

# STANDARDS (ADVISORY) COMMITTEE

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Wednesday, 1 March 2017 at 7.30 p.m.

Room MP702, 7th Floor, Town Hall, Mulberry Place, 5 Clove Crescent,  
London E14 2BG

**This meeting is open to the public to attend.**

**Members:**

Chair: John Pulford MBE

Vice-Chair: Nafisa Adam

Mike Houston, Daniel McLaughlin, Councillor Sabina Akhtar, Councillor Marc Francis, Councillor Ayas Miah, Councillor Candida Ronald, Councillor Ohid Ahmed, Councillor Muhammad Ansar Mustaqim, Councillor Aminur Khan and Councillor Chris Chapman

**Observers:**

Elizabeth Hall (Independent Person)

**Deputies:**

Councillor David Edgar, Councillor Shiria Khatun, Councillor Denise Jones and Councillor Peter Golds

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:**

Antonella Burgio, Democratic Services,  
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG  
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Web: <http://www.towerhamlets.gov.uk/committee>

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QR code for smart phone users.

## **APOLOGIES FOR ABSENCE**

### **1. 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 Monitoring Officer.

### **2. MINUTES OF THE PREVIOUS MEETING(S) 5 - 8**

To confirm as a correct record the minutes of the meeting of the Standards (Advisory) Committee held on 24 November 2016.

### **3. REPORTS FOR CONSIDERATION**

#### **3.1 Covert investigation under the Regulation of Investigatory Powers Act 2000 9 - 14**

Consider and comment upon the information provided in the report.

#### **3.2 Code of Conduct for Members - Complaints and Investigation Monitoring**

There is no business relating to these matters to report at this meeting.

### **4. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

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

### **5. 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.

**6. 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:**

To be advised

Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG

# Agenda Item 1

## **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 Monitoring Officer following consideration by the Dispensations 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 Monitoring Officer of the interest for inclusion in the Register.

**Further advice**

For further advice please contact:-

Graham White, Acting Corporate Director, Governance & Monitoring Officer,  
Telephone Number: 020 7364 4800

## 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>

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**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE STANDARDS (ADVISORY) COMMITTEE**

**HELD AT 7.00 P.M. ON THURSDAY, 24 NOVEMBER 2016**

**ROOM MP702, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON E14 2BG**

**Members Present:**

John Pulford MBE (Chair)  
Nafisa Adam (Vice-Chair)  
Mike Houston  
Councillor Marc Francis  
Councillor Ayas Miah  
Councillor Candida Ronald  
Councillor Muhammad Ansar Mustaqim  
Councillor Andrew Wood (Substitute for Councillor Chris Chapman)

**Observers:**

–

**Apologies:**

Elizabeth Hall (Independent Observer)  
Daniel McLaughlin (Co-opted Member)  
Councillor Sabina Akhtar (Member)  
Councillor Ohid Ahmed (Member)  
Councillor Chris Chapman (Member)

**Officers Present:**

- (Senior Corporate and Governance  
Lawyer, Legal Services)
- (Democratic Services)

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

There were no declarations of interest.

**2. MINUTES OF THE PREVIOUS MEETING(S)  
RESOLVED**

That the minutes of the meeting held on 22<sup>nd</sup> September 2016 be approved as a correct record of proceedings.

**3. REPORTS FOR CONSIDERATION**

### **3.1 Governance Update**

Paul Greeno, Senior Corporate and Governance Lawyer, Legal Services presented the report which provided a periodic update on governance matters. The following matters were highlighted:

- The cross-party constitution working group would be reformed.
- A review of the Planning code of conduct would be undertaken.
- A number of committee terms of reference had been revised.
- The Health and Well Being Board was now chaired by the Cabinet Member for Health and Adults Social Care.
- A new executive sub-committee would be established to determine applications for third sector and community grants (Council 5 December 2016).
- A comprehensive member training and development programme would be developed for the new municipal year.
- There were some changes to the delegated powers of the Chief Executive and Elected Mayor.

The Committee noted the matters highlighted.

#### **RESOLVED**

That the report be noted.

### **3.2 Revised Licensing Code of Conduct Update**

Paul Greeno, Senior Corporate and Governance Lawyer, Legal Services introduced the report which provided the committee with details of the revised licencing code of conduct incorporating changes suggested during consultation with Licensing Committee and Standards Advisory Committee. This document would be presented for approval at Full Council on 5 December 2016.

Members noted that the revision addressed issues of probity around members of licensing sub-committees hearing licensing applications in their Ward.

#### **RESOLVED**

1. That the revisions made to the proposed revised Licensing Code of Conduct following the suggestions made by the Committee at its meeting on 22<sup>nd</sup> September 2016 be noted; and
2. That it be noted that the revised Licensing Code of Conduct is to be submitted to full Council for adoption at its meeting on 5<sup>th</sup> December 2016.

### **3.3 Members' Attendance, Timesheets and Declaration of Interests: Monitoring Report**

The Clerk introduced the report which provided quarterly monitoring information relating to Councillor attendance at meetings, declarations of interests and activity recorded through timesheets.

Since a significant number of councillors were failing to complete timesheets and there were no statutory powers to enforce the practice, a referral from the Committee was made to the Cross Party Governance Review Working Group asking them whether timesheet keeping should be discontinued. The matter was referred to the political groups for consideration and gave the following responses:

- Independent and Conservative Groups did not wish to pursue timesheet keeping.
- Labour Group wished the practice to be maintained.

The Committee discussed the response noting that:

- Timesheets provided a mechanism through which Councillors could demonstrate how they were serving their constituents
- There were other data available to demonstrate this such as members' enquiries, attendance at meetings and training statistics.
- Keeping timesheets was an onerous task notwithstanding that they could now be completed on line
- A Group had instructed its councillors not to complete timesheets since Governance Review Working Group had not recommended that they should be maintained.

The Committee considered the arguments put forward and the Chair determined that since there had be no change to the Council's policy on member timesheets, the Committee should continue to monitor them.

Noting that during the discussion it had been brought to light that there were other methods and proprietary software which could be used to alleviate the burden of completing timesheets, the Chair also asked that a referral be made to explore feasibility and procurement of software / an App that had capacity to deliver an element of automated time recording of Member activity.

## **RESOLVED**

1. That the information set out in Appendices 1, 2 and 3 in relation to Councillors' submission of timesheets, attendance at formal meetings and training events, and completion of the register of interests during the previous and current municipal years be noted
2. That the updated position from the Governance Review Working Group with regards to the requirement for Councillors to submit monthly timesheets be noted and that the ongoing requirement for Members' to submit monthly timesheets be maintained.


3. That there was no need to ask the Chair to write to any Councillor(s) in connection with any of the monitoring information
4. Since there were other methods and proprietary software which could be used to facilitate time recording for Members, that a referral be made to explore feasibility and procurement of software / an App that had capacity to deliver an element of automated time recording of Member activity.
5. That the recommended updates to the reporting items on the timesheet as set out in Appendix 4 be noted.
6. That Standards Advisory Committee continue to receive further monitoring reports at six monthly intervals.

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

There was none.

The meeting ended at 7.49 p.m.

Chair, John Pulford MBE  
Standards (Advisory) Committee

<b>Non-Executive Report of the:</b>  <b>Standards Committee</b>  1 March 2017	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Graham White Acting Corporate Director – Governance and Interim Monitoring Officer	<b>Classification:</b> Unrestricted
<b>Report of Investigations under the Regulation of Investigatory Powers Act (RIPA)</b>	

<b>Originating Officer(s)</b>	Graham White – Acting Corporate Director Governance and Interim Monitoring Officer
<b>Wards affected</b>	All wards

**Summary**

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. This report summarises the Council’s use of those powers and other activities under RIPA.

**Recommendations:**

The Overview & Scrutiny Committee is recommended to:

1. Consider and comment upon the information provided in the report.

## **1. REASONS FOR THE DECISIONS**

- 1.1 The information in the report is provided so that members may oversee the Council's use of powers under RIPA.

## **2. ALTERNATIVE OPTIONS**

- 2.1 It is open to members to provide such comments on the Council's use of RIPA powers as they consider appropriate.

## **3. DETAILS OF REPORT**

### **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 Monitoring Officer is the senior responsible officer for ensuring the Council complies with RIPA.

- 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 has in place guidance manuals to assist officers in the authorisation process. The policy is in the course of being refreshed.

- 3.7 The Council's current 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 will be considered in the review of the enforcement policy.
- 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's gatekeeper is the Head of Community Safety (within the Community Safety Service) and the deputy gatekeeper is the Intelligence Team Leader, Risk Management & Audit. In the absence of the Head of Community Safety, the deputy 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's authorising officer, the Divisional Director, Public Realm, 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 Divisional Director, Public Realm where the Monitoring Officer or Divisional Director, Legal 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 Divisional Director, Legal (or deputy) may attend fortnightly at internal deployment and tasking meetings to ensure the central record is being kept up to date. Representatives of the Place Directorate and the Police attend these meetings. 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 in 2016/17**

- 3.16 No applications were made in the first, second and third quarters of 2016/2017.

- 3.17 On 11 December 2015, a RIPA training session was arranged for the Tower Hamlets Enforcement Officers (THEOs). Members of the Enforcement Team in Legal Services also attended.

- 3.18 On 7 November 2016, a RIPA training session was arranged for the Fraud & Audit Teams.

- 3.19 On 25 January 2017, a training session was held for the THEOs.

- 3.20 Recently, there have been new appointments for the Authorising Officer, Gatekeeper and Deputy Gatekeeper.

- 3.21 On 15 March 2017, there will be an inspection by the Office of the Surveillance Commissioners with regards to compliance with the Regulation of Investigatory Powers Act 2000 (RIPA). The last inspection was May 2013.

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

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

## **5. LEGAL COMMENTS**

- 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 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. BEST VALUE (BV) IMPLICATIONS**

- 7.1 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 primarily through the Standards (Advisory) Committee but also through the Overview & Scrutiny Committee. This will provide an opportunity to judge whether the Council's enforcement action is being conducted efficiently.

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

- 8.1 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.

## **9. RISK MANAGEMENT IMPLICATIONS**

- 9.1 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 Members should also provide a useful check that risks are being appropriately managed.

## **10. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 10.1 As set out in paragraphs 3.1 and 3.2 of the report, the Council's use of covert investigation may be a necessary part of its enforcement work, but must be carried out having regard to the requirements of RIPA.

## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- NONE

### **Appendices**

- NONE

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

#### **List of “Background Papers” used in the preparation of this report**

- NONE

### **Officer contact details for documents:**

- N/A