

STANDARDS COMMITTEE DRAFT ANNUAL REPORT 2015/16

STANDARDS COMMITTEE

21 July 2016

COUNCIL

30 November 2016

CLASSIFICATION:

Open

WARD(S) AFFECTED

All Wards

Tim Shields, Chief Executive

1. SUMMARY

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

2. RECOMMENDATIONS

- 2.1 **That the Standards Committee considers the Annual Report for 2015/16, as attached at Appendix 1, and endorse it for submission to Full Council.**
- 2.2 **That Full Council notes the Standards Committee's Annual Report for 2015/16, as attached at Appendix 1.**

3. RELATED DECISIONS

- 3.1 This is the fourth Annual Report of the new Standards Committee established by the Council on 1 July 2012. Previous Annual Reports were noted by Council at its meetings on 26 June 2013, 22 October 2014 and 25 November 2015.

4. COMMENTS OF THE GROUP DIRECTOR, 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 contain any potential financial implications.

5. COMMENTS OF THE DIRECTOR, LEGAL

- 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.
- 5.2 The Council therefore established a Standards Committee to help promote and uphold high standards of conduct amongst Members and co-opted Members.

6. BACKGROUND TO THE REPORT

- 6.1 This Annual Report is submitted to Council in line with best practice for the Council to maintain an overview of the work of the Standards Committee. This is the fourth Annual Report of the Standards Committee established by the Council following implementation of the Localism Act 2011 and the introduction of related ethical governance arrangements.

- 6.2 In upholding high standards the Committee monitors and makes recommendations on the Members' Code of Conduct and considers complaints made under the Code.
- 6.3 The Standards Committee during 2015/16 undertook work in the following areas, which are explained in further detail in Appendix 1 of this report:
- Monitoring the operation of the Members' Code of Conduct;
 - Monitoring the Members Induction, Training and Development Programme;
 - Review of the Register of Interests;
 - Consideration of complaints made under the Members' Code of Conduct;
 - Consideration of a report on the Guidance for Members on Use of ICT; and
 - Consideration of requests for dispensation.

Tim Shields
Chief Executive

APPENDICES

Appendix 1 – Standards Committee Annual Report 2015/16

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**STANDARDS COMMITTEE
DRAFT ANNUAL REPORT 2015/16**

1. Introduction from Councillor Sophie Linden, Chair of the Committee for 2015/16 and Cabinet Member for ethical governance matters

This report provides an overview of the Committee's work in the 2015/16 Municipal Year, in what was the Committee's fourth year since its establishment by the Council following the introduction of the Localism Act 2011. This Annual Report outlines the key areas of work undertaken by the Committee during 2015/16 as well as looking at future work and challenges.

I am pleased to report that Members and co-opted members continue to uphold high ethical standards and that the new ethical governance framework introduced in July 2012 is well embedded.

It is again regrettable that the opposition parties have decided again not to take up their place on the Standards Committee for the 2016/17 Municipal Year. The Committee functions in an independent and non-party political way. It will continue to retain the places for the opposition parties in the hope that they will be taken up.

I also thank on behalf of the Committee Gifty Edila, who acted as Monitoring Officer and Corporate Director up until her retirement in February 2016 after 27 years of working in local government.

2. Membership

For 2015/16, membership of the Committee was as follows:

- Cllr Sophie Linden, Deputy Mayor, ethical governance portfolio holder and Chair of the Committee;
- Six non-executive Council Members – Councillors Ben Hayhurst, Sally Mulready, Clare Potter, and Jessica Webb (vice Chair) (plus two vacancies); and
- Six non-voting co-opted members – Julia Bennett, George Gross, Adedoja Labinjo and Onagete Louison (plus two vacancies).

Cllrs Linden and Webb were elected as chair and vice-chair of the Committee, respectively, for 2015/16 at the extraordinary meeting on 20th May 2015.

The table below outlines Members' and co-optees' attendance at meetings of the Standards Committee meetings during the 2015/16 Municipal Year. As ever, Members and co-optees had a large number of alternative commitments

such as other public meetings, ward commitments, representing the Council on outside bodies and work commitments, and were therefore not always available to attend every meeting of the Committee. However, there was high attendance at the Committee meetings during 2015/16.

Member	Meeting date			
	20/05/15 Extraordinary meeting to appoint chair and vice chair*	15/07/15	21/01/16	27/01/16 Urgent meeting*
Cllr Sophie Linden (Chair)	P	P	P	P
Cllr Jessica Webb (Vice Chair)	P	P	P	P
Cllr Ben Hayhurst	P	P	P	A
Cllr Sally Mulready	P	P	P	P
Cllr Clare Potter	P	P	P	A
Julia Bennett	N	P	P	N
George Gross	N	P	P	P
Adedoja Labinjo	N	A	P	N
Onagete Louison	N	P	A	N

Key:

P = Present

A = Apologies for absence

N = Not required to attend

*Co-opted Members were not expected to attend the extraordinary meeting and urgent meeting.

Further to the above, two Standards Assessment Sub-Committee meetings were called during the 2015/16 Municipal Year. Only two elected Members and one co-optee sit on Sub-Committee meetings. Cllr Hayhurst, Cllr Potter

and George Gross attended a Sub-Committee meeting which sat on 17th December 2015, and Cllr Mulready, Cllr Webb and Julia Bennett attended a Sub-Committee held on 25th February 2016.

3. Terms of reference 2015/16

The Standards Committee operated within the following terms of reference for 2015/16 Municipal Year, which were noted at the Committee's meeting on 15th July 2015 –

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.

4. Members' Code of Conduct

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

The Committee was pleased to see that during the 2014/15 Municipal Year there was high attendance at training sessions on the Code provided by the Monitoring Officer. During 2014/15, 20 out of the 21 new councillors elected during the 2014 local elections had attended training on the Code. Following consideration of last year's report, the Chair of the Committee wrote to the one Member who had not attended training encouraging them to attend a

future session. The Committee is pleased to note that this Member attended a one-to-one session during 2015/16 Municipal Year and that all newly elected Members in 2014 have now completed training on the Code.

Further, following by-elections in May 2016, two new Members were elected to the Council. Both of these two new Members were provided with training on the Members' Code of Conduct in May 2016 after their election to office.

The Monitoring Officer provided to Members updated guidance on declaring interests. Following feedback provided by the Standards Committee, the guidance was updated to clarify to Members that they should declare any income received from renting out the whole or part of any property as a pecuniary interest. This revised guidance was circulated to all Members in March 2016.

The Monitoring Officer also circulated a legal update to all Members of the Council updating them on a criminal conviction of an elected councillor at another local authority who failed to declare a pecuniary interest at a meeting. The Committee was also briefed on this matter at its first ordinary meeting on 15th July 2015.

The Committee is pleased with the support and training provided to Members on the Code of Conduct and believes that it helps contribute to the high ethical governance standards demonstrated by Members and Co-optees of the Council. It is hoped that Members and Co-opted Members will attend refresher sessions during the next Municipal Year. The Committee will continue to monitor training on the Code of Conduct to ensure that high standards continue.

5. Member Induction, Training and Development Programme

The Committee received a report at its meeting on 21st January 2016 which outlined the training programme for 2015/16. The report provided an overview of training sessions offered to Members and an outline of their content.

The training programme contained both mandatory and optional activities for Members and was designed to build on the comprehensive induction programme provided following local elections in 2014. The programme for 2014/15 provided over 20 in house training sessions for Members following the 2014 local elections and 9 in house sessions were provided during 2015/16. Most sessions were open to all Members whilst some sessions focussed on the needs of Members on specific Committees. For example, there was specific training provided on Planning as Members of this Sub-Committee are required to complete relevant mandatory training on quasi-judicial decision making prior to attending their first meeting.

In addition, external training courses were offered to Members on the Government's Prevent Strategy, public speaking and how to be an effective councillor.

The Committee also received an overview of e-learning courses, which can be completed by Members remotely at times convenient to them. This provides a flexible and convenient way for Members to develop their learning and knowledge on specific subject areas.

The Committee welcomed the comprehensive training programme provided to Members during 2015/16 and was pleased to note that it received positive feedback from those who attended.

The Committee also made recommendations on future training sessions for Members as part of the 2016/17 training programme. The Committee believed that training should be provided to Members on disability awareness as well as specific training focussing on the issue of Members becoming disabled whilst serving as a Member. Further, the Committee requested that Members receive training on safety awareness and suggested that Members' be offered risk assessments in relation to ward surgeries.

6. Review of Register of Declaration of Interests Forms

The Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 requires all Members and voting co-optees to complete and return a declaration of interests form. The Council's declaration of interests form incorporates legislative requirements that Members declare their own pecuniary interests, as well as any pecuniary interests of their spouse or civil partner, or anyone living with them as if they were their spouse or civil partner. The Council also took the view, on recommendation of the Standards Committee, that Members should continue to declare any bodies and organisations of which they are members and any gifts or hospitality received in their role as a Member, and that non-voting co-optees should also complete and return a form.

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

To assist Members and Co-optees, Council guidance on completing declaration of interest forms was issued in July 2013 and an updated version was circulated to all Members in March 2016.

The Committee received a report at its meeting on 21st January 2016 and was pleased to note that the Mayor, all 57 Councillors and co-optees of the Council had completed their forms within the required timeframe and that many Members regularly updated their forms as their circumstances changed.

The Standards Committee noted that the review had however, identified that a small number of Members had not updated their forms since 2012. These Members had been written to and asked to review their forms and check them for accuracy.

Two new Councillors were elected at by-elections in May 2016. Both Councillors completed and returned forms within the required 28 day period following their election to office.

The Committee will continue to monitor Members and co-optees compliance in completing declaration of interests forms over the 2015/16 Municipal Year, but is encouraged by the fact that forms have been returned and are frequently updated.

7. Complaints about Member Conduct

The standard of conduct by Members and co-optees of the Council has been consistently high.

Three complaints were received under the Members' Code of Conduct by the Council's Monitoring Officer. Two of these complaints were referred to the Standards Assessment Sub-Committee and no further action was recommended in relation to both of these complaints. A third complaint was resolved through local resolution by the Council's Monitoring Officer and was therefore not required to be submitted to the Standards Committee.

Jonathan Stopes-Roe continues to serve as the Council's Independent Person on ethical governance matters and has supported the Monitoring Officer and the Standards Committee during 2015/16 in determining any complaints received against Members and co-optees.

8. Guidance for Members on Use of ICT – 5th Annual Report

The Committee received a report at its meeting on 21st January 2016 on the Guidance for Members on Use of ICT. The Committee noted that there had been no breach of the guidance during the 2015/16 Municipal Year and that, since the Guidance had been issued in 2011, there had only been two breaches and that neither of these resulted in a data breach.

The Committee was also briefed on the ongoing review of ICT software and equipment for Members, which was being undertaken to ensure that Members are equipped with the necessary tools to perform their duties. Following the outcome and implementation of findings from the review, it may be necessary to update the guidance for Members on Use of ICT.

9. 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.

At the Committee's meeting on 15th July 2015 the Committee approved a request to renew dispensation for two Councillors to participate in the work developing the Dalston SPA as part of the Council's Licensing Policy Review on the ground that it was otherwise appropriate to do so.

An urgent meeting of the Standards Committee was called on 27th January 2016 to consider whether to grant dispensation to Members of the Council to speak on a motion at Full Council.

The motion concerned the draft Housing and Planning Bill, still being processed through Parliament at that time. The Standards Committee noted that Members who were tenants of the Council, or housing association or private sector tenants, or private sector landlords, or worked for a private sector landlord or housing association, may all be affected by the Bill and may have been deemed to have a pecuniary interest.

There are only five grounds that dispensation may be granted, as set out in paragraph 14.2 of the Members' Code of Conduct. The Committee decided to grant Members dispensation to participate in the debate and vote on the motion on the Housing and Planning Bill at the Full Council meeting on 27th January 2016 under ground (e), that it was otherwise appropriate for some other reason to grant dispensation.

The Committee believed that if dispensation was not granted so great a number of Members would be unable to participate that it would impair the debate on the motion.

The Standards Committee further stipulated however, that any Member who spoke during the motion should declare any pecuniary or other interest that they may have had.

10. Conclusion

The Standards Committee has now been in operation for four years following its establishment by Council. The Committee remains dedicated to maintaining high ethical standards in Hackney and supporting Members and co-optees in doing so. The Committee is pleased to see that the current framework is operating successfully and the Committee believes that Council Members and co-optees continue to demonstrate high ethical standards.

The Committee's ongoing focus will be to support Members to ensure that they are fully aware of the principles of the Code of Conduct and to monitor attendance at training and completion of Register of Interests' forms.

I thank the four co-optees of the Committee for their assistance and hard work on the Committee and the Independent Person, Mr Jonathan Stopes-Roe, for his contribution to our work.

Councillor Sophie Linden
Chair of Standards Committee 2015/16