



STANDARDS COMMITTEE

TUESDAY 17 MARCH 2009

7.30 PM

COMMITTEE AGENDA

COMMITTEE ROOM 5,
HARROW CIVIC CENTRE

MEMBERSHIP (Quorum 2 Councillors and 1 Independent Person)

Chairman: The Right Revd Peter Broadbent

Councillors:

Husain Akhtar
Mrs Lurline Champagne
Jean Lammiman
Joyce Nickolay

B E Gate
Asad Omar

Independent Persons:

Ms Sheila Darr
Dr John Kirkland
Mr Mohammad Rizvi (VC)

Reserve Members:

1. Paul Osborn
2. Tom Weiss
3. Jeremy Zeid
4. Mark Versallion

1. Mitzi Green
2. Phillip O'Dell
3. -

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

Contact: Claire Vincent, Senior Professional - Democratic Services
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***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

TUESDAY 17 MARCH 2009

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.

Enc. 3. **Minutes:** (Pages 1 - 4)

That the minutes of the meeting held on 4 December 2008 be taken as read and signed as a correct record.

4. **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).

5. **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).

6. **Deputations:**

To receive deputations (if any) under the provisions of Committee Procedure Rule 17 (Part 4B of the Constitution).

Enc. 7. **Monitoring Officer - Annual Report 2008/09:** (Pages 5 - 10)

Report of the Director of Legal and Governance Services.

8. **Exclusion of the Press and Public:**

To resolve that the press and public be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of confidential information in breach of an obligation of confidence, or of exempt information as defined in Part I of Schedule 12A to the Local Government Act 1972:

<u>Agenda Item No</u>	<u>Title</u>	<u>Description of Exempt Information</u>
9.	Standards Board for England – Case Report	Information under paragraphs 1 and 2 of Part I of Schedule 12A to the Local Government Act 1972, relating to any individual, and which is likely to reveal the identity of any individual.

AGENDA - PART II

- Enc. 9. **Standards Board for England - Case Report Summary:** (Pages 11 - 18)
Report of the Director of Legal and Governance Services.

[Note: Ms Belinda Shaw, Standards Board for England Investigator, will be in attendance at the meeting for the above item].

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REPORT OF STANDARDS COMMITTEE

MEETING HELD ON 4 DECEMBER 2008

Chairman: * The Right Revd Peter Broadbent

Councillors: * Mrs Lurline Champagnie (1) * Jean Lammiman
* B E Gate * Joyce Nickolay
* Mrs Kinnear * Asad Omar

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

* 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:-

Ordinary Member

Reserve Member

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

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Meeting:	Standards Committee
Date:	17 March 2009
Subject:	Monitoring Officer – Annual Report 2008/09
Responsible Officer:	Hugh Peart, Director of Legal and Governance Services
Portfolio Holder:	Councillor David Ashton, Leader of the Council
Exempt:	No
Enclosures:	None

Section 1 – Summary and Recommendations

This is the Monitoring Officer's Annual Report to the Standards Committee for the period May 2008 to March 2009. This report gives an update on Member conduct issues, and the work of the Standards Committee and the Monitoring Officer.

Recommendations:

- (a) To note this report.
- (b) To agree the proposed Work Programme for 2009/2010.

Section 2 – Report

The various functions of this Committee and the Monitoring Officer include promoting and maintaining high standards of conduct, and monitoring the operation of the Code of Conduct for Members.

Members will recall that the new Code of Conduct was adopted in May 2007, and all Members received training on the new Code.

Additionally, the Local Government and Public Involvement in Health Act 2007 introduced changes to ethical standards which placed additional responsibility on the Monitoring Officer for dealing with complaints of breach of the Code of Conduct.

In the year prior to the period of this report, no reports were received from the Standards Board for England relating to complaints made to the Board regarding individual Members of the Council.

Local Assessment of Standards Complaints

The new procedure applied to all complaints received from 8 May 2008. As a result, this Committee at its meeting on 5 June 2008 established additional sub-committees and agreed terms of reference of those sub-committees for the purposes of considering complaints received of possible breaches of the Code of Conduct.

Between May 2008 and February 2009, 7 complaints against Members of the Council of possible breaches of the Code of Conduct were received.

These have all considered by an Assessment Sub-Committee. The Sub-committee decided in 6 cases that no further action should be taken and 1 case was referred to the Standards Board for England.

Of the 6 cases, 3 have since been considered by a Review Sub-Committee. In these cases the decision to take no further action was upheld. The standards process having been completed these cases are now at an end.

One review request remains outstanding and this will be dealt with by a Review Sub-Committee within the next three months.

In relation to the 2 cases where no review was requested, the time has lapsed and again these are at an end.

With regard to the case that was referred to the Standards Board for England (SBE), the Ethical Standards Officer found that there was no evidence of any failure to comply with the code of conduct.

As part of the new local process, the Monitoring Officer is also required to provide quarterly statistics to the Standards Board on the number of complaints and the outcomes. These have been provided and the next update is due after 31 March 2009.

Register of Member's Interests

The Monitoring Officer is required to establish and maintain a register of interests of the elected and co-opted Members of the Council. All Members have completed and returned their registers and these have been published on the Council's website.

Gifts and Hospitality Register

A register of Gifts and Hospitality is also maintained by the Monitoring Officer. Gifts and Hospitality are regarded personal interests which must be declared for a period of three years after the gift is received, (if any committee business relates to the person or body providing the gift or hospitality). During the period of this report, 10 Members have had cause to register gifts and hospitality received with an estimated value of £25.00 or more.

Members Training and Development

Members continue to receive training on the requirements of the Code of Conduct. Working with the Member Development Officers, two training sessions on the Code of Conduct and update generally and new provisions of the Local Government and Public Involvement in Health Act have taken place. Further sessions will take place in the coming months.

In addition, a new Code of Conduct is expected in the coming months and further training will be provided to Members.

Dispensations

The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002, set out the following circumstances in which a Member can apply to the Standards Committee for a dispensation from requirements relating to the interests set out in the Members Code of Conduct.

(a) the transaction of business of the authority would, on each occasion on which the dispensation would apply, otherwise be impeded by, or as a result of, the mandatory provisions because -

(i) the number of Members of the authority that are prohibited from participating in the business of the authority exceeds 50% of those Members that are entitled or required to so participate; or

(ii) the authority is not able to comply with any duty which applies to it under section 15(4) of the Local Government and Housing Act 1989;

(b) the Member has submitted to the standards committee a written request for a dispensation explaining why it is desirable; and

(c) the standards committee concludes that having regard to the matters mentioned in paragraph (a) above, the content of the application made pursuant to paragraph (b) above, and to all the other circumstances of the case, it is appropriate to grant the dispensation.

During 2008/09, no dispensations have been requested.

Work Programme 2009/10

The Committee is asked consider and agree the proposed work programme for coming year 2009/2010. The Committee is also asked to consider and suggest any other items which should be added to the programme.

- (a) Review of the Protocol on Councillor/Officer Relations
- (b) Reviewing the Officers Code of Conduct – particularly if a statutory officers code is issued.
- (c) Consider and agree the following new Protocols on:
 - Gifts and Hospitality
 - Use of Resources
 - Access to Information
- (d) Considering and agreeing the process for appointments of independent Members. The current appointments expire on 5th May 2010 coinciding with the local elections. The appointments must be confirmed at the Annual Council Meeting on 25 May 2010.
- (e) Review and agree the Revised Members Code of Conduct

Financial Implications

This report contains no specific financial implications as any training costs will be met from the Member Development budget.

Legal Implications

These are contained in the body of the report

Performance Issues

There is no performance issues associated with this report.

Risk Management Implications

There are no risks associated with this report.

Section 3 - Statutory Officer Clearance

Name: Sheela Thakrar	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 6 March 2009		
Name: Jessica Farmer	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 5 March 2009		

Section 4 - Contact Details and Background Papers

Contact: Elaine McEachron, Assistant Lawyer – Corporate Governance
Telephone 020 8420 9414

Background Papers: List **only non-exempt** documents

If appropriate, does the report include the following considerations?

1.	Consultation	
2.	Corporate Priorities	

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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