

STANDARDS COMMITTEE (SPECIAL) MINUTES

9 MAY 2012

Chairman: * Dr J Kirkland

Councillors: * Mano Dharmarajah * John Nickolay (3)
* Brian Gate * Paul Osborn
* Victoria Silver

Independent Persons: * Mr J Coyle
† Mr D Lawrence

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

74. Attendance by Reserve Members

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

Ordinary Member

Reserve Member

Councillor Simon Williams

Councillor John Nickolay

75. Declarations of Interest

RESOLVED: To note that there were no declarations of interests made by Members.

76. Deputations

The Chairman reported that the Supplemental Agenda for the meeting had only been published after the deadline for deputations had passed. The Chairman had been advised that Mrs Eileen Kinnear had wished to submit a deputation, but in the absence of the Supplemental Agenda, had been unable to do so. He therefore proposed that in the interests of fairness, Mrs Kinnear be allowed to make a deputation at the meeting for 5 minutes at the outset of the item.

RESOLVED: That Committee Procedure Rule 16 be suspended for agenda item 4 – The Future of a Standards Regime at the London Borough of Harrow, to allow a speaker to address the Committee for a period of two minutes.

RESOLVED ITEMS

77. The Future of a Standards Regime at the London Borough of Harrow

The Committee received a report which set out options for the future of the Standards Regime in Harrow. Mrs Kinnear addressed the Committee and expressed her concerns that there had not been any public consultation on the process. It was her view that it was not necessary for the Committee to continue and was unsure as to its merits. Her view was that reputations had become damaged with the regime.

She commended the current Independent Members on the Committee and expressed her disappointment that they could not continue their role in the future. In her view keeping the current regime was also unlikely to save any money.

In response to the issues raised, Members of the Committee made the following points:

- the Localism Act was now legislation and had to be adhered to. Therefore reorganisation had to take place to meet its requirements;
- all Members were keen to retain the current Independent Members, however the legislation was clear;
- the Committee had considered that its first priority was to put in place a robust system which could be operational from July, and which should preserve continuity as far as possible. Once this was achieved, it was anticipated that there would be a project commenced which would look at the long term view of the Standards Regime, and involve consultation with the public, as well as learning from other authorities.

An officer addressed the Committee and explained that the Localism Act provided two minimum requirements for Standards Regimes. The first was a requirement to have a Code of Conduct in place. The second was the requirement to have a process in place for dealing with complaints. There was then a lot of discretion provided for local authorities.

The officer further reported the following:

- at the last meeting, the Committee had asked officers to engage with the two political groups on the Council and report back on the comments provided;
- the themes fed back to officers were that a filter should be in place regarding complaints which fell outside the scope of the Code of Conduct and which were vexatious. It was felt that there would be some type of consultation between the Monitoring Officer and Independent Person in this regard;
- there were still some queries on right of appeal within the process. One option could be to involve Independent Persons to recommend to the Monitoring Officer to revisit any decisions made if appropriate;
- there was a degree of consensus in that within the complaints process, the Member complained about be entitled to submit written representations either to the Monitoring Officer or initial Assessment stage;
- the meetings of any initial Assessment stage should be held in private. However any meetings dealing with the final hearing stage should be heard in public;
- it was envisaged that there would continue to be an initial assessment Committee. However there was the fact that any formal Committee had to have a Chair who was a Councillor. The only instance that the Independent Person could chair the meeting was if the assessment meeting played a consultative role, with the final decision being taken by the Monitoring Officer or by Full Council for example;
- all Members had wished to retain the current Independent Members as co-opted Members on a parent body to deal with overarching policy;
- Members had made it clear they wanted any system implemented to be as cost effective as possible.

The Chairman then requested that the Committee initially focus on the proposed Complaints system, provided within the report. In relation to this the officer made the following points:

- complaints would be addressed to the Monitoring Officer in writing. It was made clear that the authority would not normally investigate anonymous complaints;
- the Monitoring Officer would review every complaint received and would consult with the Independent Person on this before it was referred to any Assessment meeting, if applicable. If the Monitoring Officer felt that further information was required, this would be sought;

- the Monitoring Officer would seek information from the Member complained about to respond to the complaint;
- details regarding potential sanctions had been contained in the report. Advice received from Counsel had confirmed that Members Allowances could not be withdrawn as a sanction;
- details had also been contained on what happened at the end of the Complaints process and details of the Independent Person.

During the discussion, Members raised a number of issues which the officer responded to as follows:

- under the current system there was no filter process and all complaints went before the Assessment Sub Committee;
- more consideration was required as to whether the Independent Person could have an influence on any delegated power given to the Monitoring Officer as there was a concern that this may fetter the discretion of the Monitoring Officer;
- if ruling out vexatious complaints by the Monitoring Officer and Independent Person, a definition like that used under the Freedom of Information Act could be used;
- if there was a wish for Independent Persons to be used more regularly at different stages during the course of complaints, there would be a need to recruit further Independent Persons;
- draft transitional arrangements are expected and it was envisaged from officers that the current Independent Members would perform the role as Independent Persons;
- there was no right of appeal within the process. The review stage which had been a part of the current structure would now disappear. Now the only form of appeal available to any complainant would have to be addressed to the Local Government Ombudsman;
- the Committee had confirmed that they wished for any initial Assessment meeting to be held in private.

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

- the filter process for complaints by the Monitoring Officer should deal with vexatious and mischievous complaints. This was something which the Committee felt was useful and would like officers to include;
- most complaints tended to be between Councillors due to clash of personalities. These could have been dealt with differently;

- any complaint should automatically progress to an Assessment Panel unless the Monitoring Officer ruled it out in agreement with the Independent Person. If there was disagreement between the Monitoring Officer and the Independent Person then it had to progress to this Assessment Panel. This was important for public perception;
- the Independent Person would help to give the Monitoring Officer a different, independent and impartial point of view;
- it was important that formal criteria was developed for the filter system to avoid a reliance on individuals and to have a clear and transparent system for the public to be able to recognise;
- there was a degree of concern if the Monitoring Officer disagreed with the Independent Person and the complaint was then ruled out;
- the advice relating to the sanction of withdrawing Members Allowances was noted but hinged on an outdated Statutory Instrument. In his view the Secretary of State could be lobbied on this point if the Committee were in agreement;
- more work with the respective political groups was still required on the proposals;
- the Committee had every confidence in its current Independent Members. Ideally it would be preferable if meetings could be chaired by independent members as this would assist with the public perception in the handling and resolution of complaints. Another Member of the Committee commented that for this reason, this is why they were in favour of an informal group so that an independent member could chair the committee or sub committee;
- the new regime did not have any 'teeth' and some Members of the Council had expressed a concern at what purpose any new Committee could serve;
- political groups had internal Codes of Conduct which they were expected to abide by;
- naming or shaming of Members could cause some level of embarrassment and shame to Members if they were involved;
- it was felt that there should be a distinction between an Independent Person and Independent Member. The Independent Member would sit on any overarching body relating to Standards. The Independent Person would be involved in resolving complaints, otherwise this could potentially lead to a conflict of interests;

- it would be a good idea if Independent Persons recruited were Monitoring Officers in other authorities. This would be a good solution as they would understand the processes;
- there were concerns of any unintended consequences which may arise out of the new regime proposed.

The Chairman advised the Committee that another key consideration was the adoption of a new Code of Conduct. He explained that a few models had been provided in the report and would welcome Members' views. The Committee agreed that, in the interim, they would prefer to adopt the current Code of Conduct, and that the section on interests be revised when the regulations were provided by the Secretary of State. Members of the Committee repeated the view that the current proposals were only interim arrangements and a full review would subsequently take place looking at best practice and experience gained in developing a new regime which met the Council's and residents' needs.

The Chairman concluded the debate by stating that the next Committee meeting was on the 14 June 2012. Officers would be conducting further discussions with the relevant Political Groups on the Complaints Process so that it was hoped an agreed model could be put forward before at this meeting. Additionally further agreement would be required at this meeting on the status of any overarching Standards body.

RESOLVED: That the report and comments provided be noted, and a final report be presented to the Committee on 14 June 2012.

(Note: The meeting, having commenced at 7.30 pm, closed at 9.11 pm).

(Signed) DR J KIRKLAND
Chairman