

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STANDARDS (ADVISORY) COMMITTEE

HELD AT 7.35 P.M. ON THURSDAY, 24 OCTOBER 2013

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

Members Present:

Matthew William Rowe (Chair)	(Co-opted Member)
Grenville Mills	(Temporary Co-opted Member)
John Pulford MBE	(Co-opted Member)
Patrick (Barry) O'Connor	(Co-opted Member)
Eric Pemberton (Vice-Chair)	(Co-opted Member)
Salina Bagum	(Co-opted Member)
Councillor Sirajul Islam	
Councillor Motin Uz-Zaman	
Councillor Gloria Thienel	(Substitute for Councillor Zara Davis)
Councillor M. A. Mukit MBE	(Substitute for Councillor Judith Gardiner)

Observer:

Ezra Zahabi	(Reserve Independent Person)
Elizabeth Hall	(Independent Person)

Officers Present:

David Galpin	– (Head of Legal Services (Community), Legal Services, Chief Executive's)
Robert Wingate	– (Deputy Complaints and Information Manager)
Minesh Jani	– (Head of Audit and Risk Management , Resources)
Mark Norman	– (Monitoring Officer)
ntonella Burgio	– (Democratic Services)
John Williams	– (Service Head, Democratic Services, Chief Executive's)

Co-opted Member Matthew Rowe in the Chair

The Chair welcomed newly appointed Independent and Co-opted Members to the meeting. These were:

- Ms Elizabeth Hall, Independent Person and Ms Ezra Zahabi Reserve Independent Person
- Mr John Pulford MBE Co-opted Member and Mr Grenville Mills Interim Co-opted Member.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Judith Gardner, Zara Davis, David Edgar and Abdul Asad. The Chair noted that Councillor Mukit was in attendance as substitute for Councillor Gardner and Councillor Gloria Thienel as substitute for Councillor Davis.

Apologies for having to leave the meeting early were submitted by Councillor Motin Uz-Zaman.

Noted.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interests were made.

3. MINUTES

The Chair **moved** and it was agreed that the minutes of the Standards Advisory Committee held on 18 June 2013 be approved, without amendment, as a correct record of proceedings and the Chair be authorised to sign them accordingly.

Action by:

Antonella Burgio (Committee Officer, Democratic Services, CE's)

4. UNRESTRICTED REPORTS FOR CONSIDERATION

4.1 **Appointment of Independent Person, Reserve Independent Person and Co - opted Members of SAC**

The Service Head Democratic Services introduced the report advising the Committee that an Independent Person and Reserve Independent Person had been appointed in accordance with the new standards regime (Localism Act 2011). Transitional arrangements were put in place on 18 June 2012 pending recruitment. This was now concluded and Council, on 26 June 2013, approved the following appointments - Independent Person, Ms Elizabeth Hall and Reserve Independent Person Ms Ezra Zahabi, each for a three-year term starting on 1 July 2013.

The Service Head Democratic Services advised that that the following appointments also were made by Council on 18 September 2013: Mr Patrick Barry O'Connor and Mr John Pulford MBE were appointed Co-opted Members of the Standards Advisory Committee for a term of four years; Mr Grenville Mills was appointed a Co-opted Member on an interim basis until 30 April 2014 to replace Mr Denzil Johnson who was unavailable until 1 May 2014.

Resolved

That the following appointments be noted:

- Ms Elizabeth Hall, Independent member
- Ms Ezra Zahibi, Reserve Independent Member
- Mr Patrick Barry O'Connor, Co-opted Member
- Mr John Pulford MBE, Co-opted Member
- Mr Grenville Mills, Interim Co-opted Member

4.2 Amendments to the Procedure for Dealing with Complaints of a Breach of the Code of Conduct - Decision of the Council Meeting on 18th September 2013

The Service Head Democratic Services introduced the report and highlighted the following matters:

- a report referred by Standards Advisory Committee was considered at Council on 18 September 2013 recommending revisions to the arrangements for dealing with complaints about member conduct
- Council approved the revisions and added a number of additional recommendations
- the revised procedure was circulated at appendix A.

In response to a question from a Committee Member, he also advised that Standards Advisory Committee, in its broader role, was able to make recommendations on probity matters to the Council.

Resolved

1. That the decision taken by Council on 18 September 2013 be noted and
2. That the revised procedure for dealing with complaints concerned with a breach of the code of conduct be noted.

4.3 Code of Conduct for Members - Complaints and Investigation Monitoring

The Interim Monitoring Officer introduced the report. He advised that,

- for completeness of records, all complaints since the inception of the new arrangements had been circulated. In future, however, only current complaints would be reported to the Committee
- one new complaint had been received, the outcome of which was included in the report
- there were two ongoing investigations. Their completion had been delayed because of changes in corporate staffing. However, following Mr Norman's appointment as Interim Monitoring Officer, they had been referred to an external investigator. The complaints referred to two individual Council Members

In response to Members' questions the following information was provided:

- concerning whether a complainant would be informed of the outcome of an investigation, the Committee was advised that upon closure of an investigation both complainant and the subject of the complaint were able to view investigation records. Both parties would also be advised of the outcome
- concerning what Member activities could trigger a complaint e.g. improper use of Council resources, the Committee was informed that all referrals were assessed against a matrix

The Committee wished to be advised of trends in categories of complaints and the Interim Monitoring Officer agreed that cumulative data on categories of complaints would, in future, be presented twice yearly as part of the regular Complaints and Investigation Monitoring report.

Resolved

1. That the report be noted
2. That statistics on the categories of complaints be collected and reported cumulatively every six months

Action by:

Mark Norman (Interim Monitoring Officer)

4.4 Anti- Fraud and Corruption Strategy and Proactive Anti -Fraud Plan 2013-14

The Head of Audit and Risk Management presented the report on behalf of the Corporate Anti-Fraud Manager and highlighted the following:

- the work of the antifraud team was delivered through activities directed by the priorities of the Anti-Fraud strategy
- the antifraud plan sought to ensure that resources were adequately deployed and indicated where resources would be allocated
- anti-fraud work involved detection and prevention. The Council was looking to use prevention more effectively by publicising successful actions
- detection activities have been strengthened by the recruitment of additional staff in the Corporate Anti-Fraud Team

There was an extensive discussion of the anti-fraud work reported and, in response to Members' questions, the following information was provided:

- re: comparative levels of preventative and reactive anti-fraud activities:
 - the Committee was advised that most activities were reactive but preventative work comprised 10-15% of the total. Since the enactment of the Prevention of Social Housing Fraud Act, it was a criminal offence to sublet social housing therefore the Council was able to prosecute any persons caught doing so and raise an order against profits made. This power was an effective deterrent

- Primary Care Trusts had been disbanded and could no longer participate in the Anti-Fraud Forum: - Members were advised that the Forum structure remained broad enabling maximum opportunities for sharing intelligence and for joint working
- all types of fraud whether commercial or domestic were investigated by the Council where such activity was discovered
- when investigating housing benefit fraud, data from the Electoral Register was used for data-matching
- re: levels of fraud indicated by data published at Appendix 2: - the Committee was informed that the data did not indicate total fraud but the Council's response to the biggest fraud areas. On account of limited Council resources, antifraud work was targeted at high risk areas
- re: the effectiveness of Council's work in reducing Blue Badge parking fraud: - the Committee was informed that the Council's level of work and success rate was comparable to other local authorities. Additionally there was good data exchange between London authorities enabling Blue Badge parking fraud perpetrated in other boroughs by Tower Hamlets residents to be traced and vice-versa
- re: query on the number of days taken to investigate frauds reported in Appendix 2: - the Committee was informed that the data reported was an average number of days employed in the anti-fraud investigations stated in the report
- re: whether whistleblowing management referrals and proactive contingency was subject to Freedom of Information requests: - the Committee was informed that whistleblowers were protected once a referral was made. These referrals were one-off interventions and as such each was individually assessed and investigated
- re: whether the Council was adequately resourced to meet risks arising from greater local discretions enabled through recent legislation: - the Committee was advised that the resource that would be allocated was dependent on the level of risk created. Because of limited resources, the Council was required to decide where its money was best spent. Additionally any procedure that the Council adopted to deliver its services also affected the degree of risk created.
 - The Council took part in the National Anti-Fraud Initiative that was administered by the Audit Commission and received advice on potential risk areas. The initiative allowed significant data to be shared with the Audit Commission and the data matches returned were utilised ever more extensively.
 - There was now a voluntary "36 Hub" in which London authorities provided three datasets for matching with other authorities. The data sets that Council would share this year were: Council Tax and student letting data to investigate if there was any council tax fraud related to student lettings.
- performance levels were measured by benchmarking data sets with other local authorities. Services of the Audit Commission were used to benchmark Tower Hamlets' performance against other authorities employing the same or similar datasets.

Resolved

That the report be noted

4.5 Complaints and Information Governance Annual Report 2012/ 2013 (To Follow)

The Head of Legal Services (Community) and Deputy Complaints and Information Manager presented the report circulated in the supplementary agenda

In response to Members' questions, the following information was provided:

- A procurement process had been completed for new software to manage information requests, member enquiries and complaints. A final decision was yet to be made, following which implementation could be progressed.
- FOI performance in quarter 1 of 2013/2014 had risen to 88% on time, but was unlikely to get above 90% in the current financial year. Corporate directors were being kept informed of performance with a view to further improving the number answered on time.
- accuracy, and responsibility for, recording repairs complaints - Members were informed that
 - works were done by contractors however oversight of works was done by an in-house team
 - there is an ongoing decent homes programme in the borough, and a number of properties were still awaiting works.
 - Repairs complaints may arise where people experience delays.
 - Complaints were resolved locally in the first instance. However if this did not resolve the complaint it would be referred to Tower Hamlets Homes
- housing management complaints may encompass a variety of issues and a breakdown could be provided if needed.
- Noting that Members Enquiries were frequently concerned with decent homes works, Members queried the low numbers reported. It was noted that repairs complaints made via a Member would generally be processed as a 'Member enquiry' rather than categorised as a repair.
 -
- It was suggested by Members that it would be for Overview and Scrutiny Committee to review issues with repairs and decent homes if that Committee considered it appropriate.
- No housing complaints have yet engaged the democratic filter, in order to then make a complaint to the Housing ombudsman
- levels of equalities data collected were good and the Council proactively encouraged the submission of equality data
- complaints received via social media were not yet monitored

Resolved

1. That the report be noted

4.6 Covert investigation under the Regulation of Investigatory Powers Act 2000

Note - Item 4.6 was considered in conjunction with item 7.1 and the meeting moved into closed session whilst exempt matters (item 7.1) were considered. The meeting returned to open session upon completion of the discussion.

The Head of Legal Services (Community) and Deputy Complaints and Information Manager presented the report and matter was considered by Members of the Committee.

Resolved

That the report be noted

4.7 Members' Attendance and Timesheets Monitoring

The Service Head Democratic Services presented the monitoring report and a revised Appendix was tabled giving the latest available Member monitoring data. It was noted that

- the date of timesheet posting was now also monitored;
- some Members had failed to submit their timesheets as required. The Committee discussed forms of appropriate response to this breach and the following issues were raised:
 - Members were required to fill in multiple timesheets which made the task laborious. Councillors present enquired whether:
 - § the process could be simplified
 - § a type of electronic input could be devised
 - § some irrelevant categories of activity listed in the timesheets could be removed

The Service Head Democratic Services agreed that the timesheets should be streamlined. Accordingly the forms would be reviewed and a proposal on streamlining the form brought to the next meeting. In the medium term, a self-service electronic form would be available for Members' use.

- appropriate sanctions and methods of escalation against persistent failure to complete timesheets could include a censure letter copied to the Group Leader and Group Whip. If a further letter were found to be necessary, censure might also be publicised.
- it was agreed that, for the present, the Chair would write to Members who had failed to complete their timesheets in the current year and the letter be copied to the Group Leader
- register of interests forms should be sent to newly Co-opted Members

Resolved

1. That the monitoring report be noted
2. That the timesheets be reviewed and a proposal on streamlining the form be brought to the next meeting
3. That the Chair write to Members who have failed to complete their timesheets in the current year and that the letter be copied to the relevant Group Leader
4. That if necessary appropriate sanctions and methods of escalation against persistent failure to complete timesheets be explored in future
5. That register of interests forms be sent to newly Co-opted Members
6. That further monitoring reports be submitted to the Committee at six-monthly intervals.

Action by:

John Williams (Service Head Democratic Services)
Matthew Mannion (Committee Services Manager)

5. ANY OTHER UNRESTRICTED BUSINESS WHICH THE CHAIR CONSIDERS URGENT

Nil items

6. EXCLUSION OF THE PRESS AND PUBLIC

Items 4.6 was considered in conjunction with item 7.1 accordingly the **Chair moved** and it was agreed that press and public be excluded from the meeting during the discussion of item 7.1 on the grounds that the report contained information classified as exempt under the provisions of Schedule 12A of the Local Government Act 1972, Paragraph 3.

7. EXEMPT/ CONFIDENTIAL REPORTS FOR CONSIDERATION

7.1 Covert investigation under the Regulation of Investigatory Powers Act 2000 - Appendix 2

This item was considered in conjunction with item 4.6 and the meeting moved into closed session whilst matters relating to the exempt report were discussed. The Committee then resumed discussion of the remaining agenda items in open session starting at agenda item 4.7.

**8. ANY OTHER EXEMPT/ CONFIDENTIAL BUSINESS THAT THE CHAIR
CONSIDERS URGENT**

Nil items

The meeting ended at 9.15 p.m.

Chair, Matthew William Rowe
Standards (Advisory) Committee