

STANDARDS (ADVISORY) COMMITTEE

Thursday, 19 October 2017 at 7.00 p.m.

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

This meeting is open to the public to attend.

Members:

Chair: 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:

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APOLOGIES FOR ABSENCE

1. 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.

2. MINUTES OF THE PREVIOUS MEETING(S) 5 - 12

To confirm as a correct record the minutes of the meeting of the Standards (Advisory) Committee held on 29 June 2017.

3. REPORTS FOR CONSIDERATION

3 .1 Code of Conduct for Members - Complaint Monitoring and Associated Matters 13 - 22

3 .2 Dispensations Under Section 33 of the Localism Act 2011 23 - 28

3 .3 Constitution Review – Member/ Officer Relations' Protocol 29 - 50

3 .4 Gifts and Hospitality 51 - 60

3 .5 Work Plan 61 - 64

4. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

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

5. EXCLUSION OF THE PRESS AND PUBLIC

In view of the contents of the remaining items on the agenda the Committee is recommended to adopt the following motion:

“That, under the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contains information defined as Exempt in Part 1 of Schedule 12A to the Local Government Act, 1972.”

NOTE: EXEMPT/CONFIDENTIAL SECTION (Pink Papers)

The exempt committee papers in the agenda will contain information, which is commercially, legally or personally sensitive and should not be divulged to third parties. If you do not wish to retain these papers after the meeting, please hand them to the Committee Officer present.

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

To consider any other exempt/ confidential business that the Chair considers to be urgent.

Next Meeting of the Committee:

Thursday, 25 January 2018 at 7.00 p.m. to be held in the Committee Room 1, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG

Agenda Item 1

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:-

Asmat Hussain, 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>

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STANDARDS (ADVISORY) COMMITTEE

HELD AT 7.10 P.M. ON THURSDAY, 29 JUNE 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)
Councillor Marc Francis
Councillor Candida Ronald
Councillor Ohid Ahmed
Councillor Aminur Khan

Others Present:

Matthew Kane – (ASDO Guest)

Officers Present:

Graham White – (Acting Corporate Director for Governance)
Paul Greeno – (Senior Lawyer)
Antonella Burgio – (Democratic Services Officer)

Apologies noted :

Fiona Browne (Co-Optee)
Mike Houston (Co-Optee)
Daniel McLaughlin (Co-Optee)
Councillor Muhammad Ansar Mustaqim (Member)

APPOINTMENT OF CHAIR

Councillor Ahmed nominated and Councillor Ronald seconded that Mr Pulford be appointed Chair of Standards Advisory Committee for the duration of the municipal year. There being no other nominations, it was

RESOLVED

That Mr Pulford be appointed Chair of the Standards Advisory Committee for the duration of the municipal year.

INFORMATION SHARE

1. Mr Pulford informed the Committee that in accordance with custom and practice, it was proposed that his appointment as a co-opted member of the Committee be extended to a second term subject to approval of performance. This proposal would be put to Council at its next meeting.

2. The scheduled ethics and probity training in May 2017 did not take place due to the snap general election.
3. The Chair introduced Matthew Kane of N E Lincolnshire Council who was in attendance to observe the meeting in conjunction with his studies.

VARY ORDER OF BUSINESS

During the meeting some Members requested that the order of business be varied to enable the discussion of items of interest to be discussed earlier in the meeting. The Chair agreed as this would enable fuller discussion of pertinent matters.

RESOLVED

That the order of business be varied and business items of the meeting be discussed in the following order:

- Items 4.1, 4.2, 4.3, 4.4, 4.6 and 4.5

1. APPOINTMENT OF VICE-CHAIR

Councillor Ronald nominated and Councillor Francis seconded that Ms Adam be appointed Vice-Chair of the Standards Advisory Committee for the duration of the municipal year.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Mr Pulford declared an interest in respect of agenda item 4.6 in that he was Chair of the Council of Conservation and Design.

3. MINUTES OF THE PREVIOUS MEETING(S)

RESOLVED

That the minutes of the meeting held on 1st March 2017 be approved as a correct record of proceedings subject to the correction of the following typographical error at page 8, that 'introduce' be corrected to 'introduced'.

4. REPORTS FOR CONSIDERATION

4.1 Terms of Reference, Quorum, Membership, Dates of Meetings and Establishment of Sub-Committees

The Committee noted the contents of the report and agreed the recommendations.

RESOLVED

1. That the Terms of Reference, Membership, Quorum, Dates of future meetings and timing thereof, as set out in Appendices 1, 2 and 3 to this report be noted;
2. That the following sub-committees be established 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

4.2 Code of Conduct for Members - Complaints and Investigation Monitoring

The Committee received a verbal update from the Acting Corporate Director of Governance. Members were informed that there were two ongoing matters presently under confidential investigation. No charges have been brought against the members concerned at this time as officers were still undertaking preliminary investigations.

RESOLVED:

That subject to the verbal update be noted.

4.3 Whistleblowing Update

The Committee were informed that there were presently 72 concerns three of these were also active at the time that the policy was introduced. Not all of the concerns raised were within the scope of the policy, however those that were, were referred to the relevant department and where the complaint concerned other agencies, the complainant was provided with details necessary to make an onward referral.

The Committee discussed the report and noted the following:

In regard to the safeguarding matter, Members were informed that the matter had been addressed quickly and the Council had dealt with the matter in accordance with the circumstances of the investigation.

Since Whistleblowing is administered through a third party, any anonymous complainants are still able to receive guidance and information relating how much information is required to be disclosed in order to lodge the complaint. However, the complainant is not constrained to provide this information if they do not wish to do so.

Regarding the Council's comparative performance in this matter, Members were informed that Tower Hamlets went beyond many other local authorities as it was open to external organisations for public interest matters. Additionally, whistleblowing was legally a matter for employees; but the Council's policy extended this right beyond this narrower scope. The Acting Corporate Director suggested that the Committee may wish to hear from Grant Thornton on the matter of Whistleblowing.

RESOLVED

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

4.4 Clear Up Project Final Report

The project originated during the time that Commissioners were directed to the Council by the Secretary of State for Communities and Local Government. The project aimed to investigate and answer 66 concerns that had been raised with Commissioners but which were outside of their remit. Therefore in collaboration with them, the Council devised an independent process to review such complaints involving independent reviewers. The findings of the project were presented to the Committee for consideration and would also be reported to Cabinet and Full Council. All matters raised would be responded to and an update made to Overview and Scrutiny Committee quarterly.

The Committee noted the following matters:

- There were Member behaviour issues at Full Council meetings. Support for the speaker was needed to control the behaviour of some Members.
- A number of the concerns were partially upheld and many were related to processes, therefore it was felt that there was insufficient assurance that things were being done properly. The onus was on two or three key officers.
- There

Responding to Members questions, the following information was provided:

- One matter had been reported in the London Evening Standard and a broadsheet newspaper.
- There had been a Freedom of Information request and this was responded to. Should any further such requests be made, these would be responded to in the appropriate manner.
- The starting time frame of projects to be reviewed was not chosen from political motives but was a date that had been determined by Commissioners.
- Some cases were subject to Police investigations. It was not appropriate to report on these until Police matters had been concluded.
- A Member to Member protocol was included as part of the Constitution review and would address some ethical matters brought to light by the clean-up project. It was intended that the previous work done by

SoLACE would be completed by developing this protocol. Members were also informed that there had been constructive dialogue at a recent Constitution Review Working Group.

- The Member – Officer Protocol recently had been reviewed and updated.
- The timescales reported in relations to actions were reasonable as officers would implement the recommendations.

The Committee asked:

- That the Member – Officer Protocol be brought to a future meeting for inspection.
- That a list of other matters raised by the public and how they are being dealt with be brought to the next meeting.
- That officers respond in writing to the written matters raised by Co-opted member Ms Browne.

RESOLVED

1. That the report and discussion be noted
2. That the actions requested above be undertaken by the relevant responsible officers.

4.5 Revised Planning Code of Conduct

Senior Lawyer Mr Greeno presented the report which concerned the revised planning code of conduct. He advised that as part of the ongoing review of the Council's Constitution, the review had been undertaken to consolidate information for Members of the Council's planning committees.

The Committee discussed the report and noted the following:

The changes would support members of the planning committees, and help to foster stringent transparency in an environment where members were required to consider high value developments and where the risks to which members might find themselves exposed were notable due to planning professionals.

The Chair noted that the code also provides advice on applications to planners and Planning Committee report writers and the Senior Lawyer agreed to review how this advice could be offered to these officers.

In regard to section 7 of the draft code, paragraph 7.5, the Chair considered that information on the organisations to which members should not become affiliated should be more explicit.

The written comments of Co-optee Ms Browne submitted to the Chair were also noted.

RESOLVED

1. That the revised Planning Code of Conduct in Appendix 1 of the report be noted;
2. That it be noted 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. That it be noted as this is a Member Code of Conduct then pursuant to the Terms of Reference for the Standards Advisory Committee that this revised Code is being brought before this Committee for consideration so that the Committee can advise Council on the adoption or revision of the Code;
4. That it be noted that the revised Code will also go to General Purposes Committee for consideration;
5. That it be 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. That the Committee's advice on the adoption or revision of the Code be noted including whether the Development Procedure Rules should be an Appendix to the Code.

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

The Committee discussed the report and the following issues were highlighted:

In regard to attendance data the Committee highlighted that:

- The percentage attendance data displayed was inaccurate. Officers advised that this would be investigated.
- It was not clear how the percentages were calculated.
- Members of long standing might choose not to attend training as they already had experience, however this would reflect badly on them in terms of the attendance data displayed in the Council's website.
- Training was insufficiently advertised and times of training poorly schedule which rendered some members unable to attend.

In regard to completion and submission of timesheets the Committee was advised that this was not a Council policy. Members then noted:

- That agreed guidance for Members on timesheet submission was needed.
- That the report reported that the Governance Review Working Group, had decided not to review this activity therefore the matter was not for the Committee.
- That completion of timesheets was not a true indicator of how well a Member was serving his/her constituents.

- At a meeting of the Labour Group there had been agreement that timesheet monitoring would continue. Elected Members of other political groups present did not verify the same and because there was no unified message on the matter, it was felt that a failure to submit timesheets could be used against members.

In regard to declarations, Members noted that the dates reported did not coincide with the reporting period.

The Acting Corporate Director noted the issues raised and advised that

- The Members Support Manager was to set up working group to look at the development of an annual training programme.
- Members would be canvassed on their views and a report taken to a future General Purposes Committee.

RESOLVED

1. That 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 and Members' comments on the data be noted.
2. That the updated position for the automatic publication of the attendance of Members at meetings be noted.
3. That it be noted that at this time, the Committee does not consider there is a need to ask the Chair to write to any Councillor(s) in connection with any of the monitoring information;
4. That SAC to receive further specific monitoring reports on attendance, timesheets and declarations of interest at six monthly intervals

5. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

Nil items.

6. COVERT INVESTIGATION UNDER THE REGULATION OF INVESTIGATORY POWERS ACT 2000

This report was deferred.

The meeting ended at 8.45 p.m.

Chair, John Pulford MBE
Standards (Advisory) Committee

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Non-Executive Report of the: Standards (Advisory) Committee 19 October 2017	 TOWER HAMLETS
Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer	Classification: Unrestricted
Code of Conduct for Members - Complaint Monitoring and Associated Matters	

Originating Officer(s)	Mark Norman, Legal Adviser & Deputy Monitoring Officer
Wards affected	(All Wards);

Summary

Appendix 1 to this report updates the Advisory Committee on the quarterly monitoring information for complaints and investigations relating to alleged breaches Council's Code of Conduct for Members. The report also contains information concerning the introduction of a new web based conduct complaint form and updates Members on progress in appointing a second Independent Person.

Recommendations:

The Standards (Advisory) Committee is recommended to:

1. Note the content of this report and consider the information contained in Appendix 1.

1. REASONS FOR THE DECISIONS

- 1.1 The Council's arrangements for dealing with complaints of breach of the Code of Conduct for Members (paragraph 11) provide for the Monitoring Officer to report quarterly (or less frequently if there are no complaints to report) to the Advisory Committee on the number and nature of complaints received and action taken as a result.

2. ALTERNATIVE OPTIONS

- 2.1 Not applicable.

3. DETAILS OF REPORT

- 3.1 As at March 2017 there were no outstanding Member conduct complaints or on-going investigations. Appendix 1 to this report contains details of eight new complaints that have been received since April 2017.
- 3.2 In order to improve the complaint handling process, the Monitoring Officer has also introduced a web based conduct complaint form. The content of the form was agreed with the Chair of the Advisory Committee and the Independent Person and was also subject to consultation with ungrouped Councillors and the various political groups on the Council.
- 3.3 A link to the form is included in 'Information about councillors' webpage on the Council's website which has now been updated and includes a revised section titled 'Code of Conduct for Members and declaration of interests'. This section includes details of how complaints of breach of the Code of Conduct are dealt with and contains a link to the new conduct complaint form. The 'Comments, compliments and complaints' webpage has also been updated to include reference to the new form which has been operational since 27 September 2017.
- 3.4 Members will be aware that the Council is required by law to appoint an Independent Person to assist in dealing with Member conduct complaints. The law requires that the view of the Independent Person is obtained before any decision is made about a complaint of breach of the Code that has been investigated. Tower Hamlets local procedure provides that the Independent Person should also be consulted on decisions about whether to investigate complaints.
- 3.5 The view of the Independent Person may also be sought by the Member complained about and it is possible for conflicts of interest to arise as a result of this or because of an existing connection or association between the complainant and the Independent Person.
- 3.6 The Council advertised in October last year for a second Independent Person but received no applications. A further advertisement seeking applications for the role was therefore placed last month with a closing date of 19 October

2017. The Advisory Committee will be updated on progress with the appointment at its next meeting.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 This is a noting report and thus there are no financial commitments arising from the recommendations within the report.

5. LEGAL COMMENTS

- 5.1 The principal statutory provisions relating to standards of conduct are contained in the Localism Act 2011. Section 27(1) of the 2011 Act provides that the Council must promote and maintain high standards of conduct by Members and Co-opted Members of the authority.
- 5.2 Sections 27 and 28 of the Localism Act require the Council to adopt a Code of Conduct consistent with the Nolan principles of good governance and to appoint at least one Independent Person whose views must be sought and taken into account before the Council makes any decision about an alleged breach of the Code that has been investigated.

6. ONE TOWER HAMLETS CONSIDERATIONS

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

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 The Council's arrangements for dealing with complaints of breach of the Code of Conduct for Members were revised in December last year to improve the transparency and efficiency of the process.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

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

9. RISK MANAGEMENT IMPLICATIONS

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

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

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

Linked Reports, Appendices and Background Documents

Linked Report

NONE.

Appendices

Appendix 1 Complaints and investigation monitoring information

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

NONE

Officer contact details for documents:

N/A

Appendix 1: Code of Conduct for Members - complaints and investigation monitoring information

Reference number	Date received by Monitoring Officer	Complainant	Councillor(s)	Nature of Complaint and potential breach(es) of the Code of Conduct	Date and outcome of consultation with IP	Date investigation commenced and investigation status	Hearing and outcome	Current status	Follow up
001/2017	April 2017	Clear Up Project Board	Elected councillor	Alleged failure to declare interests and associated matters	N/A			Referred to internal auditors	
002/2017	April 2017	Clear Up Project Board	Elected councillor	Alleged purchase of meals using Council budget without prior approval. Possible contravention of previous Code: 3.4 Disrepute 3.5 (b) Improper use of Council resources	20.07.17 agreed with IP letter to councillor and no further investigation but MO also to report to IDSC for view	N/A	N/A	IDSC 21.09.17 agreed with proposal for letter and no further investigation.	Letter sent 27.09.17
003/2017	April 2017	Clear Up Project Board	Elected councillor	Alleged undue influence of audit and a failure to register interests. Possible contravention of previous Code: 3.4 Disrepute 8.1 Failure to register interests	20.07.17 agreed with IP letter to councillor and no further investigation but MO also to report to IDSC for view	N/A	N/A	IDSC 21.09.17 agreed with proposal for letter and no further investigation.	Letter sent 27.09.17


Reference number	Date received by Monitoring Officer	Complainant	Councillor(s)	Nature of Complaint and potential breach(es) of the Code of Conduct	Date and outcome of consultation with IP	Date investigation commenced and investigation status	Hearing and outcome	Current status	Follow up
004/2017	3 July 2017	Member of public	Elected councillor	Alleged inappropriate conduct at meeting between local resident and councillor after a fire in residential block. Possible contravention of the Code: 2.2 Seeking to disadvantage complainant 2.9 Not promoting equality and not treating complainant with respect	08.09.17 agreed with IP further preliminary enquiries required of potential witnesses			Awaiting outcome of preliminary enquiries	

Reference number	Date received by Monitoring Officer	Complainant	Councillor(s)	Nature of Complaint and potential breach(es) of the Code of Conduct	Date and outcome of consultation with IP	Date investigation commenced and investigation status	Hearing and outcome	Current status	Follow up
005/2017	13 July 2017	Registered Provider (Housing)	Elected councillors x 2	Alleged inappropriate conduct of councillors after fire in residential block. Possible contravention of the Code: 2.9 Failure to treat local residents with respect 2.10 Failure to promote high standards by leadership and example	IP potential conflict and withdrew from considering the complaint. Referred for investigation by MO following discussion with Deputy MO.	02.10.17		Investigation underway	

Reference number	Date received by Monitoring Officer	Complainant	Councillor(s)	Nature of Complaint and potential breach(es) of the Code of Conduct	Date and outcome of consultation with IP	Date investigation commenced and investigation status	Hearing and outcome	Current status	Follow up
006/2017	25 August 2017	Member of public	Elected councillor	Alleged inappropriate content and circulation of video. Potential contravention of the Code: 2.9 Failure to treat with respect 2.10 Failure to promote high standards by leadership and example	08.09.17 agreed with IP explore potential for local resolution of complaint			Local resolution being pursued	
007/2017	5 April 2017	Clear Up Project Board	Elected councillor	Alleged failure to register interests in contravention of the current Code and the previous Code of Conduct				MO to meet with councillor on 03.10.17 for initial comments on complaint	

Reference number	Date received by Monitoring Officer	Complainant	Councillor(s)	Nature of Complaint and potential breach(es) of the Code of Conduct	Date and outcome of consultation with IP	Date investigation commenced and investigation status	Hearing and outcome	Current status	Follow up
008/2017	8 September 2017	Local business	Elected councillor	Alleged inappropriate conduct in communications with local business. Potential contravention of the Code: 2.2 Seeking to disadvantage complainant and confer advantage on another business 2.7 Improper use of Council resources				MO to meet with councillor for initial comments on complaint	

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Non-Executive Report of the: Standards (Advisory) Committee 19 th October 2017	 TOWER HAMLETS
Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer	Classification: Unrestricted
Dispensations under section 33 of the Localism Act 2011	

Originating Officer(s)	Mark Norman Legal Advisor & Deputy Monitoring Officer
Wards affected	All

Summary

This report informs the Advisory Committee of dispensations in relation to disclosable pecuniary interests (DPI's) under section 33 of the Localism Act 2011.

Recommendations:

- (1) That the Advisory Committee note the specific dispensation granted by the Monitoring Officer detailed in paragraph 3.2 of the report.
- (2) That the Advisory Committee note and consider the proposed General Dispensation and future arrangements detailed in paragraphs 3.5 to 3.8 of the report.

1. REASONS FOR THE DECISIONS

- 1.1 The terms of reference for the Advisory Committee currently provide that the Monitoring Officer may request the Advisory Committee to establish a Dispensations Sub-Committee to advise on any application made by a Member for a dispensation under section 33 of the Localism Act 2011.
- 1.2 This report informs members of the Advisory Committee of the dispensation granted by the Monitoring Officer at the Council meeting held on 20 September 2017 and a proposed General Dispensation to be granted by the Monitoring Officer to all Members on specified matters that may affect so many Councillors that the Council or relevant Committee would be impeded if the dispensation were not granted.

2. ALTERNATIVE OPTIONS

- 2.1 Not applicable.

3. DETAILS OF REPORT

- 3.1 The Code of Conduct for Members requires that the Mayor, Councillors and Co-opted Members register any disclosable pecuniary interest (DPI) and other specified interests in the Register of Members Interests. If a Member has a DPI in relation to any matter to be discussed at a meeting they must:
 - Not participate in any discussion of the agenda item, not vote on the matter and leave the room whilst the agenda item is discussed and voted on.
- 3.2 However, a Member who has a DPI in a matter to be discussed at a forthcoming meeting of the authority may make a written request before the meeting to the Monitoring Officer for a dispensation to enable them to participate in the discussion and vote.
- 3.3 A dispensation may be granted where the Monitoring Officer is satisfied that:
 - (a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
 - (b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
 - (c) granting the dispensation is in the interests of persons living in the authority's areas; or
 - (d) it is otherwise appropriate to grant a dispensation.Any grant of a dispensation must specify the duration of the dispensation up to a maximum of 4 years.

3.4 **Specific Dispensation:** The Monitoring Officer agreed to a dispensation for full Council on 20 September 2017, in relation to agenda item 12.18 which was a motion regarding the public sector pay cap. Members considered they might have a DPI because the lifting of the pay cap would result in potential financial benefit for either themselves or their spouse/partner.

3.5 The Monitoring Officer was satisfied that without the dispensation:

- the number of persons prohibited from participating in the item of business at the Council meeting would impede the transaction of the business: and
- the representation of different political groups at the Council meeting would be so upset as to alter the likely outcome of any vote relating to the business.

The Monitoring Officer therefore granted a dispensation for the duration of the Council meeting.

3.6 **General Dispensation:** Subject to the views of the Advisory Committee, the Monitoring Officer intends granting a General Dispensation to all Members to be present, speak and vote where they would otherwise have a DPI in the following matters:

- (a) Housing: where the Councillor (or spouse or partner) holds a tenancy or lease with the Council as long as the matter does not relate to the particular tenancy or lease of the Councillor (their spouse or partner);
- (b) Council Tax: setting the council tax or a precept: and
- (c) Determining an allowance, travelling expense, payment or indemnity for Councillors.

3.7 Guidance issued by DCLG in September 2013 (Openness and transparency on personal interests) states that the DCLG view is that Members do not need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support because this is a decision affecting the generality of the public in the area rather than Members as individuals. Nonetheless the Monitoring Officer considers it prudent for the sake of completeness to include Council Tax in the General Dispensation.

3.8 The dispensation for Council Tax relates to a Member's DPI and does not affect a Member's obligation under Section 106 of the Local Government Finance Act 1992 to declare and not vote if they are 2 months or more in arrears with their Council Tax when voting on setting the Council's budget.

3.9 The General Dispensation will apply until the next Mayoral and local elections in May 2018 after which a further report will be submitted to the Advisory Committee.

3.10 **Future Arrangements:** The Monitoring Officer will be introducing a standard application form for Members to complete when seeking a dispensation in order to make the process more efficient and transparent. As part of that process the Monitoring Officer intends to seek amendments to the Council

Constitution to make it a requirement for the view of either the Dispensations Sub-Committee or the Chair of the Advisory to be sought before any dispensation is granted on the grounds specified in paragraph 3.3 (c) or (d) above. The Monitoring Officer will continue to be responsible for granting dispensations on the grounds specified in paragraph 3.3 (a) and (b) above with the option of consulting the Chair or Sub-Committee if necessary.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

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

5. LEGAL COMMENTS

5.1 Section 31(4) of the Localism Act 2011 provides that a Member who has a disclosable pecuniary interest in any matter to be considered at a meeting may not participate in any discussion, or vote on the matter. However, by virtue of section 33, an authority may, on a written request by a Member, grant a dispensation relieving the member from either or both of the restrictions in Section 31(4). This is reflected in paragraph 4.1 of the Code of Conduct for Members.

6. ONE TOWER HAMLETS CONSIDERATIONS

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

7. BEST VALUE IMPLICATIONS

7.1 The Monitoring Officer will be introducing a standard application form for Members to complete when seeking a dispensation in order to make the process more efficient and transparent.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 There are no environmental implications arising out of this report.

9. RISK MANAGEMENT IMPLICATIONS

9.1 The introduction of a standard application form for Members to complete when seeking a dispensation should enable Members to better manage the requirement to make appropriate declarations of DPI's at meetings.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

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

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- NONE

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

List of “Background Papers” used in the preparation of this report

- NONE

Officer contact details for documents:

- N/A

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Non-Executive Report of the: General Purposes Committee 12 th October 2017	
Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer	Classification: Unrestricted
Constitution Review – Member/ Officer Relations’ Protocol	

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

Summary

General Purposes Committee on 5th July 2017 agreed to review the Member/Officer Relations’ Protocol. This report presents a revised Member/Officer Relations’ Protocol for recommendation to Council and addresses the Best Value Programme Review Board consideration for a Member to Member protocol.

Recommendations:

The General Purposes Committee is asked to:

1. Recommend to Council for approval the revised draft Member/ Officer Relations’ Protocol at Appendix 1; and
2. Note that revised draft Member/ Officer Relations’ Protocol will also be reviewed at the Standards Advisory Committee on 19th October 2017.

1. REASONS FOR THE DECISIONS

- 1.1 The Member/Officer Relations' Protocol is an important Constitutional document as it is part of the Council's ethical framework. The Protocol aims to define what should be considered a proper working relationship between Councillors and officers as well as the expectations that Councillors can expect in their dealings with each other. It also provides a framework within which confidence in Tower Hamlets decision making can be maintained.

2. ALTERNATIVE OPTIONS

- 2.1 Not to approve the revised Member/ Officer Relations Protocol.

3. DETAILS OF REPORT

- 3.1 This Report is a continuation of papers being presented to the General Purposes Committee Party to update on the review of the Constitution.
- 3.2 The revised Member/ Officer Relations Protocol was discussed at a meeting of the Constitutional Working Party on 22nd June 2017 where the 4 Group Leaders were all present. It was then discussed at General Purposes Committee on 5th July 2017 and it was noted that further redrafting was required to avoid duplication with other Codes/ Protocols within the Constitution. The revised draft Member/ Officer Relations' Protocol is at Appendix 1.
- 3.3 One of the core principles of good governance is that Councillors and officers work together to achieve a common purpose with clearly defined functions and roles:
- Advice to political groups must be given in such a way as to avoid compromising an officer's political neutrality.
 - Advice must be confined to Council business, not party business.
 - Relationships with a particular party group should not be such as to create public suspicion that an officer favours that group above others.
 - Information communicated to an officer by a party group in confidence, should not be communicated to other party groups.
- 3.4 The Protocol has been reviewed and redrafted with the aim of define what should be considered a proper working relationship between Councillors and officers in Tower Hamlets as well as between Councillors themselves and to provide a framework within which confidence in Tower Hamlets decision making can be maintained.
- 3.5 Reasons for suggesting changes to the current Protocol fall into 4 categories:
- (i) Changes that bring the Protocol 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 Protocol.

And the table in Appendix 2 identifies which changes fall into group categories (i) and (ii) or (iii) and (iv).

- 3.6 With regard to the changes, the sections in relation to the General Principles of Conduct, the Statutory Framework; Gifts and Hospitality; and Members and Officers and the Media have been removed as these are more appropriately covered elsewhere and are therefore duplication..
- 3.7 A new section 4 of the Protocol is headed “Councillor to Councillor Expectations”. This has been introduced in response to the Best Value and Strategy Action Plan and the Best Value Theme of Organisational Culture. One of the key items that the Council was looking to achieve was “Effective working relationships between elected members and between elected members and senior officers, to enable all to work together to achieve the best outcomes for Tower Hamlets and its residents”. As part of considering that item, SOLACE was commissioned to run an Organisational Culture Support Programme Solace development work with members and senior officers. Coming out of that was creating improved relationships between councillors of different parties and also to bringing about more positive behaviours in meetings held in public, especially the full Council meetings.
- 3.8 When reported back to the Best Value Programme Review Board, the Board considered that there was a need for a Member to Member Protocol. This has been considered and rather than have a Member to Member Protocol that whilst the Member/ Officer Relations’ Protocol is primarily aimed at the interaction between Councillors and Officers, the same basic principles apply to interactions between Councillors. Councillor to Councillor behaviour could therefore be best addressed by having a section in the Member/ Officer Relations’ protocol setting out what they should be entitled to expect from each other.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 The Chief Finance Officer has been consulted on this report and has no additional comments to make; there are no financial implications as a result of the proposed changes to the Constitution set out in this report.

5. LEGAL COMMENTS

- 5.1 Section 9P of the Local Government Act 2000 requires the Council to prepare and keep up to date a Constitution and which is also to contain such information as the Secretary of State may direct. A Constitution Direction (The Local Government Act 2000 (Constitutions) (England) Direction 2000) was issued by the Secretary of State in December 2000 that required a number of matters to be included within Constitutions and which included protocols for managing member/officer relations. The review and adoption of

a revised Member/ Officer Relations' Protocol is therefore in accordance with the Council's statutory responsibility.

6. ONE TOWER HAMLETS CONSIDERATIONS

6.1 The proposed revisions to the Constitution are intended to address weaknesses regarding efficiency, transparency and accountability. In making the revisions to increase efficiency, transparency and accountability of decision making this should help to achieve the objectives of equality and personal responsibility inherent in One Tower Hamlets.

7. BEST VALUE (BV) IMPLICATIONS

7.1 Whilst the report does not propose any direct expenditure, it is looking to put in place arrangements in the exercise of its functions having regard to efficiency and thereby also economy and effectiveness.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 It is not considered that there are any environmental implications.

9. RISK MANAGEMENT IMPLICATIONS

9.1 This proposed revision of the Constitution is designed to address weaknesses regarding efficiency, transparency and accountability. The overall aim is therefore to reduce risk.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 There are no crime and disorder reductions implications.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- 1 - Draft Revised Member/ Officer Relations' Protocol
- 2 – Table categorising changes

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

List of “Background Papers” used in the preparation of this report

- NONE

Officer contact details for documents:

- N/A

PART 5.2 – MEMBER/ OFFICER RELATIONS’ PROTOCOL

CONTENTS

Section	Subject
1	Introduction
2	Roles of Councillors and officers
3	The Relationship between Councillors and officers
4	Councillor to Councillor Expectations
5	Councillors and Legal Action by or against the Council
6	Reports
7	Officer Advice to Party Groups
8	Members’ Services and the Use of Council Facilities
9	Political Assistants
10	Councillors’ Access to Information
11	When things go wrong
12	Review

1. INTRODUCTION

- 1.1** Councillors and officers are indispensable to one another and mutual respect between both is essential for good local government. Together, they bring the critical skills, experience and knowledge required to manage an effective public sector organisation. Councillors provide a democratic mandate to the Council, whereas officers contribute the professional expertise needed to deliver the policy framework agreed by Councillors.
- 1.2** The protocol is part of the Council’s ethical framework and should be read in conjunction with the Council’s Constitution, the Code of Conduct for Members, disciplinary codes which regulate the conduct of officers and other relevant codes and guidance.
- 1.3** This Protocol seeks to define what should be considered a proper working relationship between Councillors and officers in Tower Hamlets and to provide a framework within which confidence in the machinery of local government can be maintained. It contains interpretation and guidance on

some of the issues which commonly arise. It cannot cover every matter which will arise in council life but it reflects an approach and sets standards which will serve as a guide to dealing with other issues. It is intended to guide Councillors and officers and explain what they can expect of each other. It also explains what to do when things go wrong.

- 1.4** This protocol also applies to co-opted members of committees and to consultants and agency staff working for the Council, to whom a copy will be supplied.
- 1.5** Councillors appointed to outside bodies or partnership organisations as representatives of Tower Hamlets Council need to be aware that the Code of Conduct for Members applies to these appointments. However, other conduct arrangements of the outside body are likely to exist and, in those circumstances, Councillors should comply with both sets of conduct arrangements, unless the Code of Conduct for Members conflicts with the lawful obligations of the outside body.
- 1.6** A failure to abide by this Protocol by Councillors is likely to be a breach of the Code of Conduct for Members and may result in a complaint being made to the Monitoring Officer. As to officers, a failure to abide by this Protocol may result in a disciplinary action.
- 1.7** Any reference to 'Councillor' or 'Councillors' in this Protocol, or any appendices or related Codes/ Protocols, means the Mayor, elected and co-opted members. This Code applies at all times when Councillors act in their capacity as Councillors (or claim to act or give the impression of acting in their capacity as a Councillor).
- 1.8** 'Officers' and 'staff' mean all persons employed by the Council: whether full or part time; fixed term contract; agency; or consultant.
- 1.9** **A Councillor in need of advice about the application of this Protocol should contact the Monitoring Officer, whereas an officer in need in need of advice about the application of this Protocol should contact their line manager in the first instance.**

2. ROLES OF COUNCILLORS AND OFFICERS

- 2.1** Councillors and officers are indispensable to one another and mutual respect between both is essential for good local government. Together, they bring the critical skills, experience and knowledge required to manage an effective public sector organisation but their responsibilities are distinct.

Councillors

- 2.2 Councillors are democratically accountable to residents of their Wards and serve only so long as their term of office lasts. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.
- 2.3 All Councillors have responsibilities to determine the policy of the Council, monitor its performance, represent the Council externally and act as advocates on behalf of their constituents.

Officers

- 2.4 Officers are employed by and are accountable to the Council as a whole. With the exception of Political Assistants and the Mayor's Assistant, officers work to the instructions of their senior officers, not individual Councillors or Political Groups.
- 2.5 Officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
- 2.6 Officers have a duty to keep Councillors of all Political Groups fully informed about developments of significance in relation to council activities

3. THE RELATIONSHIP BETWEEN COUNCILLORS AND OFFICERS

- 3.1 Poor relations between Councillors and officers are counter-productive to good governance and therefore the conduct of Councillors and officers should be such as to instil mutual trust and respect. Councillors and officers should understand and respect each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.

Obtaining or granting favours

- 3.2 The Code of Conduct for Members emphasises the need for Councillors to avoid behaviour which could be viewed as conferring an advantage or disadvantage on an officer. Councillors must not seek personal favours from officers. Officers must not be tempted to give favours to please a Councillor. An example of favour seeking would be asking whether a Councillor's parking ticket could be withdrawn or whether an application for a service could be expedited. Similarly officers must not seek to circumvent agreed staff consultative procedures by lobbying Councillors on matters which directly concern them as employees

Councillor involvement in officer issues

- 3.3** Issues relating to the appointment, management and dismissal of most officers are reserved by law to the Head of Paid Service and officers appointed by him/her. Councillor involvement in employment issues generally, including where they relate to senior officers, is set out in the Local Authorities (Standing Orders) (England) Regulations 2001.
- 3.4** Occasions may arise where officers try to involve Councillors in day-to-day staff/management issues. Councillors should strongly discourage such approaches. Officers should be advised to pursue matters with their management through the established procedures for resolving grievances etc. Officers must not raise matters concerning their employment with individual Councillors; to do so may result in disciplinary action being taken.

Personal Familiarity

- 3.5** Personal familiarity between Councillors and officers can create the suspicion of improper conduct, however unfounded and can undermine public confidence in the Council. Whilst it is clearly important that there should be a close working relationship between officers and Cabinet members or chairs of Committees, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question, the officer's ability to deal impartially with other Councillors and other party groups.
- 3.6** Informal and collaborative two-way contact between Councillors and officers is encouraged; personal familiarity can damage the relationship, as might a family or business connection. It is accepted that some close relationships will develop, particularly when Councillors and officers work closely together but it is important that close relationships between Councillors and officers are openly declared and if any relationship might be seen as unduly influencing their work in their respective roles then they should inform the Monitoring Officer.
- 3.7** It is not enough to avoid actual impropriety, Councillors and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a Councillor should not sit on a body or participate in any decision which directly affects the officer on a personal basis.

Courtesy

- 3.8** Councillors and officers should respect each other's non-working time.
- 3.9** Councillors and officers should be courteous to each other at all times even if they disagree strongly with their respective views. Councillors and officers should not shout or raise their voice in an aggressive or rude manner.

Bullying

- 3.10** Councillors and officers must not bully or harass any person. Bullying may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once or be part of a pattern of behaviour directed at a weaker person or a person whom the Councillor or officer has some actual or perceived influence over. The legitimate challenges which a Councillor or officer can make in scrutinising policy or performance is acceptable.
- 3.11** Poor relations between Councillors and officers can be destructive to good governance. Councillors may from time to time become frustrated by what they regard as unacceptable or incompetent officer behaviour. It is self-evident that sometimes these feelings may be entirely justified although occasionally there may be a legitimate reason why member expectations cannot be met, e.g. because of a council policy or a legal requirement such as confidentiality.
- 3.12** Where a Councillor has a concern about an officer or Council services then this should be made to the Divisional Director of the service where the Councillor feels the fault lies or to the Corporate Director where it involves a Divisional Director personally or to the Chief Executive where it involves a Corporate Director personally. Indeed, Councillors have a duty to raise any issues where they have reason to think that fraud/ probity, corruption or malpractice of any sort is involved within the Council. Councillors should not criticise officers in public as Councillors should bear in mind that officers are instructed not to “answer back” in public. Attacking an officer’s conduct in public can constitute bullying, as will undue pressure brought by either officers or Councillors in private.

Lines of contact between Councillors and officers

- 3.13** Councillors must remember that officers within Directorates are accountable to their Corporate Director. Corporate Directors, through their senior management, are responsible for the allocation and prioritising of work by their staff. Councillors should not seek to influence such decisions.
- 3.14** A Councillor is free to approach any Council Department to provide him/her with such information, explanation and advice about the Department’s functions as s/he may reasonably need as a Councillor. This can range from a request for general information or documentation about some aspect of the Department’s activities, to a request for specific information on behalf of a constituent.
- 3.15** In making such an approach, the request should be made to the Corporate Director or Divisional Director for the Department concerned. If access is denied or the Corporate Director/Divisional Director is in doubt, the matter must be referred to the Monitoring Officer for determination.

- 3.16** Councillors should raise constituents' queries or concerns through the proper channels and not go direct to junior officers. Further in seeking to deal with constituents' queries or concerns, Councillors should not seek to jump the queue, but should respect the Council's procedures. Officers have many pressures on their time and officers may very well not be able to carry out the work required by Councillors in the requested timescale. Councillors should respect this. The Council does operate a Member's Enquiries system (see section 8.1 for more details).
- 3.17** Where Councillors and officers share an office building particular care needs to be taken to maintain appropriate lines of contact. Councillors and officers are reminded that within an open plan office environment certain standards are expected to be maintained. In particular meetings should not be held at workstations, Councillors and officers should use the meeting facilities provided and sensitive or confidential issues should not be discussed in the open plan environment.
- 3.18** Officers within a Directorate are accountable to their Corporate Director and whilst officers should always seek to assist a Councillor, they must not go beyond the bounds of whatever authority they have been given by their Corporate Director.

4. COUNCILLOR TO COUNCILLOR EXPECTATIONS

- 4.1** Whilst this Protocol is primarily aimed at the interaction between Councillors and officers, the same principles apply to interactions between Councillors. Therefore Councillors should be entitled to expect from each other:
- respect, dignity and courtesy;
 - not to be subjected to bullying or personalised attacks;
 - respect for differing political views and values;
 - maintenance of confidentiality;
 - commitment to high standards of debate; and
 - compliance with the Council's Constitution including the Code of Conduct for Members.

5. COUNCILLORS AND LEGAL ACTION BY OR AGAINST THE COUNCIL

- 5.1** There is a whole range of circumstances where the Council as a corporate body may be involved in legal proceedings. This could be against residents or other individuals, organisations and companies, and across the whole range of service areas including housing, planning, highways, etc. Councillors have

a clear role in representing residents' and general public interests. In this representative capacity, Councillors will inevitably become involved in issues where the Council is considering, or is in the process of taking legal action, or where the Council is the defendant to legal actions brought by third parties.

- 5.2** Conflicts of interest may often occur when a Councillor is enquiring on behalf of an individual or body involved in legal action by or against the Council. In such cases, Councillors will be required to balance their representative role with their wider responsibilities in representing the corporate interests of the authority. For this reason, Councillors must be circumspect in any dealing with persons taking action against the Council, or against whom any legal action is being taken. Particularly, Councillors must be extremely cautious about having any dealings with professional representatives, advisers or witnesses in the case. Not only could such intervention prejudice the Council's position but the Councillor could find himself/herself accused of an offence of Misconduct of Public Office or, Perverting the Course of Justice or an attempt or conspiracy to do so.
- 5.3** It is therefore particularly important that Councillors should be sure not only to avoid any actual impropriety, but at all times avoid any occasion for suspicion or any appearance of improper conduct.
- 5.4** In that regard, Councillors must not:
- attempt in any way to exercise improper influence over the legal process in which the Council is involved;
 - attempt to exert improper influence on Council officers involved in the legal process or witnesses in the case;
 - attempt to engage the community to exert improper influence on Council officers involved in the legal process or witnesses in the case.
- 5.5** Whilst Councillors have every right to information on how any such matter is being dealt with and a duty to represent their constituents, Councillors must also realise that the response on behalf of the Council must be limited to comments on process, so as not to prejudice the proceedings.
- 5.6** In respect of any ongoing or contemplated proceedings, all enquiries must be addressed to either the appropriate Divisional Director or Corporate Director. On no account is the Councillor to contact any officers involved in the proceedings to discuss or make any enquiries regarding the proceedings.
- 5.7** If a Councillor believes that the Council's actions or intentions are wrong, s/he should inform the Corporate Director concerned. It must then be for the Corporate Director to determine what action to take. If the Councillor remains unhappy with the action taken, then s/he should refer the matter to the Council's Monitoring Officer or to the Chief Executive.

6. REPORTS

- 6.1** Officers' reports should contain clear, evidence-based advice as to why a course of action is being recommended. From time to time corporate advice is given to officers on report writing and they should take care to follow it. The report should set out all relevant factors for the decision maker, and examine all alternatives in an even handed way. Officers should take care to include even unpopular options if they feel they are relevant.
- 6.2** The relevant Corporate Director will always be fully responsible (and retains ultimate responsibility) for the content of any report submitted in his/her name. Any issues arising between a Councillor and a Corporate Director in this area should be referred to the Monitoring Officer or Chief Executive for resolution.
- 6.3** Councillors have the right to criticise reports or the actions taken by officers, but they should always:-
- seek to avoid personal attacks on officers; and
 - ensure that criticism is constructive and well-founded.
- 6.4** Councillors have the ability to agree or reject proposals placed before them by officers, irrespective of the advice or recommendations made by officers so long as they generally act in good faith and exercise reasonableness in decision-making and specifically:-
- take into account relevant and dismiss irrelevant matters; and
 - do not come to a conclusion that no reasonable authority would come to. Officers must therefore, be able to report to Councillors as they see fit and without any political pressure.
- 6.5** A resolution may be passed at meetings which authorises an officer to take action between meetings after consultation with the Chair/Lead Member/Portfolio Member etc. It is the officer, not the Chair etc., who takes the action and is responsible for it. The Chair etc. does not himself/herself have the power to make decisions between meetings.

7. OFFICER ADVICE TO PARTY GROUPS

- 7.1** It must be recognised by all officers and Councillors that in discharging their duties and responsibilities officers serve the Council as a whole and not exclusively any Political Group, combination of such Groups, or any individual Councillor. Special rules apply to Political Group Assistants and the Mayor's

Assistant and those post holders are made aware of them through separate guidance.

- 7.2** There is statutory recognition for party political groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Senior officers may properly be called upon to support and contribute to such deliberations by political groups but must at all times maintain political neutrality. All officers must, in their dealings with political groups and individual Councillors treat them in a fair and even-handed manner.
- 7.3** The support provided by officers can take many forms, ranging from a briefing meeting with the Mayor, a Cabinet Member/Chair/Spokesperson prior to a Council, Cabinet, Committee or Sub-Committee meeting to a presentation to a political group meeting. Whilst in practice such officer support is likely to be in most demand from whichever political group is in control of the Council at the time, such assistance is available to all political groups.
- 7.4** Certain points, however, must be clearly understood by all those participating in this process, Councillors and officer alike. In particular:
- (i) Requests for officers to attend any political group meeting must be made only to the appropriate member of the Corporate Leadership Team. Normally only that person will attend the meeting, although in exceptional circumstances s/he may be accompanied by one or more Senior officers.
 - (ii) Unless otherwise agreed in advance with the Chief Executive, officers will not attend political group meetings that include persons who are not Councillors. However, where the Chief Executive has authorised such attendance special care needs to be exercised by officers involved in providing information and advice to such political group meetings. Persons who are not elected Councillors will not be bound by the Code of Conduct for Members (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons officers may not be able to provide the same level of information and advice as they would to a Councillors only meeting.
 - (iii) Officer support (whether in the form of a written report or otherwise) must not extend beyond providing information and advice in relation to matters of Council business. Officer support will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the Authority. Reports or other support will not deal with any political implications of the matter or any option, and officers will not make any recommendations to a political group. Officers (with the exception of Political Group/Mayor's

Assistants) are not expected to be present at meetings or part of meetings when matters of party business are to be discussed.

- (iv) Political group meetings, whilst they form part of the preliminaries to Council decision making are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such.
- (v) It must not be assumed by any political group or Councillor that any officer is supportive of any policy or strategy developed because of that officer's assistance in the formulation of that policy or strategy.
- (vi) Officers must respect the confidentiality of any political group discussions at which they are present in the sense that they should not relay the content of any such discussion to another political group or Councillor thereof. However, Councillors should be aware that this would not prevent officers from disclosing such information to other officers of the Council so far as is necessary to perform their duties.
- (vii) Where officers provide information and advice to a political group meeting in relation to a matter of Council business, it should be understood that the officers have a statutory duty to provide all necessary information and advice to the Mayor or Cabinet or relevant Committee/Sub-Committee when the matter in question is considered.

8. MEMBERS' SERVICES AND THE USE OF COUNCIL FACILITIES

Members' Services and Members' Enquiries

- 8.1** The Council operates a Member's Enquiries system which is for the Mayor and Councillors to use for routine requests for information and advice. The maximum response time expected for such enquiries is 10 working days and officers will chase outstanding enquiries exceeding this period. Matters which are not routine or involve policy should be directed initially to the relevant Corporate Director or Divisional Director or any officer nominated by them.
- 8.2** Both Mayor's Office secretarial staff and the Councillors' Support Team provide assistance to Councillors in their role as Council Members. Staff in these sections may, therefore, be used, as appropriate, to help with work such as casework, meetings and correspondence to do with Council matters. Full details of the service offered are contained in the Members' Services Guide.
- 8.3** The Mayor's Office and Councillor Support Team staff will assist with booking venues for, and publishing details of, Councillors' surgeries. Councillors' surgeries should normally be held within a Councillor's own ward, but Councillors may arrange a surgery in premises outside their ward if this is

necessary to provide suitable surgery facilities for their own constituents. Councillors must not ask Council officers to assist with any personal, business or party political matters; attend surgeries; or decide how case work will be dealt with.

Council Facilities

- 8.4** Councillors must use any Council facilities that are provided in their role as a Councillor strictly for that purpose and no other. For example, Councillors must not use rooms in the Town Hall or other buildings or any of the Council's paper, computers, photocopiers, or printers for any personal, business related or party political matter, nor, for example, on behalf of any community groups of which the Councillor is a member, unless formal approval has been given by the appropriate Corporate Director.
- 8.5** The use of Council facilities and services by Councillors during a pre-election period for election campaigning or political purposes is not allowed. Specific guidance will be issued at that time to both Councillors and officers.
- 8.6** The Council can only provide legal representation to an individual Councillor where the action is taking place in the name of the Council. All such matters should be raised with the Chief Executive in the first instance.

Political Party Workers

- 8.7** Councillors are often assisted by political party workers. There is no objection to this, but no non-elected party worker has any entitlement to:
- information to which a Councillor has access in their role as Mayor or Councillor;
 - use Council facilities provided for the use of Councillors.

The principles which apply to use of facilities provided for Councillors (and the officers employed to assist them) apply equally to all Council property and facilities and all Council employees.

Use of IT

- 8.8** From time to time training and guidelines on the proper and effective use of Council IT resources will be issued.

9. POLITICAL ASSISTANTS

- 9.1** Section 9 of the Local Government and Housing Act, 1989 gives councils a power to appoint political assistants to qualifying political groups. Whilst the Act allows the political affiliation of an individual to be taken into account in the appointment of any Political or Mayor's Assistant, they remain officers of the Council. In this context, it should be realised that officer support to the political groups is in the context of their role in the discharge of Council

business and although it may require liaison with political parties, at both local and national level, should not be used in promoting the views of an individual political party or undertaking campaigning or other party political business.

- 9.2** Political assistants hold politically restricted posts and therefore also face restrictions on their personal political activity.

10. COUNCILLORS' ACCESS TO INFORMATION

General

- 10.1** The following paragraphs identify the rights of Councillors and the procedures that they must comply with when applying for access to Cabinet/Committee/Sub-Committee papers and other documents/information. These paragraphs take into account the following:

- Relevant legislation including the Local Government Act 1972; the Data Protection Act 1998; the Freedom of Information Act 2000; and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (SI 2012/2089)
- Local Government Transparency Code 2015
- Open and accountable local government: plain English guide
- Access to Information Procedure Rules (Part 4.2 of the Constitution)
- Relevant case law

- 10.2** Councillors have the same ordinary rights of access to certain information as is enjoyed by the general public. They also have the right to access any other information (i.e. confidential or exempt) held by the Authority provided that it is reasonably necessary to enable the Councillor to properly perform their duties as a Councillor (see "Need to Know" below). This right of access of additional access may not extend to the publication of or otherwise making public such information as there may be issues of confidentiality.

Access to Committee Papers for Forthcoming Meetings

- 10.3** The rights of Councillors can be summarised as follows:-

- (i) Councillors enjoy the same access rights as members of the public in respect of Part I Cabinet/Committee/Sub-Committee papers.
- (ii) Councillors of the appropriate Cabinet/Committee/Sub-Committee will have a good reason for access to all Part II exempt information on the respective Cabinet/Committee/Sub-Committee agenda under the "Need to Know" principles (see below).

- (iii) Councillors of the Overview and Scrutiny Committee will have a prima facie “Need to Know” where they require access to Part II Cabinet agenda items as part of their scrutiny function provided the subject matter is within the Committee/Sub-Committee’s terms of reference.
- (iv) All other Members who require access to confidential/exempt Cabinet/Committee/Sub-Committee documentation will need to request disclosure under the Freedom of Information Act 2000 or demonstrate a “Need to Know” in accordance with the principles set out below.

Access to Other Documents/Information – “The Need to Know”

- 10.4** It is important to note that in some cases access to information to which the public is not entitled only applies where Councillors are clearly carrying out their role as elected representatives. Where a Councillor has a financial or personal interest in a matter the Councillor will only be entitled to the same access as would be the case for a private individual. In these circumstances, the Councillor must make it clear that s/he is acting in his/her private capacity and not as a Councillor.
- 10.5** Under common law principles Councillors have the right to access information held by the Council where it is reasonably necessary to enable the Councillor to properly perform their duties as a Councillor. This is known as the “Need to Know”. This means that information must not be used for party political purposes.
- 10.6** The common law “Need to Know” is the prima facie right of Councillors to inspect documents of the authority which exist as Councillors are under a duty to keep themselves informed of Council business which relate to their role as elected representatives. Thus, this right applies to Councillors who do not have statutory rights to exempt or confidential information and to other documents held by the Council under local government legislation or the Freedom of Information Act 2000.
- 10.7** For example, a Councillor is likely to have a prima facie “Need to Know” where s/he has a legitimate Ward problem and needs access to the documents that are relevant to that specific problem. Also, for example, a Cabinet Member whose Portfolio covers the matter in question and s/he needs to be aware of what is occurring for the purpose of his/her Cabinet position.
- 10.8** Access to information on the basis of a ‘Need to Know’ does not exist where the Councillor is considered to be “fishing” for information or seeks access for an ulterior/improper purpose (e.g. for a private purpose). Case law has established that mere idle curiosity as to what is in the documentation will not be sufficient.

- 10.9** It should be noted that some material (for example if commercially sensitive) may be redacted from information that is disclosed, if this does not affect the ability of a Councillor to exercise his/her role as an elected representative.
- 10.10** There will also be a range of documents which, because of their nature are either not accessible by Councillors (such as the personal records of an individual) or are accessible only by the political group forming the administration and not by the Councillors of other political groups. An example of this latter category would be draft documents compiled in the context of emerging Council policies and draft Committee reports, the premature disclosure of which might be against the Council's and the public interest.
- 10.11** Whilst the term "Council document" is very broad and includes, for example, any document produced with Council resources, it is accepted by convention that a Councillor of one political group will not have a "Need to Know" and therefore, a right to inspect, a document which forms part of the internal workings of another political group.

Use of Council Information – Confidentiality

- 10.12** Procedural Rules and specific local procedures (e.g. on contracts) require Councillors and officers to maintain confidentiality in certain circumstances. Officers are bound by their contracts of employment and any breach of confidentiality will almost certainly lead to disciplinary action. Officers must distinguish between assisting an elected representative in the course of the Councillor's Council business and dealing with the same person as a client or customer, e.g. a Housing Benefit claimant. In the latter case, officers will treat the Councillor with the same degree of helpfulness, courtesy and confidentiality as would be afforded to any other member of the public in the same situation, and interpret the relevant rules and procedures as they would for any other client or customer.
- 10.13** Equally, any Council information provided to a Councillor on the basis of a 'Need to Know' must only be used by the Councillor for the purpose for which it was provided, i.e. in connection with the proper performance of the Councillor's duties as an elected representative of the Council. Confidential or exempt information provided to Councillors may be discussed in Part II Committee meetings or in private meetings of appropriate Councillors and officers. However, it should not be discussed with, or released to, any other persons. Any information that is provided should be clearly marked as confidential before it is released to Councillors.
- 10.14** In cases where a Councillor discloses information given to him/her in confidence by anyone, or information acquired by the Councillor which s/he believes, or ought reasonably to be aware, is of a confidential nature then that Councillor may find themselves the subject of a complaint to the

Monitoring Officer that they have contravened the Code of Conduct for Members.

- 10.15** Similarly, the unauthorised disclosure of confidential or exempt information is regarded by the authority as a serious disciplinary offence for officers. This includes an unauthorised disclosure to a Councillor.
- 10.16** Any request from a Councillor for information will be treated in confidence by officers and will not be made known to any other Councillor or political group. Officers are also under a duty not to relate any information disclosed privately by a Councillor(s) (e.g. during Part II discussions at Committee, etc., informal briefings, private conversations or Group meetings) to another Councillor, officer or person not already privy to that information.
- 10.17** The duty of officers to observe a Councillor's confidence however will not apply if the information disclosed relates to something which could severely damage the Council or which is illegal or constitutes maladministration. In this event the matter will be referred to the appropriate Corporate Director and/or Monitoring Officer and Chief Executive for further investigation and action as appropriate.

11. WHEN THINGS GO WRONG

Procedure for officers

- 11.1** If an officer has a complaint about a Councillor it is always preferable to resolve matters informally, through an appropriate senior manager. If the matter cannot be resolved informally or it is not suitable for such then officers can make a complaint to the Monitoring Officer.

Procedure for Councillors

- 11.2** If a Councillor has a concern about the conduct or capability of an officer, s/he should raise the matter privately with the appropriate Divisional Director or Corporate Director. Any concern about a Corporate Director should be raised privately with the Chief Executive. Any concern about the Chief Executive should be raised privately with the Monitoring Officer.

12. REVIEW

- 12.1** The Monitoring Officer will keep this Protocol under review and make recommendations for changes as appropriate. A review will take place annually in any event.

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Changes to improve quality/clarity of information or explanation		Additional/ Material changes to the Protocol	
Current Version	Proposed New Version	Current Version	Proposed New Version
1. Introduction 6. Officers and Party Political Groups 9. Members' Access to Information 10. Members' Services and the Use of Council Facilities	1. Introduction 7. Officer Advice to Party Groups 10. Councillors' Access to Information 8. Members' Services and the Use of Council Facilities	4. Members' Roles and Responsibilities 5. Officers' Roles and Responsibilities 7. Members' and Officers' Interests 11. Recruitment, Appointments and other Staffing Matters 12. Members and Officers and the media	2. Roles of Councillors and Officers 3. The Relationship between Councillors and officers 4. Councillor to Councillor Expectations 9. Political Assistants 11. When things go wrong 12. Review

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Non-Executive Report of the: Standards (Advisory) Committee 19 October 2017	 TOWER HAMLETS
Report of: Asmat Hussain, Corporate Director, Governance	Classification: Unrestricted
Members' Gifts & Hospitality	

Originating Officer(s)	Mark Norman, Beverley McKenzie
Wards affected	(All Wards);

Summary

This report provides information on the details of the guidance given to Members regarding the declaration of gifts or hospitality.

Recommendations:

The Standards (Advisory) Committee is recommended to:

1. Note the guidance provided to Members attached as Appendix 1.
2. Agree to receive regular updates on the declarations made by Members.

1. REASONS FOR THE DECISIONS

- 1.1 There is a statutory requirement for the Council to adopt a Code of Conduct for Members. For the purpose of the Code a Member includes the Mayor, elected Councillors and Co-opted Members of the authority.
- 1.2 The Council's Code of Conduct (paragraph 3.6) requires Members to register any gift or hospitality with an estimated value of at least £25 and the person from whom it is received.
- 1.3 The attached guidance for Members provides clarity and a mechanism to support Members in fulfilling their responsibilities under the Code of Conduct.

2. ALTERNATIVE OPTIONS

- 2.1 Members continue to register receipt of any gift or hospitality without providing further clarification.

3. DETAILS OF REPORT

3.1 It is a statutory requirement that the Council's Code of Conduct is consistent with the Nolan principles of good governance. The principles are:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

3.2 The Code of Conduct (paragraph 2.1) provides that Members are required to comply with these principles in their capacity as members.

3.3 Members should treat with extreme caution any offer or gift, favour or hospitality that is made to them and in order to ensure compliance with the Nolan principles (in particular accountability and openness). Members should register both gifts and hospitality received and any offers made but declined.

3.4 The Code of Conduct will be amended to specifically reflect this requirement and the attached guidance has been prepared for Members to clarify their responsibilities and ensure that they remain aware of the ongoing requirement.

3.5 In addition, to enhance transparency, the register of gifts & hospitality will be maintained separate to the declaration of interests register and will be available to view on the Council's website, with details under each individual Councillor.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

4.1 [Financial implications to be prepared by Directorate Finance Manager and agreed with Corporate Finance]

5. LEGAL COMMENTS

5.1 Section 27 of the Localism Act 2011 provides the Council must promote and maintain high standards of conduct by Members and adopt a Code of Conduct setting out the conduct that is expected of Members when acting in that capacity. Section 28 of the 2011 Act, provides that the Code of Conduct adopted by the Council must be consistent with the seven Nolan principles listed in section 3 above. The Advisory Committee work programme is included as an agenda item for discussion at this meeting. If the work programme is agreed a report on proposed revisions to the Code of Conduct for Members will be prepared for discussion of the next meeting of the Advisory Committee in January 2018. The report will include a

recommendation that the current Code should be amended to make it a specific requirement for Members to declare both gifts and hospitality received and any offers made but declined in accordance with the content of this report and the attached guidance.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 The guidance on reporting the offer or receipt of any gift, favour or hospitality valued at £25 or greater will impact on all Members.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 The guidance to Members will support the Members in ensuring that the required declarations are made.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 This report contains no specific issues environmental issues.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 The guidance to Members promotes the existing responsibility of the Members to report all gifts or hospitality. This will mitigate against the risk of non-declaration of gifts or hospitality offered.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 There are no crime and disorder reduction implications in this report.

Linked Reports, Appendices and Background Documents

Linked Report

Appendices

- Appendix 1 – Members’ Gifts and Hospitality Guidance Note
- Appendix 2 – Report on Declarations of Gifts & Hospitality Received for the period 1 April 2017 to 5 Oct. 2017

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.

- These must be sent to Democratic Services with the report
- State NONE if none.

Officer contact details for documents:

- Beverley McKenzie – 0207 364 4872

1. Gifts or hospitality

1.1 The Member Code of Conduct requires that you:

- (a) Register all offers of gifts or hospitality in the Council Register of Gifts and Hospitality (maintained by the Monitoring Officer). This can be done by sending the information using the attached form.
- (b) Register the receipt of any gifts or hospitality including those you have refused with an estimated value of £25 or more.
- (c) Register the date of offer, source and estimated value of the gift or hospitality.
- (d) Register the gift or hospitality within 28 days of its receipt/acceptance.

1.2 Tower Hamlets Council shall interpret gifts or hospitality to include:

- (a) Gift of any goods or services.
- (b) The opportunity to acquire any goods or services free of charge or at a discount or on other terms not available to the general public.
- (c) The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural, sporting or other event on terms not available to the general public.
- (d) Common gifts include pens, diaries, calendars and other business stationery, key rings, articles of clothing, books, flowers and promotional items.
- (e) Common hospitality include lunches, dinners or refreshments.

1.3 The decision for the Member is whether or not it is appropriate to accept any gift or hospitality that might be offered. Consideration must be given to how it might be perceived by a member of the public. In deciding whether to accept any gift or hospitality, apply the following principles:

- (a) Do not accept a gift or hospitality as an inducement or reward for anything you do as a Member or if you believe it will put you under any obligation to the provider as a consequence.
- (b) Do not accept a gift or hospitality of significant value or the value of which is excessive in the circumstances.
- (c) Do not solicit any gift or hospitality and avoid giving any perception of doing so; do not accept a gift or hospitality, if acceptance might be open to misinterpretation.

1.4 If you are in doubt about what is proper, you should bear in mind:

- (a) DO err on the side of caution. If the thought of the acceptance of the gift or hospitality becoming public makes you uncomfortable, do not accept.
- (b) DO consult the Monitoring Officer if you are still unsure.

Frequently Asked Questions:

1. **What about gifts or hospitality below the £25 threshold?**
You are encouraged to register with the Monitoring Officer, any gift or hospitality you receive which you estimate to be below the £25 threshold, but there is no obligation to make a disclosure at a Council meeting of the source.
2. **What if I decline the gift or hospitality?**
There is a requirement under the Code of Conduct that any gifts or hospitality declined is to be disclosed if the estimated value is £25 or more.
3. **What about gifts not related to my role? Do I have to register Christmas, Eid or Birthday gifts from my friends or family?**
You do not need to register gifts or hospitality which are not related to your role as a Member.
4. **What if I don't know how much the gift or hospitality is worth?**
You may have to estimate the value of the gifts or hospitality.
5. **What if many members receive the same gift/hospitality?**
Each member must file an individual declaration.
6. **What if I'm at a Council meeting and the donor of the gift or hospitality is affected by the discussion?**
You need to consider whether to make a declaration of the gift or hospitality to the meeting for the purpose of complete transparency. The declaration will not mean that you cannot participate in the Council business; however, you may consider it appropriate not to participate depending on the circumstances.
7. **What if I get a series of gifts or hospitality adding up to £25 or more in value?**
If you receive a series of gifts or hospitality from the same source that add up to £25 or more, then this must be registered.
8. **What about inappropriate gifts or hospitality offered?**
It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage as an inducement or reward to you for doing or forbearing to do anything as a member of the Council. You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you.

Notification of an Offer or Receipt of Gifts or Hospitality By a Member of the London Borough of Tower Hamlets



The Code of Conduct now requires that members declare offers of gifts or hospitality **accepted or declined** over the value of £25.00.

To: The Monitoring Officer

I, (full name) GIVE NOTICE that

I have [been offered] [received] the following [gift(s)] [hospitality] *(delete whichever does not apply)* over the value of £25.00

(a) Date(s) of [offer]/[receipt] of [gifts(s)]/[hospitality]		
(b) Nature of gift(s) and/or hospitality		
(c) Approximate value	£	
(d) Was the gift/hospitality accepted?	Yes	No
(e) Name(s) and addresses of donor(s):		
(f) Does the donor(s) of the gift or hospitality have or has had or is likely in the future to have dealings with the Council? Yes No Don't know If yes, please specify:		
Date of declaration:		
Name (please print)		
Signed:		

NOTE: This notification must be given by a member to the Monitoring Officer, within 28 days of declining any gift or hospitality or receiving any gift or hospitality, over the value of £25.00

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Declarations of Gifts and Hospitalities

1 April 2017 - 5 October 2017

Name	Date	Title	Provided By	Value	Description
Councillor Asma Begum	31/05/2017	Hospitality	Queen Mary University-	£25.00	London Life Sciences Image Awards Dinner
Councillor Danny Hassell	31/08/2017	Gift	Whitechapel Gallery	£30.00	Books
Councillor David Edgar	09/05/2017	Hospitality	East London Mosque	£25.00	Dinner
Councillor Rachael Saunders	09/05/2017	Gift	East London Mosque	£25.00	Dinner
Councillor Sirajul Islam	09/05/2017	Gift	East London Mosque	£25.00	Dinner
Mayor John Biggs	14/04/2017	Gift	Cavendish	£30.00	Bottle of Chateau Haut-Chaigneau 2013 as a thank you for the Mayor being the guest of honor at the Cavendish Developer's Supper event
Mayor John Biggs	09/05/2017	Hospitality	East London Mosque	£25.00	Dinner
Mayor John Biggs	17/05/2017	Gift	Angur Miah	£10.00	Dallas Cowboys Tshirt

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TOWER HAMLETS

STANDARDS ADVISORY COMMITTEE WORK PLAN 2017/18

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Contact Officer:	Antonella Burgio Democratic Services antonella.burgio@towerhamlets.gov.uk
Email:	020 7364 4881
Telephone:	www.towerhamlets.gov.uk/committee
Website:	

Agenda Item 3.5

STANDARDS ADVISORY COMMITTEE WORK PLAN 2017/18

REPORT TITLE	BRIEF SUMMARY/ACTIONS	LEAD OFFICER	OTHER CTTEE MEETINGS
29 JUNE 2017			
Appointment of Chair Appointment of Vice Chair	Action 29/6 – appointments made	Democratic Services Officer	N/A
Terms of Reference & Housekeeping report	Action 29/6 – TOR noted. I&DSC sub established	Democratic Services Officer	N/A
Code of Conduct for Members – Complaints and Investigation Monitoring	Action 29/6 – verbal report noted	Acting Corporate Director for Governance	N/A
Whistleblowing Update	Action 29/6 - report noted	Senior Lawyer	
Clear Up Project – Final Report	Actions 29/6 – Project outcome noted	Acting Corporate Director for Governance	Council
Revised Planning Code of Conduct	Action 29/6 – report noted	Senior Lawyer	Strategic Development Committee 23/03/17 Development Committee 05/04/17 General Purposes 05/07/17
Members Attendance, Timesheets and Declarations Monitoring	Actions 29/6 – Report noted. Query on whether timesheet submission remains mandatory	Head of Members’ Support	
AOB	Action 29/6 – n/a	Democratic Services Officer	

STANDARDS ADVISORY COMMITTEE WORK PLAN 2017/18

REPORT TITLE	BRIEF SUMMARY/ACTIONS	LEAD OFFICER	OTHER CTTEE MEETINGS
19 OCTOBER 2017			
Code of Conduct for Members - Complaint Monitoring and Associated Matters		Deputy Monitoring Officer	
Dispensations Under Section 33 of the Localism Act 2011		Deputy Monitoring Officer	
Constitution Review – Member/ Officer Relations’ Protocol		Senior Lawyer	General Purposes Committee 12.10.17
Gifts and Hospitality Forms and Guidance		Head of Members’ Support	
Work Plan		Democratic Services Officer	N/A
25 JANUARY 2018			
(SAC) Independent Person’s Annual Report		Chair and Independent Person	
Revisions to the Code of Conduct		Deputy Monitoring Officer	
Code of Conduct for Members - Complaint Monitoring		Deputy Monitoring Officer	
Member Safety Protocol		Head of Members’ Support	
Reports TBA			

STANDARDS ADVISORY COMMITTEE WORK PLAN 2017/18

REPORT TITLE	BRIEF SUMMARY/ACTIONS	LEAD OFFICER	OTHER CTTEE MEETINGS
14 MARCH			
Code of Conduct for Members - Complaint Monitoring		Deputy Monitoring Officer	
Reports TBA			
COMMITTEE BUSINESS TO BE SCHEDULED			
Development of an On-line Member Handbook		Head of Members' Support	
Disclosable Pecuniary Interests Forms		Head of Members' Support	
The Role/Description of a Councillor		Head of Members' Support	
Pilot for Roll-out of Electronic Devices for Councillors		Divisional Director IT	
Member Induction Post-Elections		Head of Members' Support	
(Member) Election Training Updates		Head of Electoral Services	
Standards Expected During an Election		Head of Electoral Services	