

# Minutes

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## Regulatory and Governance Committee Wednesday, 11th July, 2018

### Attendance

Cllr Ms Rowlands (Chair)	Cllr Mrs Hones
Cllr Tumbridge (Vice-Chair)	Cllr McCheyne
Cllr Barrett	Cllr Mynott
Cllr Cloke	

### Apologies

Cllr Mrs Middlehurst

### Substitute Present

Cllr Naylor (substituting for Cllr Kendall)

### Also Present

Cllr Mrs Pound

### Officers Present

Assaf Chaudry	-	Governance Lawyer
Zoey Foakes	-	Governance & Member Support Officer
Philip Ruck	-	Chief Executive
Jacqueline Mellaerts	Van -	Chief Financial Officer
Sue White	-	Risk and Insurance Officer

### 82. Apologies for absence

Apologies were received from Cllr Mrs Middlehurst and Cllr Kendall with Cllr Naylor substituting.

### 83. GDPR Update

A GDPR Update was presented to the committee from Mr Ruck.

Cllr Tumbridge stated his concerns that he felt it was not acceptable that the policies were not presented or brought to this committee and that he was unhappy.

Cllr Tumbridge proposed that this committee recommend that an individual be identified from within our authority to take on the role of Data Protection Officer (DPO) and that all of these policies be brought to this committee as soon as possible.

Mr Ruck confirmed he would send out the links to all the policies. Mr Ruck stated that the Council had previously operated successful shared roles in the three main statutory officer appointments (Chief Executive; S151 and Monitoring Officer) and also expressed his concerns for budgetary and skillset reasons on appointing an internal DPO. Mr Ruck confirmed this would need to be brought to Policy, Projects and Resources Committee.

A recommendation was **MOVED** by Cllr Tumbridge and **SECONDED** by Cllr Mynott

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY** that:

**An individual be identified as a DPO from within our authority (To be brought to the next Policy, Projects and Resources Committee).**

#### **84. Regulation of Investigatory Powers Act 2000**

The Investigatory Powers Commissioner's Office (IPCO) conducts periodic inspections of local authorities' use of their powers under the Regulation of Investigatory Powers Act 2000 (**RIPA**). The purpose of these inspections was to examine the Council's policies, procedures, operations and administration in relation to directed surveillance and covert human intelligence sources (**CHIS**) under RIPA.

The last inspection took place on 16<sup>th</sup> August 2017 and although it was noted that there had been no directed surveillance or CHIS been requested since 21<sup>st</sup> July 2014 the inspector made one recommendation which required a number of parts of Corporate RIPA policy to be updated and amended. In addition, the Inspector, while not a subject of a Recommendation, pointed out that the issue of the dual role of Senior Responsible Officer (SRO)/ Authorising Officer (AO) being exercised by one officer should be avoided. The roles should be separated. The purpose of the SRO was to maintain general oversight of RIPA compliance, including the integrity of the authorisation process, while the AO's role was solely to authorise requested activity. There were some minor changes as set out in 4.2 iii & iv . The report would enable members to generally review the RIPA activity since the last report and implement the recommendation as contained in attached Corporate RIPA policy document.

Cllr Tumbridge **MOVED** and Cllr Cloke **SECONDED** an additional recommendation:

**3. That Appendix 4 (of the Regulation of Investigatory Powers Act 2000 (RIPA) Corporate Policy – June 2018 – Appendix A of the report) be brought back for review with the data protection compliance report at the next meeting.**

A vote was taken by a show of hands for the additional recommendation which was **RESOLVED UNANIMOUSLY**.

On the original recommendations, a motion was **MOVED** by Cllr Ms Rowlands and **SECONDED** by Cllr Cloke to approve the recommendations in the report.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY**:

- 1. That the Committee approves the amendments to the Corporate RIPA policy set out in Appendix A in accordance with the recommendation of the Surveillance Inspector.**
- 2. That the Committee note the statistical information relating to the use of RIPA since September 2017.**
- 3. That Appendix 4 (of the Regulation of Investigatory Powers Act 2000 (RIPA) Corporate Policy – June 2018 – Appendix A of the report) be brought back for review with the data protection compliance report at the next meeting.**

#### **Reasons for Recommendation**

To implement the recommendation made by the Surveillance Inspector and changes in law and to assist with Members' oversight and decision making in relation to the attached RIPA Policy.

#### **85. Adoption of Revised Members Planning Code of Good Practice into the Constitution**

This item was deferred to a later committee meeting.

Cllr Rowlands and Cllr Tumbridge requested that if members had questions on this item to send them to the Chair or Vice Chair in advance so that officers had time to prepare a response.

#### **86. Strategic and Operational Risk**

The report updated members of the Regulatory & Governance Committee on the status of the Council's 2018/19 Strategic Risk Register and the progress being made across Services in delivering Operational Risk Registers.

The strategic risk register had been reviewed by senior officers and risk scores had been adjusted accordingly.

Members suggested that all risks had associated target dates to monitor progress.

Cllr Tumbridge **MOVED** and Cllr Ms Rowlands **SECONDED** to approve the recommendation in the report subject to the following amendment:

1. *To agree the amendments to the Strategic Risk Register, as shown in Appendix A (of the report), and that the risk scores recorded for each risk accurately represents the current status of each risk with the exception of risks 5 and 11 which should be raised to “red”.*

A vote was taken by a show of hands and it was **RESOLVED**:

1. **To agree the amendments to the Strategic Risk Register, as shown in Appendix A (of the report), and that the risk scores recorded for each risk accurately represents the current status of each risk with the exception of risks 5 and 11 which should be raised to “red”.**
2. **To agree the risk exposure changes, as shown in Appendix B (of the report), to the Operational Risks.**

#### **Reasons for Recommendation**

Risk Management continued to be embedded quarterly within the Senior Management Team reports, where Service Heads discussed the top-level risks for their service areas to ensure that the risks were updated to reflect the ongoing changes.

In addition, the Risk & Insurance Officer would continue to work with risk managers to maintain the good progress to date and further develop a consistent application of risk management considerations across all operations of the Council.

#### **87. Member's Training Programme**

The report before Member's was to adopt the Member's Training Programme for the new municipal year 2018/19.

Overall, Members welcomed the training programme.

A motion was **MOVED** by Cllr Ms Rowlands and **SECONDED** by Cllr Tumbridge to approve the recommendation in the report.

A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY**:

**That the Committee adopts the Member's Training Programme (Appendix A of the report) for 2018/2019.**

**Reasons for Recommendation**

To provide a Member's Training Programme in line with best practice.

**88. Urgent Business**

There were no items of urgent business and the meeting concluded at 20:05.