

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 (resigned May 2022)
- Mike Houston
- Denzil Johnson (resigned March 2022)

Recruitment will be taking place for these vacancies.

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 and 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. The Terms of Reference are attached as Appendix A to this report, and the Procedures are attached as Appendix B.

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 11 complaints from May 2021 to May 2022.
13. All 11 complaints were made by members of the public and none by local councillors. Eight complaints were closed without investigation after consultation with the IP. Three complaints are currently subject to initial investigation by the MO and IP.
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 26 declarations were made within the reporting periods of the July 2021, September 2021, November 2021 and February 2022 meetings. The breakdown for each period is as follows: July 2021 - 1, September 2021 – 2, November 2021 – 13, February 2022 – 10. 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. Seven declarations were made after the deadline, all during the reporting period of the February 2022 meeting.

20. During the year the Committee paid 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 annual report setting out Member 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 over 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 of any Councillor.

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 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 hospitalities (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 has started and is ongoing.

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 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. A detailed programme of induction for new Members was produced, which was put into place immediately after the election.

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. The programme will be considered at the Committee's meeting in June 2022 and may therefore change.
 - 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

Appendix A

Terms of Reference of the Standards Advisory Committee

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.

Functions	Delegation of Functions
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	None

members of the Council.

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.
9. Report to the Council on the work of the Committee and any other matters as appropriate

• **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 B

Procedures

Standards Advisory Committee Procedures

1. Composition

1.1 The Standards Advisory Committee shall be comprised of 5 Members of the Council (not including the Mayor or more than 1 Cabinet Member) and each political group may appoint up to 3 substitutes, appointed by the Council in accordance with the requirements of political proportionality; and up to 7 persons who are not Members or officers of the Council or any other relevant authority (i.e. Co-opted members).

1.2 The Co-opted member(s) 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 shall be chaired by a Co-opted member.

1.3 The Committee shall establish Hearings and other Sub-Committees in accordance with its terms of reference and these procedures.

2. Appointment of Co-Opted Members

2.1 A person may not be appointed as a Co-opted member of the Standards Advisory Committee or one of its sub-committees unless the appointment is approved by Full Council. The term of appointment shall be for 4 years unless otherwise determined by Council or the Co-optee does not continue to fulfil any required conditions as may be determined by the Authority from time to time. Co-opted members may serve as many terms of appointment as the Council considers appropriate.

3. Roles and Functions

3.1 The Standards Advisory Committee has the following roles:

(a) To recommend to the Monitoring Officer whether or not any complaint of a breach by the Mayor, a Councillor or a co-opted member of the Members Code of Conduct should be referred for investigation by the Monitoring Officer or an investigator appointed by the Monitoring Officer; and where a complaint has been subject to such investigation, to recommend whether or not the complaint should proceed to hearing. Where the Monitoring Officer considers that a complaint should not be subject to investigation or should not proceed to hearing, they shall convene an Investigation and Disciplinary Sub-Committee of the Standards Advisory Committee comprising at least 3 different Members of the Standards Advisory Committee (comprising 2 of the co-opted members and 1 Councillor) which shall make the final decision on the matter;

(b) To receive regular quarterly reports from the Monitoring Officer on the numbers of complaints of the Code received, the decisions taken by the Monitoring Officer (in consultation with the Independent Person) on such complaints and investigation outcomes where the investigation determines there was no evidence of a failure to comply with the code or where the investigation outcome recommends a local resolution;

(c) To convene a Hearings Sub-Committee of 3 Members of the Standards Advisory Committee comprising 2 of the co-opted members and 1 Councillor to consider any matter where the investigation finds evidence of a failure to comply with the Code and a local resolution is not possible or appropriate;

(d) To make such recommendations to Council in respect of the matter as the Hearings Sub-Committee considers appropriate as a result of any matter referred including;

(i) Reporting its findings to Council for information;

(ii) Recommending to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) removal from any or all Committees or Sub-Committees of the Council;

(iii) Recommending to the Mayor removal from the Executive, or from particular Portfolio responsibilities;

(iv) Recommending the Monitoring Officer arrange training for the member;

(v) Recommending removal from outside appointments to which they have been appointed or nominated;

(vi) Recommending withdrawing facilities provided to the member by the Council, such as a computer, website and/or email and Internet access;

(vii) Recommending excluding the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Executive Committee and Sub-Committee meetings;

(viii) Recommending the Member to contact the Council via specified point(s) of contact;

(e) To convene a Hearings (Appeal) Sub-Committee of at least three different Members of the Standards Advisory Committee (comprising 2 of the co-opted members and 1 Councillor) to consider any appeal against a finding of, or sanction recommended by, the Hearings Sub-Committee;

(f) To receive reports on compliance with any recommendation(s) made for sanctions to be applied in respect of any member;

(g) Promoting and maintaining high standards of conduct by the Mayor, Members of the Council, co-opted members including church and parent governor representatives and where the Committee considers that there may be issues of

concern recommending that the Monitoring Officer considers and reports on the issues raised;

(h) Assisting the Mayor, Members of the Council, co-opted members including church and other faiths and parent governor representatives to observe the Council's Code of Conduct for Members;

(i) Advising the Council on the adoption or revision of the Code of Conduct for Members;

(j) Monitoring the operation of the Code of Conduct for Members;

(k) Advising, training or arranging to train the Mayor, Members of the Council and co-opted members including church and other faiths and parent governor representatives on matters relating to the Code of Conduct for Members;

(l) To act as an advisory body in respect of any matters referred to the Standards Committee by the Local Strategic Partnership (LSP) or Community Forums in respect of probity issues arising out of the codes and protocols applicable to relevant members of the LSP and Community Forums as set out in the Community Forum handbook and as may be amended from time to time;

(m) To advise on allegations of Member breaches of the Protocols set out in the constitution as may be referred to the Committee by the Monitoring Officer and to make recommendations with regard to such allegations as maybe so referred;

(n) Advising on local protocols for both Officer and Member governance;

(o) To monitor and review Member and Officer Procedures for registering interests and declaring gifts and hospitality;

(p) To receive periodic reports on the Council's Ethical Governance arrangements, on whistle blowing arrangements and complaints; and

(q) 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.

4. Validity of proceedings

4.1 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 co-opted member.

4.2 Part VA of the Local Government Act 1972 applies in relation to meetings of the Standards Advisory Committee or its Sub-Committees as it applies to meetings of the Council.

5. Hearings Sub-Committee and Hearings (Appeal) Sub-Committee

5.1 Any Hearings Sub-Committee or Hearings (Appeal) Sub-Committee shall comprise a minimum of three Members of the Standards Advisory Committee at least two of whom shall be co-opted members.

5.2 The Hearings Sub-Committee shall consider complaints referred to it that the Mayor, an elected or co-opted Member of the Council may have failed to comply with the Council's Code of Conduct for Members or local protocol where the complaint has been subject to an investigation arranged by the Monitoring Officer and shall make recommendations accordingly. The Hearings Sub-Committee shall decide at the outset of the meeting whether it is in the public interest that the Hearing is held in a public or private session in accordance with relevant statutory guidance as advised by the Monitoring Officer.

5.3 The membership of the Hearings (Appeal) Sub-Committee shall not include any member who served on the Hearings Sub-Committee that considered the same complaint.

5.4 The Independent Person, or if that person is unable to act a reserve Independent Person, shall have the right to attend all meetings of the Hearings Sub-Committee or Hearings (Appeal) Sub-Committee as an observer but may not vote or participate in the decision making.

6. Attendance Requirements

6.1 In the event that any Member of the Committee does not attend three or more consecutive meetings of the Committee, the Committee may draw the attention of the Council to such non-attendance and may recommend that the member concerned be replaced on the Committee.

6.2 The Committee shall not do so without first giving the absent Member an opportunity to make representations (which may be made in writing) as to their non-attendance and any matters they wish the Committee to take into account.

7. Procedures

7.1 The Committee shall maintain these procedures to enable it to discharge the arrangements under its Terms of Reference.

8. Confidentiality

8.1 The Committee and any of its Sub-Committees may meet in private in accordance with the 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.

