

### **Meeting of the**

# STANDARDS COMMITTEE

Tuesday, 21 April 2009 at 7.30 p.m.

A G E N D A

#### **VENUE**

Committee Room, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

Members:

Deputies (if any):

Eaton)

Chair: Mr Patrick (Barry) O'Connor Vice-Chair: Mr Satnam Bains

Mr Ibrahim Ali
Ms Suzette Barry
Sister Christine Frost
Mr Eric Pemberton
Mr Muhammad Habibur Rahman
Vacancy
Vacancy

Councillor Stephanie Eaton Councillor Alexander Heslop Councillor Shirley Houghton Councillor Ann Jackson Councillor Abjol Miah

Councillor Peter Golds. (Designated Deputy representing Councillor Shirley Houghton) Councillor Dr. Emma Jones, (Designated Deputy representing Councillor Shirley Houghton) Councillor Azizur Rahman Khan. (Designated Deputy representing Councillor Stephanie Eaton) Councillor Abdul Matin, (Designated Deputy representing Councillor Stephanie Eaton) Councillor Tim O'Flaherty, (Designated Deputy representing Councillor Stephanie

[Note: The quorum for this body is 3 Members, of whom one must be an Independent Member].

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact:

Amanda Thompson, Democratic Services,

Tel: 020 7364 4651, E-mail: amanda.thompson@towerhamlets.gov.uk

# LONDON BOROUGH OF TOWER HAMLETS STANDARDS COMMITTEE

Tuesday, 21 April 2009

7.30 p.m.

#### 1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

#### 2. DECLARATIONS OF INTEREST

**CONSIDERS URGENT** 

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Chief Executive.

		PAGE NUMBER	WARD(S) AFFECTED
3.	MINUTES		7 1 2 3 1 2 2
	To confirm as a correct record of the proceedings the minutes of the ordinary meeting of the Standards Committee held on 20 January 2009.	3 - 6	
4.	REPORTS FOR CONSIDERATION		
4 .1	Draft Guidance On The Provision of References By Councillors	7 - 12	
4 .2	Revised Code of Conduct for Members - Training Progress Report	13 - 14	
4 .3	Members Ethical Standards Self Assessment Questionnaire	15 - 20	
4 .4	Members' Timesheets and Attendance at Meetings - To Follow		
5.	ANY OTHER BUSINESS WHICH THE CHAIR		



### **DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE**

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

#### **Declaration of interests for Members**

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

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

- (a) An interest that you must register
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

<u>What constitutes a prejudicial interest?</u> - Please refer to paragraph 6 of the adopted Code of Conduct.

Your personal interest will also be a <u>prejudicial interest</u> in a matter if (a), (b) <u>and</u> either (c) or (d) below apply:-

- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to <u>improperly influence</u> a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.



#### LONDON BOROUGH OF TOWER HAMLETS

#### MINUTES OF THE STANDARDS COMMITTEE

#### HELD AT 7.30 P.M. ON TUESDAY, 20 JANUARY 2009

# COMMITTEE ROOM, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON, E14 2BG

#### **Members Present:**

Mr Patrick (Barry) O'Connor (Chair)

Mr Ibrahim Ali (Independent Member) Mr Satnam Bains (Vice-Chair)

Ms Suzette Barry (Independent Member)

Councillor Stephanie Eaton

Sister Christine Frost (Independent Member)

Councillor Alexander Heslop Councillor Shirley Houghton Councillor Ann Jackson

Mr Eric Pemberton (Independent Member)

Mr Muhammad Habibur Rahman (Independent Member)

#### Officers Present:

Isabella Freeman – (Assistant Chief Executive [Legal Services] and

Monitoring Officer)

John Williams – (Service Head, Democratic Services)

Louise Fleming – Senior Committee Officer

#### 1. APOLOGIES FOR ABSENCE

No apologies for absence were received.

#### 2. DECLARATIONS OF INTEREST

There were no declarations of interest made.

#### 3. MINUTES

The minutes of the meeting held on 28<sup>th</sup> October 2008 were agreed and signed as a correct record of the meeting.

#### **MATTERS ARISING**

Members asked when the proposed consultation with Members regarding the format of the timesheet would be taking place and were advised that it would be before the next meeting of the Standards Committee in April. Members also queried whether to receive the monitoring report at each meeting of the Committee, rather than 6-monthly. It was suggested that the Committee consider the frequency of future reports as part of the discussion in April.

The Committee was informed that the three Members who, at the last meeting, had not completed their time sheets were now up to date following discussions with their Group leaders.

A briefing note was tabled for Members which provided details on measures taken by the Council in respect of dog fouling, which had been requested by the Committee at its last meeting. Mr Eric Pemberton raised some concern that the measures in place were not working as he had witnessed numerous incidents of dog fouling in the Borough. The Committee was advised that the issue was not within its remit and that the Council's complaints procedure would be the correct way to deal with the matter. Councillor Alex Heslop agreed to make a formal members enquiry.

Members requested an update on the progress of the guidance for residents on planning matters. The Committee was informed that the Interim Corporate Director for Development and Renewal had been advised of the Committee's comments, but that no progress had been made. The issue would be raised with the new Corporate Director and the outcome would be reported back to Members. Ms Freeman, Assistant Chief Executive (Legal Services) and Monitoring Officer, also advised the Committee that she would report to the next meeting the information from Mr Parsons, Service Head Procurement & Corporate Programmes, which Members had requested in respect of compliance with the Ethical Governance Protocol.

#### 4. REPORTS FOR CONSIDERATION

#### 4.1 Ethical Governance Training - Progress and Update Report

Members noted a report on progress with training on ethical governance/standards. It was intended to complete the training by the end of March 2009 and send Members a self-assessment to evaluate the benefit of the training.

#### 4.2 Review of procedure for handling complaints about Member conduct

Ms Isabella Freeman, Assistant Chief Executive (Legal Services) and Monitoring Officer, presented a report which proposed amendments to the Procedure for Handling Complaints about Member Conduct to clarify the process in light of recent experience and emerging best practice.

Members asked a number of questions relating to the procedure for notifying Committee members of complaints made against Councillors and what constituted evidence in an initial assessment of a complaint. Ms Freeman advised that there was a procedure for dealing with anonymous complaints, and that Members would not be notified in the first stage, as the complaint would remain confidential until a decision of the Assessment Sub-Committee had been made. Ms Freeman also advised that there was no definition of what constituted evidence in the Code, however any allegations would be reported to the Sub-Committee, along with as much additional information as was available without investigation at the assessment stage.

Members expressed concern over the time available to read through the documentation and asked whether it would be possible to be sent confidential information in advance. Ms Freeman informed Members that practice among other Monitoring Officers was not to send out confidential information relating to an allegation prior to the Sub-Committee, and this would be continued at this stage. Only the Assessment Sub-Committee would have the information, and not until it meets and is quorate. However, Members would be given as long as required at the meeting to read through the information.

#### **RESOLVED**

- (i) that the amended Procedure for Handling Complaints about Member Conduct, as set out in Appendix A to the Committee report, be agreed;
- (ii) that the Terms of Reference of the Assessment and Review Sub-Committees be amended to reflect the revised paragraphs 11 and 16 of the amended Procedure for Handling Complaints about Member Conduct; and
- (iii) that the local assessment criteria be amended to read

"If there is not enough evidence available to justify a decision to refer the matter for investigation".

#### 5. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

There was no other urgent business.

The meeting ended at 8.20 p.m.

Chair, Mr Patrick (Barry) O'Connor Standards Committee This page is intentionally left blank

# Agenda Item 4.1

Committee: STANDARDS COMMITTEE	Date: 21 April 2009	Classification: UNRESTRICTED	Report No.	Agenda Item No.
Report Of: Assistant Chief Executive Originating Officer: John Williams, Service Head Democratic Services		Title:  DRAFT GUIDANCE ON THE PROVISION OF REFERENCES BY COUNCILLORS  Wards Affected: All		

#### 1. **SUMMARY**

1.1 This report proposes guidance to be followed by Members and Officers in the event that a Member is asked to provide a character or other reference on behalf of a constituent or other acquaintance.

#### 2. **RECOMMENDATION**

2.1 That the Standards Committee endorse the guidance set out at paragraph 4.1 overleaf in relation to the provision of references by Members of the Council.

#### 3. BACKGROUND

- 3.1 Councillors are on occasion asked to provide character or other references on behalf of a ward resident or acquaintance. On a number of occasions recently guidance has been sought in relation to responding to such requests.
- 3.2 Officers have drafted the guidance overleaf in consultation with Councillors and have also sought information from colleagues in other local authorities regarding practice in this matter. Anecdotal evidence suggests that the provision of references by Councillors is fairly common practice in a number of other Councils although in most cases specific written guidance on the matter has not been found.
- 3.3 In drafting this guidance, two main issues are addressed:-
  - (i) does the provision by a Councillor of a reference for a constituent or acquaintance using council stationery and/or other resources represent a proper use of such resources?; and
  - (ii) if so, there is still a need to make clear that the views expressed in the reference are those of the Councillor him/herself and are not necessarily those of the Council.

- 3.4 In relation to the first point, the Council's Member/Officer Protocol states that a Member must use any Council facilities provided in his/her role as a Member strictly for that purpose and no other. Representing constituents is an important part of a Councillor's role and Members will encounter many persons in the course of their duties for example through their constituency work or membership of community groups some of whom may require to provide a third party with a character reference or confirmation of their identify by a recognised professional person. In many cases members of the community may not have ready access to other professional groups who could provide the reference required.
- 3.5 In relation to passport applications, Councillors are specifically identified as one of the groups of responsible persons who are authorised to countersign applications and it is fairly common for the Passport Service to write seeking a letter of reference confirming the countersignature and the identity of the applicant. Guidance on this matter was issued to Councillors in May 2005 and this is attached at Appendix A for information. The guidance on passport applications and related correspondence does confirm that when carrying out this function the Member is considered to be acting in an official capacity.
- 3.6 The provision of references can thus be seen as an important community service. It is therefore suggested that the preparation and despatch of a reference in appropriate cases where the Councillor knows the person concerned and is happy to oblige, should be recognised as a legitimate part of a Member's duties and should be supported by the Council subject to certain safeguards.
- 3.7 These safeguards relate to clarifying the status of the reference. This is important in order to protect the interests of both the Member writing the reference and the Council itself. In particular it must be clear that the Councillor is providing a personal reference based on his/her personal knowledge of the individual, not a reference from the Council.

#### 4. PROPOSED GUIDANCE

4.1 Taking into account the points above, the Standards Committee is recommended to adopt the following guidance for Councillors and officers:-

Draft Guidance for Councillors and Members' Support staff (Mayor & Members' Services, Executive Support Office, Political Advisors and Scrutiny PAs) on Reference Letters from Councillors:-

Councillors are on occasion asked to provide character or other references on behalf of a ward resident or other acquaintance.

In certain circumstances it may be appropriate for a reference to be supplied as a community service but it is important that procedures are in place to protect the interests of both the Councillor and the Council, particularly in relation to the provisions of the revised Code of Conduct on use of Council resources. The Standards Committee has agreed the following guidance to be followed in the event that a Member is requested to prepare a letter of reference for a constituent or other person:-

- The Councillor is not obliged to supply a reference, which will be provided only at his/her discretion and for someone who is known to the Councillor.
- The letter may be prepared on Council letterhead.
- Officers may prepare the letter on behalf of the Councillor but the officer details should not be on the letter head.
- The wording of the reference letter must come from the Councillor him/herself. The Member is giving a personal reference, based on their personal knowledge of the individual, not a reference from the Council. Therefore it is not appropriate for an officer to draft the text of the letter.
- As a matter of practice, all letters will include in the body of the text a clause which indicates that 'this is a personal reference and reflects the views of the Councillor. It is not a Council reference'.
- The Councillor must personally sign the reference letter. Officer may not sign or 'pp' the letter on the Councillor's behalf.

#### 5. COMMENTS OF THE CHIEF FINANCIAL OFFICER

5.1 There are no immediate financial implications arising out of this report. The guidance proposed will provide an endorsement of existing practice.

# 6. <u>CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE</u> (<u>LEGAL SERVICES</u>)

6.1 The legal implications are addressed in the main body of this report.

#### 7. RISK MANAGEMENT IMPLICATIONS

7.1 The proposed guidance is designed to protect the interest of both the Council and its Members from any possible legal challenge or complaint.

#### 8. IMPLICATIONS FOR ONE TOWER HAMLETS

8.1 There are no specific implications for One Tower Hamlets arising out of this report.

## 9. <u>ANTI-POVERTY IMPLICATIONS</u>

9.1 There are no specific anti-poverty implications arising out of this report.

### 10. SAGE IMPLICATIONS

10.1 This report has no immediate implications for the Council's policy of strategic action for a greener environment.

LOCAL GOVERNMENT ACT 1972 (AS AMENDED) SECTION 100D LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

None John Williams 020 7364 4204

#### **APPENDIX 'A':**

#### **Guidance on Countersigning UK Passport Application Forms (May 2005)**

Members' Support has recently noted an increase in the number of queries received from the Passport Office as a result of UK passport application forms countersigned by Members.

In order to assist in the smooth processing of applications, all Members are reminded of the guidance that has been previously issued.

Specifically, if a Member is requested to countersign a passport application form, the Member may in their role as a local councillor sign this only if they have **personally known** the individual for at least 2 years and hold a current British passport or Irish passport. When countersigning the application, the Member will need to enter their current British passport number.

When signing the application form, Members are reminded to check that the name on the form matches that of the individual that has presented the form, and that the photograph (which is also to be signed) is a current likeness of the individual.

As a general reminder, a Member must not sign an application form for any person who is related by birth or by marriage, involved in a relationship with the applicant or residing at the same address.

The UK Passport Service conducts checks to confirm that the countersignatory is genuine and will contact people to check whether they actually do know the person whose application form they have signed.

When countersigning the UK Passport Application it is considered that the Member is acting in an official capacity and the Member may not charge the applicant nor receive payment for this service. Finally, under no circumstances should Members sign a blank or partially completed application form.

For more information please contact Beverley McKenzie, Members' Support Manager on 020 364 4872

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# Agenda Item 4.2

Committee: STANDARDS COMMITTEE	Date: 21 April 2009	Classification: UNRESTRICTED	Report No.	Agenda Item No.
Report Of: Assistant Chief Executive (Legal Services) Originating Officer: Isabella Freeman		Title:  Revised Code of Conduct for Members - Training Progress Report  Wards Affected: All		

#### 1. **SUMMARY**

1.1 This report informs Members of progress and the current position in relation to Member training on the Revised Code of Conduct.

### 2. **RECOMMENDATION**

2.1 Members are asked to consider and note the content of this report

LOCAL GOVERNMENT ACT 2000 (SECTION 97)
LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

Standards Committee file

#### 3. PROGRESS AND CURRENT POSITION

3.1 During December 2007 and June/July 2008 training was offered for all Members on the revised Code of Conduct adopted by full Council on 11 September 2007. A small number of Councillors and Independent/Co-Opted Members were unable to attend this training and an additional programme of individual and small group sessions was therefore arranged at the start of this year. This programme is now complete so that it is now possible to progress an Ethical Standards Self Assessment audit which is referred to elsewhere on the Committee's agenda.

### 4. <u>COMMENTS OF THE CHIEF FINANCIAL OFFICER</u>

4.1 There are no immediate financial implications arising out of this report.

# 5. <u>CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE</u> (LEGAL SERVICES)

5.1 This report has been prepared by the Assistant Chief Executive (Legal Services) who is also the Council's Monitoring Officer and incorporates legal comments.

#### 6. RISK MANAGEMENT IMPLICATIONS

6.1 The training programme referred to in this report is designed to ensure that all Members understand and comply with their responsibilities under the revised Code of Conduct for Members.

#### 7. ONE TOWER HAMLETS CONSIDERATIONS

7.1 The training measures outlined in this report are also important for ensuring that Members understand and comply with their responsibilities in relation to ethical governance which is key to maintaining effective community leadership and confidence in local democracy.

#### 8. SAGE IMPLICATIONS

8.1 This report has no immediate implications for the Council's policy of strategic action for a greener environment.

# Agenda Item 4.3

Committee: STANDARDS COMMITTEE	Date: 21 April 2009	Classification: UNRESTRICTED	Report No.	Agenda Item No.
Report Of: Assistant Chief Executive (Legal Services) Originating Officer: Isabella Freeman		Title:  Members Ethical Standards Self Assessment Questionnaire  Wards Affected: All		

#### 1. **SUMMARY**

1.1 This report sets out proposals to survey Members using an Ethical Standards Self Assessment Questionnaire following recent completion of Member training on the Revised Code of Conduct for Members.

#### 2. **RECOMMENDATIONS**

2.1 The Committee is asked to agree proposals for the survey of Members detailed in this report and approve the draft Ethical Standards Self Assessment Questionnaire attached as Appendix One.

LOCAL GOVERNMENT ACT 2000 (SECTION 97)
LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder Isabella Freeman 020 7364 4800

Standards Committee file

#### 3. BACKGROUND AND SURVEY PROPOSALS

- 3.1 As part of the ethical framework for local government, the Council adopted a revised Code of Conduct for Members on 11 September 2007. As reported elsewhere on the Committee's agenda an extensive training programme for Members has been completed so that it is now possible to progress an Ethical Standards Self Assessment audit which is included in the Committee's current work programme.
- 3.2 A similar exercise was undertaken in 2005 and it would now be opportune to repeat the survey having regard to the changes in the standards framework (including the introduction of the local assessment of complaints about Member conduct) and changes in membership of the Council that have occurred since 2005. A revised draft Questionnaire has therefore been drafted to take account of these changes which is attached as Appendix One for consideration and approval by the Committee.
- 3.3 The Questionnaire is designed to measure Members understanding of the application of the Code of Conduct and related ethical governance issues. All Members of the Council will be invited to complete the Questionnaire during May/June 2009 and an analysis of the outcome of the survey will be provided to autumn meeting of this Committee.

#### 4. COMMENTS OF THE CHIEF FINANCIAL OFFICER

4.1 There are no immediate financial implications arising out of this report.

# 5. <u>CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE</u> (LEGAL SERVICES)

5.1 This report has been prepared by the Assistant Chief Executive (Legal Services) who is also the Council's Monitoring Officer and incorporates legal comments.

#### 6. RISK MANAGEMENT IMPLICATIONS

6.1 The work to ensure high ethical standards should improve confidence in local democracy and protect the interests and reputation of the Council.

#### 7. ONE TOWER HAMLETS CONSIDERATIONS

7.1 The measures outlined in this report will help to ensure that Members understand and comply with their responsibilities in relation to ethical

governance which is key to maintaining effective community leadership and confidence in local democracy.

## 8. SAGE IMPLICATIONS

8.1 This report has no immediate implications for the Council's policy of strategic action for a greener environment.

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### ETHICAL STANDARDS SELF ASSESSMENT QUESTIONNAIRE

## Please answer/tick box as appropriate:

1.	How clear are you about your responsibilities under the Code of Conduct for Members?
	(a) clear [ (b) fairly clear [ (c) not very clear [
2.	How useful did you find the training provided in respect of the Revised Code of Conduct for Members and related ethical standards issues?
	(a) useful [ (b) fairly useful [ (c) not very useful [
3.	How clear are you about which interests you need to register?
	(a) clear (b) fairly clear (c) not very clear
4.	How well do you understand the difference between personal and prejudicial interests?
	(a) well [ (b) fairly well [ (c) not very well [
5.	How well do you understand the role of the Standards Committee in relation to the local assessment of complaints about Member conduct?
	(a) well [ (b) fairly well [ (c) not very well [
6.	How useful do you find the annual report provided by the Chair of the Standards Committee to full Council?
	(a) useful [ (b) fairly useful [ (c) not very useful [
7.	What do you think is the most important function of the Standards Committee?
8.	How clear are you about the role of the Council's Monitoring Officer?
	(a) clear [ (b) fairly clear [ (c) not very clear [
9.	Who is the Council's Monitoring Officer?
	(a) Chief Executive $\square$ (b) Corporate Director Resources $\square$ (c) Assistant Chief Executive (Legal Services) $\square$
10.	How familiar are you with the provisions of the Council's Whistleblowing procedure?
	(b) familiar (b) fairly familiar (c) not very familiar
11.	If you are currently (or have in the past two years been) a member of any of the Council's licensing and/or planning committees how useful did you find the training in respect of the Licensing/Planning Codes of Conduct?
	Licensing: (a) useful (b) fairly useful (c) not very useful Planning: (a) useful (b) fairly useful (c) not very useful (
12.	Are there any areas of further training, briefing sessions or guidance notes in relation to ethical standards which you would find useful?

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