

Merton Council

Standards Committee

Membership

Councillors

Peter McCabe (Chair)

David Williams (Vice-Chair)

Michael Bull

John Dehaney

Mary-Jane Jeanes

Philip Jones

Ian Munn BSc, MRTPI(Rtd)

Tobin Byers

Co-opted members

Sophie Bowen

Nigel Brotherton

Beverley Huie

Substitute Members:

Charlie Chirico

Oonagh Moulton

Gregory Patrick Udeh

A meeting of the Standards Committee will be held on:

Date: 23 October 2014

Time: 7.15 pm

**Venue: Committee rooms B & C - Merton Civic Centre, London Road,
Morden SM4 5DX**

Merton Civic Centre, London Road, Morden, Surrey SM4 5DX

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Standards Committee

23 October 2014

1	Apologies for absence	
2	Declarations of pecuniary interest	
3	Minutes of the previous meeting	1 - 2
4	Recording of key and non-key delegated decisions	3 - 12
5	Annual Complaints report 2013/14	13 - 42
6	Annual Freedom of Information requests report 2013/14	43 - 50
7	Financial Regulation update	51 - 76
8	Members Gifts and Hospitality register	77 - 90
9	Officers Gifts and Hospitality register	91 - 104
10	Regulation of Investigatory Powers Act	105 - 108
11	Work programme	

Note on declarations of interest

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non-pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Assistant Director of Corporate Governance.

All minutes are draft until agreed at the next meeting of the committee/panel. To find out the date of the next meeting please check the calendar of events at your local library or online at www.merton.gov.uk/committee.

STANDARDS COMMITTEE

17 JUNE 2014

(19.15 - 20.10)

PRESENT: Councillors Peter McCabe (in the Chair), Michael Bull, John Dehaney, Mary-Jane Jeanes, Philip Jones, Katy Neep and Ian Munn
Co-opted Members Sophie Bowen, Nigel Brotherton and Beverley Huie

ALSO PRESENT: Paul Evans (Assistant Director, Corporate Governance), Margaret Culleton (Head of Audit and Investigations) and Lynne Hartley (Democratic Services Officer)

1. APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor David Williams.

2. DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

No declarations were made.

3. MINUTES OF THE MEETING HELD ON 25 FEBRUARY 2014 (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 25 February 2014 are agreed as a correct record.

4. ANNUAL GOVERNANCE STATEMENT, CODE OF CORPORATE GOVERNANCE AND INTERNAL AUDIT ANNUAL REPORT (Agenda Item 4)

Margaret Culleton introduced the report, highlighting paragraph 11 which listed the Internal Control issues completed, paragraph 12 which listed issues for improvement identified by Directors and Heads of Service and paragraph 13 which listed the significant governance issues to be addressed in 2014/15.

In answer to questions from members officers advised that =

- Work will be undertaken across the four authorities who form the shared legal service to deal with governance issues, ensuring that there are common systems to identify and address issues, as there would be in a single authority
- The target of responding to FOI requests within 20 days was being met in 88.5% of cases, which was slightly lower than the rate achieved in the previous year but there had been a 20% increase in the number of requests. A system to address this issue was being put in place and a report on the

service, including estimated costs, would be provided for the next meeting of the Committee.

Officers also agreed to circulate the following information to members –

- Details of the management plan and risk analysis for implementing the different parts of the Care Act showing how they will be implemented by the deadline
- Indicative dates for addressing the issues raised in paragraph 12, these dates also to be included in the mid year update
- Clarification of the last point for Environmental and Regeneration in paragraph 12 “Considering appointment of H&S champions within the division”
- To provide some examples of the datasets referred to in paragraph 7.8

Councillor Ian Munn asked that his concerns about the potential impact of staffing reductions on service provision be recorded.

Beverley Huie was concerned about the reliance on voluntary sector input in a number of the areas listed in paragraph 12.

RESOLVED: That the Annual Governance Statement is agreed.

5. REGULATION OF INVESTIGATORY POWERS ACT (Agenda Item 5)

Paul Evans introduced the report and agreed to incorporate information comparing the use of powers under the Act by Merton with that of neighbouring boroughs. He also agreed to feed back the suggestion that the Council’s CCTV vehicles be parked overnight in crime hotspots to act as a deterrent

The Committee asked Paul Evans to include information about requests for CCTV images in the FOI report to be considered at the next meeting.

RESOLVED: That the Committee notes the purposes for which investigations have been authorised under the Regulation of Investigatory Powers Act 2000.

6. WORK PROGRAMME (Agenda Item 6)

The Committee agreed its work programme with the addition of the report on the Freedom of Information requests service for the October meeting.

Committee: Standards Committee

Date: 23 October 2014

Agenda item:

Wards: All

Subject:

Recording of non key delegated executive decisions

Lead officer: Paul Evans , Assistant Director Corporate Governance

Lead member: Councillor Mark Allison, Deputy Leader and Cabinet Member for Finance

Contact officer: Chris Pedlow, Senior Democratic Services Officer

Recommendations:

- A. To discuss and comment on the proposed new process for recording and publishing non-key delegated executive decisions in order to comply with the Openness of Local Government Bodies Regulations 2014;
 - B. To recommend the consequent constitutional changes for consideration by General Purposes Committee and subsequent approval by Council (see Appendix A).
 - C. To recommend a minor constitutional change regarding filming of council meetings in order to comply with recent legislation (see Appendix B).
-

1 PURPOSE OF REPORT

- 1.1. The purpose of this report is to advise Standards Committee of new requirements under the Openness of Local Government Bodies Regulations 2014 and to seek comments on a proposed approach for recording and publishing non-key delegated executive decisions to comply with the statutory requirement for local authorities to do so.
- 1.2. The report also seeks agreement of Standards Committee to make a minor constitutional change to comply with recent legislation on filing of council meetings.

2 EXECUTIVE SUMMARY

- 2.1. **Introduction**
- 2.2. Standards Committee is reminded of the current definitions and arrangements for dealing with key and non-key decisions:
- 2.3. Key decisions
- 2.4. The Local Government Act 2000 required councils to publish all key decisions. The definition of a key decision is made locally and set out in the council's constitution. In Merton this is:

- Key decision type a (Cabinet or Chief Officer) - incurring expenditure or making savings which are significant having regard to the budget for the service or function to which the decision relates
 - Key decision type b (Cabinet or Chief Officer) - significant in terms of its effects on communities and groups of service users living or working in an area comprising one or more wards or electoral divisions in Merton Council
 - Key decision type c (Cabinet or Chief Officer) - amending the agreed budget and policy framework
 - Key decision type d (Cabinet or Chief Officer) - expenditure of £500,000 or more
- 2.5. The forward plan includes all Cabinet, Cabinet Member delegated decisions and Council decisions, whether key or non key, as well as chief officer key decisions.
- 2.6. All key decisions are subject to call-in unless they are exempted from it.
- 2.7. Non-key decisions
- 2.8. Non-key decisions are all other executive decisions made by members and officers. At present there is no comprehensive system to publish or to determine which non-key decision should be published.
- 2.9. New regulations, described below, require the council to record and publish non key delegated executive decisions. This report sets out proposals for complying with these regulations by defining those non key delegated executive decisions and setting out arrangements for recording and publishing those decisions.
- 2.10. Non key delegated executive decisions made by officers will not be subject to call-in.

3 DETAILS

3.1. Definition of a Non-Key Delegated Executive Decision

3.2. The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 required local authorities to record any executive decisions by an individual, including non-key decisions.

3.3. This requirement has recently been amended and clarified within the Openness of Local Government Bodies Regulations 2014, which came into force on 6 August 2014. The 2014 Regulations require the decision making officer to produce a written record of any decision that:

“would otherwise have been taken by the relevant local government body, or a committee, sub-committee of that body or a joint committee in which that body participates, but it has been delegated to an officer of that body either:

- a) *under a specific express authorisation; or*

b) *under a general authorisation to officers to take such decisions and, the effect of the decision is to:*

i.grant a permission or licence;

ii.affect the rights of an individual; or

iii.award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position”

3.4. It is proposed that criteria that will be used in determining which officer decisions are defined as non-key delegated executive decisions are:

1. a financial test aligned with the financial delegation levels in the Scheme of Management :

- Key decision = £500,000 and above
- Non key delegated executive decision = between £250,000-£499,999 (aligns with Contract sign off levels)
- Administrative decision = less than £250,000.

2. a non-administrative decision that concerns a permission, licence or individual rights that, in the opinion of the Monitoring Officer, is required to be published further to the regulations.

3.5. The proposed consequent changes to the constitution are set out in Appendix A.

3.6. **Publication of non key delegated executive decisions**

3.7. The 2014 Regulations require the decision to be published so that a written record of the decision is made available to members of the public. The record must be retained for six years from the date that the decision was made.

3.8. It is proposed that the decision will be published on the council's website and that it should include the same information that is required for a key decision:

- reasons for the decision;
- any other options considered and why those options were rejected;
- details of any conflict of interest declared by any executive member consulted in relation to the decision; and
- a note of dispensation granted in respect of any declared conflict of interest.

3.9. Confidentiality is not a reason for non-publication. The officer will still need to publish information to the effect that a decision has been taken but the confidential details will not be made public.

3.10. The consequent changes to the constitution are set out in Appendix A.

3.11. **Call in and non-key decisions**

3.12. It should be noted that, as with the current system, no officer non-key decisions are subject to call-in.

- 3.13. Only those non-key decisions taken by Cabinet Members are subject to call-in, namely the street management decisions taken by the Cabinet Member for Environmental Sustainability and Regeneration.
- 3.14. **Filming of council meetings**
- 3.15. The 2014 Regulations allow members of the public to film or otherwise record council meetings.
- 3.16. Previously this was only allowed at the discretion of the Chair. A minor change is therefore required to the constitution to remove that discretion. .
- 3.17. The proposed constitutional change is set out in Appendix B.

4 ALTERNATIVE OPTIONS

- 4.1. The Council is legally required to record non-key delegated executive decisions and publicise them on line. The definition is set out in the 2014 Regulations, as in paragraph 8.2 below.

5 CONSULTATION UNDERTAKEN OR PROPOSED

- 5.1. Initial proposals were discussed with the council's management team and with the Deputy Leader.
- 5.2. Following consideration by Standards Committee on 23 October 2014, the proposals will be taken to General Purposes Committee on 6 November and finally to Council on 19 November.
- 5.3. It also proposed that departmental management teams will be briefed on the changes.

6 TIMETABLE

- 6.1. The Constitutional changes would need to be ratified by Council on 19 November. The aim is to roll out and work under the new process as soon as practically possible. The timetable will allow guidance to be prepared and staff training to be carried out.

7 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 7.1. Changes will be made within existing resources.

8 LEGAL AND STATUTORY IMPLICATIONS

- 8.1. The Council has a statutory duty to comply with legislation and not doing so may result in the validity of decisions being subject to legal challenge.
- 8.2. The 2014 Regulations require the decision making officer to produce a written record of any decision that:

“would otherwise have been taken by the relevant local government body, or a committee, sub-committee of that body or a joint committee in which that body participates, but it has been delegated to an officer of that body either:

- a) *under a specific express authorisation; or*
- b) *under a general authorisation to officers to take such decisions and, the effect of the decision is to:*
 - i. *grant a permission or licence;*
 - ii. *affect the rights of an individual; or*
 - iii. *award a contract or incur expenditure which, in either case, materially affects that relevant local government body’s financial position”*

8.3. The 2014 Regulations also require that, as soon as practicably possible after the record is made, to make it available for inspection by members of the public on the website and at council offices for a period of six years from the date of the decision. Any background papers must be retained and made available for inspection for a period of four years from the date of the decision. These requirements do not apply to confidential or exempt information.

8.4. It is an offence for an officer to intentionally obstruct or refuse to provide written records or background papers.

9 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1 The Council has a statutory duty to comply with legislation around openness and transparency that meets the values and needs of all its residents. Not doing so could leave the council open to legal challenge.

10 CRIME AND DISORDER IMPLICATIONS

10.1. N/A

11 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

11.1. N/a

12 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

12.1 Appendix A – proposed constitutional changes in relation to non-key delegated executive decisions

12.2 Appendix B – proposed constitutional changes in relation to filing of council meetings

13

BACKGROUND PAPERS

- Council's current Constitution
- The Local Authorities (Executive Arrangement) (Meetings and access to Information) (England) Regulations 2012
- Openness of Local Government Bodies Regulations 2014

APPENDIX A – Proposed constitutional changes in relation to non key delegated executive decisions

Part 2 – Article 13 – decision making

Insert new sub-paragraph 13.3 (c) as follows:

(c) Non Key Delegated Executive Decisions

(i) Definition. A non-key delegated executive decision is an executive decision that:

- Incurs expenditure of between £250,000-£499,999
- or
- Is a significant one-off decision that would be a variation from council policy in respect of:
 - i) the granting of a permission or licence; or
 - ii) affecting the rights of an individual

(ii) Procedure. A decision maker may only make a non key delegated executive decision in accordance with the requirements of the Access to Information Procedure rules set out in Part 4B of this Constitution.

(d) Administrative Decisions (Non-key)

(iii) Definition. A non-key administrative decision is an executive decision that:

- Incurs expenditure of less than £250,000
- has not been defined as a non-key delegated executive decision

Part 4B – access to information procedure rules

Insert new paragraph 20 after existing paragraph 19.3 as follows:

20 RECORDING AND PUBLISHING OF NON KEY DELEGATED EXECUTIVE DECISION

20.1 The council is required to record and publish all Non-Key Delegated Executive Decision (defined in Part2, Article 13, paragraph 13 of this constitution).

20.2 As soon as reasonably practicable after the non key delegated executive decision has been taken by an officer, he/she will prepare, or instruct the Proper Officer to prepare, a record of the decision, that states:

- reasons for the decision;
- any other options considered and why those options were rejected;
- details of any conflict of interest declared by any executive member consulted in relation to the decision; and

- a note of dispensation granted in respect of any declared conflict of interest.

20.3 Any background papers must be retained and made available for inspection for a period of four years from the date of the decision. These requirements do not apply to confidential or exempt information.

20.4 Confidentiality is not a reason for non-publication. The officer will still need to publish the information to the effect that a decision has been taken but the confidential details will not be made public.

20.5 Non key delegated executive officer decisions are not be subject to call-in

APPENDIX B – Proposed constitutional changes in relation filming council meetings

Part 4A

The deletion of paragraph 5.3 (d), the powers of the Chair include:

to authorise by prior agreement the electronic recording, photographing or filming of the proceedings by a member of the public, the media or by the council

Note – paragraph 5.3 c remains –

To order the removal of a member of the public who is disruptive or the clearing of public areas in the event of a general disturbance. Readmission shall be at the discretion of the Chair

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Agenda Item 5

Date of meeting:		Agenda Item:
Title of report:	Complaints Management – Annual Report 2013/14	
Lead Director:	Caroline Holland	
Lead Officer:	Karin Lane, Head of Information Governance	
To which strategic theme(s) does this item relate?	Sustainable communities	Yes
	Safer & Stronger communities	Yes
	Healthier Communities	Yes
	Older People	Yes
	Children & Young People	Yes
	Corporate Capacity	Yes
Is this item for:	Information only?	Yes
	Discussion?	No
	Decision?	No
If this report is for decision, please list the recommendations that you are making to CMT	1. To note the contents.	
Is this report intended to...	Come back to CMT?	No
	Go to Leader's Policy Group?	No
	Go to Cabinet?	No
	Go to Council?	No
	Go to Overview & Scrutiny?	No
	Go to the LSP?	No

CMT

Date:

Agenda item:

Subject: Complaints Management – Annual Report 2013/14

Lead officer: Karin Lane, Head of Information Governance

Lead member: Councillor Mark Allison

Forward Plan reference number:

Contact officer: Monica Coleman, Complaints Team Manager

Recommendations:

1. To note the contents of the report.
-

1. Report and executive summary

- 1.1 To give CMT an overview of the council's management and performance in responding to complaints and the issues residents and customers have felt strongly enough to complain about. Effective complaint management is an important element of maintaining the council's reputation. Complaints are also a valuable tool in helping to understand resident's and customer's expectations of service delivery and should be an essential part in identifying service improvements across the council.

2. Details

- 2.1 Data for the annual report has been extracted from spreadsheets set up for each department.
- 2.2 The formal complaints procedure response timescales are:
 - Stage 1 complaints within 20 working days; and
 - Stage 2 complaints within 25 working days.
- 2.3 Social services have different statutory timescales with Adult Social Care complaints subject to a single stage review with a flexible timescale to be confirmed within 10 days. Children's Social Care complaints are subject to a three stage process and there is also the option to increase the response time deadline, to reflect the complexity of these types of

complaints. The response times are Stage 1 within 10 working days (or extended to 20 working days), Stage 2 within 25 working days (or extended to 65 working days) and Stage 3 within 30 working days.

- 2.4 Due to the statutory requirements of children's social care complaints, there is a separate complaints policy for these complaints.
- 2.5 The corporate complaints policy does not cover complaints subject to separate statutory procedures.
- 2.6 There is a single point of contact for all telephone and email complaints.

3. Complaints

- 3.1 The council received a total of 961 complaints in 2013/14, with 886 Stage 1 complaints received in 2013/14, a 19% increase from 2012/13.

	2013/14	2012/13	% change
Children, Schools & Families	79	60	26.7%
Community & Housing	94	107	-12.1%
Corporate Services	240	236	1.7%
Environment & Regeneration	473	341	38.7%
Total	886	744	19.1%

- 3.3 The council received a total of 75 Stage 2 complaints in 2013/14, a decrease of 11% on 2012/13.

	2013/14	2012/13	% change
Children, Schools & Families	6	6	0%
Community & Housing	4	9	-55.6%
Corporate Services	18	31	-41.9%
Environment & Regeneration	47	38	23.7%
Total	75	84	-10.7%

- 3.4 No Stage 3 complaints were received by Children's Social Care in 2013/14.
- 3.5 The council responded to 84.8% of Stage 1 complaints on time in 2013/14, a decrease in performance from 2012/13. However, there was an increase in performance in dealing with Stage 2 complaints.

	2013/14		2012/13		2011/12	
	Stage 1	Stage 2	Stage 1	Stage 2	Stage 1	Stage 2
Children, Schools & Families	58.2%	33.3%	85.0%	28.6%	84.1%	33.3%
Community & Housing	87.2%	100%	89.4%	100%	79.7%	100%
Corporate Services	91.7%	83.3%	93.6%	83.9%	78.0%	90.0%
Environment & Regeneration	85.2%	91.5%	89.7%	84.2%	79.9%	81.5%
Total	84.8%	85.3%	90.5%	81.2%	80.0%	81.8%

- 3.6 The council upheld / partially upheld 433 complaints in 2013/14, 45% of the total number received, an increase from 32% for 2012/13.

	2013/14		2012/13	
	Upheld	Partially upheld	Upheld	Partially upheld
Children, Schools & Families	2	3	4	3
Community & Housing	15	12	20	4
Corporate Services	40	57	38	12
Environment & Regeneration	204	100	143	45
Total	261	172	205	64

- 3.7 The Complaints team received 202 compliments on departmental service delivery.

	2013/14	2012/13
Children's Schools & Families	23	26
Community & Housing	115	100
Corporate Services	44	79
Environment & Regeneration	22	18
Total	202	223

- 3.8 The Complaints team work closely with service areas where there are a large number of complaints, to identify any trends or problem areas that need to be addressed. This has resulted in some positive action including training for Housing Needs staff on how to deliver a 'no' message more positively and Merton Adult Education changing their waiting list procedure.
- 3.9 A Data Quality checking template is sent to all officers dealing with complaints, to help them ensure all aspects of the complaint are addressed. It is not mandatory for officers to complete the template. If a Stage two complaint is received and the template was completed at Stage 1, then it will be reviewed. If the reason for the complaint escalating was something that should have been addressed at Stage 1, it will be raised with the responding officer.
- 3.10 Complaints Officers can, and do, make recommendations for payments to be made to complainants, either as compensation for time and trouble or as a remedy for injustice. During the year £550 was paid to complainants, with a further £2,000 paid to a complainant as a result of a children's social care Stage 2 complaint.

4. Policy and Informal Complaints

- 4.1 Policy complaints are defined as ‘expressions of dissatisfaction with the council’s policy in a specific service area’, as opposed to the council’s failure to meet its service standards. Policy complaints are dealt with under Stage 1 of the complaints process with issues fed back to team managers so that they are aware of the impact of their decisions. Policy complaints cannot be escalated without an appeal.
- 4.2 The Complaints team have worked closely in ensuring that when a complaint is classed a policy complaint, that the service user is either signposted to the relevant policy on the council’s website or sent a copy of the policy.
- 4.3 Twenty-eight policy complaints were received in 2013/14, a decrease from 33 in 2012/13.

	2013/14	2012/13
Children, Schools and Families	1	1
Community and Housing	1	1
Corporate Services	12	15
Environment and Regeneration	14	16
Total	28	33

- 4.4 Of the 12 Policy complaints Corporate Services received, five related to bailiff policy. The rest related to:
- Council tax exemptions;
 - Single person discount;
 - Housing benefit timescales; and
 - Freedom passes.
- 4.5 Of the 14 Policy complaints Environment and Regeneration received, five related to waste charges and wheelie bins and four related to payments and policies of parking. The rest related to:-
- Planning not adhering to policy;
 - Lack of out of hours enforcement service;
 - Tree cutting;
 - CCTV vans parking on double yellow lines; and
 - Timings of crossover work.
- 4.6 Community and Housing received one policy complaint which related to the toilet provision at Wimbledon library and Children, Schools and Families received one policy complaint which related to payment of rent.

- 4.7 Defining complaints correctly is key in ensuring complaints are dealt with effectively. Informal complaints are issues where the problem is considered resolvable quickly, for example a missed bin collection, or where the customer was not sure how to contact the appropriate service to deal with a matter so contacted the Complaints team. These enquiries are directed to the relevant service area to allow them to correct the perceived service failure, within two working days. In 2013/14, when detailed statistics started to be kept, 320 informal complaints were received. The figures below show the total received for each department and in brackets are the figures for the service areas which received the most informal complaints.

Children, Schools & Families	2 (1 Social Care & 1 Commissioning, Strategy & Performance)
Community & Housing	7 (4 Housing)
Corporate Services	23 (20 Customer Services)
Environment & Regeneration	288 (239 Street Scene & Waste)

5. Top 5 areas of complaints

- 5.1 In 2013/14 the top 5 areas that customers complained about the most were:-

	2013/14		2012/13	
	Number	% of total no. received*	Number	% of total no. received*
Waste	517	40%	406	35%
Council Tax	90	7%	91	7.9%
Benefits	74	5.8%	77	6.7%
Parking	78	6%	73	6.3%
Planning	73	5.7%	40	3.4%

*Complaints figures include informal, Stage 1 and Stage 2

6. Local Government Ombudsman (LGO) Enquiries

- 6.1 The Annual Review letter from the LGO is attached as **Appendix A**.
- 6.2 A detailed breakdown of investigations made by the LGO for all London Boroughs is attached as **Appendix B**. It should be noted that the council's LGO statistics are for complaints received and dealt with, within the financial year 2013/14, but the LGO has included in their statistics, cases received and decided in different business years. The council's data is therefore slightly different to the LGO's. The council has received 22 investigations over the course of the year, and 8 enquiries have been made but have not been subject to an investigation. These are detailed in **Appendix C**. The council answered 96% of all LGO complaints and enquiries on time.

- 6.3 In total, £4,000 has been paid following decisions made by the LGO. The majority of payments were to compensate complainants for time and trouble.
- 6.4 The LGO statistics show that Merton, with 107 complaints, had one of the lowest number of LGO complaints across London – ranked 25th out of the 33 London boroughs. Merton had 62.1% of LGO complaints upheld, which was the 5th highest across London. However it should be noted that 70% of all London Boroughs had over 50% of their complaints upheld.
- 6.5 With effect from February 2014, the LGO amended their descriptions of their decisions, attached as **Appendix D**.

7. Benchmarking

- 7.1 The Complaints team continues to work with London wide complaints groups to share best practice and are active members of the London Complaints Managers Group, who work closely with the LGO and other agencies.
- 7.2 There has been no benchmarking against the numbers of complaints received by neighbouring boroughs, because the recording of complaints varies greatly so there is no comparative data which is of value.
- 7.3 A recent national report issued by the LGO has reported that complaints about handling of benefits and council tax rose by 26% and Adult Social Care by 16% in 2013/14. Benefits, council tax and Adult Social Care were also the areas where the LGO was most likely to uphold complaints after detailed investigations. It should be noted that in Merton, complaints for Revenues and Benefits reduced by 6% in 2013/14 but Adult Social Care complaints increased from 33 in 2012/13 to 37 in 2013/14, a 12% increase.

8. Members and MP Enquiries

- 8.1 The total number of Member and MP enquiries received via the Complaints team in 2013/14 was 2,583 with 90.17% responded to within the 15 working day timescale.

	2013/14	2012/13	2011/12
Children Schools and Families	117	159	176
Community and Housing	804	724	735
Corporate Services	329	300	580
Environment and Regeneration	1,333	1,156	1,506
Total	2,583	2,339	2,997

- 8.2 Of the 329 received for Corporate Services, 266 related to Revenues and Benefits.
- 8.3 Of the 117 received for Children Schools and Families, 30 related to School Admissions and 17 for Central Social Work.
- 8.4 Of the 1333 received in Environment and Regeneration, 371 related to Traffic and Highways and 342 for Waste Services issues.
- 8.5 Of the 804 Member and MP enquiries received for Community and Housing, 689 related to Housing Needs.
- 8.6 Details of Member and MP enquiries received by Ward are detailed in **Appendix E**.

9. Service improvements and learning from complaints

- 9.1 Where LGO enquiries have been particularly complex or have resulted in recommendations for changes to be made to council practice or policy, the Complaints team has arranged 'post-mortem' meetings with the relevant officers to identify lessons learned and identify actions to be taken to improve service delivery.
- 9.2 An LGO complaint about the conduct of a Chair of a Child Protection Conference led to a recommendation that we review the information given to parents regarding complaints about Child Protection Conferences. The Children, Schools and Families complaints policy has been updated to include the appropriate guidance and is currently being consulted on with officers.
- 9.3 An LGO enquiry was made about the way we pursued recovery action following non-payment of a penalty charge notice by a vulnerable customer. We have now introduced a procedure for Parking Services

when dealing with vulnerable debtors, such as those suffering from mental ill-health.

- 9.4 Following an enquiry made on behalf of a local resident, the LGO recommended that advice and information given to parents by Education Welfare Officers by telephone should be followed up in writing. This has been implemented.
- 9.5 Following a complaint made this year, the Library and Heritage Services Manager has updated the terms and conditions of use of Merton's public libraries. The procedure for suspending a user from our library services has been made clearer and the appeals process is also described in this document. A library user who was suspended made a complaint to the LGO which was not upheld as they were satisfied that there was no evidence of fault.
- 9.6 At the recommendation of the LGO we have updated our website to ensure our requirements for booking sporting facilities are clearly explained.
- 9.7 After an LGO complaint was upheld regarding charging for adult social care, the council wrote to all care providers to remind them that they cannot charge extra fees for the same care directly to the service user or their families. A reminder is also issued with correspondence sent out relating to financial assessments.
- 9.8 Weekly lists are now sent to Directors and managers with due and outstanding complaints and member enquiries, so they are fully aware of any issues within their service areas.
- 9.9 In November 2013, Parking Services appointed a Customer Relations Manager. The role includes identifying trends in complaints made. Details of those trends and the actions taken to respond to complaints made are attached as **Appendix F**.
- 9.10 Complaints are a central component of the new Ofsted inspection framework and we are required to evidence organisational learning from complaints and customer feedback. Detailed information on complaints about the Children, Schools and Families department during 2013/14 is now held on file and is readily available for inspection purposes.

- 9.11 With effect from December 2013, complainants are now being sent customer feedback forms with their acknowledgement to both Stage 1 and Stage 2 complaints. This feedback is being used for learning from complaints. To date 13 feedback forms have been received

Question	% Yes	Comments
Was the letter correctly addressed?	92%	Surname spelled incorrectly
Does the letter include details of an officer to contact?	85%	Phone number/email only
Did the letter address all points raised?	62%	Points ignored - escalation
Was the letter easy to understand?	92%	Less jargon
Did the letter explain what had happened?	23%	Partial / unconvincing explanation
Did the letter give details of next steps of complaints?	92%	
Other comments		
<ul style="list-style-type: none"> • Satisfied & impressed at prompt & thorough response over the holiday period • Response delayed, full of “legaleeze” & did not feel like much of an apology • Satisfied at the moment, hope collections / cleansing continue (x4) • Subsidiary matters raised in complaint not addressed, only main subject • Feels at stage two that complaint still unanswered after “weeks of errors, delays, obfuscation, denial & refusal to learn and apply lessons” – escalating to LGO 		

10. Next Steps

- 10.1 The Complaints team will review the corporate complaints procedure to ensure it is fit for purpose and takes account of any new legislation impacting on complaints.

11. Alternative options

- 11.1 Not applicable.

12. Consultation undertaken or proposed

- 12.1 The Complaints Officers were consulted on this report.

13. Timetable

- 13.1 This is dependant on receipt of the LGO annual letter.

14. Financial, resource and property implications

- 14.1 During the year £2,550 was paid to complainants as local settlement and £4,000 was paid following decisions made by the LGO, mainly for time and trouble payments. These amounts are paid out from the service area budget that the complaint was about.

- 14.2 Stage 2 complaints subject to the Children Act regulations require the appointment of an Independent Investigator and an Independent Person. New procedures have been put in place to ensure improved value for money when appointing these officers.

15. Legal and statutory implications

- 15.1 The council has a number of legal and statutory obligations for adult and children's social care.
- 15.2 There is no statutory requirement to publish this report.

16. Human rights, equalities and community cohesion implications

- 16.1 It is important all those involved in dealing with complaints are mindful of ensuring a consistent approach with all complainants in line with equalities principles.
- 16.2 All complaints where there has been an allegation of discrimination are reviewed the Equalities and Community Cohesion Officer. There were 11 complaints in 2013/14 that alleged discrimination, one was partially upheld and the rest were not upheld. The partially upheld complaint related to the non-payment of a penalty charge notice, where the member of the public had mental health issues. A procedure has now been introduced for Parking Services when dealing with vulnerable debtors.

17. Risk management and health and safety implications

- 17.1 Poor complaint handling could be a reputational risk to the council and also incur compensation payments to complainants.

18. Appendices – the following documents are to be published with this report and form part of the report

- 18.1 Appendix A - Annual Review Letter of the LGO.
Appendix B – LGO complaints by category and number upheld
Appendix C – Merton LGO statistics
Appendix D – Description of LGO decisions
Appendix E – Member and MP enquiries analysis by Ward
Appendix F – Learning from complaints for Parking Services

19. Background Papers – the following documents have been relied on in drawing up this report but do not form part of the report

19.1 None

20. Report author

- Name: Monica Coleman
- Tel: 020 8545 3573
- Email: complaints@merton.gov.uk

Local Government
OMBUDSMAN

7 July 2014

By email

Mr Ged Curran
Chief Executive
Merton London Borough Council

Dear Mr Ged Curran

Annual Review Letter 2014

I am writing with our annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about your authority for the year ended 31 March 2014. This is the first full year of recording complaints under our new business model so the figures will not be directly comparable to previous years. This year's statistics can be found in the table attached.

A summary of complaint statistics for every local authority in England will also be included in a new yearly report on local government complaint handling. This will be published alongside our annual review letters on 15 July. This approach is in response to feedback from councils who told us that they want to be able to compare their performance on complaints against their peers.

For the first time this year we are also sending a copy of each annual review letter to the leader of the council as well as to the chief executive. We hope this will help to support greater democratic scrutiny of local complaint handling and ensure effective local accountability of public services. In the future we will also send a copy of any published Ombudsman report to the leader of the council as well as the chief executive.

Developments at the Local Government Ombudsman

At the end of March Anne Seex retired as my fellow Local Government Ombudsman. Following an independent review of the governance of the LGO last year the Government has committed to formalising a single ombudsman structure at LGO, and to strengthen our governance, when parliamentary time allows. I welcome these changes and have begun the process of strengthening our governance by inviting the independent Chairs of our Audit and Remuneration Committees to join our board, the Commission for Administration in England. We have also recruited a further independent advisory member.

Future for local accountability

There has been much discussion in Parliament and elsewhere about the effectiveness of complaints handling in the public sector and the role of ombudsmen. I have supported the creation of a single ombudsman for all public services in England. I consider this is the best

way to deliver a system of redress that is accessible for users; provides an effective and comprehensive service; and ensures that services are accountable locally.

To contribute to that debate we held a roundtable discussion with senior leaders from across the local government landscape including the Local Government Association, Care Quality Commission and SOLACE. The purpose of this forum was to discuss the challenges and opportunities that exist to strengthen local accountability of public services, particularly in an environment where those services are delivered by many different providers.

Over the summer we will be developing our corporate strategy for the next three years and considering how we can best play our part in enhancing the local accountability of public services. We will be listening to the views of a wide range of stakeholders from across local government and social care and would be pleased to hear your comments.

Yours sincerely

A handwritten signature in black ink that reads "Jane Martin". The signature is written in a cursive style with a long horizontal flourish at the end.

Dr Jane Martin
Local Government Ombudsman
Chair, Commission for Local Administration in England

Complaints and enquiries received by category 2013/14

Local Authority	London	Adult Care Services	Benefits & Tax	Corporate & Other Services	Education & Childrens Services
Barking & Dagenham	Yes	13	22	8	25
Barnet LB	Yes	15	31	14	24
Bexley LB	Yes	5	20	4	13
Brent LB	Yes	21	30	11	17
Bromley LB	Yes	30	40	5	23
Camden LB	Yes	11	7	11	19
City of London	Yes		1	1	1
Croydon LB	Yes	28	47	10	44
Ealing LB	Yes	24	28	13	19
Enfield LB	Yes	14	23	5	27
Greenwich LB	Yes	7	21	9	17
Hackney LB	Yes	7	35	9	15
Hammersmith & Fulham	Yes	8	29	9	10
Haringey LB	Yes	12	63	14	15
Harrow LB	Yes	17	29	6	19
Havering LB	Yes	12	22	9	5
Hillingdon LB	Yes	13	26	6	10
Hounslow LB	Yes	19	54	9	11
Islington LB	Yes	13	19	14	14
Kensington & Chelsea	Yes	7	9	2	12
Kingston upon Thames	Yes	7	9	2	11
Lambeth LB	Yes	24	68	15	43
Lewisham LB	Yes	12	35	9	20
Merton LB	Yes	10	23	5	9
Newham LB	Yes	13	36	15	27
Redbridge LB	Yes	27	30	6	19
Richmond upon Thames	Yes	12	3	1	13
Southwark LB	Yes	10	28	14	22
Sutton LB	Yes	9	12	1	8
Tower Hamlets LB	Yes	6	23	10	6
Waltham Forest LB	Yes	16	29	13	23

Wandsworth LB	Yes	5	25	5	12
Westminster City C	Yes	11	55	6	8

Notes

The statistics include all the complaints and enquiries received in 2013/14.

Number of complaints and enquiries received: a number of cases will have been received and decided in different business years, this means the number of complaints and enquiries will not always match t

For further information on interpreting the statistics, click

[Local Government Ombudsman • Note on interpretation of local autl](#)

Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Planning & Development	Total
6	23	21	2	120
17	39	25	26	191
5	21	9	8	85
11	25	49	15	179
11	14	19	15	157
9	31	45	9	142
	3	3		9
16	29	64	16	254
11	36	55	16	202
7	15	44	15	150
6	12	30	8	110
8	31	53	8	166
3	26	36	9	130
22	26	48	23	223
14	46	17	13	161
4	16	32	19	119
6	3	21	8	93
10	28	35	11	177
8	21	33	7	129
7	9	16	7	69
1	18	13	4	65
24	46	79	9	308
10	10	27	4	127
9	28	9	14	107
15	79	103	9	297
7	37	27	21	174
5	7	9	12	62
12	11	76	21	194
6	8	13	9	66
6	24	30	6	111
12	24	34	11	162

6	13	25	7	98
12	25	87	4	208

the number of decisions made.

[hority statistics](#)

Decisions made (by local authority)

Authority	London	Advice given	Closed after initial enquiries		Referred back for local resolution		Upheld	Not upheld	% upheld*	Total
				Incomplete/invalid						
Barking & Dagenham	Yes		14	36	3	48	11	9	55.0%	121
Barnet LB	Yes		14	67	3	79	14	10	58.3%	187
Bexley LB	Yes		0	28	2	38	10	12	45.5%	90
Brent LB	Yes		10	48	6	77	11	15	42.3%	167
Bromley LB	Yes		2	42	3	74	14	20	41.2%	155
Camden LB	Yes		24	66	2	37	20	16	55.6%	165
City of London	Yes		2	2	0	1	0	1	0.0%	6
Croydon LB	Yes		10	71	6	121	37	23	61.7%	268
Ealing LB	Yes		12	63	6	86	39	21	65.0%	227
Enfield LB	Yes		7	36	5	66	23	16	59.0%	153
Greenwich LB	Yes		16	33	6	45	14	11	56.0%	125
Hackney LB	Yes		24	47	9	67	31	6	83.8%	184
Hammersmith & Fulham	Yes		11	57	4	40	11	12	47.8%	135
Haringey LB	Yes		17	72	3	83	32	23	58.2%	230
Harrow LB	Yes		5	56	4	61	21	17	55.3%	164
Havering LB	Yes		6	30	4	60	11	10	52.4%	121
Hillingdon LB	Yes		4	26	2	44	5	4	55.6%	85
Hounslow LB	Yes		8	48	3	100	19	15	55.9%	193
Islington LB	Yes		24	41	4	39	18	20	47.4%	146
Kensington & Chelsea	Yes		1	18	4	33	4	14	22.2%	74
Kingston upon Thames	Yes		5	21	2	26	8	6	57.1%	68
Lambeth LB	Yes		41	95	13	104	51	34	60.0%	338
Lewisham LB	Yes		8	32	7	62	15	10	60.0%	134
Merton LB	Yes		1	27	4	49	18	11	62.1%	110
Newham LB	Yes		19	90	8	133	28	21	57.1%	299
Redbridge LB	Yes		5	52	7	63	30	25	54.5%	182
Richmond upon Thames	Yes		0	21	3	21	11	10	52.4%	66
Southwark LB	Yes		47	57	7	69	44	18	71.0%	242
Sutton LB	Yes		3	19	4	30	4	6	40.0%	66
Tower Hamlets LB	Yes		11	40	3	51	10	3	76.9%	118
Waltham Forest LB	Yes		7	52	4	62	27	20	57.4%	172
Wandsworth LB	Yes		9	37	2	37	6	13	31.6%	104
Westminster City C	Yes		9	53	7	77	18	57	24.0%	221

Notes

Number of complaints and enquiries received: a number of cases will have been received and decided in different business years, this means the number of complaints and enquiries received will not always

* Percentage of complaints that are investigated in more detail.

For further information on interpreting the statistics click

[Local Government Ombudsman • Note on interpretation of local authority statistics](#)

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Annual complaints report 2013/14: Appendix C LGO investigations

	Ref no.	Department – section	Decision	Outcome
1	12 021 037	E&R – Planning Enforcement	No fault but unacceptable delays in reaching a decision	Apology sent
2	12 017 527	E&R – Planning	Administration fault	Procedures changed
3	13 011 239	E&R Planning	Decision still to be made	Still outstanding
4	13 012 567	E&R Building Control	Not upheld	N/A
5	13 010 151	E& R Planning	Did not cause significant injustice	N/A
6	13 013 485	E&R Planning	No fault	N/A
7	13 013 710	CS – Council Tax	No fault	N/A
8	13 0178 91	E&R Planning	Decision still to be made	Still outstanding
9	13 015 306	E&R Waste	There was fault leading to injustice	£100
10	13 008 336	E&R Future Merton	No administrative fault	N/A
11	13 016 595	E&R Planning	Injustice caused to the complainant	£600
12	12 020 096	CS – Council tax recovery	Fault which caused an injustice	N/A
13	12 004 165	CS – Customer Services Revs & Bens	Injustice caused	£150
14	13 013 079	CS – Customer Services Council Tax	Fault causing unnecessary distress and time and trouble in attending court	£100
15	13 000 426	CS & E&R PCN Bailiff	Injustice caused	£250 (offset against debt)
16	12 007 829	CS & E&R PCN Bailiff car removal	Fault	£1,250
17	13 012 454	CSF	Injustice caused	£300
18	13 015 268	CSF Education	Fault remedy council apologise and procedural changes.	Apology sent & procedures changed
19	13 006 532	CSF - SEN	Fault	£1,500
20	13 015 714	ASC	No significant injustice but fault in the way social worker spoke to family and friends	Apology
21	13 014 000	ASC	Decision still to be made	No decision
22	13 003 098	C&H	No maladministration.	N/A
Total paid was £4,000 plus £250 which was offset against a debt				

Decision Notices			
23	12 021 173	E&R - Parking	Outside jurisdiction
24	13 000 742	E&R - Parking	Outside jurisdiction
25	12 021 187	E&R – Planning	Other suitable appeal process
26	13 005 681	ER – Parking	Other suitable appeal process
27	12 012 292	ASC	The council already gave a suitable remedy for injustice
28	13 005 263	HR	Outside jurisdiction
29	13 005 739	CS – Revs and Bens	Other suitable appeal process
30	13 008 713	CS – Council Tax	Not enough evidence of fault by the Council to warrant investigation

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LGO Decision Descriptions with effect from February 2014

Decision Reasons from 1 April 2013	What changed in February 2014	Annual Letter categorisation
<i>Not in jurisdiction (OJ) and no discretion</i>	<i>No Change</i>	<i>Closed after initial enquiries</i>
<i>Not in jurisdiction (OJ) and discretion not exercised</i>		
<i>Not investigated</i>		<i>Not upheld</i>
<i>To discontinue investigation</i>		<i>Upheld</i>
<i>To discontinue investigation (for those cases where a remedy is agreed with an authority without LGO making a finding of maladministration or fault)</i>		
<i>Investigation complete and satisfied with authority actions or proposed actions and not appropriate to issue report S30(1B)</i>	<i>Investigation complete: Maladministration and Injustice</i>	<i>Upheld</i>
	<i>Investigation complete: Maladministration, No Injustice</i>	
	<i>Investigation complete: No Maladministration</i>	<i>Not Upheld</i>
<i>Investigation complete and appropriate to issue a report S30(1)</i>	<i>Investigation complete and report issued: Maladministration and Injustice</i>	<i>Upheld</i>
	<i>Investigation complete and report issued: Maladministration, No Injustice</i>	
	<i>Investigation complete and report issued: No Maladministration</i>	<i>Not upheld</i>

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	Community & Housing						Corporate Services						Children, Schools & Families					Total	
	Access & Assessment	ASC Commissioning	Public Health	Direct Provision	Housing	Libraries	Business Improvement	Corp. Gov.	Customer Services	HR	I&T	Resources	CSP	Early Years	Schools admissions	Social Care & Youth Inclusion	Education		SENAT
Abbey	2	1	0	0	15	0	0	0	1	0	0	2	1	0	1	0	0	0	23
Cannon Hill	3	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	5
Colliers Wood	2	0	0	0	0	0	0	0	1	0	0	0	2	1	0	0	0	0	6
Cricket Green	15	0	0	0	2	0	0	0	5	0	0	0	0	0	0	0	1	0	23
Dundonald	0	0	0	0	0	0	0	0	1	0	0	0	2	0	0	0	0	0	3
Figges Marsh	13	0	0	0	3	0	0	0	2	0	0	0	0	0	0	0	0	0	18
Graveney	5	1	0	1	0	0	0	0	1	0	0	0	0	0	0	0	1	0	9
Hillside	1	1	0	0	1	0	0	0	3	1	0	4	1	0	0	0	0	0	12
Lavender Fields	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	2
Longthornton	5	0	0	0	2	0	0	0	3	0	0	0	0	0	0	0	0	0	10
Lower Morden	10	2	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	14
Merton Park	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	2
Pollards Hill	3	0	0	0	0	1	0	0	1	0	0	0	0	1	0	0	1	0	7
Ravensbury	8	0	1	0	19	0	0	0	2	0	0	0	1	0	0	0	2	0	33
Raynes Park	0	0	0	0	3	0	0	0	6	0	0	0	0	0	0	0	1	0	10
St Helier	0	1	0	0	4	0	0	0	1	0	0	0	0	0	0	1	0	0	7
Trinity	1	0	0	0	2	0	1	0	0	0	0	0	0	0	0	0	0	0	4
Village	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
West Barnes	0	1	0	0	1	0	1	0	6	1	1	3	0	0	0	0	2	0	16
Wimbledon Park	3	0	0	0	1	0	0	0	0	3	0	0	0	0	0	0	1	0	8
Blank & splits	14	5	0	0	12	0	0	3	5	1	0	2	4	1	0	2	1	0	50
Total	85	12	1	1	70	1	2	3	277	6	1	11	11	3	1	3	10	0	498

Environment & Regeneration

	Traffic & Highways	Waste	Environmental Health, Trading Standards & Licensing	Parking	Planning	Future Merton	Property	Greenspaces	Leisure	Safer Merton	Transport	Splits	Total
Abbey	19	21	6	2	4	0	0	0	0	0	0	3	55
Cannon Hill	19	6	1	0	4	1	1	2	0	0	0	4	38
Colliers Wood	9	9	2	1	0	0	0	0	0	1	0	0	22
Cricket Green	3	4	1	1	0	0	0	0	0	2	0	1	12
Dundonald	4	7	2	1	1	0	0	1	0	0	0	2	18
Figges Marsh	1	2	1	1	0	0	0	0	0	0	0	1	6
Graveney	21	20	8	3	6	1	0	1	0	2	0	5	67
Hillside	9	2	2	2	2	0	0	2	0	0	0	0	19
Lavender Fields	3	6	2	0	1	0	0	2	0	1	0	5	20
Longthornton	26	15	4	0	3	0	0	0	0	3	1	8	60
Lower Morden	9	6	3	1	2	2	0	2	0	0	0	2	27
Merton Park	4	6	3	1	2	0	0	0	0	0	0	3	19
Mitcham and Morden - MP	108	129	68	34	59	10	11	39	4	19	0	36	517
Pollards Hill	8	12	0	0	2	2	0	0	0	2	0	3	29
Ravensbury	12	9	4	3	3	2	0	2	0	0	0	2	37
Raynes Park	15	7	5	2	4	1	0	3	0	1	0	6	44
St Helier	5	9	3	5	2	0	0	0	0	0	0	3	27
Trinity	7	15	4	2	8	2	0	2	0	0	0	0	40
Village	2	0	0	1	0	0	0	0	0	0	0	3	6
West Barnes	51	30	9	3	11	1	1	0	0	0	0	12	118
Wimbledon - MP	14	3	5	15	8	1	0	0	1	0	0	4	51
Wimbledon Park	13	11	4	3	7	3	4	7	0	0	0	3	55
Blank	9	7	1	17	4	2	0	2	0	0	0		42
Total	371	336	138	98	133	28	17	65	5	31	1	106	1,329

Parking Services – Learning from Complaints December 2013 – July 2014

<u>Service Area</u>	<u>Complaint Trend</u>	<u>Issue identified</u>	<u>Improvement Implemented</u>
Telephone line into Parking Services	Difficulty getting through to an officer when telephoning Parking Services. Customer perception that nobody is in the office or if they are they do not answer the telephones. Customers reporting that their calls were cut off.	The standard phone system was not able to cope with the volume of calls received by Parking Services. Incoming calls were stuck in a 'bottle neck' situation resulting in some calls being cut off by the system. Also there was no queue system or notification that officers were dealing with other customer calls resulting in the customer thinking that the phones were left to ring unanswered.	New call centre system has been installed which is able to cope with a high volume of simultaneous calls. Bespoke menus and information messages have been created and built into the system with a view to streamlining the customer experience, providing key information from the first point of contact and enabling smooth and swift transit through to the correct officer. The system also includes a queue facility which advises the customer of their position.
Permit renewal reminders letters	Reminder letters for permit renewals were not received. Customer perception was that they had been forgotten and were not receiving the same service as other customers.	Reminder letters were sent out but there have been issues with missing post items in certain areas of the borough.	An on-going project is underway to look into different ways we can remind customers of their permit expiry dates. Also trialling various delivery services with alternative service providers.
Permit renewal reminders emails	Concerns that email reminders did not contain sufficient information regarding methods of permit renewal other than on-line	Investigation identified that not all of the contact information contained on the reminder letter had been	The email reminder format was amended so that the missing contact information is now included on all renewal reminder

	options.	transferred over to the reminder email format via the system, and that some information was missing.	emails.
Service complaints within PCN representations	Complaint issues included in representations against PCNs cannot be responded to within the statutory PCN process. Customer perception is that these issues are being purposely ignored.	Identified a need to provide clarification on the different procedures, to be open and transparent in providing details of how customers can make a complaint and to maintain a consistent approach to complaints within representations.	Currently working with the PCN Processing Team to develop a procedure to ensure a consistent approach to dealing with service failure allegations within representations, which ensure the two procedures remain separate. Template paragraphs are now used within representation responses which detail how to submit a complaint and provide the contact details for the Complaints Team.
Car Park tariff boards	Customer confusion over specific tariff boards at car parks where an evening tariff applies after a certain time. Customer perception was that we had made the information purposely complex in the hope to encourage and benefit from overpayment.	The tariff system across the borough is currently under review. However, an interim measure was identified to provide clarification at the car parks where the concerns had been raised.	An information sticker was added to the relevant tariff boards, which provides additional information to that already on the boards and hopefully assists in providing further clarification.

Committee: Standards Committee

Date: 23 October 2014

Wards: ALL

Subject: Freedom of Information 2013/14

Lead officer: Karin Lane, Head of Information Governance

Lead member: Cllr Mark Allison

Contact officer: Karin Lane, Head of Information Governance

Recommendations:

A. This report is for information only.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. To give the Standards Committee an overview of council performance on Freedom of Information (FOI) requests in 2013/14. This report also gives a breakdown of requester type and exemptions used in responses.

2 DETAILS

- 2.1. Data for the annual report has been extracted from the FOI spread-sheet put in place by the Information Governance team.
- 2.2. FOI requests must be responded to within 20 working days as set out in the Freedom of Information Act 2000.
- 2.3. All FOI requests are logged by the Information Governance team, reviewed and then sent on to the responsible team with instructions for responding to the request.
- 2.4. Requests for information from one team are responded to by that team. Requests split over two or more teams are co-ordinated and responded to by the Information Governance team.
- 2.5. If all the information requested is obviously exempt the Information Governance team will deal with the request, and not forward it on to teams.
- 2.6. The Information Governance team will refuse the request or offer assistance to teams about applying exemptions when part of the information requested is exempt.
- 2.7. The Information Governance team also send reminders to teams about outstanding requests.
- 2.8. If a requester is not satisfied with the response to their FOI request, they can ask for an internal review or make a complaint to the Information Commissioner's Office (ICO).

3 FREEDOM OF INFORMATION REQUESTS

3.1. There was an increase in the number of FOIs received in 2013/14 and a subsequent drop in performance for response time and average days to respond.

	2013/14			2012/13			2011/12		
	No.	% of total	% on time	No.	% of total	% on time	No.	% of total	% on time
CS	506	32.8%	91.3%	449	35.6%	92.0%	418	33.2%	66.5%
CSF	248	16.1%	77.4%	188	14.9%	95.7%	169	13.4%	81.7%
CH	183	11.9%	94.0%	126	10.0%	96.8%	112	8.9%	74.1%
ER	427	27.7%	89.9%	392	31.0%	95.2%	436	34.6%	81.4%
Split	179	11.6%	86.0%	108	8.6%	97.2%	124	9.8%	80.6%
Total	1,543	100%	88.4%	1263	100%	94.5%	1,259	100%	75.8%

Please note split FOI requests are those which need responses from more than one team, division or directorate.

	2013/14 Average days	2012/13 Average days	2011/12 Average days
CS	10.1	13.0	20.6
CSF	15.9	11.8	15.4
CH	10.2	10.4	14.4
ER	12.4	9.8	15.8
Split	16.2	13.8	16.8
Total	12.4	11.6	17.3

Please note split FOI requests are those which need responses from more than one team, division or directorate.

4 REQUESTORS

4.1. There has been little change in the numbers of FOI requests received from the different requestor categories.

	2013/14		2012/13		2011/12	
	No. FOIs	% All FOIs	No. FOIs	% All FOIs	No. FOIs	% All FOIs
Business	277	18.0%	203	16.1%	231	18.3%
Member of the Public	929	60.2%	770	61.0%	606	48.1%
Press	205	13.3%	154	12.2%	227	18.0%
Legal Professional	15	1.0%	13	1.0%	30	2.4%
Politician	53	3.4%	33	2.6%	23	1.8%
Student	15	1.0%	3	0.2%	5	0.4%
Other	49	3.2%	87	6.9%	137	10.9%
Total	1,543	100%	1,263	100%	1,259	100%

Please note the "other" category of requestor stopped being used during 2013/14, and a new category of "Charity" will be used from 2014/15.

- 4.2. Children School and Families requests have a higher than overall average percentage of press requests, while Environment and Regeneration have a higher percentage of requests from members of the public than the overall average.

2013/14	Business	Public	Press	Legal professional	Politician	Student	Other
CS	21.7%	59.1%	12.8%	1.0%	1.8%	1.4%	2.2%
CSF	17.3%	50.0%	21.8%	1.2%	6.9%	0.0%	2.8%
CH	18.0%	50.8%	13.1%	0.5%	7.7%	1.1%	8.7%
ER	13.6%	73.5%	7.7%	0.7%	1.4%	0.9%	2.1%
Split	18.4%	55.3%	16.2%	1.7%	3.9%	1.1%	3.4%
Total	18.0%	60.2%	13.3%	1.0%	3.4%	1.0%	3.2%

Please note the "other" category of requestor stopped being used during 2013/14, and a new category of "Charity" will be used from 2014/15.

- 4.3. In 2013/14 a lower percentage of FOI requests were for Merton only (rather than a request sent to all councils) compared to 2012/13.

	2013/14		2012/13		2011/12	
	No. FOIs	% All FOIs	No. FOIs	% All FOIs	No. FOIs	% All FOIs
Sent to other councils	140	9.1%	99	7.8%	250	19.9%
Merton only	946	61.3%	1060	83.9%	484	38.4%
Not sure if sent elsewhere	457	29.6%	104	8.2%	525	41.7%
Total	1,543	100%	1,263	100%	1,259	100%

5 EXEMPTIONS

- 5.1. Exemptions can be applied where information is withheld. A response in full means that either all information requested was provided or not held by the council.

	2013/14			2012/13			2011/12		
	No. FOIs	% All FOIs	% On time	No. FOIs	% All FOIs	% On time	No. FOIs	% All FOIs	% On time
Provided in full	1317	85.4%	87.4%	1055	83.5%	95.3%	204	65.4%	81.9%
Partially withheld	60	3.9%	88.3%	104	8.2%	87.5%	48	15.4%	66.7%
Withheld	166	10.8%	96.4%	104	8.2%	94.2%	60	19.2%	86.7%
Total	1,543	100%	88.4%	1,263	100%	94.5%	312	100%	80.4%

Please note provision of information statistics were only collected for part of 2011/12, so totals will not meet the overall total for the year.

- 5.2. Corporate Services have the highest percentage of FOI responses with withheld information, including a significant number of common requests that are always withheld and responded to directly by the Information Governance team (e.g. empty home information or business rates data)
- 5.3. When information is withheld, an exemption must be quoted in the FOI response. In 2013/14 the most used exemptions for withholding information were S21 already accessible by other means, S41 information provided in confidence, and S40 personal data. In 2012/13 and 2011/12 the three most used exemptions were S40, S41 and S12 exceeding the appropriate limit, see Appendix one.

6 INTERNAL REVIEWS AND THE INFORMATION COMMISSIONER'S OFFICE

- 6.1. There were 21 FOI internal reviews in 2013/14, compared to 25 in 2012/13 and 30 in 2011/12. The percentage of internal reviews on time decreased in 2013/14 to 85.7% from 92.0%, but the average number of days to respond to an internal review fell to 13.2 days from 17.2 days.
- 6.2. A higher percentage of internal reviews of FOI requests were upheld and partially upheld in 2013/14 compared to 2012/13.
- 6.3. There was only one appeal to the ICO about FOI requests in 2013/14, compared to five in 2012/13 and six in 2011/12 and this was responded to in nine days, an improvement from 16.4 days.
- 6.4. The appeal was regarding the council applying an exemption as the FOI requests were considered vexatious. The ICO's decision was that the council had correctly applied the relevant exemption and no further steps were to be taken. The requestor escalated their complaint to the First Tier Tribunal, who dismissed their appeal.

7 PUBLICATION SCHEME

- 7.1. The council maintains a Publication Scheme as required by the ICO under the FOI Act and this appears on our website as the 'Guide to Information'.
- 7.2. The introduction of the DCLGs Transparency Agenda has provided an overlap with the scheme and this has resulted in more data appearing under the heading of 'Open Data'. The publishing of the majority of this information is expected to become mandatory in June 2014.
- 7.3. There is scope to review how we present the increasing amount of council data to make it easier for service users to find. The Information Governance team will work with departments to drive this forward as well as looking to publish information.

8 BENCHMARKING

- 8.1. The Head of Information Governance is an active member of the London Information Rights Group. This group shares best practice on responding to Freedom of Information requests, and discuss changes to legislation and recent decisions by the ICO. A representative of the ICO attends these meetings.
- 8.2. In first quarter of 2014, FOI performance for 2012/13 was requested from other London boroughs. From those who responded, we ranked 6th in terms

of the volume of requests received and 6th in terms of responding to requests on time, see Appendix two.

9 ISSUES

9.1. There have been a number of issues with the FOI processes, including:

- staff not sending FOI requests through to the Information Governance team for logging and tracking on time, or not copying in their final responses to the team;
- identifying responsibility for each part of the process;
- officers not using the correct template, therefore not giving the requester the right of appeal, or explaining any exemption used;
- using the 18 hour exemption with no evidence;
- not getting responses signed off by Communications or the Head of Information Governance, when this has been explicitly requested in the notification to the team; and
- staff sitting on requests and either not letting the Information Governance team know that they cannot answer it or not approving a request and therefore delaying it.

9.2. These issues have been, and will continue to be, resolved through on-going improvements to the FOI process and clearer guidance for staff, including:

- improvements to the email notification to teams;
- regular reminders of outstanding requests on days 10, 15 and 18, by email and telephone call;
- weekly emails of all due and outstanding FOIs sent to DMTs;
- Head of Information Governance attends DMTs on a quarterly basis;
- a checklist developed to evidence when a request is likely to take longer than 18 hours;
- training for staff who deal with FOI requests across the council; and
- revising the FOI web page so requesters see the Publication Scheme contents before seeing how to make an FOI request.

9.3. The ICO can choose to monitor authorities if their performance drops below 85% or if the ICO receive a significant number of complaints regarding an authority. In August 2013, Wirral Borough Council signed a formal undertaking with the ICO, due to their unsatisfactory performance (FOIs response rate was less than 75%). The ICO also confirmed his intention to monitor its handling of requests received during a three month period. .

10 NEXT STEPS

10.1. A monthly FOI meeting with representatives from each department has been set up to improve processes and discuss any issues affecting performance.

11 ALTERNATIVE OPTIONS

11.1. Not applicable.

12 CONSULTATION UNDERTAKEN OR PROPOSED

12.1. None undertaken.

13 TIMETABLE

13.1. By July 2014 all FOI guidance, processes and templates will be combined into one overall guide for staff to improve usability.

13.2. A review will take place of the publication scheme to ensure it meets the requirements set out in a revised definition document for local authorities. This work will be completed by September 2014.

13.3. An FOI case management system is currently being developed as part of the Data Labelling project.

14 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

14.1. University College of London undertook some research on the costings for dealing with FOI requests. They used an average time of 7.5 hours to deal with an FOI and an hourly cost of £25 (this is the amount councils are able to charge over the 18 hour rule). Therefore, in accordance with this formula, the total cost of dealing with FOIs for 2013/14 was £289,312.50, with a cost per FOI of £187.50.

15 LEGAL AND STATUTORY IMPLICATIONS

The Freedom of Information Act 2000 and Environmental Information Regulations 2004.

16 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

16.1. It is important that all those involved in dealing with FOI requests are mindful of ensuring a consistent approach with all requestors in line with equalities principles.

17 CRIME AND DISORDER IMPLICATIONS

17.1. Not applicable.

18 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

18.1. Poor or late responses could lead to the council being referred to the Information Commissioner, which could lead to a decision notice.

18.2. There is also a reputational risk from poor or late responses.

19 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Appendix one – Table of exemption applied to requests by year
- Appendix two – Benchmarking of FOI performance for 2012/13

20 BACKGROUND PAPERS

20.1. None

APPENDIX ONE

TABLE OF EXEMPTION APPLIED TO REQUESTS BY YEAR

Exemption applied	2013/14		2012/13		2011/12	
	No.	% of Total	No.	% of Total	No.	% of Total
S12 Exceed appropriate limit	41	12.0%	45	16.1%	32	26.7%
S21 Already accessible by other means	105	30.7%	34	12.1%	0	0.0%
S22 Intended for later publication	22	6.4%	31	11.1%	2	1.7%
S30 Held for criminal investigation	1	0.3%	0	0.0%	1	0.8%
S31 Detection / prevention of crime	30	8.8%	26	9.3%	9	7.5%
S33 Audit purposes	0	0.0%	0	0.0%	1	0.8%
S38 Health and safety purposes	2	0.6%	2	0.7%	0	0.0%
S40 Personal data	49	14.3%	59	21.1%	27	22.5%
S41 Provided in confidence	83	24.3%	44	15.7%	32	26.7%
S42 Legal privilege	1	0.3%	6	2.1%	8	6.7%
S43 Prejudice commercial interests	4	1.2%	9	3.2%	4	3.3%
S44 Prohibited by any other law	1	0.3%	1	0.4%	1	0.8%
EIR Exception	1	0.3%	15	5.4%	3	2.5%
Vexatious or repeated request	1	0.3%	8	2.9%	0	0.0%
Any other FOI exemption	1	0.3%	0	0.0%	0	0.0%
Total	342	100%	280	100%	120	100%

Please note a FOI request could have a number of exemptions applied to different parts of the information requested, so the total exemptions will not match the total requests withheld or partially withheld.

APPENDIX TWO**BENCHMARKING OF FOI PERFORMANCE FOR 2012/13**

London Borough	Number FOIs	% replied on time
Barking and Dagenham	1,205	76.3%
Barnet	1,536	92.1%
Bexley	1,242	80.0%
Brent	1,351	Did not record
Bromley	1,731	78.5%
Camden	No response	No response
City of London	No response	No response
Croydon	1,418	82.4%
Ealing	1,332	91.0%
Enfield	1,182	84.8%
Greenwich	No response	No response
Hackney	1,379	53.2%
Hammersmith and Fulham	1,188	94.0% (projected)
Haringey	1,150	77.0%
Harrow	1,462	45.4%
Havering	No response	No response
Hillingdon	1,108	97.3%
Hounslow	1,462	80.6%
Islington	1,506	72.7%
Kensington and Chelsea	1,155	88.0%
Kingston upon Thames	1,101	65.0%
Lambeth	1,422	45.4%
Lewisham	1,166	88.3%
Merton	1,263	94.5%
Newham	1,676	78.0%
Redbridge	1,142	85.0%
Richmond upon Thames	1,128	95.0%
Southwark	1,800	64.0%
Sutton	1,082	94.0%
Tower Hamlets	875	78.2%
Waltham Forest	1,106	83.0%
Wandsworth	1,666	84.0%
Westminster	1,753	91.0%

Committee: Standards Committee

Date: 23 October 2014

Agenda item:

Wards: All

Subject: Review of Part 4F of the Constitution - Financial Regulations

Lead officer: Caroline Holland – Director of Corporate Services

Lead members: Peter McCabe- Chair of Standards Committee

Contact officer: Zoe Church - Head of Business Planning

Telephone: 0208 545 3451

Recommendations:

That the Standards Committee agrees the revised Financial Regulations for the Authority. This document will replace Part 4F of the Council's Constitution.

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1 This report summarises the main changes to the Financial Regulations of the Authority. These regulations form Part 4F of the Council's Constitution.

2. DETAILS

2.1 Financial Regulations form The Contract Standing Orders form part 4G of the Constitution and should be revised periodically to ensure they reflect best practice.

2.2 The main changes made to the document are as follows:

- a) Updating reference documentation
- b) Updating the arrangements for the in-year use of Reserves
- c) Clarifying the wording for virement arrangements (and increasing limits for capital Virements)
- d) Removing Reference to the Audit Committee as functions are now undertaken by General Purposes Committee

2.3 Attached as Appendix A are the revised Financial Regulations changes are shown in **bold underlined**.

3. CONSULTATION UNDERTAKEN OR PROPOSED

3.1 No external consultation has taken place or is planned for this document.

4. **TIMETABLE**

- 4.1 These amendments will then be reported through to General Purposes on 6 November 2014 Council on 19 November 2014.

5. **FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 5.1 There are no specific financial, resource or property implications from this report

6. **LEGAL AND STATUTORY IMPLICATIONS**

- 6.1 Section 37 of the Local Government Act 2000 required authorities to adopt constitutions containing their standing orders, code of conduct for members, any other information they considered appropriate and 'such information as the Secretary of State may direct'. Financial Regulations form part of this constitution.

7. **HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 7.1 There are no specific human rights, equalities or community cohesion implications.

8. **RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

- 8.1 There are no specific risk management or health and safety implications in this report.

9. **APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- 9.1 Appendix A: Financial Regulations

10. **BACKGROUND PAPERS – THE FOLLOWING DOCUMENTS HAVE BEEN RELIED ON IN DRAWING UP THIS REPORT BUT DO NOT FORM PART OF THE REPORT**

Relevant Chartered Institute of Public Finance and Accountancy (CIPFA) Guidance etc., Best Practice, Regulation and Legislation

Constitution - Part 4F

Financial Regulations

Contents

1: Introduction.....	2
A: Financial Management.....	5
B: Financial Planning	11
C: Risk Management and Control of Resources.....	14
D: Systems and Procedures.....	18
E: External Arrangements.....	20
Bibliography.....	20
1.1 Scheme of Virement - Revenue.....	21
1.2 Scheme of Virement — Capital.....	23

Introduction

Financial Regulations

- 1.1 To conduct its business efficiently, the Council needs to ensure that it has sound financial management policies in place and that they are strictly adhered to. Part of this process is the establishment of financial regulations that set out the financial policies of the Authority. A modern Council should also be committed to worthwhile innovation, within the regulatory framework, providing that the necessary risk assessment and approval safeguards are in place.
- 1.2 The financial regulations provide clarity about the financial accountabilities of individuals - the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer, currently Director of Corporate Services and other chief officers (departmental directors). Each of the financial regulations sets out the overarching financial responsibilities.
- 1.3 This document links financial regulations with other internal regulatory documents forming part of the Council's constitution. For example, contract standing orders, schemes of delegation, the role of Overview and Scrutiny committees and employee codes of conduct.

Financial Procedures

- 1.4 Following formal approval and adoption of the financial regulations, it is the responsibility of the Chief Finance Officer to implement those financial regulations by issuing and maintaining detailed financial procedures.
- 1.5 The financial procedures detail the responsibilities of the Chief Finance Officer and other chief officers (directors) and identify key controls. They carry the same importance as financial regulations and are an integral part of the Council's framework of internal control

Status of Financial Regulations

- 2.1 Financial regulations provide the framework for managing the authority's financial affairs.
- They **apply** to every member and officer of the authority and anyone acting on its behalf.
 - They **do not apply** where the Council has agreed separate constitutional arrangements incorporating different Financial Regulations. This is currently relevant only to schools under "The Merton Scheme for Local Management of Schools"
 - They **do not apply** where work is being undertaken by the Council as agent for another public body under an agreement which requires compliance with different procedures incorporated into the agency agreement.

- 2.2 The regulations identify the financial responsibilities of the full Council, Cabinet and Overview and Scrutiny members, the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer and other chief officers (directors). Chief officers (directors) should maintain a written record where decision making has been delegated to members of their staff, including seconded and [temporary staff](#).

Where decisions have been delegated or devolved to other responsible officers, such as school governors, references to the chief officer in the regulations should be read as referring to them. (There are separate regulations for schools based on the authority's financial regulations)

- 2.3 All members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.
- 2.4 The Chief Finance Officer is responsible for maintaining a continuous review of the financial regulations and submitting any additions or changes necessary to the full Council for approval. The Chief Finance Officer is also responsible for reporting, where appropriate, breaches of the financial regulations to the Monitoring Officer, the Council and/or to the Cabinet members.

- 2.5 The authority's detailed financial procedures, setting out how the regulations will be implemented, are contained in a separate document known as Financial Procedures. The financial procedures do, none the less, form an integral part of the financial regulations (Schools operating under the local scheme of delegation will refer to a separate financial procedures document, "On the right track " **(Version 5 being the most up to date at the time of approval)**)
- 2.6 Chief Officers (directors) are responsible for ensuring that all staff in their departments are aware of the existence and content of the authority's financial regulations and other internal regulatory documents and that they comply with them. They must also ensure that an adequate number of copies are available for reference within their departments.
- 2.7 The Chief Finance Officer is responsible for issuing advice and guidance to underpin the financial regulations that members, officers and others acting on behalf of the authority are required to follow.

A: FINANCIAL MANAGEMENT

Introduction

- A.1 Financial management covers all financial accountabilities in relation to the running of the authority, including the policy framework and budget. Where there is any discrepancy or inconsistency between these Financial Regulations and the Constitution, the terms of the constitution will prevail.

The full Council

- A.2 The full Council is responsible for adopting the authority's constitution and members' code of conduct and for approving the policy framework and budget within which the Cabinet operates. It is also responsible for approving and monitoring compliance with the authority's overall framework of accountability and control. The framework is set out in its constitution. The full Council is also responsible for monitoring compliance with the agreed policy and related Cabinet decisions.
- A.3 The constitution and procedure rules require the recording and reporting of decisions taken. This includes those key decisions delegated by and decisions taken by the Council and its committees. These delegations and details of who has responsibility for which decisions are set out in the constitution.

The Cabinet

- A.4 The Cabinet is responsible for proposing the policy framework and budget to the full Council, and for discharging Cabinet functions in accordance with the policy framework and budget.
- A.5 Cabinet decisions can be delegated to a committee of the Cabinet, an individual Cabinet member, an officer or a joint committee.
- A.6 The Cabinet is responsible for establishing protocols to ensure that individual Cabinet members consult with relevant officers before taking a decision within his or her delegated authority. In doing so, the individual member must take account of legal and financial liabilities and risk management issues that may arise from the decision.

Committees of the Council

Overview and Scrutiny Commission and Panels

- A.7 The Overview and Scrutiny Commission is responsible for participating in pre-decision policy formulation and for scrutinising Cabinet decisions after they have been made and for holding the Cabinet to account. The Overview and Scrutiny Commission is also responsible for making recommendations on future policy options and for reviewing the general policy and service delivery of the authority.

Standards Committee

- A.8 The Standards Committee is established by the full Council and is responsible for promoting and maintaining high standards of conduct amongst Councillors. In particular, it is responsible for advising the Council on the adoption and revision of the members' code of conduct, and for monitoring the operation of the code.

General Purposes Committee

- A.9 The General Purposes Committee was established by the full council on 18th May 2005 to fulfill certain functions and responsibilities including; to oversee the Constitution (non-executive functions) and make recommendations to full council; to approve the Statement of Accounts, [Internal and External Audit Matters and Corporate Governance](#) and deal with other specific matters related to finance, [pension](#) and personnel; and to discharge the functions related to Health and Safety, Elections and as Corporate Trustee where appropriate .

This committee is required to consider and make recommendations as appropriate in relation to the activities set out in the agenda item at that meeting concerned with internal and external audit matters and corporate governance and liaison with the Authority's External Auditors

Other regulatory committees

- A.10 Planning, conservation and licensing are not Cabinet functions but are exercised through the multi-party Planning Applications Committee and the Licensing Committee under powers delegated by the full Council. The Planning Applications Committee and the Licensing Committee both report to the full Council.

The statutory officers

Head of Paid Service (Chief Executive)

- A.11 The Head of Paid Service is responsible for the corporate and overall strategic management of the authority as a whole. He or she must report to and provide information for the Cabinet, the full Council, the Overview and Scrutiny Commission and other committees. He or she is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The Head of Paid Service is also responsible, together with the Monitoring Officer, for the system of record keeping in relation to all the full Council's decisions (see below).

Monitoring Officer

- A.12 The Monitoring Officer is responsible for promoting and maintaining high standards of financial conduct and therefore provides support to the Standards Committee. The Monitoring Officer will receive and act on reports made by the Ombudsman and will conduct investigations into such matters and make reports or recommendations in respect of them to the Standards Committee.
- A.13 The Monitoring Officer must ensure that Cabinet decisions and the reasons for them are made public. He or she must also ensure that Council members are aware of decisions made by the Cabinet and of those made by officers who have delegated Cabinet responsibility.
- A.14 The Monitoring Officer is responsible for advising all Councillors and officers about who has authority to take a particular decision.
- A.15 The Monitoring Officer is responsible for advising the Cabinet or full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the policy framework.

- A.16 The Monitoring Officer (together with the Chief Finance Officer) is responsible for advising the Cabinet or full Council about whether decision is likely to be considered contrary or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:
- initiating a new policy
 - committing expenditure in future years to above the budget level
 - incurring interdepartmental transfers above virement limits
 - causing the total expenditure financed from Council tax, grants and corporately held reserves to increase, or to increase by more than a specified amount.
- A.17 The Monitoring Officer is responsible for maintaining an up-to-date constitution.

Chief Finance Officer

- A.18 The Chief Finance Officer has statutory duties in relation to the financial administration and stewardship of the authority. This statutory responsibility cannot be overridden. The statutory duties arise from:
- Section 151 of the Local Government Act 1972
 - The Local Government Finance Act 1988
 - The Local Government and Housing Act 1989
 - The Accounts and Audit Regulations 20011
- A.19 The Chief Finance Officer (See "A statement on the role of the Chief Finance Officer in Local Government" (CIPFA [2010](#)))
- [Is a key member of the CMT helping it to develop and implement strategy and to resource and deliver the organisation's strategic objectives sustainably and in the public interest](#)
 - [is actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer term implications, opportunities and risks are fully considered, and alignment with the organisation's financial strategy](#)

- leads the promotion and delivery by the whole organisation of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficient and effectively
- leads and directs a finance function that is resourced to be fit for purpose
- is professionally qualified and suitably experienced

A.20 **Section 114** of the Local Government Finance Act 1988 requires the Chief Finance Officer to report to the full Council, Cabinet and external auditor if the authority or one of its officers:

- has made, or is about to make, a decision which involves incurring unlawful expenditure
- has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the authority
- is about to make an unlawful entry in the authority's accounts .

Section 114 of the 1988 Act also requires:

- the Chief Finance Officer to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under section 114 personally
- the authority to provide the Chief Finance Officer with sufficient staff, accommodation and other resources- including legal advice where this is necessary -to carry out the duties under section 114.

Chief officers (Departmental Directors)

A.21 Chief officers (as set out in Article 12.2 of the constitution) are responsible for:

- ensuring that Cabinet members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Chief Finance Officer
- signing contracts on behalf of the authority.

A.22 It is the responsibility of chief officers to consult with the Chief Finance Officer and seek approval on any matter liable to affect the authority's finances materially, before any commitments are incurred.

Other financial accountabilities Virement

- A.23 The full Council is responsible for agreeing procedures for virement of expenditure between budget headings.
- A.24 Chief officers are responsible for agreeing in-year virements within delegated limits, in consultation with the Chief Finance Officer and in accordance with the scheme of virement. They must notify the Chief Finance Officer of all virements. (This is essential even at the lowest level for accounting purposes and budget monitoring) The scheme of virement is attached at Annex 1 (Revenue) and Annex 2 (Capital).

Treatment of year-end balances

- A.25 The full Council is responsible for agreeing procedures for carrying forward under and overspendings on budget headings as part of the scheme of virement.

Accounting policies

- A.26 The Chief Finance Officer is responsible for selecting accounting policies and ensuring that they are applied consistently.

Accounting records and returns

- A.27 The Chief Finance Officer is responsible for determining the accounting procedures and records for the authority.

The annual statement of accounts

- A.28 The Chief Finance Officer is responsible for ensuring that the Annual Statement of Accounts and the Annual Governance Statement are prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom: The General Purposes Committee is responsible for approving the Annual Statement of Accounts and the Annual Governance Statement.
- A.29 The Chief Finance Officer is responsible for ensuring that the annual statement of accounts **and the Annual Governance Statement are** prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC). The General Purposes Committee is responsible for approving the Annual Statement of Accounts **and the Annual Governance Statement.**

B: FINANCIAL PLANNING

Introduction

B.1 The full Council is responsible for agreeing the authority's policy framework and budget, which will be proposed by the Cabinet. In terms of financial planning, the key elements are:

- the business plan
- the budget
- the capital programme.

Policy framework

B.2 The full Council is responsible for approving the policy framework and budget. The policy framework is set out in article 4 of the Constitution and includes a number of plans and strategies approved or to be approved by the Council.

B.3 The full Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework.

B.4 The full Council is responsible for setting the level at which the Cabinet may reallocate budget funds from one service to another. The Cabinet is responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by the Council.

Preparation of the business plan

B.5 The Head of Paid Service is responsible for proposing the business plan to the Cabinet for consideration before its submission to the full Council for approval.

Budgeting Budget format

B.6 The general format of the budget will be approved by the full Council and proposed by the Cabinet on the advice of the Chief Finance Officer. The draft budget should include allocation to different services and projects, proposed taxation levels and contingency funds.

Budget preparation

- B.7 Section 25 of the Local Government Act 2003 requires the Chief Finance Officer to report on the robustness of estimates and the adequacy of reserves when considering the budget requirement. The revenue budget is prepared on an annual basis and a general revenue plan on a **four**-yearly basis for consideration by the Cabinet, before submission to the full Council. The full Council may amend the budget or ask the Cabinet to reconsider it before approving it.
- B.8 The Cabinet is responsible for issuing guidance on the general content of the budget in consultation with the Chief Finance Officer as soon as possible following approval by the full Council.
- B.9 It is the responsibility of chief officers to ensure that budget estimates reflecting agreed service plans are submitted to the Cabinet and that these estimates are prepared in line with guidance issued by the Cabinet.

Budget monitoring and control

- B.10 The Chief Finance Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He or she must monitor and control expenditure against budget allocations and report to the Cabinet on the overall position on a regular basis including the draw down from/transfer to reserves.
- B.11 It is the responsibility of chief officers to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Chief Finance Officer. They should report on variances within their own areas. They should also take any action necessary to avoid exceeding their budget allocation and alert the Chief Finance Officer to any problems.

Resource allocation

- B.12 The Chief Finance Officer is responsible for developing and maintaining a resource allocation process that ensures due consideration of the full Council's policy framework.

Preparation of the capital programme

- B.13 The Chief Finance Officer is responsible for ensuring that a capital programme is prepared on an annual basis for consideration by the Cabinet before submission to the full Council.
- B.14 The Chief Finance Officer is responsible for ensuring that in setting or revising the Capital Programme that prudential indicators are reported to the full Council, having regard to:
- affordability, e.g. implications for Council Tax
 - prudence and sustainability, e.g. implications for external borrowing
 - value for money, e.g. option appraisal
 - stewardship of assets, eg asset management planning
 - service objectives, e.g. strategic planning for the authority
 - practicality, e.g. achievability of the forward plan.
- B.15 The Chief Finance Officer is required to establish procedures to monitor performance against all forward looking prudential indicators. The Chief Finance Officer will need to establish a measurement and reporting process that highlights significant deviations from expectations.

Guidelines

- B.16 Guidelines on budget preparation are issued to members and chief officers (directors) by the Cabinet following agreement with the Chief Finance Officer. The guidelines will take account of:
- legal requirements
 - medium-term planning prospects
 - the business plan
 - available resources
 - spending pressures
 - best value and other relevant government guidelines
 - other internal policy documents
 - cross-cutting issues (where relevant). Maintenance of reserves
- B.17 It is the responsibility of the Chief Finance Officer to advise the Cabinet and/or the full Council on prudent levels of reserves for the authority.

C: RISK MANAGEMENT AND CONTROL OF RESOURCES

Introduction

- C.1 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the authority. This should include the proactive participation of all those associated with planning and delivering services.

Risk management

- C.2 The Cabinet is responsible for approving the authority's risk management policy statement and strategy and for reviewing the effectiveness of risk management. The Cabinet is responsible for ensuring that proper insurance exists where appropriate.
- C.3 The Chief Finance Officer is responsible for preparing the authority's financial risk management policy statement, for promoting it throughout the authority and for advising the Cabinet on proper insurance cover where appropriate.

Internal control

- C.4 Internal control refers to the systems of control devised by management to help ensure the authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the authority's assets and interests are safeguarded.
- C.5 The Chief Finance Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.
- C.6 It is the responsibility of chief officers to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

Audit requirements

Internal Audit

- C.7 The Accounts and Audit Regulations 2011 issued by the Secretary of State for the Environment require every local authority to undertake an adequate and effective internal audit. Internal audit of its accounting records is an independent appraisal function established by the management of an organisation. It objectively examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

External Audit

- C.8 The Audit Commission is responsible for appointing external auditors to each local authority. The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982, as amended by section 5 of the Audit Commission Act 1998.
- C.9 The authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs, who have statutory rights of access.

Preventing fraud and corruption

- C.10 The Chief Finance Officer (in consultation with the Monitoring Officer) is responsible for the development and maintenance of an anti-fraud and anti-corruption policy.

Assets

- C.11 Chief Officers should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

Treasury Management

- C.12 The authority has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities.

- C.13 The full Council is responsible for approving the Treasury Management policy statement, [practices and annual strategy in advance of the year](#) setting out the matters detailed in CIPFA's Code of Practice for Treasury Management in Local Authorities. The policy statement is proposed to the full Council by the Cabinet. The Chief Finance Officer has delegated responsibility for implementing and monitoring the statement.
- C.14 All money in the hands of the authority is controlled by the officer designated for the purposes of section 151 of the Local Government Act 1972, referred to in the code as the Chief Finance Officer.
- C.15 The Chief Finance Officer is responsible for reporting to the Cabinet a proposed treasury management strategy for the coming financial year at or before the start of each financial year.

All Cabinet decisions on borrowing, investment or financing shall be delegated to the Chief Finance Officer, (Part 3F Section B of the Constitution, Financial Matters) who is required to act in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities.

- C.16 The Chief Finance Officer is responsible for reporting to the Cabinet at least once in each financial year on the activities of the treasury management operation and on the exercise of his or her delegated treasury management powers. One such report will comprise an annual report on treasury management for presentation by 30 September of the succeeding financial year.
- C.17 The Chief Finance Officer is responsible for the Council's overall banking arrangements. All arrangements for opening bank accounts and for the banking and withdrawal of money shall be made or approved by the Chief Finance Officer.

Staffing

- C.18 The Head of Paid Service is responsible for determining how officer support for Cabinet and non-Cabinet roles within the authority will be organised.

C.19 The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

C.20 Chief Officers (directors) are responsible for controlling total staff numbers by:

- advising the Cabinet on the budget necessary in any given year to cover estimated staffing levels
- adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs
- the proper use of appointment procedures.

D: SYSTEMS AND PROCEDURES

Introduction

D.1 Sound systems and procedures are essential to an effective framework of accountability and control.

General

D.2 The Chief Finance Officer is responsible for the operation of the authority's accounting systems, the form of accounts and the supporting financial records. Any changes made by chief officers (directors) to the existing financial systems or the establishment of new systems must be approved by the Chief Finance Officer. However, chief officers (directors) are responsible for the proper operation of financial processes in their own departments.

D.3 Any changes to agreed procedures by chief officers (directors) to meet their own specific service needs should be agreed with the Chief Finance Officer.

D.4 The Chief Finance Officer is responsible for developing and maintaining the Council's detailed financial procedures

D.5 Chief officers (directors) should ensure that their staff receive relevant financial training that has been approved by the Chief Finance Officer.

D.6 Chief officers (directors) must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation. Chief Officers (directors) must ensure that staff are aware of their responsibilities under freedom of information legislation.

Income and expenditure

D.7 It is the responsibility of chief officers (directors) to ensure that a proper scheme of management has been established within their area and is operating effectively. The scheme of management should identify staff authorised to act on the chief officer's (director's) behalf, or on behalf of the Cabinet, in respect of payments, income collection and placing orders, together with the limits of their authority. The Chief Finance Officer is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

Payments to employees and members

- D.8 The Chief Finance Officer is responsible for all payments of salaries and wages to all staff, including payments for overtime, and for payment of allowances to members.

Taxation

- D.9 The Chief Finance Officer is responsible for advising chief officers, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the authority.

- D.10 The Chief Finance Officer is responsible for ensuring that the authority's tax records are maintained, that all tax payments are made, that tax credits are received and tax returns are submitted by their due date as appropriate.

Trading accounts/business units

- D.11 It is the responsibility of the Chief Finance Officer to advise on the establishment and operation of trading accounts and business units.

E: EXTERNAL ARRANGEMENTS

Introduction

- E.1 The local authority provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental wellbeing of its area.

Partnerships/Joint Ventures/Shared Services

- E.2 The Chief Finance Officer is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the authority.
- E.3 The Chief Finance Officer must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory.
- E.4 The Monitoring Officer must consider the overall corporate governance arrangements and legal issues when arranging contracts/shared service arrangements with external bodies. He or she must ensure that the risks have been fully appraised before agreements are entered into with external bodies.
- E.5 Chief Officers are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

External funding

- E.6 The Chief Finance Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the authority's accounts.

Bibliography – Key Documents

[CIPFA Guidance on Asset Registers and Accounting/Practitioners' Guide to Capital Finance in Local Government/The Prudential Code for Capital Finance in Local Authorities CIPFA](#)

[CIPFA Service Reporting Code of Practice \(SeRCOP\)](#)

[Code of Practice on Local Authority Accounting \(CIPFA/LASAAC\)](#)

[Code of Practice for Internal Audit in Local Government CIPFA](#)

[Public Sector Internal Audit Standards](#)

[CIPFA Treasury Management Code of Practice](#)

1.1 1 -Scheme of Virement - Revenue

Financial limits	
Up to £5,000 paper budget head	Budget holder (for Chief Officer) who shall notify the Chief Finance Officer in writing (This is essential even at the lowest level for accounting purposes and budget monitoring)
£5,000 up to £100,000 pa per budget head	Appropriate Chief Officer who shall obtain the agreement of the Chief Finance Officer.
£100,000 and over	Cabinet

NOTES

1. A “service level budget” represents the budget as presented in the relevant Business Plan and a “budget head” is defined by CIPFA’s Service Expenditure Analysis and Standard Subjective Analysis e.g. Employees and Supplies and Services. A revenue virement is required if a Chief Officer requests a transfer of resources:
 - a) From one service level budget to another; and/or
 - b) From revenue budget head and another.
2. Virements may only be made in respect of DIRECT expenditure or income and excludes capital financing charges and asset rental charges. Direct expenditure budgets created from income, purely to manage internal recharges to direct service budgets e.g. photocopying are also excluded
3. Virement from income to expenditure is allowed in exceptional circumstances only where the additional expenditure will generate the income. Windfall income amounts shall not be used to augment spending power.
4. A request for virement must state explicitly whether the transfer is for the duration of the current financial year only, or whether it reflects a permanent change in policy and consequentially will continue and thus form the Base Budget for future years.
5. New expenditure initiatives require the approval of the Chief Finance Officer up to £100,000 or Cabinet, £100,000 and over.
6. The prior approval of the Cabinet is required for any virement, of whatever amount, where it is proposed to vire between budgets managed by different chief officers.

7. Virement that is likely to impact on the level of service activity of another chief officer should be implemented only after agreement with the relevant chief officer.
8. In cases of major unforeseen emergencies where no provision exists, the authority for immediate expenditure up to a limit of £100,000 is delegated to the Chief Finance Officer. This will be on the advice of the appropriate chief officer and subject to a report being made to the Cabinet as soon as practicable.(This is in accordance with Delegation of Executive Powers).
9. The above virement arrangements do not apply to in year adjustments to budgets that arise due to accounting or technical reasons such as correcting errors, budget restructuring due to internal reorganisation and changes to grant regimes, provided these do not impact on the net budget of the Council.

Treatment of Year End Balances- Revenue

10. Year end balances will be dealt with as part of the closing of accounts arrangements under the guidance of the Chief Finance Officer and following rigorous budget monitoring throughout the year
11. Requests for carry forward of underspends will therefore be considered only in exceptional circumstances.Chief Officers will need to identify the source of the underspend or additional income and to justify why it will be needed in the following year in addition to the annual budget.
12. All internal business unit surpluses shall be retained for the benefit of the authority and their application shall require the approval of the Cabinet.

1.2 - Scheme of Virement- Capital

Financial limits	
Up to £5,000 paper scheme	Scheme's responsible officer, who shall notify the Chief Finance Officer in writing (This is essential even at the lowest level for accounting purposes and budget monitoring)
£5,000 up to £100,000 pa per scheme	Appropriate Chief Officer who shall obtain agreement of the Chief Finance Officer.
£100,000 and over	Cabinet

NOTES

13. A capital virement is required if the responsible officers identify a need to transfer resources between approved schemes in the capital programme
14. Virements by the Responsible Officer alone will be restricted to similar schemes within his/her management, e.g. Traffic Management Schemes, Traffic Calming schemes. Any uncertainty will be referred to the Chief Officer
15. Any virement affecting schemes of a different nature within a department will be referred to the Chief Officer.
16. Virements by a Chief Officer will be restricted to schemes within his/her departmental management
17. Any virement affecting the schemes of different chief officers will be referred to the Chief Finance Officer.
18. Any virement which diverts resources from a scheme not started, resulting in delay to that scheme, will be reported to Cabinet.
19. Where schemes are funded by ring-fenced or restricted use income, Merton's virement regulations will not over-ride these restrictions

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Standards Committee:

Date: 23 OCTOBER 2014

Agenda item:

Wards: All

Subject: Receipt of Gifts and Hospitality by Members

Lead officer: Paul Evans, Monitoring Officer

Lead member: Chair of Standards Committee, Councillor Peter McCabe

Forward Plan reference number: N/A

Contact officer: Paul Evans

Recommendations:

A. That the committee considers the extract from the register

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1. To report entries made to the Register of Gifts and Hospitality for members since the last consideration of the register on 23 October 2013

2 DETAILS

2.1. Entries made to the register since the last report are attached at appendix 1.

3 ALTERNATIVE OPTIONS

3.1. None – it is for the Standards Committee to comment as it sees fit on the contents of the register

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1. None

5 TIMETABLE

5.1. The register is updated whenever a declaration is made.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1. None

7 LEGAL AND STATUTORY IMPLICATIONS

7.1. Members are required by the Code of Conduct to report offers of gifts and hospitality. Failure to report may be a breach of the Code of Conduct.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1. There are no specific human rights or equalities issues arising from this report. The requirement to ensure that the Council in conducting its activities has proper regard to issues relating to human rights and equalities and fair treatment of all people is a significant component of ethical governance.

9 CRIME AND DISORDER IMPLICATIONS

9.1. None

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. None

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Appendix 1

12 BACKGROUND PAPERS

12.1. None

Name	Details	Date	Value
Councillor Agatha Mary Akyigyina	No entries		
Councillor Stephen Alambritis	AFC Wimbledon v Portsmouth League Two match including lunch and seat.	16 November 2013	Over £25.00
	Visit to Romford Greyhound Stadium including admission and carvery dinner	27 November 2013	Over £25.00
	Christmas gift of bottle of champagne offered by Criterion Capital	31 December 2013	Over £25.00
	Guest of Linden Homes for Lunch.	13 March 2014	Over £25.00
	Two complimentary Centre Court seats at AELTCC	25 June 2014	Over £25.00
	Two complimentary seats in the Royal box at AELTCC	26 June 2014	Over £25.00
	Guest at AFC Wimbledon v Chelsea FC Friendly, including lunch and match seat offered by Paul Strank Roofing Ltd	18 July 2014	Over £25.00
	Lunch at Cannizaro House Hotel. Offered by Peter Bingle, Director of Terrapin Communications	2 September 2014	Over £25.00
Councillor Mark Allison	The opportunity to participate in a ballot, which is not	6 June 2014	£248.00

Name	Details	Date	Value
	open to the general public, for Wimbledon Tennis Championship tickets. Through the ballot I received 2 tickets for 05.07.14 and paid £248.00.		
Councillor Stan Anderson	No entries		
Councillor Laxmi Attawar	No entries		
Councillor Hamish Badenoch	No entries		
Councillor John Bowcott	The opportunity to participate in a ballot, which is not open to the general public, for Wimbledon tennis championship tickets offered by The All England Lawn Tennis and Croquet Club. Through the ballot I received 2 tickets for 02.07.14 for which I paid £224.	2 July 2014	£224.00
Councillor Michael Bull	No entries		

Name	Details	Date	Value
Councillor Adam Bush	No entries		
Councillor Tobin Byers	No entries		
Councillor Charlie Chirico	No entries		
Councillor David Chung	No entries		
Councillor Caroline Cooper-Marbiah	No entries		
Councillor Pauline Cowper	No entries		
Councillor Stephen Crow	No entries		
Councillor Mary Curtin	No entries		

Name	Details	Date	Value
Councillor David Dean	No entries		
Councillor John Dehaney	The opportunity to participate in a ballot, which is not open to the general public, for Wimbledon Tennis Championship tickets. Through the ballot I received 2 tickets for 26.06.14 for which I paid £124.00	26 June 2014	£124.00
Councillor Nick Draper	No entries		
Councillor Edward Foley	The opportunity to participate in a ballot, which is not open to the general public, for Wimbledon Tennis championship tickets offered by The All England Lawn Tennis and Croquet Club. Through the ballot I received 2 tickets for 28.06.14 for which I paid £160.00	28 June 2014	£160.00
Councillor Brenda Fraser	No entries		

Name	Details	Date	Value
Councillor Fidelis Gadzama	No entries		
Councillor Ross Garrod	The opportunity to participate in a ballot, which is not open to the general public, for Wimbledon Tennis Championship tickets. Through the ballot I received 2 tickets for 06.07.14 for which I paid £296.00	6 July 2014	£296.00
Councillor Suzanne Grocott	No entries		
Councillor Jeff Hanna	No entries		
Councillor Joan Henry	No entries		
Councillor Daniel Holden	The opportunity to participate in a ballot, which is not open to the general public, for Wimbledon Tennis Championship tickets offered by The All England Lawn	24 June 2014	£96.00

Name	Details	Date	Value
	Tennis and Croquet Club. Through the ballot I received 2 tickets for 24.06.14 for which I paid £96.00		
Councillor James Holmes	No entries		
Councillor Janice Howard	No entries		
Councillor Mary-Jane Jeanes -	No entries		
Councillor Abigail Jones	No entries		
Councillor Philip Jones	No entries		
Councillor Andrew Judge	No entries		
Councillor Sally Kenny	No entries		

Name	Details	Date	Value
Councillor Linda Kirby	No entries		
Councillor Abdul Latif	No entries		
Councillor Najeeb Latif	No entries		
Councillor Brian Lewis Lavender	No entries		
Councillor Gilli Lewis- Lavender	No entries		
Councillor Edith Joan Macauley	The opportunity to participate in a ballot, which is not open to the general public, for Wimbledon Tennis Championship tickets. Through the ballot I received 2 tickets for 25.06.14 for which I paid £214.00	25 June 2014	£124.00
Councillor Russell Makin	No entries		

Name	Details	Date	Value
Councillor Maxi Martin	No entries		
Councillor Peter McCabe	No entries		
Councillor Oonagh Moulton	Attendance at Merton Business Awards Ceremony and Gala Dinner	25 September 2013	£75.00
Councillor Ian Munn BSc, MRTPI(Rtd)	No entries		
Councillor Katy Neep	The opportunity to participate in a ballot, which is not open to the general public, for Wimbledon Tennis Championship tickets. Through the ballot I received 2 tickets for 01.07.14 for which I paid £186.00	1 July 2014	£186.00
Councillor Dennis Pearce	No entries		

Name	Details	Date	Value
Councillor John Sargeant	No entries		
Councillor Judy Saunders	No entries		
Councillor David Simpson CBE	The opportunity to participate in a ballot, which is not open to the general public, for Wimbledon Tennis Championship tickets offered by The All England Lawn Tennis and Croquet Club. Through the ballot I received 2 tickets for 04.07.14 for which I paid £248.00	4 July 2014	£248.00
Councillor Marsie Skeete	No entries		
Councillor Peter Southgate	4 complimentary tickets to the Royal Tournament at Earls Court offered by Haig Housing, Alban Dobson House, Green Lane, Morden SM4 5HS	8 December 2013	4 x £30.00
	The opportunity to participate in a ballot, which is not open to the general public, for Wimbledon Tennis	27 June 2014	£116.00

Name	Details	Date	Value
	Championship tickets offered by The All England Lawn Tennis and Croquet Club. Through the ballot I received 2 tickets for 27.06.14 for which I paid £116.00		
Councillor Geraldine Stanford	No entries		
Councillor Linda Taylor OBE	The opportunity to participate in a ballot, which is not open to the general public, for Wimbledon Tennis Championship tickets offered by The All England Lawn Tennis and Croquet Club. Through the ballot I received 2 tickets for 30.06.14 for which I paid £186.00	30 June 2014	£186.00
Councillor Imran Uddin	No entries		
Councillor Gregory Patrick Udeh	No entries		

Name	Details	Date	Value
Councillor Peter Walker	No entries		
Councillor Jill West	No entries		
Councillor Martin Whelton	The opportunity to participate in a ballot, which is not open to the general public, for Wimbledon Tennis Championship. Through the ballot I received 2 tickets for 27.06.14 for which I paid £160.00	27 June 2014	£160.00
Councillor David Williams	The opportunity to participate in a ballot, which is not open to the general public, for Wimbledon Tennis Championship tickets. Through the ballot I received 2 tickets for 24.06.14 for which I paid £90.00	24 June 2014	£90.00

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Standards Committee:

Date: 23 October 2014

Agenda item: Gifts and Hospitality – Officers

Wards: All

Subject:

Lead officer: Paul Evans, Monitoring Officer

Lead member: Chair of Standards Committee, Councillor Peter McCabe

Contact officer: paul.evans@merton.gov.uk

Recommendations:

A. That the Committee notes the report.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. Section 4 of the Council's Officers Code of Conduct for Employees deals with the acceptance of gifts and hospitality by members of staff. Officers are required to ensure that the receipt of gifts approved by their managers and hospitality which they may receive are recorded in their departmental hospitality registers.
- 1.2. This report provides information on gifts and hospitality recorded in the hospitality registers for the period 1 October 2013 to 30 September 2014

2 DETAILS

The Code of Conduct for Employees requires that:

- All offers of gifts must be reported to managers
- Significant gifts (over £25) must be registered on the departmental register.
- Acceptance of gifts should only occur in very limited circumstances and approved in advance by the manager;
- All offers of hospitality must be reported to managers;
- The hospitality (no minimum value) must be registered on the departmental register;
- There are limited circumstances where acceptance of hospitality may be acceptable

- Hospitality received in the course of business meetings and at free training does not need to be registered, but managerial approval is required.

2.1. The inspection by the Monitoring Officer of the various register shows that:

The departmental registers continue to be maintained electronically in the adopted corporate manner in all departments.

Notifications and registrations have taken place in the departments as follows:

Registrations:

Department	Registrations
Chief Executive's	10 (6 accepted)
Children Schools and Families	8 (5 accepted)
Community and Housing	73 (70 accepted)
Corporate Services	21 (11 accepted)
Environment & Regeneration	12 (6 accepted)

- The register for the period 1 October 2013 to the 30 September 2014 contained 124 entries, 98 of which were accepted. Of those accepted 4 were donated to the Mayor's charities and 1 was in relation to the tennis championships.
- The nature of accepting gifts and hospitality accepted can be classified as falling within a number of categories:
 - Project and partnership working hospitality
 - Social events organised by commercial companies/external organisations, including awards ceremonies.
 - Gifts from businesses.
 - Gifts from individuals.

Generally the registers do not disclose inappropriate acceptances of gifts or hospitality.. However, the significant number of entries for Community and Housing is a contrast from recent years where entries have been either very low or zero. Many of the gifts that were accepted were very low in value and were given during the Christmas period. The number of entries suggests that there is a robust system in place and/or greater awareness of

the policy on recording gifts & hospitality. Notwithstanding this, where gifts are of a very low value (e.g. Packet of Oreo biscuits £2.00) it may be sufficient for officers to report the gift to their manager but not record it on the Community & Housing Departmental Register.

3. ALTERNATIVE OPTIONS

- 3.1 The Committee could decide not to have this information reported to it but has previously recognised that this would not be compatible with its role as the proactive promoter and monitor of ethical standards.

4. CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1 A review of registers was reported to Corporate Management Team on 7 October 2014.

5. TIMETABLE

- 5.1 This is an annual report.

6. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1 None

7. LEGAL AND STATUTORY IMPLICATIONS

- 7.1 Section 117 Local Government Act 1972 makes it an offence for an officer under the cover of office or employment to accept any fee or reward other than proper pay and benefits.
- 7.2 The receipt or gift of any reward or advantage for an act or omission that suggests favour to any person in their official capacity may constitute a criminal offence under the Bribery Act 2010.

8. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1 None

9. CRIME AND DISORDER IMPLICATIONS

- 9.1 None

10. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1 Failure by officers to address their responsibilities under the Code of Conduct could result in disciplinary action by the Council. Failure of the Council to monitor and promote the observance of the Code could result in an unnoticed lack of compliance and managers which might result in complaints, damage to the reputation of the Council, possible adverse

impacts upon the quality of the Council's decision making processes and legal challenges to council actions.

11. APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

11.1 Appendix 1: Details of the Registers held by Directors for the period 1 October 2013 until the 30 September 2014

12. BACKGROUND PAPERS

12.1 None

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London Borough of Merton
Gifts and Hospitality Register (Officers)
01.10.13- 30.09.14

Entries 124

Chief Executives Department = 10

Date	Name and Post	Donor & Details	Accept Yes/ No	if Yes reason
15.10.13	Senior Officer	Lunch and Rugby Game	No	
27.11.13	Senior Officer	Art exhibition and drinks reception	No	
18.02.14	Senior Officer	Lunch AELTC	Yes	Pre games planning
31.03.14	Senior Officer	Private dinner	No	
16.05.14	Senior Officer	Key ring and book	Yes	Protocol
28.05.14	Senior Officer	Lunch	Yes	Researching recruitment market
28.05.14	Senior Officer	Invitation to Mermaid regatta	No	
10.06.14	Senior Officer	Lunch	Yes	Thank you gesture
23.06.14	Senior Officer	AELTC Two tickets for the Wimbledon Championships	Yes	Civic Event
08.07.14	Senior Officer	Dinner during LGA Conference	Yes	Update on efficiency saving opportunities

Children Schools and Families = 8

Date	Name and Post	Donor & Details	Accept Yes/ No	if Yes reason
09.10.13	Senior Officer	Invitation to Family Heroes Awards Gatenby Sanderson	Yes	Networking and Partnership
09.12.13	Officer	Small Box of chocolates – Travelcare	Yes	Would of caused offence
17.12.13	Senior Officer	Invitation to SOLACE dinner	No	
20.10.13	Officer	Christmas gift- Necklace	No	
23.12.13	Officer	Perfume – Child	Yes	Christmas present – did not want to offend
28.04.14	Senior Officer	Invitation to summer annual network evening Michael Gater, Practicus	No	
09.05.14	Officer	Box of chocolates – father of a child	Yes	Thank you
30.05.14	Senior Officer	Invitation to MJ awards 4 Children	Yes	Merton were nominated for award

Page 98

Community and Housing = 73

Date	Name and Post	Donor & Details	Accept Yes/ No	if Yes reason
14.10.13	Senior Officer	Buffett Dinner aafter NCAS conference	No	
15.10.13	Officer	Packet of oreo biscuits £2.00	Yes	Not to offend
17.10.13	Officer	Chocolate cakes	Yes	Not to offend
24.10.13	Officer	Chocolates	Yes	Not to offend
14.11.13	Officer	Bottle of red wine value £12.99	Yes	Did not want to cause offence
12.11.13	Officer	Knitted phone cover	Yes	Did not want to cause

Date	Name and Post	Donor & Details	Accept Yes/ No	if Yes reason
				offence
29.11.13	Officer	Cake £5.00	Yes	Not to offend
02.12.13	Officer	£10 Gift Card	Yes	Due to being sent in post
03.12.13	Officer	Box of biscuits £7.50	Yes	Not to offend
09.12.13	Officer	Box of biscuits £5.00	Yes	Christmas Gift to all staff
10.12.13	Officer	Box of biscuits £10.00	Yes	Christmas Gift
13.12.13	Officer	Thornton's Premium chocolates £5.00	Yes	Gift – did not want to offend
14.12.13	Officer	Box of sweets £3.00	Yes	Not to offend
14.12.13	Officer	Half box of sweets £2.50	Yes	Not to offend
16.12.13	Officer	Box of wine £60?	Yes	Gift to staff
16.12.13	Officer	Box of sweets £3.00	Yes	Not to offend
16.12.13	Officer	Box of Heroes £4.00	Yes	Xmas gift
17.12.13	Officer	Box of chocolates £6.00	Yes	Not to offend
17.12.13	Officer	Box of Heroes chocolates £5.00	Yes	Xmas gift
17.12.13	Officer	Box of Milk Tray chocolates from Travelcare	Yes	Xmas gift
18.12.14	Officer	Box of chocolates £4.00	Yes	Xmas gift
19.12.13	Officer	Box of mince pies	Yes	Xmas gift did not want to offend
19.12.13	Officer	Box of chocolates	Yes	Xmas gift
19.12.13	Officer	Box of Quality Street	Yes	Xmas gift
19.12.13	Officer	Tin of sweets £5.00	Yes	Xmas gift
20.12.13	Officer	Tin of chocolates	Yes	Xmas gift
20.12.13	Officer	Tin sweets/ Chocolates	Yes	Xmas gift
20.12.13	Officer	Box of biscuits £6.00	Yes	Xmas gift
20.12.13	Officer	Tin of Quality street	Yes	Xmas gift

Date	Name and Post	Donor & Details	Accept Yes/ No	if Yes reason
20.12.13	Officer	Box of celebrations	Yes	Xmas gift
20.12.13	Officer	Box of chocolates £5.00	Yes	Xmas gift
20.12.13	Officer	Box of biscuits £5.00	Yes	Xmas gift
20.12.13	Officer	Tin of sweets £5.00	Yes	Xmas gift
21.12.13	Officer	Box of chocolates £5.00	Yes	Xmas gift
21.12.13	Officer	Box of chocolates £5.00	Yes	Xmas gift
21.12.13	Officer	Tin of sweets £5.00	Yes	Xmas gift
21.12.13	Officer	Box of Biscuits £5.00	Yes	Xmas gift
21.12.13	Officer	Box of Biscuits £5.00	Yes	Xmas gift
23.12.13	Officer	Box of Ferrero Rocher £7.00	Yes	Xmas gift
23.12.13	Officer	Box of homemade cookies	Yes	Xmas gift
23.12.13	Officer	Box of Quality street	Yes	Xmas gift
23.12.13	Officer	Box of Thornton's Chocolates £5.00	Yes	Xmas gift
23.12.13	Officer	Box of Quality street	Yes	Xmas gift
23.12.13	Officer	Box of chocolates £5.00	Yes	Xmas gift
23.12.13	Officer	Box of Biscuits £5.00	Yes	Xmas gift
23.12.13	Officer	Box of chocolates £5.00	Yes	Xmas gift
23.12.13	Officer	Box of Biscuits £5.00	Yes	Xmas gift
24.12.14	Officer	Box of McVities Biscuit selection £7.00	Yes	Xmas gift
24.12.14	Officer	Box of Terry's All Gold chocolates £5.00	Yes	Xmas gift
24.12.14	Officer	Box of Waitrose Chocolates £5.00	Yes	Xmas gift
24.12.14	Officer	Box of Biscuits £5.00	Yes	Xmas gift
24.12.14	Officer	Box of chocolates £5.00	Yes	Xmas gift
04.01.14	Officer	Gift £8-£10	Yes	Xmas gift
10.01.14	Officer	Box of chocolates	Yes	Thank for helping kids with e books
10.01.14	Officer	Box of chocolates £5.00	Yes	Xmas gift
13.01.14	Officer	Box of chocolates £5.00	Yes	Xmas gift
13.01.14	Officer	Box of chocolates £5.00	Yes	Xmas gift

Date	Name and Post	Donor & Details	Accept Yes/ No	if Yes reason
17.01.14	Officer	Box of Ferrero Rocher chocolates £3.00	Yes	Thank you gift
21.01.14	Senior Officer	Social care dinner Wragge and Co	No	
23.01.14	Officer	2 boxes of biscuits	Yes	Thank you
27.01.14	Senior Officer	£50 Waterstones Gift card for doing presentation	Yes	Donated to Mayors Charity
06.02.14	Officer	Chocolates Not supplied	Yes	Thank you for helping
05.03.14	Officer	Take Away lunch for 5 staff David from Tech Camp/Chipotel	Yes	Gift
11.03.14	Officer	Doughnut and chocolate cake Volunteer	Yes	Kind gesture
27.03.14	Senior Officer	Dinner ITW public services innovation and best practice network	Yes	Not supplied
27.03.14	Officer	Box of chocolates and a thermal mug Abinaya (1:1 reading customer)	Yes	Thank you
31.03.14	Officer	Flowers From a customer	Yes	Thank you for helping
03.04.14	Officer	Chocolates and gift (1:1 reading parent)	Yes	Thank you
03.04.14	Officer	Cake and crisps Volunteer	Yes	Thank you
07.04.14	Officer	Chocolates Customer	Yes	Thank you
22.04.14	Officer	Chocolates	Yes	Thank you
24.04.14	Officer	Chocolates Customer	Yes	Thank you for help given
22.07.14	Senior Officer	Drinks and dinner invitation	No	Not supplied

Date	Name and Post	Donor & Details	Accept Yes/ No	if Yes reason
		Berwick Partners and Odgers Interim		

Corporate Services = 21

Date	Name and Post	Donor & Details	Accept Yes/ No	if Yes reason
19.11.13	Senior Officer	40 th Anniversary Charity dinner – Solace	No	
04.12.13	Senior Officer	2014 Desk calendar – Real Asset Manager	Yes	Gift came through the post
17.12.13	Officer	5 Boxes of chocolate	Yes	Passed to the Mayors charity
17.12.13	Officer	4 Diaries and 5 calendars	Yes	Received via the post
19.12.13	Officer	2 boxes of chocolates	Yes	Sign of appreciation
20.12.13	Officer	1 box of Cadbury éclairs	Yes	Help with appeal
20.12.13	Officer	6 X 70cl Teachers Scotch Whiskey	Yes	Donated to Mayors charity
08.01.14	Senior Officer	Evening Reception – The Chemistry Club	No	
28.01.14	Officer	Invitation to attend London Housing Consortium 2014 Awards	Yes	Opportunity to network
31.01.14	Senior Officer	Pre-dinner drinks – Henderson Global	No	
12.03.14	Senior Officer	Leaders dinner 27.03.14 ITW Public Services innovation & Best Practice Network	No	Not supplied
12.03.14	Officer	Ticket to LGC awards including dinner Agilysis UK	Yes	Ticket was for Senior Officer who asked me to attend to represent Merton

Date	Name and Post	Donor & Details	Accept Yes/ No	if Yes reason
13.03.14	Senior Officer	Local Government Innovation forum Grant Thornton, Euston, NW1 2EP	No	Not supplied
19.03.14	Senior Officer	Evening reception The Chemistry Club	No	Not supplied
21.03.14	Senior Officer	Lunchtime seminar Local Partnerships	No	Not supplied
24.03.14	Senior Officer	Economic Briefing and lunch Bank of England	No	Not supplied
27.03.14	Senior Officer	Investment discussion dinner Crispin Derby Ltd.	Yes	Looking to maximize return on pension fund investments and information will be useful
14.05.14	Senior Officer	CIPFA conference dinner Capital Asset Services	Yes	As part of CIPFA conference
27.05.14	Senior Officer	Future Finance Leaders drinks briefing Deloitte	Yes	Programme to support finance staff into more senior roles
30.05.14	Senior Officer	Presidents dinner CIPFA	No	Not supplied
09.07.14	Senior Officer	Annual dinner on eve of LGC investment summit Henderson Global Investors	No	Not supplied

Environment and Regeneration = 12

Date	Name and Post	Donor & Details	Accept Yes/ No	if Yes reason
15.10.13	Senior Officer	Christmas reception – Kier , London	No	
11.11.13	Officer	Public Sector Award Evening – Guardian News	Yes	Short listed for public service awards
11.11.13	Officer	Guardian public sector awards	Yes	My manager had been nominated
11.11.13	Officer	Public sector award	Yes	One of our officers had been nominated
21.11.13	Officer	Celebrating evening at the BT Tower with food and drinks	Yes	Maintaining partnerships
02.12.13	Senior Officer	Invite to press night of panto	No	
01.04.14	Senior Officer	Lunch Willmott Dixon Holdings Ltd	No	Not supplied
10.06.14	Senior Officer	Preview reception (15.07.14) Camberwell College of Arts	No	Not supplied
10.06.14	Senior Officer	Evening reception Mark Gliddon of GLL Sports Foundation	No	Not supplied
12.06.14	Senior Officer	Drinks reception Martin Fillery of Currell	No	Not supplied
10.06.14	Senior officer	Preview reception (03.07.14) Camberwell College of Arts	Yes	Networking with partner organization
18.06.14	Officer	£50.00 (inside a thank you card) Mrs Martina Kutch-Kiser	Yes	Donated to the Mayors charity

Committee: Standards Committee

Date: 23 October 2014

Wards: All

Subject: Regulation of Investigatory Powers Act Authorisations

Lead officer: Karin Lane, Head of Information Governance

Lead member: Independent Chair of the Standards Committee

Contact officer: karin.lane@merton.gov.uk

Recommendations:

- A. That members note the purposes for which investigations have been authorised under the Regulation of Investigatory Powers Act (RIPA) 2000.
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. To inform members about investigations authorised since June 2014 under RIPA.

2 DETAILS

- 2.1. The council has a number of statutory functions that involve officers investigating the conduct of others with a view to bringing legal action against them. These functions include investigating anti-social behaviour, fly tipping, noise nuisance control, planning (contraventions), benefit fraud, contraventions of trading standards, licensing and food safety legislation.
- 2.2. Whilst the majority of investigations are carried out openly, some investigations must be carried out using covert surveillance techniques or involve the acquisition of communications data. Communications data is information about the times of calls or internet use and the location and identity of the callers, but not the content of the calls or details of the websites viewed.
- 2.3. RIPA regulates the authorisation and monitoring of these investigations to safeguard the public from unwarranted intrusion of privacy.
- 2.4. With effect from 1 November 2012, the Protection of Freedoms Act 2012 requires local authorities to obtain the approval of a magistrate for the use of covert surveillance.
- 2.5. In line with the revised Code of Practice, reports detailing the use of RIPA are submitted to Standards Committee on a quarterly basis.
- 2.6. Since June 2014, covert surveillance has been authorised on three occasions, with no requests refused by the magistrates court. All three requests were for Trading Standards. One was for age related sales of DVDs in charity shops. Four sales were made which resulted in training of the charity shop staff by Trading Standards. The other two requests were for age related sales for cigarettes and alcohol. One investigation is still on-going and the other resulted in no sales.

- 2.7. Since June 2014, there have been no requests for CCTV footage for RIPA investigations.
- 2.8. The boroughs of Sutton, Richmond and Kingston have not undertaken any RIPA investigations this financial year.
- 2.9. It was suggested that the council's CCTV vehicles be parked overnight in crime hotspots. However it is likely that this type of data collection would breach the third Data Protection Principle, as it would be considered excessive to be filming everyone in the chosen area whilst waiting for a crime to happen. It should be noted that if CCTV vehicles that were overtly signed and were parked in crime hotspots, they may be subject to unwanted attention or vandalism as they would be unstaffed at those times.
- 2.10. No RIPA authorisations have been rejected by the Magistrates Court.
- 2.11. Since June 2014, no applications have been made for the acquisition of communications data.

3 ALTERNATIVE OPTIONS

- 3.1. The report is for information only.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. No consultation has been undertaken regarding this report.

5 TIMETABLE

- 5.1. N/A.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. None.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. All investigation using covert surveillance techniques or involving the acquisition of communications data is in line with the Regulation of Investigatory Powers Act 2000.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. RIPA was introduced to regulate existing surveillance and investigations in order that they meet the requirements of Article 8 of the Human Rights Act. Article 8 states:

1) Everyone has the right for his private and family life, his home and his correspondence.

(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. RIPA investigations are authorised for the prevention or detection of crime or the prevention of disorder.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. None.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

11.1. None.

12 BACKGROUND PAPERS

12.1. None.

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