
REPORT OF STANDARDS COMMITTEE (SPECIAL)

MEETING HELD ON 17 NOVEMBER 2005

Chair:	* Councillor Janet Cowan	
Councillors:	Ann Groves	* Thammaiah
	* Paddy Lyne (2)	* Toms (2)
	* Mrs Joyce Nickolay	
Independent Persons:	* The Rt Revd Peter Broadbent	† Mrs Bijal Shah

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

[Note: Councillor Mrs Kinnear also attended this meeting in a participatory role].

PART I - RECOMMENDATIONS

RECOMMENDATION I - Declaration of Interests

The Director of Corporate Governance introduced a report which sought approval of a number of revisions to the Code of Conduct in order to protect Councillors from falling foul of the Code in relation to the declaration of interests at meetings.

The Director of Corporate Governance reported that under the current Code of Conduct, Members were expected to declare a personal or prejudicial interest when attending a meeting. This issue had recently been brought to light when a Councillor, who was not a Member of that Committee, attended a meeting, sat in the public gallery and had not declared their personal interest. Harrow's Hearing Panel had been required to determine whether the Member had been in breach of the Code of Conduct.

At the Standards Committee meeting, the Member concerned challenged two issues: a High Court Ruling in the Richardson Case where it had been determined that a Member who sat in a public gallery and had a prejudicial interest should have declared their interest and left the room. The Member indicated that this was based on a prejudicial and not a personal interest. The Standards Board for England were in agreement with the Court of Appeal's Ruling in the Richardson Case but, as part of the review of the Code, had made a representation to the Minister for further clarification of some of the wording within the Code. The Member also challenged the advice within Harrow's Code of Conduct in that the wording "member" and "attends" were ambiguous under Rule 11.1, Disclosure of Personal Interests.

The Committee noted that Harrow's Hearing Panel had upheld the complaint of the Member, describing it as a technical breach of the code and acknowledged that, under the current arrangements, it was difficult for Members to declare an interest from the public gallery.

The Director of Corporate Governance advised that until the Code of Conduct was revised in 2006, a temporary amendment to Rule 11.1, Disclosure of Personal Interests would be necessary in order to protect Members.

Having noted that personal and prejudicial interests must be declared when a Councillor attended a meeting, even if they sat in the public seating and did not participate and that all Members be advised of this requirement, it was

Resolved to RECOMMEND: (to Council)

That the Code of Conduct be amended under Section 5a, Codes and Protocols, Rule 11.1, Disclosure of Personal Interests, to the following;

“For avoidance of doubt a Member with a personal (but not prejudicial) interest who observes a meeting from the public gallery or any part of the room or chamber, but does not address the meeting or take part in the discussion is nevertheless deemed to be attending the meeting and so is required to declare the interest” .

(See also Minute 121).