

MINUTES OF A MEETING OF THE STANDARDS COMMITTEE

MONDAY, 21ST JANUARY, 2013

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

1 Apologies for absence

- 1.1 Apologies for absence are listed above.

2 Declaration of interests

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

3 Minutes of the previous meeting - 18 October 2012

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

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

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

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

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

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

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

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

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

5 Whistle-Blowing Progress Report

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

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

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

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

7 Update on Training on Members' Code of Conduct

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

8 Request for Dispensation

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

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

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

Reason

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

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

Duration of the meeting: 6.30 - 7.40 pm

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