

Committee: Standards and General Purposes

Date: 11 March 2021

Wards: All

Subject: Governance Issues

Lead officer: Louise Round

Lead member: Councillor Tobin Byers

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Recommendations:

- A. To note the updates provided on whistleblowing, member complaints and the operation of RIPA; and
 - B. To establish a member working group to consider any nominations for awarding Freeperson of the Borough Status and to make recommendations to the July meeting of this Committee for onward submission to a special Council meeting.
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This Committee traditionally considers a number of separate reports covering miscellaneous governance issues, including any complaints made against councillors, the operation of the Council's whistleblowing procedure and any activity taking place under the Regulation of Investigatory Powers Act 2000 (RIPA) The Chair has agreed on this occasion to combine those reports into this composite report.
- 1.2. Members will be aware that the Council has the power under section 249 of the Local Government act to admit "persons of distinction" as freemen or freewomen of the Borough. This report proposes a process for doing this over the course of the next committee cycle.

2 DETAILS

- 2.1. RIPA
 - 2.1.1 Members will recall that the Council's arrangements for carrying out surveillance in accordance with RIPA were subject to an inspection in January last year. Broadly speaking the Inspector was satisfied with those arrangements but made some recommendations which have now been complied with. These included updating the policy which was agreed by Committee in July 2020 and ensuring that authorising officers and those officers likely to make RIPA applications received sufficient training. Two new authorised officers have been appointed - the Assistant Director of Public Space Contract and Commissioning and the Head of Regulatory Services Partnership.

2.1.2 Training on RIPA was run jointly by the South West London Fraud Partnership and SLLP for relevant officers across all 5 partner councils on 13 January. In addition to this, bespoke training was delivered to the waste enforcement team on 23 February 2021.

2.1.3 No applications for directed surveillance have been made since the Committee last received a report on 20 July. There have been three applications have been made for the acquisition of communications data

2.2. Complaints against Members

2.2.1 Since the last meeting of this Committee on 5 November 2020, the Monitoring Officer has received two formal complaints about councillors from members of the public. One related to the activity of a ward councillor in seeking to garner support for a planning application and the other concerned the involvement of a councillor in a community support network. In both cases, in consultation with the Council's Independent Person, the Monitoring Officer took the view that the complaints should not proceed to formal investigation. In relation to the second complaint, the Monitoring Officer concluded that the activity complained of was not carried out by the councillor in their capacity as an elected member although in any event, had that been the case, the acts would not have amounted to a breach of the code of conduct for members. That was also the view in relation to the substance of the first complaint.

2.3. Whistleblowing

2.3.1 The Council's whistleblowing policy was reviewed at the last meeting of this Committee. The monthly review of the whistleblowing register by the Monitoring Officer, Head of Human Resources and officers from the fraud and audit teams has continued. There are currently 7 cases on the register, 3 of which were received in 19/20 and the other 4 in this financial year. This year's cases include two allegations of staff members carrying out external work while signed off sick or during Merton working hours. One relates to a social services client's financial affairs and the final one relates to the inappropriate authorisation of invoices. None seem to indicate any systemic failures requiring further investigation at this stage.

2.4. Freedom of the Borough

2.4.1 This Committee has previously agreed that the following process should be followed in order to award freedom of the borough status:

2.4.2 Nominations for persons or organisations to be granted Freedom of the Borough, may be made by any serving Member of the Council to the

Monitoring Officer on the appropriate form. The Member should first raise the matter for discussion within their political group.

- 2.4.3 Once a nomination is received, the Monitoring Officer will check that sufficient information has been provided on the form and will pass it to the Standards and General Purposes Committee for consideration.
- 2.4.4 The Standards and General Purposes Committee may establish a small working group to informally assess nominations and the likelihood of meeting the 2/3 criteria. The working group would report back to the Standards and General Purposes Committee in regard to any nominee who it believed would meet the criteria and achieve sufficient support at Council.
- 2.4.5 The Standards and General Purposes Committee shall report to Council and, should Council accept the nomination, a Special Meeting of Council would then be called to pass the resolution as required by Section 249 of the Local Government Act 1972.
- 2.4.6 The process is triggered by the Monitoring Officer writing to all members seeking the nominations and, subject to the Committee's views, the Monitoring Officer intends to do that. The Committee is being asked to establish a working group of members to consider any nominations received with a view to considering that group's recommendations at its meeting 22 July. If at that stage, any nominations are agreed, a special Council meeting would be arranged, probably in September. It is hoped that by that stage, it will be possible to hold a physical meeting.

3 ALTERNATIVE OPTIONS

- 3.1. Receiving regular updates on the matter which are the subject of this report is a good governance practice.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. In relation to conferring freedom of the borough status, all councillors will be invited to make nominations and the final decision will rest with full Council. There is no requirement for public consultation.

5 TIMETABLE

- 5.1. If the Committee agrees the proposals set out in this report, the aim would be to hold a special council to confer freedom of the borough status in late summer or early autumn, when it would be hoped that this could be an in person, rather than a virtual meeting.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. There are no significant implications although a modest amount of expenditure will be required to hold the special council referred to above.

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. The power to confer freedom of the borough status is contained in section 249 of the Local Government Act 1972 and includes the ability to incur reasonable expenditure in connection with the same.

- 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. None

- 11 BACKGROUND PAPERS**
- 11.1. RIPA inspection report.