

STANDARDS COMMITTEE

MINUTES

11 SEPTEMBER 2013

Chairman: * Councillor Simon Williams

Councillors: * Mano Dharmarajah * Phillip O'Dell
* Graham Henson * Paul Osborn

Independent Persons: * Mr J Coyle * Mr D Lawrence
* Dr J Kirkland

* Denotes Member present

103. Appointment of Reserve Member

RESOLVED: That the appointment of Councillor Margaret Davine as a Reserve Member of the Committee, in accordance with Council Procedure Rule 1.5, be noted.

104. Attendance by Reserve Members

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

105. Declarations of Interest

Agenda Item 11 – The Future of the Standards Committee

Councillor Graham Henson declared a non-pecuniary interest in that he was the relevant Portfolio Holder when options for the current Standards regime in Harrow Council were developed and implemented. He would remain in the room whilst the matter was considered and voted upon.

106. Appointment of Vice-Chairman

RESOLVED: That Councillor Graham Henson be appointed as Vice-Chairman of the Committee for the 2013/14 Municipal Year.

107. Minutes

RESOLVED: That the minutes of the meeting held on 4 December 2012 and the Special meeting held on 18 January 2013 be taken as read and signed as correct records.

108. Public Questions, Petitions and Deputations

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

RECOMMENDED ITEMS

109. Public Register of Dispensations

The Committee received a report on whether or not dispensations from the Interest provisions of the Council's Code of Conduct for Councillors should be published on the Council's website.

An officer introduced the report and made the following points:

- the issue had been raised at the previous meeting and discussions had taken place on whether dispensations which had been granted should be a matter of public record;
- some Councils did have a public register of dispensations. The only exemptions related to dispensations granted for sensitive interests i.e. where there was potential for the Councillor to become a victim of violence or intimidation.

During the discussion on this item Members of the Committee raised a number of queries which officers responded to as follows:

- any dispensation granted may be subject to disclosure under any Freedom of Information request on the basis that it was in the public interest;
- it was believed that statutory instruments intended for dispensations to be disclosed verbally at meetings, but the relevant provisions had been not clearly worded;
- any register of dispensations would have to specify what exactly the dispensation was granted for. If any dispensation or interest was declared verbally at a meeting, it was important to be as specific as possible;
- dispensations could be granted for a specified amount of time (of no more than 4 years) or up to the next Local Elections.

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

- it was important that dispensations granted were disclosed publicly. Non disclosure was against the spirit of the Localism Act;
- if a dispensation was granted there was no constructive reason why it should not be published;
- even if a dispensation was declared publicly in a register, it was still important for Councillors to disclose it verbally at a relevant meeting to provide clarity to members of the public;
- despite any embarrassment Councillors may face in declaring dispensations, the importance of ensuring clarity for members of the public was more important;
- any register of dispensations should include dispensations which have already been granted and which were currently in existence. If any Member had an issue with this they could ask for the dispensation to be cancelled which would remove its entry from the register;
- Members should be made aware of any implications of any decision to implement a Register of Dispensations.

Resolved to RECOMMEND: (to Full Council)

That

- (1) if a dispensation is granted pursuant to S33 Localism Act 2011 then within 28 days details of the dispensation will be entered into a register of dispensations which will be maintained by the Monitoring Officer on behalf of the Standards Committee.
- (2) the Register will be published on the Council's website by 1 December 2013 unless the dispensation relates to a sensitive interest pursuant to S32 Localism Act 2011 in which case limited information only may be published.
- (3) the Councillors' Code of Conduct be amended to reflect a requirement that any dispensations be declared verbally at meetings and in the event of blanket dispensations, the Chair of the relevant meeting declares this at the outset;
- (4) where the dispensation applies to sensitive information the register will state that the member has received a dispensation in an interest, but the details of the interest to which the dispensation relates are being withheld pursuant to S32 Localism Act 2011.

RESOLVED ITEMS

110. Establishment of Sub-Committees for the 2013/14 Municipal Year

RESOLVED: That the Sub-Committees of the Standards Committee be established for the Municipal Year 2013/14 with the memberships detailed in Appendix I to these minutes.

111. The Future of the Standards Committee

The Chair introduced an item on the future of the Committee. The Chair explained that since the introduction of the current arrangements the role and responsibility of the Committee had changed and he was proposing that further options for its structure be presented to the Committee at its next meeting.

Members of the Committee provided several comments on this item as follows:

- when the current arrangements had been implemented, it had been so to ensure compliance with the legislative requirements. It was always the intention of the Council to revisit its arrangements to consider whether it was appropriate for the Council and to consult with the public;
- the Sub-Committees and Working Groups which operated separately to the Committee still played a significant role in dealing with complaints against Councillors. However the main Committee could merge with another;
- whatever outcome was decided in relation to the future of the Committee, it was important to retain the Independent Persons. It was important to retain their views and skills.

The Chair asked officers to present a report to the next meeting of the Standards Committee setting out some options available to the Committee. These options would relate to the role of the Committee, the Code of Conduct and dealing with Councillor complaints. Any benchmarking information would also be useful. The Committee would then select options which it wished to pursue. Any public consultation on these options would then be conducted after the local elections in 2014.

RESOLVED: That a report be presented to the next meeting on 6 March 2014 on options relating to the future of the Committee.

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

(Signed) COUNCILLOR SIMON WILLIAMS
Chairman

STANDARDS PANELS 2013/14

**ASSESSMENT AND HEARING REVIEW SUB-COMMITTEES (3)
– (Pool of Members) (Non-Proportional)**

(To be selected from the following nominees)

	Independent Persons	Conservative	Labour	Indepen- dent Labour	Ungrouped
	(1) Chairman	(1)	(1)	(0)	(1)
I. Members	Mr James Coyle Dr John Kirkland Mr Derek John Lawrence (Vacancy)	Chris Mote John Nickolay Paul Osborn Richard Romain Simon Williams	Margaret Davine Mitzi Green Graham Henson Jerry Miles Phillip O'Dell		James Bond David Gawn Chris Noyce Stanley Sheinwald

Membership Rules

- (1) The membership of the Standards Committee - Assessment, Hearing and Review Sub-Committees will be three persons (comprising a maximum of three members of the Council, including not more than one member of the authority's Executive and comprising members drawn from at least 2 different political parties.);
- (2) the quorum for the Sub-Committees is 3
- (3) Members attending a Panel be required to vote on a local determination and not be permitted to abstain.

ASSESSMENT SUB-COMMITTEE

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

- (a) To receive a referral from the Monitoring Officer in respect of 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 in circumstances where the Monitoring Officer has not exercised his/her delegation to decide:
 - i. To filter out a complaint as being vexatious and/or outside the Code of Conduct; or
 - ii. To investigate a complaint

- (b) Upon receipt of a referral from the Monitoring Officer, the Sub-Committee shall make an assessment of the allegation and shall decide whether the complaint should be filtered out/an investigation should take place in respect of each allegation in accordance with the terms of the referral.
- (c) To decide whether a complaint shall proceed to the Hearing Sub-Committee in circumstances where the complaint has been investigated and the investigating officer has concluded that the member complained about has not breached the Code of Conduct.
- (d) The Sub-Committee shall state its reasons for that decision.

HEARING REVIEW SUB-COMMITTEE

The Hearing Sub-committee has the following powers and duties

- (a) To consider allegations referred to it following investigation that a member or coopted member has failed to comply with the Council's Code of Conduct for Councillors
- (b) To determine whether or not there has been a breach of the Code of Conduct taking into account the findings and conclusions of the investigation report.
- (c) If the Sub-Committee decides that there has been a breach of the Code of Conduct, to decide that no sanction should be imposed or to impose one of the following sanctions:
 - i. Report its findings to Council for information and place them on the Council's website;
 - ii. Inform the Group Leader (or in the case of an independent member, Council) of its recommendation that a member be removed from any or all Committees or Sub-Committees, or outside body appointments;
 - iii. Inform the Group Leader of any recommendations that the member be removed from the Cabinet, or removed from particular portfolio responsibilities;
 - iv. Remove the member from outside body appointments;
 - v. Instruct the MO to arrange training for the member;
 - vi. Where the breach involves inappropriate use of facilities, withdraw such facilities provided to the member by the Council, such as a computer, website and/or email and internet access; or
 - vii. Exclude the member from the Council's offices or other premises, with the exception of meeting rooms necessary for attending Council, Committee and Sub-Committee meetings; or
 - viii. Censure the member for the breach, in which case the MO will be asked to write to the Member and a press report will be issued.