

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STANDARDS (ADVISORY) COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 25 JANUARY 2018

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

Members Present:

John Pulford MBE (Chair)
Fiona Browne
Mike Houston
Councillor Marc Francis
Councillor Ayas Miah
Councillor Candida Ronald
Councillor Ohid Ahmed

Observers:

Elizabeth Hall – Independent Person

Apologies:

Nafisa Adam (Vice-Chair)
Councillor Muhammad Ansar Mustaquim (Member)

Officers Present:

Paul Greeno – (Senior Corporate and Governance Lawyer,
Legal Services)
Beverley McKenzie – (Head, Members Support, Democratic
Services, LPG)
Mark Norman – (Legal Adviser & Deputy Monitoring Officer)
Antonella Burgio – (Democratic Services)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Councillor Frances declared a personal non-pecuniary interest in regard to agenda item 3.1 in that he was Chair of the Council's Strategic Development and Development Committees.

2. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Standards (Advisory) Committee held on 19 October 2017 were presented.

RESOLVED

Subject to an amendment that the apologies of the Chair be recorded, the minutes were approved as a correct record of proceedings.

3. REPORTS FOR CONSIDERATION

3.1 Alpha Square - Bribery Allegations

The Deputy Monitoring Officer introduced the report which concerned an allegation by a whistle-blower of bribery in connection with a planning application by the Far Eastern Consortium International for a proposed large building development at Alpha Square, Isle of Dogs.

The Committee was informed that the allegation had been referred to and considered by a Queen's Counsel (QC) experienced in addressing bribery and corruption cases. Having regard to advice offered by this QC, the Chief Executive reported the allegations to the Serious Fraud Office; the matter was then referred onward to the National Crime Agency (NCA). The NCA are still considering the matter and the Council was not in a position to pursue the matter further in order to avoid potential prejudice to any criminal investigation. The Mayor and Chief Executive wrote to the National Crime Agency in December 2017 seeking to establish a constructive dialogue and a response was currently awaited. The whistle-blower disclosed the allegations to the Sunday Times newspaper despite the continuing NCA investigation; however in the circumstances the Council is not able to pursue further action pending a decision by the National Crime Agency and the outcome of any police investigation.

Responding to Members' questions the Committee was informed that

It had not been possible to inform elected members of the details of the allegation before the whistle-blower had gone to the press since:

- Michael Bowes QC had advised that no information should be disclosed to avoid the risk of potential prejudice to the criminal investigation.
- The National Crime Agency have been pressed for a response but is only likely to reach a decision when they have reviewed all potential evidential material.
- There were potential criminal consequences of failing to follow the professional advice given by the QC;

While officers were sympathetic to members' view that ignorance of the facts of the matter had caused them to feel disadvantaged in the face of their constituents; it had not been possible to inform members of the matter because of the legal status of the matter and the advice given. Section 3 of the report, gave details that may be shared at this time in regard to chronology and actions taken.

RESOLVED

That the content of the report and discussion be noted.

3.2 Code of Conduct for Members - Complaint Monitoring

The Deputy Monitoring Officer presented the report which outlined the current position on Code of Conduct for Members complaints . Details were provided at Appendix 1 to the report. A number of the complaints reported required consultation with the Independent Person and a meeting with the Monitoring Officer would take place in the forthcoming week. The Committee noted that Complaint Ref 007/2017 had recently been considered by the Investigation and Disciplinary Sub Committee which had agreed with the Monitoring Officer's recommendation to take no further action in respect of that complaint. The complaint will therefore be closed.

RESOLVED

1. That the content of the report, the monitoring information provided at Appendix 1 and discussion be noted
2. That it be noted that a further report will be brought to the Committee on 14 March 2018.

3.3 Independent Person - Annual Report to Council

The Deputy Monitoring Officer introduced the report which informed the Committee about the annual report to full Council by the Independent Person appointed by the Council under the Localism Act 2011 to undertake duties in connection with complaints of alleged breaches of the Code of Conduct for Members. A copy of the report attached at Appendix A was provided for information. The Committee noted the matters reported.

The Chair advised that a second Independent Person had now been recruited to address the risks around efficient operation of the Council's arrangements for dealing with alleged breaches of the Code of Conduct. The Independent Person (Elizabeth Hall) highlighted that, during one such investigation, she had been unable to carry out her role due to a conflict of interest and therefore the Monitoring Officer had been required to seek the assistance of the Independent Person of another local authority to undertake her duties.

RESOLVED

1. That the annual report of the Independent Person be noted
2. That the recruitment of a second Independent Person be noted.

3.4 Members Timesheets

The Head of Members' Support presented the report on issues relating to the completion, submission and monitoring of Members' timesheets.

The Committee was informed of the following matters:

- Following the Localism Act 2011, the statutory requirement to establish a standards committees had been removed in England although the Council had opted that one be retained in the Authority on a voluntary basis. The Advisory Committee was established in 2012 and has received all reports previously considered by the former Standards Committee including those related to monitoring timesheets.
- The Terms of Reference of the Standards Advisory Committee did not include the function of member timesheet monitoring and therefore this function was not within its remit.
- There was no statutory requirement for Members to report their democratic activities, nor did the submission of timesheets affect allowances paid to Members.
- The matter had been considered by the Governance Review Working Group which had recommended that the requirement to submit timesheets cease.

It was therefore proposed that Member timesheets should not continue to be monitored by the Committee.

In discussing the report, Members highlighted the following:

- The Governance Review Working Group was an advisory body only.
- There had been no referral to Council to cease the practice around completing and monitoring timesheets.
- Submission and monitoring of timesheets was a way of demonstrating accountability and transparency.

Officers then provided the following responses:

- It was acknowledged that the Governance Review Working Group was advisory and that no decision had been made by Council.
- The function of monitoring timesheets had not been included in the terms of reference of the new Standards (Advisory) Committee.
- There is no legislative requirement or enforceable arrangement requiring Members to submit timesheets of their activities and this practice was not generally operated in other councils.

The Committee, reflecting on the discussion, concluded that the underlying issue was one of transparency and accountability and asked Officers investigate what sort of alternative methods would enable this to be achieved.

RESOLVED

1. That the recommendation of the Governance Review Working Group to cease the requirement to submit timesheets and the rational informing this be noted.
2. That Officers investigate and explore what alternative arrangements might achieve the desired transparency and accountability which Members wish to pursue.

3. That the update position for the submission of timesheets by Councillors and automatic publication of Members' attendance at meetings be noted.

3.5 Members Register of Interests

The Head of Members' Support introduced a report which provided an update on the Member Register of Interests and submission of Member returns, noting that most Members had completed their returns during the past year.

The Committee noted security issues around the publication of personal information, and that Members and Co-optees were able to approach the Monitoring Officer to request that certain personal information related to the Register, if appropriate, be deemed sensitive and precluded from publication after assessment. This had been supported by Government following incidents and concerns around personal safety of those in public office or carrying out a public role.

The Committee also noted that there would be implications arising from the new General Data Protection Regulations in May 2018; the impacts of these were yet to be advised.

The Committee discussed the issue noting that some of them had had direct experience of the improper use of personal details by the public which had made them feel vulnerable. Members enquired whether in circumstances, where there were serious safety concerns, a case-by-case assessment should also be made of whether the specific details of the interest may also appropriately be withheld.

RESOLVED

1. That the information set out at Appendix 1 in regard to the completion of the Register of Interests during the current Municipal year be noted.
2. That the arrangements for the publication of personal information including exemptions for sensitive information be noted.
3. That the arrangements for the publication of Member contact details as set out in the report be noted.

3.6 Personal Safety - A Guide for Members

The Head of Members' Support introduced the report which concerned guidance for Members on personal safety measures which may be taken in the event that contact with residents dealing with the Council becomes problematic.

The Committee:

- Welcomed the refreshed personal safety advice.
- Noted that in their dealings with residents, Members often found it helpful to hold their surgeries in Council premises.

RESOLVED

1. That the updated guidance on personal safety for Councillors at Appendix 1 be noted.
2. That this refreshed guidance be circulated to all Councillors.

3.7 Work Plan

The Committee noted the reports notified for forthcoming meeting and asked that the follow-on report arising from the discussion of agenda item 3.4 be included in the list of reports to be discussed.

4. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

Planning Code of Conduct

The Chair advised that Planning officers had agreed to provide a copy of the Planning Code of Conduct to the Conservation and Design Advisory Panel to enable its members to address risks around ethics and probity in discharging their role. The Senior Lawyer agreed that the matter would be pursued following the meeting.

Times of Future Scheduled Meetings

The Clerk enquired whether Members wished to vary the time of meetings in the forthcoming Municipal year. The Committee advised that they did not wish the time of meetings to be changed.

5. EXCLUSION OF THE PRESS AND PUBLIC

The Committee did not resolve to exclude press and public as no exempt reports were considered at the meeting.

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

Nil items.

The meeting ended at 8.05 p.m.

Chair, John Pulford MBE
Standards (Advisory) Committee