Open Agenda



Standards Committee

Tuesday 8 March 2016
7.00 pm
Ground Floor Meeting Room GO1A, Council Offices, 160 Tooley Street,
London SE1 2QH

Membership

Councillor Catherine Dale (Chair) Councillor David Hubber (Vice-Chair) Councillor Dora Dixon-Fyle MBE Councillor Sarah King

Councillor Cleo Soanes
Councillor Rosie Shimell
Councillor Bill Williams

Independent Persons

William Dee Charles Wynn-Evans

Reserves

Councillor Evelyn Akoto
Councillor Karl Eastham
Councillor Jon Hartley
Councillor Kieron Williams
Councillor Maria Linforth-Hall
Councillor Adele Morris

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

Babysitting/Carers allowances

If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

Access

The council is committed to making its meetings accessible. Further details on building access, translation, provision of signers etc for this meeting are on the council's web site: www.southwark.gov.uk or please contact the person below.

Contact

Chidilim Agada on 020 7525 3310 or email: chidilim.agada@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly
Chief Executive

Date: 29 February 2016





Standards Committee

Tuesday 8 March 2016
7.00 pm
Ground Floor Meeting Room GO1A, Council Offices, 160 Tooley Street,
London SE1 2QH

Order of Business

Item No. Title Page No.

PART A - OPEN BUSINESS

1. APOLOGIES

To receive any apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

A representative of each political group will confirm the voting members of the committee.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

Members to declare any personal interests and dispensation in respect of any item of business to be considered at this meeting.

5. MINUTES 1 - 3

To approve as a correct record the Minutes of the open section of the meeting held on 4 November 2015.

6. REVIEW OF THE COMPLAINTS MADE UNDER THE CODE OF 4 - 8 CONDUCT

To note the complaints made under the Code of Conduct.

7. APPOINTMENT OF CO-OPTED MEMBER ON THE STANDARDS (CIVIC AWARDS) SUB-COMMITTEE

9 - 11

To appoint a third co-opted member of the standards (civic awards) sub-committee.

8. REPORT ON THE OPERATIONAL USE OF THE REGULATION OF INVESTIGATORY POWERS ACT 2000

12 - 16

To note the information relating to the use of Regulation of Investigatory Powers (RIPA) for the period 1 October 2015 to 31 December 2015.

ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

EXCLUSION OF PRESS AND PUBLIC

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

"That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution."

PART B - CLOSED BUSINESS

ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

Date: 29 February 2016



STANDARDS COMMITTEE

MINUTES of the Standards Committee held on Wednesday 4 November 2015 at 7.00 pm at Ground Floor Meeting Room GO2A, Council Offices, 160 Tooley Street, London SE1 2QH

PRESENT: Councillor David Hubber (Vice-Chair) (In the chair)

Councillor Dora Dixon-Fyle MBE

Councillor Dan Garfield Councillor Sarah King Councillor Cleo Soanes

OTHERS Mr Charles Wynn-Evans (independent person)

PRESENT:

OFFICER Norman Coombe, Head of Corporate Team, Legal Services

SUPPORT: Michael Cleere, Civic Engagement Manager

Chidilim Agada, Principal Constitutional Officer

1. APOLOGIES

Apologies for absence were received from Mr William Dee (independent person).

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were no urgent items of business.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. MINUTES

RESOLVED:

That the minutes of the open section of the meeting held on 2 March 2015 be agreed as a correct record and signed by the chair.

6. REVIEW OF MEMBER AND OFFICER PROTOCOL AND COMMUNICATIONS PROTOCOL (VERBAL UPDATE)

The committee noted that the standards committee and the monitoring officer jointly keep the member and officer protocol and communications protocol under review and make recommendations for changes as appropriate. However this year no issues were identified with the current protocols, therefore no amendments were proposed.

7. ESTABLISHMENT OF A STANDARDS SUB-COMMITTEE TO DEAL WITH CIVIC AWARDS

The civic engagement manager updated the committee on the work programme for the 2016 civic awards. The committee noted the existing Civic Award categories, criteria and eligibility and also noted that apart from the Civic Awards, Southwark Council has the prestigious Housing Heroes award. The committee agreed that following the Housing Heroes awards on 28 January 2016, it will look at reviewing the Civic Awards categories in order that the awards recognise exceptional contributions to the civic life in the borough.

RESOLVED:

1. That a standards (civic awards) sub-committee with the size and composition set out below be established having had regard to the guidance set out in paragraph 13 of the report:

	Labour (3)	Liberal Democrat (1)	Conservatives (0)			
1.	Cleo Soanes					
2.	Dora Dixon-					
	Fyle					
3.	Sarah King					
4.		Rosie Shimell				
Co-c	optees (3)					
5.	Mr Gordon McCullough, Chief Executive of Community					
	Action Southwark, subject to confirmation by the appointee.					
6.	Mr Gary Magold, local community representative, subject to					
	confirmation by the appointee.					
7.	Appointee to be agreed at the next meeting of the					
	standards commi	ttee in March 2016.				

2. That Councillor Cleo Soanes be appointed chair and Councillor

Rosie Shimell be appointed vice-chair of the standards (civic awards) sub-committee.

3. That the committee note the role and functions/matters reserved of the standards (civic awards) sub-committee as set out in paragraph 14 of the report) as agreed by council assembly on 8 July 2015.

8. REPORT ON THE OPERATIONAL USE OF THE REGULATION OF INVESTIGATORY POWERS ACT 2000

RESOLVED:

That the information relating to the use of Regulation of Investigatory Powers Act (RIPA) for the period 1 January 2015 and 30 September 2015 be noted.

ANY OTHER BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

There were none.

EXCLUSION OF PRESS AND PUBLIC

It was moved, seconded and

RESOLVED:

That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in category 1 of paragraph 10.4 of the Access to Information Procedure Rules of the Southwark Constitution.

9. MINUTES

The minutes of the closed section of the meeting held on 2 March 2015 were agreed as a correct record and signed by the chair.

Meeting ended at 7	.23 pm		
	CHAIR:		
	DATED:		

Item No. 6.	Classi Open	fication:	Date: 8 March 2016	Meeting Name: Standards Committee	
Report title:			Review of the complaints made under the Code of Conduct		
Ward(s) affected:	or	groups	All		
From:			Director of Law and Dem	ocracy	

RECOMMENDATIONS

1. That the committee notes this report.

BACKGROUND INFORMATION

- 2. The Localism Act 2011 ("the Act") provides for the abolition of the former standards regime including Standards for England, statutory standards committees, the jurisdiction of the First Tier Tribunal over standards of conduct, and a nationally set code of conduct for councillors.
- 3. Southwark formed a standards committee and appointed independent persons. Southwark have 2 independent persons.

KEY ISSUES FOR CONSIDERATION

- 4. The Act requires local authorities to have arrangements to investigate allegations of breach of the code of conduct against members and make decisions on them. The current arrangements have been in place since 1 July 2012.
- 5. In August 2013, the Committee for Standards in Public Life produced an Annual Report which expressed concern at the operation of the standards regime since it was revised through the Localism Act 2011. The committee expressed concern in particular about:
 - the operation of the standards regime in local authorities where leadership was inadequate;
 - the lack of meaningful sanctions;
 - the weakness of the 'independent person' arrangements; and
 - the lack of time that was available for transition to the new system.
- 6. Since 2012 the monitoring officer agreed to analyse the complaints data and report this information to Standards Committee annually. The data for January 2010 to December 2015 is shown in Appendix A.

Conclusions

 Since the initial complaints in 2012 post Localism Act the number of complaints returned to pre Localism Act levels. The new arrangements have allowed the monitoring officer to provide local solutions to resolve complaints without formal investigations.

- 8. There may be a number of reasons for this, such as the current lack of sanctions available has inhibited complaints. The intervention of the Whips to resolve complaints involving members may also be another factor. This may be particularly true of complaints by officers.
- 9. The ability of the monitoring officer to deal with complaints informally may have lead to less formal complaints. As to the use of the filter with the independent person, this does not appear to be a factor at this stage. The independent person has considerable experience and they have been useful in assisting the monitoring officer in assessing complaints and revising procedures.
- 10. The cost of these complaints is difficult to quantify because officer and member time in assisting with the complaint is not all recorded, however payments to external solicitors or investigating officers can be quantified.

Complaints which required Investigation

LF002 - 14

- 11. This was a complaint against a member from a member of the public. Following an investigation the investigating officer found the member had not breached the code of conduct.
- 12. The committee should note the cost of this investigation was as follows

External £3105.00 Internal £ 657.50 Total £3762.50

LF001 - 15

- 13. This was a complaint against a member from a member of the public. Following an investigation the investigating officer found the member had not breached the code of conduct.
- 14. The committee should note the cost of this investigation was as follows

External £2290.00 Internal £ 878.50 Total £3168.50

15. The average time taken to conclude an external investigation is about 20 weeks compared with 12 weeks.

Community impact statement

- 16. The ability for members of the public to make complaints about councillors' failure to comply with a code of conduct may be of concern to local people and communities which could result in a perception of poor governance. This could affect the reputation of the council.
- 17. However the council maintains an open and transparent process for making complaints against members, information is assessable on the council's website.

Resource implications

18. Any implications can be maintained within current budgets.

Legal implications

19. The specific legal implications relating to this report have been included in the report.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
The Constitution	http://www.southwark.gov.uk/YourCouncil/HowTheCouncilWorks/councilconstitution.html 2nd floor, PO Box 64529,	Chidilim Agada 020 7525 3310
	London, SE1P 5LX	

APPENDICES

No.	Title
Appendix A	Complaints Breakdown

AUDIT TRAIL

Lead Officer	Doreen Forrester-Brown Director of Law and Democracy				
Report Author	Norman Coombe, I	Head of Corporate Team	1		
Version	Final				
Dated	01/02/2016				
Key Decision?	No				
CONSULTATION V	VITH OTHER OFFI	CERS / DIRECTORAT	ES / CABINET		
MEMBER					
Officer Title	Officer Title Comments Sought Comments included				
Director of Law and	Democracy	Yes	Incorporated		
Strategic Director	of Finance	No	No		
and Governance					
Cabinet MemberNot applicableNot applicable					
Date final report se	Date final report sent to Constitutional Team 01/02/2016				

Appendix A - Complaints Breakdown

Between May 2010 and July 2012 matter were dealt with by the Standards Sub - Committee

Year	2010	2011	2012	2013	2014	2015
Total number of complaints	7	7	12 ¹	4	3	4
Member complains	Total 4	None	Total 4	Total 2	None	None
against member	1 [sent for investigation breach upheld]		1 [sent for investigation complaint withdrawn]	1 [sent for investigation no breach]		
	1 [sent for investigation no breach]		2 [sent for investigation no breach]	1 [local solution by monitoring officer]		
	2 [no further action]		1 [local solution by monitoring officer]			
Member of public	Total 1	Total 6	Total 8	Total 2	Total 3	42
complains against members	1 [sent for investigation no breach]	1 [sent for investigation no breach]	1 [sent for investigation no breach]	1 [sent for investigation no breach]	1 [sent for investigation local solution by monitoring	1 [local solution by monitoring officer]
		5 [no further	7 [no further	1 [no further		

¹ 5 received before July 2012 ² 2 still under investigation

Appendix A - Complaints Breakdown

Year	2010	2011	2012	2013	2014	2015
		action]	action]	action]	officer] 1 [sent for investigation no breach] 1 [no further action]	1 [no further action]
Officer complains against members	Total 2 1 [sent for investigation no breach] 1 [no further action]	Total 1 1 [sent for investigation breach upheld]	None	None	None	None

Item No. 7.	Classification: Open	Date: 8 March 2016	Meeting Name: Standards Committee	
Report title	<u> </u>):	Appointment of co-opted member on the Stand (Civic Awards) Sub-Committee		
Ward(s) or	groups affected:	All		
From:		Proper Constitutional Officer		

RECOMMENDATION

1. To appoint a third co-opted member of the standards (civic awards) sub-committee having regard to the guidance in paragraph 7 of this report.

BACKGROUND INFORMATION

- 2. Council assembly on 8 July 2015 made a resolution that from the 2015/16 civic year, the administration of the civic awards be carried out by the council pending a longer term review of the operation of the awards scheme.
- Council assembly on 8 July 2015 also agreed that a standards (civic awards) subcommittee be established and that the decisions on the granting of civic awards be delegated to the sub-committee. It approved the necessary changes to the constitution.
- 4. Standards committee on 4 November 2015 established a standards (civic awards) sub-committee for the municipal year 2015/16, with the size and composition set out below:

Labour (3) Liberal Democrat (1) Conservatives (0)

- 1. Cleo Soanes (Chair)
- 2. Dora Dixon-Fyle
- 3. Sarah King
- 4. Rosie Shimell (Vice-chair)

Co-optees (3)

- 5. Mr Gordon McCullough, Chief Executive of Community Action Southwark.
- 6. Mr Gary Magold, local community representative.
- 7. Appointee to be agreed at the next meeting of the standards committee in March 2016.

KEY ISSUES FOR CONSIDERATION

5. The granting of civic awards is a constitutional function of standards committee as set out in Part 3L of the council's constitution. The standards committee has delegated this function to a sub-committee. Standards sub-committee members have the final discretion whether or not to grant an award, and on the level of award that should be granted.

- 6. The following matters are reserved for decision by the standards (civic awards) subcommittee:
 - (1) to grant civic awards.
 - (2) to consider the process by which the decisions with respect to civic awards applications are to be taken and to make recommendations to the standards committee.
 - (3) to appoint non-voting co-opted members.
- Subject to consideration by members, it is proposed that the third non-voting coopted member on the sub-committee be a representative of the local community. Officers from the council's civic office will put forward recommendations(s) to the subcommittee.
- 8. The council's co-opted members are required to sign the declaration of acceptance of office and agree to be bound by the council's code of conduct. Co-opted members are also expected to complete the council's register of interest form. This is retained by the proper constitutional officer and is available for public inspection; co-opted member's forms are not published on the council's website. Co-opted members may receive closed information relating to their roles and in accordance with the code will be expected to maintain strict confidentiality and ensure these documents are disposed of in an appropriate way.

Community impact statement

9. The sub-committee is intended to have a positive community impact by improving the administration and in particular the equalities monitoring of the civic awards scheme

Resource implications

10. There are no significant budget implications arising from the proposals set out in this report. Non-statutory co-opted members are able to claim re-imbursement of travelling and subsistence. They are entitled to claim child-care and dependent carer's allowance. The terms and conditions applying to these expenses and allowances are set out in the member allowances scheme published in the council's constitution. It is anticipated that the recommended changes can be maintained within existing resources.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council assembly agenda dated 8 July 2015 http://moderngov.southwark.gov.uk/ieList Documents.aspx?Cld=132&Mld=5063&V er=4	Constitutional Team 160 Tooley Street London SE1 2QH	Chidilim Agada Principal Constitutional Officer 020 7525 3310
Standards committee agenda dated 4 November 2015 http://moderngov.southwark.gov.uk/ieLis tDocuments.aspx?Cld=117&Mld=5169& Ver=4		
Member allowances scheme – Published January 2015		

APPENDICES

No.	Title
None.	

AUDIT TRAIL

Lead Officer	lan Millichap, Cons	Ian Millichap, Constitutional Manager			
Report Author	Chidilim Agada, Pri	ncipal Constitutional Off	icer		
Version	Final				
Dated	22/01/2016				
Key Decision?	No				
CONSULTATION	CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET				
	MEN	IBER			
Officer Title		Comments Sought	Comments Included		
Director of Law and	d Democracy	Yes	None		
Strategic Director of	f Finance	No	Not applicable		
and Governance					
Cabinet Member Not applicable Not applicable					
Date final report se	ent to Constitutiona	l Team	02/02/2016		

Item No. 8.	Classification: Open	Date: 8 March 2016	Meeting Name: Standards Committee	
Report title:		Report on the operational use of the Regulation of Investigatory Powers Act 2000		
Ward(s) affected:	or groups	All		
From:		Director of Law and Dem	ocracy	

RECOMMENDATION

1. That the committee note the information relating to the use of Regulation of Investigatory Powers Act (RIPA) for the period shown.

BACKGROUND INFORMATION

- 2. The Regulation of Investigatory Powers Act 2000 (RIPA) puts a regulatory framework around a range of investigatory powers used by local authorities. This is done to ensure the powers are used lawfully and in a way that is compatible with the European Convention on Human Rights. It also requires, in particular, those authorising the use of covert techniques to give proper consideration to whether their use is necessary and proportionate.
- 3. RIPA legislates for the use by local authorities of covert methods of surveillance and information gathering to assist in the detection and prevention of crime in relation to an authorities core functions.
- 4. At their meeting on 13 October 2010 the former committee agreed to consider reports on the use of RIPA.

KEY ISSUES FOR CONSIDERATION

- 5. The council's use of these powers is subject to regular inspection and audit by the Office of the Surveillance Commissioner (OSC) in respect of covert surveillance authorisations under RIPA. During these inspections, authorisations and procedures are closely scrutinised and Authorising Officers are interviewed by the inspectors.
- 6. From 1 November 2012 local authorities were required to obtain judicial approval prior to using covert techniques. Local authority authorisations and notices under RIPA (Regulation of Investigatory Powers Act 2000) will only be given effect once an order has been granted by a Justice of the Peace.
- 7. Additionally, from that date local authority use of directed surveillance under RIPA will be limited to the investigation of crimes which attract a six month or more custodial sentence, with the exception of offences relating to the underage sale of alcohol and tobacco.

8. Appendix A shows the usage for the period 1 October 2015 to 31 December 2015. Appendix B shows the usage for the period 1 April 2010 to 30 September 2015 for comparison purposes.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
The Constitution.	http://www.southwark.gov.uk/YourCo uncil/HowTheCouncilWorks/councilco nstitution.html 2nd floor, PO Box 64529, London, SE1P 5LX	Chidilim Agada 020 7525 3310

APPENDICES

No.	Title
Appendix A	1 October 2015 to 31 December 2015
Appendix B	1 April 2010 to 30 September 2015

AUDIT TRAIL

Lead Officer	Doreen Forrester-Brown, Director of Law and Democracy					
Report Author	Norman Coombe, I	Norman Coombe, Head of Corporate Team				
Version	Final	Final				
Dated	18/01/2016					
Key Decision?	No					
CONSULTATION V MEMBER	CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET					
Officer Title Comments Sought Comments included						
Director of Law and	Democracy	Yes	Incorporated			
Strategic Director of Finance No No and Governance						
Cabinet Member		Not applicable	Not applicable			
Date final report sent to Constitutional Team 3/02/2016						

APPENDIX A

Reference	Date authorised applied for	Purpose	Length of investigation	Were investigators given extra authorisation to acquire/access confidential information?
EN69	18.09.2015	Sale of counterfeit tobacco	Terminated 01.12.2015	NO
EN70		Sale of counterfeit tobacco	Refused	N/A
EN71	23.12.2015	Sale of counterfeit tobacco		
EN72	23.12.2015	Sale of counterfeit tobacco	Terminated 01.02.2016	
EN73	23.12.2015	Sale of counterfeit tobacco		
EN74	23.12.2015	Sale of counterfeit tobacco	Terminated 01.02.2016	

APPENDIX B

Reference	Date authorised applied for	Purpose	Length of investigation	Were investigators given extra authorisation to acquire/access confidential information?
EN55	01.04.2010	Covert surveillance to detect fraud	Authorisation cancelled 12.05.2010	No
N/A	29.04.2010	Proposed use of covert CCTV to gather evidence of begging & ASB	Refused	N/A
N/A	24.06.2010	Proposed covert surveillance of bar/club by Officers to establish whether unauthorised activities taking place	Refused	N/A
EN57	13.07.2010	Under age goods sales test purchasing -	3 months	Yes
EN58	01.04.2011	Under age goods sales test purchasing -	3 months	No
EN59	11.05.2011	Under age goods sales test purchasing -	3 months	Yes
EN60	20.10.2011	Under age goods sales test purchasing	3 months	Yes
EN61	28.10.2011	Directed surveillance for the identification of persons supplying illegal products	3 months	Yes
EN62	09.02.2012	Under age goods sales test purchasing	3 months	Yes

Reference	Date authorised applied for	Purpose	Length of investigation	Were investigators given extra authorisation to acquire/access confidential information?
EN63	30.06.2012	Under age goods sales test purchasing	3 months	No
EN64	25.10.2012	Under age test purchase for the sale of tobacco, alcohol and knives	3 months	No
EN65	25.11.2013	Sale of counterfeit tobacco	Terminated 10.01.2014	No
EN66	20.01.2014	Sale of counterfeit tobacco	Terminated 04.04.2014	No
EN67	15.11.2014	Sale of counterfeit tobacco	Refused	N/A
EN68	15.12.2014	Sale of counterfeit tobacco	Terminated 07.01.2015	No

STANDARDS COMMITTEE DISTRIBUTION LIST (OPEN)

MUNICIPAL YEAR 2015-16

NOTE: Original held by Constitutional Team; all amendments/queries to Chidilim Agada Email: chidilim.agada@southwark.gov.uk Tel: 020 7525 3310

Name	No of copies	Name	No of copies
Members		Officers	
Councillor Catherine Dale Councillor Dora Dixon-Fyle MBE Councillor David Hubber Councillor Sarah King Councillor Rosie Shimell Councillor Cleo Soanes Councillor Bill Williams Reserves - by email	1 1 1 1 1 1	Doreen Forrester-Brown Chidlim Agada Ian Millichap Norman Coombe Stephen Douglass Michael Cleere Others Liz Olive, Audit Commission, Tooley	1 5 1 1 1 1
Councillor Evelyn Akoto Councillor Karl Eastham Councillor Jon Hartley Councillor Kieron Williams Councillor Maria Linforth-Hall Councillor Adele Morris Independent Persons – by email		Total: 18 Dated: February 2016	
William Dee Charles Wynn-Evans			