

**MINUTES OF THE STANDARDS COMMITTEE
TUESDAY, 10 JUNE 2008**

MEMBERS:	Councillors Diakides*, Khan*, Lister*, Mallett*, Reid, Whyte*, Williams, Winskill*
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INDEPENDENT MEMBERS:	Ms I Francis* (Vice Chair), Mr R. Lovegrove* (Chair), Ms A Loyd* and Ms C. Sykes.
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Apologies Councillors Reid, Williams and Ms Sykes

**MINUTE
NO.**

SUBJECT/DECISION

STCO01.	<p>ELECTION OF CHAIR AND DEPUTY CHAIR FOR STANDARDS COMMITTEE 2008-9</p> <p>The Chair of the Standards Committee for the Municipal Year 2007/08 – Irene Francis- advised that as this was the first meeting of the Standards Committee for the Municipal Year 2008/09, the first item of business on the agenda was the election of Chair and Deputy Chair of the Standards Committee.</p> <p>The Chair proposed the Independent Member of the Committee – Roger Lovegrove as Chair of the Standards Committee for the Municipal Year 2008/09. The nomination was seconded by Councillor Rahman-Khan.</p> <p>There being no other nominations it was:</p> <p>RESOLVED</p> <p>That Roger Lovegrove be appointed as Chair of the Standards Committee for the Municipal Year 2008/09.</p> <p style="text-align: center;">ROGER LOVEGROVE IN THE CHAIR</p> <p>The Chair proposed the Independent Member of the Committee – Irene Francis as Vice-Chair of the Standards Committee for the Municipal Year 2008/09. The nomination was seconded by Councillor Rahman-Khan.</p> <p>There being no other nominations it was:</p> <p>RESOLVED</p> <p>That Irene Francis be appointed as Vice-Chair of the Standards Committee for the Municipal Year 2008/09.</p>
STCO02.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from Independent Member – Carol Sykes, and Councillors Reid and Williams, and for lateness from Councillor Lister.</p>

**MINUTES OF THE STANDARDS COMMITTEE
TUESDAY, 10 JUNE 2008**

	<p>NOTED</p> <p>The Chair welcomed Annabel Loyd – newly appointed Independent member of the Standards Committee.</p>
<p>STCO03.</p>	<p>URGENT BUSINESS</p> <p>The Chair advised the Committee that there were 2 items of urgent business in respect of stated Items on the agenda.</p> <p>In respect of Item 13 – Proposed changes to the Standards Committee and Monitoring Officer’s Terms of Reference – the report was late in being sent to Members due to the proposed amendments to the terms of reference being formulated at the time of the despatch of the agenda. The report was urgent for consideration as changes detailed in the report were due to be reported to the Full Council meeting on 14 July 2008.</p> <p>In respect of the TABLED Item 15 – Draft Annual Report of the Standards Committee 2007/08 the report was TABLED due to the data for the report being compiled at the time of the despatch of the agenda. The report was urgent as the consideration of its contents would provide an opportunity for Members to consider and comment, and suggest items they may wish to highlight prior to the Full Council meeting on 14 July 2008.</p> <p>The Chair on behalf of the Committee agreed to the consideration of Items 13 and 15 as late items of business.</p> <p>NOTED</p>
<p>STCO04.</p>	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of Interest.</p> <p>NOTED</p>
<p>STCO05.</p>	<p>MINUTES AND MATTERS ARISING</p> <p>RESOLVED</p> <p>That the minutes of the Standards Committee of 7 February 2008 be agreed as an accurate record of the proceedings.</p>
<p>STCO06.</p>	<p>CHAIR’S ANNOUNCEMENTS</p> <p>There were no Chair’s announcements.</p>
<p>STCO07.</p>	<p>MONITORING OFFICER’S REPORT ON REFERRALS RECEIVED FROM THE STANDARDS BOARD FOR ENGLAND</p> <p>The Head of Legal Services and Monitoring Officer – Mr Suddaby advised the</p>

**MINUTES OF THE STANDARDS COMMITTEE
TUESDAY, 10 JUNE 2008**

	<p>Committee that there had been no referrals received from the Standards Board for England. Mr Suddaby further commented that it would be the last occasion when such referrals would be received from the Standards Board for England as in future the Local Authority would receive all complaints in the first instance.</p> <p>NOTED</p>
STCO08.	<p>APPOINTMENT OF INDEPENDENT MEMBERS FOR STANDARDS COMMITTEE RESOLVED</p> <p>i. that approval be given to the appointment of Annabel Loyd to serve as an independent member on the Standards Committee from May 2008 for four years; and</p> <p>ii. that the term of appointment of Irene Francis and Roger Lovegrove as Independent Members of the Standards Committee be extended for a further year to May 2009.</p>
STCO09.	<p>DETERMINATION HEARINGS</p> <p>There had been no determination hearings since the last meeting.</p> <p>NOTED</p>
STCO10.	<p>NEW LOCAL FILTER REGULATIONS AND GUIDANCE - UPDATE (ORAL)</p> <p>The Chair asked for a brief update of the report.</p> <p>The Monitoring Officer – Mr Suddaby, advised the Committee that it had been felt useful for the newly appointed Members, together with existing Members to receive a training session/briefing, and this had been scheduled for the following week. Mr Suddaby referred to some handouts he had prepared for Members' perusal and that the tabled bulletin was the most helpful document in setting out the new arrangements for referrals and their determination by the Standards Committee.</p> <p>NOTED</p>
STCO11.	<p>MEMBERS' CODE OF CONDUCT - LOCAL COMPLAINTS HANDLING PROCEDURES</p> <p>In a brief introduction of the report the Monitoring Officer – Mr Suddaby, advised the Committee that the report set out the arrangements for the receipt, assessment, review and hearing of complaints received locally alleging the failure of Members to comply with the Members' Code of Conduct.</p> <p>(Councillor Lister arrived at 19.45hrs from making difference meeting)</p> <p>Mr Suddaby outlined the process as detailed in the report from receipt of complaints and his role as Monitoring Officer upon receipt at the initial stage, and the assessment process of for the complaint. Mr Suddaby gave an in-depth explanation of the role, composition and quorum of the proposed</p>

**MINUTES OF THE STANDARDS COMMITTEE
TUESDAY, 10 JUNE 2008**

Standards Assessment Sub-Committee (SASC), the Standards Review Sub-Committee, and the Standards Hearing Sub-Committee, and referred the Committee to the terms of reference of each, as detailed in the appendices to the report. Mr Suddaby outlined that when complaints were received in writing that an elected or co-opted Member of the Council had failed or may have failed to comply with the Members' Code of Conduct the complaint would be sent to the Chair of the Standards Assessment Sub-committee of the Standards Committee c/o the Monitoring Officer. On receipt, the Monitoring Officer would

- a) notify the subject member that a complaint had been received against them and that an assessment sub-committee will take place to determine what further action to take in relation to it and refer the complaint to the ASC for an assessment hearing, or
- b) Take other appropriate action – e.g. in the case of a complaint unrelated to the code of Conduct or a complaint received orally, the Monitoring Officer may consider informal resolution.
- c) At his/her discretion inform the subject member of the nature of the complaint received and the identity of the complainant and of the action that will be taken
- d) Notify the complainant of the action that will be taken in relation to his/her complaint.

Mr Suddaby advised that in his capacity as Monitoring Officer he would ensure that all complaints against elected and co-opted Members received by the Council were directed to him/her to allow the necessary steps outlined to be taken. In the instances where the Monitoring Officer referred the complaint to the SASC for an assessment hearing a draft written summary report would be prepared for the assessment sub-committee confirming that the complaint appeared to be within their jurisdiction, referring to the relevant code paragraph that appears to be engaged, to key aspects of complaint and including any further relevant information as per the Standards Board for England's guidance.

In respect of the assessment of complaints received Mr Suddaby advised that the Standards Committee must set up an assessment sub-committee, a review sub-committee and lastly must arrange for any complaint which is investigated to have a hearing. The SASC would be composed of 5 members of the Standards Committee. Two of the members of the sub-committee will be independent members and three will be elected Members. The membership of the SASC will be determined by the Clerk to the Standards Committee on a rotation basis subject to availability. The SASC would function in accordance with the Terms of reference proposed at Appendix A to the report.

In respect of the Standards Review Sub-committee (SRSC) Mr Suddaby advised that it would be composed of 3 members of the Standards committee who were not members of the assessment sub-committee that considered the complaint. One of the members of the sub-committee would be an independent member and two of the members will be elected members. The membership of the SRSC would be determined by the Clerk to the Standards Committee on a rotation basis subject to availability and subject to the restriction outlined.

Mr Suddaby commented that the Standards Committee would then be required to meet to consider a report following an investigation by the Monitoring Officer

**MINUTES OF THE STANDARDS COMMITTEE
TUESDAY, 10 JUNE 2008**

as requested by a SASC or SRSC. The Committee would then consider and make one of the following decisions:

1. A finding of acceptance – accepting the monitoring officer’s finding of no failure to comply with the Code
2. That the matter should be considered for determination at a hearing by the full Standards Committee or at a hearing by the standards hearing sub-committee.
3. That the matter should be referred to the Adjudication Panel for England for determination.

Mr Suddaby advised that should the Standards Committee agree to the convene a Standards Hearing Sub-committee – this Committee would be composed of 5 members of the Standards Committee of whom 2 members will be independent members. The membership of the SHSC would be determined by the Clerk to the Standards Committee on a rotation basis subject to availability. The SHSC will function in accordance with the Terms of reference proposed at Appendix C of the report.

The Chair thanked Mr Suddaby for his succinct introduction.

The Committee then discussed the report and its contents – the main concerns and points of clarification being:

- The composition of the Sub-Committees and the matter of Members sitting on the Assessment Sub-Committee being precluded from sitting on another, and possible difficult timescale for the Hearing Sub-Committee to meet following the deliberations of the Standards Committee and perceived difficulties of attempting to convene balanced Sub-Committees. The Committee were advised that the composition of the Sub Committees was designed to be as fair as possible, and every effort would be made to ensure a balance and this process would be managed by the Head of Local Democracy and Member Services and carefully monitored to ensure the correct allocation. The timescales were likely to be tight between the Sub-Committee processes but with careful planning the prescribed timescales would be adhered to.
- Clarification of the number of cases that could be heard in one Sub-Committee hearing and the Committee were advised that that would be dependent on the nature of the individual case, as well as the volume of cases, and therefore it may have to be initially a ‘suck it and see’ situation;
- The process for assessing the complaints received from the initial stages of the complaint and the actions of the Monitoring Officer in assessing a complaint, in terms of the complaint breaching the Members' Code of Conduct, or being non code of conduct complaints.
- The receipt of verbal complaints and the requirement to have receipt of such in writing prior to the formal investigation process commencing, and the possibility of a verbal complaint being dealt with informally and therefore resolved in a conciliation process without being formally investigated and the options open to the complainant in such instances
- the need to ensure that the Committee were informed of those complaints received and then not proceeded with, and the Committee in response were advised that the Chair of the Committee would be

**MINUTES OF THE STANDARDS COMMITTEE
TUESDAY, 10 JUNE 2008**

	<p>informed of the number of cases informally resolved, not acted upon or where the Monitoring Officer had determined that a case should not proceed further;</p> <ul style="list-style-type: none">• The ambiguity of para 7.1 point (2) and the contradiction of its sentiments in relation to 7.1 (1) and whether this point was required;• The need to ensure clear guidance and explanation to the public in terms of the complaints process, and the need for a leaflet to be produced to explain, as well as it being clearly stated on the web etc, and that officers ensure that the communications service have sight of any proposed leaflet or web information; <p>There being no further points of clarification the Chair MOVED and it was agreed:</p> <ol style="list-style-type: none">i. that the arrangements for the processing of complaints that Members have failed to comply with the Code of Conduct, as outlined in the report and appendices, be approved subject to the deletion of para 7.1(2) in respect of Receipt of complaints;ii. that authority be delegated to the head of Local Democracy and member Services to appoint the membership of the Standards assessment Sub-Committees, Standards Review Sub-Committees, and Standards Hearing Sub-Committees in accordance with the Regulations (S.I 2008/1085) and the procedures set out in the report and in consultation with the Chair of the Standards Committee and the Monitoring Officer;iii. that a further report be considered containing suggested objective local criteria to be used in the assessment process in order to ensure fairness and transparency; andiv. that any leaflet or web publication detailing the the process for public viewing/use be cleared through the Council's Communication Service prior to publication.v. That the pro-formas set out at Appendix ? be adopted for immediate use but that they would be reviewed for plain English as soon as reasonably possible. <p>The Chair MOVED and it was agreed unanimously that the Committee adjourn for a period of 15 minutes. The Committee adjourned at 20.30hrs and reconvened at 20:45hrs.</p>
STCO12.	<p>TRAINING AND BRIEFING ARRANGEMENTS FOR MEMBERS</p> <p>In a brief introduction the Monitoring Officer – Mr Suddaby advised that a further training session on making assessments of complaints had been organised for 18 June 2008 for all Members and a further session on 3 July 2008 in respect of the review of complaints.. Mr Suddaby commented that it was for the Standards Committee to then decide what exactly it would then wish for in terms of further training and whether a 'mock hearing' session was required or further training on ethical awareness was necessary.</p>

**MINUTES OF THE STANDARDS COMMITTEE
TUESDAY, 10 JUNE 2008**

The Committee briefly discussed the prospect of further training requirements and concluded that a further review be taken of training needs in October 2008. The Chair also felt that it would be useful for the Committee to have a flow chart of the new process, in simple form, in terms of the how each of the new Sub-Committees linked.

There being no further matters raised it was:

RESOLVED

- i. that a further review be taken of training needs in October 2008; and
- ii. that a flow chart of the new process be produced for Members, in simple form, in terms of the how each of the new Sub-Committees linked.

STCO13. UPDATING THE STANDARDS COMMITTEE'S AND MONITORING OFFICERS TERMS OF REFERENCE

The Chair advised the Committee that the reasons for urgency in considering the report had been stated at Item 3 earlier in the proceedings.

In a brief introduction of the report Mr Suddaby advised the Committee that further to the previous discussion at Item 11 of the report, the report before the Committee detailed the necessary changes to the terms of reference of the Standards Committee and Monitoring Officer in the Constitution as a result of regulations and provisions in the Local Government and Public Involvement in Health Act 2007 which largely related to the new role of the Standards Committee in processing complaints.

Mr Suddaby also commented that as previously detailed, the 2007 Act also transferred, from the national "independent adjudicator" to each local Standards Committee, the functions of considering applications from officers for exemption from political restrictions and giving directions to include any post on the list of politically restricted posts. Political restrictions apply to all posts at or above SCP 44. Any officer at this level could apply to the Head of Personnel for a certificate that their post does not involve giving regular advice to Member bodies or speaking regularly to the media on behalf of the Council. The Standards Committee will then consider the applications. This change is being recommended now in advance of Regulations, expected soon, that will implement the new system.

Mr Suddaby further advised that it was good practice that the Constitution accurately reflected new statutory responsibilities that Council bodies or statutory officers had as soon as possible following their assumption. Mr Suddaby also referred to Appendices 1 and 2 attached which showed the proposed amendments to the relevant parts of the Constitution and were themselves self-explanatory.

**MINUTES OF THE STANDARDS COMMITTEE
TUESDAY, 10 JUNE 2008**

	<p>Following clarification by the Committee in relation to the exemption definitions for politically restricted posts the Chair MOVED and it was:</p> <p>RESOLVED</p> <ul style="list-style-type: none">i. that the amended terms of reference of the Standards Committee as detailed in the appendices 1 and 2 attached to the report be agreed; andii. that the Monitoring Officer be instructed to report the changes detailed in (i) above to the next Full Council meeting for adoption.
STCO14.	<p>LOCAL CODE OF CORPORATE GOVERNANCE</p> <p>In a brief introduction the Head of Legal Services Corporate Lawyer – Mr Mitchison advised that the report was related to a report on the draft Annual Governance Statement (AGS) which had been considered and agreed by the Audit Committee on 12 May. The AGS was expected to be finally approved, along with the Council’s Statement of Accounts for 2007/08, at the meeting of the General Purposes Committee on 26 June 2008.</p> <p>Mr Mitchison commented that the draft AGS explained the need for a Code of Corporate Governance as part of the Council’s “governance framework”. At the end of the draft AGS was an Action Plan which included as a major issue the approval and adoption of Haringey’s own Local Code of Corporate Governance by full Council by September 2008. However, the issue around the adoption of a Local Code of Corporate Governance goes beyond the AGS process because the Code would be an important tool in demonstrating and maintaining effective corporate governance across the Council. Because of the implications of the Code for the Council’s ethical framework this report comes to the Standards Committee.</p> <p>Mr Mitchison further advised that the Local Code of Corporate Governance had its origins in the third report of the “Nolan Committee” on standards in public life back in 1997. This third report into standards in Local Government resulted in the statutory Members’ Code of Conduct and supervision by the Standards Board for England and local Standards Committees. The Appendix to the report was a draft Local Code of Corporate Governance which follows the CIPFA/SOLACE template. The draft of this Local Code had been reported to CEMB on 5 February and 1 April 2008 and considered by the Cabinet Advisory Board on 24 April 2008. The report before this Committee explained the need for a Local Code of Corporate Governance in Haringey and to seek the comments and/or approval of the Standards Committee before the draft was submitted to the full Cabinet and full Council for formal adoption.</p> <p>In highlighting the 6 core principles defining good governance as detailed in para 6.7 of the report Mr Mitchison advised that the Guidance also stated that Councils should nominate a Lead Officer with the knowledge and experience to oversee the implementation of the new Local Code of Corporate Governance and the processes needed to monitor its</p>

**MINUTES OF THE STANDARDS COMMITTEE
TUESDAY, 10 JUNE 2008**

effectiveness in practice. This role would be suitable for the Monitoring Officer/Head of Legal Services but there would need to be support from the core officer group, mentioned in the report on the AGS, which also comprises the Head of Local Democracy & Member Services, the Head of Audit & Risk Management and key officers from within the Legal Service, Corporate Finance and Performance and Policy.

Mr Mitchison further commented that whilst the adoption of a Local Code of Corporate Governance was not an express statutory function and there were no legal requirements for the formal decision to be taken either by Cabinet or full Council, given the significance of the document it was recommended that approval to the draft Code be given by full Cabinet at its meeting on 17 June with the final adoption to be resolved by full Council on 14 July 2008.

There being no questions from the Committee it was:

RESOLVED

- i. That the draft Local Code of Corporate Governance attached as the Appendix to the report be noted; and
- ii. That the process and timescale for consulting Member bodies before adoption by full Council be noted.

STCO15. DRAFT ANNUAL REPORT TO COUNCIL

The Chair advised that the reasons for urgency in considering the TABLED report had been given under Item 2.

The Committee briefly considered the contents of the draft annual report – the main points being:

- Clarification of the formatting in relation to the table 4 contained therein and the insertion of actual years '2006/07' and '2007/08' instead of 'this ' and 'last' in TABLE 3;
- A narrative and grammatical check of the contents to ensure clear and precise information;
- The required 'insertion' of the Chair of Standards Committee message for 2007/08, and then subsequent 'tweaking' and clarification by the Chair of the Standards Committee;
- Clarification of the number of complaints/referrals received, notified, and under investigation.

There being no further points of clarification it was:

RESOLVED

That the draft 'Annual Report 2007/08' be noted and that officers take account of the points of clarification as detailed during the discussion, and that the revised 'draft' then be forwarded to the Chair for final clearance.

**MINUTES OF THE STANDARDS COMMITTEE
TUESDAY, 10 JUNE 2008**

STCO16.	NEW ITEMS OF URGENT BUSINESS Nil
STCO17.	DATES OF NEXT MEETINGS 21 October 2008 15 January 2009

Roger Lovegrove
Chair