
REPORT OF STANDARDS COMMITTEE

MEETING HELD ON 19 SEPTEMBER 2006

Chairman: * The Right Revd Peter Broadbent

Councillors: * Mrs Lurline Champagnie (1) * Mitzi Green (1)
* Mrs Janet Cowan * Mrs Kinnear
* B E Gate * Tom Weiss (2)

Independent Persons: * Ms Sheila Darr † Mr Mohammad Rizvi
* Dr J Kirkland

* Denotes Member present
(1) and (2) Denote category of Reserve Members

PART I - RECOMMENDATIONS

RECOMMENDATION I - Protocol for Co-optees and Advisers

Your Committee received the draft of a proposed Protocol for co-optees and advisers, which covered the Constitutional provisions governing their appointment, rights and obligations, with particular reference to the provisions concerning the Code of Conduct (for Councillors), confidentiality and access to information.

Resolved to RECOMMEND: (to Council)

That the Protocol on Co-optees and Advisers, now attached, be adopted.

PART II - MINUTES16. **Attendance by Reserve Members:**

RESOLVED: To note the attendance at this meeting of the following duly appointed Reserve Members:-

Ordinary Member

Councillor Jean Lammiman
Councillor Joyce Nickolay
Councillor Philip O'Dell

Reserve Member

Councillor Tom Weiss
Councillor Mrs Lurline Champagne
Councillor Mitzi Green

17. **Declarations of Interest:**

RESOLVED: To note that there were no declarations of interests made by Members in relation to the business transacted at this meeting.

18. **Arrangement of Agenda:**

RESOLVED: That (1) it be noted that item 15 – Reference from Member Development Panel, incorrectly marked as enclosed, had been withdrawn from the agenda; and

(2) all items be considered with the press and public present.

19. **Minutes:**

RESOLVED: That the minutes of the meeting held on 22 June 2006 be taken as read and signed as a correct record.

20. **Public Questions, Petitions and Deputations:**

RESOLVED: To note that no public questions were put, or petitions or deputations received at this meeting under the provisions of Committee Procedure Rules 19, 16 and 17 (Part 4B of the Constitution) respectively.

21. **Protocol for Co-optees and Advisers:**

(See Recommendation I).

22. **Members' Register of Interests:**

The Director of Corporate Governance reported on the extent of Members' compliance with the Code of Conduct, in relation to completing their Register of Interests form within the statutory 28 day deadline.

It was noted that a significant number of Members had failed to return their forms in line with the 28 day requirement and that systems were being put in place to address this for the future. To date only one Member had not returned a complete Register of Interests form. The Committee sought confirmation as to which Councillor this was. Arrangements were also under consideration to place the Members' Register of Interests electronically onto either the intranet or the internet in order to enhance public accessibility.

RESOLVED: That (1) it be noted that Councillor Anjana Patel had not completed and returned her Register of Interests form;

(2) in future, Members who fail to comply with the requirement to complete their Register of Interests forms within the 28 day statutory requirement, be publicly recorded;

(3) officers investigate how other boroughs make their Members' Register of Interests available, and report back to the Standards Committee before any decisions were made in relation to the electronic publication of the Register of Interests.

23. **Confidentiality of Documentation:**

The Committee considered a report of the Director of Corporate Governance, which briefed Members on the various rights of access to information in relation to complaints of breach of the Members' Code of Conduct. The issue of "whistleblowing" was raised in debate.

The Director of Corporate Governance advised that officers acting in a statutory role who were advised on a confidential basis of a breach of the Code had a duty to follow

up the allegation and therefore to advise the informant that there would be circumstances when confidentiality could not be maintained.

A Member expressed concern regarding the working practices of the Standards Board for England (SBE) and the maintaining of confidentiality in respect of cases under investigation. It was agreed that the circumstances would be investigated and reported back to the Committee.

RESOLVED: That (1) a report from the Interim Director of Human Resources on “whistleblowing” be submitted to the next meeting of the Standards Committee;

(2) it be noted that the statutory officers were obliged to pursue allegations brought to their attention and this overrode confidentiality of the source;

(3) it be established whether it was standard practice for SBE to divulge confidential information on complaints in correspondence and over the telephone, and this be reported back to the Committee;

(4) the report be noted.

24. **Member and Officer Indemnity:**

The Committee received a report of the Director of Corporate Governance, which advised of recent legislative changes to indemnify Members against legal costs incurred in defending themselves against an allegation of breach of the Code of Conduct.

It was advised that a caveat to the indemnity claim was that there was a limit of £50,000 maximum per claim and that, in addition, all monies would be required to be reimbursed by the Member should they be found to be in breach of the Code.

RESOLVED: That (1) a letter be sent to all Council and Independent Members advising them of the indemnity insurance; and

(2) the report be noted.

25. **High Ethical Standards - Roles of Leader of Council and of Chief Executive:**

Members considered a report of the Director of Corporate Governance which proposed the addition, in the Constitution, of specific references to the responsibilities of the Leader and the Chief Executive for maintaining the high ethical standards of the Authority.

Members noted that the revisions were to be considered by the Constitution Review Working Group and, if then agreed, would be reported to Council on 19 October 2006.

RESOLVED: That the proposed revisions to the Constitution, relating to the responsibilities of the Leader and the Chief Executive for the high ethical standards of the Authority, be noted.

26. **Review of Complaints to the Standards Board about Members:**

The Director of Corporate Governance informed Members of decisions of the Standards Board for England (SBE) following receipt of complaints against Members of this Council.

It was noted that there had only been two complaints against Harrow Councillors in the period August 2005 – July 2006, neither which had warranted investigation.

RESOLVED: That (1) the Director of Corporate Governance, upon receipt of notification from the SBE regarding a complaint against a Councillor, notify the Standards Committee and also provide an annual summary of this information for the Committee; and

(2) the report be noted.

27. **Member Officer Protocol:**

The Director of Corporate Governance’s report advised that the Member/Officer Protocol had been circulated to all Members for comment on whether they found it to be a useful document. It was noted that of 63 Councillors, 13 responses had been received and were summarised in the report. Proposals for a more detailed review of the Protocol, having regard to the comments received, were endorsed, subject to the exclusion of some of the issues raised.

RESOLVED: That (1) officers report back on potential revisions to the existing Protocol; and

(2) the report be noted.

(Note: The meeting, having commenced at 7.30 pm, closed at 8.35 pm).

(Signed) THE RIGHT REVD PETER BROADBENT
Chairman

APPENDIX 1**PROTOCOL ON CO-OPTees AND ADVISERS****CODE OF CONDUCT, CONFIDENTIALITY AND ACCESS TO INFORMATION****1. Appointment**

- 1.1 The Council may appoint non-voting co-opted members to its Committees;
- 1.2 The Council is required to appoint some voting co-opted members to its Standards Committee;
- 1.3 Committees may appoint non-voting co-opted members to their sub committees or panels;
- 1.4 The Overview and scrutiny Committee is required to appoint voting co-opted members to the Children and young People Scrutiny Sub Committee;
- 1.5 Any Committee, sub committee or panel may appoint advisers to assist in their work.

2. Co-optees and Advisers

- 2.1 Co-opted members are appointed by the parent body to a subsidiary body. Any conditions on the exercise of any rights are determined by the parent body. Any changes to an appointment can only be made by the parent body.
- 2.2 Advisers are appointed by the body concerned. Advisers can be made subject to any restrictions that the body concerned think reasonable.

3. Rights of Co-opted Members and Advisers**3.1 Co-optees**

The basic rule is that co-opted members have such rights as agreed by the parent body making the appointment.

BUT: In the case of certain appointments required by statute (e.g. co-opted members of the Standards Committee) they must be afforded all the rights required by statute.

3.2 Advisers

Have such rights as agreed when the body concerned makes the appointment.

3.3 Rights

Unless otherwise determined by the parent body or subsidiary body (subject to statute) all co-opted members and advisers will be afforded the right to

- receive all agenda papers including "Part II" of confidential papers
- be notified of all meetings
- attend all meetings
- contribute to the consideration of all items

3.4 Exception

The position set out in (iii) above is subject to a restriction where, if a Chief officer, believes information is so confidential that it could significantly prejudice the interests of the council, then that information may not be distributed to a co-opted member or adviser (again subject the statutory rights of certain co-optees).

4. Obligations of Co-optees and Advisers

All co-optees and advisers will have the following obligations:-

- not to disclose confidential or exempt information as defined in the Access to Information Procedure Rules;
- not to commit a breach of trust by imparting information yet to be made public to others (see Note *);
- to declare all personal and prejudicial interests as defined in the Members' Code of Conduct and to exclude themselves from the room whenever a matter in which they have a prejudicial interest is being considered.

Additionally:-

- Co-optees are required to complete an entry into the Register of Interests.

5. Acceptance of this Protocol and the Members' Code

All co-optees and advisers will be required to sign as having understood and accepted both this Protocol and the Members' Code of Conduct.

6. Breaches of the Protocol

The Monitoring Officer may, if appropriate:-

- (i) refer Co-optees alleged to be in breach of the Protocol to the Standards Board for England;
- (ii) consider referring advisers alleged to be in breach of the Protocol to a Standards Committee meeting.

7. Record of Appointments

A record shall be kept by the Monitoring Officer of the co-optees and advisers appointed each Municipal Year together with information denoting any particular associated rights or obligations.

*(Note: The duty of trust is equivalent to the elected Member observance of confidentiality set out in paragraphs 4 and 5 respectively in the Code of Confidentiality of Part II Reports (Section 5G of the Constitution), which in summary are:-

- (a) Members must observe the confidentiality of information which has not been made public: imparting such information is a breach of trust:
- (b) Members shall not impart to any person (other than another member or an officer) in writing or verbally any information of a confidential nature, unless and until that information has become public in the course of the Council's business.)