



STANDARDS COMMITTEE

Tuesday, 12 July 2022 at 6.30 pm
Council Chamber, Hackney Town Hall,
Mare Street, London E8 1EA

The live stream can be viewed here:

https://youtu.be/16EhmsDtW_U

Back up link:

https://youtu.be/KjzD_8hsQL0

Members of the Committee: Cllr Frank Baffour, Cllr Anntoinette Bramble (Chair and Deputy Mayor), Cllr Polly Billington, Cllr Sade Etti, Cllr Humaira Garasia (Speaker), Cllr Anna Lynch, Cllr Joseph Ogundemuren, Cllr Lynne Troughton (Vice Chair), Vacancy (Conservative)

Feryal Ertan – Independent Person to Standards Committee

Nicola Harris – Co-opted Member

Aoife Scannell – Co-opted Member

4 Vacancies

Mark Carroll
Chief Executive
4 July 2022
www.hackney.gov.uk

Contact: Peter Gray
Governance Officer
governance@hackney.gov.uk

Standards Committee Tuesday 12 July 2022

Agenda

- 1 Apologies for Absence**
- 2 Declarations of Interest - Members to declare as appropriate**

Members are invited to consider the guidance which accompanies this agenda and make declarations as appropriate.
- 3 Minutes of the Previous Meeting - Enclosed (Pages 7 - 8)**
- 4 Standards Committee Terms of Reference and Work Programme for 2022 / 2023 – Enclosed (Pages 9 - 18)**
- 5 Members Use of ICT - 11th Annual Report - Enclosed (Pages 19 - 24)**
- 6 Standards Committee Annual Report 2021/2022 - Enclosed (Pages 25 - 34)**
- 7 Any Other Business**

Public Attendance

Following the lifting of all Covid-19 restrictions by the Government and the Council updating its assessment of access to its buildings, the Town Hall is now open to the public and members of the public may attend meetings of the Council.

We recognise, however, that you may find it more convenient to observe the meeting via the live-stream facility, the link for which appears on the agenda front sheet.

We would ask that if you have either tested positive for Covid-19 or have any symptoms that you do not attend the meeting, but rather use the livestream facility. If this applies and you are attending the meeting to ask a question, make a deputation or present a petition then you may contact the Officer named at the beginning of the Agenda and they will be able to make arrangements for the Chair of the meeting to ask the question, make the deputation or present the petition on your behalf.

The Council will continue to ensure that access to our meetings is in line with any Covid-19 restrictions that may be in force from time to time and also in line with public health advice. The latest general advice can be found here - <https://hackney.gov.uk/coronavirus-support>

Rights of Press and Public to Report on Meetings

The Openness of Local Government Bodies Regulations 2014 give the public the right to film, record audio, take photographs, and use social media and the internet at meetings to report on any meetings that are open to the public.

By attending a public meeting of the Council, Executive, any committee or sub-committee, any Panel or Commission, or any Board you are agreeing to these guidelines as a whole and in particular the stipulations listed below:

- Anyone planning to record meetings of the Council and its public meetings through any audio, visual or written methods they find appropriate can do so providing they do not disturb the conduct of the meeting;
- You are welcome to attend a public meeting to report proceedings, either in 'real time' or after the conclusion of the meeting, on a blog, social networking site, news forum or other online media;
- You may use a laptop, tablet device, smartphone or portable camera to record a written or audio transcript of proceedings during the meeting;
- Facilities within the Town Hall and Council Chamber are limited and recording equipment must be of a reasonable size and nature to be easily accommodated.
- You are asked to contact the Officer whose name appears at the beginning of this Agenda if you have any large or complex recording equipment to see whether this can be accommodated within the existing facilities;
- You must not interrupt proceedings and digital equipment must be set to 'silent' mode;
- You should focus any recording equipment on Councillors, officers and the public who are directly involved in the conduct of the meeting. The Chair of the meeting will ask any members of the public present if they have objections to being visually recorded. Those visually recording a meeting are asked to respect the wishes of those who do not wish to be filmed or photographed. Failure to respect the wishes of

those who do not want to be filmed and photographed may result in the Chair instructing you to cease reporting or recording and you may potentially be excluded from the meeting if you fail to comply;

- Any person whose behaviour threatens to disrupt orderly conduct will be asked to leave;
- Be aware that libellous comments against the council, individual Councillors or officers could result in legal action being taken against you;
- The recorded images must not be edited in a way in which there is a clear aim to distort the truth or misrepresent those taking part in the proceedings;
- Personal attacks of any kind or offensive comments that target or disparage any ethnic, racial, age, religion, gender, sexual orientation or disability status could also result in legal action being taken against you.

Failure to comply with the above requirements may result in the support and assistance of the Council in the recording of proceedings being withdrawn. The Council regards violation of any of the points above as a risk to the orderly conduct of a meeting. The Council therefore reserves the right to exclude any person from the current meeting and refuse entry to any further council meetings, where a breach of these requirements occurs. The Chair of the meeting will ensure that the meeting runs in an effective manner and has the power to ensure that the meeting is not disturbed through the use of flash photography, intrusive camera equipment or the person recording the meeting moving around the room.

Advice to Members on Declaring Interests

If you require advice on declarations of interests, this can be obtained from:

- The Monitoring Officer;
- The Deputy Monitoring Officer; or
- The legal adviser to the meeting.

It is recommended that any advice be sought in advance of, rather than at, the meeting.

Disclosable Pecuniary Interests (DPIs)

You will have a Disclosable Pecuniary Interest (*DPI) if it:

- Relates to your employment, sponsorship, contracts as well as wider financial interests and assets including land, property, licenses and corporate tenancies.
- Relates to an interest which you have registered in that part of the Register of Interests form relating to DPIs as being an interest of you, your spouse or civil partner, or anyone living with you as if they were your spouse or civil partner.
- Relates to an interest which should be registered in that part of the Register of Interests form relating to DPIs, but you have not yet done so.

If you are present at **any** meeting of the Council and you have a DPI relating to any business that will be considered at the meeting, you must:

- Not seek to improperly influence decision-making on that matter;
- Make a verbal declaration of the existence and nature of the DPI at or before the consideration of the item of business or as soon as the interest becomes apparent; and
- Leave the room whilst the matter is under consideration

You **must not**:

- Participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business; or
- Participate in any vote or further vote taken on the matter at the meeting.

If you have obtained a dispensation from the Monitoring Officer or Standards Committee prior to the matter being considered, then you should make a verbal declaration of the existence and nature of the DPI and that you have obtained a dispensation. The dispensation granted will explain the extent to which you are able to participate.

Other Registrable Interests

You will have an 'Other Registrable Interest' (ORI) in a matter if it

- Relates to appointments made by the authority to any outside bodies, membership of: charities, trade unions, lobbying or campaign groups, voluntary organisations in the borough or governorships at any educational institution within the borough.

- Relates to an interest which you have registered in that part of the Register of Interests form relating to ORIs as being an interest of you, your spouse or civil partner, or anyone living with you as if they were your spouse or civil partner; or
- Relates to an interest which should be registered in that part of the Register of Interests form relating to ORIs, but you have not yet done so.

Where a matter arises at any meeting of the Council which affects a body or organisation you have named in that part of the Register of Interests Form relating to ORIs, you **must** make a verbal declaration of the existence and nature of the DPI at or before the consideration of the item of business or as soon as the interest becomes apparent. You **may** speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

Disclosure of Other Interests

Where a matter arises at any meeting of the Council which **directly relates** to your financial interest or well-being or a financial interest or well-being of a relative or close associate, you **must** disclose the interest. You **may** speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

Where a matter arises at any meeting of the Council which **affects** your financial interest or well-being, or a financial interest or well-being of a relative or close associate to a greater extent than it affects the financial interest or wellbeing of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest, you **must** declare the interest. You **may** only speak on the matter if members of the public are able to speak. Otherwise you must not take part in any discussion or voting on the matter and must not remain in the room unless you have been granted a dispensation.

In all cases, where the Monitoring Officer has agreed that the interest in question is a **sensitive interest**, you do not have to disclose the nature of the interest itself.



MINUTES OF A MEETING OF THE STANDARDS COMMITTEE

WEDNESDAY 16 FEBRUARY 2022

Councillors Present:	Cllr Anntoinette Bramble in the Chair Cllr Katie Hanson, Cllr Sem Moema and Cllr Caroline Woodley
Apologies:	Cllr Kofo David, Aofie Scannell and Cllr Williams
Officers in Attendance:	Louise Humphreys, Head of Legal and Governance Andy Spragg, Team Leader - Governance
Attended remotely:	Feryal Ertan, Nicola Hanns and Cllr Lynch

The meeting was livestreamed here:

<https://www.youtube.com/watch?v=XBH6Q1rT0eM&feature=youtu.be>

1 Apologies for Absence

Apologies were received from Cllr David, Aoife Scannell and Cllr Williams.

Feryal Ertan, Nicola Hanns and Cllr Lynch joined the meeting remotely.

2 Declarations of Interest - Members to declare as appropriate

There were no declarations of interests.

3 To Confirm the Unrestricted Minutes of the Standards Committee Held on 11 January 2022

RESOLVED

That the unrestricted minutes of the meeting of the Standards Committee held on 11 January 2022 were agreed as an accurate record of the proceedings.

4 Update on Members' Training and Development Programme 2021/22

4.1 The Team Leader – Governance introduced the report. Councillors welcomed the mandatory training requirements that were a feature of the Council's new code of conduct, which was due to come into effect from May 2022.

RESOLVED

To note the update with regards to the Council's Members' training and development programme.

5 Members' Register of Interests and Gifts and Hospitality Forms

5.1 The Head of Legal and Governance introduced the report. The Committee complimented officers on the proposed revisions to the form.

RESOLVED:

To endorse the revisions to the Declarations of Interest Form & Declaration of Gifts and Hospitality Form for use with effect from May 2022

6 Amendment to Dispensations Previously Granted - London Energy Limited

6.1 The Head of Legal and Governance introduced the report.

RESOLVED:

To note the amendment to the previous report dated 17 February 2021.

7 Update on Complaints Received Under the Members Code of Conduct

7.1 The Head of Legal and Governance introduced the report. Councillors thanked officers.

RESOLVED:

To note the report.

Duration of the meeting: 6.30pm – 6.52pm



Title of Report	Standards Committee Terms of Reference and Work Programme for 2022 / 2023
For Consideration By	Standards Committee
Meeting Date	12 July 2022
Classification	Open
<u>Ward(s) Affected</u>	N / A
Director	Dawn Carter-McDonald, Director of Legal, Democratic and Electoral Services

1. **Introduction**

- 1.1. In line with established good practice, every year the Standards Committee notes its Terms of Reference and sets out a work programme for the forthcoming municipal year to help it focus its attention on promoting and maintaining high ethical standards among Members of the Council.
- 1.2. The report therefore invites the Committee to note its Terms of Reference agree the work programme for the year.

2. **Recommendations**

- 2.1. **That the Terms of Reference for the Standards Committee as detailed in Appendix 1 be noted.**
- 2.2. **That the work programme for 2022 / 2023 as detailed in Appendix 2 be approved.**

3. **Background**

- 3.1. The Localism Act 2011 places an obligation on the Council to ensure that high ethical standards are promoted and maintained among its Members. At the Council meeting on 28 March 2012, the Council appointed the Standards Committee to assist with promoting and maintaining high ethical standards in the Council and set its terms of reference accordingly.
- 3.2. The suggested work programme, attached as Appendix 2, is intended to help the Committee to focus attention on its responsibilities and duties, with

particular attention on ensuring all Members receive appropriate training, complete their register of interests forms and continue to uphold high ethical governance standards. There is some flexibility to add items to the work programme subject to time and resources.

- 3.3. Complaints received in the year may necessitate additional meetings being held by a Sub-Committee of the Standards Committee.

4. **Comments of the Group Director of Finance and Corporate Resources.**

- 4.1. This report asks the Committee to note its terms of reference and those of its Sub-Committees and seeks approval of the work programme of the Standards Committee for the forthcoming year. There are no financial implications outside of the approved budget of the Council.

5. **Comments of the Director of Legal, Democratic and Electoral Services**

- 5.1. The Committee's terms of reference are approved by Full Council, should any amendments be proposed to the terms of reference these would need to be referred to Full Council.
- 5.2. The work programme enables the Council to discharge its legal obligation under the Localism Act 2011, to promote and maintain high standards in public office.
- 5.3. There are no legal implications arising directly from this report.

Appendices

Appendix 1 - Terms of Reference

Appendix 2 - Work Programme 2022 / 2023

Background documents

None

Report Author	Louise Humphreys Head of Legal and Governance louise.humphreys@hackney.gov.uk 020 8356 4817
Comments for the Group Director of Finance and Corporate Resources prepared by	Jackie Moylan Director - Financial Management jackie.moylan@hackney.gov.uk 020 8356 3032
Comments for the Director of Legal, Democratic and Electoral Services prepared by	Dawn Carter-McDonald Director of Legal, Democratic and Electoral Services dawn.carter-mcdonald@hackney.gov.uk 020 8356 6234

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Terms of Reference

Standards Committee

The Standards Committee is responsible for promoting and maintaining high ethical standards at the Council. The Standards Committee is responsible for the following functions:

1. To review and maintain oversight of the Council's ethical framework and procedures and make reports and recommendations accordingly;
2. To review and maintain oversight of the conduct of councillors 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 councillors and co-opted members 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 councillors 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.

The quorum for the Standards Committee shall be 3 elected Councillors.

There are two sub-committees of the Standards Committee:

Standards Assessment Sub-Committee

To consider allegations that a member or co-opted member (herein referred to as Subject Member) has failed to comply with the Member's Code of Conduct as may be referred to the Assessment Sub-Committee by the Monitoring Officer to determine whether:

- (a) No further action should be taken because the complaint does not reach the required threshold;
- (b) To refer the complaint for local resolution; or
- (c) To refer the complaint for formal investigation.

Quorum - The quorum of the Assessment Sub-Committee is three Councillor Members of the Standards Committee in a voting capacity.

Notes:

One or more Co-opted Members of Standards Committee will be invited to attend the Sub-Committee and contribute to the proceedings in a non voting capacity.

The Independent Person to Standards Committee will be invited to attend the Sub-Committee and contribute to the proceedings in a non voting capacity.

Any member of the Standards Committee, against whom a Code of Conduct complaint has been made, shall not be selected as a member of the Assessment Sub-Committee until consideration of their complaint has been concluded.

Where possible the composition of the Assessment Sub-Committee will be politically balanced.

Standards Hearing Sub-Committee

(a) To conduct hearings into allegations referred for formal investigation into an alleged breach of the Member Code of Conduct, whether initiated by either the Monitoring Officer or the Assessment Sub-Committee, concludes that there have been one or more failures to comply with the Member Code of Conduct and the Monitoring Officer has determined that the matter should be referred to the Hearing Sub-Committee for consideration.

(b) Where the Hearing Sub-Committee determines that the Subject Member has failed to comply with the Members' Code of Conduct to determine what, if any, lawful sanction should be imposed and where appropriate make recommendations as to sanction to full Council, the Elected Mayor, Group Leader or other persons.

(c) In consequence of the hearing and determination of any allegation to make such recommendations to full Council as the Hearing Sub-Committee considers appropriate having regard to the need to promote and maintain high standards of conduct amongst members.

Quorum - The quorum of the Hearing Sub-Committee is three Councillor Members of the Standards Committee In a voting capacity.

Notes:

One or more Co-opted Members of the Standards Committee will be invited to attend the Sub-Committee and contribute to the proceedings in a non voting capacity.

The Independent Person to Standards Committee will be invited to attend the Sub-Committee and contribute to the proceedings in a non voting capacity.

Any member of the Standards Committee, against whom a Code of Conduct complaint has been made, shall not be selected as a member of the Hearing Sub-Committee until consideration of their complaint has been concluded.

Where possible the composition of the Hearing Sub-Committee will be politically balanced.

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**STANDARDS COMMITTEE
WORK PROGRAMME 2022 / 2023**

MEETING DATE	ITEM	ACTION	PURPOSE	RESPONSIBILITY
Summer 2022	Standards Committee Terms of Reference	Note	To note the Committee's terms of reference for the municipal year	Monitoring Officer
Summer 2022	Draft Work Programme	Decision	To agree the work programme and the priorities for the Committee for 2021/22	Monitoring Officer
Summer 2022 2021	Standards Committee Annual Report 2020/21	Decision	To provide Members with a review of the Committee's work for the 2021 / 2022 Municipal Year for comment and commendation to Council	Monitoring Officer
Summer 2022	Annual Report on Compliance with Guidance on Members' Use of ICT Information	Decision	To receive the annual report on compliance by Members with the Guidance for their use of ICT systems and information	Head of ICT
Autumn 2022	Update on Mandatory Training	Note	To update the Committee on compliance by Members with the mandatory training requirements	Monitoring Officer

**STANDARDS COMMITTEE
WORK PROGRAMME 2022 / 2023**

MEETING DATE	ITEM	ACTION	PURPOSE	RESPONSIBILITY
Spring 2023	Update on Code of Conduct complaints	Information	To update the Committee on any complaints received since the previous meeting	Monitoring Officer
Spring 2023	Review of the Register of Interests and Declarations of Gifts and Hospitality	Information	To inform the Committee on the completion of declarations of interest, and any gifts and hospitality accepted, by Members and Co-Optees	Monitoring Officer
Spring 2023	Review of the Members' Training for 2022 / 2023	Decision	To receive a report on training provided to Members during the 2022 / 2023 Municipal Year	Head of Business Intelligence, Elections & Member Services
Spring 2023	Council's Constitution	Note	To note the outcome of work on the revision of the Council's Constitution prior to its consideration by Full Council in so far as it touches upon matters within the purview of this Committee	Monitoring Officer

The Standards Sub-Committees may meet as and when required to consider complaints made under the Members' Code of Conduct.



Title of Report	Members Use of ICT 11th Annual Report
For Consideration By	Standards Committee
Meeting Date	12 July 2022
Classification	Open
<u>Ward(s) Affected</u>	All Wards
<u>Group Director</u>	Ian Williams, Group Director, Finance & Corporate Services

1. **Introduction**

- 1.1. This annual report provides the Standards Committee with an update on Members' use of the ICT services provided by the Council.
- 1.2. This report covers the following topics:
 - Members' use of ICT during the 2021 calendar year
 - Delivery of Data Protection training for Members
 - Members' ICT provision
 - Continuation of hybrid committee meetings (including live streaming for public viewing)
 - Recovery of the committee papers system following the serious, criminal cyberattack of October 2020

2. **Recommendations**

- 2.1. **That Standards Committee is invited to:**
 - **Note the update on Members' use of ICT, Data Protection training and provision of ICT equipment for Members**
 - **Note the continued use of virtual committee meetings and live streaming, and the steps being taken to support hybrid committee meetings**
 - **Note the update re: impacts of the cyberattack on Members' use of ICT**

3. Members use of ICT during the 2021 calendar year

- 3.1. Hackney Council's Member Code of Conduct (as applicable during the 2021 calendar year) provides that a Member must act in accordance with the Council's requirements and ensure that Council resources are not used for any unauthorised or political purpose (unless that use reasonably facilitates discharging the Council's functions). This includes Information & Communications Technology (ICT) resources.
- 3.2. Members' use of the Council's systems and information is covered by the Council's policies for *Using Systems and Data* and *Information Classification and Marking* which were updated in 2017 (and were included in draft form as part of the 2017 Annual Report to Standards Committee for comment and feedback prior to being adopted).
- 3.3. Members have been provided with access to the Council's email and productivity systems (based on the Google Workspace service).
- 3.4. The ICT service attends the Members' Reference Group meetings to ensure that Members' needs are understood and to discuss any areas where further support is required.
- 3.5. Monitoring of compliance with the guidance for Members' use of ICT is carried out by Corporate ICT staff. All potential incidents are reported to the ICT Services team, recorded on the ICT service management system and passed to the ICT cyber security team for investigation and follow up.
- 3.6. There were no incidents relating to Members' use of the Council's ICT systems recorded during the 2021 calendar year:

Category	Number of incidents	Description	Action taken
Telephony	0	n/a	
Web / internet	0	n/a	
Email	0	n/a	
Information security	0	n/a	
Total Incidents / Breaches	0		

The table below shows the historical pattern of incidents relating to Members use of ICT:

Year	Incident category				Description	Data breach	TOTAL
	Telephony	Web / internet	Email	Info security			
2021	0	0	0	0	N/A	N/A	0
2020	0	0	0	0	N/A	N/A	0
2019	0	0	0	0	N/A	N/A	0
2018	0	0	0	0	N/A	N/A	0
2017	0	0	0	2	Lost / stolen iPads	N	2
2016	0	1	0	0	Inappropriate content	N	1
2015	0	0	0	0	N/A	N/A	0
2014	0	0	0	1	Lost / stolen laptop	N	1
2013	0	0	0	0	N/A	N/A	0
2012	0	0	0	1	Lost / stolen laptop	N	1
Total	0	1	0	4			5

4. Data protection guidance for Members

4.1. As noted in previous reports, the UK's data protection laws (including the Data Protection Act, 2018) place a number of requirements on elected Members, who handle information in three distinct roles:

- As Members of the Council, where the Council is responsible for the safeguards that are put in place, including the responsibility for any fines relating to breaches of the Data Protection Act.
- As members of political parties, where Members handle information such as canvassing information on behalf of their party.
- As Ward Councillors, where Members are **personally**

responsible as Data Controllers for the safeguarding of information that constituents share with them. This includes **personal liability** for any fines for breaches of the Data Protection Act when Members are acting in this role.

- 4.2. To help Members fulfil their obligations as elected Members, the Council has arranged to register each Member as a Data Controller with the Information Commissioner's Office. This is a mandatory requirement for all Members and is renewed annually.
- 4.3. An adapted version of the Council's online Data Awareness Training is provided to cover Members' responsibilities and the contexts in which they handle personal data. Arrangements are being made to provide this training to all new and returning members (as a refresher).
- 4.4. Members are also welcome to request in-person advice where required by contacting the ICT Services team. They will be able to advise on Data Protection considerations where the Council is responsible for information and indicate other resources that Members might find useful in other contexts that apply to Members' use of data.

5. Members' ICT provision

- 5.1. Members are provided with the following ICT equipment and support:

Equipment

- Members are offered a choice of a Chromebook or an iPad Pro (11" or 12.9") with keyboard and case.

Services

- Members are provided with access to the Council's Google Workspace tools (including email and calendar) and Committee papers system.

Support

- Members are provided with ICT support services. These were adapted in response to the Covid-19 lockdown and include a "home working check-in" service to help with access to services from home.

- 5.2. Following the local elections in May 2022, arrangements have been made to ensure that new members are provided with the equipment and access they need, and know how to access ICT support.

6. Virtual committee meetings

- 6.1. Following the ending of temporary regulations allowing online committee and Council meetings in May 2021, the Council has continued to operate 'hybrid' meetings using the Council's Google Meet service. Participants are able to join online and meetings livestreamed on the Council's YouTube channel.
- 6.2. As reported in the previous report, between 1 June 2020 and 30 June 2021 181 online and hybrid meetings were held. A further 158 meetings were held between 1 July 2021 and 29 June 2022.
- 6.3. Further work has taken place to improve the video meeting facilities and officers are investigating options for additional longer term upgrades. This would require funding to be identified and funding bids will be produced in due course.

7. Impacts of the cyberattack on Members' use of ICT

- 7.1. The Council's work to recover from the serious criminal cyberattack of October 2020 included recovery of the mod.gov committee papers system.
- 7.2. This has now been completed and the Council's committee schedule and agendas are now available. This includes historic agendas and papers that were held on the system before the attack.

8. Comments of the Group Director of Finance and Corporate Resources.

- 8.1. This report seeks the Standards Committee to note the update with regards to Members' use of ICT, including changes as a result of Covid and the impact of the cyber attack.
- 8.2. Costs of any committed upgrades are expected to remain within the approved budget.
- 8.3. Costings are being developed for any further upgrades required to ICT and audio / visual equipment required to support longer term use of hybrid meetings. Any proposed upgrades will be subject to the identification of funding and appropriate budget approvals.

9. Comments of the Director of Legal, Democratic and Electoral Services

- 9.1. The applicable Members' Code of Conduct provides that it is to be read in conjunction with other codes and protocols adopted by the Council as supplementary guidance; one such document is the ICT

Policy. This provides that Council resources must be used for carrying out Council functions and restrictions are imposed on any significant personal use of such resources. The policy specifically addresses how Members should use Council-provided ICT resources.

- 9.2. There are no immediate legal implications arising from this report.

Appendices

None

Background documents

No documents which require listing have been relied upon in the preparation of this report.

Report Author	Rob Miller Strategic Director, Customer & Workplace rob.miller@hackney.gov.uk Tel: 020 8356 2600
Comments for the Group Director of Finance and Corporate Resources prepared by	Ian Williams Group Director, Finance & Corporate Services ian.williams@hackney.gov.uk Tel: 020 8356 3033
Comments for the Director of Legal, Democratic and Electoral Services prepared by	Louise Humphreys Head of Legal and Governance Services louise.humphreys@hackney.gov.uk Tel: 020 8356 4817



Title of Report	Standards Committee Annual Report 2021 / 2022
For Consideration By	Standards Committee
Meeting Date	12 July 2022
Classification	Open
<u>Ward(s) Affected</u>	N / A
Director	Dawn Carter-McDonald, Director of Legal, Democratic and Electoral Services

1. Introduction

- 1.1. This Standards Committee Annual Report 2021 / 2022 provides an overview of the work and activities of the Standards Committee during the last municipal year and provides information on complaints received alleging breaches of the Members' Code of Conduct.

2. Recommendations

- 2.1. **That the Annual Report for 2021 / 2022 be endorsed and submitted to Full Council.**

3. Background

- 3.1. Each year Full Council receives a report from the Standards Committee detailing the work of the Committee in the preceding municipal year. This is to ensure that all Councillors have an overview of the Committee's work in promoting and maintaining high ethical standards for elected and co-opted Members and information about any complaints received alleging a breach of the Code of Conduct, including any trends. This is the tenth annual report since the implementation of the Localism Act 2011.

4. **Comments of the Group Director of Finance and Corporate Resources.**

4.1. This report sets out the work and activities of the Standards Committee over the previous municipal year and therefore does not give rise to any financial implications.

5. **Comments of the Director of Legal, Democratic and Electoral Services**

5.1. The Council has a legal duty under the Localism Act 2011, to promote and maintain high standards of conduct of Members and co-opted Members in public office and therefore established a Standards Committee to ensure compliance with this duty. The Annual Report is one mechanism by which the Council's compliance with this duty can be demonstrated. There are no legal implications arising directly from this report.

Appendices

Appendix 1 - Standards Committee Annual Report 2021 / 2022

Background documents

None

Report Author	Louise Humphreys Head of Legal and Governance louise.humphreys@hackney.gov.uk 020 8356 4817
Comments for the Group Director of Finance and Corporate Resources prepared by	Jackie Moylan Director - Financial Management jackie.moylan@hackney.gov.uk 020 8356 3032
Comments for the Director of Legal, Democratic and Electoral Services prepared by	Dawn Carter-McDonald Director of Legal, Democratic and Electoral Services dawn.carter-mcdonald@hackney.gov.uk 020 8356 6234



Standards Committee Annual Report 2021 / 2022



Chair's Foreword

As Chair of the Standards Committee, I am delighted to present the Committee's Annual Report which outlines the work undertaken by the Committee in the 2021/2022 municipal year.

This is the eleventh year since the Standards Committee was established following the introduction of the Localism Act 2011 and my sixth report as Chair.

The Standards Committee remains committed to working with, and supporting, members of the Council to ensure that they respect the Code of Conduct and uphold the standards expected of those in public life which are encapsulated in the Seven Principles of Public Life (also known as the Nolan Principles).

To achieve this the Committee has worked closely with the Council's Monitoring Officer to ensure that the principles of good governance and ethical standards remain central to the business of the Council and to instil confidence in those elected to public office.

It remains a matter of personal regret that the opposition group continued their decision of not taking up its place on the Standards Committee in 2021/2022, particularly as the Committee functions in an independent and non-party political way, and ethical standards are a matter for all members of the Council.

I would like to extend my sincere thanks to those Councillors appointed to the Committee, the Independent Person, the Co-Optees for all their hard work and support during the municipal year. I would also like to commend the Monitoring Officer, the Deputy Monitoring Officer for their most professional and successful operation of the standards regime at the Council. Finally, I would like to offer my thanks to all those officers who have engaged with the Standards Committee during the year.

Councillor Anntoinette Bramble, Chair of the Standards Committee for 2021/22 and Deputy Mayor



Introduction

The Standards Committee submits an annual report to full Council summarising the work the Committee has carried out in the previous municipal year. This report comprises the annual report for the 2021/2022 municipal year together with background information regarding the standards regime at the London Borough of Hackney. All references to 2021/2022 in this report refer to the municipal year.

Membership

For 2021/22, the membership of the Standards Committee was as follows:

Cllr Anntoinette Bramble, Deputy Mayor (Chair)
Cllr Kofo David (Vice Chair)
Cllr Humaira Garasia
Cllr Katie Hanson
Cllr Anna Lynch
Cllr Sem Moema
Cllr Carole Williams
Cllr Caroline Woodley
Vacancy (Conservative Group)

Non-voting co-opted members:

Nicola Hanns
Aoife Scannell

Independent Person

Feryal Ertan (with effect from 30 June 2021)

Background Information

The Code of Conduct

The Localism Act 2011 requires every local authority to have a Code of Conduct, which sets out the conduct that is expected of elected and co-opted members of the Authority when they are acting in that capacity.

The Code applies whenever a member (a) conducts the business of the Authority (including the business of their office as an elected member or co-opted member) or (b) acts, claims to act or gives the impression they are acting as a representative of the Authority.

A “co-opted member” means any person who is a member of any committee or sub-committee of the Council with a right to vote but who is not one of its elected members. In the case of the London Borough of Hackney non-voting co-optees are also required to abide by the Code of Conduct.

The Monitoring Officer

The Monitoring Officer holds a statutory role and is responsible for promoting and maintaining high standards of conduct and for reporting any actual or potential breaches of the law and maladministration to the full Council and/or to the Cabinet (as set out in s.5(1) of the Local Government and Housing Act 1989).

The Monitoring Officer administers the arrangements for addressing complaints made under the Code of Conduct. The Monitoring Officer's role includes the assessment and review of every complaint received under the Code of Conduct. Following consultation with the Independent Person and consideration of the initial comments of the subject member the Monitoring Officer decides whether the complaint will be investigated.

The Council's Monitoring Officer continues to be Dawn Carter-McDonald, formerly Director of Legal and Governance and now Director of Legal, Democratic and Electoral Services.

Independent Person

The Authority has appointed one Independent Person who is invited to attend all meetings of the Standards Committee. The appointment of the Independent Person is determined by a meeting of Full Council.

The Independent Person must be consulted by the Monitoring Officer before they make a decision on a matter that has been referred to it for investigation; they can also be consulted at any other stage; and can also be consulted by a member or co-opted member against whom a complaint has been made.

Standards Committee Terms of Reference 2020/21

The Standards Committee is responsible for the promotion and maintenance of high ethical standards within the Council, helping to secure adherence to the adopted Code of Conduct, monitoring the operation of the Code of Conduct and conducting hearings following investigations into alleged breaches of the Code of Conduct.

The terms of reference for 2021/22 are set out in the Council's Constitution and are reproduced in full below :

The Standards Committee is responsible for the following functions:

1. To review and maintain oversight of the Council's ethical framework 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 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.

Members' Code of Conduct

All Members on their election to office, and co-optees on their appointment, are required to sign a declaration confirming that they will abide by the Members' Code of Conduct.

Training was delivered by the Monitoring Officer and Deputy Monitoring Officer to those members of the Council who were elected to the Council in May 2021.

Review of Members' Code of Conduct

In 2019, the Local Government Association (LGA) produced a draft Model Code of Conduct in response to the "Local Government Ethical Standards" report by the Committee of Standards in Public Life in 2019. The report made a series of recommendations in order to ensure that the governance of local authorities was robust and took account of recent learning across the sector and the production of a model Code of Conduct formed one component of this response. The model Code of Conduct was adopted by the LGA in December 2020 following a period of extensive consultation with local authorities around the country

In 2020, the Standards Committee established a Task and Finish Group to review the LGA's model Code of Conduct and consider whether the Council ought to adopt it as a replacement for the existing Code of Conduct.

The Task and Finish Group continued to meet on a number of occasions during 2021/2022 and made a number of recommendations regarding alterations to the model code which it considered better reflected the Council's commitment to ensure high standards of integrity by Councillors and Co-Optees.

In addition to the Code of Conduct itself, the Task and Finish Group also considered two further documents which would sit alongside the Code itself. The first document provides Councillors with guidance on the application of the proposed new Councillors Code of Conduct and their obligations under the new Code whilst the second is a procedural note setting out how complaints alleging a breach of the Code will be assessed and investigated, including how and when any complaints may be referred either to an Assessment Sub-Committee of the Standards Committee or a Hearing Sub-Committee of the Standards Committee.

The culmination of this work was a report to the Standards Committee on 8 January 2022 proposing a recommendation that Full Council adopt a new Councillor Code of Conduct (which also encompasses the Mayor and Co-Optees) to take effect after the May 2022 elections.

The Committee also approved terms of reference for the standing Assessment Sub-Committee and Hearing Sub-Committee.

On 26 January 2022, Full Council resolved to adopt the new Code of Conduct and endorsed the guidance and procedural note.

Review of Register of Declaration of Interests Forms

Alongside the work on the new Councillor Code of Conduct, the opportunity was also taken to further review the forms used by elected members to declare their interests and also any gifts and hospitality over the value of £25 that might be accepted or refused. The new forms will come into effect following the May 2022 elections. The forms will be kept under continual review to ensure that they remain fit for purpose and follow any best practice guidance. Further work is planned to fully enable electronic completion of the forms.

Appointment of Independent Person

Following the retirement of Jonathan Stopes-Roe as the Council's Independent Person at the end of the 2020/2021 municipal year, the Council has appointed Feryal Ertan to the role.

The appointment followed a recruitment, selection and interview process culminating in a report to Full Council recommending Feryal's appointment on 30 June 2021.

Feryal is a barrister, who is a member of 11 King's Bench Walk, specialising in both prosecution and defence work in criminal law and regulatory law. She also sits as an independent member of the disciplinary panel for the London Football Association.

I was delighted to welcome Feryal and am grateful for the advice she has already provided to the Committee and Monitoring Officer and I am sure she will continue to be a great asset in this role.

Co-Optees

Membership of the Standards Committee comprises up to six non-voting co-optees as well as Councillors and the Independent Person.

Following the end of the terms of office of a number of co-optees, two recruitment campaigns for co-optees took place during the municipal year. Regrettably these campaigns have not resulted in any appointments being made. However, we are committed to conducting further recruitment campaigns during the 2022/2023 municipal year.

Aoiffe Scannell and Nicola Hanns continued their appointments as non-voting co-optees throughout 2021/2022 and provided valuable assistance to the work of the Standards Committee.

Complaints about Member Conduct

During 2021/2022 there were 14 complaints alleging a breach of the Code of Conduct which were considered by the Monitoring Officer.

In considering any complaint alleging a breach of the Code of Conduct, the Monitoring Officer is required whether she has jurisdiction to consider the complaint and whether the complaint reaches the threshold for investigation.

In terms of the jurisdictional assessment, complaints will not pass this element if:

- The subject of the complaint is no longer an elected member or co-optee or was not an elected member or co-optee at the time of the alleged conduct;
- The complaint is made anonymously, unless there is a clear public interest in considering the complaint on an anonymous basis and the Monitoring Officer determines that a fair investigation can be carried out;
- The same, or substantially the same, alleged conduct has been the subject of a previous allegation under the Code of Conduct and there is nothing further to be gained by considering the matter again;
- The complaint is essentially against the action of the Council as a whole and cannot properly be directed against an individual;
- The complaint does not relate to the conduct of the person as either an elected member or a co-optee;
- The complaint is a service complaint;
- The complaint is about conduct which is the subject of legal proceedings against the Council involving the complainant; or
- The complaint is about an officer of the Council.

In terms of the threshold assessment the Monitoring Officer considers matters such as the date of the conduct that is the subject of the complaint; whether the complaint appears to be trivial, malicious, vexatious, politically motivated or tit-for-tat; whether an investigation is in the public interest; whether there are alternative, more appropriate remedies to resolve the complaint; whether the complaint is one of a series of multiple complaints and whether the subject of the complaint was acting in their capacity as an elected member or co-optee.

In reaching a decision on the threshold assessment, the Monitoring Officer is required to consult the Independent Person and have regard to their views.

Of the 14 complaints received:

- All were submitted by members of the public
- 1 complaint was subsequently withdrawn by the complainant
- 1 complaint was not considered due to lack of information being provided by the complainant.
- 12 did not meet the threshold for investigation, although words of advice were subsequently offered by the Monitoring Officer to two Councillors.

As in previous years, the majority of complaints concerned posts appearing on social media. The second most common cause for complaint related to elected members not responding to resident enquiries, complaints or requests for assistance.

Dispensation Requests

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

During 2021/2022 there were no requests for dispensations made to the Standards Committee.

Conclusion

The Committee has dealt with a wide variety of matters during 2021/2022. The Committee's aim is to continue to develop and maintain the Council's ethical governance framework for the benefit of the authority, elected members and ultimately local people. The Committee is looking forward to the next municipal year.

Contacts

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