



STANDARDS COMMITTEE

Wednesday, 22nd January, 2014

at 6.30 pm

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

Committee Membership:

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

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

Gifty Edila
Corporate Director
Legal, HR and Regulatory Services

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The press and public are welcome to attend this meeting

Date of future meeting –
9th April 2014

AGENDA

Wednesday, 22nd January, 2014

ORDER OF BUSINESS

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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



FS 566728



MINUTES OF A MEETING OF THE STANDARDS COMMITTEE

MONDAY, 4TH NOVEMBER, 2013

- Councillors Present:** Councillor Sophie Linden in the Chair
Cllr Geoff Taylor, Cllr Louisa Thomson and
Cllr Jessica Webb (Vice-Chair)
- Co-optees Present** Julia Bennett, Elizabeth Coates-Thummel, George Gross and Onagete Louison
- Apologies:** Councillor Simche Steinberger and Councillor Patrick Vernon OBE
- Officers in Attendance:** Gifty Edila (Corporate Director of Legal, HR and Regulatory Services), Stephen Rix (Principal Lawyer - Housing), Robert Walker (Governance Services Officer), Ben Burgerman (Senior Planning Lawyer) and Femi Nwanze (Head of Development Management)
- Also in Attendance:** Councillor Michael Levy, Graham Loveland (former Assistant Director of Planning) and Councillor Vincent Stops

1 Apologies for absence

1.1 As listed above.

2 Declarations of interest

2.1 There were no declarations of interest.

3 Minutes of the previous meeting - 1 July 2013

3.1 **RESOLVED** that the minutes of the previous meeting held on 1st July 2013 be approved as a true and accurate record subject to an amendment to list Jonathan Stopes-Roe, Independent Person, as having been present at the meeting.

4 Standards Committee Hearing - Complaint against Cllr Michael Levy

Preliminaries

4.1 The Chair introduced the item and explained that the Standards Committee's role was to hear the complaint and Councillor Levy's response and then determine the matter on the factual evidence presented, on a balance of probabilities. The Chair advised that the Committee would be responsible for managing the hearing.

- 4.2 The Chair asked Councillor Levy first to indicate whether he disputed any of the facts put forward as evidence by the Investigating Officer. Councillor Levy stated that he disputed all of the facts. George Gross raised a point of order to establish whether all relevant information concerning the complaint (investigator's report and documents for the hearing) had been provided to Councillor Levy in advance of the meeting and whether Councillor Levy had provided responses in accordance with the Standards Committee Hearing Procedure. Gifty Edila, Corporate Director of Legal, HR and Regulatory Services, advised that officers and Councillor Levy had both complied with pre-hearing procedures.
- 4.3 The Chair advised that all witnesses to the investigation were present outside of the meeting room with the exception of the Planning Officer (JM) who had now left the Council. The Chair asked Councillor Levy and Stephen Rix, the Investigating Officer, whether any of the witnesses could be released at this juncture. Following discussion, Councillor Levy, Stephen Rix and the Committee agreed to release the Governance Officer (EP). Later in the meeting, all parties agreed to question Graham Loveland, Femi Nwanze and Ben Bugerman and agreed to release all other witnesses.

Presentation of the Investigator's Report

- 4.4 Stephen Rix, Investigating Officer, presented the Investigator's Report as attached at Appendix 1 of the report. As detailed within Appendix 1, Stephen Rix gave an overview of the complaint by Councillor Stops who alleged that Councillor Levy had breached the Members' Code of Conduct by failing to declare an interest and remove himself from the meeting during consideration of the application for 16 Leabourne Road at the Planning Sub-Committee meeting on 1st February 2012.
- 4.5 Stephen Rix explained that although the complaint was made under the old Members' Code of Conduct, prior to the changes introduced by the Localism Act 2011 coming into effect on 1st July 2012, the complaint must be considered under the new arrangements. Stephen Rix highlighted the provisions of the old Code of Conduct and Planning Code of Conduct which were allegedly breached by Councillor Levy and compared them with relevant provisions under the new Code of Conduct and Planning Code of Practice, as detailed in section 3 of the Investigator's Report.
- 4.6 Stephen Rix then provided a detailed overview of the remainder of the report including the evidence gathered, summary of material facts, additional submissions by Councillor Levy, observations of the Independent Person, and reasoning as to whether there were failures to comply with the Codes.
- 4.7 Stephen Rix read out the findings of the report that Councillor Levy's failure to declare an interest in the application for 16 Leabourne Road and remove himself from the meeting on 1st February 2012 had breached paragraphs 1.1, 1.2 and 6.1 of the Planning Code of Practice as he did not hear the application with an open mind. The report also found that Councillor Levy's conduct had also breached paragraph 11.3 of the Members' Code of Conduct as he had actively engaged in supporting the application and he should not have participated at the meeting and should have left the meeting whilst the matter was under discussion and voting took place.

- 4.8 Stephen Rix explained that his initial report to the Standards Assessment Sub-Committee had not found that Councillor Levy had breached paragraph 11.3 of the Members' Code of Conduct as he had previously thought that this paragraph was only concerned with membership of outside bodies.

Question's regarding the Investigator's Report

- 4.9 George Gross sought advice on whether the issue before the Committee related to a challenge to a decision that is deemed to have been predetermined by Councillor Levy. George Gross believed that, as the validity of the Planning Sub-Committee's decision regarding 16 Leabourne Road was not being questioned, he did not feel it was necessary or appropriate for the Committee to determine whether or not Councillor Levy had an open mind under section 25 of the Localism Act 2011. Instead George Gross believed the Committee should focus on whether or not Councillor Levy had complied with the requirements of paragraph 11.3 of the Members' Code of Conduct and paragraph 6.4 of the Planning Code of Practice. Gifty Edila confirmed that the planning decision was not in question.
- 4.10 Councillor Levy asked for further clarity on why Stephen Rix had not initially found that paragraph 11.3 of the Members' Code of Conduct had been breached. Stephen Rix re-iterated that he had initially thought that the paragraph only referred to membership of outside bodies. However, following discussions with the Monitoring Officer on his draft report, Stephen Rix had been advised that paragraph 11.3 was not solely concerned with membership of outside bodies but also deals with support provided to individuals.

Submission from Councillor Levy

- 4.11 Councillor Levy made a number of submissions to the Committee during the questioning of Stephen Rix and when making his formal presentation. These submissions are detailed below.
- 4.12 Councillor Levy stated that he disputed the fact that he had declared an interest in the application for 16 Leabourne Road at the Planning Sub-Committee meeting on 9th December 2010. He stated there was a discrepancy in the minutes as it stated that he gave apologies to the meeting but also declared an interest. Councillor Levy believed the minutes were wrong in stating that he had declared an interest and referred to evidence from the Governance Services Officer (EP) stating that he had arrived late at the meeting. Councillor Levy also referred to the fact that the minutes incorrectly stated that the applicant had also been in attendance at this meeting. In response to a question from Councillor Taylor, Councillor Levy confirmed that he was at the meeting on 9th December 2010 and made submissions on behalf of the applicant, as reflected in paragraph 7.7 of the minutes of the meeting, but argued that he not been present at the start of the meeting to declare an interest. Following a question from Julia Bennett, Councillor Levy advised that he was not present at the Planning Sub-Committee following the meeting on 9th December 2010 so he couldn't raise objection to the accuracy of the minutes.
- 4.13 Councillor Levy disputed the evidence from JT and Femi Nwanze that he had supported the application for 16 Leabourne Road prior to it being considered at the Planning Sub-Committee meeting on 1st February 2012. Councillor Levy argued that there was no evidence of him having attended formal meetings or sending emails, letters or making phone calls, with regards to the application

prior to 2012 Planning Sub-Committee with the exception of the email from Graham Loveland's assistant which noted that Councillor Levy had called on behalf of the agent for 16 Leabourne Road asking when a decision would be made.

- 4.14 Councillor Levy asserted that any discussions he had with officers between the Planning Sub-Committee meeting in December 2010 and the meeting in February 2012 were related to an appeal decision concerning 22 Leabourne Road, and not solely concerned with 16 Leabourne Road. Councillor Levy also argued that the evidence from JT and Femi Nwanze was contradicted by evidence from Graham Loveland, former Assistant Director of Planning, who stated that Councillor Levy had not supported the application and had sought to distance himself from it prior to the Planning Sub-Committee on 1st February 2012. Councillor Levy believed that JT and Femi Nwanze failed to differentiate between him acting in his dual roles as a ward councillor and as a Member of the Planning Sub-Committee.
- 4.15 Councillor Levy argued that the application for 16 Leabourne Road did not have to be brought before the Planning Sub-Committee in February 2012 and that Graham Loveland had confirmed that the application could have been taken under delegated powers. However, Councillor Stops had made the decision to have the matter considered by the Sub-Committee. Councillor Levy highlighted that some of the evidence from officers wrongly indicated that he had some involvement in having the application brought before the Sub-Committee. Stephen Rix confirmed that it had been accepted as part of the investigation that Councillor Levy had not sought to have the application referred to the Planning Sub-Committee in 2012.
- 4.16 Councillor Levy believed that there were material differences between the application for 16 Leabourne Road considered by the Planning Sub-Committee on 9th December 2010 and the application considered by the Sub-Committee on 1st February 2012. He explained that an appeal decision concerning 22 Leabourne Road, made after the Planning Sub-Committee in 2010, meant that the application for 16 Leabourne Road considered in 2012 was materially different from the application made in 2010. The Chair noted that witnesses may need to be questioned on this point given that it was Stephen Rix's contention that the two applications were identical and that the report to the Sub-Committee on 1st February 2012 stated that the application was identical to the first application considered in 2010.
- 4.17 Councillor Levy also argued as part of his submissions that the law around predetermination and bias had changed prior to the Planning Sub-Committee meeting on 1st February 2012 as a result of section 25 of the Localism Act 2011 coming into effect, and therefore believed he was further entitled to attend and vote on the application for 16 Leabourne Road. He also explained that the legal advice provided to him at the Sub-Committee meeting on 1st February 2012 was that it was a matter for him to determine whether or not he had any bias or interest in the application.

Questions put to Councillor Levy

- 4.18 In response to questions from George Gross, Councillor Levy advised that he had not sought any legal advice prior to the Planning Sub-Committee meeting on 1st February 2012 concerning whether or not he had an interest in the

application for 16 Leabourne Road. Councillor Levy advised that he had not thought it necessary to seek legal advice given changes in the law and because he believed that the applications were materially different. Councillor Levy also responded that he did not have conversations with officers concerning the application for 16 Leabourne Road in isolation following the Planning Sub-Committee on 9th December 2010. Councillor Levy accepted that he had had a conversation with Femi Nwanze following a Planning Sub-Committee on 7th September 2011 however, this conversation was not solely regarding 16 Leabourne Road and was more specifically focussed on the effects of the appeal decision concerning 22 Leabourne Road.

- 4.19 George Gross sought Councillor Levy's opinion on the view of an objective member of the public with relevant knowledge of the facts. Councillor Levy argued that members of the public would not conclude that there was a risk of him not having an open mind when determining the application as a member of the public would see that the two applications for 16 Leabourne Road were not identical and were separate.
- 4.20 The Chair and George Gross asked questions in relation to Councillor Levy's role in advocating for the applicant of 16 Leabourne Road at the Planning Sub-Committee on 9th December 2010. Councillor Levy acknowledged that on this occasion he had actively engaged in supporting the applicant. However, Councillor Levy stated that he did not believe paragraph 11.3 of the Members' Code of Conduct was relevant given the changes in the law around predetermination and given that he had no involvement in the application after 2010.
- 4.21 The Chair and Onagete Louison sought further clarification from Councillor Levy on why he felt the two applications for 16 Leabourne Road were not identical. Councillor Levy argued that the appeal decision against enforcement action against 22 Leabourne Road, made following the Planning Sub-Committee on 9th December 2010, changed the nature and material factors that would have needed to be taken into account when the application for 16 Leabourne Road was reconsidered at the Sub-Committee on 1st February 2012. Councillor Levy believed therefore, that the application considered in 2012 was not identical.
- 4.22 Councillor Taylor acknowledged that factors surrounding the two applications may have changed between consideration at the two Planning Sub-Committee meetings, but stated that he did not believe the application itself had changed given that the design was the same. Councillor Taylor queried with Councillor Levy how the appeal decision for 22 Leabourne Road changed his interest in the application for 16 Leabourne Road. Councillor Levy responded that when speaking in support of the application in 2010, this did not necessarily mean he was 100% in favour of the application, but that he was advocating on the applicant's behalf as a ward councillor. Councillor Levy believed that his interest in the application had changed by 2012 given the changes in the law under the Localism Act 2011 and given the impact of the appeal decision for 22 Leabourne Road which changed the material factors of the application.
- 4.23 Elizabeth Coates-Thummel noted that Councillor Levy had not attended training on the Members' Code of Conduct but queried whether he had attended training with regards to his role on the Planning Sub-Committee. Gifty Edila

advised that Councillor Levy had attended planning training, which was a requirement of Members on the Sub-Committee, and that the session he had attended had included training on the Planning Code of Practice.

- 4.24 The Chair asked Councillor Levy to expand on his statement that he would have preferred for the application for 16 Leabourne Road to be dealt with under delegated authority in 2012 rather than it having to face the uncertain outcome of being determined by a Sub-Committee, as stated in an email that he sent to Stephen Rix dated 12 April 2013. Councillor Levy explained that the appeal decision regarding 22 Leabourne Road had resulted in officers recommending that 16 Leabourne Road be granted. However, Councillor Levy stated that even with officers recommending that an application be approved, it could not be guaranteed that Members would follow their recommendations. The Chair explained to Councillor Levy that this statement made by him appear to suggest that he wished the application to be approved under delegated powers to ensure that the application was granted.

Questions put to Councillor Stops, Chair of the Planning Sub-Committee

- 4.25 The Chair asked Councillor Stops to explain why he had asked Councillor Levy whether or not he had an interest to declare in the application for 16 Leabourne Road at the Planning Sub-Committee meeting on 1st February 2012. Councillor Stops explained that he recalled, at the Planning Sub-Committee meeting on 9th December 2010, Councillor Levy giving his apologies for the meeting as he wished to speak in support of the application for 16 Leabourne Road.
- 4.26 Councillor Stops confirmed that he, in his role as Chair of the Planning Sub-Committee, had asked for the application for 16 Leabourne Road to be submitted to the Planning Sub-Committee on 1st February 2012. This was based on the fact that the application had previously been considered by the Sub-Committee.
- 4.27 Councillor Stops stated that the resubmission of the application for 16 Leabourne in 2012 was the same as that submitted in 2010. Councillor Stops explained that, as the applications were identical in his opinion, he was surprised when Councillor Levy did not declare an interest given that he had previously spoken in support of the application. Councillor Stops stated that he asked Councillor Levy twice to consider if he had an interest given his previous involvement with the application. Councillor Stops recalled that the legal advice provided to Councillor Levy was that it was up to Councillor Levy to decide whether or not he an interest to declare.

Questions put to Graham Loveland, for AD of Planning and Regeneration

- 4.28 Graham Loveland was thanked by the Chair for attending the meeting. The Chair explained to Graham Loveland that the Committee was trying to establish whether or not the two applications for 16 Leabourne Road were the same and whether there were any differences in the applications which altered Councillor Levy's interest.
- 4.29 Graham Loveland stated that the application for 16 Leabourne Road considered by the Planning Sub-Committee on 1st February 2012 was the same as the application considered on 9th December 2010. Graham Loveland explained the circumstances of the appeal concerning 22 Leabourne Road and

how the appeal decision resulted in the second application for 16 Leabourne Road being recommended for approval.

- 4.30 The Chair referred to an email sent on 6th October 2011 in which Graham Loveland stated to Councillor Levy that “by way of comfort” the application for 16 Leabourne Road would be recommended for approval at the Planning Sub-Committee. Graham Loveland was asked to explain why he used the words “by way of comfort”. Graham Loveland stated that Councillor Levy had been interested in the application and had had a number of conversations with officers regarding the application. Following a further question from Elizabeth Coates-Thummel regarding this matter, Graham Loveland stated that he believed Councillor Levy would have taken comfort from the fact that the application was being recommended for approval.
- 4.31 In response to a question from Councillor Levy, Graham Loveland stated that he believed that Councillor Levy had been trying to distance himself from the application for 16 Leabourne Road prior to the Sub-Committee on 1st February 2012 and that any discussions had by Councillor Levy with officers prior to the meeting were focussed on trying to understand the planning argument and implications of the appeal for 22 Leabourne Road. Following a further question from Councillor Levy, Graham Loveland stated he believed that the appeal decision concerning 22 Leabourne Road changed the material facts that the Planning Sub-Committee had to take account of when determining the application for 16 Leabourne Road for a second time.
- 4.32 Councillor Thomson referred to an email sent by Graham Loveland on 8th September 2011 in which he stated that Councillor Levy had “buttonholed” him the previous evening concerning 16 Leabourne Road, and Councillor Thomson asked what specifically Councillor Levy had asked. Graham Loveland explained that Councillor Levy had been interested to establish how the appeal for 22 Leabourne Road impacted on the application for 16 Leabourne Road and whether or not it would change the officer recommendation.
- 4.33 In response to a question from Councillor Taylor, Graham Loveland stated that he perceived that Councillor Levy had been interested in when planning officers would come to a decision concerning the second application for 16 Leabourne Road, and had not been urging a decision in favour of the application.

Questions put to Femi Nwanze, Head of Development Management

- 4.34 Femi Nwanze was thanked by the Chair for attending the meeting. The Chair asked Femi Nwanze to explain why she felt Councillor Levy was in support of the second application for 16 Leabourne Road. Femi Nwanze confirmed that she perceived that Councillor Levy had been in full support of the application being granted based on the conversations that Councillor Levy had with Graham Loveland and based on the conversation that she had with Councillor Levy following a Planning Sub-Committee on 7th September 2011. Femi Nwanze stated that she had a conversation with Councillor Levy where he expressed a view that planning officers should change their recommendation on the second application for 16 Leabourne Road and grant the application based on the appeal decision for 22 Leabourne Road. Following a question from George Gross, Femi Nwanze confirmed that the conversation that she had with Councillor Levy was the one referred to in her email dated 8th September

2011 and that it was her recollection that the conversation lasted approximately 30 minutes.

- 4.35 Following questions from Councillor Taylor, Femi Nwanze confirmed that the application for 16 Leabourne Road had caused disagreement amongst planning officers prior to submission to the Planning Sub-Committee on 9th December 2010. Femi Nwanze explained the circumstances of the disagreement and stated that disagreement amongst officers was unusual.
- 4.36 In response to a question from Councillor Levy, Femi Nwanze stated that the application for 16 Leabourne Road had been referred to the Planning Sub-Committee in 2010 because Graham Loveland disagreed with the officer recommendation that the application should be refused. Femi Nwanze also confirmed that she had not received any telephone calls, emails or other correspondence from Councillor Levy regarding the application for 16 Leabourne Road, following the Sub-Committee meeting in 2010.

Questions put to Ben Burgerman, Senior Planning Lawyer and legal adviser to the Planning Sub-Committee on 1st February 2012

- 4.37 Ben Burgerman was thanked by the Chair for attending the meeting. Councillor Levy asked Ben Burgerman to explain the implications of section 25 of the Localism Act 2011. Ben Burgerman explained that section 25 shifted the burden of proof so that if a judicial review was brought on the grounds of pre-determination, it would have to be proved that a councillor did not have an open-mind. Ben Burgerman explained though that councillors would still have to ensure that they considered applications with an open mind.
- 4.38 Councillor Levy asked whether any discussions he had with officers in 2010 concerning 16 Leabourne Road would have precluded him from considering the application at the Planning Sub-Committee on 1st February 2012. Ben Burgerman explained that it would depend on the facts of the matter. Ben Burgerman explained that the test was whether or not an objective observer, aware of the facts, would determine whether or not Councillor Levy had a closed mind on the balance of probabilities.
- 4.39 In response to a question from Councillor Taylor, Ben Bugerman confirmed that he was not aware, when he gave legal advice to Councillor Levy at the Planning Sub-Committee on 1st February 2012, of what discussions Councillor Levy had had regarding the application for 16 Leabourne Road prior to the application being considered by the Planning Sub-Committee in December 2010, nor was he aware of what Councillor Levy had said at the meeting.
- 4.40 At Councillor Taylor's request, Ben Burgerman was given a copy of the agenda and was asked to read page 120 which contained the minute of Councillor Levy speaking in support of the application for 16 Leabourne Road at the Planning Sub-Committee on 9th December 2010. After reading the minute, Councillor Taylor asked Ben Burgerman whether, if he had read this minute prior to the Planning Sub-Committee on 1st February 2012, this may have changed the advice he provided to Councillor Levy. Ben Burgerman explained that if he had been aware of these facts he would have been more inclined to advise Councillor Levy that he would be perceived as having pre-determined the application and that it would therefore have been wise for him to declare his interest and not participate in consideration of the application.

4.41 Following a further question from Councillor Taylor, Ben Burgerman explained that all Members, if they think they may have an interest in an application, should seek legal advice in advance of a meeting so that considered legal advice can be provided.

4.42 Councillor Levy asserted that the legal advice given to him at the Planning Sub-Committee on 1st February 2012 was that it was for him to determine whether or not he had an interest in the application. He asked Ben Burgerman to confirm that this was the advice provided. Ben Burgerman advised that he could not remember what legal advice he provided at the meeting.

Closing submissions

4.43 The Chair asked Stephen Rix and Councillor Levy whether they had any closing submissions. Stephen Rix asked the Committee to have particular regard to the evidence from Femi Nwanze and John Tsang when deliberating on whether or not there had been a breach of the Members' Code of Conduct and Planning Code of Practice. Councillor Levy asked the Committee to have regard to the following:-

- i) the evidence from Graham Loveland that Councillor Levy had not been involved and had sought to distance himself from the application for 16 Leabourne Road after it had been considered by the Planning Sub-Committee in December 2010;
- ii) that there was no evidence of Councillor Levy having attended formal meetings, or having sent emails, letters or making phone calls, with regard to the application for 16 Leabourne Road prior to 2012 Planning Sub-Committee with the exception of the email from Graham Loveland's assistant which noted that Councillor Levy had called on behalf of the agent for 16 Leabourne Road asking when a decision would be made;
- iii) the determination for 16 Leabourne Road could have been taken under delegated authority rather than being referred to the Planning Sub-Committee on 1st February 2012;
- iv) the application for 16 Leabourne Road considered at the Planning Sub-Committee on 1st February 2012 was different to the application considered for the same property at the meeting on 9th December 2010 as there had been a material change as a result of the appeal decision for 22 Leabourne Road.

Deliberations

4.44 The Committee then considered its decision in private and asked Councillor Levy, Stephen Rix, all members of the public and officers, with the exception of Gifty Edila and Robert Walker, to leave the meeting room. During the deliberations, the Chair invited all co-opted Members and elected Members to present their views on the allegation of the complaint against Councillor Levy.

Decision

4.45 Councillor Levy, Stephen Rix, all members of the public and officers were then invited back into the meeting for the decision. Members of the Committee were

asked to vote on whether Councillor Levy had breached the Planning Code of Practice and Members' Code of Conduct.

- 4.46 **RESOLVED** that Councillor Levy had breached paragraph 6.4 of the Planning Code of Practice and paragraph 11.3 of the Members' Code of Conduct by failing to declare an interest and not participate at the Planning Sub-Committee on 1st February 2012 in the application for 16 Leabourne Road and by participating during consideration of this application.

For: 4 elected Members

Abstentions: 0

Against: 0

Note – co-opted Members did not vote on the decision as they do not have voting rights.

- 4.47 The Committee did not find that Councillor Levy had breached paragraphs 1.1, 1.2 and 6.1 of the Planning Code of Practice, as per the Investigating Officer's recommendations. The Committee did not believe that it was necessary for it to determine whether or not Councillor Levy had maintained an open mind in the application and instead believed that its considerations should be focussed on whether the requirements of paragraph 6.4 of the Planning Code of Practice and paragraph 11.3 of the Members' Code of Conduct had been complied with.

Further action

- 4.48 **RESOLVED** on finding that Councillor Levy had breached the Planning Code of Practice and Members' Code of Conduct, the Committee censured Councillor Levy and further agreed that:

- i) A report be submitted to Council informing Members of the decision of the Standards Committee;
- ii) A copy of the decision notice be sent to the Chief Whip of the Conservative Group; and
- iii) Councillor Levy undertakes further training on the Members' Code of Conduct.

For: 4 elected Members

Abstentions: 0

Against: 0

Note – co-opted Members did not vote on the decision as they do not have voting rights.

Reasons for the decision

- 4.49 The Standards (Hearing) Committee found that:-

1. At the Planning Sub-Committee on 9th December 2010, Councillor Levy had declared a personal and prejudicial interest in the application for 16 Leabourne Road and spoke in support of the application at the meeting and then removed himself from the room during consideration of the application.

2. The application for 16 Leabourne Road submitted to the Planning Sub-Committee on 1st February 2012 was identical to the application submitted to Planning Sub-Committee on 9th December 2010. The sole reason for the application being submitted again was because of a favourable appeal decision concerning 22 Leabourne Road.
 3. Councillor Levy had maintained an interest in the identical application for 16 Leabourne Road prior to it being considered at the Planning Sub-Committee meeting for the second time on 1st February 2012. This was evidenced by discussions he had with planning officers, in particular the conversation with the Head of Development Management following a Planning Sub-Committee meeting on 7th September 2011, concerning reconsideration of the application for 16 Leabourne Road in light of an appeal decision concerning enforcement action against 22 Leabourne Road. There were also email exchanges with the former AD for the Service concerning Cllr Levy's interest in the application.
 4. At the Planning Sub-Committee meeting on 1st February 2012, Councillor Levy did not declare any interest in the 16 Leabourne Road application despite being prompted by the Chair of the Sub-Committee, Councillor Stops, to consider whether he had any interest in the application. Councillor Levy remained in the room and participated in consideration of the application.
- 4.50 In consideration of the above findings, the Standards (Hearing) Committee believed that there was evidence that Councillor Levy had been closely involved in the application for 16 Leabourne Road and had actively engaged in supporting the applicant.
- 4.51 Given Councillor Levy's prior involvement with the application, the Standards (Hearing) Committee believed that Councillor Levy, at the Planning Sub-Committee meeting on 1st February 2012, should have declared an interest in the application for 16 Leabourne Road and removed himself during consideration of the application as required by paragraph 6.4 of the Planning Code of Practice and paragraph 11.3 of the Members' Code of Conduct. Councillor Levy's failure to declare an interest and participation during the consideration of the application was therefore in breach of the Planning Code of Practice and Members' Code of Conduct.

Duration of the meeting: 6.35 - 9.30 pm

Signed

.....

Chair of Committee

Contact:

Robert Walker, Governance Services

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REPORT OF THE MONITORING OFFICER (CORPORATE DIRECTOR OF LEGAL, HR AND REGULATORY SERVICES)

COMPLAINT AGAINST CLLR BRIAN BELL STANDARDS COMMITTEE – 22nd January 2014	Classification Open Exempt: Witness statements, decision notices and Correspondence	Enclosures Investigator’s Report and appendices Decision of the Assessment Sub- Committee (Exempt)
	Ward(s) affected Not applicable	

1. SUMMARY

- 1.1 In May 2013 complaints were submitted to the Monitoring Officer by five officers relating to the alleged conduct of Cllr Brian Bell during the recruitment process for a Head Teacher at Parkwood Primary School.
- 1.2 On 6th June 2013 a Standards Assessment Sub-Committee considered the complaints and decided that the Monitoring Officer should write to Cllr Bell asking him to apologise for his conduct to the complainants. An investigation into the complaint was ordered should Cllr Bell fail to apologise. After no apology was forthcoming, the matter was referred to the Interim Assistant Director of Legal and Democratic Services to investigate.
- 1.3 On 9th December 2013 the Investigator’s Report was presented to the Assessment Sub-Committee. A decision was made to refer four of the complaints for a full hearing by the Standards Committee on the grounds that paragraph 3.1 of the Members’ Code of Conduct had been breached. The Assessment Sub-Committee decided that the complaint would be withdrawn should Cllr Bell apologise by 5th January 2013. However despite the fact that the Decision Notices were sent to Cllr Bell with a letter explaining the Assessment Sub-Committee’s offer of an opportunity to apologise to the complainants, no apology was forthcoming.

2. RECOMMENDATION

- 2.1 Standards Committee is asked to hear the complaints from GB, JL, Tricia Okoruwa and HR against Cllr Brian Bell.

3. RELATED DECISIONS

- 3.1 Reports of 6th June 2013 and 9th December 2013 to the Assessment Sub-Committee.

4. FINANCIAL CONSIDERATIONS

4.1 There are no financial implications arising from this report.

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

5.1 There were five complaints made against Cllr Bell alleging breaches of Paragraphs 3.1 and 3.2 of the Members' Code of Conduct.

5.2 The Investigator has found evidence of breaches of Paragraph 3.1 of the Members' Code of Conduct in relation to four of the complaints. The Investigator found no evidence of Paragraph 3.1 being breached in relation to one of the complaints and found no evidence of Paragraph 3.2 being breached in relation to any of the five complaints.

**GIFTY EDILA
MONITORING OFFICER
(Corporate Director for Legal, HR & Regulatory Services)**

List of Appendices

Appendix A - Investigator's Report and appendices 1 to 17 (pages 15 to 164)

**Appendix B - Decisions of the Assessment Sub-Committee, 9th December 2013
(Exempt) (pages 165-182)**

Appendix A

Complaints by JL, OM, Tricia Okoruwa, HR and GB of the Education Department of the Children and Young People Directorate against Councillor Brian Bell.

Report of an Investigation by Graham White, Interim Assistant Director (Legal and Democratic Services) appointed by Gifty Edila, Corporate Director of Legal, HR and Regulatory Services and Monitoring Officer.

Investigation into complaints against Cllr Brian Bell

Report of the Investigation

1. The Complaints

1.1. On 10 May 2013 four complaints were made about the conduct of Cllr Brian Bell in relation to the process for the appointment of a Head Teacher at Parkwood Primary School. These complaints were made by officers from the Education Department of the Children and Young People Directorate, as follows:-

- (i) JL
- (ii) OM
- (iii) Tricia Okoruwa
- (iv) HR

1.2. On 13 May 2013 a further complaint was made by another officer who had been involved in these matters, GB.

1.3. Cllr Bell was appointed by the Council as a local authority governor at Parkwood School and at all relevant times was Chair of the Governors and Chair of the Governors' Recruitment Panel for the post of Head Teacher. Parkwood Primary School does not have its own Code of Conduct for Governors.

1.4. The Council's Code of Conduct for Members and voting co-optees provides at Paragraph 2.5

2.5 Where you act as a representative of your authority-

(a) on another relevant authority, you must, when acting for that other authority, comply with that authority's code of conduct, or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it may conflict with any other lawful obligations to which that other body may be subject.

1.5. In the absence of a school Code of Conduct for Governors, the Council's Code of Conduct will apply to Governors who are appointed by the local authority.

2. Assessment of the Complaints

2.1. The Standards Assessment Sub-Committee met on 6 June 2013 to consider the complaints. The Monitoring Officer's report to the Sub-Committee is Appendix 1. Appendix 2(i)-(v) comprises the complaints.

2.2. The Council's Code of Conduct is Appendix 3 and the observations of the Independent Person are Appendix 4.

2.3. The Sub-Committee considered that there was a potential breach of the Code of Conduct but that it was not in the public interest to proceed to investigation providing Cllr Bell is willing to apologise to the complainants for his conduct. The Sub-Committee resolved that:

(i) The Monitoring Officer shall write to Cllr Bell, on behalf of the Standards Assessment Sub-Committee, requesting that he apologises in writing to the complainants for his conduct.

(ii) If Cllr Bell refuses to provide a written apology to the complainants then the complaint will be automatically referred to the Monitoring Officer for investigation.

The Minutes of the meeting are Appendix 5.

2.4. Formal decision notices which state the Sub-Committee's decision in relation to each complaint was prepared and sent to each complainant. These are Appendix 6(i)-(v).

2.5. The Monitoring Officer wrote to Cllr Bell on 17 June 2013 attaching the decision notices (Appendix 7). She also stated that the Assessment Sub-Committee had proposed that Cllr Bell should offer a written apology to the officer. If he did not wish to do so, the Monitoring Officer would need to arrange for the complaints to be investigated by her deputy. No reply was received.

2.6. On 16 July 2013 the Monitoring Officer wrote again to Cllr Bell seeking a response to her letter of 17 June 2013 (Appendix 8) but again received no reply. In consequence, the Monitoring Officer appointed Graham White, Interim Assistant Director, Legal and Democratic Services as the Investigating Officer to conduct an investigation and report upon it.

2.7. On 29 July 2013 the Investigating Officer wrote to Cllr Bell asking whether or not Cllr Bell intended to apologise to the complainants, failing which a formal investigation would be undertaken. This email is Appendix 9. No reply was received.

2.8. On 22 August 2013, the Investigating Officer wrote again to Cllr Bell, asking him to confirm his situation by the end of August and if either there had been no confirmation of written apologies or no communication at all then the formal investigation would commence. This email is Appendix 10. No reply was received.

3. Councillor Brian Bell's official details

3.1. Cllr Brian Bell:

- i) Was first elected to the Council on 4 May 2006;
- ii) Was re-elected on 6 May 2010;
- iii) Signed the declaration of acceptance of Office, undertaking to observe the Members' Code of Conduct, on 7 May 2010;
- iv) There is no record of Cllr Bell having attended training in respect of the Code of Conduct since his re-election in 2010;
- v) Cllr Bell is currently a Member of the following Committees – Council Appointment Committee, Brownswood Ward Forum, Licensing Committee, Licensing Sub-Committee C, Pensions Sub-Committee, Planning Sub-Committee, Regulatory Committee;
- vi) Cllr Bell is also a Member of the following external bodies (outside bodies) – Finsbury Park Trust, Hornsey Parochial Charity, London Road Safety Council, and Parkwood Primary School Governing Body;
- vii) Was appointed to the Governing Body of Parkwood Primary School for a four year term of office by Cabinet on 28 January 2008. The appointment took effect on 24 February 2008;
- viii) Was re-appointed by Cabinet on 26 March 2012 with effect from 24 February 2012.

3.2. Cllr Bell completed a Members' Interest form on 26 July 2012, which was entered into the Register of Members' Pecuniary and Other Interests. This is Appendix 11.

3.3. Under Part B – Members' Other Non-Pecuniary Interests, in respect of *(i) Any body or organisation of which you are a member or in a position of general control or management and to which you are appointed or nominated by this Authority.*; Cllr Bell declared four organisations, one of which states 'Governing Body Parkwood Primary School'.

4. Participation in the Investigation

4.1. On 8 October 2013 the Investigating Officer wrote to Cllr Bell referring to the previous emails (Appendices 9 and 10), advising him that a formal investigation had commenced and inviting him to a meeting with the Investigating Officer to put his response to the complaints. This email is Appendix 12.

4.2. The Investigating Officer stated that if Cllr Bell did not wish to meet him, the Investigating Officer would proceed to write his report on the

basis of the information available to him and would have to state that Cllr Bell had not co-operated with the Investigation. The Investigating Officer requested a reply by the close of business on Friday 18 October. If no reply was received by that time, the Investigating Officer would conclude that Cllr Bell did not wish to meet him.

- 4.3. No reply to that email has been received and it must be concluded that Cllr Bell has declined to co-operate with the Investigation.

5. Complaint by JL

- 5.1. In addition to her written complaint, Appendix 2(i), Ms L has made a statement which is attached at Appendix 13.
- 5.2. Ms L attended the Recruitment Panel's shortlisting meeting and considered that her and her colleague were not made welcome by Cllr Bell who chaired the meeting and that they found it difficult to make contributions as Cllr Bell ignored them and talked over Ms L thereby blocking her from speaking. She felt that Cllr Bell's behaviour towards herself and her colleague was disrespectful.
- 5.3. On the day of the interviews, a member of Ms L's team was the administrative officer responsible for the smooth running of the process. When she returned to the office, this officer reported to her manager, Ms L, an incident in which Cllr Bell had spoken to her in an intimidating manner. Ms L was concerned that Cllr Bell had spoken to a relatively junior member of staff in this way and she reported the matter to Tricia Okoruwa, the Head of the Education Service. Ms L considered that Cllr Bell's behaviour towards the member of her team to amount to bullying.

6. Complaint by OM

- 6.1. In addition to her written complaint, Appendix 2(ii), Ms M has made a statement which is attached at Appendix 14.
- 6.2. In the recruitment process, it was necessary for Ms M to liaise with Cllr Bell and she found this challenging as he did not readily reply to emails and appeared unwilling to take on board advice offered to him. He did not wish to use the department's standard shortlisting grid, preferring to bring his own to the meeting.
- 6.3. Between the shortlisting and the interview Cllr Bell instructed Ms M not to send a letter of invitation to a candidate as he would deal with it himself, which was irregular.
- 6.4. An issue arose over the class which would be taught by candidates as a selection exercise and when a candidate wrote to Ms M about this it was evident that Cllr Bell had written to that candidate and had telephoned the candidate too.

- 6.5. Two days before the interviews a candidate rang Ms M to express concern at being written to direct by Cllr Bell, and asked if Ms M knew why. She did not. On the day before the interview the candidate rang to withdraw her application. She had received an email from Cllr Bell in the early hours of the morning and she considered that if the Chair of Governors was acting like this before the interviews she did not wish to work with/for him.
- 6.6. On the day of the interview Ms M met Cllr Bell upon his arrival at the school and took him to the room where the Panel was assembled. In the corridor he looked at Ms M intensely and said 'You are the one who sent those emails to candidates even though I said don't send them'. He did not raise his voice though his hands and body were shaking. Ms M found the look in his eyes scary. She was surprised by this incident and felt intimidated.
- 6.7. On her return to the office Ms M reported the incident to her manager, Ms L.

7. Complaint by Tricia Okorowa

- 7.1. In addition to her written complaint, Appendix 2(iii), Ms Okoruwa has made a statement which is attached at Appendix 15.
- 7.2. As Education Director, Ms Okoruwa had an overview of the recruitment process for the Head Teacher of Parkwood Primary School.
- 7.3. She had email correspondence with Cllr Bell when she had followed up on issues where Cllr Bell had been difficult with other officers about the process. He did not respond regularly to emails and it was necessary to write to him several times before eliciting a reply. Ms Okoruwa found some of the intermittent replies to be quite intimidating in their style and tone e.g. the use of capital letters.
- 7.4. Ms Okoruwa considered that Cllr Bell misunderstood the different roles of a local authority governor from that of the local authority's statutory role and whilst Ms Okoruwa was seeking only to fulfil the latter responsibilities Cllr Bell in the former role was seeking to encroach upon the Authority's statutory powers and duties.
- 7.5. During the course of the unsatisfactory correspondence Cllr Bell had indicated that he had his own ideas upon shortlisting but he never advised Ms Okoruwa what those ideas were or what he wanted to do and eventually Ms Okoruwa instructed her staff to prepare what is normally prepared for a Head Teacher appointment.
- 7.6. Ms Okoruwa instructed a Senior HR Officer to accompany the Education Officer to the shortlisting meeting which would not normally

have been necessary but was so considered in order to ensure the process was robust and appropriate.

- 7.7. After the shortlisting had taken place, one of the candidate's references did not meet Education policy requirements and Ms L was required to ask Cllr Bell to seek a reference from the candidate's previous Head Teacher. A number of emails were not replied to and altogether this took about 6 weeks to progress to the point of obtaining something which was not altogether satisfactory.
- 7.8. Correspondence took place with Cllr Bell as to the date for the interviews. Ms Okoruwa advised she could manage any day of the chosen week except Wednesday, which was the day Cllr Bell chose.
- 7.9. After the interviews Ms L reported to Ms Okoruwa the incident when Cllr Bell had spoken to Ms M in the corridor. Ms Okoruwa was most concerned about this as it appeared that Cllr Bell's conduct towards one of her junior members of staff was intimidatory and unnecessarily aggressive.
- 7.10. After the interviews it was necessary for the full governing body to ratify the decision and a meeting was arranged for 2 days later. On the day before the Governor's meeting, GB who had attended the interviews advised Ms Okoruwa of certain concerns about the successful candidate and Ms Okoruwa wrote to Cllr Bell setting out those concerns and stating that she would make herself available to advise the Governors at their meeting. She told Cllr Bell she intended to send a letter to all Governors before the meeting, advising them of her availability. No reply was received from Cllr Bell and eventually Ms Okoruwa sent the letter anyway at lunchtime on the day of the meeting.
- 7.11. Ms Okoruwa and Ms B went to the Governors meeting and stood outside the room waiting to be invited in. After 20 minutes or so Cllr Bell came out and told them that the Governors had made their decision and that they were not needed. Ms Okoruwa asked if Cllr Bell was refusing them the opportunity to address the governing body and he replied that he certainly was. He then started to walk off and Ms Okoruwa said that when the process was concluded we need to discuss the behaviours of a local authority governor. Cllr Bell went back into the room and slammed the door.
- 7.12. Following the Governors' decision it was left to Ms Okoruwa's department to make the formal offer of employment subject to the usual checks and all this took 6-8 weeks during which the Head of Education HR was in correspondence with Cllr Bell over whether the references provided met Education policy requirements. Ultimately an additional referee was sought in order to cover essential criteria not covered by the other referees.

7.13. Ms Okoruwa considered that throughout the process, Cllr Bell had been disrespectful to her and her staff and had been obstructive and unprofessional throughout. She described Cllr Bell's behaviour as aggressive and non-communicative and that he showed an unwillingness to consider the advice offered by the local authority in its statutory role.

8. Complaint by HR

8.1. In addition to her written complaint, Appendix 2(iv), Ms R has made a statement which is attached at Appendix 16.

8.2. Ms R was asked by Ms Okoruwa to attend the Panel Shortlisting Meeting at Parkwood Primary School in place of Ms B who had another appointment. She took with her the pre-prepared shortlisting grids. She had not met Cllr Bell previously.

8.3. JL offered the grids to the meeting but Cllr Bell was very clear that he did not wish to use the local authority standard procedure and emphasised that it was the Governors' appointment and that they could follow whatever procedure they considered appropriate. Whilst Cllr Bell was firm in his opinion, there was no aggression in his words or posture and Ms R did not feel threatened.

8.4. Cllr Bell brought out his own scoresheet but did not have enough copies to circulate and so Ms B offered the ones prepared earlier by Education. Whilst the atmosphere in the meeting was polite, Ms R felt an underlying tension.

8.5. Having made their selections for interview, Ms R advised the Panel upon a range of activities which had been used in the past and had proved very successful in headship interviews and a discussion took place about which activities to employ. Ms R had concerns that one of the candidates had worked previously at Parkwood and would know the pupils which could be advantageous. Cllr Bell thought this was not a problem but the other Governors accepted the advice and looked to have the activities carried out elsewhere.

8.6. The Governors agreed upon the School where this would occur and Ms R agreed to make the necessary arrangements. Cllr Bell wanted the whole panel to observe the teaching exercise. Ms R advised that this was not appropriate. The matter was not resolved at the time and in subsequent email correspondence Cllr Bell told Ms R he was not prepared to have any discussion upon the matter. Ms R told Cllr Bell that the Head of the selected School was not prepared to have the entire panel in the classroom for health and safety reasons. The matter was still not resolved but Cllr Bell would not correspond with Ms R so it was hard to organise anything.

- 8.7. After the shortlisting meeting had finished SG, a Support Staff Governor and a teaching assistant at the School asked to speak to Ms L and Ms R. She was concerned about what had happened on the Governing body but was fearful of raising her concerns as she was employed at the school.
- 8.8. After the interviews had taken place Ms G emailed Ms R to say she was considering resigning from her role as a governor as a result of events which has occurred. Cllr Bell had told the Panel to reject all advice from HR and not to follow HR instructions. Ms G had expressed her opinion that unless the panel appointed correctly the panel would be liable to prosecution and she felt the panel must listen to and follow HR advice. From that point Cllr Bell left her out of all roles even though she had been allocated to certain roles by Ms B. She considered Cllr Bell to have been rude and aggressive in his manner throughout the process to anyone whether HR or Panel member if they did not agree with him.
- 8.9. Ms R states that the reason she has complained is because she is very concerned that someone should be fearful of retaining their post due to standing up to the Chair of Governors.
- 8.10. Ms R considered that Cllr Bell's conduct contravened the Standards of Public Life and in particular Principle 2 (honesty and integrity), Principle 3 (objectivity), Principle 7 (respect for others) and Principle 10 (leadership).

9. Complaint by GB

- 9.1. In addition to her written complaint, Appendix 2(v), Ms B has made a statement which is attached at Appendix 17.
- 9.2. When the post of Head Teacher at Parkwood Primary School was advertised initially, Ms B was the Education Adviser to the Recruitment Panel. She attended the Panel's shortlisting meeting and was surprised to find that there were 6 members. She explained that normally a recruitment panel would comprise an odd number of members thereby facilitating a majority. Cllr Bell responded sharply that it was a matter for the Governors to decide how many should be on the Panel.
- 9.3. While waiting in the school hall for her taxi following the meeting, Cllr Bell approached Ms B and said in a manner she considered to be aggressive that it was for the Governors to fix the size of the Panel and had nothing to do with her. She responded that her role was to advise the Panel.
- 9.4. The post was re-advertised and Ms B was not present at the Panel's shortlisting meeting due to another appointment but was earmarked for the interviews. Leading up to the interviews there was email

correspondence with Cllr Bell regarding the tasks which would comprise the process. Some of this was conducted by Ms B and some by her various colleagues. Ms B considered the tone of Cllr Bell's emails to be unhelpful, rude and insistent upon practices which were not feasible. One issue regarding Cllr Bell's wish to have the whole panel observing the teaching exercise was only resolved when the host Head Teacher said she was not able to accommodate the whole panel in the classroom at once.

- 9.5. The second applicant invited for interview withdrew before the interview. She told Ms B that the tone of emails to her from Cllr Bell had influenced her decision to withdraw.
- 9.6. Ms B perception was that Cllr Bell wanted to control the entire process throughout and not to maintain an overview and as a consequence was getting too involved in minutiae. In consequence one candidate withdrew and the process did not proceed as smoothly as it should have.
- 9.7. At the teaching exercise Ms B was the only professional present who could judge the quality of the teaching. She advised the Panel that the lesson required improvement and that the teaching was not strong enough.
- 9.8. At the interview Ms B was the only officer present. It had been difficult to set questions upon competencies set by Cllr Bell as they were too extensive. Cllr Bell had not wanted to use/adapt standard questions.
- 9.9. The Panel did their scoring and felt the candidate has done well enough to be appointed. Ms B told them she could not support the appointment because the quality of the teaching was not a sufficiently high standard; the responses to questions did not display sufficient understanding of leadership and were too limited; and the references did not support the candidate's suitability for headship.
- 9.10. Cllr Bell advised that Ms B comments were noted but the Panel did not agree and were going to recommend appointment to the governing body.
- 9.11. On returning to the office Ms B discussed events with Tricia Okoruwa who put her concerns initially to Cllr Bell and when he failed to respond, to all the Governors.
- 9.12. Although not invited, Ms Okoruwa and Ms B attended the Governors' meeting to advise but they were not invited in and Cllr Bell came out and told them they were not needed.
- 9.13. At the conclusion of the matter Ms B felt aggrieved at the level of disrespect she considered she had experienced from Cllr Bell. From her knowledge of the series of events throughout the process she

considered that Cllr Bell had been discourteous to everyone from the Education department with whom he had come into contact.

10. Consideration of breach of the Code of Conduct

10.1. With one exception, the complaints do not identify specific breaches of the code of conduct rather that the conduct complained about was regarded by them in general terms as being such as to breach the Code. The complaints can be attributed to particular obligations under the Code of Conduct.

10.2. Ms L considered Cllr Bell's behaviour to be disrespectful and with regard to the incident with Ms M bullying. In the General Obligations of the Code of Conduct Paragraph 3.1 states:

3.1 You must treat others with respect
and Paragraph 3.2:

3.2 You must not –
...
(b) bully any person;

10.3. Ms M found dealing with Cllr Bell challenging though did not allege that his conduct was disrespectful towards her until the incident in the corridor occurred. She was surprised and intimidated by this and it may be inferred that the complaint about this incident also related to Paragraphs 3.1 and 3.2 of the Code.

10.4. Ms Okoruwa's complaint was wider than the others, as might be expected from a Director with an overview of the entire process and in general she considered Cllr Bell to have been unwilling to consider advice from the local authority which was manifest in a disrespectful attitude to her and her staff demonstrated through obstructive, aggressive and intimidatory behaviour both to herself and to her junior staff. When the complaint is considered alongside the Code of Conduct it is compliance with Paragraphs 3.1 and 3.2 which fall to be determined.

10.5. Ms B considered that Cllr Bell wished to control the entire process himself and as he did not appreciate the input from the Education department he was unhelpful, rude and aggressive in correspondence and discourteous to all from the Education department which amounted to disrespect and thus Paragraph 3.1 of the Code.

10.6. Ms R referred to the General Principles of Public Life upon which the Code of Conduct is based. She referred to the previous version of the Principles and not all the matters referred to are contained in the latest version. These were:

Principle 2 Honesty and integrity (Now Principles 2 and 6)
Principle 3 Objectivity (Principle 3)
Principle 7 Respect for others (no longer in the General Principles)
Principle 10 Leadership (now Principle 7)

- 10.7. Having regard to the Principles of Public life referred to by Ms R, and former Principle 2, there have been no allegations which impugn Cllr Bell's honesty: there is no suggestion that he has been other than truthful. Similarly with regard to Integrity there is no suggestion that Cllr Bell has acted in order to gain financial or other material benefits for himself, his family or friends.
- 10.8. Principle 3 requires Members to act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. No allegation has been made that Cllr Bell failed to adhere to this provision.
- 10.9. Principle 7, Respect for Others has been dropped from the general principles of public life, but remains in the general obligations of the Code of Conduct at Paragraph 3.1
- 10.10. Principle 10, Leadership, retained as Principle 7 of the new version, requires Members to exhibit the general Principles of Public Life in their own behaviour.
- 10.11. No aspect of the complaints against Cllr Bell is sufficient to suggest failure to observe the general principles.
- 10.12. Ms R stated that the reason for her complaint was her concern for a governor who was fearful of retaining their post at the school if she stood up to Cllr Bell as Chair of the Governors. This Governor is not a complainant and this aspect of the matter is not under consideration.
- 10.13. Whilst these five complaints relate to a variety of elements of the recruitment process, the recurring theme throughout is whether Cllr Bell treated these various members of staff with respect (Paragraph 3.1) and whether his behaviour amounted to bullying (Paragraph 3.2).
- 10.14. It is evident that as Chair of the Recruitment Panel and Chair of Governors, Cllr Bell wanted to shape the recruitment process to his own preferences. He did not welcome the input from the Education Department and did not accept it graciously.
- 10.15. The impression given from the complainants' evidence is that Cllr Bell is plain speaking with an assertive demeanour. Undoubtedly he dealt robustly with the officers on occasion. However, in his dealings did his conduct cross the line of being assertive in pursuing what he regarded as the best process to that of being disrespectful to the officers and bullying them?

- 10.16. In the treatment of Ms L and Ms R at the shortlisting meeting his assertiveness extended to ignoring and talking over these senior officers, in order to block their contributions in front of a panel of governors, which the officers regarded as demeaning and this showed a lack of respect for them.
- 10.17. The various correspondences between Ms Okoruwa and Cllr Bell were unsatisfactory due to the reluctance of Cllr Bell to respond promptly or fully, at times leaving Ms Okoruwa no choice but to act unilaterally. Taken together with the refusal to allow Ms Okoruwa to address the Governors' meeting I consider that Cllr Bell failed to show Ms Okoruwa the respect to which she was due as Education Director.
- 10.18. Ms B had experienced Cllr Bell's assertiveness at the first shortlisting meeting and had engaged in email correspondence in which Cllr Bell had been unwilling to accept professional advice upon education issues. At the interview Ms B was the only education professional present and offered professional advice upon the candidate's suitability for the post, which was noted but not accepted. One of the disregarded points was considered so important that Ms Okoruwa wrote to all the Governors expressing Ms B's concerns. Despite having attended for the purpose, Ms B was not allowed to express her concerns to the Governors' meeting.
- 10.19. Throughout the process Cllr Bell had been unwilling to accept advice upon education issues much of which had been tendered by Ms B. It was Ms B's role to advise and for the Panel to determine the appointment and there was no requirement upon the Governors to accept the professional advice of the officer come what may, but at the same time as the sole educational professional, Ms B's advice should have received serious consideration prior to any rejection. It is clear that on a number of occasions Ms B's advice was noted and rejected without more detailed consideration both by Cllr Bell alone and when chairing the Panel, and the advice and Ms B as the provider of it were entitled to greater respect than they were afforded.
- 10.20. Ms M had a challenging time in correspondence with Cllr Bell as he was not very receptive to advice from the Education department but that alone would not have prompted a formal complaint. The issue which was the subject of the complaint was the incident in the corridor when Cllr Bell spoke to Ms M in a manner which she found intimidatory.
- 10.21. The tone of voice and body language cannot be verified at this stage and the words used might have been no more than a comment. The words alone do not infer disrespect and there is no suggestion that the comment was made with a view to Ms M adopting any particular course of action. Consequently I do not consider that this incident

amounted to a breach of paragraph 3.1 nor to a breach of paragraph 3.2

11. Conclusion

11.1. I consider that Cllr Bell has failed to treat Ms L, Ms Okurowa, Ms R and Ms B with respect and has breached Paragraph 3.1 of the Code of Conduct.

11.2. I consider that Cllr Bell has not failed to show respect nor bullied Ms M and has not breached paragraph 3.1 and 3.2 of the Code of Conduct in respect of her complaint.

11.3. I consider that Cllr Bell has not breached paragraph 3.2 of the Code of Conduct in relation to the other complainants nor to Education staff generally.

Graham White
Investigating Officer

Interim Assistant Director
(Legal and Democratic Services)

November 2013

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Code of Conduct for Members and Voting Co-optees

PART ONE

GENERAL PROVISIONS

Introduction and interpretation

- 1.1 This Code applies to you as a Member of the authority, or a voting co-optee.
- 1.2 You should read this Code together with the seven statutory principles prescribed by law and the Secretary of State. These principles are annexed to this Code.
- 1.3 It is your responsibility to comply with the provisions of this Code.
- 1.4 In this Code—

"meeting" means any meeting of—

(a) the authority;

(b) the executive of the authority;

(c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members.

"member" includes a voting co-opted member and an elected member.

"co-opted member" means a person who is not an elected member of the authority but who (a) is a member of any committee or sub-committee of the authority, or (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority, and who is entitled to vote at meetings.

Scope

- 2.1 Subject to paragraphs 2.2 to 2.5, you must comply with this Code whenever you act as a Member or a voting co-optee and references to your official capacity are construed accordingly.
- 2.2 Subject to sub-paragraphs 2.3 and 2.4, this Code does not have effect in relation to your conduct other than where it is in your official capacity.

- 2.3 In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- 2.4 Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph 2.3) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- 2.5 Where you act as a representative of your authority—
(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General Obligations

- 3.1 You must treat others with respect.
- 3.2 You must not—
(a) do anything which may cause your authority to breach any of the equality enactments (as defined in the Equality Act 2010);
(b) bully any person;
(c) intimidate or attempt to intimidate any person who is or is likely to be—
(i) a complainant,
(ii) a witness, or
(iii) involved in the administration of any investigation or proceedings,
in relation to an allegation that a member (including yourself) has failed to comply with the authority's code of conduct; or
(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.

4. You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is—

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to the Code of Recommended Practice on Local Authority Publicity.

7.1 When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

(a) the authority's chief finance officer; or

(b) the authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

7.2 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

PART TWO

INTERESTS

Pecuniary Interests

8.1 You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State and either:

(a) it is an interest of yours, or

(b) it is an interest of:

(i) your spouse or civil partner;

(ii) a person with whom you are living as husband and wife, or

(iii) a person with whom you are living as if you were civil partners

and you are aware that that other person has the interest.

Registration of pecuniary interests

9.1 Subject to paragraph 12.1 below (sensitive interests), you have a duty, to notify the Council's Monitoring Officer in writing of any disclosable pecuniary interests you have within 28 days of:

(a) this Code being adopted or applied by the Council; or

(b) your election or appointment (where that is later).

9.2 Subject to paragraph 12.1 below, you have a duty, within 28 days of becoming aware of any new pecuniary interest or any change to any pecuniary interest notified to the Monitoring Officer under paragraph 9.1, to notify the Council's Monitoring Officer in writing of that new pecuniary interest or change.

Pecuniary interests in matters considered at meetings

- 10.1 If you attend a meeting and are aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at that meeting, you must - subject to paragraph 12.1 below - disclose that interest to the meeting, and – unless you have obtained a dispensation– you cannot participate in any further discussion on the matter and must leave the meeting room whilst the matter is under discussion and voting takes place.

Other interests

- 11.1 Where a Member is a member of an external body this must be disclosed on the interests form and declared at meetings.
- 11.2 When contractual, financial, consent, permission or licence matters are under consideration relating to an external body on which you sit as a Member, such an interest must be declared and you cannot participate in the meeting as a Member of the Committee and must leave the meeting whilst the matter is under discussion and voting takes place.
- 11.3 When contractual, financial, consent, permission or licence matters are under consideration and you have actively engaged in supporting an individual or organisation on the matter, you cannot participate in the meeting as a member of the Committee and must leave the meeting whilst the matter is under discussion and voting takes place.
- 11.4 Where a Member has received a gift or hospitality with an estimated value of at least £25, this must be disclosed on the register of interests form and declared at meetings.

Sensitive interests

- 12.1 Where you consider (and the Council's Monitoring Officer agrees) that the nature of a disclosable pecuniary interest is such that disclosure of the details of the interest could lead to you or a person connected with you being subject to intimidation or violence, it will be deemed to be a "sensitive interest" for the purposes of the Code. Details of the sensitive interest do not need to be disclosed to a meeting, although the fact that you have a sensitive interest must be disclosed, in accordance with paragraph 10.1 above.

Interests arising in relation to overview and scrutiny committees

- 13.1 In relation to any business before an overview and scrutiny committee of the authority (or of a sub-committee of such a committee) where—
- (i) that business relates to a decision made (whether implemented or not) or action taken by the authority's executive or another of the

authority's committees, subcommittees, joint committees or joint sub-committees; and

- (ii) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (i) and you were present when that decision was made or action was taken; or
- (iii) that business relates to a decision made (whether implemented or not) or action taken by you (whether by virtue of the Council's constitution or under delegated authority from the Mayor),

you may attend a meeting of the overview and scrutiny committee of the authority or of a sub-committee of such a committee but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Dispensation

14.1 A Member or voting co-optee may submit a written request for dispensation relieving them from the restrictions on a participation in and voting on a disclosable pecuniary interest.

14.2 Dispensation may be granted if:

- (a) the number of persons prohibited from participating in the meeting would be so great a proportion as to impede the transaction of the business
- (b) without the dispensation the balance of political groups on the committee would be affected and affect the outcome of any voting
- (c) granting dispensation is in the interests of residents
- (d) each member of the executive would be prohibited from participating in any particular business to be transacted by the executive
- (e) it is otherwise appropriate to grant a dispensation.

Applications under sections 14.2(a)(b) and (d) above shall be made to the Monitoring Officer. All other applications shall go to Standards Committee.

Pre-determination or bias

- 15.1 Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you should not be prohibited from participating in a decision in your political role as a Member. However, you should avoid placing yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- 15.2 When making a decision in such situations, you should consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

Breach of this Code of Conduct

- 16.1 Failure to comply with the provisions on disclosure of pecuniary interests in paragraphs 9.1 and 9.2 is a criminal offence and may result in a prosecution. If convicted a fine of up to £5,000 (level 5) could be imposed. A member could be disqualified for a period of up to 5 years.
- 16.2 Failure to comply with the general obligations in paragraphs 3.1, 3.2, 4, 5, 6, 7 or 10.1, 11, 15.1 and 15.2 may result in the consideration of a complaint against the Member concerned by the Standards Committee.

Appendix A

GENERAL PRINCIPLES

In accordance with the Localism Act 2011 the following statutory principles are to govern the conduct of the Members and voting co-optees of Hackney Council:

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.

Appendix B

Where the decision referred to in paragraph 1.9 of the General Introduction above relates to one of the functions of the authority set out below and the condition which follows that function does not apply to you when making that decision, you may participate in the decision:

- (i) housing, where you are a tenant of your authority *unless* those functions relate particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education or are a parent governor of a school *unless* it relates particularly to the school which the child attends;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Appendix 7 – Complaints against Cllr Brian Bell

Views of the Independent Person

1. I should start by mentioning that I know Cllr Brian Bell as my Ward Councillor. However there is no connection between us beyond that formality.
2. All five complaints are from staff of the Learning Trust (LT), one of whom is the Director of Education, Tricia Okoruwa. The substance of the complaints is essentially the same in all cases.
3. Normally, where multiple complaints have been made against a councillor, it is preferable to treat each complaint separately, even where the matters complained of are in common. However in this case I think it is more helpful for the Independent Person to give a combined view embracing all the complaints together.

Background on school governance

4. The complaints focus on the statutory relationship between a local authority's (LA) professional advisers, and a school's Governing Body (GB). It is the case that a school must notify the LA of the headteacher's resignation and the LA has the right to an advisory place on the selection panel. The school must also notify the LA of the shortlisted candidates selected for interview.
5. While the GB is required to accept one representative of the LA on the panel, and the GB must take proper account of any advice given by the LA representative, the GB is not necessarily obliged to follow every detail of that advice. The GB has the statutory responsibility for governance, and is entitled to take decisions as it thinks fit, provided always that it takes LA advice into account, and does not act unreasonably or contrary to law.
6. A school GB is a statutory body of considerable responsibility and independence, and the chair of the GB must reflect these qualities. In particular the chair must take care to keep apart his or her other roles and responsibilities, and to act only in the interests of the GB and the school.
7. A GB must elect one of its number as chair, and it is permissible for a GB member who is also a councillor on the school's parent LA to be elected as chair of the GB. Given the close relationship between a GB and its parent LA, and the possibility that their respective concerns and interests may not always coincide, it is open to question whether it is appropriate for a councillor to chair a GB. However that is not a matter for the present.

Complaints against Cllr Bell

8. Cllr Bell was, at the relevant time, chair of the GB of Parkwood School. Parkwood needed to recruit a new headteacher, and the GB, led by the chair went into action. The relevant experts from LT sought to play their required roles on behalf of the LA. However throughout the process, these officers felt marginalised by what they saw as Cllr Bell's determination to manage the exercise in his own way, to the exclusion of their expert advice. Furthermore, they found Cllr Bell's attitude towards them and their advice to be rude and overbearing.

9. There is no mention in the complaints of the actions or views of the other members of the Parkwood GB, save that one member (a support staff representative) reportedly felt obliged to resign from the GB for reasons that are not entirely clear, despite being directly quoted at length in two of the complaints. Presumably the rest of the GB generally supported – or at least tolerated - the approach taken by Cllr Bell, and approved the eventual headteacher appointment itself.

10. The complaints go to some lengths to correlate Cllr Bell's actions with breaches of the seven principles of public life which are incorporated into Hackney's Code of Conduct for members of the council. However some refer to ten (rather than seven) principles, and have them mixed up. These already jumbled correlations become further stretched where one complaint includes "health and safety" as a reason for not allowing seven adults in a classroom.

Assessment

11. The Code of Conduct only applies when Council Members are discharging the functions of the Council. In addition, where a Member is nominated by the Council to membership of another body (such as a GB) the Member must also comply with the Code when discharging the functions of that body, except where that would conflict with the obligations or interests of that other body (in this case, the Parkwood GB).

12. The complaints seem to concern two distinct aspects. First, that the recruitment policies and processes adopted by Cllr Bell (and, it may be assumed, by the rest of the GB) ignored advice urged upon them by LT officers. The complaints do not explicitly state which advice was optional for the GB, and which the GB was legally required to follow. The decisions of the GB, and Cllr Bell on their behalf, may have been unwelcome to the officers, but may nevertheless have lain within the proper remit and powers of the GB.

13. Secondly, the complaints describe in detail Cllr Bell's behaviour in response to that advice, which was perceived by officers to be obstructive and unprofessional. However it may be that Cllr Bell considered himself merely to

be robustly directing, on behalf of the independent GB, a legitimate variation in practice, against what he may have perceived as needless interference by the LT staff.

14. In my view, there do seem to have been failures of policy and procedure by the Parkwood GB and its chair, in the headteacher recruitment exercise. Cllr Bell may have treated LT and Education Department officers in a dismissive or rebarbative manner, leading to a breakdown in working relationships. If that is so, Cllr Bell should reflect upon how his contribution to the work of both Parkwood GB, and the council at large, might be improved by a more considerate approach to colleagues.

15. In any case, however, it is my view that the present five complaints should not have been brought into the Code of Conduct machinery at all – at least, not in the first instance. The issues raised by the four LT staff would better have been dealt with by line management, reporting to the Director of Education. The Director herself could then have dealt swiftly with the details of headteacher recruitment policy and practice, and education staff relationships with GBs, through more appropriate channels - including if need be the Chief Executive and Council leaders.

JONATHAN STOPES-ROE
Independent Person
London Borough of Hackney

28 May 2013

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Name: Brian Bell

Signature:

Date: 26th July 2012

PART A – MEMBERS’ PECUNIARY INTERESTS

i) Any employment, office, trade, profession or vocation carried on by you for profit or for gain.
Self Employed Trainer
ii) The name of any person or body or organisation, other than this Authority, who has made a payment or provision of any other financial benefit to you in respect any expenses incurred in carrying out your duties as a Member or any election expenses.
No payments were made to me but Hackney Labour Party met my elections expenses.
iii) Any contract for goods, services or works made between this Authority and you, or a body or organisation in which you have a beneficial interest, which is to be executed and yet to be discharged.
N/A

iv) Any land in the area of this Authority in which you have a beneficial interest.
Withheld
v) Any land in the area of this Authority for which you have a licence (alone or jointly with others) to occupy for 28 days or longer.
N/A
vi) Any land where the landlord is this Authority and you, or a body or organisation in which you have a beneficial interest, are the tenant.
N/A

vii) The name of any person or body or organisation who has a place of business or land in the area of this Authority, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower).

N/A

PART B – MEMBERS' OTHER NON-PECUNIARY INTERESTS

i) Any body or organisation of which you are a member or in a position of general control or management and to which you are appointed or nominated by this Authority.

Governing Body Parkwood Primary School
Fin Future
London Road Safety Council
Nominated to Hornsey Parochial Charity

ii) Any body or organisation —

(a) exercising functions of a public nature;

(b) directed to charitable purposes;

(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);

(d) relevant to your role as a Member of the Council;

of which you are a member or in a position of general control or management.

Hackney North CLP
Hackney Co-operative Party

PART C – PECUNIARY INTERESTS OF MEMBERS' SPOUSE OR CIVIL PARTNER

i) Any employment, office, trade, profession or vocation carried on by your spouse or civil partner for profit or for gain.

N/A

ii) The name of any person or body or organisation, other than the authority to which they are elected, who has made a payment or provision of any other financial benefit to your spouse or civil partner in respect any expenses incurred in carrying their duties as a Member of that authority or any election expenses.

N/A

iii) Any contract for goods, services or works made between this Authority and your spouse or civil partner, or a body or organisation in which your spouse or civil partner has a beneficial interest, which is to be executed and yet to be discharged.

N/A

iv) Any land in the area of this Authority in which your spouse or civil partner has a beneficial interest.

N/A

v) Any land in the area of this Authority for which your spouse or civil partner has a licence (alone or jointly with others) to occupy for 28 days or longer.

N/A

vi) Any land where the landlord is this Authority and your spouse or civil partner, or a body or organisation in which your spouse or civil partner has a beneficial interest, are the tenant.

N/A

vii) The name of any person or body or organisation who has a place of business or land in this Authority's area, and in whom your spouse or civil partner has a beneficial interest in a class of securities of that person or body or organisation that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower).

N/A

This form must be submitted to the Monitoring Officer, c/o Governance Services, Scott Hyde, Room 137, Hackney Town Hall, Mare Street, London E8 1EA.

NOTE:

MEMBERS MUST REGISTER DETAILS OF ANY NEW PECUNIARY OR OTHER INTEREST WITHIN 28 DAYS OF BECOMING A MEMBER, OR BECOMING AWARE OF THE INTEREST.

AS DETAILED IN PARAGRAPH 15.1 OF THE MEMBERS' CODE OF CONDUCT, FAILURE TO COMPLY WITH THE PROVISION ON DISCLOSURE OF PECUNIARY INTERESTS IS A CRIMINAL OFFENCE AND COULD RESULT IN PROSECUTION. IF CONVICTED A FINE OF UP TO £5,000 (LEVEL 5) MAY BE IMPOSED AND/OR DISQUALIFICATION FOR A PERIOD OF UP TO 5 YEARS.

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REVIEW OF THE REGISTER OF MEMBERS' AND CO-OPTES' DECLARATION OF INTERESTS FORMS	
STANDARDS COMMITTEE 22 JANUARY 2014	CLASSIFICATION: OPEN
WARD(S) AFFECTED ALL WARDS	
CORPORATE DIRECTOR GIFTY EDILA, CORPORATE DIRECTOR OF LEGAL, HR AND REGULATORY SERVICES	

1 SUMMARY

- 1.1 The Localism Act 2011 requires all local authorities to adopt a Code of Conduct for its elected Members and voting co-optees.
- 1.2 The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 requires all Members to complete a declaration of interests form on their election to office, and for voting co-optees to complete a form on their appointment to office.

2. RECOMMENDATION

- 2.1 The Standards Committee is asked to note the report.

3. REASONS FOR THE DECISION

- 3.1 The report is for noting and lessons learnt from this review would enable further work to be carried out to assist Members and Co-optees in completing the form.

4. COMMENTS OF THE CORPORATE DIRECTOR OF FINANCE AND RESOURCES

4.1 This report sets out the details of the review undertaken of the Register of Members and Co-optees interests and does not contain any potential financial implications.

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

5.1 All Members and voting Co-optees are required under The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 to complete a declaration of interests form.

5.2 Under the Council's procedures, within the Code of Conduct all co-optees, whether with voting rights or not are also required to complete a form.

6. BACKGROUND

6.1 Under the Localism Act 2011 all Councils are required to promote high ethical standards in public office.

6.2 Members and co-optees have completed declaration of interests forms. Many Members regularly update their forms as their circumstances change.

6.3 The forms are also published on the Council's website.

6.4 In completing the forms, some Members have been particularly concerned about disclosing the following to the public:

- Home addresses going on the website
- Spouse or partner's details

6.5 Members have also been uncertain about the need to disclose membership of other bodies and contracts with the Council.

6.6 In the last year, the Government also issued guidance informing Members of the need to declare any trade union membership.

6.7 The Monitoring Officer agreed that Members can withhold their home addresses from the website. However addresses must appear on the signed copy of the form held on the register.

6.8 On reviewing the forms, all elected Members, the Mayor and co-optees have completed the form. Thirty two (32) out of fifty eight (58) elected Members and the Mayor had completed the form accurately. The

remaining twenty six (26), although their forms were largely accurate, the following omissions/additions were identified:

- Political party membership missing
- Giving spouse/partner's name and place of work when such details were not required

6.9 Although these issues are not substantial, all Members who need to amend their forms have been written to.

6.10 Following the May 2014 local and Mayoral elections, further training and written guidance will be given to Members and Co-optees on the Code of Conduct.

Gifty Edila
Corporate Director
Legal, HR and Regulatory Services

Appendices

Declaration of Interests Form

Report Author	Gifty Edila Tel: 020 8356 3265 Email: Gifty.Edila@Hackney.gov.uk
Comments of the Corporate Director of Finance and Resources	Ruth Hodson, 020 8356 3651 Ruth.Hodson@Hackney.gov.uk
Comments of the Corporate Director of Legal, HR and Regulatory Services	Gifty Edila Tel: 020 8356 3265 Email: Gifty.Edila@Hackney.gov.uk

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REGISTER OF MEMBERS' PECUNIARY AND OTHER INTERESTS

Name:

Signature:

Date:

PART A – MEMBERS' PECUNIARY INTERESTS

i) Any employment, office, trade, profession or vocation carried on by you for profit or for gain.

ii) The name of any person or body or organisation, other than this Authority, who has made a payment or provision of any other financial benefit to you in respect any expenses incurred in carrying out your duties as a Member or any election expenses.

iii) Any contract for goods, services or works made between this Authority and you, or a body or organisation in which you have a beneficial interest, which is to be executed and yet to be discharged.

iv) Any land in the area of this Authority in which you have a beneficial interest.

v) Any land in the area of this Authority for which you have a licence (alone or jointly with others) to occupy for 28 days or longer.

vi) Any land where the landlord is this Authority and you, or a body or organisation in which you have a beneficial interest, are the tenant.

vii) The name of any person or body or organisation who has a place of business or land in the area of this Authority, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower).

PART B – MEMBERS’ OTHER NON-PECUNIARY INTERESTS

i) Any body or organisation of which you are a member or in a position of general control or management and to which you are appointed or nominated by this Authority.

ii) Any body or organisation —

- (a) exercising functions of a public nature;
- (b) directed to charitable purposes;
- (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);
- (d) relevant to your role as a Member of the Council;

of which you are a member or in a position of general control or management.

PART C – PECUNIARY INTERESTS OF MEMBERS' SPOUSE OR CIVIL PARTNER

- i) Any employment, office, trade, profession or vocation carried on by your spouse or civil partner for profit or for gain.

- ii) The name of any person or body or organisation, other than the authority to which they are elected, who has made a payment or provision of any other financial benefit to your spouse or civil partner in respect any expenses incurred in carrying their duties as a Member of that authority or any election expenses.

- iii) Any contract for goods, services or works made between this Authority and your spouse or civil partner, or a body or organisation in which your spouse or civil partner has a beneficial interest, which is to be executed and yet to be discharged.

iv) Any land in the area of this Authority in which your spouse or civil partner has a beneficial interest.

v) Any land in the area of this Authority for which your spouse or civil partner has a licence (alone or jointly with others) to occupy for 28 days or longer.

vi) Any land where the landlord is this Authority and your spouse or civil partner, or a body or organisation in which your spouse or civil partner has a beneficial interest, are the tenant.

- | | |
|------|--|
| | |
| vii) | The name of any person or body or organisation who has a place of business or land in this Authority's area, and in whom your spouse or civil partner has a beneficial interest in a class of securities of that person or body or organisation that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower). |
| | |

PART D – Gifts and Hospitality

i) Any gift or hospitality received with a value of at least £25.

This form must be submitted to the Monitoring Officer, c/o Governance Services, Robert Walker, 2nd Floor Maurice Bishop House, 17 Reading Lane, London, E8 1HH.

NOTE:

MEMBERS MUST REGISTER DETAILS OF ANY NEW PECUNIARY OR OTHER INTEREST WITHIN 28 DAYS OF BECOMING A MEMBER, OR BECOMING AWARE OF THE INTEREST.

AS DETAILED IN PARAGRAPH 15.1 OF THE MEMBERS' CODE OF CONDUCT, FAILURE TO COMPLY WITH THE PROVISION ON DISCLOSURE OF PECUNIARY INTERESTS IS A CRIMINAL OFFENCE AND COULD RESULT IN PROSECUTION. IF CONVICTED A FINE OF UP TO £5,000 (LEVEL 5) MAY BE IMPOSED AND/OR DISQUALIFICATION FOR A PERIOD OF UP TO 5 YEARS.



REVISED TERMS OF REFERENCE

MEETING DATE 22 JANUARY 2014	CLASSIFICATION: Open
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WARD(S) AFFECTED None

CORPORATE DIRECTOR Gifty Edila, Corporate Director of Legal, HR and Regulatory Services

1 INTRODUCTION

- 1.1 Full Council adopted new governance arrangements at its meeting on 11th September 2013 to come into effect from the start of the 2014/15 municipal year. This report provides the Standards Committee with an update on expected changes to the workings of the Committee arising out of Full Council's decision.

2. RECOMMENDATION

- 2.1 Standards Committee is asked to note the report and comment on its proposed new terms of reference, as attached at Appendix 1 of the report.

3. BACKGROUND

Schedule of meetings

- 3.1 The Council commissioned Shared Intelligence (Si) to undertake a review of the Council's governance arrangements. One of Si's recommendations was that two meetings of the Standards Committee be scheduled each municipal year on the grounds that this would be sufficient to deal with the Committee's routine business.
- 3.2 This recommendation was agreed by Full Council on 11th September 2013 and as a consequence two ordinary meetings of the Committee will be scheduled for the next municipal year. Additional Committee meetings can be arranged if required to hear any complaints made under the Members' Code of Conduct. Sub-Committee meetings will continue to be arranged on an ad-hoc basis to assess and review any complaints made against Members and co-opted members.

Terms of Reference

- 3.3 Following Full Council's decision to adopt new governance arrangements, the Constitution is being updated to implement the agreed changes. As part of this process, all committee terms of reference have been reviewed to ensure that they are fit for purpose and up to date. Full Council is due to consider a report at its meeting on 26th February 2014 to agree the Constitutional changes and any changes to committee terms of reference.
- 3.4 Attached at Appendix 1 of this report are the terms of reference for the Standards Committee due to be proposed to Full Council. This Appendix tracks the changes proposed to the terms of reference.
- 3.5 On the whole, it was felt that the terms of reference could be more concise and consequently a number of the terms have been re-drafted and where it is proposed to delete an existing term, Appendix 1 explains under which new terms the deleted provisions are covered.
- 3.6 The only significant change proposed to the terms of reference is to remove from the Committee's responsibility for monitoring the Members' Enquiry Protocol and Corporate Complaints Procedure. Following the recommendation of the governance review that the Committee should meet twice a year, it is felt that the Committee's focus at these two meetings should be on ethical governance matters.

In addition, as these matters are executive functions, it is felt that the Members' Enquiries and Corporate Complaints should more appropriately be reported to Cabinet and the Governance and Resources Scrutiny Commission.

3.7 A further change has been made to insert a new term to clarify that the Committee is responsible for adopting its own procedures for considering complaints made under the Members' Code of Conduct, codes of practice and protocols.

4. COMMENTS OF THE CORPORATE DIRECTOR OF FINANCE AND RESOURCES

4.1 As the report is for noting there are no financial implications associated with this report. Any savings accrued through the reduction in meetings of the Standards Committee will contribute to the savings required by Governance Services for 2015/16 and future years.

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

5.1 Full Council established the Standards Committee, with effect from 1st July 2012, to perform the obligations placed on the Council, by the Localism Act 2011, to promote and maintain high standards of conduct amongst Members and co-optees. The report makes recommendations in accordance with this duty.

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Comments of the Corporate Director of Legal, HR and Regulatory Services	Alice Prince, 020 8356 6584 Alice.Prince@Hackney.gov.uk

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Appendix 1 – Revised Standards Committee Terms of Reference

<p>Standards Committee</p>	<p>The Standards Committee is responsible for promoting and maintaining high ethical standards at the Council. The Standards Committee will be responsible for the following functions:</p> <ol style="list-style-type: none"> 1. To review and maintain oversight of the Council's ethical governance arrangements and procedures and make reports and recommendations accordingly; 2. To review and maintain oversight of the conduct of Members and co-opted members of the Council and assist them in upholding high ethical standards; 3. To advise Full Council and its Committees on the adoption of a Members' Code of Conduct, codes of practice and protocols relating to ethical governance matters; 4. To hear and consider complaints made against Members and co-opted members made under the Code of Conduct, codes of practice or protocols; 5. To adopt procedures for considering complaints made under the Code of Conduct, codes of practice or protocols; 6. To consider whether to grant applications for dispensation to Members and co-opted members, in accordance with Members' Code of Conduct; and 7. To maintain oversight of ethical governance training provided to Members and co-opted members and make reports and recommendations accordingly. <p>1. Promoting and maintaining high standards of conduct by the Elected Mayor, Councillors and co-opted members;</p> <p>2. Assisting the Elected Mayor, Councillors and co-opted members to observe the Members' Code of Conduct;</p> <p>3. Advising the Council on the adoption or revision of the Members' Code of Conduct;</p> <p>4. Monitoring the operation of the Members' Code of Conduct;</p> <p>5. Monitoring progress of the Council's training and</p>	<p>Comment: This is a new clause.</p> <p>Comment: Covered by the introduction and 1 above.</p> <p>Comment: Covered by 2 above.</p> <p>Comment: Covered by 3 above.</p> <p>Comment: Covered by 2 above</p>
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	development programme for elected Members and voting co-opted members;	Comment: Covered by 7 above.
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;	Comment: Covered by 7 above.
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;	Comment: Covered by 6 above.
8.	Monitoring the progress of the Council's Members Enquiry Protocol, Corporate Complaints Procedure and Local Government Ombudsman cases;	Comment: These functions will be moved to Executive and Governance and Resources Scrutiny Commission.
9.	Conducting an ethical governance audit on behalf the Council;	Comment: Covered by 1 above.
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;	Comment: Covered by 3 above.
11.	Advising the Council on the adoption, alteration, review or amendment of any part of the Council's Constitution in so far this affects ethical issues;	Comment: Covered by 1 and 3 above.
12.	Hearing complaints against Councillors and voting co-opted members arising from alleged breaches of the Code of Conduct and Codes of Practice;	Comment: Covered by 4 above.

The quorum for the Committee shall be two elected Members.



MEMBER INDUCTION PROGRAMME - 2014	
STANDARDS COMMITTEE 22nd January 2014	CLASSIFICATION: Open
WARD(S) AFFECTED All Wards	
CORPORATE DIRECTOR Gifty Edila, Corporate Director of Legal, HR and Regulatory Services	

1. SUMMARY

- 1.1 The local elections will take place on 22nd May 2014. In the lead up to the elections, officers are in the process of putting in place induction and training proposals to assist new and returning Members. These will include a wide range of learning and professional development opportunities to support Members in their role within the new Council.
- 1.2 Hackney's commitment to supporting Councillors in their role as elected representatives starts with induction. It is intended to develop and enable leadership skills for Members and to provide specialist training on specific Committee or function responsibilities, as well as capacity, within the current financial climate, to deliver the best for the community and perform to the highest professional and ethical standards.
- 1.3 During the induction programme a balance will be struck between the need to give sufficient information to the newly elected Members on how they can fulfil their roles and responsibilities effectively and how directorates can assist them in this regard.
- 1.4 The sessions will include both mandatory and optional activities and will be designed to ensure that Members are equipped with the necessary skills and information with which to perform their roles.
- 1.5 Hackney Management Team has reviewed and endorsed the attached programme for consideration by Standards Committee.

2. RECOMMENDATIONS

- 2.1 The Committee is requested to note and comment on the proposals detailed in the attached schedule.

3. COMMENTS OF THE CORPORATE DIRECTOR OF FINANCE AND RESOURCES

- 3.1 This report sets out the induction programme for members. Any costs associated with this programme will be funded from within the existing training budget for Members Services.

4. COMMENTS OF THE CORPORATE DIRECTOR OF LEGAL, HR AND REGULATORY SERVICES

- 4.1 The Standards Committee is responsible for monitoring the Council's training and development programme for elected Members and voting co-opted members. The Member Induction Programme 2014 is designed to provide comprehensive support for the training needs of

Members following the election and will form the main part of Member Development for the next municipal term.

- 4.2 Senior officers have been consulted on the draft programme and Members will be consulted in due course.

Gifty Edila
Corporate Director for Legal, HR and Regulatory Services

APPENDICES

Appendix 1 – Draft Member Induction Programme

Report Author	Scott McAlpine, 020 8356 3065 scott.mcalpine@hackney.gov.uk
Comments of the Corporate Director of Finance and Resources	Ruth Hodson, 020 8356 3651 ruth.hodson@hackney.gov.uk
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APPENDIX 1 – DRAFT MEMBER INDUCTION AND TRAINING PROGRAMME 2014

	Target audience	Commentary	Lead
First week			
Main induction event	All members (Compulsory)	Light touch introductory event and networking opportunity hosted by Mayor and CE. HMT – (and Assistant Directors?)	Mayor and CE
First two weeks			
Members Services – practical induction support for Members <ul style="list-style-type: none"> • drop in sessions • individual appointments 	All members	Member Services to hold drop in sessions and individual appointments to provide practical support	Member Services
Within first two months			
Members enquiries, casework and surgeries	All members (Compulsory for new Members)	Session covering the Member Enquiry Protocol, members' casework support and good practice re surgeries	Joanna Sumner, Assistant Chief Executive of Programmes, Projects and Performance Input from experienced Member
Members E-Learning Induction and Training	All members	Members E-Learning Package being developed to facilitate flexible remote learning	No session required. Delivered via written correspondence (email/intranet)

How the Council Works Governance and Decision Making in Hackney	All members (Compulsory for new Members)	Session covering decision making and new governance arrangements	Gifty Edila, Corporate Director of Legal, HR and Regulatory Services
Member Code of Conduct and ethical framework	All members (Compulsory for new Members)	Session covering Member Code of Conduct and Register of Interests. Brief outline of Planning and Licensing Codes of Practice	Gifty Edila, Corporate Director of Legal, HR and Regulatory Services Input from Lead Cabinet Member as Chair of Standards
<i>Within first four months</i>			
Community leadership, representing people and partnership work	All members	An overview of the Council's partnership work highlighting the key role of members Also helpful advice on how to represent people effectively	Ian Lewis, Assistant Chief Executive, Policy and Partnership Input from experienced Members
Sitting on outside bodies	All members	Session covering key considerations for members when sitting on outside bodies	Gifty Edila, Corporate Director of Legal, HR and Regulatory Services
Planning	All members Compulsory session for Planning Sub Members covering Member Code of Practice in detail	Planning framework and Member Code of Practice	John Allen, Assistant Director Planning and Regulatory Services with support from Yinka Owa, Assistant Director for Legal and Democratic Services Input from experienced Planning Sub Member

Licensing	All members Compulsory session for Licensing Members covering Member Code of Practice in detail	Licensing framework and Member Code of Practice	John Allen, Assistant Director Panning and Regulatory Services with support from Yinka Owa, Assistant Director for Legal and Democratic Services Input from experienced Licensing Committee Member
<i>Within first two to four months</i>			
Individual meeting with CE	All first time elected Members	An opportunity for CE and first time elected members to meet on an informal, confidential basis	Chief Executive's Office to arrange
Borough tour	All members	Site visit to venues of significant Council interest/relevance	Chief Executive or relevant Corporate Directors to lead
<i>Within first 6 months</i>			
Finance and Resources	All members	An overview of the services provided	Ian Williams, Corporate Director of Finance and Resources Input from Lead Cabinet Member
Hackney Homes	All members	An overview of Hackney	Charlotte Graves, CE Hackney

		Homes ALMO and the services provided	Homes Input from Lead Cabinet Member
Children and Young People Services	All members	An overview of the services provided	Alan Wood, Corporate Director of Children and Young People Services Input from Lead Cabinet Member
Health and Community Services	All members	An overview of the services provided	Kim Wright, Corporate Director of Health and Community Services Input from Lead Cabinet Member
Overview and Scrutiny	All overview and scrutiny members	General induction on the role and function of scrutiny. Themed training for individual Commissions	Gareth Wall, Head of Overview and Scrutiny
<i>Other suggested key training</i>			
Finance, budget setting and welfare reforms	All members	An overview of the Council's finances, the legal framework for budget setting and the related scrutiny process. Also cover welfare reforms	Ian Williams, Corporate Director of Finance and Resources Input from Lead Cabinet Member
Corporate Parenting	All members	An overview of the Council's	Alan Wood, Corporate Director

		corporate parenting role and members' responsibilities	of Children and Young People Services Input from Lead Cabinet Member and Adoption and Fostering Panel Members
Equalities and diversity awareness	All members	An overview of the equalities and diversity framework for Councils and how Hackney council meets these requirements as a service provider and employer. A rolling programme on Hackney's BME communities and faith communities	Ian Lewis, Assistant Chief Executive, Policy and Partnership Input from Lead Cabinet Member and other members
Public Health	All members	An overview of the Council's relatively new role in fulfilling public health function.	Director of Public Health and Chair of Health and Wellbeing Board

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