

Non-Executive Report of the: Standards Advisory Committee Wednesday, 15 February 2023	 TOWER HAMLETS
Report of: Janet Fasan, Director of Legal and Monitoring Officer	Classification: Open (Unrestricted)
Co-opted Member Attendance Rules	

Originating Officer(s)	Matthew Mannion, Head of Democratic Services
Wards affected	(All Wards);

Executive Summary

This report has been requested by the Committee on its work programme. The Committee were concerned that, whilst there were clear expectations on minimum Councillor attendance at Council and Committee meetings, there were no rules set for Co-opted members.

Following discussion with the Chair of this Committee and consultation with the Council's Scrutiny function. This report proposes additional paragraphs be added to the Constitution setting out attendance expectations for Co-opted Members.

Any agreed change will have to be forwarded to the General Purposes Committee to agree before it could be added to the Constitution.

Recommendations:

The Standards Advisory Committee is recommended to:

1. Review and agree the proposed additional paragraphs for the Constitution in relation to Co-optee attendance at meetings.
2. Agree to forward the text to the General Purposes Committee for consideration.

1. REASONS FOR THE DECISIONS

- 1.1 The report has been requested by the Committee as part of its role in overseeing Member standards.

2. ALTERNATIVE OPTIONS

- 2.1 The Committee is free to agree or amend the proposed addition to the Constitution or decide not to propose any changes.

3. DETAILS OF THE REPORT

- 3.1 As set out in Part A, Section 6 of the Constitution, there are clear rules which set out circumstances whereby the Mayor or a Councillor could cease to be a Member of the Authority. This includes a requirement that they must attend at least one relevant meeting during any period of six months to remain qualified to hold office.
- 3.2 The Constitution though is silent on any circumstances whereby a co-opted Member may cease to hold office, especially in relation to attendance at meetings.
- 3.3 During previous discussion the Standards Advisory Committee considered that this anomaly should be addressed, in particular because the role of Co-optee is much more closely linked to attendance at meetings than the roles of Mayor and Councillor (who also have other roles such as managing casework and community and partnership work).
- 3.4 Officers were asked to review proposals to address this issue in consultation with the Chair of the Committee.
- 3.5 Following the preparation of a draft paragraph, this was then consulted with the Chairs of the Scrutiny Committees and scrutiny support officers (as Scrutiny have the bulk of the Council's co-optees). They made two requests for amendments:
1. That for scrutiny all reviews of co-optee attendance should be led by Overview and Scrutiny Committee itself (rather than the sub-committees) to ensure consistency.
 2. That the paragraph be clear that a number of courses of action could be considered appropriate which may (or may not) include removal from the Committee/Sub-Committee.
- 3.6 As a conclusion and following this consultation, the following paragraphs are therefore proposed to be inserted in Part A, Section 6 of the Constitution within the section titled 'Cessation of Membership'.
- “12. Where a Co-Opted Member fails to attend (in person) at least half of the ordinarily scheduled Committees/Sub-Committee meetings in a municipal year, the Committee/Sub-Committee on which they sit will receive a report at its first meeting of the new municipal year allowing it to determine whether any action should be taken (including recommendation for removal where appropriate) by Council or the Committee/Sub-Committee who originally appointed them to the role.
13. In respect of Scrutiny Committees/Sub-Committees, all reports will be considered by the Overview and Scrutiny Committee to ensure consistency of approach.

14. Note – the definition of Co-opted Member is that set out in the Member Code of Conduct – Part C – Section 31 (including all Scrutiny Co-optees)”

- 3.7 The Committee are asked to review the above paragraphs, propose any changes they consider appropriate and then approve or otherwise the inclusion of the text in the Constitution.
- 3.8 Should the Committee agree to propose the addition of the above, it will be submitted to the General Purposes Committee, as the responsible Committee for the constitution, to seek their agreement for the addition.

4. EQUALITIES IMPLICATIONS

- 4.1 A robust constitution supports the work of all Members and ensures good governance at the authority.

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.
- Data Protection / Privacy Impact Assessment.

- 5.2 None specific to this report.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 There are no financial implications arising from this report.

7. COMMENTS OF LEGAL SERVICES

- 7.1 The Localism Act 2011 introduced new arrangements to govern the Standards of Conduct for local authority members and co-optees. The seven guiding principles of conduct are set out:- selflessness; integrity; objectivity; accountability; openness; honesty and leadership.

- 7.2 The inclusion of the additional paragraphs in the Constitution supports these guiding principles and, in particular, openness in relation to members' performance of their Council duties.

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

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

- None.

Officer contact details for documents:

N/A