re-opening and grave owners would not be able to replace them.

In June 2010, the Committee recommended that this option be put forward, if accompanied by a revised interment form and bereavement services pack, with a defined date for commencing enforcement, which was agreed.

The Assistant Operations Manager indicated that the recent Equalities Act 2010 brought to light that if you are knowingly aware of obstructions to access then you may be seen to be discriminating. Members agreed that any challenges made under the Equalities Act 2010 or reported cases of accessibility issues where memorials remain on existing graves, should be dealt with on an individual basis.

Members asked whether the Council had a disability/access forum or group to assist with accessibility management, if not, it was suggested that one should be established.

It was also suggested that information should be included in the bereavement pack asking people with access difficulties to contact the Council.

If Cabinet approved the adoption of the enforcement then a suggested date for commencement was 4 April 2011.

Members thanked the Assistant Operations Manager for her work in producing the bereavement pack.

Resolved:

1. That the Committee agree the following enforcement option for approval by Cabinet

To enforce existing cemetery rules and regulations for new graves and also for those graves which are re-opened for further interments. Additional memorials would be removed at a time of re-opening and grave owners would not be able to replace them.

2. That consideration be given to establishing a disability/access forum or group to assist with accessibility management.
3. That a suggested date of 4th April 2011 be considered by Cabinet for the commencement of enforcement.
4. That any challenges concerning access under the Equalities Act 2010 be dealt with on an individual basis.

11. Forward Plan

The Scrutiny Support Officer presented the Forward Plan, indicating to Members that as this is the last meeting of the Committee in the Municipal year no suggestions should be made, as already coming to the next meeting were the following policies.

- Food Standards
- Shutter Policy
- Private Sector Housing Strategy
- Members Telephone Policy

It was agreed that the Scrutiny Officer circulate at meetings, the most up to date Forward Plan for Members to look at and suggest policies for presenting to future meetings.

The Chair thanked everyone for their attendance.

The meeting closed at 8.35pm

Signed

(Chair)

Date