

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