

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STANDARDS ADVISORY COMMITTEE

HELD AT 6.05 P.M. ON THURSDAY, 1 JULY 2021

**COMMITTEE ROOM ONE - TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present in Person:

Councillor James King

Co-opted Members Present in Person:

John Pulford MBE (Chair)
Denzil Johnson

Members In Attendance Virtually

Councillor Rajib Ahmed
Councillor Mufeedah Bustin
Councillor

Co-opted Members In Attendance Virtually

Fiona Browne (Vice-Chair)
Nafisa Adam

Observers:

Elizabeth Marshall MBE – Independent Person
Rachael Tiffen – Independent Person

Apologies:

Mike Houston (Co-Optee)
Councillor Rabina Khan (Member)
Councillor Abdal Ullah (Member)

Officers Present:

Janet Fasan – (Director of Legal & Monitoring Officer)
Jill Bayley – (Head of Legal Safeguarding)

Patricia Attawia – (Democratic Services Team Leader, Civic &
Members, Governance)

Matthew Mannion – (Head of Democratic Services, Governance)

1. ELECTION OF CHAIR FOR 2021-22

It was suggested by Nafisa Adam that John Pulford MBE be proposed as Chair and Fiona Browne as Vice-Chair. Committee Members indicated support for this and so it was formally Proposed by Councillor James King and Seconded by Denzil Johnson. With no other nominations it was:

RESOLVED

1. That John Pulford MBE be elected as Chair of the Standards Advisory Committee for the 2021-22 municipal year.

2. ELECTION OF VICE-CHAIR FOR 2021-22

It was suggested by Nafisa Adam that John Pulford MBE be proposed as Chair and Fiona Browne as Vice-Chair. Committee Members indicated support for this and so it was formally Proposed by Councillor James King and Seconded by Denzil Johnson. With no other nominations it was:

RESOLVED

1. That Fiona Browne be elected as Vice-Chair of the Standards Advisory Committee for the 2021-22 municipal year.

3. DECLARATIONS OF INTEREST

There were no Declarations of Disclosable Pecuniary Interests.

4. MINUTES OF THE PREVIOUS MEETING(S)

RESOLVED

1. That the minutes of the meeting held on 27 April 2021 be approved as a correct record of proceedings.

5. REPORTS FOR CONSIDERATION

5.1 Standards Advisory Committee - Terms of Reference

Matthew Mannion, Head of Democratic Services, introduced the regular noting report on the Committee's Terms of Reference, Membership and dates of meetings. He explained that it was usual practice for each Committee to note this information at its first meeting of the municipal year.

RESOLVED

1. That the report be noted.

5.2 Draft Standards Advisory Committee Annual Report

Janet Fasan, Director of Legal and Interim Monitoring Officer, introduced the report. Following first consideration of the draft annual report at its April meeting, the final draft was now presented to the Committee for approval to submit to Council.

The Committee discussed the report and noted the large amount of good work set out. The Chair highlighted that he would present the report to Council so Members of the Committee were welcome to request areas they would like him to focus on in his speech.

RESOLVED

1. That the Standards Advisory Committee Annual Report be approved and submitted to Council for their consideration.

5.3 New Member Code of Conduct - update report

Janet Fasan, Director of Legal and Interim Monitoring Officer, introduced the report on work to prepare a new Member Code of Conduct. She explained that the sub-group set up by the Committee had now met three times and had produced a nearly complete draft Code as set out in the agenda papers.

Paragraph 3.7 of the report sets out the most significant areas looked at by the sub-group including on gift declaration thresholds, expectations of public behaviour, dealing with bullying and on explaining different types of interest.

The Code was nearly ready to sign off for consultation with the political groups but it was proposed to hold off from this action until the Local Government Association had published their guidance on the new model Code (which was expected imminently) in case there was anything in there which needed to be considered.

It was also hoped that the guidance would include some examples and case studies which could then be added to the annexes to the Code. It was noted that if this wasn't the case then examples would be sought from elsewhere to incorporate into the Code.

The Committee discussed the draft Code and welcomed the work the sub-group had undertaken to improve the flow of the document and tidy up the last sections which needed work. A number of specific comments were also noted including:

- The hyperlinks in the document were useful and there may be more places they could be included such as linking to the Social Media Policy.
- In relation to the guidance on dealing with difficult members of the public, the Code was trying to tread the line between protecting Members whilst ensuring all residents could access Council services.

The Chair welcomed the report and thanked everyone for their hard work on developing the draft Code. He agreed that, subject to a review of the LGA guidance, it was appropriate now to move to the next stage. It was:

RESOLVED

1. To approve Draft Member Code of Conduct.
2. That the Council wait for the publication of the LGA Guidance before proceeding with the next steps.
3. That once the guidance had been published, and following consultation with the Chair of the Committee, the Monitoring Officer submit the Draft Code to the Political Groups for consultation and/or presents an update to the next Standards Advisory Committee meeting as appropriate.

5.4 Code of Conduct Complaint Monitoring

Janet Fasan, Director of Legal and Interim Monitoring Officer, introduced the six-monthly update on complaints received in relation to potential breaches of the Member Code of Conduct.

In particular, she highlighted those complaints received since the last report to the Committee in February. There had been six since that time, three of which were now closed. No serious issues had been raised, they were generally more about speed of responses or lack of information in responses to residents. The complaints had been discussed with the Independent Person but had not been considered serious enough to launch formal complaint procedures.

One complaint listed was not really a complaint against the Code and had instead been referred to the internal audit team to review in relation to potential fraud but no evidence was found by the audit team to suggest a detailed review was necessary and the case was closed.

A couple of cases were still open, including one regarding the potential use of abusive language, and updates on these would be included in the next report.

The Committee discussed the report and noted a number of issues including whether the Committee ever received examples of complaints and conclusion letters. It was agreed that this could be a useful discussion but that it would have to be part of the exempt/restricted part of the meeting. The Monitoring Officer agreed to consider this item for a future meeting of the Committee.

RESOLVED

1. That the report be noted.

5.5 Member attendance update 2020/21

Matthew Mannion, Head of Democratic Services, introduced the yearly Member Attendance information report. This set out Councillor and Co-optee attendance at formal Council Committees. He noted that attendance was generally very good and averaged over 90%. There had also been a near 10% increase in attendance since the previous year and it was thought this was at least in part due to the greater accessibility offered through virtual committee meetings.

The Committee discussed the report and noted a number of issues including:

- That the Council had responded to the Government's consultation on expanding the ability of Council's to hold virtual committee meetings.
- Currently, the 1972 Local Government Act currently prevented the Council from holding virtual meetings.
- That the group whip was aware of the lower attendance levels for some Members and that the Committee agreed it would like to highlight its own concerns where there were lower attendance levels.
- In respect of co-optees it was noted that there was no specific 'whip' but that it would be worth exploring what rules could be enforced around attendance at meetings. It was agreed to explore this idea.

RESOLVED

1. That the report be noted.
2. That officers write to the Chief Whip making him aware of their concern where lower attendance levels were noted by Councillors.

5.6 Register of Gifts and Hospitality - Quarterly Update

Matthew Mannion, Head of Democratic Services, introduced the quarterly update report on declarations of gifts and hospitality. He highlighted that there were no declarations of interest made in the period of the report up to when the agenda was published but that one declaration had been made since then from Cllr Gabriella Salva-Macallan who had declined £30 tickets for a vegan summer feast.

He also noted that the team were currently undertaking the 6-monthly check with Members on whether they had any updates to their registers or any gifts and hospitality to declare. All Councillors had now responded. There were a couple of declarations outstanding from Co-opted Members and these were still being chased up.

RESOLVED

1. That the report be noted.

5.7 Dispensations under Section 33 of the Localism Act 2011

Matthew Mannion, Head of Democratic Services, introduced the six-monthly update report on the granting of dispensations under Section 33 of the Localism Act 2011. He reported that there were no new dispensations to note so in effect this was a 'nil return' report.

RESOLVED

1. That the report be noted.

5.8 Governance at Council owned bodies

Matthew Mannion, Head of Democratic Services, introduced the report. He explained that this report set out in writing the verbal update he had provided at the last meeting in relation to the Committee on Standards in Public (CSPL) recommendation that the Council report on any bodies it owned in its Annual Governance Statement and that those bodies should transparently report on their activities including through publishing board information and annual reports.

It was noted that the Annual Governance Statement included information on all the relevant bodies and that Tower Hamlets Homes met the requirements for operating transparently. All the other bodies were covered in a governance review and the officers undertaking the review had been made aware of the requirements of the CSPL recommendation. The Committee will receive a further update report once this review has progressed.

RESOLVED

1. That the report be noted.

5.9 Co-opted Member Appointments

Matthew Mannion, Head of Democratic Services, introduced the report. He explained that this was a noting report to formally inform the Committee that, as the terms of office of four co-optees were due to expire shortly, and that as they had all expressed a desire to continue on the committee, a report would be presented to an upcoming meeting of Council asking it to agree to appoint the four members to a new four-year term of office.

The four co-optees were:

- John Pulford MBE
- Nafisa Adam
- Fiona Browne
- Mike Houston

RESOLVED

1. That the report be noted.

6. WORK PLAN

The Committee examined their workplan including noting:

- The update on Member Enquiries may come to a different meeting depending on when officers concluded their consultation process being led by the General Purposes Committee.
- The action around governance risks could be removed as this related to the circulation of the audit committee workplan which had been actioned.

7. FEEDBACK FROM THE INDEPENDENT PERSON

Note – the Chair agreed to take this item after Agenda Item 5.5 (Member Attendance Update 2021-22). For clarity the minutes are set out in the order the items appeared on the agenda.

Elizabeth Marshall had been the Council's Independent Person since 2013. This was to be her last meeting before her term of office expired. The Chair therefore invited her to address the Committee to provide reflections on her time as Independent Person.

Elizabeth Marshall then addressed the Committee. She highlighted that she had been involved in Standards for around 15 years right back to being a director of the former statutory Standards Board for England. The Board had a big role in changing the culture at Local Authorities and expectations around Councillors. Following the abolition of the Standards Board, the Council had set up its own Standards Advisory Committee and, as required, set up the role of the Independent Person which she had taken on at Tower Hamlets in 2013.

In the early days there were many trivial and vexatious complaints being submitted but the system had improved enormously since then. It was now on a good, settled setup with a good understanding amongst Members of their duties around standards. The new Code that the Committee were developing would further embed this new culture.

One point she thought the Committee should consider was whether it should on occasion initiate its own investigations in certain circumstances.

She thanked everyone for a very interesting time working with the Committee, Members and officers. She felt that standards were now safe under the monitoring of this committee.

The Committee spoke to thank Elizabeth for her work, insight and support to the authority and Members over these years and wished her well in future.

8. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

The Chair noted that he had not yet been given a date to meet with the Chief Executive to discuss his concerns around the senior leadership reorganisation.

The Monitoring Officer noted that Mark Norman, a long-standing Deputy Monitoring Officer was retiring and so Jill Bayley and Agnes Adrian were stepping into the Deputy Monitoring Officer role and would be supporting the Committee in the future.

The Committee wished Mark Norman well in his retirement.

9. EXCLUSION OF THE PRESS AND PUBLIC

Nil items.

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

Nil items.

The meeting ended at 7.15 p.m.

Chair,
Standards Advisory Committee