

# STANDARDS COMMITTEE

## 21 NOVEMBER 2012

*Present:-* Councillor R. Gamble (Councillor) Chairman  
Councillor Bartier  
Councillor Chapman  
Councillor Chuah  
Mr Coe (Independent Member)  
Councillor Lewis  
Councillor Liddy  
Councillor Sykes

### 1. Minutes

The minutes of the meeting held on 21 March 2012 were confirmed as a correct record.

### 2. Update on Localism Act Standards Provisions

The Committee considered a report from the Monitoring Officer providing an update on the implementation of the provisions of the Localism Act 2011 in relation to standards.

The Monitoring Officer reported that all Colchester Borough Councillors had completed their Notice of Registerable Interests and these would be published on the Council's website shortly. Notices of Registerable Interests had been received from 207 out of 259 parish councillors. It was noted that there was no sanction that could be applied if a councillor did not complete a Notice of Registerable Interests, unless they were newly elected.

The Committee noted the arrangements for the appointment of an Independent Person from 2013 and suggested that it would be prudent to appoint a reserve who would be able to act if the Independent Person were unavailable for any reason.

*RESOLVED* that the latest position on the provisions of the Localism Act 2011 in relation to standards be noted.

### 3. Local Government Ombudsman - Annual Review 2011-12

The Committee considered a report from the Monitoring Officer providing details of the Local Government Ombudsman's Annual Review for 2011/12.

The Committee were pleased to note that there had been no findings of maladministration against the Council and that there had been a significant decrease in the number of complaints made to the Local Government Ombudsman about the Council.

*RESOLVED* that the contents of the Local Government Ombudsman's Annual Review for 2011/12 be noted.

#### **4. Review of Anti-Fraud and Corruption, Whistleblowing, Anti-Money Laundering and Benefits Fraud Sanctions Policies**

The Committee considered a report from the Monitoring Officer reviewing Colchester Borough Council's key anti-fraud and corruption policies.

Hayley McGrath, Risk and Resilience Manager, attended to assist the Panel. The Council's key anti-fraud and corruption policies were subject to regular review to ensure they remained fit for purpose and to help ensure the Council maintained high standards of corporate governance. Following a review, no significant changes were proposed except to separate out the Benefits Fraud Sanctions Policy from the Anti-Fraud and Corruption Policy. The policies had been supported by a programme of training sessions for relevant staff which had been well received and further such training sessions were planned.

*RESOLVED* that the revised Anti-Fraud and Corruption, Whistle Blowing, Anti-Money Laundering and Benefit Fraud Sanction Polices be approved.

*RECOMENDED to COUNCIL* that the revised Anti-Fraud and Corruption, Whistle Blowing, Anti-Money Laundering and Benefit Fraud Sanction Polices be adopted and included in the Council's Policy Framework.

#### **5. Review of Local Code of Corporate Governance**

The Committee considered a report from the Monitoring Officer reviewing the Local Code of Corporate Governance.

The Committee noted the main changes to the Local Code of Corporate Governance, which were:-

- Charter Status for Elected Member Development was achieved in April 2011
- The Localism Act 2011 led to a number of changes including, access to information regulations, officer pay policy and new standards arrangements.
- Data Transparency - Code of Recommended Practice for Local Authorities – new section on website to co-ordinate these Central Government requirements.
- All reference to Comprehensive Area Assessment, Community Strategy and Sustainable Community Strategy have been removed.

The Committee suggested that a reference to the LGA's Leadership Academy programme should be included within section 5 as this was an important way that members developed key skills and knowledge.

*RESOLVED* that the updated Local Code of Corporate Governance be noted and that a reference to the LGA's Leadership Academy programme be included within section 5 of the Code.

*RECOMMENDED to COUNCIL* that the updated Local Code of Governance be approved and adopted.

## **6. Changes to RIPA Code of Practice**

The Committee considered a report from the Monitoring Officer suggesting changes to the Council's RIPA Code of Practice.

The Monitoring Officer explained that following the inappropriate use of direct surveillance powers by some local authorities, the government had introduced the Protection of Freedoms Act 2012, which required that all local authority authorisations for direct surveillance be approved by a magistrate. It also introduced a crime threshold so that direct surveillance could only be used where the authority was investigating criminal offences which attract a maximum custodial sentence of six months or more or offences relating to the underage sale of alcohol or tobacco. The Council's Code of Practice on covert surveillance needed to be amended to take account of these changes. The opportunity was also been taken to bring the Council's Code of Practice before members for approval for the first time.

Some concern was expressed by some members of the Committee that the introduction of a crime threshold would mean that direct surveillance could not be used by the Council to investigate anti-social behaviour. This could lessen the protection the Council could give to some of its assets and may also prevent it from dealing as effectively with behaviour that caused considerable distress to local communities.

*RESOLVED* that the Council's amended RIPA Code of Practice on covert surveillance be approved.