

Standards Advisory Committee



Thursday, 21 September 2023 at 6.30 p.m.

Committee Room - Tower Hamlets Town Hall, 160

Whitechapel Road, London E1 1BJ

Agenda

Chair: John Pulford MBE

Members

Vice-Chair: Fiona Browne

Mike Houston, Elizabeth Marshall MBE, Councillor Shafi Ahmed, Councillor Sabina Akhtar, Councillor Amin Rahman, Councillor Sirajul Islam and Councillor Abu Chowdhury

Observers (Independent Persons):

Amanda Orchard ((Independent Person)) and Rachael Tiffen (Independent Person)

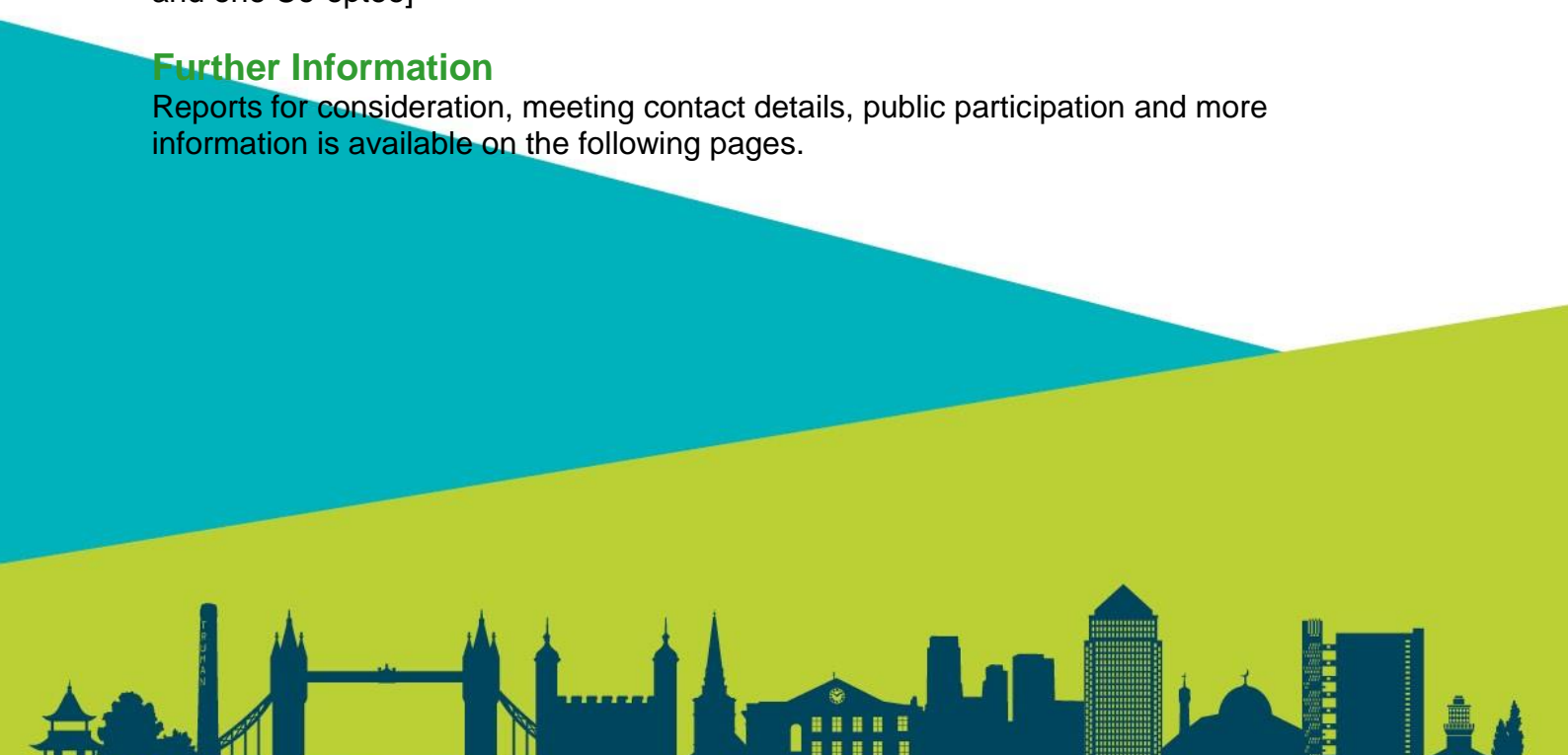
Substitutes:

Councillor Amina Ali, Councillor Leelu Ahmed and Councillor Asma Begum

[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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Contact for further enquiries:

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Town Hall, 160 Whitechapel Road, London, E1 1BJ

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E-mail: joel.west@towerhamlets.gov.uk

Web:<http://www.towerhamlets.gov.uk/committee>

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Standards Advisory Committee

Thursday, 21 September 2023

6.30 p.m.

**PAGE
NUMBER(S)**

APOLOGIES FOR ABSENCE

1. DECLARATIONS OF INTEREST

5 - 6

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

2. MINUTES OF THE PREVIOUS MEETING(S)

7 - 12

To confirm as a correct record the minutes of the meeting of the Standards Advisory Committee held on 22 June 2023.

3. REPORTS FOR CONSIDERATION

3.1 Examples of Code of Conduct Complaints from Other Authorities

13 - 20

3.2 Register of Interests and Gifts and Hospitality Quarterly Update

21 - 24

3.3 Guidance for Members and Officers on Outside Organisations

25 - 52

4. WORK PLAN

53 - 60

5. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

Tower Hamlets Council
Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BJ

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

6. **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.

7. **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, 7 December 2023 at 6.30 p.m. to be held in the Committee Room - Tower Hamlets Town Hall, 160 Whitechapel Road, London E1 1BJ



Agenda Item 1

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 6.30 P.M. ON THURSDAY, 22 JUNE 2023

**COMMITTEE ROOM - TOWER HAMLETS TOWN HALL, 160 WHITECHAPEL
ROAD, LONDON E1 1BJ**

Co-optees Present in Person:

John Pulford MBE	Chair
Fiona Browne	Vice Chair

Members Present in Person:

Councillor Amin Rahman
Councillor Abu Chowdhury

Members In Attendance Virtually:

Councillor Sabina Akhtar
Councillor Sirajul Islam

Apologies:

Councillor Shafi Ahmed
Councillor Sabina Akhtar
Mike Houston
Elizabeth Marshall
Amanda Orchard
Rachael Tiffen

Officers Present in Person:

Patricia Attawia	(Democratic Services Team Leader, Civic & Members, Governance)
Janet Fasan	(Director of Legal & Monitoring Officer)
Matthew Mannion	(Head of Democratic Services)
Joel West	(Democratic Services Team Leader (Committee))

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. TO ELECT A CHAIR FOR 2023-24

Joel West, Democratic Services Team Leader (Committee), requested nominations for the position of Chair of the Standards Advisory Committee from amongst the Co-opted Members for the municipal year 2023/2024. Fiona Browne proposed John Pulford for the position. This was seconded by Councillor Amin Rahman.

There were no further nominations.

The Standards Advisory Committee;

RESOLVED

1. That John Pulford was elected as Chair of the Standards Advisory Committee for the municipal year 2023-24.

3. TO ELECT A VICE-CHAIR FOR 2023-24

The Chair requested nominations for the position of Vice-Chair of the Standards Advisory Committee from amongst the Co-opted Members for the municipal year 2023/2024 and proposed Fiona Browne for the position. This was seconded by Councillor Abu Talha Choudhury.

There were no further nominations.

The Standards Advisory Committee;

RESOLVED

1. That Fiona Browne was elected as Vice-Chair of the Standards Advisory Committee for the municipal year 2023-24.

4. MINUTES OF THE PREVIOUS MEETING(S)

RESOLVED

That the minutes of the meeting held on 18 April 2024 be approved as a correct record of proceedings.

5. REPORTS FOR CONSIDERATION

5.1 Standards Advisory Committee Terms of Reference, Quorum, Membership and Dates of Meetings 2023/24

Joel West, Democratic Services Team Leader (Committees) introduced the report that sets out, for noting, the Advisory Committee's Terms of Reference, Quorum, Membership and Dates of Meetings for the year and asked it to approve the establishment of its Sub-Committees to consider complaints

relating to breaches of the Member Code of Conduct. Joel advised of a minor error in the report: references to meeting start time should read 6.30pm.

Further to questions from members, officers advised that the terms of reference (Appendix 1 to the report) would be reviewed to consider whether explicit reference should be made to the Advisory Committee's role "To monitor and review Member and Officer Procedures for registering interests and declaring gifts and hospitality" as included in its rules of procedure (Appendix 4 to the report).

RESOLVED that the Advisory Committee:

1. Notes its Terms of Reference, Quorum, Membership and dates/times of meetings as set out in Appendices 1, 2 and 3 to the report.
2. Agrees to establish the following sub-committees for the municipal year 2023/24, to be convened as required on an ad-hoc basis with membership drawn from amongst the Members of the Standards Advisory Committee, including in each case a minimum of three members:-
 - Investigation and Disciplinary Sub-Committee
 - Hearings Sub-Committee.

5.2 Member Attendance Update

Matthew Mannion, Head of Democratic Services introduced the report that provided an update on Member and Co-optee attendance at formal Council and Committee meetings.

Further to discussion on member attendance the Advisory Committee asked that:

- Officers explore whether an attendance requirement or expectation can be included the Code of Conduct for Members.
- A note to be sent to group whips flagging members where attendance is below 50%
- Terms of reference and similar annual administrative reports to each committee include a paragraph on expectations for attendance.

RESOLVED that the Advisory Committee:

1. Notes the report.

5.3 Register of Interests and Gifts and Hospitality Quarterly Update

Patricia Attawia, Democratic Services Team Leader (Civic and Members) introduced the report that updated the Committee on the Members' Register of Interests and declarations of gifts and hospitality submitted by Members.

Further to questions from members, Patricia and Matthew Mannion, Head of Democratic Services:

- Explained the difference between related party transactions and declarations of gifts and hospitality. The former came under the scope of the Council's Audit Committee.
- Advised that many Iftar invitations were likely accepted in this period, but the nature of such events was such that the value of anything received would have been below the £25 declaration threshold. Members of the Advisory Committee confirmed this, noting that Iftar events were 'cheap and cheerful'.
- Asked the Advisory Committee to note that regular reminders are sent to Members of the Council asking them to declare gifts and hospitality, including during Ramadan and that the next regular six-month check up on every Member's Register of Interests was taking place in July.

RESOLVED that the Advisory Committee:

1. Notes the report.

5.4 Dispensations under Section 33 of the Localism Act 2011

Janet Fasan, Director Legal and Monitoring Officer introduced the report that informed the Advisory Committee of dispensations in relation to disclosable pecuniary interests (DPI's) under section 33 of the Localism Act 2011. Janet noted there had been no dispensations issued since the previous report to the Advisory Committee.

RESOLVED that the Advisory Committee:

1. Notes the report.

5.5 Proposed revised Member Officer Protocol

Janet Fasan, Director Legal and Monitoring Officer introduced the report that, following earlier consideration and consultation with the Chair and the Vice Chair of the Standards Advisory Committee, proposed a draft updated Member Officer protocol for views and comment. Janet explained that substantial amendments had been made to the protocol since earlier iterations which address concerns and suggestions previously raised by the Advisory Committee.

Further to questions from members, Janet explained that the code applied to all officers, including political assistants and Mayors Office staff.

Further to questions, the Advisory Committee:

- asked that the words "specific named" be removed from the 'as a member' part of section 5 of the draft protocol;
- welcomed the revised formatting and appearance of the draft, which members felt was much improved from previous versions; and

- asked that the final draft be shared with Advisory Committee members prior to its submission to full Council for approval.

RESOLVED that the Advisory Committee:

1. Noted the draft updated Member /Officer Protocol subject to the comments as above.
2. Authorised the Monitoring Office in consultation with the Chair of the Advisory Committee to make any changes to the protocol to give effect to the comments above.
3. Authorised the Monitoring Officer in consultation with the Chair of the Advisory Committee to make any further changes deemed necessary before submission to Council/Committee for Member agreement as required.

6. WORK PLAN

RESOLVED

1. That the work plan is noted.

7. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

Janet provided the Advisory Committee with an update on the recruitment of the vacant co-optee position. Following the most recent round of recruitment, three applications were received of which only one was considered suitable. The advert will be re-run, including in publications which targeted the local community. The Council's SPP team would be asked to publicise amongst community groups to increase diversity of the applicant pool.

8. EXCLUSION OF THE PRESS AND PUBLIC

A resolution to exclude the press and public was not required.


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

None.

The meeting ended at 7.10 p.m.

Chair,
Standards Advisory Committee

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Non-Executive Report of the: Standards Advisory Committee Thursday 21 September 2023	 TOWER HAMLETS
Report of: Janet Fasan, Director of Legal and Monitoring Officer	Classification: Unrestricted
Examples of Code of Conduct Complaints from Other Authorities	

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

Executive Summary

This brief report provides the Committee with a number of examples of Code of Conduct Complaints dealt with at other Local Authorities.

The examples are provided to the committee for interest and discussion as the Committee with responsibility for member conduct at the authority.

Recommendations:

The Standards Advisory Committee is recommended to:

1. Review and note the example code of conduct cases set out in Appendix 1 to this cover report.

1. REASONS FOR THE DECISIONS

- 1.1 These cases will be of interest to the Committee as it has responsibility for overseeing Member conduct for the authority.
- 1.2 The Committee’s Members may therefore have to deal with similar cases should such complaints be received by the Council.

2. ALTERNATIVE OPTIONS

- 2.1 Not applicable – the examples are provided purely for information purposes.

3. DETAILS OF THE REPORT

- 3.1 The Standards Advisory Committee has responsibility for managing Member conduct for the Council and in particular with investigating and hearing

complaints where Members may have breached the Code of Conduct and/or Member/Officer Relations Protocol.

- 3.2 It is therefore useful for the Committee to monitor the types of complaints that are being received at other authorities and, where available, the sanctions (if any) agreed by the Committees at those Councils.
- 3.3 The Monitoring Officer has therefore selected a number of recent cases from other authorities that are of potential interest to the Committee.
- 3.4 Members are asked to review the presented cases and time will be provided at the meeting for a discussion on any interesting points raised.

4. EQUALITIES IMPLICATIONS

- 4.1 None specific to 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 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 Section 27 of the Localism Act 2011 requires local authorities to promote and maintain high standards of conduct by members and co-opted members of the authority. The same section requires local authorities to adopt a code of conduct for members and co-opted members when they are acting in that capacity.
- 7.2 This report demonstrates the Council's compliance with the above legal requirements.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Appendix 1 – List of example code of conduct complaints from other authorities

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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1) Cllr who failed to declare interest at a council meeting in relation to a proposed catering facility within her ward.

The personal interest arose because she had a close association with an unnamed person who was to have been the operator of the facility. Cllr was alleged “to have closer personal ties when they stood together in the same ward” and to have also invited the person concerned “as her personal guest to a Mayoral event”.

The Council’s Audit and Standards Committee noted that Cllr felt that she did not have a close association with the person concerned, but the Committee agreed with the investigator that the question of a close association had to be decided in line with how the matter would be perceived by a reasonable member of the public.

The Committee noted that Cllr did not intend to breach the code, so the breach was therefore down to “some measure of carelessness, rather than deliberate calculation”. To show the seriousness of the matter the Committee recommended that Councillor’s political group remove her as a member of the tourism and leisure committee until it is discontinued in the new municipal year. Cllr subsequently resigned.

2) An investigation found councillor had responded disrespectfully to a member of the public who had been repeatedly emailing him demanding answers over damaged roads in his ward.

After initial correspondence, the council leader ignored C’s repeated emails for three months accusing him of ranting and raving adding: “...when I look at the long list of responses to policy queries I have to make, drafting a response to you remains firmly at the bottom of my list.”

Investigating officer for the council, found the email breached Council’s code of conduct, a report concluded.

“Through failing to respond and answer questions of concern, Cllr has failed to treat this member of the public with respect, “describing C as a “polite gentleman”.

C sent eight unanswered emails between July 29 – October 29, asking Mr Cllr ‘Are you still alive?’ and in another adding “The silence is deafening!”

Cllr believes it was a politically motivated attack.

3) A councillor who engaged in a “bullying and intimidatory pattern of behaviour” breached his council’s code of conduct, a committee has found

Cllr made repeated threats via email and in person to other members of council, a joint standards committee hearings sub-committee was told.

The panel agreed with a report by independent investigator, which found that Cllr twice broke the council’s code of conduct, primarily due to his interactions with the council clerk, who later resigned, and council chairman.

Cllr had acted in “a very bullying and intimidatory way” which was “excessive and unreasonable and goes far beyond the normal expectation of what can be permitted within council debates”.

The sanction imposed was to remove Cllr from any town council panels or sub-committees he is on for six months, and from any outside bodies he has been appointed to by the council for the same period.

The town council must also undertake six-monthly reviews of its governance framework to “support its employees and mitigate against inappropriate behaviour and correspondence from Cllr.”

4) A Town councillor is facing a standards hearing over allegedly offensive and disrespectful comments made about the late Queen's Platinum Jubilee.

Cllr is accused of describing one local Facebook community group as ‘a***holes’ and suggesting another group wanted a ‘flag-shagging orgy’ in town centre.

Council standards committee report says Cllr alleged comments arose amid criticisms from some people that the town council's jubilee celebrations in June were not enough.

Investigation concluded Cllr was acting in her capacity as a town councillor in making comments. Social media is fundamentally about sharing content and making conversations. It is also very transparent and can be seen by many people.

“An inappropriate post can amount to a breach of the code. In my view, the phrase ‘moaning Minnies’ is mild and does not breach the code. However, I do consider the pigeon and chessboard meme (image) and the phrases ‘stupid people’, ‘a***holes’ and ‘flag shagging’ are offensive and disrespectful, and amount to a breach.

“Their use falls short of the high standards of behaviour expected of councillors, even if in response to provocative comments and language from others. My finding is that there is sufficient evidence of a failure to comply with the code of conduct.”

The standards committee were to consider the matter further.

5) A councillor was censured for tweeting a doctored picture of Jeremy Corbyn at the scene of a terror attack which prompted a lawsuit.

A Standards Hearing Committee found Cllr partly breached its Code of Conduct over the tweet sent in November 2021 which sparked around 500 complaints. Committee chair Cllr said the tweet depicting the former Labour leader holding a wreath at the scene of Liverpool taxi bombing was totally unacceptable.

Cllr accepted the committee's findings and apologised for mistakenly posting the picture as satire, vowing it was a one off that would not be repeated. The committee found Cllr had breached the Code by failing to treat others with respect and bringing his office into disrepute.

The committee heard the picture was posted to Facebook and Twitter, in the latter case on an account explicitly stating he was a local councillor.

Cllr agreed to pay substantial damages to Jeremy Corbyn following the tweet.

6) Councillor who suggested an alleged rape victim was likely to have been a prostitute has escaped punishment.

Council decided not to sanction Cllr after receiving 18 complaints against him over his comments on social media on New Year's Eve

Cllr had replied [to a tweet from a news outlet about the alleged rape](#). In his reply, which he later deleted, he wrote: "More likely that it's a punter that didn't pay."

A council report seen by the [Local Democracy Reporting Service](#) argued that Cllr, who now sits as an independent, was not acting in his capacity as a councillor when he made the comment.

The matter was brought to Council for investigation after 18 complaints. In the document, an independent investigator said they were "agonised" about their conclusion but said that the matter would be better dealt with by his political party as cllr was not speaking as a councillor.

The investigator said: "Whatever our views of Councillor's tweet, he did make this disclaimer on his profile [that his views are personal] and made no specific reference to the council on the *News Shopper* site."

MO decided there was no breach of the council's code of conduct, meaning no further investigation would take place.

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<p>Non-Executive Report of the:</p> <p>Standards Advisory Committee</p> <p>Thursday, 21 September 2023</p>	
<p>Report of: Janet Fasan, Director of Legal and Monitoring Officer</p>	<p>Classification: Open (Unrestricted)</p>
<p>Register of Interests and 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 updates the Committee on the Members’ Register of Interests and declarations of gifts and hospitality submitted by Members since the previous report to the committee on 22 June 2023.

The Standards Advisory Committee is receiving this report as it monitors compliance with the requirement in the Council Code of Conduct for Members to register and disclose their interests, and to declare any offer of a 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 The Council is required by statute 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 A Member is required under the Council’s Code of Conduct (paragraph 50) to register and disclose their interests. This must be done within 28 days of becoming a member or being re-elected to office.

- 1.3 Members must ensure their 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.
- 1.4 A Member is also required under the Council's Code of Conduct (paragraph 59) to register the offer of any gift or hospitality, whether accepted or not, with an estimated value of at least £25. They must include the person from whom it is received.
- 1.5 Repeated smaller gifts and hospitality which, when combined, would likely exceed £25 within any three-month period should also be declared.

2. ALTERNATIVE OPTIONS

- 2.1 This is a noting report.

3. DETAILS OF THE REPORT

Register of Interests

- 3.1 In order to maintain an accurate register of Members' interests, Democratic Services send quarterly reminders to all Members via the Members' Bulletin to ensure that their declarations are up to date.
- 3.2 Two of these reminders (January and July), request that Members respond to officers to confirm that their current register of interests is correct.
- 3.3 The recent reminder in July was followed up by an email to all Members asking them to confirm that their register of interests is up to date. At the time of writing responses have been received from all Members, to either notify officers of changes or to confirm that there are none and the current register is correct.
- 3.4 In addition, the recent process implemented as a result of the audit of the management of Members' interests has been carried out, with fortnightly reports being provided by Committee Services detailing Members' declarations made at meetings, which have been checked against each Member's register of interests to ensure it is accurate.

Gifts and Hospitality

- 3.5 The email sent to all Members in July also included a reminder to ensure any offers of gifts and hospitality have been declared.
- 3.6 During the period 1 June to 31 August 2023, 3 declarations were received. The details are set out in Table 1 below.

Name	Date offered	Type	Accepted/declined	Date declared	On time	Provided by	Estimated value	Description
Cllr Kabir Ahmed	10.7.23	Hospitality	Accepted	28.7.23	Yes	House of Lords	£100	Food and Hospitality
Cllr Mufeedah Bustin	28.7.23	Gift	Accepted	2.8.23	Yes	All Points East, SE1 8NW	£280	2 Tickets to All Points East Festival
Cllr James King	26.7.23	Hospitality	Accepted	22.8.23	Yes	All Points East, SE1 8NW	£300	2 Tickets to All Points East Festival

Table 1

3.7 All declarations were received within the 28 day deadline.

3.8 The timetable for reminders over the next 12 months is set out in table 2 below.

Timetable	
Quarterly reminder – Members’ Bulletin	October 2023
Quarterly reminder – Members’ Bulletin and email requesting confirmation that registers are up to date and all gifts and hospitality have been declared	January 2024
Quarterly reminder – Members’ Bulletin	April 2024
Quarterly reminder – Members’ Bulletin and email requesting confirmation that registers are up to date and all gifts and hospitality have been declared	July 2024

Table 2

4. EQUALITIES IMPLICATIONS

4.1 None specific to 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.

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 27 of the Localism Act 2011 requires a local authority to promote and maintain high standards of conduct by Members and co-opted Members of the authority. The same section requires a local authority to adopt a Code of Conduct for Members and co-opted Members of the authority.

7.2 The Council's Code of Conduct, which is set out in Part C of the Constitution, sets out the circumstances in which a Member or co-opted Member must register offers of gifts or hospitality.

7.3 The matters set out in this report demonstrate the Council's compliance with the above legislation and with the Constitution.

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

Non-Executive Report of the: Standards Advisory Committee 21 September 2023	 TOWER HAMLETS
Report of: Janet Fasan, Divisional Director, Legal Services and Monitoring Officer	Classification: Open (Unrestricted)
Guidance for Members and Officers on Outside Organisations	

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

Executive Summary

The report presents to the Committee the current Guidance for Members and Officers on Outside Organisations and invites members to review the Guidance and consider whether it is content to approve the draft final version attached to this report.

This Guidance has been revised following suggestions made by members of the committee in September 2022 and more recently by Fiona Browne (Vice Chairman of the Committee).

Recommendations:

The Standards Advisory Committee is recommended to:

1. Review and comment on the draft amended Guidance for Members and Officers on Outside Organisations at Appendix 1 to the report (showing tracked changes).

1. REASONS FOR THE DECISIONS

- 1.1 The Standards Advisory Committee has a role in overseeing standards of member behaviour . It is therefore appropriate for the Committee to consider whether the Guidance provides members with the information necessary to support ethical behaviours and conduct when sitting on outside organisations.

2. ALTERNATIVE OPTIONS

- 2.1 The Committee may make any suggestions it deems appropriate for consideration by the Monitoring Officer.

3. DETAILS OF THE REPORT

- 3.1 The draft amended Guidance for Members and Officers on Outside Organisations is at Appendix 1 to this report.
- 3.2 The Guidance is designed for members and officers. It sets out general expectations of both and includes an appendix which reflects the duties of directors/trustees as set out in law. It also sets out the various types of organisations that members may typically be appointed to.
- 3.3 The Standards Advisory Committee has a role in overseeing standards of behaviour on the part of members appointed to outside organisations.
- 3.4 The Committee is therefore asked to review the draft amended Guidance as set out in Appendix 1 to the report and make any final comments for the Monitoring Officer to consider.
- 3.5 3.5 The Monitoring officer has reviewed the Guidance, following suggestions made by the Committee last year and more recently by the Vice Chairman of the Committee.
- 3.6 It should be noted that an external review of the Council's governance in 2020, also recommended that the council review the appropriateness of current arrangements for supporting appointees to outside bodies to fulfil their responsibilities. The Guidance document forms a part of the framework of support.

4. EQUALITIES IMPLICATIONS

- 4.1 The Committee should consider the extent to which the Guidance supports equality of opportunity and engagement for all Members and officers including any impact on protected characteristics.

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.

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 Guidance document sets out important information for members that are appointed to outside organisations. It is essential that it is reviewed from time to time to ensure that it reflects the law and meets members' needs.

7.2 The Guidance does not form part of the Members Code of Conduct.

7.3 Whilst the Committee can make recommendations about changes to the Guidance, the final document will need to be approved by the General Purposes Committee.

7.4 As set out at paragraph 4.1 of the report, the Committee should pay regard to the Council's Public Sector Equality Duty (Equality Act 2010) and its obligations to equality and diversity in facilitating and/or discharging the business of the Council including the extent to which they have informed the Guidance and any proposed revisions to it as part of the Committee's review.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

Appendix 1 – Guidance for Members and Officers on Outside Organisations with tracked changes

Appendix 2 – Guidance for Members and Officers on Outside Organisations without tracked changes

- **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

GUIDANCE FOR MEMBERS AND OFFICERS ON OUTSIDE ORGANISATIONS

1. Introduction

1.1 This guidance is designed to assist councillors and officers appointed or nominated by the Council to serve on outside organisations, whether as company director, trustee of a charity or a representative on a management committee. It outlines some of the most important responsibilities, but you should contact the Monitoring Officer for advice if you are unclear about any of your obligations.

1.2 Outside organisations include Trusts, Companies, Charities, School Governing Bodies, Community Benefit Societies and Community associations. You may be involved as a director, trustee, governor or member (with or without voting powers).

1.3 In performing your role, you may be acting in various capacities for example as an individual, as a representative of the Council or as director/trustee.

1.4 This can give rise to conflicts of interest, particularly where the organisation is seeking or receiving funding from the Council. You will always need to be clear about your role and alert to potential conflicts of interest so that they can be avoided.

2. General

2.1 Authority to nominate or appoint councillors and officers to serve on outside organisations rests with the Mayor in respect of Executive functions and the General Purposes Committee in respect of non-Executive functions. All nominations to outside organisations are published on the Council's website.

2.2 If you serve on an outside organisation it is your responsibility to commit to the task, attend meetings and support the work of the organisation. Some organisations have rules about attendance (e.g. missing a number of consecutive meetings may lead to loss of the place on the body). It is therefore for you to understand the extent of the commitment before seeking or agreeing to an appointment to an outside organisation.

2.3 Service on an outside organisation requires you to:

- act according to the rules, constitution and framework of the organisation;
- make independent and personal judgements in line with the duty of care to the organisation;
- report back to the Council and lead member or relevant committee as requested or in accordance with any reporting requirements;
- behave ethically, and follow the Council's Member or Officer Codes of Conduct, as appropriate;
- take an active and informed role in the management of the organisation's affairs;
- ensure the Council's Register of Interests is updated to include reference to your role on the organisation.

3. Your Duties and Responsibilities (Council)

3.1 Service on an outside organisation may give rise to a conflict with your role as councillor or officer. This is because as a trustee or a company director you have a legal responsibility to act in the interests of the outside organisation only, as opposed to the interests of the Council or any other body.

3.2 When a conflict of interest arises with your role as councillor/officer on a matter in the Council that relates to the outside organisation to which you have been nominated/appointed, you should seek advice. You should note that the Members' Code of Conduct requires you to avoid conflicts of interest. Accordingly, if a conflict cannot be avoided you may be unable to participate in the decision/discussion that gives rise to the conflict e.g. if you are a cabinet member discussing the terms of a loan or other support to the outside body on which you sit. Officers should seek advice from their Corporate Director as to how best to deal with conflicts and must have regard to the Officers' Code of Conduct.

3.3. Independent or co-opted persons serving on Council Committees are also expected to comply with the Members' Code of Conduct and therefore, should any of those persons also be nominated or appointed by the Council to an outside organisation, the same principles on managing conflicts shall apply to them as to elected councillors.

3.4 Subject to any other duties and responsibilities you owe in respect of your service to the outside organisation (for example the duty of confidentiality), you should:

(i) provide an annual (or other agreed frequency) update on the work of the organisation, and

(ii) provide to the General Purposes Committee, any information relevant to any application from the organisation for funding from the Council

4. Your Duties and Responsibilities (Outside Organisation)

Paragraph 2.2 and 2.3 above sets out your responsibilities in respect of the organisation to which you have been appointed. You should familiarise yourself with the organisation's rules including on what to do when you have a conflict on a matter that relates to the Council e.g involvement in a transaction such as the purchase of land by the organization from the council. It is important that you comply with the organisation's rules and processes for dealing with conflicts of interest.

5. Legal Advice

5.1 A guide to the law as it affects councillors and officers serving on outside organisations is attached as **Appendix A**. The guide covers the range of different outside organisations and, therefore, those seeking guidance can refer to the relevant section.

5.2 A guide to the eligibility criteria for serving on outside organisations is attached as **Appendix B**.

For further Guidance follow links below to the Charity Commission and Company House websites <https://www.gov.uk/guidance/charity-commission-guidance>
<https://www.gov.uk/government/organisations/companies-house>

APPENDIX A

SERVICE ON OUTSIDE ORGANISATIONS A GUIDE TO THE LAW

This advice is for councillors and officers who are appointed or nominated by the Council to outside organisations whether as a company director, trustee of a charity or representative on a management committee. It sets out some of the most important responsibilities and requirements relating to service on the outside organisation. More than one set of provisions may apply (for example, if a company limited by guarantee is also a charity). It is not meant to be a comprehensive guide. If you have queries then you should consult the Monitoring Officer.

For the purposes of this Guide, all references to a “Councillor” includes all elected Councillors, and any other individual nominated or appointed by the Council to an outside body.

General

1. There are some general provisions which apply to Councillors and Officers who act in the role of company director, charity trustee, or on the committee of management of an unincorporated voluntary organisation.
2. Councillors are under a duty to exercise independent judgement in the interest of the organisation in which they are involved. Whilst it is recognised that Councillors and Officers may have a commitment to representing the Council on an outside body, they must be aware that it is their responsibility to decide what view to take on any question before that organisation. Where a Councillor or Officer is participating in an outside organisation in a representative capacity, s/he must declare that fact to the organisation. There may be a fine line to tread between his/her duty to the organisation and to the Council.
3. The Councillor or Officer in acting as a director/trustee or member of a management committee of an outside organisation must act in the interests of that organisation. A mandate from the Council to vote one way or the other would put the Councillor or Officer in breach of the duty to that organisation. It is permissible to take account of the Council’s wishes, but not to vote simply in accordance with them.
The overriding duty when considering an item before the outside organisation is to act in accordance with the interests of that organisation.
4. Councillors and Officers must ensure that the organisation is properly managed in accordance with the law and the organisation’s own governing document. They must also ensure that avoidable loss is not incurred in managing the organisation. They cannot avoid these responsibilities by not reading the papers or failing to ask for appropriate reports. They will be expected to seek professional advice where appropriate.
5. An individual may not be appointed or nominated as a charity trustee or director if s/he is disqualified from taking up this position. Eligibility requirements are set out in Appendix B.

COMPANIES

General

6. On incorporation, a company becomes a separate legal entity which can hold property in its own right, enter into contracts and sue and be sued in its own name. The company is distinct from its members and officers. In the case of a limited liability company, the liability of members of the company is limited to the amount they paid or agreed to pay when they joined the company.

7. Companies limited by shares are those that have a share capital. Each member holds shares and receives a share in the profits made by the company according to the value of the shares held. Shares can be sold. Companies limited by guarantee are those where there is no shareholding. Instead each member agrees that in the event of the company being wound up they will pay a certain amount. This may be as little as £1. This form of company is the most usual in the public and voluntary sector particularly where charitable status is sought.

8. The management of a company is generally the responsibility of a board of directors. The powers of the directors are usually set out in the company's Articles of Association (the rules each company has to govern its internal management). Sometimes, even though a company has been incorporated, the directors may be referred to as members of the committee of management, governors or even trustees. However, this does not change their status as directors. Conversely, sometimes officials are called directors but they are not members of the board. Again, their status will not be affected. Directors are those who are appointed by the company to act in that capacity.

Directors' Duties

9. A director is an agent of the company. His/her prime duties are as follows:

(1) Duty to act within powers

Directors are required to act in accordance with the company's constitution and only exercise powers for the purposes for which they are conferred. This means they must stay within the constraints of the objects clause, if there is one, and must observe the other terms of the Articles of Association.

(2) Duty to promote the success of the company

A director must act in a way that s/he considers, in good faith, would be most likely to promote the success of the company for the benefit of the company's members as a whole. Where the purposes of the company include things other than the benefit of the members, for example where the company is a charity, working to achieve these things will amount to working for the success of the company.

(3) Duty exercise independent judgement

A director is under a duty to exercise independent judgement. This means that they must not be unduly influenced by the wishes or instructions of others, though it is permissible for them to take account of the interests of the third party which they represent. In such a case the director must disclose that position and tread a fine line between the interests of the company and the party represented (in this case the

Council). The director cannot vote and speak simply in accordance with the Council mandate. To do so would be a breach of duty.

(4) Duty to exercise reasonable care, skill and diligence

A director must exercise the care, skill and diligence which would be exercised by a reasonably diligent person with both the general knowledge, skill and experience that the director actually has, and that to be expected of a person carrying out his/her functions in relation to the company. In effect a director must meet the higher of the two requirements. A director is not deemed to be an expert, but is expected to obtain expert advice if necessary.

(5) Duty to avoid conflicts of interest

A director must avoid a situation where s/he will have, or may have, an interest that conflicts with the interests of the company. There may be actual or potential conflicts between the interests of the Council and the interests of the company. In such circumstances the Councillor or Officer should notify the Council and the company and, if appropriate, take no further part in the determination of the matter giving rise to the interest. For example, this could occur where the Council is considering making a grant to the company, or determining a permission, licence or consent in relation to the company. In extreme cases, if such conflicts regularly arise, it may be necessary for the Councillor or Officer to resign either from the company or from the Council.

(6) Duty not to accept benefits from third parties

A director must not accept a benefit from a third party conferred by reason of his being a director or his doing (or not doing) anything as a director. However, the duty is not infringed if the acceptance of the benefit cannot reasonably be regarded as likely to give rise to a conflict of interest. Acceptance of a benefit may also be authorised by the members or, in some cases, by the board.

(7) Duty to declare interest in proposed transaction or arrangement

A director must declare a direct or indirect interest in a proposed transaction or arrangement with the company that s/he is (or should be) aware of. No disclosure is necessary if the other directors are (or should be) aware of the interest, or if it cannot reasonably be regarded as likely to give rise to a conflict of interest. The interest of a person connected to the director, for example a family member, must be disclosed. Whether the director is then allowed to vote will depend on the Articles of Association.

(8) Duty to ensure compliance with the Companies Acts

Directors are under an obligation to see that various information is filed at Companies House. They also have a duty to prepare and file the company's accounts, and to maintain certain statutory books and registers. Failure to do so may incur fines and persistent default can lead to disqualification as a director.

Directors' Liabilities

10. Directors may be liable in the following circumstances:

(1) The remedies available against a director for a breach of the duties set out at paragraphs 9(1-3) and 9(5-7) above include damages, accounting for profits made, restitution of property and injunctive relief. In practice damages are by far the most common remedy. Damages are the only remedy for a breach of the duty set out at paragraph 9(4).

(2) The company's name must clearly be shown on its business stationery. The company number, place of registration and registered office address must be shown on business letters, order forms (including equivalent emails) and any company website. If any of the directors' names are shown then they must all appear. Non-compliance is an offence and the directors and company officers can be fined.

(3) If a director knows or ought to know that there is no reasonable prospect of the company avoiding liquidation, a Court may require that director to contribute to the company's assets on liquidation if the company continues to trade. This is known as wrongful trading. No such order will be made if the Court is satisfied that the director took all reasonable steps to minimise the loss to the creditors. However, liability can be incurred through failing to act. If a director has concerns about the company's financial position he/she would be well advised to inform the other directors and seek advice from the company auditors. He/she should try to ensure that further debts are not incurred.

(4) A director will also be liable if to his/her knowledge the company carries on business with intent to defraud creditors or any other person, or for any other fraudulent purpose. Fraudulent trading can lead to disqualification from acting as a director. It is also a criminal offence and can lead to a fine or imprisonment.

(5) All cheques and similar documents which purport to be signed on behalf of the company must bear the company name. Where they do not, the director signing on behalf of the company may be liable to a fine and may also be liable to the payee if the company fails to honour the cheque. It is, therefore, wise for directors to make sure that all documents they sign on behalf of the company state very clearly that they act as agent for the company, (e.g. Director, for and on behalf of).

(6) A third party who enters into a contract on the assumption that a director has power to bind the company, may be able to claim damages against the director if it subsequently transpires that the director had no such power. Directors would be well advised to ensure that contracts are approved by the board and that the authority to enter into any contract has been properly delegated before signing it.

(7) Though company liability ceases on dissolution, the liability of the directors (if any) may still be enforced after dissolution.

Indemnities and Insurance

11. The following arrangements apply:

(1) Directors cannot be indemnified by the company against liability arising out of negligence, default, breach of duty or breach of trust in relation to the company.

However, the company's Articles of Association may allow for directors to be indemnified by the company against liability to a third party, although this must not extend to payment of a criminal fine, a financial penalty payable to a regulatory authority, or liabilities incurred in certain legal proceedings where the director is unsuccessful. Please note that it is lawful for companies to purchase insurance to protect their directors against claims of negligence, breach of duty, breach of trust and default. Directors may, therefore, wish to consider maintaining such insurance. For professional directors (accountants, solicitors, etc.) providing specialist knowledge and expertise, professional indemnity insurance may be available at a cost.

(2) The first recourse would be to ensure that the company provides insurance. The Council may provide indemnities for Councillors or Officers when appointing them to act as directors, and has insurance to cover any losses which they may suffer through acting conscientiously as a director.

Local Authorities (Companies) Order 1995

12. This Order sets out rules concerning local authorities' involvement in "regulated companies" which are subject to extensive controls. "Regulated companies" are so defined if they are controlled or influenced by the local authority. These are at present relatively rare, but one such example is London Councils Limited. Members and Officers can obtain further information on the additional rules affecting such companies from the Monitoring Officer.

CHARITIES

General

13. To be a charity an organisation must operate for one of the following charitable purposes and be able to demonstrate that its aims are for the public benefit:

- the prevention or relief of poverty;
- the advancement of education;
- the advancement of religion;
- the advancement of health or the saving of lives;
- the advancement of citizenship or community development;
- the advancement of the arts, culture, heritage or science;
- the advancement of amateur sport;
- the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity;
- the advancement of environmental protection or improvement;
- the relief of those in need, by reason of youth, age, ill-health, disability, financial hardship or other disadvantages;
- the advancement of animal welfare;
- the promotion of the efficiency of the armed forces of the Crown or of the police, fire and rescue services or ambulance services;
- other purposes recognised as charitable under existing law and any new purposes which are similar to another prescribed purpose.

14. A charitable organisation must operate for the public benefit and have exclusively charitable purposes. An organisation that operates for political purposes does not qualify for charitable status. To register as a charity the organisation must submit its governing document (constitution or rules, trust deed, or Memorandum and Articles of Association – depending on whether it is an unincorporated association, trust or limited company) plus any other required documents to the Charity Commissioners for approval. If they are satisfied that the organisation is charitable it will be registered as such.

15. Those who are responsible for the control and administration of a charity are referred to as charity trustees, and will have those obligations even where the charity has the legal form of a company limited by guarantee. Trustees of a charity retain personal liability, and can only delegate to the extent that the governing document authorises them so to do.

16. Specific guidance for those serving on charitable organisations is available from the Charity Commission.

Trustees' Duties

17. Trustees have the following duties:

(1) Trustees must take care to act in accordance with the governing document and to protect the charity's assets. They are also responsible for compliance with the Charities Acts, (and as relevant the Trustee Acts) and should note the particular requirements of the applicable Acts in respect of land transactions.

(2) Trustees must ensure the charity is carrying out its purposes for the public benefit, must always act in the charity's best interests and act with reasonable care and skill.

(3) Generally speaking, trustees must not profit from their position. They cannot receive remuneration or any other personal benefit without the sanction of the Charity Commission. They must also perform their duty with the standard of care which an ordinary, prudent business person would show. Higher standards are required of professionals, and in relation to investment matters.

(4) Trustees must ensure that the information relating to the charity and trustees is registered with the Charity Commissioners and that annual accounts, reports and returns are completed and sent where this is required.

(5) If charitable income exceeds £10,000, the letters, advertisements, cheques etc. must bear a statement that the organisation is a registered charity.

(6) Trustees are under a duty to ensure compliance with all relevant legislation and other regulators (if any) which govern the activities of the charity.

(7) Trustees have a duty of care to their charity if they work with vulnerable groups including children and will need to take the necessary steps to safeguard and take responsibility for them.

Trustees' Personal Liability

18. If in doubt, always consult the Charity Commission. A trustee who does so can avoid personal liability for breach of trust if he/she acts in accordance with the advice given.

19. Liabilities may arise in the following ways:

(1) Generally, a trustee incurs personal liability if s/he:

- acts outside the scope of the governing document
- falls below the required standard of care
- acts otherwise than in the best interests of the charity, in a way which causes loss to the charity
- makes a personal profit from the charity's assets.

(2) In such circumstances the trustee will incur personal liability for losses incurred and/or for personal gain.

(3) Trustees can be personally liable to third parties because, unlike a company, a trust or unincorporated association has no separate identity from the trustees. The governing document will normally provide for trustees to be given an indemnity from the charity's assets, provided they act properly in incurring the liability. Trustees remain personally liable for their own acts and defaults once they have retired. If they have entered into any ongoing contracts on behalf of the charity they should seek an indemnity from their successors. If the charity is a company, the trustees will be protected from liabilities incurred in the day-to-day running of the charity in the normal course, but will be personally liable if they commit a breach of trust (see (1) above).

(4) Trustees may be liable to fines if they do not comply with the duty to make returns etc.

Indemnities

20. An indemnity can be given from the charity's assets provided the trustee has acted properly and within his/her powers. Trustees may take out insurance to protect themselves against personal liability but not for criminal acts, fraud etc. The premiums can be paid out of the charitable funds so long as there is no express prohibition in the governing document, the trustees observe their duty of care, the insurance is in the best interests of the charity and the cost is reasonable.

COMMITTEES OF MANAGEMENT

Unincorporated Associations

21. Groups which are not trusts or limited companies are "unincorporated associations". The rules governing the association's members' duties and liabilities will be set out in a constitution, which is an agreement between the members as to how the organisation will operate. Usually the constitution will provide for a

management committee to be responsible for the everyday running of the organisation. An unincorporated association may be charitable and may register as a charity.

22. Property will have to be held by individuals, and contracts entered into 'on behalf of' unincorporated associations, as they have no separate legal identity from their members.

Duties

23. Broadly, those who are elected or appointed to the association's Management Committee must act within the constitution, and must take reasonable care in exercising their powers and will have the responsibility for holding property and entering into contracts for the association.

Liabilities

24. The following liabilities may arise:

(1) Generally, the Management Committee members are liable for the acts of the organisation, but are entitled to an indemnity from the funds of the organisation if they have acted properly. If there are not enough funds, the Committee members are personally liable for the shortfall.

(2) If one person is appointed by the constitution to act as the agent of the organisation for certain purposes, then that person acts as the agent of all the members, who have joint and several liability for the agent's actions.

(3) Members of the committee of management will have personal liability if they act outside the authority given to them or if they do not comply with statute e.g. the payment of employees' tax etc.

Indemnities

25. Members will be entitled to an indemnity if they act in accordance with the constitution and are not at fault. It is possible to obtain insurance but if the organisation is to pay the premium it must be permitted by the constitution.

APPENDIX B

Eligibility to serve on Outside Organisations

Trustee

Prospective Trustees must meet the following eligibility requirements before any appointments can be made. They must:

- Be at least **18 years old** or at least 16 years old if the charity is also a Company or Charitable Incorporated Organisation (CIO).
- Have no unspent conviction for an offence involving dishonesty or deception.
- Not be declared bankrupt or be subject to bankruptcy restrictions, an interim order or have an individual voluntary agreement (IVA) with creditors.
- Not be disqualified from being a company director.
- Not been removed as a trustee by either the charity commission, the Scottish charity regulator or the High Court due to misconduct or mismanagement.
- Not be disqualified from being a trustee by an order of the Charity Commission under section 181A of the Charities Act 2011

Director

Prospective Directors must meet the following eligibility requirements before any appointments can be made. They must:

- Be at least **16 years old** for the appointment to the Outside organisation to take effect (section 157 Companies Act 2006).
- Not be subject to a bankruptcy restrictions order or undertaking, or a debt relief restrictions order or undertaking.
- Not be subject to an order made under section 429(2)(b) of the Insolvency Act 1986 (disabilities on revocation of administration order against an individual).
- Not be convicted of an indictable offence (whether on indictment or summarily) in connection with the promotion, formation, management, liquidation or striking off of a company, with the receivership of a company's property or with them being an administrative receiver of a company (section 2, Company Directors Disqualification Act 1986).

For further Guidance follow links below to the Charity Commission and Company House websites <https://www.gov.uk/guidance/charity-commission-guidance>
<https://www.gov.uk/government/organisations/companies-house>

GUIDANCE FOR MEMBERS AND OFFICERS ON OUTSIDE ORGANISATIONS

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1.2 Outside organisations include Trusts, Companies, Charities, School Governing Bodies, Community Benefit Societies and Community associations. You may be involved as a director, trustee, governor or member (with or without voting powers).

1.3 In performing your role, you may be acting in various capacities for example as an individual, as a representative of the Council or as director/trustee.

1.4 This can give rise to conflicts of interest, particularly where the organisation is seeking or receiving funding from the Council. You will always need to be clear about your role and alert to potential conflicts of interest so that they can be avoided.

2. General

2.1 Authority to nominate or appoint councillors and officers to serve on outside organisations rests with the Mayor in respect of Executive functions and the General Purposes Committee in respect of non-Executive functions. All nominations to outside organisations are published on the Council's website.

2.2 If you serve on an outside organisation it is your responsibility to commit to the task, attend meetings and support the work of the organisation. Some organisations have rules about attendance (e.g. missing a number of consecutive meetings may lead to loss of the place on the body). It is therefore for you to understand the extent of the commitment before seeking or agreeing to an appointment to an outside organisation.

2.3 Service on an outside organisation requires you to:

- act according to the rules, constitution and framework of the organisation;
- make independent and personal judgements in line with the duty of care to the organisation;
- report back to the Council and lead member or relevant committee as requested or in accordance with any reporting requirements;
- behave ethically, and follow the Council's Member or Officer Codes of Conduct, as appropriate;
- take an active and informed role in the management of the organisation's affairs;
- ensure the Council's Register of Interests is updated to include reference to your role on the organisation.

3. Your Duties and Responsibilities (Council)

3.1 Service on an outside organisation may give rise to a conflict with your role as councillor or officer. This is because as a trustee or a company director you have a legal responsibility to act in the interests of the outside organisation only, as opposed to the interests of the Council or any other body.

3.2 When a conflict of interest arises with your role as councillor/officer on a matter in the Council that relates to the outside organisation to which you have been nominated/appointed, you should seek advice. You should note that the Members' Code of Conduct requires you to avoid conflicts of interest. Accordingly, if a conflict cannot be avoided you may be unable to participate in the decision/discussion that gives rise to the conflict e.g. if you are a cabinet member discussing the terms of a loan or other support to the outside body on which you sit. Officers should seek advice from their Corporate Director as to how best to deal with conflicts and must have regard to the Officers' Code of Conduct.

3.3. Independent or co-opted persons serving on Council Committees are also expected to comply with the Members' Code of Conduct and therefore, should any of those persons also be nominated or appointed by the Council to an outside organisation, the same principles on managing conflicts shall apply to them as elected councillors.

3.4 Subject to any other duties and responsibilities you owe in respect of your service to the outside organisation (for example the duty of confidentiality), you should:

(i) provide an annual (or other agreed frequency) update on the work of the organisation, and

(ii) provide to the General Purposes Committee, any information relevant to any application from the organisation for funding from the Council

4. Your Duties and Responsibilities (Outside Organisation)

Paragraph 2.2 and 2.3 above sets out your responsibilities in respect of the organisation to which you have been appointed. You should familiarise yourself with the organisation's rules including on what to do when you have a conflict on a matter that relates to the Council e.g involvement in a transaction such as the purchase of land by the organization from the council. It is important that you comply with the organisation's rules and processes for dealing with conflicts of interest.

5. Legal Advice

5.1 A guide to the law as it affects councillors and officers serving on outside organisations is attached as **Appendix A**. The guide covers the range of different outside organisations and, therefore, those seeking guidance can refer to the relevant section.

5.2 A guide to the eligibility criteria for serving on outside organisations is attached as **Appendix B**.

For further Guidance follow links below to the Charity Commission and Company House websites <https://www.gov.uk/guidance/charity-commission-guidance>
<https://www.gov.uk/government/organisations/companies-house>

APPENDIX A

SERVICE ON OUTSIDE ORGANISATIONS A GUIDE TO THE LAW

This advice is for councillors and officers who are appointed or nominated by the Council to outside organisations whether as a company director, trustee of a charity or representative on a management committee. It sets out some of the most important responsibilities and requirements relating to service on the outside organisation. More than one set of provisions may apply (for example, if a company limited by guarantee is also a charity). It is not meant to be a comprehensive guide. If you have queries then you should consult the Monitoring Officer.

For the purposes of this Guide, all references to a “Councillor” includes all elected Councillors, and any other individual nominated or appointed by the Council to an outside body.

General

1. There are some general provisions which apply to Councillors and Officers who act in the role of company director, charity trustee, or on the committee of management of an unincorporated voluntary organisation.
2. Councillors are under a duty to exercise independent judgement in the interest of the organisation in which they are involved. Whilst it is recognised that Councillors and Officers may have a commitment to representing the Council on an outside body, they must be aware that it is their responsibility to decide what view to take on any question before that organisation. Where a Councillor or Officer is participating in an outside organisation in a representative capacity, s/he must declare that fact to the organisation. There may be a fine line to tread between his/her duty to the organisation and to the Council.
3. The Councillor or Officer in acting as a director/trustee or member of a management committee of an outside organisation must act in the interests of that organisation. A mandate from the Council to vote one way or the other would put the Councillor or Officer in breach of the duty to that organisation. It is permissible to take account of the Council’s wishes, but not to vote simply in accordance with them.
The overriding duty when considering an item before the outside organisation is to act in accordance with the interests of that organisation.
4. Councillors and Officers must ensure that the organisation is properly managed in accordance with the law and the organisation’s own governing document. They must also ensure that avoidable loss is not incurred in managing the organisation. They cannot avoid these responsibilities by not reading the papers or failing to ask for appropriate reports. They will be expected to seek professional advice where appropriate.
5. An individual may not be appointed or nominated as a charity trustee or director if s/he is disqualified from taking up this position. Eligibility requirements are set out in Appendix B.

COMPANIES

General

6. On incorporation, a company becomes a separate legal entity which can hold property in its own right, enter into contracts and sue and be sued in its own name. The company is distinct from its members and officers. In the case of a limited liability company, the liability of members of the company is limited to the amount they paid or agreed to pay when they joined the company.

7. Companies limited by shares are those that have a share capital. Each member holds shares and receives a share in the profits made by the company according to the value of the shares held. Shares can be sold. Companies limited by guarantee are those where there is no shareholding. Instead each member agrees that in the event of the company being wound up they will pay a certain amount. This may be as little as £1. This form of company is the most usual in the public and voluntary sector particularly where charitable status is sought.

8. The management of a company is generally the responsibility of a board of directors. The powers of the directors are usually set out in the company's Articles of Association (the rules each company has to govern its internal management). Sometimes, even though a company has been incorporated, the directors may be referred to as members of the committee of management, governors or even trustees. However, this does not change their status as directors. Conversely, sometimes officials are called directors but they are not members of the board. Again, their status will not be affected. Directors are those who are appointed by the company to act in that capacity.

Directors' Duties

9. A director is an agent of the company. His/her prime duties are as follows:

(1) Duty to act within powers

Directors are required to act in accordance with the company's constitution and only exercise powers for the purposes for which they are conferred. This means they must stay within the constraints of the objects clause, if there is one, and must observe the other terms of the Articles of Association.

(2) Duty to promote the success of the company

A director must act in a way that s/he considers, in good faith, would be most likely to promote the success of the company for the benefit of the company's members as a whole. Where the purposes of the company include things other than the benefit of the members, for example where the company is a charity, working to achieve these things will amount to working for the success of the company.

(3) Duty exercise independent judgement

A director is under a duty to exercise independent judgement. This means that they must not be unduly influenced by the wishes or instructions of others, though it is permissible for them to take account of the interests of the third party which they represent. In such a case the director must disclose that position and tread a fine line between the interests of the company and the party represented (in this case the

Council). The director cannot vote and speak simply in accordance with the Council mandate. To do so would be a breach of duty.

(4) Duty to exercise reasonable care, skill and diligence

A director must exercise the care, skill and diligence which would be exercised by a reasonably diligent person with both the general knowledge, skill and experience that the director actually has, and that to be expected of a person carrying out his/her functions in relation to the company. In effect a director must meet the higher of the two requirements. A director is not deemed to be an expert, but is expected to obtain expert advice if necessary.

(5) Duty to avoid conflicts of interest

A director must avoid a situation where s/he will have, or may have, an interest that conflicts with the interests of the company. There may be actual or potential conflicts between the interests of the Council and the interests of the company. In such circumstances the Councillor or Officer should notify the Council and the company and, if appropriate, take no further part in the determination of the matter giving rise to the interest. For example, this could occur where the Council is considering making a grant to the company, or determining a permission, licence or consent in relation to the company. In extreme cases, if such conflicts regularly arise, it may be necessary for the Councillor or Officer to resign either from the company or from the Council.

(6) Duty not to accept benefits from third parties

A director must not accept a benefit from a third party conferred by reason of his being a director or his doing (or not doing) anything as a director. However, the duty is not infringed if the acceptance of the benefit cannot reasonably be regarded as likely to give rise to a conflict of interest. Acceptance of a benefit may also be authorised by the members or, in some cases, by the board.

(7) Duty to declare interest in proposed transaction or arrangement

A director must declare a direct or indirect interest in a proposed transaction or arrangement with the company that s/he is (or should be) aware of. No disclosure is necessary if the other directors are (or should be) aware of the interest, or if it cannot reasonably be regarded as likely to give rise to a conflict of interest. The interest of a person connected to the director, for example a family member, must be disclosed. Whether the director is then allowed to vote will depend on the Articles of Association.

(8) Duty to ensure compliance with the Companies Acts

Directors are under an obligation to see that various information is filed at Companies House. They also have a duty to prepare and file the company's accounts, and to maintain certain statutory books and registers. Failure to do so may incur fines and persistent default can lead to disqualification as a director.

Directors' Liabilities

10. Directors may be liable in the following circumstances:

(1) The remedies available against a director for a breach of the duties set out at paragraphs 9(1-3) and 9(5-7) above include damages, accounting for profits made, restitution of property and injunctive relief. In practice damages are by far the most common remedy. Damages are the only remedy for a breach of the duty set out at paragraph 9(4).

(2) The company's name must clearly be shown on its business stationery. The company number, place of registration and registered office address must be shown on business letters, order forms (including equivalent emails) and any company website. If any of the directors' names are shown then they must all appear. Non-compliance is an offence and the directors and company officers can be fined.

(3) If a director knows or ought to know that there is no reasonable prospect of the company avoiding liquidation, a Court may require that director to contribute to the company's assets on liquidation if the company continues to trade. This is known as wrongful trading. No such order will be made if the Court is satisfied that the director took all reasonable steps to minimise the loss to the creditors. However, liability can be incurred through failing to act. If a director has concerns about the company's financial position he/she would be well advised to inform the other directors and seek advice from the company auditors. He/she should try to ensure that further debts are not incurred.

(4) A director will also be liable if to his/her knowledge the company carries on business with intent to defraud creditors or any other person, or for any other fraudulent purpose. Fraudulent trading can lead to disqualification from acting as a director. It is also a criminal offence and can lead to a fine or imprisonment.

(5) All cheques and similar documents which purport to be signed on behalf of the company must bear the company name. Where they do not, the director signing on behalf of the company may be liable to a fine and may also be liable to the payee if the company fails to honour the cheque. It is, therefore, wise for directors to make sure that all documents they sign on behalf of the company state very clearly that they act as agent for the company, (e.g. Director, for and on behalf of).

(6) A third party who enters into a contract on the assumption that a director has power to bind the company, may be able to claim damages against the director if it subsequently transpires that the director had no such power. Directors would be well advised to ensure that contracts are approved by the board and that the authority to enter into any contract has been properly delegated before signing it.

(7) Though company liability ceases on dissolution, the liability of the directors (if any) may still be enforced after dissolution.

Indemnities and Insurance

11. The following arrangements apply:

(1) Directors cannot be indemnified by the company against liability arising out of negligence, default, breach of duty or breach of trust in relation to the company.

However, the company's Articles of Association may allow for directors to be indemnified by the company against liability to a third party, although this must not extend to payment of a criminal fine, a financial penalty payable to a regulatory authority, or liabilities incurred in certain legal proceedings where the director is unsuccessful. Please note that it is lawful for companies to purchase insurance to protect their directors against claims of negligence, breach of duty, breach of trust and default. Directors may, therefore, wish to consider maintaining such insurance. For professional directors (accountants, solicitors, etc.) providing specialist knowledge and expertise, professional indemnity insurance may be available at a cost.

(2) The first recourse would be to ensure that the company provides insurance. The Council may provide indemnities for Councillors or Officers when appointing them to act as directors, and has insurance to cover any losses which they may suffer through acting conscientiously as a director.

Local Authorities (Companies) Order 1995

12. This Order sets out rules concerning local authorities' involvement in "regulated companies" which are subject to extensive controls. "Regulated companies" are so defined if they are controlled or influenced by the local authority. These are at present relatively rare, but one such example is London Councils Limited. Members and Officers can obtain further information on the additional rules affecting such companies from the Monitoring Officer.

CHARITIES

General

13. To be a charity an organisation must operate for one of the following charitable purposes and be able to demonstrate that its aims are for the public benefit:

- the prevention or relief of poverty;
- the advancement of education;
- the advancement of religion;
- the advancement of health or the saving of lives;
- the advancement of citizenship or community development;
- the advancement of the arts, culture, heritage or science;
- the advancement of amateur sport;
- the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity;
- the advancement of environmental protection or improvement;
- the relief of those in need, by reason of youth, age, ill-health, disability, financial hardship or other disadvantages;
- the advancement of animal welfare;
- the promotion of the efficiency of the armed forces of the Crown or of the police, fire and rescue services or ambulance services;
- other purposes recognised as charitable under existing law and any new purposes which are similar to another prescribed purpose.

14. A charitable organisation must operate for the public benefit and have exclusively charitable purposes. An organisation that operates for political purposes does not qualify for charitable status. To register as a charity the organisation must submit its governing document (constitution or rules, trust deed, or Memorandum and Articles of Association – depending on whether it is an unincorporated association, trust or limited company) plus any other required documents to the Charity Commissioners for approval. If they are satisfied that the organisation is charitable it will be registered as such.

15. Those who are responsible for the control and administration of a charity are referred to as charity trustees, and will have those obligations even where the charity has the legal form of a company limited by guarantee. Trustees of a charity retain personal liability, and can only delegate to the extent that the governing document authorises them so to do.

16. Specific guidance for those serving on charitable organisations is available from the Charity Commission.

Trustees' Duties

17. Trustees have the following duties:

(1) Trustees must take care to act in accordance with the governing document and to protect the charity's assets. They are also responsible for compliance with the Charities Acts, (and as relevant the Trustee Acts) and should note the particular requirements of the applicable Acts in respect of land transactions.

(2) Trustees must ensure the charity is carrying out its purposes for the public benefit, must always act in the charity's best interests and act with reasonable care and skill.

(3) Generally speaking, trustees must not profit from their position. They cannot receive remuneration or any other personal benefit without the sanction of the Charity Commission. They must also perform their duty with the standard of care which an ordinary, prudent business person would show. Higher standards are required of professionals, and in relation to investment matters.

(4) Trustees must ensure that the information relating to the charity and trustees is registered with the Charity Commissioners and that annual accounts, reports and returns are completed and sent where this is required.

(5) If charitable income exceeds £10,000, the letters, advertisements, cheques etc. must bear a statement that the organisation is a registered charity.

(6) Trustees are under a duty to ensure compliance with all relevant legislation and other regulators (if any) which govern the activities of the charity.

(7) Trustees have a duty of care to their charity if they work with vulnerable groups including children and will need to take the necessary steps to safeguard and take responsibility for them.

Trustees' Personal Liability

18. If in doubt, always consult the Charity Commission. A trustee who does so can avoid personal liability for breach of trust if he/she acts in accordance with the advice given.

19. Liabilities may arise in the following ways:

(1) Generally, a trustee incurs personal liability if s/he:

- acts outside the scope of the governing document
- falls below the required standard of care
- acts otherwise than in the best interests of the charity, in a way which causes loss to the charity
- makes a personal profit from the charity's assets.

(2) In such circumstances the trustee will incur personal liability for losses incurred and/or for personal gain.

(3) Trustees can be personally liable to third parties because, unlike a company, a trust or unincorporated association has no separate identity from the trustees. The governing document will normally provide for trustees to be given an indemnity from the charity's assets, provided they act properly in incurring the liability. Trustees remain personally liable for their own acts and defaults once they have retired. If they have entered into any ongoing contracts on behalf of the charity they should seek an indemnity from their successors. If the charity is a company, the trustees will be protected from liabilities incurred in the day-to-day running of the charity in the normal course, but will be personally liable if they commit a breach of trust (see (1) above).

(4) Trustees may be liable to fines if they do not comply with the duty to make returns etc.

Indemnities

20. An indemnity can be given from the charity's assets provided the trustee has acted properly and within his/her powers. Trustees may take out insurance to protect themselves against personal liability but not for criminal acts, fraud etc. The premiums can be paid out of the charitable funds so long as there is no express prohibition in the governing document, the trustees observe their duty of care, the insurance is in the best interests of the charity and the cost is reasonable.

COMMITTEES OF MANAGEMENT

Unincorporated Associations

21. Groups which are not trusts or limited companies are "unincorporated associations". The rules governing the association's members' duties and liabilities will be set out in a constitution, which is an agreement between the members as to how the organisation will operate. Usually the constitution will provide for a

management committee to be responsible for the everyday running of the organisation. An unincorporated association may be charitable and may register as a charity.

22. Property will have to be held by individuals, and contracts entered into 'on behalf of' unincorporated associations, as they have no separate legal identity from their members.

Duties

23. Broadly, those who are elected or appointed to the association's Management Committee must act within the constitution, and must take reasonable care in exercising their powers and will have the responsibility for holding property and entering into contracts for the association.

Liabilities

24. The following liabilities may arise:

(1) Generally, the Management Committee members are liable for the acts of the organisation, but are entitled to an indemnity from the funds of the organisation if they have acted properly. If there are not enough funds, the Committee members are personally liable for the shortfall.

(2) If one person is appointed by the constitution to act as the agent of the organisation for certain purposes, then that person acts as the agent of all the members, who have joint and several liability for the agent's actions.

(3) Members of the committee of management will have personal liability if they act outside the authority given to them or if they do not comply with statute e.g. the payment of employees' tax etc.

Indemnities

25. Members will be entitled to an indemnity if they act in accordance with the constitution and are not at fault. It is possible to obtain insurance but if the organisation is to pay the premium it must be permitted by the constitution.

APPENDIX B

Eligibility to serve on Outside Organisations

Trustee

Prospective Trustees must meet the following eligibility requirements before any appointments can be made. They must:

- Be at least **18 years old** or at least 16 years old if the charity is also a Company or Charitable Incorporated Organisation (CIO).
- Have no unspent conviction for an offence involving dishonesty or deception.
- Not be declared bankrupt or be subject to bankruptcy restrictions, an interim order or have an individual voluntary agreement (IVA) with creditors.
- Not be disqualified from being a company director.
- Not been removed as a trustee by either the charity commission, the Scottish charity regulator or the High Court due to misconduct or mismanagement.
- Not be disqualified from being a trustee by an order of the Charity Commission under section 181A of the Charities Act 2011

Director

Prospective Directors must meet the following eligibility requirements before any appointments can be made. They must:

- Be at least **16 years old** for the appointment to the Outside organisation to take effect (section 157 Companies Act 2006).
- Not be subject to a bankruptcy restrictions order or undertaking, or a debt relief restrictions order or undertaking.
- Not be subject to an order made under section 429(2)(b) of the Insolvency Act 1986 (disabilities on revocation of administration order against an individual).
- Not be convicted of an indictable offence (whether on indictment or summarily) in connection with the promotion, formation, management, liquidation or striking off of a company, with the receivership of a company's property or with them being an administrative receiver of a company (section 2, Company Directors Disqualification Act 1986).

For further Guidance follow links below to the Charity Commission and Company House websites <https://www.gov.uk/guidance/charity-commission-guidance>
<https://www.gov.uk/government/organisations/companies-house>



TOWER HAMLETS

STANDARDS ADVISORY COMMITTEE WORK PLAN and ACTION LIST 2023/24

Page 53

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Agenda Item 4

ACTIONS LIST

Action number	Title	Action Owner	Originating Meeting/Item	Due Date / Comment
1.	Attendance requirement made clearer in the Code of Conduct. To be included as part of the Advisory Committee's annual review of the CoC.	Matthew Mannion	June 2023	Annual review of CoC is scheduled for March 2024
2.	Terms of reference - to consider whether explicit reference should be made to the Advisory Committee's role "To monitor and review Member and Officer Procedures for registering interests and declaring gifts and hospitality" as included in its rules of procedure.	Matthew Mannion	June 2023	
3.	Member Attendance – a note to be sent to group whips flagging members where attendance is below 50%	Matthew Mannion	June 2023	
4.	Member Attendance – Terms of reference and similar annual administrative reports to each committee should include a paragraph on expectations for attendance	Matthew Mannion	June 2023	Admin reports are noted by each Council Committee around May/June each year. Reports from 2024 will include this wording.
5.	Member Officer Protocol – final draft to be shared with members of the advisory committee prior to Council submission	Janet Fasan	June 2023	
6.	Member Officer Protocol – remove wording "specific named" from the 'As a member' part of section 5	Janet Fasan	June 2023	

SAC WORK PLAN 2023/24

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

WORK PLAN

REPORT TITLE	BRIEF SUMMARY	LEAD OFFICER	OTHER CTTEE MEETINGS
22 JUNE 2023			
1. Annual Administrative Reports	To note the Committee's terms of reference, membership and meetings for 23-24.	Matthew Mannion, Head of Democratic Services	
2. Member Attendance Statistics	Report on Member attendance for the previous year.	Matthew Mannion, Head of Democratic Services	
3. Proposed revised Member Officer Protocol	To review the next iteration of the revised protocol following consideration in April 2023.	Agnes Adrien, Head of Legal Enforcement and Litigation & Deputy Monitoring Officer	
4. Register of Interests, Gifts and Hospitality Declarations Update	Quarterly update report	Matthew Mannion, Head of Democratic Services	
5. 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 Monitoring Officer	

SAC WORK PLAN 2023/24

21 SEPTEMBER 2023			
1. Register of Interests, Gifts and Hospitality Declarations Update	Quarterly update report	Matthew Mannion, Head of Democratic Services	
2. Code of Conduct for Members – Complaint Monitoring and Associated Matters	6-monthly update report	Janet Fasan, Director of Legal and Monitoring Officer	
3. Update - Guidance and training for Members serving on Outside Bodies	To update on progress implementing actions from the Advisory Committee’s 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	

SAC WORK PLAN 2023/24

7 DECEMBER 2023			
1. Register of Interests, Gifts and Hospitality Declarations Update	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 Monitoring Officer	

SAC WORK PLAN 2023/24

21 MARCH 2024			
1. Annual Report to Council	To review the draft Annual Report to Council	Janet Fasan, Director of Legal and Monitoring Officer	Council 15 May 2024
2. Annual Review of the Code of Conduct	To conduct the annual review of the Council's code of conduct for Members	Janet Fasan, Director of Legal and Monitoring Officer	
3. Register of Interests, Gifts and Hospitality Declarations Update	Quarterly update report	Matthew Mannion, Head of Democratic Services	
4. Code of Conduct for Members – Complaint Monitoring and Associated Matters	6-monthly update report	Janet Fasan, Director of Legal and Monitoring Officer	

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