

CULTURE AND COMMUNITIES SCRUTINY PANEL

A meeting of the Culture and Communities Scrutiny Panel was held on Thursday 26 January 2023.

PRESENT: Councillors Councillor Chris McIntyre, G Wilson (Vice-Chair), C Dodds, D McCabe, M Nugent, J Rostron, Z Uddin and D Branson

PRESENT BY INVITATION: Councillors

ALSO IN ATTENDANCE: E Craigie (Teesside Live)

OFFICERS: Susie Blood and Ann-Marie Johnstone

APOLOGIES FOR ABSENCE: R Arundale

22/28 DECLARATIONS OF INTEREST

There were no Declarations of Interest received at this point in the meeting.

22/29 MINUTES - CULTURE AND COMMUNITIES SCRUTINY PANEL - 17 NOVEMBER 2022 AND 15 DECEMBER 2022

The minutes of the Culture and Communities Scrutiny Panel held on 17 November 2022 and 15 December 2022 were submitted and approved as a correct record.

22/30 REGULATION OF INVESTIGATORY POWERS ACT (RIPA) - OVERVIEW

The Chair welcomed The Interim Head of Strategy, Information and Governance, Ann-Marie Johnstone to the meeting to provide the panel with an update on the Surveillance Policy.

The Interim head of service outlined that the Regulation of Investigatory Powers Act 2000 (RIPA) is the law governing the use of surveillance techniques by public authorities, including local authorities.

RIPA was enacted as part of a suite of legislation flowing from the Human Rights Act. The Act requires that when public authorities need to use covert techniques to obtain information about someone, they only do so if surveillance is necessary, proportionate and compatible with human rights.

The Act and supporting guidance set out a prescribed process that the Council must comply with if it deems that it is necessary to exercise its powers under RIPA.

For Public Authorities, there is an option to exercise powers under RIPA, where it meets the tests of necessity, proportionality and compatibility with the Human Rights Act, in relation to the following suspected offences:

- a suspected offence could result in a custodial sentence of more than 6 months,
- or where it is suspected that alcohol or cigarettes are being sold to children,

Where approval was given by a magistrate, covert surveillance can then be

undertaken. The Council has not exercised its powers under RIPA since 2019.

The Interim Head of service stated that the Council has in place a Surveillance Policy which sets out how the Council would process an application under RIPA. This policy is reviewed by the Executive Member for Finance and Governance on an annual basis. It was last reviewed in December 2022.

The policy applies to all overt and covert surveillance undertaken by or on behalf of the Council. The policy includes not only RIPA based surveillance but also defines the grounds on which the Council would consider that it has legitimate reasons to conduct surveillance for grounds other than RIPA and the processes that must be complied with before any surveillance can be undertaken. The Surveillance policy identifies that the Council may determine it has a need to carry out covert surveillance to progress investigations outside of the RIPA framework, where (i) while significant, the matters under investigation may not typically result in criminal proceedings, or (ii) the potential criminal offence(s) under investigation are likely to attract a penalty below the RIPA threshold.

Examples of such instances include but are not limited to:

- suspected benefit fraud;
- children at risk as court orders are not being respected;
- serious cases of anti-social behaviour; or
- contractors failing to carry out contracted works.

The policy applies to all Council employees and any other party undertaking surveillance on behalf of the Council by contract.

The officer outlined that the information on the use of RIPA is also reported to Corporate Affairs and Audit Committee on an annual basis as part of the Senior Information Responsible Officer (SIRO) report.

Following the presentation, the head of service advised that the council has used the RIPA powers once on 2018 and again in 2019 and was generally used by public protection and the police.

AGREED- that the update be noted and the panel received their annual update in the municipal year 2023/24

22/31 **MUSEUM SERVICE- TERMS OF REFERENCE**

The Chair advised that following discussion with the service area, the review of the museum service would be deferred and included within the work programme for the next municipal year.

22/32 **OFF ROAD BIKES**

The Democratic services officer presented the final draft report on off road bikes.

The panel were pleased to hear of the good work being undertaken by Cleveland police and partners.

After consideration of the draft recommendations, the panel wished to include an additional recommendation relating to planning, to ensure the police are included in pre planning of new estates. After a discussion with the Head of Planning, the panel were informed that Cleveland Police's Security by design officer is involved in

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planning applications both at pre application stage and when the application is submitted.

After seeking clarification, the following recommendations were agreed:

- A) That greater awareness is made to councillors and the general public on the dangers of off road bikes. The panel recommend that all ward councillors are provided with Cleveland police's crimestoppers/ off road bike posters to promote within their community and social media sites.
- B) That Cleveland police provide the posters to the Council's stronger community team so that these can be placed on social media sites and within the lovemiddlesbrough magazine.
- C) That the excellent partnership work with Cleveland Police and the Council continue and that the panel receive an update on Operation Endurance/ Edmondson 6 months after recommendations have been endorsed.

AGREED-

- That the recommendations of the report be agreed.
- That the draft report be submitted to the Overview and Scrutiny Board for approval before being submitted to Executive for endorsement.

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CHAIR'S OSB UPDATE

The Chair provided a verbal update on the discussions raised at the overview and scrutiny board on 12 January 2023.

AGREED- That the update be noted.

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ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.

Future meetings

The Chair advised that the February meeting would be cancelled and the next meeting of the panel would take place on Thursday 23 March 2023.