

STANDARDS COMMITTEE

MINUTES

14 DECEMBER 2010

Chairman:	* Dr J Kirkland	
Councillors:	* Nana Asante (3)	* Nizam Ismail
	* John Cowan	* Joyce Nickolay
	* Brian Gate	† M Rizvi
Independent Persons:	* Mr D Lawrence	† Mr A Mantri
		† Mr A MantriM Rizvi

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

23. Attendance by Reserve Members

RESOLVED: To note the attendance at this meeting of the following duly appointed Reserve Member:-

<u>Ordinary Member</u>	<u>Reserve Member</u>
Councillor Mano Dharmarajah	Councillor Nana Asante

24. Declarations of Interest

There were none.

25. Minutes

RESOLVED: That the minutes of the meeting held on 20 September 2010 be taken as read and signed as a correct record.

26. Public Questions, Petitions and Deputations

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

RESOLVED ITEMS

27. Information Report - Presentation by New Independent Members

Mr Derek Lawrence provided the Committee with a short presentation on his background and experience. Mr Lawrence had a strong background in the aviation industry and was passionate about standards in business and public life.

The Committee thanked Mr Lawrence for his presentation and requested that Mr Anand Mantri and Mr Mohammed Rizvi provide a short statement detailing their background and experience to be circulated to all Members of the Committee.

RESOLVED: That the presentation be noted.

28. Attendance at Other Meetings of the Council by Independent Members

The Chairman reported that the Committee's Independent Members had attended a range of meetings throughout the authority. The report detailed their observations and suggested outcomes

The Chairman reported that generally they were very impressed with the high levels of standards and conduct demonstrated at the meetings they observed. There were only 3 main suggestions, which they considered to be relevant.

The Chairman reported that the first suggestion from the Independent Members referred to reminders being provided to ensure that late reports were attempted to be sent to all Members within a timely manner. Their second suggestion involved encouraging Members to ask detailed and technical questions prior to a meeting, to ensure that full and comprehensive responses was provided by officers at the meeting. Their third suggestion involved providing members of the public more information on how to ask questions and present petitions at Council meetings.

Members of the Committee raised a number of issues which included:

- it would be helpful to have guidance for members of the public on how to ask questions and present petitions at meetings. Members of the public only usually attended meetings if there was an item of interest to them. It was important for residents to be informed of ways that they could lobby the Council, particularly as difficult decisions would have to be made in light of the current economic climate. The role of chairmen and Members was also particularly important to ensure flexibility in public participation at meetings;

- there were concerns about what constituted detailed and technical questions as this was a subjective test. The public perception also had to be taken into account. If questions were asked prior to meetings, it could appear that there were not sufficient relevant questions being asked at meetings. Time-pressures also meant that this would not always be possible.

The Chairman summarised the comments made by Members as follows:

- Recommendation 1 could be agreed if it was re-worded to recognise that there were often occasions when information had to be provided late and a lot of work was performed to ensure that it was reported as soon as possible;
- Recommendation 2 could be referred to the Member Development Panel, as this was a potential training issue;
- There was general agreement on Recommendation 3 with the addition that the leaflet explains generally what the public can do at the meeting and for the future.

The Committee also agreed that, given the proposed changes to the Standards regime, it would not currently be wise at this stage to repeat the project.

RESOLVED: That

- (1) the following suggestions be referred to the Monitoring Officer for actioning:
 - in relation to late reports presented to Member level meetings recognition should be given to Members who have not had the opportunity to previously see and absorb the information;
 - that guidance be provided at all Member-level meetings providing information for members of the public on how to participate at meetings and what can be done for the future.
- (2) the suggestion of Members being encouraged to give notice of detailed technical questions prior to meetings, to ensure full and comprehensive answers at the meeting, be referred to the Member Development Panel as it potentially involved a training issue.

29. Information Report - Review of Follow-Up Actions

The Committee received a report which set out an update on follow-up actions requested by it since June 2008. The Chairman referred to a previously requested action that an article appears in the next edition of Harrow People to raise the profile of the Committee. The Chairman queried whether this would be wise given that proposed changes to the Standards regime would possibly alter the structure and role of the Committee. As an alternative, a

future article could be used to promote how members of the public could participate at meetings.

Members discussed the idea and raised several views which included:

- the article was still a good idea to ensure that residents what the Standards Committee was and what it was doing;
- it would be better to wait until the proposals to alter the Standards regime had been concluded;
- an article could be published once the new proposals had been concluded.

The Chairman reported that the majority view of the Committee was that a proposed article should wait until any new proposals for the future of the Committee had been developed. This was to be noted as an action point for the future.

RESOLVED: That the report be noted.

30. Partnerships Protocol

The Committee considered a report which enclosed 3 toolkits prepared by Standards for England, which could assist in strengthening partnership arrangements between local authorities and their partners. An officer explained that this report had previously been presented to the Committee at its last meeting. The Committee had requested more concise versions to be provided at this meeting.

The officer reported that:

- the first toolkit enclosed addressed adopting a pre-partnership commitment to ethical standards. This toolkit posed relevant ethical standards questions which could be asked prior to entering into a partnership;
- the second toolkit enclosed could be used to ask relevant ethical standards questions as part of scrutinising existing partnership arrangements;
- the last toolkit enclosed was an overarching behaviour protocol for the duration of a partnership. This had been prepared by Standards for England in conjunction with Manchester City Council;
- potential benefits to these documents had been highlighted by Standards for England. These included allowing for an ethical self assessment between the local authority and prospective partners to be conducted. It could also allow the local authority and its partners to decide how ethical issues would be monitored and reviewed;

- the purpose of the report was to seek an initial endorsement on whether any of the toolkits could potentially be useful. If so, further consultation would need to take place with other bodies prior to any decision being requested by the Council. The scope of this consultation would need to be determined but any suggestions would be welcomed.

During the discussion on this item, Members raised a number of different issues which included:

- the toolkits could play an important role in demonstrating transparency and accountability by the Council. There was value to be obtained if the documents were adopted;
- there were some concerns if the toolkits were to be applicable to suppliers to the Council. This could impose an unnecessary burden on suppliers and have an effect on the expedient supply of items. This was therefore unnecessary as there were other burdens in commercial contracts;
- the toolkits represented a starting point in attempting to encourage high ethical standards with partners. It could also contribute towards the Council promoting the interests of residents;
- the 3rd toolkit was the most attractive, as it set out implied standards of values, behaviour and operation. Some Members felt that whilst this was the most attractive, it did not negate the benefits of the other toolkits;
- in the current national climate, where partnerships were being encouraged, all of the toolkits could be useful and would force potential partners to think through relevant ethical standards processes.

The Chairman summed up that there were different views on the documents. However the majority view was that they were useful and all 3 should be taken further. However this had to be considered in light of potential detriments to routine commercial arrangements.

Officers confirmed that further consideration would be required on who would need to be consulted prior to requesting any formal decision on the documents. It was envisaged that this would certainly include senior officers and the Leaders of each political group. A Member suggested the procurement department should also be consulted with.

RESOLVED: That all toolkits, reported to the Committee, be initially endorsed for further consultation.

31. Standards Decisions

The Committee received a report detailing two cases which had been considered by Standards for England and the First Tier Tribunal in relation to complaints made against Members.

The first case related to an allegation that Members had misused their position to secure an advantage for a planning applicant and bring the authority and office of Councillor into disrepute. The ethical standards officer found that the Members had not breached the code of conduct.

The second case related to where a Member had been persistently disruptive and disrespectful to the Mayor during a Council meeting. The Member had been found to be in breach of the code of conduct and was censured. Members briefly discussed the facts of each case.

RESOLVED: That the report be noted.

32. Information Report - Work Programme

The Committee received a report which set out the updated work programme for the Standards Committee for the Municipal Year 2010/11.

RESOLVED: That the report be noted.

33. Chairman's Report

The Chairman explained that agenda items 13 (Chairman's Report) and 14 (Appendix to the Chairman's Report) would be discussed together. The Chairman advised that he had initially wanted to speak about the future of the Standards Committee. This had been followed by the publication of a letter from Bob Neill MP to the Chair of Standards for England and the subsequent publication of the Localism Bill.

An officer explained the main highlights of the proposed Bill. These included that:

- there would be a general duty to promote high standards of conduct;
- councils could adopt a voluntary code of conduct. This could involve adopting the current Code of Conduct or amending it;
- if an allegation was made against a Member who had not followed the Code of Conduct, the Council could consider if it wished to investigate and how;
- there could be criminal sanctions for failing to disclose interests. Only the Director of Public Prosecutions would be able to prosecute under this provision.

The officer confirmed that Bill was still in the discussion stage. It was anticipated that the Bill would not receive Royal Assent until the later part of 2011. During the discussion on this item, Members raised a number of issues which included:

- the possibility of enacting by-laws to allow the Council to impose legal sanctions for breach of any Code of Conduct should be investigated;
- there was a view that Independent Members should be retained by any future Standards Committee to ensure objectivity and impartiality;
- the Council could set its own standards and if there were any misdemeanours, there could be a public rebuke which would cause embarrassment for the Member concerned;
- it was important for residents to feel confident that any complaint they made against a Member, was dealt with comprehensively;
- there was a desire not to be influenced by other authorities who may not wish to adopt a voluntary code of conduct or Standards Committee in the future.

A Member of the Committee proposed that the initial views of it, on how future proposals should be reflected, were as follows:

- there was a desire to continue with a voluntary Standards Committee;
- there was a desire to have a voluntary code of conduct for Members;
- there was a desire to have an Independent Chairman and experienced Independent Members;
- there was a desire that there should be two separate processes to deal with complaints made by a Member/s against another Member/s and complaints made by a member of the public against a Member/s.

The Committee agreed with the summarised views and that these be taken to each of the political group meetings for further comments. Following the outcomes from this, a report would then be presented to the Committee at its next meeting to see what further actions would be required by it, if any, to play a role in proposing future arrangements. Members requested a briefing note to be prepared by officers for their group meetings.

RESOLVED: That

- (1) a briefing note be prepared by officers for Members to discuss with their groups;
- (2) the Committee consider at its meeting, on 22 March 2011, any actions it should take in relation to its future arrangements.

34. Appendix to the Chairman's Report

The Chairman reported that this item had been considered as part of agenda item 13 (Chairman's Report).

RESOLVED: That the appendix be noted.

(Note: The meeting, having commenced at 7.30 pm, closed at 9.44 pm).

(Signed) DR J KIRKLAND
Chairman