

STANDARDS (ADVISORY) COMMITTEE

Tuesday, 27 January 2015 at 7.30 p.m.
Committee Room one - THall
This meeting is open to the public to attend.

Members:

Chair: Matthew William Rowe
Vice-Chair: Eric Pemberton

John Pulford MBE, Patrick (Barry) O'Connor, Salina Bagum, Barry Lowe, Councillor Gulam Kibria Choudhury, Councillor Amy Whitelock Gibbs, Councillor Danny Hassell, Councillor Abjol Miah, Councillor Joshua Peck, Councillor Mohammed Mufti Miah and Councillor Andrew Wood

Observers:

Elizabeth Hall Independent Person
Ezra Zahabi Reserve Independent Person

Deputies:

Councillor Amina Ali, Councillor Julia Dockerill, Councillor Marc Francis, Councillor Rachael Saunders, Councillor Craig Aston and Councillor Chris Chapman

The quorum for this body is 3 of the total membership including at least one Councillor and one Co-opted member.

Contact for further enquiries:

David Knight, Democratic Services,
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1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST (Pages 1 - 4)

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 OF THE PREVIOUS MEETING (Pages 5 - 26)

To confirm as a correct record the minutes of the meeting of the Standards (Advisory) Committee held on 21st October, 2014.

4. REPORTS FOR CONSIDERATION

4 .1 CODE OF CONDUCT FOR MEMBERS - COMPLAINTS AND INVESTIGATION MONITORING 27 - 32

To consider the report of the Interim Monitoring Officer

4 .2 CODE OF CONDUCT FOR MEMBERS - INVESTIGATORY CASEWORK 33 - 36

To consider the report of the Interim Monitoring Officer

5. ANY OTHER 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.”

NOTE: EXEMPT/CONFIDENTIAL SECTION (Pink Papers)

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

7. EXEMPT/CONFIDENTIAL REPORTS FOR CONSIDERATION

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.

Next Meeting of the Committee:

Tuesday, 14 April 2015 at 7.30 p.m. to be held in the Committee Room one - THall

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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 Interim 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 Interim Monitoring Officer following consideration by the Dispositions 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 Interim Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Meic Sullivan-Gould, Interim Monitoring Officer, 0207 364 4801

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 7.30 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)
John Pulford MBE	(Co-opted Member)
Eric Pemberton (Vice-Chair)	(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	

Observer:

Elizabeth Hall	Independent Person
Ezra Zahabi	Reserve Independent Person

Other Councillors Present:

Councillor Peter Golds

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

Apologies for absence were received on behalf of:

- Cllr Abjol Miah
- Cllr Mohammed Mufti Miah
- Mr Patrick Barry O'Connor (Co-opted member of SAC)

Noted

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of Disclosable Pecuniary Interest were made.

Councillor Joshua Peck declared an interest in Agenda item 3.1 "Code of Conduct for Members - Complaints and Investigation Monitoring". The declaration of interest was made on the basis that information contained in the report related to a complaint raised by Councillor Peck.

Meic Sullivan-Gould, Interim Monitoring Officer (IMO) advised that although he did not anticipate detailed discussion on the matter, should this take place, Councillor Peck should not take part in the discussion and withdraw from the meeting room

Action by:

Angus Taylor (Principal Committee Officer, Democratic Services, LPG)

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 Overview and Scrutiny 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, LPG)

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 all of its members should be given training appropriate to ensure they could sit on SAC sub-committees**, and thereby expand the membership pool available to sit. **[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, LPG)
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))

- Informed SAC members that 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, had been **Tabled**, a copy of which would be interleaved with the minutes.

- 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, consideration 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** for the consideration of SAC members that the matter be referred to Overview and Scrutiny Committee (OSC) to examine. *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**, for the consideration of SAC members, that SAC considered 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, 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** for the consideration of SAC members that SAC refer this aspect of surveillance activity to the OSC recommending it 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 expressed regarding the inaction of Council Officers at Cubitt Town Library in relation to fly tipping outside the library. Clarification 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 for such.
- Referencing para 3.41 of the report clarification sought as to whether a National Anti-Fraud Network inspection of inspections of the RIPA arrangements operated by the Authority had taken place and the outcome of such. *Meic Sullivan-Gould responded that such an inspection may be undertaken but the Authority was not aware of one 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 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, 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; and 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, LPG)
Meic Sullivan-Gould (Interim Monitoring Officer, LPG)

3.3 Complaints and Information Governance Annual Report 2013/ 2014

The Chair informed SAC members that the Service Head Legal Services had withdrawn the report.

Clarification was sought and given as to why 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 DPis 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. **[Action elected SAC members]**

- 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-side 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 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 Referencing Appendix 2 to the report clarification 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 special 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

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.
- 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 has asked for her sincere apologies for not having completed timesheets, which was disrupted by the Citrix system 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 also sought as to interests that should be declared on the Register. *Meic Sullivan-Gould advised that the 6 month reminder did not cover off the issue of Disclosable Pecuniary Interest (DPI), as Members were required to notify the Monitoring Officer of DPIs within 28 days otherwise a criminal offence was 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 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 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

Please note that the order of business was varied by resolution of the SAC earlier in the proceedings to allow this item of business to be considered after agenda item 3.5. However 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.

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 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. SAC again consider the matter of Mr Lowe's non-attendance at the next SAC meeting [13 January] 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] to Mr Lowe's non-attendance and recommend that he be replaced on the Committee.
2. That a recruitment exercise commence immediately [22 October], initially with an advertisement, for the position/s of co-opted membership to the SAC.

Action by:

Angus Taylor (Principal Committee Officer, Democratic Services, LPG)

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

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Agenda Item 4.1

Committee: STANDARDS (ADVISORY) COMMITTEE	Date: 27 January 2015	Classification: Unrestricted	
Report Of: Interim Monitoring Officer	Title: Code of Conduct for Members – Complaints and Investigation Monitoring		
Originating Officer: Meic Sullivan-Gould	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.
- 1.2 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.
- 1.3 There have been no new complaints. All outstanding complaints await the convening of an Investigation & Disciplinary Sub-Committee. Attempts to secure a date acceptable to nominated Members have failed in November and December last year.

2. RECOMMENDATIONS

- 2.1 That Members of the Advisory Committee note the complaints and investigation monitoring information contained Appendix 1 to 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

Meic Sullivan-Gould 020
7364 4800

3. ON-GOING AND PREVIOUS COMPLAINTS

3.1 The current position in respect of outstanding complaints is set out in the table attached as Appendix 1 to this report.

4. COMMENTS OF THE CHIEF FINANCIAL OFFICER

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

5. LEGAL SERVICES COMMENTS

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

6. RISK MANAGEMENT IMPLICATIONS

6.1 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.

7. ONE TOWER HAMLETS CONSIDERATIONS

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

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

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

9. CRIME AND DISORDER REDUCTION IMPLICATIONS

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

10. EFFICIENCY STATEMENT

10.1 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.

Appendix 1

Complaint reference number	Date complaint received by Monitoring Officer	Complainant	Alleged breach(es) of the Code of Conduct	Outcome of consultation with IP	Date investigation commenced and investigation status
IDSC/01/2013	14/03/2013	Councillor	Failure to treat with respect, bullying, compromising the impartiality of those who work for the Authority, disclosing confidential information, disrepute, using position as a Member to improperly secure an advantage/disadvantage.	Referred for investigation.	Investigation commenced 30/04/2013. As previously reported to Committee, the investigation was delayed due to the need to seek specialist external legal advice, to appoint an alternative investigator and include a subsequent related complaint -IDSC07/2013- in the investigation. The investigation is now complete and this complaint is subject to a separate report on the restricted agenda.

Complaint reference number	Date complaint received by Monitoring Officer	Complainant	Alleged breach(es) of the Code of Conduct	Outcome of consultation with IP	Date investigation commenced and investigation status
IDSC/05/2013	11/07/2013	Councillor	Failure to treat with respect, bullying, disrepute, using position as a Member to improperly secure an advantage/disadvantage, improper use of Council resources.	Referred for investigation.	Investigation commenced 09/09/2013. The investigation was delayed due to the need to appoint an alternative investigator. The investigation is now complete and the outcome will be referred to the Investigation and Disciplinary Sub-Committee.
IDSC/07/2013	17 and 23/11/2013	Councillor	Disclosing confidential information and disrepute.	Referred for investigation.	Investigation included as part of investigation into complaint reference IDSC/01/2013. The investigation is now complete and this complaint is subject to a separate report on the restricted agenda.
IDSC/08/2013	08/11/2013	Member of the public and a Councillor	Failure to treat with respect, bullying/intimidation and disrepute.	Referred for investigation.	Investigation commenced 05/12/2013. The investigation is now complete and the outcome will be referred to the Investigation and Disciplinary Sub-Committee.

Complaint reference number	Date complaint received by Monitoring Officer	Complainant	Alleged breach(es) of the Code of Conduct	Outcome of consultation with IP	Date investigation commenced and investigation status
IDSC/ 09/2013	12/11/2013	Councillor	Failure to treat with respect, bullying/intimidation and disrepute.	Referred for investigation.	Investigation commenced 05/12/2013. The investigation is now complete and the outcome will be referred to the Investigation and Disciplinary Sub-Committee.
ASC/ 01/2012	16/11/2011	Councillor	Disclosing confidential information, disrepute, using position as a Member to improperly secure an advantage/disadvantage.	26/01/2012 Referred for investigation by former statutory Assessment Sub-Committee.	The investigation was completed on 07/06/2012 under the previous statutory arrangements for standards complaints which applied up until 1 July 2012. As previously reported to the Advisory Committee it had been envisaged that a Hearings Sub-Committee would consider the outcome of the investigation into this complaint and associated procedural issues. However, advice was obtained from leading counsel that these matters should be considered by the IDSC rather than a Hearings Sub-Committee of the Advisory Committee and the matter will be referred to the next meeting of the Investigation and Disciplinary Sub-Committee.

Agenda Item 4.2

Committee: STANDARDS (ADVISORY) COMMITTEE	Date: 27 January 2015	Classification: Unrestricted	
Report Of: Interim Monitoring Officer Originating Officer: Meic Sullivan-Gould		Title: Code of Conduct for Members – Investigatory Casework Wards Affected: N/AI	

1. SUMMARY AND BACKGROUND

- 1.1 As identified in the complaints and investigation monitoring report included elsewhere on the Advisory Committee’s agenda, there are currently no outstanding investigations relating to complaints that have been referred for investigation under the Council’s arrangements for dealing with complaints of breach of the Code of Conduct for Members.
- 1.3 However, there are four outstanding complaints where investigations have been completed but the outcome of the investigation has not been considered by an Investigation & Disciplinary sub-Committee.

2. RECOMMENDATIONS

- 2.1 That Members of the Advisory Committee resolve to participate as soon as possible in meetings of the Investigation & Disciplinary Sub-Committee so that all outstanding complaints are dealt with in accordance with the procedural requirements of the Council’s arrangements for dealing with complaints of breach of the Code of Conduct for Members.

**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

Meic Sullivan-Gould 020
7364 4800

3. OUTSTANDING INVESTIGATION REPORTS

- 3.1 The four outstanding complaints await the convening of an Investigation & Disciplinary Sub-Committee. Attempts to secure a date acceptable to nominated Members failed in November and December last year.
- 3.2 In December, the Interim Monitoring Officer wrote to affected Members advising them of the position and that the Chair of the Advisory Committee has expressed his concern about the delay which has occurred.

4. COMMENTS OF THE CHIEF FINANCIAL OFFICER

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

5. LEGAL SERVICES COMMENTS

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

6. RISK MANAGEMENT IMPLICATIONS

- 6.1 The outstanding investigations need to be considered in accordance with the procedural requirements contained in the Council's arrangements for dealing with complaints about breach of the Code of Conduct for Members.

7. ONE TOWER HAMLETS CONSIDERATIONS

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

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

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

9. CRIME AND DISORDER REDUCTION IMPLICATIONS

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

10. EFFICIENCY STATEMENT

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

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