



Meeting of the

STANDARDS (ADVISORY) COMMITTEE

**Thursday, 24 October 2013 at 7.30 p.m.
Or at the rise of the training session whichever is the later.**

AGENDA

VENUE

**ROOM C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON E14 2BG**

Members:	Deputies (if any):
Chair: Matthew William Rowe Vice-Chair: Eric Pemberton	
Grenville Mills John Pulford MBE Patrick (Barry) O'Connor Salina Bagum Barry Lowe	
Councillor David Edgar Councillor Judith Gardiner Councillor Zara Davis Councillor Sirajul Islam Councillor Fozol Miah Councillor Abdul Asad Councillor Motin Uz-Zaman	Councillor Harun Miah, (Designated Deputy representing Councillor Fozol Miah) Councillor Gloria Thienel, (Designated Deputy representing Councillor Zara Davis) Councillor Dr. Emma Jones, (Designated Deputy representing Councillor Zara Davis) Councillor Rofique U Ahmed, (Designated Deputy representing Councillor Abdul Asad) Councillor Mizan Chaudhury, (Designated Deputy representing Councillors David Edgar, Judith Gardiner, Sirajul Islam and Motin Uz-Zaman)

Observer:
Ezra Zahabi, (Reserve Independent Person)
Elizabeth Hall, (Independent Person)

Councillor Ann Jackson, (Designated Deputy representing Councillors David Edgar, Judith Gardiner, Sirajul Islam and Motin Uz-Zaman)
Councillor M. A. Mukit MBE, (Designated Deputy representing Councillors David Edgar, Judith Gardiner, Sirajul Islam and Motin Uz-Zaman)

[Note: The quorum for this body is 3 of the total membership and this must include at least one Councillor and one Co-opted member.]

Committee Services Contact:

Angus Taylor: Democratic Services,,

Tel: 020 7364 4333 E-mail:angus.taylor@towerhamlets.gov.uk

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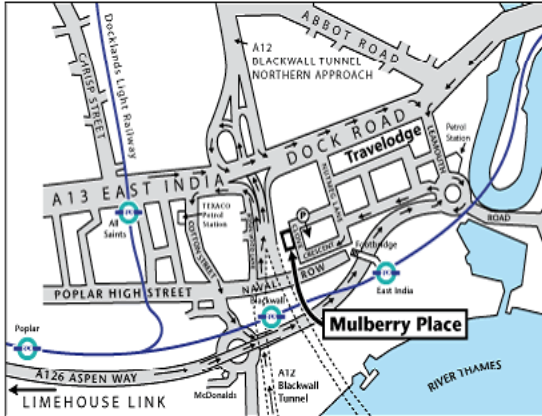
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LONDON BOROUGH OF TOWER HAMLETS

STANDARDS (ADVISORY) COMMITTEE

Thursday, 24 October 2013

7.30 p.m.

SECTION ONE

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

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 Interim Monitoring Officer.

3. MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of the Standards (Advisory) Committee held on 18th June 2013.

4. UNRESTRICTED REPORTS FOR CONSIDERATION

4.1 Appointment of Independent Person, Reserve Independent Person and Co-opted Members of SAC

To note the contents of the report.

4.2 Amendments to the Procedure for Dealing with Complaints of a Breach of the Code of Conduct - Decision of the Council Meeting on 18th September 2013

To note the contents of the report; and to receive an oral report from the Interim Monitoring Officer on streamlining arrangements for dealing with complaints of a breach of the Code.

PAGE NUMBER	WARD(S) AFFECTED
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1 - 4

5 - 14

15 - 20

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4 .3 Code of Conduct for Members - Complaints and Investigation Monitoring 31 - 36

To note the monitoring information contained in the report.

4 .4 Anti- Fraud and Corruption Strategy and Proactive Anti -Fraud Plan 2013-14 37 - 84

To note the contents of the report.

4 .5 Complaints and Information Governance Annual Report 2012/ 2013 (To Follow)

To consider and comment on the information set out in the report.

4 .6 Covert investigation under the Regulation of Investigatory Powers Act 2000 85 - 92

Consider and comment upon the information provided in the report.

4 .7 Members' Attendance and Timesheets Monitoring 93 - 104

To note the monitoring information set out in the report and consider whether any further action is required by the SAC Chair in connection with it.

5. ANY OTHER UNRESTRICTED BUSINESS WHICH THE CHAIR CONSIDERS URGENT

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.”

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.

SECTION TWO

7. EXEMPT/ CONFIDENTIAL REPORTS FOR CONSIDERATION

7.1 Covert investigation under the Regulation of Investigatory Powers Act 2000 - Appendix 2 105 - 122

To note the contents of Appendix 2 and agree that its exempt status be maintained and that it not be published.

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

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

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE INTERIM MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Mark Norman, Interim Monitoring Officer, 020 7364 4801; or
John Williams, Service Head, Democratic Services, 020 7364 4204

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	<p>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.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>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—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
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	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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.</p>

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STANDARDS (ADVISORY) COMMITTEE

HELD AT 7.35 P.M. ON TUESDAY, 18 JUNE 2013

**ROOM C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON E14 2BG**

Members Present:

Mr Eric Pemberton	(Co-opted Member)
Ms. Salina Bagum	(Co-opted Member)
Mr Denzil Johnson	(Co-opted Member)
Councillor David Edgar	
Councillor Judith Gardiner	
Councillor Zara Davis	
Councillor Abdul Asad	(Cabinet Member for Health and Wellbeing)

Officers Present:

Jill Bell	– (Head of Legal Services (Environment), Legal Services, Chief Executive's)
Minesh Jani	– (Head of Audit and Risk Management , Resources)
Angus Taylor	– (Principal Committee Officer, Democratic Services, Chief Executive's)
John Williams	– (Service Head, Democratic Services, Chief Executive's)

1. ELECTION OF CHAIR FOR THE MUNICIPAL YEAR 2013/14

The clerk sought nominations for the Chair of the Standards (Advisory) Committee (SAC) for the Municipal Year 2013/14.

Mr Eric Pemberton, nominated Mr Matthew William Rowe as Chair of the SAC for the Municipal Year 2013/14. Councillor David Edgar seconded the nomination.

There being no other nominations it was: -

Resolved

That Mr Matthew William Rowe be elected to serve as Chair of the Standards (Advisory) Committee for the Municipal Year 2013/14, or until a successor is appointed.

Action by:

Angus Taylor (Principal Committee Officer, Democratic Services, CE's)

2. ELECTION OF VICE-CHAIR FOR THE MUNICIPAL YEAR 2013/14

In the absence of the Chair, the clerk sought nominations for the Vice-Chair of the Standards (Advisory) Committee (SAC) for the Municipal Year 2013/14.

Mr Denzil Johnson, nominated Mr Eric Pemberton as Vice-Chair of the SAC for the Municipal Year 2013/14. Councillor Edgar seconded the nomination.

There being no other nominations it was: -

Resolved

That Mr Eric Pemberton be elected to serve as Vice-Chair of the Standards (Advisory) Committee for the Municipal Year 2013/14, or until a successor is appointed.

Action by:

Angus Taylor (Principal Committee Officer, Democratic Services, CE's)

MR ERIC PEMBERTON (VICE-CHAIR) IN THE CHAIR

3. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of:

- Councillor Motin Uz-Zaman.
- Councillor Sirajul Islam.
- Mr Matthew Rowe (Co-opted member of SAC)

Noted

4. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of Disclosable Pecuniary Interest or other declarations of interest were made.

5. MINUTES

Matter Arising

Ms Jill Bell, Head of Legal Services (Environment), informed the SAC that at the SAC meeting held on 16th April 2013 the committee had requested that a report be presented to a future SAC meeting with all relevant information pertaining to the matter arising on the minutes raised by Councillor Golds. As the matter was not completed it was not appropriate for the SAC to receive a report at the current time, for the reasons explained and minuted at the April meeting. A report would be presented on the matter in due course, once the matter had been resolved.

The Chair **Moved** and it was:-

Resolved

That the unrestricted minutes of the ordinary meeting of the Standards (Advisory) Committee, held on 16th April 2013, be agreed as a correct record of the proceedings, and the Chair be authorised to sign them accordingly.

Action by:

Angus Taylor (Principal Committee Officer, Democratic Services, CE's)

6. REPORTS FOR CONSIDERATION

6.1 Standards (Advisory) Committee - Terms of Reference, Membership, Quorum, Dates of Meetings and Establishment of Sub-Committees 2013/14

Ms Jill Bell, Head of Legal Services (Environment), introduced and highlighted key points in the report, which:

- Provided the Terms of Reference, Membership, Quorum and Dates of meetings of the SAC for the Municipal Year 2013/14 for the Committee's information;
- Recommended the SAC to establish three sub-committees for the Municipal Year 2013/14.

The Chair **Moved** the recommendations as set out in the report, and it was:-

Resolved

1. That the Standards (Advisory) Committee Terms of Reference, Membership, Quorum, Dates of future meetings and timing thereof, as set out in Appendices 1, 2 and 3 to the report, be noted;
2. That the current vacancy in the co-opted membership of the Standards (Advisory) Committee, resulting from the resignation of Ms Sue Rossiter in 2013, be noted;
3. That the following sub-committees be established for the Municipal year 2013/14, to be convened as required on an ad hoc basis with membership

agreed by the Monitoring Officer from amongst the members of the Standards (Advisory) Committee, including in each case a minimum of three members, at least two of whom shall be co-opted members in accordance with the arrangements agreed by the Authority:-

- Investigation and Disciplinary Sub-Committee
- Hearing Sub-Committee
- Dispensations Sub-Committee

Action by:

Angus Taylor (Principal Committee Officer, Democratic Services, CE's)
Isabella Freeman (Assistant Chief Executive and Monitoring Officer)

6.2 Standards (Advisory) Committee - Work Programme 2013/14

Ms Jill Bell, Head of Legal Services (Environment), introduced and highlighted key points in the report, which set out a proposed work programme for the SAC in the Municipal Year 2013/14.

A discussion followed which focused on the following points:-

- Consideration that, in the context of the tri-annual external inspection of the Authority's activities in relation to investigations under the Regulation of Investigatory Powers Act 2000 (RIPA), referenced in the minutes of the 16th April SAC meeting [Agenda item 4.2/ discussion bullet 1], it would be appropriate that in conjunction with consideration of the Quarter 1 RIPA Enforcement report at the 24th October SAC meeting that a report on the outcome of the inspection be reported to the SAC. Accordingly Councillor Edgar proposed that the work programme be amended to reflect this.
- Mr John Williams, Service Head Democratic Services, advised that there was a requirement for the SAC to report annually on its activities to full Council. The SAC had been established in July 2012, so such a report was soon due for submission, and therefore the work programme should include provision for consideration of the SAC Annual report on its activities during the Municipal Year 2012/13.

The Chair **Moved** the recommendations set out in the report (taking account of the proposed amendment from Councillor Edgar and the advice of Mr Williams, Service Head Democratic Services), and it was:-

Resolved

1. That the proposed SAC work programme for the Municipal Year 2013/14, as set out in Section 4 of the report be noted; and
2. That, subject to the amendments set out at (a) and (b) below, the SAC work programme for the Municipal Year 2013/14, as set out in Section 4 of the report, be agreed.

- (a) That the outcome of the tri-annual external inspection of the Authority's activities in relation to investigations under the Regulation of Investigatory Powers Act 2000 (RIPA) be presented for consideration at the 24th October SAC meeting, in conjunction with the Quarter 1 RIPA Enforcement report.
- (b) That the work programme include provision for consideration of the SAC Annual report to Full Council on its activities during the Municipal Year 2012/13 [24th October SAC meeting].

Action by:

Isabella Freeman (Assistant Chief Executive and Monitoring Officer)
John Williams (Service Head Democratic Services, Chief Executive's).

6.3 Corporate Governance Review

Mr Minesh Jani, Head of Audit and Risk Management, introduced and highlighted key points in the report, which advised that the Council's corporate governance arrangements were reviewed regularly against a framework of good practice produced jointly by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives (SOLACE); and reported the outcome of the most recent review completed in May 2013.

Clarification/ assurance was sought and given regarding the inter-linkage between the Corporate Governance Review and the review of governance in LBTH currently being undertaken by the LGA and London Councils.

The Chair **Moved** the recommendation, as set out in the report; and it was: -

Resolved:

That the contents of the report, and the outcome of the Corporate Governance Review as detailed in Appendix A to the report, be noted.

6.4 Code of Conduct for Members: Complaints Monitoring & Proposed Revisions to the Arrangements for Dealing with Complaints

Ms Jill Bell, Head of Legal Services (Environment), introduced and highlighted key points in the report, which:

- Reported on the number and nature of complaints received about alleged failures to comply with the Code of Conduct for Members, and action taken as a result, for the information of the SAC, in accordance with the arrangements for dealing with such complaints agreed by the full Council in June 2012.
- Recommended revisions to the arrangements for dealing with complaints about Member conduct, prior to the Monitoring Officer submitting proposals to full Council.

- A comprehensive discussion followed which focused on the following points:-
- Clarification sought and given as to the number of complaints received about Member conduct in LBTH compared to other London boroughs. *Complaint numbers exceeded those in other London boroughs, and Ms Bell, Deputy Monitoring Officer, expressed concern at the level of resources required to deal with these.*
 - Comment that the explanation for the higher level of complaints was misuse of the complaint process with inappropriate/ less constructive complaints than the arrangements were intended for; also that LBTH may have higher levels of sub-standard Member conduct. In this context consideration that future monitoring of the cost of processing each complaint, although requiring some additional resource, might prove beneficial in reducing the level of complaints when the level of resources used for processing them and diverted from more productive uses for Council priorities became apparent.
 - Consideration also that such an exercise, and use of resources for it, should only be undertaken if there were tangible steps the Authority could take to streamline arrangements to reduce the number of complaints.
 - Consideration that the outcomes of complaints about Member conduct made under the arrangements should also be reviewed and the process streamlined. There had been cases where, in accordance with the arrangements for dealing with such complaints agreed by full Council in June 2012, an Investigation and Disciplinary Sub-Committee of the SAC (IDSC) had been convened when there was clearly insufficient evidence to substantiate the complaint. This was wasteful of Council resources, and it would be more efficient to make provision within the arrangements for 2 independent people to agree non-progression to an investigation at the IDSC, provided there had been a thorough assessment. Consideration also that streamlining the process with a focus on local dispute resolution may prove beneficial. *Ms Bell advised that since the arrangements agreed in June 2012 the Monitoring Officer (MO) and Independent Person (IP) were required to convene an IDSC in all cases to adjudicate on the MO recommendation not to refer a complaint for an investigation. However at the last meeting IDSC members had considered the case did not merit the convening of an IDSC, and Officers could review the complaints process so the MO in consultation with the IP could terminate a complaint at an earlier point, if appropriate, and report back to SAC accordingly; and that would be more cost effective. It was however important that complaints were considered and an appropriate level of investigation was undertaken before the matter was closed.*
 - Consideration that, in the context of concerns raised by SAC members and Officers of a need to streamline the complaints process to make it resource efficient, it was not necessary to undertake a lengthy monitoring exercise on the cost of processing each complaint. Accordingly Councillors Davis and Edgar **proposed** that Officers informally consult the political group leaders, the Mayor and the Speaker of the Council, about streamlining the complaints process to make it resource efficient, within the constraints of the Law and Constitution, with a view to achieving consensus on this, and report back to the next meeting of the SAC. The

report back to include a breakdown of IDSC decisions endorsing (or not) the MO recommendation reached after consultation with the IP.

- Clarification sought and given as to whether the proposed revision to arrangements for dealing with complaints about Member conduct was primarily prompted by logistical issues caused by the diary commitments of people needed to process complaints. This had led to matters taking longer than anticipated. Whether interviews could be undertaken over the telephone, written submissions could be made, email used to ascertain necessary information, audio conferencing used rather than holding interview meetings at the Town Hall. Such mediums had been used, but person to person discussion was acknowledged to produce a better picture/ fuller facts. Emailing of agenda papers to IDSC members was not appropriate because of the need to ensure confidentiality for the information they contained.
- Consideration by some SAC members that the investigation of a complaint about Member conduct was very stressful for the subject of the investigation; accordingly concern expressed regarding the significant extension of the timescales for completion of an investigation/ convening of an IDSC proposed in the report. Acknowledgement by some SAC members that there was a need for pragmatism given the operational difficulties experienced with current timescales for completion of an investigation/ convening of an IDSC. Consideration also that extension of these timescales could be mitigated in part by a streamlining of the complaints process, as proposed earlier in the discussion.
- Clarification sought as to how the proposed timescale of 3 months for completion of an investigation, once referred for investigation, compared with the Authority's procedures for investigation of staff grievances.
- Welcomed the proposed extension of provisions, within the arrangements for dealing with complaints about Member conduct, to seek a local resolution. Consideration that it would be appropriate to make use of mediation services used by the Authority in other areas to this end.
- Ms Bell advised that to retain the 1 month timescale for completion of an investigation, once a complaint was referred for investigation, placed the Authority at risk of challenge (for not adhering to its procedures) were the timescale not met. To date this timescale had rarely been met, and Ms Bell detailed examples/ reasons for this. Retention of the 1 month timescale might also require reports to state that interview appointments had not been kept and this could result in members not having sufficient information on which to make a judgment.
- Consideration that repeated cancellation of interview appointments by either party to a complaint were not acceptable, as this facility could be abused. The Judicial System did not permit this, and a more robust process was required at LBTH to encourage engagement by both parties with the complaints process: a limit on the number of appointments offered to complainants before the complaint fell and similarly for the subject of the complaint before it was dealt with in absentia. Clarification was sought and given on the procedure for dealing with cancelled interview appointments.

- Noted that the final paragraph of the current arrangements for dealing with complaints [Appendix A] stated that the timelines set out in the procedure [for dealing with complaints about Member conduct] were for guidance only and could be extended by the MO, so a challenge on procedural grounds for a more lengthy investigation was unlikely to be successful.
- Clarification was sought and given as to whether the proposed timescale of 3 months for completion of an investigation, once referred for investigation, could be extended by a further month by the MO under the provisions of paragraph 8 of the current arrangements [Appendix A].
- Clarification was sought and given as to whether there was a fundamental problem with the current arrangements, in that complaints could not be properly investigated/ were abandoned because of a lack of cooperation of Members who were the subject of complaint, without which the information to substantiate a complaint was insufficient. *If the subject Member did not make a submission only one side of the case was available and a conclusion based on this engendered risk. Third party or alternative evidence could sometimes be obtained but this was much more difficult. Examples cited.*
- Clarification sought and given on maximum timescale to date to complete an investigation.
- Councillor Davis **proposed** that, given the operational difficulties encountered in convening an IDCS, the recruitment to the current vacancies for co-opted SAC members should be prioritised. *Ms Bell clarified that securing co-opted SAC members to sit on the IDSC had not been problematic to date, however a larger pool of candidates would be helpful.*
- Summarising SAC discussion regarding the proposed extension of the timescale for completion of an investigation, once referred for investigation, Councillor Edgar **proposed** that full Council be recommended to extend this timescale from the current 1 month to 2 months, with the current provision for a further 1 month extension by the MO, under the provisions of paragraph 8 of the current arrangements, to remain; providing for a total of 3 months.

The Chair **Moved** the recommendations set out in the report (taking account of the additional recommendation proposed by Councillors Edgar and Davis, the amendment to recommendation 2.2 proposed by Councillor Edgar, and the additional recommendation proposed by Councillor Davis), and it was:-

Resolved

1. That the complaints monitoring information contained in the report, be noted;
2. That, subject to (a) below, the proposed revisions to arrangements for dealing with complaints about Member conduct, prior to the Monitoring Officer (or designated deputy) submitting proposals to full Council for approval; be endorsed:

- (a) Extension of the timescale for completion of an investigation, once a complaint is referred for investigation, from the current 1 month to 2 months, with the current provision for a further 1 month extension by the Monitoring Officer, under the provisions of paragraph 8 of the current arrangements, to remain; providing for a total of 3 months.
3. That the Monitoring Officer (or designated deputy) informally consult the political group leaders, the Mayor and the Speaker of the Council, about streamlining the current arrangements for dealing with complaints about Member conduct to make it resource efficient, within the constraints of the Law and Constitution, with a view to achieving consensus on this; with the outcome to be reported back to the next meeting of the SAC.
4. That recruitment to the current vacancies for co-opted SAC members should be prioritised, in order to facilitate arrangements for dealing with complaints about Member conduct.

Action by:

Isabella Freeman (Assistant Chief Executive and Monitoring Officer)
John Williams (Service Head Democratic Services, Chief Executive's).

6.5 Appointment of Independent Person - update (To Follow)

Mr John Williams, Service Head Democratic Services, gave an oral report, in which he:

- Outlined the background of the 'Independent Person' (IP) role introduced nationally under the new 'standards regime resulting from the Localism Act 2011.
- Highlighted the nature of the candidate required for the role of IP, as specified in Government guidance. Also the provision for transition arrangements whilst recruiting the IP, and that Mr Barry O'Connor had undertaken an Interim IP role under these provisions, but by Law this could not extend beyond June 2013.
- Summarised progress to date on implementing the timetable for IP recruitment agreed by the SAC in July 2012:
 - An initial advert for the IP role, placed in October 2012, yielded no response.
 - The role had been re-advertised in the local press, resulting in 12 applications for it.
 - 3 shortlisted candidates were interviewed on 11th June 2013, by a panel comprising the independent Chair of the SAC, 3 LBTH Councillors the Interim IP and the Monitoring Officer.
 - An IP and reserve IP had been appointed (and both had accepted the position offered) as follows:-
 - IP - Ms Elizabeth Hall
 - Reserve IP – Ms Ezra ZahabiThe background and credentials for each were also outlined.

- Outlined the next steps: Recommendation of the appointments, for a term of 3 years effective from 1st July 2013, would be made to full Council on 26th June 2013 (the Council Report was **Tabled** a copy of which will be interleaved with the minutes). Assuming approval of the appointments the IP and Reserve IP would be invited to all future SAC meetings in the capacity of observers.

The Chair **Moved** and it was:-

Resolved

That the contents of the oral report be noted;

7. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

The Chair commented that envelopes containing official correspondence that he had received recently had been torn or open at the top and bottom. Mr Williams, Service Head Democratic Services, responded that he would review the supply of envelopes used which were clearly not of adequate quality.

Action by:

John Williams (Service Head Democratic Services, Chief Executive's).

The meeting ended at 8.35 p.m.

Chair,
Standards (Advisory) Committee

Agenda Item 4.1

Committee/Meeting: Standards Advisory Committee	Date: 24 th October 2013	Classification: Unrestricted	Report No:
Report of: Service Head, Democratic Services Originating officer(s): John Williams		Title: Appointment of Independent Person, Reserve Independent Person and Co-opted Members of SAC Wards Affected: All	

1. SUMMARY

(a) Independent Person and Reserve Independent Person

- 1.1 A key element in the new standards regime introduced by the Localism Act 2011 is the appointment of at least one Independent Person to advise the Council on any allegation it is considering, and who may also provide advice to a member facing an allegation who has sought the views of that person.
- 1.2 In accordance with transitional arrangements the Council on 18th June 2012 appointed Barry O'Connor, former Independent Chair of the Standards Committee, to serve as the interim Independent Person until 30th June 2013. SAC on 12th July 2012 agreed a process for recruitment of an Independent Person and Reserve Independent Person. That process is now complete and the Council on 26th June 2013 made the following appointments:-

Independent Person:- That **Ms Elizabeth Hall** be appointed as Independent Person with effect from 1st July 2013 for a term of office of three years.

Reserve Independent Person:- That **Ms Ezra Zahabi** be appointed as Reserve Independent Person with effect from 1st July 2013 for a term of office of three years.

- 1.3 The Independent Person and Reserve Independent Person will be invited to attend meetings of the Standards Advisory Committee as observers.

(b) Co-opted Members of the Standards Advisory Committee (SAC)

- 1.4 The membership of the SAC includes up to seven persons who are not Members or officers of the Council to be appointed as voting co-opted members. The co-opted members are appointed by the Council, for a term of office of four years unless otherwise determined by the Council.
- 1.5 As at the Annual Council Meeting in May 2013, two of the seven co-opted positions on the SAC were vacant. Subsequently another of the co-opted members, Mr Denzil Johnson, gave notice that due to business commitments

he would be unavailable for a period of approximately eight months, until the end of April 2014.

- 1.6 The Committee had previously indicated its intention to recommend the re-appointment as a co-optee of Mr Barry O'Connor, following the completion of his appointment as the interim Independent Person. The remaining vacancies were advertised and the Council on 18th September 2013 made the following appointments:-

Co-opted Members:- That **Mr Barry O'Connor** and **Mr John Pulford MBE** each be appointed as co-opted members of the Standards Advisory Committee for a term of office of four years.

Temporary Co-opted Member:- That **Mr Grenville Mills** be appointed as a co-opted member of the Standards Advisory Committee, to replace Mr Denzil Johnson for the period until 30th April 2014; and that **Mr Denzil Johnson** be re-appointed to the Committee with effect from 1st May 2014 until the expiry of his original term of office in May 2016.

2. RECOMMENDATIONS

- 2.1 That the Committee note the appointments made by the Council on 26th June 2013 and 18th September 2013.

3. BACKGROUND – INDEPENDENT PERSON

- 3.1 The Localism Act 2011 required the Council to adopt a new Code of Conduct consistent with a number of principles set out in the Act, and arrangements for dealing with any alleged breach of the Code.
- 3.2 The arrangements adopted by the Council must include provision for the appointment by the Council of at least one Independent Person. The statute states that the Independent Person(s) must be appointed following a public advertisement and recruitment process and his/her appointment must be confirmed by the majority of Councillors at the full Council meeting. The Act sets out specific statutory prohibitions on who can be an Independent Person and excludes previous and current members and Co-optees, their relatives and close friends.
- 3.3 The Independent Person must be consulted by the authority before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that member. They may be consulted by the authority in respect of a standards complaint at any other stage. Independent Persons may be invited to attend meetings of the Standards (Advisory) Committee, but are unlikely to be co-opted onto the Committee. Instead their role is one of consultation in respect of any investigation of an alleged breach of the Code before the Council takes a decision in relation to the allegation.
- 3.4 The Act provides that the former co-opted Independent Members of Tower Hamlets' Standards Committee, together with members and officers of the

authority, cannot serve as Independent Persons for a period of 5 years. However, transitional measures included in the Localism Act 2011 (Commencement No.6 and Transitional, Savings and Transitory Provisions) Order 2012 allowed a local authority, if it wished, to appoint a person who was an Independent Member of the former Standards Committee as its 'Independent Person' for an interim period extending no later than 30th June 2013. Accordingly the Council agreed on 18th June 2012 that to provide continuity, the former Chair, Barry O'Connor, would be appointed as the interim Independent Person until the recruitment process was complete.

4. A RESERVE INDEPENDENT PERSON

- 4.1 As stated above the Independent Person may be consulted by a member or co-opted member of the Council against whom a complaint has been made. It would be inappropriate for an Independent Person who has been consulted by the member against whom the complaint has been made, and who might as a result be regarded as prejudiced on the matter, to be involved in the advisory role at the investigations stage of that complaint.
- 4.2 The Act gives discretion to appoint one or more Independent Persons, but provides that each Independent Person must be consulted before any decision is taken on a complaint which has been investigated. Accordingly, there would appear to be little advantage in appointing more than one Independent Person or the process will be unwieldy. The Standards Advisory Committee therefore agreed that a Reserve Independent Person should be appointed who can be consulted in the event that the Independent Person is unable to discharge the function for any reason.

5. INDEPENDENT PERSON (IP)/RESERVE IP: RECRUITMENT PROCESS

- 5.1 The Council on 18th June 2012 agreed that the Monitoring Officer be authorised to make arrangements to advertise for, and together with a panel drawn from the Standards Advisory Committee in accordance with proportionality to take the necessary action to appoint, an Independent Person and a reserve Independent Person, whose appointments shall be confirmed by the Council.
- 5.2 The Standards Advisory Committee on 12th July 2012 agreed a recruitment process to include the advertisement of the position, initial longlisting of applications received by the Monitoring Officer, Chair of Standards Advisory Committee and Interim Independent Person, interviews by the proportionate panel of members and finally a report to the Council and confirmation of appointment(s).
- 5.3 The advertisement was placed as agreed in late September 2012 but no applications were received at that time. A subsequent advertisement in April 2013 in East End Life and another local newspaper, accompanied by publicity to local community groups and businesses, was more successful and 12 applications were received.

- 5.4 The standard of the applicants was high and the longlisting panel identified five candidates for consideration by Members, of whom three were shortlisted for interview. The interview panel comprised of Mr Matthew Rowe (Independent Chair, Standards Advisory Committee); Councillors David Edgar, Judith Gardiner, Motin Uz-Zaman and Zara Davis (Councillor Abdul Asad was unfortunately unwell and sent his apologies for absence); the Interim Independent Person and the Monitoring Officer.
- 5.5 The panel met on Tuesday 11th June 2013 and interviewed the three shortlisted candidates. The panel agreed that **Ms Elizabeth Hall** should be recommended for appointment as the Independent Person and that **Ms Ezra Zahabi** should be recommended for appointment as the Reserve Independent Person. These appointments were approved unanimously by the Council on 26th June 2013.
- 5.6 The Council also agreed that the remuneration for the Independent Person and Reserve Independent Person be set at the level of £117 for each matter on which they are required to provide advice and for each attendance at a committee meeting or training event that is required in connection with the role (this is the same sum that is payable to a co-opted members of the Committee for each attendance).

6. CO-OPTED MEMBERS OF THE STANDARDS ADVISORY COMMITTEE

- 6.1 The membership arrangements agreed by the Council for the Standards Advisory Committee (SAC) provide for up to seven persons who are not Members or officers of the Council or any other relevant authority to be appointed to the Committee as co-opted members. The co-opted member(s) are entitled to vote at meetings under the provisions of S13 (4) (e) of the Local Government and Housing Act 1989; and the Standards Advisory Committee must be chaired by one of the co-opted members. Co-opted members are appointed by the Council, for a term of office of four years unless the Council determines otherwise.
- 6.2 The full SAC is programmed to meet on a quarterly basis and in addition ad hoc meetings may be called of the Investigation and Disciplinary, Hearings or Dispensations Sub-Committees, each of which will include a minimum of three members at least two of who shall be co-opted members.
- 6.3 When the Standards Advisory Committee was first established in July 2012, six of the seven independent members of the former Standards Committee were appointed as co-opted members of the SAC for a four year term of office to May 2016, as follows:-

Mr Matthew Rowe (Chair);
Ms Salina Bagum;
Mr Denzil Johnson;
Mr Barry Lowe;
Mr Eric Pemberton; and
Ms Sue Rossiter;.

- 6.4 The seventh former independent member (and Chair) of the Standards Committee, Mr Barry O'Connor was appointed in 2012 as the interim statutory 'Independent Person' (IP) under the new standards arrangements and was therefore not appointed as a co-opted member of the SAC at that time, although it was agreed that once his interim appointment as the IP finished he would be appointed to the new committee and a co-opted position was held vacant for this purpose. Mr O'Connor's appointment as the interim IP ended on 30th June 2012 following Ms Elizabeth Hall's appointment as the IP.
- 6.5 A further vacancy arose on 17th January 2013 when Ms Sue Rossiter tendered her resignation from the Advisory Committee. In addition, Mr Denzil Johnson gave notice that due to professional commitments he would be unavailable for SAC duties from September 2013 until the end of April 2014.
- 6.6 A recruitment process therefore took place with a view to recommending the appointment of a new co-opted member to replace Ms Rossiter, and possibly also a temporary appointment to cover for Mr Johnson's absence.

7. CO-OPTED MEMBERS: RECRUITMENT PROCESS

- 7.1 The vacancies were advertised in East End Life on 1st July 2013 and this was accompanied by publicity to local community groups and businesses. Applications were received from a strong field of candidates and seven applicants were shortlisted for interview by Members. A cross-party interview panel of Members, comprising of Mr Matthew Rowe (Independent Chair, Standards Advisory Committee); Councillors Rofique Ahmed, David Edgar, Emma Jones and Motin Uz-Zaman was convened on Monday 9th September to carry out the interviews.
- 7.2 Following the interviews, the panel agreed that appointments should be made both to the full vacant position and to the temporary vacancy. Accordingly they recommended the Council:-
- (a) That Mr Barry O'Connor and Mr John Pulford MBE each be appointed as co-opted members of the Standards Advisory Committee for a term of office of four years.
 - (b) That the Council note that Mr Denzil Johnson has given notice that he will be unable to undertake his duties as a co-opted member of the SAC during the period from now until the end of April 2014; and
 - (c) That Mr Grenville Mills be appointed as a co-opted member of the Standards Advisory Committee, to replace Mr Denzil Johnson for the period until 30th April 2014; and that Mr Denzil Johnson be re-appointed to the Committee with effect from 1st May 2014 until the expiry of his original term of office in May 2016.
- 7.4 These recommendations were agreed by the Council on 18th September 2013.

8. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 8.1 The costs of the recruitment exercise and the Independent Persons' and co-opted members' remuneration will be met from within existing budgets in the

Chief Executive's Directorate. The Council has previously agreed as part of the scheme of members' allowances that co-opted members shall be paid an allowance of £117 for each authorised attendance. This is broadly in line with the London Councils Independent Remuneration Panel (2010) recommended figure of £127.

9. LEGAL SERVICES COMMENTS

- 9.1 The Localism Act 2011 introduced a number of changes to the Standards regime. These include a requirement to appoint at least one Independent Person. The Act provides that the appointment of any Independent Person shall not have effect unless approved by a majority of the members of the authority. The Authority has amended its own arrangements in line with the requirements of the Localism Act, including the establishment of a Standards Advisory Committee with provision for voting co-opted members under the provisions of S13 (4) (e) of the Local Government and Housing Act 1989.

10. ONE TOWER HAMLETS CONSIDERATIONS

- 10.1 The recruitment exercises were designed to attract a diverse range of candidates and the selection criteria against which candidates were assessed included demonstrating a commitment to promoting equality and an awareness of the issues affecting a diverse community in an inner London borough

11. STRATEGIC ACTION FOR A GREENER ENVIRONMENT

- 11.1 There are no implications arising from this report.

12. RISK MANAGEMENT IMPLICATIONS

- 12.1 There are no implications arising from this report.

13. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 13.1 There are no implications arising from this report.

14. EFFICIENCY STATEMENT

- 14.1 There are no implications arising from this report.

**Local Government Act, 1972 Section 100D (As amended)
List of "Background Papers" used in the preparation of this report**

Brief description of "background papers"	Name and telephone number of holder and address where open to inspection.
None	n/a

Agenda Item 4.2

Committee: STANDARDS ADVISORY COMMITTEE	Date: 24th October 2013	Classification: Unrestricted	Report No.	Agenda Item No.
Report Of: Service Head, Democratic Services		Title: Amendments to the Procedure for Dealing with Complaints of a Breach of the Code of Conduct – Decision of the Council Meeting on 18th September 2013		
Originating Officer: John Williams		Wards Affected: All		

1. SUMMARY

- 1.1 The Standards Advisory Committee on 18th June 2013 considered a report of the Assistant Chief Executive (Legal Services) which provided information on the number and nature of complaints received about alleged failures to comply with the Code of Conduct and action taken as a result. The report also recommended revisions to the arrangements for dealing with complaints about Member conduct, based on experience of operating the new arrangements in the year since their introduction.
- 1.2 Following discussion, the Committee agreed a number of amendments to the officer recommendations and submitted the revised proposals to the Council for consideration.
- 1.3 The Council meeting on 18th September 2013 considered the Committee's proposals. During debate, a further amendment was moved, proposing a number of additional recommendations and these were agreed by the Council.
- 1.4 This report sets out the matters considered and the amendments agreed. The revised Procedure for Dealing with Complaints of a Breach of the Code of Conduct, incorporating the agreed amendments and adopted by the Council on 18th September, is attached at Appendix 'A'.

2. RECOMMENDATIONS

- 2.1 That the Committee note the decisions taken by the Council on 18th September 2013 and the revised Procedure for Dealing with Complaints of a Breach of the Code of Conduct as attached at Appendix 'A'.

3. BACKGROUND

- 3.1 The officer report to the Standards Advisory Committee in June 2013 noted that the new arrangements for dealing with complaints of breach of the Code of Conduct had been in operation for almost a year and that during this time it had become apparent that a number of provisions contained in the new arrangements required revision. In particular:

Paragraph 8: This provides that an investigation should be completed within one month of the decision to refer the matter for investigation. However, it had not been possible to complete investigations in this relatively short timescale. It was often the case that Members, officers and other witnesses involved in an investigation had competing diary requirements so that all necessary interviews could be completed within one month. Also the investigator was often required to verify disputed facts and would require time to produce an investigation report. In the circumstances, officers recommended that generally investigations should be completed within three months of the decision to refer a complaint for investigation.

Paragraph 9: This provides that the Monitoring Officer may, during the course of the investigation, seek local resolution of the matter to the satisfaction of the complainant before the investigation is concluded. Attempts at local resolution are often most appropriately carried out before a complaint is referred for formal investigation. Officers therefore proposed that this provision be extended to enable the Monitoring Officer (or any deputy of his/hers) to seek local resolution of a complaint before the complaint was referred for investigation but subject to a four week time limit.

Paragraph 10: This provides that where an investigation concludes that there is no evidence of failure to comply with the Code, the Monitoring Officer shall within ten working days consult with the Independent Person (IP) and the Investigation & Disciplinary Sub-Committee (IDSC) to confirm that the matter should be closed without further hearing. In practice, this time frame was often too short to obtain mutually convenient dates for consultation with the IP and to enable convenient dates to be obtained for a meeting of the IDSC. Officers therefore proposed that the time frame be extended to four weeks.

Standards Advisory Committee recommendations

- 3.2 The Committee noted the logistical problems that often arose making it difficult to adhere to the deadlines currently in place. However, they also noted that the investigation of a complaint about Member conduct could be very stressful for the subject of the investigation and therefore should be concluded as quickly as possible.
- 3.3 The Committee therefore agreed an amendment to the officers' proposals and accordingly **recommended** that the Council approve the proposed revisions to arrangements for dealing with complaints about Member conduct, subject to the following:-

- (a) Extension of the timescale for completion of an investigation, once a complaint is referred for investigation, from the current 1 month to 2 months, with the existing provision for a further 1 month extension by the Monitoring Officer under the provisions of paragraph 8 of the current arrangements to remain, providing for a total maximum period of 3 months.

3.4 The Committee further resolved (i) that, given the operational difficulties sometimes encountered in convening an Investigating and Disciplinary Sub-Committee, the recruitment to the current vacancies for co-opted SAC members should be prioritised; and (ii) that the Monitoring Officer (or designated deputy) informally consult the political group leaders, the Mayor and the Speaker of the Council, about streamlining the current arrangements for dealing with complaints about Member conduct to make it resource efficient, within the constraints of the Law and Constitution, with a view to achieving consensus on this; with the outcome to be reported back to the next meeting of the Committee.

4. DECISIONS OF THE COUNCIL

4.1 The Council considered the recommendations of the Standards Advisory Committee on 18th September 2013.

4.2 The Council approved the Committee's recommendations and also considered an amendment which proposed a number of additional recommendations in relation to reporting back to the Committee and notifying the interested parties in cases where there was a delay.

4.3 Following debate, the amendment was agreed and the Council **resolved** as follows:-

1. That the proposed revisions to arrangements for dealing with complaints about Member conduct set out [in the] Standards Advisory Committee's report to the Council be approved subject to (a) below:-
 - (a) Extension of the timescale for completion of an investigation, once a complaint is referred for investigation, from the current 1 month to 2 months, with the existing provision for a further 1 month extension by the Monitoring Officer under the provisions of paragraph 8 of the current arrangements to remain, providing for a total maximum period of 3 months.
2. That at each of its meetings, a report be presented to the Standards Committee listing all complaints which have exceeded the two month period since referral for investigation and that this report include details of the length of time elapsed since referral and the reasons for the delay to a resolution. This report would include all complaints which exceeded the two month period since the Committee last met as well as those previously reported to the Committee which remain unresolved in excess of the two month period.

3. In cases where the Monitoring Officer exercises their power to extend the time period of investigations into complaints from 2 months to 3 months, a report on the reasons for this is presented to the Standards Committee for noting.
 4. Also in cases where the Monitoring Officer exercises their power to extend the time period of investigations into complaints from 2 months to 3 months a letter is to be sent to the complainant and the subject or subjects of the investigation notifying them of the extension and the reasons for this.
- 4.4 A copy of the procedure, revised in accordance with the above decisions, is attached at Appendix 'A' (amended sections in bold and underlined)
- 5. COMMENTS OF THE CHIEF FINANCIAL OFFICER**
- 5.1 There are no immediate financial implications arising out of this report.
- 6. LEGAL SERVICES COMMENTS**
- 6.1 This Heads of Legal Services and the Interim Monitoring Officer have been consulted on the contents of this report which incorporates legal comments.
- 6.2 It is a requirement of the Localism Act 2011 that the full Council approve the arrangements for dealing with complaints about an alleged breach of the Code of conduct for Members.
- 7. RISK MANAGEMENT IMPLICATIONS**
- 7.1 The revisions to the procedure for dealing with complaints will reduce the risk of delay to the process whilst also reducing the risk of challenge to decisions arising from that process.
- 8. ONE TOWER HAMLETS CONSIDERATIONS**
- 8.1 There are no specific implications for One Tower Hamlets arising from this report.
- 9. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**
- 9.1 This report has no immediate implications for the Council's policy of strategic action for a greener environment.
- 10. CRIME AND DISORDER REDUCTION IMPLICATIONS**
- 10.1 This report has no immediate implications for Crime and Disorder.
- 11. EFFICIENCY STATEMENT**

11.1 This report is not concerned with proposed expenditure, the use of resources or reviewing/changing service delivery and an efficiency statement is not therefore required.

12. APPENDICES

Appendix A – revised Procedure for Dealing with Complaints of a Breach of the Code of Conduct,

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

Brief description of "background paper"	Tick if copy supplied	If not supplied, name and telephone number of holder
None	n/a	n/a

LONDON BOROUGH OF TOWER HAMLETS

**ARRANGEMENTS FOR DEALING WITH COMPLAINTS OF BREACH OF THE
CODE OF CONDUCT FOR MEMBERS**

**Effective 1st July 2012. Arrangements agreed by the Council on 18th June 2012
and subsequently revised by the Council on 18th September 2013.**

1. The Monitoring Officer shall be the Proper Officer to receive complaints of any failure by the Mayor, a Councillor or a co-opted member to comply with the Code of Conduct for Members. On receipt of a complaint the Monitoring Officer shall within three working days inform the subject member of the substance of the complaint on a confidential basis.
2. The Monitoring Officer shall ensure that the Council appoints at least one Independent Person and at least one reserve Independent Person.
3. Complainants must provide their name and postal address when submitting a complaint. Anonymous complaints will not be considered unless in exceptional circumstances where the Monitoring Officer decides (after consultation with the Independent Person) that the complaint raises a serious issue affecting the public interest which is capable of investigation without the need to ascertain the complainant's identity.
4. The Monitoring Officer shall, after consultation with the Independent Person and within ten working days of receiving the complaint (so far as practicable), determine whether a complaint merits formal investigation and arrange for such investigation. In making this determination the Monitoring Officer may at his/her discretion also consult other persons including Counsel.
5. In determining whether to refer a complaint for investigation, the Monitoring Officer may take into account how long has elapsed since the event(s) complained about took place and if this is more than one year, then a complaint will be rejected as out of time unless the complainant demonstrates that there are good reasons for the delay such as fresh evidence not available at the earlier date or only recently discovered.
6. The Monitoring Officer may refer a complaint of failure to comply with the Code to the Standards Advisory Committee or its sub-committee to recommend whether or not the complaint requires investigation where s/he feel that it is inappropriate for him/her to take the decision without seeking their advice. Where the Monitoring Officer considers that a complaint should not be subject to investigation, s/he shall convene an Investigation and Disciplinary Sub-Committee of the Standards Advisory Committee which shall make the final decision on the matter.

7. The Monitoring Officer will report quarterly (or less frequently if there are no complaints to report) to the Standards Advisory Committee on the number and nature of complaints received and action taken as a result. This will include details of complaints that did not require investigation so that the Committee can exercise its oversight role.
8. If a complaint of failure to comply with the Code is referred for investigation the Monitoring Officer shall appoint an investigator or complete the investigation him/herself. Such investigation should be completed within **two** months of the decision to refer the matter for investigation. The Monitoring Officer may extend this period by up to a further month where s/he feels it is necessary to ensure an adequate investigation.
- 8A. In cases where the Monitoring Officer exercises their power to extend the time period of investigations into complaints from two months to three months, a report on the reasons for this is presented to the Standards Advisory Committee for noting and a letter is to be sent to the complainant(s) and subject(s) of the investigation notifying them of the extension and the reasons for this. The Monitoring Officer will also at each meeting of the Standards Advisory Committee present a report listing all complaints which have exceeded the two month referral for investigation with details of the length of time elapsed and the reasons for the delay. This report will include all complaints which have exceeded the two month investigation period since the last meeting of the Advisory Committee as well as those complaints previously reported to the Advisory Committee which remain outstanding in excess of the two month investigation period.**
9. The Monitoring Officer **or his/her deputy** may, **either before a complaint is referred for investigation or** during the course of the investigation, seek local resolution of the matter to the satisfaction of the complainant before the investigation is concluded. **Where the Monitoring Officer or deputy attempts to reach a local resolution before a complaint is referred for investigation, such attempts shall be subject to a four week time limit.**
10. Where any investigation into a complaint of breach of the Code finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer shall **within four weeks** of receipt of the investigation report, consult with the Independent Person and the Standards Advisory Committee Investigations and Disciplinary Sub-Committee to confirm their agreement that the matter shall be closed without further hearing. If the Sub-Committee agree then the matter is closed. The Monitoring Officer shall provide a copy of the report and findings of the investigation which shall be kept confidential to the complainant and to the member concerned and shall report the matter as part of the quarterly report to the Standards Advisory Committee for information.
11. Where the investigation finds evidence of a failure to comply with the Code of conduct, the Monitoring Officer in consultation with the Independent Person, may seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to Standards Advisory

Committee in due course. Where such local resolution is not appropriate or not possible the Monitoring Officer shall report the investigation findings to a Hearings Sub-Committee of the Standards Advisory Committee for local hearing and recommendations. The Hearings Sub-Committee will be convened within one month of the Monitoring Officer receiving the investigation report. The Hearings Sub-Committee may sit in private after advice from the Monitoring Officer.

12. The Hearings Sub-Committee will advise the Monitoring Officer whether or not they consider there has been a breach of the Code and if they consider sanction is appropriate having heard the matter shall request that the Monitoring Officer prepare a report to Full Council setting out the details of the investigation, hearing and proposed sanction which may include any of the following:-
 - Recommend to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
 - Recommend to the Mayor that the member be removed from the Executive, or removed from particular Portfolio responsibilities;
 - Recommend the Monitoring Officer to arrange training for the member (subject to the Members agreement);
 - Recommend remove as from all outside appointments to which the Member has been appointed or nominated;
 - Recommend withdrawing facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
 - Recommend excluding the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Executive Committee and Sub-Committee meetings (as appropriate);
 - Recommend the member to contact the Council via specified point(s) of contact;
 - Write to the member with their advice on the Members conduct.
13. In determining any recommended sanction the Sub-Committee may take into account any previous breach by the member concerned and/or their compliance with any previous sanction applied.
14. Where a subject member feels that a recommended sanction would cause him/her undue hardship or prevent him/her from undertaking ward duties, that Member may make representations to the Council meeting that will consider the recommendations of the Hearings Sub-Committee on the relevant complaint. Any such representations shall be notified to the Monitoring Officer within five working days of the Hearing Sub-Committee meeting.
15. The recommendations of the Hearings Sub-Committee shall be published in a local newspaper in the Public Notices Section and on the Council's website as well as in the minutes of the meeting. The content of any notice to be

published shall be subject to agreement by the Chair of the Hearings Sub-Committee. Following publication, a link to the notice shall remain on the front page of the Council's website for a period of one month or such other position and/or period as the Hearings Sub-Committee may recommend. The Monitoring Officer shall draft further guidance on the detailed procedures for publication of decisions as necessary.

16. A member who is the subject of a finding by the Standards Advisory Committee that he/she has breached the code may appeal against that finding and/or against any sanction applied. A complainant who is dissatisfied with the outcome of his/her complaint may appeal against that outcome. Any appeal under this section shall be notified in writing to the Monitoring Officer within 15 working days of the Hearings Sub-Committee recommendation being notified to the member or complainant and the Monitoring Officer shall arrange for the appeal to be heard by a Hearings (Appeal) Sub-Committee of the Standards Advisory Committee within 15 working days of receipt of the appeal. The decision of the Hearings Sub-Committee shall not be published, nor any sanctions applied, until the period allowed for an appeal has expired.
17. An appeal under 15 above may be made on grounds of either fact or defective procedure. The appellant must state the grounds on which the appeal is made and must provide specific reasons and any further information to support his/her appeal.
18. The Sub-Committee to hear any appeal under 15 above shall not include any member of the Hearings Sub-Committee that considered the investigation of the matter in question.
19. A member who is the subject of a complaint shall be informed of, and shall have the right to attend and/or be represented at, the hearing of the Standards Advisory Committee or any of its sub-committees that considers any matter relating to that complaint following investigation.
20. The timelines set out in this procedure are for guidance only and shall be observed where practicable but may be extended by the Monitoring Officer as necessary if they cannot be complied with by any relevant party due to sickness, holidays or other reasonable cause.

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Agenda Item 4.3

Committee: STANDARDS (ADVISORY) COMMITTEE	Date: 24 October 2013	Classification: Unrestricted	Report No.	Agenda Item No.
Report Of: Interim Monitoring Officer	Title: Code of Conduct for Members – Complaints and Investigation Monitoring			
Originating Officer: Mark Norman	Wards Affected: N/AI			

1. SUMMARY AND BACKGROUND

- 1.1 The Council's arrangements for dealing with complaints of breach of the Code of Conduct for Members provide for the Monitoring Officer to report quarterly (or less frequently if there are no complaints to report) to the Advisory Committee on the number and nature of complaints received and action taken as a result.
- 1.3 The arrangements as revised by full Council on 18 September 2013 also provide that in cases where the Monitoring Officer has extended the time period of investigations into complaints from two months to three months, s/he provide a report on the reasons to the Advisory Committee for noting.

2. RECOMMENDATIONS

- 2.1 That Members of the Advisory Committee note the complaints and investigation monitoring information contained in this report.

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

Standards (Advisory) Committee file

Mark Norman 020 7364 4800

3. NEW COMPLAINTS

- 3.1 **(Ref IDSC/06/2013)** Since the last monitoring report to the Advisory Committee in June 2013, one new complaint has been received alleging a failure to comply with the Code of Conduct for Members. The complaint is anonymous and was referred by a Councillor to a Deputy Monitoring Officer on 6 September 2013.
- 3.2 The Council's arrangements for dealing with complaints about Member conduct provide that complainants must provide their name and postal address when submitting a complaint. The only exception to this requirement is if the Monitoring Officer decides after consultation with the Independent Person that the complaint raises a serious issue affecting the public interest which is capable of investigation without the need to ascertain the complainant's identity.
- 3.3 The Interim Monitoring Officer has considered the nature and circumstances of the complaint in consultation with the Independent Person (IP) and informed the Councillor referring the anonymous complaint that in order for the complaint to be investigated, they would need to inform the person making the allegations that they would have to be interviewed as part of any investigation process and their anonymity could not be guaranteed at any later stages.

4. ON-GOING COMPLAINTS

- 4.1 **(Ref: IDSC/01/2012)** This complaint was made by a Councillor alleging potential bullying and disrespect by another Councillor. Following consultation with the IP the complaint was referred for investigation and the outcome of the investigation was considered by a Deputy Monitoring Officer (David Galpin) in consultation with the IP. His decision agreed consultation with the IP was to accept the investigation findings of no breach of the Code of Conduct. This decision was reported to the Investigation & Disciplinary Sub-Committee (of the Advisory Committee) on 29 August 2013 and the sub-committee concurred with that decision. The complaint has therefore now been closed.
- 4.2 **(Ref: IDSC/01/2013)** This complaint was received from a Councillor and alleges six potential failures of the Code by another Councillor:
- Failure to treat others with respect
 - Bullying
 - Acting in a way which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.
 - Disclosure of confidential information
 - Bringing the Authority or the office of Councillor into disrepute
 - Using or attempting to use the position as a Member to improperly secure an advantage/disadvantage

These allegations were considered by a Deputy Monitoring Officer (David Galpin) in consultation with the IP. His decision agreed in consultation with the IP was to refer the complaint for investigation which was commenced by Mark Norman in May 2013. The investigation has been delayed due to the need to seek specialist external legal advice and the need to appoint an alternative investigator following the appointment of Mr Norman as Interim Monitoring Officer on 18 September 2013. An external investigator was appointed on 25 September 2013 in order to conclude the investigation as soon as possible.

- 4.3 **(Ref: IDSC/02/2013)** This complaint was made by a Councillor and alleges potential bullying and disrespect by another Councillor. The allegations have been considered by a Deputy Monitoring Officer (Jill Bell) who following initial consultation with the IP sought to facilitate an informal resolution to the complaint. It has not been possible to resolve the complaint on an informal basis and the Deputy Monitoring Officer will now refer the matter to the Investigation & Disciplinary Sub-Committee (of the Advisory Committee) for advice about whether to refer the complaint for investigation.
- 4.4 **(Ref IDSC/03/2013)** This complaint was made by a Councillor and alleged the potential improper use of Council resources by another Councillor. The allegation was considered by a Deputy Monitoring Officer (David Galpin) in consultation with the Independent Person (IP). His decision agreed in consultation with the IP was not to refer the complaint for investigation. This decision was reported to the Investigation & Disciplinary Sub-Committee on 29 August 2013 and the sub-committee concurred with that decision. The complaint has therefore now been closed.
- 4.5 **(Ref: IDS/04/2013)** This complaint was received from a member of the public and alleged potential bullying by a Councillor. The allegations were considered by a Deputy Monitoring Officer (Jill Bell) in consultation with the Independent Person (IP). Her decision agreed in consultation with the IP was not to refer the complaint for investigation. This decision was reported to the Investigation & Disciplinary Sub-Committee (of the Advisory Committee) on 29 August 2013 and the sub-committee concurred with that decision. The complaint has therefore now been closed.
- 4.6 **(Ref IDSC/05/2013)** This complaint was received from a Councillor and alleges five potential failures of the Code by another Councillor:
- Failure to treat others with respect
 - Bullying
 - Bringing the Authority or the office of Councillor into disrepute
 - Using or attempting to use the position as a Member to improperly secure an advantage/disadvantage
 - Improper use of Council resources.

These allegations were considered by a Deputy Monitoring Officer (David Galpin) in consultation with the IP. In mid August 2013 Mr Galpin agreed in consultation with the IP to refer the complaint for investigation to Mark Norman. Following the appointment of Mr Norman as Interim Monitoring Officer on 18 September 2013, an external investigator was appointed on 25 September 2013 to conduct the investigation.

4.7 **(Ref ASC01/2012)** This complaint arose under the previous statutory standards procedure which applied up until 1 July 2012. The complaint was made by two Councillors about another Councillor. The complaint concerns three alleged breaches of the Code:

- Disclosure of confidential information
- Bringing the Authority or the office of Councillor into disrepute
- Using or attempting to use the position as a Member to improperly secure an advantage/disadvantage

A Hearings Sub-Committee of the Advisory Committee is to be convened to consider the outcome of an investigation into the complaint and associated procedural issues.

5. COMMENTS OF THE CHIEF FINANCIAL OFFICER

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

6. LEGAL SERVICES COMMENTS

6.1 This report has been prepared by the Interim Monitoring Officer and incorporates legal comments.

7. RISK MANAGEMENT IMPLICATIONS

7.1 The provision of quarterly reports relating to the number and nature of complaints assists the Advisory Committee in exercising its oversight role in terms of promoting and maintaining high standards of conduct.

8. ONE TOWER HAMLETS CONSIDERATIONS

8.1 There are no specific anti poverty or equal opportunity implications arising out of this report.

9. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

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

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 There are no specific crime and disorder reduction implications arising out of this report.

11. EFFICIENCY STATEMENT

11.1 This report is not concerned with proposed expenditure, the use of resources or reviewing/changing service delivery and an efficiency statement is not therefore required.

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Agenda Item 4.4

Committee: Standards (Advisory) Committee	Date: 24 October 2013	Classification: Unrestricted	Report No:	Agenda Item:
Report of: Corporate Director, Resources Originating officer(s) Tony Qayum, Corporate Anti-Fraud Manager		Title: Anti-Fraud and Corruption Strategy and Anti-Fraud Plan 2013-14 Wards Affected: N/A		

1. **SUMMARY**

1.1 This report provides the Standards (Advisory) Committee with an updated Anti-Fraud and Corruption Strategy and outlines a summary of the proposed Proactive Anti -Fraud Plan for 2013-14.

2. **RECOMMENDATIONS**

2.1 The Standards (Advisory) Committee is asked to note the contents of this report.

3. **BACKGROUND**

3.1. Local Authorities in the United Kingdom are required to maintain high standards of probity and have sound arrangements for protecting the public purse. Sound systems of public accountability are also vital for effective management and in maintaining public confidence. This minimisation of losses from fraud and corruption is essential for ensuring that resources are used for their intended purpose.

3.2. The need for effective anti- fraud work within local authorities has also been reflected by the Audit Commission, through the Use of Resources Assessment and Protecting the Public Purse publications as well as the CIPFA Better Governance Forum. The requirements highlight the expectations around the framework local authorities have in place in respect of the prevention and detection of fraud. As such, it is imperative that the Council has adequate processes, skills and resources to support anti fraud and corruption activities.

3.3. The work in terms of Anti -Fraud will increase in 2013/14 following a minor adjustment to the structure of the team whereby we have enhanced capacity to

investigate and undertake pro-active initiatives around the corporate element of the Corporate Anti-Fraud resource.

- 3.4. As part of our on- going efforts to ensure the strategy and systems in place within the Council remain relevant and meet best practice the Anti-Fraud and Corruption Strategy has been reviewed and attached at Appendix 1 is the revised strategy that picks up key changes resultant from new legislation and best practice as identified by CIPFA.
- 3.5 The strategy is based upon the following key areas of coverage as outlined by the following key tests that were set by the CIPFA Publication- Protecting the Public Purse Red Book 2 which was issued in 2009 and new legislation including the Bribery Act 2010 which came into force in July 2011.

The key tests were:-

3.5.1. Adopting the right strategy

Does the organisation have a counter fraud and corruption strategy that can be clearly linked to the Effective policies and procedures in relation to identifying, reporting and investigating suspected fraudulent/corrupt activity are in place.

3.5.2 Measuring Fraud and Corruption Losses

Are fraud and corruption risks considered as part of the organisation's strategic risk management arrangements

3.5.3. Creating and Maintaining a strong structure

Do those tasked with countering fraud and corruption have the appropriate authority needed to pursue their remit effectively, linked to the organisation's counter fraud and corruption strategy.

3.5.4. Taking action to tackle the problem

Is the organisation undertaking the full range of necessary action.

3.5.5. Defining Success

Relevant officers and Committees are made aware of investigations which may affect their Services.

- 3.6. It is considered that by updating the Anti -Fraud and Corruption Strategy in this way it will remain in compliance with best practice.

4. ANNUAL CORPORATE ANTI- FRAUD PLAN 2013/14

- 4.1 This is the sixth year where we have provided a separate and specific plan for anti -fraud work as previously it had been included within the Internal Audit Plan. This is to reflect the increasing priority of the service within the Resources Directorate and corporately.
- 4.2 The overall aims and objectives of this plan reflect the Council's Anti Fraud and Corruption Strategy. The key aims are to:
- Highlight and promote the Council's commitment to stop fraud and corruption;
 - Document the roles and responsibilities of Members and officers in respect of fraud and corruption;
 - Detail the current Council activity in respect of the five key elements of the Strategy, namely, prevention, detection, investigation, sanctions, and deterrence; and
 - Demonstrate the Council has sound arrangements in place to receive and investigate allegations of breaches of proper standards of financial conduct and of fraud and corruption.
- 4.3 The key drivers used to compile the corporate anti- fraud plan for 2013/14 has built on experience and takes account of the: -
- Fraud Risk Register (maintained by the Corporate Anti-Fraud team and responsive to both the organisations changing circumstances, the results of Internal Audit work and the Risk Environment);
 - Development of a single Corporate Anti- Fraud resource under one managerial structure.
 - Management requests and priorities;
 - Local Knowledge;
 - Joint working arrangements - external (DWP, PCT, Police and other Local Authorities);
 - Resourcing the Government's initiative to examine instances of un lawful sub- letting of Social Landlord properties
 - Joint Working arrangements – internal (payroll, pensions, parking services, benefits services, housing services; and
 - Issues identified from planned audit work;
 - Good Practice checklists from the Audit Commissions- Protecting the Public Purse 2012.
 - New government initiatives including the DWP Single Fraud Investigation Service and national Blue Badge scheme for disabled people
 - Emerging risk areas as identified from national research from the Audit Commission and National Fraud Authority
- 4.4 Our plan is attached as Appendix 2. The focus of the plan is to cover :-

- Planned activities for Tower Hamlets Homes that will include proactive and reactive work and along with ongoing reviews of access to accommodation, including nominations, transfers, successions and management determinations; as part of the on-going work of the Social Housing Fraud resource.
- Continued management of the National Fraud Initiative process for the Authority, ensuring we meet our requirements under the Audit Commission's Code of Data Matching Practice and that the NFI exercise is appropriately resourced and finalised within prescribed deadlines;
- Ensure that the work of those engaged in Anti -Fraud work supports the Council's Strategic Plan;
- Work jointly internally and externally by maintaining existing arrangements and developing better co-ordination;
- Continue to lead on the Anti -Fraud Forum which brings together all services within the Council and with the Police, UKBA and PCT responsible for enforcement and financial governance thus maximising opportunities to share intelligence and joint working.
- Continue to provide anti -fraud training and awareness to members and officers;
- Continue to hold monthly meetings with the Assistant Chief Executive (Legal Services) on Governance issues;
- Ensure that appropriate training and development on ethical governance matters is rolled out to staff and members as appropriate;
- Publicise all our successes; and
- Ensure that all agreed timescales prescribed for the completion of investigation work are met and that all cases are adequately reported to senior management as part of our on-going reporting procedures.
- Develop mechanisms for categorising and quantify fraud for more accurate reporting to enable better informed risk assessments

4.5 Social Housing Fraud Team – Key activities

- to recover unlawfully let properties

- Jointly investigate Housing Benefit Fraud where the accommodation is un lawfully let
- Investigate and support THH on suspicious Assignments, successions and Mutual exchanges
- Investigate and support THH on suspicious Right to Buy's where there may be unlawful letting issues
- Work with RP's on un lawful lettings and assist in recovery of property for release to the Common Housing Register
- To attend Gas Servicing visits where access has not been made in order to ensure compliance with statutory duties and tenant conditions remain met.
- Participate in Pro-active exercises with support from other enforcement agencies including the Police, UKBA etc.
- Participate in Pro-active data matching exercises at a local level and via the East London boroughs Hub.

4.6 The Parking Fraud Team was transferred to Risk Management in February 2011 to undertake the day to day management and co-ordinate their work, the key activities, being

- Investigation, recovery and prosecution of blue badge abuse
- Investigation, recovering and sanctions as appropriate on Parking permits (residents and business) and parking scratch cards abuse
- Investigate and support parking services on persistent offenders
- Investigate and consider action as appropriate on abuse of parking meter income
- Participate and support joint working exercises with the Police, Safer Neighbourhood teams and Anti -Social Behaviour initiatives as required.

4.7 The Housing Benefit Fraud team transferred to Risk Management in July 2011 following a reorganisation of the arrangements for the management and investigation of allegations of Fraud, Corruption and Impropriety with the expectation that a Corporate Team would accrue a broader and collectively better response than maintaining individual teams all under different management arrangements and without a single focus.

4.8 The plan makes provision for the existing resource plus a buy in of circa 50 additional days from the Internal Audit plan to be utilised as emerging issues arise.

4.9 The following table shows the Corporate Anti- Fraud Team Resources for 2013/14 and the resource required to complete the anti - fraud work in 2013/14.

Reactive resources	Days
Corporate Anti-Fraud Manager	80
Corporate Anti-Fraud Team Leader and support	250
Allocation from Internal Audit Plan	50
	380
Housing Benefit Fraud Investigation	1170
3 x Social Housing Fraud Officers	585
2 x Parking Fraud Officers (one term time)	295

5. COMMENTS OF THE CHIEF FINANCIAL OFFICER

5.1 These are contained within the body of this report

6. LEGAL COMMENTS

6.1 The report is presented for noting and so there are no immediate legal implications arising. It is understood that the strategy which is appended to the report will be presented to the audit commission in due course and should be subject to review by Legal Services prior to that.

7. ONE TOWER HAMLETS CONSIDERATIONS

7.1 There are no specific one Tower Hamlets considerations.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 There are no sustainable actions for a greener environment emerging from this report.

9. RISK MANAGEMENT IMPLICATIONS

9.1 This report highlights changes in the governance of the Council. The proposals set out in this document will assist the organisation in how it deals with tenancy and other fraud. There are no specific risk implications at this stage.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 There are no immediate crime and disorder implications from this report.

11. EFFICIENCY STATEMENT

11.1 There are no efficiency implications emerging from this report. However, by ensuring the Council has robust coverage of anti-fraud arrangements there is an enhanced opportunity for ensuring efficiency measures are realisable.

**Local Government Act, 1972 Section 100D (As amended)
List of “Background Papers” used in the preparation of this report**

Brief description of “background papers” .

None
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12. APPENDICES

Appendix 1 - Anti-Fraud and Corruption Strategy

Appendix 2 - Annual Corporate Anti-Fraud Plan 2013/14

ANTI FRAUD AND CORRUPTION STRATEGY

This document should be read in conjunction with the Council's Anti-money laundering, Anti-Bribery and Enforcement Policies

INTRODUCTION

The London Borough of Tower Hamlets has a revenue and capital budget of almost £1 billion and employs around 10,000 staff, inclusive of those employed within our schools. It works with an extensive number of partners including the third sector and private sector. The scale, complexity and profile of the Council puts it at potential risk to fraud and corruption, both from within & without.

We are committed to making sure that the opportunity for fraud and corruption is reduced the lowest possible risk. Where there is the possibility of fraud, corruption and other problems, we will deal with it in a firm and controlled manner.

It is essential that the Council is able to prevent and detect fraud, thus ensuring that services are provided honestly and efficiently and Public funds are administered properly. The Anti Fraud and Corruption Strategy outlines the principles that the Council is committed to in preventing and reporting fraud and corruption. It should be noted that the scope of this document is concerned only with matters associated with potential cases of fraud and corruption and does not consider other matters of malpractice which are properly covered by other policies within the councils procedures.

Definitions of Fraud and Corruption

Fraud "The intentional distortion of financial statements or other records by persons internal or external to the authority which is carried out to conceal the misappropriation of assets or otherwise for gain."

Corruption "The offering, giving, soliciting or acceptance of an inducement or reward which may influence the actions of any person."

BACKGROUND

The Committee on Standards in Public Life, Chaired by Lord Nolan strengthened the need to have clear procedures for staff to raise concerns if they feel that malpractice has occurred.

The Council expects all of its staff, partners and Members to comply with the seven principals of public life in all of its activities. These are

Selflessness

Holders of public office take decisions in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in their performance of the official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contract, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

The council is committed to delivering an anti-fraud culture within the authority and among people and organisations that deal with it. It will attempt to raise the awareness of fraud, both within the authority, and in the community. It will encourage the reporting of suspected fraud and will take appropriate action when fraud, corruption or irregularity comes to light.

The strategy set out in this document covers the following areas:

- Legislative framework
- The anti fraud environment
- Preventing fraud and corruption
- Detecting, investigating and recovery
- Training and awareness

This document should be read in conjunction with the Council's Anti-Money Laundering Policy and response to the Bribery Act 2010.

THE LEGISLATIVE FRAMEWORK

Under the Local Government Act 1972 the Chief Financial Officer has a duty to ensure that there is an adequate process of Internal Audit to ensure the independent appraisal of the Councils systems of internal control, practices and systems. This requirement was further reinforced by the Accounts and Audit (England) Regulations 2011.

There is now a requirement for the annual accounts to include an annual governance statement 1 to be certified by the Head of Paid Services and the Mayor.

From time to time there will be a need to examine allegations and incidents that may have regard to fraud, corruption or financial malpractice.

In these circumstances the Council will ensure that any inquiry is legal, meets professional standards and that whistleblowers raising a genuine concern are afforded protection in accordance with the law.

Relevant Legislation

The following is an outline of some of the primary legislation that covers investigation of fraud and corruption:-

- The Fraud Act 2006
- The Theft Acts 1968 and 1978 (as amended)
- Social Security Administration (Fraud) Act 1997
- The Public Interest Disclosure Act 1998
- The Bribery Act 2010
- The Audit Commission Act 1998
- Data Protection Act 1998
- Human Rights Act 1998
- Regulation of Investigatory Powers Act 2000
- Proceeds of Crime Act 2002
- Money Laundering Regulations 2007
- The Identity Cards Act 2006

Further information on a number of these can be found at Appendix 1.

THE ANTI- FRAUD ENVIRONMENT

We expect all people and organisations that are in any way associated with the Council to be honest and fair in their dealings with us, our clients and customers. We expect our members and employees to lead by example in these matters.

To support this we have a number of procedures and rules to make sure that our financial, working and organisational procedures are properly controlled. These are an important part of our internal control process, and it is important that all members and staff know about them.

The most important of these are as follows:

- Standing Orders
- Financial Regulations
- Code of Conduct for Employees
- Code of Conduct for Members
- Scheme of Delegation
- Risk Management Strategy and Local Code of Corporate Governance
- Anti money laundering policy

Where regulations are breached the Council reserves the right to take formal action which may include ending their employment with the Council and civil and /or criminal proceedings being commenced.

In the case of elected members the Council's Monitoring Officer will be responsible for reporting matters to the appropriate authority.

We believe our members and employees have an important part to play in dealing with fraud and corruption and we will encourage our staff and members to report suspected fraud or corruption.

Where money laundering is suspected, staff and members must follow the Suspicious Activity Reporting procedures set out in the Councils anti-money laundering policy.

We will deal with all information fairly and confidentially. We will endeavour not to reveal the names of the people who gave us the information. Our Fraud Response Plan (Appendix 2) gives more advice on this issue.

We expect our Directors and Heads of Service to deal firmly and quickly with anyone who is responsible for fraud or corruption. The Chief Executive/Director of Resources in consultation with the Corporate Fraud Manager may refer matters to the police if there is suspicion of any criminal activity having taken place.

The conduct of an investigation is a serious, expensive and disruptive business. Therefore where it is found that allegations are unfounded and vexatious or malicious, this will be taken very seriously and dealt with under the Council's disciplinary code.

PREVENTING FRAUD AND CORRUPTION

The diversity and scope of the Council's business functions and services exposes the authority to the risk of fraud. We are committed to fighting fraud and corruption, whether attempted from inside or outside the authority. We will take appropriate action against the perpetrators. The council's strategy for fighting fraud and corruption is based on four cornerstone principles as follows:

Anti -fraud culture

The council believes that the on-going development of a culture of honesty and openness is a key element in tackling fraud. The council expects all elected members and employees to carry out their duties in accordance with appropriate legal requirements, internal codes of conduct including Human Resource Strategy guidance, procedures and regulations and to act at all times with honesty and probity in the discharge of their duties. The council expects that all outside individuals and organisations, including partners, suppliers, contractors and claimants will act towards the authority with honesty and integrity.

Where IT systems are being utilised all parties are required to comply with the requirements of the Data Protection Act 1998, Acceptable Use Policy and the Computer Misuse Act 1990.

Internal Controls

The council has in place a framework of controls and procedures to deter fraud from taking place and detect it when it does. It is the responsibility of all members and employees to work within this framework. These controls include codes of practice, schemes of delegation, standing orders and financial regulations and a risk management strategy.

Effective Action

Corporate Directors and Service Heads will report all suspicions of fraud or corruption to the Corporate Anti-Fraud Manager via the Director of Resources/ Chief Executive in their respective roles of Head of Paid Services and Section 151 officer. If elected members are suspected then the Chief Executive/Monitoring Officer will co-ordinate the investigation. Following investigation, the appropriate action will be taken which may include disciplinary action, civil recovery and referral to the police.

As set out in paragraph 4.6 above, where money laundering is suspected, the procedures set out in the Council's Anti-Money Laundering Policy will apply. This may entail making a report in appropriate cases to the **Council's Anti-money Laundering Reporting Officer (Tony Qayum)**.

Publicity

Where evidence of irregularity has been found and prosecuted all cases will be publicised through press articles etc. to maximise awareness and to act as a deterrent to others.

DETECTING, INVESTIGATING AND RECOVERY

This section should be read with our Fraud Response Plan (see Appendix 2) and also our Enforcement Policy (Appendix 4).

The Council has robust processes designed to reduce the risk of fraud and corruption these include regular management review of systems and procedures to ensure compliance with financial control, a risk based Internal Audit review cycle, Risk Management review process and governance guides including Hospitality procedures and declarations of interests.

Where appropriate and in accordance with the fraud response plan the Internal Audit Service will undertake formal investigations into fraud and corruption. The process utilised in undertaking an investigation is covered by established professional practice as prescribe by CIPFA and in compliance with the Councils Fraud Response Plan and legislative guidance.

All cases referred either by the Whistle blowing telephone line or via an internal referral are risk assessed by the Corporate Anti-Fraud Manager and approval sought from the Head of Risk Management. Each case is then recorded for tracking on a database maintained by Risk management. It is important that transparency is maintained in all decision making and consequently there is a process verification and review of the basic elements of the enquiry throughout the investigation process.

(Whistleblowing process – see Appendix 3)

It is important to note that the investigator receiving the complaint will not be the sole investigator of the enquiry, therefore ensuring the utmost independence is maintained during the currency of an investigation.

Data Matching

As a proactive commitment to the prevention and detection of fraud the Authority has actively participated in the National Fraud Initiative, which is a data matching exercise carried out by the Audit Commission under their powers within the Audit Commission Act 1998. This data match looks at wide variety of data sources and compares them to each other to identity potential fraud and irregularity. The potential fraud and irregularity areas include:-

- Benefits
- Payroll and Pensions
- Creditors
- Street Traders
- Insurance
- Private and Voluntary Adult Homes
- Child Minders
- Blue badge misuse

In addition data matching is also carried out with the Benefit Agency (Department of Works and Pensions) and the Inland Revenue under their own statutory powers.

Data matching is conducted within the requirements of the current Data Protection legislation, and the Audit Commission protocols and staff side consultation.

Housing and /or Council Tax Benefit Fraud

This Service is managed by the Corporate Anti-Fraud Team within the Resources Directorate.

The framework for benefits related investigations and sanctions is contained within Appendix 4

Concerns regarding possible Housing or Council Tax Benefit Fraud, these can be reported using the Benefit Fraud Hotline on (0207 364 7443 – 24 hour answer phone service) or you can speak to a Benefit Investigator direct on 0207 364 7425 or 7426 or 7442

Other possible fraudulent activity include the following (see Appendix 5 for more details):-

- Tenancy Fraud
- Grants
- Insurance Claims
- Parking Permits including Blue Badge Scheme
- Identity theft fraud
- Protect yourself
- Advance fee fraud

Training and Awareness

All staff in the authority will be trained in fraud awareness and anti-fraud and corruption procedures, and this training will be reinforced regularly. It is the responsibility of chief officers to ensure that staff are properly trained. The Director of Resources will provide advice and assistance in the provision of training in fraud awareness to staff.

Future training will include;-

- Organised workshops will continue to be delivered during for 2013/14
- Induction training to new Investigating Officers under the Council's Disciplinary Code.
- Departmental management team training
- Regular on-line alerts and training
- Multi media anti-fraud/anti-money laundering training

Conclusion

Tower Hamlets Council is committed to tackling fraud, corruption and money laundering whenever it happens. Our ongoing response relies heavily on the principles included in this document and our Anti-money laundering policy.

We will continue to review our processes and procedures to ensure these strategy documents remains effective and up to date following endorsement of the current approach by the Audit Committee and Standards Advisory Committee.

APPENDIX 1

The Fraud Act 2006

The Fraud Act 2006 came into effect on 15th January 2007. It applies to England, Wales and Northern Ireland and is based on the recommendations of the Law Commission report “Fraud” published in 2002.

The act replaces all the deception offences in the Theft Acts of 1968 and 1978 and replaces them with a single offence of Fraud as outlined in Section 1 of the act.

The offence can be committed in three different ways thus-

- False representation (Section 2)
- Failure to disclose information when there is a legal duty to do so (Section 3)
- Abuse of position (Section 4)

The Act also creates new offences of possession (Section 6) and making or supplying articles for use in frauds (Section 7)

The offence of fraudulent trading (Section 993 of the Companies Act 2006) will apply to sole traders (Section 9).

Obtaining services by deception is replaced by a new offence of obtaining services dishonestly (Section 11).

Further information on this legislation can be found at <http://www.opsi.gov.uk/acts.htm>

The Identity Card Act 2006

The Identity Card Act 2006 defines what constitutes an identity document and includes

- an ID card
- a designated document
- an immigration document
- a UK passport
- a passport issued by or on behalf of the authorities of a country or territory

outside the UK or by or on behalf of an international organisation

- a document that can be used instead of a passport- for example a visa
- a UK diving licence or a driving licence issued by or on behalf of the authorities of a country or territory outside the United Kingdom

Under this legislation it is an offence to hold a false Identity document.

A person found guilty of this offence shall be liable, on conviction on indictment to imprisonment for a term not exceeding ten years or to a fine, or both.

This legislation is evolving and guidance will be updated as it becomes clearer.

The Proceeds of Crime Act 2002

The Proceeds of Crime Act 2002 and Money Laundering Regulations 2007 place some important obligations upon professional advisers from a wide range of sectors, including Tax advisers, Accountants, Auditors, Insolvency Practitioners and Legal advisers. Such professionals who carry on relevant business are required to fulfil a range of obligations to prevent money laundering. In particular they are required to report their knowledge or suspicion of money laundering to the Serious Organised Crime Agency (SOCA). This covers the proceeds of all crime including all acts of tax evasion and fraud.

At Tower Hamlets we have followed the guidance of CIPFA and the Corporate Fraud Manager, Tony Qayum fulfils the role of Money Laundering reporting officer. There is a process and procedure for reporting concerns to SOCA and the Metropolitan Police via prescribed documentation. The areas most likely to be exposed to Money Laundering are physical cash, asset transactions and planning gain receipts.

If you have a concern regarding this you have a duty to report your concern to the Corporate Fraud Manager who will investigate the matter.

Regulation of Investigatory Powers Act 2000

To demonstrate the Council's commitment to open/ transparent government it has adopted the Home Office guidelines and documentation for Directed Surveillance and Covert Human Intelligence Sources- Informants/ whistleblowers. This act was introduced in response to the Human Rights Act 1998 and the London Borough of Tower Hamlets is committed to maintaining its principles.

The Office of Surveillance Commissioners ('OSC') are tasked with carrying out regular inspections of Law Enforcement Agencies to ensure compliance with the Regulation of Investigatory Powers Act 2000 ('RIPA') in so far as directed surveillance and the use or conduct of a covert human intelligence source ('CHIS') is concerned. As part of that implementation, the OSC advise that Law Enforcement Agencies develop a Corporate Policy. As the Council is classed as a Law Enforcement Agency and in order to follow the OSC's requirement as to a Corporate Policy, this Policy has been formulated and which came into effect from July 27th 2004.

Section 6(1) of the Human Rights Act 1998 provides that it is unlawful for a public authority to act in a way that is incompatible with a Convention right.

Article 8 of the European Convention of Human Rights provides:

Everyone has the right to respect for his private and family life, his home and his correspondence.

There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

RIPA was introduced to ensure that surveillance and certain other intelligence gathering complies with the European Convention of Human Rights. Specifically, Part II of RIPA provides a statutory framework that is compliant with the European Convention of Human Rights when using intrusive surveillance techniques and by introducing national standards that apply to the Police and other Law Enforcement Agencies.

The Public Interest Disclosure Act 1998

The Public Interest Disclosure Act 1998, which came into force in 1999, provides whistleblowers with statutory protection against dismissal and victimisation. The Act applies to people at work raising genuine concerns about crime, civil offences, miscarriage of justice, and danger to health and safety or the environment. It applies whether or not the information is confidential and extends to malpractice overseas.

The Act distinguishes between **internal disclosures** (a disclosure in good faith to a manager or the employer is protected if the whistleblower has reasonable suspicion that the malpractice has occurred or is likely to occur), **regulatory disclosures** and **wider disclosures**. Regulatory disclosures can be made in good faith to prescribed bodies such as the Health and Safety Executive, the Inland Revenue and the Financial Services Authority.

Wider disclosures (e.g. to the police, the media, and MPs) are protected if, in addition to the tests for internal disclosures, they are reasonable in all the circumstances and they meet one of three conditions. Provided they are not made for personal gain these conditions are, that the whistleblower:

- reasonably believed he would be victimised if he raised the matter internally or with a prescribed regulator;
- reasonably believed a cover-up was likely and there was no prescribed regulator; or
- had already raised the matter internally or with a prescribed regulator.

For protection from victimisation to be afforded under the Public Interest Disclosure Act it is necessary in the first instance to consider the nature of the information revealed, and decide whether the disclosure is a 'qualifying disclosure' within Section 43(B) of the Employment Rights Act 1996.

The question is whether the worker concerned honestly believes that the information revealed tends to show that there has been, or is, or is likely to be a relevant failure - past, present or future.

The relevant failure may be:-

a criminal offence;

a failure to comply with any legal obligation;

a miscarriage of justice;

a danger to the health and safety of any person;

Extract from Internet Report prepared by 'Public Concern at Work'

APPENDIX 2

Fraud Response Plan

As part of the Borough's Anti Fraud and Corruption Strategy, it is best practice to have a Fraud Response Plan in place. The plan offers staff direction and help in dealing with matters of suspected Fraud and Corruption indicating responsibilities, and sources for guidance.

RISK MANAGEMENT

The Risk Management Service is usually the most appropriate unit to investigate suspected fraud. It is essential, therefore, that every case of suspected fraud is reported to the Corporate Anti-Fraud Manager.

The Director of Resources will advise and decide on how an inquiry will be progressed and, in conjunction with the Head of Paid Services, whether external agents such as the Police need to be informed.

Experienced Investigation staff will be assigned to manage fraud and/or corruption investigations. Such investigations by Risk Management will give due regard to Audit Commission Guidelines, Codes of Practice and relevant legislation.

At the conclusion of the investigation, management of the service concerned will be informed as to the outcome together with recommendations as to proposed action. The Planned Audit Team will ensure that all recommendations agreed are fully implemented following an actual follow-up audit within six months of the conclusion of the investigation. This will therefore inform the risk based audit approach and the local/corporate risk registers.

REPORTING SUSPECTED FRAUD AND CORRUPTION

Staff are at the forefront in helping the authority to detect fraud. It is often members of staff who are the first to notice suspected cases of fraud and corruption.

The authority encourages staff to report issues concerning fraud or corruption. Financial Regulations and the Officers Code of Conduct require staff to raise their concerns where irregularity is suspected.

When the employee first uncovers a case of suspected fraud or corruption the action they initially take can often be vital to the success of any investigation that ensues. It is essential that their actions be in line with the guidance given in this document.

Guidance on 'What to do' when you suspect fraud and/or corruption are given in the Sections headed 'Action by Employees' and that on 'Action by Managers'

NB. Your suspected fraud and/or corruption matter should be reported to one of the following :-

- Your Line Manager - (where appropriate)
- Your Head of Service- (where appropriate)
- Your Corporate Director- (where appropriate)
- The Corporate Anti-Fraud Manager - Tony Qayum Ext. 4773
- Corporate Fraud Team – Senior Fraud Officer – Sue Oakley Ext. 7423
- Head Risk Management and Audit - Minesh Jani Ext 0738
- Monitoring Officer - Isabella Freeman Ext 4800
- Director of Resources – Chris Holme Ext 4700
- Via the Confidential Staff Whistleblowing Hotline on Freephone 0800 528 0294 (See Whistleblowing process – Appendix 3)
- Public Concern at Work- 020 7404 6576

ACTION BY EMPLOYEES

Where fraud or corruption is suspected:

- Write down your concerns immediately
- Make a note of all relevant details e.g. telephone conversations, dates times, names, actions
- Any notes or evidence in their possession, which supports what is being reported, must be kept intact and placed in a secure location
- Report the matter immediately to either your line manager or your Service Head. If this is not possible/or appropriate due to your concerns potentially about your own service or line

manager, it can be reported to the Risk Management Service (Tony Qayum on Ext. 4773 email tony.qayum@towerhamlets.gov.uk or Sue Oakley Ext. on 7423 and email sue.oakley@towerhamlets.gov.uk). Alternatively, the Council's confidential Staff Whistleblowing telephone line can be used for this (0800 528 0294). Give that officer any notes you have made or any evidence that you have gathered.

- Do not tell anybody else about your suspicions
 - Be prepared to assist Internal Audit or any authorised body in any investigation
 - Do not attempt to carry out an investigation yourself as this may jeopardise any future enquiry and compromise your evidence
-
- Where money laundering is suspected, follow the guidance set out in the Council's Anti-money laundering policy

Please note that under no circumstances should a staff member speak to or write to representatives of the press, TV, radio or to another third party about a suspected fraud without the express authority of the Head of Paid Services.

Suspicions of money laundering must not be discussed with any person save for the Council's Money Laundering Reporting Officer as set out in the Council's Anti-money laundering policy.

It is paramount that officers do not act in a manner that may give rise to an action for slander or libel, or which may amount to an offence of "tipping-off" under the Proceeds of Crime Act 2002.

ACTION BY MANAGERS

Where fraud or corruption is suspected:

- Listen to the concerns raised by staff and treat every reported case seriously, sensitively and confidentially. Never give members of staff the impression that their well-meaning concerns are being treated with anything other than the utmost seriousness

- All staff concerns should be given a fair hearing, along with reassurance that their report of such issues will not affect them adversely
 - Attempt to gain as much information as possible from the member of staff reporting the concern. This should include any notes or evidence in their possession, which supports what is being reported. Such evidence must be kept intact and placed in a secure location
 - Assess whether the suspicions may have some foundation before taking the matter further
 - All suspected concerns involving suspected fraud and corruption must be reported in compliance with Financial Regulations to the Director of Resources or to the Corporate Fraud Manager and give that officer any notes or evidence that has been gathered
 - Be prepared to assist Internal Audit or any authorised body in any investigation
 - Do not attempt to carry out any investigation.
-
- Where money laundering is suspected, follow the guidance in the Council's anti-money laundering policy.

APPENDIX 3

Whistleblowing Process

The Public Interest Disclosure Act 1998 (see appendix A for further information) has enhanced the need for an Anti Fraud culture to be present in all Public Service environments. This entails meaningful and accessible means for Staff, Members and Partners to raise concerns in confidence.

The cornerstone of an Anti-Fraud and Corruption Strategy is a Whistleblowing facility which would **enable staff, contractors, third sector and voluntary providers and Members** to raise concerns of a serious nature in confidence and with assurance that if the matters reported are well-founded they will be investigated without fear of comeback to the whistleblower

The Council launched a confidential Whistleblowing telephone line in September 2000 and has regularly publicised this via articles in Pulling Together, the Councils Intranet and within the Authority's Corporate Governance arrangements, including the Authority's Financial Regulations

"Do you have a genuine concern about Unlawful or improper conduct by Council officers or councillors"?

- If you do, we need to know about it
- You are not a snitch, if you raise a genuine concern you will be helping the council
- You will not be asked to prove your concern is true, only that it is honestly raised
- You must have a concern about unlawful conduct for example possible abuse of authority or dishonest activity
- Your concern should not be a grievance or complaint about services. These have different routes for redress
- You should not raise malicious or false concerns
- If you raise a genuine, but, unfounded concern, you will not be involved in any follow up

action

- You can remain anonymous and be treated with strict confidence if you request

A Supplement not a Substitute – The Usual Channels for Complaint

It is important to note that the Whistleblowing strategy is not intended to replace any of the complaint/concern mechanisms already in place at Tower Hamlets.

Anyone, including elected members, staff, service users, partners and members of the Public are encouraged to raise genuine complaints or matters of concern with the Council through existing procedures.

Where an appropriate avenue exists people should use it. The Whistleblowing procedure is designed to supplement, rather than replace the existing procedures wherever practicable. These channels are:

The Councils Complaints Procedure

The Grievance Procedure

Line Management

The Housing Benefit Fraud Hotline (0207 364 7443)

The Council General Inquiry number (020 7364 5000)

The External Auditor

Public Concern at Work 020 7404 6576

SAFEGUARDS

The Council recognises that a decision to “blow the Whistle” can be a difficult one to make. This may be influenced by the fear of reprisal from those who may have perpetrated the alleged malpractice or from the organisation as a whole.

The Council will not tolerate any victimisation and will take appropriate action to protect any person who raises a concern in good faith, including any necessary disciplinary action.

Wherever possible, the Council will protect the anonymity of any member of staff who raises a concern and who does not want his/her name to be disclosed.

However, this may not always be possible, as any investigation process may in itself reveal the source of information and a statement by the Whistleblower may be a necessary part of evidence, particularly if it is thought the matter may lead to a criminal prosecution.

The Council will protect individuals and the organisation from false, malicious and vexatious expressions of concern. If staff make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, individuals make malicious or vexatious allegations, disciplinary action may be considered and implemented.

The Council will do its best to protect an individual's identity when s/he raises a concern and does not want their name to be disclosed. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement by the individual may be required as part of the evidence. The Council will try to ensure that the negative impact of either a false or unfounded allegation on any "accused" person is minimised. This entails acting with the strictest independence and professional confidentiality.

In determining if action to investigate will take place, the Council will consider the following:-

- whether it is the Council's business
- the credibility of the concern
- the seriousness of the issues raised
- the likelihood of obtaining the necessary information
- the experience of previous related reports

Anonymous concerns will be investigated at the discretion of the Council

The following chart shows how to get your concerns investigated, and takes you through the agreed procedures on how each concern is dealt with to ensure transparency and that it is being treated seriously.

<ul style="list-style-type: none"> • I think a fraud or unlawful act may have been committed • What should I do? • Who should I contact? 	<ul style="list-style-type: none"> • Is it serious and well founded? • If Yes • You can raise your concerns in confidence on the Whistleblowing Hot Line (or write to Tony Qayum – Corporate Anti-Fraud Manager - 7th Floor Mulberry Place)
<ul style="list-style-type: none"> • What will happen if I ring the Hotline 	<ul style="list-style-type: none"> • You will be asked for details of your concern
<ul style="list-style-type: none"> • Will I have to give my name? 	<ul style="list-style-type: none"> • NO
<ul style="list-style-type: none"> • So what will happen next? 	<ul style="list-style-type: none"> • Your concern will be given a reference number. You can call in 10 days to check progress
<ul style="list-style-type: none"> • Who does anything about it? 	<ul style="list-style-type: none"> • A Registration Officer will take details of your call, and a professional investigator will review and classify it. • A register of <u>all calls</u> will be kept, and the Registration Officer will report this to the Chief Executive <p>A final decision will be made and if appropriate an independent confidential investigation will be carried out</p>
<ul style="list-style-type: none"> • Won't it just be covered up? 	<ul style="list-style-type: none"> • NO - there is independence between the Registration Officer and the Investigation Officer. The Investigation Officer is answerable to the Chief Executive, and the Chief Executive must ensure that justified action is reported back to the Registration

	Officer.
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***PLEASE CALL 0800 528 0294 if you have any concerns or would like further details of the process.
Strict Confidentiality and Anonymity will be preserved if requested.***

APPENDIX 4

LONDON BOROUGH OF TOWER HAMLETS BENEFIT FRAUD ENFORCEMENT POLICY

1) Background

The Benefits service positively encourages the take up of Housing and Council Tax Benefit but acknowledges its responsibility to prevent and detect benefit fraud.

Benefit offences are taken seriously by the Authority and it is our aim to apply prosecutions and sanctions in cases where such action is deemed appropriate.

This policy is designed to provide a suitable framework to ensure a fair and consistent approach is applied for cases under consideration.

2) Legislative framework

The Authority has the power to prosecute offenders under Section 111A and 112 of the Social Security Administration Act 1992 which is generally the legislation most appropriate to benefit fraud offenders. However other legislation such as the Fraud Act 2006 may be used where appropriate.

The Authority may apply sanctions in cases where prosecution is feasible, but is not the preferred option. The available sanctions are:

- Administrative Penalty – where a penalty fine of 50% (as of May 2012) of the fraudulently overpaid benefit can be applied. The offender has the right to refuse to accept the penalty but the Authority should then proceed with prosecution action on the case. Therefore the case must be of suitable quality for prosecution action from the outset.

The legislation pertaining to Administrative Penalties is contained within Section 115A of the Social Security Administration Act 1992 (as amended by Section 15 of the Social Security (Fraud) Act 1997).

- Formal Caution – an oral warning that is administered when a claimant has admitted to an offence. These are generally used in less serious cases where lower amounts of money are involved.

The caution is offered in cases where the claimant has admitted the offence, and he/she has a choice in whether to accept or decline the caution. If the caution is declined the Authority should proceed with prosecution action. An accepted caution is recorded on the Department of Work and Pensions Central database and the record is kept for 5 years. Prior to offering Formal Cautions or Administrative Penalties the Central Database is checked. It would not be appropriate to issue more than one caution or penalty to an individual. If the check shows they have accepted a caution or penalty previously the Authority should proceed with prosecution action against that individual.

Both Administrative Penalties and Formal Cautions are offered in a special interview by an officer who has not dealt with the investigation of the case. The format of the interview is fully proceduralised by the Department of Work and Pensions (DWP) to ensure clarity, fairness and consistency.

3) **Prosecution**

Prosecutions on benefit fraud cases are generally facilitated by the Councils Legal Section, but they may also be taken by the DWP or the Police where necessary, according to circumstances.

4) **Suitability for Prosecution and Sanction Action**

Cases are scrutinised by the Investigations Manager for the suitability for prosecution or sanction action taking into account a number of factors.

Primarily evidence and the public interest test are applied before further additional details of the case are taken into account. Details of the considered criteria are given below:

A) ***Sufficiency of evidence***

- Is there enough evidence to provide a realistic prospect of conviction?
- Has the evidence been collected in an appropriate manner?
- Can the evidence be used in court?
- Is the evidence reliable?

-

B) ***Public interest test***

Generally it must be seen to be in the public interest to prosecute. Poor publicity surrounding an attempted prosecution can lead to criticism of the Authority. Factors to be taken into account should include:

- Whether there has been unnecessary delays in carrying out the investigation (i.e. unexplained lapses of time).
- Whether the offender has any serious mental or physical health problems.
- The age of the offender.
- Whether the person has voluntarily disclosed the offence before the investigation discovered the fraud.
- Whether a vulnerable person would be put at risk by a prosecution (i.e. an informant).

C) ***Additional factors of the case***

A key consideration in the decision whether to prosecute is the level of *dishonesty* involved in the fraud. An investigated case may result in a relatively large amount of overpaid benefit, but another with a lower amount of overpayment may present as more serious because of the level of knowledge and deception involved.

Other factors taken into consideration are:

- Whether there is evidence of a previous instance of benefit fraud.

- Where the offender was in a position of trust (e.g. employee or councillor).
- Where there is evidence of collusion (e.g. with landlord or employer)
- Where the person has declined an Administrative Penalty or Caution.
- Where Authorised Officer powers have been obstructed.
- Where there are errors or flaws in the benefit assessment process.

The facts of the case are provided by the investigating officer in summary form at the end of the investigation following a taped Interview under Caution and calculation (by the Benefit Office) of any resulting overpayment.

The Principal Investigation Officer heading the relevant team will evaluate the case and pass her/his recommendations on to the Team Manager.

The Team Manager will consider all the available evidence and determine whether any further action will be appropriate on the case in terms of criminal prosecution action, Formal Caution or Administrative Penalty. The above mentioned points are taken into consideration as are any serious social or personal factors that may have come to light during the investigation. The amount of the benefit overpaid as a result of the perceived fraudulent activity is taken into consideration but is not a definitive measure of what action is to be taken on the case.

The Authority aims to facilitate prosecution action on all cases where there is suitable evidence and supporting criteria. The team has an officer dedicated to preparing the paperwork required and liaising with the Legal department to ensure optimum results are achieved when the case goes to court.

APPENDIX 5

Concerns on the following can be reported via the Whistleblowing hotline and will be referred to the appropriate Service Head for investigation and action as necessary.

Un lawful Subletting of Social Housing Property

The council through Tower Hamlets Homes and its Registered Partners has a limited number of homes available to let and lettings are prioritised according to housing needs. Tenancy fraud involves obtaining properties by deception (for example, individuals claiming to be homeless when they already own a property or are already living at an address), or continuing to claim to be living at a property when they have moved out and sublet it.

We have a duty to house certain vulnerable members of society (e.g. children), and are often forced to use bed and breakfast facilities due to a shortage of council housing. In addition, families or individuals on the housing waiting list are denied housing because people are using the council properties for profit or simply queue jumping. Fraudulently obtaining council housing or subletting for personal gain uses up precious resources that should be available to families in need. The Corporate Fraud Team has a dedicated resource to investigate allegations of Sub Letting and the team works with all Social Housing Landlords within the borough including Tower Hamlets Homes.

If you have any information that suggests a tenanted property is being sub let please **CALL 0800 528 0294** *if you have any concerns or would like further details of the process. Strict Confidentiality and Anonymity will be preserved if requested*

Grants

The council awards several different grants to individuals and organisations in the borough. These range from house renovation grants to voluntary organisations providing services to the community. Grant fraud usually involves either making false claims in order to obtain a grant or providing false accounts of how the money is spent.

Insurance claims

The Council receives bogus insurance claims, particularly related to trips and falls on the pavement. This is a serious problem, which drains resources away from repairing and improving the highways themselves.

Parking permits including Blue Badge Scheme

The council has designated many neighbourhoods as controlled parking zones, many requiring a parking permit which is only available to residents. Parking in certain areas of the borough is at a premium, which causes some motorists to use fake permits, other residents' permits, or may fraudulently use a resident's address to obtain a permit from us. This kind of fraud reduces the availability of parking for residents and reduces the revenue to the council.

Identity theft/fraud

Identity theft is the unlawful taking of another person's details without their permission. The information stolen can be used to obtain many financial services goods and other forms of identification i.e. passports and driving licenses. The information stolen can range from a copy of birth certificate to copies of discarded bank or credit card statements and utility bills.

Once the criminals have copies of someone's identity they can embark on criminal activity in your name with the knowledge that any follow up investigations will not lead to them. With your details they can obtain documents that are in essence real but contain false information thus making it difficult for organisations to know who they really are dealing with.

Protect yourself!

Be careful with your personal information. If you receive a telephone call from a credit card company, bank or other retail company asking to confirm certain details about yourself decline them and ask to call them back preferably through a central switchboard. Also, do not reveal your personal details when using your mobile phone in a public place. When destroying personal correspondence such as bank and credit card statements consider a shredder or even burning them on the garden refuse. If you cannot do either then tear the papers up into very small pieces and place in the refuse bin with other waste products.

If you move address remember to inform all of the companies that send personal information to you in the post. Always consider re-directing your post with Royal Mail. If you fail to do this people moving in might have free access to your personal details and misappropriate them.

How do you know if are victim to this type of fraud?

Are you missing your regular monthly statements?

- Have you noticed charges to your accounts that are not yours? Remember to check all statements especially bank and credit card.
- Being contacted by a debt collection agency about outstanding payments for items or services that you have not ordered.

Protect yourself act quickly

Firstly do not ignore the problem it might not be you that has ordered some goods or opened an account but the debt falls to your name and address.

Once blacklisted for credit it may take many years to fully recover from the problem and you might have difficulties in obtaining a mortgage or other bank credit.

Contact your local Police, report the crime and ask for a crime reference number to quote to the companies that allege that you have opened an account with them.

Check out the Home Office identity theft website at www.identity-theft.org.uk for more information

Advance fee fraud

Advance fee fraud is a popular crime, which involves a myriad of schemes and scams - mail, faxed, and telephone promises designed to facilitate victims parting with money. They usually claim to be from a general or politician in a foreign country who has a large sum of money (millions of pounds), which they wish to get out of a country, and need help in getting it out with the promise of a substantial share of the

cash in return. If you receive correspondence of this sort report it to the police. Remember, if it seems too good to be true, it probably is! For further crime prevention advice, visit the [BBC Crime Prevention website](#) or the [Home Office fraud prevention website](#)

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Appendix 2

Activity	No of Days	Broad Scope	Risk Assessment	Scale of Service	Business Risk as %	Source of Risk	Link to Corporate Priorities
<u>Tower Hamlets Homes</u>							
Management Support and Advice	5			N/A	N/A	Governance arrangements and Ethics	One Tower Hamlets Working efficiently and effectively as one Council.
Work carried forward, Whistle blows, management referrals and proactive contingency	10	Management of Whistle blows, management referrals and reactive and proactive contingency	H	£140M	0.5% - 3%	Various	One Tower Hamlets Working efficiently and effectively as one Council.
Anti Fraud Arrangements/Joint Working	5	This work includes the Fraud Forums, training with the service on Anti Fraud and Corruption Strategy, Money Laundering etc. There is also provision for in year unplanned investigations and support to management.	H	£140M	0.5% - 3%	Legislative Requirement	One Tower Hamlets Working efficiently and effectively as one Council.
Social Housing Fraud Joint Working and Systems improvement	10	Feeding back and learning from systems issues identified by the Social housing fraud team from their working with THH as added value	H	£140M	0.5% - 3%	Governance arrangements and Ethics	One Tower Hamlets Working efficiently and effectively as one Council.
THH total	<u>30</u>						

Activity	No of Days	Broad Scope	Risk Assessment	Scale of Service	Business Risk as %	Source of Risk	Link to Corporate Priorities
<u>Proactive Training and Development</u>							
Anti fraud liaison groups development	5	This will involve close working with a number of our external partners including the Police, DWP and PCT.	H	N/A		Governance arrangements and Ethics	One Tower Hamlets Working efficiently and effectively as one Council.
Anti fraud training and development for members and services	20	Provide continuous update and training to Members and Officers including lunchtime workshops for Directorate Staff	H	N/A		Governance arrangements and Ethics	One Tower Hamlets Working efficiently and effectively as one Council.
	<u>25</u>						
<u>Overall Governance</u>							
Audit Committee	10	Preparation and presentation of reports to the Audit Committee	H	N/A		Governance arrangements and Ethics	One Tower Hamlets Working efficiently and effectively as one Council.
Standards Committee	5	Preparation and presentation of reports to the Standards Committee	H	N/A		Governance arrangements and Ethics	One Tower Hamlets Working efficiently and effectively as one Council.

Activity	No of Days	Broad Scope	Risk Assessment	Scale of Service	Business Risk as %	Source of Risk	Link to Corporate Priorities
FOI	5	Reactive responses to Freedom of Information requests for information.	H	N/A		Governance arrangements and Ethics	One Tower Hamlets Working effectively as one Council.
Money laundering Officer responsibilities	5	Identify and deliver training and act as the money laundering officer, providing advise, single point of contact on any issues and co-ordination with other agencies	H			Governance arrangements and Ethics	One Tower Hamlets Working effectively as one Council.
Categorising and quantifying fraud	5	Continue the development of categorising and quantifying fraud to influence system controls and improvement	H	Over £1B	0.1% 3%	Governance arrangements and Ethics	One Tower Hamlets Working effectively as one Council.
	<u>30</u>						

Activity	No of Days	Broad Scope	Risk Assessment	Scale of Service	Business Risk as %	Source of Risk	Link to Corporate Priorities
<u>NFI 2012</u>							
NFI management Key Contact Function	25	This work will involve managing the Audit Commission Web base site, provision of training and support and monitor progress. Managing NFI pilots as they arise	H	over £500M	0.5% - 3%	Governance arrangements and Ethics	One Tower Hamlets Working efficiently and effectively as one Council.
NFI Co-ordinator and Corporate Investigations	70	Manage the NFI output with corporate risk support/train other investigators as appropriate, respond the enquiries from other LA's or agencies	H	over £500M	0.5% - 3%	Governance arrangements and Ethics	One Tower Hamlets Working efficiently and effectively as one Council.
	<u>95</u>						
<u>Joint working with other agencies</u>							
Joint working and referrals DWP	5	Provide support to DWP referrals on staff related matters	H	Circa £140M	0.5% - 3%	Governance arrangements and Ethics	One Tower Hamlets Working efficiently and effectively as one Council.
Joint working and referrals from the Police	5	Respond to Met Police referrals from both the local and specialist police functions	H	Unknown dependant on values of referrals		Governance arrangements and Ethics	One Tower Hamlets Working efficiently and effectively as one Council.
	<u>10</u>						

Activity	No of Days	Broad Scope	Risk Assessment	Scale of Service	Business Risk as %	Source of Risk	Link to Corporate Priorities
Anti Fraud Forums							
Anti Fraud forums	5	Internal and external (other LA's, Police, DWP, PCT) anti fraud groups working on information sharing and joint working and fraud co-ordination	H	Unknown dependant on values of referrals		Governance arrangements and Ethics	One Tower Hamlets Working efficiently and effectively as one Council.
	5						
Proactive							
Internal data matching exercises with council services and trial of Fraud Hub with Social Housing providers	70		H	Circa £300M	.03%-5%	Governance arrangements and Ethics	One Tower Hamlets Working efficiently and effectively as one Council.
Development of new areas of investigation including new C. Tax Scheme, SPD and Student discount reduction awards.							

Activity	No of Days	Broad Scope	Risk Assessment	Scale of Service	Business Risk as %	Source of Risk	Link to Corporate Priorities
Data matching - corporate assurance Duplicate payments investigation.	30		H	Unknown dependant on matching results		Governance arrangements and Ethics	One Tower Hamlets Working effectively as one Council.
Development of FMMs fraud modules case managements systems	10	Building /developing the FMMS cases management systems for Social Housing Fraud, Parking Fraud and Corporate reactive modules	H	N/A	N/A	Governance arrangements and Ethics	One Tower Hamlets Working effectively as one Council.
	<u>110</u>						

Activity	No of Days	Broad Scope	Risk Assessment	Scale of Service	Business Risk as %	Source of Risk	Link to Corporate Priorities
<u>Contingencies</u>							
Anti Fraud Reactive contingency	<u>50</u>		H			Governance arrangements and Ethics	One Tower Hamlets Working efficiently and effectively as one Council.
Management of Whistle blows	<u>25</u>		H			Governance arrangements and Ethics	One Tower Hamlets Working efficiently and effectively as one Council.
<u>Reactive (audit and anti fraud) total</u>	<u>380</u>						

Activity	No of Days	Broad Scope	Risk Assessment	Scale of Service	Business Risk as %	Source of Risk	Link to Corporate Priorities
<u>Social Housing Fraud Team (3 full time resources)</u>	<u>585</u>	Working with THH and other RSL's on recovering of Unlawfully let properties, in appropriate successions, assignments, mutual exchanges RTBs. Joint working with LBTH to identify and learn from weaknesses. Co-ordinate associate fraud work with benefits, Council Tax, Parking Fraud, Electoral Role etc...	H	£140M plus	1% - 5%	Governance arrangements and Ethics	One Tower Hamlets Working effectively as one Council.
<u>Parking Fraud Team (one full time one P/T)</u>	<u>295</u>	Investigating blue badges, parking and permits associated abuses in line with SLA with CLC	H		0.5% to 10%	Governance arrangements and Ethics	One Tower Hamlets Working effectively as one Council.
<u>Housing Benefit Fraud Team</u>	<u>1170</u>	Investigation of allegations of HB abuse, Joint working with DWP, Data matching and NFI Output investigation.	H		H	Governance arrangements and Ethics	One Tower Hamlets Working effectively as one Council.

Agenda Item 4.6

Committee: Standards Advisory	Date: 24 October 2013	Classification: Unrestricted	Report No:	Agenda Item:
Report of: Assistant Chief Executive (Legal Services) Originating officer(s) David Galpin, Head of Legal Services - Community		Title: Covert investigation under the Regulation of Investigatory Powers Act 2000 Wards Affected: All		

1. SUMMARY

- 1.1. The codes of practice issued by the Home Office in relation to Part 2 of the Regulation of Investigatory Powers Act 2000 ("RIPA") recommend that elected members have oversight of the Council's use of these provisions. The Standards Committee's terms of reference enable the committee to receive reports on the Council's authorisation of covert investigations under RIPA.

2. DECISIONS REQUIRED

Standards Advisory Committee is recommended to:-

- 2.1. Consider and comment upon the information provided in the report.

3. BACKGROUND

3.1. Covert investigation and RIPA

- 3.2. The Council has broad statutory functions and takes targeted enforcement action in relation to those functions, having regard to the Tower Hamlets Community Plan, the Council's Local Development Framework, any external targets or requirements imposed under relevant legislation and the Council's enforcement policy. There may be circumstances in the discharge of its statutory functions in which it is necessary for the Council to conduct directed surveillance or use a covert human intelligence source for the purpose of preventing crime or disorder.

- 3.3. RIPA was enacted to provide a framework within which a public authority may use covert investigation for the purpose of preventing or detecting crime or of preventing disorder. It is designed to ensure that public authorities do not contravene the obligation in section 6(1) of the Human Rights Act 1998 not to act in a way which is incompatible with an individual's rights under the European Convention on Human Rights ("ECHR"). It is particularly concerned to prevent

contravention of the qualified right in Article 8 of the ECHR to respect for private and family life, home and correspondence.

3.4. The Council's use of RIPA

3.5. The Interim Monitoring Officer is the senior responsible officer for ensuring the Council complies with RIPA. The Head of Legal Services (Community) ("HLS") is his deputy.

3.6. The Council has policies on the use of directed surveillance or covert human intelligence sources. The current versions of these policies were approved by Cabinet on 3 October 2012, as appendices to the Council's enforcement policy. The Council also has in place guidance manuals to assist officers in the authorisation process. The policies and guidance are designed to help the Council comply with RIPA and the Codes of Practice issued by the Home Office in relation to directed surveillance and the use of covert human intelligence sources.

3.7. The Council's priorities for using RIPA, as specified in its policies are -

- Anti-social behaviour
- Fly-tipping
- Unlawful street vending of DVDs and tobacco
- Underage sales of knives, tobacco, alcohol and fireworks
- Fraud, including misuse of disabled parking badges and claims for housing benefit
- Illegal money-lending and related offending
- Breach of licences
- Touting.

3.8. The Council may only use covert investigation for the purposes of serious offences. This means an offence of the following kind –

- An offence punishable by a maximum term of at least 6 months of imprisonment.
- An offence under section 146 of the Licensing Act 2003 (sale of alcohol to children).
- An offence under section 147 of the Licensing Act 2003 (allowing the sale of alcohol to children).
- An offence under section 147A of the Licensing Act 2003 (persistently selling alcohol to children).
- An offence under section 7 of the Children and Young Persons Act 1933 (sale of tobacco etc. to persons under eighteen).

- 3.9. The Council must also have approval from a court, in addition to an internal authorisation granted by its authorising officer, before carrying out covert surveillance.
- 3.10. In accordance with the Council's policies and manuals, a central record is maintained in Legal Services of all authorisations and approvals granted to carry out either directed surveillance or to use covert human intelligence sources (authorisations under Part 2 of RIPA). The Council provides an annual return to the Office of Surveillance Commissioners ("OSC"), based on the central record.
- 3.11. In order to ensure that applications for RIPA authorisation are of an appropriate standard, the Council's policies and manuals provide that all applications for authorisation to conduct directed surveillance or to use covert human intelligence sources should be considered by a gatekeeper before being passed on to the authorising officer. The Council has a single gatekeeper (the Head of Community Safety Enforcement & Markets within the Community Safety Service). In the absence of the Head of Community Safety Enforcement & Markets, the HLS may act as gatekeeper. The gatekeeper must work with applicant officers to ensure an appropriate standard of applications, including that applications use the current template, correctly identify known targets and properly address issues of necessity, proportionality and collateral intrusion.
- 3.12. The Council has a single authorising officer (Service Head - Community Safety), who has responsibility for considering applications to use directed surveillance or covert human intelligence sources. The policies provide that the Head of Internal Audit may stand in for the Service Head - Community Safety where the ACE or HLS consider it necessary.
- 3.13. The Council's policies and manuals require officers who apply for RIPA authorisations to expeditiously forward copies of authorisations, reviews and cancellations to Legal Services for the central record. The HLS (or deputy) attends fortnightly at CLC's internal deployment meetings to ensure the central record is being kept up to date. Representatives of each service area in CLC attend these meetings. The Council's authorising officer and gatekeeper attend. The meetings provide an opportunity to check the status of applications and authorisations under RIPA and a forum at which officers may present any operations plans where covert investigation may be required and seek a steer from those at the meeting.
- 3.14. The Council's RIPA applications**
- 3.15. Quarter 1 of 2013/2014**
- 3.16. There were no authorisations granted in quarter 1 of 2013/2014.

3.17. Quarter 2 of 2013/2014

- 3.18. A single authorisation was granted in quarter 2 of 2013/2014. This was granted on 7 August 2013 in respect of application CS0001. The subject matter of the investigation was touting and details of the authorisation are set out in Appendix 1 to this report.
- 3.19. The authorisation was the first one under the new regime, whereby approval is also required from a court. An application was made to the Thames Magistrates' Court and approval was given on 25 September 2013.

3.20. Inspection by the Office of Surveillance Commissioners

- 3.21. The Council was inspected by the Office of Surveillance Commissioners (**OSC**) on 16 May 2013. The report of the inspection was provided by the OSC on a restricted basis. It is proposed that a copy of the report be made available to the Committee on the basis that it contains exempt information within the meaning of the Local Government Act 1972 and is not for publication.
- 3.22. Overall, the inspector found that measures put in place in 2011 had delivered exemplary standards of compliance in all areas the subject of OSC scrutiny. The inspector specifically noted –
- A comprehensive guidance and procedural manual, with clearly defined roles.
 - Strict oversight controls by the authorising officer.
 - Regular partnership meetings at which RIPA is a standing item.
 - Regular reporting to the Standards Committee.
 - A policy for securing technical equipment.
 - An effective training strategy.
 - A central record compliant with codes of practice.
 - An exemplary standard of application and authorisation.
- 3.23. The inspector made some recommendations for further improvement, which are being taken forward. These include –
- Briefing practitioners on the parameters of an authorisation, the matters which a cancellation statement should take into account use of RIPA in relation to social networking. On 2 September 2013, a briefing was given by Legal Services to the regular community safety partnership meeting about these matters.
 - Creation of a single ongoing record, rather than an annual record to facilitate consideration of whether a particular application is proportionate or not.

4. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 4.1 This is a report of the Council's use of the Regulation of Investigatory Powers Act 2000 ("RIPA") to the Standards Committee. There are no financial implications arising from the recommendations in this report.

5. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)

- 5.1. Legal implications are addressed in the body of the report.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1. Enforcement action that complies with the five principles expressed in the Council's enforcement policy should help to achieve the objectives of equality and personal responsibility inherent in One Tower Hamlets.
- 6.2. The enforcement policy should enhance Council efforts to align its enforcement action with its overall objectives disclosed in the Community Plan and other key documents such as the local area agreement and the Local Development Framework. For example, one of the key Community Plan themes is A Great Place to Live. Within this theme there are objectives such as reducing graffiti and litter. The enforcement policy makes clear the need to target enforcement action towards such perceived problems. At the same time, the enforcement policy should discourage enforcement action that is inconsistent with the Council's objectives.
- 6.3. Enforcement action may lead to indirect discrimination in limited circumstances, but this will be justified where the action is necessary and proportionate. Necessity and proportionality are key considerations in respect of every application for authorisation under RIPA.

7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 7.1. The enforcement policy seeks to target the Council's enforcement action in accordance with the Community Plan. The Community Plan contains the Council's sustainable community strategy for promoting or improving the economic, social and environmental well-being of Tower Hamlets and contributing to the achievement of sustainable development in the United Kingdom. To the extent that the enforcement policy aligns enforcement action with the Community Plan it will tend to promote sustainable action for a greener environment.

8. RISK MANAGEMENT IMPLICATIONS

- 8.1. Enforcement action carries with it a variety of inherent risks, including the potential for allegations of over- or under-enforcement, discrimination, adverse

costs orders and damage to the Council's reputation. It is considered that proper adherence to RIPA, the codes of practice, the Council's policies and guidance will ensure that risks are properly managed. Oversight by the Standards Committee should also provide a useful check that risks are being appropriately managed.

9. EFFICIENCY STATEMENT

9.1. The report does not propose any direct expenditure. Rather, it is concerned with regularising decision-making in areas in which the Council is already active. The enforcement policy seeks to ensure that enforcement action is targeted to the Council's policy objectives. This is more likely to lead to efficient enforcement action than a less-controlled enforcement effort. It is also proposed that members will have an oversight role through the Standards Committee. This will provide an opportunity to judge whether the Council's enforcement action is being conducted efficiently.

10. APPENDICES

Appendix 1 – Summary of Quarter 2 RIPA authorisations

**Local Government Act, 1972 Section 100D (As amended)
List of "Background Papers" used in the preparation of this report**

Brief description of "back ground papers"	Name and telephone number of holder and address where open to inspection.
None	N/A

APPENDIX 1 - SUMMARY OF QUARTER 2 RIPA AUTHORISATIONS

CS0001	Summary information
Service area:	Community Safety
Date URN granted:	12 April 2013
Application on correct form?	Yes
Date of gatekeeper clearance:	
Date of authorisation:	7 August 2013
Date of Court approval	25 September 2013
Expiry date and time:	31 October 2013
Scheduled review date(s):	None
Dates of reviews:	None
Cancellation:	Still active
Total time open:	14 days (at time of writing)
Type of covert investigation:	Directed surveillance
Subject matter of investigation:	Touting in the Brick Lane area
Necessity:	The action was considered necessary given: (1) the level of public complaints; (2) the failure of high visibility patrols to catch individuals touting or to deter individuals engaged in touting; and (3) despite warnings, education of licence holders, written advice and meetings, the touts and restaurants continue to operate in a way that impacts on visitors and residents. The action will prevent or detect crime, namely offences against: section 136(1) of the Licensing Act 2003; section 237 of the Local Government Act 1972; regulations 9 and 11 of the Consumer Protection From Unfair Trading Regulations 2008.
Proportionality:	The authorising officer took into account: (1) the preventative work undertaken in the area to educate and inform restaurant owners of their licence conditions and the offences they commit; (2) the level of public complaints associated with the activity; (3) the continual presence of uniformed police officers and council officers which only curtail the activity while they are near the offending individuals.
Collateral intrusion:	Visual images would be recorded of passers-by and restaurant customers. A tape would be prepared of

	highlights and any remaining material kept under seal to be made available in criminal proceedings in accordance with the Criminal Procedure Rules.
Outcome:	The operation is ongoing at the time of writing this report.

Agenda Item 4.7

Committee Standards Advisory	Date 24th October 2013	Classification UNRESTRICTED	Agenda Item No.
Report of Service Head, Democratic Services	Title Members' Attendance, Timesheets and Declaration of Interests: Monitoring Report		
Originating Officer(s): John Williams	Wards affected ALL		

1. SUMMARY

- 1.1 This report updates the Committee on a range of matters related to Councillors' attendance at formal meetings and training events, completion of timesheets and the register of interests.

2. RECOMMENDATIONS

- 2.1 That the Standards Advisory Committee:

- (i) Note the information set out in Appendices 1, 2 and 3 in relation to Councillors' submission of timesheets, attendance at formal meetings and training events, and completion of the register of interests during the previous and current municipal years;
- (ii) Consider whether there is a need to ask the Chair to write to any Councillor(s) in connection with any of the monitoring information; and
- (iii) Agree to receive further monitoring reports at six monthly intervals.

3. BACKGROUND

- 3.1 Since April 2004 the former Standards Committee and now the Standards Advisory Committee have received regular monitoring reports on the completion of Members' timesheets and attendance by Members at Council and other formal meetings.
- 3.2 Over that period, the Committees have discussed how to build on this good practice by incorporating additional information in the reports and presenting the information in the most suitable way to enhance transparency and accountability. In April 2009 the Standards Committee agreed a number of changes to the monitoring regime and these are incorporated in this report.

4. MEMBERS' TIMESHEETS

- 4.1 Tower Hamlets Councillors have, since April 2002, completed monthly timesheets detailing the time spent on council duties, split into categories such as surgeries, casework, attendance at meetings/external bodies etc.
- 4.2 Members' timesheets are posted on the 'Meet your Councillor' pages of the Council's website which also contain information on the ward represented, committee/external appointments, surgery arrangements, contact and other details. Councillors are personally responsible for the accuracy and timely submission of their timesheets.
- 4.3 Completion of timesheets is not a statutory requirement and does not affect the Basic and Special Responsibility Allowances paid to Members. However, the London Councils Independent Panel on the Remuneration of Councillors have emphasised the need for an accountable and transparent allowances scheme. In their 2001 report, the Independent Panel identified the tasks and responsibilities which they believed were the essential remit of a Councillor. In proposing a Basic Allowance to apply to all Councillors, they assumed a contribution of 40 hours per month on top of a "voluntary commitment" of 20 hours for each Member. Tower Hamlets has voluntarily developed the timesheet system to enhance transparency.
- 4.4 The Standards Advisory Committee and its predecessor Standards Committee have placed great importance on the timely and accurate completion of timesheets and the monitoring arrangements have placed Tower Hamlets at the forefront of best practice in this area as very few other local authorities have any such formal monitoring system in place. In accordance with the Committee's previous request, the table at Appendix 1 now includes, in addition to a snapshot of timesheets completed as at the date of the Committee meeting, information on when each timesheet was submitted and a figure at the bottom of each column showing the average number of total hours recorded on each of the timesheets submitted in respect of that month.

The current position – completion of timesheets

- 4.5 In relation to the submission of timesheets the current position, as at 15th October 2013 and set out in Appendix 1 attached, is that 6 Members (11.7% of the total) have completed their timesheets up to and including September 2013. 26 Councillors (51%) are more than three months in arrears. An updated schedule will be tabled at the meeting, if necessary.
- 4.6 The Committee may wish to follow previous practice and ask the Chair to write to those Members who are significantly in arrears, drawing their attention to the need to maintain an up to date record. At the April meeting, 17 members were 3 or more months in arrears with their timesheets.

5. MEMBERS' ATTENDANCE AT MEETINGS

- 5.1 As with timesheets, attendance at committee/panel meetings is not a statutory requirement - the law simply says that if a Councillor fails to attend any Council or other qualifying meeting for a period of six months, he/she shall cease to be a Member of the local authority - and it is accepted that many important Council duties take place outside formal meetings. Nevertheless, attendance at meetings to which he/she has been appointed does represent a key part of a Councillor's work and the combination of attendance and timesheet monitoring information in this report provides a useful picture of a Councillor's activity for the purpose of accountability.

The current position - attendance at meetings

- 5.2 The chart at Appendix 2 shows the record of attendance by Councillors at formal constitutional meetings from 1st April 2013 to 30th September 2013 . Where a Councillor has failed to attend a formal meeting but has submitted apologies in advance, this is noted in the report.

6. MEMBERS' DECLARATION OF INTERESTS AND ATTENDANCE AT MANDATORY TRAINING EVENTS

- 6.1 The Committee has previously requested that information be included in the report on two matters that are key to Councillor accountability and ethical governance – (i) Members' completion of the register of personal interests, and (ii) attendance at mandatory training events including seminars on the Code of Conduct and specific training for Councillors appointed to the quasi-judicial committees. This information is summarised in Appendix 3 attached and further explanatory information is below:-

Updates to the register of Members' interests

- 6.2 Members are required to complete a register of their interests within 28 days of becoming a Councillor and subsequently they must notify any change to this within 28 days of becoming aware of the change. Members receive six-monthly reminders to update the register with any changes. The attached schedule lists the date of each Councillor's latest update to their register entry.
- 6.3 As a matter of good practice and for the purpose of clarity, Members are asked to provide a nil return if there are no changes to register at the six-monthly reminder. However failure to do so would not represent a breach of the Code of Conduct.

Attendance at training events

- 6.4 The Committee has also sought assurance regarding Councillors' attendance at relevant mandatory training events such as those on the Code of Conduct and the specific sessions arranged for members of the Development, Licensing and Appeals Committees and the Appointments Sub-Committee. This information is now incorporated into the schedule at Appendix 3, together with the total number of attendances at other (non-mandatory) in-house Member seminars during the year.

7. OBSERVATIONS OF THE CHIEF FINANCIAL OFFICER

- 7.1 There are no direct financial implications arising from this report.

8. LEGAL SERVICES COMMENTS

- 8.1 The Localism Act 2011 introduced new arrangements to govern the Standards of Conduct for local authority members and co-optees. Seven guiding principles of conduct are set out:- selflessness; integrity; objectivity; accountability; openness; honesty and leadership.
- 8.2 The information in this report supports these guiding principles and, in particular, enhances performance and openness in relation to members performance of their council duties.

9. ONE TOWER HAMLETS CONSIDERTIONS

- 9.1 There are no specific implications for One Tower Hamlets arising from the proposals in this report.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 This report has no immediate implications for Crime and Disorder.

11. RISK MANAGEMENT IMPLICATIONS

- 11.1 There are no risk management implications.

12. STRATEGIC ACTION FOR A GREENER ENVIRONMENT (SAGE)

- 12.1 There are no SAGE implications arising directly from this report.

Brief description of "background paper"

Name and telephone number
of holder and address where
open to inspection

Reports by the Independent Panel on the
Remuneration of Councillors in London

John Williams 020 7364 4204
Town Hall, Mulberry Place,
5 Clove Crescent, London,
E14 2BG

Councillors timesheets and attendance files

MEMBERS MONTHLY TIMESHEETS – SUMMARY OF RETURNS
MADE FROM APRIL 2013 TO SEPTEMBER 2013

Councillor	APRIL 2013	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	JAN 2014	FEB	MAR
Helal Abbas	8.5.13	20.6.13	2.7.13	1.8.13	18.9.13							
Kabir Ahmed	14.8.13	14.8.13	14.8.13	14.8.13								
Khales U. Ahmed	1.5.13	4.6.13	Yes	6.8.13	Yes	Yes						
Ohid Ahmed												
Rajib Ahmed	Yes	Yes										
Rofique Ahmed	8.5.13	7.6.13	5.7.13	3.8.13	5.9.13	3.10.13						
Shahed Ali												
Timothy Archer	10.5.13	4.6.13	Yes		4.10.13							
Abdul Asad												
Craig Aston	4.6.13	18.6.13	4.10.13	4.10.13	4.10.13							
Lutfa Begum												
Mizanur Chaudhury												
Alibor Choudhury	3.6.13	7.6.13										
Zara Davis	7.5.13	3.6.13	22.8.13	13.9.13	26.9.13							
Stephanie Eaton	24.6.13											
David Edgar	Yes	Yes	Yes	6.9.13	6.9.13							
Marc Francis	10.5.13	12.7.13	11.7.13	30.9.13	9.9.13							
Judith Gardiner												
Carlo Gibbs	26.6.13	26.6.13	8.8.13	8.8.13								
Peter Golds	17.6.13	19.6.13	Yes	13.9.13	4.10.13							
Shafiqul Haque	18.6.13	18.6.13	15.8.13	15.8.13	4.9.13	3.10.10						
Carli Harper-Penman	22.5.13	5.6.13										
Sirajul Islam	13.6.13	13.6.13	10.10.13	10.10.13	10.10.13	10.10.13						
Ann Jackson												
Denise Jones		4.9.13	4.9.13	4.9.13	4.9.13							
Emma Jones	2.5.13	4.6.13	23.8.13	16.9.13	4.10.13							
Aminur Khan	Yes	Yes										
Anwar Khan												
Rabina Khan												
Rania Khan												
Shiria Khatun												
Fozol Miah												
Harun Miah	26.9.13	26.9.13	26.9.13									

Councillor	APRIL 2013	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	JAN 2013	FEB	MAR
Maium Miah												
Md. Abdul Mukit MBE	Yes		16.7.13									
Ahmed Omer												
Lesley Pavitt	1.5.13	4.6.13	2.7.13	23.7.13		3.10.13						
Joshua Peck	14.5.13	Yes	2.7.13	23.8.13	10.9.13							
John Pierce												
Oliur Rahman	25.4.13	21.5.13										
Zenith Rahman	10.7.13	10.7.13	10.7.13	12.9.13	12.9.13							
Gulam Robbani												
Rachael Saunders	1.8.13	1.8.13	1.8.13	1.8.13								
David Snowdon												
Gloria Thienel	2.5.13	4.6.13	22.8.13	13.9.13	2.9.13	2.10.13						
Bill Turner												
Helal Uddin	10.6.13	Yes	21.8.13	21.8.13	13.9.13							
Kosru Uddin	22.5.13											
Abdal Ullah	21.5.13	1.6.13										
Motin Uz-Zaman	Yes	2.9.13	2.9.13	2.9.13	Yes							
Amy Whitelock	22.6.13	26.6.13	7.8.13	7.8.13								
AVERAGE HOURS RECORDED FOR MONTH	66.5	65.3	64.4	68.3	44.2	79.1						

MEMBERS' ATTENDANCE – 1ST APRIL – 30TH SEPTEMBER 2013

APPENDIX 2

(includes end of 12/13 municipal year and 13/14 municipal year)

	Council	Cabinet	Dev Cttee	Licensing Cttee	O & S Cttee	Health Scrutiny Panel	Standards Advisory Cttees	Pensions Cttee	Human Resources Cttee	**Appeals Cttee	***Appts Sub Cttee	General Purposes Cttee	Strategic Dev Cttee	*Licensing Sub-Cttee	Audit Cttee
Total Held	4	6	6	1	6	3	2	2	4	2	3	2	4	17	2
H. Abbas	4		6 (6)								2		4 (4)		
K. Ahmed	4										3				
K. U. Ahmed	4		2(dep)	1										12	
O. Ahmed	4	6													
R. Ahmed	4		1 (4)	0(Ap)								1 (1 Ab)	1 (2Ap) (3)	6	
R. U. Ahmed	4	5 (1Ap)													
S. Ali	4	6											1 (1)		
T. Archer	4		3 (1Ap) (4)		1 (1Ap)										
A. Asad	4	6					1 (1)				2				
C. Aston	4		1 (1Ap) (2)					2				2			1 (1Ap)
L. Begum	4					(2Ab) (2)						(1Ab) (1)			
M. Chaudhury	3 (1Ap)									2				1	1 (1Ap)
A. Choudhury	4	6							4		2	2			
Z. Davis	4						1 (1Ap)						3 (1Ap)	1	
S. Eaton	4				4 (2Ap)								1 (1)		2
D. Edgar	4			(1Ap)		2 (2)	2		4			1 (1)			
M. Francis	4		1	(1Ap)								2	3 (3)	2	
J. Gardiner	3 (1Ap)		4		1(1)		1 (1)	2					1 (1)		1 (1Ap)
C. Gibbs	4								4				1(1) 1(dep)		2
P. Golds	4			1	1(dep)		1(dep)					1 (1)	1 (1) 2(dep)	11	
S. Haque	4	5 (1Ap)													(2 Ap)
C. Harper-Penman	2 (2Ap)			1			(1Ap) (1)						(3Ap) (3)	1	
S. Islam	4				2 (2)		1 (1Ap)		1(dep)						
A. Jackson	4			1	2 (2)			2						2	
D. Jones	4		(2Ap) (2) 1(dep)	1		1(1)							1(2Ap) (3)	2	
E. Jones	4					3 (3)							3 (1Ap)		

* Part of pool of Members to sit on Licensing Sub-Committees

** Part of pool of Members to sit on Appeals Committees

*** As required

MEMBERS' ATTENDANCE – 1ST APRIL – 30TH SEPTEMBER 2013

(includes end of 12/13 municipal year and 13/14 municipal year)

	Council	Cabinet	Dev Cttee	Licensing Cttee	O & S Cttee	Health Scrutiny Panel	Standards Advisory Cttees	Pensions Cttee	Human Resources Cttee	**Appeals Cttee	***Appts Sub Cttee	General Purposes Cttee	Strategic Dev Cttee	*Licensing Sub-Cttee	Audit Cttee
Total Held	4	6	6	1	6	3	2	2	4	2	3	3	4	17	2
Aminur Khan	4											2 (Ab)			
Anwar Khan	4		5 (1Ap)												
Rabina Khan	3 (1Ap)	4 (2Ap)													
Rania Khan	3 (1Ap)	4 (1Ap) (1Ab)					(1Ab) (1)								
S. Khatun	3 (1Ap)		2 (2)						1 (2Ap) (1Ab)			2 (1Ap)			
F. Miah	4				(6 Ab)		(1Ap) (1Ab)								
H. Miah	3 (1Ap)														
M. Miah	4		(1 (1Ap) (2)	(1Ap)									3 (3)	2	
M. A. Mukit	4					2 (1Ap)									2
A. Omer	2 (1Ap) (1Ab)											1 (1)			
L. Pavitt	4					1 (1) (1 dep)				2	2				
J. Peck	4			(1Ap)									1(dep)	1	
J. Pierce	4								4			3			
L. Rahman	4	6													
O. Rahman	2 (2Ap)	(6Ap)						(1Ap) (1Ab)	(1Ap) (1Ab)						
Z. Rahman	4					1 (1Ab) (2)		2							
G. Robbani	4		4 (4)			(3Ab)									
R. Saunders	3 (1Ab)		6		6	3	1 (1)								
D. Snowdon	2 (2Ap)			(1Ap)	4 (4)									7	
G. Thienel	4								4		2				
B. Turner	4									2	2		1 (1)		
H. Uddin	4				6								1 (1)		
K. Uddin	3 (1Ap)		2 (2Ap) (4)												
A. Ullah	3 (1Ap)				3 (1Ab) (4)										
M. Uz-Zaman	4				3 (1Ap) (4)		(1Ap) (1)							1	
A. Whitelock Gibbs	4				4 (2Ap)						2			1	

* Part of pool of Members to sit on Licensing Sub-Committees

** Part of pool of Members to sit on Appeals Committees

*** As required

**APPENDIX 3: COMPLETION OF DECLARATION OF INTEREST FORMS AND ATTENDANCE AT TRAINING EVENTS
(1st APRIL – 30TH SEPTEMBER 2013)**

	Declaration of Interest Update received:	Mandatory Training for 2013/14				Non-mandatory Learning & Development Seminars attended 01/04/13 – 30/09/13 Max = 3)
		Planning & Probity	Appeals	Licensing	Appointments	
H. Abbas	14.8.13	Yes			Yes	1
K. Ahmed	12.8.13	Yes				0
K. U. Ahmed	8.8.13		Yes	Yes		0
O. Ahmed	28.6.12					0
R. Ahmed	14.8.13	Yes		Yes		1
R. U. Ahmed	8.2.12					0
S. Ali	14.8.13	Yes				0
T. Archer	18.6.12	Yes				0
A. Asad	9.2.12				Yes	0
C. Aston	12.8.13					1
L. Begum	31.1.12		No - TBA			0
M. Chaudhury	20.7.10		Yes			1
A. Choudhury	11.9.13				Yes	0
Z. Davis	30.8.13	Yes	Yes			0
S. Eaton	28.3.12					1
D. Edgar	5.8.11			Yes		0
M. Francis	18.9.13	Yes		Yes		0
J. Gardiner	9.7.12	Yes				0
C. Gibbs	28.8.13	Yes				0
P. Golds	3.10.13	Yes		Yes		0
S. Haque	9.9.13					1
C. Harper-Penman	12.8.13	Yes		Yes		0
S. Islam	29.8.12					1
A. Jackson	11.7.12			Yes		0 (+1 as Trustee of Council Pension Fund)
D. Jones	16.7.12	Yes		Yes		1

	Declaration of Interest update received:	Mandatory Annual Training					Non-mandatory Learning & Development Seminars attended 01/04/13 – 30/09/13 (Max =3)
		Planning & Probity	Appeals		Licensing	Appointments	
E. Jones	7.8.13	Yes					0
Aminur Khan	5.12.11						1
Anwar Khan	27.6.11	Yes					0
Rabina Khan	24.1.12						1
Rania Khan	16.1.12						0
S. Khatun	3.7.12						1
F. Miah	25.4.12	Dep - TBA					0
H. Miah	31.8.13	Yes					0
M. Miah	27.8.13	Yes			Yes		1
M. A. Mukit	26.3.12						1
A. Omer	1.9.10						1
L. Pavitt	28.8.13		Yes			Yes	1
J. Peck	2.9.13	Yes	No - TBA		Yes		2
J. Pierce	29.6.12		Yes				1
O. Rahman	8.2.12		No - TBA				0
Z. Rahman	16.5.12						1 (+1 as Trustee of Council Pension Fund)
G. Robbani	23.4.12	Yes					1
R. Saunders	1.9.13						1
D. Snowdon	17.5.10				Yes		0
G. Thienel	12.8.13		Yes			Yes	1
B. Turner	7.11.11		Yes			Yes	0
H. Uddin	11.7.12	Yes	Yes				1
K. Uddin	12.8.13	Yes	No - TBA				0
A. Ullah	25.3.12						0
M. Uz-Zaman	23.8.13						0
A. Whitelock Gibbs	28.8.13					Yes	0
L. Rahman (Mayor)	14.8.13						0

NB: Where a Member is appointed to a regulatory committee they may not serve on that committee until they have undertaken the relevant mandatory training

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Agenda Item 7.1

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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of the Local Government Act 1972.

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