

LONDON BOROUGH OF TOWER HAMLETS

**MINUTES OF THE STANDARDS (ADVISORY) COMMITTEE
HELD AT 6.00 P.M. ON TUESDAY, 14 JULY 2015
MP701, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON E14 2BG**

Members Present:

Matthew William Rowe (Chair)

John Pulford MBE
Nafisa Adam
Eric Pemberton
Mike Houston
Salina Bagum
Councillor Abdul Mukit MBE
Councillor Candida Ronald
Councillor Mohammed Mufti Miah
Councillor Shah Alam
Councillor Andrew Wood

Observers:

Elizabeth Hall – (Independent Person)

Other Councillors Present:

Councillor Danny Hassell

Apologies:

Ezra Zahabi – (Reserve Independent Person)
Councillor Marc Francis – (Co-opted Member)

Officers Present:

Meric Sullivan-Gould (Interim Monitoring Officer)
John Williams (Service Head, Democratic Services)
Elizabeth Dowuona (Democratic Services Officer)

1. ELECTION OF CHAIR FOR THE MUNICIPAL YEAR 2015/16

The Clerk sought nominations for the Chair of the Standards (Advisory) Committee (SAC) for the Municipal Year 2015/16.

Mr Eric Pemberton, nominated Mr Matthew William Rowe as Chair of the SAC for the Municipal Year 2015/16. Mr John Pulford MBE seconded the nomination.

There being no other nominations it was: -

Resolved

That Mr Matthew William Rowe be elected to serve as Chair of the Standards (Advisory) Committee for the Municipal Year 2015/16.

Action by: Elizabeth Dowuona (Senior Committee Officer, Democratic Services, LPG)

2. ELECTION OF VICE-CHAIR FOR THE MUNICIPAL YEAR 2015/16

MR MATTHEW ROWE (CHAIR) IN THE CHAIR

The Chair sought nominations to serve as Vice-Chair of the Standards (Advisory) Committee (SAC) for the Municipal Year 2015/16.

Mr John Pulford MBE nominated Mr Eric Pemberton as Vice-Chair of the SAC for the Municipal Year 2015/16. Ms Salina Bagum seconded the nomination.

There being no other nominations it was: -

Resolved

That Mr Eric Pemberton be elected to serve as Vice-Chair of the Standards (Advisory) Committee for the Municipal Year 2015/16.

Action by: Elizabeth Dowuona (Senior Committee Officer, Democratic Services, LPG)

3. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest.

4. APOLOGIES FOR ABSENCE

An apology for absence was from Councillor Marc Francis and Ezra Ezra Zahabi (Reserve Independent Person).

It was noted that since the establishment of the Standards Advisory Committee, the Independent Person and Reserve Independent Person had been invited to SAC meetings in the capacity of observers but had been permitted by the Committee to contribute to discussions.

Accordingly the Chair **Moved** the following motion for the consideration of SAC members, and it was: -

Resolved

That the Independent Person and Reserve Independent Person be permitted to contribute to future discussions of the Standards Advisory Committee.

5. MINUTES OF THE PREVIOUS MEETING

That the minutes of the meeting held on 27 January 2015 be approved as a correct record of proceedings subject to the following amendments:

1. The inclusion of Eric Pemberton (Co-opted Member) on the list of Members Present;
2. Amendment to the spelling of the word “in-practical” to “not practical” on the last bullet point on Page 7.

6. REPORTS FOR CONSIDERATION

6.1 Standards (Advisory) Committee - Terms of Reference, Membership, Quorum, Dates of Meetings and Establishment of Sub-Committees 2015/16

John Williams, Head of Service, Democratic Services, introduced and summarised key points in the report, which provided the Terms of Reference, Membership, Quorum and Dates of meetings of the SAC for the Municipal Year 2015/16 for the Committee’s information.

The following amendments were noted:

Paragraph 3.5.3 – That Mr Daniel Laughlin’s term of office should read ‘February 2019’.

Appendix 3 – Schedule of Meeting Dates 2015/16 - Tuesday 16 September 2015 should read Tuesday 15 September 2015.

The Committee agreed that on the basis that Local Strategic Partnerships or Community Forums no longer existed in the form described in Terms of Reference, those terms of reference be amended accordingly.

Resolved

1. That subject to minor amendments to the report, the Standards (Advisory) Committee Terms of Reference, Membership, Quorum, Dates of future meetings and timing thereof, as set out in Appendices 1, 2 and 3 to the report, be noted;

Action by: Elizabeth Dowuona (Senior Committee Officer,
Democratic Services, LPG)
Meic Sullivan-Gould (Interim Monitoring Officer, LPG)

6.2 Annual Report of Investigations under the Regulation of Investigatory Powers Act (RIPA)

Meic Sullivan-Gould (Interim Monitoring Officer) introduced and highlighted key points in the report, which outlined the Council's use of covert investigations under the Regulation of Investigatory Powers Act 2000 ("RIPA").

Meic Sullivan-Gould explained that there were circumstances in the discharge of its statutory functions in which it was necessary for the Council to conduct directed surveillance or use a covert human intelligence source for the purpose of preventing crime or disorder.

The RIPA Act was intended to provide a framework within which a public authority may use covert investigation for the purpose of preventing or detecting crime or of preventing disorder. It was designed to ensure that public authorities did not contravene the obligation in Section 6(1) of the Human Rights Act 1998 not to act in a way which was incompatible with an individual's rights under the European Convention on Human Rights ("ECHR"). It was particularly concerned to prevent contravention of the qualified right in Article 8 of the ECHR to respect for private and family life, home and correspondence.

It was noted that the Council's current priorities for the use to RIPA were:

- Anti-social behaviour
- Fly-tipping
- Unlawful street vending of DVDs and tobacco
- Underage sales of knives, tobacco, alcohol and fireworks
- Fraud, including misuse of disabled parking badges and claims for housing benefit
- Illegal money-lending and related offending
- Breach of licences
- Touting.

Meic Sullivan-Gould outlined an internal investigation in 2014/15 given by the Head of Internal Audit on 10 November 2014. This was confirmed by a District Judge at the Thames Magistrates' Court on 11 November 2014. The surveillance was conducted from 14 November 2014 to 2 December 2014. The authorisation was formally cancelled on 18 December 2014, as surveillance had concluded after sufficient evidence was obtained. Relevant surveillance material was provided to the Metropolitan Police to assist in the investigation. As a result of the investigation, appropriate internal action was being undertaken under the Council's procedures.

The Committee noted that there a consistent use of low levels of RIPA by the Council and the following were highlighted:

- 1 authorisation granted in 2014/2015;
- 2 authorisations were granted in 2013/2014;
- 2 authorisations were granted in 2012/2013 and
- 3 authorisations were granted in in 2011/2012.

Previous investigations had targeted touting and the investigation of underage sales of tobacco, however there were no such investigations with the use of RIPA in 2014/2015. It was noted that the Council had used the resources of the police and their statutory powers, more use of overt uniformed enforcement officers dealing with a wider range of offences and more combined partnership working with the police to tackle both issues during 14/15.

RESOLVED –

That the report be noted.

6.3 Code of Conduct for Members - Complaints and Investigation Monitoring

Meic Sullivan Gould, the Interim Monitoring Officer introduced the report. The Committee noted that the four outstanding complaints had been determined. The determinations had been delayed as attempts to convene a meeting of the Investigation & Disciplinary Sub-Committee since September 2014 had failed on a number of occasions due to difficulties in securing dates acceptable to nominated Members of the Investigation and Disciplinary Sub-Committee on a number of occasions. More recently it had not possible to convene a meeting of the Investigation & Disciplinary Sub-Committee during the pre - election period for the general election in May 2015 and the subsequent Tower Hamlets mayoral and ward elections in June 2015.

The Committee noted that a meeting of the Investigation & Disciplinary Sub-Committee had finally been convened on 23 June 2015 and had considered the four outstanding complaints. The Sub-Committee had made the following decisions:

- Complaint Reference IDSC/05/2013 - that in light of the finding of the independent investigator, the complaint be closed.
- Complaint Reference IDSC/08/2013 - that in light of the finding of the independent investigator, the complaint be closed.
- Complaint Reference IDSC/09/2013 - that in light of the finding of the independent investigator, that there was no evidence of a failure to comply with the Code of Conduct for Members, the complaint be closed.

- Complaint Reference ASC/01/2012 - that the complaint be not referred for hearing.

The Chair thanked all Members who availed themselves in sitting on the IDSC in June 2015 and bringing the much delayed set of complaint cases to conclusion.

Comments from Members included the request that the committee process would be streamlined/improved to avoid delays in setting up appropriate sub-committees to determine complaints submitted to the Standards Advisory Committee in the future.

Action By: Meic Sullivan-Gould, the Interim Monitoring Officer

RESOLVED:

That the report be noted.

6.4 Code of Conduct for Members - Revised Code and Complaint Handling Arrangements

Meic Sullivan-Gould, the Interim Monitoring Officer introduced the report. The Committee noted that in October 2014, the Advisory Committee received a report from Hoey Ainscough Ltd which provided a critique of the Council's current Code of Conduct and Complaint Handling Arrangements. The Advisory Committee discussed areas for improvement in the Council's Code and requested the Interim Monitoring Officer, in consultation with the Chair and Independent Person, to provide a draft of a Revised Code and Complaint Handling Arrangements.

It was recommended that the proposed Revised Code of Conduct based on the restatement of the Committee for Standards in Public Life's Seven Principles (January 2013) and the principle that Elected Persons should comply with the same standards of behaviour that they require of the staff that they employ.

It was noted that since the implementation of the Localism Act 2011, the sanctions available to Councils in respect of misbehaviour was very limited and more proportionate processes were required to deal effectively and quickly with allegations of breach of Code.

Members discussed the seven principles of public life and how Members might demonstrate that they were acting in line with those principles, in particular:-

- Members agreed that it was essential, to avoid challenges on probity for Members to ensure transparency at all times eg. that meetings with individuals or groups were recorded by officers.

- It was considered that Chairs at all Council meetings must be a robust in managing the meeting and feel empowered to deal with disorderly conduct appropriately and timely at the meeting.
- That persistent inappropriate behaviour or use of language which constituted breaches of the Members code of conduct should attract public sanctions.
- That induction should be mandatory to all new councillors including annual training for Councillors on quasi-judiciary bodies.
- That political groups could assist their Members by offering guidance in adhering to the Council's code of conduct, probity and the practical demonstration of life Standards in Public Life's Seven Principles (January 2013) and the principle that Elected Persons should comply with the same standards of behaviour that they require of the staff that they employ.

RESOLVED –

That the Revised Code of Conduct and Complaint Handling Arrangements be approved for consultation with the Mayor, the Speaker and Group Leaders.

Action by: Meic Sullivan-Gould, Interim Monitoring Officer

**6.5 Members' Attendance, Timesheets and Declaration of Interests :
Monitoring Report**

John Williams, Head of Service, Democratic Services, introduced the report. He summarised the key points, which underlined the importance the Council placed on accountability and transparency in the work of councillors and the allowances/remuneration provided to them in the course of their duties.

John Williams referred to the value of timely and accurate completion of timesheets by Members and the Council's monitoring arrangements which had placed Tower Hamlets at the forefront of best practice in this area as very few other local authorities have any such formal monitoring system in place.

The Committee noted that new software was now being used to upload Members' timesheets. The benefits of the software included a facility for direct inputting of timesheets detailing the time spent on Council duties, split into categories such as surgeries, casework and attendance at Council meetings and meetings of external bodies.

It was noted that Members' timesheets were posted on the 'Meet your Councillor' pages of the Council's website which also contain information on the ward represented, committee/external appointments, surgery

arrangements, contact and other details and Councillors were personally responsible for the accuracy and timely submission of their timesheets.

Members discussed the report and various reasons were given for the late or non-submission of their timesheets. Some Members did not feel adequately informed on how to complete their timesheets. Councillor Wood stated that the Conservative Group had decided not to complete timesheets as they did not consider it a satisfactory way of capturing the level of work covered by councillors in the course of their duties and responsibilities.

Following a lengthy discussion, the Committee noted that although the completion of timesheets was not a statutory requirement and did not affect the Basic and Special Responsibility Allowances paid to Members, Tower Hamlets had voluntarily developed the timesheet system to enhance transparency and accountability and the Standards Advisory Committee had agreed to monitor the work of elected Members who were accountable.

Members commented that to have an accurate timesheet, more categories could be added to the timesheet to capture other areas of work in which Councillors were involved, including a free text box to provide further details. Mr Williams undertook to look into this together with the automatic population of sections of the timesheet for which information was already held, such a number and duration of formal meetings attended.

On the question of whether (as in previous practice) to ask the Chair to write to those Members who were significantly in arrears and/or their political group Leaders, drawing their attention to the need to maintain an up to date records, it was agreed that this should be done but also that the Chair and Independent Person should meet political group Leaders, drawing their attention to the importance on the timely and accurate completion of timesheets and reporting back to the Committee on any issues raised.

RESOLVED –

That the Standards Advisory Committee:

- (i) Note the information set out in Appendices 1, 2 and 3 in relation to Councillors' submission of timesheets, attendance at formal meetings and training events, and completion of the register of interests during the previous and current municipal years;
- (ii) That the Chair write to those Councillors who were not more than three months in arrears with their timesheets, drawing their attention to the importance of timely completion;
- (iii) That the Chair and Independent Person on the Standards Advisory Committee meet political group Leaders to discuss the timesheet process and report back on any issues raised.

- (iii) Agree to receive further monitoring reports at six monthly intervals.

Action By: John Williams, Service Head, Democratic Services

7. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

There was none.

8. EXCLUSION OF THE PRESS AND PUBLIC

The Committee Resolved that the press and public be excluded from the meeting during the discussion of item 9 on the grounds that the minutes contained information classified as exempt under the provisions of Schedule 12A of the Local Government Act 1972, Paragraph 3.

9. EXEMPT/CONFIDENTIAL MINUTES

The Chair **moved** and it was agreed that the exempt/confidential minutes of the Standards Advisory Committee held on 27 January 2015 be approved, as a correct record of the proceedings.

Action by: Elizabeth Dowuona (Senior Committee Officer, Democratic Services, LPG)

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

There was none.

The meeting ended at 8.45 p.m.

Chair, Matthew William Rowe
Standards (Advisory) Committee