

STANDARDS COMMITTEE MINUTES

13 SEPTEMBER 2011

**Vice Chairman
in the Chair:** * Mr D Lawrence

Councillors: * Mano Dharmarajah * Victoria Silver
* Brian Gate * Simon Williams
* Paul Osborn

**Independent
Persons:** † Mr J Coyle
† Dr J Kirkland

* Denotes Member present
† Denotes apologies received

55. Attendance by Reserve Members

RESOLVED: To note that there were no Reserve Members in attendance at this meeting.

56. Declarations of Interest

RESOLVED: To note that there were no declarations of interest made by Members.

57. Minutes

RESOLVED: That the minutes of the meeting held on 16 June 2011 be taken as read and signed as a correct record.

58. Public Questions, Petitions and Deputations

The Committee were advised that a public question had been submitted after the relevant constitutional deadline. The Committee requested that officers respond to questioner directly.

RESOLVED: To note that no public questions were put, or petitions or deputations received at this meeting.

RESOLVED ITEMS

59. The Future of a Standards Regime at London Borough of Harrow

The Committee received a report which provided an update on the recent meeting of the working group investigating the Future of the Standards Committee held on 4 August 2011 and contained a summary of the progress made on this subject by other authorities across London.

An officer reported that since the publication of the report, there had been significant progress made relating to the Localism Bill. A cross party amendment to the Bill had been proposed, which would have the impact of retaining the Standards regime but simply abolish Standards for England. This meant that a local Standards Committee, Independent Members, a compulsory Code of Conduct and sanctions, would all be retained. This was subject to agreement by the House of Commons and a debate was scheduled to take place imminently.

Members of the Committee made a number of comments during the discussion on this item as follows:

- it was felt that the second recommendation proposed in the report was still relevant, even though parliament would be debating the Localism Bill soon. It was important to advise the Department for Communities and Local Government (DCLG) of the Committee's views regarding retaining a Committee, formal sanctions and Independent Members;
- there was a general feeling amongst Members of the Council that any new Standards regime should retain an ability to impose formal sanctions. Members also believed that reducing unnecessary cost was also a key consideration for the future;
- it was important to ensure that members of the public had an ability to complain about Members and to be confident that the complaint was dealt with appropriately. The third recommendation of the report, requesting members of the public to complete a questionnaire on their views on the future of the Committee, would contribute towards achieving this aim.

RESOLVED: That

- (1) the Committee notes the comments of the working group regarding the type and content of a future standards regime;
- (2) the Chair of the Committee writes on behalf of the Committee to the Department of Communities and Local Government asking that the Localism Bill is amended so that it allows independent members to vote on the Standards Committee and that the Bill enables the Standards Committee to have sanctions to discipline members who breach the code of conduct. A couple of cases from the Standards for England website should also be attached to the letter as examples of how important the regime was;
- (3) a press release be published directing members of the public to an online questionnaire about the future of the Standards Committee.

60. Standards Decisions

The Committee received a report which detailed three complaints made against Members from other authorities nationally, which had been referred to Standards for England.

An officer reported that the first case involved a Councillor who had downloaded inappropriate material onto a computer provided by the Council. He received a criminal conviction for this offence. Even though this activity may have been considered private, relevant case law had been interpreted to find that it constituted behaviour which brought the office into disrepute as Council equipment had been used. The Councillor was disqualified from office for 5 years.

The second case involved a Mayor, who had hosted a ceremonial fundraising event. During the evening, it was alleged that the Lord Mayor had a conversation with a woman attending the event, which was sexually explicit in its nature. It was found that the conversation was embarrassing, offensive and disreputable and brought the office and authority into disrepute. The Lord Mayor was given a 3 month suspension from office and required to provide a written apology. The officer highlighted to the Committee that the sanction imposed had been particularly influenced by aggravating factors from the Mayor which included him attempting to malign the reputation of the complainant and impugn their standing.

The third case involved a Member who had arranged for another Councillor's commuting and travelling arrangements to be observed by utilising covert surveillance. The purpose of this was to obtain information to found an allegation that the relevant Councillor was neither residing nor working in the borough and so did not qualify to stand for election as a local Councillor. It was found that the Member had breached the Code of Conduct and imposed a one month suspension and required him to undertake relevant training. Aggravating factors were again a key factor in determining the sanction as the Member had shown no remorse or apologised for his actions.

During the discussion on this item, Members made a number of comments which included:

- in relation to the first case, there were instances such as these where regardless of whether they were acting in an official capacity or not, sanctions had to be imposed. Some offences which were repulsive, but did not carry a prison sentence, would be so inappropriate that it would be untenable for a Councillor to continue in their position. An officer clarified that due to case law, there had to be a link between private life and bringing the Council into disrepute in order for an offence to fall within the scope of the Code of Conduct. Subject to future legislation, if a Council adopted their own code, this was an issue that could be investigated and clarified;
- if a Councillor was able to avoid a criminal conviction due to a technicality, it could still potentially involve the Member breaching the Code of Conduct as they may have brought the authority into disrepute;
- it was still important to note that there could be instances where a Councillor was arrested but then it subsequently transpires that there is no case to answer. This also had to be accounted for;
- this first case study would be useful to send to the Department for Communities and Local Government as part of the previous agenda item relating to the future of the Standards regime. It would highlight that if the Standards Committee were not able to impose sanctions, this could create difficulties in the future. Other case studies relating to bullying, which the officer believed were relevant, should also be sent;
- a Member expressed his belief that Councils should have the ability to choose whether they would like to impose sanctions and have independent members as part of a local Standards Committee. The Council would then be held accountable for their choice of model by the electorate. Another Member expressed a contrary view saying that a standards regime should be compulsory, one of the reasons of which was to ensure fairness for Members of the public;
- in the second case study, it was not clear on what the views were of the person to whom the explicit comments were made. The case would have been a lot clearer if this person had been the complainant. A key issue was whether offence was caused to anyone. Consideration had to be given as to how people were offended if for example they listened to a private conversation, or if someone was offended by observing from across a room for example;
- this case study was an example of why it was important to retain a Standards regime. If the incident had been reported to the Police, it may not have taken precedent over other serious crimes. It could therefore lead to such an incident being construed as acceptable as there would be no consequences, which was undesirable;

- interpretation of body language in this case was probably difficult to assess. This was an issue that could cause difficulties if it was interpreted incorrectly;
- the fact that a Mayor was found to have breached the Code of Conduct meant that the Council's name would be highlighted therefore bringing it into disrepute;
- the sanction imposed on the Councillor for the third case study was slightly harsh. It was not clear to what extent the surveillance had taken place and the basis on which they had held their belief;
- the regular reports on case studies presented to each meeting had been useful in building up a framework of knowledge, fairness and consistency within the authority in relation to dealing with complaints against Members.

RESOLVED: That the report be noted.

(Note: The meeting, having commenced at 7.30 pm, closed at 8.16 pm).

(Signed) MR D LAWRENCE
Vice-Chairman in the Chair