

Non-Executive Report of the:  <b>COUNCIL</b>  21 September 2016	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Melanie Clay, Corporate Director, Law, Probity and Governance	<b>Classification:</b> Unrestricted
<b>ANNUAL REPORT TO THE COUNCIL BY THE INDEPENDENT PERSON</b>	

<b>Originating Officer(s)</b>	Matthew Mannion, Committee Services Manager (Cover) Elizabeth Hall, Independent Person (Main Report)
<b>Wards affected</b>	All wards

### Summary

An Independent Person is appointed by the Council in accordance with the provisions of the Localism Act 2011 to undertake duties in connection with the consideration of any complaints of a breach of the Members' Code of Conduct by the Mayor, a Member or Co-opted Member of the Council.

The Annual Report of the Independent Person to the Council for 2015/16, prepared in July 2016, is attached at Appendix A.

### Recommendations:

The Council is recommended to:

1. Note the report.

## **1. DETAILS OF REPORT**

- 1.1 Under the Localism Act 2011, the Council must promote and maintain high standards of conduct by Members and Co-opted Members of the authority, including adopting a Code of Conduct for Members and arrangements for dealing with any allegation that a Member or Co-opted Member has breached the Code.
- 1.2 In accordance with the requirements of the 2011 Act, these arrangements include the appointment of an Independent Person to advise on breaches of the Member Code of Conduct. The Independent Person will:
  - Be available for consultation if an allegation of breach of the Members' Code of Conduct is received by the Council.
  - Liaise as necessary with the Council's Monitoring Officer to consider complaints against Members and offer his/her impartial views on the case, including any investigations undertaken.
  - Advise the Council prior to any decision to investigate an allegation or complaint relating to whether a Member has failed to comply with the Code of Conduct.
  - Attend meeting of the Standards Advisory Committee and/or its sub-committees as required
  - Contribute to any review of the operation of the standards arrangements and complaints procedure established by the Council under the provisions of the Localism Act 2011.
- 1.3 The Independent Person may be consulted by the Council's Monitoring Officer in respect of an allegation against a Member in other circumstances; and/or be consulted by a Member or Co-opted Member of the Council against whom an allegation or complaint has been made. The views of the Independent Person will be considered by the Standards Advisory Committee, who are responsible for recommending on the outcome of any complaints and any remedial action.
- 1.4 Elizabeth Hall was appointed as Tower Hamlets' Independent Person at the Council meeting on 26<sup>th</sup> June 2013, for a term of office of three years
- 1.5 This appointment was subsequently increased by two years at Council on 20 July 2016. Her term of office is now set to expire on 24 June 2018. Ms Hall's Annual Report for the municipal year 2015/16 is attached at Appendix 'A' for the Council's consideration.
- 1.6 Members are also asked to note that a revised Code of Conduct for Members and revised complaint handling arrangements have now been considered and agreed by the Governance Review Working Group and a further report will be submitted to the Standards (Advisory) Committee meeting on Thursday 22 September 2016 before the proposals are brought to full Council.

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

- 2.1 There are no direct financial implications arising from this report. The Independent Person receives remuneration in accordance with the arrangements agreed by the Council on 26th June 2013, for which budget provision exists within the Law, Probity and Governance Directorate budget.

## **3. LEGAL COMMENTS**

- 3.1 The Localism Act 2011 introduced new arrangements to govern the Standards of Conduct for local authority members and co-optees. A key element of these arrangements is the appointment of at least one 'Independent Person' who will provide advice to the Council on any allegation it is considering, and may also provide advice to a member facing an allegation who has sought the views of that person. The Council has also appointed a reserve Independent Person in case of any potential conflict arising out of these arrangements.
- 3.2 The Independent Person(s) must be appointed following a public advertisement and recruitment process and his/her appointment must be confirmed by the majority of Councillors at the full Council meeting.

## **4. ONE TOWER HAMLETS CONSIDERATIONS**

- 4.1. There are no specific implications for One Tower Hamlets arising from the proposals in this report.

## **5. BEST VALUE (BV) IMPLICATIONS**

- 5.1. There are no specific Best Value implications arising from this report.

## **6. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 6.1 There are no specific sustainable action for a greener environment implications arising from this report.

## **7. RISK MANAGEMENT IMPLICATIONS**

- 7.1 There are no risk management implications arising from this report.

## **8. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 8.1 There are no crime and disorder reduction implications arising from this report.
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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- None

### **Appendices**

- Appendix A – Annual Report of the Independent Person 2015/16

### **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