

STANDARDS COMMITTEE MINUTES

29 FEBRUARY 2012

Chairman: * Dr J Kirkland

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

Independent Persons: † Mr J Coyle
* Mr D Lawrence

* Denotes Member present

68. Attendance by Reserve Members

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

69. Declarations of Interest

RESOLVED: To note that the following interest was declared:

Agenda Item 7 – The Future of a Standards Regime at the London Borough of Harrow

Councillor Brian Gate declared a personal interest in that he was a Member of the Executive. He would remain in the room whilst the matter was considered and voted upon.

70. Minutes

RESOLVED: That the minutes of the meeting held on 14 December 2011 be taken as read and signed as a correct record.

71. Public Questions, Petitions and Deputations

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

RESOLVED ITEMS

72. The Future of a Standards Regime at the London Borough of Harrow

The Chairman explained that this report was intended to provide the Committee with some of the key considerations as a result of the Localism Act 2011 making changes to the Standards Regime. A meeting would be scheduled in late April, where the Committee would be asked to make formal recommendations on relevant issues to the Full Council.

The Head of Legal Services reported that it was initially thought that the Localism Act would come into force in April 2012. However this date was now July 2012. The Head of Legal Services summarised that some of the key considerations for the Committee included the Council's future Code of Conduct and its procedure for dealing with complaints. The officer explained that the report had highlighted some potential recommendations for the Committee to consider. The first recommendation related to whether or not the Standards Committee should continue in its current format and whether one Member of the Committee should be a Member of the Executive. If this was adopted, if the Committee continued in its current form, any Independent Persons would not have any voting rights.

Members of the Committee made a number of comments on this recommendation including the following:

- it may be better if the future Standards body was a working group or an advisory panel rather than a Committee with a proportional allocation of Members. This would ensure that there was an equal amount of Members from different political groups as the relevant issues discussed were always non-political;
- under such a system, any strategic issues that were controversial in their nature or if there was any disagreement, could then be referred to Full Council. For more straightforward and non-contentious issues, recommendations could be made to the Monitoring Officer for action;
- a system had to be adopted which had the confidence of all Members. There had to be the right balance. It was also worth considering having 5 Members instead of the 8 proposed for any future body;
- there was a consensus that any future model of the Committee should incorporate Independent Persons.

The Head of Legal Services then highlighted the second Recommendation and explained that there was scope for the Council to simply adopt the 7 principles contained in the Localism Act or widen the scope of the Code to

cover other principles, which could be similar to that which was currently in existence.

Members of the Committee made a number of comments on this recommendation which included:

- a Step-Change was required in relation to the Standards Regime and it would be a good opportunity to incorporate the Council's CREATE values and Corporate Priorities into the new Code of Conduct. This therefore required a change in its presentation and language. The current Code was also jargonistic;
- it would be helpful if the new Standards Regime adoption was conducted in two phases. Due to time restraints, it would be wise to ensure that the minimum legal requirements of the Localism Act were adhered to by the implementation date. Following this, more work could then be conducted in ensuring that the right system was adopted for Harrow. This could involve further consultation if required, and it could also incorporate suggestions on encompassing the CREATE Values and Corporate Priorities into the Code;
- respect was a key ideal which needed to be retained as part of any new Code of Conduct;
- it would be helpful at this stage to retain the Code of Conduct currently adopted by the Council, with the relevant ten general principles.

The Head of Legal Services then presented recommendation three contained in the report and explained that the Localism Act had provided Local Authorities with a wide scope on how to deal with complaints made against Members. Options might include delegations to the Monitoring Officer or dealing with issues at Full Council meetings. It was felt that it would be appropriate for any complaints which fell outside the scope of the Code to be dealt with or dismissed by the Monitoring Officer. Additionally the Monitoring Officer could be provided with authority to dismiss complaints if no breach of the Code was found following investigation. The review stage could also be abolished as there could be no formal sanctions and any appeal would be by way of judicial review. The only sanctions that could possibly be imposed included a formal report to Council, a recommendation to the relevant Group Leader, asking for their removal from a Committee, instructing them to go on training, removing from outside bodies or withdrawing facilities.

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

- withholding allowances from Members was a sanction that should be investigated. This had to be proportional and time limited in its implementation. This could be a good deterrent. The officer reported that Counsel's opinion had been sought and the advice provided had indicated that this was not an option. However the officer would revisit this issue and report back to the Committee at its next meeting;

- naming and shaming a Councillor was a powerful sanction as the reputation of a Councillor was important and could cause embarrassment to the Member concerned;
- there was an onus on the relevant political groups to take internal action against any Member where it had been proved that they had breached the Code of Conduct;
- it was important to keep the current membership structure for Hearing Panels as it worked well and allowed enabled confidence in the system. The Monitoring Officer could then implement the recommendation arising from this Panel if in agreement. If not, then the matter could be referred to Full Council;
- it would be helpful if at the initial stage when considering a complaint, there were statements from both parties. It may also be helpful if letters of apologies were suggested by the Monitoring Officer, prior to complaints escalating. There could be a duty on the Monitoring Officer to settle disputes amicably and to resolve disputes to satisfaction of both sides. If this was not achievable, only then could it come to a panel;
- any new system had to take into account costs and become more streamlined and efficient whilst also ensuring equity for all parties;
- it may be wise for complaints made by members of the public to be referred straight to a Panel. This may be important to ensure complete transparency and fairness for members of the public.

The Head of Legal Services explained that the Department for Communities and Local Government had recently announced that they would be willing to allow an interim period whereby the current Independent Members could act as the Council's Independent Person. This would only be for a period of one year. Members commented that the Council had spent a lot of resources in recruiting good Independent Members.

The Head of Legal Services also reported that regulations were awaited on the disclosable pecuniary interests on a Member's Register of Interest. The Council also had to consider whether it wished for a standing order for Members to declare their interests at meetings even if it was on their Register of Interests. Members commented that this was useful and would help to promote transparency at Member level meetings. As a result recommendation 5 was not currently required to be considered.

At the conclusion of the meeting, Members made the following comments:

- it would be helpful if the Head of Legal Services attended each of the Group Meetings to explain the implications arising out of the Localism Act and its implications;

- it would be useful if the Monitoring Officer could make determinations on the granting of dispensations;
- it would be wise if any public consultation took place as the final model of the standards regime was developed as opposed to the initial model. It was also important that staff were consulted.

RESOLVED: That

- (1) the report be noted;
- (2) the Head of Legal Services attend each of the group meetings to explain the implications of the Localism Act 2011;
- (3) a report be presented to a special meeting of the Committee in April 2012, to finalise recommendations to the Council.

73. Application for Dispensation

The Committee received a report setting out details of an application made by two Members of the Overview and Scrutiny Committee to grant a dispensation.

RESOLVED: That

- (i) a dispensation be granted to Councillors Varsha Parmar and Stephen Wright;
- (ii) the dispensation be applicable at meetings of the Overview and Scrutiny Committee where matters are discussed relating to general discussions about schools, including academies (not specific schools) including discussions about education results and service level agreements;
- (iii) the dispensation be applicable where the relevant Member felt that they had a prejudicial interest in the matter because they were a school governor;
- (iv) the dispensation be applicable to allow the relevant Member to remain in the room and speak, but not to vote;
- (v) the dispensation be granted for a period of one year or whenever the provisions on dispensations from the Localism Act 2011 come into force.

(Note: The meeting, having commenced at 7.30 pm, closed at 8.40 pm).

(Signed) DR J KIRKLAND
Chairman