

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STANDARDS (ADVISORY) COMMITTEE

HELD AT 7.35 P.M. ON TUESDAY, 24 NOVEMBER 2015

**MP701, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON E14 2BG**

Members Present:

Matthew William Rowe (Chair)
Eric Pemberton (Vice-Chair)
John Pulford MBE
Salina Bagum
Nafisa Adam
Mike Houston
Daniel McLaughlin
Councillor Marc Francis
Councillor Sirajul Islam
Councillor Abdul Mukit MBE
Councillor Candida Ronald

Apologies:

Councillor Andrew Wood (Member)

Officers Present:

Melanie Clay	–(Corporate Director, Law Probity and Governance)
Sayed Khan	–(Graduate Management Trainee, Human Resources)
Graham White	–(Acting Corporate Director, Governance)
Matthew Mannion	– (Committee Services Manager, Democratic Services, Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no Declarations of Disclosable Pecuniary interests.

2. MINUTES OF THE PREVIOUS MEETING(S)

RESOLVED

1. That the minutes of the meeting held on 15 September 2015 be approved and signed by the Chair as a correct record of proceedings.

3. REPORTS FOR CONSIDERATION

3.1 Complaints and Information Annual Report

Graham White, Interim Service Head, Legal Services, and Sayed Khan, Complaints and Information Officer, introduced the report setting out information regarding the Council's handling of complaints and information requests in the year 2014/15.

They took Members through the details in the report and highlighted a number of points including that, in relation to Freedom of Information Requests:

- Tower Hamlets had one of the highest volumes of information requests in London but that the figures showed the requests were generally well-handled.
- Only 3.1% of the requests resulted in an Internal Review. This figure was low but it was important to learn from them to ensure the same mistakes were not repeated.
- Only 5 cases were determined by the Information Commissioner which was a very good percentage. Of those, three were upheld due to the delay in answering the questions.

In relation to Corporate Complaints a 17% rise in cases was reported although this increase was in line with other authorities. Escalations to the final stage dropped from 5% to 4%.

It was also reported that:

- The personalised disabled parking bay review had resulted in a big increase in complaints in that area.
- There had been a reduced volume of complaints in adult social care.
- Turnaround in answering complaints had slipped a little.
- There had been a significant increase in Local Government Ombudsman issues but that this was common across London and the country.
- Overall the Council was ranked 13th out of 33 London Boroughs and the City of London.
- Housing Ombudsman cases were also noted.

During discussion it was noted that a couple of named individuals were listed in the reports. The Committee discussed this and it was considered that the names should be redacted from the reports as this was Exempt information.

RESOLVED

1. That the names of the individuals listed in the report be redacted.

Members made a number of comments during discussion of the report, including that:

- The general improvement in performance was welcome and officers should be thanked for supporting this improvement.

- It was important to ensure that lessons were learnt from the failures listed. Officers confirmed that they did look for patterns or issues to tackle and agreed to include information on lessons learnt in later reports.
- It could be useful if the next report included an extra column where the officers could comment on cases (e.g. 'no safeguarding issues', 'procedures altered following review' etc.)
- It would be useful for the Committee to have more information on the procedures used to review cases.
- It was important that responses were published on the website and that the next report should confirm the level of compliance with this.
- Some personal experiences had not been as successful as the overall statistics suggested.

In response to points raised, officers stated that:

- They would provide Members with advice on how the corporate targets were set each year and whether higher targets were set.
- There were performance monitoring systems to ensure that teams promptly reviewed issues that arose.
- They would look to circulate historical benchmarking information to provide longer term comparisons with other London Boroughs.
- The Corporate Management Team was looking to promote transparent and prompt engagement with issues raised by residents.

Significant concerns were expressed about the handling of housing complaints and the performance of the Housing Ombudsman. There was a discussion around what role the Council could play in ensuring complaints were dealt with effectively by local housing associations if the Housing Ombudsman was not able to deal with the volume it was receiving and in particular how to ensure that housing associations properly dealt with complaints. It may be that the Council needed to act more strongly with poorly performing housing associations.

It was recognised that Tower Hamlets Homes was performing better than many housing associations and it was felt it could have a role as looking to become a Beacon. Councillor Sirajul Islam (as Cabinet Member for Housing Management and Performance) agreed to discuss the general issue with the Chief Executive of Tower Hamlets Homes. He also undertook to discuss with officers how complaints data was collated by the Council. It was noted that the Council did monitor responses to Member Enquiries in relation to housing associations.

The Committee noted that there were opportunities here to promote the Council's transparency agenda in encouraging more information to be automatically available to residents.

It was suggested that tenants' panels may need to be improved and the borough-wide panel given more exposure so residents knew it was available.

Peabody were provided as an example of a well-run housing association who may be able to provide advice on this issue.

It was suggested that new legislation relating to housing associations' responsibilities to Councillors and Local Authorities were not being taken seriously.

The Committee recommended that a protocol should be developed on how housing associations should respond to complaints.

Finally, the Chair thanked Ruth Dowden, Complaints and Information Manager for producing a useful and comprehensive report and in particular the proposed improvement and development initiatives set out in section 8 which the Committee endorsed.

RESOLVED

1. To note the performance figures for 2014/2015 under the complaints procedures and for requests under the Freedom of Information Act and Data Protection Act.
2. To note the work of Council in relation to Information Governance matters.
3. To note that remedial action in respect of complaints and lessons learnt are will be drawn out further in the 6 month update report.

3.2 Report of Investigations under the Regulation of Investigatory Powers Act (RIPA)

Graham White, Interim Service Head, Legal Services, introduced the report. He explained that this was a regular update report to the Committee providing details on current investigations of which there was only one at this time.

In response to questions officers confirmed that the use of these powers was being considered as part of the review of enforcement policy. Officers also agreed to write to the Committee with information on how RIPA investigations linked to HM Revenue and Customs.

RESOLVED

1. To note the report.

3.3 Code of Conduct for Members - Complaints and Investigation Monitoring

Melanie Clay, Director, Law, Probity and Governance, introduced the report. She highlighted that there were five new complaints about Members, all of which had come from members of the public. The response times for dealing with complaints was improving and she was looking to improve this further.

During discussion it was noted that it could prove challenging to find dates where sufficient Members were available to hold an Investigation and Disciplinary Sub-Committee.

In relation to Declarations of Interest it was highlighted that the Council's constitution was more wide ranging than the Statutory rules and that this was causing confusion. It was suggested that Member development training on this issue would be useful. It was agreed that this would be pursued. It was suggested that the previous session run for Standards (Advisory) Committee Members could be used as a template. The training could cover a number of points including:

- The differences between different types of interests.
- When Members could speak or would have to leave the room.
- Dispensations.

In relation to paragraph 3.2 to the report, on the proposed amendments to the arrangements for dealing with Code of Conduct issues, Melanie Clay reported that she had met with the Mayor and the Independent Person. A report on this work would be presented to the Standards (Advisory) Committee within the next few months.

Finally, it was also reported that the Governance Review Working Group's focus was developing so that it was not just looking at how the constitution but instead at wider issues around how the Council operated. It was important to ensure that the group had cross-party support. The Standards (Advisory) Committee would receive reports on relevant issues as required.

RESOLVED

1. To note the report.

3.4 Transparency Protocol: A Transparent Mayor, an Open Council

Melanie Clay, Director, Law, Probity and Governance, introduced the report. She explained that the Mayor had recently agreed this report at Cabinet and she felt that it was important that it be brought to the Standards (Advisory) Committee now for noting.

She highlighted that the report had been the Mayor's own initiative and that it highlighted a number of issues such as:

- Improving internal and external communications.
- Clarity, speed and efficiency of decision making.
- Public engagement and the role of Scrutiny.

During discussion of the report Members of the Committee raised a number of issues including:

- Ensuring procurement was open and transparent with good opportunities for local businesses to get involved.

- Whether the Scrutiny process was being properly supported.

Officers responded to a number of points raised including that:

- They would look to find out whether the Tower Hamlets Safer Neighbourhood Board was attended by ward representatives and if so how those roles were appointed/selected.
- Scrutiny should be able to rely on officer advice that was consistent with the advice given to Executive Members and that whilst resources were important, it was also necessary for Scrutiny to choose the areas where it could be most effective.
- They would determine when a final decision had been taken on the status of the Local Area Partnerships (LAPs).

The Committee expressed the view that they wished to see regular progress updates in relation to the Transparency Protocol.

RESOLVED

1. That the report be noted.

4. REPORTS FOR DISCUSSION

4.1 Recruitment of a Reserve Independent Person

The Committee considered the report requesting views on whether the Council should recruit a new Reserve Independent Person.

Following discussion, the Committee agreed that it was useful to have a Reserve Independent Person. However, they noted that the previous Reserve had not been used. It was also noted that the Council would have to undertake a recruitment exercise for the main Independent Person in the summer of 2016 as the term of the current post holder expired at that point.

The Committee therefore took the view that it was not necessary to undertake a separate recruitment process at this stage for a Reserve Independent Person but that the Council should look to include this within the recruitment exercise for the main post in the summer of 2016.

RESOLVED

1. That the Council be advised to include the appointment of a Reserve Independent Person within the procedures to recruit the Independent Person when that position next requires filling.

5. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

Members requested that officers review the types of reports that were being presented to the Standards (Advisory) Committee to ensure that all the appropriate reports were being presented.

A number of co-opted Members also asked if a flow-chart could be provided setting out how Council processes like the Complaints system worked.

The meeting ended at 9.47 p.m.

Chair, Matthew William Rowe
Standards (Advisory) Committee