

## Standards Advisory Committee Procedures

### 1. Composition

- 1.1 The Standards Advisory Committee shall be comprised of 5 Members of the Council appointed in accordance with the requirements of political proportionality (these 5 Members shall not include either the Mayor or more than 1 Cabinet Member); and up to 5 Co-Opted Members (who are not Members or officers of the Council). Each political group may appoint up to 3 substitutes.
- 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 Authority shall establish Hearings and other Sub-Committees in accordance with 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 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) A general responsibility to promote and support high standards of conduct by the Mayor, Councillors and Co-opted Members of the Council. Where the Committee considers that there may be issues of concern to refer the issues to the Monitoring Officer for consideration and for the Monitoring Officer to report on the issues raised;
- (b) To be responsible for overseeing the Council's Code of Conduct for Members complaints system, including:
  - i. Agreeing the systems and procedures for determining complaints of failure to comply with the Code of Conduct for Members.
  - ii. Agreeing the establishment of, and undertaking roles on, Investigation and Hearings Sub-Committees as appropriate and making any other necessary recommendations in relation to individual complaints as required by the procedures.
  - iii. Receiving update and monitoring reports as necessary including six-monthly reports from the Monitoring Officer on the number of

complaints received, progress in determining each case and any resolutions/decisions reached.

- iv. To receive reports on compliance with any recommendation(s) made for sanctions to be applied in respect of any member and reporting such issues to Council as appropriate.
- (c) To make such recommendations to Council in respect of Code of Conduct complaints as the Committee considers appropriate.
- (d) Assisting the Mayor, Members of the Council and Co-opted Members to observe the Council's Code of Conduct for Members;
- (e) Advising the Council on the adoption or revision of the Code of Conduct for Members and any related codes or protocols;
- (f) Advising, training or arranging to train the Mayor, Members of the Council and Co-opted Members on matters relating to the Code of Conduct for Members;
- (g) Advising on the Member/Officer Relations Protocol;
- (h) To monitor and review Member procedures for registering interests and declaring gifts and hospitality including receiving quarterly reports on register of interest updates and declarations of gifts and hospitality by Members.
- (i) 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;
- (j) Considering any matters related to dispensations as referred by the Monitoring Officer.
- (k) To report any relevant matters to Council for its consideration in relation to the Code of Conduct for Members and standards in general as appropriate.
- (l) To consider any other matters brought to the Committee for consideration as the Monitoring Officer considers appropriate.

#### **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 will apply in relation to meetings of the Standards Advisory Committee or its Sub-Committees as it applies to meetings of the Council.

#### **5. Attendance Requirements**

5.1 In line with the requirements set out in the Constitution, in the event that any Member (or Co-opted Member) of the Committee does not attend in person at least half the scheduled meetings of the Committee in a Municipal Year, then the Committee shall receive a report allowing the Committee to consider whether

such non-attendance should be drawn to the attention of Council and may recommend that the Member concerned be replaced.

5.2 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.

## **6. Procedures**

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

## **7. Confidentiality**

7.1 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.

## **8. Arrangements for dealing with complaints including the holding of Hearings and Investigation Sub-Committees**

### **Introduction**

8.1 The Council has adopted a Code of Conduct for Members which is available on the Council's website and on request from the Monitoring Officer and is set out in Part C of the Council's Constitution.

8.2 In accordance with section 28 of the Localism Act 2011, these arrangements set out how an allegation may be made that the Mayor, an elected Member or a Co-opted Member of the London Borough of Tower Hamlets has failed to comply with the Council's Code of Conduct for Members and how the Council will deal with such allegations.

8.3 These arrangements also require that the Monitoring Officer shall ensure that the Council appoints at least one Independent Person and at least one reserve Independent Person for the purposes of meeting the statutory requirements of the Localism Act 2011.

8.4 Any reference in these arrangements to the Monitoring Officer shall include a deputy Monitoring Officer. The timelines set out are for guidance and shall be observed where practicable but may be extended by the Monitoring Officer as necessary if they cannot be complied with by any relevant party due to sickness, holidays or other reasonable cause.

## **Complaints**

- 8.5 Allegations concerning possible breaches of the Code of Conduct for Members should be made in writing to the Monitoring Officer.
- 8.6 On receipt of a complaint the Monitoring Officer shall within five working days acknowledge receipt to the complainant. If, in the view of the Monitoring Officer, further information is required in order to properly consider the complaint the Monitoring Officer will request such further information within 5 working days of receipt of the complaint. Within 5 working days of sufficient information being received (in the view of the Monitoring Officer) the Monitoring Officer will inform the subject Member on a confidential basis of the substance of the complaint and the identity of the complainant (unless the Monitoring Officer considers that such notification would prejudice the proper consideration and investigation of the complaint).
- 8.7 Complainants must provide their name and postal address when submitting a complaint. Anonymous complaints will not be considered unless the Monitoring Officer decides (after consultation with the Independent Person) that the complaint raises a serious issue affecting the public interest which is capable of investigation without the need to ascertain the complainant's identity.
- 8.8 A complainant when making an allegation should specify the identity of the person(s) alleged to have breached the Code, the conduct that is alleged to give rise to the breach, the evidence that supports the allegation and the names (and contact details) for any potential witnesses able to give direct evidence of the events complained about. Complaints must be submitted using the online complaint form but the Monitoring Officer may at their discretion accept complaints in writing in exceptional circumstances.

## **Assessment of Complaints**

- 8.9 The Monitoring Officer shall, after consultation with the Independent Person and within ten working days of receiving the subject Member's response to the complaint:
- a) Decide whether or not a complaint merits formal investigation and where appropriate arrange for an investigation; OR
  - b) Decide to attempt to facilitate informal resolution of the complaint (such attempt shall be subject to an eight-week time limit).
- 8.10 In making this determination the Monitoring Officer may at their discretion establish an Investigation Sub-Committee (ISC) of the Standards Advisory Committee to consider the issue and/or may consult other persons as appropriate.

8.11 The Monitoring Officer may decide not to refer the matter for investigation where:

- (a) The allegation does not demonstrate any potential breach of the Code (because for example it relates to dissatisfaction with a Council decision/service or relates to events which occurred when the Member complained about was not acting in an official capacity).
- (b) The event(s) complained about took place more than six months ago and there are no valid reasons for the delay in bringing the complaint, such as fresh evidence not available at the earlier date or only recently discovered.
- (c) The allegation is about someone who is no longer the Mayor or a Member/Co-opted Member.
- (d) The complainant failed to provide the information specified in paragraphs 8.6 or 8.8 above or any other information reasonably requested by the Monitoring Officer.
- (e) The same or a similar allegation has already been investigated and determined.
- (f) The Mayor, Member or Co-opted Member has already accepted they made an error in their conduct and/or has apologised for their conduct and the Monitoring Officer considers the matter would not warrant a more serious sanction.
- (g) The allegation is politically motivated and/or 'tit for tat'.
- (h) The allegation is not considered sufficiently serious to merit the cost to the public of carrying out an investigation.
- (i) The Monitoring Officer has facilitated an informal resolution of the complaint and the Mayor or Member/Co-opted Member complained about has offered to take remedial action that the Monitoring Officer considers appropriate in all the circumstances (for example by apologising to the complainant and/or undertaking training or issuing a statement of factual correction).

8.12 Where the Monitoring Officer decides to reject a complaint, they shall inform the complainant in writing giving the reasons for rejection.

8.13 The Monitoring Officers decision is final.

#### **Investigation Sub-Committee**

8.14 *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.*

- 8.15 *To discharge the duties in 8.14 (a) or (b), the Monitoring Officer shall convene an Investigation 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);]*
- 8.16 It is for the Monitoring Officer to determine for any particular case whether they wish an Investigation Sub-Committee to be established.
- 8.17 Members will be selected from the overall Membership of the Standards Advisory Committee (including substitutes) and the Councillor member would not normally be from the same political group as the member in the case under consideration. Members will be nominated by the Chair of the Standards Advisory Committee following discussion with Group Leaders and the Monitoring Officer.
- 8.18 The Sub-Committee will consider any matter presented to it and will report its views back to the Monitoring Officer.
- 8.19 The Sub-Committee shall normally meet in private and will record the reason for excluding the press and public in accordance with access to information legislation.
- 8.20 The Investigation Sub-Committee is an advisory body and has no decision-making powers. The decision whether to refer a case to a Hearings Sub-Committee remains with the Monitoring Officer.

### **Investigation and Monitoring of Complaints**

- 8.21 If a complaint of failure to comply with the Code is referred for investigation the Monitoring Officer shall appoint an investigator or complete the investigation themselves. Such investigation should whenever possible be completed within three months of the decision to refer the matter for investigation. The Monitoring Officer may extend this period by up to a further three months where they feel it is necessary to ensure a proper and adequate investigation. The Monitoring Officer may refer a complaint for investigation to the Monitoring Officer in a different authority, or to an external investigator, where they have a conflict of interest or the investigation is particularly complex or time consuming.

- 8.22 The Monitoring Officer will keep the complainant and the subject Member informed as to progress at appropriate intervals and shall inform them of any extension to the period for the investigation.
- 8.23 The Monitoring Officer will report every six months to the Standards Advisory Committee on the number and nature of complaints received and action taken as a result. This will include details of complaints that have been rejected by the Monitoring Officer and any extension made to the period for an investigation of a complaint.
- 8.24 When any investigation into a complaint of breach of the Code is received, whether or not it finds any evidence of failure to comply with the Code of Conduct, the Monitoring Officer shall within four weeks of receipt of the investigation report, consult with the Independent Person. After consultation with the Independent Person, whether or not evidence of failure to comply with the Code of Conduct has been found, the Monitoring Officer may decide to close the matter at that stage or may refer the matter for additional investigation of any outstanding or newly identified issues.
- 8.25 Where the investigation finds that there is evidence of failure to comply with the Code of Conduct, the Monitoring Officer may refer the matter to the ISC, to the Hearings Sub-Committee, or may seek informal resolution of the matter. If the attempt at informal resolution is not successful, the Monitoring Officer may refer the matter to the ISC. The Monitoring Officer may decide to close the matter or to refer the matter to the Hearings Sub-Committee after consideration by the ISC.
- 8.26 In all cases, where an investigation takes place, the Monitoring Officer shall provide a copy of the report and findings of the investigation to the complainant and to the subject Member. The copies of the report and findings shall be kept confidential to the complainant and to the Member concerned.
- 8.27 The Monitoring Officer shall report the matter and its outcome as part of the six-monthly report to the Standards Advisory Committee for information.
- 8.28 If a matter is referred to the Hearings Sub-Committee, the meeting will be convened within one month of referral so far as is practicable.

### **Hearings Sub-Committee**

- 8.29 The Hearings Sub-Committee will consider the investigation report and any submissions from the subject Member and determine:

- (a) If there has been a breach of the Code of Conduct having taken into account the views of the Independent Person; and if so
- (b) Whether an informal resolution or any sanction is appropriate having considered the views of the Independent Person.

**8.30 Possible sanctions may include any of the following (as examples):-**

- (a) **Recommend** the Monitoring Officer publicise the recommendations of the Sub-Committee.
- (b) **Reporting** the Sub-Committee's recommendations to Council.
- (c) **Requesting** the Monitoring Officer to arrange training for the Member (subject to the Member's agreement).
- (d) **Recommend** Council issue a censure or reprimand.
- (e) **Recommend** to the Head of Paid Service that the Member only contact the Council and officers via specified point(s) of contact.
- (f) **Recommend** to the Head of Paid Service withdrawing facilities provided to the Member by the Council, such as a computer or internet access.
- (g) **Recommend** to the Head of Paid Service 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 (as appropriate).
- (h) **Recommending** to the Member's Group Leader that they be removed from any or all Committees or Sub-Committees of the Council.
- (i) **Recommending** to the Mayor that the Member be removed from the Executive, or removed from a particular portfolio responsibility.
- (j) **Recommending** to Council or the Mayor as appropriate the removal from outside appointments to which the Member has been appointed or nominated.
- (k) **Recommending** to Council that the Member be removed from any or all Council Committees or Sub-Committees.

8.31 In determining any recommended sanction the Hearings Sub-Committee may take into account any previous breach of the Code of Conduct by the Member concerned and/or their compliance with any previous sanction applied.

8.32 Any Hearings Sub-Committee shall comprise a minimum of three Members of the Standards Advisory Committee at least two of whom shall be co-opted members. Members will be nominated by the Chair of the Standards Advisory Committee following consultation with group leaders.



- 8.33 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 (hearings would normally be held in private).
- 8.34 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 as an observer but may not vote or participate in the decision making.

### **Appeals**

- 8.35 At all stages of the process the decisions of the Monitoring Officer and the Hearings Sub-Committee are final and there are no appeals procedures.