

# **REPORT FOR: STANDARDS COMMITTEE**

---

**Date of Meeting:** 13 September 2011

**Subject:** **The Future of a Standards  
Regime at London Borough of  
Harrow**

**Responsible Officer:** Hugh Peart, Director of Legal and  
Governance Services

**Exempt:** No

**Enclosures:** Appendix 1 – Standards Working  
Group Discussion Paper  
  
Appendix 2 – Future Code of  
Conduct/Standards Committee  
Arrangements (views of other London  
Boroughs)

## **Section 1 – Summary**

The Report addresses the options for maintaining high ethical standards in local government.

### **Recommendation:**

#### **That the Committee:-**

1. Notes the comments of the working group regarding the type and content of a future standards regime.
2. That the Chair of the Committee writes on behalf of the committee to the Department of Communities and Local Government asking that the Localism Bill is amended so that it allows independent members to vote on the Standards Committee and that the Bill enables the Standards Committee to have sanctions to discipline members who breach the code of conduct.
3. That a press release is published directing members of the public to an online questionnaire about the future of the Standards Committee.

## **Section 2 – Report**

### **Background**

4. At the Standards Committee meeting on 26 April 2011 it was resolved that a member and officer working group be established to consider the future of the standards regime and report back to the committee. This report is an interim report with a final report following in November 2011.
5. On 4 August 2011, the Working Group met to consider what the most effective way may be of fulfilling the new duty proposed by the Localism Bill and set out in paragraph 7 below.this duty. The discussion paper is attached as Appendix 1. The questions asked included:
  - a) Does the Council want a Standards Committee to adopt member protocols etc or do they feel that this work would be done by another committee or by officers or in another way?
  - b) Does the Council want a code of conduct?
  - c) If so, what should the code contain?
  - d) If there is an allegation that a member breached the code what action should be taken?
6. In July 2011, officers from various London Boroughs were asked what, if anything, their respective Authorities are intending to do in light of the Localism Bill proposing the removal of the national Code of Conduct for Councillors and the abolition of the standards regime. The responses are set out in the table attached at Appendix 2.

### ***Current situation***

#### **Localism Bill Update**

7. The Localism Bill introduces a statutory duty that councils 'promote and maintain high standards of conduct by members'.
9. The Localism Bill is currently at the committee stage in the House of Lords having already been through the Commons. It is expected that the Bill will receive Royal Assent in November 2011. Parliament is in recess at the time of writing and will resume on 5 September 2011.
10. A cross-party group of peers, led by the Chairman of the Committee on Standards in Public Life, met before the recess to discuss amendments to be moved when Parliament resumes in September. The Association of Council Secretaries and Solicitors (ACSeS) said it understood that the outcome of the meeting was to pursue provisions for a national code of conduct (to be issued through the Local Government Association if it agrees), standards committees with independent chairs and the removal of criminal sanctions.

11. Implementation of the new regime is likely to be April 2012. Standards for England advised on 10 August 2011 that their regulatory function to investigate complaints would cease on the 'appointed day' which they currently anticipate to be the end of January 2012.

### **Update from the Working group**

12. The working group met and had before them the discussion paper attached.
13. There was a consensus within the group that the Council should:
  - Have a Standards Committee to agree members protocols etc;
  - Adopt a code of conduct; and
  - Retain independent members on the Committee.
15. The group felt that generally at Harrow members conduct was good and that the Council had not had the serious complaints that other Councils had had. Concern was expressed that under the Localism Bill there was no provision for sanctions against members who had breached the code. Also the group expressed the wish to retain independent members as voting members which is currently not possible under the Bill. As far as sanctions were concerned they also discussed the possibility of one sanction being a referral to the police to investigate.
16. They felt that it was important for public confidence that a code was maintained.
17. The group discussed the possibility of having a filter by the Monitoring Officer, acting in consultation with the chair independent member, so that trivial complaints were not taken forward and were dismissed at an early stage. The group wanted a simple cost effective system. They still saw the need for officer reports.
18. As far as the code was concerned the group discussed having a code that covered members' private lives. They gave the hypothetical example of a member of the planning committee building an extension without planning permission. The current code would not cover this situation. They also considered having guidance for married couples who were both members in the code. They discussed raising the £25 limit on gifts that need to be declared.
19. As far as consulting with the public was concerned they discussed having an article in the Harrow People or an online questionnaire.

### **Why a change is needed**

20. The Localism Bill means that, in the absence of a national framework, the Council will need to decide if it wants a Member Code of Conduct and what such a code of conduct should contain. It looks likely, under the Bill, that breaches in relation to interests will in the future have a

criminal sanction. The rest of any code will not have any formal sanction for breaches.

## Considerations

### Resources, costs and risks

21. The consultation exercise, organisation of the working group and drafting of letters can be done within existing resources. The future regime will have a financial impact depending upon the type of regime that members choose. If a Monitoring Officer and Independent Chair of Standards filter is put in place, which filters out trivial complaints, then it is hoped that the costs can be kept to a minimum. Alternatively, costs will need to be dealt with either from within the existing budget or as part of the budget exercise for next year, but will require a saving to be made elsewhere to meet the additional cost.

### Equalities impact

22. Consultation with the public on this important issue will have a positive equalities impact. Any consultation should be done in a way that enables the maximum possible participation in the consultation.

### Legal comments

23. Included in the report.

## Section 3 – Financial Implications

24. There are no financial implications associated with this report.

## Section 4 – Corporate Priorities

25. This report is relevant to the corporate priority to united and individual communities: a council that listens and leads.

Name: Jennifer Hydari	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 25.08.11		
Name: Matthew Adams	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 30.08.11		

## **Section 6 - Contact Details and Background Papers**

**Contact:** Jessica Framer, Head of Legal Practice – Legal & Governance Services, 0208 420 9889.

**Background Papers:** April Standards Committee Report.