



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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