

UNRESTRICTED MINUTES OF A MEETING OF THE STANDARDS COMMITTEE

MONDAY, 16TH SEPTEMBER, 2019

Councillors Present: Deputy Mayor Anntoinette Bramble in the Chair

Cllr Jessica Webb (Vice-Chair),
Cllr Humaira Garasia, Cllr Katie Hanson,
Cllr Anna Lynch and Cllr Carole Williams

Co optees Present Onagete Louison

Independent Person: Mr Jonathan Stopes-Roe

Officers in Attendance: Suki Binjul – Director of Legal & Governance
Dawn Carter-McDonald – Head of Legal & Governance
Clifford Hart – Clerk to Standards Committee

1 Confirmation of the appointment of the Chair and Vice Chair of the Standards Committee for the Municipal Year 2019/20

The Governance Officer present – Mr Hart sought confirmation to the appointment of the Chair – Councillor Bramble, and Vice-Chair – Councillor Webb of Standards Committee for the Municipal Year 2019/20 as advised at Annual Council in May 2019.

The Committee resolved to agree the appointments nemine contradicente.

NOTED

2 Apologies for Absence

Apologies for absence were received on behalf of Councillors Adejare, and Moema, and from Co-opted Member Onagete Louison, and for lateness from Councillor Williams.

NOTED

3 Urgent Business

There were no items of urgent business.

NOTED

4 Declarations of Interest - Members to declare as appropriate

There were no declarations of interest.

NOTED

5 Deputations/Petitions/Questions

There were no deputations, petitions, or questions.

NOTED

6 To Confirm the Unrestricted Minutes of The Standards Committee held on 18 February 2019

RESOLVED

That the unrestricted minutes of the Standards Committee held on 18 February be confirmed as an accurate record of the proceedings.

7 Standards Committee Terms of Reference

There being no questions or points of clarification it was :

RESOLVED

That the terms of reference of the Standards Committee be noted.

8 Standards Committee Work Programme 2019/20

There being no questions or points of clarification it was :

RESOLVED

That approval be given to the draft work programme for 2019/20 as detailed in Appendix 1 to the report.

9 Draft Standards Committee Annual Report 2018/19

The Chair asked if there were any comments or clarifications as to the report's content.

Councillor Hanson commented that it was an informative annual report, and in giving approval to its content it was a positive in knowing that there had been no referrals to Standards Committee with regard breaches of the members code.

There being no questions or points of clarification, on a MOTION by the Chair it was :

RESOLVED

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That the Standards Committee Annual Report for 2018/19, as attached at Appendix 1 to the report be endorsed, for submission to Full Council to consider on 30 October 2019.

10 Request for Members' Dispensation in respect of membership of the Local Government Pension Scheme

The Chair asked for a brief introduction of the report.

The Director of Legal & Governance – Ms Binjal informed the meeting that as part of the formal consideration of business of the various bodies of the Council, the matter of the Local Government Pension scheme (LGPS) was periodically considered/discussed e.g at Full Council, Audit Committee, Pensions Committee, and the Pensions Board.

Ms Binjal commented that it had been noted that a number of elected members may be contributing in their elected member capacity to the London Borough of Hackney Pension Scheme, or were in receipt of a pension from the London Borough of Hackney (as a result of previously contributing to the scheme and had reached pensionable age). It was also the case that an elected Member may also currently be contributing to the LGPS at another Local Authority as an employee, or in receipt of a pension from another Local Authority where they were formerly an employee.

Ms Binjal further commented that in accordance with the Council's Members Code Conduct as detailed in Part 5 of the constitution, the declarations of interests' rules required a Member to declare as a disclosable non-pecuniary interest, any contribution to or being in receipt of an LGPS pension. It was also a requirement of each Member to declare such interests on their individual Register of Interests form (ROI). Consequently as the various bodies of the Council would require such declarations to be made each time pensions issues are discussed, it was felt that as the declaration had already been detailed in individual Members ROI's it was not necessary to then have to disclose such interests on each occasion and therefore it was appropriate to seek a Member wide dispensation to not have to make such declarations with immediate effect. The dispensation would remain in place until the first meeting of the Standards Committee or any committee which may be given the functions of the Standards Committee in May 2022.

Ms Binjal concluded that a dispensation to not have to declare membership of and contribution to or receipt of a pension from a LGPS (which was recorded on the Register of Interest Form published on the web), was such a dispensation that could be determined by the Standards Committee as advised by the herself as Monitoring Officer, and accordingly Standards Committee was being asked to grant a blanket dispensation for the term of office (until May 2022) for all Members that would be affected under the provision of the dispensation in accordance with rule 14.2 (e) of the constitution - Part 5 - Members Code of conduct.

The Chair thanked Ms Binjal for her succinct introduction. There being no questions from the Committee, on a **MOTION** by the Chair it was:

RESOLVED

- i. That approval be given to a dispensation for any member of the Council belonging to the Local Government Pension Scheme (LGPS) either in a

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contributing, or in receipt capacity, for the LB Hackney, or any other Local Authority Pension Scheme, when they are in attendance at any Council meetings where matters pertaining to the Local Government Pension Scheme are being considered/discussed; and

- ii. That the dispensation remain in place until the first meeting of the Standards Committee or any committee which has the functions of the Standards Committee, following the commencement of the newly elected administration in May 2022.

11 Recruitment of Co-opted Members to Standards Committee 2019

The Chair advised the Committee that the report before it was self explanatory and sought the Committee's approval to the recruitment process for the appointment of up to four co-opted members to fill the four existing co-opted member vacancies on the Standards Committee.

In terms of the process of interviews the Chair advised the Committee of the proposed composition of the interview panel, and the process for shortlisting, as detailed in the report. The Chair also advised that for the appointment of any successful candidate it was a requirement for these appointments to be recommended by Standards Committee to Full Council, whose statutory responsibility it was to confirm such appointments.

In response to clarification from Councillor Webb, the Chair advised that the process for the recruitment of co-opted members was similar to that previously embarked upon.

The Committee welcomed the proposals. Councillors Hanson, Lynch and Williams expressed an interest in taking part in the interview Panel.

There being no further points of clarification on a MOTION by the Chair it was:

RESOLVED

- i. That approval be given to the recruitment process for the appointment of up to four current co-opted member vacancies to Standards Committee for a period of four years from their confirmed date of appointment;
- ii. That approval be given to the contents of the draft recruitment pack as detailed, as attached at Appendix 1 of the report, and to the process of recruitment as detailed in paragraph 6.3 of the report;
- iii. That Standards Committee agree that the Interview Panel to shortlist and interview candidates will be drawn from the Membership of the Standards Committee as follows, and to agree those members to be appointed:

**Chair of Standards Committee
Two Members of Standards Committee
One current co-opted Member (Advisory Capacity non-voting)
Independent Person – Standards Committee (Advisory Capacity non-voting)**

officers in attendance

- iv. **That it be noted that a special Standards Committee will be convened in late November to mid December 2019 to endorse the recommendations of the Interview Panel regarding proposed appointments, and recommend to Full Council the endorsed appointments, at its meeting on 22 January 2020, for a term of four years.**

Clerks note – following on from the decision of 16 September 2019 Councillor Williams indicated that she was happy not to take part in the interviews as there would be sufficient voting members with the Chair and Cllrs Hanson & Lynch taking part.

12 Local Government Ethical Standards - Report of the Committee on Standards in Public Life on the subject of ethical standards in local government

The Chair advised the Committee that the Director of Legal & Governance – Ms Binjal would give an introduction to the report and also give a presentation to the Committee.

Ms Binjal informed the Committee that the report before them detailed the findings and recommendations from the Government's Committee on Standards in Public Life's (CSPL) review of ethical standards in public life. The review was commenced in January 2018, and following a nine/ten month consultation process, the findings of the review were assessed and recommendations on the outcome of the review were published in January 2019.

Ms Binjal further commented that following the publication of the main findings in January 2019, the Standards Committee, in February 2019 received an oral report from the Head of Legal & Governance, which highlighted the main headlines of the review. The report before members now gave a summary of the full 26 recommendations as published and gives a brief outline of how the proposed recommendations would have an effect on the Council's constitution and its current standards functions.

Ms Binjal, by the aid of a coloured presentation (tabled) took the Committee through the main findings of the review (a copy of which will be interleaved in the minutes).

In summary the presentation highlighted the main points of the findings as follows:

- the findings and recommendations from the Government's Committee on Standards in Public Life's (CSPL) review of ethical standards in public life.
- The vast majority of councillors and officers were committed to maintaining high ethical standards but that there were a small minority of councillors who engage in bullying or other disruptive behaviour. It also

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noted that a small number of Parish Councils give rise to a disproportionate number of complaints.

- The findings found that the operation of the existing mechanisms was identified as opaque in some cases and it suggested that greater openness as to how decisions were to be made at a local level would elicit greater public confidence in the ethical standards present in local authorities.
- Identified a number of risks in the sector including the current rules on conflicts of interest and gifts and hospitality and concludes that those were exasperated by the increasing complexity of local government.
- Support for the model of devolved self-regulation and the positive promotion of high ethical standards as opposed to a solely punitive approach. However it identified a need for appropriate mechanisms by which councils were able to address issues when they arose. In particular, it recommended that the power to suspend a councillor be re-introduced at a local level in order to enhance the effectiveness of local accountability. By way of balance it was suggested that the role of the Independent Person should be enhanced and a right of appeal for councillors should be introduced to ensure fairness and avoid malicious abuse of the complaints system. It also concluded that the current criminal sanctions relating to Disclosable Pecuniary Interests was disproportionate in principle and ineffective in practice, and should be abolished.
- Identifying the obligation on Monitoring Officers (MO) to be responsible for implementing the system and the promotion of high standards of ethical conduct within their councils.
- Conclusions of the findings found that in some instances fulfilling those obligations may prove challenging for the MO and in this should be addressed through the introduction of extended employment protection for the MO to ensure that they were able to act in the public interest and without fear or favour.
- In total 26 recommendations were proposed as set out in Appendix A of the report with the majority requiring primary legislation to bring in to effect. The report also sets out a list of what it described as 'best practice', as set out in Appendix B, which the CSPL proposed should be used as a benchmark for local authorities against which they might assess their local arrangements.

The Chair thanked Ms Binjal for her succinct introduction and presentation.

The Committee then undertook a discussion as regards the details of the presentation and the CSPL findings – the main points being:

- Comments regarding the issues of declarations of prejudicial and non prejudicial interests and there being conflicting guidance and confusion and any revisions and clearer guidance arising from the CSPL would be welcomed

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- Concerns that the existing LB Hackney register of gifts and hospitality and general declarations form is not particularly helpful or clear and members would welcome the opportunity to review and suggest a clearer summary of what should and should not be declared
- Concerns that members (especially newly elected but also long standing) could inadvertently fall in to the trap of not having declared an issue based on a misunderstanding of what was required by law to declare
- That whether it was necessary to actually make any formal comment on the recommendations (i.e. to MHCLG) in the form of a letter given that the Council was accepting the recommendations and would be addressing the findings in advance of the legislative process to statutorily implement once adopted.

In response to the comments and concerns raised Ms Binjal advised that she would initiate a task and finish group comprising of members and officers to look at the issues of declarations, and explanations of what was best practice and examples of what things should be recorded.

Councillors Hanson and Lynch indicated their willingness to take part in the group.

The Chair felt that given the comments in relation to a proposed letter of response as detailed in recommendation 2.3, that this proposal would be noted and not acted upon.

There being no further comments from the Committee, on a MOTION by the Chair it was:

RESOLVED

- i. That the Report from the Committee on Standards in Public Life (CSPL) on the subject of local government ethical standards which attached at Appendix 1 of the report be noted;**
- ii. that the recommendations of the CSPL attached at Appendix 2 of the report and the identified 'best practice' which attached at Appendix 3 be noted;**
- iii. that the proposal to make any formal comment on the recommendations (i.e. to MHCLG) in the form of a letter be noted but not further acted upon;**
- iv. that the Monitoring Officer undertake a comparison of the current Council's current Ethical Standards arrangements in place with a view to identifying whether they conform to the best practice identified by the CSPL report, and that the comparison analysis be reported back to the Standards Committee for its consideration;**
- v. that the Monitoring Officer carries out a review the Council's current Member Code of Conduct and considers any amendments to reflect the outcomes of the CSLP report, and that any suggested**

changes to the Code be reported back to the Standards Committee for its consideration;

- VI. That a further report be brought to Standards Committee at the point of confirmation of the Parliamentary process for consideration of the CSPL recommendations and any subsequent changes to primary and secondary legislation; and
- vii. that a task and finish group be established to consider improving and understanding members declarations of interests and that Councillors Hanson & Lynch be the members appointed to the task and finish group together the Head of Legal & Governance, the Clerk to Standards Committee and other officers within Legal & Governance as appropriate.

13 Dates of Standards Committee for the remainder of the Municipal Year 2019/20

NOTED

The next scheduled meeting of the Standards Committee on 13 February 2020 at 6.30pm and the special meeting required in late November/December 2019 to consider the outcome of the recruitment process for co-opted members to Standards Committee.

14 Any Other unrestricted business the Chair considers to be urgent

There were no items of unrestricted urgent business.

NOTED

15 EXCLUSION OF THE PUBLIC AND PRESS

There were no requirement to exclude the public and press as there were no exempt urgent items to consider.

NOTED

16 ANY OTHER EXEMPT BUSINESS THE CHAIR CONSIDERS TO BE URGENT

Nil Items.

Duration of the meeting: 7.30pm- 8.30pm

Signed

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Chair of Committee

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Contact:
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