

Ethics Committee

Meeting of held on Wednesday, 28 February 2018 at 6.30 pm in F10, Town Hall, Katharine Street, Croydon CR0 1NX

MINUTES

Present: Councillor Oliver Lewis (Chair);
Councillor Joy Prince (Vice-Chair);
Councillors Pat Clouder, Maggie Mansell and Donald Speakman
Ashok Kumar (Independent Co-opted Member)

Apologies: Councillor Mario Creatura and Wayne Trakas-Lawlor.
Anne Smith (Independent Co-opted Member)

PART A

1/18 Minutes of the Previous Meeting

The minutes of the meeting held on 6 September 2017 were agreed as an accurate record.

2/18 Disclosure of Interests

There were none.

3/18 Urgent Business (if any)

There were no items of urgent business.

4/18 Corporate RIPA (Regulation of Investigatory Powers Act 2000) Policy Revisions

The Committee considered a report that detailed the findings and recommendations made by the Office of the Surveillance Commissioner's inspection of the Council's use of covert surveillance under the Regulation of Investigatory Powers Act (RIPA) 2000 and revisions made to corporate policy and procedures arising from those findings.

In considering the report, the Committee noted that ad hoc guidance on the surveillance of social media had previously been issued and that following the inspection, this was now formalised within the revised corporate policy.

Members also noted that the policy document had been praised by the Inspector and thanked the Council's Information Management Co-Ordinator, Howard Passman, for his achievements in this area.

RESOLVED:

That the revisions to the corporate policy and procedures managing the use of covert surveillance authorised under the Regulation of Investigatory Powers Act 2000 by the Council arising from the Office of Surveillance Commissioner's recommendations following a Council inspection in 2017 be noted.

5/18

Use of the Powers Available Under the Regulation of Investigatory Powers Act 2000 Year Ending 31 December 2017

The Committee considered a report that detailed the use of the Regulation of Investigatory Powers Act (RIPA) 2000 by the Council over the past calendar year.

Members were informed by the Information Management Co-ordinator that the use of these powers had been in decline over recent years and that the level of use in the previous calendar year was in keeping with the declining trend.

The Committee also noted that multiple applications for use of RIPA powers would often be required for a single investigation due to the complex and sophisticated nature of the issues being investigated.

RESOLVED:

That the use of the Regulation of Investigatory Powers Act 2000 by the Council over the past calendar year be noted.

6/18

Recent Development on the Regulation of Councillor Conduct

The Committee considered a report that:

- i) provided details of a recent consultation by the Department for Communities and Local Government (DCLG) regarding disqualification criteria for Councillors and Mayors;
- ii) sought views on a current consultation by the Committee on Standards in Public Life (CSPL) as part of their review of Local Government Ethical Standards; and
- iii) detailed the outcome of a recent case in relation to the regulation of Councillor conduct.

At the outset of the item, Members welcomed the new Head of Corporate Law and Litigation, Sandra Herbert, to her first meeting of the Committee.

In considering the details of the DCLG consultation, the Committee noted that the outcomes of the consultation were yet to be made public. Members were also informed that, as the proposed changes to disqualification criteria would require a change in the Law, it was not anticipated that the changes would take effect in the immediate future.

In considering the current CSPL consultation, the Chair informed Members that he would consult with Members of both political groups represented on the Council before the Authority's response was submitted.

RESOLVED:

1. That the recent consultation by the Department for Communities and Local Government regarding the disqualification criteria for Councillors and Mayors be noted.
2. That the Monitoring Officer, in consultation with the Chair of the Ethics Committee, be delegated authority to respond on behalf of the Ethics Committee to the Committee on Standards in Public Life consultation as part of its review of local government ethical standards; and
3. That the outcome of a recent case in relation to the regulation of Councillor conduct be noted.

7/18

Annual Update on Ethics Complaints Received Year Ending 31 December 2017

The Committee considered a report that updated Members on complaints and investigations undertaken by the Monitoring Officer over the past year.

In considering the detail of the report, Members noted that just under half of all complaints received by the Monitoring Officer had related to a single planning application and that no complaints received during the course of the year had met the assessment criteria agreed by the Committee to be referred for investigation.

The Monitoring Officer informed Members that all complainants were asked to specify which area of the code they had felt had been breached and what evidence they could provide to substantiate their complaint.

In discussion of the report, Members noted the themes of complaints that had been received and the strong focus of complaints relating to planning, none of which had met the assessment criteria to be referred to investigation. Members also noted that in over half of the complaints where additional information had been sought from the complainant, no further information had been received.

Members of the Committee reflected that while it remained paramount that residents had an avenue to raise issues of probity and ethics, there were both direct and opportunity costs to residents when complaints were made without valid grounds.

RESOLVED:

That the annual update on ethics complaints received in the year ending 31 December 2017 be noted.

8/18 Annual Whistleblowing Report for Year Ending 31 December 2017

The Committee considered a report that detailed use of the Council's whistleblowing procedure during the past calendar year.

In considering the report, some Members of the Committee questioned whether staff reporting issues under the whistleblowing procedure could be given guarantees of future employment. The Monitoring Officer informed those Members that such staff were already granted statutory protection under existing legislation.

RESOLVED:

That the annual whistleblowing report for the year ending 31 December 2017 be noted.

9/18 Member Learning and Development 2017-18

The Committee received a report that detailed Member learning and development activity during the 2017/18 municipal year.

In considering the report, Members also noted that an induction programme for all councillors elected at the May 2018 local election was in development and that both political groups represented on the Council would be consulted on the development of that programme.

RESOLVED:

That the Member learning and development 2017/18 update be noted.

10/18 Dispensation Applications for Members

The Committee received the report of the Director of Law and noted that one application had been received from a Member of the Council.

RESOLVED:

That the report be noted.

11/18 Exclusion of the Press and Public

The following motion was moved by Councillor Mansell and seconded by Councillor Clouder 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.

12/18 **Dispensation Applications for Members**

The Committee considered an application for a dispensation in respect of a disclosable pecuniary interest from Councillor Simon Hall in relation to any decisions involving Barnardo's.

In considering the grounds on which dispensations could be made, Members agreed that it was otherwise appropriate to grant this dispensation and

RESOLVED:

That Councillor Simon Hall be granted a dispensation in respect of a disclosable pecuniary interest in relation to any decisions involving Barnardo's for the remainder of his current term of office.

The meeting ended at 7.28 pm

Signed:

Date:

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