

LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE STANDARDS ADVISORY COMMITTEE

HELD AT 2.00 P.M. ON THURSDAY, 30 JULY 2020

ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)

Members Present:

John Pulford MBE (Chair)
Nafisa Adam
Fiona Browne
Councillor Mufeedah Bustin
Councillor Rabina Khan
Councillor Abdal Ullah

Observers:

Elizabeth Marshall – Independent Person
Rachael Tiffen – Independent Person

Apologies:

Mike Houston (Co-Optee)
Councillor James King (Member)

Officers Present:

Janet Fasan – (Divisional Director, Legal, Governance)
Asmat Hussain – (Corporate Director, Governance and Monitoring Officer)
Matthew Mannion – (Head of Democratic Services, Governance)
Rachel Mckoy – (Head of Commercial & Contracts, Legal Services Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

There were no declarations of interest.

2. MINUTES OF THE PREVIOUS MEETING(S)

RESOLVED:

That the minutes of the meeting held on 30 January 2020 be approved as a correct record of proceedings.

3. REPORTS FOR CONSIDERATION

3.1 Consultation on Draft Model Member Code of Conduct

Janet Fasan, Divisional Director Legal Services and Deputy Monitoring Officer, introduced the report that sought comments by way of response to the LGAs consultation on the Draft model Code of conduct for members. The consultation commenced on 8th June and concludes on the 17th of August 2020. Ms Fasan had provided the consultation link previously to all members of the Advisory Committee.

Asmat Hussain, Corporate Director of Governance and Monitoring Officer, shared some key points from a recent LGA meeting, which included MOs, legal and democratic services reps from other councils. The conference had included constructive debates on:

- Social media: challenge of distinguishing whether posts are published in a personal or professional capacity; balance of individuals' freedom of speech and the role of Councils to police proper conduct of their members.
- Intimidation of councillors. LGA to provide further guidance and support.
- New phrase of 'civility' in the draft code, seemingly replacing 'respect'. Concern that 'civility' as a phrase may not encompass desired behaviours sufficiently.
- Recommendations for annual training to promote requirements of codes of conduct.
- Clarity of sanctions: could they be made clearer?
- Relative merits of the personal tense (I will) and passive tense (Councillors should) when used within the new code
- That Councillors need to sign the Code of Conduct upon taking office.
- Registers and declarations of interest: the potential new requirement to register interests of friends, in addition to partners. The difficulties that could arise from this.
- Livingstone case law: a discussion that this case law still stands as good law.
- Declaration of gifts and hospitality: whether the original £25 threshold is still relevant today.

The Advisory Committee

- Indicated concern with the new proposed term 'civility', preferring 'respect' which they felt better encompassed the range of desired behaviours.
- Stressed it is essential that sufficient clarity/guidance accompanies any proposal to include a requirement to register interests of 'friends' in addition to those of partners.

Ms Hussain suggested that any members who wish to offer comment on the draft code may wish to send their response directly to Mr Mannion and Ms Fasan, (copying in the Chair) with the aim to collate a single London Borough of Tower Hamlets response to the consultation, which she understood would be the practice of most councils. However, individuals submissions are encouraged where members wish to do so.

RESOLVED:

1. That the consultation questions on the draft Model Member Code of Conduct be noted
2. That the Advisory Committee's comments above are included in the response.
3. That any members who wish to offer comment on the draft code can respond directly, or send their response directly to Matthew Mannion and Janet Fasan, (copying in the Chair).

3.2 Draft Standards Advisory Committee Annual Report to Council

Asmat Hussain, Corporate Director of Governance and Monitoring Officer, provided a verbal update on the preparation of the Advisory Committee's draft report to Council. Including its work to review:

- Investigation of complaints and work with Independent Persons to analyse and improve complaints processes
- Dispensations granted
- Gifts and hospitality
- Member training and briefings
- The impact of the Covid pandemic: challenges and opportunities
- The Council's Social Media policy
- Members hub and bulletin
- The Local Government Ethical Standards Review and Committee on Standards in Public Life.

Ms Hussain added that she hoped to include reference to the Advisory Committee's response to the LGA Draft Code of Conduct consultation (as discussed at item 3.1 on this meeting's agenda) to the report by time it goes to Full Council.

Matthew Mannion, Head of Democratic Services, asked the Advisory Committee to note that there was some difficulty establishing the period the report should cover, as there had not been an Annual Council Meeting in May 2020 as is normal practice. It had been decided to generally continue to refer to activities within the period up to May. He noted that there were discussions in progress with political groups on a proposal for Council meetings to resume in the autumn.

Mr Mannion also advised that an advert for the vacant co-opted member position on the Advisory Committee was delayed by the pandemic but has now been published. There had been several expressions of interest

The Advisory Committee:

- Noted that the draft report includes a focus on the specific challenges and opportunities presented by the Covid pandemic and lockdown period.
- Asked that, prior to the report's submission:
 - The Advisory Committee's forward plan of work be added. The Chair encouraged members to make suggestions for additions to it, prior to the report's submission.
 - Reference to the Advisory Committee's discussion of the Holborn Studios planning matter, and related amendments to the Council's Planning Code of Conduct (as discussed at Item 3.3 on this meeting's agenda), be added.
 - Members of the Advisory Committee to review the draft report and forward any further thoughts or suggestions to Ms Hussain, Mr Mannion and Ms Fasan.
- Noted that, when it last submitted its annual report to a Full Council meeting, time had ran out before Members of the Council could discuss it.

RESOLVED:

1. That the update on the preparation of the Advisory Committee's Annual Report to Council be noted.

3.3 Standards and Code of Conduct Monitoring in relation to planning and development matter

Rachel McCoy, Head of Commercial & Contracts, introduced the report that provided the Advisory Committee with an update of the safeguards and governance arrangements in place at the London Borough of Tower Hamlets to ensure probity in the Council's planning decisions following several high profile instances of unlawful behaviour elsewhere. Ms McCoy summarised the learning from the recent high-profile planning cases mentioned in the report.

The Advisory Committee noted that the report had originated from a request from the vice chair to explain and contextualize recent developments in Redbridge, although it had since broadened in scope to encompass a range of matters related to probity in planning matters.

With respect to the Holborn Studios decision, Ms McKoy stressed that the legal finding represents a notable change of approach: Members can and should review objections which they receive directly. In future it should be considered as a key part of the democratic process. Objections can and should be passed to officers, but also considered by the Councillors who receive them.

With respect to the Redbridge matter, Ms McKoy asked the Advisory Committee to note that her interpretation was based on the limited information in the public domain. Her understanding was that the matter concerned allegations of interference, intimidation and bullying by the executive on the planning process. Having reviewed the existing LBTH guidance (including the Code of Conduct for Members, Planning Code of Conduct, Development and Strategic Development Committee Rules of Procedure), Ms McKoy is satisfied it covers how engagement from the executive should be exercised in planning matters and represents a suitable safeguard against such a situation arising in Tower Hamlets.

Several members of the Advisory Committee who had also sat on the Council's Development and/or Strategic Development Committee reported a positive view of the established practice and culture of those committees and the training and guidance currently provided to members on ethics and probity in planning matters.

RESOLVED that the Standards Advisory Committee:

1. Noted the content of the report.
2. Noted the recommended amendments to the Planning Code of Conduct, Part C, paragraphs 7.2 (d) and (e) of the Constitution concerning lobbying to be forwarded to the Strategic Development Committee for consideration set out in paragraph 6 of the report
3. Agreed to the arrangement/and facilitation of training for Members' of the Strategic Development and Development Committees on lobbying following the recent legal judgement in Holborn Studios (No.2) discussed at paragraphs 6 and 12 of the report.

3.4 COVID-19 Pandemic Impact on Support for Members and potential future developments

Matthew Mannion, Head of Democratic Services, introduced the report that provided the Advisory Committee with an update on the impact of the pandemic on the support for Members and invited a discussion on how the

new ways of working could be embraced in future to provide more flexible services to Members.

Mr Mannion asked the Advisory Committee to note that an annual general meeting of council had not yet taken place. Discussions were underway as to whether an AGM will be held in-year, or wait until 2021.

The Advisory Committee:

- Discussed experiences of remote meetings since the start of the pandemic period. Members of the Advisory Committee felt remote meetings offer significant advantages over traditional meetings such as enhanced flexibility and inclusivity. However, it also felt there were some challenges and teething problems encountered. In particular it indicated it would welcome guidance and support/training on managing, participating in and chairing remote meetings.
- Welcomed the reported increase in engagement in member training sessions since lockdown, though noted that delivering member training via remote software may require tweaks to how training is delivered.
- Indicated it would welcome feedback from members on their feelings/experiences of new ways of working and suggestions for improvement.
- Noted that the national legislation that permitted remote meetings would expire in 2021 and suggested the Council (possibly in partnership with relevant professional bodies such as the Association of Democratic Services Officers) could lobby to extend or make aspects of it permanent. Some members of the Advisory Committee felt that returning entirely to old ways of working may never be possible, especially for those who had a lower risk appetite.

RESOLVED that the Standards Advisory Committee:

1. Noted the update on the Member Development, Member Surgeries and related areas.
2. Welcomes the potential future options for taking advantage of new ways of working to support Members in future.

3.5 Code of Conduct for Members - Complaint Monitoring

Janet Fasan, Divisional Director Legal Services and Deputy Monitoring Officer, introduced the report that updated the Advisory Committee on the quarterly monitoring information for complaints and investigations relating to alleged breaches of the Council's Code of Conduct for Members. Ms Fasan summarised the complaints concluded since the Advisory Committee had last met and the results of the investigations into them, as provided in the report submitted.

The Advisory Committee had a discussion around difficulties of progressing and investigating complaints when insufficient information is provided by the complainant, especially where complaint forms are not provided or are not completed fully. It noted there is sometimes a need for officers to support complainants to ensure information is sufficient to allow a full investigation. However, there is also a risk that the subject of a complaint may feel progressing a complaint is unfair if the complainant has failed to comply with the Council's stated requirements (i.e. completing a complaint form).

The Advisory Committee noted that:

- The Code of Conduct could be strengthened if necessary to state that the council may not investigate/progress complaints if forms are not completed fully, or necessary information not provided.
- There is a danger of overlooking breaches of the code if officers are too process-focused. The process should allow for flexibility for the complainant to provide information in a way that works for them and they should be supported to supplement information where necessary.
- There have been occasions when complainants have been prompted to provide supporting information, but then do not engage, despite support.
- No complainants have been turned away, irrespective of whether forms were or were not completed.

The Advisory Committee noted the complaints regarding provision of Iftar meals. There can be difficulties placing value figure on such meals and similar gifts of a charitable or religious nature. Ms Hussain stressed that it is good practice to declare any hospitality (including an Iftar meal) even where the value is thought to be low or unknown. It was noted that that a guidance note had been sent to all members at the start of Ramadan this year, reminding of gifts and hospitality declaration obligations.

Further to consideration of the specific complaints received, the Advisory Committee:

- Asked that a reminder is sent to all members on the Council's social media policy and their obligations to comply with it.
- Was reassured to hear from Ms Hussain and Ms Fasan that complaints analysis suggested most are from unique complainants and there is no indication of repeat/vexatious complainants being an issue.
- Noted that in the specific complaint regarding non-response to email, the member concerned has been provided guidance on managing repetitive correspondence.

RESOLVED:

1. That the report and the information contained in Appendix 1 be noted.

3.6 Member Attendance Update

Matthew Mannion, Head of Democratic Services, introduced the report that provided an update on Member attendance at formal Council and Committee meetings.

RESOLVED:

1. That the report be noted.

3.7 Register of Gifts and Hospitality Quarterly Update

Matthew Mannion, Head of Democratic Services, introduced the report that provided an update on the declarations of gifts and hospitality received from Members since the previous report to the Advisory Committee on 30 January 2020.

Mr Mannion asked the Advisory Committee to note that, whilst the period covered by this report is longer than previous reports due to delays caused by the pandemic period, declarations received are very few. He also reminded the Advisory Committee of its role in reviewing whether gifts and hospitality were dealt with appropriately by those in receipt, for example whether the gift had been kept when it should more appropriately have been donated to charity or refused.

A summary was tabled showing whether members of the Council had responded to a recent letter from the Chair of the Standards Advisory Committee confirming whether they had declared all gifts and hospitality they had received. It was noted that six Councillors had yet to respond to the request.

The Advisory Committee asked that the response summary be sent to group whips and reminders to complete issued, to encourage full compliance. The Advisory Committee indicated it would welcome introduction of a standard 'nil return' declaration for gifts and hospitality.

RESOLVED:

1. That the report and the information contained in Appendix 1 be noted.
2. That group whips are informed of member compliance with requests for declarations of gifts and hospitality.

3.8 Dispensations under section 33 of the Localism Act 2011

Janet Fasan, Divisional Director Legal Services and Deputy Monitoring Officer, introduced the report that informed the Advisory Committee of dispensations in relation to disclosable pecuniary interests (DPI's) under section 33 of the Localism Act 2011. Ms Fasan explained the one specific, and four general dispensations, granted by the Monitoring Officer in the period.

RESOLVED:

That the content of this report and the specific dispensation granted by the Monitoring Officer detailed in paragraph 3.4 of the report is noted.

3.9 Work Plan

Mr Mannion advised he would circulate the current version of the work plan offline following the meeting. Mr Mannion and Ms Hussain encouraged members to review and offer suggestions for amendments or additions via email to Mr Mannion.

RESOLVED:

That the work plan would be circulated offline.

1. That members of the Advisory Committee are encouraged to review the work plan and offer suggestions for amendments or additions via email to Matthew Mannion, Head of Democratic Services.

4. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

There was none.

The meeting ended at 3.55 p.m.

John Pulford, Chair,
Standards Advisory Committee