
REPORT OF STANDARDS COMMITTEE

MEETING HELD ON 4 DECEMBER 2008

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| Chairman: | * The Right Revd Peter Broadbent | |
| Councillors: | * Mrs Lurline Champagnie (1) * B E Gate * Mrs Kinnear | * Jean Lammiman * Joyce Nickolay * Asad Omar |
| Independent Persons: | * Ms Sheila Darr † Dr J Kirkland | * Mr Mohammad Rizvi |

* Denotes Member present
(1) Denotes category of Reserve Member
† Denotes apologies received

PART I - RECOMMENDATIONS - NIL**PART II - MINUTES**93. **Attendance by Reserve Members:**

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

| <u>Ordinary Member</u> | <u>Reserve Member</u> |
|--------------------------|-----------------------------------|
| Councillor Husain Akhtar | Councillor Mrs Lurline Champagnie |

94. **Declarations of Interest:**

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

95. **Minutes:**

RESOLVED: That the minutes of the meeting held on 5 June 2008 be taken as read and signed as a correct record, subject to the amendment of Minute 83 to reflect that Mr Mohammad Rizvi was appointed Vice-Chairman of the Committee, rather than Dr John Kirkland.

96. **Public Questions:**

RESOLVED: To note that no public questions were put at the meeting under the provisions of Committee Procedure Rule 19.

97. **Petitions:**

RESOLVED: To note that no petitions were received at the meeting under the provisions of Committee Procedure Rule 16.

98. **Deputations:**

RESOLVED: To note that no deputations were received at the meeting under the provisions of Committee Procedure Rule 17.

99. **Code of Corporate Governance:**

The Committee received a report of the Corporate Director of Finance, which sought the Committee's agreement to the inclusion in the Constitution of a Code of Corporate Governance for Harrow Council, which had already been approved by the Governance, Audit and Risk Management Committee on 1 September 2008.

It was noted that different parts of the Code fell within the remit of various bodies, including the Governance, Audit and Risk Management Committee, the Standards Committee and the Overview and Scrutiny Committee, but that responsibility for the different parts of the Code was not specified. The way in which the Code would be implemented was queried. The meeting was advised that implementation was via the management assurance process which was already in place, and which sought

evidence from managers on a quarterly basis that appropriate governance procedures were in use. This fed into the annual governance statement which was signed off and included as part of the Authority's statement of accounts. Members expressed concern that procedures for which the Committee was accountable were being signed off without it having been part of the review process. It was felt that further consideration should be given to the way in which the Code was implemented.

The process for adoption of the Code was also queried, and the Committee was of the view that consideration should be given to consultation with other relevant parties, such as the Overview and Scrutiny Committee and the Chairman of the Constitution Review Working Group, prior to its submission to Council.

There was some discussion as to whether, in light of the increasing emphasis on partnership working, the principle set out in paragraph 2.5, "Developing the capacity and capability of members and officers to be effective", should be extended to include the development of capacity and capability in the voluntary sector. It was noted, however, that the Code was for the use of Council Members and officers, and that provisions relating to partnership working were set out under paragraph 2.2. It was agreed that this issue also be referred to the Governance, Audit and Risk Management Committee for consideration. In addition, a correction to the heading of paragraph 2.4 to read "Taking informed and transparent decisions which are subject to effective scrutiny and the management of risk" was suggested in order to make it read better.

RESOLVED: To (1) agree to the inclusion of the Code of Corporate Governance in the Council's Constitution;

(2) refer the comments of the Committee, as set out above, to the Governance, Audit and Risk Management Committee for consideration.

100. **Consultation on the Code of Conduct for Local Authority Members:**

Members received a report of the Director of Legal and Governance Services, which set out details of the Government's proposed changes to the Code of Conduct, and sought the Committee's comments on a draft response to the Government. The consultation document set out 12 questions on the changes to the Code, and the Committee considered the draft responses to each of the questions in detail.

The Committee was in agreement that the Code should apply to a Member's conduct when acting in their non-official capacity, and approved the draft response to question 1. With regard to question 2, Members felt that there were some offences resulting in a police caution that were sufficiently serious to warrant being included in the definition of a 'criminal offence' for the purposes of the Members' Code. The Committee requested that this be raised in the Council's response to question 2, and that the response also emphasise the need for Standards Board guidance on the definition of a 'criminal offence' to be very clear. In addition, there was concern as to whether a double standard was being applied in relation to the conduct required of serving Members and the eligibility criteria for candidates standing for election, and it was agreed that this issue also be raised.

The responses to questions 3 and 4 were approved. The response to question 5 was also approved, subject to the inclusion of the suggestion that Standards Committees should have the power to suspend Members while a criminal process was on-going. With regard to the additional amendments to the Members' Code suggested in response to question 6, paragraphs 1.6.1 to 1.6.8 were agreed, although in relation to paragraph 1.6.8 concern was expressed about Members having to disclose the actual value of the shares they held. Members agreed that the change to the threshold for the declaration of gifts and hospitality suggested in paragraph 1.6.9 be amended to £50. Officers were requested to include a cross reference to paragraph 8(2)(a) of the Code in paragraph 1.6.10, which requested further guidance on the meaning of the term 'close association'. The Committee did not feel that the amendment suggested in paragraph 1.6.11 was necessary, and requested that this paragraph be deleted from the Council's response.

Paragraph 1.6.12, which suggested that the Code be amended to reflect the common practice of disclosing of personal interests at the beginning of a meeting, was agreed. There was some concern among Members that practices relating to the disclosure of interests varied between committees, particularly at meetings where a large number of interests - such as school governorships - were declared. It was agreed that the best way to deal with such situations be raised. The remainder of the draft response was agreed, with the exception of paragraph 1.8.4 relating to acting in the public interest and having regard to officer advice, which the Committee felt was not required and should be deleted.

RESOLVED: That the draft response to the consultation on the Code of Conduct for Members be agreed, subject to the amendments outlined above.

101. **Planning Protocol:**

The Committee had previously discussed a proposed change to the Planning Protocol which sought to ensure that sound planning reasons were identified when Members wished to refuse planning applications recommended by officers for grant. Members now considered a report of the Director of Legal and Governance Services which advised that, further to a meeting between the Chairmen of the Standards and Strategic Planning Committees, it was no longer proposed to amend the Protocol, but it was proposed that a reminder about the need for sound reasons be included on all planning committee agendas instead.

At the meeting, it was reported that the proposal had been agreed by the Strategic Planning Committee the previous evening, subject to a minor amendment.

RESOLVED: That (1) it be agreed that Members involved in planning applications meetings be reminded of the requirement under paragraph 7 of the Planning Protocol, when considering the refusal or granting of planning applications; and

(2) an alteration be made to the template of the relevant Committee agenda to reflect this area of the Protocol, as indicated in Appendix 1 to the officer report and amended by the Strategic Planning Committee.

102. **Register of Members' Interests - Compliance:**

The Committee considered a report of the Director of Legal and Governance Services, which advised on Members' compliance with the statutory requirements relating to the registering of interests.

At the meeting, it was advised that the Register of Interests form of only one Member, Councillor Robert Benson, was now outstanding. The Committee

RESOLVED: That (1) the Monitoring Officer be instructed to meet with Councillor Robert Benson to discuss the importance of the timely registration of interests and complete his form, and to report back that this has been done to the Committee's next meeting;

(2) following the implementation of (1) above, in the event of Councillor Benson still failing to complete and return his Register of Interests form, the Monitoring Officer be requested to raise a complaint against him to be dealt with through the Standards procedures.

(Note: The meeting, having commenced at 7.31 pm, closed at 9.08 pm).

(Signed) THE RIGHT REVD PETER BROADBENT
Chairman