

LONDON BOROUGH OF TOWER HAMLETS

COUNCIL MEETING

18th SEPTEMBER 2013

**STANDARDS ADVISORY COMMITTEE:
APPOINTMENT OF CO-OPTED MEMBERS**

REPORT OF THE SERVICE HEAD, DEMOCRATIC SERVICES

1. SUMMARY

- 1.1 The Council has established a Standards Advisory Committee as part of the new standards regime introduced by the Localism Act 2011 and incorporated into the Council's own arrangements with effect from 1st July 2012. The terms of reference of the Committee are attached at Appendix A.
- 1.2 The membership of the Standards Advisory Committee provides for up to seven persons who are not Members or officers of the Council or any other relevant authority to be appointed to the committee as co-opted members. The co-opted member(s) are entitled to vote at meetings and the Standards Advisory Committee is chaired by one of the co-opted members. The co-opted members are appointed by the Council, for a term of office of four years unless otherwise determined by the Council.
- 1.3 Of the seven co-opted positions, two are currently vacant. The Committee has previously indicated its intention to recommend the re-appointment to one of these positions of Mr Barry O'Connor, former independent Chair of the Standards Committee, following the completion on 30th June 2013 of his appointment as the interim Independent Person.
- 1.4 The remaining vacancy was advertised and applications have been received from a strong field of candidates. A cross-party panel of Members, chaired by the independent Chair of the Standards Advisory Committee, convened on 9th September to interview candidates for the vacant position. The panel's recommendations will be circulated to Members before the Council meeting.
- 1.5 In addition, one of the existing co-opted members has given notice that due to business commitments he will be unavailable for a period of approximately eight months and will therefore be unable to fulfil his duties during that time. In order to ensure adequate availability of members for ad hoc meetings, it is proposed that the Council appoint a temporary co-optee to cover this period and the interview panel's recommendation in this regard will also be circulated to Members.

2. RECOMMENDATIONS

- 2.1 That Mr Barry O'Connor be appointed as a co-opted member of the Standards Advisory Committee for a term of office of four years.
- 2.2 That the Council consider the recommendations of the interview panel, to be circulated before the meeting, in relation to any proposed appointment to the further vacant co-opted position on the Standards Advisory Committee.
- 2.3 That the Council (i) note that Mr Denzil Johnson has given notice that he will be unable to undertake his duties as a co-opted member of the SAC during the period from now until the end of April 2014; (ii) agree to appoint a temporary co-opted member to cover this period; and (iii) consider the recommendations of the interview panel, to be circulated before the meeting, in this regard.

3. BACKGROUND

- 3.1 The membership arrangements agreed by the Council for the Standards Advisory Committee provide for up to seven persons who are not Members or officers of the Council or any other relevant authority to be appointed to the Committee as co-opted members. The co-opted member(s) are entitled to vote at meetings under the provisions of S13 (4) (e) of the Local Government and Housing Act 1989; and the Standards Advisory Committee must be chaired by one of the co-opted members. Co-opted members are appointed by the Council, for a term of office of four years unless the Council determines otherwise.
- 3.2 The full Standards Advisory Committee is programmed to meet on a quarterly basis and in addition ad hoc meetings may be called of the Investigation and Disciplinary, Hearings or Dispensations Sub-Committees, each of which will include a minimum of three members at least two of who shall be co-opted members.
- 3.3 When the Standards Advisory Committee was first established in 2012, six of the seven independent members of the former Standards Committee were re-appointed as co-opted members of the SAC for a four year term of office to May 2016, as follows:-

Mr Matthew Rowe (Chair);
Ms Salina Bagum;
Mr Denzil Johnson;
Mr Barry Lowe;
Mr Eric Pemberton; and
Ms Sue Rossiter;.
- 3.4 The seventh former independent member (and Chair) of the Standards Committee, Mr Barry O'Connor was appointed in 2012 as the interim statutory 'Independent Person' (IP) under the new standards arrangements and was

therefore not appointed as a co-opted member of the SAC at that time, although it was agreed that once his interim appointment as the IP finished he would be appointed to the new committee and a co-opted position was held vacant for this purpose. Mr O'Connor's appointment as the interim IP ended on 30th June 2012 following Ms Elizabeth Hall's appointment as the IP.

3.5 A further vacancy arose on 17th January 2013 when Ms Sue Rossiter tendered her resignation from the Advisory Committee. In addition, Mr Denzil Johnson has recently given notice that due to professional commitments he will be unavailable for SAC duties from September 2013 until the end of April 2014.

3.6 A recruitment process has therefore taken place with a view to recommending the appointment of a new co-opted member to replace Ms Rossiter, and possibly also a temporary appointment to cover for Mr Johnson's absence.

4. RECRUITMENT PROCESS

4.1 The vacancy was advertised in East End Life on 1st July 2013 and this was accompanied by publicity to local community groups and businesses, was more successful and 8 applications were received.

4.2 The standard of the applicants was high and seven candidates were shortlisted for interview by Members.

4.3 An interview panel comprising of Mr Matthew Rowe (Independent Chair, Standards Advisory Committee); Councillors Rofique Ahmed, David Edgar, Emma Jones and Motin Uz-Zaman was convened on Monday 9th September to carry out the interviews.

4.4 A further report will be circulated after the interviews and before the Council meeting, setting out the interview panel's recommendations for appointment of any new co-opted member(s) to the Standards Advisory Committee.

5. CO-OPTED MEMBER OF THE STANDARDS ADVISORY COMMITTEE:- ROLE DESCRIPTION AND PERSON SPECIFICATION

5.1 The role description and person specification used during the recruitment process are attached at Appendix B.

6. COMMENTS OF THE CHIEF FINANCIAL OFFICER

6.1 The costs of the recruitment exercise and the co-opted members' remuneration will be met from within existing budgets in the Chief Executive's Directorate. The Council has previously agreed as part of the scheme of members' allowances that co-opted members shall be paid an allowance of £117 for each authorised attendance. This is broadly in line with the London Councils Independent Remuneration Panel (2010) recommended figure of £127.

7. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 7.1 The Localism Act 2011 introduced a number of changes to the Standards regime. The Authority has amended its own arrangements in line with those, including the establishment of a Standards Advisory Committee with provision for voting co-opted members under the provisions of S13 (4) (e) of the Local Government and Housing Act 1989.

8. ONE TOWER HAMLETS CONSIDERATIONS

- 8.1 The recruitment exercise was designed to attract a diverse range of candidates and the selection criteria against which candidates were assessed included demonstrating a commitment to promoting equality and an awareness of the issues affecting a diverse community in an inner London borough

9. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 9.1 There are no implications arising from this report.

10. RISK MANAGEMENT IMPLICATIONS

- 10.1 There are no implications arising from this report.

11. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 11.1 There are no implications arising from this report.

12. EFFICIENCY STATEMENT

- 12.1 There are no implications arising from this report.

13. APPENDICES ATTACHED

- Appendix A - Standards Advisory Committee terms of reference
Appendix B - Role description and person specification for co-opted member

Local Government Act, 1972 Section 100D (As amended) List of "Background Papers" used in the preparation of this report

Brief description of "background papers"	Name and telephone number of holder and address where open to inspection.
None	n/a

STANDARDS (ADVISORY) COMMITTEE – TERMS OF REFERENCE

- **Agreed by the Council on 18th June 2012**
- **Standards Advisory Committee established with effect from 1st July 2012**

1. Standards Advisory Committee

The Council using the powers under section 102(4) of the Local Government Act 1972 have established a Standards Advisory Committee.

The Standards Advisory Committee shall have the power to create Sub-Committees in order to discharge its advisory role.

2. Composition

The Standards Advisory Committee shall be comprised of Members of the Council (not including the Mayor or more than one Cabinet Member), appointed by the Council in accordance with the requirements of political proportionality; and up to seven persons who are not Members or officers of the Council or any other relevant authority (i.e. Co-opted members.)

The Co-opted member(s) will be entitled to vote at meetings under the provisions of S13 (4) (e) of the Local Government and Housing Act 1989. The Standards Advisory Committee shall be chaired by a co-opted member.

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

3. Appointment of Co-Opted Members

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 four years unless otherwise determined by Full 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.

4. Role and Function

The Standards Advisory Committee has the following roles:

- 4.1 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, s/he shall convene an Investigation and Disciplinary Sub-Committee of the Standards Advisory Committee which shall make the final decision on the matter;

- 4.2 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;
- 4.3 To convene a Hearings Sub-Committee of three Members of the Standards Advisory Committee comprising two of the co-opted members and one 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;
- 4.4 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;
 - Reporting its findings to Council for information;
 - 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;
 - Recommending to the Mayor removal from the Executive, or from particular Portfolio responsibilities;
 - Recommending the Monitoring Officer arrange training for the member;
 - Recommending removal from outside appointments to which he/she has been appointed or nominated;
 - Recommending withdrawing facilities provided to the member by the Council, such as a computer, website and/or email and Internet access;
 - 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;
 - Recommending the Member to contact the Council via specified point(s) of contact;
- 4.5 To convene a Hearings (Appeal) Sub-Committee of at least three different Members of the Standards Advisory Committee (comprising two of the co-opted members and one Councillor) to consider any appeal against a finding of, or sanction recommended by, the Hearings Sub-Committee;
- 4.6 To receive reports on compliance with any recommendation(s) made for sanctions to be applied in respect of any member;

- 4.7 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;
- 4.8 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;
- 4.9 Advising the Council on the adoption or revision of the Code of Conduct for Members;
- 4.10 Monitoring the operation of the Code of Conduct for Members;
- 4.11 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;
- 4.12 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;
- 4.13 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;
- 4.14 Advising on local protocols for both Officer and Member governance;
- 4.15 To monitor and review Member and Officer Procedures for registering interests and declaring gifts and hospitality;
- 4.16 To receive periodic reports on the Council's Ethical Governance arrangements, on whistle blowing arrangements and complaints; and
- 4.17 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.

5. Validity of proceedings

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.

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.

6. Hearings Sub-Committee and Hearings (Appeal) Sub-Committee

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.

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.

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.

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.

7. Attendance Requirements

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.

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.

8. Procedures

The Committee shall agree a set of procedures to enable it to discharge the arrangements under these Terms of Reference.

9. Confidentiality

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.

APPENDIX B

CO-OPTED MEMBER – ROLE DESCRIPTION

- To be a co-opted member of the London Borough of Tower Hamlets' Standards Advisory Committee.
- To promote and maintain high standards of conduct by Members of the Council.
- To assist Members of the Council in observing the Code of Conduct for Members.
- To monitor the operation and effectiveness of the Code of Conduct for Members.
- To ensure that appropriate arrangements are in place for training Members on the provisions of the Code of Conduct.
- To advise the Council on the other codes and protocols forming part of the authority's ethical framework.
- To consider and determine complaints relating to an alleged failure by a Member (or Members) to follow the Code of Conduct or any of the other codes and protocols forming part of the authority's ethical framework.
- To review the Council's Corporate Governance Framework.
- To consider audit investigation and whistleblowing reports.

PERSON SPECIFICATION

- Not involved actively in party politics (E)
- Independent of local government (E)
- Not a Member or employee of Tower Hamlets Council within the previous five years (E)
- Not a relative or close friend of a Member or employee of Tower Hamlets Council (E)
- Committed to the effective provision of public services (E)
- Have an understanding and interest in the issues affecting standards in public life (E)

- Good interpersonal skills, with an ability to communicate clearly with people at all levels, using tact and discretion when required (E)
- Effective analytical skills, including the ability to apply codes and protocols to complex situations (E)
- Knowledge of the role of the Council and its Members (D)
- Experience of decision making involving sensitive issues (D)
- Experience of working with the public and/or voluntary sector bodies (D)
- Available to attend evening meetings (E)

(E = Essential; D = Desirable)