

NORTHAMPTON BOROUGH COUNCIL

STANDARDS COMMITTEE

Monday, 21 December 2015

PRESENT: Councillor Patel (Chair); Councillor Oldham (Deputy Chair); Councillors Gowen, Marriott, Aziz, Parekh, Chunga and Russell

1. APOLOGIES

Apologies were received from Councillor Larratt.

2. MINUTES

The minutes from the Standards Committee held on 14th September 2015 were approved and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

None

4. DECLARATIONS OF INTEREST

None

5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

None

6. REGULATION OF INVESTIGATORY POWERS ACT 2000 - UPDATE

The Borough Secretary and Monitoring Officer submitted the report as set out in the agenda. The report outlined the implications of the Regulation of Investigatory Powers Act 2000 ('RIPA') as it relates to covert surveillance carried out by local authorities.

The Borough Secretary and Monitoring Officer commented that local authorities had been subject to criticism about how they used powers under RIPA, for example, for using RIPA to carry out covert surveillance to investigate low level offences such as dog fouling, which was not what the legislation was intended to be used for. The Borough Secretary and Monitoring Officer commented that citizens should be able to go about their ordinary business without local authority monitoring as there are clearly human rights implications in carrying out covert surveillance. He further explained that covert surveillance carries the risk of collateral intrusion, where private information is obtained about people other than the subject of the surveillance (for example, the subject's family members).

The Borough Secretary and Monitoring Officer explained that the RIPA regime contains strict measures to ensure proper use of the powers and that there is now an additional requirement that local authorities must fulfil if they wish to use RIPA powers, as before any covert surveillance can be carried out, they must seek judicial approval of the use of RIPA, after following the ordinary internal authorisation process.

The Borough Secretary and Monitoring Officer explained that the Council's RIPA Policy covered two types of covert surveillance that the Council could potentially carry out under the Act.

The Borough Secretary and Monitoring Officer advised that the Office of Surveillance

Commissioners oversees local authority use of covert surveillance powers under RIPA and that they inspect local authority policy and processes on a three yearly cycle. He advised Members that the Council's use of RIPA powers was very low but that from the perspective of the Office of Surveillance Commissioners, they needed to be satisfied that the Council had all of the correct policies and procedures in place ready to be engaged if the need arises to use the powers.

The Borough Secretary and Monitoring Officer explained that the Council had recently had an inspection from the Office of Surveillance Commissioner and that the Inspector HH Brian Barker would report formally in due course. (The previous report had been good). He explained that the Inspector had made some preliminary comments that it was appropriate to advise Members of and directed Members to paragraph 3.1.7 of the report. In particular, the Inspector had advised that the Council should involve elected Members in the formulation of RIPA policy and the monitoring of its use, even if RIPA is only used rarely. The Monitoring Officer commented that as part of the involvement of all Members, it was likely that in future, a report would be taken to Full Council. The Borough Secretary and Monitoring Officer also highlighted the preliminary recommendation regarding the need for the Council to have at least two RIPA Authorising Officers.

In response to questions from Members, the Borough Secretary and Monitoring Officer confirmed that he was an Authorising Officer, advised that he is also able to designate other Council officers as Authorising Officers and that the Authorising Officers would not necessarily have to be legal officers and would more likely be officers from the service areas that are likely to use RIPA powers. For example, the Environmental Health Department might seek to use RIPA covert surveillance powers in relation to the enforcement functions that they carry out.

RESOLVED:

That the report be noted.

7. PARISH COUNCIL MEMBERS OF STANDARDS COMMITTEE

The Borough Secretary and Monitoring Officer submitted the report as set out in the agenda. The Borough Secretary and Monitoring Officer advised that prior to changes made to Standards Committees by the Localism Act 2011, Parish Council members were members of the Standards Committee. However, Standards Committees are now ordinary local government committees and it is not possible to have people who are not Borough Councillors, as formal members of the Committee. The Borough Secretary and Monitoring Officer advised that it is very good practice for the Standards Committee to have Parish Council members and that the Terms of Reference of the Standards Committee in the Constitution anticipates it will have two Parish Council Members as non-voting co-optees. The Borough Secretary and Monitoring Officer commented that the Terms of Reference also provide for two Independent Members to be part of the Committee and that this would need to be considered separately. He explained that the report recommended that the Committee agree to the appointment by co-option of two Parish Councillors to the Committee, and delegate the power to him to make these appointments on its behalf in consultation with the Chair and Deputy Chair of the Standards Committee. The Borough Secretary and Monitoring Officer advised that alternatively, if Members wished to be more directly involved, they could set up a Working Group to recruit and appoint Parish Council Members.

The Borough Secretary and Monitoring Officer advised that the intention was to approach Parish Clerks to ask if there are any Parish Councillors interested in becoming members of the Committee and that if more than two people indicated interest, then a process would be used. In response to a question, the Monitoring Officer clarified that if Members accepted

the recommendation in the report, then the matter would not be brought back to Committee to decide who to appoint or to confirm the appointments, as the Monitoring Officer would make the appointments. However, a noting report could be brought to Standards Committee to update them following the Monitoring Officer's appointments.

Members discussed dual hatted Members, being Parish Council Members who are also Borough Council Members and whether such Members could sit on the Standards Committee in a Parish Councillor capacity and noted this should be considered.

RESOLVED:

That the appointment by co-option of two Parish Councillors to the Committee be agreed and the power be delegated to the Borough Secretary and Monitoring Officer to make these appointments on its behalf in consultation with the Chair and Deputy Chair of the Standards Committee.

The meeting concluded at 5.22pm

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