

## Regulation and Review Committee

**Thursday, 19 October 2023**

Present: Councillor D Drummond (Chair)  
Councillors L Bartoli, E Darke, T Mulvenna, J O'Shea,  
J Shaw and J Wallace

Apologies: Councillors John Hunter, V Jamieson and  
M Thirlaway

### **RQ1/23 Appointment of Substitute Members**

There were no substitute members reported.

### **RQ2/23 To receive any Declarations of Interest and Notification of any Dispensations Granted**

There were no declarations or dispensations reported.

### **RQ3/23 Minutes**

**RESOLVED** that the minutes of the meeting held on 24 February 2022 be confirmed and the minutes of the panel meetings held on 10 February 2022, 24 March 2022, 21 April 2022, 22 June 2022, 6 October 2022, 12 January 2023, 9 February 2023, 30 March 2023, 20 April 2023, 27 July 2023 and 14 September 2023 be noted.

### **RQ4/23 Annual Review of Council Policy on Covert Surveillance**

The Committee received a report in relation to the Annual Review of Council Policy on Covert Surveillance (the Policy). In accordance with the Codes of Practice applying to the Regulation of Investigatory Powers Act 2000 (RIPA) the Authority's Policy was subject to annual review. A copy of the draft policy was appended to the report.

RIPA placed covert surveillance on a statutory basis and enabled certain public authorities, including local authorities, to carry out surveillance operations with statutory protection from legal challenge. This protection was often referred to as the “RIPA shield”. RIPA provisions could only be used to authorise surveillance activities to detect and prevent serious crime and the two authorising officers of the Authority were required to seek judicial approval from the Magistrates’ Courts before any surveillance was undertaken.

The Members were informed that three covert techniques were available to local authorities under RIPA:

- The acquisition and disclosure of communication data such as telephone billing information or subscriber details e.g. to tackle rogue traders
- Direct surveillance – covert surveillance of individuals in public places e.g. to tackle criminal activity arising from anti-social behaviour; and
- Covert human intelligence sources such as deployment of undercover officers.

Regulation and Review Committee were requested to consider the draft policy and to recommend the Policy to Cabinet for consideration on 27 November 2023.

The current Policy was approved by Cabinet in November 2022 and is subject to annual review. Following a review by officers, amendments had been made the Policy to reflect organisational changes and revised reporting lines which have been put in place within the organisation. All other aspects of the previously adopted policy remained fit for purpose.

It was noted that the Codes of Practice indicates that, in addition to an annual review of the general surveillance policy, a local authority should consider internal reports on the use of RIPA at least quarterly to ensure that it was being used consistently in compliance with the Authority’s policy.

The Committee was informed that organisations using RIPA are subject to regular inspection by the Investigatory Powers Commissioner’s Office (IPCO). The Authority received a virtual online inspection visit from the IPCO on 12 September 2023. The purpose of the inspection was to examine the policies, procedures, operations, and administration the Authority has in place in relation to the use of directed surveillance and covert human intelligence sources.

The outcome of the inspection was very supportive of the Authority’s actions to manage its

responsibilities under RIPA. The Inspector made no recommendations in relation to the Authority's Covert Surveillance Policy and commented on the Authorities recent authorisations as "well formed".

It was **agreed** to note the report and recommend the proposed Policy to Cabinet for adoption.

### **RQ5/23      Annual Corporate Complaints Report 2022/23**

The Committee received a report which summarised activity from the Annual Complaints Report 2022/23. It was noted that the Authority publishes an Annual Corporate Complaints report which summarises the closed, registered complaints it has received. The next report to be published is for the year April 2022 to March 2023 and is due to be considered by the Authority's Cabinet on 27 November 2023. Regulation and Review Committee was recommended to note the contents of the report.

It was noted that North Tyneside Council serves over 208,000 residents and delivers millions of individual services and transactions each year, including those to businesses and visitors.

The total number of registered complaints and service requests decreased from 1,825 in 2021/22 to 1,616 in 2022/23. The number of complaints investigated by the Authority in 2022/23 was 645, comparative to 647 in the previous year.

Of the 645 complaints investigated in 2022/23, 50% were related to housing and property services. The reasons for complaints were most frequently related to the time taken to receive a service; communication; and disagreement with a decision made by the Authority.

The Committee heard that 38 cases had been received by the Local Government and Social Care Ombudsman in 2022/23. Of these cases, 11 were investigated, with the Ombudsman upholding 10 of these cases.

It was highlighted that all completed corporate complaints should capture any lessons learned. Several changes were made to procedures and services during the year. This has included:

- New guidance to ensure the views of children and families is better captured in assessments;
- Increased litter bin provision;
- New procedures to ensure a zero-tolerance approach to damp and mould in council homes and properties; and
- Reviewed and refreshed the governance framework for complaints and in early 2024, a new complaints management IT system would be introduced which will provide improved information for service teams.

It was noted that there was a new process in place for determining whether a complaint should be progressed to stage three of the corporate complaints procedure, which involved a review of the case at stages one and two by the Senior Complaint Manager, Head of Service and Assistant Chief Executive. Stage three of the complaints process involved a review of the case by the Regulation and Review Committee, providing the Authority's final response on the matter. Members were informed that this may increase the number of referrals to the committee for the remainder of the municipal year.

It was noted that in November 2023, consultation would open in relation to a new Joint Complaint Handling Code, to be live from April 2024. This joint code promotes the use of a two stage complaints code, as additional stages have been found to be confusing.

It was **agreed** to note the contents of the report.