

<b>Body:</b>	<b>AUDIT AND GOVERNANCE COMMITTEE</b>
<b>Date:</b>	<b>26 June 2013</b>
<b>Subject:</b>	<b>Members and Standards: an update</b>
<b>Report Of:</b>	<b>LAWYER TO THE COUNCIL AND MONITORING OFFICER</b>
<b>Ward(s)</b>	All
<b>Purpose</b>	To assist the Audit and Governance Committee in fulfilling its obligations in relation to member standards.
<b>Recommendations:</b>	<p>That the Committee note the following:</p> <ul style="list-style-type: none"> <li>• The figures available regarding complaints received in about members</li> <li>• The information regarding advice given to members</li> </ul> <p>It is also asked to agree to consider quarterly reports on a separate matter, namely this authority's recourse to the powers available to it under the Regulation of Investigatory Powers Act.</p>
<b>Contact:</b>	<p>Victoria Simpson, Lawyer to the Council and Monitoring Officer,  Telephone 01323 415018 or internally on extension 5018.  E-mail address: victoria.simpson@eastbourne.gov.uk</p>

## **1.0 Background**

- 1.1 Members will recall the decision made at this Committee's first meeting to invite regular updates from the Monitoring Officer on Standards-related matters
- 1.2 This report aims to update the Committee on the standards and related issues which have arisen since its last meeting.

## **2.0 Complaints**

- 2.1 Three formal complaints have been received in alleging breaches of the Code of Conduct for members: the first complaints to be received by this authority since the new regime began.
- 2.2 One of the complaints is at the time of writing being considered by the Monitoring Officer in consultation with one of the Independent Persons, who will decide whether to refer it for formal investigation or not. In another, a decision has been made, again by the Monitoring Officer, not to refer the complaint for investigation and the complainant has been notified accordingly.
- 2.3 In relation to the third complaint, a formal investigation has taken place and the matter has been referred to the Standards Panel for determination in

accordance with this authority's agreed procedure. Progress is anticipated between the publication of this report and the Committee and an oral update will be provided.

### **3.1 Advice to members and Dispensations**

3.2 At the Committee's meeting in December 2012, the Monitoring Officer's proposal to provide occasional email updates and briefings to all members of the Council on matters relating to the Standards regime was approved.

3.3 While advice given between then and the March meeting of this Committee has been reported back, no briefings to all members have been circulated, although advice has been supplied to individual members as and when needed.

3.4 No dispensations have been applied for since the last report to this Committee.

### **4.1 An extension to the Committee's remit: the monitoring of covert surveillance conducted pursuant to the Regulation of Investigatory Powers Act**

4.2 Members will have had sight of the Cabinet report of 20 March 2013, which provided an update regarding the law and also regarding this authority's recourse to its statutory powers to conduct covert surveillance protected by RIPA. A copy of that report to Cabinet is appended hereto as appendix 1.

4.3 While safeguards exist in the form of annual reports to Cabinet of this authority's usage of its powers under RIPA, best practice requires quarterly reporting to members and it is therefore proposed that this Committee receive that report as a standing item. This is notwithstanding the fact that – as members will recall – this authority's usage of its powers to conduct this type of surveillance has historically been low and that the last recourse to them was in 2010.

4.4 If this Committee is minded to agree the proposal in 4.3, then it may wish to note that there were no applications pursuant to the Regulation of Investigatory Powers Act between 1 March and 1 June 2013.

4.5 Future updates on this topic may properly form the subject of a separate report to the Committee, if this is desired.

### **5.0 Consultation**

5.1 There has been no consultation.

### **6.0 Resource Implications**

6.1 None.

### **7.0 Financial**

7.1 None.

## **8.0 Staffing**

8.1 None.

## **9.0 Conclusion**

9.1 The requirement to monitor member conduct and to promote good standards in decision-making remains in place in the new Standards regime. This report updates the Committee and assists it in discharging its responsibility for overseeing the standards and ethics of Eastbourne Borough Council's members.

**Victoria Simpson**  
**LAWYER TO THE COUNCIL AND MONITORING OFFICER**

---

## **Appendices**

None.

### **Background Papers:**

Previous reports and minutes of the Committee.

Articles in the Local Government Lawyer

ACSeS bulletins