

LONDON BOROUGH OF TOWER HAMLETS

**MINUTES OF THE STANDARDS (ADVISORY) COMMITTEE
HELD AT 7.30 P.M. ON TUESDAY, 21 OCTOBER 2014
COMMITTEE ROOM 1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5
CLOVE CRESCENT, LONDON E14 2BG**

Members Present:

Matthew William Rowe (Chair)	(Co-opted Member)
Eric Pemberton (Vice-Chair)	(Co-opted Member)
John Pulford MBE	(Co-opted Member)
Salina Bagum	(Co-opted Member)
Councillor Gulam Kibria Choudhury	
Councillor Amy Whitelock Gibbs	
Councillor Danny Hassell	
Councillor Joshua Peck	
Councillor Andrew Wood	

Observers:

Elizabeth Hall	– Independent Person
Ezra Zahabi	– Reserve Independent Person

Other Councillors Present:

Councillor Peter Golds

Apologies:

Patrick (Barry) O'Connor
Councillor Abjol Miah
Councillor Mohammed Mufti Miah

Officers Present:

Meic Sullivan-Gould	– (Interim Monitoring Officer, Legal Services, LPG)
Matthew Vaughan	– (Political Advisor to the Conservative Group, Democratic Services, LPG)
Angus Taylor	– (Principal Committee Officer, Democratic Services, Law Probity & Governance)
Matthew Mannion	– (Committee Services Manager, Democratic Services, LPG)
Beverley McKenzie	– (Members Support Manager, Democratic Services, LPG)

MR MATTHEW ROWE (CHAIR) IN THE CHAIR

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Abjol Miah, Councillor Mohammed Mufti Miah and Mr Patrick Barry O'Connor (Co-opted member of SAC).

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Councillor Joshua Peck declared a personal and prejudicial interest under Agenda Item 3.1 "Code of Conduct for Members - Complaints and Investigation Monitoring" on the grounds that information contained in the report related to a complaint he had raised.

Councillor Peck subsequently withdrew from the meeting during consideration of the item.

Action by: Angus Taylor (Principal Committee Officer, Democratic Services)

2. MINUTES OF THE PREVIOUS MEETING(S)

Matter arising from minutes of 8th September SAC

The Chair, referencing paragraph 2 of the minute pertaining to agenda item 3 [page 3 of minutes page 7 of agenda] commented that the Registration of Interests form had not been circulated to SAC members. **Angus Taylor undertook to circulate it the next day.**

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

Resolved

That, subject to amendment to correct typographical errors in the name of Meic Sullivan-Gould, the unrestricted minutes of the ordinary meeting of the Standards (Advisory) Committee, held on 8th September 2014, 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)

3. REPORTS FOR CONSIDERATION

3.1 Code of Conduct for Members - Complaints and Investigation Monitoring

Meic Sullivan-Gould (Interim Monitoring Officer [IMO]) 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.
- Advised of reporting requirements, under the arrangements, in cases where the Monitoring Officer (MO) extends the time period of investigations into complaints from 2 to 3 months.

Points highlighted by Meic Sullivan-Gould included:-

- His intention that the current backlog of long outstanding complaints [of failures to comply with the Code of Conduct for Members] should be concluded later in 2014 and that because of much work undertaken by Mark Norman (Legal Services) with the exception of 1 complaint these were ready to progress to an Investigation and Disciplinary Sub-Committee (IDSC) of the SAC, the arrangements for which (and related mandatory training) were now being finalised. .
- The exception was complaint IDSC02/2013 which had recently been identified as requiring progression and conclusion, and which had slipped through the net due to the responsible officer leaving the Authority's employ in March. He had now reviewed the case, and it was now being progressed in accordance with the arrangements.
- There had been no new complaints since he had joined the Authority's employ in January 2014 which required processing under the arrangements.

A comprehensive discussion followed which focused on the following points:-

- Comment that given the investigation of a complaint about Member conduct was very stressful for the subject of the investigation. Accordingly when the Council had discussed the arrangements for dealing with such complaints as a corporate body [September 2013], it had considered that where a complaint was referred for investigation, it was preferable for such an investigation to be completed within 1 month, but agreed a requirement for completion within 2 months, with provision for a further extension of 1 month [by the MO] but also agreed a process for this. It was not therefore unreasonable to expect investigations to be completed within 3 months, however the duration of several investigations set out in the report were much longer (3 over a year and 1 of 18 months). There was also certainty that the investigation report relating to a complaint lodged by a SAC member had been received by the Authority 5 months previously. Accordingly consideration that:-
 - It appeared little effort was being made to progress complaints through the process, and the process for extension of investigations by the MO was not being adhered to.
 - It was disrespectful to Members for complaints not to be completed in a timely way.
 - It was necessary for the SAC to express displeasure over the unacceptable duration of investigations, and for the SAC Chair to take a personal interest in the progression of complaints requiring investigation, as this could not be allowed to continue.

Meic Sullivan-Gould acknowledged that the comments/ consideration regarding the durations of investigation He responded that the Authority's arrangements for dealing with complaints had not been revised to reflect the reduction in the scope of related sanctions, due to the Localism Act 2012, resulting in overly elaborate complaints processes in the context of the sanctions available. The SAC had already discussed this and its aspiration was to streamline processes which would deliver the faster conclusion of complaints, and business later on the agenda included proposals for future principles on sanctions.

- Noting the Officer response consideration that:-
 - Due process was also important.
 - With great understanding of the issues on relating to both sides of a complaint, the arrangements/ procedures for dealing with complaints were not the cause of undue delay, rather it was the application of these. Further reference to the investigation report relating to a complaint lodged by a SAC member having been received by the Authority 5 months previously, but the complaint still not having been progressed.
 - Also the subjects of a complaint often declined interview dates, or did not attend, and where this occurred there was a need for the complaint process to be moved forward without this.
- The Chair acknowledged the comments around investigations taking too long, commenting that:-
 - He considered the current arrangements for dealing with complaints were overly restrictive and disproportionately elaborate for the sanctions available, needed re-balanced; and that this was a matter of forward looking policy revision. The SAC was being pro-active in addressing this.
 - The MO and Independent Person (IP) made an assessment of complaints/ the need for investigations, and as SAC Chair he would not be aware of undue delays in completion until the matter was reported to SAC.
 - Noting the intention of the IMO to clear the backlog of long outstanding complaints as a positive step towards addressing the issue of unduly lengthy periods to conclude some complaints.
 - A more robust approach to undertaking interviews in relation to complaints was needed.
- Elizabeth Hall (IP) commented that although she had no authority over the duration of investigations, the arrangements for dealing with complaints and the undue delays in their conclusion were a matter for concern. Ms Hall would endeavour, so far as she was involved in the process, to ensure that complaints were dealt with in a timely way. Ms Hall endorsed the comments of the Chair and IMO that the process for dealing with complaints needed streamlined. Ms Hall added that the new SAC membership would require training in relation to its sub-committees and associated processes which would delay further the conclusion of current complaints.
- Clarification sought as to the rationale for only training some SAC members in relation to its sub-committees and associated processes and consideration it would have been appropriate to make arrangements to

train all SAC members at the start of the Municipal Year thereby increasing the pool of members available to sit on the sub-committees. *Meic Sullivan-Gould responded that training of all SAC members in this regard was not required only those selected to sit on the Sub-Committees and this had not been known several months ago. Given that there were no new complaints since January 2014 there was not currently a need for a pool of SAC members to sit on the Sub-Committees. Also under the current review of complaints arrangements it was hoped for earlier involvement of Members and resolution at that point, and this would obviate the need for so many Sub-Committee meetings. The training required to deal with current complaints under the existing arrangements would differ from that needed under the envisaged arrangements post-review. However the training could be available to all SAC members excepting where there were specific matters pertaining to individual cases being referred to the Sub-Committees.*

- The Chair:-
 - Commented that in previous years SAC members had been given training prior to the first SAC meeting of the Municipal Year but this had not happened this year; although the presentation received at the 8 September meeting had similar content.
 - Summarised that the **SAC considered that all of its members should be given training appropriate to ensure they could sit on SAC sub-committees**, and thereby expand the membership pool. **[Action MSG]**
 - **Moved** the recommendation, as set out in the report; and it was: -

Resolved:

That the complaints and investigation monitoring information contained in Appendix 1 to the report be noted.

Action by: Angus Taylor (Principal Committee Officer, Democratic Services)
Meic Sullivan-Gould (Interim Monitoring Officer, LPG)

3.2 Covert investigation under the Regulation of Investigatory Powers Act 2000

Meic Sullivan-Gould (Interim Monitoring Officer (IMO) drew Members' attention to the maps referred to at paragraph 3.25 of the report, in respect of RIPA activity relating touting and underage sales predominantly in the Brick Lane area, which had been **Tabled**, a copy of which would be interleaved with the minutes.

Meic Sullivan-Gould introduced and highlighted key points in the report, which provided the SAC with information on the Authority's authorisation of covert investigations under the Regulation of Investigatory Powers Act (RIPA) 2000 and enforcement activity arising from these, together with outcomes of independent inspections of the RIPA arrangements operated by the Authority, in accordance with the oversight role for elected Members recommended by the Home Office in relation to Part 2 of RIPA 2000.

A comprehensive discussion followed which focused on the following points:-

- Serious concern expressed regarding the lack in take up of RIPA authorised surveillance by the Authority and the rationale behind this. Comment that there were many serious issues in the borough e.g. Anti-Social Behaviour (ASB), fly tipping, unlawful street vending, underage sales of different product, fraud, touting and breaches of licences, which posed serious problems for residents, and generated many Member Enquiries, which might be mitigated through the use of covert surveillance to provide evidence to deal with the perpetrators of such offences; the lack of such evidence often being cited as a reason why such issues couldn't be addressed. Although proper scrutiny of such surveillance was appropriate, given a population of approaching 350-500 thousand the reporting of only 3 applications by the Authority for RIPA authorisation of covert surveillance in 2013/14, appeared to show that residents of the borough were being let down by the Authority not exploring the use of powers available to it for their benefit. The lack of evidence cited at Licensing Sub-Committees in relation to alleged breaches of licences and the levels of ASB in communal and public areas known to elected Members which continued unchecked appeared to show a lack of joined up working by the Council to provide surveillance evidence to address the problems. The advice of the IMO was sought and given as to which committee should be examining this and in particular the **Officer rationale** for not using covert surveillance with RIPA authorisation in relation to the Council's priorities for RIPA outlined in the SAC report. *Meic Sullivan-Gould responded that paras 3.6 – 3.8 of the report set out that the policy and priorities of the Authority for use of RIPA surveillance had been agreed by Cabinet in October 2012 and comprised an appendix to the Authority's Enforcement Policy, which was due for review by the Executive in 2015. It would be appropriate for the representations made by SAC members and Ward Members to inform the review process, however it was an Executive function to determine what the Council's Enforcement Policy comprised of. The Chair also commented that the role of SAC was to oversee the appropriate use of RIPA and the points raised were a matter for policy review.*
- Noting the Officer response, that although approval of the policy may be a matter for the Executive, the application of the policy was causing concern, and although this could be pursued by a motion at full Council a more deliberative approach was needed. Accordingly Councillor Peck **proposed** that the matter be referred to Overview and Scrutiny Committee (OSC) for consideration. *The IMO considered this to be appropriate and within the purview of the OSC.*
- John Pulford (Co-opted SAC member) suggested that it may be helpful, and the Chair subsequently formally **proposed**, that SAC considered it incongruous that there were only 3 reported applications for RIPA authorisations of covert surveillance/ investigations in 2013/14 given the priority areas set out in para 3.7 of the report, given the awareness of both elected and co-opted SAC members of the level of such activities [set out

in para 3.7] in the borough. Also that this inform any future review of the Enforcement Policy by the Executive.

- *Meic Sullivan-Gould advised that RIPA authorisation was not required for surveillance on public land and Council land, only for surveillance of someone else's property due to the respect for private life enshrined in the Human Rights Act of which RIPA was daughter legislation.* . Noting the Officer advice, Councillor Peck **proposed** that surveillance activity which did not required *RIPA authorisation be referred* to the OSC recommending it to request a brief report providing information/ figures relating to surveillance without RIPA authorisation on public land and Council land.
- Referencing para 3.26 of the report clarification sought as to whether Registered Social Landlords/ Housing Association Officers undertook RIPA training. **To be raised with Service Head Legal Services and response provided in writing [Action MSG].**
- Concern was expressed regarding the inaction of Council Officers in relation to fly tipping outside Cubitt Town Library. Clarification was sought as to whether a level of complaints about a locality or event would trigger an application for a RIPA authorised investigation, as weekly fly tipping would appear to form a good case..
- With reference to para 3.41 of the report, clarification was sought as to whether a National Anti-Fraud Network inspection of the RIPA arrangements operated by the Authority had taken place and the outcome of such an inspection. *Meic Sullivan-Gould in response stated that the Authority was not aware of such an inspection currently.*

The Chair **Moved** the recommendation set out in the report (taking account of the additional recommendation he had proposed following the suggestion from John Pulford) together with the additional recommendations proposed by Councillor Peck, and it was:-

Resolved:

1. That the information contained in the report be noted;
2. That SAC considered that it appeared incongruous that that there were only 3 reported applications for RIPA authorisation of covert surveillance/ investigation in 2013/14 given the priority areas set out in para 3.7 of the report. That, given the awareness of both elected and co-opted SAC members of the level of such activities [set out in para 3.7] in the borough; that this inform any future review of the Enforcement Policy by the Executive;
3. That the serious concern expressed regarding the lack in take up of RIPA authorised surveillance by the Authority to address the priority areas set out in para 3.7 of the report, to the benefit of the borough's residents, and the Officer rationale behind this be referred to the OSC for consideration; and

4. That the OSC be recommended to request a brief report providing information/ figures relating to surveillance without RIPA authorisation on public land and Council land.

Action by: Angus Taylor (Principal Committee Officer, Democratic Services)
Meic Sullivan-Gould (Interim Monitoring Officer, LPG)

3.3 Complaints and Information Governance Annual Report 2013/ 2014 (To Follow)

It was noted that the report had been withdrawn.

3.4 Update on the Democracy and Governance Web-pages and related technology

Matthew Mannion (Committee Services Manager) introduced and summarised key points in the report (highlighting some points by reference to the live website via laptop/ projector screen) which provided the SAC with an update on information displayed on the Authority's website about Members and governance, recent developments and potential future developments for this and other related areas, with the SAC invited to comment from the perspective of ethical governance arrangements for the Authority. Beverley McKenzie (Members Support Manager) was also in attendance for this item.

Points highlighted by Matthew Mannion included:-

- An apology that Member timesheet information had not been available on the website until very recently. The suppliers of the software (Modern.Gov) used in Democratic Services had built a bespoke timesheet module for LBTH, but technical hitches with the public pages for this had taken some time to resolve.
- Officers had recently merged separate databases holding different packages of information on Members so it was now all held in Modern.Gov, and this allowed better presentation of that information to the public.
- The provision for Members to self-serve in updating their information on the website live or with a check by Officers was underway, and when rolled out this would provide Members with more independence.

A comprehensive discussion followed which focused on the following points:-

- Clarification sought and given as to Member responsibilities for updating their information on the Authority's website, arrangements for monitoring this and sanctions for failure to do so. *Members were responsible for updating their web information and would be encouraged to do so, but there was no formal sanction for not doing so. The Register of Member Interests was treated differently as since the Localism Act 2013 non-disclosure of Disclosable Pecuniary Interests (DPI) in the Register of Member Interests within 28 days was a criminal offence that would be referred to the Director of Public Prosecutions, and the Members Code of*

Conduct also required this; the same applied with declarations of DPLs at meetings of the Authority. However both were silent on declaration of a wider class of interests and associated sanctions; non-disclosure might give rise to perceptions of bias/ pre-determination/ not acting wholly in the Public Interest and the MO expected Officers to act in such cases and it might also give rise to complaints under the Code of Conduct. The MO had a statutory obligation under Section 5 of the Local Government & Housing Act 1989 to report to the Executive or full Council in such instances, as there were precedents where Judicial Review for maladministration caused by injustice had been won. It had been identified in discussion at the last SAC meeting that the treatment of declarations of interest was inconsistent and needed to be included within the review of the Code of Conduct.

- Welcomed the amalgamation of Member information on the Authority's website as this made it more navigable for the public and therefore transparent.
- Consideration that although the provision for Members to self-serve in updating their information on the website via the internet was to be welcomed, this should not be the only way to update information as currently offsite ICT usage was problematic.
- Referencing para 4.19 of the report, consideration that it would be inappropriate for the Authority to provide all Members with tablet computers and the provision of laptops should continue as many Members found them a more efficient way of working.
- Consideration that the Member information available on or through the Authority's website should be as comprehensive as possible and the provision of links to Member Twitter and Facebook accounts and blogs would be welcomed if this was not problematic noting that a link to the Mayor's blog was already on the website homepage. *Meic Sullivan-Gould advised that there were restrictions on political opinion in blogs accessed on the Authority's website. Matthew Mannion welcomed the suggestions from Members adding that this would not be technically difficult to achieve. Beverley McKenzie advised that links to Twitter and Facebook accounts and blogs would be rolled out once the appropriate disclaimers were in place on the website. The potential for a Member biography was also being examined.*
- Consideration it was important to identify ways to capture and report Member activity in a more transparent way than previously, as the current Member timesheets did not provide for a true reflection of such activity nor communicate its importance; provision of other information on the website might be a better way of doing so and obviate the need for timesheets. Consideration that the number of Member Enquiries raised, cases undertaken and attendance in the public gallery at committee meetings should be reported on the website or captured in revised timesheets. Member activity/ representation of the Authority outside the Council [Outside Appointments] as well as attendance at ward forums and local meetings with the Metropolitan Police should also be captured. Consideration also that the completion of timesheets could be made much easier for Members if some elements were automated by population from existing sources of information such as Modern.Gov e.g. constituency

cases done and attendance at committee meetings; it would also mitigate some aspects of policing accurate completion. The potential for a link to Member Outlook calendars was also welcomed as a way of either supplementing the information captured by timesheets or perhaps obviating the need for them. *Matthew Mannion welcomed Member suggestions, adding that Member attendance in the public gallery was now captured by Modern.Gov and reported in the Member attendance pages. Beverley McKenzie undertook to examine rolling out a link to Member Outlook calendars in conjunction with review of the webcasting pilot. The number of cases raised often did not tally with Members Support records as sometimes these were raised by Members Support.*

- Referencing para 4.12 of the report, consideration that information related to Member training and expenses should be provided on the Authority's webpages. *Matthew Mannion welcomed the suggestion commenting that this would require data inputting and migration but he considered the resource implications would be offset by savings in Officer time on FOI requests.*
- A broad discussion took place on the value of Member timesheets and the basis of the requirement to complete them including:-
 - Consideration that the Mayor should also have to complete a timesheet to demonstrate undertaking of activities to fulfil the expected time commitment for this full time position; and SAC would monitor this in the same way as Member timesheets if the Council so directed.
 - Noted that many Members now considered that the value of Member timesheets was questionable when balanced against the burden of completion on Member time. One SAC member commented that in 8 ½ years as a Councillor the public had not once mentioned his timesheets however if he did not appear at meetings or events it was noted, so it was the transparency of being seen to undertake functions that was needed.
 - Additionally the matter of the significant inaccuracy of some timesheets and non-completion on the part of some Members was a source of frustration for others.
 - The Chair signposted SAC members to the rationale set out at paras 4.1 to 4.3 of the report at agenda item 3.6 "Members Attendance & Timesheet Monitoring" and suggested that it would provide a context for the timesheets if these paras were uploaded to the appropriate webpages. He considered that the public were entitled to transparency and accountability with regard to elected Members demonstrating they undertook the work expected of the public office, however he was not opposed to this information being provided by other means such as information on the webpages. He then **Moved** and it was:-

Resolved

That elected SAC members consult their political groups and consider individually what they considered to be the important functions of an elected Member and the outcome be presented to the next SAC meeting

to inform a review of Member timesheets and the capturing of relevant information on the Authority's website.

- Consideration that the decision making that had resulted in only webcasting Council and Cabinet meetings had not been transparent, and that all the Authority's meetings should be webcast so:-
 - That residents unable to travel to the Town Hall could observe meetings.
 - That a source of evidence was available to reach a conclusion about the many complaints under the Code of Conduct of alleged misconduct at committee meetings.
 - Improve Member conduct at committee meetings through the deterrent provided by knowledge that meetings were being filmed.
- Elizabeth Hall (IP) cautioned against total reliance on webcasts for evidence to reach a conclusion on Code of Conduct complaints, as often what had been said could not be heard due to sound quality. *Matthew Mannion responded that the webcasting pilot had been monitored by the Corporate Management Team; however the Service Head Democratic Services was due to report back to Members on the pilot and had asked him to examine options/ prices for different webcasting arrangements.*
- Noting the Officer response the Chair summarised the positives of webcasting set out above and accordingly **Moved** and it was:-

Resolved

That SAC recommended that the Authority strive to webcast as many committee meetings as possible.

- Consideration that in the context of a large communications function the Authority was currently wasting an opportunity to promote the useful work undertaken by Council-wide committees. Consideration that the Authority's website tended to be inward looking and a page dedicated to ward activity and forthcoming meetings/ events to engage the public would be helpful. Consideration also that a page of East End Life should be dedicated to Ward Members and their activity, as this would provide additional public interest to that for information provided on the Mayor.
- Some consideration that the production of statistics from public use of the "What Matters Button" on the webpages could provide useful information on the relevance of information provided/ not provided and specifically the relevance of Member timesheets to the public.

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

Resolved:

1. That the information provided in the report and presentation be noted;
2. That Officers be requested to take account of SAC member comments/ suggestions to improve the existing website and inform future development priorities.

Action by: Matthew Mannion (Committee Services Manager)
Beverley McKenzie (Members Support Manager)
Elected SAC members

3.5 Members' Induction 2014

Beverley McKenzie (Members Support Manager) introduced and summarised key points in the report which provided the SAC with information on:-

- Development and implementation of the Members' Induction programme (MIP) and evaluation thereof.
- The ongoing Members' Learning and Development Programme

Points highlighted by Beverley McKenzie included:-

- The methodology used to assess the Members' Induction Programme and poor Member response.
- Member Induction had covered the completion of Member timesheets.
- The second phase of MIP to equip Members with a better understanding of the Council and their roles was underway with topical seminars such as the Care Act.

A discussion followed which focused on the following points:-

- The Chair thanked Ms McKenzie for the report which had provided comfort in relation to the existence of a structured MIP and of mandatory training elements.
- A Member commented that some elements of useful training had been missing from the MIP such as planning/ development related training. The Chair, and other co-opted SAC members, also commented that, as Co-opted SAC members, they had not been aware of the MIP training session on "Ethics and Standards" which would have been helpful to undertake their role. Additionally because the Chair had not been informed of, or invited to the MIP training session, SAC input that might have added value to the session was not available. SAC members suggested that in future the SAC Chair be invited to this MIP training session. **[Action BM]**
- Clarification was sought and given as to attendance at mandatory MIP training sessions and the definition of mandatory. *These sessions were well attended but not fully attended. There was no sanction for non-attendance and Officers were intending to reschedule some sessions and encourage attendance. Meic Sullivan-Gould commented that some training was a pre-condition of sitting on a quasi-judicial committee such as Development Committee of Licensing Committee; otherwise training requirements labelled as mandatory by the authority were difficult to enforce.*
- Noting the Officer response, the Chair commented that he considered that SAC had a role to play in encouraging reluctant trainees as this was an important matter. He **requested a report** on Members that had not attended after mandatory MIP sessions had been run several times and

suggested that upon its presentation the SAC should consider writing to offending Members. **[Action BM]** *It was clarified that Member attendance at training sessions was published on the Authority's website. Beverley McKenzie commented that significant Officer time was invested on Member seminars as Officers and the Corporate Management Team considered it important for Members to be informed about the functions/ subjects covered, however often Member attendance was very poor.*

- Commented that many existing/ longstanding Members had chosen not to attend some mandatory MIP sessions after an assessment of the time commitment against the usefulness of training in the context of their experience in the context of heavy commitments; similarly with MIP sessions recommended to Members e.g. 2 hour Casework session. Accordingly consideration that a twin track approach would have been more appropriate with full training for new Members and refresher training for existing/ longstanding Members.
- Consideration that the MIP took no account of the professional knowledge and skills of Members e.g. A SAC member who was a qualified accountant had considered the mandatory MIP session on risk management personally superfluous. Accordingly consideration should be given to waivers for Members with professional qualifications or years of experience. *Beverley McKenzie responded that the issue had not arisen before but would be looked at.* **[Action BM]**
- Consideration also that, as with other employers, required training could be delivered in a more flexible way reflective of the heavy commitment of elected Members and entitlement to some private time e.g. online training, and assessment thereof or podcast training and dvd libraries. *Matthew Mannion responded that LB Epping Forest was exploring online training and had suggested sharing this with other authorities and this could be followed up.* **[Action MM]**
- A SAC member commented that the level of information at the mandatory "Setting the scene at Tower Hamlets" MIP session had been poor in the context of provision to Members in other London Boroughs such as Camden. Also the time set aside for some topics appeared imbalanced.
line
- Referencing Appendix 2 to the report, clarification was sought and given as to:-
 - The meaning of not applicable in relation to MIP training sessions.
 - The take up of the Officer Buddy Programme.
The sessions had taken place prior to the election of the 3 Members in the Blackwall & Cubitt Town bye election or Members were invited but had not responded. The take up had been very poor for the Buddy Programme but this was probably due to mentoring within the political groups.
- Referencing para 5.2 of the report, it was requested that the guide book issued to Members be circulated to SAC members. **[Action BM]**

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

Resolved:

1. That the information provided in the report be noted;
2. Those Officers be requested to take account of SAC member comments/ suggestions to improve future Member Induction Programmes and the Learning and Development Programme.

Action by: Beverley McKenzie (Members Support Manager)
Matthew Mannion (Committee Services Manager)

VARIATION TO ORDER OF BUSINESS

The Chair informed SAC members that, given the significant time spent on agenda items 3.1 to 3.5, he considered it appropriate that the order of business be varied to enable the SAC to next consider agenda item 3.7 “Review of Code of Conduct for Members and standards arrangements” which comprised important business needing transaction to inform reports for the next meeting, before a late hour was reached and SAC members needed to leave before contributing to the discussion. Accordingly the Chair **Moved** the following motion for the consideration of SAC members, and it was: -

Resolved

That the Order of Business be varied to enable the SAC to next consider agenda item 3.7 “Review of Code of Conduct for Members and standards arrangements”, and subsequently the OSC return to the order of business detailed in the agenda.

Please note that for ease of reference, SAC deliberations in respect of agenda item 3.7, and subsequent decisions taken, are set out below in the order detailed in the agenda.

3.6 Members' Attendance and Timesheets Monitoring (To Follow)

Matthew Mannion (Committee Services Manager) Introduced and summarised key points in the report, which provided an update on a range of matters related to Councillors attendance at formal meetings and training events, completion of timesheets and the Register of Interests.

He informed SAC Members that he had **Tabled** an updated version of Appendix 1 to the report “Members Monthly Timesheets – Summary of Returns” which reflected the most current information, a copy of which would be interleaved with the minutes.

The Clerk informed the Chair that Councillor Denise Jones had asked for her sincere apologies for not having completed timesheets (which was disrupted by the Citrix system being down on 21 October) to be relayed to SAC.

A discussion followed which focused on the following points:-

- SAC referenced discussion earlier in the proceedings [agenda item 3.4 “Update on the Democracy and Governance Web-pages and related technology”] which was pertinent to this agenda item.
- SAC members were content with the need for transparency from elected Members [in demonstrating their undertaking of activities to fulfil the expected time commitment for this position.
- SAC members were content for the SAC Chair to write to Members who failed to completed timesheets asking them to do so.
- The Chair commented that he would like paragraphs 4.1- 4.3 of the report, which set out the context for the requirement on Members to complete timesheets, to be uploaded to the appropriate page/s of the LBTH website for information. *Matthew Mannion undertook to do so expeditiously.*
- Referencing para 6.3 of the report the Chair commented that it may be helpful for the SAC to write to those Members failing to provide a nil return in response if there were no changes to the 6 month reminder to update the Register of Member Interests, as it would be a matter encompassed by the Member Code of Conduct if, should events occur which identified an interest perceived to be prejudicial, and it came to light that the Member should have, but had not, updated the Register. Clarification was also sought as to interests that should be declared on the Register. *Meic Sullivan-Gould advised that the 6 month reminder did not cover the issue of Disclosable Pecuniary Interest (DPI). Members were required to notify the Monitoring Officer of DPis within 28 days else a criminal offence would have been committed, which would be referred to the Director of Public Prosecutions. A wider class of interests e.g. membership of a charitable board also needed to be disclosed in the interest of public transparency, and a provision could be implemented for Members to declare these at meetings.*
- Noting the Officer response, consideration that Members should declare non-pecuniary interests generally not just at meetings of the Authority, as with trustees of charities, even although this was not a requirement following the Localism Act 2012, because these could be perceived to influence decision making. Consideration also that such interests should be identifiable from a working definition rather than a list. *Meic Sullivan-Gould advised that the principle of selflessness in public life could be seen as a basis for such a requirement for LBTH Members were to declare such interests, so far as they were aware of them, as failure to be transparent regarding a private interest could later be seen to be prejudicial to decision making.*

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

Resolved:

1. That the information set out in Appendices 1, 2 and 3 to the report, in relation to Councillors’ submission of timesheets, attendance at formal

meetings and training events, and completion of the register of interests during the current municipal year, be noted;

2. That it be agreed that the SAC receive further monitoring reports at six monthly intervals; and

Action by: John Williams (Service Head Democratic Services, LPG).
Matthew Mannion (Committee Services Manager, LPG)

3.7 Review of Code of Conduct for Members and standards arrangements (Oral Report)

Meic Sullivan-Gould (Interim Monitoring Officer) introduced and highlighted key points in the report, which provided the SAC with information on:-

- Background to the review of the Code of Conduct for Members (Code) and the nature interests to be encompassed by it.
- Potential principles to form the basis for a revised Code.
- The range of sanctions currently available for breach of a revised Code.

Points highlighted by Meic Sullivan-Gould included:-

- Para 8 of the Hoey Ainscough review paper at Appendix , which identified a lack of clarity in the current Code in relation to expected behaviours and both Disclosable Pecuniary Interests (DPIs) and other interests; and recommended re-writing with greater clarity.
- His recommendation that the SAC agree that behaviours in the Code be recast on the basis on the 7 Principles of Public Life identified by the Committee on Standards in Public Life (CPSL) at Appendix 2.
- Appendix 3, provided at the request of the Chair and Independent Person (IP), comprised of a list of sanctions agreed by Monitoring Officers across the country for breaches of the Code, although SAC should note that in response to requests for more specific sanctions the CSPL would be reviewing the list. Due to the Localism Act 2012 the sanctions were now very limited in scope, ranging from censure to further training and withdrawing of Council equipment/ facilities rather than suspension or disqualification of a Councillor as before.
- SAC had previously identified that the Authority's arrangements for dealing with complaints had not been revised to reflect the reduction in the scope of related sanctions, resulting in overly elaborate complaints processes in the context of the sanctions available, that now needed streamlined.
- SAC had previously identified that there was a need for greater openness about a wider class of personal interests, in particular personal relationships which could give rise to a reasonable perception of bias in decision-making, that were not captured by the narrow statutory definition of a DPI. There needed to be a wider range of registerable interests at Tower Hamlets, in the context of potential Judicial Reviews for maladministration; but also greater separation and clarity between DPIs non DPIs and other interests.

- Given that the most significant sanction for a breach of the Code was a rebuke of the Member by full Council, this was essentially already available to meeting Chairs in powers to deal with obstructive or improper behaviour, so this should be broadened to establish a principle that chairs of meetings be empowered to enforce the Code of conduct. This would be a faster and more direct process for dealing with such misconduct.

A comprehensive discussion followed which focused on the following points:-

- Referencing discussion at agenda item 3.1 “Code of Conduct for Members - Complaints and Investigation Monitoring” on the unacceptable length of time that it took to conclude complaints under the Code, the Chair commented that SAC must note that there was now a limited range of sanctions to improve Member behaviour in relation to the Code, and the proposed expansion of the Code to encompass the principles set out at 4.1 to 4.3 of the report would provide a range of options for early resolution of complaints and challenge of unacceptable behaviours, even if arrangements were required to deal with complaints where this did not happen. Accordingly the Chair welcomed the proposals and **proposed** that SAC agree that a new Code encompass these principles and **additionally proposed** that a draft of the revised Code built around these principles be presented to the next SAC meeting for endorsement and onward recommendation to full Council.
- Elizabeth Hall (IP) also welcomed the proposals but cautioned that the SAC would also need to consider arrangements to handle instances where Members were not co-operative.
- SAC members also welcomed the proposals, and in particular establishing a principle within the Code that Chairs of meetings be empowered to enforce it. However concern was expressed over the suggestion in the Hoey Ainscough review paper that informal resolution should not require mutual agreement of the complainant and subject of the complaint, but could be endorsed unilaterally by the MO and IP if they felt the outcome was satisfactory. This was not the level of agreement needed and the suggested automatic process would create a lack of trust in the MO. The complaints arrangements needed to be above criticism and the referral of non-referrals to an investigation was not the cause of delays to the conclusion of complaints. Very careful thought was needed before checks and balances were removed. *The Chair and Meic Sullivan-Gould commented that the first step was set the envelope for any complaints arrangements by setting the expected standards of behaviour within the Code and the sanctions available for breach and that required expansion of the Code to encompass the principles set out at 4.1 to 4.3. The next step would be examining the complaints arrangements and duration.*
- Referencing para 4.2, consideration that the Code should require some personal interests to be declared/ registered, with a view to ensuring transparency of the governance processes, in the same way that charity boards required members to declare e.g. Chairmanship of the Patient Panel at the Royal London Hospital might be considered to make it inappropriate to sit on the Health Scrutiny Panel. Ward Members should also declare relevant interests that were not financial. *The Chair*

commented that there was a difference between what interests statute required to be declared/registered and what the SAC considered Members should declare and a good Code would reflect that.

- Consideration also that the need for greater clarity in the Code around the declaration of interests should encompass the over-declaration of interests, normally done to avoid being party to a decision, and most commonly declaration of being a Ward Member when this was irrelevant.
- Clarification sought and given as to whether senior Officers would fall within the scope of the Code and whether a requirement for respect for Member/ Officer relationships/ communication could be ensured. *Meic Sullivan-Gould responded that the Employee Code of Conduct was not currently based on the CPSL's 7 Principles of Public Life, and if a new Member Code of Conduct was based on these, the Employee Code would follow suit as would other Codes; it was also logical that the same principles should apply to senior officers with delegated powers. The behaviours on which both Codes were based could be expanded to include respect.*
- Noting the Officer response, consideration that further work was needed to update in a consistent way the Employee Code of Conduct, Complaints and Disciplinary Code for Chief Officers and the Member/ Officer protocol which had diverged over time.
- Clarification sought and given as to whether the Mayor would fall within the scope of the new Code and also the Complaints Procedure. *Meic Sullivan-Gould confirmed the Mayor, Executive Members, Ward Members and Co-opted committee members would fall within the scope of both.*

The Chair **Moved** the recommendations set out in the report with the additional amendment that he had proposed earlier in the deliberations; and it was: -

Resolved:

- 1) That the proposed principles of an updated Member Code of Conduct, as set out at paras 4.1 to 4.3 of the report, be endorsed;
- 2) That that a draft of the revised Member Code of Conduct built around these principles be presented to the next SAC meeting for endorsement and onward recommendation to full Council; and
- 3) That the range of sanctions available to the Authority in the event of a breach of the Code, as set out at Appendix 3 to the report, be noted.
- 4) That Officers be requested to take account of SAC member comments/ suggestions regarding a new Members Code of Conduct and associated standards arrangements.

Action by: Meic Sullivan-Gould (Interim Monitoring Officer, LPG)

4. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

Barry Lowe Non-Attendance at SAC

The Chair informed SAC members that:-

- He had noted that Barry Lowe (Co-opted SAC member) had not attended any of the four SAC meetings held in the 2013/14 Municipal Year, nor the SAC meeting held on 8 September [2014/15 Municipal Year], neither was he present this evening or sent apologies for absence.
 - He had sought the advice of the Clerk to ascertain what the appropriate next steps would be for the SAC to address this non-attendance, and following the advice of Legal Services the clerk had:-
 - Written to Mr Lowe on behalf of the Chair, but had not received a response.
 - Endeavoured to contact Mr Lowe by telephone without success.
 - Written to Mr Lowe again on behalf of the Chair:-
 - Asking if Mr Lowe wished to continue as a co-opted member of the SAC.
 - Notifying him that the Chair proposed that his non-attendance be raised at this SAC meeting and inviting him to make any representations he would like SAC to consider.
- No response had been received, however the letter had only sent on Monday 20 October by post and email.
- SAC members had recently received an email from the Clerk informing them of the resignation of Denzil Johnson (Co-opted SAC member) and therefore there may be two vacancies for the position of Co-opted SAC member to address.

During a short discussion SAC members expressed the view that:-

- Mr Lowe's non-attendance should be addressed as soon as possible.
- That a recruitment exercise should commence immediately with and advertisement for the vacancy created by the resignation of Mr Johnson.
- Should a further vacancy be created by the removal of Mr Lowe from SAC membership, that this be filled by the applicant assessed as coming second in the recruitment exercise.

The Chair summarised that:-

- Mr Lowe had, to date, not provided a satisfactory explanation as to past non-attendance.
- Had been notified that SAC would discuss his non-attendance this evening, but only had a limited opportunity to make representations for SAC to consider.
- SAC members considered this non-attendance should be addressed so that co-opted members who did not wish to continue in this role could be replaced and all vacancies addressed in one exercise.

Accordingly the Chair **Moved** and it was:-

Resolved

1. That SAC again consider the matter of Mr Lowe's non-attendance at the next SAC meeting [13 January 2015] together with any response from Mr Lowe to the Clerk's letter dated 20 October 2014, or any representations made for SAC to consider; and at that point, should it be appropriate, that SAC draw the attention of full Council [21 January 2015] to Mr Lowe's non-attendance and recommend that he be replaced on the Committee.
2. That a recruitment exercise commence immediately [22 October 2014], initially with an advertisement, for the position/s of co-opted membership to the SAC.

Action by: Angus Taylor (Principal Committee Officer, Democratic Services)
Meic Sullivan-Gould (Interim Monitoring Officer, LPG)
John Williams (Service Head Democratic Services, LPG)

5. EXCLUSION OF THE PRESS AND PUBLIC

The agenda circulated contained no exempt/ confidential business and there was therefore no requirement to exclude the press and public to allow for its consideration.

SUMMARY OF EXEMPT PROCEEDINGS

6. EXEMPT/CONFIDENTIAL MINUTES

Nil items

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

Nil items

The meeting ended at 9.35 p.m.

Chair, Matthew William Rowe
Standards (Advisory) Committee