

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STANDARDS (ADVISORY) COMMITTEE

HELD AT 6.00 P.M. ON THURSDAY, 21 JUNE 2018

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

Members Present:

John Pulford MBE (Chair)
Nafisa Adam (Vice-Chair)
Fiona Browne
Councillor Ruhul Amin
Councillor Gabriela Salva Macallan
Councillor Puru Miah
Councillor Leema Qureshi
Councillor Shad Chowdhury

Observers:

None present

Officers Present:

Asmat Hussain – (Corporate Director, Governance and
Monitoring Officer)
Mark Norman – (Legal Adviser & Deputy Monitoring Officer)
Antonella Burgio – (Democratic Services)

Apologies:

Daniel McLaughlin (Co-Optee)
Mike Houston (Co-optee)
Councillor Amina Ali (Member)
Councillor Rabina Khan (Member)

1. ELECTION OF CHAIR OF STANDARDS ADVISORY COMMITTEE

Fiona Browne nominated and Councillor Gabriela Salva Macallen seconded that John Pulford be appointed Chair of Standards (Advisory) Committee for the duration of the municipal year. There being no other nominations, it was

RESOLVED

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

2. APPOINTMENT OF VICE-CHAIR OF STANDARDS ADVISORY COMMITTEE

John Pulford nominated and Fiona Browne seconded that Nafisa Adam be appointed Vice-Chair of the Standards (Advisory) Committee (SAC) for the duration of the municipal year. There being no other nominations, it was

RESOLVED

That Nafisa Adam be appointed Vice-Chair of SAC for the duration of the municipal year.

3. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest.

4. MINUTES OF THE PREVIOUS MEETING(S)

RESOLVED

That the minutes of the meeting held on 14 March 2018 were approved as a correct record of proceedings.

5. STANDARDS (ADVISORY) COMMITTEE TERMS OF REFERENCE, AND DATES OF MEETINGS 2018-19

The Corporate Director, Governance introduced the report informing the Committee that the current Terms of Reference (TOR) set out the powers and the role of the Committee; these were to ensure that the Council's ethics and probity framework are monitored. She had examined the current TOR and felt that it was appropriate that they should be reviewed to ensure that the role of the Committee as guardians of the Council's ethics and probity framework is properly reflected. The proposal was discussed and the Committee noted the following:

- The review would involve, update, consideration of good practice in other authorities and the character of Tower Hamlets as a local authority and the framework that would be best suited to it.
- Draft TOR would be drawn up and consulted upon with SAC and General Purposes Committee, following which the revision would be presented to Council for approval.

Members were invited to contribute their comments and suggestions and the following suggestions were made:

- That the roles and duties of SAC Members should be defined, together with the requirements of discharging their role.
- That relevant matters arising from the Committee on Standards in Public Life's Review of Local Government Ethical Standards - public consultation should be incorporated into the TOR review and that the Council's response to the consultation should be shared with the Members of SAC.

- That SAC sub-committees for the investigation and determination of complaints alleging Member breaches of the Member Code of Conduct should be established in order to continue to deal with complaints under existing arrangements, pending the TOR review.

A Co-opted Member queried whether sufficient co-opted members were appointed to enable investigations and determinations to be undertaken without encountering conflicts of interests. The Committee was informed that, historically the investigations that had been undertaken had rarely led to the necessity of a determination by a Hearing Sub-Committee. Additionally, the arrangements had been reviewed and it had been found that these did not give rise to conflicts of interest.

During the consideration of the item, the Chair invited the Co-opted Members present to introduce themselves, to outline their background and expertise and how these contributed to their role as Members of SAC.

RESOLVED

1. That's the Terms of Reference; dates of future meetings and timings thereof as set out in appendices 1, 2 and 3 to the report be noted.
2. That an Investigation and Disciplinary Sub-Committee and Hearing Sub-Committee be established for the municipal year 2018/19 in order to continue to deal with complaints under existing arrangements, pending the TOR review.

ACTION BY: M Norman, Legal Adviser and Deputy Monitoring Officer
A Burgio, Democratic Services Officer

6. REPORTS FOR CONSIDERATION

6.1 Code of Conduct for Members - Complaint Monitoring

The Legal Adviser and Deputy Monitoring Officer introduced the report which updated SAC on complaints and investigations relating to alleged breaches of the Code of Conduct for Members. The Committee heard:

- That a full record of complaints since January 2017 had been presented to appraise members of the status of reports that were currently under investigation and those that had been concluded.
- Three complaints were currently under investigation –
Complaint 005/2017 – following investigation, local resolution was recommended. The proposed remedy was initiated. However both members that were the subject of the complaint were not returned at the local election (May 2018), neither have these parties pursued resolution. The situation was considered by the Independent Person and the Monitoring Officer, and in view of the circumstances, it was deemed that pursuing the resolution would not present effective use of public money since there was likely to be no conclusive outcome. Accordingly it was determined that the matter should not be taken

further and the complainant be informed in writing following consideration of the matter by SAC.

Complaint 008/2017 - local resolution was recommended after investigation; however since the subject of the complaint was not returned at election (May 2018) and for the same reasons as above it was recommended also that the matter be not pursued. The decision and reasons will be taken up with the complainant and a report back made to SAC in due course.

Complaint 004/2018 - concerned the conduct of two Members during the election campaign. The Independent Person has been consulted on the matter and, since the matter is also the subject of a Police investigation, it was deemed that the authority's investigation should be paused until Police investigations have been concluded. A further report will be made to SAC in due course.

Responding to Members' questions the Committee was informed that:

- There was effective monitoring of complaints, although some were resolved through informal action (for example by raising the matter with the Group Leader or party whip) which may not be recorded as a formal complaint raised using the electronic complaint form.
- There was no distinction between complaints made regarding backbench councillors or senior councillors. All were monitored in the same way. However complaints concerning the Executive Mayor were dealt with separately, but subject to the same processes and procedures.
- The public are able to access information on how to make complaints related to Member conduct in the following ways:
via the Council's website; via Google internet search; and via the Council's corporate complaints procedure. Additionally complaints could be made in person via councillor surgeries. Officers had observed that, generally, complaints had been made by members of the public who were well informed. Therefore it was felt that there was no barrier to access.
- Data related to complaints was retained for one year. In regards to fulfilling its obligations under GDPR, including whether or not SAC had a right to know about the complaint history of an elected member, SAC was informed that this would be checked and confirmed.

SAC noted the scope of breaches reported and in discussion:

- Requested data on the comparative performance of Tower Hamlets in relation to other boroughs around the types of complaints and the solutions applied. Officers agreed to research and report back to SAC at a future meeting.
- Welcomed the data provided in the spreadsheet and requested that summary information in the form of a dashboard also be provided, summarising the numbers of cases open, those closed and recent activity.

- Requested that an item be added to the SAC Forward Plan for Members to discuss the process for investigating complaints. Additionally, for learning, the Committee was advised that a mock investigation would be included.

RESOLVED

That the content of the report and the discussion of the information contained in Appendix 1 be noted.

ACTION BY: M Norman, Legal Adviser and Deputy Monitoring Officer
B McKenzie, Head of Member Support
A Burgio, Democratic Services Officer

6.2 Dispensations under section 33 of the Localism Act 2011

The Corporate Director, Governance introduced the report which was to be presented biannually. The report will enable the Committee to oversee and monitor dispensations which, the Monitoring Officer is empowered to grant in relation to disclosable pecuniary interests (DPI's) under Section 33 of the Localism Act 2011.

The Committee heard that, as a matter of prudence, the Corporate Director, Governance had granted a general dispensation to all Members for their current four year term of office (May 2018-April 2022) to be present, to speak and vote where they would otherwise have a DPI when discussing and/or voting on the following matters:

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

RESOLVED

1. That the report outlining the framework for reporting and monitoring the grant of dispensations under Section 33 of the Localism Act 2011 be noted.
2. That the dispensations granted by the Monitoring Officer detailed in paragraph 3.4 of the report be noted.

6.3 Members' Induction Update

The Corporate Director, Governance apologised that the Head of Member Support was unable to attend the meeting and introduced the report which provided an update on the delivery of the Induction Programme for new and returning Members. The Corporate Director thanked staff involved in delivering this programme for their work and Members also thanked staff for their work facilitating member attendance. The Committee noted the following information:

- Member training had been an issue highlighted by Commissioners during their tenure at the Council.
- Attendance was highlighted at paragraph 3.4 and it was noted that turnout had been very good;
- At the time of publication, only one Member had been unable to attend training on ethics and probity.
- The programme incorporated mandatory training for quasi-judicial and regulatory committees.
- Five sessions remained to be delivered in the current post-election induction timetable.
- In the autumn it was intended to develop e-learning for Members beginning with Ethics and Probity training.

SAC noted the data reported and in discussion:

- Requested that SAC Co-optees might also attend training to support the delivery of their role. It was agreed that training dates be circulated to co-optees.
- Noted that there appeared to be disparity between compulsory and optional sessions. The Committee was informed that additional sessions for compulsory sessions would be scheduled to allow access for members who may have been unable to attend.
- Noted that any failure to attend training would be referred to the Group Whips. Additionally where Member felt that they did not require training or refresher training, this would be considered in discussion with the Monitoring Officer.
- Noted that it was intended that a Members Personal Development Plan be developed, incorporating diverse methods/styles of learning to empower Members to deliver their roles and develop their skills.
- Asked if a module on how to run a Councillor surgery could be provided. It was agreed that this matter would be referred to the Head of Member Support.
- Noted that should a shortfall be identified, an investigation will be undertaken by the Corporate Director.

RESOLVED

1. That the progress of the member induction programme be noted.
2. That the current completion level of statutory committee training be noted.

ACTION BY: B. McKenzie, Head of Member Support
A. Burgio, Democratic Services Officer

6.4 Forward Plan

The Corporate Director, Governance introduced the SAC Forward Plan which set out the proposed schedule of work for the forthcoming municipal year.

The Corporate Director requested that the following be added to the schedule of reports for the following Committee meetings

- 24 October 2018 - Terms of Reference Review, Mock Code of Conduct Investigation; Commissioning of and external review of the scheme of delegation, Update on Member Training and Update on Member Timesheets including confirmation of what directive has been given by Council in regard to members' requirement to maintain and submit them.
- 17 January 2019 - a high level report on the delivery of Members Personal Development Plans.

The Committee also considered the following matters:

- the Member Safety Protocol (24 October 2018) and Members noted:
 - That this was available via the Member Hub suite of webpages.
 - That newly elected Members wished to receive more detailed guidance on what were appropriate levels of engagement for delivering Ward surgeries.
- An enquiry to extend/share the Member Code of Code with other organisations such as the Council's Conservation and Design Advisory Panel.

RESOLVED

1. That the Committee's forward plan be noted.
2. That the additions and modifications requested be noted.

ACTION By: A Burgio, Democratic Services Officer

7. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

Nil items

8. EXCLUSION OF THE PRESS AND PUBLIC

Nil items

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

Nil items

The meeting ended at 7.10 p.m.

Chair, John Pulford MBE
Standards (Advisory) Committee