



Standards Committee Annual Report 2022 / 2023



Chair's Foreword

As Chair of the Standards Committee, I would like to present the Committee's Annual Report which outlines the work undertaken by the Committee in the 2022/2023 municipal year.

This is the twelfth year since the Standards Committee was established following the introduction of the Localism Act 2011 and my seventh 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 has continued their decision of not taking up its place on the Standards Committee in 2022/2023, 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 2022/23 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 2022/2023 municipal year together with background information regarding the standards regime at the London Borough of Hackney. All references to 2022/2023 in this report refer to the municipal year.

Membership

For 2022/23, the membership of the Standards Committee was as follows:

Cllr Anntoinette Bramble, Deputy Mayor (Chair)
Cllr Lynne Troughton (Vice Chair)
Cllr Frank Baffour
Cllr Polly Billington
Cllr Sade Etti
Cllr Humaira Garasia
Cllr Anna Lynch
Cllr Joseph Ogundemuren
Vacancy (Conservative Group)

Non-voting co-opted members:

Nicola Hanns
Aoife Scannell

Independent Person

Feryal Ertan

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.

Appendix 1

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 2022/23

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 2022/23 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;

Appendix 1

4. To hear and consider complaints made against the Elected Mayor, 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 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.

Councillor Code of Conduct (“the Code”)

On election to office, the Elected Mayor and all Councillors are required to sign a declaration confirming that they will abide by the Code. Co-optees are required to sign a similar declaration on their appointment.

On 8 January 2022, the Standards Committee recommended to Full Council that it adopt a new code of conduct. On 26 January 2022, Full Council resolved to adopt the Code to take effect after the May 2022 elections.

In addition to the Code itself, two further documents were produced which sit alongside it. The first document provides Councillors with guidance on the application of the Code and their obligations under it. The second document 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 Committee also approved terms of reference for the standing Assessment Sub-Committee and Hearing Sub-Committee.

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 remain committed to conducting further recruitment campaigns to fill these vacancies.

Aoiffe Scannell and Nicola Hanns continued their appointments as non-voting co-optees throughout 2022/2023 and provided valuable assistance to the work of the Standards Committee.

Appendix 1

Complaints about the Conduct of the Elected Mayor, Councillors or Co-Optees

During 2022/2023 there were 13 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 whether there is evidence to demonstrate a potential breach of the code; 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; and whether the complaint is one of a series of multiple complaints.

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 13 complaints received:

- All were submitted by members of the public.
- All complaints passed the jurisdictional test.

Appendix 1

- The most common cause for complaint (7) related to people not responding to resident enquiries, complaints or requests for assistance.
- The second most common cause for complaint (3) related to posts appearing on social media or how people interacted with others on social media (including blocking).
- Of the remaining complaints, 1 concerned alleged conduct at a meeting, 1 alleged transphobia and 1 made an allegation that the views of residents were being ignored.
- None of the complaints met the threshold test for further investigation.

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 2021/2023 there was one request for a dispensation made to the Standards Committee concerning an appointment of a Councillor as a Director of London Energy Limited. The dispensation was granted.

Use of ICT

The Standards Committee received its annual report concerning the use of ICT by the Elected Mayor and Councillors during the 2021 calendar year and was pleased to note that there were no incidents reported in relation to the use of telephony, email, or the internet and no information security breaches.

The annual report for the 2022 calendar year will be received by the Committee during this municipal year.

Conclusion

The Committee has dealt with a wide variety of matters during 2022/2023. 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

Monitoring Officer: Dawn Carter-McDonald
dawn.carter-mcdonald@hackney.gov.uk

Deputy Monitoring Officer: Louise Humphreys
louise.humphreys@hackney.gov.uk