

Standards Advisory Committee



Thursday, 1 July 2021 at 6.00 p.m.

Committee Room One - Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

Agenda

Chair: To be elected at the meeting

Members

Vice-Chair: To be elected at the meeting

John Pulford MBE, Fiona Browne, Denzil Johnson, Nafisa Adam, Mike Houston, Councillor Rajib Ahmed, Councillor Mufeedah Bustin, Councillor Rabina Khan, Councillor James King and Councillor Abdal Ullah

Observers (Independent Persons):

Elizabeth Marshall MBE (Independent Person) and Rachael Tiffen (Independent Person)

Substitutes:

Councillor Marc Francis, Councillor Denise Jones and Councillor Puru Miah

[The quorum for Standards Advisory Committee is 3 Members including one Councillor and one Co-optee]

Further Information

Reports for consideration, meeting contact details, public participation and more information is available on the following pages.



Public Information

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Due to Covid-19 restrictions, only limited physical attendance at the Town Hall is possible at this time. If you wish to attend in person please contact the clerk (details below) as soon as possible before the date of the meeting.

Meeting Webcast

The meeting is being webcast for viewing through the Council's webcast system.

<http://towerhamlets.public-i.tv/core/portal/home>

Contact for further enquiries:

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1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
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Standards Advisory Committee

Thursday, 1 July 2021

6.00 p.m.

PAGE
NUMBER(S)

APOLOGIES FOR ABSENCE

1. ELECTION OF CHAIR FOR 2021-22

To elect a Chair of the Committee from amongst the Co-opted Members for the Municipal Year 2021-22.

2. ELECTION OF VICE-CHAIR FOR 2021-22

To elect a Vice-Chair for the Committee from amongst the Co-opted Members for the municipal year 2021-22.

3. DECLARATIONS OF INTEREST

7 - 8

Members are reminded to consider the categories of interest in the Code of Conduct for Members to determine whether they have an interest in any agenda item and any action they should take. For further details, please see the attached note from the Monitoring Officer.

Members are reminded to declare the nature of the interest and the agenda item it relates to. Please note that ultimately it's the Members' responsibility to declare any interests and to update their register of interest form as required by the Code.

If in doubt as to the nature of your interest, you are advised to seek advice prior to the meeting by contacting the Monitoring Officer or Democratic Services

4. MINUTES OF THE PREVIOUS MEETING(S)

9 - 14

To confirm as a correct record the minutes of the meeting of the Standards Advisory Committee held on 22 April 2021.

5. REPORTS FOR CONSIDERATION

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5 .9	Co-opted Member Appointments	153 - 156
6.	WORK PLAN	157 - 164

To consider the Committee's Work Plan for 2021-22.

7. FEEDBACK FROM THE INDEPENDENT PERSON

8. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

To consider any other unrestricted business that the Chair considers to be urgent.

9. EXCLUSION OF THE PRESS AND PUBLIC

In view of the contents of the remaining items on the agenda the Committee is recommended to adopt the following motion:

"That, under the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contains information defined as Exempt in Part 1 of Schedule 12A to the Local Government Act, 1972."

NOTE: EXEMPT/CONFIDENTIAL SECTION (Pink Papers)

The exempt committee papers in the agenda will contain information, which is commercially, legally or personally sensitive and should not be divulged to third parties. If you do not wish to retain these papers after the meeting, please hand them to the Committee Officer present.

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

To consider any other exempt/ confidential business that the Chair considers to be urgent.

Next Meeting of the Committee:

Thursday, 30 September 2021 at 6.00 p.m. to be held in Committee Room One -
Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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Agenda Item 3

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Code of Conduct for Members at Part C, Section 31 of the Council's Constitution

(i) Disclosable Pecuniary Interests (DPI)

You have a DPI in any item of business on the agenda where it relates to the categories listed in **Appendix A** to this guidance. Please note that a DPI includes: (i) Your own relevant interests; (ii) Those of your spouse or civil partner; (iii) A person with whom the Member is living as husband/wife/civil partners. Other individuals, e.g. Children, siblings and flatmates do not need to be considered. Failure to disclose or register a DPI (within 28 days) is a criminal offence.

Members with a DPI, (unless granted a dispensation) must not seek to improperly influence the decision, must declare the nature of the interest and leave the meeting room (including the public gallery) during the consideration and decision on the item – unless exercising their right to address the Committee.

DPI Dispensations and Sensitive Interests. In certain circumstances, Members may make a request to the Monitoring Officer for a dispensation or for an interest to be treated as sensitive.

(ii) Non - DPI Interests that the Council has decided should be registered – (Non - DPIs)

You will have 'Non DPI Interest' in any item on the agenda, where it relates to (i) the offer of gifts or hospitality, (with an estimated value of at least £25) (ii) Council Appointments or nominations to bodies (iii) Membership of any body exercising a function of a public nature, a charitable purpose or aimed at influencing public opinion.

Members must declare the nature of the interest, but may stay in the meeting room and participate in the consideration of the matter and vote on it **unless:**

- A reasonable person would think that your interest is so significant that it would be likely to impair your judgement of the public interest. **If so, you must withdraw and take no part in the consideration or discussion of the matter.**

(iii) Declarations of Interests not included in the Register of Members' Interest.

Occasions may arise where a matter under consideration would, or would be likely to, **affect the wellbeing of you, your family, or close associate(s) more than it would anyone else living in the local area** but which is not required to be included in the Register of Members' Interests. In such matters, Members must consider the information set out in paragraph (ii) above regarding Non DPI - interests and apply the test, set out in this paragraph.

Guidance on Predetermination and Bias

Member's attention is drawn to the guidance on predetermination and bias, particularly the need to consider the merits of the case with an open mind, as set out in the Planning and Licensing Codes of Conduct, (Part C, Section 34 and 35 of the Constitution). For further advice on the possibility of bias or predetermination, you are advised to seek advice prior to the meeting.

Section 106 of the Local Government Finance Act, 1992 - Declarations which restrict Members in Council Tax arrears, for at least a two months from voting

In such circumstances the member may not vote on any reports and motions with respect to the matter.

Further Advice contact: Janet Fasan, Divisional Director, Legal Services and Monitoring Officer,
Tel: 0207 364 4800.

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the Member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STANDARDS ADVISORY COMMITTEE

HELD AT 2.03 P.M. ON THURSDAY, 22 APRIL 2021

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

Members Present:

John Pulford (Chair, Co-optee)

Councillor Rajib Ahmed
Councillor Mufeedah Bustin
Councillor Leema Qureshi
Councillor Abdal Ullah

Co-opted Members Present:

Fiona Browne
Denzil Johnson
Nafisa Adam
Mike Houston

Observers:

Elizabeth Marshall MBE – Independent Person
Rachael Tiffen – Independent Person

Apologies:

None

Officers Present:

Janet Fasan – (Director of Legal & Interim Monitoring Officer)
Matthew Mannion – (Head of Democratic Services, Governance)

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. MINUTES OF THE PREVIOUS MEETING(S)

RESOLVED

1. That the minutes of the meeting held on 4 February 2021 be approved as a correct record of proceedings.

3. REPORTS FOR CONSIDERATION

3.1 New Member Code of Conduct - update report

Janet Fasan, Director of Legal and Interim Monitoring Officer, introduced the report on the new Member Code of Conduct. She reminded Members that the previous meeting had considered the model code and that the Committee determined the Council should adopt as much of the model code as possible but that it be amended to reflect local concerns.

A working group was set up and it has had two meetings so far and a good draft had been prepared. There were a couple of areas yet to be finalised. The report set out the main areas that had been covered to date. For example, the working group discussed how to include the existing text on bullying and wording on gifts and hospitality. A final group meeting will look to complete the proposed new code.

A copy of the draft new code had been circulated to Members of the Committee as a background document.

The Chair reported that the working group had been very successful. He welcomed comments from the meeting. The Committee discussed the work to date and made a number of comments and suggestions including:

- That a 'large gifts' threshold was a good idea but £100 was probably too low given the usual 'two tickets to an event' could easily cost more than £100 whereas this was attempting to discourage extreme gifts and hospitality. It was also maybe slightly too prescriptive in saying offers should 'always' be refused.
- Welcomed the attempt to support Members who were receiving abuse from the public.
- Should the language in relation to taking decisions be clearer on role of whips.
- Question whether 'trivial' and 'malicious' were appropriate words in relation to making complaints. 'Not having 'sufficient grounds' may be more appropriate.
- Whether there needed to be more case studies with model answers to bring it to life, for example about what intimidation means. The Monitoring Officer agreed to research what was available.

Concluding the discussion it was requested that final comments be received by the end of May as the intention was to then circulate the draft Code to the political groups for discussion followed by submission to July Standards Advisory Committee and then Council for final agreement.

RESOLVED

1. To note the report.

3.2 Draft Standards Advisory Committee Annual Report

Janet Fasan, Director of Legal and Interim Monitoring Officer, introduced the report setting out the draft Annual Report to Council. She explained that the purpose of the report was to set out the activity of the Committee and those issues it wished to highlight to Council and it would be useful at this stage to understand those areas the Committee would like to focus on in that presentation to Council.

The Committee discussed the report and made a number of comments including:

- How we could demonstrate the impact of the Committee, for example comparing statistics from previous years and also the levels of awareness of Members. This could possibly be through a yearly survey of Members.
- It would be useful to look at Members' understanding of the sorts of complaints that should be submitted through the Code of Conduct process.
- Officers agreed to talk to the Whip on the most appropriate way of canvassing Members for their view of the Committee and its impact.
- It would be useful to look at how to discourage disingenuous comments from one Member to another, for example against Members sitting on SEV Committee meetings. It was also important to make sure that Members understood the processes that the Council were operating.
- The mandatory ethics and probity training was important in spreading the knowledge of the Standards processes.

The Committee were encouraged to submit any further comments to officers for help in updating the draft of the report, and it was:

RESOLVED

1. That the report be noted and that the draft annual report be further updated and presented to the next Standards Advisory Committee for sign-off.

3.3 Review of the guidance for nominees to outside bodies

Matthew Mannion, Head of Democratic Services, introduced the report. He explained that the purpose of the report was to present the guidance provided to Members who were appointed to Outside Bodies by the Council.

The guidance was last reviewed a few years ago and it was felt it was now an appropriate time to consider a further review. It was confirmed that the guidance would be reviewed from a legal perspective anyway to make sure it still complied with the relevant rules and regulations.

It was noted that the General Purposes Committee had reviewed the number of outside bodies that the Council nominated Members to a couple of years ago.

The Committee discussed the report and made a number of comments, including:

- Appendix B – most points listed were very negatively phrased and whether there should be more on looking to determine whether Members had relevant experience/knowledge and that suitable induction should be provided to those who are appointed.
- The division between acting in accordance with the needs of the outside body and the expectations of the council needed to be clearer. It would also help to set out the types of bodies likely to be appointed to, who's views the Members should be representing on the body and back to the Council.
- General training for Members on sitting on outside bodies could be useful.
- How should Members seek guidance if they have concerns.
- Was the expectation on the amount of work required set out to Members and what their duty was to that organisation?
- Should the charitable bodies provide a job description for the Members to make it clear what was expected and to protect Members from misunderstanding what was required.
- Did Members feedback to the Council and if not then was there a value to the Council of the appointment if they didn't?
- The section on charities on pages 54-55 needed more detail. It was noted that a new Code for small charities had been produced which it could be useful to reference.

The Chair welcomed the review of the guidance and confirmed he would continue discussion with officers on the next steps.

RESOLVED

1. To note the report and to agree that the guidance for Members on Outside Body Membership should continue to be reviewed and be reported back to the Committee at a later date.

3.4 Register of Gifts and Hospitality - Quarterly Update

Matthew Mannion, Head of Democratic Services, introduced the regular update report on declarations of gifts and hospitalities. Three declarations had been made and they were set out in the report. This was a low figure which was to be expected during the pandemic lockdown.

It was noted that all Councillors (and the Mayor) had responded to the recent request for register of interest returns.

The Chair welcomed that response level and noted he should highlight this in his report to Council.

RESOLVED

1. That the report be noted.

3.5 Governance at Council owned bodies

Matthew Mannion, Head of Democratic Services, introduced an update on governance of Council owned bodies. He apologised that the report was not available at this time due to the need to collate information from a variety of sources including around work which had not yet concluded. He provided the Committee with a verbal update.

He explained that this item related to a recommendation from the Committee on Standards in Public Life (CSPL) that Council's should report in its Annual Governance Statement (AGS) on any bodies that it had established. It was also recommended that those bodies operated in a transparent manner including by publishing annual reports and board papers.

In relation to the AGS, the Council could show that it was indeed publishing details of these bodies. The AGS last summer had reported on five bodies, Tower Hamlets Homes, Seahorse Homes, Mulberry Housing Society, Place Limited and Capital Letters. The last two were pan-London bodies which were established by authorities across London.

Looking at whether the papers were published online there was a more varied picture. Subject to a possible technical fault, Tower Hamlets Homes were compliant on the transparency guidance. Research was ongoing on the other bodies.

During discussion it was noted that it may not be possible in all cases to publish all the papers suggested by the CSPL as it would depend on the nature of the body and how it was established, some information may be exempt for example if it was relating to the financial or business affairs of the organisation.

The Chair welcomed the update and requested that the final report be circulated to Members when it was completed.

RESOLVED

1. That the update be noted.

4. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

The Committee noted a number of items including:

- The draft workplan for 2021-22 was circulated to Members and views were requested on items to include. Members requested that the review on the terms of reference be expanded to include a wider review on the effectiveness of the Committee and its work.
- The Monitoring Officer was requested to ask other MOs whether they had undertaken reviews of the effectiveness of their Standards Committees and any lessons learnt.
- It would be interesting to see in the code of conduct complaints update report to have more information on the trends in complaints received and whether there was anything to learn or to particularly monitor.
- A report on the planning for the Member Induction programme would be useful.
- A report will be presented to an upcoming meeting in relation to reappointing co-optees to the Committee and providing an update on Independent Person recruitment.

The Committee also noted discussions the Chair was holding with the Chief Executive around the senior leadership reorganisation.

The Committee also noted that they would be informed on how upcoming meetings would take place with reference to the Covid-19 pandemic and the future use of hybrid, virtual and physical meeting options.


5. EXCLUSION OF THE PRESS AND PUBLIC

Nil items.

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

The meeting ended at 3.40 p.m.

Chair,
Standards Advisory Committee

Non-Executive Report of the: Standards Advisory Committee 1 July 2021	
Report of: Janet Fasan, Director of Legal and Interim Monitoring Officer	Classification: Open (Unrestricted)
Standards Advisory Committee - Terms of Reference	

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

Executive Summary

This report:

- a. sets out the Terms of Reference, Quorum, Membership and Dates of meetings of the Standards Advisory Committee (SAC) for the Municipal Year 2021/22 for the information of members of the Committee.
- b. Asks Members to approve the establishment of its Sub Committees to consider complaints relating to breaches of the Member Code of Conduct.

Recommendations:

The Standards Advisory Committee is recommended to:

1. Note its Terms of Reference, Membership, Dates of future meetings and timing thereof, as set out in Appendices 1, 2 and 3 to this report;
2. Establish the following sub-committees for the municipal year 2021/22, to be convened as required on an ad hoc basis with membership from amongst the members of the SAC, including in each case a minimum of three members:-
 - Investigation and Disciplinary Sub-Committee
 - Hearings Sub-Committee

1. REASONS FOR THE DECISIONS

- 1.1 The decisions are required to enable Members to be aware of the arrangements of the Committee and to establish its Sub-Committees so that complaints against members can be investigated and where necessary answered.

2. ALTERNATIVE OPTIONS

2.1 There are no alternative options applicable to this report

3. ANNUAL ESTABLISHMENT, TERMS OF REFERENCE AND QUORUM, AND DATES OF MEETINGS

3.1 At the Annual General Meeting (AGM) of the full Council held on 30 September 2020, the Authority approved the proportionality and establishment of the Committees and Panels of the Authority, including the SAC and appointment of Members thereto.

3.2 It is customary that, following the Council AGM, the committees that have been established note their Terms of Reference (TOR), Membership and Quorum for the duration of the Municipal Year. The TORs are set out in Appendix 1 to this report. The membership is set out in Appendix 2.

3.3 The dates of SAC meetings for the remainder of the Municipal Year, agreed by the full Council are set out in Appendix 3 to this report.

3.4 It should be noted that the 'usual' start time for Standards Advisory Committee meetings as been set as 6pm but that during the pandemic the Chair has agreed to vary the start time for the most recent two virtual Committee meetings (including this one) and that this may continue. Changes to the permanent agreed start time for the Committee can be reviewed at a later date.

4. MEMBERSHIP

4.1 Full Council has agreed that the SAC shall comprise:

- Members of the Council (not including the Mayor or more than one Cabinet Member), appointed by the full Council in accordance with the requirements of political proportionality.
- Up to five persons who are not Members or officers of the Council or any other relevant authority (i.e. Co-opted members) who will be entitled to vote at meetings.
- Co-opted members may serve as many terms of appointment as the full Council considers appropriate. A person may not be appointed as a co-opted member of the SAC or one of its sub-committees unless the appointment is approved by full Council.
- Current co-optees, Mr John Pulford MBE, Ms Nafisa Adam, Mr Michael James Houston and Ms Fiona Browne were reappointed by Council. Their appointments were renewed until 30 September 2021. A report has been placed on the agenda to discuss renewing their appointments.
- Final Co-optee Denzil Johnson was appointed by Council on 17 March 2021 for a term expiring on 17 March 2025.

4.2 *Observers:*

With respect to the 'Independent Person' (IP) role introduced nationally under the standards regime resulting from the Localism Act 2011, 2 appointments were made in 2013 and 2018 respectively. Ms Elizabeth Marshall (formerly Hall) was appointed by full Council 26 June 2013 and her appointment was renewed in 2018 for a term of 3 years ending on 18 September 2021. To assist the Monitoring Officer to discharge her investigatory duties and enable continuity of the IP role, the Council has recruited a second IP. Ms Rachel Tiffen was appointed in January 2018 for a term of 4 years ending on 16 January 2022.

Council has agreed that the IPs should be invited to all SAC meetings in the capacity of observers.

4.3 *Chairing the Committee*

The full Council has agreed that the Chair and the Vice Chair of the SAC will be appointed from the co-opted members of the SAC.

4.4 *Quorum*

The quorum for meetings of the SAC and for each of its sub-committees is three of the total membership and this must include at least one councillor and one co-opted member. A co-opted member shall Chair the meeting.

5. **SUB COMMITTEES**

5.1 SAC Sub-Committees are established at the beginning of each municipal year. Their function is to consider allegations and the outcome of investigations into misconduct made against elected and co-opted Members and, where necessary. Following implementation of the Localism Act 2011, the compulsory arrangements for standards committees in England were withdrawn. However, Tower Hamlets Council has chosen to maintain these arrangements on to ensure that robust ethical arrangements for standards in public life are in place.

5.2 Sub-Committee membership is drawn from the membership of the parent committee and meetings can be convened as required on an ad hoc basis.

6. **OTHER STATUTORY IMPLICATIONS**

6.1 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.

6.2 In regard to risk management, the terms of reference for the Standards Advisory Committee and the accompanying appendices provides a means of ensuring the work of the Committee and its sub committees is noted.

7. EQUALITIES IMPLICATIONS

7.1 When drawing up the schedule of dates, consideration was given to avoiding school holiday dates and known dates of religious holidays and other important dates where at all possible.

8. COMMENTS OF THE CHIEF FINANCE OFFICER

8.1 Matters brought before the Committee under its terms of reference during the year will include comments on the financial implications of decisions provided by the Chief Finance Officer. There are no specific comments arising from this report.

9. COMMENTS OF LEGAL SERVICES

9.1 The information provided for the Committee is in accordance with Part B, Section 19 of the Council's Constitution.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- Appendix 1 – Standards Advisory Committee Terms of Reference
- Appendix 2 – Appointments to Committee
- Appendix 3 – Dates of Meeting

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- NONE.

Officer contact details for documents:

N/A

Appendix 1 – Terms of Reference

Standards Advisory Committee

<p>Summary Description: The Committee performs a number of functions to maintain high standards of conduct in public life including promoting the Members Code of Conduct and considering potential breaches of the Code of Conduct.</p> <p>The Committee may establish Sub-Committees to consider certain matters as set out in the 'Functions' below.</p> <p>The Committee and any of its sub-committees may meet in private in accordance with relevant legislation as advised by the Monitoring Officer. Any meeting or part of a meeting that considers whether or not a complaint should be referred for investigation or, following an investigation should proceed to hearing, shall be held in private and all papers relating to that consideration shall remain confidential.</p>	
<p>Membership: 5 elected members of the Council (not including the Mayor or more than 1 Cabinet member),</p> <p>Co-opted Members Plus up to 5 independent co-opted members.</p> <p>Co-opted members will be entitled to vote at meetings under the provisions of section 13(4)(e) of the Local Government and Housing Act 1989. The Standards Advisory Committee (SAC) shall be chaired by an independent co-opted member.</p> <p>Independent Co-opted members shall be appointed by full Council on the recommendation of the Monitoring Officer. The term of appointment shall be 4 years unless otherwise determined by Council. Co-opted members may serve as many terms of appointment as the Council considers appropriate.</p> <p>Note – Independent Persons The Council has appointed two statutory Independent Persons to assist in dealing with complaints of alleged breach of the Code of Conduct for Members under section 28(7) of the Localism Act 2011. They are not co-opted member of the SAC but may attend and observe any meeting of the Committee or a sub-committee established by it.</p>	
<p>Functions</p> <p>Full details are set out in the Committee's Procedures in Part D of the Constitution, but in summary:</p> <ol style="list-style-type: none"> Promoting and maintaining high standards of conduct by the Mayor, councillors and co-opted members of the Council. 	<p>Delegation of Functions</p> <p>None</p>

<ol style="list-style-type: none"> 2. Advising the Council on the adoption or revision of the Code of Conduct for Members. 3. To monitor and advise the Council about the operation of the Code of Conduct for Members in light of best practice and changes in the law. 4. Advising, training or arranging to train the Mayor, councillors and co-opted members on matters relating to ethics and probity and the Code of Conduct. 5. To appoint sub-committees for the purpose of discharging any of the Committee's functions including the consideration and determination of complaints of breach of the code of Conduct for Members. 6. As requested by the Monitoring Officer, to establish a Dispensations Sub-Committee to advise on any applications for dispensations in relation to participation at a meeting by a member with a Disclosable Pecuniary Interest. 7. To deal with any reports from the Monitoring Officer on any matter relating to standards of conduct. 8. Other functions relating to the standards of conduct of members under any relevant statutory provision or otherwise. 	
<p>Quorum: A meeting of the Standards Advisory Committee or one of its sub-committees shall only be quorate where at least three members of the Committee or Sub-Committee are present for its duration and such quorum must include at least one councillor and at least one independent co-opted member.</p>	
<p>Additional Information:</p> <ul style="list-style-type: none"> • Constitution Part A, Section 11 (The Standards Advisory Committee and the Code of Conduct for Members) • Constitution Part C, Section 31 (The Code of Conduct for Members) • Constitution Part D, Section 53 (Standards Advisory Committee Procedures) 	

Appendix 2 – Membership

Co-optees

- John Pulford MBE
- Nafisa Adam
- Michael Houston
- Fiona Browne
- Denzil Johnson

Councillors:

- Councillor Rajib Ahmed
- Councillor Mufeedah Bustin
- Councillor Rabina Khan
- Councillor James King
- Councillor Abdal Ullah

Substitutes


- Councillor Denise Jones
- Councillor Puru Miah
- Councillor Marc Francis

Independent Persons

- Elizabeth Marshall
- Rachael Tiffin

Appendix 3 – Dates of Meetings

1. 1 July 2021
2. 30 September 2021
3. 25 November 2021
4. 10 February 2022

Non-Executive Report of the: Standards Advisory Committee 1 July 2021	 TOWER HAMLETS
Report of: Janet Fasan, Director of Legal and Interim Monitoring Officer	Classification: Unrestricted
Draft Standards Advisory Committee Annual Report to Council	

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

Summary

This report sets out a final draft of the Committee’s annual report to Council. The report covers the activities of the Committee over the last year as well as being an opportunity to highlight any relevant issues to Council.

The Committee are asked to consider the draft Annual Report and feedback on any last updates before the report is presented to Council on 21 July 2021.

Recommendation:

The Standards Advisory Committee is recommended:

1. To consider and comment on the suggested draft Annual Report attached as Appendix 1.

1. REASONS FOR THE DECISIONS

- 1.1 It is considered best practice in many authorities for the full Council to receive an annual report in relation to the work of the Standards Advisory Committee and on issues around standards generally. The provision of an annual report of the Committee’s business ensures the profile of ethical standards across the organisation and affords the opportunity to highlight areas of good practice and identify any requirements for improvement.

2. ALTERNATIVE OPTIONS

- 2.1 The Advisory Committee could decide not to submit an annual report but this course of action is not recommended.

3. DETAILS OF REPORT

- 3.1 The Advisory Committee is asked to consider and comment on the proposed draft Annual Report attached as Appendix 1.
- 3.2 The draft report contains an outline of the work and activities of the Standards Advisory Committee over the past year as well as highlighting any particular issues that Council should consider.
- 3.3 The report would usually consider activity across a single municipal year from May in one calendar year to May in the next. However, the Covid-19 pandemic caused the Council's 2020 annual meeting to be delayed until September 2020.
- 3.4 To maintain a good consistency and comparator through the Committee's annual reports it was agreed that they would continue to monitor a year's worth of activity. Therefore, this report considers the period from May 2020 to May 2021.
- 3.5 The report has been updated following feedback received at the last meeting and subsequently and the Committee are now asked to make any final comments before agreeing it be submitted by the Chair to Council on 21 July 2021.

4. EQUALITIES IMPLICATIONS

- 4.1 There are no immediate 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 Robust ethical governance arrangements help to ensure the proper, efficient and effective discharge of the Council's functions and contribute to compliance with the requirement to achieve best value.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 There are no significant direct financial implications resulting from this report.

7. LEGAL COMMENTS

- 7.1 The principal statutory provisions relating to standards of conduct for Members 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 Sections 27 and 28 of the Localism Act require the Council to adopt a Code of Conduct consistent with the Nolan principles of good governance and to appoint at least one Independent Person whose views must be sought and taken into account before the Council makes any decision about an alleged breach of the Code that has been investigated.
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Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- Appendix 1 – draft Annual Report to Council

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

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London Borough of Tower Hamlets
Standards Advisory Committee – Annual Report to Council
Year May 2020 to May 2021

Introduction

1. This is the regular Annual Report of the Advisory Committee. It sets out the key issues dealt with by the Committee during the past municipal year and identifies the priorities for 2021/22. Note that although the Covid-19 pandemic has altered the Council's formal municipal year timetable, for clarity the Committee is reporting on the regular May to May period.

Membership

2. During the municipal year 2020/21 the Committee comprised 5 elected members and 5 independent co-opted members. The Council's Constitution provides that an independent co-opted member be appointed Chair of the Committee.

Elected Members (up to September 2020):

- Cllr. Sufia Alam
- Cllr. Mufeedah Bustin
- Cllr. Rabina Khan
- Cllr. James King
- Cllr. Abdal Ullah

Elected Members (post September 2020):

- Cllr. Rajib Ahmed
- Cllr. Mufeedah Bustin
- Cllr. Rabina Khan
- Cllr. Leema Qureshi
- Cllr. Abdal Ullah

Independent Co-opted Members

- John Pulford MBE (Chair)
- Nafisa Adam (Vice Chair)
- Fiona Browne
- Mike Houston
- Denzil Johnson (appointed March 2021)

Independent Persons

3. The Council has appointed two statutory Independent Persons (IPs) under the Localism Act 2011. Ms Elizabeth Hall served an initial term of 5 years until June 2018 and has been re-appointed as an IP until 18 September 2021. Ms Rachael Tiffen was appointed in June 2018 and her term of office will expire on 16 January 2022.

4. The principal role of the IP is to give an independent view on governance issues in general and specifically in relation to alleged breaches of the Code of Conduct for Members. Both IP's work closely the Monitoring Officer and her Deputies, considering all complaints and whether an alleged breach of the Code meets the criteria for investigation.

5. It is also a statutory requirement to consult the IP before deciding on the outcome of an investigation into a complaint and whether to impose any sanction. The Member complained about may also at any stage of the process seek a view from the IP and in order to avoid any conflict of interest the Council has appointed two IPs.

6. The Council is fortunate to have appointed two IPs with a sound understanding of the ethical framework who both act as advocates for the Council in promoting ethical standards and of high standards of conduct. Although not members of the Standards Advisory Committee, they attend meetings and play an important role in the proceedings. Both IPs also contribute to and participate in the Council's mandatory Ethics & Probity training programme. In this report I would like to acknowledge the continuing invaluable work and support of Elizabeth Hall and Rachael Tiffen.

7. As the terms of appointment for both Independent Persons expire during the 2021-22 year, it will be necessary to consider any appropriate recruitment exercises or re-appointments during that year.

Officers

8. The Committee's lead officers were:

- Asmat Hussain – Corporate Director Governance & Monitoring Officer (up to December 2020)
- Mark Norman – Legal Adviser & Deputy Monitoring Officer
- Janet Fasan – Director, Legal Services and Interim Monitoring Officer
- Matthew Mannion – Head of Democratic Services

Terms of Reference

9. The current terms of reference for the Standards Advisory Committee are contained in Part B Section 19 of the Constitution, with the Committee's procedures set out in Part D. These are attached as Appendix A to this report.

Meetings

10. The Standards Advisory Committee held four meetings during the 2020/21 municipal period on the following dates:

- 30 July 2020
- 15 October 2020
- 4 February 2021
- 22 April 2021

11. Due to the pandemic, the Committee met virtually and at a new time of 2pm. These innovations were generally successful and many Members commented that they found it easier to attend meetings because they were held virtually and during the day. However, in line with the expiration of the virtual meetings regulations, the Committee will be reverting to physical, evening meetings for the next municipal year.

Standards Advisory Committee Work Programme 2020/21

12. The Committee agreed a work programme at the first meeting of the municipal period on 30 July 2020. It was updated throughout the year. The key areas of business considered during the year are listed below:

Code of Conduct for Members – Complaint Monitoring:

13. The Committee received bi-annual monitoring reports on complaints of alleged breach of the Code of Conduct for Members. There were 21 complaints from May 2020 to May 2021.

14. 20 of the complaints were made by members of the public and 1 by local councillors. Following consultation with the Independent Person one complaint has been referred for investigation.

15. The Committee continue to monitor whether there are lessons to take from complaints monitoring. They continue to monitor remedial actions and that outcomes are reported to the complainant, to give assurance that maintaining ethical standards is given full organisational support.

Dispensations:

16. The Committee received bi-annual reports on dispensations granted by the Monitoring Officer under section 33 of the Localism Act 2011 in respect of disclosable pecuniary interests (DPI's). There is a continuing General Dispensation to all Members to be present, speak and vote where they would otherwise have a DPI in the following matters:

(a) Housing: where the Councillor (or spouse or partner) holds a tenancy or lease with the Council if the matter does not relate to the particular tenancy or lease of the Councillor (their spouse or partner).

- (b) Council Tax: setting the council tax and related matters including setting precepts and agreeing council tax reduction schemes; and
- (c) Determining an allowance, travelling expense, payment or indemnity for Councillors. This includes discussions of issues relating to officer pay which could have consequential impacts on Member Allowances.

17. A specific dispensation may also be granted where the Monitoring Officer is satisfied that:

- (a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
- (b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
- (c) granting the dispensation is in the interests of persons living in the authority's area; or
- (d) it is otherwise appropriate to grant a dispensation.

Any grant of a dispensation must specify the duration of the dispensation up to a maximum of 4 years.

The regular reporting to the Standards Advisory Committee allows Members to maintain oversight of any specific dispensations that are granted.

18. One specific dispensations was reported up to the Committee during the year. This related to Councillor Sirajul Islam in respect of his role as Cabinet Member for Housing. As a Council tenant he had a potential interest in any work around tenancy agreements. However, as the relevant Cabinet Member he would have been expected to have a role in relation to this. The dispensation allowed him to undertake that role, whilst putting certain restrictions in place.

Gifts & Hospitality:

19. The Committee received quarterly reports on the requirement contained in the Code of Conduct to register gifts and hospitality received or declined with an estimated value of £25 or above.

20. In total 18 declarations were made within the reporting periods of the July 2020, October 2020, February 2021 and April 2021 meetings. This was a very low total however, it was considered that the Covid-19 pandemic restrictions were the main reason for this as most events were cancelled for the year and so offers of hospitality were not being received.

21. During the year the Committee also monitored the speed of the declarations made, taking interest in whether declarations were made within the 28-day deadline. The Committee were pleased to note that only 2 of the 18 declarations were made

after the deadline. Given it was an issue raised in the previous internal audit of the gifts and hospitality process the Committee will continue to monitor compliance.

22. During the year the Committee paid particular attention to any large donations received. The Committee would encourage all large gifts to be donated to the Speaker's Charity.

23. The Committee noted that acceptance of gifts and hospitality by councillors is not merely an administrative issue. Acceptance can impact on member reputation and on the council as a whole. Members need to show they are acting in the public interest and do not gain personally from receiving gifts.

24. Following a proposal from a Member at the Committee noted in the last annual report to Council, the Register of Interests update form now includes a 'Nil Return' field in relation to Gifts and Hospitality. This additional field allows Members to actively confirm each time they update their Register that they have declared all relevant gifts and hospitality. This helps mitigate any concerns that a Member had missed any declarations. The Committee will continue to monitor this issue and will receive quarterly update reports.

Member Learning and Development Programme:

25. The October meeting of the Committee received the regular yearly report providing an update on the Member Learning and Development Programme listing events that had taken place during the year to that date.

26. The Committee saw that the planned programme of sessions and training events had been severely impacted by the Covid-19 pandemic with a pause in all sessions between February and July 2020. Nevertheless, a wide range of briefing sessions had taken place on subjects as diverse as the Youth Consultation Task and Finish Group, the Council's Housing Allocation Scheme and the Regeneration Delivery Plan.

27. A number of learning and development sessions had also been run including on resilience and group cohesion, local government finance, social media policy and the mandatory ethics and probity training had also taken place.

28. It was noted that the move to virtual training and information sessions from July 2020 caused by the pandemic had seen a significant increase in Member attendance and the Committee heard that Members found the new virtual sessions much more convenient and simpler to fit into their busy diaries.

29. Consequently, the Committee noted that virtual member briefing sessions were likely to remain the default arrangement once the pandemic had passed but that some training and development sessions would revert to physical attendance where that was appropriate.

30. A survey was sent round to Members early in 2021 asking for views on the Member Learning and Development programme. Only 8 responses were received. A range of views were expressed but there was a clear preference for the continuation

of virtual training where that was possible. The use of external trainers at training sessions was also welcomed especially where they could bring particular expertise to the session. In terms of subject areas there were not many overlapping suggestions but Council finances and the scrutiny skills did both appear in a number of submissions. The findings from the survey are being used to help shape the 2021-22 member learning and development programme.

Strengthening Local Democracy:

31. The Committee considered an update report on the Council's Strengthening Local Democracy project at its February 2021 meeting. Whilst this is under the guidance of the General Purposes Committee, it was useful to have a report presented to the Standards Committee due to the overlap with the Code of Conduct and the work of Members.

32. The report set out the Ward Councillor Support Framework which had been developed and listed the various actions and tasks to be completed or in progress.

33. The Committee welcomed the updates and had good discussions looking at the issues raised. Particular issues that came up included:

- Public behaviour towards Members and whether there was anything that could be done to tackle problems.
- How ICT was changing all areas of work, and the importance of supporting Members.
- Ensuring that projects like Strengthening Local Democracy considered their role in supporting good practice and standards under the Code of Conduct.

Local Government Ethical Standards Review:

34. As previously reported, the Committee on Standards in Public Life (CSPL) conducted a review of local government ethical standards between January and May 2018. The review considered all levels of local government in England and its terms of reference were to:

- examine the structures, processes and practices in local government in England for:
- maintaining codes of conduct for local councillors
- investigating alleged breaches fairly and with due process
 - enforcing codes and imposing sanctions for misconduct
 - declaring interests and managing conflicts of interest
 - whistleblowing
- assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government
- make any recommendations for how they can be improved
- note any evidence of intimidation of Councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation

35. The CSPL set out 15 Best Practice Recommendations in a letter to all Councils in July 2020. The Committee considered a report looking at these

recommendations at its meeting in October 2020. It noted that some recommendations were not relevant (for example some referenced Parish Councils) and in other cases the Council's existing processes and procedures covered the recommended actions. A number of actions remained and the report set out how these were to be covered. This report was also attached as an appendix to the last Annual Report to Council.

New Model Code of Conduct

36. As reported in the last Annual Report, in June 2020, the Local Government Association (LGA) launched a consultation on a draft Model Code of Conduct. The Committee provided feedback as part of that consultation exercise.

37. Following the consultation exercise a new Model Code of Conduct was produced. This was considered by the Committee at its meeting on 4 February 2021.

38. The Committee welcomed the new Code and in particular noted that it incorporated a number of additions to the existing code which Tower Hamlets had already implemented including the requirement for Members to register additional interest beyond the standard Disclosable Pecuniary Interests.

39. The Committee agreed that the Council should look to adopt the new Model Code, subject to any amendments and additions that were thought to be useful.

40. The Committee established an informal sub-group to consider potential revisions to the code and to then report back to the Committee.

41. This working group met a number of times and has put together a draft new Code of Conduct. The intention is that this draft will be agreed at the Committee meeting on 1 July 2021 and that it will then be subject to consultation with the political groups before presentation to Council for agreement. It may also be taken to the General Purposes Committee if required.

Member / Officer Relations Protocol

42. The Committee received an initial report at its February meeting providing an opportunity to consider whether Members wished to review the existing Member / Officer Relations Protocol as set out in the Constitution.

43. During discussion it was felt that the new Code of Conduct would have a big impact on the Protocol and that therefore it should be reviewed once the Code of Conduct was updated and agreed. This action has been added to the Committees 2021/22 workplan.

Members' Rights of Access to Information

44. At its October meeting, the Committee considered a briefing on the constitutional right of access to information for Members of the Council. The standard and additional rights for Members were noted and examples were given on the 'need to know' and the rights of Members on Committees.

45. The briefing paper generated a good discussion and a wide range of views were expressed. Particular points noted included:

- The role of the Member Enquiries process and how to balance the 'need to know' with the needs of Members to undertake their various roles.
- Occasions where it was appropriate to delay sharing of information such as when it was due to be published at a later date.
- The role of the Overview and Scrutiny Committee and how it could request additional information from services in relation to reviews it was undertaking.

46. Following the discussion, the Committee asked for more details on the current review of the Member Enquiries process and this is on the workplan for 2020-21.

Register of Interests – Member Addresses

47. A recurring theme across the year concerned Member safety. At the October meeting the Committee considered a report highlighting the increase in the number of Members requesting that their home addresses be removed from the published Register of Interests under the Localism Act 2011. As recently at 2019 the Local Government Minister had written to Councils encouraging use of this option to minimise risk to Members (this followed a review of intimidation in public life by the Parliamentary Committee on Standards in Public Life).

48. It was noted that in 2018 only 2 Members had their home addresses withheld but that this had now increased to 21. The Committee heard that it was for the Member to present their concerns to the Monitoring Officer who could agree such requests.

49. A good discussion was held on the balance between a Member's right to take action when threatened against the public interest in knowing the Interests of their elected Members. It was agreed that Members had a right to feel safe in their own homes and removing addresses was a reasonable action where threats had been received. However, the public interest was also noted. It was confirmed that only home addresses were removed from the website. It was also agreed that in future where an address was removed the general area of the borough in which it was located would be retained to provide some transparency.

Terms of Reference Review

50. Following a suggestion at the October meeting of the Committee, a report was presented to the February meeting to begin a project to review the Committee's Terms of Reference (TOR). This was to ensure that the TORs were comprehensive and were written in clear language. The question was also raised as to whether the TORs set out were achievable and realistic.

51. The review began with a survey of existing and recent Members of the Committee to take their views. This was reported up to the Committee in February 2021. The general results were very positive. None of the functions in the TORs were identified as being extremely deficient. However, some potential improvements were noted. This work will be picked up in the Committees workplan for 2021-22.

Guidance Provided to Members who are appointed to Outside Bodies

52. The April Committee meeting received an initial paper launching a review of the guidance provided to Members who are appointed to Outside Bodies by the Council. It was agreed that the guidance needed a review both from a legal perspective but also to ensure it provided sufficient information and guidance for Members to understand their roles and the responsibilities that were would be required to fulfil.

53. The full review has been added to the workplan for 2021-222.

Governance at Council Owned Bodies

54. The April meeting also received a verbal update on a Committee on Standards in Public Life (CSPL) recommendation in respect to the transparency of companies owned by the Council. The CSPL recommendation was that these bodies should be reported in the Annual Governance Statement and that they should publish relevant information such as board papers and reports. It was noted that Tower Hamlets Homes fully met these requirements but that other bodies did not.

55. Follow-up reports on this issue are due during 2021-22.

Member Attendance Update

56. At the July meeting, the Committee received the annual report setting out Member attendance at Council and Committee meetings. The report set out how attendance was recorded and provided details of attendance at meetings by the Mayor, Councillors and Co-optees. In particular the Committee noted the impact that the Covid-19 pandemic had had on Committee meetings from March to September 2020.

57. The Committee also noted that the General Purposes Committee (under its emergency powers on behalf of Council) had agreed a general extension for all Councillors until the end of October 2020 to the requirement to attend at least one meeting every six months, due to the Covid-19 pandemic disruption.

Standards and Code of Conduct in relation to planning and development matters

58. Following questions submitted by a Co-opted Member, the Committee received a report in July 2020 (and attached to the previous annual report as an appendix) on recent issues seen at other authorities around probity in relation to planning decisions.

59. The Committee were provided with reassurance that the Council had strong processes in place. Members of the Committee who were also members of the Council's Development and Strategic Development Committees reported on the strong culture of ethics and probity on those Committees.

60. The issues raised by the report will be included in training for the planning committees when appropriate.

The Covid-19 Pandemic and support for Members

61. Given the impact the Covid-19 pandemic was having on Members and the Council's decision making arrangements, the Committee asked for a report to its July meeting setting out how the pandemic had impacted the Council's arrangements and how Members were being supported through this time.

62. The report covered a number of areas including:

- How the Council had developed new virtual Committee meeting arrangements
- The impact on the work of the Speaker of the Council.
- That the Member Learning and Development Programme had been paused but that it was now starting up again as online events and briefings.
- The temporary introduction of an 'Urgent' Member Enquiries process during the early stages of the pandemic.
- That Member Surgeries had ceased for the time being.
- General support provided to Members, including the new ICT equipment being rolled out.

63. The Committee noted the impact on the Council's Committees and meetings and held an interesting discussion on early experiences of online meetings. It was noted that the legislation which allowed for remote meetings would expire in May 2021 and that there may be lobbying to encourage government to make the new rules permanent.

Standards Advisory Committee Work Planning for 2021-22

64. The Committee intends to undertake a substantial work programme during 2021-22, including looking at the following items.

- Bi-annual monitoring of complaints of alleged breach of the Code of Conduct for Members.
- Quarterly monitoring of gifts and hospitality registered.
- Bi-annual reports on DPI dispensations.
- Concluding its preparation of the proposed new Member Code of Conduct
- Following the conclusion of the Member Code of Conduct to conduct a review of the Member / Officer Relations Protocol.

- Members training programme including looking at the Member Induction programme planned for after the May 2022 elections with a particular focus on mandatory training.
- Implementation of CSPL best practice recommendations.
- Looking at what follows the Strengthening Local Democracy project.
- Continue its review of the Committee's Terms of Reference.
- Practical guidance for Members handling confidential information.
- News on ethics matters elsewhere including areas such as good practice, case law, ombudsman and quasi-judicial proceedings and similar.
- Members attendance at meetings.
- Annual report to Council.
- Annual review of the Member Code of Conduct

65. The 2021/22 work programme aims to continue to embed behaviours that support the seven principles in public life described in the Nolan report by encouraging Members to apply ethical standards in their day-to-day duties and to look at how these should influence their approach to discharging their responsibilities in their individual and collective capacities.

Conclusion

66. As Chair of the Committee I wish to thank my fellow committee members, both Independent Persons and the Monitoring Officer for their contributions to the Committee's business and their commitment to promoting and maintaining high standards of ethical conduct across the Council. I also wish to thank the officers of the Council for their work in supporting the Committee during the year.

67. I would particularly like to highlight how important it is that the Council has such dedicated co-opted Members who are active contributors to the Committee's discussions and have demonstrated commitment to the role of Standards in the authority. The involvement of co-opted Members should be considered as 'good governance'. We are ahead of many local authorities in this area.

John Pulford MBE
Independent Chair

Standards Advisory Committee – Terms of Reference and Procedures

(As agreed at the Standards Advisory Committee on 15 October 2020)

17. Standards Advisory Committee – Terms of Reference

Summary Description: The Committee performs a number of functions to maintain high standards of conduct in public life including promoting the Members Code of Conduct and considering potential breaches of the Code of Conduct.

The Committee may establish Sub-Committees to consider certain matters as set out in the ‘Functions’ below.

The Committee and any of its sub-committees may meet in private in accordance with relevant legislation as advised by the Monitoring Officer. Any meeting or part of a meeting that considers whether or not a complaint should be referred for investigation or, following an investigation should proceed to hearing, shall be held in private and all papers relating to that consideration shall remain confidential.

Membership: 5 elected members of the Council (not including the Mayor or more than 1 Cabinet member),

Co-opted Members

Plus up to 5 independent co-opted members.

Co-opted members will be entitled to vote at meetings under the provisions of section 13(4)(e) of the Local Government and Housing Act 1989. The Standards Advisory Committee (SAC) shall be chaired by an independent co-opted member.

Independent Co-opted members shall be appointed by full Council on the recommendation of the Monitoring Officer. The term of appointment shall be 4 years unless otherwise determined by Council. Co-opted members may serve as many terms of appointment as the Council considers appropriate.

Note – Independent Persons

The Council has appointed two statutory Independent Persons to assist in dealing with complaints of alleged breach of the Code of Conduct for Members under section 28(7) of the Localism Act 2011. They are not co-opted member of the SAC but may attend and observe any meeting of the Committee or a sub-committee established by it.

Functions	Delegation of Functions
1. Promoting and maintaining high standards of conduct by the Mayor, councillors and co-opted members of the Council.	None

<ol style="list-style-type: none"> 2. Advising the Council on the adoption or revision of the Code of Conduct for Members. 3. To monitor and advise the Council about the operation of the Code of Conduct for Members considering best practice and changes in the law. 4. Advising, training or arranging to train the Mayor, councillors and co-opted members on matters relating to ethics and probity and the Code of Conduct. 5. To appoint sub-committees for the purpose of discharging any of the Committee's functions including the consideration and determination of complaints of breach of the code of Conduct for Members. 6. As requested by the Monitoring Officer, to establish a Dispensations Sub-Committee to advise on any applications for dispensations in relation to participation at a meeting by a member with a Disclosable Pecuniary Interest. 7. To deal with any reports from the Monitoring Officer on any matter relating to standards of conduct. 8. Other functions relating to the standards of conduct of members under any relevant statutory provision or otherwise. 	
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Quorum: A meeting of the Standards Advisory Committee or one of its sub-committees shall only be quorate where at least three members of the Committee or Sub-Committee are present for its duration and such quorum must include at least one councillor and at least one independent co-opted member.

Additional Information:

- Constitution Part A, Section 11 (The Standards Advisory Committee and the Code of Conduct for Members)
- Constitution Part C, Section 31 (The Code of Conduct for Members)
- Constitution Part D, Section 53 (Standards Advisory Committee Procedures)

Standards Advisory Committee Procedures

1. Composition

1.1 The Standards Advisory Committee shall be comprised of 5 Members of the Council (not including the Mayor or more than 1 Cabinet Member) and each political group may appoint up to 3 substitutes, appointed by the Council in accordance with the requirements of political proportionality; and up to 7 persons who are not Members or officers of the Council or any other relevant authority (i.e. Co-opted members).

1.2 The Co-opted member(s) will be entitled to vote at meetings under the provisions of section 13(4)(e) of the Local Government and Housing Act 1989. The Standards Advisory Committee shall be chaired by a Co-opted member.

1.3 The Committee shall establish Hearings and other Sub-Committees in accordance with its terms of reference and these procedures.

2. Appointment of Co-Opted Members

2.1 A person may not be appointed as a Co-opted member of the Standards Advisory Committee or one of its sub-committees unless the appointment is approved by Full Council. The term of appointment shall be for 4 years unless otherwise determined by Council or the Co-optee does not continue to fulfil any required conditions as may be determined by the Authority from time to time. Co-opted members may serve as many terms of appointment as the Council considers appropriate.

3. Roles and Functions

3.1 The Standards Advisory Committee has the following roles:

(a) To recommend to the Monitoring Officer whether or not any complaint of a breach by the Mayor, a Councillor or a co-opted member of the Members Code of Conduct should be referred for investigation by the Monitoring Officer or an investigator appointed by the Monitoring Officer; and where a complaint has been subject to such investigation, to recommend whether or not the complaint should proceed to hearing. Where the Monitoring Officer considers that a complaint should not be subject to investigation or should not proceed to hearing, s/he shall convene an Investigation and Disciplinary Sub-Committee of the Standards Advisory Committee comprising at least 3 different Members of the Standards Advisory Committee (comprising 2 of the co-opted members and 1 Councillor) which shall make the final decision on the matter;

(b) To receive regular quarterly reports from the Monitoring Officer on the numbers of complaints of the Code received, the decisions taken by the Monitoring Officer (in consultation with the Independent Person) on such complaints and investigation outcomes where the investigation determines there was no evidence of a failure to comply with the code or where the investigation outcome recommends a local resolution;

(c) To convene a Hearings Sub-Committee of 3 Members of the Standards Advisory Committee comprising 2 of the co-opted members and 1 Councillor to consider any matter where the investigation finds evidence of a failure to comply with the Code and a local resolution is not possible or appropriate;

(d) To make such recommendations to Council in respect of the matter as the Hearings Sub-Committee considers appropriate as a result of any matter referred including;

(i) Reporting its findings to Council for information;

(ii) Recommending to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) removal from any or all Committees or Sub-Committees of the Council;

(iii) Recommending to the Mayor removal from the Executive, or from particular Portfolio responsibilities;

(iv) Recommending the Monitoring Officer arrange training for the member;

(v) Recommending removal from outside appointments to which s/he has been appointed or nominated;

(vi) Recommending withdrawing facilities provided to the member by the Council, such as a computer, website and/or email and Internet access;

(vii) Recommending excluding the member from the Council's offices or other premises, except for meeting rooms as necessary for attending Council, Executive Committee and Sub-Committee meetings;

(viii) Recommending the Member to contact the Council via specified point(s) of contact;

(e) To convene a Hearings (Appeal) Sub-Committee of at least three different Members of the Standards Advisory Committee (comprising 2 of the co-opted members and 1 Councillor) to consider any appeal against a finding of, or sanction recommended by, the Hearings Sub-Committee;

(f) To receive reports on compliance with any recommendation(s) made for sanctions to be applied in respect of any member;

(g) Promoting and maintaining high standards of conduct by the Mayor, Members of the Council, co-opted members including church and parent governor representatives and where the Committee considers that there may be issues of concern recommending that the Monitoring Officer considers and reports on the issues raised;

(h) Assisting the Mayor, Members of the Council, co-opted members including church and other faiths and parent governor representatives to observe the Council's Code of Conduct for Members;

(i) Advising the Council on the adoption or revision of the Code of Conduct for Members;

(j) Monitoring the operation of the Code of Conduct for Members;

(k) Advising, training or arranging to train the Mayor, Members of the Council and co-opted members including church and other faiths and parent governor representatives on matters relating to the Code of Conduct for Members;

(l) To act as an advisory body in respect of any matters referred to the Standards Committee by the Local Strategic Partnership (LSP) or Community Forums in respect of probity issues arising out of the codes and protocols applicable to relevant members of the LSP and Community Forums as set out in the Community Forum handbook and as may be amended from time to time;

(m) To advise on allegations of Member breaches of the Protocols set out in the constitution as may be referred to the Committee by the Monitoring Officer and to make recommendations with regard to such allegations as maybe so referred;

(n) Advising on local protocols for both Officer and Member governance;

(o) To monitor and review Member and Officer Procedures for registering interests and declaring gifts and hospitality;

(p) To receive periodic reports on the Council's Ethical Governance arrangements, on whistle blowing arrangements and complaints; and

(q) As requested by the Monitoring Officer, to establish a Dispensations Sub-Committee to advise on any applications for dispensations in relation to participation at a meeting by a member with a Disclosable Pecuniary Interest.

4. Validity of proceedings

4.1 A meeting of the Standards Advisory Committee or one of its sub-committees shall only be quorate where at least three members of the Committee or Sub-Committee are present for its duration and such quorum must include at least one councillor and at least one co-opted member.

4.2 Part VA of the Local Government Act 1972 applies in relation to meetings of the Standards Advisory Committee or its Sub-Committees as it applies to meetings of the Council.

5. Hearings Sub-Committee and Hearings (Appeal) Sub-Committee

5.1 Any Hearings Sub-Committee or Hearings (Appeal) Sub-Committee shall comprise a minimum of three Members of the Standards Advisory Committee at least two of whom shall be co-opted members.

5.2 The Hearings Sub-Committee shall consider complaints referred to it that the Mayor, an elected or co-opted Member of the Council may have failed to comply with the Council's Code of Conduct for Members or local protocol where the complaint has been subject to an investigation arranged by the Monitoring Officer and shall make recommendations accordingly. The Hearings Sub-Committee shall decide at the outset of the meeting whether it is in the public interest that the Hearing is held in

a public or private session in accordance with relevant statutory guidance as advised by the Monitoring Officer.

5.3 The membership of the Hearings (Appeal) Sub-Committee shall not include any member who served on the Hearings Sub-Committee that considered the same complaint.

5.4 The Independent Person, or if that person is unable to act a reserve Independent Person, shall have the right to attend all meetings of the Hearings Sub-Committee or Hearings (Appeal) Sub-Committee as an observer but may not vote or participate in the decision making.

6. Attendance Requirements

6.1 In the event that any Member of the Committee does not attend three or more consecutive meetings of the Committee, the Committee may draw the attention of the Council to such non-attendance and may recommend that the member concerned be replaced on the Committee.

6.2 The Committee shall not do so without first giving the absent Member an opportunity to make representations (which may be made in writing) as to their non-attendance and any matters they wish the Committee to take into account.


7. Procedures

7.1 The Committee shall maintain these procedures to enable it to discharge the arrangements under its Terms of Reference.

8. Confidentiality

8.1 The Committee and any of its Sub-Committees may meet in private in accordance with the relevant legislation as advised by the Monitoring Officer. Any meeting or part of a meeting that considers whether or not a complaint should be referred for investigation or, following an investigation should proceed to hearing, shall be held in private and all papers relating to that consideration shall remain confidential.

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Non-Executive Report of the: Standards Advisory Committee Thursday, 1 July 2021	
Report of: Janet Fasan, Director of Legal and Interim Monitoring Officer	Classification: Open (Unrestricted)
New Member Code of Conduct - update report	

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

Executive Summary

At its meeting on 4 February, the Committee received a report setting out the new Model Code of Conduct which had been published by the Local Government Association.

The Committee agreed that the Council should adopt the new Code subject to any amendments that were felt appropriate and an informal sub-group was established to work through the Code and recommend an updated version to the Committee.

This report provides the Committee with an update on that work.

Recommendations:

The Standards Advisory Committee is recommended to:

1. Review and comment on the progress to date in relation to the new Member Code of Conduct.
2. Agree that the Monitoring Officer circulate the draft Code of Conduct to the political groups for comment subject to consultation with the Chair of the Committee to take place following the publication of the expected national guidance on the Code of Conduct.

1. REASONS FOR THE DECISIONS

- 1.1 This report enables the committee to steer the development work on the draft new Code of Conduct.

2. ALTERNATIVE OPTIONS

- 2.1 The Committee may propose alternative options or agree to retain the existing Code of Conduct.

3. DETAILS OF THE REPORT

- 3.1 As set out in the Committee report dated 4 February 2021, the new Model Code of Conduct was produced by the Local Government Association following a consultation period which ran through the summer of 2020.
- 3.2 The new Code is very similar in effect to the existing Tower Hamlets Code but it has updated much of the language and increased emphasis in some areas where that was felt appropriate.
- 3.3 When considering the new Code, the Committee considered that it would be appropriate to adopt it but that it would be useful to consider any potential adjustments that may be appropriate. It was therefore agreed to establish an informal sub-group to meet and discuss the development of the new Code.
- 3.4 That group has since met three times and also reported back to the Committee on 22 April 2021. The group considers that it has now completed its initial work.
- 3.5 The only significant outstanding actions are:
- To review the expected upcoming national guidance on the Code of Conduct and to consider any updates from that.
 - To complete an Annexe to the Code featuring examples and case studies. It is anticipated that the national guidance will provide much of the content for this section.
- 3.6 Following completion of the above, and subject to the Committee's agreement, the new Code will then be circulated to the groups for comment. Feedback from the groups will be presented to the Committee before final confirmation of the Code and submission to Council for agreement.
- 3.7 The sub-group have looked through the whole code and the main areas where changes were agreed or discussed involved:
- Adding small sections of text from the existing code for emphasis, for example around the reasons for having a code.
 - Made it clearer who was not covered by the Code (but stating that they should have regard to it).
 - Reference to specific accompanying Tower Hamlets codes such as the Tower Value and the Social Media Policy
 - How to best set out the dual expectation that the public must treat Members with respect and highlighting that Members do not have to feel compelled to deal with threatening individuals.

- How best to provide examples and case studies for use in conjunction with the Code including those on bullying which were previously created due to the recommendations of the Committee on Standards in Public Life.
- Agreeing to retain the £25 threshold for gifts and hospitality declarations and also adding guidance around regular small donations and the option of donating gifts to the Speaker's Charity.
- A line was added highlighting that large value gifts should normally be refused if they are not linked to a Councillors specific role.
- Adding more detail on the types of gifts that do not need to be declared.
- Ensuring the different types of interests were set out clearly.

3.8 The Committee are asked for any final comments the Code as presented.

4. EQUALITIES IMPLICATIONS

4.1 Equalities considerations are important as part of the consideration of the Code and have been included in the discussions. The Committee should ensure they are satisfied that the Code covers all relevant equalities issues.

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.
- Data Protection / Privacy Impact Assessment.

5.2 Nil items.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 There are no direct financial implications arising from this report.

7. COMMENTS OF LEGAL SERVICES

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 Sections 27 and 28 of the 2011 Act require the Council to adopt a Code of Conduct consistent with the Nolan principles of good governance and to appoint at least one Independent Person whose views must be sought and taken into account before the Council makes any decision about the alleged breach of the Code that has been investigated.
- 7.3 Under the Council's Constitution, the Standards Advisory Committee's terms of reference include advising the Council on the adoption or revision of the Council's Code of Conduct for Members.

Linked Reports, Appendices and Background Documents

Linked Report

- Reports to the Standards Advisory Committee 4 February 2021 and 22 April 2021.

Appendices

- Appendix 1 – early draft of the new Member Code of Conduct

Local Government Act, 1972 Section 100D (As amended)

List of "Background Papers" used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- None.

Officer contact details for documents:

N/A

31 Code of Conduct for Members

Introduction and Purpose of the Code

1. This Code has been developed to support the high standards of leadership and performance of members, and the openness and accountability necessary to ensure public confidence in the way in which you conduct your public duties.
2. The Code applies to the Mayor, Councillors, and Co-opted members of the Council, collectively referred to as member(s) in the remainder of this document.
3. A “Co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who
 - a) is a member of any committee or sub-committee of the authority, or;
 - b) is a member of, and represents the authority on, any joint committee or joint sub- committee of the authority;and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.
4. The Code does not apply to Independent Persons, Observers and other persons involved in the Council’s Committees, Boards, and Panels. They are expected to take into account the Code and to follow any rules set out by their own organisations and act appropriately. This includes those appointed to bodies such as the Health and Wellbeing Board who are appointed by other organisations.
5. The purpose of this Code of Conduct is to assist you, as a Member, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.
6. In addition to the Member Code of Conduct, the Council’s governance arrangements include a number of further Codes and Protocols set out in the Constitution which provide additional guidance or obligations which Members must consider. These include, but are not limited to, the Planning and Licensing Codes of Conduct and the Member / Officer relations protocol.

7. As Members you are also required to adhere to the Council's Social Media policy in your role as a Member.
8. The Member Code of Conduct has been set within the context of the Tower Values of 'Together, Open, Willing, Excellent, and Respect' which we all hold [Council's TOWER values \(towerhamlets.gov.uk\)](http://towerhamlets.gov.uk).

General principles of councillor conduct

9. Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.
10. In accordance with the public trust placed in me, on all occasions:
 - I act with integrity and honesty
 - I act lawfully
 - I treat all persons fairly and with respect; and
 - I lead by example and act in a way that secures public confidence in the role of councillor.
11. In undertaking my role:
 - I impartially exercise my responsibilities in the interests of the local community
 - I do not improperly seek to confer an advantage, or disadvantage, on any person
 - I avoid conflicts of interest
 - I exercise reasonable care and diligence; and
 - I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

12. This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Mayor/Councillor or on appointment as a co-opted member and continues to apply to you until you cease to be a member.
13. This Code of Conduct applies to you when you are acting in your capacity as a member which may include, but is not limited to, when:
 - You are acting on council business
 - Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;
 - You misuse your position as a Councillor

14. The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and
- comments.

15. You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

16. Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of member conduct

17. This section sets out your obligations. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

18. Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

A - Respect

19. As a Member:

- a. I promote and support high standards of conduct through my leadership and example.**
- b. I treat other Members and members of the public with respect.**
- c. I treat local authority employees, and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**
- d. I take account of the views of others, including where applicable my political group, but I reach my own conclusions and act in accordance with those conclusions.**

20. Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions, and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.
21. In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's confidence in councillors.

Public Behaviour

22. In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online
23. If you wish to raise concerns about the behaviour of a member of the public you can seek advice from the Monitoring Officer in the first instance.
24. Where you have stopped engaging or refused to engage with any member of the public who could reasonably be perceived as being abusive, threatening, intimidatory or otherwise displaying unacceptable behaviours you should direct them to other communication channels within the council.
25. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the member / officer protocol.

B – Bullying, harassment and discrimination

26. As a Member:

- a. I do not bully any person**
- b. I do not harass any person**
- c. I promote equalities and do not discriminate unlawfully against any person**

27. The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.
28. The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must

involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

29. Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
30. The Equality Act 2010 places specific duties on local authorities. Members have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.
31. Examples and case studies in relation to bullying, harassment and intimidation are set out in the appendices to the Code of Conduct.

C – Impartiality of officers of the council

32. As a Member:

- a. I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

33. Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you cannot require or coerce them to act differently, change their advice, or alter the content of that report.

D - Confidentiality and access to information

34. As a Member:

- a. I do not disclose information:**
- i. Given to me in confidence by anyone**
 - ii. Acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - 1. I have received the consent of a person authorised to give it;**
 - 2. I am required by law to do so;**
 - 3. The disclosure is made to a third party for the purpose of obtaining professional legal advice**

provided that the third party agrees not to disclose the information to any other person; or

4. The disclosure is:

- a. Reasonable and in the public interest; and**
- b. Made in good faith and in compliance with the reasonable requirements of the local authority;**
- c. And I have consulted the Monitoring Officer prior to its release.**

35. I do not improperly use knowledge gained solely as a result of my role as a Member for the advancement of myself, my friends, my family members, my employer or my business interests.

36. I do not prevent anyone from getting information that they are entitled to by law.

37. Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

E – Disrepute

38. As a Member:

- a. I do not bring my role or local authority into disrepute**

39. As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

40. Members collectively are able to hold the local authority and fellow Members to account and where appropriate you can constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct. Members should not make trivial or malicious allegations against each other.

F – Use of position

41. As a Member:

- a. I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

42. Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

G – Use of local authority resources and facilities

43. As a Member:

- a. I do not misuse council resources.**
- b. I will, when using the resources of the local authority or authorising their use by others;**
 - i. Act in accordance with the local authority's requirements; and ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

44. You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use and are not to be used for business or personal gain.

- Examples include:
 - office support
 - stationery
 - equipment such as phones, and computers
 - transport
 - access and use of local authority buildings and rooms.

H – Complying with the Code of Conduct

45. As a Member:

- a. I undertake Code of Conduct training provided by my local authority.
- b. I cooperate with any Code of Conduct investigation and/or determination
- c. I do not intimidate or attempt to influence any person who is likely to be involved with the administration of any investigation or proceedings.

d. I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

46. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

47. Any alleged breach of this code will be dealt with in accordance with the arrangements set out in Appendix **XX** to the Code.

NB: a breach of any of the statutory requirements relating to the registration and declaration of disclosable pecuniary interests may result in prosecution. If you need advice you should contact the Monitoring Officer.

Protecting your reputation and the reputation of the local authority

I – Interests

48. As a Member:

a. I register and disclose my interests.

49. Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

50. An example of an interest is something which is of value to you which you may have through personal, professional or other private reasons. For example, your job, home or other property. Your main financial interests are called Pecuniary Interests.

51. You should note that failure to register or disclose a Disclosable Pecuniary Interest as set out in Table 1, is a criminal offence under the Localism Act 2011 for which you can be prosecuted.

52. You need to register your interests so that the public, local authority employees and fellow Members know which of your interests might give rise to a conflict of interest.

53. An example of a conflict of interest is 'a situation where your interests (or responsibility to another organisation) could be (or could be seen to be) in conflict with your responsibilities as a Councillor'. This is especially important in relation to your role as a decision maker at the Council. Table 3 sets out how different types of declarations should be dealt with at meetings.

54. Appendix **XX** sets out examples of interests and case studies and Appendix **YY** sets out detailed information on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.
55. The register of interests maintained by the Monitoring Officer is a public document that can be consulted when (or before) an issue arises. Your interests will be published on your Council web page.
56. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

J – Gifts and hospitality

57. As a Member:

- a. I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- b. I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.**
- c. I register with the Monitoring Officer any gift or hospitality that I have been offered but have refused to accept.**
- d. I will also declare repeated smaller hospitality/gifts which, when combined, would likely exceed £25 within any three-month period.**
- e. I will consider donating any gifts to the Speaker's Charity or other charitable causes.**

58. In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor.

59. It would be expected that you would accept normal gifts and hospitality in relation to your work. However, if the gift or hospitality was valued at over £100 you would normally only accept it if it directly related to your role as a

Member. You should make the reasons for acceptance clear in your declaration.

60. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered.

61. However, you do not need to register gifts and hospitality which are not related to your role as a member and that you would have received anyway such as:

- gifts from your friends and family,
- gifts/hospitality primarily in relation to your employment, voluntary work or similar which are not related to your role as a Member,
- invitations to weddings and similar events from family and friends,
- small gifts or hospitality received as part of weddings, life-events, religious festivals and celebrations that you would in any case have attended in a personal capacity (Christmas, Eid, Hannukah etc).

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

Type A "Disclosable pecuniary interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the member, or a person connected with the member, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Nonparticipation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Type B - Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which directly relates to one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. **Type C** - Where a matter arises at a meeting which ***directly relates*** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. **Type D** - Where a matter arises at a meeting which ***affects*** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a friend, relative, close associate; or
 - c. a body included in those you need to disclose under Disclosable Pecuniary Interests as set out in **Table 1**

you must disclose the interest. To determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

9. Where a matter ***affects*** your financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of most inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make

sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

No.	Subject	Description
1	Employment, office, trade, profession or vocation	Any employment, office, trade, profession, or vocation carried on for profit or gain. Any unpaid directorship.
2	Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
3	Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
4	Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
5	Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
6	Corporate tenancies	Any tenancy where (to the member's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil

		partners is a partner of or a director* of or has a beneficial interest in the securities* of.
7	Securities	Any beneficial interest in securities* of a body where— (a) that body (to the member's knowledge) has a place of business or land in the area of the council; and (b) either— (i)) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the member, or his/ her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registerable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

No.	Subject
	Any body of which you are in a general control or management and to which
8.	Any body of which you are in general control or management and to which you are nominated or appointed by your authority
9.	any body exercising functions of a public nature
10.	any body directed to charitable purposes
11.	Any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Note

There is no definitive list of bodies exercising functions of a public nature, but those bodies which:-

- carry out a public service,
- or take the place of local/central government (including through outsourcing);
- or carry out a function under legislation or in pursuit of a statutory power;
- or can be judicially reviewed,

are likely to be bodies carrying out functions of a public nature. They include bodies such as government agencies, other councils, health bodies, council owned companies and school governing bodies.

Table 3: Summary of Rules around Participation at Meetings

11. This table sets out a summary of the general rules around participation at meetings with respect to interests. This is only a summary and does not replace more specific guidance available from the Monitoring Officer.

Type Code	Interest Type	Declare on Register	Declare at Meetings ¹	Participate Normally	Only speak with same rights as public and leave meeting after speaking ²	Must leave the meeting entirely
A	Disclosable Pecuniary Interests (Lines 1-7 of the ROI form)	Y	Y	N	N	Y
B	Other Registerable Interests (Lines 8 – 11 of the ROI form)	Y	Y	N	Y	N
C	Other Non-Registerable Interests (direct financial or well-being interest of you or close relative/friend that is not on the ROI form)	N	Y	N	Y	N
D1	Other Non-Registerable Interests (affects financial or well-being interest of you or close relative/friend that is not on the ROI form or affects a body listed on the ROI form) Affects you/relative/friend more than most people affected	N	Y	N	Y	N
D2	Other Non-Registerable Interests (affects financial or well-being interest of you or close relative/friend that is not on the ROI form or affects a body listed on the ROI form) Affects you/ relative/ friend the same or less than most people affected	N	Y	Y	N	N

Notes

1 – Interests must be declared at all meetings or other situations where you come into contact with the issue, this includes informal internal discussions in advance of formal decision-making meetings.

2 – If the public do not have a right to speak then you may not speak.

General Note – where not straight-forward, apply the precautionary principle and in all cases apply the test of whether a reasonable member of the public knowing all the facts would believe you were taking the correct course of action.

LONDON BOROUGH OF TOWER HAMLETS
ARRANGEMENTS FOR DEALING WITH COMPLAINTS OF BREACH OF THE
CODE OF CONDUCT FOR MEMBERS
Arrangements agreed by Council on 5th December 2016.

Introduction

The Council has adopted a Code of Conduct for Members which is available on the Council's website and on request from the Monitoring Officer.

In accordance with section 28 of the Localism Act 2011, these arrangements set out how an allegation may be made that the Mayor, an elected Member or a Co-opted Member of the London Borough of Tower Hamlets has failed to comply with the Council's Code of Conduct for Members and how the Council will deal with such allegations.

These arrangements also require that the Monitoring Officer shall ensure that the Council appoints at least one Independent Person and at least one reserve Independent Person for the purposes of meeting the statutory requirements of the Localism Act 2011.

Any reference in these arrangements to the Monitoring Officer shall include a deputy Monitoring Officer. The timelines set out are for guidance and shall be observed where practicable but may be extended by the Monitoring Officer as necessary if they cannot be complied with by any relevant party due to sickness, holidays or other reasonable cause.

Complaints

1. Allegations concerning possible breaches of the Code of Conduct for Members should be made in writing to the Monitoring Officer.
2. On receipt of a complaint the Monitoring Officer shall within five working days acknowledge receipt to the complainant. The Monitoring Officer will also within five working days and on a confidential basis, inform the subject Member of the substance of the complaint and the identity of the complainant (unless the Monitoring Officer considers that such notification would prejudice the proper consideration and investigation of the complaint).
3. Complainants must provide their name and postal address when submitting a complaint. Anonymous complaints will not be considered unless the Monitoring Officer decides (after consultation with the Independent Person) that the complaint raises a serious issue affecting the public interest which is

capable of investigation without the need to ascertain the complainant's identity.

4. A complainant when making an allegation should specify the identity of the person(s) alleged to have breached the Code, the conduct that is alleged to give rise to the breach, the evidence that supports the allegation and the names (and contact details) for any potential witnesses able to give direct evidence of the events complained about.

Assessment of Complaints

5. The Monitoring Officer shall, after consultation with the Independent Person and within ten working days of receiving the complaint:
 - a) Decide whether or not a complaint merits formal investigation and where appropriate arrange for an investigation; OR
 - b) Decide to attempt to facilitate informal resolution of the complaint (such attempt shall be subject to a four-week time limit).
6. In making this determination the Monitoring Officer may at their discretion report the matter to the Investigation & Disciplinary Sub-Committee (IDSC) of the Standards Advisory Committee for consideration and/or consult other persons as appropriate.
7. The Monitoring Officer may decide not to refer the matter for investigation where:
 - (a) The allegation does not demonstrate any potential breach of the Code (because for example it relates to dissatisfaction with a Council decision/service or relates to events which occurred when the person complained about was not acting in an official capacity).
 - (b) The event(s) complained about took place more than six months ago and there are no valid reasons for the delay in bringing the complaint, such as fresh evidence not available at the earlier date or only recently discovered.
 - (c) The allegation is about someone who is no longer the Mayor or a Member/Co-opted Member.
 - (d) The complainant failed to provide the information specified in paragraph 4 above or any other information reasonably requested by the Monitoring Officer.
 - (e) The same or a similar allegation has been investigated and determined.
 - (f) The Mayor, Member or Co-opted Member has already accepted they made an error in their conduct and/or has apologised for their conduct and the Monitoring Officer considers the matter would not warrant a more serious sanction.
 - (g) The allegation is politically motivated and/or 'tit for tat'.

- (h) The allegation is not considered sufficiently serious to merit the cost to the public of carrying out an investigation.
 - (i) The Monitoring Officer has facilitated an informal resolution of the complaint (see below) and the Mayor or Member/Co-opted Member complained about has offered to take remedial action that the Monitoring Officer considers appropriate in all the circumstances (for example by apologising to the complainant and/or undertaking training or issuing a statement of factual correction).
8. Where the Monitoring Officer decides to reject a complaint, they shall inform the complainant in writing giving the reasons for rejection.

Investigation and Monitoring of Complaints

9. If a complaint of failure to comply with the Code is referred for investigation the Monitoring Officer shall appoint an investigator or complete the investigation themselves. Such investigation should whenever possible be completed within two months of the decision to refer the matter for investigation. The Monitoring Officer may extend this period by up to a further two months where they feel it is necessary to ensure a proper and adequate investigation. The Monitoring Officer may refer a complaint for investigation to the Monitoring Officer in a different authority where they have a conflict of interest.
10. The Monitoring Officer will keep the complainant and the subject Member informed as to progress at appropriate intervals and shall inform them of any extension to the period for the investigation.
11. The Monitoring Officer will report quarterly (or less frequently if there are no complaints to report) to the Standards Advisory Committee on the number and nature of complaints received and action taken as a result. This will include details of complaints that have been rejected by the Monitoring Officer and any extension made to the period for an investigation of a complaint.
12. Where any investigation into a complaint of breach of the Code finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer shall within four weeks of receipt of the investigation report, consult with the Independent Person and decide whether the matter should be closed without reference to a Hearings Sub-Committee. The Monitoring Officer shall provide a copy of the report and findings of the investigation which shall be kept confidential to the complainant and to the Member concerned and shall report the matter as part of the quarterly report to the Standards Advisory Committee for information. The Monitoring Officer may also seek advice from the IDSC before deciding that a matter should be closed without reference to the Hearings Sub-Committee.

13. Where an investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer following consultation with the Independent Person, may seek local resolution of the complaint. If local resolution succeeds the Monitoring Officer shall report the matter as part of the quarterly report to the Standards Advisory Committee. If local resolution does not succeed or if following consultation with the Independent Person, the Monitoring Officer considers that it is not appropriate to seek local resolution, the Monitoring Officer shall report the investigation findings to a Hearings Sub-Committee of the Standards Advisory Committee for local hearing and determination. The Hearings Sub-Committee will whenever practicable be convened within one month of the Monitoring Officer receiving the investigation report.

Hearings Sub-Committee

14. The Hearings Sub-Committee will consider the investigation report and any submissions from the subject Member and determine:

- (a) If there has been a breach of the Code of Conduct having taken into account the views of the Independent Person; and if so
- (b) Whether any sanction is appropriate having considered the views of the Independent Person.

15. Possible sanctions may include any of the following:-

- (a) Publication of the Sub-Committee's decision.
- (b) Reporting the Sub-Committee's decision to Council.
- (c) Requesting the Monitoring Officer to arrange training for the Member (subject to the Member's agreement).
- (d) Issuing a censure or reprimand which may also be reported to Council.
- (e) Requiring the Member to contact the Council and officers via specified point(s) of contact.
- (f) Withdrawing facilities provided to the Member by the Council, such as a computer or internet access.
- (g) Excluding the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Executive, Committee and Sub-Committee meetings (as appropriate).
- (h) Recommending to the Member's Group Leader that they be removed from any or all Committees or Sub-Committees of the Council.
- (i) Recommending to the Mayor that the Member be removed from the Executive, or removed from a particular portfolio responsibility.
- (j) Recommending to Council or the Mayor as appropriate the removal from outside appointments to which the Member has been appointed or nominated.
- (k) Recommending to Council that the Member be removed from any or all Council Committees or Sub-Committees.

16. In determining any recommended sanction the Hearings Sub-Committee may take into account any previous breach by the Member concerned and/or their compliance with any previous sanction applied.

Case Studies and Examples

- **Conflicts of Interest**
- **Register of Interests**
- **Complaints**
- **Bullying, harassment and discrimination**

Final Drafting awaiting publication of Code of Conduct Guidance.

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Non-Executive Report of the: Standards Advisory Committee Thursday, 1 July 2021	
Report of: Janet Fasan, Director of Legal and Interim Monitoring Officer	Classification: Open (Unrestricted)
Code of Conduct for Members - Complaint Monitoring	

Originating Officer(s)	Janet Fasan – Director of Legal & Interim Monitoring Officer
Wards affected	(All Wards)

Executive Summary

This report updates the Advisory Committee on the quarterly monitoring information for complaints and investigations relating to alleged breaches Council’s Code of Conduct for Members.

Recommendations:

The Standards (Advisory) Committee is recommended to:

Note the content of this report and the information contained in Appendix 1.

1. REASONS FOR THE DECISIONS

- 1.1 The Council’s arrangements for dealing with complaints of breach of the Code of Conduct for Members (paragraph 11) provide for the Monitoring Officer to report quarterly (or less frequently if there are no complaints to report) to the Advisory Committee on the number and nature of complaints received and action taken as a result.

2. ALTERNATIVE OPTIONS

- 2.1 Not applicable.

3. DETAILS OF REPORT

- 3.1 The provision of quarterly reports relating to the number and nature of complaints assists the Advisory Committee in exercising its oversight role in terms of promoting and maintaining high standards of conduct.
- 3.2 The Advisory Committee last considered a monitoring report at its meeting on 4th February 2021. Since the last report to Committee there have been 6 new complaints of alleged breach of the Code of Conduct, 3 of which have been closed. A breakdown of the complaints is contained in Appendix 1.

4.0 EQUALITIES IMPLICATIONS

- 4.1 There are no specific equalities implications arising from 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 Council's arrangements for dealing with complaints of breach of the Code of Conduct for Members were revised in December 2016 to improve the transparency and efficiency of the process.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 This report details the framework used by the Monitoring Officer to provide quarterly reporting of Members complaints via the Advisory Committee and the number and nature of complaints, as per para 1.1
- 6.2 There are no financial implications arising from this report. However in the event that the Council agrees further action in response to this report, then approval for any further resources will need to be approved using existing financial regulatory rules prior to the making of any financial commitment.

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 Sections 27 and 28 of the Localism Act require the Council to adopt a Code of Conduct consistent with the Nolan principles of good governance and to appoint at least one Independent Person whose views must be sought and taken into account before the Council makes any decision about an alleged breach of the Code that has been investigated.

Linked Reports, Appendices and Background Documents

Linked Report

NONE.

Appendices

Appendix 1 Complaints and investigation monitoring information

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

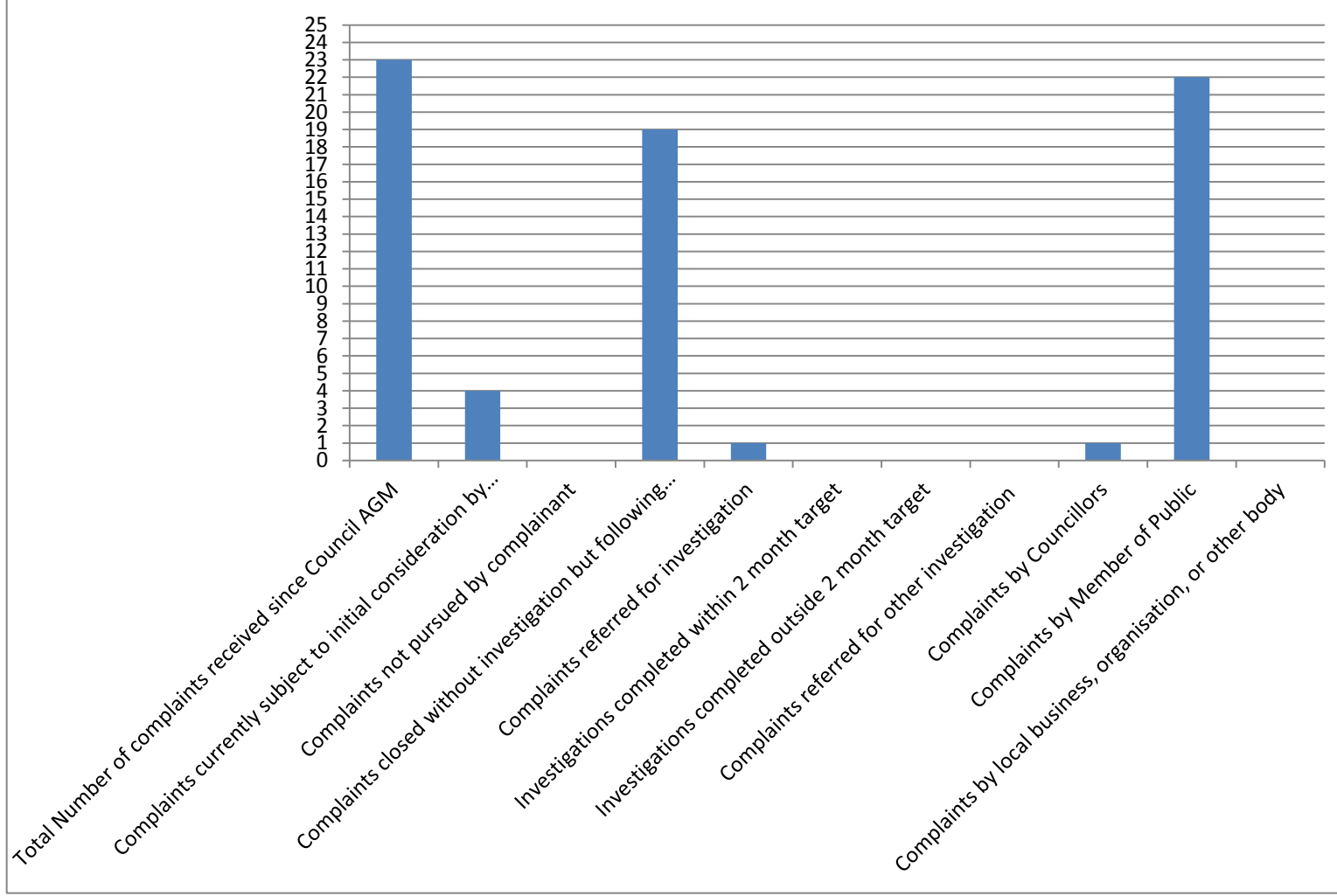
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APPENDIX1

Code of Conduct for Members - complaints and investigation monitoring information – municipal year 2020/21

Complaints since May 2020:	23
Complaints currently subject to initial consideration by MO and IP:	04
Complaints not pursued by complainant:	00
Complaints closed without investigation but following consultation with IP:	19
Complaints referred for investigation as potential breach of the Code:	01
Investigations completed within 2 month target:	00
Investigations completed outside 2 month target:	00
Complaints referred for other investigation (police, audit etc.)	00
<u>Complainants</u>	
Councillors:	01
Member of Public:	22
Local business, organisation, or other body:	00

Code of Conduct Complaints 2020/2021



Reference number	Date received by Monitoring Officer	Complainant	Elected/Co-opted Member(s)	Nature of Complaint and potential breach(es) of the Code of Conduct	Date and outcome of consultation with IP	Date investigation commenced and investigation status	Hearing and outcome	Current status	Follow up
005a/2020	12/05/2020	Member of Public	Elected Member x 2	Complaint with regards to breach of members protocol and possible compromise of Council Contract Tendering in relation to the distribution of the Iftar meals during Ramadan.	Target date: 26/05/2020 08/07/2020 - Initial response from Cllrs Referred to I.P to comment. 15/07/2020 - I.P consulted and outcome letter to be sent to complainant. 29/07/2020 – Outcome Letter sent to complainant and both Cllr's Based on evidence provided and			Closed	

Reference number	Date received by Monitoring	Complainant	Elected/Co-opted	Nature of Complaint and potential	Date and outcome of	Date investigation	Hearing and out-	Current status	Follow up
					after consultation with I.P, there is nothing to suggest impropriety on the part of either councillor.				

	Officer		Member(s)	breach(es) of the Code of Conduct	consultation with IP	commenced and investigation status	come		
005b/2020	15/05/2020	Member of Public	Elected Member x 2	Complaint with regards to breach of members protocol and possible compromise of Council Contract Tendering in relation to the distribution of the Iftar meals during Ramadan.	<p>Target date: 26/05/2020</p> <p>08/07/2020 - Initial response from Cllrs Referred to I.P to comment.</p> <p>15/07/2020 - I.P consulted and outcome letter to be sent to complainant.</p> <p>29/07/2020 – Outcome Letter sent to complainant and both Cllr's</p> <p>Based on evidence provided and after consultation</p>			Closed	

					with I.P, there is nothing to suggest impropriety on the part of either councillor.				
Reference number	Date received by Monitoring Officer	Complainant	Elected/Co-opted Member(s)	Nature of Complaint and potential breach(es) of the Code of Conduct	Date and outcome of consultation with IP	Date investigation commenced and	Hearing and outcome	Current status	Follow up

						investigation status			
005c/2020	16/05/2020	Member of Public	Elected Member x 2	Complaint with regards to breach of members protocol and possible compromise of Council Contract Tendering in relation to the distribution of the Iftar meals during Ramadan.	Target date: 26/05/2020 08/07/2020 - Initial response from Cllrs Referred to I.P to comment. 15/07/2020 - I.P consulted and outcome letter to be sent to complainant. 29/07/2020 – Outcome Letter sent to complainant and both Cllr's Based on evidence provided and after consultation with I.P, there is nothing to			Closed	

suggest
impropriety on
the part of
either
councillor.

					suggest impropriety on the part of either councillor.				
Reference number	Date received by Monitoring Officer	Complainant	Elected/Co-opted Member(s)	Nature of Complaint and potential breach(es) of the Code of Conduct	Date and outcome of consultation with IP	Date investigation commenced and investigation status	Hearing and outcome	Current status	Follow up

006/2020	05/06/2020	Member of Public	Elected Member	Alleged malicious comments and personal vendetta against complainant and business model as a professional landlord in connection with the grant of planning permission.	<p>Target date: 19/06/2020</p> <p>17/06/2020 – received initial response from Cllr.</p> <p>23/07/2020 - I.P consulted and outcome letter to be sent to complainant.</p> <p>05/08/2020 – Outcome Letter sent to complainant & Cllr.</p> <p>There are no offensive or abusive comments about complainant and no evidence has been provided of the posts inciting hate</p>			Closed	
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					crimes by residents. Furthermore, the comments are directed at planning applications which are not capable of being defamed.				
Reference number	Date received by Monitoring Officer	Complainant	Elected/Co-opted Member(s)	Nature of Complaint and potential breach(es) of the Code of Conduct	Date and outcome of consultation with IP	Date investigation commenced and investigation status	Hearing and outcome	Current status	Follow up
007/2020	04/06/2020	Member of Public	Elected Member	Alleged complaint with regards to breach	Target date: 19/06/2020			Closed	

				<p>of members protocol.</p> <p>An incident in Shadwell, where Cllr delivered food aid from the Bangladesh High Commission, stating he received and delivered the aid on behalf of Tower Hamlets Council.</p> <p>Allegations made as to whether Cllr had registered food aid as a gift.</p>	<p>Sent complainant link to complete conduct form 04/06/2020. Chased 1/07/20 & 9/07/2020.</p> <p>12/07/2020 - Cllr initial response received 12/07/2020.</p> <p>24/07/2020 - Referred to I.P for consultation.</p> <p>03/09/2020 – Outcome Letter sent to both complainant and Cllr.</p> <p>The food (biscuits) were donated</p>				
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					by the Bangladesh High Commission who, Cllr signposted to a food bank via an intermediary that requested Cllr presence.				
Reference number	Date received by Monitoring Officer	Complainant	Elected/Co-opted Member(s)	Nature of Complaint and potential breach(es) of the Code of Conduct	Date and outcome of consultation with IP	Date investigation commenced and investigation status	Hearing and outcome	Current status	Follow up
008/2020	16/06/2020	Elected Member	Elected Members x 16	Alleged breach of Covid 19 social distancing rules resulting in potential	Target Date: 30/06/2020 01/07/20 -			Closed	

				<p>contraventions of the Code's general expectations of conduct and:</p> <p>Para 10: Not promoting high standards of conduct by leadership and example.</p>	<p>Initial responses to complaint awaited from all Councillors involved. Elected Member also complained to the police about the events as the police have enforcement powers and update information awaited from police on whether any action will be taken by them. Further consultation with IP will take place when all outstanding information is available.</p> <p>Further</p>				
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					consultation with IP scheduled for 07/10/2020. 23/11/2020 – Outcome letters sent to complainant and Cllr's.				
Reference number	Date received by Monitoring Officer	Complainant	Elected/Co-opted Member(s)	Nature of Complaint and potential breach(es) of the Code of Conduct	Date and outcome of consultation with IP	Date investigation commenced and investigation status	Hearing and outcome	Current status	Follow up
009/2020	10/06/2020	Member of Public	Elected Member	Alleged complaint of using Facebook to promote view about Robert Mulligan	Target Date: 24/06/2020 Awaiting Cllr's			Closed	

				<p>statue and posting a survey asking for support.</p> <p>Cllr also used the platform to unfairly attack another Cllr.</p>	<p>initial response. Chaser email sent 9/07/2020.</p> <p>9/07/2020 – referred IP to advise.</p> <p>23/07/2020 - Initial response from Cllr received.</p> <p>23/07/2020 - I.P consulted and outcome letter to be sent to complainant.</p> <p>29/07/2020 – Outcome Letter sent to complainant and Cllr.</p> <p>Based on evidence provided and after</p>				
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					consultation with I.P, appreciate that the complainant found Cllr's comments distasteful, however, making those comments does not amount to a breach of the code.				
Reference number	Date received by Monitoring Officer	Complainant	Elected/Co-opted Member(s)	Nature of Complaint and potential breach(es) of the Code of Conduct	Date and outcome of consultation with IP	Date investigation commenced and investigation status	Hearing and outcome	Current status	Follow up
010/2020	09/06/2020	Member of Public	Elected Member	Complaint against Cllr's business. Delivery trucks park illegally every weekday morning,	Target date: 23/06/2020 01/07/2020 - Referred to Director of			Closed	

				<p>forklift trucks are untaxed and driving on public roads, and drivers create routine noise disturbance through unlawfully driving the wrong way down a way street. Parking enforcement appear unwilling to enforce any penalties against Cllr or business.</p>	<p>Public Realm & Corporate Property to investigate as some allegations relate to matters within their remit.</p> <p>13/07/2020 - Initial response from Cllr received.</p> <p>24/07/2020 - Referred to I.P for consultation.</p> <p>17/08/2020 – Outcome letter sent to complainant & Cllr.</p> <p>After consulting with the I.P and carefully considered the issues</p>				
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					raised and Cllr's initial response. I have concluded that the complaint does not merit formal investigation as the matters complained about do not give rise to a potential breach of the code.				
Reference number	Date received by Monitoring Officer	Complainant	Elected/Co-opted Member(s)	Nature of Complaint and potential breach(es) of the Code of Conduct	Date and outcome of consultation with IP	Date investigation commenced and investigation status	Hearing and outcome	Current status	Follow up
011/2020	10/06/2020	Member of Public	Elected Member	Alleged complaint that Cllr said defamatory things about another Cllr.	Target Date: 24/06/2020 08/07/2020 Outcome: NFA – no response to request for			Closed	

further information/evidence (sent 02/07/20) to proceed further. Email bounced back. Extract from Conduct complain form: "I do not wish for my information to be made public for privacy reasons. It doesn't matter if you withhold my information or not as I have entered fake details"

Reference number	Date received by Monitoring Officer	Complainant	Elected/Co-opted Member(s)	Nature of Complaint and potential breach(es) of the Code of Conduct	Date and outcome of consultation with IP	Date investigation commenced and investigation status	Hearing and outcome	Current status	Follow up
012/2020	06/07/2020	Member of Public	Elected Member	Alleged complaint - defamation of character due to negative comments made by Cllr about complainant at an event.	Target Date: 20/07/2020 09/07/2020 – initial response requested from Cllr. 23/07/2020 -			Closed	

					<p>Chaser email sent to Cllr.</p> <p>28/07/2020 Initial response received from Cllr. Gathering further details of witnesses from both complainant and Cllr.</p> <p>22/09/2020 – Outcome letter sent to complainant and Cllr.</p> <p>Cllr states that they did not speak to complainant at the rally and has denied the allegations made. Cllr has provided with a list of</p>				
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witnesses who can confirm that Cllr did not speak to complainant or utter the words alleged. Following Cllr's response, I wrote to complainant on 2 September 2020 and 10 September 2020 requesting to provide details of any witnesses but failed to do so. I am therefore unable to verify complainant's account.

Reference number	Date received by Monitoring Officer	Complainant	Elected/Co-opted Member(s)	Nature of Complaint and potential breach(es) of the Code of Conduct	Date and outcome of consultation with IP	Date investigation commenced and investigation status	Hearing and outcome	Current status	Follow up
013/2020	13/07/2020	Member of Public	Elected Member	<p>Alleged inappropriate comments on social media:</p> <p>Potential contraventions of the Code of Conduct:</p> <p>Para 6 – failure to treat people with respect.</p> <p>Para 18 – failure to</p>	<p>Target Date: 20/07/2020</p> <p>09/07/2020 – initial response requested from Cllr.</p> <p>23/07/2020 - Chaser email sent to Cllr.</p>			Closed	

				<p>comply with the Council's Social Media Policy.</p>	<p>28/07/2020 Initial response received from Cllr.</p> <p>10/08/2020 Initial consultation with IP.</p> <p>Background information obtained and further consultations with the IP during August and September 2020.</p> <p>On 28/09/20 it was agreed that the complaint was not sufficiently serious for it to be in the public interest to incur the cost of a</p>				
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					formal investigation 05/10/2020 – Outcome Letter sent to complainant and Cllr.				
Reference number	Date received by Monitoring Officer	Complainant	Elected/Co-opted Member(s)	Nature of Complaint and potential breach(es) of the Code of Conduct	Date and outcome of consultation with IP	Date investigation commenced and investigation status	Hearing and outcome	Current status	Follow up
014/2020	27/07/2020	Member of Public	Elected Member	Alleged inappropriate comments on social media: Potential contraventions of the Code of Conduct: Para 6 – failure to treat people with respect. Para 18 – failure to	Target Date: 03/08/2020 06/08/2020 Initial response received from Cllr. 10/08/2020 Initial consultation with IP.			Closed	

				comply with the Council's Social Media Policy.	<p>Background information obtained and further consultations with the IP during August and September 2020.</p> <p>On 28/09/20 it was agreed that the complaint was not sufficiently serious for it to be in the public interest to incur the cost of a formal investigation.</p> <p>05/10/2020 – Outcome Letter sent to complainant and Cllr.</p>				
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Reference number	Date received by Monitoring Officer	Complainant	Elected/Co-opted Member(s)	Nature of Complaint and potential breach(es) of the Code of Conduct	Date and outcome of consultation with IP	Date investigation commenced and investigation status	Hearing and outcome	Current status	Follow up
01/2020	27/07/2020	Member of Public	Elected Member	<p>Alleged inappropriate comments on social media:</p> <p>Potential contraventions of the Code of Conduct:</p> <p>Para 6 – failure to treat people with respect.</p> <p>Para 18 – failure to comply with the</p>	<p>Target Date: 03/08/2020</p> <p>06/08/2020 Initial response received from Cllr.</p> <p>10/08/2020 Initial consultation with IP.</p>			Closed	

				<p>Council's Social Media Policy.</p>	<p>Background information obtained and further consultations with the IP during August and September 2020.</p> <p>On 28/09/20 it was agreed that the complaint was not sufficiently serious for it to be in the public interest to incur the cost of a formal investigation.</p> <p>05/10/2020 – Outcome Letter sent to complainant and Cllr.</p>				
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Reference number	Date received by Monitoring Officer	Complainant	Elected/Co-opted Member(s)	Nature of Complaint and potential breach(es) of the Code of Conduct	Date and outcome of consultation with IP	Date investigation commenced and investigation status	Hearing and outcome	Current status	Follow up
016/2020 Page 105	01/08/2020	Member of Public	Elected Member	Alleged complaint - derogatory remarks made against complainant on social media platforms by Cllr.	Target Date: 11/08/2020 11/08/2020 – Email sent to complainant to complete online complaint form. 14/08/2020 – chaser email sent to complainant			Closed	

					<p>to complete online complaint form.</p> <p>09/09/2020 - Initial consultation with IP.</p> <p>22/09/2020 – Outcome letter sent to complainant and Cllr.</p> <p>Cllr does not use the designation of councillor and appears to have posted the information in their private capacity. However, even if they were posted as Cllr, their actions would not constitute</p>				
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					a breach of the code. I also note that the Cllr makes no defamatory remarks and does not mention complainant by name.				
Reference number	Date received by Monitoring Officer	Complainant	Elected/Co-opted Member(s)	Nature of Complaint and potential breach(es) of the Code of Conduct	Date and outcome of consultation with IP	Date investigation commenced and investigation status	Hearing and outcome	Current status	Follow up
01/2020	08/09/2020	Member of Public	Elected Member	Alleged complaint – Not responding to emails for nearly 2 years. Called Cllr and was told to go somewhere else as Cllr is busy, which complainant found very rude.	Target Date: 15/09/2020 15/09/2020 – Initial response from Cllr received 15/09/2020 – Initial consultation with IP 30/09/2020 – Further details requested			Closed	

					<p>from Cllr</p> <p>08/10/2020 – further consultation with IP in regard to recent response provided by Cllr.</p> <p>12/10/2020 Outcome letter sent to complainant and Cllr.</p> <p>Although complainant may have found Cllr’s response to be rude, by itself, this does not demonstrate a potential breach of the Code of conduct for members.</p>				
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Reference number	Date received by Monitoring Officer	Complainant	Elected/Co-opted Member(s)	Nature of Complaint and potential breach(es) of the Code of Conduct	Date and outcome of consultation with IP	Date investigation commenced and investigation status	Hearing and outcome	Current status	Follow up
015/2020 Page 109	02/11/2020	Member of Public	Elected Member	Alleged complaint – Failure to observe and violation of social distancing in a coffee shop.	Target Date: 11/11/2020 17/11/2020 Initial Response from Cllr received 18/11/2020 Initial consultation with IP 23/11/2020 Additional information			Closed	

					<p>requested from Cllr supporting initial response. Information received by Cllr.</p> <p>26/11/2020 Further details requested regarding information received on 23/11/2020.</p> <p>08/12/2020 – Emailed Met Police to provide confirmation if a criminal behaviour complaint had been registered from the Cllr.</p> <p>07/01/2021 - Cllr confirming m</p>				
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meeting was on advice of solicitor. It was a board meeting and time sensitive document needed signing. The directors got together in the coffee shop who allowed them to meet there. Solicitor advised that it was allowed to conduct board meeting in an enclosed space under regs. He will send me the relevant regs.

Said matter is still under investigation by

police and there was a social media campaign by complainant/ He will send me letter from the police confirming.

I pointed out that they are 2 separate matters and the complaint needed to be progressed. I will consult IP on receipt of the above and revert thereafter.

22/01/2021 – Response from Cllr received with above requested details.

Details of the

response has been forwarded to IP for consultation. Meeting with IP booked for 25/01/2021 (5:15pm).

01/02/2021 – Email sent to Cllr that DMO will look into government’s guidance on tier 2 exemptions and will review upon retrieval.

DMO will also contact the Police (details provided by Cllr) to find out more about the investigation in relation to complainant,

and what impact it may have on the complaint.

05/02/2021 – email sent to Police to provide details in regard to the investigation in relation to the complaint.

31/03/2021 – Outcome letter sent to complainant and Cllr.

At the relevant time (October 2020), London was in Tier 2. The regulations which applied to Tier 2 (The Health Protection

(Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020, allowed gatherings that are reasonably necessary for 'work' purposes. Councillor, who is a company director, informs me that they met with others from the company for purposes of company business that was time sensitive. They also informed me that advice was sought from a

					solicitor before the meeting took place, and that permission was sought from Costa Coffee.				
Reference number	Date received by Monitoring Officer	Complainant	Elected/Co-opted Member(s)	Nature of Complaint and potential breach(es) of the Code of Conduct	Date and outcome of consultation with IP	Date investigation commenced and investigation status	Hearing and outcome	Current status	Follow up
019/2020	09/11/2020	Member of External Forum Meeting	Elected Member	Alleged complaint – Disruptive behaviour during a recent External forum meeting on the 6th of November. Received multiple complaints from attendees.	Target Date: 18/11/2020 19/11/2020 – Initial response received from Cllr 26/11/2020 Initial consultation with IP 30/11/2020 Additional information			Open	

					<p>requested from Cllr and the Chair of the external Forum meeting, supporting complaint and initial response from Cllr.</p> <p>Information received by Cllr on 30/11/2020.</p> <p>03/12/2020 – response received from the Secretary of the External Forum meeting.</p> <p>18/01/2021 – Response from Cllr received, details of the response</p>				
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have been forwarded to IP for consultation. Meeting of consultation with IP booked for 25/01/2021 (5:15pm).

27/01/2021 – Email sent out to Secretary of the External Forum to confirm findings of the complaint/investigation.

Cllr was also sent an email on the same day with an update.

04/03/2021 – Chaser email sent to Secretary of

					<p>the External Forum.</p> <p>30/03/2021 - Chaser email sent to Secretary of the External Forum.</p> <p>30/04/2021 – Letters sent out to complainant & Cllr to confirm if they have received any updates on the investigation carried out by the Secretary of the External Forum. Both confirmed they have not received any updates.</p> <p>12/05/2021 – Consultation</p>				
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with IP –
Confirmed the
matter has to
go through
the process of
Investigation
inline with the
Code of
Conduct for
Members
policy.

18/05/2021 –
both
complainant &
Cllr notified
the matter will
now be
investigated
inline with the
Code of
Conduct for
Members
Policy &
Procedures.

07/06/2021 –
All
correspon-
den-
ce and
supporting
documents

					have been collated and sent over to Investigation Officer.				
Reference number	Date received by Monitoring Officer	Complainant	Elected/Co-opted Member(s)	Nature of Complaint and potential breach(es) of the Code of Conduct	Date and outcome of consultation with IP	Date investigation commenced and investigation status	Hearing and outcome	Current status	Follow up
020/2020 Page 121	04/02/2021	Member of Public	Elected Member	Alleged complaint - Cllr and violent, micro aggressive, abusive email which absolutely has no merit.	Target Date: 14/02/2021 04/02/2021 – Email sent to complainant to identify the relevant bits (from email sent on 03/02/2021) as DMO could not immediately see any content that fits the description of the			Closed	

					<p>complaint.</p> <p>05/02/2020 – response from complainant received confirming the details are on original email.</p> <p>15/03/2021 – Outcome letter sent to complainant and Cllr.</p> <p>There was no language fitting the above description in Cllrs email to complainant dated 2nd of February. I also did not find the tone to be aggressive.</p>				
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Reference number	Date received by Monitoring Officer	Complainant	Elected/Co-opted Member(s)	Nature of Complaint and potential breach(es) of the Code of Conduct	Date and outcome of consultation with IP	Date investigation commenced and investigation status	Hearing and outcome	Current status	Follow up
021/2020 Page 123	09/02/2021	Member of Pubic	Elected Member	<p>Alleged complaint – failure to respond to email correspondences and not providing details of complaints procedures.</p> <p>Complaint also included flood light and noise issues from nearby park.</p>	<p>Target Date: 19/02/2021</p> <p>11/02/2021 – Email sent to Cllr to provide initial response.</p> <p>Acknowledgment email sent to complainant. Also explaining the second part of the complaint referring to the flood</p>			Closed	

lights and noise from nearby park has been forwarded to Culture & Leisure team. 24/03/2021 – Outcome letter sent to complainant and Cllr.

Councillor did deal with complainant complaint. I have seen an email exchange between Cllr and an officer in the parks team dated 30th of October 2020, about the issues you raised. There were 7 emails in total.

Reference number	Date received by Monitoring Officer	Complainant	Elected/Co-opted Member(s)	Nature of Complaint and potential breach(es) of the Code of Conduct	Date and outcome of consultation with IP	Date investigation commenced and investigation status	Hearing and outcome	Current status	Follow up
022/2020 Page 125	19/02/2021	Member of Public	Elected Member	Alleged complaint - Anti Semitic postings from the elected councillor. Cllr has caused great offence to the Jewish community	Target Date: 05/03/2021 12/03/2021 – Consulted with I.P 18/03/2021 – Email sent to Cllr to provide Initial Response. - Received 23/03/2021 29/03/2021 – Consulted with I.P			Closed	

					<p>29/03/2021 – Email sent to Comms to confirm last correspon- den- ce with complainant 06/04/2021 – email sent to comms to confirm if complainant details were shared with Cllr when dealing with complaint.</p> <p>13/04/2021 – Comms confirmed the details where not shared with Cllr.</p> <p>21/04/2021 – Outcome email sent to complainant & Cllr.</p> <p>Upon</p>				
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investigation and initial response received from the Cllr. The tweets are completely separate and the only connection between them is that they appear chronologically next to each other on Cllr's twitter timeline.

Reference number	Date received by Monitoring Officer	Complainant	Elected/Co-opted Member(s)	Nature of Complaint and potential breach(es) of the Code of Conduct	Date and outcome of consultation with IP	Date investigation commenced and investigation status	Hearing and outcome	Current status	Follow up
023/2020 Page 128	15 March 2021	Member of Public	Elected Member	<p>Alleged Complaint – Cllr provided false details and documents to lease out a property for business.</p> <p>Complainant has not received documents for the lease from owner (Cllr).</p>	<p>Target Date: 29/03/2021</p> <p>30/03/2021 – Acknowledgement email sent out to complainant.</p> <p>Checks being carried out to establish if the Cllr has registered the business on the 'Register of Interest'</p> <p>Referring</p>			Open	

back to a similar complaint that was received last year to establish if there is a link to both matters.

Reference number	Date received by Monitoring Officer	Complainant	Elected/Co-opted Member(s)	Nature of Complaint and potential breach(es) of the Code of Conduct	Date and outcome of consultation with IP	Date investigation commenced and investigation status	Hearing and outcome	Current status	Follow up
0072021 Page 130	20/05/2021	Member of Public	Elected Member	Alleged complaint – Cllr’s failure to respond to residents emails and calls. All emails are being ignored by the Cllr.	Target Date: 03/06/2021 21/05/2021 – Acknowledgment email sent to complainant. 16/06/2021 – Email sent to Cllr to provide Initial response to MO. 22/06/2021 – Chaser email sent to Cllr.			Open	

Reference number	Date received by Monitoring Officer	Complainant	Elected/Co-opted Member(s)	Nature of Complaint and potential breach(es) of the Code of Conduct	Date and outcome of consultation with IP	Date investigation commenced and investigation status	Hearing and outcome	Current status	Follow up
002/2021 Page 131	12/06/2021	Member of Public	Elected Member	<p>Alleged complaint – Not responding professionally to a query sent by the complainant’s solicitor.</p> <p>Complainant alleges that it is due to the Cllr sharing a personal relationship with the party in question.</p>	<p>Target Date: 25/06/2021</p> <p>22/06/2021 – Email sent to complainant to confirm the details of the ‘incident’ and provide details of the party in question.</p>			Open	

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Non-Executive Report of the: Standards Advisory Committee Thursday, 1 July 2021	 TOWER HAMLETS
Report of: Janet Fasan, Director of Legal and Monitoring Officer	Classification: Open (Unrestricted)
Member attendance update 2020/21	

Originating Officer(s)	Matthew Mannion, Head of Democratic Services Joel West, Democratic Services Team Leader (Committees)
Wards affected	(All Wards);

Executive Summary

This report provides an update on Member and co-optee attendance at formal Council and Committee meetings.

Recommendations:

The Standards Advisory Committee is recommended to:

1. Review and comment on the report.

1. REASONS FOR THE DECISIONS

- 1.1 This is a noting report to enable the Committee to undertake its role monitoring Member behaviour in relation to the Code of Conduct.

2. ALTERNATIVE OPTIONS

- 2.1 This is a noting report.

3. DETAILS OF THE REPORT

- 3.1 Councillors and Co-optees will attend a number of formal Council and Committee meetings as part of their different roles. The number of meetings will vary significantly depending on the role of each Member with some required to attend many some Committees whilst others may only be on Council.

- 3.2 There is no statutory requirement for Members to attend meetings except that there is a general requirement that a should a Councillor fail to attend at least one qualifying meeting in any six-month period they will automatically cease to be a Member of the local authority.
- 3.3 This requirement can be overcome through a report to Council which can agree an extension for one or more Councillors for any appropriate reasons. Over the last year, one such extension has been granted.
- 3.4 Member attendance details are set out in the minutes to the meeting. They are also listed on the website under each meeting as well as being available through individual stats reports for each Councillor/Mayor/Co-optee.
- 3.5 A number of status indicators are used in relation to Member attendance.:
- Expected – the Member is expected to attend this meeting (usually a meeting which has not yet taken place)
 - Present as Expected – the Member attended the meeting
 - Present as Substitute – the Member attended as a substitute for the regular attendee
 - In Attendance – the Member has attended a meeting where they are not on the Committee itself. This could be to give evidence/make a submission or simply to observe.
 - Apologies – apologies for absence were received on behalf of the Member either in advance or at the meeting
 - Absent – the Member did not attend and no apologies were received

Attendance Recording 2020-21

- 3.6 The appendices attached to this report set out the attendance of councillors (Appendix 1) and co-optees (Appendix 2) for the period May 2020 to May 2021. The data reflects how many times individuals have been expected and on how many of those occasions they have been present (this is also expressed as a percentage). This period was chosen as it fits with the normal municipal year of a local authority, noting that due to the pandemic the annual meeting actually took place in September 2020 but matching the attendance statistics to the actual municipal years could be confusing so the normal pattern was maintained.
- 3.7 Throughout this period the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 were in operation. The Regulations effectively allowed a committee member to be considered present without being physically present, as long as they could hear and be heard. Appendix 1 reflects a year in which all attendances were of a virtual nature.
- 3.8 The Regulations expired on 7 May 2021. Since this time, some meetings at LBTH have been held in 'hybrid' form. In this form, members of committees can participate remotely in a committee meeting but cannot be considered

present (so for example they do not count towards quorum requirements and they cannot vote). Whilst both physical and remote committee members may play a full and active role in any given meeting, it will be necessary to distinguish their attendance types in the minutes, and it may also be sensible to do so in attendance statistics, such as those reported to the advisory committee in future.

4. EQUALITIES IMPLICATIONS

4.1 None specifically arising from this noting 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.
- Data Protection / Privacy Impact Assessment.

5.2 None specifically arising from this report although monitoring by the Standards Advisory Committee helps ensure statutory rules are being effectively followed.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 This report recommends that the Standards Advisory Committee note Member attendance for the period May 2020 to May 2021 as reported in Appendix 1. There are no direct financial implications arising from this report.

7. COMMENTS OF LEGAL SERVICES

7.1 The Localism Act 2011 introduced new arrangements to govern the Standards of Conduct for local authority members and co-optees. Seven guiding principles of conduct are set out:- selflessness; integrity; objectivity; accountability; openness; honesty and leadership.

7.1 The information in this report supports these guiding principles and, in particular, enhances performance and openness in relation to members' performance of their Council duties.

Linked Reports, Appendices and Background Documents

Linked Report

- Previous attendance monitoring reports to Standards Advisory Committee.

Appendices

- Appendix 1 – Member attendance May 2020 to end April 2021.
- Appendix 2 – Co-optee attendance May 2020 to end April 2021.

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- None.

Officer contact details for documents:

N/A

Appendix 1 – Councillor attendance stats 2020-21

Councillor	Expected	Present	% present when expected	In attendance
Councillor Faroque Ahmed	28	28	100%	0
Councillor Rajib Ahmed	28	25	89%	0
Councillor Sabina Akhtar	33	33	100%	0
Councillor Sufia Alam	26	25	96%	0
Councillor Amina Ali	24	16	67%	0
Councillor Shah Ameen	19	18	95%	0
Councillor Asma Begum	27	24	89%	4
Mayor John Biggs	27	24	89%	13
Councillor Rachel Blake	32	32	100%	6
Councillor Kevin Brady	26	26	100%	0
Councillor Mufeedah Bustin*	26	22	85%	1
Councillor Kahar Chowdhury	29	27	93%	2
Councillor Shad Chowdhury	28	27	96%	2
Councillor Dipa Das	32	24	75%	0
Councillor David Edgar	16	15	94%	1
Councillor Marc Francis	32	32	100%	1
Councillor Peter Golds	24	23	96%	15
Councillor Ehtasham Haque	26	25	96%	3
Councillor Danny Hassell	24	24	100%	3
Councillor Mohammed Ahab Hossain	20	20	100%	0
Councillor Asma Islam	26	24	92%	1
Councillor Sirajul Islam	28	25	89%	5
Councillor Denise Jones	35	34	97%	1
Councillor Rabina Khan	19	14	74%	3
Councillor Tarik Khan	20	20	100%	1
Councillor James King	25	24	96%	15
Councillor Eve McQuillan	37	35	95%	0
Councillor Ayas Miah	21	12	57%	0
Councillor Harun Miah	5	5	100%	0
Councillor Puru Miah	11	7	64%	3
Councillor Abdul Mukit MBE	27	26	96%	0
Councillor Victoria Obaze	19	14	74%	0
Councillor Mohammed Pappu	23	21	91%	1
Councillor Kyrsten Perry	28	26	93%	0
Councillor John Pierce	26	20	77%	0
Councillor Leema Qureshi	36	32	89%	3
Councillor Zenith Rahman	19	15	79%	0
Councillor Candida Ronald	32	31	97%	7
Councillor Gabriela Salva Macallan	35	34	97%	4
Councillor Dan Tomlinson	26	24	92%	0

Councillor Helal Uddin	23	19	83%	0
Councillor Abdal Ullah	19	17	89%	0
Councillor Motin Uz-Zaman	20	20	100%	1
Councillor Bex White	26	25	96%	0
Councillor Val Whitehead	28	27	96%	3
Councillor Andrew Wood	50	48	96%	12

***Cllr Bustin was granted an attendance waiver by Council up to 31 May 2020 for maternity leave**

Appendix 2 – Co-optee attendance stats 2020-21

Name	Title/role	Meetings present	% present when expected
Halima Islam	OSC Co-optee	16	100%
James Wilson	OSC Co-optee	15	89%
Neil Cunningham	Children scrutiny sub co-optee	2	50%
Joanna Hannan	Children scrutiny sub co-optee	3	75%
Fatiha Kassouri	Children scrutiny sub co-optee	0	0%
Ahmed Hussain	Children scrutiny sub co-optee	3	75%
Khoyrul Shaheed	Children scrutiny sub co-optee	1	33%
Dr Phillip Rice	Children scrutiny sub co-optee	4	100%
David Burbidge	Health scrutiny sub co-optee	4	100%
Sue Kenten	Health scrutiny sub co-optee	4	100%
Anne Ambrose	Housing and regen scrutiny sub co-optee	4	100%
Moshin Hamim	Housing and regen scrutiny sub co-optee	0	0%
Charlotte Webster	Audit Cttee Independent Person	5	100%
John Jones	Pensions Board Chair	7	100%
John Gray	Pensions Board attendee	3	100%
Nneka Oroge	Pensions Board attendee	1	33%
David Stephen Thompson	Pensions Board attendee	2	67%
Annette McKenna	Pensions Board attendee	3	100%
John Pulford MBE (Co-Optee)	SAC Chair	4	100%
Fiona Browne (Co-	SAC Co-optee	4	100%

Optee)			
Denzil Johnson (Co-Optee)	SAC Co-optee	1	100%
Nafisa Adam (Co-Optee)	SAC Co-optee	4	100%
Mike Houston (Co-Optee)	SAC Co-optee	2	50%

Explanation of the statistics columns

Expected

The number of meetings that the councillor was expected to attend in their capacity as member of that committee.


Present

The number of meetings that the councillor attended in their capacity as member of that committee.

In attendance

The number of meetings that the councillor attended in a capacity other than committee member, for example a voluntary attendance out of personal interest for a topic being discussed.

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<p>Non-Executive Report of the:</p> <p>Standards Advisory Committee</p> <p>Thursday, 1 July 2021</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Janet Fasan, Divisional Director, Legal Services and Interim Monitoring Officer</p>	<p>Classification: Open (Unrestricted)</p>
<p>Register of Gifts and Hospitality - Quarterly Update</p>	

Originating Officer(s)	Matthew Mannion; Head of Democratic Services Patricia Attawia; Democratic Services Team Leader (Civic and Members)
Wards affected	(All Wards);

Executive Summary

This report provides an update on the declarations of gifts and/or hospitality received from Members since the previous report to the Committee on 22 April 2021.

Standards Advisory Committee are receiving this report as it monitors compliance with the requirement in the Council Code of Conduct for Members to register any gift or hospitality with an estimated value of at least £25.

Recommendations:

The Standards Advisory Committee is recommended to:

1. Review, comment on and note the report.

1. REASONS FOR THE DECISIONS

- 1.1 There is a statutory requirement for the Council to adopt a Code of Conduct for Members. For the purpose of the Code a Member includes the Mayor, elected Councillors and Co-opted Members of the Authority.
- 1.2 The Council's Code of Conduct (Paragraph 25) requires a Member to register any gift or hospitality with an estimated value of at least £25 and the person from whom it is received.

2. ALTERNATIVE OPTIONS

- 2.1 This is a noting report.

3. DETAILS OF THE REPORT

- 3.1 There have been no declarations of Gifts and Hospitality received, from 1 April 2021 up to the date of publication of this agenda. If declarations are received after this date the details will be brought to the meeting.

The Impact of the Pandemic

- 3.2 As would be expected, the current COVID-19 pandemic has much reduced the number of events and occasions that Members might attend and so also reduced the number of related declarations of gifts and hospitality.

Register updates

- 3.3 Members were sent a reminder in June to ensure their registers of interests and declarations of gifts and hospitality were up to date. The reminder asked that they complete any outstanding declarations using the links provided or respond confirming they had nothing to declare at this time. Responses are still being received so a final update will be provided to the committee at the meeting. Any updates received will be recorded and published where appropriate.

- 3.4 The Committee will be provided with an update as to how many Members have responded to this reminder.

Next Steps

- 3.5 The next round of reminders on updating registers of interest and gifts declarations will be in the autumn and will be reported to an upcoming meeting as appropriate.

4. EQUALITIES IMPLICATIONS

4.1 There are no equalities implications arising from 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.
- Data Protection / Privacy Impact Assessment.

5.2 None arising from this report.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 There are no direct financial implications arising from this report.

7. COMMENTS OF LEGAL SERVICES

7.1 Section 29 of the Localism Act 2011 Act provides that the Council's Monitoring Officer must establish and maintain a register of interests of Members of the Authority.

7.2 Section 30 of the 2011 Act requires Members to register disclosable pecuniary interests within 28 days. Otherwise it is for the Council to determine what is entered in the register of interests and as indicated in this report that includes gifts and hospitality with an estimated value of at least £25.

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

List any background documents not already in the public domain including officer contact information.

- None

Officer contact details for documents:

Or state N/A

<p>Non-Executive Report of the:</p> <p>Standards Advisory Committee</p> <p>Thursday, 1 July 2021</p>	
<p>Report of: Janet Fasan, Divisional Director, Legal Services and Interim Monitoring Officer</p>	<p>Classification: Open (Unrestricted)</p>
<p>Dispensations under section 33 of the Localism Act 2011</p>	

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

Executive Summary

This bi-annual report informs the Advisory Committee of dispensations in relation to disclosable pecuniary interests (DPI's) under section 33 of the Localism Act 2011.

Recommendations:

That the Advisory Committee note the content of this report.

1. REASONS FOR THE DECISIONS

- 1.1 This is a bi-annual noting report informing members of the Advisory Committee of the dispensations granted by the Monitoring Officer (if any) and the general dispensations which are applicable in relation to DPI's.

2. ALTERNATIVE OPTIONS

- 2.1 Not applicable.

3. DETAILS OF REPORT

- 3.1 The Code of Conduct for Members requires that the Mayor, Councillors and Co-opted Members register any disclosable pecuniary interest (DPI) and other specified interests in the Register of Members Interests. If a Member has a DPI in relation to any matter to be discussed at a meeting they must:

- Not participate in any discussion of the agenda item, not vote on the matter and leave the room whilst the agenda item is discussed and voted on.

3.2 However, a Member who has a DPI in a matter to be discussed at a forthcoming meeting of the authority may make a written request before the meeting to the Monitoring Officer for a dispensation to enable them to participate in the discussion and vote.

3.3 A dispensation may be granted where the Monitoring Officer is satisfied that:

(a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;

(b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;

(c) granting the dispensation is in the interests of persons living in the authority's area; or

(d) it is otherwise appropriate to grant a dispensation.

Any grant of a dispensation must specify the duration of the dispensation up to a maximum of 4 years.

3.4 **Specific Dispensation:** No Specific dispensations have been granted since the last report to the Committee on 4 February 2021.

3.5 **General Dispensation:** There is a continuing General Dispensation to all Members to be present, speak and vote where they would otherwise have a DPI in the following matters:

(a) Housing: where the Councillor (or spouse or partner) holds a tenancy or lease with the Council as long as the matter does not relate to the particular tenancy or lease of the Councillor (their spouse or partner);

(b) Council Tax: setting the council tax and related matters including setting precepts and agreeing council tax reduction schemes; and

(c) Determining an allowance, travelling expense, payment or indemnity for Councillors

(d) It was agreed at the Committee meeting on 30 January 2020 to extend the above dispensation (c) to allow discussion of pay for Council officers. This is in relation to the link between annual pay increases for staff and related increases in allowances for Members.

3.6 Guidance issued by DCLG in September 2013 (Openness and transparency on personal interests) stated the DCLG view is that Members do not need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support because this is a decision affecting the generality of the public in the area rather than Members as individuals. Nonetheless the Monitoring Officer considers it prudent for the sake of completeness to include Council Tax in the General Dispensation.

3.7 The dispensation for Council Tax relates to a Member's DPI and does not affect a Member's obligation under Section 106 of the Local Government

Finance Act 1992 to declare and not vote if they are 2 months or more in arrears with their Council Tax when voting on setting the Council's budget.

- 3.8 The General Dispensation will apply until the next Mayoral and local elections in May 2022.

4. EQUALITIES IMPLICATIONS

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

5. OTHER STAUTORY 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 Monitoring Officer has introduced a standard application form for Members to complete when seeking a dispensation in order to make the process more efficient and transparent.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 There are no financial implications arising from the recommendation in this report.

7. LEGAL COMMENTS

- 7.1 Section 31(4) of the Localism Act 2011 provides that a Member who has a disclosable pecuniary interest in any matter to be considered at a meeting may not participate in any discussion, or vote on the matter. However, by virtue of section 33, an authority may, on a written request by a Member, grant a dispensation relieving the member from either or both of the restrictions in Section 31(4). This is reflected in paragraphs 32 and 33 of the Code of Conduct for Members.

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

<p>Non-Executive Report of the:</p> <p>Standards Advisory Committee</p> <p>Thursday, 1 July 2021</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Janet Fasan, Divisional Director Legal Services (Monitoring Officer)</p>	<p>Classification: Open (Unrestricted)</p>
<p>Governance at Council owned bodies</p>	

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

Executive Summary

In 2019 the Committee on Standards in Public Life (CSPL) published 15 best practice recommendations on local government ethical standards.

The Standards Advisory Committee has received a number of reports in relation to these recommendations and actions that have been taken.

This report provides an update against Recommendation 14, namely:

“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.”

Recommendations:

The Standards Advisory Committee is recommended to:

1. Review and comment on the report.

1. REASONS FOR THE DECISIONS

- 1.1 Following the guidance of the Committee on Standards in Public Life helps ensure strong governance standards at the authority.

2. ALTERNATIVE OPTIONS

- 2.1 None set out. The Committee could determine not to consider this report but it is not recommended.

3. DETAILS OF THE REPORT

3.1 The Committee on Standards in Public Life recently published 15 best practice recommendations on local government ethical standards.

3.2 The Standards Advisory Committee has received a number of reports in relation to these recommendations and actions that have been taken.

3.3 This report provides an update against Recommendation 4, namely:

“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.”

3.4 The above can be split into two issues:

- Does the Council report on its ‘separate bodies’ in its Annual Governance Statement?
- Do those bodies abide by the Nolan Principles and publish their agendas, minutes and annual reports?

Annual Governance Statement

3.5 The Annual Governance Statement is reported to the Council’s Audit Committee each year, usually at its July meeting.

3.6 This report includes a section on ‘Council Owned Companies and Partnerships’. The report provides information on the following bodies:

- Tower Hamlets Homes
- Seahorse Homes Limited
- Mulberry Housing Society
- PLACE Ltd (Pan-London Modular Temporary Accommodation)
- Capital Letters (London) Ltd (Pan-London TA procurement hub)

3.7 This content in the annual governance statement, which can be viewed here <https://democracy.towerhamlets.gov.uk/ieListDocuments.aspx?CId=388&MId=11577&Ver=4> provides a good level of detail on the Council owned bodies and partnerships and so it is considered that the Council meets the first of the objectives set out in the CSPL.

Publication of Board Papers

3.8 The second half of the question from CSPL related to whether the body operated by the Nolan Principles and in particular whether it published its board agendas and minutes (or otherwise ensured the transparency of its decision making).

- 3.9 Having reviewed the web presence of each organisation it can be reported that Tower Hamlets Homes has a well-maintained website <https://www.towerhamletshomes.org.uk/> containing a lot of information about it as an organisation. It also includes details of its Executive Management Team and the Board including how the public can ask questions of the Board. It also provides agendas and minutes from these meetings. THH would appear to meet the requirements in the CSPL recommendation.
- 3.10 At this point, none of the other listed organisations met this criteria, either having no web presence or else having a website but not including all the suggested information.
- 3.11 The Place and Resources directorates are currently undertaking a governance review of housing companies and all the remaining listed organisations fall within that review. It should also be noted that both Seahorse Homes Limited and Mulberry Housing Society are currently building their websites on which this information could be held.
- 3.12 The above directorates have been made aware of the recommendation of the Committee on Standards in Public Life that board papers and annual reports should be published and they are including this in their review.
- 3.13 It is proposed to retain this issue on the Standards Advisory Committee workplan and to report back to the Committee at a later meeting once there is an available update.

4. EQUALITIES IMPLICATIONS

- 4.1 None specific to this update report but the Committee on Standards in Public Life's recommendations are important in ensuring transparency of governance.

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.
 - Data Protection / Privacy Impact Assessment.
- 5.2 None specific to this update report.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 There are no specific financial implications arising from the recommendation in the report.

7. COMMENTS OF LEGAL SERVICES

- 7.1 Section 1 of the Localism Act 2011 permits a local authority to do anything an individual may do. The most recent review by the Committee on Standards in Public Life, "Local Government Ethical Standards" (January 2019) sets out at number 14 in its list of best practice that: "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." The seven Nolan principles of conduct are set out in the Localism Act 2011:- selflessness; integrity; objectivity; accountability; openness; honesty and leadership.
- 7.2 The information in this report supports these guiding principles and complies with the best practice set out in the review.

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

List any background documents not already in the public domain including officer contact information.

- None

Officer contact details for documents:

N/A

<p>Non-Executive Report of the:</p> <p>Standards Advisory Committee</p> <p>Thursday, 1 July 2021</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Janet Fasan, Director of Legal and Monitoring Officer</p>	<p>Classification: Open (Unrestricted)</p>
<p>Co-opted Member Appointments</p>	

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

Executive Summary

The terms of office for four of the five Co-opted Members of the Standards Advisory Committee are due to expire shortly.

All four Members have indicated a willingness to serve another term on the Committee.

This report asks the Committee to note that officers will therefore be writing a report to Council asking it to agree to re-appoint the four Co-opted Members.

Recommendations:

The Standards Advisory Committee is recommended to:

1. To note that a report will be submitted to the next meeting of Council looking to re-appoint the following Co-opted Members for another four-year term on the Standards Advisory Committee.

- John Pulford MBE
- Nafisa Adam
- Fiona Browne
- Mike Houston

1. REASONS FOR THE DECISIONS

- 1.1 It is important to ensure that the Committee has a full membership to enable it to undertake its work effectively.

2. ALTERNATIVE OPTIONS

- 2.1 This is a noting report. It will be for Council to determine any alternative actions.

3. DETAILS OF THE REPORT

- 3.1 The terms of reference of the Standards Advisory Committee state that the membership of the Committee should consist of 5 elected Members and 5 Co-opted Members.
- 3.2 Appointments of Co-opted Members are agreed by Council, usually for a four-year term.
- 3.3 Terms of office for four of the current Co-opted Members are due to expire on 30 September 2021. These are:
- John Pulford MBE (served on the Committee from 18.09.13)
 - Nafisa Adam (20.02.15)
 - Fiona Browne (18.01.17)
 - Mike Houston (20.02.15)
- 3.4 Following discussions at previous Committee meetings, the four Members were approached to see if they wished to continue serving on the Committee. All four indicated that they would.
- 3.5 The Committee are therefore asked to note that officers will be submitting a request to Council to re-appoint the four Members for a further four-year term.
- 3.6 The alternative course of action would be for the Council to agree to undertake a recruitment process to identify potential new Co-opted Members.
- 3.7 It is considered that the Committee is currently operating effectively with very active participation from all Co-opted Members and that their experience and understanding of the issues facing the Council would be extremely valuable over the next few years.

4. EQUALITIES IMPLICATIONS

- 4.1 An active and effective Standards Advisory Committee is important in ensuring the Member Code of Conduct operates in supporting all Members to undertake their roles.

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.
- Data Protection / Privacy Impact Assessment.

5.2 None specific to this report.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 There are no direct financial implications arising from this report.

7. COMMENTS OF LEGAL SERVICES

7.1 The information provided for the Committee is in accordance with Part B, Section 19 of the Council's Constitution.

7.2 Independent Co-opted members shall be appointed by full Council on the recommendation of the Monitoring Officer. The term shall be 4 years unless otherwise determined by the Council. Co-opted Members may serve as many terms of appointment as the Council considers appropriate.

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

List any background documents not already in the public domain including officer contact information.

- None.

Officer contact details for documents:

N/A

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TOWER HAMLETS

STANDARDS ADVISORY COMMITTEE WORK PLAN and ACTION LIST 2021/22

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Contact Officer:	Matthew Mannion Democratic Services matthew.mannion@towerhamlets.gov.uk
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Website:	

Agenda Item 6

ACTIONS LIST

To list actions from previous meetings (or elsewhere) which will require the attention of the Committee at a future meeting.

Action number	Title	LEAD OFFICER	Originating Meeting	Due Date / Comment
1.	Reports as required on Ethics matters from elsewhere including government and other local authorities.	Janet Fasan, Director of Legal and Interim Monitoring Officer	Ongoing	Date to be determined.
2.	Annual Review of the Code of Conduct	Janet Fasan, Director of Legal and Interim Monitoring Officer		Schedule for one year after agreement of new Code of Conduct.
3.	Member / Officer Protocol	Janet Fasan, Director of Legal and Interim Monitoring Officer		To be reviewed by the Code of Conduct Working Group once the Member Code of Conduct has been agreed.
4.	Confirm membership renewals for co-opted Members / look at Independent Person recruitment	Janet Fasan, Director of Legal and Interim Monitoring Officer		July SAC and then Council in July and September – note that this is a Council appointment.
5.	Circulate audit committee workplan	Matthew Mannion, Head of Democratic Services		Circulated
6.	Risk on ethical governance			
7.	Updates on the recommendations of the Committee on Standards in Public Life	Janet Fasan, Director of Legal and Interim Monitoring Officer		As required (maybe an update in the autumn?)

Standards Advisory Committee WORK PLAN 2020/21

Action number	Title	LEAD OFFICER	Originating Meeting	Due Date / Comment
8.	Following on from the Strengthening Local Democracy Project	TBC		To provide updates on any replacement to the previous Strengthening Local Democracy Project. As required.

N.B. once concluded - actions should remain on the list marked 'complete' for the remainder of the municipal year.

WORK PLAN

The workplan itself is a standing agenda item

REPORT TITLE	BRIEF SUMMARY	LEAD OFFICER	OTHER CTTEE MEETINGS
1 JULY 2021			
1. Annual Administrative Reports		Matthew Mannion, Head of Democratic Services	
2. Register of Gifts and Hospitalities	Quarterly update report	Matthew Mannion, Head of Democratic Services	
3. Member Attendance Statistics	Report on Member attendance for the previous year.	Matthew Mannion, Head of Democratic Services	
4. Dispensations under Section 33 of the Localism Act 2011	6-monthly update on any dispensations granted under the Act and any related matters.	Janet Fasan, Director of Legal and Interim Monitoring Officer	
5. Code of Conduct for Members – Complaint Monitoring and Associated Matters	6-monthly update report	Janet Fasan, Director of Legal and Interim Monitoring Officer	
6. Draft Annual Report to Council	To consider the draft Annual Standards Advisory Committee report to Council.	Janet Fasan, Director of Legal and Interim Monitoring Officer	Council – July 2020
7. Member Code of Conduct	To agree updated Member Code of Conduct	Janet Fasan, Director of Legal and Interim Monitoring Officer	GPC and Council dates tbd
8. Confirmation of Co-optee Appointments	To propose extension of appointment terms to relevant Co-opted Members (noting report for Standards, decision report for Council)	Matthew Mannion, Head of Democratic Services	Council
9. Governance at Council owned bodies	To provide an update on a CSPL recommendation in relation to governance at Council owned bodies.	Matthew Mannion, Head of Democratic Services	

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Standards Advisory Committee WORK PLAN 2020/21

REPORT TITLE	BRIEF SUMMARY	LEAD OFFICER	OTHER CTTEE MEETINGS
30 SEPTEMBER 2021			
1. Register of Gifts and Hospitalities	Quarterly update report	Matthew Mannion, Head of Democratic Services	
2. Code of Conduct for Members – Complaint Monitoring and Associated Matters	Quarterly update report	Janet Fasan, Director of Legal and Interim Monitoring Officer	
3. Member Learning and Development Programme Update	Yearly update on the Member Learning and Development programme and associated matters.	Matthew Mannion, Head of Democratic Services	
4. Member Code of Conduct (if required)	Dependent on consideration of the national guidance on the new Model Code of Conduct. A report may be required to consider updates to the draft new code.	Janet Fasan, Director of Legal and Interim Monitoring Officer	
5. Effectiveness of the Standards Advisory Committee	To continue the work of evaluating the effectiveness of the Committee (including but not limited to its Terms of Reference)	Janet Fasan, Director of Legal and Interim Monitoring Officer Matthew Mannion, Head of Democratic Services	
6. Member Enquiries Update	To report back on work being undertaken with the General Purposes Committee to review ME policy and process	Information Governance	
25 NOVEMBER 2021			
1. Register of Gifts and Hospitalities	Quarterly update report	Matthew Mannion, Head of Democratic Services	
2. Dispensations under Section 33 of the Localism Act 2011	6-monthly update on any dispensations granted under the Act and any related matters.	Janet Fasan, Director of Legal and Interim Monitoring Officer	
3. Strengthening Local Democracy	Update report on the Strengthening Local Democracy Project	Janet Fasan, Director of Legal and Interim	

Standards Advisory Committee WORK PLAN 2020/21

REPORT TITLE	BRIEF SUMMARY	LEAD OFFICER	OTHER CTTEE MEETINGS
		Monitoring Officer	
4. Code of Conduct for Members – Complaint Monitoring and Associated Matters	6-monthly update report	Janet Fasan, Director of Legal and Interim Monitoring Officer	
5. Guidance for Members serving on Outside Bodies	To continue the review of the guidance provided to Members who are appointed to serve on outside bodies.	Janet Fasan, Director of Legal and Interim Monitoring Officer Matthew Mannion, Head of Democratic Services	
6. Update on Governance at Council Owned Bodies	To provide an update on compliance with the recommendation of the Committee on Standards in Public Life	Matthew Mannion, Head of Democratic Services	
7. Member Induction Planning	A report to consider planning for the Member Induction programme post the May 2022 elections	Matthew Mannion, Head of Democratic Services Patricia Attawia, Democratic Services Team Leader (Civic and Members)	
10 FEBRUARY 2022			
1. Register of Gifts and Hospitalities	Quarterly update report	Matthew Mannion, Head of Democratic Services	
2. Code of Conduct for Members – Complaint Monitoring and Associated Matters	Six monthly update report – added in error – should be at July meeting	Janet Fasan, Divisional Director, Legal Services and Interim Monitoring Officer	
3. Annual Report to Council	To review the draft Annual Report to Council	Janet Fasan, Divisional Director, Legal Services and Interim Monitoring Officer	

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Standards Advisory Committee WORK PLAN 2020/21

REPORT TITLE	BRIEF SUMMARY	LEAD OFFICER	OTHER CTTEE MEETINGS
4. Member Induction Planning	(If required) a follow up report on preparation for the Member Induction programme	Matthew Mannion, Head of Democratic Services Patricia Attawia, Democratic Services Team Leader (Civic and Members)	
5. Practical Guidance for Members handling confidential information	To reiterate the existing rules and provide any additional required guidance	Janet Fasan, Divisional Director, Legal Services and Interim Monitoring Officer	

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