

STANDARDS (ADVISORY) COMMITTEE

Thursday, 28 July 2016 at 7.30 p.m.

Committee Room 1, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG

This meeting is open to the public to attend.

Members:

Chair: TBA

Vice-Chair: TBA

John Pulford MBE, Nafisa Adam, Mike Houston, Daniel McLaughlin, Councillor Sabina Akhtar, Councillor Marc Francis, Councillor Ayas Miah, Councillor Candida Ronald, Councillor Ohid Ahmed, Councillor Muhammad Ansar Mustaqim and Councillor Chris Chapman

Observers:

Elizabeth Hall (Independent Person)

Deputies:

Councillor David Edgar, Councillor Shiria Khatun, Councillor Denise Jones and Councillor Peter Golds

The quorum for this body is 3 of the total membership including at least one Councillor and one Co-opted member.

Contact for further enquiries:

Antonella Burgio, Democratic Services,
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
Tel: 020 7364 4881
E-mail: antonella.burgio@towerhamlets.gov.uk
Web: <http://www.towerhamlets.gov.uk/committee>

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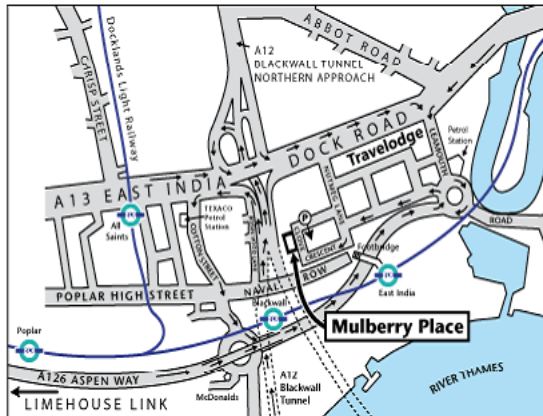
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1. ELECTION OF CHAIR FOR THE MUNICIPAL YEAR

To elect a Chair for the municipal year from amongst the Co-opted Members as prescribed in the terms of reference for Standards (Advisory) Committee.

2. APPOINTMENT OF VICE-CHAIR FOR THE MUNICIPAL YEAR

To appoint a Vice-Chair for the municipal year from amongst the Co-opted Members as prescribed in the terms of reference for Standards (Advisory) Committee.

APOLOGIES FOR ABSENCE

3. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST (Pages 1 - 4)

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.

4. MINUTES OF THE PREVIOUS MEETING(S) 5 - 10

To confirm as a correct record the minutes of the meeting of the Standards (Advisory) Committee held on 15 March 2016.

5. REPORTS FOR CONSIDERATION

5 .1 Terms of Reference, Quorum, Membership, Dates of Meetings and Establishment of Sub-Committees 11 - 24

5 .2 Covert investigation under the Regulation of Investigatory Powers Act 2000 25 - 30

Consider and comment upon the information provided in the report.

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

To consider any other unrestricted business that the Chair considers to be urgent.

Next Meeting of the Committee:

Thursday, 22 September 2016 at 7.30 p.m. to be held in the Committee Room 1, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG

Agenda Item 3

DECLARATIONS OF INTERESTS - NOTE FROM THE INTERIM 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 Interim 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:-

Melanie Clay, Corporate Director of Law, Probity & Governance & Monitoring Officer, Telephone Number: 020 7364 4801

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 7.35 P.M. ON TUESDAY, 15 MARCH 2016

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

Members Present:

Eric Pemberton (Vice-Chair)
John Pulford MBE
Salina Bagum
Nafisa Adam
Mike Houston
Daniel McLaughlin
Councillor Sirajul Islam
Councillor Andrew Wood
Councillor David Edgar (Substitute for Councillor Candida Ronald)
Councillor Danny Hassell (Substitute for Councillor Marc Francis)

Observers:

Elizabeth Hall – Independent Person

Apologies:

Councillor Marc Francis (Member)
Councillor Abdul Mukit MBE (Member)
Councillor Candida Ronald (Member)

Officers Present:

Melanie Clay – (Director, Law, Probity and Governance)
Matthew Mannion – (Committee Services Manager, Democratic Services, Law, Probity and Governance)

INTRODUCTIONS AND ELECTION OF CHAIR FOR THE MEETING

During the introductions at the start of the meeting, Melanie Clay, Director, Law, Probity and Governance, reported that the Chair of the Standards (Advisory) Committee had resigned from his post due to his now living outside of the Borough. It was agreed that the Vice Chair Eric Pemberton would Chair the meeting in his place.

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest.

2. MINUTES OF THE PREVIOUS MEETING(S)

RESOLVED

1. That the minutes of the meeting held on 24 November 2015 be agreed and signed by the Chair as a correct record of the meeting subject to the inclusion of Elizabeth Hall's apologies in the attendance details.

3. REPORTS FOR CONSIDERATION

3.1 Committee Membership Update

Melanie Clay, Corporate Director, Law, Probity and Governance, introduced the report providing an update on the Standards (Advisory) Committee membership. She put on record the Committee's and officers' thanks to Matthew Rowe the former Independent Chair who had resigned his membership. It was considered that he provided excellent support to the Council in his role and would be missed.

The report set out that an appointment process would now be necessary to recruit to the role. In due course a report would be presented to Council on the matter.

The Committee discussed the report and agreed that Matthew Rowe should be formally thanked for his work. It was agreed that Melanie Clay would write to him on behalf of the Council and the Committee.

RESOLVED

1. That the report be noted.
2. That the Director, Law, Probity and Governance write to the former Chair Matthew Rowe expressing the Committee's thanks for his hard work supporting good governance at the Council and wishing him all the best for the future.

3.2 Code of Conduct for Members - Complaints and Investigation Monitoring

Melanie Clay, Corporate Director, Law, Probity and Governance, introduced the regular update report on the Code of Conduct for Members. She reported that it was noticeable how there had been a complete drop off in complaints made by Councillors against each other which was a welcome development and was a credit to all parties.

It was noted that there had been delays in investigating a number of complaints but that since Melanie Clay had joined the Council she had looked to progress the issues and ensure that processes were right to allow future complaints to be handled more efficiently. Officers were also looking to use the Governance Review Working Group to test out potential revisions to the procedures.

The Chair noted that the Committee had looked to ensure complaints were tackled within three months but that this obviously depended on the complexity of the case.

Members discussed the Code of Conduct and Elizabeth Hall confirmed that a lot of work had been undertaken on looking at revisions to the Code but it was agreed that more work would be done and a briefing would be presented to the Committee Members for their consideration.

During discussion Members also requested that in the next update report, information be provided on the types of themes that emerge of the types of complaints made.

RESOLVED

1. To note the report.

3.3 Members' Attendance, Timesheets and Declaration of Interests: Monitoring Report

Matthew Mannion, Committee Services Manager, introduced the report setting out updates on Member attendance at Committee meetings, submission of timesheets and declarations of interest and engagement in Member Development Training.

The Committee began its discussion by looking at Member attendance at meetings. There was a general request to explore other ways of presenting the data. For example looking at percentage attendance as well as raw numbers. Officers promised to provide the Committee with examples of the different ways the data could be extracted from the Committee software to see which was most useful.

Members discussed the report and when looking at Member Development Training, stated that additional detail was useful in highlighting the different types of training, including workshops and setting out clearly when Members were required to attend and when it was optional or not relevant to that Member. It was noted that the Governance Review Working Group was exploring options for refreshing the training programme. Councillor Sirajul Islam noted that he should also be listed as having undertaken Appointments Sub-Committee training. It was noted that officers as well as Members would benefit from some of the training, such as around probity and it was suggested that officer training on responsiveness to enquiries by the public would be valuable.

The Committee then looked at the Appendix setting out the Timesheets submitted by Members over recent months. It was noted that, whilst many Members were complying with the requirement to submit timesheets a significant number were not.

It was noted that the Committee would regularly agree that the Chair should write to all Members setting out the importance of filling in timesheets and the view of the Standards (Advisory) Committee that they are an important part of the transparent monitoring of the work of Councillors. However, these regular letters did not appear to be improving the number of Members complying with the process and there was no sanction that could be applied to those that failed to comply.

A number of issues were noted with the system including:

- Members had not been shown how to submit timesheets electronically.
- The system required the submission of meeting attendance details when these were already known elsewhere in the system.
- The fields in the form were not all up to date.

Points noted in the general discussion included that:

- The Conservative Group had taken a group position that they did not have the time available to submit timesheets as responding to issues from the public had to take precedence with the time they had available.
- Timesheets were an inexact science and there were suggestions that some submissions were more accurate than others.
- No evidence had been produced to demonstrate that Timesheets were useful.
- How could Councillors demonstrate that they were working hard for their community if they were not reporting on their activity.
- The view of the Standards (Advisory) Committee (and the Standards Committee before it) had consistently been that submission of Timesheets was a valuable process and important in monitoring the work of Councillors.
- Submitting Timesheets should be a policy for all Councillors or else it was not worth doing.
- Tower Hamlets was unusual in requiring Members to submit Timesheets.

It was suggested that a cross-party decision was required as to whether Timesheets were going to be supported or not. It was therefore proposed to refer the issue to the Governance Review Working Group with the request that they take a view and report it back to the Standards (Advisory) Committee.

RESOLVED

1. That the report be noted.
2. That the Governance Review Working Group consider the use of the Member Timesheet system and report back to the Standards (Advisory) Committee.


4. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

Nil items.

The meeting ended at 8.37 p.m.

Chair, Eric Pemberton
Standards (Advisory) Committee

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Non-Executive Report of the: Standards (Advisory) Committee 28 th July 2016	
Report of: Melanie Clay, Corporate Director, Law, Probity and Governance	Classification: Unrestricted
Terms of Reference, Quorum, Membership, Dates of Meetings and Establishment of Sub-Committees	

Originating Officer(s)	Antonella Burgio, Committee Services
Wards affected	All Wards

Summary

This report sets out the Terms of Reference, Quorum, Membership and Dates of meetings of the Standards (Advisory) Committee for the Municipal Year 2015/16 for the information of members of the Committee

Recommendations:

The Standards (Advisory) Committee is recommended to:

- 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 Establish the following sub-committees for the municipal year 2016/17, to be convened as required on an ad hoc basis with membership agreed by the Monitoring Officer from amongst the members of the Standards(Advisory) Committee (SAC), including in each case a minimum of three members:-
 - Investigation and Disciplinary Sub-Committee
 - Hearing Sub-Committee
 - Dispensations Sub-Committee

1. REASONS FOR THE DECISIONS

- 1.1 The decisions are required to enable Members to be aware of the arrangements of the Committee and to establish its Sub-Committees so that complaints against members can be investigated and where necessary answered.

2. ALTERNATIVE OPTIONS

- 2.1 There are no alternative options applicable to this report

3. ANNUAL ESTABLISHMENT, TERMS OF REFERENCE AND QUORUM, AND DATES OF MEETINGS

- 3.1 At the Annual General Meeting (AGM) of the full Council held on 18 May 2016, the Authority approved the proportionality and establishment of the Committees and Panels of the Authority, including the Standards Advisory Committee (SAC) and appointment of Members thereto.
- 3.2 It is customary that following the full Council AGM that the committees established note their Terms of Reference, Membership and Quorum for the duration of the 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 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 Municipal Year agreed by the full Council and set out in the Committee Rules of Procedure in the Authority's Constitution.

4. MEMBERSHIP

- 4.1 Full Council has agreed that the SAC shall comprise :
- 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.
 - 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.

The terms of office for current co-opted members of the SAC are as follows:-

Mr John Pulford MBE	appointed in 2013, term expires in September 2017.
Ms Nafisa Adam	appointed in 2015, term expires in February 2019.
Mr Michael James Houston	appointed in 2015, term expires in February 2019
Mr Daniel McLaughlin	appointed in 2015, term expires in May 2019.
Vacancy	
Vacancy	
Vacancy	

4.2 *Observers:*

With respect to the 'Independent Person' (IP) role introduced nationally under the new 'standards regime resulting from the Localism Act 2011, a public recruitment exercise concluded in June 2013 with the recommendation to full Council (26 June 2013) to make appointments of an IP and Reserve IP. The appointments were approved by Full Council as required. Council has also agreed that the IP and Reserve IP be invited to all SAC meetings in the capacity of observers.

The appointed reserve IP has since stood down and the term of office for IP Ms Elizabeth Hall comes to an end in July 2016. To address this circumstance a report has been presented to Council on 20 July 2016 requesting that her appointment be extended for two years.

4.3 *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.

4.4 *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. SUB COMMITTEES

5.1 SAC Sub-Committees are established at the beginning of each municipal year. Their function is to investigate allegations of misconduct made against Elected Members and, where necessary, to carry out a determination. Following the Localism Act 2011, the compulsory arrangements for standards committees in England were withdrawn. However, Tower Hamlets Council has chosen to maintain these arrangements on a voluntary basis to ensure that robust ethical arrangements for standards in public life can be continued.

5.2 Sub-Committee membership is drawn from the membership of the parent committee and meetings can be convened as required on an ad hoc basis with each sub-committee membership agreed by the Monitoring Officer.

Each Sub-Committee convened shall comprise a minimum of three members in the following categories:

- Investigation and Disciplinary Sub-Committee
- Hearing Sub-Committee
- Dispensations Sub-Committee

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 Matters brought before the Committee under its terms of reference during the year will include comments on the financial implications of decisions provided by the Chief Finance Officer. There are no specific comments arising from this report.

7. LEGAL COMMENTS

7.1 The information provided for the Committee to note is in line with the Council's Constitution and the resolutions made by Full Council on 18 May 2016.

8. ONE TOWER HAMLETS CONSIDERATIONS

8.1 When drawing up the schedule of dates, consideration was given to avoiding school holiday dates and known dates of religious holidays and other important dates where at all possible.

9. BEST VALUE (BV) IMPLICATIONS

9.1 There are no specific Best Value implications arising from this report.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

10.0 There are no specific sustainability implications arising from this report

11. RISK MANAGEMENT IMPLICATIONS

11.1 The terms of reference for the Standards Advisory Committee and the accompanying appendices provides a means of ensuring the work of the Board and its sub committees is noted.

12. CRIME AND DISORDER REDUCTION IMPLICATIONS

12.1 There are no specific crime and disorder implications arising from this report.

Linked Reports, Appendices and Background Documents

Linked Report

- None.

Appendices

- Appendix 1 – Standards Advisory Committee Terms of Reference
- Appendix 2 – Appointments to Committee
- Appendix 3 – Dates of Meeting

Local Government Act, 1972 Section 100D (As amended)**List of “Background Papers” used in the preparation of this report**

List any background documents not already in the public domain including officer contact information.

- None.

Officer contact details for documents:

- Antonella Burgio, Democratic Services, 0207 364 4881

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APPENDIX 1

STANDARDS (ADVISORY) COMMITTEE TERMS OF REFERENCE

1. 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 its terms of reference.

2. 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.

3. Roles and Functions

The Standards Advisory Committee has the following roles:

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;
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;

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. 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;
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;
6. To receive reports on compliance with any recommendation(s) made for sanctions to be applied in respect of any member;
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;

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;
9. Advising the Council on the adoption or revision of the Code of Conduct for Members;
10. Monitoring the operation of the Code of Conduct for Members;
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;
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;
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;
14. Advising on local protocols for both Officer and Member governance;
15. To monitor and review Member and Officer Procedures for registering interests and declaring gifts and hospitality;
16. To receive periodic reports on the Council's Ethical Governance arrangements, on whistle blowing arrangements and complaints; and
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.

4. 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.

5. 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.

6. 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.

7. Procedures

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

8. 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.

APPENDIX 2

STANDARDS ADVISORY COMMITTEE
(Seven Members of the Council (who may not include the Mayor or more than one other Cabinet Member) - plus up to seven co-opted members, one of whom shall chair the Committee)

<i>Labour Group (4)</i>	<i>Independent Group (2)</i>	<i>Conservative Group (1)</i>	<i>Co-opted Members (for information)</i>
<p>Councillor Sabina Akhtar Councillor Marc Francis Councillor Ayas Miah Councillor Candida Ronald</p> <p>Deputies:-</p> <p>Councillor David Edgar Councillor Shiria Khatun Councillor Denise Jones</p>	<p>Councillor Ohid Ahmed Councillor Md Mustaqim</p> <p>Deputies:-</p>	<p>Councillor Chris Chapman</p> <p>Deputies:-</p> <p>Councillor Peter Golds</p>	<p>Mr John Pulford MBE Ms Nafisa Adam Mr Michael Houston Mr Daniel McLaughlin Vacancy Vacancy Vacancy</p>

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APPENDIX 3

STANDARDS (ADVISORY) COMMITTEE


SCHEDULE OF MEETING DATES 2016/17

Thursday 28 July 2016
Thursday 22 September 2016
Thursday 24 November 2016
Wednesday 1 March 2017

Note

Meetings are currently scheduled to take place at 7.30pm at the Town Hall, Mulberry Place, East India Dock, London E14 2BG, with the exception of meetings scheduled to take place during the Ramadan period (where meetings start at an earlier time of 5.30pm).

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Non-Executive Report of the: Standards Advisory Committee 28 July 2016	
Report of: Monitoring Officer	Classification: Unrestricted
Report of Investigations under the Regulation of Investigatory Powers Act (RIPA)	

Originating Officer(s)	Melanie Clay
Wards affected	All wards

Summary

The codes of practice issued by the Home Office in relation to Part 2 of the Regulation of Investigatory Powers Act 2000 (“**RIPA**”) recommend that elected members have oversight of the Council’s use of these provisions. This report summarises the Council’s use of those powers and other activities under RIPA.

Recommendations:

The Standards Advisory Committee is recommended to:

1. Consider and comment upon the information provided in the report.

1. **REASONS FOR THE DECISIONS**

- 1.1 The information in the report is provided so that elected and independent members may oversee the Council’s use of powers under RIPA.

2. **ALTERNATIVE OPTIONS**

- 2.1 It is open to members to provide such comments on the Council’s use of RIPA powers as they consider appropriate.

3. **DETAILS OF REPORT**

3.1 **Covert investigation and RIPA**

- 3.2 The Council has broad statutory functions and takes targeted enforcement action in relation to those functions, having regard to the Tower Hamlets Community Plan, the Council’s Local Development Framework, any external targets or requirements imposed under relevant legislation and the Council’s

enforcement policy. There may be circumstances in the discharge of its statutory functions in which it is necessary for the Council to conduct directed surveillance or use a covert human intelligence source for the purpose of preventing crime or disorder.

3.3 RIPA was enacted to provide a framework within which a public authority may use covert investigation for the purpose of preventing or detecting crime or of preventing disorder. It is designed to ensure that public authorities do not contravene the obligation in section 6(1) of the Human Rights Act 1998 not to act in a way which is incompatible with an individual's rights under the European Convention on Human Rights ("ECHR"). It is particularly concerned to prevent contravention of the qualified right in Article 8 of the ECHR to respect for private and family life, home and correspondence.

3.4 **The Council's use of RIPA**

3.5 The Monitoring Officer is the senior responsible officer for ensuring the Council complies with RIPA.

3.6 The Council has policies on the use of directed surveillance or covert human intelligence sources. The current versions of these policies were approved by Cabinet on 3 October 2012, as appendices to the Council's enforcement policy. The Council has in place guidance manuals to assist officers in the authorisation process. The Enforcement Policy and the appendices have been reviewed and will be submitted to Cabinet for approval in Autumn 2016.

3.7 The Council's current priorities for using RIPA, as specified in its policies are –

- Anti-social behaviour
- Fly-tipping
- Unlawful street vending of DVDs and tobacco
- Underage sales of knives, tobacco, alcohol and fireworks
- Fraud, including misuse of disabled parking badges and claims for housing benefit
- Illegal money-lending and related offending
- Breach of licences
- Touting.

3.8 These priorities will be considered in the review of the enforcement policy.

3.9 The Council may only use covert investigation for the purposes of serious offences. This means an offence of the following kind –

- An offence punishable by a maximum term of at least 6 months of imprisonment.
- An offence under section 146 of the Licensing Act 2003 (sale of alcohol to children).
- An offence under section 147 of the Licensing Act 2003 (allowing the sale of alcohol to children).

- An offence under section 147A of the Licensing Act 2003 (persistently selling alcohol to children).
 - An offence under section 7 of the Children and Young Persons Act 1933 (sale of tobacco etc. to persons under eighteen).
- 3.10 The Council must also have approval from a court, in addition to an internal authorisation granted by its authorising officer, before carrying out covert surveillance.
- 3.11 In accordance with the Council's policies and manuals, a central record is maintained in Legal Services of all authorisations and approvals granted to carry out either directed surveillance or to use covert human intelligence sources (authorisations under Part 2 of RIPA). The Council provides an annual return to the Office of Surveillance Commissioners ("OSC"), based on the central record.
- 3.12 In order to ensure that applications for RIPA authorisation are of an appropriate standard, the Council's policies and manuals provide that all applications for authorisation to conduct directed surveillance or to use covert human intelligence sources should be considered by a gatekeeper before being passed on to the authorising officer. The Council has a single gatekeeper (the Head of Community Safety Enforcement & Markets within the Community Safety Service). In the absence of the Head of Community Safety Enforcement & Markets, the HLS may act as gatekeeper. The gatekeeper must work with applicant officers to ensure an appropriate standard of applications, including that applications use the current template, correctly identify known targets and properly address issues of necessity, proportionality and collateral intrusion.
- 3.13 The Council has a single authorising officer (Service Head - Community Safety), who has responsibility for considering applications to use directed surveillance or covert human intelligence sources. The policies provide that the Head of Internal Audit may stand in for the Service Head, Safer Communities where the Monitoring Officer or HLS consider it necessary.
- 3.14 The Council's policies and manuals require officers who apply for RIPA authorisations to expeditiously forward copies of authorisations, reviews and cancellations to Legal Services for the central record. The HLS (or deputy) may attend fortnightly at the Communities, Localities and Culture Directorate's (CLC) internal deployment and tasking meetings to ensure the central record is being kept up to date. Representatives of each service area in CLC and the Police attend these meetings. The Council's authorising officer and gatekeeper attend. The meetings provide an opportunity to check the status of applications and authorisations under RIPA and a forum at which officers may present any operations plans where covert investigation may be required and seek a steer from those at the meeting.
- 3.15 The Council's RIPA applications in Q3 2015/16**

- 3.16** One application was made for a RIPA authorisation in the third quarter of 2015/2016 (under Unique Reference Number URN 15/16 – CS005). There was a review on 2 November 2015, the investigation was into a network of illegal street traders dealing in illicit tobacco, operating in the Whitechapel Road's market area. The traders sell considerable quantities of tobacco, but only kept small quantities in their possession, requiring them to replenish the product they hold. In addition, a number of business premises have been identified as being used to support the illicit network.

On 26 November 2015, Trading Standards Officers executed warrants granted by Stratford Magistrates Court under the Consumer Rights Act 2015. The Warrants were executed with the following results:

- Illicit cigarettes; packets – 738 – cigarettes – 18,960;
- Illicit shisha – 78 packets;
- HRT (Hand Rolling Tobacco) – 12350 (12.35 kg);
- Chewing tobacco not carrying appropriate warnings – 3186

A large quantity of cash was discovered by Trading Standards Officers along with gold bars which was seized by the Police under the Proceeds of Crime Act 2002. The Police made seven arrests and are investigating passport/identity fraud and stolen goods. Following the execution of the Warrants it was no longer necessary to carry on the surveillance. The Judicial Authorisation was cancelled on 7 December 2015.

3.17 The Council's RIPA applications in Q4 2015/16

- 3.18** One application has been made for a RIPA authorisation in the fourth quarter of 2015/2016 (under Unique Reference Number URN 15/16 – CS006). There was an application for Judicial Authorisation at Thames Magistrates' Court on 19 January 2016 in respect of Operation Sadler which relates to false claim for social housing. Authorisation was granted for a period of approximately 3 months for the Council to carry out direct surveillance. The Authorisation was reviewed on 24 February 2016, and it was decided by the Fraud Team that there were insufficient evidence to instigate proceedings. The Authorisation was cancelled on 14 March 2016.

3.19 The Council's RIPA applications in Q1 2016/17

- 3.20 There have been no applications to date.

3.21 Update

- 3.22 Council Officers attended RIPA training on 11 December 2015.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 This is a report of the Council's use of the Regulation of Investigatory Powers Act 2000 ("RIPA") to the Standards Committee. There are no financial implications arising from this report.

5. LEGAL COMMENTS

- 5.1 Legal implications are addressed in the body of the report.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 Enforcement action that complies with the five principles expressed in the Council's enforcement policy should help to achieve the objectives of equality and personal responsibility inherent in One Tower Hamlets.
- 6.2 The enforcement policy should enhance Council efforts to align its enforcement action with its overall objectives disclosed in the Community Plan and other key documents such as the local area agreement and the Local Development Framework. For example, one of the key Community Plan themes is A Great Place to Live. Within this theme there are objectives such as reducing graffiti and litter. The enforcement policy makes clear the need to target enforcement action towards such perceived problems. At the same time, the enforcement policy should discourage enforcement action that is inconsistent with the Council's objectives.
- 6.3 Enforcement action may lead to indirect discrimination in limited circumstances, but this will be justified where the action is necessary and proportionate. Necessity and proportionality are key considerations in respect of every application for authorisation under RIPA.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 The report does not propose any direct expenditure. Rather, it is concerned with regularising decision-making in areas in which the Council is already active. The enforcement policy seeks to ensure that enforcement action is targeted to the Council's policy objectives. This is more likely to lead to efficient enforcement action than a less-controlled enforcement effort. It is also proposed that members will have an oversight role through the Standards Committee. This will provide an opportunity to judge whether the Council's enforcement action is being conducted efficiently.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 The enforcement policy seeks to target the Council's enforcement action in accordance with the Community Plan. The Community Plan contains the Council's sustainable community strategy for promoting or improving the economic, social and environmental well-being of Tower Hamlets and contributing to the achievement of sustainable development in the United Kingdom. To the extent that the enforcement policy aligns enforcement action

with the Community Plan it will tend to promote sustainable action for a greener environment.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 Enforcement action carries with it a variety of inherent risks, including the potential for allegations of over- or under-enforcement, discrimination, adverse costs orders and damage to the Council's reputation. It is considered that proper adherence to RIPA, the codes of practice, the Council's policies and guidance will ensure that risks are properly managed. Oversight by the Standards Committee should also provide a useful check that risks are being appropriately managed.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 As set out in paragraphs 3.1 and 3.2 of the report, the Council's use of covert investigation may be a necessary part of its enforcement work, but must be carried out having regard to the requirements of RIPA.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- NONE

Local Government Act, 1972 Section 100D (As amended)

List of "Background Papers" used in the preparation of this report

- NONE

Officer contact details for documents:

- N/A