

STANDARDS (ADVISORY) COMMITTEE

Tuesday, 15 September 2015 at 7.30 p.m.

MP701, 7th 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, Salina Bagum, Nafisa Adam, Mike Houston, Daniel McLaughlin, Councillor Shah Alam, Councillor Marc Francis, Councillor Sirajul Islam, Councillor Mohammed Mufti Miah, Councillor Abdul Mukit MBE, Councillor Candida Ronald and Councillor Andrew Wood

Observers:

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

Deputies:

Councillor Gulam Kibria Choudhury, Councillor David Edgar, Councillor Amy Whitelock Gibbs and Councillor Danny Hassell

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

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

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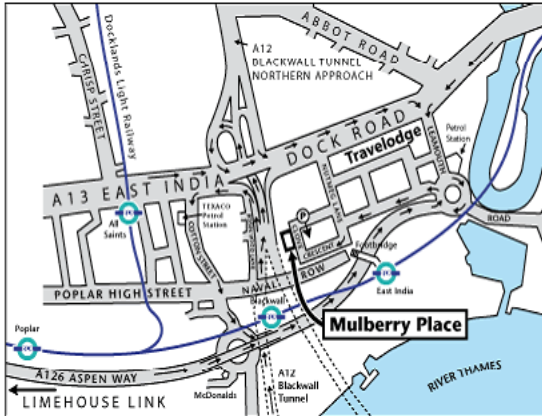
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MR MATTHEW ROWE (CHAIR) IN THE CHAIR

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 Interim Monitoring Officer.

2. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 14)

To confirm as a correct record the minutes of the meeting of the Standards (Advisory) Committee held on 14 July 2015.

3. REPORTS FOR CONSIDERATION

3.1 Annual Report of Investigations Under the Regulation of Investigatory Powers Act (RIPA) (Pages 15 - 20)

To consider an update on the Council's use of its powers and other activities under the Regulation of Investigatory Powers Act (RIPA).

3.2 Annual Report of the Independent Person to the Council

To note the Annual Report of the Independent Person to the Council.

4. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

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

Next Meeting of the Committee:

Tuesday, 24 November 2015 at 7.30 p.m. to be held in the MP701, 7th Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG

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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 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 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>

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LONDON BOROUGH OF TOWER HAMLETS

**MINUTES OF THE STANDARDS (ADVISORY) COMMITTEE
HELD AT 6.00 P.M. ON TUESDAY, 14 JULY 2015
MP701, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON E14 2BG**

Members Present:

Matthew William Rowe (Chair)

John Pulford MBE
Nafisa Adam
Eric Pemberton
Mike Houston
Salina Bagum
Councillor Abdul Mukit MBE
Councillor Candida Ronald
Councillor Mohammed Mufti Miah
Councillor Shah Alam
Councillor Andrew Wood

Observers:

Elizabeth Hall – (Independent Person)

Other Councillors Present:

Councillor Danny Hassell

Apologies:

Ezra Zahabi – (Reserve Independent Person)
Councillor Marc Francis – (Co-opted Member)

Officers Present:

Meric Sullivan-Gould (Interim Monitoring Officer)
John Williams (Service Head, Democratic Services)
Elizabeth Dowuona (Democratic Services Officer)

1. ELECTION OF CHAIR FOR THE MUNICIPAL YEAR 2015/16

The Clerk sought nominations for the Chair of the Standards (Advisory) Committee (SAC) for the Municipal Year 2015/16.

Mr Eric Pemberton, nominated Mr Matthew William Rowe as Chair of the SAC for the Municipal Year 2015/16. Mr John Pulford MBE seconded the nomination.

There being no other nominations it was: -

Resolved

That Mr Matthew William Rowe be elected to serve as Chair of the Standards (Advisory) Committee for the Municipal Year 2015/16.

Action by: Elizabeth Dowuona (Senior Committee Officer, Democratic Services, LPG)

2. ELECTION OF VICE-CHAIR FOR THE MUNICIPAL YEAR 2015/16

MR MATTHEW ROWE (CHAIR) IN THE CHAIR

The Chair sought nominations to serve as Vice-Chair of the Standards (Advisory) Committee (SAC) for the Municipal Year 2015/16.

Mr John Pulford MBE nominated Mr Eric Pemberton as Vice-Chair of the SAC for the Municipal Year 2015/16. Ms Salina Bagum seconded the nomination.

There being no other nominations it was: -

Resolved

That Mr Eric Pemberton be elected to serve as Vice-Chair of the Standards (Advisory) Committee for the Municipal Year 2015/16.

Action by: Elizabeth Dowuona (Senior Committee Officer, Democratic Services, LPG)

3. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest.

4. APOLOGIES FOR ABSENCE

An apology for absence was from Councillor Marc Francis and Ezra Ezra Zahabi (Reserve Independent Person).

It was noted that since the establishment of the Standards Advisory Committee, the Independent Person and Reserve Independent Person had been invited to SAC meetings in the capacity of observers but had been permitted by the Committee to contribute to discussions.

Accordingly the Chair **Moved** the following motion for the consideration of SAC members, and it was: -

Resolved

That the Independent Person and Reserve Independent Person be permitted to contribute to future discussions of the Standards Advisory Committee.

5. MINUTES OF THE PREVIOUS MEETING

That the minutes of the meeting held on 27 January 2015 be approved as a correct record of proceedings subject to the following amendments:

1. The inclusion of Eric Pemberton (Co-opted Member) on the list of Members Present;
2. Amendment to the spelling of the word “in-practical” to “not practical” on the last bullet point on Page 7.

6. REPORTS FOR CONSIDERATION

6.1 Standards (Advisory) Committee - Terms of Reference, Membership, Quorum, Dates of Meetings and Establishment of Sub-Committees 2015/16

John Williams, Head of Service, Democratic Services, introduced and summarised key points in the report, which provided the Terms of Reference, Membership, Quorum and Dates of meetings of the SAC for the Municipal Year 2015/16 for the Committee’s information.

The following amendments were noted:

Paragraph 3.5.3 – That Mr Daniel Laughlin’s term of office should read ‘February 2019’.

Appendix 3 – Schedule of Meeting Dates 2015/16 - Tuesday 16 September 2015 should read Tuesday 15 September 2015.

The Committee agreed that on the basis that Local Strategic Partnerships or Community Forums no longer existed in the form described in Terms of Reference, those terms of reference be amended accordingly.

Resolved

1. That subject to minor amendments to the report, the Standards (Advisory) Committee Terms of Reference, Membership, Quorum, Dates of future meetings and timing thereof, as set out in Appendices 1, 2 and 3 to the report, be noted;

Action by: Elizabeth Dowuona (Senior Committee Officer,
Democratic Services, LPG)
Meic Sullivan-Gould (Interim Monitoring Officer, LPG)

6.2 Annual Report of Investigations under the Regulation of Investigatory Powers Act (RIPA)

Meic Sullivan-Gould (Interim Monitoring Officer) introduced and highlighted key points in the report, which outlined the Council's use of covert investigations under the Regulation of Investigatory Powers Act 2000 ("RIPA").

Meic Sullivan-Gould explained that there were circumstances in the discharge of its statutory functions in which it was necessary for the Council to conduct directed surveillance or use a covert human intelligence source for the purpose of preventing crime or disorder.

The RIPA Act was intended 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 was designed to ensure that public authorities did not contravene the obligation in Section 6(1) of the Human Rights Act 1998 not to act in a way which was incompatible with an individual's rights under the European Convention on Human Rights ("ECHR"). It was 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.

It was noted that the Council's current priorities for the use to RIPA were:

- 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.

Meic Sullivan-Gould outlined an internal investigation in 2014/15 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. Relevant surveillance material was provided to the Metropolitan Police to assist in the investigation. As a result of the investigation, appropriate internal action was being undertaken under the Council's procedures.

The Committee noted that there a consistent use of low levels of RIPA by the Council and the following were highlighted:

- 1 authorisation granted in 2014/2015;
- 2 authorisations were granted in 2013/2014;
- 2 authorisations were granted in 2012/2013 and
- 3 authorisations were granted in in 2011/2012.

Previous investigations had targeted touting and the investigation of underage sales of tobacco, however there were no such investigations with the use of RIPA in 2014/2015. It was noted that the Council had used the resources of the police and their statutory powers, more use of overt uniformed enforcement officers dealing with a wider range of offences and more combined partnership working with the police to tackle both issues during 14/15.

RESOLVED –

That the report be noted.

6.3 Code of Conduct for Members - Complaints and Investigation Monitoring

Meic Sullivan Gould, the Interim Monitoring Officer introduced the report. The Committee noted that the four outstanding complaints had been determined. The determinations had been delayed as attempts to convene a meeting of the Investigation & Disciplinary Sub-Committee since September 2014 had failed on a number of occasions due to difficulties in securing dates acceptable to nominated Members of the Investigation and Disciplinary Sub-Committee on a number of occasions. More recently it had not possible to convene a meeting of the Investigation & Disciplinary Sub-Committee during the pre - election period for the general election in May 2015 and the subsequent Tower Hamlets mayoral and ward elections in June 2015.

The Committee noted that a meeting of the Investigation & Disciplinary Sub-Committee had finally been convened on 23 June 2015 and had considered the four outstanding complaints. The Sub-Committee had made the following decisions:

- Complaint Reference IDSC/05/2013 - that in light of the finding of the independent investigator, the complaint be closed.
- Complaint Reference IDSC/08/2013 - that in light of the finding of the independent investigator, the complaint be closed.
- Complaint Reference IDSC/09/2013 - that in light of the finding of the independent investigator, that there was no evidence of a failure to comply with the Code of Conduct for Members, the complaint be closed.

- Complaint Reference ASC/01/2012 - that the complaint be not referred for hearing.

The Chair thanked all Members who availed themselves in sitting on the IDSC in June 2015 and bringing the much delayed set of complaint cases to conclusion.

Comments from Members included the request that the committee process would be streamlined/improved to avoid delays in setting up appropriate sub-committees to determine complaints submitted to the Standards Advisory Committee in the future.

Action By: Meic Sullivan-Gould, the Interim Monitoring Officer

RESOLVED:

That the report be noted.

6.4 Code of Conduct for Members - Revised Code and Complaint Handling Arrangements

Meic Sullivan-Gould, the Interim Monitoring Officer introduced the report. The Committee noted that in October 2014, the Advisory Committee received a report from Hoey Ainscough Ltd which provided a critique of the Council's current Code of Conduct and Complaint Handling Arrangements. The Advisory Committee discussed areas for improvement in the Council's Code and requested the Interim Monitoring Officer, in consultation with the Chair and Independent Person, to provide a draft of a Revised Code and Complaint Handling Arrangements.

It was recommended that the proposed Revised Code of Conduct based on the restatement of the Committee for Standards in Public Life's Seven Principles (January 2013) and the principle that Elected Persons should comply with the same standards of behaviour that they require of the staff that they employ.

It was noted that since the implementation of the Localism Act 2011, the sanctions available to Councils in respect of misbehaviour was very limited and more proportionate processes were required to deal effectively and quickly with allegations of breach of Code.

Members discussed the seven principles of public life and how Members might demonstrate that they were acting in line with those principles, in particular:-

- Members agreed that it was essential, to avoid challenges on probity for Members to ensure transparency at all times eg. that meetings with individuals or groups were recorded by officers.

- It was considered that Chairs at all Council meetings must be a robust in managing the meeting and feel empowered to deal with disorderly conduct appropriately and timely at the meeting.
- That persistent inappropriate behaviour or use of language which constituted breaches of the Members code of conduct should attract public sanctions.
- That induction should be mandatory to all new councillors including annual training for Councillors on quasi-judiciary bodies.
- That political groups could assist their Members by offering guidance in adhering to the Council's code of conduct, probity and the practical demonstration of life Standards in Public Life's Seven Principles (January 2013) and the principle that Elected Persons should comply with the same standards of behaviour that they require of the staff that they employ.

RESOLVED –

That the Revised Code of Conduct and Complaint Handling Arrangements be approved for consultation with the Mayor, the Speaker and Group Leaders.

Action by: Meic Sullivan-Gould, Interim Monitoring Officer

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

John Williams, Head of Service, Democratic Services, introduced the report. He summarised the key points, which underlined the importance the Council placed on accountability and transparency in the work of councillors and the allowances/remuneration provided to them in the course of their duties.

John Williams referred to the value of timely and accurate completion of timesheets by Members and the Council's monitoring arrangements which had placed Tower Hamlets at the forefront of best practice in this area as very few other local authorities have any such formal monitoring system in place.

The Committee noted that new software was now being used to upload Members' timesheets. The benefits of the software included a facility for direct inputting of timesheets detailing the time spent on Council duties, split into categories such as surgeries, casework and attendance at Council meetings and meetings of external bodies.

It was noted that Members' timesheets were 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 and Councillors were personally responsible for the accuracy and timely submission of their timesheets.

Members discussed the report and various reasons were given for the late or non-submission of their timesheets. Some Members did not feel adequately informed on how to complete their timesheets. Councillor Wood stated that the Conservative Group had decided not to complete timesheets as they did not consider it a satisfactory way of capturing the level of work covered by councillors in the course of their duties and responsibilities.

Following a lengthy discussion, the Committee noted that although the completion of timesheets was not a statutory requirement and did not affect the Basic and Special Responsibility Allowances paid to Members, Tower Hamlets had voluntarily developed the timesheet system to enhance transparency and accountability and the Standards Advisory Committee had agreed to monitor the work of elected Members who were accountable.

Members commented that to have an accurate timesheet, more categories could be added to the timesheet to capture other areas of work in which Councillors were involved, including a free text box to provide further details. Mr Williams undertook to look into this together with the automatic population of sections of the timesheet for which information was already held, such a number and duration of formal meetings attended.

On the question of whether (as in previous practice) to ask the Chair to write to those Members who were significantly in arrears and/or their political group Leaders, drawing their attention to the need to maintain an up to date records, it was agreed that this should be done but also that the Chair and Independent Person should meet political group Leaders, drawing their attention to the importance on the timely and accurate completion of timesheets and reporting back to the Committee on any issues raised.

RESOLVED –

That the Standards Advisory Committee:

- (i) Note 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;
- (ii) That the Chair write to those Councillors who were not more than three months in arrears with their timesheets, drawing their attention to the importance of timely completion;
- (iii) That the Chair and Independent Person on the Standards Advisory Committee meet political group Leaders to discuss the timesheet process and report back on any issues raised.

- (iii) Agree to receive further monitoring reports at six monthly intervals.

Action By: John Williams, Service Head, Democratic Services

7. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

There was none.

8. EXCLUSION OF THE PRESS AND PUBLIC

The Committee Resolved that the press and public be excluded from the meeting during the discussion of item 9 on the grounds that the minutes contained information classified as exempt under the provisions of Schedule 12A of the Local Government Act 1972, Paragraph 3.

9. EXEMPT/CONFIDENTIAL MINUTES

The Chair **moved** and it was agreed that the exempt/confidential minutes of the Standards Advisory Committee held on 27 January 2015 be approved, as a correct record of the proceedings.

Action by: Elizabeth Dowuona (Senior Committee Officer, Democratic Services, LPG)

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

There was none.

The meeting ended at 8.45 p.m.

Chair, Matthew William Rowe
Standards (Advisory) Committee

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Agenda Item 3.1

Non-Executive Report of the: Standards Advisory Committee 15 September 2015	 TOWER HAMLETS
Report of: Service Head – Legal Services and Interim Monitoring Officer	Classification: Unrestricted
Report of Investigations under the Regulation of Investigatory Powers Act (RIPA)	

Originating Officer(s)	David Galpin, Service Head – Legal Services and Interim Monitoring Officer
Wards affected	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 Standards Advisory 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 elected and independent 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 Interim 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 due to be refreshed in 2015.

- 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 may be considered when the enforcement policy is reviewed, later 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, Safer Communities 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) may attend fortnightly at CLC's internal deployment and tasking meetings to ensure the central record is being kept up to date. Representatives of each service area in CLC and the Police 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 in Q1

- 3.16 No applications were made for RIPA authorisation in the first quarter of 2015/2016.

3.17 Update

- 3.18 The annual RIPA report indicated that the Committee would be updated in due course on any enforcement action taken following the single authorisation granted in 2014/2015. However, those matters have not yet reached a point at which a report may be made.
- 3.19 The annual report also indicated that training needed to be arranged. This is yet to be put in place as difficulties have been experienced with the previous supplier and alternative arrangements may need to be made.

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") to the Standards Committee. 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 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. 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 through the Standards 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 the Standards Committee 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