

## **Ethics Committee**

**Meeting held on Wednesday 6 September 2017 at 6:30pm in Room F5, the  
Town Hall, Katharine Street, Croydon CR0 1NX**

### **DRAFT MINUTES - PART A**

**Present:** Councillor Oliver Lewis (Chair)  
Councillors Steve Hollands, Karen Jewitt, Andrew Rendle and  
Donald Speakman

Mr Ashok Kumar, Independent Person (non-voting) and Mrs Anne  
Smith, Independent Person (non-voting)

**Apologies:** Councillors Pat Clouder, Mario Creatura, Maggie Mansell and Joy  
Prince

### **MINUTES - PART A**

#### **A1 Minutes**

The minutes of the meeting held on 1 February 2017 were agreed as  
an accurate record.

#### **A2 Disclosure of Interest**

There were none.

#### **A3 Urgent Business (if any)**

There were no items of urgent business.

#### **A4 Exempt Items**

The allocation of business between Part A and Part B was agreed.

#### **A5 Regulation of Investigatory Powers Act 2000 – April 2017 Inspection of the Council by the Office of Surveillance Commissioners**

The Information Management Co-ordinator informed the Committee  
that the Office of the Surveillance Commissioner (OSC) undertook  
inspections of authorities on a two and a half year to year cycle, and  
that the last inspection of Croydon Council took place in April 2017.

During the inspection representatives of the OSC met with officers who undertook RIPA activities; including those who worked Council's CCTV room with whom they discussed the general use of CCTV and the processes followed when outside bodies, such as the Police and Department for Work and Pensions, requested the use of the Council's CCTV for surveillance.

It was noted by the Information Management Co-ordinator that the findings of the OSC were fairly limited in regards to actions the Council was required to undertake. The need for all staff to be appropriately trained when undertaking investigations was identified, and whilst it was noted that training had been undertaken changes in personnel meant that a review was required. Furthermore, training around the use of social media had been identified and Members were informed that the RIPA policy was to be redrafted to include a section on the effective use of social media and would be brought to a future meeting of the Committee for consideration. The OSC finally reviewed the authorisation documentation and recommended that a standard electronic record was used which had been actioned by the Council.

In response to Member questions the Information Management Co-ordinator informed the Committee that as part of the RIPA policy review there would be a review of those who had the power to authorise the use of investigations. Furthermore, a review of training would be undertaken to ensure the right people were trained especially in light of staff turnover.

The Information Management Co-ordinator informed the Committee that social media was used occasionally by officers to aid investigations but those being investigated were not being actively engaged via social media; it was being used as an investigative tool rather than surveillance.

**RESOLVED:** To note the findings of the recent Office of the Surveillance Commissioner (OSC) Inspection, which documents the Council's use of the powers available under Regulation of Investigatory Powers Act 2000 (RIPA) since the last inspection.

## **A6**

### **Recent Case Law Update**

The Director of Law stated that having updates on recent case law was a useful way to learn from other authorities on how to deal with possible future cases which involved ethics. The case outlined within the report had been reported on earlier in the year and was in relation to an allegation of Member bullying and wrongdoing. Due to the Member being unhappy with how the investigation was undertaken and that the details had been released into the public domain it was heard at the High Court.

The Director of Law stated that the case had provided clarification around the powers within the Localism Act to undertake investigations and also that the wider powers of an authority could be used, such as the general powers to ensure the financial affairs of the local authority were in order. The ruling of the High Court had endorsed the process taken and the publication of the investigation material due to the high public interest of the case. Furthermore, the case clarified that the actions taken before the Localism Act came into power could be taken into consideration.

In response to Member questions the Director of Law informed the Committee that there was not one area where all reports on recent case law had been saved, however this could be reviewed and the reports could be stored on the Members' Portal for reference. The Director of Law informed the Committee that a quarterly update on recent case law was circulated to departments to ensure officers were kept informed.

The Committee noted that paragraph 3.3 of the report should read; "Documents also refer to members bullying employed officials and officers who were *not* compliant in carrying out the members wishes."

**RESOLVED:** To note the outcome of recent case law.

#### **A7                   Members' Dispensations**

The Committee received the report of Director of Law and noted that no applications for dispensation had been received from Members of the Council.

**RESOLVED:** To note the report.

#### **A8                   Draft Work Programme for 2017/18**

The Committee considered the draft work programme for the 2017/18 municipal year and made no amendments.

**RESOLVED:** To note the draft work programme for the 2017/18 municipal year.

#### **A9                   Exclusion of the Press & Public**

The following motion was moved by Councillor Lewis and seconded by Councillor Jewitt to exclude the press and public:

"That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following

items of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended.”

The motion was put and it was agreed by the Committee to exclude the press and public for the remainder of the meeting.

## **MINUTES - PART B**

### **B10 Minutes**

The minutes of the meeting held on 1 February 2017 were agreed as an accurate record.

### **B11 Members' Dispensations**

There were no applications for Members' dispensations to consider.

The meeting ended at 6.52pm