

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STANDARDS ADVISORY COMMITTEE

HELD AT 2.03 P.M. ON THURSDAY, 4 FEBRUARY 2021

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 Rabina Khan
Councillor Abdal Ullah
Fiona Browne (Co-optee)
Mike Houston (Co-optee)

Observers:

Elizabeth Marshall MBE – Independent Person
Rachael Tiffen – Independent Person

Apologies:

Councillor Leema Qureshi (Member)

Officers Present:

Janet Fasan – (Director of Legal)
Clare Matthews – (Strategy & Policy Manager)
Patricia Attawia – (Democratic Services Team Leader, Civic & Members, Governance)
Matthew Mannion – (Head of Democratic Services, Governance)

1. INTRODUCTION

During the introduction it was reported to the Committee that, as a consequence of the ongoing Senior Management Review, Asmat Hussain, Corporate Director, Governance and Monitoring Officer, had left the authority. Janet Fasan, Director of Legal had been appointed as the Interim Monitoring Officer until the review was concluded. It was expected that the post of Director of Legal would permanently be assigned the Monitoring Officer role.

The Committee asked that their thanks to Asmat Hussain be placed on the record for her hard work supporting the Committee over her time at the Council. Members considered that the work and profile of the Standards Advisory Committee had much improved through her efforts and support and

that she had been a strong champion of the importance of the Committee and of adhering to the Code of Conduct.

2. DECLARATIONS OF INTEREST

There were no Declarations of Disclosable Pecuniary Interest.

3. MINUTES OF THE PREVIOUS MEETING(S)

RESOLVED

1. That the minutes of the meeting held on 15 October 2020 be approved and signed by the Chair as a correct record of proceedings.

4. REPORTS FOR CONSIDERATION

4.1 Model Member Code of Conduct

Janet Fasan, Director of Legal and Interim Monitoring Officer introduced the report. She explained that the new Model Code of Conduct from the Local Government Association had been published and the Committee should therefore determine to what extent they wished to adopt the new code or whether any local variations would be appropriate. She noted that, whilst the language did vary, the general scope of the new code was very similar to the existing Tower Hamlets Code of Conduct. However, there were a few differences and these were highlighted in Appendix 2.

It was noted that the Tower Hamlet's Code had last been reviewed in 2018/19 and it was part of the Committee's workplan to conduct a yearly review.

The Committee then discussed the report. It reviewed Appendix 2 setting out the key differences between the new Code and the existing Tower Hamlets code.

Points discussed included:

- When the Code would apply to Members and whether some activities would be considered part of the Member's private life and therefore exempt.
- Requirements around general standards of conduct, bullying and harassment.
- Impartiality of officers and making decisions and appointments on merit.
- How rules around use of resources, allowances etc were set out.
- How sanctions for breaching the code were covered.
- That the model code was proposing to increase the gifts threshold to £50 and the need for clarity over what 'significant' meant around declared and rejected gifts. There was some support on the Committee for keeping the declaration limit at £25.

- A change to the wording around interest types with new Registerable and Non-Registerable interests.
- The new code referred to the 'Public Interest' test which was a useful point to highlight. It was noted that the existing Constitution did not define how the 'Public Interest' was determined.

The Committee discussed the report and expressed the view that the new Model Code of Conduct was well written and had also been through a lot of consultation and development work. It therefore made sense to adopt it as the new Tower Hamlets code subject to any specific revisions which were felt appropriate.

It was agreed that a sub-group of the Committee should develop a proposed final code which could then be presented to the Committee for agreement before forwarding to Council for final determination.

RESOLVED

1. The a sub-group be established to work on a proposed new Code of Conduct, based on the new Model Code of Conduct.

4.2 Strengthening Local Democracy

Matthew Mannion, Head of Democratic Services, introduced the latest update report on the ongoing Strengthening Local Democracy project. He reminded Members that a previous report on this subject had been presented at an earlier meeting and this update set out how the project was developing and which targets had now been met.

Clare Matthew, Strategy and Policy Officer, took Members through the report in more detail. It listed all activity up to the autumn. Most actions were now complete although the pandemic had impacted in some areas. The intention now was to look at the Members Hub as the place to go for all the information and guidance in the support framework so that the work that had taken place and information and guides developed would continue to be useful to Members in the future.

During discussion it was noted how much technology was becoming the default tool for organising all areas of work, including Committee meetings at the moment, and how important it was therefore that as much support as possible was available to Members. Another key issue was the link to the Code of Conduct and making sure that all projects looked at the requirements to comply with relevant elements of the Code and how that impacted the work.

The Committee also asked officers to consider the impact of public behaviour towards Members and whether there was anything that could be done to tackle that problem.

RESOLVED

1. That the report be noted and that officers continue progressing the project taking account of the points raised by the Committee.

4.3 Member and Officer Protocol

Matthew Mannion, Head of Democratic Services, introduced the report on the Member and Officer Relations Protocol. He reported that this was a long-standing section of the Constitution and contained guidance on how members and officers should interact. It also included a section on Member to Member relations.

A number of earlier discussions and reviews, including one from Grant Thornton, had mentioned the Protocol, including suggestions that the Member to Member protocol should be a stand-alone section of the Constitution.

During discussion the Committee noted there had been occasions where there had been problems, including in Members attacking individual officers during formal meetings. However, it was noted that generally the Code was working ok but that there was likely to be scope to make any suggested improvements.

The Committee asked that feedback be sought from Members and officers on their perspective as to how effective it was. It was suggested that the language could be improved and consider whether case studies and similar could be useful to back it up.

It was agreed that consideration of the Protocol would be picked up by the new working group being established to look at the Model Code of Conduct, although to be dealt with after the group had reviewed the new Code of Conduct.

RESOLVED

1. That the report be noted and that the Protocol be passed to the working group for consideration before reporting back to the Committee.

4.4 Standards Advisory Committee - Terms of Reference Review

Matthew Mannion, Head of Democratic Services, introduced the report looking at the review of the Committee's Terms of Reference. The previous meeting of the Committee had proposed the review and it was suggested that the first stage of this would be to send a quiz to Members of the Committee to see what they thought of the Terms of Reference as they were.

He presented the results to date:

- 5 responses had been submitted.
- In general, responders felt that each function in the terms of reference was set out clearly. However, the final two functions dealing with more general standards issues did receive slightly lower marks, possibly because their general nature made them less easy to consider.
- When looking at whether the Committee were effectively dealing with each function, the first function on promoting and maintaining high standards received a four out of five mark which was the lowest of all the functions, but still a good mark.
- A number of specific comments had been submitted including:
 - The need to be more proactive rather than reactive.
 - How to find new ways of conducting training on the Code of Conduct.
 - Whether the function on setting up dispensation sub-committees should be removed as they were no longer used.
 - Whether the Committee should link up better with the Audit and Scrutiny functions.
 - A suggestion that the Committee be updated about national or regional stories relating to Member Conduct.

The Committee also noted the appendix which set out terms of reference from a number of other Councils. It was noted that some mentioned their Committees were there to 'support' Members in respect to the Code of Conduct and that idea should be included. It was agreed that final results of the survey would be circulated to Members on 15 February to allow time for final submissions.

No large-scale changes to the Terms of Reference were identified but it was agreed as yet but the final results of the review would be considered and some changes could then be proposed.

RESOLVED

1. That the report be noted and that the final results of the survey be considered in relation to any potential reviews of the Terms of Reference.

4.5 Code of Conduct for Members - Complaint Monitoring

Janet Fasan, Director of Legal and Interim Monitoring Officer, introduced the regular update report on recent complaints received in respect of the Members Code of Conduct. She reported that there were only two new complaints set out which was a significant drop from earlier in the year. In particular compared to the early stages of the Covid-19 pandemic when there had been a spike in complaints.

One current complaint referred to a possible breach of the Covid restrictions by a Councillor. Exchanges were ongoing to establish whether there had been a breach in regulations. A second complaint related to an allegation of

disruptive behaviour at a meeting. Investigations were ongoing and responses were awaited to questions from the Monitoring Officer. A third complaint had been received in the last week which would be reported at a later date.

Finally, a proposal from the Committee on Standards in Public Life was noted recommending additional wording for the constitution to cover situations where a Monitoring Officer was not able to progress a complaint due to a conflict of interest. The updated wording would allow cases to be referred to a monitoring officer at a neighbouring authority.

The Committee discussed the report and asked for confirmation that in the case complaining about a slow member response to the constituent that an apology had been sent.

RESOLVED

1. That the report be noted.
2. That the proposed new wording be agreed in respect of conflicts of interest in complaint handling and that the text be forwarded to the General Purposes Committee for adding to the Constitution.

4.6 Register of Gifts and Hospitality - Quarterly Update

Matthew Mannion, Head of Democratic Services, introduced the regular report on declarations of gifts and hospitality. He noted that there had been nine declarations in the October to December period which was an increase on the earlier months of the pandemic. This likely reflected the slight easing of restrictions seen during that time so a few events were taking place and also, as it covered the Christmas period, a number of seasonal gifts were recorded. Finally, he welcomed that one gift to the Mayor had been donated to the Speaker's Charity.

It was also reported that the Member Support team were currently asking all Members to review their Registers of Interest to ensure they were up to date. So far responses had been received from all bar three Councillors and four co-opted Members. The survey form being used this time included the new 'Nil Return' field for registering gifts and hospitality.

RESOLVED

1. That the report be noted.

4.7 Dispensations granted under Section 33 of the Localism Act 2011

Matthew Mannion, Head of Democratic Services, introduced the regular update report on dispensations granted to Members under Section 33 of the Localism Act. He reported that there had been no individual dispensations

granted since the previous report last July. The general dispensations previously reported remained in force.

RESOLVED

1. That the report be noted.

5. WORK PLAN

The Committee considered the workplan and noted a number of points including:

- Information Governance training was scheduled to take place in April 2021.
- New Personal Development survey forms were in development and would be circulated to Member shortly.
- The terms of office for all current co-optees and one Independent Person were due to expire later in the year so a report may be required for the Committee to consider on appointments.
- Two reports that were due to be received at the February meeting had been deferred:
 - Update on Member Enquiries – the Service were meeting with political groups soon and would report to the Standards Advisory Committee following the conclusion of those discussions.
 - A report was proposed relating to governance at controlled bodies. It had been confirmed that the Council did report on those bodies in its Annual Governance Statement but more work was required in relation to the second point of deliberation which was around how governance at those bodies was managed (for example around levels of transparency). This would be reported to a later meeting.
- The draft agenda for the April meeting was noted including the need to report back on the Code of Conduct review and also that the draft Annual Report to Council would be presented.
- Finally, it was noted that a candidate had been selected for the final co-optee place on the Committee. This would be confirmed at Council in March.

The workplan would also be updated to show the actions from this meeting.

RESOLVED

1. That the workplan be noted.

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

Nil items.

7. EXCLUSION OF THE PRESS AND PUBLIC

Nil items.

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

Nil items.

The meeting ended at 3.52 p.m.

Chair, John Pulford MBE
Standards Advisory Committee