

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STANDARDS (ADVISORY) COMMITTEE

HELD AT 6.00 P.M. ON THURSDAY, 17 JANUARY 2019

**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
Mike Houston
Councillor Mohammed Ahbab Hossain
Councillor Gabriela Salva Macallan
Councillor Leema Qureshi
Councillor Rabina Khan

Observers:

Elizabeth Marshall – Independent Person
Rachael Tiffen – Independent Person

Apologies:

Councillor Amina Ali (Member)
Councillor Puru Miah (Member)

Officers Present:

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

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest.

2. MINUTES OF THE PREVIOUS MEETING

The minutes were presented.

RESOLVED

That subject to following corrections; that the body referenced at minute 3.3 be termed 'Conservation and Design Advisory Panel' and that four typographical errors be corrected, the minutes of the meeting held on 24 October 2018 be approved as a correct record of proceedings.

3. REPORTS FOR CONSIDERATION

3.1 Members Register of Interests

The Head of Members Support presented the report. Committee Members were informed of the following matters:

- Details of gifts and hospitality were now displayed separately from the main Register of Interests. These were published in the Councillors' information webpages.
- The Register was up-to-date and some further updates had been submitted by Members since agenda publication.
- Refresher ethics and probity training would be delivered following the local by-elections in February 2019. Additionally, in the new Municipal year, all Members would be invited to refresh their ethics and probity training in accordance with the commitment made to the Standards (Advisory) Committee.
- The Independent Persons appointed were not required, under law, to register their interests but may do make declarations of interest when appropriate.
- The Localism Act 2011 makes provision for exemptions from publication where there are sensitive interests. In these circumstances the Monitoring Officer is required to agree that the disclosure of details could lead to the Member becoming at risk of harm.

RESOLVED

1. That the information set out at Appendix 1 in relation to the completion of the Register of Interests during the current Municipal year and the verbal update provided at the meeting be noted.
2. That the arrangements for the publication of personal information for Councillors including the exemptions for personal sensitive information be noted

3.2 Code of Conduct for Members - Complaint Monitoring

The Deputy Monitoring Officer presented the quarterly report which provided monitoring data on complaints and investigations relating to potential breaches of the Council's Code of Conduct for Members. He advised that:

- The current data is appended report.
- Graphical data is now included to assist with analysis.
- Additional data requested by the Advisory Committee, namely target dates is now also included. Inclusion of this data has revealed that the current arrangements do not factor sufficient time for consultation with the Independent Person into the prescribed timescales; this element of the complaint determination process was being reviewed externally by a specialist. An Independent Person (IP) informed the Committee that delays at the IP consultation phase were incurred because of the time taken to provide the necessary information for the IP assessment to be

undertaken. The Committee noted this factor and agreed that this was an area that could be examined in the review. A Co-opted Member suggested that the KPI be revised to include the date of the start of initial enquiries by the MO/DMO as well as date of the receipt of a complaint.

The Committee was also informed that:

- There had been two new complaints from the public. The first concerned allegations arising from a television broadcast. A transcript of the programme was awaited in order that the complaint may be assessed. The second complaint was also Code of Conduct related but contained elements related to potential fraud issues. This was presently under investigation by the Audit & Risk team and the outcome would be reported back to the Committee in due course.
- A complaint by a member of the public had been lodged on 2 January 2019 and submission of a completed referral form was presently awaited.

RESOLVED

1. That the content of the report and the information contained in the appendix been noted
2. That the discussion around the data monitoring be noted.

3.3 Revised Code of Conduct for Members

The Deputy Monitoring Officer presented the report which informed the Committee of proposals for revisions to the Member Code of Conduct. This was being undertaken in conjunction with the view of the Constitution. These aimed to deliver better provision and clarity and included registrations of gifts and hospitality declined (as well as received) together with updates on terminology. The Committee noted that most Codes in the Council's Constitution had been updated in 2016 and that the Employee Code of Conduct was presently under review.

The Committee supported the revisions in principle and highlighted areas for further consideration:

- The information on DPI provided to the Committee at item 3.1 paragraphs 3.5 – 3.8 should be provided as background and to assist with context.
- The revised Code should include a reminder to Councillors of their accountability to act in accordance with Nolan principles. It was agreed that such a reminder could be considered, however, it was necessary to ensure that advice was set in the appropriate context; for this reason any addition would be reviewed before inclusion.
- The preamble at paragraph 5 should be strengthened.
- Guidance for Councillors should supplement the Code

The Committee requested:

- That following completion of the suggested amendments that the revised Code be circulated to the Committee.
- That guidance on Councillor use of social media be brought to a future meeting.
- That the penalties and consequences of failure to disclose DPIs be highlighted in the revised Code of Conduct.
- That the draft revised Employee Code of Conduct be brought to Committee for consideration.

RESOLVED

1. That Members' discussion and comments on the proposed revised draft Code of Conduct attached at Appendix 1 to the report be noted.
2. That the comments and revisions requested by the Committee be noted.
3. That the draft revised Code of Conduct be recommended for adoption by Full Council.

3.4 Revised Terms of Reference

The Deputy Monitoring Officer introduced the report and presented the revised terms of reference (TOR) as appended for Member feedback.

He advised that the purpose of the revision was to strengthen the Committee's arrangements by improving clarity around its TOR and procedural arrangements and give flexibility around revising procedures. Following consultation the revised TOR would be referred to Council for approval.

The Committee noted the revisions proposed and the following matters were discussed:

- The number of Independent Co-opted Members was smaller than Elected Members. The Chair raised a concern that, in voting matters, this composition might convey a bias towards Elected Members. He suggested that Membership should comprise 5 Elected Members and 5 Independent Co-opted Members. Members also enquired how the Council's arrangements compared with those of other authorities in this regard. The Committee was informed that the proposed reduction in membership was to resolve recruitment issues and it was agreed that the recommended composition of 5 Elected and 5 Independent members would be accepted subject to review two years hence.
- The TOR should be amended to include that the Committee would meet four times per Municipal year, however it was noted that where necessary an extraordinary meeting could be convened.
- There was some confusion in terminology around the term 'Independent Member'. Therefore it was suggested that term 'Lay Member' should be adopted. It was agreed that this terminology would be reviewed.

- The Committee discussed what information was necessary to help with its decisions and Members were informed that there were Hearings procedures which are presently being reviewed by a specialist. Additionally Mock Hearing Training would shortly be delivered to SAC Members to help assess where these needed to be updated. The Clerk was asked to canvas suitable dates.

RESOLVED

1. That the comments of the Members of the Advisory Committee on the proposed revised Terms of Reference attached as Appendix 1 be noted.
2. That, subject to any comments, the draft revised Terms of Reference be recommended for adoption by full Council.

3.5 Dispensations Under Section 33 of The Localism Act 2011

The Deputy Monitoring Officer presented the report which provided details of dispensations granted to Members by the Monitoring Officer in the previous six months. The Committee noted details of the specific and general dispensations granted as outlined at paragraphs 3.4, 3.5b and 3.7 respectively.

RESOLVED

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.

4. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

Noting that the work programme had not been circulated with the agenda, the Chair requested that this be provided and circulated to Members following update.

The following topics were also requested to be added to the work programme:

- Member use of social media
- Employee Code of Conduct

The meeting ended at 7.10 p.m.

Chair, John Pulford MBE
Standards (Advisory) Committee