

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STANDARDS COMMITTEE

HELD AT 7.30 P.M. ON TUESDAY, 12 JUNE 2012

**ROOM C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Mr. Matthew William Rowe (Vice-Chair)
Ms. Salina Bagum (Independent Member)
Mr Denzil Johnson (Independent Member)
Mr Barry Lowe (Independent Member)
Mr Eric Pemberton (Independent Member)
Ms Sue Rossiter (Independent Member)
Councillor Zara Davis
Councillor Zenith Rahman
Councillor Rachael Saunders
Councillor Peter Golds

Councillor Joshua Peck [in place of Councillor Carli Harper-Penman]

Other Councillors Present:

Councillor Fozol Miah

Officers Present:

Isabella Freeman	– (Assistant Chief Executive - Legal Services, Chief Executive's)
John Williams	– (Service Head, Democratic Services, Chief Executive's)
Simone Scott-Sawyer	– (Democratic Services)

1. ELECTION OF CHAIR

The Service Head, Democratic Services advised members that this was the first meeting of the Committee in the new municipal year. As such it was necessary to elect a Chair. That person would normally hold that post for the remainder of the year, although in this case would only serve until 30th June 2012, when the Standards Committee would be abolished and the new standards regime would come into operation. Mr Williams invited nominations for an Independent Member to serve as Chair.

Ms Sue Rossiter MOVED and Mr Barry Lowe SECONDED that Mr Barry O'Connor be re-elected as Chair of the Standards Committee for 2012/13 or until the Committee was disbanded.

No further nominations were received and it was therefore

RESOLVED

That Mr Barry O'Connor be elected as Chair of the Standards Committee until 30th June 2012.

Chair for the meeting

In the absence of the Chair, Mr O'Connor, Ms Sue Rossiter MOVED that Mr Eric Pemberton be elected Chair for the meeting and this was SECONDED by Ms Councillor Zara Davis.

No further nominations were received and it was therefore

RESOLVED

That Mr Eric Pemberton be elected Chair of the Standards Committee for the duration of the meeting.

2. ELECTION OF VICE-CHAIR

MR ERIC PEMBERTON IN THE CHAIR

The Chair called for nominations for an Independent Member to serve as Vice-Chair of the Committee until 30th June 2012.

Councillor Josh Peck MOVED that Mr Matthew Rowe be elected Vice-Chair and this was SECONDED by Ms Sue Rossiter.

No further nominations were received and it was therefore

RESOLVED

That Mr Matthew Rowe be elected Vice-Chair of the Standards Committee until 30th June 2012.

3. APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr Barry O'Connor and Councillor Carli Harper-Penman.

Cllr Josh Peck deputised for Councillor Carli Harper-Penman.

Apologies for lateness were received from Mr Matthew Rowe and Mr Denzil Johnson.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. MINUTES

That the minutes of the meeting held on 10th May 2012 be approved as a correct record of proceedings subject to the following amendment:

Paragraph 4.2, page 8 – Resolution should read, “That the report be subject to further consultation and amended before going to full Council”.

6. REPORTS FOR CONSIDERATION

6.1 Standards Committee - Membership, Terms of Reference and Programme of Meetings 2012/13

In response to a query about the makeup of the new Standards Advisory Committee, Mr John Williams, Service Head, Democratic Services explained that if Barry O’Connor were appointed the new *Independent Person*, this would prevent him from being a Member of the committee. He could however attend meetings as an observer.

Mr Williams also advised the Committee that paragraph 6 a) of the report contained a typing error. The co-opted members of the Standards Advisory Committee would in fact be voting members.

RESOLVED

That subject to the correction above, the report be noted.

6.2 Localism Act 2011 - The Amended Standards Regime

The Chair drew Members’ attention to tabled copies of the following documents:

1. Localism Act – The Amended Standards Regime - report of the Assistant Chief Executive (Legal Services);
2. Extraordinary Council Meeting: 18th June 2012 – Localism Act 2011 – The Amended Standards Regime draft report;
3. Disclosable pecuniary interests schedule;
4. Conservative group comments;
5. Statutory Instrument 2012 No. 1463; and
6. Localism Act 2011 – The Amended Standards Regime: Addendum report.

Ms Isabella Freeman, Assistant Chief Executive, Legal Services highlighted the key changes and commented as follows:

- Paragraph 1 – recruitment for an Independent Person: it was agreed that some of the Members of the Standards Advisory Committee [SAC] will participate in the recruitment process
- Paragraph 2.3 - as regards consideration of any requests for dispensations, officers proposed that a Dispensation Sub-Committee of the SAC be part of this process, with the option for such a committee to be convened at relatively short notice. In the case of urgent matters, it could be resolved by email and ratified at a later stage;
- Paragraph 3.5 - this allowed for the possibility of the Independent Person being the current Chair of the Standards Committee from the 1st July when the new SAC comes into being;
- Paragraph 5.2 - with regards to the oversight of all complaints including those not referred for investigation, officers recommended that the Monitoring Officer and Independent Person consult on the matter initially, and then report to an Investigation and Disciplinary Sub-Committee – there will be no recourse to the main committee. This was to ensure finality and avoid the matter becoming protracted;
- Paragraph 5.3 - where there had been no breach of the code, it would be referred to the Investigation Sub-Committee and this would conclude the matter;
- Paragraph 5.9 - the findings would be published in a local newspaper and on the Council's website. Ms Freeman assured Members that the decision would be published simply as a notice in the newspaper;
- Paragraph 5.11 - with regards to the right of appeal, officers recommended a Hearings Sub-Committee and a separate Appeal Sub-Committee. It was for Members to decide if a two-tier system would still be adopted, whilst allowing for an appeal to be made to the first tier tribunal;
- Paragraph 5.13 - dealt with the monitoring of report-back to the Advisory Committee as to whether a sanction had been complied with;
- Paragraph 5.14 – dealt with situations where three consecutive meetings had been missed and bringing it to the attention of full Council.

Terms of Reference, Appendix 1

- Confidential matters: the proposal was for matters to remain confidential until a complaint was investigated and substantiated;
- Composition - the SAC will be chaired by a co-opted member.

Role and function

- Where a complaint had been referred for investigation by the Monitoring Officer, and such a complaint was subject to an investigation, the SAC/Sub-Committee would recommend whether or not it should proceed to hearing.
- If the Monitoring Officer considered that a complaint should not be the subject of an investigation or should not proceed to a hearing, s/he shall convene an Investigation and Disciplinary Sub-Committee of the SAC and it shall be the final arbiter on the matter.

Appendix 2

- Complainants must provide their name and postal address when submitting a complaint;
- Where the Monitoring Officer considered that a complaint should not be subject to an investigation, an Investigating and Disciplinary Sub-Committee shall be convened and it shall make the final decision on the matter;
- Where a subject Member feels that a recommended sanction would cause him/her undue hardship or prevent him/her from undertaking ward duties, that Member may make representations to the Council meeting that will consider the recommendations of the Hearings Sub-Committee on the relevant complaint. Any such representations shall be notified to the Monitoring Officer within five working days of the Hearing Sub-Committee;
- The content of the notice of the recommendations of the Hearings Sub-Committee shall be agreed by the Chair of the Hearings Sub-Committee. Following publication, a link to the notice shall remain on the front page of the Council's website for one month, or such other position or period as the Hearings Sub-Committee saw fit. The Monitoring officer shall draft further guidance on the detailed procedures for publication of decisions as necessary;
- A complainant who was dissatisfied with the outcome of his/her complaint may appeal against that outcome. Any appeal under this section shall be notified in writing to the Monitoring Officer within 15 working days of the Hearings Sub-Committee recommendation being notified to the member or complainant and the Monitoring Officer shall arrange for the appeal to be heard by a Hearings (Appeal) Sub-Committee of the SAC within 15 working days of receipt of the appeal. The decision of the Hearings Sub-Committee shall not be published, nor any sanctions applied, until the period allowed for an appeal had expired;
- A member who was the subject of a complaint shall be informed of, and shall have the right to attend and/or be represented at, the hearing

of the Standards Advisory Committee or any of its sub-committees that considers any matter relating to that complaint following investigation.

Members highlighted a number of issues and concerns as follows:

- One Member queried how the Council's Respect Councillors were selected for the sub committees in the past to decide on matters involving complaints against the Council's Independent Councillors as they always voted together. The Monitoring Officer pointed out that the decisions of the Assessment Sub-Committee in the past had always been unanimous and they had two co-opted Members (non councillors) on them. A co-opted member confirmed that each Member had the opportunity to explain their opinion with reasons to the others and they came to a unanimous decision. This was left open to resolve when the SAC was operational;
- Some Members were also concerned about the subject member's right of appeal, fearing that the process could drag on with no finality;
- One Member felt that for the sake of clarity, the publishing rules ought to be quite prescriptive;
- Another Member believed that there was some confusion over the use of the word 'confidential' and requested a clear definition for Members.

In response, Ms Freeman made the following points:

- With regards to an appeals process, Ms Freeman suggested a time period of 21 calendar days [15 working days];
- With reference to sanctions, those drafting the legislation were very definitively of the view that the only sanction should be that there should be a withdrawal of resources so that that Member was unable to use meeting rooms, or the Council's facilities for their business;
- With regards to confidential information, Ms Freeman advised that it was not possible to have a singular definition of what constituted 'confidential' material. Members were advised to seek guidance from the Monitoring Officer. Ms Freeman offered to compile a briefing document of 'confidential' information based on the Constitution and the law. A co-opted member confirmed that there was a need for stricter guidance on what they ought to be taking into account before they can disclose information, to ensure that information was not disclosed in a misleading manner or in a way that was deemed improper.

RESOLVED

1. That the Standards Committee note the changes set out in the report of the Assistant Chief Executive (Legal Services) and agree the submission of the revised report to full council for adoption.

2. That the Committee note the information in the addendum report and that the proposed new Standards arrangements to be submitted to the Council for adoption will be amended to comply with the provisions of the Localism Act 2011 (Commencement No.6 and Transitional, Savings and Transitory Provisions) Order 2012 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.
3. That the Council be recommended to appoint the existing Independent Chair of the Standards Committee as the 'Independent Person' under the new arrangements, to serve until the completion of the recruitment process to that position.
4. Consequent on point 3 above, that the Council be recommended to not appoint the existing Chair of the Standards Committee at this stage as a co-opted member of the new Standards Advisory Committee, but that he be invited to attend meetings of that advisory committee as an observer.

7. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

In response to a query by the Chair about the composition of the new Standards Advisory Committee, Mr Williams explained that it will comprise seven Councillors and seven co-opted Members. He also confirmed that the Chair of SAC will be a co-opted member.

The meeting ended at 8.45 pm.

Chair, Eric Pemberton.
Standards (Advisory) Committee