

Committee: OVERVIEW AND SCRUTINY	Date: 5 October 2010	Classification: Unrestricted	Report No.	Agenda Item No. 6.1
Report of: Assistant Chief Executive		Title: Cabinet Decision Called-in: Enforcement Policy and RIPA		
Originating Officer(s): Amanda Thompson Team Leader, Democratic Services		Wards: All		

1. SUMMARY

- 1.1 The attached report of the Assistant Chief Executive, Legal Services, was considered by the Cabinet on 8 September 2010 and has been "Called In" by Councillors Tim Archer, Craig Aston, Peter Golds, David Snowden and Gloria R Thienel for further consideration. This is in accordance with the provisions of Part Four of the Council's Constitution.

2. RECOMMENDATION

- 2.1 That the Committee consider the contents of the attached report, review the Cabinet's provisional decisions arising and decide whether to accept them or refer the matter back to Cabinet with proposals, together with reasons.

Local Government Act, 1972 Section 100D (As amended)

List of "Background Papers" used in the preparation of this report

Brief description of "background paper"

Cabinet report - 8 September 2010

Name and telephone number of holder
and address where open to inspection

Amanda Thompson
02073644651

3. THE CABINET'S PROVISIONAL DECISION

3.1 The Cabinet after considering the attached report provisionally agreed:-

1. That, subject to (a) below, the enforcement policy contained in Appendix 1 to the report (CAB 041/101), be approved:

(a) Annex 1 "Policy on the use of Covert Surveillance Regulation of Investigatory Powers Act 2000", Section 4 "Priorities", Paragraph 4.3 list of Council's current priorities for the use of RIPA to be revised to include all licence breaches.

2. That Full Council be recommended to amend the Council's Constitution so that the Terms of Reference of the Standards Committee includes oversight of enforcement action as part of its ethical governance function; and

3. That the Members Development Programme be modified to include training for members of the Standards Committee in respect of the Authority's Enforcement Policy and specifically aspects relating to the Regulation of Investigatory Powers Act 2000 (RIPA) dealing with surveillance.

4. REASONS FOR THE 'CALL IN'

4.1 The Call-in requisition signed by the five Councillors listed above gives the following reasons for the Call-in:

'Concerns regarding this policy and in particular the oversight by Standards Committee'.

5. ALTERNATIVE COURSE OF ACTION PROPOSED:

5.1 The Councillors submitting the Call-in requisition have proposed the following alternative course of action:

'Member oversight should be by the Overview and Scrutiny Committee'.

6. CONSIDERATION OF THE "CALL IN"

6.1 The following procedure is to be followed for consideration of the "Call In":

- (a) Presentation of the "Call In" by one of the "Call In" Members followed by questions.
- (b) Response from the Lead Member/officers followed by questions.
- (c) General debate followed by decision.

N.B. – In accordance with the Overview and Scrutiny Committee Protocols and Guidance adopted by the Committee at its meeting on 5 June, 2007, any Member(s) who presents the "Call In" is not eligible to participate in the general debate.

6.2 It is open to the Committee to either resolve to take no action which would have the effect of endorsing the original Cabinet decisions, or the Committee could refer the matter back to the Cabinet for further consideration setting out the nature of its concerns and possibly recommending an alternative course of action.