

STANDARDS (ADVISORY) COMMITTEE

Tuesday, 14 January 2014 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

Grenville Mills, John Pulford MBE, Patrick (Barry) O'Connor, Salina Bagum, Barry Lowe, Councillor David Edgar, Councillor Judith Gardiner, Councillor Zara Davis, Councillor Sirajul Islam, Councillor Fozol Miah, Councillor Abdul Asad and Councillor Motin Uz-Zaman

Observers (Independent Persons):

Ezra Zahabi (Reserve Independent Person)

Deputies:

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:

Angus Taylor, Democratic Services,
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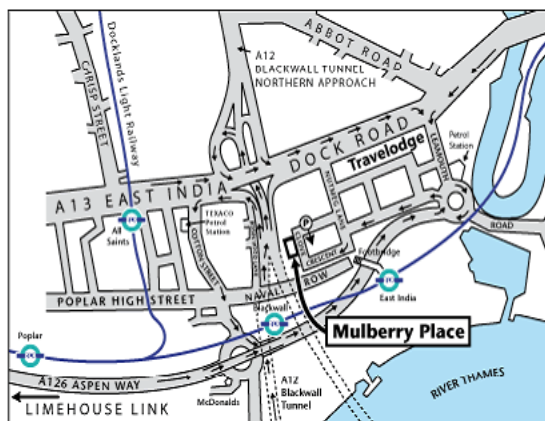
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APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST 5 - 8

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.

2. MINUTES OF THE PREVIOUS MEETING(S) 9 - 18

To confirm as a correct record the minutes of the meeting of the Standards (Advisory) Committee held on 24th October 2013.

3. REPORTS FOR CONSIDERATION

3.1 Covert investigation under the Regulation of Investigatory Powers Act 2000 19 - 26

Consider and comment upon the information provided in the report.

3.2 Code of Conduct for Members - Complaints and Investigation Monitoring 27 - 32

To note the monitoring information contained in the report.

3.3 Review of Member Timesheets 33 - 40

To consider and comment on the proposed amendments to the Members' Timesheet proforma appended to the report and any further suggestions received in response to consultation.

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.”

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. EXEMPT/CONFIDENTIAL MINUTES

41 - 42

To confirm as a correct record the Exempt/Confidential minutes of the meeting of the Standards (Advisory) Committee held on 24th October 2013.

7. 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:

Tuesday, 18 March 2014 at 7.30 p.m. to be held in the Committee Room 1, 1st Floor, 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 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:-

Mark Norman, 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>

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STANDARDS (ADVISORY) COMMITTEE

HELD AT 7.35 P.M. ON THURSDAY, 24 OCTOBER 2013

**ROOM C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON E14 2BG**

Members Present:

Matthew William Rowe (Chair)	(Co-opted Member)
Grenville Mills	(Temporary Co-opted Member)
John Pulford MBE	(Co-opted Member)
Patrick (Barry) O'Connor	(Co-opted Member)
Eric Pemberton (Vice-Chair)	(Co-opted Member)
Salina Bagum	(Co-opted Member)
Councillor Sirajul Islam	
Councillor Motin Uz-Zaman	
Councillor Gloria Thienel	(Substitute for Councillor Zara Davis)
Councillor M. A. Mukit MBE	(Substitute for Councillor Judith Gardiner)

Observer:

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

Officers Present:

David Galpin	– (Head of Legal Services (Community), Legal Services, Chief Executive's)
Robert Wingate	– (Deputy Complaints and Information Manager)
Minesh Jani	– (Head of Audit and Risk Management , Resources)
Mark Norman	– (Monitoring Officer)
ntonella Burgio	– (Democratic Services)
John Williams	– (Service Head, Democratic Services, Chief Executive's)

Co-opted Member Matthew Rowe in the Chair

The Chair welcomed newly appointed Independent and Co-opted Members to the meeting. These were:

- Ms Elizabeth Hall, Independent Person and Ms Ezra Zahabi Reserve Independent Person
- Mr John Pulford MBE Co-opted Member and Mr Grenville Mills Interim Co-opted Member.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Judith Gardner, Zara Davis, David Edgar and Abdul Asad. The Chair noted that Councillor Mukit was in attendance as substitute for Councillor Gardner and Councillor Gloria Thienel as substitute for Councillor Davis.

Apologies for having to leave the meeting early were submitted by Councillor Motin Uz-Zaman.

Noted.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interests were made.

3. MINUTES

The Chair **moved** and it was agreed that the minutes of the Standards Advisory Committee held on 18 June 2013 be approved, without amendment, as a correct record of proceedings and the Chair be authorised to sign them accordingly.

Action by:

Antonella Burgio (Committee Officer, Democratic Services, CE's)

4. UNRESTRICTED REPORTS FOR CONSIDERATION

4.1 **Appointment of Independent Person, Reserve Independent Person and Co - opted Members of SAC**

The Service Head Democratic Services introduced the report advising the Committee that an Independent Person and Reserve Independent Person had been appointed in accordance with the new standards regime (Localism Act 2011). Transitional arrangements were put in place on 18 June 2012 pending recruitment. This was now concluded and Council, on 26 June 2013, approved the following appointments - Independent Person, Ms Elizabeth Hall and Reserve Independent Person Ms Ezra Zahabi, each for a three-year term starting on 1 July 2013.

The Service Head Democratic Services advised that that the following appointments also were made by Council on 18 September 2013: Mr Patrick Barry O'Connor and Mr John Pulford MBE were appointed Co-opted Members of the Standards Advisory Committee for a term of four years; Mr Grenville Mills was appointed a Co-opted Member on an interim basis until 30 April 2014 to replace Mr Denzil Johnson who was unavailable until 1 May 2014.

Resolved

That the following appointments be noted:

- Ms Elizabeth Hall, Independent member
- Ms Ezra Zahibi, Reserve Independent Member
- Mr Patrick Barry O'Connor, Co-opted Member
- Mr John Pulford MBE, Co-opted Member
- Mr Grenville Mills, Interim Co-opted Member

4.2 Amendments to the Procedure for Dealing with Complaints of a Breach of the Code of Conduct - Decision of the Council Meeting on 18th September 2013

The Service Head Democratic Services introduced the report and highlighted the following matters:

- a report referred by Standards Advisory Committee was considered at Council on 18 September 2013 recommending revisions to the arrangements for dealing with complaints about member conduct
- Council approved the revisions and added a number of additional recommendations
- the revised procedure was circulated at appendix A.

In response to a question from a Committee Member, he also advised that Standards Advisory Committee, in its broader role, was able to make recommendations on probity matters to the Council.

Resolved

1. That the decision taken by Council on 18 September 2013 be noted and
2. That the revised procedure for dealing with complaints concerned with a breach of the code of conduct be noted.

4.3 Code of Conduct for Members - Complaints and Investigation Monitoring

The Interim Monitoring Officer introduced the report. He advised that,

- for completeness of records, all complaints since the inception of the new arrangements had been circulated. In future, however, only current complaints would be reported to the Committee
- one new complaint had been received, the outcome of which was included in the report
- there were two ongoing investigations. Their completion had been delayed because of changes in corporate staffing. However, following Mr Norman's appointment as Interim Monitoring Officer, they had been referred to an external investigator. The complaints referred to two individual Council Members

In response to Members' questions the following information was provided:

- concerning whether a complainant would be informed of the outcome of an investigation, the Committee was advised that upon closure of an investigation both complainant and the subject of the complaint were able to view investigation records. Both parties would also be advised of the outcome
- concerning what Member activities could trigger a complaint e.g. improper use of Council resources, the Committee was informed that all referrals were assessed against a matrix

The Committee wished to be advised of trends in categories of complaints and the Interim Monitoring Officer agreed that cumulative data on categories of complaints would, in future, be presented twice yearly as part of the regular Complaints and Investigation Monitoring report.

Resolved

1. That the report be noted
2. That statistics on the categories of complaints be collected and reported cumulatively every six months

Action by:

Mark Norman (Interim Monitoring Officer)

4.4 Anti- Fraud and Corruption Strategy and Proactive Anti -Fraud Plan 2013-14

The Head of Audit and Risk Management presented the report on behalf of the Corporate Anti-Fraud Manager and highlighted the following:

- the work of the antifraud team was delivered through activities directed by the priorities of the Anti-Fraud strategy
- the antifraud plan sought to ensure that resources were adequately deployed and indicated where resources would be allocated
- anti-fraud work involved detection and prevention. The Council was looking to use prevention more effectively by publicising successful actions
- detection activities have been strengthened by the recruitment of additional staff in the Corporate Anti-Fraud Team

There was an extensive discussion of the anti-fraud work reported and, in response to Members' questions, the following information was provided:

- re: comparative levels of preventative and reactive anti-fraud activities:
 - the Committee was advised that most activities were reactive but preventative work comprised 10-15% of the total. Since the enactment of the Prevention of Social Housing Fraud Act, it was a criminal offence to sublet social housing therefore the Council was able to prosecute any persons caught doing so and raise an order against profits made. This power was an effective deterrent

- Primary Care Trusts had been disbanded and could no longer participate in the Anti-Fraud Forum: - Members were advised that the Forum structure remained broad enabling maximum opportunities for sharing intelligence and for joint working
- all types of fraud whether commercial or domestic were investigated by the Council where such activity was discovered
- when investigating housing benefit fraud, data from the Electoral Register was used for data-matching
- re: levels of fraud indicated by data published at Appendix 2: - the Committee was informed that the data did not indicate total fraud but the Council's response to the biggest fraud areas. On account of limited Council resources, antifraud work was targeted at high risk areas
- re: the effectiveness of Council's work in reducing Blue Badge parking fraud: - the Committee was informed that the Council's level of work and success rate was comparable to other local authorities. Additionally there was good data exchange between London authorities enabling Blue Badge parking fraud perpetrated in other boroughs by Tower Hamlets residents to be traced and vice-versa
- re: query on the number of days taken to investigate frauds reported in Appendix 2: - the Committee was informed that the data reported was an average number of days employed in the anti-fraud investigations stated in the report
- re: whether whistleblowing management referrals and proactive contingency was subject to Freedom of Information requests: - the Committee was informed that whistleblowers were protected once a referral was made. These referrals were one-off interventions and as such each was individually assessed and investigated
- re: whether the Council was adequately resourced to meet risks arising from greater local discretions enabled through recent legislation: - the Committee was advised that the resource that would be allocated was dependent on the level of risk created. Because of limited resources, the Council was required to decide where its money was best spent. Additionally any procedure that the Council adopted to deliver its services also affected the degree of risk created.
 - The Council took part in the National Anti-Fraud Initiative that was administered by the Audit Commission and received advice on potential risk areas. The initiative allowed significant data to be shared with the Audit Commission and the data matches returned were utilised ever more extensively.
 - There was now a voluntary "36 Hub" in which London authorities provided three datasets for matching with other authorities. The data sets that Council would share this year were: Council Tax and student letting data to investigate if there was any council tax fraud related to student lettings.
- performance levels were measured by benchmarking data sets with other local authorities. Services of the Audit Commission were used to benchmark Tower Hamlets' performance against other authorities employing the same or similar datasets.

Resolved

That the report be noted

4.5 Complaints and Information Governance Annual Report 2012/ 2013 (To Follow)

The Head of Legal Services (Community) and Deputy Complaints and Information Manager presented the report circulated in the supplementary agenda

In response to Members' questions, the following information was provided:

- A procurement process had been completed for new software to manage information requests, member enquiries and complaints. A final decision was yet to be made, following which implementation could be progressed.
- FOI performance in quarter 1 of 2013/2014 had risen to 88% on time, but was unlikely to get above 90% in the current financial year. Corporate directors were being kept informed of performance with a view to further improving the number answered on time.
- accuracy, and responsibility for, recording repairs complaints - Members were informed that
 - works were done by contractors however oversight of works was done by an in-house team
 - there is an ongoing decent homes programme in the borough, and a number of properties were still awaiting works.
 - Repairs complaints may arise where people experience delays.
 - Complaints were resolved locally in the first instance. However if this did not resolve the complaint it would be referred to Tower Hamlets Homes
- housing management complaints may encompass a variety of issues and a breakdown could be provided if needed.
- Noting that Members Enquiries were frequently concerned with decent homes works, Members queried the low numbers reported. It was noted that repairs complaints made via a Member would generally be processed as a 'Member enquiry' rather than categorised as a repair.
 -
- It was suggested by Members that it would be for Overview and Scrutiny Committee to review issues with repairs and decent homes if that Committee considered it appropriate.
- No housing complaints have yet engaged the democratic filter, in order to then make a complaint to the Housing ombudsman
- levels of equalities data collected were good and the Council proactively encouraged the submission of equality data
- complaints received via social media were not yet monitored

Resolved

1. That the report be noted

4.6 Covert investigation under the Regulation of Investigatory Powers Act 2000

Note - Item 4.6 was considered in conjunction with item 7.1 and the meeting moved into closed session whilst exempt matters (item 7.1) were considered. The meeting returned to open session upon completion of the discussion.

The Head of Legal Services (Community) and Deputy Complaints and Information Manager presented the report and matter was considered by Members of the Committee.

Resolved

That the report be noted

4.7 Members' Attendance and Timesheets Monitoring

The Service Head Democratic Services presented the monitoring report and a revised Appendix was tabled giving the latest available Member monitoring data. It was noted that

- the date of timesheet posting was now also monitored;
- some Members had failed to submit their timesheets as required. The Committee discussed forms of appropriate response to this breach and the following issues were raised:
 - Members were required to fill in multiple timesheets which made the task laborious. Councillors present enquired whether:
 - § the process could be simplified
 - § a type of electronic input could be devised
 - § some irrelevant categories of activity listed in the timesheets could be removed

The Service Head Democratic Services agreed that the timesheets should be streamlined. Accordingly the forms would be reviewed and a proposal on streamlining the form brought to the next meeting. In the medium term, a self-service electronic form would be available for Members' use.

- appropriate sanctions and methods of escalation against persistent failure to complete timesheets could include a censure letter copied to the Group Leader and Group Whip. If a further letter were found to be necessary, censure might also be publicised.
- it was agreed that, for the present, the Chair would write to Members who had failed to complete their timesheets in the current year and the letter be copied to the Group Leader
- register of interests forms should be sent to newly Co-opted Members

Resolved

1. That the monitoring report be noted
2. That the timesheets be reviewed and a proposal on streamlining the form be brought to the next meeting
3. That the Chair write to Members who have failed to complete their timesheets in the current year and that the letter be copied to the relevant Group Leader
4. That if necessary appropriate sanctions and methods of escalation against persistent failure to complete timesheets be explored in future
5. That register of interests forms be sent to newly Co-opted Members
6. That further monitoring reports be submitted to the Committee at six-monthly intervals.

Action by:

John Williams (Service Head Democratic Services)
Matthew Mannion (Committee Services Manager)

5. ANY OTHER UNRESTRICTED BUSINESS WHICH THE CHAIR CONSIDERS URGENT

Nil items

6. EXCLUSION OF THE PRESS AND PUBLIC

Items 4.6 was considered in conjunction with item 7.1 accordingly the **Chair moved** and it was agreed that press and public be excluded from the meeting during the discussion of item 7.1 on the grounds that the report contained information classified as exempt under the provisions of Schedule 12A of the Local Government Act 1972, Paragraph 3.

7. EXEMPT/ CONFIDENTIAL REPORTS FOR CONSIDERATION

7.1 Covert investigation under the Regulation of Investigatory Powers Act 2000 - Appendix 2

This item was considered in conjunction with item 4.6 and the meeting moved into closed session whilst matters relating to the exempt report were discussed. The Committee then resumed discussion of the remaining agenda items in open session starting at agenda item 4.7.

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

Nil items

The meeting ended at 9.15 p.m.

Chair, Matthew William Rowe
Standards (Advisory) Committee

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Agenda Item 3.1

Committee: Standards Advisory	Date: 14 January 2014	Classification: Unrestricted	Report No:
Report of: Interim Monitoring Officer Originating officer(s) David Galpin, Head of Legal Services - Community		Title: Covert investigation under the Regulation of Investigatory Powers Act 2000 Wards Affected: 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 Head of Legal Services (Community) ("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. 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).
- 3.9. 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.

- 3.10. 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.
- 3.11. 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.
- 3.12. 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 ACE or HLS consider it necessary.
- 3.13. 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 fortnightly 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.

3.14. The Council's RIPA applications

3.15. Quarter 3 of 2013/2014

- 3.16. An authorisation was granted on 3 December 2013 in respect of CS0002 to investigate underage and illegal tobacco sales at a number of target premises in the borough. Details of the authorisation are set out in Appendix 1 to this report.
- 3.17. During quarter 3, the authorisation granted in quarter 2 in respect of CS0001 was cancelled. The authorisation was cancelled in November 2013. The

investigation included five test purchases at purchases in Brick Lane and near to Brick Lane which are now the subject of further enforcement work.

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 such as the local area agreement and the Local Development Framework. For example, one of the key Community Plan themes is A Great Place to Live. Within this theme there are objectives such as reducing graffiti and litter. The enforcement policy makes clear the need to target enforcement action towards such 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**

Appendix 1 – Summary of Quarter 3 RIPA authorisations

**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

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APPENDIX 1 - SUMMARY OF QUARTER 3 RIPA AUTHORISATIONS

CS0002	Summary information
Service area:	Community Safety
Date URN granted:	12 April 2013
Application on correct form?	Yes
Date of gatekeeper clearance:	19 November 2013
Date of authorisation:	3 December 2013
Date of Court approval	17 December 2013 (to commence 6 January 2014)
Expiry date and time:	5 April 2014
Scheduled review date(s):	None
Dates of reviews:	None
Cancellation:	Not active at time of writing
Total time open:	N/A
Type of covert investigation:	Directed surveillance
Subject matter of investigation:	Tobacco sales
Necessity:	The action was considered necessary in light of reports that target premises are engaged in unlawful sales of tobacco, including sales to underage purchasers. Section 7 of the Children and Young Persons Act 1933 makes it a criminal offence to sell tobacco to a child under the age of 18 and this is an offence for which the Council may grant a RIPA authorisation. Covert recording of test purchases would enable the Council to determine whether offences are occurring.
Proportionality:	Tobacco is a highly regulated product and there is a need specifically to protect children. Other methods of enforcement are considered unlikely to be successful. Reports of illegal sales continue in spite of previous prosecutions, warnings and cautions.
Collateral intrusion:	There is potential for collateral intrusion by capturing images of other shoppers. This is to be minimised by limiting the time the camera is working, as much as possible. It is proposed to delete recordings where no illegal sale takes place.
Outcome:	The operation had not been approved by the Court at the time of writing.

Agenda Item 3.2

Committee: STANDARDS (ADVISORY) COMMITTEE	Date: 14 January 2014	Classification: Unrestricted	Report No.
Report Of: Interim Monitoring Officer	Title: Code of Conduct for Members – Complaints and Investigation Monitoring		
Originating Officer:	Wards Affected: N/AI		

1. SUMMARY AND BACKGROUND

- 1.1 The Council's arrangements for dealing with complaints of breach of the Code of Conduct for Members provide for the Monitoring Officer to report quarterly (or less frequently if there are no complaints to report) to the Advisory Committee on the number and nature of complaints received and action taken as a result.
- 1.3 The arrangements as revised by full Council on 18 September 2013 also provide that in cases where the Monitoring Officer has extended the time period of investigations into complaints from two months to three months, s/he provide a report on the reasons to the Advisory Committee for noting.

2. RECOMMENDATIONS

- 2.1 That Members of the Advisory Committee note the complaints and investigation monitoring information contained in this report.

LOCAL GOVERNMENT ACT 1972 (AS AMENDED) SECTION 100D
LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
Standards (Advisory) Committee file		Mark Norman 020 7364 4800

3. NEW COMPLAINTS

Complaint reference number	Date complaint received by Monitoring Officer	Complainant	Alleged breach(es) of the Code of Conduct	Outcome of consultation with IP	Date investigation commenced and investigation status
IDSC/07/2013	17 and 23/11/2013	Councillor	Disclosing confidential information and disrepute	Referred for investigation	Investigation included as part of on going investigation into complaint reference IDSC/01/2013
IDSC/08/2013	08/11/2013	Member of the public and a Councillor	Failure to treat with respect, bullying/ intimidation and disrepute	Referred for investigation	Investigation commenced 05/12/2013 and is currently on going
IDSC/09/2013	12/11/2013	Councillor	Failure to treat with respect, bullying/ intimidation and disrepute	Referred for investigation	Investigation commenced 05/12/2013 and is currently on going

4. ON-GOING AND PREVIOUS COMPLAINTS

Complaint reference number	Date complaint received by Monitoring Officer	Complainant	Alleged breach(es) of the Code of Conduct	Outcome of consultation with IP	Date investigation commenced and investigation status
IDSC/01/2013	14/03/2013	Councillor	Failure to treat with respect, bullying, compromising the impartiality of those who work for the	Referred for investigation	Investigation commenced 30/04/2013. The investigation has been delayed due to the need to seek specialist

Complaint reference number	Date complaint received by Monitoring Officer	Complainant	Alleged breach(es) of the Code of Conduct	Outcome of consultation with IP	Date investigation commenced and investigation status
			Authority, disclosing confidential information, disrepute, using position as a Member to improperly secure an advantage/disadvantage		external legal advice and the need to appoint an alternative investigator following the appointment of Mr Norman as Interim Monitoring Officer on 18 September 2013. An external investigator was appointed on 25 September 2013 and is in the process of concluding the investigation. Also there have been further additional related complaints - IDSC07/2013 which have been included in this investigation
IDSC/02/2013	10/05/2013	Councillor	Failure to treat with respect and bullying	Informal local resolution of complaint attempted without success. Matter referred for advice to	On 11/12/13 IDSC recommended that a further attempt at local resolution is sought in consultation

Complaint reference number	Date complaint received by Monitoring Officer	Complainant	Alleged breach(es) of the Code of Conduct	Outcome of consultation with IP	Date investigation commenced and investigation status
				IDSC on 11/12/2013	with the IP. If the matter cannot be resolved by the January meeting of full Council IDSC has recommended that the complaint be referred for investigation
IDSC/03/2013	10/05/2013	Councillor	Improper use of Council resources	Not referred for investigation	N/A complaint closed
IDSC/04/2013	20/05/2013	Member of public	Bullying	Not referred for investigation	N/A complaint closed
IDSC/05/2013	11/07/2013	Councillor	Failure to treat with respect, bullying, disrepute, using position as a Member to improperly secure an advantage/disadvantage, improper use of Council resources	Referred for investigation	Investigation commenced 09/09/2013. The investigation has been delayed due to the need to appoint an alternative investigator following the appointment of Mr Norman as Interim Monitoring Officer on 18 September 2013. An external investigator was appointed on

Complaint reference number	Date complaint received by Monitoring Officer	Complainant	Alleged breach(es) of the Code of Conduct	Outcome of consultation with IP	Date investigation commenced and investigation status
					25 September and is in the process of concluding the investigation
IDSC/ 06/2013	06/09/2013	Anonymous complainant referred by a Councillor	Failure to treat with respect and bullying	In order for the complaint to be investigated the Councillor was informed that the anonymous complainant would need to be identified and interviewed as a potential witness	The anonymous complainant was not identified and no investigation was commenced
ASC/ 01/2012	16/11/2011	Councillor	Disclosing confidential information, disrepute, using position as a Member to improperly secure an advantage/ disadvantage	26/01/2012 Referred for investigation by former statutory Assessment Sub-Committee	The investigation was completed on 07/06/2012 under the previous statutory arrangements for standards complaints which applied up until 1 July 2012. A Hearings Sub-Committee is to be convened to consider the outcome of

Complaint reference number	Date complaint received by Monitoring Officer	Complainant	Alleged breach(es) of the Code of Conduct	Outcome of consultation with IP	Date investigation commenced and investigation status
					the investigation and associated procedural issues

5. COMMENTS OF THE CHIEF FINANCIAL OFFICER

5.1 There are no immediate financial implications arising out of this report.

6. LEGAL SERVICES COMMENTS

6.1 This report has been prepared by the Interim Monitoring Officer and incorporates legal comments.

7. RISK MANAGEMENT IMPLICATIONS

7.1 The provision of quarterly reports relating to the number and nature of complaints assists the Advisory Committee in exercising its oversight role in terms of promoting and maintaining high standards of conduct.

8. ONE TOWER HAMLETS CONSIDERATIONS

8.1 There are no specific anti poverty or equal opportunity implications arising out of this report.

9. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

9.1 This report has no immediate implications for the Council's policy of sustainable action for a greener environment.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 There are no specific crime and disorder reduction implications arising out of this report.

11. EFFICIENCY STATEMENT

11.1 This report is not concerned with proposed expenditure, the use of resources or reviewing/changing service delivery and an efficiency statement is not therefore required.

Agenda Item 3.3

Committee Standards Advisory Committee	Date 14 January 2014	Classification UNRESTRICTED	Agenda Item No.
Report of Service Head, Democratic Services	Title Review of Member Timesheets		
Originating Officer(s): John Williams	Wards affected ALL		

1. SUMMARY

- 1.1 In October 2013 the Standards Advisory Committee received the regular monitoring report on Councillors' attendance at formal meetings and training events, completion of timesheets and the register of interests.
- 1.2. In relation to Members' timesheets, some Members expressed the view that the form used was too complex and in some respects out of date, and this may have contributed to a low completion rate in some cases. The Committee asked that the timesheets be reviewed and a proposal on streamlining the form be brought to this meeting.
- 1.3 This report therefore sets out some proposed changes to the content of the timesheets. The Committee is invited to comment on these and to suggest any further improvements they feel are necessary. The political groups and independent Councillors have also been consulted on this matter and any comments received will be circulated to the meeting.

2. RECOMMENDATIONS

- 2.1 That the Committee consider and comment on the proposed amendments to the Members' Timesheet proforma as attached at Appendix 'B' and any further suggestions received in response to consultation and/or raised at the meeting.

3. BACKGROUND

- 3.1 Since April 2004 the former Standards Committee and now the Standards Advisory Committee have received regular monitoring reports on the completion of Members' timesheets and attendance by Members at Council and other formal meetings.
- 3.2 At the meeting in October 2013, the Standards Advisory Committee noted that a significant number of Members had failed to submit their timesheets in a timely manner as required. The Committee discussed the appropriate response to this breach and agreed that the Chair would write to the Members concerned with a copy to the respective Group Leader(s).
- 3.3 During discussion however, some Members reported that the timesheet proforma used was somewhat complex and in certain respects out of date. It was suggested

that this may have contributed to the low completion rate in some cases. Councillors present enquired whether:

- § the process could be simplified;
- § a type of electronic input could be devised; and/or
- § some irrelevant categories of activity listed in the timesheets could be removed

3.4 The Service Head Democratic Services reported that in the medium term a self-service electronic form would be introduced enabling Members to input their details directly in a more user-friendly way. In the meantime however he undertook to review the proforma and bring any proposed amendments to the Committee's next meeting.

4. MEMBERS' TIMESHEETS

4.1 Tower Hamlets Councillors have, since April 2002, completed monthly timesheets detailing the time spent on council duties, split into categories such as surgeries, casework, attendance at meetings/external bodies etc.

4.2 Members' timesheets are posted on the 'Meet your Councillor' pages of the Council's website which also contain information on the ward represented, committee/external appointments, surgery arrangements, contact and other details. Councillors are personally responsible for the accuracy and timely submission of their timesheets.

4.3 Completion of timesheets is not a statutory requirement and does not affect the Basic and Special Responsibility Allowances paid to Members. However, the London Councils Independent Panel on the Remuneration of Councillors have emphasised the need for an accountable and transparent allowances scheme. In their 2001 report, the Independent Panel identified the tasks and responsibilities which they believed were the essential remit of a Councillor. In proposing a Basic Allowance to apply to all Councillors, they assumed a contribution of 40 hours per month on top of a "voluntary commitment" of 20 hours for each Member. Tower Hamlets has voluntarily developed the timesheet system to enhance transparency.

4.4 The timesheet proforma currently used by Members is attached at Appendix 'A'.

4.5 A number of amendments to the proforma are proposed at Appendix 'B'. In the main these represent the deletion of obsolete categories and updating of terms etc. The Committee is invited to identify any further changes to the proforma that they consider desirable. The political groups and independent Councillors have also been consulted on this matter and any comments received will be reported to the committee.

5. OBSERVATIONS OF THE CHIEF FINANCIAL OFFICER

5.1 There are no direct financial implications arising from this report.

6. LEGAL IMPLICATIONS

6.1 The Localism Act 2011 introduced new arrangements to govern the standards of conduct for local authority members and co-optees. Seven guiding principles of conduct are set out:- selflessness; integrity; objectivity; accountability; openness; honesty and leadership.

6.2 The system of Member timesheets in use at Tower Hamlets supports these guiding principles and, in particular, enhances accountability and openness in relation to members performance of their council duties.

7. ONE TOWER HAMLETS CONSIDERTIONS

7.1 There are no specific implications for One Tower Hamlets arising from the proposals in this report.

8. CRIME AND DISORDER REDUCTION IMPLICATIONS

8.1 This report has no immediate implications for Crime and Disorder reduction.

9. RISK MANAGEMENT IMPLICATIONS

9.1 There are no risk management implications.

10. STRATEGIC ACTION FOR A GREENER ENVIRONMENT (SAGE)

10.1 There are no SAGE implications arising directly from this report.

LOCAL GOVERNMENT ACT, 2000 (SECTION 97)

LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT

Brief description of "background paper"

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

Reports by the Independent Panel on the
Remuneration of Councillors in London

John Williams 020 7364 4204
Town Hall, Mulberry Place,
5 Clove Crescent, London,
E14 2BG

Councillors timesheets and attendance files

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APPENDIX A – MEMBERS TIMESHEET (CURRENT)

MEMBERS NAME:	
MONTH:	
NUMBER OF SURGERIES HELD:	
NUMBER OF CASES:	
HOLIDAY AND ANNUAL LEAVE:	
SICK:	
COUNCIL MEETINGS ATTENDED	TIME SPENT
EXTERNAL BODIES MEETINGS	TIME SPENT
OTHER	TIME SPENT
<i>(Please enter total time spent on any of the following – you do not need to enter the number of meetings)</i>	
Chair's Pre Agenda Meetings	
Citizenship Ceremony	
Civic Receptions	
Community Events	
Conferences	
Corporate Parenting Steering Group	
Group Meetings	
Holiday/s	
LAB Meetings	
Learning, Achievement & Leisure (CPAG)	
Living Well (CPAG)	
Local Area Partnership (LAP)	
Mayoral Engagements	
Meeting with Council Officer/s	
Meeting with Councillor/s	
Meeting with other organisations	
Members Training Sessions/Seminar	
MP/MEP/Minster -Meetings	
NDC Meetings	
Olympic Bid	
Paperwork, Reading & Telephone Calls	
School Governors Meeting	
Site Visits	
Tenants/Residents Meeting	
Time Spent on Casework	
Time Spent at Surgery	
Working Party	

PLEASE RETURN COMPLETED TIMESHEET TO MEMBERS' SUPPORT

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APPENDIX B – MEMBERS TIMESHEET (PROPOSED CHANGES)

MEMBER'S NAME:	
MONTH/YEAR:	
NUMBER OF SURGERIES HELD:	
NUMBER OF CASES/ENQUIRIES RAISED:	
DAYS HOLIDAY/ANNUAL LEAVE:	
DAYS SICK LEAVE:	
COUNCIL MEETINGS ATTENDED	TIME SPENT
EXTERNAL BODIES MEETINGS	TIME SPENT
OTHER	TIME SPENT
<i>(Please enter total time spent on any of the following – you do not need to enter the number of meetings)</i>	
Chair's Pre Agenda Meetings	
Citizenship Ceremony	
Civic Receptions	
Community Events	
Conferences	
Corporate Parenting Steering Group	
Political Group Meetings	
Mayor's Advisory Board Meetings	
Mayoral Engagements	
Meeting with Council Officer/s	
Meeting with Councillor/s	
Meeting with other organisations	
Members Training Sessions/Seminar	
GLA Member/MP/MEP/Minster -Meetings	
Paperwork, Reading & Telephone Calls	
School Governors' Meeting	
Site Visits	
Tenants/Residents Meeting	
Time Spent on Casework	
Time Spent at Surgery	

PLEASE RETURN COMPLETED TIMESHEET TO MEMBERS' SUPPORT

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Agenda Item 6

By virtue of paragraph(s) 1, 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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