

# STANDARDS COMMITTEE

## MINUTES

### 26 APRIL 2011

**Chairman:** \* Dr J Kirkland

**Councillors:** Mano Dharmarajah \* Joyce Nickolay  
\* Brian Gate \* Paul Osborn  
\* Nizam Ismail

**Independent Persons:** \* Mr J Coyle \* Mr D Lawrence

\* Denotes Member present

#### 35. Minute's Silence

The Committee held a minute's silence in remembrance of Councillor John Cowan, who had passed away since the last meeting.

#### 36. Appointment of Member

**RESOLVED:** That the Panel note the appointment of Councillor Paul Osborn as a Member of the Standards Committee for the remainder of the Municipal Year 2010/2011, in accordance with Council Procedure Rule 1.5.

#### 37. Attendance by Reserve Members

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

Ordinary Member

Reserve Member

Councillor Mano Dharmarajah

Councillor Nana Asante

### **38. Declarations of Interest**

**RESOLVED:** To note that the following interest was declared:

#### Agenda Item 8 – Standards Decisions

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

### **39. Minutes**

**RESOLVED:** That the minutes of the meeting held on 14 December 2010 be taken as read and signed as a correct record subject to the following amendments:

- (i) the removal of Mr A Mantri's name repeated twice in the Independent Persons attendance section;
- (ii) the removal of M Rizvi's name from the Councillors attendance section.

### **40. Public Questions, Petitions and Deputatons**

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

### **RESOLVED ITEMS**

### **41. Future of Standards Regime at London Borough of the Harrow**

An officer introduced a report relating to the future of the standards regime for the Council. The officer reported that:

- it was likely that the current standards regime would be abolished by April 2012. Standards for England had advised the Council that they were likely to hear relevant cases up until the autumn of 2011;
- there had been discussions with other authorities on the future of the standards regime. A Pan-London wide Code of Conduct for Members had been suggested;
- it was proposed that a Working Group be established to produce recommendations about the type and content of a future standards regime, which would report back to the Committee with its findings.

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

- it was important for the working group to represent the views of their respective political groups. It would also be appropriate to seek the views of the other Members who were not members of the administrative or opposition parties. Officer views were also important;

- it was important to have representation from the Independent Members on the Committee to provide objectivity;
- it was important to get the future system right to ensure benefits for the residents of the borough. The proposed Working Group could seek the views of the public as part of its work;
- it would be helpful if Members of the Working Group were Members of the Committee.

The Chairman summarised the views of the Committee and expressed that it wished for a formal note to be sent to the Group Leaders requesting that the issue be discussed at their group meetings and requesting their nominations to the Working Group. They should also be requested for their views on who the Working Group should consult with. It was also suggested that the Working Group should comprise of 4 Councillors (2 Labour Members and 2 Conservative Members) and 1 Independent Member. Additionally it was not envisaged that the Working Group would have to report back to the Committee until September 2011.

On an additional query raised by a Member, the Chairman confirmed that 3 Independent Members on the Committee was the legal minimum required. Given the proposed changes to the standards regime, it was not wise to recruit further Independent Members unless there was an urgent need to do so or once the outcomes from the working group had been established and agreed.

**RESOLVED:** That

- (1) a Member and Officer Working Group be established to consider and produce recommendations about the type and content of a future standards regime, to report back to the Committee;
- (2) the Working Group be comprised of 2 Labour Members, 2 Conservative Members and 1 Independent Member;
- (3) nominations to the working group be requested from the Group Leaders.

#### **42. Standards Decisions - Case Studies from other Councils**

An officer introduced the report and explained that two case studies were being presented to the Committee. The first related to the official capacity of a Member. In this case a Member had been found to breach the code of conduct by failing to treat with respect and bringing the authority into disrepute. The Member concerned had been found to be writing in their official capacity as a Member.

In the second case study, a Member had been accused of failing to treat staff with respect and bringing the authority into disrepute as a result of a

newspaper interview. No breach of the code of conduct was found however it was found that the code of conduct could limit article 10 of the Human Rights Act relating to free speech as long as it was not beyond what was necessary.

The officer then requested the Committee consider whether to develop a protocol on social media use for Members would be useful for the Council.

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

- the guidance provided by Standards for England on blogging was useful;
- it would be helpful to have case studies to refer to in the consideration of complaints made against Members;
- it was important for Members to be aware of when they were acting in their official capacity. This was not always clear and perception by others was therefore very important;
- if a protocol was agreed, it should cover various forms of social media such as using facebook and twitter.

The Chairman mentioned that a training session on social media was due to be conducted. He suggested that if a protocol was to be developed, it would be wise for the protocol to be agreed by the Committee prior to any training taking place.

**RESOLVED:** That

- (1) a Protocol on social media be developed to be presented to the Committee at its next meeting;
- (2) the report be noted.

#### **43. Bribery Act 2010**

The Committee received a report which outlined the main provisions of the Bribery Act 2010 and steps taken by the Council to prepare for its implementation.

An officer reported that the Bribery Act was due to come into force on 1 July 2011. Guidance had been issued by the Government on its implementation. There were no radical implications for the Council, just simply an update of previous legislation. A new offence of a failure of a commercial organisation to prevent bribery had been introduced, but this had no current implications for the Council.

In response to a query raised by a Member, an officer reported that the guidance did make a distinction regarding bona fide hospitality and bribery. Members of the Committee commented that the guidance was slightly unclear

in that it if there was an intention for financial advantage to influence an official, then this could amount to a bribe. It was important to bring this Act to the attention of Members on the Planning Committee and Licensing Panels.

The Chairman requested that officers review the comments made by Members, and if any further action was required, a report be presented to the next meeting.

**RESOLVED:** That the report be noted.

(Note: The meeting, having commenced at 7.30 pm, closed at 8.36 pm).

(Signed) DR J KIRKLAND  
Chairman