

Non-Executive Report of the: Council 15 May 2019	 TOWER HAMLETS
Report of: Asmat Hussain, Corporate Director Governance & Monitoring Officer	Classification: Unrestricted
Standards (Advisory) Committee - Re-Appointment of Independent Co-opted Members	

Originating Officer(s)	Matthew Mannion – Head of Democratic Services
Wards affected	All Wards

Summary:

The Standards (Advisory) Committee currently has four appointed co-opted Members. Their terms of office end at various times. It is being proposed to extend and harmonise the ends of those terms to support the work of the Committee as it reviews the recommendations of the Committee on Standards in Public Life on how Standards regimes should operate in Local Authorities.

This report therefore recommends the renewal of the terms of office of the four Independent Co-Opted Members of the Standards (Advisory) Committee until 30 September 2021.

Recommendation:

The Council is recommended to:

1. Approve the re-appointment of Mr John Pulford MBE, Ms Nafisa Adam, Mr Michael James Houston and Ms Fiona Browne as Independent Co-opted Members of the Standards (Advisory) Committee until 30 September 2021.
2. To note that the Standards (Advisory) Committee will be undertaking a review to ensure the Council takes into account the best practice guidance from the Committee on Standards in Public Life.

1. REASONS FOR THE DECISIONS

- 1.1 There are currently four Independent Co-opted Members of the Standards (Advisory) Committee and the terms of office for three of them either have recently or will in the near future expire.
- 1.2 It is proposed to renew/extend all four appointments until 30 September 2021. This is to ensure that the Advisory Committee has appropriate independent representation and is able to oversee implementation of the 15 best practice recommendations contained in the review of local government ethical standards published in January this year by the Committee on Standards in Public Life (CSPL).

2. ALTERNATIVE OPTIONS

- 2.1 The Council may choose not to re-appoint some or all of the current Independent Co-opted Members and/or to vary the number of Independent Co-optees appointed to the Standards (Advisory) Committee. This course of action is not recommended.

3. DETAILS OF REPORT

- 3.1 The CSPL report published on 31 January 2019 contains significant recommendations for changes to the local government ethical standards regime, which if accepted by the government will require amendments to primary legislation to implement.
- 3.2 In addition, the CSPL identified best practice recommendations directed to local authorities, which CSPL stated any local authority can and should implement, indicating that the CSPL intend to review the implementation of their best practice in 2020.
- 3.3 The CSPL best practice recommendations are set out below with an assessment of the extent to which the Council's current standards arrangements comply with best practice.

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Current arrangements: The proposed revised Code of Conduct for Members contains a prohibition on bullying and this will be updated to include harassment before the revised Code is submitted to full Council for approval in May/July 2019 as part of the wider review of the Council's Constitution. A proposed definition and list of examples of these behaviours will be prepared for consideration by the Advisory Committee and incorporated into the Code when it is next reviewed.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.

Current arrangements: The Council's arrangements for dealing with complaints of breach of the Code contain provisions designed to prohibit trivial or malicious allegations. The proposed revised Code will be updated to include a requirement to comply with any formal standards investigation before the revised Code is submitted to full Council for approval in May/July 2019 as part of the wider review of the Council's Constitution.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Current arrangements: The Code was most recently reviewed earlier this year and the Monitoring Officer will consider in consultation the communications team whether it is possible to seek views from the public and community organisations as part of future reviews.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Current arrangements: The Code is easily accessible on the Members hub and the Council's website, however the prominence of the Code on line and the availability in printed format will be reviewed by the Monitoring Officer in consultation the communications team.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Current arrangements: The gifts and hospitality register is published on line in an accessible format and is updated at least every six months. A requirement for quarterly updates will now be introduced.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Current arrangements: The Council's arrangements for dealing with complaints of breach of the Code contain criteria against which complaints are assessed. These criteria will be revised to take account of this best practice recommendation and proposals will be prepared for consideration by the Advisory Committee and incorporated into the Code when it is next reviewed

Best practice 7: Local authorities should have access to at least two Independent Persons.

Current arrangements: The Council has appointed two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Current arrangements: The Council's arrangements for dealing with complaints of breach of the Code require the Monitoring Officer to consult an Independent Person when deciding what action (if any) should be taken in respect of a complaint. This includes where complaints are referred for local resolution, formal investigation or closed without further action.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Current arrangements: The Council's arrangements for dealing with complaints of breach of the Code contain provision for the possible publication of decisions taken by the Hearings Sub-Committee following consideration of an investigation report. The arrangements will be updated and revised to include the other requirements of this best practice recommendation.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Current arrangements: The Council's arrangements for dealing with complaints of breach of the Code set out the process for handling complaints and contain estimated timescales for investigations and outcomes. The arrangements are easily accessible on the Council's website and the Council has successfully introduced an on line conduct complaint form.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

Current arrangements: This recommendation does not apply to the Council as there are presently no parish councils in Tower Hamlets.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Current arrangements: This recommendation does not apply to the Council as there are presently no parish councils in Tower Hamlets.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Current arrangements: The Council's arrangements for dealing with complaints of breach of the Code do not contain a specific provision to address conflicts of interest and the arrangements will be revised to include the recommended provision.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.

Current arrangements: The Head of Democratic Services will identify if any amendments to existing practice are required to ensure the Council meets the requirements of this best practice recommendation and bring forward proposal as appropriate.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

Current arrangements: The Council's statutory officers (Chief Executive, Corporate Director Governance and Corporate Director Resources) meet twice a month as an officer group and standards issues are raised as appropriate at these meetings. The Chief Executive and/or Corporate Director Resources meet as required with group leaders and/or whips to progress any general standards issues or discuss member conduct complaints.

- 3.4 The membership of the Standards (Advisory) Committee is subject to the annual reconstitution of the Committee at the Council's AGM. Councillors are appointed to the Committee annually in accordance with the requirements of political proportionality. The Council has specified that the Chair and Vice-Chair of the Committee should be drawn from amongst the Co-opted Members. Article 9 of the Council's Constitution, provides that the appointment of co-opted members shall be for four years unless otherwise determined by Council and that co-opted members may serve as many terms of appointment as the Council considers appropriate.
- 3.5 Mr John Pulford MBE was first appointed as a Co-opted Member of the Advisory Committee in 2013 and has been Chair of the Advisory Committee since July 2016. Ms Nafisa Adam is an Independent Co-opted Member and has served two terms as Vice Chair of the Advisory Committee. Mr Michael

James Houston and Ms Fiona Browne were first appointed as Independent Co-opted Members in 2014 and 2017 respectively.

- 3.6 The experience and contributions of the four Independent Co-opted Members will be essential for the Advisory Committee when overseeing implementation of the 15 best practice recommendations made by the CSPL.

4. EQUALITIES IMPLICATIONS

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

5. OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.

- 5.2 The re-appointment of the Co-opted Members will create stability for the important work undertaken by the Advisory Committee and will assist in the continued efficiency and effectiveness of that work.

- 5.3 In regard to risk management, the appointment of Independent Co-opted Members to the Advisory Committee assists in promoting and maintaining high standards of conduct and improving confidence in local democracy.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 There are no financial implications arising from the recommendations within this report. Any meeting expenses paid to members of the committee will be contained within existing budgets.

7. LEGAL COMMENTS

- 7.1 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.

- 7.2 To assist in discharging this duty the Council has established the Standards (Advisory) Committee using its powers under section 102(4) of the Local Government Act 1972. The Committee includes Councillors and Independent Co-opted Members.

- .3 The Independent Co-opted Members are entitled to vote as the functions of the Committee are advisory and therefore the general presumption contained in Section 13 of the Local Government & Housing Act 1989 that co-opted members should be treated as non-voting members of a committee does not apply.

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