

STANDARDS (ADVISORY) COMMITTEE

Thursday, 29 June 2017 at 7.00 p.m.

Room MP702, 7th Floor, Town Hall, Mulberry Place, 5 Clove Crescent,
London E14 2BG

This meeting is open to the public to attend.

Members:

Chair: John Pulford MBE

Vice-Chair:

Nafisa Adam, Fiona Browne, Mike Houston, Daniel McLaughlin, Councillor Marc Francis, Councillor Ayas Miah, Councillor Candida Ronald, Councillor Ohid Ahmed, Councillor Muhammad Ansar Mustaqim, Councillor Chris Chapman and Councillor Aminur Khan

Observers:

Elizabeth Hall (Independent Person)

Deputies:

Councillor Asma Begum, Councillor Abdul Mukit MBE and Councillor John Pierce

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>

Scan this code
for an
electronic
agenda:



Public Information

Attendance at meetings.

The public are welcome to attend meetings of the Committee. However seating is limited and offered on a first come first served basis.

Audio/Visual recording of meetings.

Should you wish to film the meeting, please contact the Committee Officer shown on the agenda front page.

Mobile telephones

Please switch your mobile telephone on to silent mode whilst in the meeting.

Access information for the Town Hall, Mulberry Place.



Bus: Routes: D3, D6, D7, D8, 15, 108, and 115 all stop near the Town Hall.

Docklands Light Railway: Nearest stations are East India: Head across the bridge and then through complex to the Town Hall, Mulberry Place Blackwall station. Across the bus station then turn right to the back of the Town Hall complex, through the gates and archway to the Town Hall.

Tube: The closest tube stations are Canning Town and Canary Wharf

Car Parking: There is limited visitor pay and display parking at the Town Hall (free from 6pm)

If you are viewing this on line: (http://www.towerhamlets.gov.uk/content_pages/contact_us.aspx)

Meeting access/special requirements.

The Town Hall is accessible to people with special needs. There are accessible toilets, lifts to venues. Disabled parking bays and an induction loop system for people with hearing difficulties are available. Documents can be made available in large print, Braille or audio version. For further information, contact the Officer shown on the front of the agenda



Fire alarm

If the fire alarm sounds please leave the building immediately by the nearest available fire exit without deviating to collect belongings. Fire wardens will direct you to the exits and to the fire assembly point. If you are unable to use the stairs, a member of staff will direct you to a safe area. The meeting will reconvene if it is safe to do so, otherwise it will stand adjourned.

Electronic agendas reports and minutes.

Copies of agendas, reports and minutes for council meetings can also be found on our website from day of publication.

To access this, click www.towerhamlets.gov.uk/committee and search for the relevant committee and meeting date.

Agendas are available at the Town Hall, Libraries, Idea Centres and One Stop Shops and on the Mod.Gov, iPad and Android apps.



QR code for smart phone users.

APOLOGIES FOR ABSENCE

1. APPOINTMENT OF VICE-CHAIR

To appoint a Vice-Chair for the duration of the municipal year.

2. 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.

3. MINUTES OF THE PREVIOUS MEETING(S) 5 - 8

To confirm as a correct record the minutes of the meeting of the Standards (Advisory) Committee held on 1 March 2017.

4. REPORTS FOR CONSIDERATION

4 .1 Terms of Reference, Quorum, Membership, Dates of Meetings and Establishment of Sub-Committees 9 - 24

4 .2 Code of Conduct for Members - Complaints and Investigation Monitoring To receive a verbal update.

4 .3 Whistleblowing Update 25 - 34

4 .4 Clear Up Project Final Report 35 - 38

4 .5 Revised Planning Code of Conduct 39 - 68

4 .6 Members' Attendance, Timesheets and Declaration of Interests: Monitoring Report 69 - 84

5. 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, 19 October 2017 at 7.00 p.m. to be held in the Room MP702, 7th Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG

Agenda Item 2

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:-

Graham White, Acting Corporate Director, Governance & Monitoring Officer,
Telephone Number: 020 7364 4800

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>

This page is intentionally left blank

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STANDARDS (ADVISORY) COMMITTEE

HELD AT 7.30 P.M. ON WEDNESDAY, 1 MARCH 2017

**ROOM MP702, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON E14 2BG**

Members Present:

John Pulford MBE (Chair)
Nafisa Adam (Vice-Chair)
Fiona Browne
Mike Houston
Daniel McLaughlin
Councillor Marc Francis
Councillor Ohid Ahmed

Apologies:

Councillor Ayas Miah (Member)

Officers Present:

Paul Greeno – (Senior Corporate and Governance Lawyer,
Legal Services)

Antonella Burgio – (Democratic Services)

NOTICES

The Chair welcomed Fiona Browne who had recently been appointed as a co-optee to the Committee. At the Chair's invitation, Ms Browne introduced herself and spoke about her background and expertise and how these would benefit the work of the Committee.

The Chair also advised that following the recent review of proportionality, Councillor Ronald was no longer appointed to the Committee.

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest.

2. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meeting held on 24 November 2016 were approved as a correct record subject to inclusion of data relating officers in attendance.

MATTERS ARISING

The following matters were discussed arising from the minutes:

- Clarification on whether the timesheet submission amnesty should be expired before letters sent to councillors that had failed to submit returns.
- A report on timesheet submission was expected. Members were advised that a report would be made at the next meeting.
- Many members were unclear whether timesheet returns were mandatory.
- There needed to be a clear directive in regard to this matter.
- The Council had given no formal message indicating that keeping timesheets was no longer required therefore position of the Committee was that, in the absence of any such message, timesheet recording should continue and letters sent to Members.

Actions arising from the discussion:

- That the issue would be pursued as a governance matter.
- That the discussion would be taken back to Members Support who co-ordinate timesheet returns.

3. REPORTS FOR CONSIDERATION

3.1 Covert investigation under the Regulation of Investigatory Powers Act (RIPA) 2000

Paul Greeno Senior Lawyer presented the report informing the Committee that activity under RIPA legislation concerned

- covert surveillance activity and
- to obtain communications records via the National Fraud Agency.

The Committee heard that:

- RIPA regulations were modified two years ago and covert surveillance may only be undertaken when investigating serious offences having first obtained a magistrates order.
- The Council had made no applications under this legislation in quarters 2 and 3 in 2016/17.
- The officer responsible in relation to the Council's activity under this legislation is the Corporate Anti-Fraud Manager.
- The Council's arrangements had been and procedures had been reviewed following consultation with the Information Commissioner.

The following information was also providing arising from Members' questions:

- RIPA documents are not in the public realm
- No covert investigations were necessary when investigating counterfeit goods as officers used intelligence for their purposes. When investigating retail premises, officers would first seek a warrant.
- The gatekeeper for RIPA activity was the Head of Trading Standards.

- Reports of applications made are provided by National Fraud Agency. The gatekeeper acts as the single point of contact for the Council.

RESOLVED

That the report be noted.

3.2 Code of Conduct for Members - Complaints and Investigation Monitoring

Paul Greeno Senior Lawyer presented the report informing the Committee that there had been no complaints and investigations relating to alleged breaches of the member code of conduct or probity matters since the last meeting.

RESOLVED:

That the update be noted.

4. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

The following matters were considered:

1. Paul Greeno Senior Lawyer provided an update on recent changes relating to probity matters:
 - On 5 December 2016, Council approved the revised Code of Conduct dealing with conduct of all elected members and breaches.
 - The Planning Code of Conduct was being revised. A draft for consultation would be taken to Strategic Development Committee and Development Committee in March/April 2017
 - On 9th January 2017 the Council implemented its new senior officer structure comprising corporate directors (5), and divisional directors (formerly service heads). The Corporate Director for Governance would also incorporate the statutory Monitoring Officer function. This role was currently being undertaken on an interim basis by Graham White and Mark Norman was deputy monitoring officer.
 - There had been a review of proportionality which revealed that the Council was under no overall political control.
 - On 27 February 2017 training of Overview and Scrutiny Co-optees had taken place. This included training on ethics and probity.
 - Probity training for elected members and members of Standards Advisory Committee was planned for 3rd and 24th May 2017. Details would be confirmed following consultation with the Chair.
 - The Constitution Working Party had met twice and review Parts 1,2 and 3 of the Council Constitution. The revisions would be presented to Full Council in March 2017. Part 4 will be reviewed at the next meeting of the working party on 14 March 2017 at which time procedural rules would be reviewed. It was intended that the whole Constitution should be reviewed by the time of the Council Annual General Meeting in May 2017.

- A verbal update on the Whistleblowing Policy was given informing members that:
 - The policy was introduced in April 2016
 - 29 concerns had been raised since inception and 3 were raised in March.
 - 17 of the concerns raised were adjudicated to be whistleblowing concerns and these have been referred to the service area
 - Of the 12 remaining concerns, 1 has been completed, 6 are in progress and 3 have not had relevant information provided following requests. 2 concerns overlap with an investigation that has been concluded.
 - Councillor Francis enquired about a referral made under the previous policy and it was agreed that an answer would be given following the meeting.
- 2. The Chair enquired and it was confirmed that
 - the start time of meetings in the new municipal year would be 7.00pm.
 - the committee would not meet during Ramadan.
- 3. The Chair also advised that a position for the role of co-opted member remained vacant and asked members to consider whether an appointment to this post was required.

5. EXCLUSION OF THE PRESS AND PUBLIC

Nil items

6. ANY OTHER EXEMPT/CONFIDENTIAL BUSINESS THAT THE CHAIR CONSIDERS URGENT

Nil items.

The meeting ended at 8.25 p.m.

Chair, John Pulford MBE
Standards (Advisory) Committee

Non-Executive Report of the: Standards (Advisory) Committee 29 June 2017	
Report of: Matthew Mannion, Committee Services Manager	Classification: Unrestricted
Terms of Reference, Quorum, Membership, Dates of Meetings and Establishment of Sub-Committees	

Originating Officer(s)	Matthew Mannion
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 2017/18 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 2017/18, 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

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. DETAILS OF REPORT

- 3.1 At the Annual General Meeting (AGM) of the full Council held on 17 May 2017, 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 that have been 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 The Constitution provides that, the meetings will take place at 7.30pm unless the Chair otherwise decides. The Chair and Committee Members, last year agreed the meetings will take place at 7.00pm in accordance with the programme of meetings for principal committees as this time is deemed to be more convenient Members and public. Additionally any meetings that fall during the holy month of Ramadan are scheduled to commence at 5.30pm. Members may wish to determine their own meeting time in the forthcoming municipal year and are permitted to offer their views to the Chair.

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.
Fiona Browne	appointed in February 2017, term expires in February 2021
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 stood down in 2016 and the term of office for IP Ms Elizabeth Hall ended in July 2016. To address this circumstance a report was presented to Council on 20 July 2016 her appointment was 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

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 17 May 2017.

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

10.1 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

This page is intentionally left blank

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 (3)</i>	<i>Independent Group (2)</i>	<i>PATH Group (1)</i>	<i>Conservative Group (1)</i>	<i>Co-opted Members (for information)</i>
<p>Councillor Marc Francis Councillor Ayas Miah Councillor Candida Ronald</p> <p>Deputies:-</p> <p>Councillor Asma Begum Councillor John Pierce Councillor Md Mukit</p>	<p>Councillor Ohid Ahmed Councillor Md Ansar Mustaquim</p> <p>Deputies:-</p> <p>TBA</p>	<p>Councillor Aminur Khan</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 Ms Fiona Browne Vacancy Vacancy</p>

This page is intentionally left blank

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 (3)</i>	<i>Independent Group (2)</i>	<i>PATH Group (1)</i>	<i>Conservative Group (1)</i>	<i>Co-opted Members (for information)</i>
<p>Councillor Marc Francis Councillor Ayas Miah Councillor Candida Ronald</p> <p>Deputies:-</p> <p>Councillor Asma Begum Councillor John Pierce Councillor Md Mukit</p>	<p>Councillor Ohid Ahmed Councillor Md Ansar Mustaquim</p> <p>Deputies:-</p> <p>TBA</p>	<p>Councillor Aminur Khan</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 Ms Fiona Browne Vacancy Vacancy</p>

This page is intentionally left blank

APPENDIX 3

STANDARDS (ADVISORY) COMMITTEE


SCHEDULE OF MEETING DATES 2017/18

Thursday 29 June 2017
Thursday 19 October 2017
Thursday 25 January 2018
Wednesday 14 March 2018

Note

Meetings are currently scheduled to take place at 7.00pm 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 the earlier time of 5.30pm).

This page is intentionally left blank

<p>Non-Executive Report of the:</p> <p>Standards (Advisory) Committee</p> <p>29th June 2017</p>	
<p>Report of: Graham White, Interim Service Head, Legal Services and Deputy Monitoring Officer</p>	<p>Classification: [Unrestricted or Exempt]</p>
<p>Whistleblowing Update</p>	

Originating Officer(s)	Paul Greeno, Senior Corporate and Governance Legal Officer
Wards affected	All

Summary

This is a periodic report updating on the Council’s whistleblowing concern and investigation monitoring information as well as any relevant update on whistleblowing arrangements.

Recommendations:

The Standards (Advisory) Committee is recommended to:

1. Note whistleblowing concern and investigation monitoring information contained in Appendix 1 to this report.

1. REASONS FOR THE DECISIONS

1.1 This is a noting report.

2. ALTERNATIVE OPTIONS

2.1 This is a noting report.

3. DETAILS OF REPORT

Whistleblowing Policy

3.1 As part of the steps to improve the Council's organisational culture, the Council's approach to Whistleblowing has been reviewed and improved with a revised procedure accessible on the Council's intranet and website for use by staff and the public. A new stand-alone Whistleblowing Policy has been introduced and which is being kept under regular review. The Policy includes version control so that there can be an assurance that the most up-to-date policy is being used. The Policy specifies time limits and a requirement to keep the person raising a concern informed as to progress.

3.2 The new Policy and the investigation process are managed by the Monitoring Officer.

Whistleblowing Concerns raised since April 2016

3.3 This new Whistleblowing process was initially introduced in April 2016. Between then and 7th June 2017, 69 concerns have been raised under the new Policy. However, as there was an overlap between the introduction of the new Policy and the investigation process being managed by the Monitoring Officer, 3 concerns raised in March 2016 are also included: thus making the total number 72.

3.4 Of those 72, 35 did not fall within the framework of the Whistleblowing Policy and therefore were not whistleblower concerns. These were however referred to appropriate service area to respond.

3.5 Of the remaining 37 concerns:

- 5 investigations have been completed and closed
- 3 have been closed as further information that was required in respect of those concerns to enable them to be investigated was not provided
- 2 matters have been closed as they have been referred to other agencies to investigate

3.6 Appendix 1 sets out details of the 10 concerns that have been closed.

3.7 That leaves 27 open investigations. In respect of 5 of those, the investigations have been concluded and the Monitoring Officer is reviewing Investigation Reports before making a decision as to the final outcome. In the case of a further 5, these overlap with matters considered by the Clear Up Team. Those investigation reports are being considered and if they cover the same matters raised in the current concerns

then they will be closed. Should, however, they raise any new matters then those new matters will be investigated.

- 3.8 The remaining 17 are all ongoing investigations at various stages. 3 of those investigations, whilst being managed by the Monitoring Officer, are to be undertaken by external independent investigators due to the nature of the concerns raised.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 There are no direct financial implications arising from the recommendations within this report.

5. LEGAL COMMENTS

- 5.1 This is a report of Legal Services and any legal implications are addressed in the body of the report.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 The review of whistleblowing is a continuation of the Council's improvement to its organisational culture. It demonstrates a commitment to put the concerns of employees and local people first and for fair and transparent decision making and which contributes to the delivery of One Tower Hamlets priorities and objectives.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 The Council has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. This is referred to as the Council's best value duty.

- 7.2 By virtue of Directions made by the Secretary of State on 17th March 2015, the Council was required to draw up and agree with the Commissioners a strategy and action plan for securing the Authority's compliance with the best value duty. Part of that plan included setting up these new arrangements for whistleblowing.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 None.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 Ensuring a culture whereby persons feel empowered to raise concerns when there is a reasonable belief (and it is in the public interest) that one or more of a criminal offence, a breach of legal obligation, a miscarriage of justice, a danger to the health and safety of an individual, damage to the environment, and/ or a deliberate attempt

to conceal one of these, has occurred or is likely to occur is an important part of risk management and should reduce risks.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 Ensuring a culture whereby persons feel empowered to raise concerns when there is a reasonable belief (and it is in the public interest) that a criminal offence, a miscarriage of justice is likely to occur should assist in reducing crime.
-

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- 1 – Table of completed investigations

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:

- N/A

APPENDIX 1


Concern Ref. No.	Date Received by MO	Person Raising Concern	Details of Concern	Outcome of initial review	Final Outcome
002/WB/2016	15/03/2016	Member of the public on behalf of member of staff (anonymous)	Allegation of a string of gross misconduct offences by a Senior Manager. No details of the offences given	Matter raised fell within the framework of Policy. As insufficient details given, requested specific details of allegations.	Specific details of allegations not supplied and therefore matter closed
004/WB/2016	13/04/2016	Member the public and staff (all anonymous)	21 allegations against a Senior Manager including bullying; unhelpful and discriminatory behaviour; making defamatory statements. All over a span of 14 months. No details of any specific incidents given.	Matter raised fell within the framework of Policy. As insufficient details given, requested specific details of allegations.	Specific details of allegations not supplied and therefore matter closed
013/WB/2016	18/07/2016	Member of staff	HR issues - deletion of post & creation another post	Matter raised fell within the framework of Policy but concern now overtaken by events as post not authorised & matter being dealt with as part of an organisational review	27/07/2016 – Person who raised concern written to and advised whilst a whistleblowing matter that corrective actions requested by complainant had been taken
017/WB/2016	21/06/2016	Member of the public	Claim that 2 persons were fraudulently given a tenancy of property with the assistance of special favours from key officers in Tower Hamlets Homes	Matter raised falls within the framework of Whistleblowing Policy. Matter allocated for investigation	11/04/2017 – Case closed as no evidence of fraud and corruption. There were no untruths stated on the Waiting List application form but the lettings documentation is to be reviewed so that the question about property ownership explicitly includes ownership of properties abroad. Person who raised concern written to and advised of outcome

Concern Ref. No.	Date Received by MO	Person Raising Concern	Details of Concern	Outcome of initial review	Final Outcome
018/WB/2016	12/08/2016	Member of the public on behalf of Council staff (anonymous)	Claim of drug dealing by Council officers. Vehicles can possibly be identified by sources but not individuals. Matter referred to Police who took no action	Matter raised fell within the framework of Policy. Person who raised concern advised of Safeguards within Policy but replied not sufficient. There is a wider general investigation underway and person in charge of that investigation given details of this matter	Specific details of allegations not supplied and therefore matter closed.
028/WB/2017	01/02/2017	Member of the public (raised through the Mayor's Office)	Carers for a Care Agency are experiencing delays in their salaries being paid and which is down to delays in the Council paying invoices. Allegation that a Council Officer is seeking a 'kick back' to speed up payments	Matter raised fell within the framework of Policy if a Council Officer is seeking a 'kick back'	11/04/2017 - Case closed as no evidence of a Council Officer is seeking a 'kick back'. The issue in fact relates to Care Agency and their invoicing practices: late invoicing and last minute demands applying pressure to speed up payment to pay their wage bill. There have also been queries on invoices raised with Care Agency and which have been unanswered. The Mayor's Office were notified of outcome so the person who raised concern could be advised

Concern Ref. No.	Date Received by MO	Person Raising Concern	Details of Concern	Outcome of initial review	Final Outcome
029/WB/2017	07/02/2017	Member of the public (raised via a Councillor)	Potential Business Rate Fraud to Business Rates Team but no action to allegation appears to have been taken	Matter raised fell within the framework of Policy if Council Officers are just ignoring claims of fraud	12/04/2017 - Case closed as complaint was logged but as premises had been demolished and deleted from the Ratings List the matter could not be investigated. The Councillor was notified of outcome so the person who raised concern could be advised [Person who raised the initial allegation should have been written to however to acknowledge the allegation]
030/WB/2017	07/02/2017	Member of the public	Allegation of sexual abuse at a local school during the 1960s and that Council staff conspired to cover it up	Matter raised fell within the framework of Policy but as matter was allegation of historic sexual abuse that it should be referred to the Police for consideration/investigation in the normal way	Case referred to Met. Police's Non Recent Abuse Team and who have confirmed that they will contact the person raising the concern and to formally record any allegations that that person may wish to make

Concern Ref. No.	Date Received by MO	Person Raising Concern	Details of Concern	Outcome of initial review	Final Outcome
034/WB/2017	28/02/2017	Member of school staff	Concern regarding the wellbeing of pupils under the supervision of a particular individual. One incident had been reported to the head teacher but no action or change in attitude	Matter raised fell within the framework of Policy but as the Council has a specific process for raising such safeguarding issues and which is through the Local Authority Designated Officer (LADO and that it should be referred to the LADO for investigation in the normal way	Matter referred to LADO for independent investigation as per process
046/WB/2017	02/04/2017	Member of staff	Allegation that officers ignored concerns including health and safety concerns regarding 5 organisations who were contracted to deliver certain programmes and payments were then made to those organisations	Matter raised fell within the framework of Policy but the concern overlapped with a matter carried forward from the Clear-Up Team. The Clear Up Team investigation report (Case Ref. No. CU 023) was considered and did deal with the issues raised in the concern	The person raising the concern was written to advising that the matter had been considered during the investigation by the Clear Up Team and therefore the matter did not require reinvestigation. The person was advised of the summary of allegation investigated by Clear-Up Team; that that allegation was upheld; and of the 11 recommendations from the Clear-Up Board. The person was also advised that the Monitoring Officer will be keeping the matter under review

This page is intentionally left blank

Non-Executive Report of the: Standards (Advisory) Committee 29 th June 2017	
Report of: Graham White, Acting Corporate Director, Governance & Interim Monitoring Officer	Classification: Unrestricted
Clear Up Project Final Report	

Originating Officer(s)	Paul Greeno, Senior Corporate and Governance Legal Office
Wards affected	All

Summary

1. A report is being submitted to both Cabinet and Council to present the final report of the Clear Up Project. The Monitoring Officer has carefully considered this final report and where further action is required by the Council, the Monitoring Officer has allocated that action to various Corporate Directors and Divisional Directors.

2. The Corporate Leadership Team will monitor progress every other month until all the matters have been completed. Quarterly reports on progress will be submitted to the Overview and Scrutiny Committee and, if required, to Cabinet. The Standards Advisory Committee will also receive regular reports as its terms of reference include: “To receive periodic reports on the Council’s Ethical Governance arrangements, on whistle blowing arrangements and complaints”. The matters raised during the Clear Up Project go across both Ethical Governance and Whistleblowing.

Recommendations:

The Standards (Advisory) Committee is recommended to:

1. To note the report and that the Committee will be receiving regular reports relating to the progress of actions arising from the Clear Up Project with specific reference to Ethical Governance and Whistleblowing.

1. REASONS FOR THE DECISIONS

1.1 This is a noting report.

2. ALTERNATIVE OPTIONS

2.1 This is a noting report.

3. DETAILS OF REPORT

3.1 The Clear Up Project was launched in September 2016, and included a nominations window that closed on 8 December 2016. A total of 66 allegations were received during this period.

3.2 Since the New Year the independent project team has been considering each of the allegations: reporting progress and making recommendations regularly to the Clear Up Board comprising the Chief Executive, Monitoring Officer, Corporate Director, Resources and a lead Commissioner (Chris Allison).

3.3 The Clear Up Board considered the final investigation reports and the draft final report at the final Board meeting on 27 March 2017. Following that meeting the report was amended to include the Board's decisions upon the final investigation reports and was finalised.

3.4 Following receipt of the Clear Up Project report the Monitoring Officer has carefully considered the report and has allocated that action to various Corporate Directors and Divisional Directors.

3.5 At the onset of the Clear Up Project, the Final Report and schedule was to be considered by Members and placed in the public domain. This will be achieved by way of reference to both Cabinet on 27th June 2017 and Council on 19th July 2017 respectively. A copy of both the Final Report and a spreadsheet setting out those allocations as well as appropriate comments where no action is to be taken will be submitted to the next Standards Advisory Committee.

3.6 The Corporate Leadership Team will monitor progress every other month until all the matters have been completed. Quarterly reports on progress will be submitted to the Overview and Scrutiny Committee and if required to Cabinet. The Standards Advisory Committee will also receive regular reports as its terms of reference include: "To receive periodic reports on the Council's Ethical Governance arrangements, on whistle blowing arrangements and complaints". The matters raised during the Clear Up Project go across both Ethical Governance and Whistleblowing.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 The cost of the project was £121,786 and has been met from the Council's corporate contingency budget provision.

5. LEGAL COMMENTS

- 5.1 The Clear-Up Team was established to conduct a review of any unconsidered or inadequately considered allegations of improper Council decision making or impropriety in the discharge of Council functions which took place between October 2010 and June 2016. The Team considered allegations submitted during a three (3) month window from 8 September 2016 to 8 December 2016.

- 5.2 The governance of the Clear-Up Team has been overseen by the Clear-Up Board consisting of:

- Three Statutory Officers of the Council (Chief Executive (Chair), Section 151 Officer and Monitoring Officer).
- One DCLG Commissioner (Chris Allison)

- 5.3 As the Interim Monitoring Officer had been a member of the Clear-Up Board, he has ensured that any recommendations are neither unlawful nor give rise to maladministration.

- 5.4 There are no immediate legal implications arising at this time and the Monitoring Officer will be monitoring actions taken and when a matter has been completed to ensure that all appropriate lawful steps are taken to comply with the recommendations.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 The Clear Up Project is a continuation of the Council's improvement to its organisational culture. It demonstrates a commitment to put the concerns of employees and local people first and for fair and transparent decision making and which contributes to the delivery of One Tower Hamlets priorities and objectives.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 The Council has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. This is referred to as the Council's best value duty.

- 7.2 By virtue of Directions made by the Secretary of State on 17 March 2015 the Council was required to draw up and agree with the Commissioners a strategy and action plan for securing the Authority's compliance with the best

value duty. Part of that plan included a recommendation that the Council set up a Clear-Up Team to ensure that any historic unconsidered allegations of improper Council decision making or impropriety in the discharge of Council functions are properly investigated and determined. A natural consequence of the investigation and determination is to consider the findings and implement recommendations so as to continue to demonstrate the Council continued commitment to the best value duty.

- 7.3 Pursuant to the Direction of 28 March 2017 progress upon this matter will be included in the quarterly reports to the Secretary of State upon the Best Value Action Plan and Best and Best Value Improvement Plan.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 None.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 Ensuring a culture whereby persons feel empowered to raise concerns is an important part of risk management and should reduce risks.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 Ensuring a culture whereby persons feel empowered to raise concerns when there is a reasonable belief (and it is in the public interest) that a criminal offence or a miscarriage of justice is likely to occur and which involves the Council should assist in reducing crime.

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

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

- NONE.

Officer contact details for documents:

- N/A

Non-Executive Report of the: Standards (Advisory) Committee 29 th June 2017	
Report of: Graham White, Corporate Director, Governance and Interim Monitoring Officer	Classification: Unrestricted
Revised Planning Code of Conduct	

Originating Officer(s)	Paul Greeno, Senior Corporate and Governance Lawyer
Wards affected	All

Summary

This report advises of a proposed revised Licensing Code of Conduct at Part 5.2 of the Tower Hamlets Constitution.

Recommendations:

The Standards (Advisory) Committee is recommended to:

1. Note the revised Planning Code of Conduct in Appendix 1 of the report;
2. Note that Planning 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. Note 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. Note that the revised Code will also go to General Purposes Committee for consideration;
5. Note 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. Consider the Code and advise on the adoption or revision of the Code including whether the Development Procedure Rules should be an Appendix to the Code.

1. REASONS FOR THE DECISIONS

- 1.1 Pursuant to the Local Government Act 2000 ('the 2000 Act') as the Council is operating Executive arrangements then it must have a Constitution and also ensure that this Constitution is kept up-to-date. Pursuant to Part 2 Article 15 of the Constitution it is a Monitoring Officer role to review the Constitution.
- 1.2 The Planning Code of Conduct is an important Constitutional document as it is part of the Council's ethical framework and is in addition to the Councillors' Code of Conduct adopted under the provisions of the Localism Act 2011.
- 1.3 Planning decisions involve balancing many competing interests and making an informed judgement against a local and national policy framework. In doing this, Councillors need to make decisions having regard to the wider public interest on what can sometimes be controversial proposals. The provisions of this Code are designed to ensure that planning decisions are taken with sound judgement and for justifiable reasons, in a fair consistent and open manner and that Councillors making such decisions are perceived as being accountable for those decisions.

2. ALTERNATIVE OPTIONS

- 2.1 The Council can decide not to adopt a revised Policy.

3. DETAILS OF REPORT

- 3.1 Pursuant to the Local Government Act 2000 ('the 2000 Act') as the Council is operating Executive arrangements then it must have a Constitution and also ensure that this Constitution is kept up-to-date. Pursuant to Part 2 Article 15 of the Constitution it is a Monitoring Officer role to review the Constitution.
- 3.2 The Planning Code of Conduct is an important Constitutional document as it is part of the Council's ethical framework and is in addition to the Councillors' Code of Conduct adopted under the provisions of the Localism Act 2011.
- 3.3 Planning decisions involve balancing many competing interests and making an informed judgement against a local and national policy framework. In doing this, Councillors need to make decisions having regard to the wider public interest on what can sometimes be controversial proposals. The provisions of this Code are designed to ensure that planning decisions are taken with sound judgement and for justifiable reasons, in a fair consistent and open manner and that Councillors making such decisions are perceived as being accountable for those decisions.
- 3.4 The Code is also designed to assist Councillors in dealing with and recording approaches from developers and objectors and is intended to ensure that the integrity of the decision-making process is preserved.

- 3.5 This Code applies to Councillors at all times that they are involved in the planning process. This would include, where applicable, when part of decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings. It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.
- 3.6 Appendix 1 contains the revised proposed Code. Reasons for suggesting changes to the current Code of Conduct fall into 4 categories:
- (i) Changes that bring the Code up to date in terms of legislative context, the organisational structure of the Council and/or current terminology;
 - (ii) Improvements to achieve better consistency with other documents in terms of content and style and structure;
 - (iii) The addition of information/explanation to aide understanding;
 - (iv) Material changes to the Code that will require members and/or officers to conduct themselves differently than under the existing Code
- 3.7 Changes relating to (i) and (ii) above have been made to all sections of the document and, as they are not material, have not been singled out.
- 3.8 Changes to sections relating to categories (iii) and (iv) above are identified in Table 1 below as it was felt that these changes in particular should be brought to members attention.

Table 1: Changed sections and reason for change

	Changes to improve quality/clarity of information or explanation		Material changes to the Code affecting members and / or officers	
	Current Version	Proposed New Version	Current Version	Proposed New Version
Planning Code	1. Introduction	1. Introduction	2. Development of proposals and interests under the members Code of Conduct	3. Interests
	4. Contact with Applicants, Developers and objectors 7. Pre-application discussions 8. Post-submission application discussions 5. Lobbying of Councillors 6. Lobbying By Councillors 9. Site Visits 11. Relationship between Members and Officers 12. Applications submitted by members, officers and the Council 13. Decision Making	8. Pre-meetings, presentations and briefing sessions 7. Lobbying 9. Site Visits 10. Relationship between Members and Officers 5. Application by a Member or Officer 6. Application by the Council 13. Decision Making	3. Pre-determination in the planning process 14. Training 15. Appendix 1- Council Guidelines for determining planning applications	4. Predisposition, pre-determination or bias 2. Training of Councillors Appendix 1- Council Guidelines for determining planning applications 10. The Role of the Executive 11. Conduct at the committee 14. Record Keeping Appendix 2 – Do's and Do Not's

- 3.9 The revised Code has been discussed with Planning Officers.
- 3.10 On 23rd March 2017, a report on the Planning Code of Conduct was discussed at the Strategic Development Committee and a result of the discussion at that meeting changes have been made to section 7 Lobbying and Section 9 Site Visits.
- 3.11 The changes to lobbying are to make it clearer that there is no problem with lobbying per se but it is important that Councillors who are lobbied follow the principles laid out within the Code and that where it is Councillors doing the lobbying that they do not seek to attempt to persuade or put pressure on the Councillor that they should vote in a particular way.
- 3.12 The changes to site visits is to recognise that whilst Councillors can make comments and ask appropriate questions during the site visit they should avoid expressing opinions which can cause the perception of bias or predetermination. Further Councillors shall not make a decision whilst on site.
- 3.13 On 10th May 2017, a report on the Planning Code of Conduct was discussed at the Development Committee. At that meeting, it was raised that the code of conduct should cover 'access to information' to enable informed decision making by members. This was on the basis that it was said that planning officers currently restrict the information they provide to members in their officer reports and that there therefore needs to be a section in the Planning Code of Conduct which will enable member to receive full information on the proposals as part of the officers' report. This relates to the provision of a full set of pictures and plans.
- 3.14 This is a matter that could be better addressed in the Development Procedure Rules and these Rules are being revised at this time and are currently with Planning Officers for consideration. This point on further information in reports has also been referred to Planning Officers for consideration.
- 3.15 Generally as to the Development Procedure Rules, these are at Part 4.8 of the Constitution and are therefore separate to the Planning Code of Conduct. When the Licensing Code of Conduct was recently revised, the Rules of Procedure for applications were included as appendices. For consistency, it is considered that the Development Procedure Rules should also be an appendix to the Planning Code of Conduct.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 There are no financial implications arising from the recommendations within this report.

5. LEGAL COMMENTS

- 5.1 Any legal implications are addressed in the body of the report.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 The provisions of the revised Planning Code are designed to ensure that planning decisions are taken on proper planning grounds; in a fair consistent and open manner; and that Councillors making such decisions are, and are perceived as being, accountable for those decisions. The Code is also designed to assist Councillors in dealing with and recording approaches from applicants, developers and objectors and is intended to ensure that the integrity of the decision-making process is preserved. In implementing the Code, Members will ensure that decisions are taken for planning reasons only and should help to achieve the objectives of equality and personal responsibility inherent in One Tower Hamlets.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 The report does not propose any direct expenditure. Rather, it is concerned with ensuring that planning decisions are taken on proper planning grounds; in a fair consistent and open manner; and that Councillors making such decisions are, and are perceived as being, accountable for those decisions. Whilst this might not lead to fewer appeals, the implementation of the Code should result in a much decreased chance of success on such appeals and which should reduce cost implications for the Council on any such appeals.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 It is not considered that there are any environmental implications if this revised Code is ultimately adopted.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 The provisions of the revised Planning Code are designed to ensure that planning decisions are taken on proper planning grounds; in a fair consistent and open manner; and that Councillors making such decisions are, and are perceived as being, accountable for those decisions. The overall aim is therefore to reduce risk.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 In considering Planning applications, the Council has to have regard to Crime and Disorder and by ensuring that planning decisions are taken on proper planning grounds this should reduce assist reduce crime and disorder.

Linked Reports, Appendices and Background Documents

Linked Report

- None.

Appendices

- Appendix 1 - Proposed Revised Planning Code of Conduct.

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:

- N/A

This page is intentionally left blank

Part 5.2

Planning Code of Conduct

DRAFT

Date Last Reviewed:	5 th December 2016
Reviewed By:	Senior Corporate and Governance Legal Officer
Approved By:	Council
Date Approved:	5 th December 2016
Version No.	1
Document Owner:	Paul Greeno
Post Holder:	Senior Corporate and Governance Legal Officer
Date of Next Scheduled Review:	31 st March 2018

CONTENTS

Section	Subject
1	Introduction
2	Predisposition, Predetermination, or Bias
3	Interests
4	Training of Councillors
5	Application by a Councillor or an Officer
6	Application by the Council
7	Lobbying
8	Pre-meetings, Presentations and Briefing Sessions
9	Site Visits
10	The Role of the Executive
11	Relationship between Councillors and Officers
12	Conduct at the Committee
13	Decision making
14	Record keeping
Appendix	
A	Council guidelines for determining planning applications
B	Do's and Do Not's

1. INTRODUCTION

- 1.1** The Planning Code of Practice has been adopted by Tower Hamlets Council to regulate the performance of its planning functions. Its major objectives are to guide Councillors and officers of the Council in dealing with planning related matters and to inform potential developers and the public generally of the standards adopted by the Council in the exercise of its planning powers.

- 1.2** The Planning Code of Conduct is in addition to the Code of Conduct for Members adopted under the provisions of the Localism Act 2011. Councillors should follow the requirements of the Code of Conduct for Members and apply this Code in light of that Code. The purpose of this Code is to provide more detailed guidance on the standards to be applied specifically in relation to planning matters.
- 1.3** Planning decisions involve balancing many competing interests and making an informed judgement against a local and national policy framework. In doing this, Councillors need to make decisions having regard to the wider public interest on what can sometimes be controversial proposals. The provisions of this Code are designed to ensure that planning decisions are taken with sound judgement and for justifiable reasons, in a fair consistent and open manner and that Councillors making such decisions are perceived as being accountable for those decisions. The Code is also designed to assist Councillors in dealing with and recording approaches from developers and objectors and is intended to ensure that the integrity of the decision-making process is preserved.
- 1.4** This Code applies to Councillors at all times that they are involved in the planning process. This would include, where applicable, when part of decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings. It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.
- 1.5** This Code is part of the Council's ethical framework and in addition to the Code of Conduct for Members should be read in conjunction with the Member/Officer Protocol. If a Councillor does not abide by the Code then that Councillor may put the Council at risk of proceedings on the legality or maladministration of the related decision and the Councillor may be at risk of either being named in a report to the Standards Advisory Committee or Council. A failure to abide by the Code is also likely to be a breach of the Code of Conduct for Members and which could result in a complaint being made to the Monitoring Officer.
- 1.6** **If a Councillor has any doubts about the application of this Code to their own circumstances they should seek advice early, from the Monitoring Officer and preferably well before any meeting takes place.**

2. PREDISPOSITION, PREDETERMINATION OR BIAS

- 2.1 Section 25 of the Localism Act 2011 ('the 2011 Act') provides that a Councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter. This reflects the common law position that a Councillor may be predisposed on a matter before it comes to Committee, provided they remain open to listening to all the arguments and changing their mind in light of all the information presented at the meeting. Nevertheless, a Councillor in this position will always be judged against an objective test of whether the reasonable onlooker, with knowledge of the relevant facts, would consider that the Councillor was biased.
- 2.2 As to predetermination, this is a legal concept and is used in situations where a decision maker either has, or appears to have, a closed mind. That is s/he has made up his/her mind in advance of proper consideration of an issue and the merits of an application. Section 25 of the 2011 Act does not amount to the abolition of the concept of predetermination however, as no one should decide a case where they are not impartial or seen to be impartial. Critically, Councillors need to avoid any appearance of bias or of having a predetermined view before taking a decision. Indeed, Councillors should not take a decision on a matter when they are actually biased in favour or against the application, or where it might appear to a fair and informed observer that there was a real possibility of bias, or where a Councillor has predetermined the matter by closing his/her mind to the merits of the decision.
- 2.3 Any planning decision made by a Councillor who can be shown to have approached the decision with a closed mind will expose the Council to the risk of legal challenge.
- 2.4 Clearly expressing an intention to vote in a particular way before a meeting (predetermination) is different from where a Councillor makes it clear they are willing to listen to all the considerations presented at the committee before deciding on how to vote (predisposition).
- 2.5 If a Councillor considers that s/he does have a bias or cannot be impartial then they **must** withdraw from considering that application.
- 2.6 Councillors should note that, unless they have a disclosable pecuniary interest or a significant personal interest (see section 3 below), they will not appear to be predetermined through-
- listening or receiving viewpoints from residents or other interested parties;
 - making comments to residents, interested parties, other Councillors or appropriate officers, provided they do not consist of or amount to

prejudging the issue and the Councillor makes clear that they are keeping an open mind;

- seeking information through appropriate channels; or
- being a vehicle for the expression of opinion or speaking at the meeting as a Ward Councillor, provided the Councillor explains their actions at the start of the meeting or item and makes it clear that, having expressed the opinion or ward/local view, they have not committed themselves to vote in accordance with those views and will make up their own mind having heard all the facts and listened to the debate.

2.7 The following advice applies:

- Councillors must not make up their mind, or appear to have made up their mind on how they will vote on any planning matter prior to formal consideration of the matter at the meeting of the Committee and of the Councillor hearing the officer's presentation and evidence and arguments on both sides. This includes deciding or discussing how to vote on any application at any sort of political group meeting, or lobby any other Councillor to do so. If a Councillor has an interest in a local lobby group or charity or pressure group they may appear predetermined by their actions and/ or statements made in the past. The Councillor should take advice from the Legal Adviser to the Committee on how to deal with this.
- It must be noted that if a Councillor is predetermined then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or predetermination or, a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- A Councillor may appear pre-determined where the Council is the landowner, developer or applicant and the Councillor has acted as, or could be perceived as being, a chief advocate for the proposal. This would amount to more than a matter of membership of both the Cabinet and Development Committee, but that through the Councillor's significant personal involvement in preparing or advocating the proposal the Councillor will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits. (See Section 6 below for guidance on applications submitted by the Council).
- Councillors should recognise that in being a Councillor of a political group they are allowed to be predisposed in relation to planning policies of the Council or to planning policies of the Councillor's political party, providing that predisposition does not give rise to a public perception that the Councillor has due to his/ her political

membership predetermined a particular matter. (See Section 7 below relating to Lobbying).

- When considering a planning application or any other planning matter Councillors must:
 - act fairly and openly;
 - approach each planning issue with an open mind; carefully weigh up all relevant issues; and
 - determine each item on its own planning merits

- And Councillors must not:
 - take into account irrelevant issues;
 - behave in a manner that may give rise to a public perception that s/he may have predetermined the item; and
 - behave in such a manner which may give rise to a public perception that s/he may have been unduly influenced in reaching a decision.

3. INTERESTS

3.1 In order to avoid allegations of bias it is important that Councillors are scrupulous in declaring interests at the meeting.

3.2 Chapter 7 of the 2011 Act places requirements on councillors regarding the registration and disclosure of their pecuniary interests ('DPI') and the consequences for a councillor taking part in consideration of an issue in the light of those interests. The definitions of DPI taken from the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 are set out in paragraph 5.1 of the Members' Code of Conduct. A Councillor must provide the Monitoring Officer with written details of relevant interests within 28 days of their election or appointment to office. Any changes to those interests must similarly be notified within 28 days of the Councillor becoming aware of such changes. A failure to register or declare a DPI or the provision of false or misleading information on registration, or participation in discussion or voting in a meeting on a matter in which a Councillor has a DPI, are criminal offences.

3.3 A DPI relating to an item under discussion requires the immediate withdrawal of the Councillor from the Committee. In certain circumstances, a dispensation can be sought from the Monitoring Officer to take part in that particular item of business and which could arise where the Councillor is the applicant or has made a representation for or against the application.

3.4 Having regard to the requirement that a Councillor who has an interest in an application must be disqualified from considering it, then consideration must

also be given to personal interests. A personal interest in a matter arises if a Councillor anticipates that a decision on it might reasonably be regarded as affecting (to a greater extent than other council tax payers, ratepayers or residents of the Council's area) the well-being or financial position of the Councillor, a relative or a friend or

- the employment or business carried out by those persons, or in which they might be investors (above a certain level)
- any of the bodies with which the Councillor is associated, and which the Councillor will have registered in the register of interests.

3.5 If a Councillor has a personal interest in any planning then the Councillor shall, if present, disclose the existence and nature of the interest at the start of the meeting and, in any event, before the matter is discussed or as soon as it becomes apparent. The full nature of the interest must be declared. If, in accordance with the Members' Code of Conduct, the interest is 'sensitive', the Councillor must disclose to the meeting that s/he has an interest that is sensitive but need not disclose the nature of the interest or any other sensitive information. The declaration and disclosure of a personal interest does not usually debar a Councillor from participation in the discussion provided that the personal interest is not so significant that there is a real possibility of bias or predetermination and which is likely to prejudice the Councillor's judgement of the public interest (see 3.6 below).

3.6 The position is different however where a member of the public, with knowledge of the relevant facts, would reasonably regard the personal interest as so significant that there is a real possibility of bias or predetermination and which is likely to prejudice the Councillor's judgement of the public interest. Examples of this are the Councillor is working closely with a developer or a group of objectors to achieve a certain outcome; lobbying other Councillors on the Committee; acting as an agent for a person pursuing a planning matter with the Council; or generally declaring voting intentions ahead of the meeting etc.

3.7 A Councillor with a personal interest which might appear to a fair and informed observer that there was a real possibility of bias must not participate in the discussion on the application and must leave the room immediately when the discussion on the item begins or as soon as the interest becomes apparent. S/he cannot seek to influence the decision, save that if a member of the public has the right to attend the meeting, make representations, answer questions etc., then a Councillor will have the same right. Once the Councillor has exercised that right then the Councillor must withdraw from the room for the rest of that item and play no further part in the discussion or vote.

3.8 Being a Councillor for the ward in which particular premises is situated is not necessarily declarable and as a general rule Councillors of the Committee may deliberate on matters affecting their wards provided they do so with an open mind. Councillors should remember, however, that their overriding duty is to the whole community not just to the residents and businesses within their ward. Councillors have a duty to make decisions impartially, and should not improperly favour, or appear to improperly favour, any person, company, group or locality. If a Councillor feels that they must make representations for their ward then the Councillor can declare this and make representations but must then leave before the debate and vote.

3.9 More information on what constitutes an interest as well as the obligation on Councillors to register their interests is contained in the Code of Conduct for Members set out in Part 5.1 of the Constitution. The ultimate responsibility for fulfilling these requirements rests with individual Councillors but the Council's Monitoring Officer or the Divisional Director Legal are available to give advice if required.

4. TRAINING OF COUNCILLORS

4.1 As the technical and propriety issues associated with planning are not straightforward, Councillors who sit on either the Development Committee or the Strategic Development Committee must participate in a programme of training on the planning system and related matters agreed by and organised by officers. The programme will consist of compulsory and discretionary elements. If a Councillor fails to participate in the compulsory elements of the training this may result in that Councillor being asked to stand down as a Councillor of relevant Committee.

4.2 Councillors should be aware that training is particularly important for those who are new to the Development Committee and for Councillors who have not attended training in the recent past. Other Councillors are free to attend the training in order to gain an understanding of planning issues.

4.3 The compulsory training programme will cover issues relating to probity in planning, principles in planning to reflect government guidance and case law. Discretionary training will seek to extend Councillors' knowledge of planning law, regulations, procedures, Codes of Practice, Development Plans and best practice. The aim of the training is to assist Councillors in carrying out their role properly and effectively.

4.4 Where a Councillor has a genuine difficulty in attending any particular training session officers will try, when practicable, to accommodate a request for an individual or repeat session.

5. APPLICATION BY A COUNCILLOR OR OFFICER

5.1 Councillors may need to determine an application submitted by a Councillor or an officer, or by a company or individual with which a Councillor or officer has an interest or relationship. For the avoidance of doubt, the term Councillor or an officer includes any former Councillors or officers. In such cases, it is vital to ensure that such application is handled in a way that gives no grounds for accusations or favouritism. Accordingly the matter will be dealt with as follows-

- (a) The matter will be referred to the Corporate Director, Development and Renewal, who shall decide whether or not the application should be referred to the relevant Committee, or determined under delegated powers, if the application is in accordance with development plans and all other material planning considerations.
- (b) On receipt of such an application, the Corporate Director, Development and Renewal will pass a copy of the application to the Monitoring Officer who will satisfy himself/herself that the application can be, and is being, processed and determined without suspicion or impropriety.
- (c) If a Councillor or an officer submit their own proposal to the Council which they serve, they must take no part in its processing or the decision making process.
- (d) The Councillor making the application would almost certainly have a DPI and should not address the Committee as the applicant but should appoint an independent agent to represent his/her views.
- (e) Councillors of the Committee must consider whether the nature of any relationship with the person (either a Councillor or an officer) applying for planning permission requires that they make a declaration of interest and if necessary also withdraw from the meeting.
- (f) In respect of former Councillors or former officers the above requirements shall apply for a period of three (3) years following their departure from the Council.

6. APPLICATION BY THE COUNCIL

6.1 Councillors may need to determine an application submitted by the Council for the Council's own development. It is perfectly legitimate for such proposals to be submitted to and determined by the Local Planning Authority. Proposals for such development should be treated with the same transparency and impartiality as those of private developers so as not to give rise to suspicions of impropriety.

6.2 If a Councillor has been heavily committed or involved in an area of policy/issue relating to such an application (e.g. as a Cabinet Member), then that Councillor must consider whether they have an interest which should be

disclosed. In such circumstances, the Councillor should seek advice from the Legal Adviser to the Committee

7. LOBBYING

7.1 Lobbying is the process by which applicants and their agents, objectors, non-Committee Councillors and other interested parties seek to persuade Councillors who sit on the Committee to come to a particular decision. It is a legitimate part of the planning process for them to approach Councillors who sit on Committee as these discussions can help Members to understand the issues and concerns. This can happen prior to an application being made or at any time after the application is made.

7.2 Whilst lobbying is a normal and perfectly proper part of the political process, it can cause the perception of bias or predetermination especially when a Councillor must enter the meeting with an open mind and make an impartial determination on the relative merits based on all the evidence presented at the meeting. To avoid such perception if a Councillor is approached s/he should following the principles set out in section 2.6 of this Code and also:

- (a) explain the potentially conflicting position they are in if they express a final opinion on a proposal before consideration at the Committee;
- (b) explain the procedures by which representations can be made;
- (c) explain the kinds of planning issues that the Council can take into account;
- (d) inform the person making the approach that such approach should be made to officers within the Place Directorate or to elected Councillors who are not Councillors of the either the Development Committee or Strategic Development Committee;
- (e) forthwith notify in writing to the Monitoring Officer the fact that such an approach has been made, identifying the application, the nature of the approach, by whom it was made, and the action taken by the Councillor concerned. This should include any offers made of planning gain or constraint of development, through a proposed section 106 Planning Obligation or otherwise; and
- (f) keep an adequate written record so as to enable the Councillor to disclose the fact and nature of such an approach at any relevant meeting of the Committee.

7.3 If the Councillor does discuss the case then in no circumstances should a Councillor give an indication of voting intentions or otherwise enter into an unconditional commitment to oppose or support the application. To do so without all relevant information and views would be unfair and detrimental. As stated in 7.2(c) above, the Councillor must keep an adequate written record of the discussion so as to enable the Councillor to disclose the fact and

nature of such an approach at any relevant meeting of the Development Committee.

- 7.4 Councillors should not accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, then the Councillor must comply with the provisions in the Code of Conduct for Members on Gifts and Hospitality.
- 7.5 Councillors should not become a member of, lead or represent a national charity or local organisation whose primary purpose is to lobby to promote or oppose planning proposals. If a Councillor does then it is likely to appear to a fair and informed observer that there is a real possibility of bias and that Councillor will be required to withdraw from the debate and decision on that matter.
- 7.6 Where Councillors contact fellow Councillors regarding their concerns or views they must not seek to attempt to persuade or put pressure on the Councillor that they should vote in a particular way.
- 7.7 In no circumstances should a Councillor give an indication of voting intentions or otherwise enter into an unconditional commitment to oppose or support the application. To do so without all relevant information and views would be unfair and detrimental.
- 7.8 Where a Committee member feels that s/he has been unreasonably or excessively lobbied on a particular proposal s/he must make a declaration at the Committee on that application that s/he has been lobbied. Provided that member has followed the principles in this Code then s/he will still be able to speak and vote on the application.

8. PRE-MEETINGS, PRESENTATIONS AND BRIEFING SESSIONS

- 8.1 Councillors should avoid agreeing to any formal meeting with applicants, developers or groups of objectors. If a Councillor considers that a formal meeting would be useful in clarifying the issues, then the Councillor should not seek to personally arrange such a meeting but should request the Divisional Director Planning and Building Control to organise it. If such a meeting takes place it will be properly recorded on the application file and a record of the meeting will be disclosed when the application is considered by the Committee.
- 8.2 If a Councillor does arrange a private meeting with an applicant, developer, agent or objector then this must be declared at the Development Committee meeting by the Councillor. As in Section 7.2(c) above, the Councillor should keep an adequate written record of the meeting. This record should then be referred to the Divisional Director Planning and Building Control to organise it

so that it will be properly recorded on the application file and a record of the meeting will be disclosed when the application is considered by the Committee.

- 8.3** Where there is to be a presentation by applicants/ developers, Councillors should not attend unless it has been organised by an officer. If a Councillor does attend a presentation not organised by officers then the Councillor must inform the Divisional Director Planning and Building Control that s/he has done so. The Councillor should keep an adequate written record of the presentation. This record should then be referred to the Divisional Director Planning and Building Control to organise it so that it will be properly recorded on the application file and a record of the meeting will be disclosed when the application is considered by the Committee.
- 8.4** When Councillors attend presentations, they should ask relevant questions to clarify their understanding of the proposal. Councillors should be mindful, however, that the presentation is not part of the formal process of debate and determination of any subsequent application and that this will be carried out by the appropriate Development Committee.
- 8.5** Councillors should bear in mind that a presentation is a form of lobbying and they must not express any strong view or state how they or other Councillors might vote. Further Councillors are reminded that if they do attend a presentation then any hospitality or gifts received over the value of £25.00 must be disclosed and registered in the normal way.
- 8.6** Public meetings are sometimes organised as part of the Council's pre-application process (contained in the Council's Planning tool kit). All Councillors are encouraged to participate in such pre-application discussions.
- 8.7** Further where briefing sessions (generally for major applications) have been arranged (by officers) for Councillors following submission of an application then Councillors should attend these sessions as it will give them an opportunity to better understand the Council's planning policies and its economic objectives.
- 8.8** Councillors should note that the Code of Conduct of Member and this Code apply to any of the above meetings, presentations or briefing sessions and that at any subsequent Committee considering the application that Councillors must disclose attendance at any such meetings and/ or presentations.

9. SITE VISITS

- 9.1** Site visits by Councillors determining schemes are an essential part of determining a planning application. It is good practice for Councillors to visit

an application site before a meeting, so that they can familiarise with the site or surrounding area and Councillors should try to attend the pre-Committee site visits organised by officers. A site visit may also assist Councillors in matters relating to the context of the application and the characteristics of surrounding area. Whilst Councillors can make comments and ask appropriate questions during the site visit they should avoid expressing opinions which can cause the perception of bias or predetermination. Further Councillors shall not make a decision whilst on site. Councillors can, of course, rely upon their own local knowledge.

- 9.2** During site visits, Councillors of the Planning Committees shall not engage individually in discussion with applicants or objectors.
- 9.3** On site visits applicants, developers, objectors or other interested parties who attend shall only be permitted to point out to Councillors features to look at either on the site or in the vicinity, which are relevant to the application. No discussion will take place on the merits of the application.
- 9.4** Should it is not possible for a Councillor to attend an organised site visit and a Councillor then carries out a site visit on their own, the guidelines below apply-
- The Councillor must notify the Divisional Director Planning and Building Control of the intention to visit (which will be recorded on the file).
 - The Councillor must carry out the visit discreetly and the Councillor must not make himself/ herself known to the applicants or neighbours.
 - The Councillor must treat the site visit as an opportunity to seek information and to observe the site only. The Councillor must not use the site visit as or allow it to become an impromptu lobbying opportunity for the applicant or objectors.
 - Councillors should not hear representations from the applicant or any other party and the Councillor shall have regard to the provisions on Lobbying in Section 7 above, and advise them that they may make representations in writing to the Council and direct them to relevant officers.
 - Councillors must not express opinions or views on the application to anyone as this may lead to an allegation of apparent bias or pre-determination.
 - Councillors should note that the Code of Conduct for Members and this Code apply to any such visit.
- 9.5** As in Section 7.2(c) above, the Councillor should keep an adequate written record of the site visit, including any new information gained from such visit. This record should then be referred to the Divisional Director Planning and Building Control to organise it so that it will be properly recorded on the

application file and a record of the meeting will be disclosed when the application is considered by the Committee.

- 9.6** Once the application has reached the determination stage, Councillors should not request a site visit unless the Councillor considers that it is really necessary, and the Committee may decide to revisit the site where particular site factors are significant in terms of the weight attached and it would be difficult in the absence of a site visit to assess the application or there are significant policy or precedent implications and specific site factors need to be carefully addressed.

10. THE ROLE OF THE EXECUTIVE

- 10.1 The Executive consists of 10 people, namely the Mayor and 9 Councillors. Each of the 9 Councillors has a specific Portfolio and one of those Portfolios is Strategic Development. The Mayor is responsible for most decisions about day-to-day Council services but this excludes the regulatory council functions such as planning.
- 10.2 Councillors on the Planning Committees have specific responsibility for planning. However, planning is important to all Councillors and can help deliver other local objectives. Further, planning takes account of wider, long-term public interests including the environment, economic growth and prosperity, a cohesive and empowered society, good health and wellbeing, enhancement of heritage, conservation, local culture and community identity.
- 10.3 The Executive therefore has an interest in Strategic Planning: hence the Member of the Executive with the Strategic Development portfolio. As such, the Mayor, the lead Member and other Members of the Executive may be approached regarding or become involved in planning applications. This is perfectly acceptable but where the Mayor, the lead Member or other Members of the Executive are approached or become involved then this Code of Conduct also applies to them, particularly paragraphs 6, 7, 8 and 10. Further, they should not attend the pre-Committee site visits organised by officers unless they sit on the Planning Committee.
- 10.4 Additionally, Councillors of the Executive should not meet to discuss how to vote on any application at any sort of political group meeting, or lobby any other Councillor to do so.

11. RELATIONSHIP BETWEEN COUNCILLORS AND OFFICERS

- 11.1** Councillors shall not attempt in any way to influence the terms of the officers' reports upon any application including a particular recommendation.

Officers are advising Councillors. They must give impartial policy advice on planning considerations and the recommendations as set out in the report without seeking to persuade Councillors. (This does not prevent a Councillor from asking questions or submitting views to the Divisional Director Planning and Building Control, which may be incorporated into any Committee report).

- 11.2** Any criticism by Councillors of an officer in relation to the handing of any application should be made in writing to the Corporate Director, Development and Renewal and/ or the Monitoring Officer rather than to the Officer handling the application.
- 11.3** If any officer feels or suspects that pressure is being exerted upon him/her by any Councillor in relation to any particular application, s/he shall forthwith notify the matter in writing to the Monitoring Officer.
- 11.4** If any officer of the Council who is involved in dealing with any application has had any involvement with an applicant, developer or objector, whether or not in connection with the particular application being determined, which could possibly lead an observer with knowledge of all the relevant facts to suppose that there might be any possibility that the involvement could affect the officer's judgement in any way, then that officer shall declare this interest in the public register held by the Monitoring Officer and take no part. This public register is to be available for inspection at the Development Committee meeting.
- 11.5** No officer of the Council shall engage in any paid work for any planning matter for which Tower Hamlets is the Planning Authority other than on behalf of the Council.

12. CONDUCT AT THE COMMITTEE

- 12.1** Councillors must not only act fairly but must also be seen to act fairly. Councillors must follow agreed procedures at all times and should only ask questions at the appropriate points in the procedure. At no time should a Councillor express a view which could be seen as pre-judging the outcome. During the course of the meeting Councillors should not discuss (or appear to discuss) aspects of the case with the applicant, a developer, an objector, their respective advisers or any member of the public nor should they accept letters or documents from anyone other than an officer from Democratic Services or the Legal Advisor to the Committee.
- 12.2** Councillors of the Committee shall refrain from personal abuse and party-political considerations shall play no part in the Committee's deliberations. Councillors shall be respectful to the Chair and to each other and to officers and members of the public including applicants, developers, objectors and their representatives and shall not bully any person.

- 12.3** When asking questions at a meeting, Councillors shall ensure that their questions relate only to planning considerations relevant to the particular application.
- 12.4** The Committee must ensure that they hear the evidence and arguments for and against the application and approach each planning issue with an open mind.
- 12.5** If a Councillor arrives late for a meeting, s/he will not be able to participate in any item or application already under discussion. Similarly, if a Councillor has to leave the meeting for any length of time, s/he will not be able to participate in the deliberation or vote on the item or application under discussion at the time of their absence. If a Councillor needs to leave the room, s/he should ask the Chair for a short adjournment
- 12.6** It is permissible for the Chair of the meeting to curtail statements of parties if they are merely repeating matters which have already been said.
- 12.7** In considering the application, Councillors are advised that if objections are founded on a demonstrable misunderstanding of the true factual position, or otherwise indicate no more than an uninformed reaction to a proposal then such carry no weight whatever and must be ignored. Further Councillors are advised that the mere number of objections irrespective of their content can never be a good reason for refusing an application. What matters are the grounds on which such are based.

13. DECISION MAKING

- 13.1** When a report goes before the Committee rather than being determined through officer delegation, the reasons why will be set out in the report to the Committee.
- 13.2** Councillors must come to meetings with an open mind and in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2007 and section 70(2) of the Town and Country Planning Act 1990, Councillors must make decisions in accordance with the Development plan unless material considerations indicate otherwise. Attached at Appendix A' are the Council's Guidelines for determining planning applications.
- 13.3** Councillors should only come to their decision after due consideration of all of the relevant information reasonably required upon which to base a decision. If it is considered that there is insufficient time to digest new information or that there is simply insufficient information before Councillors then Councillors can request that further information be provided and, if necessary, defer or refuse the application.

- 13.4** Councillors must not take part in the meeting's discussion on a proposal unless they have been present to hear the entire debate, including the officers' introduction to the matter. If an application has previously been deferred then the same Councillors will be asked to reconsider the application when it is returned to Committee.
- 13.5** Where Councillors take a decision to defer any proposal then the reasons for Committee's decision must be given and recorded.
- 13.6** When a Councillor is proposing, seconding or supporting a decision contrary to officer recommendations or the Development Plan then s/he must clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. The Councillor must be aware that s/he may have to justify the resulting decision by giving evidence in Court or at Enquiry in the event of any challenge.
- 13.7** Prior to deciding the matter before the Committee, Councillors must consider the advice that planning, legal or other officers give to the Committee with respect to the recommendation or any proposed amendment to it.
- 13.8** **At the end of the day, Councillors must bear in mind that they are involved in planning matters to represent the interests of the whole community and must maintain an open mind when considering planning applications. When Councillors take decisions on planning applications they must do so in accordance with the development plan unless material considerations indicate otherwise. Councillors must only take into account material planning considerations, which can include public views where they relate to relevant planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid material planning reasons.**

14. RECORD KEEPING

- 14.1** In order that planning applications are processed properly and that any complaints can be fully investigated, record keeping will be complete and accurate. Every planning application file will contain an accurate account of events throughout its life, particularly the outcomes of meetings, significant telephone conversations and any declarations of interests by Councillors. Records will be kept in accordance with the Council's Information Governance Framework and, specifically, the Council's Records Management Policy.

APPENDIX "A"
(To Planning Code of Conduct)

COUNCIL GUIDELINES FOR DETERMINING PLANNING APPLICATIONS
APPLICATIONS UNDER THE TOWN & COUNTRY PLANNING
ACT 1990

- (i) The emphasis in determining applications is upon a plan led system. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires all planning applications to be determined in accordance with the Development Plan (comprised of the London Plan (produced by the Mayor of London), Local Plan and Neighbourhood Plans (should any be adopted)) and any other material considerations. If the Development Plan is material to the application then the statutory position is that the application **must** be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- (ii) The term "other material considerations" has a wide connotation as expressed by the following judicial comment:-
".....I find it impossible, however, to accept the view that such considerations are limited to matters relating to amenity.....it seems to me that any consideration which relates to the use and development of land is capable of being a planning consideration".
- (iii) Material considerations include national planning guidance in the form of Government Circulars, Planning Policy Guidance Notes, Non-Statutory Development Control Guidelines and case law. A ministerial statement may be a material consideration.
- (iv) Material considerations can include (but are not limited to):-
- (a) Local, strategic, national planning policies and policies in the Development Plan;
 - (b) Emerging new plans which have already been through at least one stage of public consultation;
 - (c) Government and Planning Inspectorate requirements - circulars, orders, statutory instruments, guidance and advice;
 - (d) Previous appeal decisions and planning Inquiry reports;
 - (e) Principles of Case Law held through the Courts;
 - (f) Loss of sunlight (based on Building Research Establishment guidance);
 - (g) Overshadowing/loss of outlook to the detriment of residential amenity (though not loss of view as such);
 - (h) Overlooking and loss of privacy;
 - (i) Highway issues: traffic generation, vehicular access, highway safety;
 - (j) Noise or disturbance resulting from use, including proposed hours of operation;
 - (k) Smells and fumes;
 - (l) Capacity of physical infrastructure, e.g. in the public drainage or water systems;
 - (m) Deficiencies in social facilities, e.g. spaces in schools;

- (n) Storage & handling of hazardous materials and development of contaminated land;
- (o) Loss or effect on trees;
- (p) Adverse impact on nature conservation interests & biodiversity opportunities;
- (q) Effect on listed buildings and conservation areas;
- (r) Incompatible or unacceptable uses;
- (s) Local financial considerations offered as a contribution or grant;
- (t) Layout and density of building design, visual appearance and finishing materials;
- (u) Inadequate or inappropriate landscaping or means of enclosure; and
- (v) Disabled persons access.

(v) Matters which are not material considerations again can include (but are not limited to):-

- (a) Matters controlled under building regulations or other non-planning legislation e.g. structural stability, drainage details, fire precautions, matters covered by licences etc.;
- (b) Private issues between neighbours e.g. land/boundary disputes, damage to property, private rights of access, covenants, ancient and other rights to light etc.;
- (c) Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts);
- (d) Opposition to the principle of development when this has been settled by an outline planning permission or appeal;
- (e) Applicant's personal circumstances (unless exceptionally and clearly relevant, e.g. provision of facilities for someone with a physical disability – see (vi) below);
- (f) Previously made objections/representations regarding another site or application;
- (g) Factual misrepresentation of the proposal;
- (h) Opposition to business competition;
- (i) Loss of property value;
- (j) Loss of view; and
- (k) Personal remarks (e.g. the applicant's motives).

(vi) The personal circumstances of an applicant for planning permission are not generally a material consideration because they do not relate to the character or use of the land. However, in exceptional circumstances they may outweigh other material planning considerations. Where this is the case, specific and valid reasons must be given to justify the exception.

(vii) What constitutes a material consideration is a matter of law. The weight to be attached to the consideration is a matter of planning judgement for the decision-maker having regard to the planning evidence.

- (viii) It is essential to consider thoroughly any advice given by a statutory consultee or relevant Government Department, including views expressed by English Heritage or the Environment Agency.
- (ix) The view of local residents are relevant when determining a planning application, but it must be recognised that such opposition cannot be a reason in itself for refusing or granting planning permission unless founded on valid planning reasons, which are supported by substantial evidence.
- (x) Account should be taken of previous Council decisions, appeal decisions in relation to the site, or other related appeal decisions.
- (xi) It is not permissible to prevent, inhibit or delay development which could reasonably be permitted.
- (xii) Planning Conditions should only be imposed for a planning purpose and not for any ulterior one. They must fairly and reasonably relate to the development. Thus it is essential to avoid conditions which are unnecessary, unreasonable, unenforceable, imprecise or irrelevant.

DRAFT

DO'S AND DO NOT'S


1. Councillors must:

- (a) Attend compulsory training sessions;
- (b) Be open minded and impartial;
- (c) Declare any actual interest;
- (d) Act solely in the public interest;
- (e) Listen to the arguments for and against;
- (f) Carefully weigh up all relevant issues;
- (g) Ask questions that relate only to planning considerations relevant to the particular application;
- (h) Make decisions on merit and on material planning considerations only;
- (i) Respect the impartiality and integrity of the Council's officers;
- (j) Report any lobbying from applicants, agents, objectors or any other Councillor;
- (k) Promote and support the highest standards of conduct; and
- (l) Promote equality and not discriminate unlawfully against any person, and treat all people with respect;

2. Councillors must not:

- (a) Be biased or give the impression of being biased;
- (b) Improperly confer an advantage or disadvantage on any person nor seek to do so;
- (c) Act to gain financial or other benefit for themselves, their family, friends or close associates;
- (d) Place themselves under a financial or other obligation to any individual or organisation that might seek to influence the performance of their duties as a Councillor (e.g. by accepting gifts or hospitality from any person involved in or affected by a planning proposal);
- (e) Place themselves in a position where their integrity might reasonably be questioned;
- (f) Participate in a meeting where they have a DPI;
- (g) Participate in a meeting where they have an interest which does or could be reasonably considered as giving rise to bias; and
- (h) Express opinions during site visits to any person present, including other Councillors.

This page is intentionally left blank

<p>Non-Executive Report of the:</p> <p>Standards (Advisory) Committee</p> <p>29th June 2017</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Graham White, Interim Corporate Director, Governance and Interim Monitoring Officer</p>	<p>Classification: Unrestricted</p>
<p>Members' Attendance, Timesheets and Declaration of Interests: Monitoring Report</p>	

Originating Officer(s)	Beverley McKenzie
Wards affected	(All Wards);

Summary

This report updates the Committee on a range of matters related to Councillors' attendance at formal meetings and training events, completion of timesheets and the register of interests.

Recommendations:

The Standards (Advisory) Committee is recommended to:

1. Note the information set out in Appendices 1, 2 and 3 in relation to Councillors' submission of timesheets, completion of the register of interests and attendance at training events, and during the previous and current municipal years and attendance at formal meetings
2. Note the updated position for the automatic publication of the attendance of Members at meetings.
3. Consider whether there is a need to ask the Chair to write to any Councillor(s) in connection with any of the monitoring information;
4. Confirm the request of the SAC to receive further specific monitoring reports on attendance, timesheets and declarations of interest at six monthly intervals.

1. REASONS FOR THE DECISIONS

- 1.1 The former Standards Committee received regular monitoring reports on the completion of the Members' timesheet and attendance by Members at Council and other formal meetings. This was considered good practice and the most suitable way to enhance transparency and accountability of the elected Members.
- 1.2 In March 2016, the Governance Review Working Group decided to no longer require the submission of timesheets, and each political group were responsible to implement this. Some political groups opted to continue to submit the timesheets as this enabled accountability and increased

transparency. Officers have therefore continued to publish the details of all timesheets received on the Council website.

- 1.3 The Member timesheet is a simple worksheet on which Members record an amount of time spent in Council meetings or other activities. The timesheet does not provided a detailed time recording, nor does it provide sufficient detail to audit the Members' activities. Please refer to the sample in Appendix 4.
- 1.4 At the request of the SAC, consideration has been given to alternatives for the Members capture of time. However, as the 'timesheet' is more of an overview of activities and overall time spent on an activity in the given month, rather than a specific cost accounting of all time spent, further changes and implementation of apps to support this, would complicate the reporting and impact on the ease of reporting for the Members.
- 1.5 Officers are discussing with the Committee Software provider the possibility of automatically populating meeting attendance to the timesheet. There are technical restrictions on automatically populating this information to the timesheet form; however, the Councillors meeting attendance is now automatically populated and presented on the individual Councillor webpages. Please refer to the sample in Appendix 5.
- 1.6 There is no statutory requirement for Members to report on their democratic activities nor does the submission of timesheets affect the Basic or Special Responsibility Allowances paid to Members.
- 1.7 It is recognised that the Members are held directly accountable for their time spent, through the democratic processes.

2. ALTERNATIVE OPTIONS

- 2.1 The Standards Advisory Committee may wish to consider the merits of the ongoing monitoring of the timesheet submission, Declaration of interests and attendance at training and committee meetings.

3. DETAILS OF REPORT

Timesheets – Current Position

- 3.1 In relation to the submission of timesheets the current position, as at 15th June 2017 and set out in Appendix 1 attached, is that 3 Members (6.67% of the total) have completed their timesheets up to and including May 2017. Thirty-three Councillors (73.33%) are more than three months in arrears. An updated schedule will be tabled at the meeting, if necessary.

Members' Declaration of Interests and Attendance at Training Events

- 3.2 Members are required to complete a register of their interests within 28 days of becoming a Councillor and subsequently they must notify any change to this within 28 days of becoming aware of the change. The attached schedule lists the date of each Councillor's latest update to their register entry.
- 3.3 As a matter of good practice and for the purpose of clarity, Members are asked to provide a nil return if there are no changes to register at the six-monthly reminder. However failure to do so would not represent a breach of the Code of Conduct. The next reminder exercise will be undertaken in October 2017.
- 3.4 The Committee has also sought assurance regarding Councillors' attendance at relevant mandatory training events such as those on the Code of Conduct and the specific sessions arranged for members of the Development, Licensing and Appeals Committees and the Appointments Sub-Committee. This information is now incorporated into the schedule at Appendix 2, together with the total number of attendances at other (non-mandatory) in-house Member seminars during the year to date.

Members Attendance at Committee Meetings

- 3.5 As with timesheets, attendance at committee/panel meetings is not a statutory requirement - the law simply says that if a Councillor fails to attend any Council or other qualifying meeting for a period of six months, he/she shall cease to be a Member of the local authority - and it is accepted that many important Council duties take place outside formal meetings. Nevertheless, attendance at meetings to which he/she has been appointed does represent a key part of a Councillor's work and the combination of attendance and timesheet monitoring information in this report provides a useful picture of a Councillor's activity for the purpose of accountability.

The current position - attendance at meetings

- 3.6 The record of attendance by Councillors at formal constitutional meetings from 1st November 2016 to 15th June 2017 is attached in Appendix 3. Where a Councillor has failed to attend a formal meeting but has submitted apologies in advance, this is noted in the report.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 This report provides an update to the Committee on a range of matters related to Councillors' attendance at formal meetings and training events, completion of timesheets and the register of interests. This is considered good practice and enhances transparency and accountability of the elected Members.
- 4.2 There are no financial implications arising from the recommendations within this report.

5. LEGAL COMMENTS

- 5.1 The Localism Act 2011 introduced new arrangements to govern the Standards of Conduct for local authority members and co-optees. Seven guiding principles of conduct are set out:- selflessness; integrity; objectivity; accountability; openness; honesty and leadership.
- 5.2 The information in this report supports these guiding principles and, in particular, enhances performance and openness in relation to members' performance of their Council duties.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 There are no specific implications for One Tower Hamlets arising from the proposals in this report.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 The Committee meeting software provides an automated return on the Members attendance at meetings. This is published to the Members webpage and enables accountability to the electorate.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 There are no SAGE implications arising directly from this report.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 There are no risk management implications arising directly from this report.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 This report has no immediate implications for Crime and Disorder.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Appendix 1 – Members' Timesheet Monitoring report
- Appendix 2 –Members' DOI and Training attendance report
- Appendix 3 - Members' Committee Attendance Monitoring report
- Appendix 4 – Sample Timesheet for completion
- Appendix 5 – Sample website report on Meeting attendance

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:

- Beverley McKenzie, Head, Members Support 020 7364 4872

This page is intentionally left blank

Group	Name	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Forms submitted in period
Conservati	Andrew Wood								0
Conservati	Chris Chapman								0
Conservati	Craig Aston								0
Conservati	Julia Louise Dockerill								0
Conservati	Peter Golds								0
Independen	Abjol Miah								0
Independen	Mohammed Mufti Miah	06/03/2017	02/03/2017						2
Independen	Shafiqul Haque								0
Labour	Abdul Chunu Mukit, MBE	05/01/2017	05/01/2017						2
Labour	Amina Ali								0
Labour	Amy Whitelock-Gibbs	29/11/2016	15/03/2017	15/03/2017	15/03/2017				4
Labour	Asma Begum	07/03/2017	07/03/2017	07/03/2017	07/03/2017				4
Labour	Ayas Miah	23/02/2017	23/02/2017	23/02/2017					3
Labour	Candida Ronald		10/03/2017	10/03/2017	10/03/2017				3
Labour	Clare Harrisson	04/01/2017	04/01/2017	02/02/2017	02/03/2017	11/05/2017	11/05/2017	08/06/2017	7
Labour	Danny Hassell	12/12/2016	05/01/2017	23/02/2017	22/02/2017	11/05/2017	08/05/2017	01/06/2017	7
Labour	Dave Chesterton	22/03/2017	22/03/2017	22/03/2017	22/03/2017				4
Labour	David Edgar								0
Labour	Denise Jones	27/03/2017	27/03/2017	27/03/2017	27/03/2017				4
Labour	Helal Uddin								0
Labour	John Pierce								0
Labour	Joshua Peck	13/03/2017	03/01/2017	24/03/2017					3
Labour	Khales Uddin Ahmed	03/04/2017	03/04/2017	03/04/2017	03/04/2017	05/04/2017			5
Labour	Marc Francis	05/12/2016	11/01/2017	08/02/2017		19/04/2017			4
Labour	Rachael Blake	16/03/2017	16/03/2017	16/03/2017	16/03/2017				4
Labour	Rachel Saunders	01/12/2016	12/01/2017	23/02/2017	23/03/2017	13/04/2017			5
Labour	Rajib Ahmed								0
Labour	Sabina Akhtar								0
Labour	Shiria Khatun	01/12/2016	10/01/2017	23/02/2017	23/03/2017	13/04/2017			5
Labour	Sirajul Islam	18/01/2017	19/01/2017	24/02/2017	23/03/2017	13/04/2017	12/06/2017	12/06/2017	7
Liberal Dem	Andrew Cregan								0
PATH	Abdul Asad								0
PATH	Aminur Khan								0
PATH	Rabina Khan								0
PATH	Shafi Ahmed								0
PATH	Shah Alam								0
THIG	Gulam Robbani								0
THIG	Harun Miah								0
THIG	Kibria Choudhury								0
THIG	Mahbub Alam								0
THIG	MD. Maium Miah								0
THIG	Mohammed Mustaquim								0
THIG	Ohid Ahmed								0
THIG	Oliur Rahman								0
THIG	Suluk Ahmed								0
	forms rec'd this month	16	17	15	12	7	3	3	45
	submission rate	35.56%	37.78%	33.33%	26.67%	15.56%	6.67%	6.67%	12.50%

This page is intentionally left blank

Completion of Declaration of Interest Forms
and Attendance at Training Events
(November 2016 to 15 June 2017)

Group	Name	DOI updated	Mandatory Committee Training						Members Seminars		
			Appointments	Grants	OSC	Licensing	Pensions	Strategic	Attended	Possible	Attendance
CON	Andrew Wood	26-Nov-17					yes	yes	6	12	50.00%
CON	Chris Chapman	22-Feb-17							-	12	0.00%
CON	Craig Aston	04-Jan-17							-	12	0.00%
CON	Julia Louise Dockerill	05-Dec-16						yes	2	12	16.67%
CON	Peter Golds	03-Mar-17		yes		yes			1	12	8.33%
IND	Abjol Miah	22-Jun-16							1	12	8.33%
IND	Mohammed Mufti Miah	22-Nov-16							-	12	0.00%
IND	Shafiqul Haque	28-May-14							-	12	0.00%
Labour	Abdul Chunu Mukit, MB	10-Jan-17		yes					1	12	8.33%
Labour	Amina Ali	12-Apr-17	yes	yes				yes	1	12	8.33%
Labour	Amy Whitelock-Gibbs	18-Nov-16				yes			-	12	0.00%
Labour	Andrew Cregan	21-Nov-16					yes	yes	-	12	0.00%
Labour	Asma Begum	16-Mar-17						yes	-	12	0.00%
Labour	Ayas Miah	10-May-16							1	12	8.33%
Labour	Candida Ronald	21-Nov-16				yes	yes	yes	-	12	0.00%
Labour	Clare Harrisson	22-Nov-16		yes			yes		1	12	8.33%
Labour	Danny Hassell	05-Mar-17						yes	4	12	33.33%
Labour	Dave Chesterton	24-Jan-17				yes			5	12	41.67%
Labour	David Edgar	09-May-17							5	12	41.67%
Labour	Denise Jones	23-Feb-17				yes			5	12	41.67%
Labour	Helal Uddin	23-Nov-16		yes				yes	-	12	0.00%
Labour	John Biggs	17-May-17							-	12	0.00%
Labour	John Pierce	17-May-17		yes					4	12	33.33%
Labour	Joshua Peck	30-Jan-17				yes		yes	-	12	0.00%
Labour	Khales Uddin Ahmed	22-Feb-17				yes			-	12	0.00%
Labour	Marc Francis	18-May-17						yes	-	12	0.00%
Labour	Rachael Saunders	09-May-17							2	12	16.67%
Labour	Rachel Blake	21-Mar-17							1	12	8.33%
Labour	Rajib Ahmed	25-Nov-16				yes			1	12	8.33%
Labour	Sabina Akhtar	10-May-17						yes	-	12	0.00%
Labour	Shiria Khatun	28-Feb-17	yes						2	12	16.67%
Labour	Sirajul Islam	09-May-17							1	12	8.33%
PATH	Abdul Asad	28-Feb-17							-	12	0.00%
PATH	Aminur Khan	23-Nov-16							-	12	0.00%
PATH	Rabina Khan	01-Mar-17							-	12	0.00%
PATH	Shafi Ahmed	09-Dec-16							2	12	
PATH	Shah Alam	11-Jun-14							-	12	0.00%
THIG	Gulam Robbani	23-Mar-17						yes	-	12	0.00%
THIG	Harun Miah	28-Nov-16							-	12	0.00%
THIG	Kibria Choudhury	20-Mar-17						yes	-	12	0.00%
THIG	Mahbub Alam	28-Feb-17						yes	1	12	8.33%
THIG	MD. Maium Miah	16-Mar-17						yes	-	12	0.00%
THIG	Mohammed Mustaqim	26-Apr-16							4	12	33.33%
THIG	Ohid Ahmed	20-Mar-17							1	12	8.33%
THIG	Oliur Rahman	12-May-17							-	12	0.00%
THIG	Suluk Ahmed	24-Feb-17						yes	-	12	0.00%

This page is intentionally left blank

MEMBERS TIMESHEET (JANUARY 2014)

MEMBER'S NAME:	
MONTH/YEAR:	
NUMBER OF SURGERIES HELD:	
NUMBER OF CASES/ENQUIRIES RAISED:	
DAYS HOLIDAY/ANNUAL LEAVE:	
DAYS SICK LEAVE:	
COUNCIL MEETINGS ATTENDED	TIME SPENT
EXTERNAL BODIES MEETINGS	TIME SPENT
OTHER	TIME SPENT
<i>(Please enter total time spent on any of the following – you do not need to enter the number of meetings)</i>	
Chair's Pre Agenda Meetings	
Citizenship Ceremony	
Civic Receptions	
Community Events	
Conferences	
Constituents' Home Visits	
Corporate Parenting Steering Group	
Political Group Meetings	
Mayor's Advisory Board Meetings	
Mayoral Engagements	
Meeting with Council Officer/s	
Meeting with Councillor/s	
Meeting with other organisations	
Members Training Sessions/Seminar	
GLA Member/MP/MEP/Minister -Meetings	
Paperwork, Reading & Telephone Calls	
School Governors' Meeting	
Site Visits	
Tenants/Residents Meeting	
Time Spent on Casework	
Time Spent at Surgery	

PLEASE RETURN COMPLETED TIMESHEET TO MEMBERS' SUPPORT EACH MONTH

This page is intentionally left blank

Home

Council & democracy

Council meetings

Introduction

What's new

Councillors

Calendar

Committees

Constitution

Ways of participating

Election Results

Forward Plans

Forthcoming Decisions

Outside Bodies

Search

Subscribe to Updates

Attendance

Meeting attendance of Councillor [REDACTED]

Date range: [◀ Earlier](#) - [Later ▶](#)

Attendance statistics for Councillor [REDACTED]

Statistic	Count	Percentage
Total expected attendances:	13	
Present as expected:	11	85%
Apologies received:	2	100% of absences
Absent (incl. apologies):	2	15%
In attendance:	3	

Explanation of the statistics counts

Total expected attendances

The number of meetings that the councillor was expected to attend in their capacity as member of that committee. This only includes meetings for which the councillor's actual attendance status is known.

Present as expected

The number of meetings that the councillor attended in their capacity as member of that committee.

In attendance

The number of meetings that the councillor attended in a capacity other than committee member, for example a voluntary attendance out of personal interest for a topic being discussed.

Absent (incl. apologies)

Meetings not attended, where the councillor is a member of the committee, including apologies submitted.

(nis)

This information is not included in the summary statistics above.

Other meeting statistics options

◦ [View statistics for each committee attended](#)

Meeting summary for Councillor Dave Chesterton

Date	Committee Meeting	Attendance
18/01/2017	Council	Present
22/02/2017	Council	Present
22/03/2017	Council	Present
17/05/2017	Council	Present
10/05/2017	Development Committee	In attendance
17/05/2017	General Purposes Committee	In attendance
17/01/2017	Health Scrutiny Sub-Committee	Present
14/03/2017	Health Scrutiny Sub-Committee	Present
21/03/2017	Licensing Committee	Apologies received
23/05/2017	Licensing Committee	Apologies received
14/02/2017	Licensing Sub Committee	Present
28/02/2017	Licensing Sub Committee	Present
28/03/2017	Licensing Sub Committee	Present
25/04/2017	Licensing Sub Committee	Present
13/03/2017	Pensions Board	Present
23/03/2017	Strategic Development Committee	In attendance

Key:

Present: Committee Member present at the meeting.

Expected: Committee Member expected at the meeting.

Apologies received: Committee Member who has given apologies. Note that apologies can be given for many reasons including being engaged on other Council business.

Present as substitute: Deputy Committee Member deputising for a Committee Member.

In Attendance: Non Committee Councillor in attendance at the meeting.

Not Required: Councillors not required at meeting. For example if the meeting has been cancelled or if they are not required to deputise.

This page is intentionally left blank

Summary Councillor Attendance Details.
1 November 2016 - 31 May 2017

	Political Party	Total Expected	Mtgs Present	% Present	In Attndce (Other Cttees)	Mtgs Absent	% Absent	Mtg Apologies	% Apologies
Councillor Abdul Mukit MBE	Labour	31	17	50%	3	0	0%	14	41%
Councillor Amina Ali	Labour	26	17	57%	4	2	7%	7	23%
Councillor Amy Whitelock Gibbs	Labour	35	19	51%	2	0	0%	16	43%
Councillor Asma Begum	Labour	38	27	69%	1	1	3%	10	26%
Councillor Ayas Miah	Labour	26	16	59%	1	0	0%	10	37%
Councillor Candida Ronald	Labour	23	18	78%	0	0	0%	5	22%
Councillor Clare Harrisson	Labour	35	28	74%	3	0	0%	7	18%
Councillor Danny Hassell	Labour	42	36	86%	0	0	0%	6	14%
Councillor Dave Chesterton	Labour	25	20	69%	4	0	0%	5	17%
Councillor David Edgar	Labour	39	39	81%	9	0	0%	0	0%
Councillor Denise Jones	Labour	27	25	89%	1	0	0%	2	7%
Councillor Helal Uddin	Labour	28	22	79%	0	1	4%	5	18%
Councillor John Pierce	Labour	31	27	68%	9	0	0%	4	10%
Councillor Joshua Peck	Labour	30	13	43%	0	0	0%	17	57%
Councillor Khales Uddin Ahmed	Labour	21	14	67%	0	2	10%	5	24%
Councillor Marc Francis	Labour	20	17	77%	2	0	0%	3	14%
Councillor Rachael Saunders	Labour	47	37	71%	5	1	2%	9	17%
Councillor Rachel Blake	Labour	28	16	53%	2	0	0%	12	40%
Councillor Rajib Ahmed	Labour	21	21	95%	1	0	0%	0	0%
Councillor Sabina Akhtar	Labour	28	20	69%	1	2	7%	6	21%
Councillor Shiria Khatun	Labour	32	21	64%	1	1	3%	10	30%
Councillor Sirajul Islam	Labour	45	33	66%	5	2	4%	10	20%
Mayor John Biggs	Labour	53	50	86%	5	0	0%	3	5%

Summary Councillor Attendance Details.

1 November 2016 - 31 May 2017

Username	Political Party	Total Expected	Mtgs Present	% Present	In Attndce (Other Cttees)	Mtgs Absent	% Absent	Mtg Apologies	% Apologies
Councillor Andrew Wood	Conservative	24	19	53%	12	0	0%	5	14%
Councillor Chris Chapman	Conservative	12	8	62%	1	1	8%	3	23%
Councillor Craig Aston	Conservative	11	3	27%	0	3	27%	5	45%
Councillor Julia Dockerill	Conservative	26	15	56%	1	0	0%	11	41%
Councillor Peter Golds	Conservative	43	37	69%	11	3	6%	3	6%
Councillor Andrew Cregan	Liberal Democrats	20	13	62%	1	1	5%	6	29%
Councillor Abdul Asad	People's Alliance of Tower Hamlets	19	8	40%	1	2	10%	9	45%
Councillor Aminur Khan	People's Alliance of Tower Hamlets	11	9	82%	0	1	9%	1	9%
Councillor Rabina Khan	People's Alliance of Tower Hamlets	24	10	38%	2	5	19%	9	35%
Councillor Rabina Khan	People's Alliance of Tower Hamlets	24	10	38%	2	5	19%	9	35%
Councillor Shafi Ahmed	People's Alliance of Tower Hamlets	19	17	85%	1	0	0%	2	10%
Councillor Shah Alam	People's Alliance of Tower Hamlets	22	17	71%	2	2	8%	3	13%
Councillor Abjol Miah	Independent	7	6	75%	1	0	0%	1	13%
Councillor Mohammed Mufti Miah	Independent	5	5	83%	1	0	0%	0	0%
Councillor Shafiqul Haque	Independent	5	3	50%	1	1	17%	1	17%
Councillor Gulam Kibria Choudhury	Independent Group	9	5	50%	1	0	0%	4	40%
Councillor Gulam Robbani	Independent Group	15	10	63%	1	0	0%	5	31%
Councillor Harun Miah	Independent Group	9	5	50%	1	1	10%	3	30%
Councillor Mahbub Alam	Independent Group	10	6	46%	3	0	0%	4	31%
Councillor Md. Maium Miah	Independent Group	17	14	74%	2	1	5%	2	11%
Councillor Muhammad Ansar Mustaqim	Independent Group	34	29	81%	2	3	8%	2	6%
Councillor Ohid Ahmed	Independent Group	12	8	53%	3	1	7%	3	20%
Councillor Oliur Rahman	Independent Group	20	6	26%	3	2	9%	12	52%
Councillor Suluk Ahmed	Independent Group	19	14	70%	1	2	10%	3	15%