


<p>Non-Executive Report of the:</p> <p>Standards Advisory Committee</p> <p>26 June 2024</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Linda Walker, Interim Director of Legal and Monitoring Officer</p>	<p>Classification: Open (Unrestricted)</p>
<p>Standards Advisory Committee - Terms of Reference</p>	

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

Executive Summary

This report is presented to the first meeting of each municipal year and sets out, for noting, the Committee's Terms of Reference, Quorum, Membership and Dates of Meetings for the year.

The report also asks Members to

- approve the establishment of its Sub-Committees to consider complaints relating to alleged breaches of the Code of Conduct for Members.
- approve an amendment to the Advisory Committee's procedure rules.

Recommendations:

The Standards Advisory Committee is recommended to:

1. Note the Advisory Committee's Terms of Reference (including quorum requirements), Membership, dates/times of meetings and current procedure rules as set out in Appendices 1, 2, 3 and 4 to this report.
2. Agree to establish the following sub-committees for the municipal year 2024/25, to be convened as required on an ad-hoc basis with membership drawn from amongst the Members of the Standards Advisory Committee, including in each case a minimum of three members:-
 - Investigation and Disciplinary Sub-Committee
 - Hearings Sub-Committee.
3. Note the proposed amendment to the Advisory Committee's procedure rules as set out in paragraph 3.16 and recommend this change be progressed via the most appropriate governance route.

1. REASONS FOR THE DECISIONS

- 1.1 The decisions are required to enable Members to be aware of the arrangements of the Committee and to establish its Sub-Committees so that complaints against members can be investigated and where necessary answered.
- 1.2 The proposed amendment to the procedure rules is required to ensure alignment of different parts of the Constitution that cover rules for the investigation of complaints related to alleged breaches of the Code of Conduct for Members.

2. ALTERNATIVE OPTIONS

- 2.1 The Advisory Committee could choose to propose alternative wording for the procedure rules, to keep the procedure rules as they currently are, or to defer a decision on this matter until a wider review is undertaken on the various provisions for investigations into complaints related to alleged breaches of the Code of Conduct for Members.

3. DETAILS OF THE REPORT

- 3.1 The Standards Advisory Committee has been established by the Council to oversee the Member Code of Conduct, complaints against Members (including investigations and hearings) and other related matters.
- 3.2 The Committee procedure rules set out in Appendix 4 provide a good summary of the work the Committee undertakes.
- 3.3 New Members of the Committee are encouraged to read the committee procedure rules as a good background to the work of the committee.

Annual Establishment, Terms of Reference, Quorum and Dates of Meetings

- 3.4 At the Annual General Meeting (AGM) of the full Council held on 15 May 2024, the Authority approved the proportionality and establishment of the Committees and Panels of the Authority, including the SAC and appointment of Members thereto.
- 3.5 It is customary that, following the Council AGM, the committees that have been established note their Terms of Reference (TOR), Membership and Quorum for the duration of the Municipal Year. The TORs are set out in Appendix 1 to this report. The membership is set out in Appendix 2.
- 3.6 The dates of SAC meetings for the remainder of the Municipal Year, agreed by the full Council are set out in Appendix 3 to this report.
- 3.7 It should be noted that the 'usual' start time for Standards Advisory Committee (SAC) meetings has been set as 6.30pm. Changes to the permanent agreed

start time for the Committee can be reviewed at the meeting and alternatives suggested by Members should they wish.

Membership

- 3.8 Full Council has agreed that the SAC shall comprise:
- Members of the Council (not including the Mayor or more than one Cabinet Member), appointed by the full Council in accordance with the requirements of political proportionality.
 - Up to five persons who are not Members or officers of the Council or any other relevant authority (i.e. Co-opted members) who will be entitled to vote at meetings.
 - Co-opted members may serve as many terms of appointment as the full Council considers appropriate. A person may not be appointed as a co-opted member of the SAC or one of its sub-committees unless the appointment is approved by full Council.
 - Current co-optees, Mr John Pulford MBE, Mr Michael James Houston, Ms Fiona Browne, Ms Elizabeth Marshall and Faham Sinan-Katamba were previously appointed by Council.

Observers:

- 3.9 With respect to the 'Independent Person' (IP) role introduced nationally under the standards regime resulting from the Localism Act 2011, 2 appointments were made in January 2022. Amanda Orchard was appointed to her first term as Independent Person (expiring 20 January 2026) and Rachael Tiffin was appointed to her second term (also expiring 20 January 2026).
- 3.10 Council has agreed that the IPs should be invited to all SAC meetings in the capacity of observers.

Chairing the Committee

- 3.11 The full Council has agreed that the Chair and the Vice Chair of the SAC will be appointed from the co-opted members of the SAC.

Quorum

- 3.12 The quorum of the SAC and for each of its sub-committees is three of the total membership and this must include at least one Councillor and one Co-opted Member. A Co-opted Member shall Chair the meeting.

Sub-Committees

- 3.13 SAC Sub-Committees are established at the beginning of each municipal year. Their function is to consider allegations and the outcome of investigations into misconduct made against elected and co-opted Members and, where necessary propose sanctions. Following implementation of the Localism Act 2011, the compulsory arrangements for standards committees in England were withdrawn. However, Tower Hamlets Council has chosen to

maintain these arrangements to ensure that robust ethical arrangements for standards in public life are in place.

- 3.14 Sub-Committee membership is drawn from the membership of the parent committee and meetings can be convened as required on an ad hoc basis.
- 3.15 Procedures relating to the Sub-Committees, and the complaints process more generally are set out in the Member Code of Conduct at Part C, Section 31 of the Council's Constitution.

Procedure rules

- 3.16 The Standards Advisory Committee has procedure rules published in the Constitution, Part D. In recent meetings, members have noted that elements of the procedure rules covering investigation of standards complaints appear to be mis-aligned with related provisions in the Code of Conduct for Members (at Part C of the Constitution). To fix this, it is proposed that rule 3.1 of the Procedure Rules is amended as follows. The revised wording reflects the powers of the Monitoring Officer (from the Code of Conduct for Members) to determine the approach to individual complaints, whilst more clearly reflecting their discretion to consult the Standards Advisory Committee (and its Investigation and Disciplinary Sub-Committee) before reaching a decision.

From

~~(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 recommended 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, they 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;~~

to

If requested by the Monitoring Officer in accordance with their powers conferred in the Council's Code of Conduct for Members (Constitution Section 31 Appendix C):

- (a) To advise 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;

- (b) To advise the Monitoring Officer whether or not any complaint that has been subject to such investigation should proceed to hearing.*

To discharge the duties in (a) or (b), the Monitoring Officer shall convene an Investigation and Disciplinary Sub-Committee of the Standards Advisory Committee, comprising at least 3 Members of the Standards Advisory Committee (comprising 2 of the co-opted members and 1 Councillor);

- 3.17 Whilst reviewing both elements of the Constitution, officers have noted a number of queries that may require updates. It is therefore proposed to bring a wider review of standards complaints procedures to a later meeting of the Committee which could entail amendments to one or both of the Constitution sections .

4. EQUALITIES IMPLICATIONS

- 4.1 None specific to 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.
- Data Protection / Privacy Impact Assessment.

- 5.2 In regard to risk management, the terms of reference for the Standards Advisory Committee and the accompanying appendices provides a means of ensuring the work of the Committee and its sub committees is noted.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 Noting of the Terms of Reference, amendments to the procedure rules and establishing Sub Committees do not have any specific financial implications. Reports brought before the Committee under its terms of reference during the year will include comments on the financial implications.

7. COMMENTS OF LEGAL SERVICES

- 7.1 Section 27 of the Localism Act 2011 requires local authorities to promote and maintain high standards of conduct by members and co-opted members, and to adopt a code of conduct setting out the conduct expected of members and co-opted members when they are acting in that capacity.
- 7.2 The proposed amendment is to Part D which is not part of the Constitution. The introduction to Part D sets out that that Standards Advisory Committee may make amendments to the Standards Advisory Committee Procedures.
- 7.3 The proposed amendment to Part D complies with the Committee's Terms of Reference set out in Part B of the Constitution.
- 7.4 The proposed matters set out in this report comply with the above legislation and with the Constitution.
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Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Appendix 1 – Standards Advisory Committee Terms of Reference
- Appendix 2 – Appointments to Committee
- Appendix 3 – Dates of Meetings
- Appendix 4 – Standards Advisory Committee Procedures

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

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.

Functions	Delegation of Functions
<p>Full details are set out in the Committee’s Procedures in Part D of the Constitution, but in summary:</p> <ol style="list-style-type: none"> 1. Promoting and maintaining high standards of conduct by the Mayor, councillors and co-opted members of the Council. 2. Advising the Council on the adoption or revision of the Code of Conduct for Members. 	<p>None</p>

<ol style="list-style-type: none"> 3. 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. 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. 9. Report to the Council on the work of the Committee and any other matters as appropriate 	
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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 54 (Standards Advisory Committee Procedures)

Appendix 2 – Membership

Co-optees

- John Pulford MBE
- Michael Houston
- Fiona Browne
- Elizabeth Marshall
- Faham Sinan-Katamba

Councillors:

- Councillor Iqbal Hossain
- Councillor Abu Chowdhury
- Councillor Harun Miah
- Councillor Asma Islam
- Councillor Sirajul Islam

Substitutes

- Councillor Sabina Akhtar
- Councillor Marc Francis

Independent Persons

- Amanda Orchard
- Rachael Tiffin

Appendix 3 – Dates of SAC Meetings 2024/25

1. 26 June 2024
2. 18 September 2024
3. 16 January 2025
4. 3 April 2025

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 5 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, they 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 they have 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

(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.