

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STANDARDS ADVISORY COMMITTEE

HELD AT 2.05 P.M. ON THURSDAY, 15 OCTOBER 2020

ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)

Members Present:

John Pulford MBE (Chair)
Nafisa Adam (Vice-Chair)
Councillor Mufeedah Bustin
Councillor Abdal Ullah
Fiona Browne

Other Councillors Present:

Councillor Peter Golds

Apologies:

Mike Houston (Co-Optee)

Officers Present:

Ruth Dowden	– (Head of Information Governance, Legal Services, Law Probity & Governance)
Janet Fasan	– (Divisional Director, Legal, Governance)
Asmat Hussain	– (Corporate Director, Governance and Monitoring Officer)
Matthew Mannion	– (Head of Democratic Services)
Patricia Attawia	– (Democratic Services Team Leader, (Civic & Members, Governance))
Joel West	– (Democratic Services Team Leader (Committee))

1. ELECT A CHAIR OF THE STANDARDS ADVISORY COMMITTEE

It was **MOVED** by Nafisa Adam and **SECONDED** by Fiona Browne that John Pulford MBE be nominated as Chair for the 2020-21 Municipal Year. There were no other nominations and it was **AGREED UNANIMOUSLY** that:

RESOLVED

1. John Pulford MBE be elected to serve as Chair of the Standards Advisory Committee for the 2020-21 municipal year.

2. ELECT A VICE-CHAIR OF THE STANDARDS ADVISORY COMMITTEE

It was **MOVED** by John Pulford and **SECONDED** by Fiona Browne that Nafisa Adam be elected to serve as Vice-Chair of the Committee for the 2020-21 municipal year. There were no other nominations and it was **AGREED UNANIMOUSLY**:

RESOLVED

1. That Nafisa Adam be elected to serve as the Vice-Chair of the Standards Advisory Committee for the 2020-21 Municipal Year.

3. APOLOGIES FOR ABSENCE

4. DECLARATIONS OF INTEREST

There were no Declarations of Disclosable Pecuniary Interest but Fiona Browne noted in relation to Agenda Item 6.6 (Register of Interests – Member Addresses) as her address was currently restricted. She took part in the discussion of that item.

5. MINUTES OF THE PREVIOUS MEETING(S)

RESOLVED

1. That the minutes of the meeting held on Thursday 30 July 2020 be approved and signed by the Chair as a correct record of proceedings.

6. REPORTS FOR CONSIDERATION

6.1 Standards Advisory Committee - Terms of Reference, Membership, Establishment of Sub-Committees and Dates of Meetings

Matthew Mannion, Head of Democratic Services, introduced the report. He explained that it was standard practice for each Committee to be presented with its Terms of Reference at the start of each municipal year as a reminder of its responsibilities. It was also necessary to establish the usual investigation and hearing sub-committees in case they were required.

During discussion it was agreed that it would be useful to review how effectively the Committee was managing the duties set out in the Terms of Reference and it was agreed to add a review to the 2020/21 workplan.

RESOLVED

1. To note the Committee's Terms of Reference, Membership and Dates of Meetings.
2. To agree to establish the Investigation and Disciplinary Sub-Committee and the Hearings Sub-Committee to be convened as required on an

ad-hoc basis with membership from amongst the Members of the Standards Advisory Committee.

3. To add a review of how well the Committee met its Terms of Reference requirements to the 2020-21 workplan.

6.2 Implementation of Best Practice Recommendations by CSPL

Janet Fasan, Divisional Director, Legal Services and Deputy Monitoring Officer, introduced the report updating the Committee on work to implement the recommendations of the Committee on Standards in Public Life. Appendix One to the report set out the details of actions to date. She was pleased to report that most recommendations had already been met or exceeded.

She then took the Committee through those items where further work was required, including:

- The proposed amendment to the Code of Conduct in relation to bullying and harassment.
- That a yearly review of the Code of Conduct was being introduced into the Committee's workplan.
- Work was needed to include specific provisions into the Code of Conduct relating to conflicts of interest.
- Research was required on the governance of Council established bodies and in ensuring they met the recommendations in relation to the Nolan principles and publishing board papers.

The Committee further noted where recommendations were met including areas such as:

- The publication of gifts and hospitality declarations by Members.
- Guidance on how to make a complaint being set out on the website, although further improvements were planned.

A further report would follow at the next Standards Advisory Committee meeting.

The Independent Person welcomed the update report and the actions being taken.

RESOLVED

1. That the report be noted.

6.3 Members Rights to Access to Information

Asmat Hussain, Corporate Director, Governance and Monitoring Officer introduced the report which set out the Constitutional rights of access to information for Members of the Council.

It was explained that Members have all the same rights as members of the public including attending meetings, access to reports and papers and decisions. However, Members also had additional rights around a number of specific areas including:

- A right to exempt committee papers if they had a 'need to know' (such as being a member of the committee or the information specifically impacted their ward).
- Scrutiny Committee Members had the right to information in relation to any review the Committee was undertaking.
- Specific rules in certain circumstances such as around the financial affairs of the Council or where the council was presenting certain statutory notices.

It was also noted that Members were able to put in requests through the Freedom of Information procedures.

Where Members breached confidentiality rules it would breach the Member Code of Conduct.

The Committee discussed the report and a number of issues were discussed including:

- Member Enquiries – reasons for the rejection of MEs and the balance of the 'need to know' and the role of Members. The challenge in balancing rights to access and relevant limits on rights. Significant concerns were expressed that Members were not gaining access to information they needed to undertake their role and that current Member Enquiry processes and procedures needed review.
- The Access to Information regulations were national and were not predicated on the way the Council operated including whether it operated the Mayoral Model.
- Where information is already in the public domain (or is planned to be in the public domain) it may be reasonable to wait until formal publication rather than accept individual requests for information.
- The role of Overview and Scrutiny Committee and how it had the power to ask for additional information on council services but that this must link to a specific review as set out in the Committee's workplan and did not mean that individual Scrutiny Members could make requests of their own. It was agreed to circulate government guidance on the role of scrutiny to members of the Standards Advisory Committee and to add it as an additional appendix to this report.

Following the discussion, it was agreed that a review would be undertaken on the effectiveness of the current processes for Member Enquiries and the

impact of the 'need to know' rules with a report presented to the next Standards Advisory Committee meeting.

Ruth Dowden, Head of Information Governance, then took the Committee through a presentation on how the different roles that Members fulfil impacted on their rights to access and use of personal data. In particular, it was important to be careful not to use data for other work where it had been provided for a specific reason. Data must only be stored as long as it was required. She would be providing an updated training session for Members, including co-opted Members, in the near future.

RESOLVED

1. That the report be noted.
2. That the agreed officer actions around reviewing the Member Enquiry process and providing Data Protection training to Members set out above be noted.

6.4 Member Learning and Development Update

Matthew Mannion, Head of Democratic Services, introduced the report providing a yearly update on the Member Learning and Development programme. He highlighted that the report contained information on training which had taken place over the previous year as well as plans for the next twelve months.

The report updated on the three types of training undertaken; committee specific training, planned learning and development sessions and then member briefings arranged by Council services.

In particular, he highlighted how the move to virtual training sessions due to the pandemic had resulted in a significant increase in attendance at trainings sessions and this indicated there would be value in continuing to run virtual sessions in many cases even once the pandemic was settled.

It was noted that a number of planned learning and development sessions had not taken place over the last year due to interruption by the general election and the pandemic. It was hoped to cover these sessions over the next year. It was also noted that the Local Government Association and other organisations offered many useful virtual training sessions for Members.

In relation to the Personal Development Plan offer to Members, this had not proven to be popular with Members since it had been introduced and so the intention for the next year was to look to new ICT tools such as Microsoft Forms to provide a new way for Members to engage in planning learning and development courses that met their needs. The Committee suggested that Members needed to be more strongly encouraged to participate and that

continuous personal development should be seen as a core responsibility of Members.

The Committee welcomed the update and the enthusiasm shown for virtual training (whilst noting the usefulness of physical training on occasion).

RESOLVED

1. That the report be noted.

6.5 Register of Gifts and Hospitality - Quarterly Update

Matthew Mannion, Head of Democratic Services, introduced the regular update report on Member Gifts and Hospitality declarations. He noted that:

- There had been three declarations made during the period in question (July to September 2020).
- One, submitted by Cllr Kyrsten Perry was late as the event took place in January 2020.
- One declaration from the Mayor was for a gift of £125 (framed coat of arms).
- A new six-month check was to be introduced to ask all Members to confirm if they have or have not received any gifts or hospitality.

It was noted that the Speaker's Ball was usually the next occasion in the year when Members were reminded of their responsibilities. Given it was unlikely a Ball would be taking place this year due to the pandemic, any reminder would have to link to another issue.

RESOLVED

1. To note the report.

6.6 Register of Interests - Member Addresses

Matthew Mannion, Head of Democratic Services, introduced a report on the publication of Member addresses as part of the Register of Interests. He explained that the regulatory framework allowed Members to request the non-disclosure of their home address on the register if they considered they could be under physical threat from residents. The request and evidence would be put to the Monitoring Officer to ask for her agreement. It was noted that only home addresses had been restricted to date.

It was noted that there was a balance to be struck in ensuring protection for Members against any threats whilst at the same time being aware of the public right to know relevant information about Members. It was noted that many councils operated different policies on this matter including some which operated a blanket block on publishing home addresses.

It was reported that over the last year there had been a large increase in the number of Councillors requesting such a change.

Members had a good discussion on the matters in the report. Issues noted included:

- Whether there was any evidence that requests had been made for weak reasons.
- That everyone had a right to feel safe in their own home.
- Threats councillors had received and issues that had arisen at other authorities.
- That there were a number of views around the extent to which it was reasonable to remove member addresses.
- There was support offered for the ability of officers and Members to know where addresses needed restricting.
- Another suggestion was that partial addresses should be considered where publishing the full address was not considered appropriate.

It was agreed that a sensible improvement to the current system would be to ask Members, during the six-monthly Register of Interests updates, to confirm whether a home address remained sensitive or could be returned to the website.

RESOLVED

1. That the report be noted.
2. That officers introduce a new six-month check on sensitive interests.

7. WORK PLAN

It was noted that at this point the meeting became inquorate as there were no Councillors present. However, it was agreed to continue discussion of the workplan.

The Committee's workplan was noted. Including:

- The planned reports for the upcoming Committee meetings.
- Review of the draft Annual Report to Council for 2021 should be added to the April meeting list.
- The need to confirm that all reports relating to the Committee on Standards in Public Life (review of code consultation requirements and also on Investigations and Conflicts of Interest) were properly scheduled.
- As discussed at the meeting, a new report needed adding on reviewing the Member Enquiry process and the transition of the system to the Information Governance team.
- Explore whether a report on GLA election preparations would be useful for the April meeting.

8. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

There was none.

9. EXCLUSION OF THE PRESS AND PUBLIC

Nil items.

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

Nil items.

The meeting ended at 3.41 p.m.

Chair, John Pulford MBE
Standards Advisory Committee