

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STANDARDS (ADVISORY) COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 14 MARCH 2018

**MP701, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON E14 2BG**

Members Present:

John Pulford MBE (Chair)
Fiona Browne
Daniel McLaughlin
Councillor Marc Francis
Councillor Ohid Ahmed
Councillor Muhammad Ansar Mustaqim
Councillor Aminur Khan

Observers:

Elizabeth Hall – (Independent Person)

Apologies:

Nafisa Adam (Vice-Chair)
Mike Houston (Co-Optee)
Councillor Ayas Miah (Member)
Councillor Candida Ronald (Member)
Rachel Tiffen (Independent Person)

Officers Present:

Asmat Hussain	– (Corporate Director, Governance and Monitoring Officer)
Beverley McKenzie	– (Head, Members Support, Democratic Services, LPG)
Mark Norman	– (Legal Adviser & Deputy Monitoring Officer)
Antonella Burgio	– (Democratic Services)

NOTE

An apology was noted on behalf of Robert Curtis, Electoral Services Manager, who was unable to attend the meeting.

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest.

2. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meeting held on 25 January 2018 were approved as a correct record of proceedings.

3. REPORTS FOR CONSIDERATION

3.1 Code of Conduct for Members - Complaint Monitoring

The Deputy Monitoring Officer presented the report which provided quarterly monitoring information on complaints and investigations concerning the Member Code of Conduct. Details were reported at Appendix 1 and the Committee noted the current status of all of the complaints reported.

In discussion the Committee noted that some complaints had extended beyond the recommended timeline. Members were informed that this situation could arise due to time taken for responses from parties involved and for reasons of thoroughness in discharging the procedure and/or an investigation. The Corporate Director for Governance agreed that the causes of delays could be investigated/reviewed following the local elections to assess if improvements could be made.

The Committee enquired whether the Member Induction Programme should incorporate the establishment of an expectation that members respond promptly to enquiries related to ethics. The Corporate Director agreed that this may also be included in the review.

RESOLVED

1. That the content of the report be noted.
2. That the actions arising from the above discussion be taken forward.

3.2 Dispensations under section 33 of the Localism Act 2011

The Corporate Director Governance introduced the report which informed the Committee of the framework for dispensations under the Localism Act 2011 and their application since January 2018.

During discussion, the Committee noted:

- That it was a good governance practice to notify Members of how the section 33 power was being used.
- That the grant of specific dispensations for full Council on 17 January 2018 had enabled Members to continue to participate in the consideration of two items relating to housing in Tower Hamlets and fire safety respectively. Had these dispensations not been granted there would have been a significant impact on the discussion of the item.
- That the Register of Interests would be updated following the forthcoming Local and Mayoral elections.
- The clarification relating to dispensations on housing matters was provided by the Corporate Director Governance around self-employed councillors.
- That the Corporate Director Governance had written to individual Members providing guidance on the definition of a Disclosable

- Pecuniary Interest (DPI) and the rationale for their use and how declarations should be made.
- The advice that even in situations where a decision is made by the Executive Mayor, a Member at a meeting may be required to declare a DPI as s/he may still have the ability to influence a matter during the discussion/debate..
 - That failure to declare a DPI is a criminal offence.

The Committee raised a number of queries around how DPI's apply to self-employed councillors and felt that a guidance paper outlining how declarations should be made would provide clarity; Members asked that illustrative scenarios should be included. The Corporate Director Governance agreed that she would circulate more widely the guidance she had already provided.

RESOLVED

1. That the dispensations granted by the Monitoring Officer detailed in paragraph 3.4 of the report be noted.
2. That issues raised by the Committee be taken into account and a guidance paper including scenarios be developed and reported to a future meeting.

3.3 Review of Local Government Ethical Standards

The Deputy Monitoring Officer presented the report which informed the Members that the Committee on Standards in Public Life (CSPL) was undertaking a consultation as part of its Review of Local Government Ethical Standards (CSPL Review).

Members were invited to consider the consultation questions at Appendix 1 and offer their views. These would be collated and a response made to CSPL on behalf of the Committee. The Independent Person offered her view that she welcomed the review since it offered an opportunity for the effects of the Localism Act 2011, to be quantified. The Committee was advised that the Deputy Monitoring Officer would collate Members' responses and any individual responses that they may also wish to make. These would be circulated for comment prior to submission to CSPL.

The Committee considered the consultation under the headings listed below and their discussion is summarised:

The profile of Standards/Ethics Committees in Local Government –

The Committee was of the view that the status of such committees had diminished and there was a lack of profile for the role and effectiveness of ethics/standards committees. The endorsement of some form of statutory role for Members would add weight to the Committee's role.

In principle there was support for giving committees a higher profile. However in councils where there was much regeneration, there was also the need to take account of the risk around planning committees and the types of engagement that took place between developers and councillors.

Structures, processes and functions –

The Committee asked that the response also cover concern about how to deal with incidents where Members may have breached the Code but which did not result in a complaint triggering the process for investigating the matter. Members felt that a breach of the code whether or not referred to a hearing should be noted/referenced.

Codes of conduct –

The Committee noted that code of conduct had recently been reviewed and felt that on the whole it was now as strong as it could be in the context of the advisory status of the Committee. However, the endorsement of powers with statute would provide the strongest framework.

Noting the 6-month rule under LGA 1972, Members none the less felt that an element around member attendance should be included.

Allegations, investigations and decisions

The Committee noted the Monitoring Officer's (MO) advice that where a complaint against a councillor is withdrawn, the MO none the less has powers to pursue the matter, should the complaint be serious.

The Committee felt that:

- Complaints must go through a constituted forum.
- The decision making pool needs to be big enough to achieve a balanced decision.
- That the investigatory and decision making roles of the MO should be separated.

Sanctions, their scope and application –

The Committee felt that sanctions were weak and were not consistently applied. In the Committee's view also the approach taken relies on a reward/punishment arrangement without taking account of whether unintended consequences might arise from the imposition of sanctions. In the Committee's view the approach should be based on outcomes so that sanctions were proportionate and consistent.

The approach to declarations of disclosable pecuniary interests –

The Committee felt this was an area where more clarity was needed in regard to applying the requirement to disclose and when to disclose.

Whistleblowing –

This was not discussed.

Improving standards –

The Committee noted the recent review of the Code of Conduct.

Intimidation of local councillors –

See earlier comment on engagement between developers and councillors.

Other comments of the Committee -

The Committee noted that the consultation period was active mainly during the local election period and suggested that it should be extended to offer councils better opportunity to engage.

RESOLVED

1. That the Committee's responses and comments on the CSPL consultation as outlined in the above summary be noted.
2. That the feedback given be collated into a formal response on behalf of the Committee.

3.4 Use of Council Resources - Party Political Literature

The Deputy Monitoring Officer presented the report which informed the Committee of action taken by MO in relation to concerns raised about the use of Council resources for party political purposes (principally Council email and telephone numbers in party political leaflets).

The Committee noted the action taken by the MO in relation to individual Members and to political groups, and that a timeframe had been afforded to Members and the political groups in which they might rectify the misuse of resources.

The Committee was asked to express a view on a response should the activity recur.

In discussion the Committee:

- Was satisfied that a clear message had been communicated around the prohibition of using Council resources for election and party political business.
- Endorsed the action taken by the MO in treating the improper use of Council resources as a breach of the Code of Conduct both in this instance and in the event of any recurrence.
- Noted the matter had been reported to the Police and that no further action would be taken.
- Noted that serving Members will, for the duration of their term, have had literature and business cards giving contact facilities provided by the Council. This was permitted in discharging their role as elected representatives.
- Was of the view that the restriction was appropriate in ethical terms. Noted that some Members felt the position around use of resources

- had not been communicated in good time, therefore some incidents of misuse had occurred due to lack of knowledge.
- Suggested that an article be published in a community newsletter asking residents to report any incidents.
 - Noted that publication of Members' contact details was permitted in Council literature but must include party political emblems or materials.
 - Noted that the Council and Police would work closely to deliver free and fair local elections.
 - Noted that election advice would shortly be published by the Electoral Commission and the council has published its pre-election guidance for officers and Members on the intranet.

RESOLVED

That the content of the report and its discussion be noted.

3.5 Members' Induction

The Head of Members' Support presented the report which informed the Committee of induction arrangements for Members in the post-election period. The report also had recently been considered by General Purposes Committee.

The Committee noted the reasons for urgency submitted around the publication of the report in that it was necessary that the Committee, at this last meeting before the Local Elections, was able to review and comment on the induction programme and proposals for Members' personal development plans.

The Committee was informed that the programme would introduce alternative forms of learning and its design has been influenced by the role description of the term "Councillor". The programme sought to balance training needs and the programme of meetings. Mandatory training would be signposted and, notwithstanding length of service, Members expected to attend as required.

Responding to the report, Members:

- Noted that the induction was mainly scheduled to take place in May – June.
- Asked that training for new and experienced members should be differentiated to better suit each.
- Asked that the Members' requirement to receive training and fulfil their role on outside bodies should be highlighted.
- Asked that invitations to participate in the induction programme should be extended to all co-optees.
- Asked that training sessions include a written summary outlining the learning aims of each session.

- Suggested that the role description at Appendix B include a note that councillor core activities may fall into one or more categories.
- Noted the new web tools available to evaluate learning and that evaluation of performance would be undertaken by Groups.
- Were satisfied with the framework of the induction programme and the spread of events across the induction week.
- Asked whether training completed may be incorporated into a ‘Continuing Development’ framework for each Member.
- Asked that there be training on comprehension of financial papers.
- Asked that training on Declarations of Disclosable Pecuniary Interests be repeated.

Officers agreed to take forward matters raised by the Committee during the discussion.

RESOLVED

1. That the proposed indicative Member Induction Programme for 2018 as set out in Appendix A be noted.
2. That the Councillor role description at Appendix B, as agreed by the General Purposes Committee at their meeting on 8th February 2018 be noted.
3. That the actions requested by Standards Advisory Committee arising from the discussion of the report be noted and implemented as agreed.

4. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

4.1 Mayor and Local Government Elections 2018 Update

The Corporate Director Governance introduced the report which provided information on the preparations for the Local and Mayoral Elections 2018.

The Committee was informed that:

- There had been an Candidates and Agents briefing in the week; this had been well attended.
- The Electoral Commission had published the combined elections timetable on their website.
- The sites of all Polling Stations had been secured and a RAG rating assigned to each station on the basis of a set of agreed criteria. Information concerning red-rated stations had been shared with the Police and additional resources requested. Additionally use of other forms of monitoring such as CCTV were being investigated.
- There was a comprehensive programme for the recruitment and training of all Election Staff and Police that would be involved in Polling Day and the Count.

- The Count venue would be the Excel Centre at the Royal Docks which offered good accommodation and security facilities. Additionally the previous use of this venue had generated positive feedback.
- The Council would participate in the Cabinet Office Postal Vote Pilot. This would involve the inclusion of advisory literature with postal votes and follow up checks of postal vote returns..
- A programme of planning meetings was taking place to determine what measures would be required to ensure the delivery of a free and fair election.

Responding to the report:

- Some Members of the Committee expressed the view that use of the Excel Centre did not reflect local democracy since the venue was out of borough. Some Members were of the view that reports of poor arrangements around the 2014 Count were inaccurate.
- The Committee acknowledged that arrangements for the current Poll were advanced but asked that the Council explore how future Counts could be held in borough.
- Some Members expressed their disappointment that they had not been consulted about the hire (and cost)of the Count venue.
- The Committee noted that the report had been previously been considered by General Purposes Committee.

The Corporate Director noted the comments offered and agreed that these would be conveyed at the next Election Planning meeting.

RESOLVED

That the content of the report and its discussion be noted.

The meeting ended at 8.35 p.m.

Chair, John Pulford MBE
Standards (Advisory) Committee