



STANDARDS COMMITTEE

MONDAY 17 DECEMBER 2007

7.30 PM

COMMITTEE AGENDA

COMMITTEE ROOM 6
HARROW CIVIC CENTRE

MEMBERSHIP (Quorum 2 Councillors and 1 Independent Person)

Chairman: The Right Revd Peter Broadbent

Councillors:

Mrs Kinnear
Jean Lammiman
Joyce Nickolay
(Vacancy)

B E Gate
Phillip O'Dell

Independent Persons:

Ms Sheila Darr
Dr John Kirkland
Mr Mohammad Rizvi

Reserve Members:

1. Mrs Lurline Champagne
2. Tom Weiss
3. Jeremy Zeid
4. Mark Versallion

1. Mitzi Green
2. Mr Asad Omar
3. -

Issued by the Democratic Services Section,
Legal and Governance Services Department

Contact: Paul Tenconi, Democratic Services Officer
Tel: 020 8424 1264 E-mail: paul.tenconi@harrow.gov.uk

***NOTE FOR THOSE ATTENDING THE MEETING:
IF YOU WISH TO DISPOSE OF THIS AGENDA, PLEASE LEAVE IT BEHIND AFTER THE MEETING.
IT WILL BE COLLECTED FOR RECYCLING.***

HARROW COUNCIL

STANDARDS COMMITTEE

MONDAY 17 DECEMBER 2007

AGENDA - PART I

1. **Attendance by Reserve Members:**

To note the attendance at this meeting of any duly appointed Reserve Members.

Reserve Members may attend meetings:-

- (i) to take the place of an ordinary Member for whom they are a reserve;
- (ii) where the ordinary Member will be absent for the whole of the meeting; and
- (iii) the meeting notes at the start of the meeting at the item 'Reserves' that the Reserve Member is or will be attending as a reserve;
- (iv) if a Reserve Member whose intention to attend has been noted arrives after the commencement of the meeting, then that Reserve Member can only act as a Member from the start of the next item of business on the agenda after his/her arrival.

2. **Declarations of Interest:**

To receive declarations of personal or prejudicial interests, arising from business to be transacted at this meeting, from:

- (a) all Members of the Committee, Sub Committee, Panel or Forum;
- (b) all other Members present in any part of the room or chamber.

3. **Arrangement of Agenda:**

To consider whether any of the items listed on the agenda should be considered with the press and public excluded on the grounds that it is thought likely, in view of the nature of the business to be transacted, that there would be disclosure of confidential information in breach of an obligation of confidence or of exempt information as defined in Part 1 of Schedule 12A to the Local Government Act 1972.

4. **Appointment of Vice-Chairman:**

Further to the re-establishment of this Committee at Annual Council on 10 May 2007, the Committee is asked to appoint a Vice-Chairman for the remainder of the Municipal Year 2007/08.

5. **Minutes:**

That the minutes of the meeting held on 11 September 2007 be taken as read and signed as a correct record.

6. **Public Questions:**

To receive questions (if any) from local residents or organisations under the provisions of Committee Procedure Rule 19 (Part 4B of the Constitution).

7. **Petitions:**
To receive petitions (if any) submitted by members of the public/Councillors under the provisions of Committee Procedure Rule 16 (Part 4B of the Constitution).
8. **Deputations:**
To receive deputations (if any) under the provisions of Committee Procedure Rule 17 (Part 4B of the Constitution).
- Enc. 9. **Protocol for Councillors Website:** (Pages 1 - 8)
Report of the Director of Business Transformation and Customer Services.
- Enc. 10. **Local Government and Public Involvement in Health Act 2007 – Ethical Standards:** (Pages 9 - 14)
Report of the Director of Legal and Governance Services.
- Enc. 11. **Feedback on Standards Board Local Filter Pilot Project:** (Pages 15 - 20)
Report of the Director of Legal and Governance Services.

AGENDA - PART II - NIL

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Meeting:	STANDARDS COMMITTEE
Date:	17 DECEMBER 2007
Subject:	Protocol For Councillors Website
Responsible Officer:	Carol Cutler
Portfolio Holder:	Councillor Chris Mote
Exempt:	No
Enclosures:	Draft Protocol and Disclaimer

Section 1 – Summary and Recommendations

This report sets out proposals for a protocol for councillors writing information and/or including material on the Internet pages web logs or blogs.

Recommendations:

The Committee is requested to:

- (i) Approve the Protocol;
- (ii) Recommend that Council formally adopt the Protocol for inclusion in the Council's Constitution.

Section 2 – Report

The Council is considering setting up Internet web pages, logs or blogs for Councillors, in line with recommended best practice from SOCITM (Society of IT Managers). The proposal is that the Council would provide and administer a dedicated Internet web page, logs or blogs for all members of the Council.

The attached Acceptable Use Protocol is intended to cover the use of the website and all councillors wishing to make use of the facility must sign the Acceptable Use Protocol prior to being permitted use of the dedicated site.

Councillors would be allowed to provide certain details on their pages to include a photograph, contact details, the position they hold in the council and associated responsibilities.

In using the pages, councillors must avoid unnecessary or negative comments, on areas, which may be considered offensive, eg religion, race, gender age, disability and terrorism. In addition the pages must not be used to promote political campaigns or events, make political comments or expressly advocate the politics of their political party, not attack the opinions of members of their own or other political party. Councillors who sit on quasi-judicial committees eg, planning and licensing should no state information on their pages about matters that have been or that they have notice will be on the committee agenda.

In addition councillors must remove all content from their pages 6 weeks prior the any council elections, safe for the council's main website address.

In using the internet web pages, logs or blogs, Councillor must comply with the following legislation Defamation Act 1996, Copyright legislation, Data Protection, Equalities Act 2006, Race Relations Act 1976, Race Relations (Amendment) Act 2000 and Regulations 2003, Sex Discrimination Act 1976, Local Government Act 1988, Age Discriminations Act 2005, Crime and Security Act 2001 and Obscene Publication Act 1959, Protection of Children Act 1978 and Criminal Justice Act 1988.

Failure to comply could result in action being taken against the Council. Councillors must therefore sign the Protocol prior to being able to access the internet web pages, logs or blogs. Failure to comply with the Protocol could result in a breach of the Code of Conduct for Members.

Members are asked to consider and agree the protocol and to recommend it to Council for formal adoption.

Financial Implications

There are no financial implications of this decision. There is no additional cost in terms of maintenance and licences in implementing this decision.

Performance Issues

There is no direct effect on performance indicators, although the addition of these pages will help us attain a higher score in the national SOCITM rankings.

Section 3 - Statutory Officer Clearance

Name: Steve Tingle	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 5 th December 2007		
Name: Hugh Peart	<input checked="" type="checkbox"/>	Monitoring Officer
Date: 5 th December 2007		

Section 4 - Contact Details and Background Papers

Contact: Ben Jones, Project Support Officer, Business Development telephone extension 6781,

Background Papers: None

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The London Borough of Harrow

Website facilities for Councillors

Acceptable Use Protocol

Protocol for Councillors writing information and/or including material on Internet web pages, logs or blogs.

Councillors are only permitted to publish information in their blog in the context of their official role; content should be fact based and deal with matters of general public interest.

Councillors should not include any content that is prejudicial to the operation of the Council or that will bring the Council, Elected Members or Council Officers into disrepute.

Councillors accept that the Council will include a disclaimer page in relation to Councillor blogs on the main Council website in an effort to limit any liability associated with being the host publisher. Councillors are advised to read the disclaimer page.

Councillor blogs should be used with due regard to the Members' Code of Conduct. Councillors may be liable to the sanctions associated with a breach of the Code if they are adjudged to have contravened this protocol.

Sites will be monitored by Council Officers to ensure that they are only being used for appropriate purposes and in accordance with the protocol. The Council reserves the right to remove any statement or material that it feels is in contravention of the protocol. The Council can withdraw permission for a blog at any time if it is adjudged that a Councillor has acted outside the protocol or contrary to the Members Code of Conduct.

Councillors are allowed to provide the following details on their pages:

- a) A photograph.
- b) Their contact details.
- c) Any position they hold in the Council and the associated responsibilities.
- d) Information about their surgeries.
- e) Information about their individual proposals, decisions and recommendations only where this is relevant to their position and responsibilities within the Council. All such information should be objective and explanatory; the personalisation of issues should be avoided and such information should not be stated in party political terms.
- f) Councillors are allowed to use their 'My Politics' section of their blog to link to external political websites.

Councillors agree to abide by the following provisions:

1. Councillors must not publish defamatory statements or material, and their pages should not contain negative references to any named or identifiable individual, product, event or company.
2. Councillors must reference any sources they use in full and attribute any quotes/material to the author/creator.
 - a) Councillors agree to either obtain permission from the owner of copyright material or reasonably acknowledge copyright material so that is easily identifiable as re-produced material.

- b) Councillors must not infringe Newspaper Licensing Agency Copyrights by publishing press articles or press photographs without permission from the publication.
3. Councillors agree to abide by data protection legislation.
- a) Councillors must not disclose personal information provided to them without first obtaining the consent of the subject.
 - b) Councillors must not pass personal information onto a third party without the consent of the subject.
 - c) Councillors must only use personal information for the purpose for which it was provided.
 - d) Councillors will only hold personal information for a reasonable period and will then destroy any material in such a way as to render it unidentifiable.
 - e) No names, addresses or contact details should be printed on the page without the express permission of the relevant owner/person.
 - f) Photographs must not be published on the site without the permission of all those featured. Councillors should refrain from publishing pictures of children unless the permission of both parents has been gained and there is a valid reason for the publication.
3. Councillors agree to avoid unnecessary or negative comment on the following subject areas as comment on these areas may be considered offensive:
- a) Religion;
 - b) Race;
 - c) Gender;
 - d) Sexual Orientation;
 - e) Age;
 - f) Disability;
 - g) Terrorism;
 - h) Sexual activity.
- 4) Councillors should not use their pages for political purposes and agree to abide by the terms set out in the Code of Practice on Local Authority Publicity (contained in Part 5 of the Constitution).
- a) Councillors should not use their pages to promote political campaigns or events.
 - b) Councillors should not use their pages to make political comments, state political slogans or expressly advocate the politics of their political party.
 - c) Councillors should not use their pages to attack the policies of their own or other political parties.
 - d) Councillors should not attack the opinions of members of their own or other political parties or include any personal reference that could be negatively construed.
 - e) Councillors who sit on quasi-judicial committees should not state information on their pages about matters that have been or that they have notice will be on the committee agenda. Councillors who hold such positions should be mindful at all times that they need to avoid any accusations of bias or pre-determination.
 - f) Six weeks prior to Council elections Councillors agree to remove all content from their pages save for the Council's main website address.
- 5) Councillors should avoid publishing:
- a) Any content that promotes their own financial interests.
 - b) Details of any commercial ventures owned by them or their family/friends.
 - c) Any named or identifiable products or services.

- d) Any events that have corporate sponsors unless it is in the public interest to publish details of such an event and the sponsor's role is not promoted but merely referenced.
- 6) Councillors agree not to include any live chat rooms or interactive feedback pages on their pages, unless they are able to monitor the content of the aforementioned types of pages on a daily basis and remove any inappropriate comments.
- 7) Councillors should be wary about including links to other websites on their site as content on other sites may change rapidly and contain material or statements that contravene this protocol or the Members Code of Conduct. Councillors should regularly check the contents of linked sites including any adverts and/or chat pages.

Council Officers may monitor the content of Councillor blogs.

If Councillors have any queries about the suitability of any content they are considering for their website they should proceed with caution and not publish the material until they have contacted Legal who will proffer advice.

b) The Council has the right to discontinue any site that is not being updated regularly or that has been inactive for longer than 6 months. This does not include inactivity during elections when content is restricted to the Council's main website address.

I agree to abide by this Protocol, and accept full responsibility for the content of my site

Signed.....

Dated...

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Meeting:	STANDARDS COMMITTEE
Date:	17 December 2007
Subject:	Local Government and Public Involvement in Health Act 2007 – Ethical Standards
Responsible Officer:	Hugh Peart
Portfolio Holder:	Councillor Chris Mote
Exempt:	No
Enclosures:	None

Section 1 – Summary and Recommendations

This report sets out the measures, which this Committee will need to consider resulting from the Local Government and Public Involvement in Health Act 2007.

The Committee is Recommendation to:

- (1) Agree to establish 3 sub-committees to deal with:
 - the filtering of written allegations that a member or co-opted member may have failed to comply with the code of conduct;
 - requests for review of a decision not to refer a complaint for investigation; and
 - the determination of complaints that have been investigated.
- (2) Agree that each sub-committee will be made up of at least 3 members, 1 independent member who should act as the chairman, and one Conservative and one Labour member.
- (3) Agree that any member not allocated to any of the 3 sub-committees should form a pool of reserve members for the 3 sub-committees.

1. **Background**

- 1.1 In March 2007 this Committee considered a report in relation to the Bill, which was issued in December 2006. The Bill received Royal Assent on 30 October and is now an Act of Parliament.
- 1.2 Part 10 of the Act introduces a new ethical standards regime relating to allegations of misconduct resulting in a breach of the Authority's Code of Conduct. Although the implementation date for these new provisions is not yet known, it is anticipated that these will come into force on 1st April 2008.

2. **Redefining the role of the Standards Committee and the Standards Board for England**

- 2.1 The Act substantially amends the way the Standards Board for England currently operates. Subject to enabling regulations, the Standards Board will take on a more strategic role, and will only deal with the most serious individual complaints of misconduct.
- 2.2 As a result, Harrow's Standard Committee will be required to deal with all written allegations. In future,
- Written allegations that a member or co-opted member may have failed to comply with the Code of Conduct must be made to the Standards Committee.
 - On receiving the allegation the Standards Committee must:
 - a. Refer it to the Monitoring Officer for investigation;
 - b. Refer it to the Standards Board for investigation; or
 - c. Decide that no action should be taken.

This stage is referred to as the "local filter" stage.

- 2.3 If the Committee decides that no action should be taken it must write to the complainant with its decision and reasons. The complainant has the right to request the Committee to review that decision.

This is the "review" stage of the procedure. At the review stage the matter may be either referred for investigation or no action taken.

- 2.4 Where the Committee at the local filter stage decides that the matter should be referred for investigation, and the investigation concludes there is a case to answer, the Standards Committee may need to hear and determine the matter at a formal hearing.

The Standards Committee has already established a Hearing Panel to deal with hearings and determinations of matters referred to for investigation. However, consideration will need to be given to the remit

and terms of reference of this Panel in light of the new procedures, and whether the procedure will require amending.

2.5 In addition to the above, the Act requires that

- The Standards Committee must be chaired by an independent person
- The Authority should submit periodic returns to the Standards Board

Members will be aware that the Council has previously approved the appointment of an independent person to chair the Standards Committee.

3. Establishing Sub-Committees

3.1 This report recommends the establishing of 3 sub-committees to deal with the difference stages of the new procedure.

3.2 The sub-committees should comprise no more than three members, with the independent member chairing each of the sub-committees. Currently there are 4 independent members appointed to the Committee.

3.3 The establishing of these committees will obviously place more demands on members and how often the “local filter” sub-committee will meet will be dependent on the number of complaints received. Suggestions on how this will be managed will be brought to a future meeting.

3.4 It is however suggested that each sub-committee will comprise 3 members, one independent and one from each of the political group. The members appointed to consider cases at the local filter stage should not be appointed to the sub-committee that considers the matter at the review stage.

3.5 All other members not appointed to a sub-committee will act as a pool of reserves for all 3 sub-committees.

4. Regulations

4.1 Enabling regulations will set how the new system should operate. In addition the Standards Board will be producing guidance, standard procedures and templates to assist authorities to implement and operate this new system. It is anticipated that the regulations and the guidance will be available early next year. These will be reported to Committee next year.

4.2 Although the approval of procedures and documentation is a matter for the Standards Committee, these will require formal adoption at a meeting of the full Council.

4.3 The next meeting of the Standards Committee is on 17 March, but it may be necessary, subject to regulations and guidance to call a special meeting of the Committee to consider procedures and documentation for the handling of the new system.

4.4 The following will need to be in place for the effective operation of the new system:

- A form for complaining – whether on line or by hard copy
- A system for logging complaints (this will be necessary to ensure that the Council complies with the monitoring process and provide annual returns to the Standards Board)
- A decision as to whether the Monitoring Officer should carry out an initial sieve to ensure that the complaint falls within the remit of the Code of Conduct for Members and therefore the Standards Committee
- If an initial sieve is carried out, a decision as to whether should these be reported to the Standards Committee
- Timescales for dealing with local filter, review and the determination hearings
- Consideration of the frequency of meetings of the various sub-committees;
- Subject to regulations and guidance, a review of the existing procedure for dealing with local determination of allegations that a member has breached the Code of Conduct.

5. **Training**

5.1 With the implementation of the new system, it is proposed to provide training to all members of the Standards Committee on how to operate it. This training should take place by the end of March 2008, in order to ensure that the Committee and the Council is ready to operate the new system.

6. **Legal Implications**

6.1 The 2007 Act places new obligations on the Standards Committee to deal with written allegations that a member or co-opted member may have failed, to comply with the code of conduct. These powers are in addition to the powers under Part III of the Local Government Act 2000.

7. **Financial Implications**

7.1 The cost of implementing and operating the new system is difficult to quantify at this stage. However any such costs will be met from the Member Training Budget. Should these costs exceed available budgets, this will be reported as part of the monthly budget monitoring process and to a future meeting.

8. Performance Issues

8.1 None associated with this report.

Section 3 - Statutory Officer Clearance

Name: Barry Evans	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 6 th December 2007		
Name: Hugh Peart	<input checked="" type="checkbox"/>	Monitoring Officer
Date: 6 th December 2007		

Section 4 - Contact Details and Background Papers

Contact: Elaine McEachron, Assistant Lawyer, Corporate Governance

Background Papers: Local Government and Public Involvement in Health Act 2007

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Meeting:	Standards Committee
Date:	17 December 2007
Subject:	Feedback on Standards Board Local Filter Pilot Project
Responsible Officer:	Hugh Peart
Portfolio Holder:	Councillor Chris Mote
Exempt:	No
Enclosures:	Standards Board For England – Local Filter Pilot Findings

Section 1 – Summary and Recommendations

This report sets out the findings of the Standards Board for England on the Local Filter Pilot Project.

Recommendations:

The Committee is requested to note the report.

Section 2 – Report

The Local Government and Public Involvement Health Bill (now the 2007 Act) envisaged a change in the role of the Standards Board for England. The Board will take on a more strategic role with supervising the system for dealing with allegations about members' conduct, providing advice, but only dealing with the most serious individual cases. Standards Committees will be responsible for handling cases of allegations of misconduct.

As a result of the new role of Standards Committees, the Standards Board piloted the local assessment of complaints with a range of authorities. Harrow's Standards Committee was one of 38, which participated in the pilot, working with the new Code it considered 12 real but anonymised cases, including two appeal cases.

All members of the Standards Committee (to include reserves) were invited to participate in the session, which took place on 14 June 2007. Unfortunately only 6 members were able to attend.

The Standards Board has now issued its findings a copy of which is attached. The anonymised cases that were considered are not attached, but can be provided on request.

As indicated the Bill is now the 2007 Act, and it is anticipated that these provisions of the Act will be in force by April 2008. A separate report on the implications for the Standards Committee as a result of the Act is included elsewhere in the agenda.

Financial Implications

None associated with this report.

Performance Issues

None associated with the report.

Section 3 - Statutory Officer Clearance

Name: Barry Evans	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 6 th December 2007		
Name: Hugh Peart	<input checked="" type="checkbox"/>	Monitoring Officer
Date: 5 th December 2007		

Section 4 - Contact Details and Background Papers

Contact: Elaine McEachron, Assistant Lawyer, Corporate Governance (Tel: 020 8420 9414 ext 5414).

Background Papers:
Standards Board for England – Local Filter Pilot.

Local Filter Pilot Findings

During the summer the Standards Board has been piloting the local assessment of complaints with a broad geographical range of authorities of all types, across England. Thirty eight standards committees participated in the pilot, each of which considered 12 real, but anonymised cases, working with the new Code, including two appeal cases.

The Standards Board collected a range of data and feedback from the pilot, developing an overview of how the local system might work in practice. Detailed analysis of the results and feedback supplied by thirty committees was undertaken. The results are therefore based on 360 allegations considered by standards committees.

Of the participating authorities, the average number of members serving on their standards committees is nine, ranging between five and 16 members. The average number of independent members is nearly 4, ranging between two and seven independent members. 93% of participating standards committees had an independent chair.

Almost half of participating standards committees considered themselves to be politically balanced in the strict legal sense i.e. in accordance with the political balance requirements of sections 15-17 of the *Local Government and Housing Act 1989*.

Standards committees were asked to record the outcomes of their deliberations, either to refer allegations to the Standards Board; refer allegations to the monitoring officer for investigation or alternative action such as mediation or training; or not to refer them at all.

The average referral rate for standards committees was just under six out of the ten cases (excluding the two appeals) at 66.5%, compared with the Standards Board's referral rate of three out of ten and 30%. Local standards committees had the further option to consider alternative action such as mediation, training or an apology. The average rate of referral for alternative measures was 7.3%. The average non-referral rate for standards committees was low at 33.5% compared with the Standards Board's non-referral rate of 70%.

The Standards Board had originally referred three of the ten allegations given to participating standards committees in the pilot for investigation. The standards committees participating in the pilot broadly correlated with the Standards Board in their decisions to refer these allegations, referring them for further action in 96.7%, 70% (time-out in 10% of committees) and 76.6% (time-out in 16.6% of Committees) of cases (offering an average of 81% correlation with the Standards Board's decision to refer them.) Therefore, excluding timed-out allegations, standards committees decisions correlated with those of the Standards Board in relation to the three referred allegations in 90% of cases.

The majority of referrals by standards committees were made to monitoring officers at an average rate of 40%, ranging between 23% and 66.6%. The rate of referral to the Standards Board for investigation was low, at less than 10%.

Standards committees made decisions which may be said to have diverged significantly from those of the Standards Board in relation to only 11 allegations of the total 360. Therefore, participating standards committees took the opposite view from the Standards Board in less than 4.0% of cases, which the Standards Board had considered clear referrals or non-referrals.

Standards committees were asked to self assess their collective decision-making for each complaint against the following categories:

- Quick decisions
- Decisions requiring some deliberation
- Difficult decisions
- Not specified (where no decision was reached in the allocated time)

In nearly 40% of cases standards committees considered that they were able to reach a quick decision, and only in 13% of cases were decisions considered slow and difficult with much deliberation.

Standards committees were also requested to record whether any of their decisions went to the vote. Nearly 14%, or 49 of the total of 360 allegations considered in the pilot, went to the vote. A further 11% of the total complaints were undecided, in most cases because a decision was not reached in the time allocated. Therefore, 76% of the decisions taken in total by the participating standards committees were reached through consensus.

Finally, standards committees were also asked to consider a range of additional procedures/resources they would consider necessary for managing the local system and making it work in their own authority. The establishment of a sub-committee was considered to be necessary by 23 of 30 committees, while only one third, 10 of 30 considered adding more independent members as necessary, and 13 of 30 did not.

Out of the thirteen authorities which stated they would not increase the number of independent members on their standards committee, seven said they would need to increase resources, five were unsure, and only one felt they would not need to increase resources. Additionally, of the same thirteen authorities, the average size of their standards committee is ten members, ranging from seven to 16 members and the average number of independent members on their standards committee is four members, ranging from two to seven independent members.

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