



Meeting of the

STANDARDS (ADVISORY) COMMITTEE

Tuesday, 18 June 2013 at 7.30 p.m.

AGENDA

VENUE

ROOM C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON E14 2BG

Members:

Chair:

Vice-Chair:

Mr Matthew William Rowe
Mr Eric Pemberton
Ms. Salina Bagum
Mr Denzil Johnson
Mr Barry Lowe
2 Vacancies

Councillor David Edgar
Councillor Judith Gardiner
Councillor Zara Davis
Councillor Sirajul Islam
Councillor Fozol Miah
Councillor Abdul Asad
Councillor Motin Uz-Zaman

Observer:

Mr Patrick (Barry) O'Connor

Deputies (if any):

Councillor Harun Miah, (Designated Deputy representing Councillor Fozol Miah)
Councillor Gloria Thienel, (Designated Deputy representing Councillor Zara Davis)
Councillor Dr. Emma Jones, (Designated Deputy representing Councillor Zara Davis)
Councillor Rofique U Ahmed, (Designated Deputy representing Councillor Abdul Asad)
Councillor Mizan Chaudhury, (Designated Deputy representing Councillors David Edgar, Judith Gardiner, Sirajul Islam and Motin Uz-Zaman)
Councillor Ann Jackson, (Designated Deputy representing Councillors David Edgar, Judith Gardiner, Sirajul Islam and

Motin Uz-Zaman)
Councillor M. A. Mukit MBE, (Designated Deputy
representing Councillors David Edgar, Judith Gardiner,
Sirajul Islam and Motin Uz-Zaman)

[Note: The quorum for this body is 3 of the total membership and this must include at least one Councillor and one Co-opted member.]

Committee Services Contact:

Angus Taylor: Democratic Services,,

Tel: 020 7364 4333 E-mail: angus.taylor@towerhamlets.gov.uk

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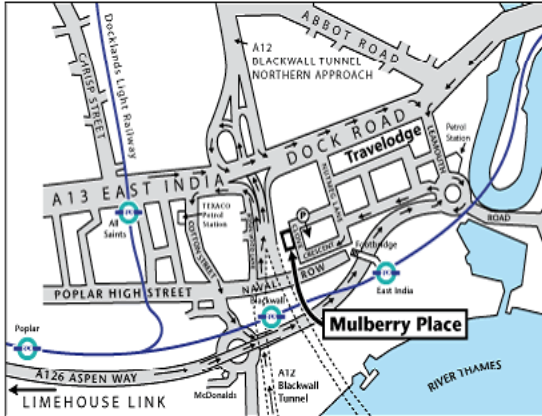
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LONDON BOROUGH OF TOWER HAMLETS

STANDARDS (ADVISORY) COMMITTEE

Tuesday, 18 June 2013

7.30 p.m.

1. ELECTION OF CHAIR FOR THE MUNICIPAL YEAR 2013/14

To elect a co-opted member to serve as Chair of the Standards (Advisory) Committee for the Municipal Year 2013/14.

2. ELECTION OF VICE-CHAIR FOR THE MUNICIPAL YEAR 2013/14

To elect a co-opted member to serve as Vice-Chair of the Standards (Advisory) Committee for the Municipal Year 2013/14.

3. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

4. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

**PAGE
NUMBER** **WARD(S)
AFFECTED**

1 - 4

5. MINUTES

To confirm as a correct record of the proceedings the minutes of the ordinary meeting of the Standards (Advisory) Committee held on 16th April 2013.

5 - 14

	PAGE NUMBER	WARD(S) AFFECTED
6. REPORTS FOR CONSIDERATION		
6 .1 Standards (Advisory) Committee - Terms of Reference, Membership, Quorum, Dates of Meetings and Establishment of Sub-Committees 2013/14	15 - 30	
To note the SAC Terms of Reference, Membership, Quorum, Dates of future meetings and establish SAC Sub-Committees for the Municipal Year 2013/14.		
6 .2 Standards (Advisory) Committee - Work Programme 2013/14	31 - 34	
To consider and agree the SAC Work Programme for the municipal year 2013/14.		
6 .3 Corporate Governance Review	35 - 38	
To note the contents of the report and Review.		
6 .4 Code of Conduct for Members: Complaints Monitoring & Proposed Revisions to the Arrangements for Dealing with Complaints	39 - 46	
To note the monitoring information in the report. Also to consider and comment on proposed revisions to arrangements for dealing with complaints.		
6 .5 Appointment of Independent Person - update (To Follow)		
To receive the report and consider the contents thereof.		
7. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT		
To consider any other business that the Chair considers to be urgent.		

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Agenda Item 4

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Isabella Freeman, Assistant Chief Executive (Legal Services), 020 7364 4801; or
John Williams, Service Head, Democratic Services, 020 7364 4204

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STANDARDS (ADVISORY) COMMITTEE

HELD AT 7.30 P.M. ON TUESDAY, 16 APRIL 2013

ROOM C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, LONDON E14 2BG

Members Present:

Mr Matthew William Rowe (Chair)
Mr Eric Pemberton (Vice-Chair)
Ms. Salina Bagum (Co-opted Member)
Mr Denzil Johnson (Co-opted Member)
Councillor David Edgar
Councillor Sirajul Islam
Councillor Rachael Saunders
Councillor Peter Golds (Leader of the Conservative Group)

Observer:

Mr Patrick (Barry) O'Connor (Interim Independent Person)

Officers Present:

Jill Bell – (Head of Legal Services (Environment), Legal Services, Chief Executive's)
Tony Qayum – (Anti Fraud Manager, Internal Audit, Resources)
Angus Taylor – (Principal Committee Officer, Democratic Services, Chief Executive's)
John Williams – (Service Head, Democratic Services, Chief Executive's)

MR MATTHEW WILLIAM ROWE (CHAIR) IN THE CHAIR

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of:

- Councillor Carli Harper-Penman.
- Councillor Zara Davis for whom Cllr Peter Golds is deputising
- Councillor Fozol Miah
- Mr David Galpin, Head of Legal Services (Community), for whom Ms Jill Bell Head of Legal Services (Environment) was deputising in relation to Agenda item 4.2.

Noted

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Councillor Peter Golds declared a personal interest in Agenda item 3.0 “Minutes of Standards (Advisory) Committee (SAC) held on 17th October 2012”. The declaration of interest was made on the basis that he would raise a matter arising from the minute relating to Page 5, Agenda item 4.5 “Code of Conduct for Members – Complaints Monitoring Report”, regarding the accuracy of the report considered by the SAC and that this matter affected Councillor Golds personally.

Noted

3. MINUTES

Mr Barry O’Connor proposed for the consideration of SAC members, that the minutes be amended to correct the following typographical error: Page 2, Agenda item 4.1 “Anti Fraud Update 2012”, penultimate bullet, line 3 “head” should read “had”.

Matter Arising

Councillor Peter Golds, referencing Page 5, Agenda item 4.5 “Code of Conduct for Members – Complaints Monitoring Report”, commented that the report considered by SAC on 17th October had been inaccurate, and this affected him personally because of the potential for reputational damage. The Chair commented that there was no formal procedural provision for consideration of matters arising from the minutes, only for consideration of their accuracy; however having heard from Councillor Golds he would allow a discussion on this occasion. A discussion followed which focused on the following points:

- Ms Jill Bell Head of Legal Services (Environment) advised that it would be inappropriate for Councillor Golds to make a submission to SAC on this matter, as the matter was not completed and members of the SAC might be required to take part in a hearing on the matter. Should SAC members present this evening consider the substantive content of the matter, it would prejudice their participation in any such future process, and that should be prevented. Ms Bell also stated that she considered the report considered by the SAC to have been factually correct at the time it was considered.
- Councillor Golds continued to assert that the report and oral position update considered by the SAC had not been fully accurate and gave some background for his view. Had he been aware of the content of the report at the time he would have attended the SAC meeting with a lawyer to correct the inaccuracy. Also commented that the Localism Act 2011 had abolished the statutory ‘Standards Regime’ and the matter could not be lawfully presented to the SAC for future determination. He considered that Officers and the SAC were attempting to silence him on the matter, when natural justice should allow him the opportunity for redress.

- The Chair commented that there was no intention to silence Councillor Golds but it was important to adhere to the correct procedural processes. Accordingly he sought and was given clarification as to locus of the SAC in considering a matter arising on the minutes, and the process to be followed were an erroneous report to have been presented to the SAC for consideration. Officers responded that a formal complaint should be lodged under the Complaints Procedure.
- Majority consensus that it was inappropriate for the SAC to consider the matter at this juncture for reasons including:
 - There was a formal complaints process that could be followed.
 - Uncertainty of the locus of the SAC to deal with the substantive content of the complaint.
 - The importance of taking account of the legal advice given earlier in the meeting, that consideration of the substantive content of the matter may prejudice participation in any future process to determine the matter.
 - It was unreasonable to expect SAC members to reach an informed viewpoint until all the relevant information was collated and presented to them to assist their understanding. Accordingly Mr Eric Pemberton **proposed** that a report containing this information be presented to a future SAC meeting.

The Chair **Moved** (taking account of the proposed amendment to the minutes from Mr O'Connor and the additional recommendation proposed by Mr Pemberton), and it was:-

Resolved

1. That, subject to the amendment set out at (a) below, the unrestricted minutes of the ordinary meeting of the Standards (Advisory) Committee, held on 17th October 2012, be agreed as a correct record of the proceedings, and the Chair be authorised to sign them accordingly.
 - (a) Page 2, Agenda item 4.1 "Anti Fraud Update 2012", penultimate bullet, line 3 deletion of word "head" and insertion of word "had".
2. That a report be presented to a future SAC meeting with all relevant information pertaining to the matter arising on the minutes raised by Councillor Golds.

Action by:

Angus Taylor (Principal Committee Officer, Democratic Services, CE's)
Jill Bell (Head of Legal Services (Environment), Legal Services, Chief Executive's).

4. REPORTS FOR CONSIDERATION

4.1 Progress on National Fraud Initiative 2010 and New Initiative 2012

Mr Tony Qayum, Corporate Anti-Fraud Manager, introduced and summarised key points in the report, which provided a progress update on the National Fraud Initiative (NFI) 2010, an overview of anti-fraud work undertaken by Audit Services over recent months, and details of the new 2012 NFI. In particular Mr Qayum:

- Advised that the value of overpayments identified by the 2010 NFI initiative was now approximately £832k.
- Detailed the nature of cases and outcomes relating to Section 4B, 4E and 5B, 5C, 5D of the appended 2010/11 Outcomes Summary. There had been 12 prosecutions relating to cases categorised in Section 5 compared with 41 the previous year.

A discussion followed which focused on clarification being sought and given on the following points:-

- The total value of monies that would be recovered as a result of the 2010 NFI and the rate of recovery for these. Total value approximately £832k. *Given the time needed to recover the monies their full value could not be recovered, however there was a deterrent value going forward associated with such prosecutions. A review would be undertaken in the Summer which focused on strengthening controls to prevent fraud where weaknesses had been found through cases identified by the 2010 NFI.*
- What impact Government changes to Benefit payments would have on the NFI and the data available. *Penalties identified for cases where there were no grounds for prosecution had risen from the debt plus 30% to debt plus 50%; and Officers envisaged that rather than pay this more people would take their chances in court.*
- Whether data matching results at the start of an NFI continued to be examined until all information had been exhausted or whether the matching was refreshed. *Given the volume of matches and examination of these in house by directorates with existing resources the cycle to obtain the information investigate and report back was 2 years.*
- To what extent the fraud identified in the 2010 NFI would inform planning and prioritisation of resources for the 2012 NFI. *The resources allocated for the investigation of Housing Benefit fraud and Social Housing fraud were to be maintained, as in the current economic climate and proximity to the City of London these areas were seen as high risk. It was intended to improve use of in house data matching.*
- Given the cost to the Council of errors in some areas how were procedures being made more robust to prevent these in future. *The Authority had an ongoing objective to strengthen systems and controls in response to identified weaknesses in order to provide appropriate levels of comfort; however it was accepted that there would always be risk in areas where monies could be claimed.*
- The nature/ details of expenses claim fraud reported at Section 4E of the appended 2010/11 Outcomes Summary. *3 cases of obtaining*

parking permits at an address where the claimant did not live. 3 cases of delayed completion of paperwork for the deceased in a care home, and consequent continuation of payments. 4 case of duplicate payments.

- Progress with reference to the minutes of the SAC held on 17th October, Page 3, Agenda item 4.1 “Anti Fraud Update 2012”, Resolution 1 & 2. *The expertise of the Audit Commission and the Authority’s external auditor had been utilised for independent reviews of the Authority’s risk management relating to fraud and to inform planning for this.* Mr Barry O’Connor **proposed** that a report containing a detailed progress update be presented to a future SAC.
- Whether the categorisation of cases in the NFI 2010/11 Authority Summary appended to the report, as High, Medium, Low was a measure of risk or importance. *Best data matches were categorised as high and the organisation focused on these first.*

The Chair **Moved** the recommendation set out in the report (taking account of the additional recommendation proposed by Mr O’Connor), and it was:-

Resolved:

1. That the contents of the report be noted; and
2. That a report containing a detailed progress update on the Authority’s use of external audit expertise to undertake a review of the Authority’s risk management arrangements for fraud be presented to a future SAC.

Action by:

Mr Tony Qayum (Corporate Anti-Fraud Manager, Audit Services, Resources).

4.2 Covert investigation under the Regulation of Investigatory Powers Act 2000 - quarterly update

Ms Jill Bell, Head of Legal Services (Environment), introduced and summarised key points in the report, which provided information concerning the Council’s authorisation of investigations under the Regulation of Investigatory Powers Act 2000 (RIPA). Ms Bell advised paragraph 3.24 of the report was incorrect in stating that no training had taken place, for officers who may engage in covert investigation, since February 2012. In fact training had been carried out in March 2013 with 7 Officers attending training provided by Metropolitan Police detectives.

A discussion followed which focused on the following points:-

- Clarification sought and given as to whether it was more difficult to undertake this surveillance given introduction of greater controls. *Yes; and the tri-annual external inspection of the Authority’s activities in this area would start in May 2013, with a new inspector reviewing all the Authority’s records. Officers were confident of a positive inspection report.*

- Welcomed the report, considering it was important for SAC to be informed of the Authority's activities in this area given the significance and scope of its powers.
- Commenting on the value of video footage to a recent Licensing Sub-Committee in reaching a fully informed decision, clarification sought and given as to whether restrictions of surveillance under RIPA may prevent the availability of such information in future. *No; as the report referred to covert surveillance not CCTV footage.*
- Consideration that referral of the report to the Licensing Committee would be helpful for its members. Accordingly **proposed** by Councillor Golds.

The Chair **Moved** (taking account of the additional recommendation proposed by Councillor Golds), and it was:-

Resolved:

1. That the contents of the report be noted; and
2. That the report be referred to the next Licensing Committee for information.

Action by:

David Galpin (Head of Legal Services (Community), Legal Services, Chief Executive's).

4.3 Recruitment of Independent Person - Update (To Follow)

Mr John Williams, Service Head Democratic Services, gave an oral report, in which he:

- Summarised the background of the 'Independent Person' (IP) role introduced nationally under the new 'standards regime resulting from the Localism Act 2011, and additional dimensions to the role specific to Tower Hamlets.
- Highlighted the nature of the candidate required for the role of IP, as specified in Government guidance, and the provision for transition arrangements whilst recruiting the IP.
- Summarised progress to date on implementing the timetable for IP recruitment agreed by the SAC in July 2012:
 - An initial advert for the IP role, placed in October 2012, yielded no response.
 - The role was currently being re-advertised in East End Life and the East London Advertiser; and, without pre-determining the recruitment process, given that applications for the role had been received, the agreed recruitment process could now be implemented after the closing date of 26th April.
- Outlined the next steps in the recruitment process: longlisting of candidates in consultation with the Interim IP Mr Barry O'Connor,

subsequent interview by a panel comprised of SAC members and concluding with a recommendation to full Council of an appointment.

A discussion followed which focused on clarification being sought and given on the following points:-

- The nature and extent of the Authority's efforts to attract suitable applicants for the role of IP, and inform organisations with a significant membership of suitable applicants such as Council of Voluntary Services and Chambers of Commerce. *The Communications Service had targeted community organisations in addition to using the general media.*
- Whether SAC or full Council would approve the formal appointment of an IP, the term of the appointment and the whether the agreed timetable for recruitment would result in an IP being in place by the next SAC meeting in July 2013. *Full Council would approve any appointment, the term of office was 3 years and an IP should be in place by the next SAC meeting together with a reserve IP able to act if the IP could not act due to a conflict of interest.*

The Chair **Moved**, and it was:-

Resolved:

That the contents of the oral report be noted.

4.4 Members' attendance and timesheets

Special Circumstances and Reasons for Urgency

Mr John Williams, Service Head Democratic Services, informed SAC members of the special circumstances/ reasons for urgency for the report as below.

"Officers delayed circulation/ publication of the report, beyond the normal timescales of the Authority for this, in order that SAC could be provided with the most up to date information in relation to the matters reported in the paper."

The Chair subsequently agreed the special circumstances and reasons for urgency, indicating that he was satisfied that the matter was urgent, as defined in the Authority's Constitution (Part 4 Rules of Procedure, Section 4.2 Access to Information Procedure Rules, Rule 6 Items of Business, sub paragraphs 6.3 and 6.5. The special circumstances justifying urgency being as detailed above.

Mr John Williams, Service Head Democratic Services:

- Introduced and summarised key points in the report, which provided an update on a range of matters related to Councillors attendance at

formal meetings and training events, completion of timesheets and the Register of Interests.

- Informed SAC members that he had **Tabled** an updated version of Appendix 1 to the report “Members Monthly Timesheets – Summary of Returns” which reflected the most current information, a copy of which would be interleaved with the minutes.
- Highlighted that the updated Appendix 1 which had been tabled reported that 16 Councillors were over 3 months in arrears with completion of their timesheets, and some Councillors had not completed a timesheet at all in the current Municipal Year 2012/13; and the SAC Chair may wish to consider raising this matter with the Councillors concerned and/ or their political group leaders/ whips.
- Updated SAC members on the introduction of a new online/ self-serve facility for completion of Member timesheets and declaration of interest forms. All Members would be fully briefed once the modern.gov committee management software had been fully tested in this area; and it was intended that Member training in use of the software would be included in the normal Member training programme associated with the Council AGM.

A discussion followed which focused on the following points:-

- Welcomed the introduction of a new online/ self-serve facility for completion of Member timesheets and declaration of interest forms, as both helpful and likely to improve Member performance with submission of this information.
- Consideration that the current Member timesheet included a number of categories that were no longer relevant, and could include alternatives that were more useful in showing the activities of Members. Councillor Saunders accordingly **Proposed** that the online timesheet be updated to better reflect the current activities of Members.
- Clarification sought and given as to whether the monitoring of Member activities in this was still relevant given the absence of tough sanctions. *Monitoring was still relevant, for example although the Localism Act 2011 had removed the requirement to declare certain types of interest, the Council’s own Member’s Code of Conduct required it.*
- Clarification sought and given as to whether Member non-attendance at statutory training for some committees, and the impact of this on the pool of Members eligible to sit on these, previously highlighted as a problem continued to be so. *No Members appointed to these committees had failed to attend training although some deputies had not been trained, consequently the position had improved. Officers intended to emphasise the responsibilities that came with committee membership, the burden placed on fellow Members by non-attendance at statutory training, and Officer intention to raise this with political group leaders/ whips if this occurred, in the programme of Member training associated with the Council AGM.*
- Mr Eric Pemberton **Proposed** that the SAC Chair write to those Members who had not completed their timesheets. A dialogue ensued:

- As to the value of this, as similar action in the past had little affect. *Responded that publication of the timesheets report had stimulated a flurry of further submissions, although this was from Members in arrears rather than the hardcore that did not submit them at all.*
- Whether such correspondence should focus on Councillors who had completed no timesheets in the current municipal year, or all those who were 3 months in arrears. Accordingly the Chair summarised and **Proposed** that all Members 3 or more months in arrears with timesheet completion receive a letter from the SAC Chair.
- Clarification sought and given as to whether the new category of Disclosable Pecuniary Interest applied to co-opted members of SAC and also to the Independent Person. *Disclosure applied to both and all Members and Co-opted Members of Committees would be reminded of the requirements at the start of the new municipal year.*

The Chair **Moved** the recommendations set out in the report (taking account of the amendments to recommendation 2.1(ii) proposed by Mr Pemberton and the Chair and the additional recommendation proposed by Councillor Saunders), and it was:-

Resolved:

1. That the information set out in Appendices 1, 2 and 3 to the report, in relation to Councillors' submission of timesheets, attendance at formal meetings and training events, and completion of the register of interests during the previous and current municipal years, be noted;
2. That all Councillors who are 3 or more months in arrears with completion of their timesheets receive a letter from the Chair of SAC;
3. That it be agreed that the SAC receive further monitoring reports at six monthly intervals; and
4. That the online Councillor timesheet be updated to better reflect the current activities of Councillors.

Action by:

John Williams (Service Head Democratic Services, Chief Executive's).

5. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

Ms Jill Bell, Head of Legal Services (Environment), informed SAC members that there was a need to convene meetings of SAC Sub-Committees for the transaction of business, however due to Member non-availability this had not been possible. Ms Bell requested that those Members who received a further invitation to sit on the Sub-Committees should make themselves available.

The meeting ended at 8.30 p.m.

Chair, Mr Matthew William Rowe
Standards (Advisory) Committee

Agenda Item 6.1

Committee	Date	Classification	Report No.	Agenda Item No.
Standards Advisory Committee	18th June 2013	Unrestricted		
Report of: Assistant Chief Executive (Legal Services) Originating Officer(s) : Angus Taylor, Principal Committee Officer, Democratic Services		Title : Standards (Advisory) Committee: Terms of Reference,, Membership, Quorum, Dates of meetings and Establishment of Sub-Committees 2013/14 Ward(s) affected: All		

1. Summary

- 1.1 This report sets out the Terms of Reference, Membership, Quorum and Dates of meetings of the Standards (Advisory) Committee [SAC] for the Municipal Year 2013/14; and invites the Committee to establish Sub-Committees in accordance with the Standards arrangements agreed by the Authority.

2. Recommendation

The SAC is recommended to:-

- 2.1 Note its Terms of Reference, Membership, Quorum, Dates of future meetings and timing thereof, as set out in Appendices 1, 2 and 3 to this report;
- 2.2 Note the current vacancy in the co-opted membership of the SAC, resulting from the resignation of Ms Sue Rossiter in 2013;
- 2.3 Establish the following sub-committees for the municipal year 2013/14, to be convened as required on an ad hoc basis with membership agreed by the Monitoring Officer from amongst the members of the SAC, including in each case a minimum of three members, at least two of whom shall be co-opted members in accordance with the arrangements agreed by the Authority:-
 - Investigation and Disciplinary Sub-Committee
 - Hearing Sub-Committee

- Dispensations Sub-Committee

3. Background

- 3.1 At the Annual General Meeting (AGM) of the full Council held on 22 May 2013, the Authority approved the proportionality, establishment of the Committees and Panels of the Authority and appointment of Members thereto. This included the establishment of the SAC which first came into existence in July 2012, following changes to the Standards regime in the Localism Act 2011.
- 3.2 It is traditional that following the full Council AGM at the start of the Municipal Year, at which various committees are established, that those committees note their Terms of Reference, Membership and Quorum for the forthcoming Municipal Year. These are set out in Appendix 1 and 2 to the report respectively.
- 3.3 The dates of SAC meetings for the remainder of the Municipal Year, agreed by the full Council on 17th April 2013 [Calendar of Meetings for the 2013/14 Municipal Year] are set out in Appendix 3 to this report.
- 3.4 Meetings are scheduled to take place at 7.30pm in accordance with the Calendar of Meetings for the 2013/14 Municipal Year agreed by the full Council and set out in the Committee Rules of Procedure in the Authority's Constitution.

4. Composition of the SAC

4.1 Membership:

- 4.1.1 The Authority (full Council) has agreed that the SAC shall comprise of:
 - Members of the Council (not including the Mayor or more than one Cabinet Member), appointed by the full Council in accordance with the requirements of political proportionality.

- Up to seven persons who are not Members or officers of the Council or any other relevant authority (i.e. Co-opted members) who will be entitled to vote at meetings.

4.1.2 When the SAC was first established in 2012, six of the seven independent members of the former Standards Committee were re-appointed as co-opted members of the SAC, by the full Council, for a four year term of office (to May 2016), subject to confirmation at the full Council AGM. Co-opted members may serve as many terms of appointment as the full Council considers appropriate. A person may not be appointed as a co-opted member of the SAC or one of its sub-committees unless the appointment is approved by full Council.

4.1.3 In 2012, the seventh independent member (and Chair) of the former Standards Committee, Mr. Barry O'Connor, was appointed as the interim 'Independent Person' under the new Standards arrangements agreed by the Authority. Mr O'Connor was therefore not appointed as a co-opted member of the SAC, it was agreed on his appointment as Interim IP that he would return as co-opted member once his interim role finished. It was agreed that Mr. O'Connor continue to be invited to attend SAC meetings as an observer. A progress update on the recruitment of a permanent Independent Person is detailed for consideration elsewhere on the agenda.

4.1.4 In 2013 a further vacancy arose in the co-opted membership of the SAC, resulting from the resignation of Ms Sue Rossiter. and this vacancy will need to be advertised

4.2 Chairing the Committee

The full Council has agreed that the Chair and the Vice Chair of the SAC will be appointed from the co-opted members of the SAC.

4.3 Quorum

The quorum for meetings of the SAC and for each of its sub-committees is three of the total membership and this must

include at least one councillor and one co-opted member. A co-opted member shall Chair the meeting.

5. Comments of the Chief Financial Officer

5.1 This report describes the Terms of Reference, Membership, Quorum and Dates of meetings of the SAC for the Municipal Year 2013/14 for the information of members of the Committee. It also invites the SAC to establish Sub-Committees.

5.2 There are no specific financial implications arising from the reports recommendations however in the event that the Authority agrees further action in response to this report's recommendations then officers will be obliged to seek the appropriate financial approval before further financial commitments are made.

6. Concurrent report of the Assistant Chief Executive (Legal)

6.1 The Localism Act 2011 introduced a number of changes to the Standards regime. The Authority has amended its own arrangements in line with those, including the establishment of a Standards (Advisory) Committee.

6.2 The information provided for the Committee to note is in line with the Authority's Constitution and the resolutions made by the full Council on 18th May 2011 and the full Council AGM held on 22nd May 2013.

6.3 The report incorporates legal comments.

7. One Tower Hamlets Considerations

7.1 There are no specific One Tower Hamlets considerations, including anti-poverty and equal opportunity implications, arising out of this report.

8. Sustainable Action for a Greener Environment

8.1 There are no specific SAGE implications arising from the recommendations in the report.

9. Risk Management Implications

9.1 A robust Standards (Advisory) Committee is essential in ensuring the resilience of the Authority’s ethical framework.

10. Crime and Disorder Reduction Implications

10.1 There are no specific crime and disorder reduction implications, arising out of this report.

11. Appendices

- Appendix 1 SAC Terms of Reference
- Appendix 2 SAC Membership 2013/14
- Appendix 3 SAC Scheduled Meeting Dates 2013/14

LOCAL GOVERNMENT ACT, 1972 SECTION 100D (AS AMENDED)

LIST OF “BACKGROUND PAPERS” USED IN THE PREPARATION OF THIS REPORT

Brief description of “background paper”	Name and telephone number of holder and address where open to inspection
No unpublished background papers	N/A

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APPENDIX 1
STANDARDS (ADVISORY) COMMITTEE – TERMS OF REFERENCE

- **Agreed by the Council on 18th June 2012**
- **Standards Advisory Committee established with effect from 1st July 2012**

1. Standards Advisory Committee

The Council using the powers under section 102(4) of the Local Government Act 1972 have established a Standards Advisory Committee.

The Standards Advisory Committee shall have the power to create Sub-Committees in order to discharge its advisory role.

2. Composition

The Standards Advisory Committee shall be comprised of Members of the Council (not including the Mayor or more than one Cabinet Member), appointed by the Council in accordance with the requirements of political proportionality; and up to seven persons who are not Members or officers of the Council or any other relevant authority (i.e. Co-opted members.)

The Co-opted member(s) will be entitled to vote at meetings under the provisions of S13 (4) (e) of the Local Government and Housing Act 1989. The Standards Advisory Committee shall be chaired by a co-opted member.

The Committee shall establish Hearings and other Sub-Committees in accordance with these terms of reference.

3. Appointment of Co-Opted Members

A person may not be appointed as a Co-opted member of the Standards Advisory Committee or one of its sub-committees unless the appointment is approved by Full Council. The term of appointment shall be for four years unless otherwise determined by Full Council or the Co-optee does not continue to fulfil any required conditions as may be determined by the Authority from time to time. Co-opted members may serve as many terms of appointment as the Council considers appropriate.

4. Role and Function

The Standards Advisory Committee has the following roles:

- 4.1 To recommend to the Monitoring Officer whether or not any complaint of a breach by the Mayor, a Councillor or a co-opted member of the Members Code of Conduct should be referred for investigation by the Monitoring Officer or an investigator appointed by the Monitoring Officer; and where a complaint has been subject to such investigation, to recommend whether or not the complaint should proceed to hearing. Where the

Monitoring Officer considers that a complaint should not be subject to investigation or should not proceed to hearing, s/he shall convene an Investigation and Disciplinary Sub-Committee of the Standards Advisory Committee which shall make the final decision on the matter;

- 4.2 To receive regular quarterly reports from the Monitoring Officer on the numbers of complaints of the Code received, the decisions taken by the Monitoring Officer (in consultation with the Independent Person) on such complaints and investigation outcomes where the investigation determines there was no evidence of a failure to comply with the code or where the investigation outcome recommends a local resolution;
- 4.3 To convene a Hearings Sub-Committee of three Members of the Standards Advisory Committee comprising two of the co-opted members and one Councillor to consider any matter where the investigation finds evidence of a failure to comply with the Code and a local resolution is not possible or appropriate;
- 4.4 To make such recommendations to Council in respect of the matter as the Hearings Sub-Committee considers appropriate as a result of any matter referred including;
 - Reporting its findings to Council for information;
 - Recommending to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) removal from any or all Committees or Sub-Committees of the Council;
 - Recommending to the Mayor removal from the Executive, or from particular Portfolio responsibilities;
 - Recommending the Monitoring Officer arrange training for the member;
 - Recommending removal from outside appointments to which he/she has been appointed or nominated;
 - Recommending withdrawing facilities provided to the member by the Council, such as a computer, website and/or email and Internet access;
 - Recommending excluding the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Executive Committee and Sub-Committee meetings;
 - Recommending the Member to contact the Council via specified point(s) of contact;
- 4.5 To convene a Hearings (Appeal) Sub-Committee of at least three different Members of the Standards Advisory Committee (comprising two of the co-opted members and one Councillor) to consider any appeal against a finding of, or sanction recommended by, the Hearings Sub-Committee;
- 4.6 To receive reports on compliance with any recommendation(s) made for sanctions to be applied in respect of any member;
- 4.7 Promoting and maintaining high standards of conduct by the Mayor, Members of the Council, co-opted members including church and parent

governor representatives and where the Committee considers that there may be issues of concern recommending that the Monitoring Officer considers and reports on the issues raised;

- 4.8 Assisting the Mayor, Members of the Council, co-opted members including church and other faiths and parent governor representatives to observe the Council's Code of Conduct for Members;
- 4.9 Advising the Council on the adoption or revision of the Code of Conduct for Members;
- 4.10 Monitoring the operation of the Code of Conduct for Members;
- 4.11 Advising, training or arranging to train the Mayor, Members of the Council and co-opted members including church and other faiths and parent governor representatives on matters relating to the Code of Conduct for Members;
- 4.12 To act as an advisory body in respect of any matters referred to the Standards Committee by the Local Strategic Partnership (LSP) or Community Forums in respect of probity issues arising out of the codes and protocols applicable to relevant members of the LSP and Community Forums as set out in the Community Forum handbook and as may be amended from time to time;
- 4.13 To advise on allegations of Member breaches of the Protocols set out in the constitution as may be referred to the Committee by the Monitoring Officer and to make recommendations with regard to such allegations as maybe so referred;
- 4.14 Advising on local protocols for both Officer and Member governance;
- 4.15 To monitor and review Member and Officer Procedures for registering interests and declaring gifts and hospitality;
- 4.16 To receive periodic reports on the Council's Ethical Governance arrangements, on whistle blowing arrangements and complaints; and
- 4.17 As requested by the Monitoring Officer, to establish a Dispensations Sub-Committee to advise on any applications for dispensations in relation to participation at a meeting by a member with a Disclosable Pecuniary Interest.

5. Validity of proceedings

A meeting of the Standards Advisory Committee or one of its sub-committees shall only be quorate where at least three members of the Committee or sub-committee are present for its duration and such quorum must include at least one councillor and at least one co-opted member.

Part VA of the Local Government Act 1972 applies in relation to meetings of the Standards Advisory Committee or its sub-committees as it applies to meetings of the Council.

6. Hearings Sub-Committee and Hearings (Appeal) Sub-Committee

Any Hearings Sub-Committee or Hearings (Appeal) Sub-Committee shall comprise a minimum of three Members of the Standards Advisory Committee at least two of whom shall be co-opted members.

The Hearings Sub-Committee shall consider complaints referred to it that the Mayor, an elected or co-opted Member of the Council may have failed to comply with the Council's Code of Conduct for Members or local protocol where the complaint has been subject to an investigation arranged by the Monitoring Officer and shall make recommendations accordingly. The Hearings Sub Committee shall decide at the outset of the meeting whether it is in the public interest that the Hearing is held in a public or private session in accordance with relevant statutory guidance as advised by the Monitoring Officer.

The membership of the Hearings (Appeal) Sub-Committee shall not include any member who served on the Hearings Sub-Committee that considered the same complaint.

The Independent Person, or if that person is unable to act a reserve Independent Person, shall have the right to attend all meetings of the Hearings Sub-Committee or Hearings (Appeal) Sub-Committee as an observer but may not vote or participate in the decision making.

7. Attendance Requirements

In the event that any Member of the Committee does not attend three or more consecutive meetings of the Committee, the Committee may draw the attention of the Council to such non-attendance and may recommend that the member concerned be replaced on the Committee.

The Committee shall not do so without first giving the absent Member an opportunity to make representations (which may be made in writing) as to their non-attendance and any matters they wish the Committee to take into account.

8. Procedures

The Committee shall agree a set of procedures to enable it to discharge the arrangements under these Terms of Reference.

9. Confidentiality

The Committee and any of its Sub-Committees may meet in private in accordance with the relevant legislation as advised by the Monitoring Officer.

Any meeting or part of a meeting that considers whether or not a complaint should be referred for investigation or, following an investigation should proceed to hearing, shall be held in private and all papers relating to that consideration shall remain confidential.

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APPENDIX 2

**STANDARDS (ADVISORY) COMMITTEE
MEMBERSHIP 2013/14**

Labour Group Nominations (and deputies)	Conservative Group Nomination (and deputy)	Respect Group Nomination (and deputy)	Other Nomination (and deputy)	Co-opted Members (appointed until May 2016)
Cllr David Edgar Cllr Judith Gardiner Cllr Sirajul Islam Cllr Motin Uz Zaman Deputies:- Cllr Mizanur Chaudhury Cllr Ann Jackson Cllr M A Mukit MBE	Cllr Zara Davis Deputies:- Cllr Dr Emma Jones Cllr Gloria Thienel	Cllr Fozol Miah Deputy:- Cllr Harun Miah	Cllr Abdul Asad Deputy:- Cllr Rofique U Ahmed	Mr Matthew Rowe Mr Eric Pemberton Ms Salina Bagum Mr Denzil Johnson Mr Barry Lowe (2 vacancies)

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APPENDIX 3
STANDARDS (ADVISORY) COMMITTEE
SCHEDULE OF MEETING DATES 2013/14

Tuesday 18 June 2013
Thursday 24 October 2013
Tuesday 14 January 2014
Tuesday 18 March 2014

Note

Meetings are currently scheduled to take place at 7.30pm in Room C1, 1st Floor, Town Hall, Mulberry Place, East India Dock, London E14 2BG.

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Agenda Item 6.2

Committee: Standards (Advisory) Committee	Date: 18 June 2013	Classification: Unrestricted	Report No.	Agenda Item No.
Report Of: Assistant Chief Executive (Legal Services)	Title: Standards (Advisory) Committee – Work Programme 2013/14			
Originating Officer: Angus Taylor, Principal Committee Officer, Democratic Services	Wards Affected: All			

DRAFT

1. SUMMARY

- 1.1 This report sets out a proposed work programme for the Standards (Advisory) Committee [SAC] in the 2013/14 municipal year.

2. RECOMMENDATIONS

That the SAC:-

- 2.1 Consider the proposed work programme as set out in section 4 of this report and identify any amendments or additions to be made; and
- 2.2 Agree, subject to any amendments or additions agreed at recommendation 2.1 above, the SAC work programme for the municipal year 2013/14, as set out in section 4 of the report.

3. BACKGROUND

- 3.1 The SAC replaced the statutory Standards Committee on 1 July 2012, following implementation of the Localism Act 2011. As with the former Standards Committee, a key role of the SAC is to promote high standards of ethical conduct by the Mayor, Members and officers. By putting in place a work programme for each municipal year the SAC will ensure that it is best placed to become an integral part of the work of the Council and can make a positive difference to ethical standards.
- 3.2 Section 4 below sets out a proposed SAC work programme for 2013/14.

4. PROPOSED SAC WORK PROGRAMME FOR 2013/14

4.1

Items to be considered 2013/14	SAC Date
Membership, terms of reference and programme of meetings 2013/14	18 June 2013
Standards (Advisory) Committee Work Programme 2013/14	18 June 2013
Corporate governance review - assessment against CIPFA/ SOLACE framework	18 June 2013
Appointment of Independent Person:- Update	18 June 2013
Code of Conduct for Members – Complains monitoring and proposed revisions to the arrangements for dealing with complaints	18 June 2013
Anti- Fraud Plan and Whistleblowing Strategy	24 October 2013
Complaints & Information Annual Report	24 October 2013
Members' Timesheets and Attendance Monitoring:	24 October 2013
Update on Member Complaints	24 October 2013
Report on Ethical Standards	24 October 2013
Quarter 1 RIPA Enforcement Report	24 October 2013
Complaints and Info 6 months Report	14 January 2014
Quarter 2 RIPA Enforcement Report	14 January 2014
Fraud Hub Report	14 January 2014
Update on Member Complaints	14 January 2014
Quarter 3 RIPA Enforcement Report	18 March 2014
Members' Timesheets and	18 March 2014

Attendance Monitoring:	
Update on Member Complaints	18 March 2014

5. COMMENTS OF THE CHIEF FINANCIAL OFFICER

5.1 There are no immediate financial implications arising out of this report.

6. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)

6.1 This report has been prepared for the Assistant Chief Executive (Legal Services) who is also the Council's Monitoring Officer and incorporates legal comments.

7. ONE TOWER HAMLETS CONSIDERATIONS

7.1 There are no specific One Tower Hamlets considerations, including anti-poverty and equal opportunity implications, arising out of this report.

8. SAGE IMPLICATIONS

8.1 This report has no immediate implications for the Council's policy of strategic action for a greener environment.

9. RISK MANAGEMENT IMPLICATIONS

9.1 A robust work programme will assist in ensuring that the SAC meets and discharges its functions effectively and efficiently.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 There are no specific crime and disorder reduction implications, arising out of this report.

**LOCAL GOVERNMENT ACT 1972 (AS AMENDED) SECTION 100D
LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT**

Brief description of "background paper"

Tick if copy
supplied for register

If not supplied, name
and telephone number
of holder

Standards Committee file

Isabella Freeman 020 7364 4800

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Agenda Item 6.3

Committee: STANDARDS (ADVISORY) COMMITTEE	Date: 18 June 2013	Classification: UNRESTRICTED	Report No.	Agenda Item No.
Report Of: Assistant Chief Executive (Legal Services)		Title: Corporate Governance Review		
Originating Officer: Isabella Freeman		Wards Affected: All		

1. SUMMARY

- 1.1 The Council's corporate governance arrangements are reviewed regularly against a framework of good practice produced jointly by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives (SOLACE).
- 1.2 This previous review was completed in 2011 and this report informs Members of the outcome of the most recent review completed in May this year.

2. RECOMMENDATION

The Standards (Advisory) Committee is recommended to: -

- 2.1 Note the content of this report and the outcome of the review as detailed in Appendix A.

**LOCAL GOVERNMENT ACT 2000 (SECTION 97)
LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT**

Brief description of "background paper"

Tick if copy
supplied for register

If not supplied, name
and telephone number
of holder

Standards Committee file

Isabella Freeman 020 7364 4800

3. **BACKGROUND**

- 3.1 The Committee's terms of reference include promoting and maintaining high standards of Member conduct and advising on local protocols for both officer and Member governance. These are matters which form an intrinsic part of the Council's corporate governance arrangements.
- 3.2 Corporate governance is the system by which local authorities direct and control their functions and relate to their communities. This will include decision making processes at all levels within the Council, community engagement, partnership activities, procurement procedures and Member/officer roles, responsibilities and conduct.
- 3.3 On a regular basis, officers have mapped the Council's arrangements for corporate governance against the framework of good practice originally produced jointly by CIPFA and SOLACE in 2001. Since that time local government has been subject to continued reform to improve local accountability and engagement and the framework was revised in June 2007. In October 2007 the former statutory Standards Committee agreed the Council's current Local Code of Corporate Governance which reflects the requirements of the CIPFA/SOLACE framework.
- 3.4 The outcome of the review against the framework is detailed in the checklist at Appendix A. The framework identifies the following six core principles of good governance:
- **Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area.**
 - **Members and officers working together to achieve a common purpose with clearly defined functions and roles.**
 - **Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour.**
 - **Taking informed and transparent decisions which are subject to effective scrutiny and managing risk.**
 - **Developing the capacity and capability of members and officers to be effective.**
 - **Engaging with local people and other stakeholders to ensure robust public accountability.**
- 3.5 These six core principles are supplemented by a number of supporting principles as set out in the review checklist attached as Appendix A. The checklist also identifies the requirements which underpin the Local

Code of Corporate Governance and the specific source documents currently maintained by the Council to ensure compliance with these principles.

- 3.6 The previous review of corporate governance arrangements was completed in 2011. The fifth column in Appendix A therefore specifies the compliance/action identified as being required as a result of the 2011 review and the final column in Appendix A sets out the progress to date, any further action that needs to be taken and designates the responsible officer(s).
- 3.7 As part of the review process, the checklist has been considered by senior council officers to identify any further necessary action required as set out in the final column of Appendix A.

4. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 4.1 There are no immediate financial implications arising out of this report.

6. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 5.1 This report has been prepared by the Assistant Chief Executive (Legal Services) who is also the Council's monitoring officer and incorporates legal comments.

6. RISK MANAGEMENT IMPLICATIONS

- 6.1 Good corporate governance arrangements are essential to the operation and reputation of the Authority. Compliance with the revised CIPFA/SOLACE framework will ensure that the Council's arrangements are robust and improved where necessary.

7. ONE TOWER HAMLET CONSIDERATIONS

- 7.1 A robust corporate governance framework is key to maintaining effective community leadership and confidence in local democracy.

8. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 8.1 There are no specific crime and disorder reduction implications arising out of this report.

9. SAGE IMPLICATIONS

- 9.1 This report has no immediate implications for the Council's policy of strategic action for a greener environment.

10. APPENDICES

Appendix A – To Follow

Agenda Item 6.4

Committee: STANDARDS (ADVISORY) COMMITTEE	Date: 18 June 2013	Classification: Unrestricted	Report No.	Agenda Item No.
Report Of: Assistant Chief Executive (Legal Services)	Originating Officer: Isabella Freeman		Title: Code of Conduct for Members – Complaints Monitoring and Proposed Revisions to the Arrangements for Dealing with Complaints Wards Affected: N/AI	

1. SUMMARY AND BACKGROUND

- 1.1 The Standards (Advisory) Committee replaced the statutory Standards Committee on 1 July 2012 following implementation of the Localism Act 2011. Also from 1 July 2012 new arrangements (agreed by the Council on 18 June 2012) were implemented for dealing with complaints about alleged failures to comply with the Code of Conduct for Members.
- 1.2 The new arrangements (attached as appendix A) provide for the Monitoring Officer to report quarterly (or less frequently if there are no complaints to report) to this Advisory Committee on the number and nature of complaints received and action taken as a result.
- 1.3 This report contains information relating to complaints that have been dealt with about alleged failures to comply with the Code of Conduct for Members since the Advisory Committee last considered monitoring information at its meeting on 17 October 2012. The report also identifies proposed revisions to arrangements for dealing with complaints in light of experience of operating the new arrangements over the past year.

2. RECOMMENDATIONS

The Standards (Advisory) Committee is recommended to:

- 2.1 Note the complaints monitoring information contained in this report.
- 2.2 Consider and comment on the proposed revisions to arrangements for dealing with complaints, prior to the Monitoring Officer submitting proposals to full Council for approval.

**LOCAL GOVERNMENT ACT 1972 (AS AMENDED) SECTION 100D
LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT**

Brief description of "background paper"

Tick if copy
supplied for register

If not supplied, name
and telephone number
of holder

Standards (Advisory) Committee file

Isabella Freeman 020 7364 4800

3. COMPLAINTS REVIEW

3.1 Since 17 October 2012 five new complaints have been received alleging failures to comply with the Code of Conduct for Members.

3.2 In November 2012, a complaint (Ref: IDS/02/2012) was received from a member of the public alleging five potential failures of the Code by a Councillor:

- Lack of objectivity.
- Causing the authority to breach an equality enactment.
- Bringing the Authority or the office of Councillor into disrepute.
- Using or attempting to use the position as a Member to improperly secure an advantage/disadvantage.
- Failure to have regard to the Local Authority Code of Publicity.

These allegations were considered by a Deputy Monitoring Officer (Jill Bell) in consultation with the Independent Person (IP). Her decision agreed in consultation with the IP was not to refer the complaint for investigation. This decision was reported to the Investigation & Disciplinary Sub-Committee (of the Advisory Committee) and the sub-committee concurred with that decision.

3.3 In March 2013, a complaint (Ref: IDS/01/2013) was received from a Councillor alleging six potential failures of the Code by another Councillor:

- Failure to treat others with respect
- Bullying
- Acting in a way which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.
- Disclosure of confidential information
- Bringing the Authority or the office of Councillor into disrepute
- Using or attempting to use the position as a Member to improperly secure an advantage/disadvantage

These allegations were considered by a Deputy Monitoring Officer (David Galpin) in consultation with the IP. His decision agreed in consultation with the IP was to refer the complaint for investigation and that investigation is currently on going.

3.4 A complaint (Ref: IDS/04/2013) received at the end of April 2013 made by a member of the public alleges potential bullying by a Councillor. This complaint is currently being assessed and will be subject to consultation with the IP.

3.5 Two separate complaints were received in May 2013. Both complaints were made by Councillors about the conduct of other Members. One complaint (Ref: IDS/03/2013) alleges the potential improper use of

Council resources. The other complaint (Ref: IDS/02/2013) alleges potential disrespect and bullying. Both complaints are currently being assessed and will be subject to consultation with the IP.

4. PROPOSED REVISIONS TO THE ARRANGEMENTS FOR DEALING WITH COMPLAINTS ABOUT MEMBER CONDUCT

- 4.1 The new arrangements for dealing with complaints of breach of the Code of Conduct (Appendix A) have now been operating for almost a year. During this time it has become apparent that the following provisions contained in the new arrangements require revision:

Paragraph 8: This provides that an investigation should be completed within one month of the decision to refer the matter for investigation.

However, it has not been possible to complete investigations in this relatively short timescale. It is often the case that Members, officers and other witnesses involved in an investigation have competing diary requirements so that all necessary interviews cannot be completed within one month. Also the investigator is often required to verify disputed facts and will require time to produce an investigation report. In the circumstances, it is proposed to recommend to full Council that generally investigations should be completed within three months of the decision to refer a complaint for investigation.

Paragraph 9: This provides that the Monitoring Officer may, during the course of the investigation, seek local resolution of the matter to the satisfaction of the complainant before the investigation is concluded.

Attempts at local resolution are often most appropriately carried out before a complaint is referred for formal investigation. It is therefore proposed to recommend to full Council that this provision be extended to enable the Monitoring Officer (or any deputy of hers) to seek local resolution of a complaint before the complaint is referred for investigation but subject to a four week time limit.

Paragraph 10: This provides that where an investigation concludes that there is no evidence of failure to comply with the Code, the Monitoring Officer shall within ten working days consult with the IP and the Investigation & Disciplinary Sub-Committee (IDSC) to confirm that the matter should be closed without further hearing.

In practice, this time frame is often too short to obtain mutually convenient dates for consultation with the IP and to enable convenient dates to be obtained for a meeting of the IDSC. It is therefore proposed to recommend to full Council that the time frame is extended to four weeks.

5. COMMENTS OF THE CHIEF FINANCIAL OFFICER

5.1 There are no immediate financial implications arising out of this report.

6. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

6.1 This report has been prepared by the Assistant Chief Executive (Legal Services) who is also the Council's Monitoring Officer and incorporates legal comments.

7. RISK MANAGEMENT IMPLICATIONS

7.1 The provision of quarterly reports relating to the number and nature of complaints assists the Advisory Committee in exercising its oversight role in terms of promoting and maintaining high standards of conduct.

8. ONE TOWER HAMLETS IMPLICATIONS

8.1 There are no specific anti poverty or equal opportunity implications arising out of this report.

9. SAGE IMPLICATIONS

9.1 This report has no immediate implications for the Council's policy of strategic action for a greener environment.

LONDON BOROUGH OF TOWER HAMLETS**ARRANGEMENTS FOR DEALING WITH COMPLAINTS OF BREACH OF THE
CODE OF CONDUCT FOR MEMBERS**

Effective 1st July 2012. Arrangements agreed by the Council on 18th June 2012.

1. The Monitoring Officer shall be the Proper Officer to receive complaints of any failure by the Mayor, a Councillor or a co-opted member to comply with the Code of Conduct for Members. On receipt of a complaint the Monitoring Officer shall within three working days inform the subject member of the substance of the complaint on a confidential basis.
2. The Monitoring Officer shall ensure that the Council appoints at least one Independent Person and at least one reserve Independent Person.
3. Complainants must provide their name and postal address when submitting a complaint. Anonymous complaints will not be considered unless in exceptional circumstances where the Monitoring Officer decides (after consultation with the Independent Person) that the complaint raises a serious issue affecting the public interest which is capable of investigation without the need to ascertain the complainant's identity.
4. The Monitoring Officer shall, after consultation with the Independent Person and within ten working days of receiving the complaint (so far as practicable), determine whether a complaint merits formal investigation and arrange for such investigation. In making this determination the Monitoring Officer may at his/her discretion also consult other persons including Counsel.
5. In determining whether to refer a complaint for investigation, the Monitoring Officer may take into account how long has elapsed since the event(s) complained about took place and if this is more than one year, then a complaint will be rejected as out of time unless the complainant demonstrates that there are good reasons for the delay such as fresh evidence not available at the earlier date or only recently discovered.
6. The Monitoring Officer may refer a complaint of failure to comply with the Code to the Standards Advisory Committee or its sub-committee to recommend whether or not the complaint requires investigation where s/he feel that it is inappropriate for him/her to take the decision without seeking their advice. Where the Monitoring Officer considers that a complaint should not be subject to investigation, s/he shall convene an Investigation and Disciplinary Sub-Committee of the Standards Advisory Committee which shall make the final decision on the matter.
7. The Monitoring Officer will report quarterly (or less frequently if there are no complaints to report) to the Standards Advisory Committee on the number and nature of complaints received and action taken as a result. This will

include details of complaints that did not require investigation so that the Committee can exercise its oversight role.

8. If a complaint of failure to comply with the Code is referred for investigation the Monitoring Officer shall appoint an investigator or complete the investigation him/herself. Such investigation should be completed within one month of the decision to refer the matter for investigation. The Monitoring Officer may, having consulted the Standards Advisory Committee or its sub-committee, extend this period by up to a further month where s/he feels it is necessary to ensure an adequate investigation.
9. The Monitoring Officer may, during the course of the investigation, seek local resolution of the matter to the satisfaction of the complainant before the investigation is concluded.
10. Where any investigation into a complaint of breach of the Code finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer shall within ten working days of receipt of the investigation report, consult with the Independent Person and the Standards Advisory Committee Investigations and Disciplinary Sub-Committee to confirm their agreement that the matter shall be closed without further hearing. If the Sub-Committee agree then the matter is closed. The Monitoring Officer shall provide a copy of the report and findings of the investigation which shall be kept confidential to the complainant and to the member concerned and shall report the matter as part of the quarterly report to the Standards Advisory Committee for information.
11. Where the investigation finds evidence of a failure to comply with the Code of conduct, the Monitoring Officer in consultation with the Independent Person, may seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to Standards Advisory Committee in due course. Where such local resolution is not appropriate or not possible the Monitoring Officer shall report the investigation findings to a Hearings Sub-Committee of the Standards Advisory Committee for local hearing and recommendations. The Hearings Sub-Committee will be convened within one month of the Monitoring Officer receiving the investigation report. The Hearings Sub-Committee may sit in private after advice from the Monitoring Officer.
12. The Hearings Sub-Committee will advise the Monitoring Officer whether or not they consider there has been a breach of the Code and if they consider sanction is appropriate having heard the matter shall request that the Monitoring Officer prepare a report to Full Council setting out the details of the investigation, hearing and proposed sanction which may include any of the following:-
 - Recommend to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;

- Recommend to the Mayor that the member be removed from the Executive, or removed from particular Portfolio responsibilities;
 - Recommend the Monitoring Officer to arrange training for the member (subject to the Members agreement);
 - Recommend remove as from all outside appointments to which the Member has been appointed or nominated;
 - Recommend withdrawing facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
 - Recommend excluding the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Executive Committee and Sub-Committee meetings (as appropriate);
 - Recommend the member to contact the Council via specified point(s) of contact;
 - Write to the member with their advice on the Members conduct.
13. In determining any recommended sanction the Sub-Committee may take into account any previous breach by the member concerned and/or their compliance with any previous sanction applied.
14. Where a subject member feels that a recommended sanction would cause him/her undue hardship or prevent him/her from undertaking ward duties, that Member may make representations to the Council meeting that will consider the recommendations of the Hearings Sub-Committee on the relevant complaint. Any such representations shall be notified to the Monitoring Officer within five working days of the Hearing Sub-Committee meeting.
15. The recommendations of the Hearings Sub-Committee shall be published in a local newspaper in the Public Notices Section and on the Council's website as well as in the minutes of the meeting. The content of any notice to be published shall be subject to agreement by the Chair of the Hearings Sub-Committee. Following publication, a link to the notice shall remain on the front page of the Council's website for a period of one month or such other position and/or period as the Hearings Sub-Committee may recommend. The Monitoring Officer shall draft further guidance on the detailed procedures for publication of decisions as necessary.
16. A member who is the subject of a finding by the Standards Advisory Committee that he/she has breached the code may appeal against that finding and/or against any sanction applied. A complainant who is dissatisfied with the outcome of his/her complaint may appeal against that outcome. Any appeal under this section shall be notified in writing to the Monitoring Officer within 15 working days of the Hearings Sub-Committee recommendation being notified to the member or complainant and the Monitoring Officer shall arrange for the appeal to be heard by a Hearings (Appeal) Sub-Committee of the Standards Advisory Committee within 15 working days of receipt of the appeal. The decision of the Hearings Sub-Committee shall not be published, nor any sanctions applied, until the period allowed for an appeal has expired.

17. An appeal under 15 above may be made on grounds of either fact or defective procedure. The appellant must state the grounds on which the appeal is made and must provide specific reasons and any further information to support his/her appeal.
18. The Sub-Committee to hear any appeal under 15 above shall not include any member of the Hearings Sub-Committee that considered the investigation of the matter in question.
19. A member who is the subject of a complaint shall be informed of, and shall have the right to attend and/or be represented at, the hearing of the Standards Advisory Committee or any of its sub-committees that considers any matter relating to that complaint following investigation.
20. The timelines set out in this procedure are for guidance only and shall be observed where practicable but may be extended by the Monitoring Officer as necessary if they cannot be complied with by any relevant party due to sickness, holidays or other reasonable cause.