

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE STANDARDS (ADVISORY) COMMITTEE**

**HELD AT 7.00 P.M. ON THURSDAY, 22 SEPTEMBER 2016**

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

**Members Present:**

John Pulford MBE (Chair)  
Nafisa Adam (Vice-Chair)  
Mike Houston  
Daniel McLaughlin  
Councillor Sabina Akhtar  
Councillor Marc Francis  
Councillor Ayas Miah  
Councillor Ohid Ahmed  
Councillor Muhammad Ansar Mustaqim  
Councillor Peter Golds (Substitute for Councillor Chris Chapman)

**Observers:**

Elizabeth Hall – Independent Person

**Other Councillors Present:**

**Apologies:**

Councillor Candida Ronald (Member)  
Councillor Chris Chapman (Member)

**Officers Present:**

Paul Greeno – (Senior Corporate and  
Governance Lawyer, Legal Services)  
Mark Norman – (Legal Advisor)  
Antonella Burgio – (Democratic Services)

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

There were no declarations of interest.

## **2. MINUTES OF THE PREVIOUS MEETING(S)**

### **RESOLVED**

That the minutes of the meeting held on 28<sup>th</sup> July 2016 be approved as a correct record of proceedings.

## **3. REPORTS FOR CONSIDERATION**

### **3.1 Recruitment of Reserve Independent Person and Independent Co-opted Members**

Mark Norman, Legal Adviser informed the Committee that:

- Recruitment had been initiated and the post advertised electronically and in local press until 12 October. Advice on the appropriate channels for advertising the posts had been given by Corporate Communications on this occasion but in future there should be more opportunities to advertise such roles in the community. Enquiries would be made around advertising the posts via social media.
- The interviewing panel would comprise the Chair of the committee and 2 officers (one being the Corporate Director Law Probity and Governance or her representative)

Responding to Members' questions, the Legal Adviser also informed Members:

- The Communications Strategy was under review at present and because of the size of the contract it was required to comply with European Union (EU) regulations.
- Co-opted members were unable to exercise voting powers at Investigation and Disciplinary Sub-Committees (I&DSC) as under Local Government legislation they could only vote on advisory matters. The I&DSC is decision making and therefore co-opted members views can be taken into account but decisions can only be discharged by elected representatives.
- The Co-optee vacancies, except for one, had arisen because co-optee terms of office had expired.
- Recruitment of co-opted members by Standards Advisory Committee was authorised by Council at its meeting in July 2016. These appointments would also be confirmed by Council.

### **RESOLVED**

That the content of the report be noted.

### **3.2 Code of Conduct for Members - Complaints and Investigation Monitoring**

Mark Norman, Legal Adviser informed the Committee that of the complaints reported at appendix 1:

- Two complaints had been closed one following an independent investigation, the other without investigation and no further action agreed by I&DSC in both cases.
- One complaint had been closed following local resolution.
- Two complaints were awaiting determination via a forthcoming I&DSC.

Responding to Members' questions, the Legal Adviser also informed Members that monitoring information was last reported to the Advisory Committee in March 2016. At that time all complaints had been dealt with and closed with the exception of one matter which had been subject to external investigation.

#### **RESOLVED**

That the complaints and investigation monitoring information contained in Appendix 1 to the report be noted.

### **3.3 Revised Code of Conduct for Members and Revised Arrangements for Dealing with Alleged Breach of the Code**

Mark Norman, Legal Adviser informed the Committee that:

- The report provided an update on the proposals for revisions to the Council's Code of Conduct for Members and revisions to the Arrangements for Dealing with Alleged Breach of the Code.
- The revised Code better empowered the Monitoring Officer to consider complaints around breaches of the code of conduct and expedite the consideration of complaints.
- The proposed revisions were considered and broadly supported by the cross party Governance Review Working Group on 8 June 2016.
- The report was presented to the Committee to seek views on a number of matters.

Members considered the following:

- Changes to the general principles of conduct to bring them up to date in terms of legislative context and current terminology. - The Committee did not raise any issues on this proposal.
- Greater clarity of the requirements to register and declare statutory disclosable pecuniary interests and other interests. – The Committee broadly supported this proposal.
- A potential increase in the current value (£25) requiring the registration of gifts and/or hospitality. - The Committee considered that, for better transparency, the value should remain unchanged.

- Providing greater autonomy for the Monitoring Officer to reject complaints at the initial stage (whilst retaining the ability to seek a view from the Investigation and Disciplinary Sub-Committee in more complex cases). - The Committee did not raise any issues on this proposal.
- Creating defined criteria on which the Monitoring Officer may reject complaints. - The Committee did not raise any issues on this proposal.
- Introducing a requirement for the Monitoring Officer to provide reasons for any rejection at the initial stage to the complainant (and include this in quarterly monitoring information provided to the Standards (Advisory) Committee). - The Committee did not raise any issues on this proposal.
- Introducing greater flexibility to seek local resolution of complaints at all stages of the process. - The Committee did not raise any issues on this proposal.
- Reducing the role of full Council to determine hearings and impose sanctions with a proposal that the Hearings Sub-Committee is decision making as to whether a breach has occurred but a requirement for full Council or the Mayor (as appropriate) to agree more serious sanctions such as removal of a Member from a Council Committee or the Executive. - The Committee did not raise any issues on this proposal.
- Abolishing the Hearings (Appeals) Sub-Committee. - The Committee supported this proposal since this function had never been exercised.

Responding to Members' questions, the Legal Adviser also informed Members:

- Sensitive data relating to member declarations would be dealt with in accordance with data protection regulations. Enquires would be made around practice at other local authorities for comparison.
- In relation to section 3 of the Code, this will be amended to specifically refer to the criminal sanction for failure to declare disclosable pecuniary interest. Anonymous complaints would be difficult to administer since, in most cases in order to properly investigate, the complainant would be required to identify themselves. Principles of natural justice also require that a Member complained about is able to test evidence of alleged misconduct. Ultimately the monitoring Officer retains the ability to investigate anonymous complaints if it is possible and considered to be in the public interest to do so. complainants should identify themselves.

## **RESOLVED**

1. That the above comments on the proposed revisions be noted.
2. That the abolition of the Hearings (Appeals) Sub-Committee be endorsed.

### **3.4 Update on the Council's Whistleblowing Arrangements**

Paul Greeno, Senior Corporate and Governance Lawyer presented the update report informing the Committee that:

- Members would receive regular updates on the Council's arrangements for this policy.
- The scope of the policy would also include allegations of corruption.

Responding to Members' questions, the Senior Lawyer also informed Members:

- In relation to procedures for raising a concern and matters of anonymity, officers could create facilities for anonymous engagement but the risk that identity could be guessed could not be eliminated.
- Noting the demographic of the borough, officers would check in what alternative languages the policy could be made available.
- The Council aimed to create an organisational and cultural shift so that staff felt able to raise matters in house. Complaints would, in any event, be evaluated to assess whether it would be more appropriate to investigate them externally.
- Abbreviations used in the document would be clarified.
- There would be an update on two historic complaints yet to be determined under the old procedure. Officers noted:
  - the concerns raised by some Members regarding the necessity and cost of this proposal; and
  - that Independent Group Members disputed the necessity to review historic cases since 2010.

## **RESOLVED**

1. That the updated version of the Whistleblowing Policy at Appendix 1 be noted;
2. That the accompanying Process Chart, Blow the Whistle report form, guidance for investigators, and guidance for managers at Appendices 2 to 5 respectively, be noted;
3. That the whistleblowing concern and investigation monitoring information contained in Appendix 6 to this report be noted;
4. That the introduction of the 'clear up' project team be noted; and
5. That it be noted that an independent review is to be undertaken on how the Council handles concerns, with particular focus on the whistleblowing process.

### **3.5 Proposed Revised Licensing Code of Conduct**

Paul Greeno, Senior Corporate and Governance Lawyer presented the report which brought up to date the Code of Conduct relating to the Council's licensing functions.

Responding to Members' comments and questions, the Senior Lawyer also informed Members:

- Should members be lobbied or have concerns around an application, they should raise the matter with Legal Services. Members' commented that part of a councillors' role was to receive representations on matters of concern and that this role potentially conflicted with the Code. This point was accepted and the last sentence of paragraph 9.1 would be deleted and necessary amendments made to paragraph 9 generally
- Declarations should be made in advance of any decision.
- That the term "man" at appendix 2 paragraph 2.3 would be made gender neutral.
- That the term "debar" at appendix 2 paragraph 5.8 be clarified.
- That the matter of ensuring that councillors were properly notified of applications in their Ward would be referred to the Licensing Team for investigation.

**Action by:** David Tolley, Head of Trading Standards and Commercial Services

### **RESOLVED**

1. That the revised Licensing Code of Conduct in Appendix 1 of the report be noted.
2. That it be noted that Licensing Code of Conduct is part of the Council's ethical framework and should be read in conjunction with the Councillors' Code of Conduct and the Member/Officer Protocol.
3. That it be noted, as this is a Member Code of Conduct, then pursuant to the terms of reference for the Standards (Advisory) Committee that this revised Code is being brought before this Committee for consideration so that the Committee can advise Council on the adoption or revision of the Code.
4. That it be noted that the revised Code will also go to General Purposes Committee for consideration.
5. That it be noted, that pursuant to Part 1 Paragraph 4.02 of the Constitution, the adoption and amendment of the revised Licensing Code of Conduct is a matter for Council; and
6. That members' consideration of the Code and comments on the adoption or revision of the Code be noted and incorporated as appropriate.

### **4. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

Nil items.

The meeting ended at 9.10 p.m.

Chair, John Pulford MBE  
Standards (Advisory) Committee