

# STANDARDS (ADVISORY) COMMITTEE

---

Tuesday, 14 April 2015 at 7.30 p.m.

Committee Room 1, 1st Floor, Town Hall, Mulberry Place, 5 Clove  
Crescent, London E14 2BG

This meeting is open to the public to attend.

**Members:**

Chair: Matthew William Rowe

Vice-Chair: Eric Pemberton

John Pulford MBE, Patrick (Barry) O'Connor, Salina Bagum, Councillor Gulam Kibria Choudhury, Councillor Amy Whitelock Gibbs, Councillor Danny Hassell, Councillor Abjol Miah, Councillor Joshua Peck, Councillor Mohammed Mufti Miah, Councillor Andrew Wood, Nafisa Adam and Mike Houston

**Observers:**

Elizabeth Hall (Independent Person) and Ezra Zahabi (Reserve Independent Person)

**Deputies:**

Councillor Amina Ali, Councillor Julia Dockerill, Councillor Marc Francis, Councillor Rachael Saunders, Councillor Craig Aston and Councillor Chris Chapman

The quorum for this body is 3 of the total membership including at least one Councillor and one Co-opted member.

**Contact for further enquiries:**

Elizabeth Dowuona, Democratic Services,  
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG  
Tel: 020 7364 4207

E-mail: [elizabeth.dowuona@towerhamlets.gov.uk](mailto:elizabeth.dowuona@towerhamlets.gov.uk)

Web: <http://www.towerhamlets.gov.uk/committee>

Scan this code  
for an  
electronic  
agenda:



## Public Information

### **Attendance at meetings.**

The public are welcome to attend meetings of the Committee. However seating is limited and offered on a first come first served basis.

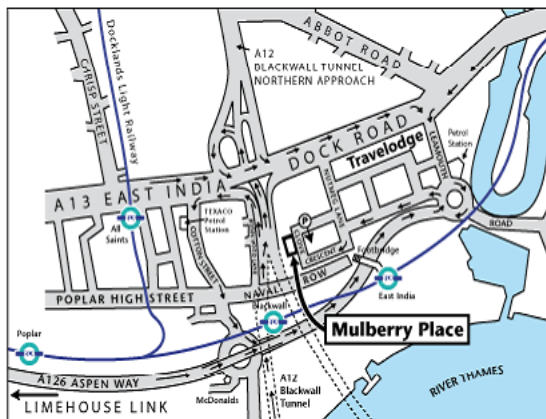
### **Audio/Visual recording of meetings.**

Should you wish to film the meeting, please contact the Committee Officer shown on the agenda front page.

### **Mobile telephones**

Please switch your mobile telephone on to silent mode whilst in the meeting.

### **Access information for the Town Hall, Mulberry Place.**



**Bus:** Routes: 15, 277, 108, D6, D7, D8 all stop near the Town Hall.

**Docklands Light Railway:** Nearest stations are East India: Head across the bridge and then through complex to the Town Hall, Mulberry Place Blackwall station. Across the bus station then turn right to the back of the Town Hall complex, through the gates and archway to the Town Hall.

**Tube:** The closest tube stations are Canning Town and Canary Wharf

**Car Parking:** There is limited visitor pay and display parking at the Town Hall (free from 6pm)

If you are viewing this on line: ([http://www.towerhamlets.gov.uk/content\\_pages/contact\\_us.aspx](http://www.towerhamlets.gov.uk/content_pages/contact_us.aspx))

### **Meeting access/special requirements.**

The Town Hall is accessible to people with special needs. There are accessible toilets, lifts to venues. Disabled parking bays and an induction loop system for people with hearing difficulties are available. Documents can be made available in large print, Braille or audio version. For further information, contact the Officer shown on the front of the agenda



### **Fire alarm**

If the fire alarm sounds please leave the building immediately by the nearest available fire exit without deviating to collect belongings. Fire wardens will direct you to the exits and to the fire assembly point. If you are unable to use the stairs, a member of staff will direct you to a safe area. The meeting will reconvene if it is safe to do so, otherwise it will stand adjourned.

### **Electronic agendas reports and minutes.**

Copies of agendas, reports and minutes for council meetings can also be found on our website from day of publication.

To access this, click [www.towerhamlets.gov.uk/committee](http://www.towerhamlets.gov.uk/committee) and search for the relevant committee and meeting date.

Agendas are available at the Town Hall, Libraries, Idea Centres and One Stop Shops and on the Mod.Gov, iPad and Android apps.



QR code for smart phone users.

**1. APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

**2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST (Pages 1 - 4)**

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Interim Monitoring Officer.

**3. MINUTES OF THE PREVIOUS MEETING (TO FOLLOW)**

To confirm as a correct record the unrestricted minutes of the meeting of the Standards (Advisory) Committee held on 27 January 2015.

**4. REPORTS FOR CONSIDERATION**

**4 .1 APPOINTMENT OF CO-OPTED MEMBERS TO THE STANDARDS ADVISORY COMMITTEE - UPDATE (TO FOLLOW)**

Report of the Service Head, Democratic Services, Law, Probity and Governance.

**4 .2 MEMBERS' ATTENDANCE AND TIME SHEETS MONITORING (TO FOLLOW)**

Report of the Service Head, Democratic Services, Law, Probity and Governance.

**4 .3 COVERT INVESTIGATION UNDER THE REGULATION OF INVESTIGATORY POWERS ACT 2000**

**5 - 12**

Report of the Interim Monitoring Officer.

**4 .4 REVIEW OF CODE OF CONDUCT FOR MEMBERS - ORAL UPDATE**

Report of the Interim Monitoring Officer.

**4.5 CODE OF CONDUCT FOR MEMBERS - INVESTIGATORY CASEWORK- UPDATE (TO FOLLOW)**

Report of the Interim Monitoring Officer.

**5. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

To consider any other unrestricted business that the Chair considers to be urgent.

**6. EXCLUSION OF THE PRESS AND PUBLIC**

In view of the contents of the remaining items on the agenda the Committee is recommended to adopt the following motion:

“That, under the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contains information defined as Exempt in Part 1 of Schedule 12A to the Local Government Act, 1972.”

**NOTE: EXEMPT/CONFIDENTIAL SECTION (Pink Papers)**

The exempt committee papers in the agenda will contain information, which is commercially, legally or personally sensitive and should not be divulged to third parties. If you do not wish to retain these papers after the meeting, please hand them to the Committee Officer present.

**7. EXEMPT/CONFIDENTIAL MINUTES (TO FOLLOW)**

To confirm as a correct record the Exempt/Confidential minutes of the meeting of the Standards (Advisory) Committee held on 27 January 2015.

**8. ANY OTHER EXEMPT/CONFIDENTIAL BUSINESS THAT THE CHAIR CONSIDERS URGENT**

To consider any other exempt/ confidential business that the Chair considers to be urgent.

**Next Meeting of the Committee:**

2 June 2015 at 7.30pm to be held in the Committee Room 1, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG

# Agenda Item 2

## **DECLARATIONS OF INTERESTS - NOTE FROM THE INTERIM MONITORING OFFICER**

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

### **Interests and Disclosable Pecuniary Interests (DPIs)**

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Interim Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

### **Effect of a Disclosable Pecuniary Interest on participation at meetings**

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Interim Monitoring Officer following consideration by the Dispositions Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Interim Monitoring Officer of the interest for inclusion in the Register.

**Further advice**

For further advice please contact:-

Meic Sullivan-Gould, Interim Monitoring Officer, 0207 364 4801

John Williams, Service Head, Democratic Services, 020 7364 4204

## APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

This page is intentionally left blank



# Agenda Item 4.3

<b>Committee:</b> Standards Advisory	<b>Date:</b> 14 April 2015	<b>Classification:</b> Unrestricted	<b>Report No:</b>	<b>Agenda Item:</b>
<b>Report of:</b> Interim Monitoring Officer  <b>Originating officer(s)</b> David Galpin, Service Head - Legal Services		<b>Title:</b> Covert investigation under the Regulation of Investigatory Powers Act 2000  <b>Wards Affected:</b> All		

## 1. **SUMMARY**

- 1.1. The codes of practice issued by the Home Office in relation to Part 2 of the Regulation of Investigatory Powers Act 2000 ("RIPA") recommend that elected members have oversight of the Council's use of these provisions. The Standards Committee's terms of reference enable the committee to receive reports on the Council's authorisation of covert investigations under RIPA.

## 2. **DECISIONS REQUIRED**

Standards Advisory Committee is recommended to:-

- 2.1. Consider and comment upon the information provided in the report.

## 3. **BACKGROUND**

### 3.1. **Covert investigation and RIPA**

- 3.2. The Council has broad statutory functions and takes targeted enforcement action in relation to those functions, having regard to the Tower Hamlets Community Plan, the Council's Local Development Framework, any external targets or requirements imposed under relevant legislation and the Council's enforcement policy. There may be circumstances in the discharge of its statutory functions in which it is necessary for the Council to conduct directed surveillance or use a covert human intelligence source for the purpose of preventing crime or disorder.
- 3.3. RIPA was enacted to provide a framework within which a public authority may use covert investigation for the purpose of preventing or detecting crime or of preventing disorder. It is designed to ensure that public authorities do not contravene the obligation in section 6(1) of the Human Rights Act 1998 not to act in a way which is incompatible with an individual's rights under the European Convention on Human Rights ("ECHR"). It is particularly concerned to prevent contravention of the qualified right in Article 8 of the ECHR to respect for private and family life, home and correspondence.

### **3.4. The Council's use of RIPA**

- 3.5. The Interim Monitoring Officer is the senior responsible officer for ensuring the Council complies with RIPA. The Service Head - Legal Services ("HLS") is his deputy.
- 3.6. The Council has policies on the use of directed surveillance or covert human intelligence sources. The current versions of these policies were approved by Cabinet on 3 October 2012, as appendices to the Council's enforcement policy. The Council also has in place guidance manuals to assist officers in the authorisation process. The policies and guidance are designed to help the Council comply with RIPA and the Codes of Practice issued by the Home Office in relation to directed surveillance and the use of covert human intelligence sources.
- 3.7. The Council's priorities for using RIPA, as specified in its policies are -
- Anti-social behaviour
  - Fly-tipping
  - Unlawful street vending of DVDs and tobacco
  - Underage sales of knives, tobacco, alcohol and fireworks
  - Fraud, including misuse of disabled parking badges and claims for housing benefit
  - Illegal money-lending and related offending
  - Breach of licences
  - Touting.
- 3.8. These priorities may be reviewed when the Council's enforcement policy is brought forward for revision in 2015.
- 3.9. The Council may only use covert investigation for the purposes of serious offences. This means an offence of the following kind –
- An offence punishable by a maximum term of at least 6 months of imprisonment.
  - An offence under section 146 of the Licensing Act 2003 (sale of alcohol to children).
  - An offence under section 147 of the Licensing Act 2003 (allowing the sale of alcohol to children).
  - An offence under section 147A of the Licensing Act 2003 (persistently selling alcohol to children).
  - An offence under section 7 of the Children and Young Persons Act 1933 (sale of tobacco etc. to persons under eighteen).

- 3.10. The Council must also have approval from a court, in addition to an internal authorisation granted by its authorising officer, before carrying out covert surveillance.
- 3.11. In accordance with the Council's policies and manuals, a central record is maintained in Legal Services of all authorisations and approvals granted to carry out either directed surveillance or to use covert human intelligence sources (authorisations under Part 2 of RIPA). The Council provides an annual return to the Office of Surveillance Commissioners ("OSC"), based on the central record.
- 3.12. In order to ensure that applications for RIPA authorisation are of an appropriate standard, the Council's policies and manuals provide that all applications for authorisation to conduct directed surveillance or to use covert human intelligence sources should be considered by a gatekeeper before being passed on to the authorising officer. The Council has a single gatekeeper (the Head of Community Safety Enforcement & Markets within the Community Safety Service). In the absence of the Head of Community Safety Enforcement & Markets, the HLS may act as gatekeeper. The gatekeeper must work with applicant officers to ensure an appropriate standard of applications, including that applications use the current template, correctly identify known targets and properly address issues of necessity, proportionality and collateral intrusion.
- 3.13. The Council has a single authorising officer (Service Head - Community Safety), who has responsibility for considering applications to use directed surveillance or covert human intelligence sources. The policies provide that the Head of Internal Audit may stand in for the Service Head - Community Safety where the Monitoring Officer or HLS consider it necessary.
- 3.14. The Council's policies and manuals require officers who apply for RIPA authorisations to expeditiously forward copies of authorisations, reviews and cancellations to Legal Services for the central record. The HLS (or deputy) attends at CLC's internal deployment meetings to ensure the central record is being kept up to date. Representatives of each service area in CLC attend these meetings. The Council's authorising officer and gatekeeper attend. The meetings provide an opportunity to check the status of applications and authorisations under RIPA and a forum at which officers may present any operations plans where covert investigation may be required and seek a steer from those at the meeting.
- 3.15. The Council's RIPA applications**
- 3.16. Quarter 3 of 2014/2015**
- 3.17. A single authorisation was granted in the third quarter of 2014/2015, details of which are set out in the appendix. The internal authorisation was given by the Head of Internal Audit on 10 November 2014. This was confirmed by a District

Judge at the Thames Magistrates' Court on 11 November 2014. The surveillance was conducted from 14 November 2014 to 2 December 2014. The authorisation was formally cancelled on 18 December 2014, as surveillance had concluded after sufficient evidence was obtained.

- 3.18. If possible, further information will be provided regarding the outcome of the investigation in the annual RIPA report.

### **3.19. Quarter 4 of 2014/2015**

- 3.20. No authorisation was granted in the fourth quarter of 2014/2015.

## **4. COMMENTS OF THE CHIEF FINANCIAL OFFICER**

- 4.1 This is a report of the Council's use of the Regulation of Investigatory Powers Act 2000 ("RIPA") to the Standards Committee. There are no financial implications arising from the recommendations in this report.

## **5. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)**

- 5.1. Legal implications are addressed in the body of the report.

## **6. ONE TOWER HAMLETS CONSIDERATIONS**

- 6.1. Enforcement action that complies with the five principles expressed in the Council's enforcement policy should help to achieve the objectives of equality and personal responsibility inherent in One Tower Hamlets.
- 6.2. The enforcement policy should enhance Council efforts to align its enforcement action with its overall objectives disclosed in the Community Plan and other key documents. The enforcement policy makes clear the need to target enforcement action towards perceived problems. At the same time, the enforcement policy should discourage enforcement action that is inconsistent with the Council's objectives.
- 6.3. Enforcement action may lead to indirect discrimination in limited circumstances, but this will be justified where the action is necessary and proportionate. Necessity and proportionality are key considerations in respect of every application for authorisation under RIPA.

## **7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 7.1. The enforcement policy seeks to target the Council's enforcement action in accordance with the Community Plan. The Community Plan contains the Council's sustainable community strategy for promoting or improving the economic, social and environmental well-being of Tower Hamlets and

contributing to the achievement of sustainable development in the United Kingdom. To the extent that the enforcement policy aligns enforcement action with the Community Plan it will tend to promote sustainable action for a greener environment.

**8. RISK MANAGEMENT IMPLICATIONS**

- 8.1. Enforcement action carries with it a variety of inherent risks, including the potential for allegations of over- or under-enforcement, discrimination, adverse costs orders and damage to the Council’s reputation. It is considered that proper adherence to RIPA, the codes of practice, the Council's policies and guidance will ensure that risks are properly managed. Oversight by the Standards Committee should also provide a useful check that risks are being appropriately managed.

**9. EFFICIENCY STATEMENT**

- 9.1. The report does not propose any direct expenditure. Rather, it is concerned with regularising decision-making in areas in which the Council is already active. The enforcement policy seeks to ensure that enforcement action is targeted to the Council’s policy objectives. This is more likely to lead to efficient enforcement action than a less-controlled enforcement effort. It is also proposed that members will have an oversight role through the Standards Committee. This will provide an opportunity to judge whether the Council’s enforcement action is being conducted efficiently.

**10. APPENDICES**

None

---

**Local Government Act, 1972 Section 100D (As amended)  
List of “Background Papers” used in the preparation of this report**

Brief description of “back ground papers”	Name and telephone number of holder and address where open to inspection.
None	N/A

## APPENDIX 1 - SUMMARY OF QUARTER 3 RIPA AUTHORISATIONS

CS0001	Summary information
Service area:	Community Safety
Date URN granted:	
Application on correct form?	Yes
Date of gatekeeper clearance:	7 October 2014
Date of authorisation:	10 November 2014
Date of Court approval	11 November 2014
Expiry date and time:	11 December 2014
Scheduled review date(s):	None
Dates of reviews:	None
Cancellation:	18 December 2014 (NB surveillance ceased 2 December 2014)
Total time open:	36 days
Type of covert investigation:	Directed surveillance (via body cameras)
Subject matter of investigation:	Activities in markets
Necessity:	Serious allegations were made of failures to adhere to the Council's employee code of conduct, financial regulations and possible criminal offences involving traders offering inducements not to enforce or carry out financial checks and acceptance by staff of those inducements. Overt investigation would not gather the required evidence due to the clandestine nature of such activities, if the allegations are correct.
Proportionality:	The authorising officer took into account: (1) allegations of bribery are serious; (2) the allegations are fundamental to operation of the Council's markets; (3) high standards are expected of Council staff; (4) overt investigation would be insufficient; and (5) any collateral intrusion would be low due to the surveillance taking place in public places.
Collateral intrusion:	Visual images and audio would necessarily be recorded of other persons in the markets. In order to minimise intrusion cameras would only be turned on when it appears that a breach may be occurring. A working copy would be made of relevant footage, although un-edited footage would be securely kept for evidentiary purposes.

Outcome:

The Council is taking appropriate internal action under its relevant HR procedures. Relevant surveillance material has been provided to the Metropolitan Police, who are investigating.

This page is intentionally left blank