

NORTHAMPTON BOROUGH COUNCIL

STANDARDS COMMITTEE

Your attendance is requested at a meeting to be held at the The Jeffrey Room, St. Giles Square, Northampton, NN1 1DE. on Monday, 21 December 2015 at 5:00 pm.

D. Kennedy
Chief Executive

AGENDA

1. APOLOGIES
2. MINUTES
(Copy herewith)
3. DEPUTATIONS / PUBLIC ADDRESSES
4. DECLARATIONS OF INTEREST
5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED
6. REGULATION OF INVESTIGATORY POWERS ACT 2000 - UPDATE
(Copy herewith)
7. PARISH COUNCIL MEMBERS OF STANDARDS COMMITTEE
(Copy herewith)
8. EXCLUSION OF PUBLIC AND PRESS
THE CHAIR TO MOVE:
"THAT THE PUBLIC AND PRESS BE EXCLUDED FROM THE REMAINDER OF THE MEETING ON THE GROUNDS THAT THERE IS LIKELY TO BE DISCLOSURE TO THEM OF SUCH CATEGORIES OF EXEMPT INFORMATION AS DEFINED BY SECTION 100(1) OF THE LOCAL GOVERNMENT ACT 1972 AS LISTED AGAINST SUCH ITEMS OF BUSINESS BY REFERENCE TO THE APPROPRIATE PARAGRAPH OF SCHEDULE 12A TO SUCH ACT."

SUPPLEMENTARY AGENDA

**Exempted Under Schedule
12A of L.Govt Act 1972
Para No:-**

Public Participation

Members of the public may address the Committee on any non-procedural matter listed on this agenda. Addresses shall not last longer than three minutes. Committee members may then ask questions of the speaker. No prior notice is required prior to the commencement of the meeting of a request to address the Committee.

NORTHAMPTON BOROUGH COUNCIL

STANDARDS COMMITTEE

Monday, 14 September 2015

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

1. APOLOGIES

Apologies were received from Councillor Russell and Councillor Larratt

2. MINUTES

The minutes of the meeting held on the 17th February 2014 were amended to reflect that Councillor Capstick had sent his apologies and was not present. The spelling of Councillor Gowen's name was amended from McGowen to Gowen. The minutes were agreed and signed by the Chairman.

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. THE ROLE OF THE STANDARDS COMMITTEE

The Borough Secretary & Monitoring Officer submitted the report as set out in the agenda. The report outlined the role of the Standards Committee. The Committee were referred to Appendix 1 of the report which included the Terms of Reference of the Standards Committee extracted from the Council's Constitution.

In response to a question from Councillor Parekh regarding the frequency with which standards were breached, the Borough Secretary & Monitoring Officer confirmed that while there was a significant volume of complaints, many were filtered out in the earlier stages of the process, not being progressed to an investigation. The Borough Secretary and Monitoring Officer noted that he was the Monitoring Officer for the Parish Councils and that although some complaint issues related to Borough Councillors, much of the complaints volume related to Parish Council issues.

The Borough Secretary and Monitoring Officer commented that although under the Localism Act 2011 there was no longer a requirement for a statutory Standards Committee, the Council still needed to have arrangements in place to maintain high standards of conduct and to resolve complaints. He commented that when the Council had implemented the changes required by the Localism Act 2011, it had kept the complaints process for dealing with standards complaints close to the former statutory process. The Monitoring Officer noted that while it is very important that the process for dealing with standards complaints remains robust, it does need to be simplified and made leaner. It was therefore recommended that the Committee establish a Working Group to consider the Code of

Conduct and the Arrangements for dealing with breaches to make recommendations for revision, reporting back to the Standards Committee, which in turn would make recommendations to Full Council.

In response to questions from the Committee regarding the association between the Standards Committee and the Parish Councils, the Borough Secretary & Monitoring Officer confirmed all complaint issues would initially be directed to him where a decision would be made as to how to deal with the complaint, that is, whether it required any further action, was suitable for alternative resolution or whether it was necessary to move to investigation and establish if a breach of the Code had occurred.

In response to questions from the Committee regarding the role of the Committee in the complaints process, the Borough Secretary and Monitoring Officer confirmed that a Hearings Panel of the Standards Committee could be convened to make determinations in cases where a complaint had been investigated and there was evidence of failure to comply with the Code.

In response to questions from the Committee, the Borough Secretary & Monitoring Officer confirmed that any complaints which raised issues of a criminal nature would be referred to the police.

RESOLVED:

- 2.1 That the summary contained in this Report, of the role of the Standards Committee be noted.
- 2.2 That a Working Group be established to consider the Northampton Borough Council Members' Code of Conduct and the Arrangements for dealing with allegations of breaches of the Northampton Borough Council Members' Code of Conduct and of Codes of Conduct adopted by Parish Councils to formulate recommendations to Full Council regarding the revision of these documents and procedures;
- 2.3 That Councillor Marriot, Councillor Oldham & Councillor Parekh of the Standards Committee be nominated to sit on the Working Group referred to in paragraph 2.2.

7. ROLES OF INDEPENDENT PERSONS APPOINTED PURSUANT TO THE LOCALISM ACT 2011

The Borough Secretary and Monitoring Officer submitted the report as set out in the agenda. He commented that the role of the Independent Persons appointed under the Localism Act 2011 had been expanded. The Independent Persons who were appointed to take part in the process that deals with allegations that a Councillor had breached the Code of Conduct for Councillors, would now also have involvement in the new statutory dismissal procedures relating to Heads of Paid Services, Monitoring Officers and Section 151 Officers, following a recent change in the law.

The Borough Secretary and Monitoring Officer commented that the Independent Persons appointed by the Council could be called upon to carry out this additional role, if a disciplinary panel ever had to be convened in relation to one of the Council's three statutory officers (the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer).

The Chair thanked The Borough Secretary and Monitoring Officer for clarification on the roles of the Independent Persons appointed pursuant to the Localism Act 2011.

RESOLVED:

That the content of the Report be noted by Members.

8. COUNCILLOR TRAINING STRATEGY - ETHICAL AND GOVERNANCE MATTERS

The Borough Secretary & Monitoring Officer submitted the report as set out in the agenda. The purpose of the report was to seek the views of the Standards Committee on training requirements of Members of the Committee and other Councillors in relation to ethical and governance matters. He expressed the importance that each Member of the Standards Committee be adequately trained in ethical and governance matters to enable them to act as effective members of the Committee.

In response to a question from Councillor Gowen regarding the possibility of observing the Standards Committee of another authority, the Borough Secretary & Monitoring Officer advised that this would be a possibility when the meetings were open to the public and there may be the possibility of observing the Committee of a large London Borough or exemplar authority as part of Members' training.

RESOLVED:

- 2.1 That the level and type of training that Members of the Committee require on ethical and governance matters is considered and that the Monitoring Officer is advised accordingly;
- 2.2 That a Working Group is established to consider the training requirements of all Members of the Council in relation to ethical and governance matters within the remit of the Standards Committee and devise a Training Strategy, which also includes consideration of the extent to which such training should be extended to Parish Councils within the Borough; and
- 2.3 That Councillor Marriot, Councillor Oldham & Councillor Parekh of the Standards Committee be nominated to the Working Group referred to in paragraph 2.2.

The meeting concluded at 17.41

M7973

Appendices



NORTHAMPTON
BOROUGH COUNCIL

STANDARDS COMMITTEE REPORT

Report Title	Regulation of Investigatory Powers Act 2000 – Policy and Inspection
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AGENDA STATUS: PUBLIC

Committee Meeting Date:	21 st December 2015
Policy Document:	No
Directorate:	Borough Secretary and Monitoring Officer

1. Purpose

- 1.1 The purpose of the report is to update Members of the Committee following the inspection carried out by the Office of Surveillance Commissioners to review the policies and procedures that the Council has in place to comply with the Regulation of Investigatory Powers Act 2000 (RIPA) and review how the Council uses its powers under the Act.

2. Recommendations

- 2.2 To note the content of the report.

3. Issues and Choices

3.1 Report Background and Issues

- 3.1.1 Local authorities are required to respect the private and family life of citizens, their homes and correspondence in accordance with the Human Rights Act 1998. This right is qualified where interference is necessary and proportionate and carried out in accordance with the law.
- 3.1.2 RIPA contains powers for various bodies to carry out covert surveillance. Certain covert surveillance powers under RIPA are available to local authorities and can be used in appropriate circumstances in accordance with the requirements of the Act to support the delivery of their functions.
- 3.1.3 The Office of Surveillance Commissioners oversees the use of covert surveillance powers under RIPA by local authorities.

- 3.1.4 The Council has a RIPA Policy in place, which can be viewed on the internet and intranet. The Policy covers the use of directed surveillance and the use of covert human intelligence sources by the Council.
- 3.1.5 Directed surveillance is surveillance that is covert, is conducted for the purposes of a specific investigation or operation, is likely to result in the obtaining of private information about a person and is conducted otherwise than by way of an immediate response to events. In summary a person is a covert human intelligence source if they establish or maintain a personal or other relationship and they covertly use the relationship to obtain information or provide access to any information to another person, or they covertly disclose information obtained through that relationship or as a consequence of the existence of that relationship. While the Council's RIPA Policy clearly states that the use of covert human intelligence sources has not been identified as an investigative technique applied by the Council, the policy still covers the processes that would need to be applied if a situation ever arose in the future where the Council did use a covert human intelligence source.
- 3.1.6 The Council's use of RIPA powers is minimal. Since the Office of Surveillance Commissioners' inspection of the Council's policies and use of RIPA powers in May 2012, the Council has only authorised one use of RIPA powers (which was to enable officers to carry out directed surveillance). If there are lawful means other than using covert surveillance to obtain the required information, then those other means would be used by the Council.
- 3.1.7 Inspections are carried out approximately once every three years. On 1st December 2015, the Office of Surveillance Commissioners carried out its most recent RIPA inspection. The Inspector, HH Brian Barker will report formally on his conclusions in due course. However, in the course of the inspection, the Inspector made some preliminary comments, which can be reported to Members. These comments are summarised below:

a) Elected Members of the Council should review the Council's use of RIPA and be involved in the formulation of the Policy.

While the main functions of the Standards Committee are related to ethics and probity, it also has a wider governance function and is responsible for any matters that the Monitoring Officer refers to it for consideration. Therefore, it is appropriate for the Standards Committee to be engaged in the review of the Council's use of RIPA. It is expected that other Members will be engaged through reports to Full Council and Cabinet as appropriate.

b) The Policy should be amended to include the names and contact details of the Council's 'Authorising Officers', to ensure that operational officers know who to approach if they consider that a RIPA authorisation may be required. The Council should have at least two Authorising Officers.

Only specific officers within the Council are able to authorise the use of RIPA powers. (The use of RIPA powers must also be judicially approved

following approval by an Authorising Officer). Such officers have to be of a sufficient level of seniority, as defined by statute and must also be appointed internally as Authorising Officers. There has been a significant amount of organisational change in the Council in recent years, following the outsourcing of environmental services, the transfer of support services to Local Government Shared Services and the transfer of housing management functions into an Arms Length Management Organisation. This has led to changes in the Council's Officer structure and has reduced the number of Authorising Officers. In due course, the Council will need to consider the training and appointment of new Authorising Officers, who should be listed in the Policy.

- c) A summary of the processes for seeking RIPA authorisations to be included early on in the Policy together with flow charts illustrating the processes.**

Both the Council's RIPA Policy and the Home Office Codes of Practice on use of directed surveillance and covert human intelligence sources are detailed. It would assist operational officers seeking RIPA authorisations if there were process summaries and flow charts at the start of the Policy.

- d) Include a comment in the Policy about online covert activity/social media and the potential RIPA implications. A note could be included on the intranet highlighting this.**

There is a possibility that internet research to gather information for an operation, (for example looking at postings on social media), could cross over into being covert surveillance, and may amount to directed surveillance, depending on the activities being carried out. It is important that operational officers are aware of the human rights implications of this type of activity, and are aware of when the need may arise to consider a RIPA authorisation. The Home Office Code of Practice on Directed Surveillance covers online covert activity.

3.3 Choices (Options)

- 3.3.1 Members are asked to note the content of the report.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 This report does not have any direct implications on Policy. Policy implications are set out in the body of this report.

4.2 Resources and Risk

- 4.2.1 This report does not have any direct resource implications.

4.3 Legal

4.3.1 The legal framework is outlined in the body of the report.

4.4 Equality

4.4.1 There are no direct equality and diversity implications arising from this report.

4.5 Consultees (Internal and External)

4.5.1 Not applicable.

4.6 Other Implications

4.6.1 None

5. Background Papers

5.1 None.

**Francis Fernandes
Borough Secretary and Monitoring Officer**

Appendices



NORTHAMPTON
BOROUGH COUNCIL

STANDARDS COMMITTEE REPORT

Report Title	Parish Council Members of Standards Committee
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AGENDA STATUS: PUBLIC

Committee Meeting Date:	21 st December 2015
Policy Document:	No
Directorate:	Borough Secretary and Monitoring Officer

1. Purpose

1.1 The purpose of the report is to update Members of the Committee regarding Parish Members of the Committee.

2. Recommendations

2.1 Members are recommended to agree to the appointment by co-option of two Parish Councillors to the Committee, and delegate the power 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.

3. Issues and Choices

3.1 Report Background and Issues

3.1 The Terms of Reference of the Standards Committee state:

The Standards Committee will be composed of 9 Councillors. In addition the Standards Committee shall appoint:

- *such Independent Members as the Committee considers appropriate. The Independent Members shall not have the right to vote;*
- *two Parish Council Members without the right to vote.*

3.2 The Terms of Reference also provide for the Standards Committee to establish a Hearings Panel. The Hearings Panel would be convened on an

ad hoc basis where a Code of Conduct complaint against a Councillor (Borough or Parish) had progressed through the process to the stage where it becomes necessary to determine whether a Councillor has failed to comply with the Code of Conduct. If the complaint in question was about a Parish Councillor, one of the two Parish Council Members of the Standards Committee would be an additional member of the Hearings Panel.

- 3.3 There are currently two vacancies on the Committee for Parish Council Members.
- 3.4 The Council hosted a Forum for Parish Clerks on 13th October 2015. All Parish Clerks from within the Borough and the Chief Executive of Northants CALC were invited. The Forum was well attended. The Borough Secretary's Department made a presentation to the Forum on standards matters as they relate to Parish Councils including the Code of Conduct, registration and declaration of interests and the process for dealing with complaints. The need for Parish Council representatives on the Standards Committee was discussed with the Clerks, who were asked to ascertain whether any of their Parish Councillors may be interested in sitting on the Standards Committee. To date, the Borough Council has received one expression of interest from a Parish Councillor.
- 3.5 Members are recommended to agree to the appointment by co-option of two Parish Councillors to the Committee, and delegate the power 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. If a number of expressions of interest are received, the Borough Secretary and Monitoring Officer will conduct an appropriate process to select Parish Council members.

3.3 Choices (Options)

- 3.3.1 Members are asked to note the content of the Report.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 This report does not have any direct implications on policy. Policy implications are set out in the body of this Report.

4.2 Resources and Risk

- 4.2.1 This report does not have any direct resource implications.

4.3 Legal

- 4.3.1 There are no legal implications arising directly from this report.

4.4 Equality

4.4.1 There are no direct equality and diversity implications arising from this report. Any process used to select Parish Council representatives to sit on the Standards Committee in the event that there are a number of expressions of interest, will have due regard to equality and diversity implications.

4.5 Consultees (Internal and External)

4.5.1 Not applicable.

4.6 Other Implications

4.6.1 None

5. Background Papers

5.1 None.

**Francis Fernandes
Borough Secretary and Monitoring Officer**