

Minutes of: PERFORMANCE OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting: 28th January 2013

PRESENT: Councillor McInnes (Chair)
Councillors Ashworth (substitute for Knowles),
Fletcher, Morris, Procter, Shipley, Roberts

Irene Divine, Co-opted Member

IN ATTENDANCE: Phil Seddon, Head of Finance and Property Services
Brian Juffs, Managing Director, Rossendale
Transport
Matthew Parkes, Rossendale Transport
Brendan O'Reilly, Rossendale Transport
Stephen Stray, Planning Manager
Sarah Doherty, Assistant Solicitor
Councillor Lamb, Portfolio Holder for Operational
Services and Development Control
Councillor Marriott, Portfolio Holder for Finance and
Resources
Councillor Hughes
Councillor Oakes
Pat Couch, Scrutiny Support Officer

NB: The Chair asked Members for permission to alter the agenda, to enable people to attend a public meeting being held by Lancashire County Council in relation to the Bus Station

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Knowles.

2. MINUTES OF THE LAST MEETING

Resolved:

That the minutes of the meeting held on 19th November 2012, be approved as a correct record and signed by the Chair.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. URGENT ITEMS

There were no urgent items for discussion.

5. PUBLIC QUESTION TIME

The Chair agreed to deviate from the Procedure for Public Speaking and allow members of the public to ask questions as the reports were discussed.

6. CHAIR'S UPDATE

The Chair informed Members that at the last meeting, the Head of People and Policy agreed to send Members an update on some issues brought up at the meeting. These were circulated by email, but the Scrutiny Officer circulated hard copies at the meeting.

7. EXCLUSION OF THE PUBLIC AND PRESS

That the public and press be excluded from the meeting during consideration of the following item of business on the grounds that it involves the disclosure of exempt information relating to the financial or business affairs of any particular person (including the authority holding that information) under Part 1 Paragraph 3 of Schedule 12A to the Local Government Act 1972 and information which is subject to any obligation of confidentiality as defined in Part 1 Paragraph 3 of Schedule 12A to the Local Government Act 1972.

8. ROSSENDALE TRANSPORT LIMITED

Brian Juffs, Managing Director of Rossendale Transport provided information on the background of the Company and remedial action to address the present issues.

A number of questions were raised, which the Managing Director responded.

Resolved:

That the Committee noted the information received.

9. REGULATION OF INVESTIGATORY POWERS ACT (RIPA)

The Assistant Solicitor presented the update report on the Regulation of Investigatory Powers Act 2000.

The Council has a number of statutory functions which involves officers investigating the conduct of others with a view to bringing legal action against them. These functions include investigating flytipping, noise nuisance control, planning contraventions, benefit fraud, licensing and food safety legislation.

Whilst the majority of investigations are carried out openly, some investigations must be carried out using covert surveillance techniques.

The Regulation of Investigatory Powers Act regulates the authorisation and monitoring of these investigations to safeguard the public from unwarranted intrusion of privacy.

For the period from 1st August to 31st December 2012, the Council had authorised use of RIPA on one occasion. No requests had been refused.

The authorisation was carried out over a period of one week to obtain evidence to support a benefit fraud investigation. This involved officers carrying out observations in a vehicle parked outside a residential property to establish whether a benefit claimant claiming to live as a single parent was in fact living with her partner. Surveillance evidence was obtained and a prosecution was now being considered.

On 1 November 2012 two significant changes came into force which affect how local authorities use RIPA:-

- Approval of Authorisations under RIPA by a Magistrate: The amendments in the Protection of Freedoms Act 2012 mean that local authority authorisations under RIPA for the use of particular covert techniques can only be given effect once an order approving the authorisation has been granted by a Magistrate.
- Directed surveillance crime threshold: Amendments to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010, means that a local authority can now only grant an authorisation under RIPA for the use of directed surveillance where the local authority was investigating particular types of criminal offences. These are criminal offences which attract a maximum custodial sentence of six months or more or criminal offences relating to the underage sale of alcohol or tobacco.

A number of questions were raised by Members which the Assistant Solicitor responded.

Resolved

That the Performance Scrutiny Committee noted the Council's use of RIPA powers for the period 1st August 2012 to 31st December 2012.

10. PERFORMANCE UPDATE – Local Plan part 2 – Allocations Development Plan Document and Community Infrastructure Levy

The Planning Manager presented an update, requested by the Committee at its meeting in November, in relation to amber targets with the Council's business plan. Slippage in progress had occurred due to there being more changes needed to the Urban Boundary and Green Belt boundaries than had been anticipated, a reduction in staffing levels, due to two staff leaving the Council and a higher level of response to the

consultation than had been anticipated resulting in an extension to the consultation period.

However, the Council was in a fortunate position when compared to other local authorities, of having adopted the Rossendale Core Strategy in November 2011, and therefore has an up to date overall development strategy. The next stage was to prepare a Local Plan (part 2), covering Site Allocation and Development Management and if appropriate a Community Infrastructure Charging Schedule. This was a new levy that local authorities in England and Wales can choose to charge on new developments in their area. The money can be pooled and then used to support development by funding infrastructure that the council, local community or neighbourhood wants - for example, new or safer road schemes.

The Planning Manager gave an overview of the consultation exercise 'call for sites', which was undertaken to understand the interest there was from developers and landowners in bringing sites forward that they wished to be considered for development in Rossendale.

The Forward Planning team had then prepared a criteria based approach to considering where boundary changes may be acceptable to meet all the development needs of the borough which were then consulted on. A 3 phased consultation of proposed boundary changes had now been completed, having regard to the criteria previously agreed. There was a high response to the consultation, with well in excess of 400 making representation. The data is now being input by the Forward Planning team.

The Forward Planning team was currently reviewing the Local Development Scheme, which sets out the timetable for producing the Rossendale Local Plan and identifies which documents the Council intends to produce as part of its Local Plan.

A number of questions were raised by Members, which the Planning Manager responded.

Resolved:

That the information be noted.

The meeting commenced at 6.30pm and closed at 8.10pm

Signed
(Chair)

Date