

London Borough of Tower Hamlets
Standards Advisory Committee - Annual Report to Council
Year May 2023 to May 2024

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 2024/5.

Membership

2. During the municipal year 2023/24 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. Sirajul Islam
- Cllr. Shafi Ahmed
- Cllr. Amin Rahman
- Cllr. Abu Chowdhury
- Cllr. Sabina Akhtar

Independent Co-opted Members

- John Pulford MBE (Chair)
- Fiona Browne (Vice Chair)
- Elizabeth Marshall MBE
- Mike Houston
- Faham Sinan-Katamba (appointed 27 September 2024)

Independent Persons

3. The Council has appointed two statutory Independent Persons (IPs) under the Localism Act 2011. The IPs are Ms Rachael Tiffen and Ms Amanda Orchard. Both were appointed to their current term of office 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.

Officers

7. The Committee's lead officers were:
 - Janet Fasan – Director, Legal Services and Monitoring Officer (to February 2024)
 - Linda Walker – Interim Director of Legal and Monitoring Officer (from February 2024)
 - Matthew Mannion – Head of Democratic Services and (from February 2024) Deputy Monitoring Officer
 - Jill Bayley - Head of Safeguarding and Deputy Monitoring Officer
 - Agnes Adrien – Head of Litigation and Deputy Monitoring Officer (to August 2023)

Terms of Reference

8. The current terms of reference for the Standards Advisory Committee are contained in Part B Section 19.18 of the Constitution, with the Committee's procedures set out in Part D. The terms of reference and procedures are attached as Appendix A to this report.

Meetings

9. The Standards Advisory Committee held four meetings during the 2023/24 municipal period on the following dates:
 - 22 June 2023

- 21 September 2023
 - 7 December 2023
 - A meeting was due to be held on 16 April 2024 but this had to be postponed and took place on 26 June 2024 and will therefore be reported on through the next annual report.
10. The Committee met in Committee Room 1 at the Town Hall with Members attending physically, although where attendance was not possible due to any specific urgent issues, Members were able to join virtually, providing a quorum attended physically.

Standards Advisory Committee Work Programme 2023/24

11. The Committee agreed a work programme at the first meeting of the municipal period on 22 June 2023. 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 eleven complaints from May 2023 to May 2024.
13. Ten complaints were made by members of the public and one by an officer. Eight complaints were closed without investigation after consultation with the IP. One complaint is currently with the Monitoring Officer for a decision after full investigation. Two complaints are awaiting an initial response from the relevant Member. In addition, two complaints from the previous municipal year (2022/23) carried over into the year 2023/24. Both went to full investigation. In one, there was a finding that the Member was not acting as a Member at the time of the alleged incident. In this case, the complainant referred the matter to the Local Government and Social Care Ombudsman because of delays. The other matter has been closed after investigation with a finding of insufficient evidence to show that the Code of Conduct had been breached.
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).

The meeting on 22 June 2023 noted that the Monitoring Officer had granted a continuing General Dispensation to all Members for their current four-year term 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 or a precept;
- (c) Determining an allowance, travelling expense, payment or indemnity for Councillors;
- (d) Council Officer pay where this 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.

17. A specific Dispensation has been granted to specific Councillors, lasting for that Full Council meeting only, on one occasion during this municipal year.

18. A specific Dispensation was granted to specific Councillors for Full Council on 27 September 2023 for an Agenda Item regarding social housing in the borough. Two Councillors declared that they were Board Members of a relevant body. Six Councillors declared that they were tenants or leaseholders of a relevant body. One Councillor declared that a relative was a tenant or leaseholder of a relevant body. The Dispensation lasted for the Full Council meeting on 27 September 2023 only. The decision to grant the dispensation was made due to the significant number of Members who had a DPI because they had close connections to one of the relevant bodies:

- a) the representation of different political groups on the body conducting the business would be so upset as to alter the outcome of the vote on the matter; and
- b) Granting the dispensation would be in the interests of persons living within the authority's area; and
- c) The number of DPIs in the matter would impede the transaction of the business.

Gifts & Hospitality:

19. 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.
20. In total 9 declarations were made within the reporting periods of the June 2023, September 2023, and December 2023 meetings.
21. 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 noted that one of the 9 declarations were made after the deadline and noted the reasons for the delay.
22. The Committee pays particular attention to any large donations received. The Committee would encourage all large gifts to be donated to the Speaker's Charity.
23. 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.
24. The Committee received quarterly reports on the Register of Interests and noted that reminders were sent out to Members quarterly to update their Register of Interests.

Member Attendance

25. The Committee meeting in June 2023 received the annual report on Councillor and Co-optee attendance during the municipal year 2023-2024 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.
26. It was noted that the Local Government Act 1972 currently forbids the holding of virtual council meetings. During the 2023-24 municipal year, council and committee meetings were held in a hybrid format. This allows members of committees to participate remotely in a committee meeting. However they do not count as present for quorum requirements and cannot vote.

Terms of Reference

27. At the meeting in June 2023 the Committee considered a report on the Committee's Terms of Reference. The existing Terms of Reference were agreed.

Member / Officer Relations Protocol

28. The updated Member / Officer Relations Protocol (the Protocol) was considered at the meeting in June 2023. It is closely connected to the Code of Conduct (the Code) and the Committee had agreed that, as the Code has been updated, the Protocol should be refreshed to reflect changes. The comments of Committee members were taken into account in the updated version.
29. The updated Protocol was approved at full Council on 15 November 2023.

Examples of Code of Conduct complaints from other Authorities

30. At the meeting on 21 September 2023 the Committee considered a report on Code of Conduct complaints from other Authorities, which included examples of complaints. The Committee noted the examples given.

Member Learning and Development Programme and the LGA Charter Mark

31. The December 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 since January 2023.
32. The report included details of member attendance at training.
33. In December 2022 a survey of members provided suggestions for training during the following year, which formed the basis for training during the year. The training provided covered Public Speaking, Chairing Skills, Managing Casework / Resident Issues, Community Leadership / Influencing / Engagement Skills, Dealing with abuse and intimidation, Computer Skills and Effective Scrutiny.
34. In addition to the training set out above, Members were encouraged to attend training provided by external providers such as the LGA.
35. In addition to the training provided for Members, get-togethers for Co-Optees took place on two occasions during 2023/4. The sessions focused on Ethics and Probity and gave the attendees a chance to network. Feedback from these sessions was positive.37. The Committee also received a separate report on the Council's plans to work towards achieving the LGA's Member Development Charter. Key benefits of achieving the Charter Mark (as stated by the LGA) include:
 - Councillor development needs are better understood and supported.
 - Demonstrates the value placed on councillors carrying out important, demanding and complex roles.
 - Councillors are more knowledgeable, skilled and effective.
 - Strengthens relationships with officers, residents and partners.

36. To support the work, the Council has established a Member Learning and Development Steering Group to oversee the project as well as Member Learning and Development more widely.
37. Achieving the Charter Mark will require the Council to demonstrate the effectiveness of its Member Training Programme to external assessors. It will also require the Council to undertake related work such as running a 'Be a Councillor' campaign in conjunction with the LGA's own work in that area. Support for young people such as through the Young Mayor programme will 38. The report set out that a key aim of the project was to develop a much more personalised training programme. General training for all councillors on issues such as Ethics and Probity or Committee Specific training are important but it is also vital to focus on the unique needs of each individual Councillor. To that end, Individual Member Training Budgets were being developed and these, linked to new Role Profiles and Personal Development Plans, would help guide provision of training options for all interested Councillors.
38. The report noted that Member Learning and Development had a £15k budget to support the training programme. However, the Committee are pleased to see that this has since been increased (at Budget Council) to £60k to better support Individual Member Training Budgets.
39. The Committee welcomed the project and asked that it be kept up to date on its progress and that it be brought in to discuss the work when appropriate.
40. For 2024/25 it was expected that individualised training developed as part of the Charter Mark project would be key as well as any priorities identified through the LGA Corporate Peer Challenge (whose final report was expected shortly).
41. A further event which had been identified was a repeat of the 'Speed Dating' evening which was one of the key sessions from the Member Induction Programme in 2022.
42. This will allow small groups of Members to meet key officers within each Directorate's Leadership Team and discuss priority issues within directorates.

Annual review of the Code of Conduct

43. This will be considered at the meeting in May 2024 and will be reported on in the next Annual Report.

Standards Advisory Committee Work Planning for 2024-25

44. The Committee intends to undertake a substantial work programme during 2024-25, 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 Constitution
 - Members' training programme
 - Review of the Committee's Terms of Reference and procedures
 - Monitoring of DPIs
 - 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
 - Best practice guidance from the LGA for standards committees
45. The 2024/25 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

46. 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.
47. 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