

STANDARDS (ADVISORY) COMMITTEE

Thursday, 17 January 2019 at 6.00 p.m.

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

This meeting is open to the public to attend.

Members:

Chair: John Pulford MBE

Vice-Chair: Nafisa Adam

Fiona Browne, Mike Houston, 3 Vacancies, Councillor Amina Ali, Councillor Mohammed Ahabab Hossain, Councillor Gabriela Salva Macallan, Councillor Puru Miah, Councillor Leema Qureshi and Councillor Rabina Khan

Observers (Independent Persons):

Elizabeth Hall (Independent Person) and Rachel Tiffen (Independent Person)

Deputies:

Councillor Shah Ameen and Councillor Shad Chowdhury

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:

Antonella Burgio, Democratic Services,
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG

Tel: 020 7364 4881

E-mail: antonella.burgio@towerhamlets.gov.uk

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

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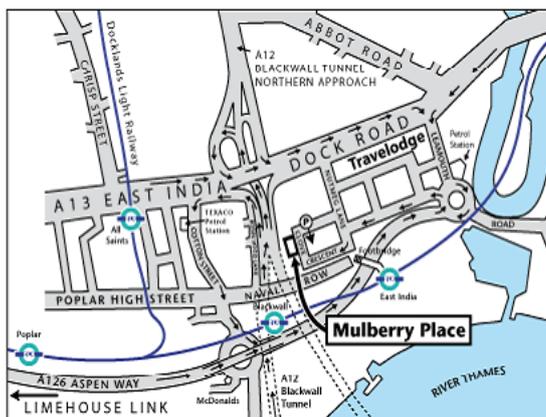
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APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST 5 - 8

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 Monitoring Officer.

2. MINUTES OF THE PREVIOUS MEETING 9 - 16

To confirm as a correct record the minutes of the meeting of the Standards (Advisory) Committee held on 24 October 2018

3. REPORTS FOR CONSIDERATION

3.1 Members Register of Interests 17 - 22

3.2 Code of Conduct for Members - Complaint Monitoring 23 - 32

3.3 Revised Code of Conduct for Members 33 - 50

3.4 Revised Terms of Reference 51 - 60

3.5 Dispensations Under Section 33 of The Localism Act 2011 61 - 64

4. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

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

Next Meeting of the Committee:

Thursday, 25 April 2019 at 6.00 p.m. to be held in the Committee Room 1, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG

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Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

Asmat Hussain, Corporate Director, Governance & Monitoring Officer,
Telephone Number: 020 7364 4800

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<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 6.10 P.M. ON WEDNESDAY, 24 OCTOBER 2018

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

Members Present:

John Pulford MBE (Chair)
Nafisa Adam (Vice-Chair)
Fiona Browne
Councillor Amina Ali
Councillor Mohammed Ahabab Hossain
Councillor Gabriela Salva Macallan

Apologies:

Mike Houston (Co-Optee)
Councillor Ruhul Amin (Member)
Councillor Puru Miah (Member)
Councillor Rabina Khan (Member)

Officers Present:

Asmat Hussain	– (Corporate Director, Governance and Monitoring Officer)
Mark Norman	– (Legal Adviser & Deputy Monitoring Officer)
Antonella Burgio	– (Democratic Services)

ANNOUNCEMENT

The Chair informed Members that he had received a letter of resignation from Co-optee Daniel McLaughin due to recent ill health. The Chair advised that he had accepted the resignation and, on behalf of the Committee, thanked Mr McLaughin for his valuable work over the years.

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest.

2. MINUTES OF THE PREVIOUS MEETING(S)

RESOLVED

That the minutes of the meeting held on 21 June 2018 be approved as a correct record of proceedings subject to two corrections; that the typographic error of Ms Browne's name at minute 1 be corrected and that apologies of Mike Houston be recorded.

3. REPORTS FOR CONSIDERATION

3.1 Code of Conduct for Members - Complaint Monitoring

The Deputy Monitoring Officer presented the report which outlined the current position on the monitoring of Code of Conduct for Members complaints. Details were provided at Appendix 1 to the report which, following Members' request, now included a dashboard summarising groupings of complaints and their status. He highlighted that

- most complaints had now been resolved and two new complaints had been lodged which had been referred for initial assessment.
- the Monitoring Officer is required to consult the Independent Person before deciding if complaints should be referred for investigation.

The Committee considered the data and in response to Members' questions the following information was provided.

- Details of some complaints considered by the Clear-Up Project Board had been included to provide a full auditable trail of the outcomes of the cases in this project.
- Recently, fewer Councillor-to-Councillor complaints had been lodged and public complaints had increased. The Corporate Director Governance noted that this pattern reflected what may be found at other councils. Additionally it indicated that the Authority had moved towards a normal environment and that the public understood and had confidence in the use of the complaint mechanism.
- Concerning complaint 008/2017, the investigation had taken a protracted time to complete and the complainant had been dissatisfied because of the lack of progress in investigating the complaint. The Corporate Director had apologised to the complainant and efforts to bring the investigation to a conclusion were redoubled. An analysis of how the complaint was handled including the timeline was tabled and the circumstances of the matter noted. The breach concerned an inappropriate use of position but no illegal activity was identified and therefore the Police were not notified. The investigation concluded that a former Councillor did not act solely in the public interest and improperly used Council resources. Since the conclusion of the investigation the former Councillor involved had offered an apology they were no longer serving as an elected member therefore it was not possible to formally censure nor was he/she required to cooperate in regard to any sanctions. However the Corporate Director would be writing to the former Councillor on the matter to reinforce the need to

comply with the Code in the event that they hold office as a councillor in the future.

- The corporate director would also write to complainant and explain the actions that had been taken and if the complainant responded their response would also be reported to the Committee in due course.

The Committee requested:

- That future complaints be reported in municipal year chronology
- That sub-totals be included in the dashboard.
- That the dashboard be expanded to include graphical data in the form of bar charts or pie charts showing relevant data and totals. The Chair and Vice-Chair should be consulted on the format once decided.
- That timescales on each element of investigations should be factored into the investigation procedure and its monitoring and that these should outline the reasons for any delays. It was agreed that a form of time monitoring would be factored to enable detailed analysis. It was agreed that a target date for investigations would also be included in the monitoring information provided to the Committee.

RESOLVED

1. Note the content of this report and consider the information contained in Appendix 1.
2. That the above actions requested by Members be taken forward.

ACTION BY: M Norman, Legal Adviser and Deputy Monitoring Officer
B McKenzie, Head of Member Support
A Burgio, Democratic Services Officer

3.2 Councillors Safety - update

The Committee noted that the Member Safety Protocol had been circulated supplementary to the agenda.

The Corporate Director Governance presented the report informing the Committee that:

- The protocol had been refreshed in January 2018 and circulated to Councillors. It was also available electronically via the 'Members Hub'.
- Members had been reminded of good personal safety practice as part of the Member Induction Programme.
- Some Councillors were exploring alternative venues in which to hold their surgeries. 53 risk assessments had been carried out in this regard and a request to use a private venue had been refused.
- Further training on holding surgeries would be offered.
- Concerning future 'I-Casework' training for Members, a canvas had been carried out but no additional requests had been received. A Committee Member noted that some Members had also used peer learning to familiarise themselves with the application.

A Member requested that Councillors' surgery details be advertised in 'Our East End' publication and it was agreed that Member Surgeries be advertised via Communications Team and Member compliment slips

RESOLVED

1. That the progress on ensuring Councillors are advised of the personal safety guidelines be noted.
2. That the safety measure implemented to mitigate the risks to Councillors when conducting surgeries be noted.
3. That the above action requested by Members be taken forward.

ACTION BY: McKenzie, Head of Member Support
A Burgio, Democratic Services Officer

3.3 Member Induction 2018

The Corporate Director Governance presented the report informing the Committee that:

- All Members had received Code of Conduct training and all Members that had been appointed to quasi-judicial and regulatory committees had received mandatory training pertinent to them.
- The initial phase of the Induction Programme had been delivered and details of Member attendance was provided at Appendix 1. Repeat sessions were now being delivered for those Members who had been unable to attend initially and Code of Conduct training would also be repeated in the new financial year.
- As part of the Induction Programme, Co-opted Members had also been invited and had attended training pertinent to their roles.
- The LGA Peer Review Team had given positive feedback on the programme, noting it had been extensive and a majority of Members had participated.
- An opportunity to undertake a Personal Development Plan was now offered and expressions of interests were being sought.
- Expanding on the training delivered, the Council was looking to provide training in alternative formats including e-learning.

Arising from the presentation, the following observations from Committee Members were noted:

- There had been good Councillor feedback on the training delivered.
- There had been much work to deliver the programme and implement the support arrangements to achieve this.
- The programme demonstrated commitment to continuous improvement.

- It was important the training programme should incorporate co-opted members.
- The Committee endorsed the comprehensive approach to Member Development.

The Committee requested that an outstanding action relating to the Design Conservation Panel be pursued.

RESOLVED

1. That the completion of mandatory training for Ethics & Probity, Licensing and Planning for all affected members be noted.
2. That the successful completion of induction sessions; the ongoing 'mop up' sessions, to ensure all councillors attend the required sessions be noted.
3. That the positive feedback reported by the Corporate Peer Challenge Team be noted.
4. That the ongoing personal development plan process to identify the existing developmental needs and enable these to contribute to the overall Learning and Development plan for the remainder of the administration be noted.
5. That the above action requested by Members be taken forward.

ACTION BY: M Norman, Legal Adviser and Deputy Monitoring Officer
B McKenzie, Head of Member Support
A Burgio, Democratic Services Officer

3.4 Register of Members' Gifts & Hospitality

The Corporate Director Governance presented the report informing the Committee that:

- The report provided details of gifts and hospitality registered between 1 October 2017 and 30 September 2018.
- An audit of the registration of gifts and hospitality had been completed and returned a substantial assurance.
- There were fewer registrations of gifts and hospitality declined than registrations of those accepted. To ensure that Members were aware of their dual obligations, the matter would be taken forward by Officers.

The Corporate Director Governance asked Members to consider if they wished failure to report registrations within the 28 days specified in the Member Code of Conduct to be referred to Standards Advisory Committee and Members agreed that this would be an appropriate course of action.

In discussion, Members received the following additional information.

- Where Officers become aware of failure to register gifts and hospitality in accordance with procedure, they will write to Councillors to highlight the matter and request that it be rectified.
- To defend integrity and high standards a statement would be prepared for circulation to Members. The statement would outline the compliance expected and include a message around purpose and outcome. The Committee would be asked to endorse the approach before distribution to Members,
- In their role, Councillors could expect lobbying and this was part of Ward duties. However a Councillor should not be involved in a decision on which they had lobbied.

Arising from the discussion, the following observations from Committee Members were noted:

- Fewer than expected declarations had been made by members of the Council's development committees.
- There had been fewer than expected declarations of accepting hospitality in the form of wedding invitations and these were likely to be in excess of the £25 threshold.
- Some descriptions of gifts or hospitality received were vague and, the value of some appeared to be estimated.

The Committee requested:

- That a report on registration of gifts and hospitality be made to the Committee every 6 months.
- To ensure that Members were aware of their dual obligations in regards to declarations of gifts and hospitality that the matter would be monitored by Officers.
- That examples of registrations of gifts and hospitality be included in the next Ethics and Probity training.
- That failure to report registrations within the 28 days specified in the Member Code of Conduct to be referred to Standards Advisory Committee

RESOLVED

1. That the declarations of Gifts and/or hospitality received as reported in Appendix 1 be noted.
2. That failure to report registrations of gifts and hospitality within the 28 days specified in the Member Code of Conduct to be reported to Standards Advisory Committee.
3. That the above actions requested by Members be taken forward.

ACTION BY: B McKenzie, Head of Member Support
A Burgio, Democratic Services Officer

3.5 Work Plan

The Deputy Monitoring Officer presented the report which outlined the schedule of work that the Committee intended to undertake in the current municipal year.

The Committee noted:

- That the consultation on the review of the Committee's Terms of Reference, which was part of a wider review of the Constitution would be presented at the next meeting in January 2019.
- The review would incorporate revision of the Member Code of Conduct and the review of the Standards Advisory Committee hearings procedures, incorporating the mock hearing training..
- The Review of Local Authority Ethics by the Parliamentary Committee on Standards in public Life was due to report in early 2019. A report would be brought to Committee in due course. Members noted that this review was expected to make recommendations on the criteria for disqualification of councillors. At present this was based on LGA1972 and required review in the light of recent sentencing guidelines.

The Chair agreed that the items of the work programme be reviewed and additional matters of relevance to the Committee be brought for consideration.

RESOLVED

1. That the content of the work plan be noted.
2. That the work plan be updated in accordance with the actions requested during the discussion..

ACTION BY: A Burgio, Democratic Services Officer

4. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

There was none.

The meeting ended at 7.24 p.m.

Chair, John Pulford MBE
Standards (Advisory) Committee

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Non-Executive Report of the: Standards (Advisory) Committee Thursday, 17 January 2019	
Report of: Asmat Hussain Corporate Director Governance	Classification: Open (Unrestricted)
Members Register of Interests	

Originating Officer(s)	Beverley McKenzie
Wards affected	All Ward

Executive Summary

This report updates the Committee on the Elected and Co-opted Members' Register of Interests and the information published on the Council website.

Recommendations:

The Standards (Advisory) Committee is recommended to:

1. Note the information set out in Appendix 1 in relation to the completion of the register of interests during the current municipal year.
2. Note the arrangements for the publication of personal information for Councillors, including the exemptions for sensitive information.

1. REASONS FOR THE DECISIONS

- 1.1 The report has been provided to the Standards Advisory Committee for noting and no decision is required.

2. ALTERNATIVE OPTIONS

- 2.1 The Committee could choose not to consider this report, but it is recommended as good practise for the Standards (Advisory) Committee to keep itself up to date with issues around Member Interests.

3. DETAILS OF THE REPORT

Members' Register of Interests

- 3.1 Members are required to complete a declaration of their interests within 28 days of their appointment and thereafter they must notify any changes to this within 28 days of becoming aware of the change.
- 3.2 A detailed review of each of the register of interests was undertaken in November/December 2018 to ensure that all appointments by the authority were updated, and all other information was consistent with the information held by the Council.
- 3.3 With Gifts and Hospitality declarations now completed as a separate register, updates to the Register of Interests may not be as frequent as in past.
- 3.4 The dates of submission for all Members has been included as Appendix 1. All councillors have updated their register of interests following the May elections.

Publication of Register of Interest and Personal Details

- 3.5 The Declaration of Interests provided by Elected Members is published on the Council's website, under the Councillor web pages. For Co-opted Members the Declaration of Interests is published under the Co-opted Members details, under the specific committee. There has been some concern raised regarding the disclosure of the personal information and the possibility that the public could access a Member's personal information.
- 3.6 The Localism Act 2011(section 29) requires that the Members' register is available for inspection within the authority and that the register is published on the authority's website.
- 3.7 The Act makes provision for the non-publication of the sensitive interests, where the Member and the Monitoring Officer consider that the disclosure of the details of the interest could lead to the Member or a person connected with the Member to be subject to violence or intimidation.
- 3.8 In such situations, the Members' register of interest will continue to be published on the website, however, the specific details of the interest will be withheld and the item will reflect "Not shown on web site".

4. EQUALITIES IMPLICATIONS

- 4.1 There are no equalities implications arising from the noting of this report.

5. OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.
- 5.2 There are no other statutory implications for this report, as it is for noting only.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 This is a noting report. There are no financial implications arising from the contents of the report.

7. COMMENTS OF LEGAL SERVICES

- 7.1 Section 29 of the Localism Act 2011 provides that the Monitoring Officer must establish and maintain a register of interests of members and co-opted members of the authority. Section 29(5) of the Act provides that the Monitoring Officer must secure that a copy of the register is available for inspection at a place in the authority's area at all reasonable hours and that the register is published on the authority's website.
- 7.2 It is a requirement of section 30 of the Localism Act that a member or co-opted notify the Monitoring Officer of any disclosable pecuniary interests for inclusion in the register within 28 days of becoming a member or co-opted member.
- 7.3 Section 32 of the Localism Act makes provision for sensitive interests. Section 32 applies to disclosable pecuniary interests and other interest which the authority has decided require registration. A sensitive interest is defined by section 32 as being where the member or co-opted member and the Monitoring Officer consider that the details of the interest could lead to the member or co-opted member or a person connected with them being subject to violence or intimidation.
- 7.4 If a sensitive interest is entered in the register, section 32(2) of the Act provides that copies of the register that are made available for inspection and any published version of the register, must not include details of the interest

but may state that the member or co-opted member has an interest the details of which are withheld under section 32(2) of the Localism Act 2011.

Linked Reports, Appendices and Background Documents

Linked Report

- List any linked reports
-
- State NONE if none.

Appendices

- Appendix 1 – Register of Interests Submitted

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- NONE

Officer contact details for documents:

N/A

Political Party	Elected Members	last declaration signed on:	latest review & update by Officers
Labour	Mayor John Biggs	19-Jun-18	08-Dec-18
Labour	Cllr Faroque Ahmed	09-May-18	01-Jun-18
Labour	Cllr Sabina Akhtar	05-Nov-18	29-Nov-18
Labour	Cllr Sufia Alam	06-Jun-18	08-Jun-18
Labour	Cllr Amina Ali	06-Jun-18	29-Nov-18
Labour	Cllr Shah Ameen	19-Sep-18	24-Sep-18
Labour	Cllr Asma Begum	07-Jun-18	08-Jun-18
Labour	Cllr Rachel Blake	28-Nov-18	30-Nov-18
Labour	Cllr Kevin Brady	06-Jun-18	29-Nov-18
Labour	Cllr Mufeedah Bustin	28-Jun-18	29-Nov-18
Labour	Cllr Kahar Chowdhury	20-Sep-18	24-Sep-18
Labour	Cllr Shad Chowdhury	11-May-18	02-Oct-18
Labour	Cllr Dipa Das	29-Nov-18	03-Dec-18
Labour	Cllr David Edgar	30-May-18	30-Nov-18
Labour	Cllr Marc Francis	18-May-18	07-Jun-18
Conservative	Cllr Peter Golds	02-Jul-18	29-Nov-18
Labour	Cllr Ehtasham Haque	01-Dec-18	03-Dec-18
Labour	Cllr Danny Hassell	25-Sep-18	26-Sep-18
Labour	Cllr Mohammed Ahbab Hossain	01-Nov-18	02-Nov-18
Labour	Cllr Asma Islam	09-Nov-18	06-Dec-18
Labour	Cllr Sirajul Islam	27-Sep-18	08-Dec-18
Labour	Cllr Denise Jones	12-Jan-18	30-Nov-18
LibDem	Cllr Rabina Khan	03-Jan-19	03-Jan-19
Labour	Cllr Tarik Khan	11-Jul-18	11-Dec-18
Labour	Cllr James King	06-Jun-18	08-Jun-18
Labour	Cllr Eve McQuillan	20-Dec-18	20-Dec-18
Labour	Cllr Ayas Miah	12-Jun-18	30-Nov-18
Labour	Cllr Puru Miah	17-Dec-18	18-Dec-18
Labour	Cllr Abdul Mukit MBE	09-Jan-19	09-Jan-19
Labour	Cllr Victoria Obaze	25-May-18	01-Jun-18
Labour	Cllr Mohammed Pappu	14-Nov-18	14-Nov-18
Labour	Cllr Kyrsten Perry	06-Jun-18	11-Dec-18
Labour	Cllr John Pierce	17-May-18	11-Dec-18
Labour	Cllr Leema Qureshi	09-May-18	01-Jun-18
Labour	Cllr Zenith Rahman	09-May-18	01-Jun-18
Labour	Cllr Candida Ronald	26-Sep-18	30-Nov-18
Labour	Cllr Gabriela Salva Macallan	19-Sep-18	19-Sep-18
Labour	Cllr Dan Tomlinson	19-Sep-18	21-Sep-18
Labour	Cllr Helal Uddin	29-Oct-18	29-Oct-18
Labour	Cllr Abdal Ullah	06-Jun-18	30-Nov-18
Labour	Cllr Motin Uz-Zaman	01-Sep-18	11-Dec-18
Labour	Cllr Bex White	05-Dec-18	14-Dec-18
Labour	Cllr Val Whitehead	06-Jun-18	11-Dec-18
Conservative	Cllr Andrew Wood	06-Jun-18	06-Jun-18

Committee	Co-opted Members	last declaration signed on:	latest review & update by Officers
Grants Scrutiny	Kim Hayman	19-Sep-18	19-Sep-18
Grants Scrutiny	Sue Kenten	23-Aug-18	24-Aug-18
Health Scrutiny	David Burbidge	24-Aug-18	28-Aug-18
Housing Scrutiny	Anne Ambrose	15-Jan-18	23-Jan-18
Housing Scrutiny	Moshin Hamim	01-Nov-17	01-Nov-17
OSC	Neil Cunningham	23-Aug-18	24-Aug-18
OSC	Joanna Hannan	09-Jan-18	31-Jan-18
OSC	Ahmed Hussain	18-Sep-18	19-Sep-18
OSC	Fatiha Kassouri	03-Jan-18	04-Jan-18
OSC	Dr Phillip Rice	03-Jan-18	04-Jan-18
OSC	Khoyrul Shaheed	19-Sep-18	19-Sep-18
Pensions	John Jones	04-Aug-18	24-Aug-18
Pensions	Annette McKenna	22-Aug-18	18-Sep-18
Pensions	David Stephen Thompson	04-Jan-18	09-Jan-18
SAC	Nafisa Adam	24-Nov-16	07-Feb-17
SAC	Fiona Browne	08-Aug-18	14-Aug-18
SAC	Mike Houston	02-Jan-18	04-Jan-18
SAC	Daniel McLaughlin	01-Jan-18	17-Jan-18
SAC	John Pulford MBE	25-Jan-18	31-Jan-18

Non-Executive Report of the: Standards (Advisory) Committee 17 January 2019	 TOWER HAMLETS
Report of: Asmat Hussain - Corporate Director, Governance	Classification: Unrestricted
Code of Conduct for Members - Complaint Monitoring	

Originating Officer(s)	Mark Norman – Legal Adviser & Deputy Monitoring Officer
Wards affected	(All Wards);

Executive Summary

Appendix 1 to this report updates the Advisory Committee on the quarterly monitoring information for complaints and investigations relating to alleged breaches Council’s Code of Conduct for Members.

Recommendations:

The Standards (Advisory) Committee is recommended to:

1. Note the content of this report and consider the information contained in Appendix 1.

1. REASONS FOR THE DECISIONS

- 1.1 The Council's arrangements for dealing with complaints of breach of the Code of Conduct for Members (paragraph 11) 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.

2. ALTERNATIVE OPTIONS

- 2.1 Not applicable.

3. DETAILS OF REPORT

- 3.1 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.
- 3.2 The Advisory Committee last considered a monitoring report at its meeting on 24 October 2018. At that meeting Members requested that monitoring information is provided for the municipal year and with a bar or pie chart to assist with data analysis. The information contained in Appendix 1 to this report has been prepared on that basis.

4. EQUALITIES IMPLICATIONS

- 4.1 There are no specific equalities implications arising from this report.

5. OTHER STAUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.
- 5.2 The Council's arrangements for dealing with complaints of breach of the Code of Conduct for Members were revised in December 2016 to improve the transparency and efficiency of the process.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 This report details the framework used by the Monitoring Officer to provide quarterly reporting of Members complaints via the Advisory Committee and the number and nature of complaints, as per para 1.1
- 6.2 There are no financial implications arising from this report. However In the event that the Council agrees further action in response to this report, then approval for any further resources will need to be approved using existing financial regulatory rules prior to the making of any financial commitment.

7. LEGAL COMMENTS

- 7.1 The principal statutory provisions relating to standards of conduct are contained in the Localism Act 2011. Section 27(1) of the 2011 Act provides that the Council must promote and maintain high standards of conduct by Members and Co-opted Members of the authority.
- 7.2 Sections 27 and 28 of the Localism Act require the Council to adopt a Code of Conduct consistent with the Nolan principles of good governance and to appoint at least one Independent Person whose views must be sought and taken into account before the Council makes any decision about an alleged breach of the Code that has been investigated.

Linked Reports, Appendices and Background Documents

Linked Report

NONE.

Appendices

Appendix 1 Complaints and investigation monitoring information

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

NONE

Officer contact details for documents:

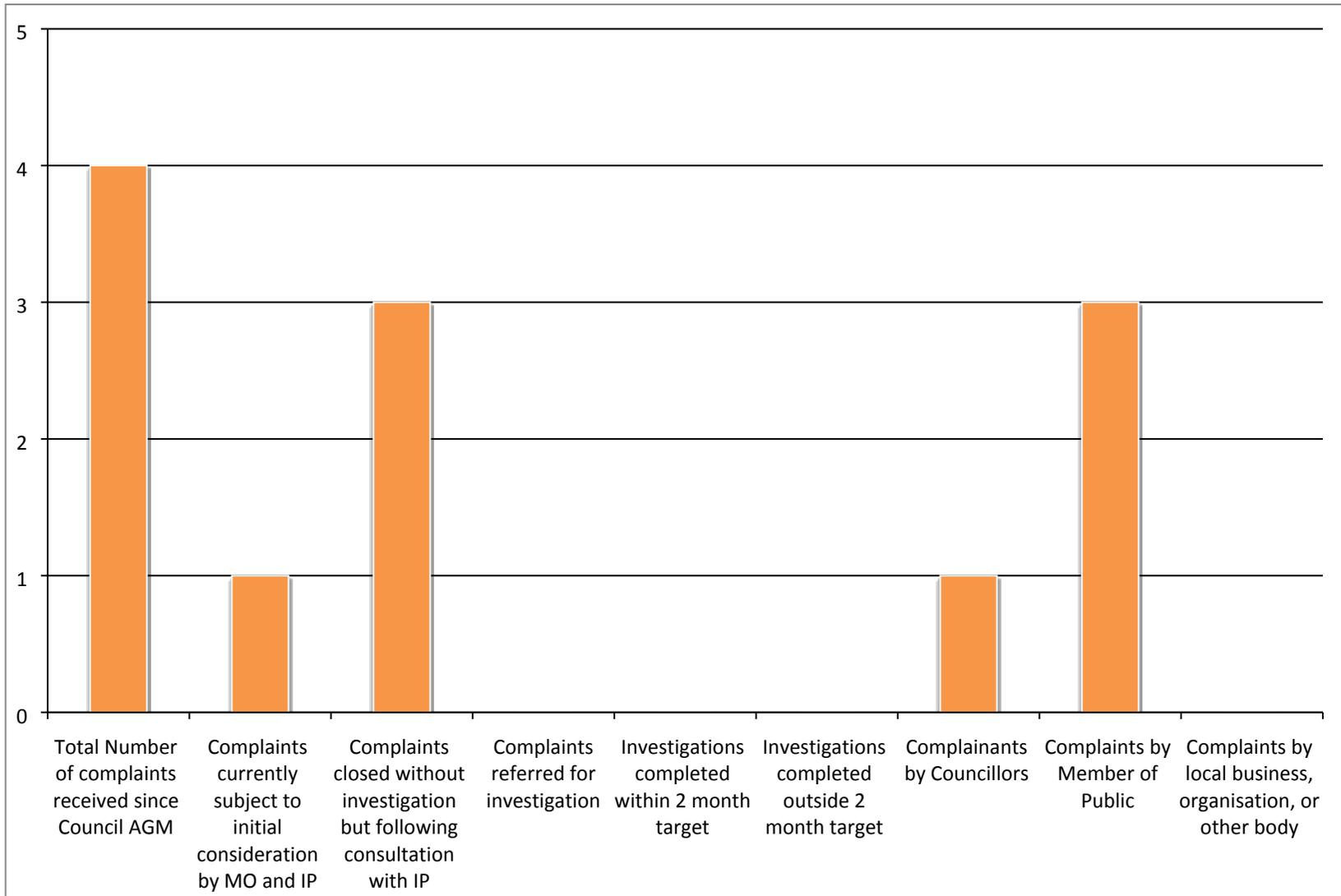
N/A

APPENDIX1

Code of Conduct for Members - complaints and investigation monitoring information

Total complaints since Council AGM on 23 May 2018:	04
Complaints currently subject to initial consideration by MO and IP:	01
Complaints closed without investigation but following consultation with IP:	03
Complaints referred for investigation:	00
Investigations completed within 2 month target:	00
Investigations completed outside 2 month target:	00
Complainants by Councillors:	01
Complaints by Member of Public:	03
Complaints by local business, organisation, or other body:	00

Complaints 2018/19 Municipal Year



Reference number	Date received by Monitoring Officer	Complainant	Elected/Co-opted Member(s)	Nature of Complaint and potential breach(es) of the Code of Conduct	Date and outcome of consultation with IP	Date investigation commenced and investigation status	Hearing and outcome	Current status	Follow up
005/2018	05 July 2018	Member of Public	Elected Member	Alleged inappropriate conduct relating to planning and parking resulting in potential contraventions of the Code: 2.2 Not acting solely in the public interest. Seeking financial or other benefit for themselves.	24.10.18 agreed NFA in consultation with IP. Target date: 19.07.18				Closed
009/2018	11 September 2018	Member of Public	Elected Members x8	Alleged inappropriate conduct in handling service complaint resulting in potential contraventions the Code: 2.1 Lack of integrity. 2.2 Not acting solely in the public interest. 2.4 Not making decisions on merit. 2.5 Not co-operating	13.11.18 agreed NFA in consultation with IP. Target date: 25.09.18				Closed

fully with appropriate scrutiny.
2.6 Failure to be open about decisions and give reasons.
2.7 Improper use of council resources.
2.8 Failure to reach own conclusions.
2.9 Not treating another with respect and bullying.
2.10 Failure to promote high standards by leadership and example.

Reference number	Date received by Monitoring Officer	Complainant	Elected/Co-opted Member(s)	Nature of Complaint and potential breach(es) of the Code of Conduct	Date and outcome of consultation with IP	Date investigation commenced and investigation status	Hearing and outcome	Current status	Follow up
007/2018	11 October 2018	Elected Member	Elected Member	<p>Alleged inappropriate use of social media resulting in potential contraventions of the Code:</p> <p>2.1 Lack of integrity. 2.2 Not acting solely in the public interest. 2.9 Failure to promote equality; not treating another with respect. 2.10 Failure to promote high standards by leadership and example.</p>	<p>08.11.18 agreed NFA in consultation with IP councillor agreed to attend additional training.</p> <p>Target date: 25.10.18</p>				Closed

Reference number	Date received by Monitoring Officer	Complainant	Elected/Co-opted Member(s)	Nature of Complaint and potential breach(es) of the Code of Conduct	Date and outcome of consultation with IP	Date investigation commenced and investigation status	Hearing and outcome	Current status	Follow up
008/2018	15 October 2018	Member of Public	Elected Member	<p>Alleged inappropriate conduct at Committee meetings resulting in potential contraventions of the Code:</p> <p>2.9 Not treating another with respect and bullying. 2.10 Failure to promote high standards by leadership and example.</p>	<p>10.12.18. agreed NFA in consultation with IP – Monitoring Officer to meet with councillor and/or Group Whip to discuss future management of committee meetings.</p> <p>Target date: 29.10.18</p>				Closed

Non-Executive Report of the: Standards (Advisory) Committee 17 January 2019	
Report of: Asmat Hussain, Corporate Director, Governance	Classification: Unrestricted
Revised Code of conduct for Members	

Originating Officer(s)	Mark Norman – Legal Adviser & Deputy Monitoring Officer
Wards affected	(All Wards);

Summary

This report updates the Advisory Committee on the proposals for revisions to the Council’s Code of Conduct for Members.

Recommendations:

- (1) That Members of the Advisory Committee consider and comment on the proposed revised draft Code attached as Appendix 1.
- (2) That subject to any comments, the Advisory Committee recommend the draft revised Code for adoption by full Council.

1. REASONS FOR THE DECISIONS

- 1.1 This report informs the Advisory Committee of proposed revisions to the Code of Conduct for Members. The revisions are being proposed as part of a wider review of the Council's constitutional arrangements and draw on best practice across other authorities. The revisions to the Code aim to improve the clarity of the provisions, particularly in relation to the registration and declaration of interest requirements.

2. ALTERNATIVE OPTIONS

- 2.1 The Advisory Committee could decide not to recommend the revised Code for adoption by full council.

3. DETAILS OF REPORT

- 3.1 The proposed revised Code of Conduct for Members is attached as Appendix 1 and a copy of the existing Code is attached at Appendix 2 for ease of reference. The proposed revisions draw on best practice and are designed to improve clarity, particularly in relation to the registration and declaration of interests.

- 3.2 The proposed revisions are summarised below:

- There are new specific provisions about the application and purpose of the Code which replace the introductory section in the existing Code.
- The general principles of conduct in the existing Code are replaced with 2 sections on expectations and rules of conduct. These expand on and are more specific than the general principles of conduct contained in the existing Code and give examples of the seven 'Nolan' principles.
- The statutory definition of members' disclosable pecuniary interests (DPI's) is unchanged but the other interest provisions are revised to update definitions and improve clarity.
- The gifts and hospitality provisions are in a separate section and are amended to clarify that any gift or hospitality declined should be registered.
- The statutory requirement to declare DPI's is unchanged but the other declaration provisions are revised to update definitions and improve clarity.

- There are new separate sections dealing with sensitive DPI's and DPI dispensations.
- The access to information provisions are changed slightly to improve clarity.
- The references to other Council Codes and Protocols is retained.
- The complaints section is amended and only includes reference to complaints of breach of the Code of Conduct for Members which are dealt with in accordance with Appendix A to the Code. Appendix A is unchanged.

4. EQUALITIES IMPLICATIONS

- 4.1 The provisions in both the existing Code and the proposed revised Code specifically address equalities issues.

5. OTHER STAUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.

- 5.2 The proposed revisions to the Code are designed to improve clarity which in turn should assist in promoting and maintaining high standards of conduct and improving confidence in local democracy.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 This report informs the Advisory Committee of proposed revisions to the Code of Conduct for Members. There are no financial implications arising from this report. However In the event that the Council agrees further action in response to this report, which could lead to additional resources been required, officers, will be obliged to seek appropriate approval through the council's financial approval process before making any commitments.

7. LEGAL COMMENTS

- 7.1 The Code of Conduct for Members is an important Constitutional document which forms part of the Council's ethical framework and is adopted under the

provisions of the Localism Act 2011. The 2011 Act requires full Council to approve and adopt the Code.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- NONE

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

- NONE

Officer contact details for documents:

- N/A

2019 – REVISED CODE OF CONDUCT FOR MEMBERS

Application of the Code

1. The Code applies to the Mayor, councillors and co-opted members of the Council, collectively referred to as member(s) in the remainder of this document.
2. It applies in all aspects of your activities as a member, including when acting on Council business or when you are perceived by the public to be acting as a member. The Code does not seek to regulate what you do in your private and personal life.
3. The obligations set out in this Code are complementary to related Codes and Protocols which form part of the Council's governance arrangements.

Purpose of the Code

4. The Code of Conduct will assist you in the discharge of your obligations to the Council, local communities and the public at large by:
 - a) setting out the standards of conduct that are expected of you; and
 - b) providing the openness and accountability necessary to ensure public confidence in the way in which you perform your public duties.

General Expectations of Conduct

5. You are expected to observe the following general principles of conduct. These principles will be taken into consideration in determining allegations of a breach of this Code.

(a) Selflessness: you should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

(b) Integrity: you should not place yourself in situations where your integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

(c) Objectivity: you should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

(d) Accountability: you are accountable to the public for your actions and the manner in which you carry out your responsibilities and should co-operate fully and honestly with any scrutiny appropriate to your particular office.

(e) Openness: you should be as open as possible about your actions and those of the council and be prepared to give reasons for those actions.

(f) Honesty: – you should be truthful in your council work and avoid creating situations where your honesty may be called into question.

(g) Leadership: you should promote and support these principles by leadership and by example and should act in a way that secures or preserves public confidence.

Rules of Conduct

6. You must act solely in the public interest. You should promote equality and not discriminate unlawfully against any person. You should treat all people with respect, you should not bully any person and you should respect the impartiality and integrity of the Council's officers.

7. You should not improperly confer (or seek to confer) an advantage or disadvantage on any person. You should not act to gain financial or other benefit for yourself, your family, your friends or your business associates.

8. You should not place yourself under a financial or other obligation to any individual or organisation that might seek to influence the performance of your duties as a member.

9. You should act to ensure Council resources are used prudently. When using or authorising the use by others of Council resources, you must ensure that they are used only for legitimate Council purposes and not for any other purpose. In particular they must not be used improperly for political purposes (including party political purposes).

10. You should promote and support high standards of conduct by leadership and example.

11. You should make decisions on merit, including when awarding contracts, making appointments, or recommending individuals for rewards or benefits.

12. You are accountable to the public for your actions and the manner in which you carry out your responsibilities and should co-operate fully and honestly with any scrutiny appropriate to your office.

13. You should be as open as possible about your decisions and actions and those of the Council. You should be prepared to give reasons for decisions and have regard to the advice of the Council's statutory officers before making any decision.

14. You should take account of the views of others, including your political group, but you must reach your own conclusions and act in accordance with those conclusions.

15. You must not disclose confidential information unless you are required by law to do so, or you have the consent of the person authorised to give it, or disclosure is reasonable and in the public interest and made in good faith and not for an ulterior motive.

17. You must ensure that your use of allowances, facilities and services provided at

public expense is strictly in accordance with any rules or requirements set by the Council.

Members' Interests

18. There are two categories of interest that you must register with the Monitoring Officer. These are:

- **Disclosable pecuniary interests (DPI's); and**
- **Non-DPI interests that the Council has decided should be registered (Non-DPI's)**

19. A DPI is defined by statutory regulation. You must within 28 days of taking office as a member, notify the Monitoring Officer of any DPI to be included in the Register of Members' Interests. **If you fail to register a DPI it is a criminal offence.**

20. DPI's also includes your partner's interests. A partner is your spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners. You and your partner are referred to in the statutory definition of a DPI as 'relevant person'.

21. The categories of DPI are:

(a) Employment, office, trade, profession or vocation

Any employment, office, trade, profession or vocation carried on by a relevant person for profit or gain.

(b) Sponsorship

Any payment or provision of any other financial benefit (other than from the Council) made or provided within the 12 months prior to the date of giving notice of interest for inclusion in the register in respect of any expenses incurred by the member in carrying out duties as a member, or towards the election expenses of the member.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(c) Contracts

Any contract which is made between a relevant person (or a firm in which they are a partner, or a body corporate in which they are a director or in the securities of which body corporate they have a beneficial interest) and the relevant authority:-

under which goods or services are to be provided or works are to be executed and which has not been fully discharged.

(d) Land

Any beneficial interest in land which is within the Borough.

(e) Licences

Any licence (alone or jointly with others) to occupy land in the borough for a month or longer.

(f) Corporate tenancies

Any tenancy where (to the member's knowledge):-

the landlord is the Council; and

the tenant is a body in which the relevant person is a firm in which they are a partner, or a body corporate in which they are a director or in the securities of which body corporate they have a beneficial interest.

(g) Securities

Any beneficial interest in securities of a body where:-

that body (to the member's knowledge) has a place of business or land in the borough; and

either:-

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

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.

22. Non DPI's - other interests that the Council has decided should be registered. You must also within 28 days of taking office as a member, notify the Monitoring Officer of such Non DPI interests that the Council has decided you should be included in the register of Members' Interests. These are:

(a) Membership or position of control or management in:-

Any body to which you have been appointed or nominated by the Council; and/or

Any body exercising functions of a public nature (described below) or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party

There is no definitive list of bodies exercising functions of a public nature, but those bodies which:-

carry out a public service, or

take the place of local/central government (including through outsourcing); or

carry out a function under legislation or in pursuit of a statutory power;
or

can be judicially reviewed,

are likely to be bodies carrying out functions of a public nature. They include bodies such as government agencies, other councils, health bodies, council owned companies and school governing bodies.

23. You must ensure that your entries in the Register of Members' Interests are kept up to date and must notify the Monitoring Officer of any change to your interests within 28 days of the change arising. For a DPI remember this also includes your partner's interests.

Gifts and Hospitality

24. Any gift or hospitality offered to you (even if declined) with an estimated value of £25 or more must be included in the Register of Gifts & Hospitality kept by the Monitoring Officer within 28 days of the offer being made.

Declaration of Interests – DPI's

25. If you have a DPI in an item of Council business you may not participate in any discussion of, vote on, or discharge any function relating to the matter, unless a dispensation has been granted under Section 33 Localism Act 2011.

26. If you are present at a meeting where you have a DPI in an item of business on the agenda you must:

(a) Disclose to the meeting the existence and nature of the interest at the start of the meeting and specify the agenda item to which the interest relates. You must also leave the room (including any public viewing area) for the duration of consideration and decision on the agenda item and not seek to influence the debate or decision in respect of the item of business.

(b) If the DPI is not already included in your register of interests you must within 28 days of the meeting notify the Monitoring Officer of the interest for inclusion in the register.

N.B. If you fail to disclose a DPI it is a criminal offence.

Declaration of Non-DPI's

27. If you are present at a meeting and have registered a non-DPI in a matter which is to be discussed at the meeting, you must declare the nature of the interest at the earliest opportunity and before the matter is considered. You may stay in the room and participate in consideration of the matter and vote on it unless:

- (a) a reasonable person would think that your interest is so significant that it would be likely to impair your judgement of the public interest. If so, you must withdraw and take no part in consideration or discussion of the matter.

Declaration of Interests not included in the Register of Members' Interests

28. Occasions may arise where you have an interest in a matter being considered at a meeting which is not a DPI or Non-DPI that you are required to include in the Register of Members' Interests. An example would be where the decision on the agenda item would affect the wellbeing of you, your family, or a close friend or associate of yours more than it would anyone else living in the local area .

29. In this situation you should consider whether a reasonable person would think that your interest is so significant that it would be likely to impair your judgement of the public interest. If so, you must withdraw and take no part in consideration or discussion of the matter.

Note: The provisions of paragraphs 25 - 29 apply not only to meetings but to circumstances where a member makes a decision alone.

Sensitive DPI's

30. You should notify the Monitoring Officer if you feel that a DPI you are required to register should be treated as sensitive. The Monitoring Officer may agree to treat the DPI as sensitive if satisfied that registration/declaration of the DPI could lead to you, or a person connected with you, being subject to violence or intimidation. If the Monitoring Officer agrees the DPI is sensitive you will be obliged to register it but details will not be disclosed in the published version of the register and when attending a meeting you will only need to declare that a DPI exists and will not be required to give details of the interest itself.

DPI Dispensations

31. If you have a DPI in a matter coming before a meeting of the authority, you can make a written request to the Monitoring Officer beforehand for a dispensation, which may allow you to participate in the discussion and vote. A dispensation may be granted in the following circumstances:

- (a) Where members of the decision making body have disclosable pecuniary interests in a matter that would "impede the transaction of the business".
- (b) That without the dispensation, the representation of different political groups on the body conducting the business would be so upset as to alter the outcome of any vote on the matter.
- (c) That the authority considers that the dispensation is in the interest of persons living in the authority's area.
- (d) That the authority considers that it is otherwise appropriate to grant a dispensation.

32. Any grant of dispensation must specify how long it will last, up to a maximum of 4 years. Dispensations under (a) and (b) above shall be decided by the Monitoring Officer, those in (c) and (d) shall be decided by the Monitoring Officer in consultation with the Chair of the Standards (Advisory) Committee.

Access to Information

33. You must not disclose confidential information given to you in the course of your duties without the consent of the person entitled to give it unless:-

there is a legal requirement to disclose the information, or

the disclosure is to a third person for the purpose of obtaining professional advice and the third party agrees not to disclose it, or

the disclosure is reasonable, in the public interest, made in good faith and made in accordance with any reasonable requirements specified by the Council in relation to the disclosure.

34. You must not prevent access to information to which another is entitled by law.

Protocols

35. This Code should be read in conjunction with the following additional Codes and Protocols which have been approved by the Council:

- Planning Code of Conduct
- Licensing Code of Conduct
- Member/Officer Protocol
- Employees' Code of Conduct

Complaints

36. Any alleged breach by a member of the provisions of this Code will be dealt with in accordance with the arrangements set out in Appendix A to the Code.

NB a breach of any of the statutory requirements relating to the registration and declaration of disclosable pecuniary interests may result in prosecution. If you need of advice about the application of this Code you should contact the Monitoring Officer.

TOWER HAMLETS LBC
Code of Conduct for Members
Agreed by Council on 5 December 2016

1. Introduction

1.1 This Code sets out the principles and standards of conduct for all elected and co-opted members of the London Borough of Tower Hamlets.

1.2 The Council is committed to the highest standards of ethical behaviour. The law prescribes minimum requirements of conduct which are included in this Code. The Code also contains additional requirements which the Council has chosen to adopt using its own local discretion.

1.3 Any reference to 'members' in this Code, or any appendices or related protocols, means the Mayor, elected and co-opted members. This Code applies at all times when members act in their capacity as member (or claim to act or give the impression of acting in their capacity as a member).

2. General Principles of Conduct

2.1 Members are required to comply with the following principles in their capacity as a member:-

SELFLESSNESS
INTEGRITY
OBJECTIVITY
ACCOUNTABILITY
OPENNESS
HONESTY
LEADERSHIP

2.2 Members must act solely in the public interest. They should not improperly confer (or seek to confer) an advantage or disadvantage on any person. They should not act to gain financial or other benefit for themselves, their family, friends or close associates.

2.3 Members should not place themselves under a financial or other obligation to any individual or organisation that might seek to influence the performance of their duties as a member.

2.4 Members should make decisions on merit, including when awarding contracts, making appointments, or recommending individuals for rewards or benefits.

2.5 Members are accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their office.

2.6 Members should be as open as possible about their decisions and actions and those of the Council. They should be prepared to give reasons for decisions and have regard to the advice of the Council's statutory officers before making any decision.

2.7 Members should act to ensure Council resources are used prudently. When using or authorising the use by others of Council resources, members must ensure that they are used only for legitimate Council purposes and not for any other purpose. In particular they must not be used improperly for political purposes (including party political purposes).

2.8 Members should take account of the views of others, including their political groups, but must reach their own conclusions and act in accordance with those conclusions.

2.9 Members should promote equality and not discriminate unlawfully against any person. Members should treat all people with respect, they should not bully any person and should respect the impartiality and integrity of the Council's officers.

2.10 Members should promote and support high standards of conduct by leadership and example.

3. Members' Interests

3.1 For the purposes of this Code there are two categories of interest that require registration with the Monitoring Officer:

Disclosable pecuniary interest

Other interests the Council has decided should be registered

3.2 **A disclosable pecuniary interest** is defined by statutory regulation. Members must within 28 days of taking office as a member, notify the Monitoring Officer of any disclosable pecuniary interest to be included in the Register of Members' Interests. **Failure to declare or register a disclosable pecuniary interest is a criminal offence.**

3.3 A disclosable pecuniary interest also includes the interests of a members' partner. A partner is your spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners. A member and their partner is referred to in the statutory definition of a disclosable pecuniary interest as 'relevant person'.

3.4 The categories of disclosable pecuniary interest are:

Employment, office, trade, profession or vocation

Any employment, office, trade, profession or vocation carried on by a relevant person for profit or gain.

Sponsorship

Any payment or provision of any other financial benefit (other than from the Council) made or provided within the 12 months prior to the date of giving notice of interest for inclusion in the register in respect of any expenses incurred by the member in carrying out duties as a member, or towards the election expenses of the member.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts

Any contract which is made between a relevant person (or a firm in which they are a partner, or a body corporate in which they are a director or in the securities of which body corporate they have a beneficial interest) and the relevant authority:-

under which goods or services are to be provided or works are to be executed; and
which has not been fully discharged.

Land

Any beneficial interest in land which is within the borough.

Licences

Any licence (alone or jointly with others) to occupy land in the borough for a month or longer.

Corporate tenancies

Any tenancy where (to the member's knowledge):-

the landlord is the Council; and

the tenant is a body in which the relevant person is a firm in which they are a partner, or a body corporate in which they are a director or in the securities of which body corporate they have a beneficial interest.

Securities

Any beneficial interest in securities of a body where:-

that body (to the member's knowledge) has a place of business or land in the borough; and

either:-

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

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.

3.5 Other interests the Council has decided should be registered.

Members must also within 28 days of taking office as a member, notify the Monitoring Officer of such other interests that the Council has decided should be included in the register of Members' Interests. These are:

3.6 Any person from whom you have received a gift or hospitality with an estimated value of at least £25.

3.7 Membership or position of control or management in:-

Any body to which you have been appointed or nominated by the Council; and/or

Any body exercising functions of a public nature (described below) or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party

3.8 There is no definitive list of bodies exercising functions of a public nature, but those bodies which:-

carry out a public service, or
take the place of local/central government (including through outsourcing); or
carry out a function under legislation or in pursuit of a statutory power; or
can be judicially reviewed,

are likely to be bodies carrying out functions of a public nature. They include bodies such as government agencies, other councils, health bodies, council owned companies and school governing bodies.

3.9 All members must ensure that their entries in the Register of Members' Interests are kept up to date they must notify the Monitoring Officer of any change to their interests within 28 days of the change arising.

4. Declaration of interests

4.1 Members with a disclosable pecuniary interest may not participate in any discussion of, vote on, or discharge any function relating to any matter in which the member has such an interest, unless a dispensation has been granted under Section 33 Localism Act 2011.

4.2 The law requires that if a member has a disclosable pecuniary interest which is not entered on the Register of Members' Interests, then the member must disclose the interest to any meeting of the Council at which they are present where they have a disclosable pecuniary interest in any matter being considered at that meeting. However this shall not apply if the interest is a 'sensitive interest' (see para 4.3 below.) Following any such disclosure the law requires that members update their entry in the Register of Members' Interests within 28 days of the date of disclosure. In this context the law defines a meeting as a meeting of the Council, or any committee, sub-committee or joint committee of it.

4.3 A 'sensitive interest' is an interest the disclosure of which the member and Monitoring Officer have agreed could lead to the member or a person connected with them being subject to violence or intimidation

4.4 Where a member is present at a meeting and has registered an interest in any matter which is to be discussed at the meeting (which is not a disclosable pecuniary interest) they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. The member may stay in the room and participate in consideration of the matter and vote on it subject to paragraph 4.5.

4.5 Where a member has an interest which under this Code would not be a disclosable pecuniary interest but requires registration (and therefore would not generally by law prevent participation in consideration of a matter in which the member has that interest) the member must also consider whether a reasonable member of the public in possession of all the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.

5. Interests not included in the Register of Members' Interests

5.1 Occasions may arise where a matter under consideration would, or would be likely to, affect the wellbeing of the member, their family, friend or close associate(s) more than it would affect those in the local area generally, but which is not required to be included in the Register of Members' Interests (for example, a decision in relation to a school

closure, where a member has a child at the school). In such matters, members must comply with paragraph 4 in its entirety as if the interest were a registerable one.

Note: The provisions of paragraphs 4 and 5 apply not only to meetings but to circumstances where a member makes a decision alone.

6. Access to Information

6.1 Members must not disclose confidential information given to them in the course of their duties without the consent of the person entitled to give it unless:-

there is a legal requirement to disclose the information, or

the disclosure is to a third person for the purpose of obtaining professional advice and the third party agrees not to disclose it, or

the disclosure is reasonable, in the public interest, made in good faith and made in accordance with the Council's reasonable requirements.

6.2 Conversely, members must not prevent access to information to which another is entitled by law.

7. Protocols

7.1 The Council has approved the following additional Codes and Protocols:

- Planning Code of Conduct
- Licensing Code of Conduct
- Member/Officer Protocol
- Employees' Code of Conduct

This Code should be read in conjunction with these Codes and Protocols.

8. Complaints

8.1 Any alleged breach by a member of the provisions of this Code or any of the Codes and Protocols listed in section 7 above will be dealt with in accordance with the arrangements set out in Appendix A to the Code.

8.2 Any failure by an officer to comply with the provisions of any of the Codes and Protocols listed in section 7 above will be referred to the relevant Corporate Director and may result in disciplinary action.

8.3 Members are reminded that breach of any of the statutory requirements relating to the registration and declaration of disclosable pecuniary interests may result in prosecution. Breach of the provisions

introduced locally by the Council will be dealt with in accordance with Appendix A.

Members in need of advice about the application of this Code should contact the Monitoring Officer

Non-Executive Report of the: Standards (Advisory) Committee 17 January 2019	
Report of: Asmat Hussain, Corporate Director, Governance	Classification: Unrestricted
Revised Terms of Reference	

Originating Officer(s)	Mark Norman – Legal Adviser & Deputy Monitoring Officer
Wards affected	(All Wards);

Summary

This report updates the Advisory Committee on the proposals for revisions to Advisory Committee’s terms of reference.

Recommendations:

- (1) That Members of the Advisory Committee consider and comment on the proposed revised terms of reference attached as Appendix 1.
- (2) That subject to any comments, the Advisory Committee recommend the draft revised terms of reference for adoption by full Council.

1. REASONS FOR THE DECISIONS

- 1.1 This report informs the Advisory Committee of proposed revisions to the Committee's terms of reference. The revisions are being proposed as part of a wider review of the Council's constitutional arrangements and draw on best practice across other authorities with the aim of improving clarity.

2. ALTERNATIVE OPTIONS

- 2.1 The Advisory Committee could decide not to recommend the revised terms of reference for adoption by full council.

3. DETAILS OF REPORT

- 3.1 The proposed revised terms of reference are attached at Appendix 1 (with track changes to the current terms of reference) and Appendix 2 (without track changes). The proposed revisions which draw on best practice and are designed to improve effectiveness are summarised below:

- Membership of the Committee is reduced from 14 to 9 members.
- The role of the Independent Person is specifically referenced.
- The existing functions of the Committee are simplified and clarified.
- The functions are broadened to include a wider standards remit.
- Duplication with other parts of the Council constitution is removed.
- Reference to Hearings and Hearings (Appeals) Sub-Committees is removed.
- The attendance requirements for members is deleted.
- There is increased flexibility for the Committee to agree procedures.

4. EQUALITIES IMPLICATIONS

- 4.1 There are no immediate equalities implications arising from this report.

5. OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.

5.2 The proposed revisions to the terms of reference are designed to improve clarity which in turn should assist the Committee in fulfilling its functions.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 This report informs the Advisory Committee of proposed revisions to the Committee's terms of reference. There are no financial implications arising from this report. However In the event that the Council agrees further action in response to this report, which could lead to additional resources been required, officers, will be obliged to seek appropriate approval through the council's financial approval process before making any commitments.

7. LEGAL COMMENTS

7.1 The terms of reference for the Standards (Advisory) Committee form part of the Council's Constitution and any revisions require the approval of full Council..

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- NONE

Local Government Act, 1972 Section 100D (As amended)

List of "Background Papers" used in the preparation of this report

- NONE

Officer contact details for documents:

- N/A

1. Composition

~~1.1 The Standards Advisory Committee shall be comprised of~~

- ~~• 7 Members of the Council 5 councillors (not including the Mayor or more than 1 Cabinet member) and each political group may appoint up to 3 substitutes), appointed by the Council in accordance with the requirements of political proportionality; and~~

~~• up to 4 4 Independent co-opted persons who are not Members or officers of the Council or any other relevant~~

~~Authority (i.e. Co-opted members).~~

1.2 The Co-opted member(s) will be entitled to vote at meetings under the provisions of section 13(4)(e) of the Local Government and Housing Act 1989. The Standards Advisory Committee (SAC) shall be chaired by an independent Co-opted member.

The Council has appointed two statutory Independent Persons to assist in dealing with complaints of alleged breach of the Code of Conduct for Members under section 28(7) of the Localism Act 2011. They are not co-opted member of the SAC but may attend and observe any meeting of the Committee or a sub-committee established by it.

~~1.3 The Committee shall establish Hearings and other Sub-Committees in accordance with its terms of reference.~~

2. Appointment of Co-Opted Members

~~2.1 A person may not be appointed as a Independent Co-opted members of the Standards Advisory Committee or one of its sub-committees unless the appointment is approved by shall be appointed by Full Council on the recommendation of the Monitoring Officer.~~ The term of appointment shall be for 4 years unless otherwise determined by Council or the Co-optee does not continue to fulfil any required conditions as may be determined by the Authority from time to time. Co-opted members may serve as many terms of appointment as the Council considers appropriate.

3. Roles and Functions

~~3.1 The Standards Advisory Committee has the following roles:~~

~~(a) To recommend to the Monitoring Officer whether or not any complaint of a breach by the Mayor, a Councillor or a co-opted member of the Members Code of Conduct should be referred for investigation by the~~

~~Monitoring Officer or an investigator appointed by the Monitoring Officer; and where a complaint has been subject to such investigation, to recommend whether or not the complaint should proceed to hearing. Where the Monitoring Officer considers that a complaint should not be subject to investigation or should not proceed to hearing, s/he shall convene an Investigation and Disciplinary Sub-Committee of the Standards Advisory Committee comprising at least 3 different Members of the Standards Advisory Committee (comprising 2 of the co-opted members and 1 Councillor) which shall make the final decision on the matter;~~

(a) Promoting and maintaining high standards of conduct by the Mayor, Councillors and Co-opted Members of the Council.

(b) Advising the Council on the adoption or revision of the Code of Conduct for Members.

(c) To monitor and advise the Council about the operation of the Code of Conduct for Members in light of best practice and changes in the law.

~~(b) To receive regular quarterly reports from the Monitoring Officer on the numbers of complaints of the Code received, the decisions taken by the Monitoring Officer (in consultation with the Independent Person) on such complaints and investigation outcomes. where the investigation determines there was no evidence of a failure to comply with the code or where the investigation outcome recommends a local resolution;~~

(d) Advising, training or arranging to train the Mayor, councillors and co-opted members on matters relating to ethics and probity and the Code of Conduct.

(ee) To appoint sub-committees for the purpose of discharging any of the Committee's functions including the consideration and determination of complaints of breach of the Code of Conduct for Members~~convene a Hearings Sub-Committee of 3 Members of the Standards Advisory Committee comprising 2 of the co-opted members and 1 Councillor to consider any matter where the investigation finds evidence of a failure to comply with the Code and a local resolution is not possible or appropriate;~~

(g) As requested by the Monitoring Officer, to establish a Dispensations Sub-Committee to advise on any applications for dispensations in relation to participation at a meeting by a member with a Disclosable Pecuniary Interest.

~~(d) To make such recommendations to Council in respect of the matter as the Hearings Sub-Committee considers appropriate as a result of any matter referred including;~~

~~(i) Reporting its findings to Council for information;~~

~~(ii) Recommending to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees)~~

~~removal from any or all Committees or Sub-Committees of the Council;~~
~~(iii) Recommending to the Mayor removal from the Executive, or from particular Portfolio responsibilities;~~
~~(iv) Recommending the Monitoring Officer arrange training for the member;~~
~~(v) Recommending removal from outside appointments to which s/he has been appointed or nominated;~~
~~(vi) Recommending withdrawing facilities provided to the member by the Council, such as a computer, website and/or email and Internet access;~~
~~(vii) Recommending excluding the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Executive Committee and Sub-Committee meetings;~~
~~(viii) Recommending the Member to contact the Council via specified point(s) of contact;~~

~~(e) To convene a Hearings (Appeal) Sub-Committee of at least three different Members of the Standards Advisory Committee (comprising 2 of the co-opted members and 1 Councillor) to consider any appeal against a finding of, or sanction recommended by, the Hearings Sub-Committee;~~

~~(f) To receive reports on compliance with any recommendation(s) made for sanctions to be applied in respect of any member;~~

~~(g) Promoting and maintaining high standards of conduct by the Mayor, Members of the Council, co-opted members including church and parent governor representatives and where the Committee considers that there may be issues of concern recommending that the Monitoring Officer considers and reports on the issues raised;~~

~~(h) Assisting the Mayor, Members of the Council, co-opted members including church and other faiths and parent governor representatives to observe the Council's Code of Conduct for Members;~~

~~(i) Advising the Council on the adoption or revision of the Code of Conduct for Members;~~

~~(j) Monitoring the operation of the Code of Conduct for Members;~~

~~(k) Advising, training or arranging to train the Mayor, Members of the Council and co-opted members including church and other faiths and parent governor representatives on matters relating to the Code of Conduct for Members;~~

~~(l) To act as an advisory body in respect of any matters referred to the Standards Committee by the Local Strategic Partnership (LSP) or Community Forums in respect of probity issues arising out of the codes~~

and protocols applicable to relevant members of the LSP and Community Forums as set out in the Community Forum handbook and as may be amended from time to time;

~~(m) To advise on allegations of Member breaches of the Protocols set out in the constitution as may be referred to the Committee by the Monitoring Officer and to make recommendations with regard to such allegations as maybe so referred;~~

~~(n) Advising on local protocols for both Officer and Member governance;~~

~~(o) To monitor and review Member and Officer Procedures for registering interests and declaring gifts and hospitality;~~

~~(p) To receive periodic reports on the Council's Ethical Governance arrangements, on whistle blowing arrangements and complaints; and~~

~~(k) As requested by the Monitoring Officer, to establish a Dispensations Sub-Committee to advise on any applications for dispensations in relation to participation at a meeting by a member with a Disclosable Pecuniary Interest.~~

(i) To deal with any reports from the Monitoring Officer on any matter relating to standards of conduct.

(j) Other functions relating to the standards of conduct of members under any relevant statutory provision or otherwise.

4. Validity of proceedings

4.1 A meeting of the ~~Standards Advisory Committee~~ SAC or one of its sub-committees shall only be quorate where at least three members of the Committee or Sub-Committee are present for its duration and such quorum must include at least one Councillor and at least one Independent Co-opted Member.

~~4.2 Part VA of the Local Government Act 1972 applies in relation to meetings of the Standards Advisory Committee or its Sub-Committees as it applies to meetings of the Council.~~

~~5. Hearings Sub-Committee and Hearings (Appeal) Sub-Committee~~

~~5.1 Any Hearings Sub-Committee or Hearings (Appeal) Sub-Committee shall comprise a minimum of three Members of the Standards Advisory Committee at least two of whom shall be co-opted members.~~

~~5.2 The Hearings Sub-Committee shall consider complaints referred to it that the Mayor, an elected or co-opted Member of the Council may have failed to comply with the Council's Code of Conduct for Members or local protocol~~

~~where the complaint has been subject to an investigation arranged by the Monitoring Officer and shall make recommendations accordingly. The Hearings Sub-Committee shall decide at the outset of the meeting whether it is in the public interest that the Hearing is held in a public or private session in accordance with relevant statutory guidance as advised by the Monitoring Officer.~~

~~5.3 The membership of the Hearings (Appeal) Sub-Committee shall not include any member who served on the Hearings Sub-Committee that considered the same complaint.~~

~~5.4 The Independent Person, or if that person is unable to act a reserve Independent Person, shall have the right to attend all meetings of the Hearings Sub-Committee or Hearings (Appeal) Sub-Committee as an observer but may not vote or participate in the decision making.~~

~~6. Attendance Requirements~~

~~6.1 In the event that any Member of the Committee does not attend three or more consecutive meetings of the Committee, the Committee may draw the attention of the Council to such non-attendance and may recommend that the member concerned be replaced on the Committee.~~

~~6.2 The Committee shall not do so without first giving the absent Member an opportunity to make representations (which may be made in writing) as to their non-attendance and any matters they wish the Committee to take into account.~~

~~67. Procedures~~

~~7.1 The Committee shall agree a set of such procedures as it considers necessary and appropriate to enable it to discharge its' functions. ~~the arrangements under its Terms of Reference.~~~~

8. Confidentiality

8.1 The Committee and any of its ~~s~~Sub-~~c~~Committees may meet in private in accordance with ~~the~~ relevant legislation as advised by the Monitoring Officer. Any meeting or part of a meeting that considers whether or not a complaint should be referred for investigation or, following an investigation should proceed to hearing, shall be held in private and all papers relating to that consideration shall remain confidential.

1. Composition

- 5 councillors (not including the Mayor or more than 1 Cabinet member - each political group may appoint up to 3 substitutes)
- up to 4 independent co-opted members.

Co-opted Members will be entitled to vote at meetings under the provisions of section 13(4)(e) of the Local Government and Housing Act 1989. The Standards Advisory Committee (SAC) shall be chaired by an independent co-opted member.

1.1 The Council has appointed two statutory Independent Persons to assist in dealing with complaints of alleged breach of the Code of Conduct for Members under section 28(7) of the Localism Act 2011. They are not co-opted member of the SAC but may attend and observe any meeting of the Committee or a sub-committee established by it.

2. Appointment of Co-Opted Members

2.1 Independent Co-opted members shall be appointed by full Council on the recommendation of the Monitoring Officer. The term of appointment shall be 4 years unless otherwise determined by Council. Co-opted members may serve as many terms of appointment as the Council considers appropriate.

3. Functions

(a) Promoting and maintaining high standards of conduct by the Mayor, Councillors and Co-opted Members of the Council.

(b) Advising the Council on the adoption or revision of the Code of Conduct for Members.

(c) To monitor and advise the Council about the operation of the Code of Conduct for Members in light of best practice and changes in the law.

(d) Advising, training or arranging to train the Mayor, councillors and co-opted members on matters relating to ethics and probity and the Code of Conduct.

(e) To appoint sub-committees for the purpose of discharging any of the Committee's functions including the consideration and determination of complaints of breach of the Code of Conduct for Members.

(f) As requested by the Monitoring Officer, to establish a Dispensations Sub-Committee to advise on any applications for dispensations in relation to participation at a meeting by a member with a Disclosable Pecuniary Interest.

(g) To deal with any reports from the Monitoring Officer on any matter relating to standards of conduct.

(h) Other functions relating to the standards of conduct of members under any relevant statutory provision or otherwise.

4. Validity of proceedings

4.1 A meeting of the SAC or one of its sub-committees shall only be quorate where at least three members of the Committee or Sub-Committee are present for its duration and such quorum must include at least one councillor and at least one independent co-opted member.

5. Procedures

5.1 The Committee shall agree such procedures as it considers necessary and appropriate to enable it to discharge its' functions.

6. Confidentiality

6.1 The Committee and any of its sub-committees may meet in private in accordance with relevant legislation as advised by the Monitoring Officer. Any meeting or part of a meeting that considers whether or not a complaint should be referred for investigation or, following an investigation should proceed to hearing, shall be held in private and all papers relating to that consideration shall remain confidential.

Non-Executive Report of the: Standards (Advisory) Committee 17 January 2019	 TOWER HAMLETS
Report of: Asmat Hussain, Corporate Director, Governance	Classification: Unrestricted
Dispensations Under Section 33 of The Localism Act 2011	

Originating Officer(s)	Mark Norman – Legal Adviser & Deputy Monitoring Officer
Wards affected	(All Wards);

Summary

This bi annual report informs the Advisory Committee of dispensations in relation to disclosable pecuniary interests (DPI's) under section 33 of the Localism Act 2011.

Recommendations:

- (1) That the Advisory Committee note the specific dispensation granted by the Monitoring Officer detailed in paragraph 3.4 of the report and agree to amend the general dispensation for Council tax as set out in paragraphs 3.5 (b) and 3.7.

1. REASONS FOR THE DECISIONS

- 1.1 This is a noting report informing members of the Advisory Committee of the dispensations granted by the Monitoring Officer since the previous report to Committee on 21 June 2018.

2. ALTERNATIVE OPTIONS

- 2.1 Not applicable.

3. DETAILS OF REPORT

- 3.1 The Code of Conduct for Members requires that the Mayor, Councillors and Co-opted Members register any disclosable pecuniary interest (DPI) and other specified interests in the Register of Members Interests. If a Member has a DPI in relation to any matter to be discussed at a meeting they must:

- Not participate in any discussion of the agenda item, not vote on the matter and leave the room whilst the agenda item is discussed and voted on.

- 3.2 However, a Member who has a DPI in a matter to be discussed at a forthcoming meeting of the authority may make a written request before the meeting to the Monitoring Officer for a dispensation to enable them to participate in the discussion and vote.

- 3.3 A dispensation may be granted where the Monitoring Officer is satisfied that:

(a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;

(b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;

(c) granting the dispensation is in the interests of persons living in the authority's area; or

(d) it is otherwise appropriate to grant a dispensation.

Any grant of a dispensation must specify the duration of the dispensation up to a maximum of 4 years.

- 3.4 **Specific Dispensation:** The Monitoring Officer agreed to a dispensation for full Council on 21 November 2018, in relation to agenda item 7. This was an Administration motion regarding Universal Credit. One Member considered they might have a DPI because of their employment by a research organisation and they have previously researched for campaigning on the

issue. The Member had expert knowledge to contribute to the debate and the Monitoring Officer was satisfied that it was in the interests of persons living in the authority's area and otherwise appropriate to grant a dispensation

3.5 **General Dispensation:** There is a continuing General Dispensation to all Members to be present, speak and vote where they would otherwise have a DPI in the following matters:

(a) Housing: where the Councillor (or spouse or partner) holds a tenancy or lease with the Council as long as the matter does not relate to the particular tenancy or lease of the Councillor (their spouse or partner);

(b) Council Tax: setting the council tax or a precept: and

(c) Determining an allowance, travelling expense, payment or indemnity for Councillors.

3.6 Guidance issued by DCLG in September 2013 (Openness and transparency on personal interests) states that the DCLG view is that Members do not need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support because this is a decision affecting the generality of the public in the area rather than Members as individuals. Nonetheless the Monitoring Officer considers it prudent for the sake of completeness to include Council Tax in the General Dispensation.

3.7 The dispensation for Council Tax relates to a Member's DPI and does not affect a Member's obligation under Section 106 of the Local Government Finance Act 1992 to declare and not vote if they are 2 months or more in arrears with their Council Tax when voting on setting the Council's budget. For the sake of clarity it is recommended that the general dispensation contained in paragraph 3.5 (b) above be amended to read as follows:

'(b) Council Tax: setting the council tax and related matters including setting precepts and agreeing council tax reduction schemes.'

3.8 The General Dispensation will apply until the next Mayoral and local elections in May 2022.

4. EQUALITIES IMPLICATIONS

4.1 There are no specific equalities implications arising from this report.

5. OTHER STATUTORY IMPLICATIONS

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,

- Safeguarding.

5.2 The Monitoring Officer has introduced a standard application form for Members to complete when seeking a dispensation in order to make the process more efficient and transparent.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 This is a noting report informing members of the advisory committee of the conduct required of members, Councillors and Co-opted Members to register any disclosable pecuniary interest (DPI) and other specified interests in the Register of Members Interests. There are no financial implications arising from this report. However In the event that the Council agrees further action in response to this report, which could lead to additional resources been required, officers, will be obliged to seek appropriate approval through the council's financial approval process before making any commitments.

7. LEGAL COMMENTS

7.1 Section 31(4) of the Localism Act 2011 provides that a Member who has a disclosable pecuniary interest in any matter to be considered at a meeting may not participate in any discussion, or vote on the matter. However, by virtue of section 33, an authority may, on a written request by a Member, grant a dispensation relieving the member from either or both of the restrictions in Section 31(4). This is reflected in paragraph 4.1 of the Code of Conduct for Members.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- NONE

Local Government Act, 1972 Section 100D (As amended)

List of "Background Papers" used in the preparation of this report

- NONE

Officer contact details for documents:

- N/A