

**LONDON BOROUGH OF TOWER HAMLETS**

**COUNCIL MEETING**

**WEDNESDAY 16<sup>th</sup> SEPTEMBER 2015**

**ANNUAL REPORT TO THE COUNCIL  
BY THE INDEPENDENT PERSON**

**REPORT OF THE SERVICE HEAD,  
DEMOCRATIC SERVICES**

**1. SUMMARY**

- 1.1 An Independent Person is appointed by the Council in accordance with the provisions of the Localism Act 2011 to undertake duties in connection with the consideration of any complaints of a breach of the Members' Code of Conduct by the Mayor, a Member or Co-opted Member of the Council.
- 1.2 The Annual Report of the Independent Person to the Council for 2014/15 is attached at Appendix A. The Independent Person will attend the Council meeting to present her report.

**2. RECOMMENDATION**

- 2.1 That the report be noted.

**3. BACKGROUND**

- 3.1 Under the Localism Act 2011, the Council must promote and maintain high standards of conduct by Members and Co-opted Members of the authority, including adopting a Code of Conduct for Members and arrangements for dealing with any allegation that a Member or Co-opted Member has breached the Code.
- 3.2 In accordance with the requirements of the 2011 Act, these arrangements include the appointment of an Independent Person to advise on breaches of the Member Code of Conduct. The Independent Person will:
  - Be available for consultation if an allegation of breach of the Members' Code of Conduct is received by the Council.

- Liaise as necessary with the Council's Monitoring Officer to consider complaints against Members and offer his/her impartial views on the case, including any investigations undertaken.
- Advise the Council prior to any decision to investigate an allegation or complaint relating to whether a Member has failed to comply with the Code of Conduct.
- Attend meeting of the Standards Advisory Committee and/or its sub-committees as required
- Contribute to any review of the operation of the standards arrangements and complaints procedure established by the Council under the provisions of the Localism Act 2011.

3.3 The Independent Person may be consulted by the Council's Monitoring Officer in respect of an allegation against a Member in other circumstances; and/or be consulted by a Member or Co-opted Member of the Council against whom an allegation or complaint has been made. The views of the Independent Person will be considered by the Standards Advisory Committee, who are responsible for recommending on the outcome of any complaints and any remedial action.

3.4 Elizabeth Hall was appointed as Tower Hamlets' Independent Person at the Council meeting on 26<sup>th</sup> June 2013, for a term of office of three years. Ms Hall's Annual Report for the municipal year 2014/15 is attached at Appendix 'A' for the Council's consideration.

#### **4. OBSERVATIONS OF THE CHIEF FINANCIAL OFFICER**

4.1 There are no direct financial implications arising from this report. The Independent Person receives remuneration in accordance with the arrangements agreed by the Council on 26<sup>th</sup> June 2013, for which budget provision exists within the Law, Probity and Governance Directorate budget.

#### **5. LEGAL SERVICES COMMENTS**

5.1 The Localism Act 2011 introduced new arrangements to govern the Standards of Conduct for local authority members and co-optees. A key element of these arrangements is the appointment of at least one 'Independent Person' who will provide advice to the Council on any allegation it is considering, and may also provide advice to a member facing an allegation who has sought the views of that person. The Council has also appointed a reserve Independent Person in case of any potential conflict arising out of these arrangements.

5.2 The Independent Person(s) must be appointed following a public advertisement and recruitment process and his/her appointment must be confirmed by the majority of Councillors at the full Council meeting.

**6. ONE TOWER HAMLETS CONSIDERTIONS**

6.1 There are no specific implications for One Tower Hamlets arising from the proposals in this report.

**7. CRIME AND DISORDER REDUCTION IMPLICATIONS**

7.1 This report has no immediate implications for crime and disorder reduction.

**8. RISK MANAGEMENT IMPLICATIONS**

8.1 There are no risk management implications.

**9. STRATEGIC ACTION FOR A GREENER ENVIRONMENT (SAGE)**

9.1 There are no SAGE implications arising directly from this report.

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**LOCAL GOVERNMENT ACT, 2000 (SECTION 97)  
LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT**

Brief description of "background paper"

Name and telephone number  
of holder and address where  
open to inspection

None

**Independent Person**

**2015 Annual Report to the Council**

I was appointed as Independent Person (IP) in July 2013 for a three year term in accordance with the Localism Act 2011. I did not make a report at the end of my first year in office because of the time out for the 2014 elections and the uncertainty which followed in this Borough.

From the outset I was invited to attend meetings of the Standards Advisory Committee (SAC) as an observer, and have attended all meetings. I am grateful that the Committee has permitted me to speak and to participate in its discussions.

At the time I was appointed the then Monitoring Officer left the Council. During my first six months I was pleased to work with the interim Monitoring Officer whom I advised on *six* complaints about alleged breaches of the Code of Conduct. Since then, I frequently expressed my dissatisfaction with the length of time and expense in pursuing some of these cases, many of which seemed characterised by simple disrespect and unruly behaviour between Councillors during Council meetings and other events. It is highly regrettable that four of these complaints remained outstanding despite the efforts of the SAC until a meeting of the Investigations and Disciplinary Subcommittee of the SAC, which could not be convened until June 2015, although I accept that the delay was due partly to the unique situation of the past few months.

My concern about the way in which the Code of Conduct was being used led to my thinking in early 2014 that the SAC should consider recommending some amendment to the arrangements for handling complaints which would discourage the trivial or vexatious; this was not taken forward because the elections were then imminent.

I am therefore very pleased indeed that the current interim Monitoring Officer has put forward proposals for a much simplified and more appropriate Code, with associated arrangements for handling complaints, which the SAC agreed recently should be recommended, subject to consultation. This Code and complaints processes would meet the need as I see it for a Code which was more focused on principles than rules, and processes which allow what is no more than poor behaviour to be dealt with in the meeting at the time, and/or by a Group Leader.

It is generally understood that the role of the IP lacks authority, and has no power to advise other than in the particular case of a complaint. It has nevertheless been personally frustrating in the extreme to have had to stand on the sidelines while the widely expressed concerns about the former Mayor's behaviour failed to generate more attention under the Standards regime. But that might be a result of its limited sanctions and powers (for instance it could not investigate any matter unless a complaint was made) and over-elaborate procedures.

I hope that the openness and accountability to which Mayor Biggs has committed will characterise the Council in future, and that the Code of Conduct will be accorded the status it deserves as the Standard which all members of the Council observe. This suggests that work of the SAC could be given greater prominence in the policy arena, rather than being seen simply as a place to hear complaints, and that it could be invited to contribute more widely to Council activities, including a closer productive relationship with Overview & Scrutiny.

Elizabeth Hall

July 2015