
STANDARDS COMMITTEE

MEETING HELD ON 5 JUNE 2008

Chairman:	* The Right Revd Peter Broadbent	
Councillors:	* Husain Akhtar	* Joyce Nickolay
	* Mitzi Green (1)	* Phillip O'Dell
	* Mrs Kinnear	* Jeremy Zeid (3)
Independent Persons:	Ms Sheila Darr	* Mr Mohammad Rizvi
	* Dr J Kirkland	

* Denotes Member present
 (1) and (3) Denote category of Reserve Member

[Notes: (1) Councillor Osborn also attended this meeting. to speak on the item indicated at Minute 91 below;

(2) Councillor Mrs Bath also attended the meeting].

PART I - RECOMMENDATIONS
RECOMMENDATION I - Ethical Standards

The Director of Legal and Governance Services presented a report, detailing the proposals for new working arrangements and sub-committees which were required in relation to the new system for handling complaints against Members and issues that required addressing by the Council, in accordance with the requirements resulting from the Local Government and Public Health Involvement in Health Act 2007. The Committee was advised of final drafting amendments to be incorporated within the procedures.

It was noted that the Regulations and new procedures came into effect on 8 May 2008 and that the Council was required to undertake a variety of procedures to comply with the requirements of the legislation, including publicising of the new arrangements, preparation of guidance and complaint form, together with ensuring appropriate training arrangements were arranged for members of Standards Committee. The Director then briefly outlined the operating arrangements for the new processes.

Resolved to RECOMMEND: (to Council)

That the revised Terms of Reference of the following committees be approved and adopted into the Constitution, as detailed in Appendix 1.

- Standards Committee
- Assessment Sub-Committee
- Review Sub-Committee
- Hearing Sub-Committee

(2) the membership of the Assessment and Review Sub-Committees be three persons, comprising one independent member, who shall Chair the meeting, and two elected Members reflecting political proportionality where possible;

(3) the membership of the Hearing Sub-Committee remain as five persons (whenever possible) comprising three independent members, one of whom shall Chair the meeting. This Sub-Committee should be politically balanced whenever possible. This Sub-Committee shall be quorate when one independent and one elected member from each political party on the Standards Committee are present;

(4) the members of the Standards Committee shall form a pool from which membership of all Sub-Committees shall be drawn;

(5) the Monitoring Officer should prepare a pre-assessment report in relation to any complaint for consideration by the Assessment Sub-Committee.

(6) approved as drafted the criteria as set out at Appendix D for the preparation of the Pre-assessment Report, Assessing Complaints, and Referrals to the Standards Board for England;

(7) the member complained about should be informed of the complaint as soon as possible after the meeting of the Assessment Sub-Committee.

(8) that the process be reviewed by Standards Committee in March 2009.

(See also Minute 90).

RECOMMENDATION II - Protocol for Planning Committees

The Committee received a reference from the Strategic Planning Committee held on 26 January 2008 which proposed changes to the Protocol for Members and Reserve Member when dealing with Planning Applications and Lobbying. In considering the changes proposed by the Strategic Planning Committee Members discussed the advice contained within the "Connecting Councillors with Strategic Planning Applications" guidance and its proposal that Ward Members should be included in the proposals for Members to have early opportunity for engagement on strategic applications, expressing opinions both in favour and against such a process. The importance of Ward Members being able to be involved in early engagement was stressed and it was agreed that Strategic Planning Committee should give further thought to how it would seek to engage Ward Councillors successfully on strategic applications.

Resolved to RECOMMEND: (to Council)

(1) That the additional paragraphs proposed for Early Engagement on Strategic Planning Applications be included within the Protocol as follows:

"1. Early Engagement on Strategic Applications

Since 2003 the complexity of the planning process has increased considerably particularly in respect of major applications which can require Environmental Assessments, Access and Design Statements, Transport Assessments, Viability 'Toolkits', Energy Statements, Children's Play statements etc. The numbers of major applications which are currently in the pipeline is far above what has previously been the norm for the authority, and the pressure to deal with these in a timely manner within Government targets remains.

To enable members to understand large scale applications and their implications the officers consider that they should have the opportunity to ask questions, raise issues and meet applicants, both prior to submission and between submission and determination. However, to avoid any problems of probity this engagement needs to be carefully managed. This approach is recommended in a leaflet published by London Councils, The Government Office for London and London First in November 2007. (attached Appendix B)

Officers are recommending that applicants for major strategic schemes should be invited to make a presentation to members of the Committee and reserves, at which they should explain their proposals and answer questions of fact. Such presentations may also involve a site visit, and where necessary site visits for strategic proposals should be arranged prior to Committee meetings where the proposal is to be considered. At such presentations there should be no debate about the merits or otherwise of the scheme.

At least one senior officer should be present at all such meetings and may be called upon to answer any factual questions about policy issues etc.

Such meetings can be at either pre- or post-application stages and in some instances both may be appropriate. Similar meetings may also be arranged for ward/backbench members and members of the Executive."

(See Minute 91).

PART II - MINUTES82. **Appointment of Chairman:**

RESOLVED: To appoint the Right Reverend Peter Broadbent as Chairman of the Standards Committee for the 2008/2009 Municipal Year.

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

RESOLVED: To appoint Dr J Kirkland as Vice-Chairman of the Standards Committee for the 2008/2009 Municipal Year.

84. **Attendance by Reserve Members:**

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

Ordinary Member

Councillor Jean Lammiman
Councillor B E Gate

Reserve Member

Councillor Jeremy Zeid
Councillor Mitzi Green

85. **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.

86. **Arrangement of Agenda:**

RESOLVED: That all items be considered with the press and public present.

87. **Minutes:**

RESOLVED: That the minutes of the meeting held on 17 December 2007, be taken as read and signed as a correct record.

88. **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 Rules 19, 16 and 17 (Part 4B of the Constitution) respectively.

89. **Establishment of Panel:**

RESOLVED: That the Member Development Panel of the Standards Committee be established for the next Municipal Year 2008/09 with the following membership:

	<u>Conservative</u>	<u>Labour</u>
	(2)	(2)
<u>I.</u>	Councillor Jean Lammiman (CH)	Councillor B E Gate
<u>Members</u>	Councillor Paul Osborn	Councillor Phillip O'Dell
<u>II.</u>	1. Councillor Mrs Myra Michael	1. Councillor Keeki Thammaiah
<u>Reserve</u>	2. Councillor Mrs Vina Mithani	2. Councillor David Perry
<u>Members</u>		

90. **Ethical Standards:**
(See Recommendation I).

91. **Protocol for Planning Committees:**

RESOLVED: That (1) in considering its operation of "Early Engagement on Strategic Planning Applications", Standards Committee would wish to ensure that Ward Councillors are afforded the opportunity to be fully informed in order to represent their constituents. The Standards Committee requests Strategic Planning Committee give further consideration as to how it will seek and implement a process for early engagement in respect of Ward Councillors, as suggested within the "Connecting Councillors with Strategic Planning Applications" guidance;

(2) the Standards Committee does not consider that the processes the Council chooses to introduce to aid the smooth running of its Committee processes are a matter that falls within its purview, and does not believe that such matters should form part of the Planning Protocol. The Committee strongly suggests that the Strategic Planning Committee should give further consideration to the additional proposed "Reasons for Refusal Against Officer Advice" prior to the consideration of any such proposals by Council.

(See also Recommendation II).

92. **Date of Next Meeting:**

RESOLVED: To note that the next meeting will be held on Tuesday 9 September 2008.

(Note: The meeting, having commenced at 6.00 pm, closed at 7.08 pm).

(Signed) THE RIGHT REVD PETER BROADBENT
Chairman

APPENDIX 1TERMS OF REFERENCESTANDARDS COMMITTEE

The Standards Committee will have the following powers and duties:

- (a) promoting and maintaining high standards of conduct by Councillors, co-opted members and “church” and parent governor representatives;
- (b) assisting Councillors, co-opted members and “church” and parent governor representatives to observe the Members’ Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members’ Code of Conduct;
- (d) monitoring the operation of the Members’ Code of Conduct;
- (e) developing and recommending local protocols to the Council to supplement the Members’ Code of Conduct;
- (f) enforcing local protocols and applying sanctions in respect of breaches as appropriate;
- (g) advising, training or arranging to train Councillors, co-opted members and “church” and parent governor representatives on matters relating to the Members’ Code of Conduct;
- (h) granting dispensations to Councillors, co-opted members and “church” and parent governor representatives from requirements relating to interests set out in the Members’ Code of Conduct;
- (i) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer;
- (j) to keep under review and amend, as appropriate, the Protocol on Councillor/Officer Relations;
- (k) to keep under review the Officer Code of Conduct and, after consultation with unions representing staff, make recommendations to Council for amendment or addition;
- (l) to receive reports and keep a general overview of probity matters arising from ombudsman investigations, Monitoring Officer reports, reports of the Chief Financial Officer and Audit Commission;
- (m) to have oversight of the Council’s whistleblowing policy;
- (n) to agree the policy for decisions on payments to those adversely affected by Council maladministration (under section 92 Local Government Act 2000)
- (p) To establish sub-committees to deal with complaints that a member or a co-opted member has failed to comply with the Council’s Code of Conduct
- (q) To consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and may direct the Authority that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Authority under Section 2(2) of that Act.
- (r) Upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Authority under Section 2(2) of the 1989 Act, and may direct the Authority to include a post in that list.

Assessment Sub-Committee

The Assessment Sub-committee has the following powers and duties:

- (a) To receive allegations that a member or co-opted member of the Authority has failed, or may have failed, to comply with the Authority’s Code of Conduct

- (b) Upon receipt of each allegation, the Sub-Committee shall make an initial assessment of the allegation and shall then do one of the following:
- refer the allegation to the Monitoring Officer, for formal investigation
 - refer the allegation to the Monitoring Officer with directions that he/she arrange training, conciliation or such appropriate alternative steps as permitted by Regulations;
 - refer the allegation to the Standards Board for England;
 - decide that no action should be taken in respect of the allegation; or
 - where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;
- (c) Where the Sub-Committee resolves to do any of the actions set out in paragraph the Sub-Committee shall state its reasons for that decision

Review Sub-Committee

The Review Sub-committee has the following powers and duties:

- (a) To review, upon the request of a person who has made an allegation that a member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct a decision of the Assessment Sub-Committee that no action be taken in respect of that allegation
- (b) Upon receipt of such request and any accompanying report by the Monitoring Officer, the Sub-Committee review the decision and shall then do one of the following:
- refer the allegation to the Monitoring Officer, for formal investigation
 - refer the allegation to the Monitoring Officer with directions that he/she arrange training, conciliation or such appropriate alternative steps as permitted by Regulations;
 - refer the allegation to the Standards Board for England;
 - decide that no action should be taken in respect of the allegation; or
 - where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;

Hearing Sub-Committee

The Hearing Sub-committee has the following powers and duties

- (a) To consider allegation referred to it following investigation that a member or co-opted member has failed to comply with the Council's Code of Conduct for Councillors
- (b) To determine whether
- it accepts the Monitoring Officer's findings of no failure to observe the Code of Conduct
 - the matter should be referred for consideration at a hearing before the Hearings Sub-Committee of the Standards Committee; or
 - that the matter should be referred to the Adjudication Panel for determination where it considers that the action it could take against the member is insufficient
- (c) Where the Sub-Committee resolves to do any of the actions set out in Paragraph (b) above, the Sub-Committee shall state its reasons for that decision.