

**London Borough of Tower Hamlets**  
**Standards Advisory Committee – Annual Report to Council**  
**Year May 2019 to May 2020**

**Introduction**

1. This is the second Annual Report of the Advisory Committee. It sets out the key issues dealt with by the Committee during the past municipal year and identifies the priorities for 2020/21.

**Membership**

2. During the municipal year 2019/20 the Committee comprised 5 elected members and 5 independent co-opted members (one position being currently vacant). The Council's Constitution provides that an independent co-opted member be appointed Chair of the Committee.

Elected Members:

- Cllr. Sufia Alam
- Cllr. Mufeedah Bustin
- Cllr. Rabina Khan
- Cllr. James King
- Cllr. Abdal Ullah

Independent Co-opted Members

- Fiona Browne
- Nafisa Adam (Vice Chair)
- Mike Houston
- John Pulford MBE (Chair)
- Vacant (appointment made October 2020)

**Independent Persons**

3. The Council has appointed two statutory Independent Persons (IPs) under the Localism Act 2011. Ms Elizabeth Hall served an initial term of 5 years until June 2018 and has been re-appointed as an IP until 18 September 2021. Ms Rachael Tiffen was appointed in June 2018 and her term of office will expire on 16 January 2022.

4. The principal role of the IP is to give an independent view on governance issues in general and specifically in relation to alleged breaches of the Code of Conduct for Members. Both IP's work closely the Monitoring Officer and her

Deputies, considering all complaints and whether an alleged breach of the Code meets the criteria for investigation.

5. It is also a statutory requirement to consult the IP before deciding on the outcome of an investigation into a complaint and whether to impose any sanction. The Member complained about may also at any stage of the process seek a view from the IP and in order to avoid any conflict of interest the Council has appointed two IPs.

6. The Council is fortunate to have appointed two IPs with a sound understanding of the ethical framework who both act as advocates for the Council in promoting ethical standards and of high standards of conduct. Although not members of the Standards Advisory Committee, they attend meetings and play an important role in the proceedings. Both IPs also contribute to and participate in the Council's mandatory Ethics & Probity training programme. In this report I would like to acknowledge the continuing invaluable work and support of Elizabeth Hall and Rachael Tiffen.

### **Officers**

7. The Committee's lead officers were:

- Asmat Hussain – Corporate Director Governance & Monitoring Officer
- Mark Norman – Legal Adviser & Deputy Monitoring Officer
- Janet Fasan – Divisional Director, Legal Services and Deputy Monitoring Officer
- Matthew Mannion – Head of Democratic Services

### **Terms of Reference**

8. The current terms of reference for the Standards Advisory Committee are contained in Part B Section 19 of the Constitution, with the Committees procedures set out in Part D. These are attached as Appendix A to this report.

### **Meetings**

9. The Standards Advisory Committee held three meetings during the 2019/20 municipal year on the following dates:

- 20 June 2019
- 17 October 2019
- 30 January 2020

10. A fourth meeting was scheduled for 30 April 2020 but was cancelled due to the Covid-19 pandemic.

## **Standards Advisory Committee Work Programme 2019/20**

11. The Committee agreed a work programme at the first meeting of the municipal year on 20 June 2019. It was updated throughout the year. The key areas of business considered during the year are listed below:

### **Code of Conduct for Members – Complaint Monitoring:**

12. The Committee received quarterly monitoring reports on complaints of alleged breach of the Code of Conduct for Members. There were 18 complaints from May 2019.

13. 16 of the complaints were made by members of the public and 2 by local councillors. Following consultation with the IP it was not necessary to refer any of the complaints for investigation, although in 1 of the cases it was agreed that the Monitoring Officer would issue additional guidance to members about behaviour during meetings. This guidance was reflected in the Speaker's script for Full council meetings which was amended (March 2020).

14. The Committee continue to monitor whether there are lessons to take from complaints monitoring. They continue to monitor remedial actions and that outcomes are reported to the complainant, to give assurance that maintaining ethical standards is given full organisational support.

### **Dispensations:**

15. The Committee received bi-annual reports on dispensations granted by the Monitoring Officer under section 33 of the Localism Act 2011 in respect of disclosable pecuniary interests (DPI's). 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 if 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 and related matters including setting precepts and agreeing council tax reduction schemes; and

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

Note – at the 30 January meeting the Committee agreed to expand the definition of (c) to include occasions where Members discuss issues relating to officer pay which could have consequential impacts on Member Allowances.

16. A specific dispensation may also 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.

The regular reporting to the Standards Advisory Committee allows Members to maintain oversight of any specific dispensations that are granted.

17. Two specific dispensations were reported up to the Committee during the year, both relating to debates at meetings of Council. The first at the meeting of 13 November 2019 allowed Members with leaseholder interests to take part in a debate around issues in the leaseholder system and the second was at the meeting of 15 January 2020 to allow debate on a motion proposing an increase in officer pay which would have had an impact on rates of Members Allowances. It was this second dispensation which triggered the agreement set out above to expand the definition of the General Dispensation to allow for such debates in the future.

### **Gifts & Hospitality:**

19. The Committee received quarterly reports on the requirement contained in the Code of Conduct to register gifts and hospitality received or declined with an estimated value of £25 or above.

20. In total 38 declarations were made within the reporting periods of the June 2019, October 2019 and January 2020 meetings. The total number of declarations were slightly lower than a similar period the previous year.

21. Many of the declarations made related to the Speaker's Ball. In advance of that event the Committee agreed that this was a good opportunity to remind Members of the importance of declaring invitations to events by other parties (such as developers or local companies) where a paid ticket was required.

22. During the year the Committee also monitored the speed of the declarations made, taking interest in whether declarations were made within the 28-day deadline. The Committee were pleased to note that the vast majority were made within this time but did note occasions where that was not the case and in particular noted that two Members had been reminded of this when submitting late declarations in relation to the Speaker's Ball. Given it was an issue raised in the previous internal audit of the gifts and hospitality process the Committee will continue to monitor compliance.

23. The Committee noted that acceptance of gifts and hospitality by councillors is not merely an administrative issue. Acceptance can impact on member reputation and on the council as a whole. Members need to show they are acting in the public interest and do not gain personally from receiving gifts.

24. The Committee remain concerned about levels of declarations and are continuing to monitor the issue. It was agreed that work should continue to raise awareness of the issue. After these discussions all Members have been written to by the Chair of the Standards Advisory Committee in July 2020 on the issue and information has been placed in the Member bulletin. As an additional measure officers will also implement a new regular 'nil return' process so that where Members do not have declarations to make this can be actively recorded. The suggestion of a nil return came from a Member. The Committee will continue to monitor this issue and will receive quarterly update reports.

### **Member Learning and Development Programme:**

25. The October meeting of the Committee received a report providing an update on the Member Learning and Development Programme listing events that had taken place since the end of the 2018 Member Induction programme.

26. The Committee saw that a wide range of information sessions and training events had taken place covering many different areas of Council work. The 50 programmed sessions included required training for Committee members, information sessions on particular issues and also training sessions requested by Members.

27. It was noted that some sessions had received good levels of attendance from Members (e.g. the New Build Seminar) but that many information briefings had very low attendance (for example those for the South Dock Bridge, the new Constitution and the Youth Consultation which each had four or less attendees). The Committee considered it important that Members attended as many sessions as possible, but they did note that Members would also be busy with their many other commitments.

28. There will be a further report on this topic in the autumn for the Committee to consider and explore in more detail attendance levels and the cost against benefit of various types of training style.

29. It has been noted that both Member Briefing sessions and Member Learning Development sessions were paused from March 2020 due to the Covid-19 Pandemic and that they started again from July 2020 with some initial virtual information briefing sessions.

30. The Committee welcomed the early indications that attendance at virtual Member Training sessions were significantly higher than for physical meetings, with an average of 19 attendees at early virtual sessions compared with an average of around 7.5 at physical sessions earlier in the year. This indicated there was likely to be a benefit to continuing to provide virtual sessions in the future.

### **Strengthening Local Democracy:**

30. At the October 2019 meeting, the Committee considered a briefing report on the Strengthening Local Democracy (SLD) project. Whilst this is under the guidance of the General Purposes Committee, it was useful to have a report presented to the Standards Committee due to the overlap with the Code of Conduct and the work of Members.

31. The report set out how the SLD project operated and the different partners, officers and Members who had been involved. The report then outlined the Ward Councillor Support Framework which had been developed setting out the various actions and tasks to be completed.

32. The Committee welcomed the report and confirmed its desire to be involved. The Committee have requested that update reports are provided to future meetings at appropriate times.

### **Social Media Policy Update:**

33. The Committee had previously been involved in the drafting process for the Council's new Social Media Policy and it was pleased to be given a final view at its January meeting. The final policy was set out and was discussed in depth at the meeting.

34. The creation of the policy and that it applied to Members as well as officers was well received. The Committee on Standards in Public Life had placed great importance of dealing with issues around social media and recognised the good practice that the Council was tackling this with the creation of the new policy.

35. The policy should prove valuable should the need arise to deal with any complaints against Members in relation to social media use, providing clear guidelines around such use.

### **Development of the Members Hub and Members Bulletin**

36. The Committee was also pleased to receive a report at its January meeting on the ongoing work to improve and develop the Members Hub and Member Bulletin. The Hub, launched in 2018, was already proving successful as a store of useful information for Members on a wide range of topics from borough wide statistics through to member briefing information and guidance on regulatory matters. This Hub has been shared with other London authorities as good practice.

37. The Hub will continue to improve and the Committee debated a few potential target areas for this work including continuing to try and link the Hub to other useful sources of information.

38. The Committee received a report on the revamping the Council's Member Bulletin email newsletter. It heard that the Bulletin had been operating for many years and, whilst it provided a wide range of information, the 'open rate' statistics

suggested it did not appear to be well read. It was noted that it would benefit from increasing the topicality of content and that there could be opportunities to automatically pull in a wider range of information. Plans were also set out to look to integrate the Bulletin more closely with the Hub so that content would link across seamlessly.

### **Member Bulletin and Covid-19 Pandemic**

39. The Covid-19 Pandemic began near the end of the year covered by this report. The Committee welcomed the many stories of how Members have been supporting the Council and the wider community in tackling the impact of the virus. In relation to the specific work of the Committee, it was pleasing to see the important role that the Member Bulletin and Hub played in providing information and updates to Members. The, often daily, email briefings were extremely valuable and informative, and the 'open rates' for these increased significantly during the early stages of the pandemic suggesting Members were finding them useful. The Hub has been used to provide a store of information and links for use by Members.

40. It was noted that, whilst 'open rates' were not available to measure all types of access to email bulletins, indications were that each Bulletin was being read by at least 50% of Members (and Co-opted Members), significantly higher than the traditional 10-20% read rate.

### **Local Government Ethical Standards Review:**

40. As previously reported the Committee on Standards in Public Life (CSPL) conducted a review of local government ethical standards between January and May 2018. The review considered all levels of local government in England and its terms of reference were to:

- examine the structures, processes and practices in local government in England for:
- maintaining codes of conduct for local councillors
- investigating alleged breaches fairly and with due process
  - enforcing codes and imposing sanctions for misconduct
  - declaring interests and managing conflicts of interest
  - whistleblowing
- assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government
- make any recommendations for how they can be improved
- note any evidence of intimidation of Councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation

41. CSPL review initiated in January 2018, included a public stakeholder consultation particularly aimed at local authorities' standards committees, local authority members and local authority officials, as well as local government think tanks, academics and representative bodies. The Committee agreed a response to the consultation in March 2018.

42. The Committee continues to monitor both areas of work and looking at developments in relation to these matters. Where necessary these will be reported back to Council for further action.

43. In June 2020, the Local Government Association (LGA) launched a consultation on a draft Model Code of Conduct. The Committee has provided feedback and the outcome of the consultation and the review of the Draft Code of Conduct will be reported to the Committee at a future date.

44. The draft Model Member Code incorporates recommendations from the Committee on Standards in Public Life's work on Local Government Ethical Standards. Part of the Committee's recommendations were the introduction of sanctions for breaches of the code, alongside an appeals process. Some of the recommendations will require legislative changes by Government. The draft code also includes 12 specific obligations on the part of members. The LGA is continuing to take soundings from the sector on the issue of sanctions in anticipation of a Government response to the Committee's recommendations.

45. In July 2020, a letter was received from the Committee on Standards in Public Life regarding the 15 Best Practice Recommendations (BPRs) that had been established in January 2019. The letter acknowledged that an immediate response may not be possible in light of the Covid 19 Pandemic. However, a response from each local authority including LBTH is required by Autumn 2020. LBTH's progress regarding the recommendations is currently being reviewed. The Committee noted that the council meets most of the Best Practice Recommendations including the requirement for councillors to comply with any formal standards investigation (BPR 2), the appointment of two independent persons (BPR 7) and the requirement for those independent persons to be consulted when undertaking a formal investigation on allegation (BPR 8).

[Author's Note – a report on progress against the CSPL recommendations was presented to the Standards Advisory Committee on 15 October 2020 and is presented to Council for information alongside this Annual Report]

### **Standards Advisory Committee Work Planning for 2020-21**

46. The Committee intends to undertake a substantial work programme during 2020-21, including looking at the following items.

- Quarterly monitoring of complaints of alleged breach of the Code of Conduct for Members.
- Quarterly monitoring of gifts and hospitality registered.
- Bi-annual reports on DPI dispensations.
- Code of Conduct matters in relation to planning matters
- Impact of Covid-19 on support for Members
- Consultation on the Draft Model Code of Conduct
- Members training programme update.
- Implementation of CSPL best practice recommendations.
- Update Strengthening Local Democracy.

- Practical guidance for Members handling confidential information.
- Members Rights of Access to Information.
- News on ethics matters elsewhere including areas such as good practice, case law, ombudsman and quasi-judicial proceedings and similar.
- Members attendance at meetings.
- Third annual report to Council.
- Annual review of the code

47. The 2020/21 work programme aims to continue to embed behaviours that support the seven principles in public life described in the Nolan report by encouraging Members to apply ethical standards in their day-to-day duties and to look at how these should influence their approach to discharging their responsibilities in their individual and collective capacities.

## **Conclusion**

48. As Chair of the Committee I wish to thank my fellow committee members, both Independent Persons and the Monitoring Officer for their contributions to the Committee's business and their commitment to promoting and maintaining high standards of ethical conduct across the Council. I also wish to thank the officers of the Council for their work in supporting the Committee during the year.

49. I would particularly like to highlight how important it is that the Council has such dedicated co-opted Members who are active contributors to the Committee's discussions and have demonstrated commitment to the role of Standards in the authority. The involvement of co-opted Members should be considered as 'good governance'. We are ahead of many local authorities in this area.

**John Pulford MBE**  
**Independent Chair**

**Standards (Advisory) Committee – Terms of Reference and Procedures**

(As agreed at the Standards Advisory Committee on 20 June 2019)

**17. Standards Advisory Committee – Terms of Reference**

**Summary Description:** The Committee performs a number of functions to maintain high standards of conduct in public life including promoting the Members Code of Conduct and considering potential breaches of the Code of Conduct.

The Committee may establish Sub-Committees to consider certain matters as set out in the ‘Functions’ below.

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.

**Membership:** 5 elected members of the Council (not including the Mayor or more than 1 Cabinet member),

**Co-opted Members**

Plus up to 5 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.

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.

**Note – Independent Persons**

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.

<b>Functions</b>	<b>Delegation of Functions</b>
1. Promoting and maintaining high standards of conduct by the Mayor, councillors and co-opted members of the Council.	None

2. Advising the Council on the adoption or revision of the Code of Conduct for Members.
3. To monitor and advise the Council about the operation of the Code of Conduct for Members considering best practice and changes in the law.
4. 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.
5. 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.
6. 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.
7. To deal with any reports from the Monitoring Officer on any matter relating to standards of conduct.
8. Other functions relating to the standards of conduct of members under any relevant statutory provision or otherwise.

**Quorum:** A meeting of the Standards Advisory Committee 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.

**Additional Information:**

- Constitution Part A, Section 11 (The Standards Advisory Committee and the Code of Conduct for Members)
- Constitution Part C, Section 31 (The Code of Conduct for Members)
- Constitution Part D, Section 53 (Standards Advisory Committee Procedures)

## **Standards Advisory Committee Procedures**

### **1. Composition**

1.1 The Standards Advisory Committee shall be comprised of 5 Members of the Council (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 7 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 shall be chaired by a Co-opted member.

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

### **2. Appointment of Co-Opted Members**

2.1 A person may not be appointed as a Co-opted member of the Standards Advisory Committee or one of its sub-committees unless the appointment is approved by Full Council. 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;

(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;

(c) To 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;

(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, except for 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
- (q) 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.

#### **4. Validity of proceedings**

4.1 A meeting of the Standards Advisory Committee 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 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.

## **7. Procedures**

7.1 The Committee shall maintain these procedures to enable it to discharge the arrangements under its Terms of Reference.

## **8. Confidentiality**

8.1 The Committee and any of its Sub-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.