



# STANDARDS COMMITTEE

Thursday, 18th April, 2013

at 6.30 pm

Council Chamber, Hackney Town Hall, Mare  
Street, London E8 1EA

**Committee Membership:**

Councillor Sophie Linden (Chair), Councillor Simche Steinberger, Councillor Geoff Taylor, Councillor Louisa Thomson, Councillor Patrick Vernon OBE and Councillor Jessica Webb

**Co-optees:**

Julia Bennett, Elizabeth Coates-Thummel, George Gross, Adedoja Labinjo and Onagete Louison

**Gifty Edila**  
Corporate Director  
Legal, HR and Regulatory Services

**Contact:**  
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The press and public are welcome to attend this meeting

# **AGENDA**

## **Thursday, 18th April, 2013**

### **ORDER OF BUSINESS**

<b>Item No</b>	<b>Title</b>	<b>Page No</b>
1.	Apologies for absence	
2.	Declarations of interest	
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4.	Guidance for Members on the use of ICT - 2nd Annual Report	7 - 10
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6.	Standards Committee Annual Report 2012/13	19 - 30
7.	Any other business which in the opinion of the Chair is urgent	

# ADVICE TO MEMBERS ON DECLARING INTERESTS

Hackney Council's Code of Conduct applies to **all** Members of the Council, the Mayor and co-opted Members.

This note is intended to provide general guidance for Members on declaring interests. However, you may need to obtain specific advice on whether you have an interest in a particular matter. If you need advice, you can contact:

- The Corporate Director of Legal, HR and Regulatory Services;
- The Legal Adviser to the committee; or
- Governance Services.

If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

## 1. Do you have a disclosable pecuniary interest in any matter on the agenda or which is being considered at the meeting?

You will have a disclosable pecuniary interest in a matter if it:

- relates to an interest that you have already registered in Parts A and C of the Register of Pecuniary Interests of you or your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner;
- relates to an interest that should be registered in Parts A and C of the Register of Pecuniary Interests of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner, but you have not yet done so; or
- affects your well-being or financial position or that of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner.

## 2. If you have a disclosable pecuniary interest in an item on the agenda you must:

- Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you (subject to the rules regarding sensitive interests).
- You must leave the room when the item in which you have an interest is being discussed. You cannot stay in the meeting room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision.
- If you have, however, obtained dispensation from the Monitoring Officer or Standards Committee you may remain in the room and participate in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a pecuniary interest.

### 3. Do you have any other non-pecuniary interest on any matter on the agenda which is being considered at the meeting?

You will have 'other non-pecuniary interest' in a matter if:

- i. It relates to an external body that you have been appointed to as a Member or in another capacity; or
- ii. It relates to an organisation or individual which you have actively engaged in supporting.

### 4. If you have other non-pecuniary interest in an item on the agenda you must:

- i. Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you.
- ii. You may remain in the room, participate in any discussion or vote provided that contractual, financial, consent, permission or licence matters are not under consideration relating to the item in which you have an interest.
- iii. If you have an interest in a contractual, financial, consent, permission or licence matter under consideration, you must leave the room unless you have obtained a dispensation from the Monitoring Officer or Standards Committee. You cannot stay in the room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision. Where members of the public are allowed to make representations, or to give evidence or answer questions about the matter you may, with the permission of the meeting, speak on a matter then leave the room. Once you have finished making your representation, you must leave the room whilst the matter is being discussed.
- iv. If you have been granted dispensation, in accordance with the Council's dispensation procedure you may remain in the room. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a non pecuniary interest.

### Further Information

Advice can be obtained from Gifty Edila, Corporate Director of Legal, HR and Regulatory Services, on 020 8356 3265 or email [Gifty.Edila@hackney.gov.uk](mailto:Gifty.Edila@hackney.gov.uk)



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## MINUTES OF A MEETING OF THE STANDARDS COMMITTEE

MONDAY, 21ST JANUARY, 2013

- Councillors Present:** Councillor Sophie Linden in the Chair  
Cllr Simche Steinberger, Cllr Geoff Taylor,  
Cllr Louisa Thomson, Cllr Patrick Vernon OBE and  
Cllr Jessica Webb (Vice-Chair)
- Co optees Present:** Julia Bennett, George Gross and Elizabeth Coates Thummel
- Apologies:** Adedoja Labinjo and Onagete Louison
- Officers in Attendance:** Tracy Barnett (Assistant Director of Audit and Anti-Fraud), Gifty Edila (Corporate Director of Legal, HR and Regulatory Services) and Robert Walker (Governance Services Officer)

### 1 Apologies for absence

- 1.1 Apologies for absence are listed above.

### 2 Declaration of interests

- 2.1 Councillor Thomson declared an interest in item 8, as she is a ward Member for Stoke Newington ward.

### 3 Minutes of the previous meeting - 18 October 2012

- 4.1 **RESOLVED** that the minutes of the previous meeting held on 18<sup>th</sup> October 2012 be approved as a true and accurate record.

### 4 Protocol for Member/Officer Relations - Overview of current arrangements

- 4.1 Gifty Edila, Corporate Director of Legal, HR and Regulatory Services, introduced the report which provided the Committee with an overview of current arrangements relating to the Protocol for Member/Officer Relations. Gifty Edila advised the Committee that the Assistant Director of HR had reviewed the case load and had found no record of any complaint being made under the Protocol and regarded this as a positive fact given the level of engagement between officers and Members.
- 4.2 Councillor Steinberger commented on a complaint he had made to one of the Corporate Directors in June 2012, regarding a data protection matter. Councillor Steinberger advised that he had referred the matter to the relevant Corporate Director and Chief Executive but still remained dissatisfied with the response. Gifty Edila stated that she was aware of the complaint being referred

to and noted Councillor Steinberger's level of dissatisfaction with the response, however, she advised that it was not a matter for the Standards Committee.

4.3 In response to questions raised by Councillor Taylor, regarding the Protocol attached at appendix 1 of the report, Gifty Edila provided the following advice:–

- i) In reference to paragraph 2.2.6 of the Protocol, the Council had adopted specific guidance for Members on the use of ICT equipment. Members were not barred from using equipment for personal use, or for use associated with outside bodies, but should ensure that equipment was not used for party political purposes or used in anyway which could bring the Council into disrepute.
- ii) If junior officers brought any issues regarding conduct or service delivery to Members, then Members should report any such issues to the relevant Corporate Director or Chief Executive.
- iii) In reference to paragraph 14.2, Members should be aware of data protection law and should think carefully whether information from constituents could be shared with third parties. Correspondence from officers should not be shared with constituents or third parties without considering the appropriateness under data protection law.
- iv) In reference to paragraph 15.1, Members were no longer legally bound to report possible breaches of the Members' Code of Conduct.

4.4 Councillor Taylor referred to the Protocol attached at Appendix 1 of the report and highlighted some editorial errors and parts of the Protocol which were out of date following the introduction of new legislation. Gifty Edila thanked Councillor Taylor for his comments and advised that she would feed these points back to the Assistant Director of HR for correction.

4.5 Councillor Vernon questioned whether the Protocol was relevant to Members when liaising with officers at Hackney Homes or officers of other outside bodies. Gifty Edila stated that Members would have to ensure that whilst acting in their capacity as a councillor that they abided by the Members' Code of Conduct and any protocol which those outside bodies had adopted. However, the Protocol for Member/Officer relations was specific to the relationship between Members and officers of the Council and did not apply to outside bodies.

4.6 **RESOLVED** that the report providing an overview of current arrangements relating to the Protocol for Member/Officer Relations be noted.

## **5 Whistle-Blowing Progress Report**

5.1 Tracy Barnett, Assistant Director of Audit and Anti-Fraud, introduced the whistle-blowing progress report. This report updated the Committee on complaints received under the Council's whistle-blowing procedure since the last report was presented to the Committee in April 2010. Further to the report,

Tracy Barnett advised that the Council intended to review its whistle-blowing procedure in the near future and that she could inform the Committee of any changes through the Chair.

- 5.2 Julia Bennett and George Gross welcomed the report. They requested that the Committee receive an annual report providing an update on the Council's whistle-blowing procedure and information on any complaints. George Gross also asked that any future reports include a breakdown of information on the number of complaints investigated. Tracy Barnett agreed to the request to bring an annual update to the Committee and include statistics on the number of investigations undertaken.
- 5.3 Following questions from Councillor Taylor, Tracy Barnett advised that the figures in the report included whistle-blowing complaints received from staff at the Council and Hackney Homes. With regard to issues around promoting the Council's whistle-blowing procedure, Tracy Barnett explained that staff were informed of the procedure when they joined the Council. There were also signs advertising the procedure in Council buildings and further information could be found on the Council's web and intranet sites. Tracy Barnett stated that following the forthcoming review of the procedure, the Council would look to actively promote the whistle-blowing procedure to staff.
- 5.4 In response to a question from Councillor Steinberger, Tracy Barnett confirmed that Expolink, who provided a confidential hotline for Council staff to call and lodge whistle-blowing complaints, provided a 24/7 service.
- 5.5 Councillor Steinberger explained that he was sometimes informed of whistle-blowing complaints by Council staff however, he was concerned that he had not been informed of the outcomes of these complaints. Tracy Barnett explained that Members could contact her or her team to ask for an update on any complaint referred to them. It was noted however, that the Service did not routinely update Members and that Members should be aware that, given the confidentiality of complaints, officers would only be able to provide restricted information.
- 5.6 Following a question from Councillor Thomson, Tracy Barnett explained that the length of time spent investigating complaints could vary considerably and that officers were not always informed if a complaint had been made against them, particularly in circumstances where complaints could not be substantiated.
- 5.6 Councillor Webb asked what work was being undertaken as part of the review of the whistle-blowing procedures. Tracy Barnett responded that there would be no major changes to the procedures but a house-keeping exercise was required to ensure that no old procedures were available on the internet and intranet and to ensure that information and contact details contained in the procedures were up to date. It was anticipated that changes would be submitted to the Audit Sub-Committee in June 2013.
- 5.7 **RESOLVED** that the Whistle-Blowing Progress report be noted.

## 6 Review of Register of Members' and Co-optees' Interests

- 6.1 Gifty Edila, Corporate Director of Legal, HR and Regulatory Services, introduced the report on the review of Members' and Co-optees' Register of Interests. Gifty Edila advised that all Members had completed their register of interest forms and that only two co-optees of the Council had failed to return their register of interests form to date.
- 6.2 Councillor Thomson asked for clarity on whether Members were legally obliged to declare all details on their register of interest forms, given that it was previously interpreted that there would be no legal requirement until after Members were next elected. Gifty Edila explained that the wording of the Localism Act 2011 had implied that the legal requirement on Members may not come into effect until after Members were next elected. However, the Government had now advised that by adopting a Code of Conduct councils would be deemed to have accepted the changes in legislation. Therefore, it was the Government's contention that Members would be legally required to declare all details on their register of interests form from the date the new Code is adopted. The Chair advised that, in light of the Government's response, Members would need to ensure that all relevant information was being declared on their register of interests forms.
- 6.3 **RESOLVED** that the report on the Review of the Register of Members' and Co-optees' Interests be noted.

## 7 Update on Training on Members' Code of Conduct

- 7.1 Gifty Edila, Corporate Director of Legal, HR and Regulatory Services, introduced the update report on training on the Members' Code of Conduct. It was noted that further to the report, another training session for Members had been held on 9<sup>th</sup> January 2013.
- 7.2 Julia Bennett stated that it was useful to know when considering complaints against a Member whether or not they had attended training on the Code of Conduct. Julia Bennett believed that it was of concern that there were a number of elected Members who had still not attended the training on the new Code.
- 7.3 The Chair explained that she believed the Council should annually seek to remind Members of their requirement to abide by the Code of Conduct and seek to offer frequent training.
- 7.4 **RESOLVED** that the update report on Training on Members' Code of Conduct be noted.

## 8 Request for Dispensation

*Councillor Linden handed responsibility for chairing the meeting to Councillor Webb during the consideration of this item.*

- 8.1 Gifty Edila, Corporate Director of Legal, HR and Regulatory Services, introduced the report requesting that dispensation be granted to Councillors Linden and Plouviez to enable them to work on a Special Policy Area (SPA) for



- Dalston with the Licensing Committee and officers of the Council. The Standards Committee was asked to approve the request for dispensation, as set out in paragraph 5.1(v) of the report, on the grounds that it was appropriate to do so.
- 8.2 Gifty Edila explained the background to the report, as set out in paragraph 6. It was noted that the Council was considering introducing a SPA for Dalston ward. Councillors Linden and Plouviez were both responsible for developing an SPA in their respective roles as lead Cabinet Member for the licensing service and Chair of the Licensing Committee.
- 8.3 Gifty Edila stated that Councillors Linden and Plouviez both had properties in Stoke Newington ward, located next to Dalston ward, and the SPA could impact upon their properties. As a precautionary measure, in that Councillors Linden and Plouviez may be deemed to have a pecuniary interest in the SPA, the Standards Committee was being asked to consider whether it was appropriate to grant dispensation to both Councillors so that they can participate in work to develop an SPA for Dalston until 31<sup>st</sup> May 2014.
- 8.4 Gifty Edila also explained to the Committee that advice had been provided to Councillor Linden that, under section 33(4) of the Localism Act 2011, she could remain in the meeting and vote on her request for dispensation.
- 8.5 Following a question from Councillor Steinberger, Gifty Edila stated that Members were required to declare any property in the borough in which they had a beneficial interest. Gifty Edila explained that as a precautionary measure the Committee was being asked to consider granting dispensation as it may be judged that the proposed SPA could benefit properties located near the SPA, and could also impact on the amenity and peaceful enjoyment of properties.
- 8.6 Councillor Thomson declared that she was ward Member for Stoke Newington and stated that she felt that the request for dispensation was a sensible precautionary measure.
- 8.7 **RESOLVED** that:
- i) Councillor Sophie Linden be granted dispensation, on the grounds of paragraph 5.1(v) of the report, to participate in the work to develop a Special Policy Area for Dalston.
  - ii) Councillor Emma Plouviez be granted dispensation, on the grounds of paragraph 5.1(v) of the report, to participate in the work to develop a Special Policy Area for Dalston.

**Reason**

Dispensation was granted on the grounds that the Standards Committee considers it otherwise appropriate to grant a dispensation.

*Councillor Linden asked for it to be noted that she abstained on voting on both the resolutions.*

**Duration of the meeting:** 6.30 - 7.40 pm

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<b>GUIDANCE FOR MEMBERS ON THE USE OF ICT – 2nd ANNUAL REPORT</b>	
<b>STANDARDS COMMITTEE</b> <b>18<sup>TH</sup> APRIL 2013</b>	<b>CLASSIFICATION:</b> <b>OPEN</b>
<b>WARD(S) AFFECTED</b> <b>ALL</b>	
<b>Ian Williams, Corporate Director, Finance and Resources</b>	

## **1. SUMMARY**

- 1.1 Guidance for Members on the use of Council provided ICT facilities was agreed by Standards Committee on 28<sup>th</sup> March 2011 following a recommendation from the Internal Audit on Ethical Governance of January 2010 and subsequent questions from new Members during the May 2010 induction process.
- 1.2 It was also agreed that the Assistant Director – ICT should submit an Annual Report to this Committee on compliance with the Guidance. This is the second such report.

## **2. RECOMMENDATIONS**

**Standards Committee is invited to:**

- 2.1 Note the contents of this report**

## **3. RELATED DECISIONS**

- 3.1 Revised Draft Guidance for Members on the Use of ICT – March 2011.
- 3.2 Report of the Internal Auditor on Ethical Standards – January 2010.

#### **4. FINANCIAL CONSIDERATIONS**

- 4.1 There are no additional financial implications arising from the agreement to the recommendations in the report.

#### **5. COMMENTS OF THE CORPORATE DIRECTOR OF LEGAL, HR AND REGULATORY SERVICES**

- 5.1 This guidance is based on the Members' Code of Conduct which provides that Council resources must be used for carrying out Council functions and restrictions are imposed on any significant personal use of such resources. The guidance specifically addresses how Members should use Council provided ICT.

#### **6. DETAIL**

- 6.1 Hackney Council's Member Code of Conduct provides that a Member must act in accordance with the Council's requirements and ensure that Council resources are not used for any unauthorised or political purpose (unless that use reasonably facilitates discharging the Council's functions). This includes Information & Communications Technology (ICT) resources.

- 6.2 The Guidance for Members on the Use of ICT covers:

- monitoring and compliance
- use of ICT for Council business
- provision of equipment
- using and caring for ICT equipment
- access security and
- general use of ICT, including email, the internet and social media

- 6.3 Governance Services issued the Guidance (via email) to all Members on 1<sup>st</sup> June 2011.

- 6.4 One new Member was elected to office in the reporting period – 2012/13 and has been issued with ICT equipment.

- 6.5 The following table summarises all known or reported breaches of the Guidance for the Municipal year 2012/13 (to date of report publication)

–

<b>Category</b>	<b>Number of Incidents/Breaches</b>	<b>Description</b>	<b>Action Taken</b>
Telephony	0	n/a	n/a
Web/Internet	0	n/a	n/a
Email	0	n/a	n/a
Information Security	1	Lost or stolen laptop	Investigated - No Information Security breach
<b>Total Number of Incidents/Breaches</b>	<b>1</b>		

6.6 In the main, monitoring is carried out by Corporate ICT staff reviewing technical logs. However, breaches may be notified by Members themselves or by Council staff (for example, Member Services may report a lost phone on behalf of a Member). The following briefly summarises the monitoring methods for each of the above categories:

#### 6.6.1 Telephony:

Mobile phones are only issued to Cabinet Members.

Members' telephone extensions are included in the Council's monthly telephone performance report. This report provides a summary of the number of calls received and time taken to respond to them.

Detailed information on individual calls is also available: number dialled/received from and duration.

#### 6.6.2 Web/Internet

The Council deploys internet monitoring tools which are configured to deny access for staff to certain types of website including pornographic; homophobic; racist; online gaming; terrorist and computer-hacking sites.

Standard monthly reports are produced which list the most accessed websites and the most active users. These reports are checked by the ICT Security Manager for any "unusual" activity.

Individual reports detailing all internet activity can be produced by "user" or "location" on request.

#### 6.6.3 Email

All email to and from Hackney.gov email accounts is automatically archived and currently retained for approximately 5 years (this is limited

by the size of the archive, rather than by a specific time period). Email that has been deleted from an individual mailbox may still be retrieved from the archive.

Incoming emails are automatically scanned for viruses and “inappropriate” content based on “black” and “white” lists. Those which are deemed by the software to contain inappropriate content are held in quarantine and may be released by the receiver if they are satisfied that the content would not breach of Hackney policies or guidance.

#### 6.6.4 Information Security

Lost or stolen devices (phones, laptops, usb sticks) are reported using a form on the Council’s intranet. Wherever possible, information is wiped remotely from any such devices to minimise the possibility of any information security breach using device management software.

6.7 Very exceptionally, a breach might be reported by an external source, such as a member of the public, the Information Commissioner or the police.

6.8 Members are listed on the London Borough of Hackney Data Protection Act registration as both Data Subjects and under Sources, Disclosures and Recipients. The Registration is available on the Information Commissioner’s Office website at:  
<http://www.ico.gov.uk/ESDWebPages/DoSearch.asp?reg=5776000>

**Ian Williams**  
**Corporate Director of Finance & Resources**

**Background documents**  
 None

**List of Appendices**  
 None

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<b>Comments of the Corporate Director of Legal, HR and Regulatory Services</b>	Gifty Edila Corporate Director, Legal, HR and Regulatory Services 0208 356 3265 <a href="mailto:Gifty.Edila@Hackney.gov.uk">Gifty.Edila@Hackney.gov.uk</a>



<b>REVISION TO THE MEMBERS' CODE OF CONDUCT: SEVEN PRINCIPLES OF PUBLIC LIFE</b>	
<b>STANDARDS COMMITTEE</b> <b>18<sup>TH</sup> APRIL 2013</b> <b>COUNCIL</b> <b>26<sup>TH</sup> JUNE 2013</b>	<b>CLASSIFICATION:</b> <b>OPEN</b>
<b>WARD(S) AFFECTED</b> <b>ALL</b>	
<b>Gifty Edila, Corporate Director, Legal, HR and Regulatory Services</b>	

## 1. INTRODUCTION

- 1.1 This report proposes a revision to the Members' Code of Conduct to update the seven principles of public life, which are included within Appendix A to the Code.
- 1.2 The Members' Code of Conduct is required by the Localism Act 2011 to have regard to the seven principles of public life: selflessness; integrity; objectivity; accountability; openness; honesty; and leadership.
- 1.3 The Committee on Standard in Public Life published a report in January 2013 '*Standards matter – a review of best practice in promoting good behaviour in public life*'. The report, although not making any significant changes to the seven principles of public life, has revised the descriptions of the principles to ensure that they are up to date.
- 1.4 This report recommends that the description of the seven principles of public life, included in the Members' Code of Conduct, be revised in line with the principles recommended by the Committee on Standards in Public Life.

## **2. RECOMMENDATIONS**

- 2.1 Standards Committee is asked to consider the revised descriptions of the principles of public life, as detailed in Appendix 2 of the report, and recommend that Council includes them in the Members' Code of Conduct.**
- 2.2 Council is asked to approve that the Members' Code of Conduct be revised to incorporate the amended principles of public life, as attached in Appendix 2 of the report.**

## **3. REASON FOR DECISION**

- 3.1 This report proposes an amendment to the Members' Code of Conduct to ensure that the Code accords with best practice and to ensure that high ethical standards are maintained by Members and co-optees.

## **4. COMMENTS OF THE CORPORATE DIRECTOR OF FINANCE AND RESOURCES**

- 4.1 This report sets out the revision of the description of the seven principles of public life in the Members' Code of Conduct and therefore does not contain any potential financial implications. If the need for additional resources is subsequently identified this would need to be funded from within the existing budget for Governance Services.

## **5. COMMENTS OF THE CORPORATE DIRECTOR OF LEGAL, HR AND REGULATORY SERVICES**

- 5.1 The Localism Act 2011 places a duty on the Council to ensure that the Members' Code of Conduct has regard to the seven principles of public life: selflessness; integrity; objectivity; accountability; openness; honesty; and leadership. The current principles are listed in Appendix A of the Code and detailed in Appendix 1 of this report.
- 5.2 The Committee on Standards in Public Life is an independent advisory body that monitors, reports and make recommendations on all issues relating to standards in public life.
- 5.3 The Council is not under any legal obligation to follow the recommendations of the Committee on Standards in Public Life. It is recommended however, that the Council updates the description of the seven principles of public life, in accordance with those recommended by the Committee on Standards in Public Life, in order to ensure that Members and co-optees continue to uphold high ethical standards and to ensure that the Code of Conduct accords with best practice.



## 6. SEVEN PRINCIPLES OF PUBLIC LIFE

- 6.1 The new descriptions of the seven principles of public life, as amended by the Committee on Standards in Public Life, are attached in Appendix 2 of this report, and are recommended for inclusion in the Members' Code of Conduct. Appendix 1 of this report contains the existing seven principles of public life which are currently incorporated into the Code of Conduct.
- 6.2 Information on the changes to the seven principles can be found within the Committee on Standards in Public Life's report '*Standards matter – a review of best practice in promoting good behaviour in public life*'. The changes are broadly as follows:-
- i) Selflessness – The new description is refined to state that Members should act solely in terms of public interest.
  - ii) Integrity – The new description clarifies that Members should avoid placing themselves under organisations that might try to influence them in their work, and adds that Members should not act or take decisions to gain financial or other benefits for themselves, family or friends.
  - iii) Objectivity – The description is expanded to state that Members should act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. The previous description only made reference to taking decisions on merit.
  - iv) Accountability – There is little change in the wording of the new description. It is still stated that Members are accountable to the public for their decisions and actions and must submit themselves to scrutiny.
  - v) Openness – The new description clarifies that decisions should be made in an open and transparent manner and states that information should not be withheld from the public unless there are clear and lawful reasons for doing so. The previous description made no reference to withholding information.
  - vi) Honesty – The new description has been widened to state that Members should be truthful.
  - vii) Leadership – The new description has been widened to state that Members should promote and robustly support the principles and be willing to challenge poor behaviour when it occurs.

**Gifty Edila**  
**Corporate Director of Legal, HR & Regulatory Services**

## BACKGROUND PAPERS

None.

## APPENDICES

Appendix 1 – Current principles of public life

Appendix 2 – Proposed new principles of public life

<b>Report Author</b>	Robert Walker, Governance Services 020 8356 3578 <a href="mailto:Robert.Walker@hackney.gov.uk">Robert.Walker@hackney.gov.uk</a>
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## THE CURRENT PRINCIPLES OF PUBLIC LIFE

The current seven principles of public life are contained in Appendix A of the Members' Code of Conduct and are as follows:-

### **1. Selflessness**

Members should serve only in the public interest and should never improperly confer an advantage or disadvantage on any person.

### **2. Integrity**

Members should not place themselves in situations where their honesty and integrity may be questioned. Members should not behave improperly and should on all occasions avoid the appearance of such behaviour.

### **3. Objectivity**

Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

### **4. Accountability**

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities. Members should co-operate fully and honestly with any scrutiny appropriate to their particular office.

### **5. Openness**

Members should be as open as possible about their actions and those of the authority and should be prepared to give reasons for those actions.

### **6. Honesty**

Members should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

### **7. Leadership**

Members should promote and support these principles of leadership, and by example, should act in a way that secures or preserves public confidence.

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## PROPOSED NEW PRINCIPLES OF PUBLIC LIFE

The proposed new principles of public life, as recommended by the Committee on Standards in Public Life, are as follows:-

### **1. Selflessness**

Members should act solely in terms of the public interest.

### **2. Integrity**

Members must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.

### **3. Objectivity**

Members must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### **4. Accountability**

Members are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### **5. Openness**

Members should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.

### **6. Honesty**

Members should be truthful.

### **7. Leadership**

Members should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

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**STANDARDS COMMITTEE ANNUAL REPORT 2012/13**

**STANDARDS COMMITTEE**

**18<sup>th</sup> APRIL 2013**

**COUNCIL**

**26<sup>th</sup> JUNE 2013**

**CLASSIFICATION:**

**Open**

**WARD(S) AFFECTED**

**All Wards**

**Gifty Edila, Corporate Director, Legal, HR and Regulatory Services**

## **1.0 SUMMARY**

- 1.1 This report gives an overview of the work and activities of the Standards Committee over the past year and provides information on the monitoring of the Members' Code of Conduct.

## **2.0 RECOMMENDATIONS**

- 2.1 **That the Standards Committee consider the Annual Report for 2012/13, as attached at Appendix 1, and endorse it for submission to Council.**
- 2.2 **That Council notes the Standards Committee's Annual Report for 2012/13, as attached at Appendix 1.**

## **3.0 RELATED DECISIONS**

- 3.1 This is the first Annual Report of the new Standards Committee established by the Council on 1<sup>st</sup> July 2012.

## **4.0 FINANCIAL CONSIDERATIONS**

- 4.1 This report sets out the work and activities of the Standards Committee over the past year and therefore does not contain any potential financial implications.

## **5.0 COMMENTS OF THE CORPORATE DIRECTOR OF LEGAL, HR AND REGULATORY SERVICES**

- 5.1 The Council is currently under a legal duty, under the Localism Act 2011, to promote and maintain high standards of conduct of Members and co-opted Members.
- 5.2 The Council established a new Standards Committee to assist the Council in ensuring high standards of conduct of Members and co-opted Members.

## **6.0 BACKGROUND TO THE REPORT**

- 6.1 This Annual Report is submitted to Council in line with best practice for the Council to maintain an overview of the work of the Standards Committee. This is the first Annual Report of the new Standards Committee established by the Council following implementation of the Localism Act 2011 and the introduction of new ethical governance arrangements.
- 6.2 The Committee is responsible for exercising Council functions relating to the promoting and maintaining of ethical standards amongst Members and Co-opted Members. As part of these functions, the



Committee monitors and makes recommendations on the Members' Code of Conduct and considers complaints made under the Code.

6.3 The Standards Committee during 2012/13 undertook work in the following areas, which are explained in further detail in Appendix 1 of this report:

- Overseeing the implementation of new ethical governance arrangements;
- Monitoring the operation of the Members' Code of Conduct;
- Reviewing of the Register of Interests;
- Reviewing training on the Members' Code of Conduct;
- Considering complaints about Member conduct;
- Considering requests for dispensation;
- Considering reports on the Protocol for Member/Officer Relations and Guidance for Members on Use of ICT;
- Considering complaints about the Council and whistle-blowing complaints.

**Gifty Edila**  
**Corporate Director of Legal, HR & Regulatory Services**

**Background papers:**

None.

**APPENDICES**

Appendix 1 – Draft Standards Committee Annual Report 2012/13

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**DRAFT STANDARDS COMMITTEE  
ANNUAL REPORT 2012/13**

**1. Introduction from Councillor Sophie Linden, Chair of the Committee and Cabinet Member for ethical governance matters**

The Localism Act 2011 introduced a new ethical governance framework for local government and as part of these changes the legislative requirement on authorities to appoint a Standards Committee was removed. The Council has however, voluntarily agreed to re-constitute a new Standards Committee with responsibility for overseeing the Council's ethical governance arrangements and to assist the Council in promoting and maintaining high standards amongst Members and Co-optees of the Council.

The Council's decision to reconstitute a new Committee was based largely on the effectiveness of the previous Committee in upholding high ethical standards. Members in particular welcomed the valuable contribution and scrutiny from local residents on the old Committee and wanted to ensure that this independent oversight was maintained within the new ethical governance framework. I am pleased that many of the Independent Members from the old Committee decided to continue as co-opted members on the new Committee.

At its first meeting of the municipal year on 18<sup>th</sup> July 2012, the Committee agreed its work programme and held three other meetings - 18<sup>th</sup> October 2012, 21<sup>st</sup> January 2013 and 18<sup>th</sup> April 2013. In addition, two Sub-Committee meetings were held with regard to considering complaints made against Members of the Council under the Code of Conduct.

This Annual Report explains the key areas of work that the Committee has undertaken during 2012/13. The Committee has had a particular focus this year in overseeing the implementation of the new ethical governance arrangements.

**2. Membership**

Membership of the Committee was as follows:

- The Cabinet Member who holds the ethical governance portfolio, Councillor Sophie Linden, who was appointed Chair of the Committee;
- Five non-executive Council Members – Councillor Simche Steinberger, Geoff Taylor, Louisa Thomson, Patrick Vernon and Jessica Webb (vice Chair); and
- Five non-voting co-opted members – Julia Bennett, Elizabeth Coates-Thummel, George Gross, Adedoja Labinjo and Onagete Louison. The co-optees were appointed to the new Committee due to their

knowledge and expertise in ethical governance matters having all served on the previous Standards Committees and participated in discussions regarding the new ethical governance framework which has been implemented.

The Committee would like to place on record its thanks to Erika Forsberg, who was an independent member of the previous Standards Committee of the Council. Erika did not wish to be appointed to the new Committee due to other commitments. The Committee would like to thank Erika for her contribution to the Council.

The table below outlines Members' and co-optees' attendance at Standards Committee meetings during the 2012/13 municipal year. As ever, Members and co-optees had a large number of alternative commitments such as other public meetings, ward commitments, representing the Council on outside bodies and work commitments, and were therefore not always available to attend every meeting of the Committee.

The table also includes attendance at Sub-Committee meetings. Membership of Sub-Committees comprises two elected Members and one non-voting co-opted member.

Members	Meeting Dates					
	02/07/12 (Sub-Committee)	18/07/12	18/10/12	10/12/12 (Sub-Committee)	21/01/13	18/04/13
Cllr Sophie Linden (Chair)	P	P	P	-	P	
Cllr Jessica Webb (Vice Chair)	-	P	A	P	P	
Cllr Simche Steinberger	-	P	P	-	P	
Cllr Geoff Taylor	P	A	P	-	P	
Cllr Louisa Thomson	-	A	P	P	P	
Cllr Patrick Vernon OBE	-	A	P	-	P	
Julia Bennett	-	P	P	-	P	
Elizabeth Coates- Thummel	-	P	P	-	P	
George Gross	-	P	P	-	P	
Adedoja Labinjo	P	A	A	P	A	
Onagete Louison	-	P	A	-	A	

Key:  
P = Present  
A = Absent

### 3. Terms of reference

The Council appointed the new Standards Committee with the following terms of reference:

1. Promoting and maintaining high standards of conduct by the Elected Mayor, Councillors and co-opted members;
2. Assisting the Elected Mayor, Councillors and co-opted members to observe the Members' Code of Conduct;
3. Advising the Council on the adoption or revision of the Members' Code of Conduct;
4. Monitoring the operation of the Members' Code of Conduct;
5. Monitoring progress of the Council's training and development programme for elected Members and voting co-opted members;
6. Advising, training or arranging to train Councillors and voting co-opted members on matters relating to the Members' Code of Conduct and the ethical framework;
7. Granting dispensations to the Elected Mayor, Councillors and voting co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
8. Monitoring the progress of the Council's Members Enquiry Protocol, Corporate Complaints Procedure and Local Government Ombudsman cases;
9. Conducting an ethical governance audit on behalf of the Council;
10. Advising the Council on codes and protocols forming the Council's ethical framework and its governance arrangements, monitoring the effectiveness of those arrangements and making reports and recommendations accordingly;
11. Advising the Council on the adoption, alteration, review or amendment of any part of the Council's constitution in so far as this affects ethical issues;
12. Hearing complaints against Councillors and voting co-opted members arising from alleged breaches of the Code of Conduct and Codes of Practice.

#### **4. New Ethical Governance Arrangements**

Following extensive work by the previous Standards Committee, the Council approved new ethical governance arrangements to take effect from 1<sup>st</sup> July 2012 to reflect changes introduced by the Localism Act 2011. The new Standards Committee, at its first meeting on 18<sup>th</sup> July 2012, received a report

providing an overview of the new ethical governance framework implemented by the Council.

A new Members' Code of Conduct was agreed by Council at its meeting on 27<sup>th</sup> June 2012 to take effect on 1<sup>st</sup> July 2012. The Code was circulated by the Monitoring Officer to all Members on 29<sup>th</sup> June 2012. Guidance on the Code of Conduct was later circulated to all Members on 31<sup>st</sup> July 2012, following consideration by the Standards Committee. Paragraph 5 below provides further information on the work undertaken with regard to the Code.

Also as part of the report to Standards Committee on 18<sup>th</sup> July 2012, the Committee noted the following:-

- The appointment of an Independent Person on ethical governance matters, Mr Jonathan Stopes-Roe, whose appointment took effect on 1<sup>st</sup> July 2012. The role of the Independent Person is to provide the Monitoring Officer with views on the investigation of allegations of any breach of the Members' Code of Conduct. The Independent Person can also be consulted by Members and co-optees who are the subject of any complaint.
- The new Licensing Code of Practice and Planning Code of Practice.
- The new Procedure for Handling Complaints about Member Conduct.
- The new Register of Interests form for Members and co-optees.
- The new guidance for Members on the Code of Conduct.
- That standing orders had been adopted by the Council requiring Members to leave meetings for items where they had declared disclosable pecuniary interests.
- The new Procedure for Granting Dispensation from Restriction on Participation and Voting at meetings.

At its meeting on 18<sup>th</sup> October 2012, the Committee also considered revised guidance to Members serving on outside bodies, which had been updated to reflect the new ethical governance arrangements. This guidance was circulated to all Members on 31<sup>st</sup> October 2012.

As part of the work programme for 2013/14, the Committee will review the Council's new ethical governance framework and consider whether any changes or further action is required.

## 5. Members' Code of Conduct

Following adoption of the Members' Code of Conduct by Council on 27<sup>th</sup> June 2012, the Standards Committee considered two revisions to the Code and made recommendations to Council.

### Declaration of Gifts and Hospitality

The Localism Act 2011 removed a previous legislative requirement on Members and co-optees to declare receipt of any gifts and hospitality and as such the new Code of Conduct adopted by the Council did not make provision for gifts and hospitality to be declared. Informal feedback was however received from some Members of the Council requesting that the requirement be re-introduced.

At its meeting on 18<sup>th</sup> October 2012, the Committee considered a report proposing that the Code of Conduct be amended to require Members and co-opted Members to declare on their register of interests form and disclose at meetings any gift or hospitality received with an estimated value of at least £25.

The Committee recommended that Council amend the Code of Conduct to require Members and co-optees to declare on their register of interests form and disclose at meetings any gift or hospitality received with an estimated value of at least £25. The Committee agreed that making this change was in the interests of openness and transparency and welcomed the fact that Members had recommended the change. Council approved the revision to the Code of Conduct at its meeting on 24<sup>th</sup> October 2012.

The Committee also approved new guidance on declaring gifts and hospitality, which was circulated to all Members on 29<sup>th</sup> October 2012.

### Seven Principles of Public Life

The Committee on Standards in Public Life published the report '*Standards matter – a review of best practice in promoting good behaviour in public life*' in January 2013. As part of the report, the seven principles of public life, which local authorities are required to abide by, were revised. Although the principles themselves had not changed, the descriptions of the principles have been updated.

The Standards Committee considered the changes at its meeting on 18<sup>th</sup> April 2013 and agreed that Council be recommended to update the Code of Conduct to incorporate the new principles.

The proposed new seven principles of public life are as follows:-

#### **1. Selflessness**

Members should act solely in terms of the public interest.

## **2. Integrity**

Members must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.

## **3. Objectivity**

Members must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

## **4. Accountability**

Members are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

## **5. Openness**

Members should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.

## **6. Honesty**

Members should be truthful.

## **7. Leadership**

Members should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Following consideration and endorsement by the Standards Committee, Council is due to consider the changes at its meeting in June 2013.

## **6. Review of Register of Interests**

Following the Localism Act 2011 being implemented in July 2012, the Council issued a new form to all Members and co-optees to be completed and returned. The new register of interest form incorporated the legislative requirement that Members declare their own pecuniary interests, as well as any pecuniary interests of their spouse or civil partner, or anyone living with them as if they were their spouse/civil partner. The Council also took the view that Members should continue to declare any bodies and organisations of which they are members.

The Corporate Director of Legal, HR and Regulatory Services, who is also the Council's Monitoring Officer, is responsible under the Localism Act 2011 for establishing and maintaining a register of Members and co-opted Members interests and for ensuring that the register is published on the Council's website. As part of this duty, the Monitoring Officer routinely monitors and reviews the register of interest forms completed by Members and co-optees in order to ensure they have been completed.

The Monitoring Officer reported to the Standards Committee meeting on 21<sup>st</sup> January 2013 that all 57 Councillors and the Mayor had completed their forms and that all forms had been completed by co-optees with the exception of two.

The Committee also noted that the wording of the Localism Act 2011 had implied that the legal requirement on Members to declare all interests may not come into effect until after Members were next elected. However, the Government had now advised that by adopting a Code of Conduct, councils would be deemed to have accepted the changes in legislation. Therefore, it was the Government's contention that Members were legally required to declare all details on their register of interests form from the date the new Code was adopted. Members have been encouraged to ensure all relevant information is being declared on their register of interest forms.

## **7. Training on the Members' Code of Conduct**

All Members on their election to office and co-optees on their appointment are required to sign a declaration confirming that they will abide by the Members' Code of Conduct. It is important for them to have good knowledge of the requirements of the Code. Similarly, officers who work directly with Members and co-optees need to have a good understanding of the Code in order to give Members effective support.

Following the introduction of the new ethical governance arrangements, it was necessary for the Council to offer additional training to Members and officers on the new Code of Conduct and to deal specifically with changes introduced by the Localism Act 2011. To date four training sessions have been provided to Members and co-optees, whilst two training sessions have been conducted for officers.

The Committee will continue to monitor training for Members as part of its work programme for 2013/14 and will also consider the induction training programme for Members of the Council, following the 2014 local elections, on the Members' Code of Conduct and the Licensing and Planning Codes of Practice.

## **8. Complaints about Member Conduct**

The standard of conduct by Members and co-optees of the Council has been consistently high. This has been validated by the Audit Commission in their audit in 2010, when Council invited them to do the audit.



During the 2012/13 municipal year, the Standards Committee received five new complaints under the Members' Code of Conduct, which were referred to a Standards Assessment Sub-Committee. Two have been resolved and three are still under investigation.

## **9. Dispensation**

Under the Council's Dispensation Procedure, the Standards Committee is responsible for considering requests for dispensations on the grounds that it is in the interests of residents or that it is otherwise appropriate to grant dispensation for some other reason.

At its meeting on 21<sup>st</sup> January 2013, the Committee approved a request to grant two Councillors a dispensation.

## **10. Protocol for Member/Officer Relations and Guidance for Members on Use of ICT**

The Standards Committee received reports on the Protocol for Member/Officer Relations and Guidance for Members on Use of ICT, respectively at its meetings on 21<sup>st</sup> January 2013 and 18<sup>th</sup> April 2013.

Following comments from the Committee, officers agreed to amend the Protocol for Member/Officer Relations to ensure that it accorded with new legislation.

## **11. Complaints about the Council and Whistle-blowing Complaints**

### Complaints Improvement Work and Complaints and Members' Enquiry Annual Report 2011/12

In line with its terms of reference, the Standards Committee at its meeting on 18<sup>th</sup> October 2012 received the Annual Report on Complaints Improvement Work and Complaints and Members' Enquiry Annual Report 2011/12.

The report provided detailed information on the volume of complaints, time taken to reply and the percentage of complaints resolved at each stage of the Council's procedure. It provided demographic information on who is contacting the Council to make a complaint; how these contacts are made; the issues most often complained about; customer satisfaction with how these complaints were handled and a summary of the actions being taken to address the more serious issues of concern that are being raised by residents. The report also provided detailed information on the training provided to 300 members of staff at the Council and Hackney Homes.

### Whistle-blowing progress report

The Committee at its meeting on 21<sup>st</sup> January 2013 received a progress report on whistle-blowing complaints received by the Council from staff since the last report to the Committee in April 2010.

The report provided an overview of the Council's whistle-blowing procedure and advised that since April 2010, 16 whistle-blowing complaints had been received. The Committee welcomed that the Council would be reviewing its current procedure and would be undertaking a process to re-advertise the procedure to officers.

The Committee will receive annual whistle-blowing progress reports as part of its brief to keep oversight of corporate complaints procedures.

## **12. Conclusion**

The new Standards Committee has played an important role in overseeing the introduction of new ethical governance arrangements, ensuring that all necessary codes, protocols and guidance were introduced in accordance with the Localism Act 2011. The Committee is pleased to see that the new framework has successfully been put in place.

The Committee welcomes the training programme undertaken following the implementation of the new arrangements and that all Members of the Council have complied with the requirement to complete and return their register of interest forms. The Committee believes that Council Members and co-optees continue to demonstrate high ethical standards.

Given that a large number of changes were put in place in July 2012, the Committee's focus for the next municipal year will be to review the new ethical governance framework to ensure that it is efficient and effective in assisting the Council to uphold high standards amongst Members and co-optees. The Committee will also need to factor in any recommendations of the independent governance review regarding the future working of the Committee.

The Committee will also need to think ahead to the May 2014 local elections, and monitor the training programme for new Members on ethical governance matter.

The Committee thanks the Monitoring Officer and her Governance Officer for their assistance and looks forward to working with officers over the next municipal year on the challenges ahead.

**Councillor Sophie Linden**  
**Chair of Standards Committee**