

# Merton Council

## Standards Committee

### Membership

#### Councillors

Peter McCabe (Chair)

David Williams (Vice-Chair)

John Dehaney

Mary-Jane Jeanes

Philip Jones

Ian Munn BSc, MRTPI(Rtd)

Tobin Byers

Najeeb Latif

#### Co-opted members

Sophie Bowen

#### Substitute Members:

Oonagh Moulton

Gregory Patrick Udeh

Adam Bush

#### Independent Persons invited to attend meeting

Suresh Patel

Derek Prior

A meeting of the Standards Committee will be held on:

**Date: 25 February 2016**

**Time: 7.15 pm**

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

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

This is a public meeting and attendance by the public is encouraged and welcomed. For more information about the agenda and the decision making process contact [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk) or telephone 020 8545 3616.

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# Standards Committee

## 25 February 2016

1	Apologies for absence	
2	Declarations of pecuniary interest	
3	Minutes of the previous meeting	1 - 10
4	Appointment of independent persons and independent non-voting co-opted members	11 - 14
5	Complaints against members	
	Verbal Update	
6	Regulation of Investigatory Powers Act	15 - 18
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### **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.

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# Agenda Item 3

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](http://www.merton.gov.uk/committee).

## STANDARDS COMMITTEE

21 OCTOBER 2015

(7.15 pm - 8.30 pm)

PRESENT Councillor Peter McCabe (in the Chair),  
Councillor David Williams, Councillor John Dehaney,  
Councillor Mary-Jane Jeanes, Councillor Ian Munn,  
Sophie Bowen, Councillor Tobin Byers and  
Councillor Najeeb Latif

CO-OPTED MEMBER Sophie Bowen

INDEPENDENT MEMBERS Suresh Patel and Derek Prior

ALSO PRESENT Paul Evans - Assistant Director of Corporate Governance  
Peter Stone - Head of Commercial Services  
Hilary Gullen – Democratic Services

### 1 APOLOGIES FOR ABSENCE (Agenda Item 1)

No apologies were received

### 2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

No Declarations of Pecuniary Interest were received

### 3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

The minutes of the meeting held on 16 June 2015 were agreed as a correct record

### 4 REGULATION OF INVESTIGATORY POWERS ACT (Agenda Item 4)

Paul Evans introduced this report. There had been no covert surveillance requests and no authorisations to magistrates. Paul Evans explained that the Standards Committee have oversight on surveillance to check there is no abuse of powers. The report provided benchmarking against LBRUT.

Discussion took place around whether the public were aware of the number of prosecutions, and what the costs involved were to the council. Paul Evans confirmed the figures were for all prosecutions, although it was possible that files might have been prepared and the prosecution then not gone ahead. It was acknowledged that the costs awarded did not cover the full cost to the council, and that each prosecution took an estimated 4 – 5 hours work at around £55ph. Paul Evans also confirmed that it would be unusual to take a decision not to prosecute on account of cost. Paul Evans also stated that while overt cameras could be used, there was a resourcing issue with using cameras to check problem areas for flytipping. Comparison was

made with restaurants that are prosecuted and how this information is publicised, and that enforcement regarding flytipping etc was not.

Derek Prior informed the committee that LBM has a good reputation with residents and there was a balance to strike between a 'Big Brother' approach and being robust.

**RESOLVED:**

That the information in the report be passed to the communications team for a press release. That future prosecutions for flytipping etc should be publicised. The committee expressed thanks to Pat de Jesus and her team.

**5 COMPLAINTS AGAINST MEMBERS (Agenda Item 5)**

Paul Evans stated there were none since the last meeting.

**6 GIFTS AND HOSPITALITY - MEMBERS (Agenda Item 6)**

Paul Evans introduced this item and explained that members with no declarations had been contacted prior to the report being compiled to ensure there were no omissions. There were no specific issues of concern.

It was pointed out that members only need to declare items received in their capacity as councillors and Councillor McCabe would bring this to relevant members' attention.

Sophie Bowen commented that the list was smaller than last year and that this implied councillors were taking their responsibilities in this area very seriously.

**RESOLVED**

The Standards Committee noted the report.

**7 GIFTS AND HOSPITALITY - OFFICERS (Agenda Item 7)**

It was noted the appendix to this report was missing and would be circulated to members of the committee by email. Any issues relating to the appendix could be brought to the next meeting.

**RESOLVED**

The appendix to be circulated after the meeting and comments brought to the next meeting.

**8 ANNUAL COMPLAINTS REPORT (Agenda Item 8)**

Paul Evans introduced this report. The level of complaints had remained consistent. There had been movement in the drop in stage 2 complaints, and the number of complaints upheld at stages 1 and 2 had increased by one third.

It was suggested that a member of the complaints team might meet with officers in CSF to improve turnover.

It was noted that informal complaints around service delivery had increased. The Local Government Ombudsman had only upheld 7 complaints after investigation, which compared favourably with other boroughs.

Discussion took place around the member enquiry system. Councillor Ian Munn suggested that most of the formal complaints might be from members of the public, and that the data does not include complaints outside the system. This meant it was difficult to gauge the actual number of complaints as the member enquiry system under reports.

Councillor David Williams pointed out that a 10 day response time was not suitable for immediate problems, such as street scene issues, and that sometimes a reply was not received from the system.

Paul Evans agreed that the information gathered needed to be passed on for action, and as there was currently work being done on the customer service interface, that he would bring it to the relevant officers' attention. It was also agreed that it would be brought to the attention of the chair of Overview and Scrutiny, and if this was not accepted, to then be taken to General Purposes Committee.

Councillor Tobin Byers felt there was a lack of dialogue between the complaints team and the relevant service department, and felt this relationship needed looking into.

Sophie Bowen pointed out a possible error in the figure for CSF complaints in table 4.2 that '2' should be '39'.

Discussion ensued about how the figures might represent a positive change in culture, and that council officers were better at accepting mistakes and were ready to engage over issues.

Councillor Najeeb Latif had experienced that the initial response from the member enquiry system might come within the ten day period, but a full response sometimes needed to be chased.

#### RESOLVED:

Paul Evans to liaise with chair of Overview and Scrutiny Commission, or bring issue to General Purposes if deemed not a scrutiny matter. Paul Evans also to report back to the team on the difficulties experienced with the member enquiry system.

## 9 APPOINTMENT OF INDEPENDENT PERSONS (Agenda Item 9)

#### RESOLVED:

The Standards Committee noted the appointment of Suresh Patel and Derek Prior and welcomed them to the committee.

The Standards Committee noted that the independent persons are invited and encouraged to attend meetings of the Standards Committee in an advisory, non-voting capacity.

The Standards Committee agreed to review the arrangement in February 2016 to take a view on whether it still requires a co-opted member once Sophie Bowen's first term of office finishes in June 2016.

## 10 SHARED SERVICES REPORT - INCLUDING GOVERNANCE ARRANGEMENTS (Agenda Item 10)

Paul Evans introduced the report and explained that there were three types of shared service;

- I. Where a team was jointly managed with another council – informal ie adoption
- II. Where there was a governance board/collaboration – directors of the council operating as shareholder board ie legal and audit
- III. Where there was member involvement – joint committees ie Joint Regulatory Committee.

Discussion ensued around how members would know who to go to with questions about a particular shared service, what savings were made through shared services and whether the shared services were efficient.

Paul Evans agreed to bring some close-down reports on shared services to the next meeting.

Councillor David Williams felt that going to a shared service should be seen as a procurement exercise to check whether services are better provided jointly, and how this could be checked in future years.

Paul Evans agreed to check whether there was a shared services scrutiny task group at present and to circulate the answer to members.

Sophie Bowen felt the information was too confusing for the public and this meant transparency was an issue. Sophie also felt that the lack of oversight was alarming and that a structured framework was required showing governance arrangements.

Paul Evans noted these points, but explained there was no huge shift in the way services were run and that directors were responsible for the services provided ie Caroline Holland was still responsible for pensions.

Peter McCabe said there was a need to find out who has scrutiny responsibility, and that there was 'creep' in terms of shared services. The council needs better oversight on performance of shared services.

### RESOLVED

Paul Evans to find out who has oversight of shared services performance and report back to the committee.

## 11 REVISIONS TO CONTRACT STANDING ORDERS (Agenda Item 11)



Peter Stone introduced this report, giving information about the recent significant changes in the Public Contracts Regulations. This was different to previous years, where there were usually just threshold changes. Peter outlined a number of the main points; that there is no prequalification process permitted in certain circumstances, ie where, there have to be open tenders, to simplify the process and that social care now has a Light Touch Regime.

The standing orders have to be changed to include these changes. Peter's team have also tried to make the document flow better, and had improved the 'tool-kit' associated with it, to provide more guidance and self service. (eg checklists, flowcharts and template letters, where appropriate).

#### RESOLVED

The Standards Committee noted the report and recommended that General Purposes approve the proposed revisions. The committee also expressed thanks to Peter Stone.

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**London Borough of Merton**  
**Gifts and Hospitality Register – Officers**  
**(01.10.14 – 30.09.15)**

**Entries 135****Chief Executives 4**

<b>Date</b>	<b>Name and Post</b>	<b>Donor and Details</b>	<b>Accept Yes/ No</b>	<b>If Yes, Reason</b>
05.11.14	Senior Officer	Polka Theatre VIP tickets	No	
25.03.15	Senior Officer	Arcadis Guest at Mermaid Regatta	No	
12.06.15	Senior Officer	AELT X 2 Centre Court	Yes	Not provided
29.06.15	Officer	AELT X 2 tickets	Yes	Civic Duty

**Children Schools and Families 75**

<b>Date</b>	<b>Name and Post</b>	<b>Donor and Details</b>	<b>Accept Yes/ No</b>	<b>If Yes, Reason</b>
20.11.14	Senior Officer	Sanctuary Executive Invitation to social worker of year awards	No	
05.12.14	Officer	Local Nursery Two bottles of wine - £6 each	No	Refusal would cause offence and gift of low value
17.12.14	Officer	Individual - Tin of biscuits	No	
17.12.14	Officer	Individual - Tin of biscuits	Yes	Although this was addressed to me, it was shared among

Date	Name and Post	Donor and Details	Accept Yes/ No	If Yes, Reason
				team members
19.12.14	Senior Officer	Jack Petchey Foundation Ticket to the Ignite!, a festival of youth event at Theatre Royal, Drury Lane	Yes	Rep presenting LBM - our pupils are performing
24.12.14	Officer	Individual Turkish delight, toffee and sugared almonds	Yes	Christmas present from the children and family
29.12.14	Officer	Day care Nursery Chocolates	Yes	It was posted
23.01.15	Officer	Individual Flowers	Yes	Not provided
05.02.15	Officer	Individual Bottle of wine	Yes	Belated Christmas Present
02.04.15	Senior Officer	Gunpo City Council Manicure sets (2), small stationery wallets (4) and a model of a Korean ship	Yes	Not to cause offence
22.05.15	Senior Officer	Imelda Redmond, 4children Invitation to MJ achievement awards	Yes	Representing the borough at reputational event
06.07.15	Senior Officer	London Youth Launch of the vision for young Londoners at the London eye	Yes	Opportunity to network with funders
63 entries Not dated	Officer	AELTC X 2 tickets	Yes	Not provided

### Community and Housing 14

Date	Name and Post	Donor and Details	Accept Yes/ No	If Yes, Reason
12.10.14	Senior Officer	Baitul Futuh Mosque Dinner as part of peace event	Yes	Would have caused offence if did not accept
04.11.14	Senior Officer	Local Government Strategy Forum	No	

Date	Name and Post	Donor and Details	Accept Yes/ No	If Yes, Reason
		Free place at conference		
17.06.15	Senior Officer	First networking Breakfast networking event	No	
11 Entries Not dated	Officer	AELTC X 2 tickets		

### Corporate Services 30

Date	Name and Post	Donor and Details	Accept Yes/ No	If Yes, Reason
06.10.14	Officer	Gartner Book	Yes	Will assist in IT management - to be donated to team library
07.10.14	Senior Officer	Zurich Municipal Dinner at a Museum	No	
15.10.14	Officer	Law Absolute Awards ceremony and dinner at Lawyer's in Local Government Awards	No	
31.10.14	Senior Officer	LGC Investment awards Invitation to awards event	No	
17.12.14	Officer	Baillie Gifford Investment Managers Calendar	Yes	Low value item sent through post
23.12.14	Senior Officer	Crescent Law, Morden Pen	Yes	Came through the post - under £25
23.12.14	Senior Officer	Barnett Waddington Burns night celebration on 22 Jan 2015	No	
23.06.15	Senior Officer	Richard Tyler - author/speaker Book - Jolt by Richard Tyler £12.99	Yes	Attending a meeting of senior officers to discuss managing change

Date	Name and Post	Donor and Details	Accept Yes/ No	If Yes, Reason
22 Entries Not dated	Officer	AELTC X 2 tickets	Yes	Not Provided

### Environment and Regeneration

Date	Name and Post	Donor and Details	Accept Yes/ No	If Yes, Reason
05.11.14	Senior Officer	New Wimbledon Theatre Tickets	Yes	Contributed £60 to Mayor's charity to cover cost of tickets
11.11.14	Officer	KEL Computing Ltd. CPD by Grant Thornton on Asset Valuation (DRC)	Yes	Essential CPD
22.05.15	Officer	Rotary Club of Morden Fundraising dinner - guest of chairman. Free meal for myself and my wife, however cost to me of transport, drinks and raffle etc.	yes	Networking for contacts
8 entries Not dated	Officer	AELTC X 2 tickets	Yes	Not Provided
27.08.15	Officer	Invitation to rugby world cup game from David Lock Associates	No	

## **Committee: Standards Committee**

**Date: 25 February 2016**

Wards: All

**Subject: Appointment of independent persons and independent non-voting co –opted members**

Lead officer: Paul Evans, Assistant Director Corporate Governance

Lead member: Councillor Peter McCabe, Chair of Standards Committee

Contact officer: Julia Regan, Head of Democracy Services, 0208 545 3864

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### **Recommendations:**

- A. That the Standards Committee have agreed to combine the role of the independent person and the independent non voting co opted members so that the two independent persons appointed from 12 July 2015 will also become invited members of the Standards Committee
  - B. That the Standards Committee agrees to review the arrangement and to take a view on whether it still requires a third co opted member
- 

## **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. The Standards Committee have previously put arrangements in place for the recruitment of two independent persons and agreed to combine the roles of the independent persons and the independent non voting cop opted members of the Standards Committee.

## **2 DETAILS**

### INDEPENDENT PERSONS

- 2.1. The Localism Act 2011 requires the council to appoint at least one independent person. The functions of the independent person, set out in the council's constitution, are:
  - The independent person must be consulted and views taken into account before the authority takes a decision on any allegation it has decided to investigate
  - The independent person may be consulted by the authority in circumstances where the authority is not taking a decision whether to investigate the allegation
  - The independent person may be consulted by a member of the authority against whom an allegation has been made
- 2.2 It is important to ensure that the impartiality of the independent person is not compromised by undertaking more than one of these roles where it would be inappropriate to do so.

2.3 Council, at its meeting 12 July 2015, therefore agreed the appointment of two independent persons Suresh Patel and Derek Prior, for a period of three years.

#### 2.4 INDEPENDENT NON VOTING CO OPTED MEMBERS

The Localism Act 2011 introduced a new standards regime for councils. One of the aspects of this was the abolition of statutory Standards Committees. Council, at its meeting on 11 July 2012, therefore agreed to establish a new Standards Committee that would be an ordinary proportional committee of 8 councillors and 3 non voting co opted members appointed to the Standards Committee.

2.5 The second term of office for two of the co opted members, Nigel Brotherton and Beverley Huie expired on 1 July 2015, and Sophie Bowen's first term of office will expire on 30 June 2016.

2.6 These posts are entirely discretionary and the Standards Committee could agree to recommend to Council that there be no further appointments.

2.7 However, there are benefits to having independent voices on the Committee and it is therefore recommended that Standards Committee agree that the roles be combined so that the two people who are appointed as independent persons should also be invited to serve on the Standards Committee. This would enable the committee to fully benefit from the expertise and experience of those persons.

2.8 Standards Committees will need to take a view as to whether it still requires a third co opted member.

2.9 Part 3B of the Council's constitution states that:

- The term of office for non voting co opted members shall be three years
- A maximum of two terms can be served consecutively
- Persons who have served as councillors or co opted members within five years prior to the appointment date, or close friends or relatives of such persons, are not eligible to serve as co opted members

### **3 ALTERNATIVE OPTIONS**

3.1. The Council must appoint at least one independent person

3.2. The composition of the interview panel is discretionary

3.3. The appointment of co opted members to Standards Committee is entirely discretionary

### **4 CONSULTATION UNDERTAKEN OR PROPOSED**

4.1. None

### **5 TIMETABLE**

5.1. N/A

### **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**



- 6.1. Independent persons and co opted members of the Standards Committee are paid £100 per meeting. The recommendations in this report will not lead to any increase in the overall budget for allowances

## **7 LEGAL AND STATUTORY IMPLICATIONS**

- 7.1. See body of report

## **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 8.1. None specific to this report

## **9 CRIME AND DISORDER IMPLICATIONS**

- 9.1. None specific to this report

## **10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

- 10.1. None specific to this report

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

- None

## **12 BACKGROUND PAPERS**

- 12.1. None

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## **Committee: Standards Committee**

**Date: 25 February 2016**

Wards: All

## **Subject: Regulation of Investigatory Powers Act Authorisations**

Lead officer: Graham Owen

Lead member: Councillor Peter McCabe, Chair of Standards Committee

Contact officer: graham.owen@merton.gov.uk

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### **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 October 2015 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 October 2015, no covert surveillance has been authorised.
- 2.7. Since October 2015, there have been no requests for CCTV footage for RIPA investigations.

- 2.8. No RIPA no authorisations have been rejected by the Magistrates Court.
- 2.9. Since October 2015, no applications have been made for the acquisition of communications data.
- 2.10. The annual statistics return to report on the conduct and use of directed surveillance and covert human intelligence was returned to the Office of Surveillance Commissioners Office on 30 April 2015.

### **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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## **Standards Committee – Work Programme 2016/2017**

### **Work programme 2016/17**

#### FEBRUARY 2016

- Co-opted member report
- Regulation of Investigatory Powers Act 2000 authorisations
- Complaints against members
- Work Programme

#### JUNE 2016

- Annual Governance Report
- Constitutional changes - Financial regulations
- Contract Standing Orders
- Regulation of Investigatory Powers Act 2000 authorisations
- Complaints against members
- Work Programme

#### OCTOBER 2016

- Annual Gifts and Hospitality –Members
- Annual Gifts and Hospitality – Officers
- Annual Complaints Report
- Regulation of Investigatory Powers Act 2000 authorisations
- Complaints against members
- Work Programme

#### FEBRUARY 2017

- Regulation of Investigatory Powers Act 2000 authorisations
- Complaints against members
- Work Programme

#### ADDITIONAL ITEMS AS REQUIRED

- Constitutional amendments
- Polling places
- Independent / Co opted Members
- Review of description of members' interests

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