

<p>Non-Executive Report of the:</p> <p><b>Standards Advisory Committee</b></p> <p>1 July 2021</p>	 <p><b>TOWER HAMLETS</b></p>
<p><b>Report of:</b> Janet Fasan, Director of Legal and Interim Monitoring Officer</p>	<p><b>Classification:</b> Open (Unrestricted)</p>
<p><b>Standards Advisory Committee - Terms of Reference</b></p>	

<b>Originating Officer(s)</b>	Matthew Mannion, Head of Democratic Services
<b>Wards affected</b>	(All Wards);

## Executive Summary

This report:

- a. sets out the Terms of Reference, Quorum, Membership and Dates of meetings of the Standards Advisory Committee (SAC) for the Municipal Year 2021/22 for the information of members of the Committee.
- b. Asks Members to approve the establishment of its Sub Committees to consider complaints relating to breaches of the Member Code of Conduct.

## Recommendations:

The Standards Advisory Committee is recommended to:

1. Note its Terms of Reference, Membership, Dates of future meetings and timing thereof, as set out in Appendices 1, 2 and 3 to this report;
2. Establish the following sub-committees for the municipal year 2021/22, to be convened as required on an ad hoc basis with membership from amongst the members of the SAC, including in each case a minimum of three members:-
  - Investigation and Disciplinary Sub-Committee
  - Hearings Sub-Committee

## 1. REASONS FOR THE DECISIONS

- 1.1 The decisions are required to enable Members to be aware of the arrangements of the Committee and to establish its Sub-Committees so that complaints against members can be investigated and where necessary answered.

## **2. ALTERNATIVE OPTIONS**

2.1 There are no alternative options applicable to this report

## **3. ANNUAL ESTABLISHMENT, TERMS OF REFERENCE AND QUORUM, AND DATES OF MEETINGS**

3.1 At the Annual General Meeting (AGM) of the full Council held on 30 September 2020, the Authority approved the proportionality and establishment of the Committees and Panels of the Authority, including the SAC and appointment of Members thereto.

3.2 It is customary that, following the Council AGM, the committees that have been established note their Terms of Reference (TOR), Membership and Quorum for the duration of the Municipal Year. The TORs are set out in Appendix 1 to this report. The membership is set out in Appendix 2.

3.3 The dates of SAC meetings for the remainder of the Municipal Year, agreed by the full Council are set out in Appendix 3 to this report.

3.4 It should be noted that the 'usual' start time for Standards Advisory Committee meetings as been set as 6pm but that during the pandemic the Chair has agreed to vary the start time for the most recent two virtual Committee meetings (including this one) and that this may continue. Changes to the permanent agreed start time for the Committee can be reviewed at a later date.

## **4. MEMBERSHIP**

4.1 Full Council has agreed that the SAC shall comprise:

- Members of the Council (not including the Mayor or more than one Cabinet Member), appointed by the full Council in accordance with the requirements of political proportionality.
- Up to five persons who are not Members or officers of the Council or any other relevant authority (i.e. Co-opted members) who will be entitled to vote at meetings.
- Co-opted members may serve as many terms of appointment as the full Council considers appropriate. A person may not be appointed as a co-opted member of the SAC or one of its sub-committees unless the appointment is approved by full Council.
- Current co-optees, Mr John Pulford MBE, Ms Nafisa Adam, Mr Michael James Houston and Ms Fiona Browne were reappointed by Council. Their appointments were renewed until 30 September 2021. A report has been placed on the agenda to discuss renewing their appointments.
- Final Co-optee Denzil Johnson was appointed by Council on 17 March 2021 for a term expiring on 17 March 2025.

#### 4.2 *Observers:*

With respect to the 'Independent Person' (IP) role introduced nationally under the standards regime resulting from the Localism Act 2011, 2 appointments were made in 2013 and 2018 respectively. Ms Elizabeth Marshall (formerly Hall) was appointed by full Council 26 June 2013 and her appointment was renewed in 2018 for a term of 3 years ending on 18 September 2021. To assist the Monitoring Officer to discharge her investigatory duties and enable continuity of the IP role, the Council has recruited a second IP. Ms Rachel Tiffen was appointed in January 2018 for a term of 4 years ending on 16 January 2022.

Council has agreed that the IPs should be invited to all SAC meetings in the capacity of observers.

#### 4.3 *Chairing the Committee*

The full Council has agreed that the Chair and the Vice Chair of the SAC will be appointed from the co-opted members of the SAC.

#### 4.4 *Quorum*

The quorum for meetings of the SAC and for each of its sub-committees is three of the total membership and this must include at least one councillor and one co-opted member. A co-opted member shall Chair the meeting.

### 5. **SUB COMMITTEES**

5.1 SAC Sub-Committees are established at the beginning of each municipal year. Their function is to consider allegations and the outcome of investigations into misconduct made against elected and co-opted Members and, where necessary. Following implementation of the Localism Act 2011, the compulsory arrangements for standards committees in England were withdrawn. However, Tower Hamlets Council has chosen to maintain these arrangements on to ensure that robust ethical arrangements for standards in public life are in place.

5.2 Sub-Committee membership is drawn from the membership of the parent committee and meetings can be convened as required on an ad hoc basis.

### 6. **OTHER STATUTORY IMPLICATIONS**

6.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,

- Safeguarding.

6.2 In regard to risk management, the terms of reference for the Standards Advisory Committee and the accompanying appendices provides a means of ensuring the work of the Committee and its sub committees is noted.

## **7. EQUALITIES IMPLICATIONS**

7.1 When drawing up the schedule of dates, consideration was given to avoiding school holiday dates and known dates of religious holidays and other important dates where at all possible.

## **8. COMMENTS OF THE CHIEF FINANCE OFFICER**

8.1 Matters brought before the Committee under its terms of reference during the year will include comments on the financial implications of decisions provided by the Chief Finance Officer. There are no specific comments arising from this report.

## **9. COMMENTS OF LEGAL SERVICES**

9.1 The information provided for the Committee is in accordance with Part B, Section 19 of the Council's Constitution.

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### **Linked Reports, Appendices and Background Documents**

#### **Linked Report**

- NONE

#### **Appendices**

- Appendix 1 – Standards Advisory Committee Terms of Reference
- Appendix 2 – Appointments to Committee
- Appendix 3 – Dates of Meeting

#### **Local Government Act, 1972 Section 100D (As amended)**

#### **List of “Background Papers” used in the preparation of this report**

List any background documents not already in the public domain including officer contact information.

- NONE.

#### **Officer contact details for documents:**

N/A

## Appendix 1 – Terms of Reference

### Standards Advisory Committee

**Summary Description:** The Committee performs a number of functions to maintain high standards of conduct in public life including promoting the Members Code of Conduct and considering potential breaches of the Code of Conduct.

The Committee may establish Sub-Committees to consider certain matters as set out in the 'Functions' below.

The Committee and any of its sub-committees may meet in private in accordance with 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.

**Membership:** 5 elected members of the Council (not including the Mayor or more than 1 Cabinet member),

#### **Co-opted Members**

Plus up to 5 independent co-opted members.

Co-opted members will be entitled to vote at meetings under the provisions of section 13(4)(e) of the Local Government and Housing Act 1989. The Standards Advisory Committee (SAC) shall be chaired by an independent co-opted member.

Independent Co-opted members shall be appointed by full Council on the recommendation of the Monitoring Officer. The term of appointment shall be 4 years unless otherwise determined by Council. Co-opted members may serve as many terms of appointment as the Council considers appropriate.

#### **Note – Independent Persons**

The Council has appointed two statutory Independent Persons to assist in dealing with complaints of alleged breach of the Code of Conduct for Members under section 28(7) of the Localism Act 2011. They are not co-opted member of the SAC but may attend and observe any meeting of the Committee or a sub-committee established by it.

<b>Functions</b>	<b>Delegation of Functions</b>
Full details are set out in the Committee's Procedures in Part D of the Constitution, but in summary:  1. Promoting and maintaining high standards of conduct by the Mayor, councillors and co-opted members of the Council.	None

2. Advising the Council on the adoption or revision of the Code of Conduct for Members.
3. To monitor and advise the Council about the operation of the Code of Conduct for Members in light of best practice and changes in the law.
4. Advising, training or arranging to train the Mayor, councillors and co-opted members on matters relating to ethics and probity and the Code of Conduct.
5. To appoint sub-committees for the purpose of discharging any of the Committee's functions including the consideration and determination of complaints of breach of the code of Conduct for Members.
6. 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.
7. To deal with any reports from the Monitoring Officer on any matter relating to standards of conduct.
8. Other functions relating to the standards of conduct of members under any relevant statutory provision or otherwise.

**Quorum:** 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 independent co-opted member.

**Additional Information:**

- Constitution Part A, Section 11 (The Standards Advisory Committee and the Code of Conduct for Members)
- Constitution Part C, Section 31 (The Code of Conduct for Members)
- Constitution Part D, Section 53 (Standards Advisory Committee Procedures)

## **Appendix 2 – Membership**

### **Co-optees**

- John Pulford MBE
- Nafisa Adam
- Michael Houston
- Fiona Browne
- Denzil Johnson

### **Councillors:**

- Councillor Rajib Ahmed
- Councillor Mufeedah Bustin
- Councillor Rabina Khan
- Councillor James King
- Councillor Abdal Ullah

### **Substitutes**

- Councillor Denise Jones
- Councillor Puru Miah
- Councillor Marc Francis

### **Independent Persons**

- Elizabeth Marshall
- Rachael Tiffin

### **Appendix 3 – Dates of Meetings**

1. 1 July 2021
2. 30 September 2021
3. 25 November 2021
4. 10 February 2022