

**London Borough of Tower Hamlets**  
**Standards Advisory Committee - Annual Report to Council**  
**Year May 2021 to May 2022**

**Introduction**

1. This is the regular Annual Report of the Advisory Committee. It sets out the key issues dealt with by the Committee during the past municipal year and identifies the priorities for 2022/23.

**Membership**

2. During the municipal year 2021/22 the Committee comprised 5 elected members and 5 independent co-opted members. The Council's Constitution provides that an independent co-opted member be appointed Chair of the Committee.

Elected Members:

- Cllr. Rajib Ahmed
- Cllr. Mufeedah Bustin
- Cllr. Rabina Khan
- Cllr. James King
- Cllr. Abdal Ullah

Independent Co-opted Members

- John Pulford MBE (Chair)
- Fiona Browne (Vice Chair)
- Nafisa Adam
- Mike Houston
- Denzil Johnson

**Independent Persons**

3. The Council has appointed two statutory Independent Persons (IPs) under the Localism Act 2011. Ms Rachael Tiffen was appointed in June 2018 and her term of office expired on 16 January 2022. Ms Elizabeth Hall's term of office expired in September 2021 and a new IP, Amanda Orchard, has been appointed. Both Ms Tiffen and Ms Orchard were appointed as IP at Council

on 19 January 2022. Ms Tiffen's second term of office and Ms Orchard's first term of office both started on 20 January 2022 and last until 20 January 2026.

4. The principal role of the IP is to give an independent view on governance issues in general and specifically in relation to alleged breaches of the Code of Conduct for Members. Both IP's work closely the Monitoring Officer and her Deputies, considering all complaints and whether an alleged breach of the Code meets the criteria for investigation.
5. It is also a statutory requirement to consult the IP before deciding on the outcome of an investigation into a complaint and whether to impose any sanction. The Member complained about may also at any stage of the process seek a view from the IP. In order to avoid any conflict of interest the Council has appointed two IPs.
6. The Council is fortunate to have appointed IPs with a sound understanding of the ethical framework who both act as advocates for the Council in promoting ethical standards and of high standards of conduct. Although not members of the Standards Advisory Committee, they attend meetings and play an important role in the proceedings. Both IPs also contribute to and participate in the Council's mandatory Ethics & Probity training programme. In this report I would like to acknowledge the continuing invaluable work and support of Rachael Tiffen, to thank Elizabeth Hall for her much-appreciated work and support during her 8.5 year period of office, and to welcome Amanda Orchard.

## **Officers**

7. The Committee's lead officers were:
  - Janet Fasan – Director, Legal Services and Monitoring Officer
  - Matthew Mannion – Head of Democratic Services
  - Agnes Adrien – Head of Litigation and Deputy Monitoring Officer (from June 2021)
  - Jill Bayley, Head of Safeguarding and Deputy Monitoring Officer (from June 2021)
  - Mark Norman (former Legal Adviser and Deputy Monitoring Officer) retired in May 2021 and the Committee is grateful to him for his work over many years.

## **Terms of Reference**

8. The current terms of reference for the Standards Advisory Committee are contained in Part B Section 19 of the Constitution, with the Committee's procedures set out in Part D. These are attached as Appendix A to this report.

## Meetings

9. The Standards Advisory Committee held four meetings during the 2022/22 municipal period on the following dates:
  - 1 July 2021
  - 30 September 2021
  - 25 November 2021
  - 10 February 2022
10. Due to the pandemic, the Committee met in hybrid format with a quorum meeting physically and other members attending virtually. This system worked well, allowing for flexibility and it is likely that the committee will continue in this way after the pandemic has ceased.

## Standards Advisory Committee Work Programme 2021/22

11. The Committee agreed a work programme at the first meeting of the municipal period on 1 July 2021. It was updated throughout the year. The key areas of business considered during the year are listed below.

## Code of Conduct for Members – Complaint Monitoring:

12. The Committee received bi-annual monitoring reports on complaints of alleged breach of the Code of Conduct for Members. There were 7 complaints from May 2021 to May 2022.
13. The seven complaints were made by members of the public. None were received from Members. Three complaints were closed without investigation after consultation with the IP. Four complaints are currently subject to initial investigation by the MO and IP. Following consultation with the Independent Person how many? complaint has been referred for investigation.
14. The Committee continues to monitor whether there are lessons to take from complaints monitoring. The Committee continues to monitor remedial actions and that outcomes are reported to the complainant, to give assurance that maintaining ethical standards is given full organisational support.

## Dispensations:

15. The Committee received bi-annual reports on dispensations granted by the Monitoring Officer under section 33 of the Localism Act 2011 in respect of disclosable pecuniary interests (DPI's). There is a continuing General Dispensation to all Members to be present, speak and vote where they would otherwise have a DPI in the following matters:

(a) Housing: where the Councillor (or spouse or partner) holds a tenancy or lease with the Council if the matter does not relate to the particular tenancy or lease of the Councillor (their spouse or partner).

(b) Council Tax: setting the council tax and related matters including setting precepts and agreeing council tax reduction schemes; and

(c) Determining an allowance, travelling expense, payment or indemnity for Councillors. This includes discussions of issues relating to officer pay which could have consequential impacts on Member Allowances.

16. A specific dispensation may also be granted where the Monitoring Officer is satisfied that:

(a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;

(b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;

(c) granting the dispensation is in the interests of persons living in the authority's area; or

(d) it is otherwise appropriate to grant a dispensation.

Any grant of a dispensation must specify the duration of the dispensation up to a maximum of 4 years. The regular reporting to the Standards Advisory Committee allows Members to maintain oversight of any specific dispensations that are granted.

### **Gifts & Hospitality:**

17. The Committee received quarterly reports on the requirement contained in the Code of Conduct to register gifts and hospitality received or declined with an estimated value of £25 or above.

18. In total **16 to November meeting** declarations were made within the reporting periods of the July 2021, September 2021, November 2021 and February 2022 meetings. This was a very low total. However, it was considered that the Covid-19 pandemic restrictions were the main reason for this, as most events were cancelled for the year and so offers of hospitality were not being received. It is noticeable that the number of declarations increased at the November 2021 meeting when restrictions were beginning to ease.

19. During the year the Committee also monitored the speed of the declarations made, taking interest in whether declarations were made within the 28-day deadline. The Committee were pleased to note that none of the 16 declarations were made after the deadline.

20. The Committee pay particular attention to any large donations received. The Committee would encourage all large gifts to be donated to the Speaker's Charity.
21. The Committee noted that acceptance of gifts and hospitality by councillors is not merely an administrative issue. Acceptance can impact on Member reputation and on the Council as a whole. Members need to show they are acting in the public interest and do not gain personally from receiving gifts.
22. The Register of Interests update form now includes a 'Nil Return' field in relation to Gifts and Hospitalities. This additional field allows Members to actively confirm each time they update their Register that they have declared all relevant gifts and hospitality. This helps mitigate any concerns that a Member had missed any declarations. The Committee will continue to monitor this issue and will receive quarterly update reports.

### **Member Attendance**

23. The Committee meeting in July 2021 received the annual report on Councillor and Co-optee attendance at Council and Committee meetings. The report set out how attendance was recorded and provided details of attendance at meetings by the Mayor, Councillors and Co-optees. It was noted that attendance was generally very good, averaging over 90%. It was noted that attendance had been 10% higher than the previous year, possibly connected to the meetings being held virtually over the pandemic period.
24. It was noted that the Local Government Act 1972 currently forbids the holding of virtual council meetings.
25. It was noted that some Members had lower attendance levels and it was agreed that officers would write to the Chief Whip where there were concerns about the level of attendance.

### **New Model Code of Conduct**

26. As reported in the last Annual Report, in May 2021, the Committee had provided feedback to the Local Government Association (LGA) on its draft Model Code of Conduct.
27. Following publication by the LGA of their new Model Code of Conduct in January 2021 the Committee established a working group to review the Council's Code.
28. The working group were pleased to note that the guidance in the new Model Code generally matched the guidance of the existing Council Code, but it was felt the language and style used were clearer and more accessible and so there was value in basing the Council's new Code on the Model Code.

29. The Committee monitored the progress of the working group throughout the project and agreed with a number of changes to the Model Code to better reflect local priorities, such as maintaining the £25 threshold for the declaration of gifts and hospitality (rather than increasing it to £50).
30. Once the draft Code was completed, the Committee meeting in July 2021 agreed the final draft, which was checked against the final guidance issued by the LGA. This was then circulated to the political groups for feedback. The comments received were limited but generally positive. The Committee approved the new Code of Conduct at the meeting on 30 September 2021 and forwarded it to the Council for adoption.
31. The Code was adopted by the Council on 17 November 2021 and will be in force from the May 2022.
32. The Committee is grateful to the working group for its work on the new Code and welcomes its adoption. Full training will be provided to all Members on the new Code as part of the Member Induction programme after the elections.

#### **Member / Officer Relations Protocol**

33. The Committee agreed at the meeting on 30 September 2021 that the Member / Officer Relations Protocol (the Protocol) should be updated. This Protocol is closely linked to the Code of Conduct (the Code) and, as the Code has been updated, the Protocol should be refreshed to reflect changes.
34. At the Committee meeting in September the Monitoring Officer agreed to set up a working group to consider the Protocol. This work is ongoing. **NB more will be added in the final version.**

#### **Member Learning and Development Programme:**

35. The September meeting of the Committee received the regular yearly report providing an update on the Member Learning and Development Programme listing events that had taken place during the year to that date.
36. The Committee saw that the effect of the Covid-19 pandemic had continued, with much training moving online. It was noted that online training was generally popular with Members and that attendance at virtual sessions was generally higher than for physical sessions, as it allowed Members more flexibility in managing their busy diaries. Sessions had taken place on a number of topics including Local Government Finance, Social Media Policy and Information Governance.
37. Member Briefings were held on topics including Member / Officer Relations and Code of Conduct, Analysis of Safeguarding Adults Review and Update on the Council's Leasehold Portfolio.

38. It was noted that the Member Induction programme planning had started, and that Members would be consulted on the induction, which they had found particularly useful (see below).

### **Member Induction**

39. The Committee meeting in November 2021 considered a report on planning for induction of Members following the election in May 2022. It was noted that Member induction after the election in May 2018 had generally been well received, and feedback from Members would be used to inform planning for induction after the 2022 election.
40. It was noted that, while some of the induction process would need to be conducted face to face, many of the training and information sessions could be undertaken remotely. It was noted that remote training had proved popular with Members and it was expected that this would be a more efficient method of providing training as it would give members flexibility with their busy schedules.
41. A cross-directorate group of officers was working on the details of the programme, which was due to be approved by the General Purposes Committee at its January 2022 meeting. [Note can add more after Feb SAC meeting]

### **Effectiveness of the Standards Advisory Committee**

42. The Committee meeting in November 2021 considered a report on the effectiveness of the Standards Advisory Committee. A survey of Members had been undertaken in November 2021. Although the number of responses was limited, they indicated that they felt the role of the Committee was understood and that the Committee was effective. Members did not appear to feel the need for change at this stage.

### **Standards Advisory Committee Work Planning for 2022-23**

43. The Committee intends to undertake a substantial work programme during 2022-23, including looking at the following items.
- Bi-annual monitoring of complaints of alleged breach of the Code of Conduct for Members.
  - Quarterly monitoring of gifts and hospitality registered.
  - Bi-annual reports on DPI dispensations.
  - Review of the Member / Officer Relations Protocol.
  - Members' training programme including a review of the Member Induction programme planned for after the May 2022 elections, taking into account feedback from Members.

- Review of the Committee's Terms of Reference and procedures.
- Monitoring of DPIs, including considerations about disclosure of Members' personal addresses and their personal safety
- News on ethics matters elsewhere including areas such as good practice, case law, ombudsman and quasi-judicial proceedings and similar.
- Members' attendance at meetings.
- Annual report to Council.
- Annual review of the Member Code of Conduct

44. The 2022/23 work programme aims to continue to embed behaviours that support the seven principles in public life described in the Nolan report, by encouraging Members to apply ethical standards in their day-to-day duties and to look at how these should influence their approach to discharging their responsibilities in their individual and collective capacities.

### **Conclusion**

45. As Chair of the Committee I wish to thank my fellow committee members, the Independent Persons and the Monitoring Officer for their contributions to the Committee's business and their commitment to promoting and maintaining high standards of ethical conduct across the Council. I also wish to thank the officers of the Council for their work in supporting the Committee during the year.

46. I would particularly like to highlight how important it is that the Council has such dedicated co-opted Members who are active contributors to the Committee's discussions and have demonstrated commitment to the role of Standards in the authority. The involvement of co-opted Members should be considered as 'good governance'. We are ahead of many local authorities in this area.

John Pulford MBE

Independent Chair