



NOTICE OF MEETING

Standards Committee

MONDAY, 23RD MARCH, 2009 at 19:30 HRS – CIVIC CENTRE, HIGH ROAD, WOOD GREEN, LONDON N22

MEMBERS: Diakides, Santry, Lister, Mallett, Reid, Whyte, Williams and Winskill

INDEPENDENT MEMBERS: Ms I. Francis, Mr R. Lovegrove, Ms C. Sykes and Ms A. Loyd.
T MEMBERS: vacancy and 1

AGENDA

1. APOLOGIES FOR ABSENCE

2. URGENT BUSINESS

The Chair will consider the admission of any late items of urgent business.

3. DECLARATIONS OF INTEREST

A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

A member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgment of the public interest **and** if this interest affects their financial position or the financial position of a person or body as described in paragraph 8 of the Code of Conduct **and/or** if it relates to the determining of any approval, consent, licence, permission or registration in relation to them or any person or body described in paragraph 8 of the Code of Conduct.

4. MINUTES OF THE STANDARDS COMMITTEE - 22 DECEMBER 2008 AND MATTERS ARISING (PAGES 1 - 12)

To confirm and sign the unrestricted minutes of the meeting of the Standards Committee held on 22 December 2008

5. CHAIR'S ANNOUNCEMENTS

6. MONITORING OFFICER'S REPORT ON REFERRALS RECEIVED FROM THE STANDARDS BOARD FOR ENGLAND

To consider any referrals received from the Standards Board for England.

7. DETERMINATION HEARINGS

To consider the outcomes of recently held Haringey Council Determination Hearings.

8. ASSESSMENT SUB-COMMITTEE - COMPLAINTS CONSIDERED

To receive an oral report of the Head of Legal Services and Monitoring Officer in respect of complaints received and action taken.

9. TRAINING PROGRAMME FOR STANDARDS COMMITTEE MEMBERS 2009/2010 (PAGES 13 - 16)

Report of the Head of Legal Services and Monitoring Officer

10. RECRUITMENT OF INDEPENDENT MEMBER FOR STANDARDS COMMITTEE (PAGES 17 - 20)

(Report of the Head of Legal Services and Monitoring Officer) To update the Committee with the progress being made to recruit to the vacancy for an Independent Member on that Committee, and to agree an appointment sub-committee to conduct the shortlisting and interview, and appoint members of the Standards Committee thereto.

11. DATES OF NEXT MEETINGS

12. NEW ITEMS OF UNRESTRICTED URGENT BUSINESS

13. EXCLUSION OF THE PUBLIC AND PRESS

Item 13 is likely to be the subject of a motion to exclude the press and public from the meeting as they contain exempt information as defined in Section 100a of the Local Government 1972; namely information likely to reveal the identity of an individual, and information relating to any individual.

14. EXEMPT MINUTES OF THE STANDARDS COMMITTEE - 22 DECEMBER 2008 AND MATTERS ARISING (PAGES 21 - 24)

To confirm and sign the exempt minutes of the meeting of the Standards Committee held on 22 December 2008

15. NEW ITEMS OF EXEMPT URGENT BUSINESS

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13 March 2009

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**MINUTES OF THE STANDARDS COMMITTEE
MONDAY, 22 DECEMBER 2008**

PRESENT

*indicates Members present

MEMBERS:	Councillors Diakides*, Rahman Khan, Lister*, Reid, Whyte*, Williams* and 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 Councillor Rahman Khan, Reid and Carole Sykes

**MINUTE
NO.**

SUBJECT/DECISION

STCO30.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies were received on behalf of Carol Sykes, and Councillors Rahman Khan and Reid.</p> <p>NOTED</p>
STCO31.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p> <p>NOTED</p>
STCO32.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p> <p>NOTED</p>
STCO33.	<p>MINUTES</p> <p>RESOLVED</p> <p>That the minutes of the meeting of the Standards Committee held on 21 October 2008 be confirmed as an accurate record of the proceedings.</p> <p>Matters arising</p> <p>Councillor Whyte referred to STC025 in respect of the draft guidance for the public on complaints against members and commented that the forms for the public to complete were not on line and felt that they should be on line. In response Mr Suddaby commented that this would be possible and that he would ensure that the forms be added together with an explanation and</p>

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	<p>guidance for the public.</p> <p>NOTED</p> <p>Mr Suddaby referred to the Council's external auditors - Grant Thornton recent report on probity and reference there to the need for there to be a programme of training set out for the Standards Committee.</p> <p>Mr Suddaby, in response to clarification that a response was required by 5 January 2009, advised that it would be appropriate to state that a report on a training programme would be given to the next meeting, which would meet the required response. Mr Suddaby also advised that he would bring a report to the next Committee detailing such proposals in draft form.</p> <p>NOTED</p> <p>The Chair referred to the next scheduled Standards Committee on 15 January 2009 and that given that there had been a by-election called for that day it would be necessary to reschedule the meeting to the latter part of the Municipal Year. The Clerk advised that he had identified a date in mid March 2009 as a possible alternative – 23 March 2009 at 19.30hrs, and that this date showed little or no member clashes.</p> <p>The Committee felt that this date would be appropriate as an alternative and the Clerk undertook to notify all Members accordingly.</p> <p>The Chair also advised that Jeremy Williams, who had been the Clerk to this Committee, would be leaving Council's service on 24 December 2008. On behalf of the Committee the Chair thanked Mr Williams for all his hard work and efforts and wished Mr Williams the very best for the future. The Committee concurred with the Chair's sentiments.</p> <p>NOTED</p>
<p>STCO34.</p>	<p>CHAIR'S ANNOUNCEMENTS</p> <p>The Chair advised that he had no announcements to make.</p> <p>NOTED</p>
<p>STCO35.</p>	<p>MONITORING OFFICER'S REPORT</p> <p>The Monitoring Officer – Mr Suddaby advised that he had no matters to report to the Committee.</p> <p>NOTED</p>

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**STCO36. RESPONSE TO GOVERNMENT CONSULTATION PAPER ENTITLED
'COMMUNITIES IN CONTROL: REAL PEOPLE, REAL POWER - CODES OF
CONDUCT FOR LOCAL AUTHORITY MEMBERS AND EMPLOYEES
STANDARDS COMMITTEE - 22 DECEMBER 2008**

The Committee received a brief report from Mr Suddaby in respect of the draft responses that he was suggesting for the Committee to consider and endorse in respect of the Government's consultation paper 'Communities in control'.

Following clarification to Members the Committee then proceeded through the draft responses as detailed in pages 47-53, and commented on each question, and **RESOLVED TO** respond in the following terms:

RESOLVED

Q1 – Do you agree that the Members' Code should apply to a member's conduct when acting in their non-official capacity?

The Standards committee agrees that some conduct in private life can reflect upon a member's suitability to continue as a member and having to wait until elections give the electorate a chance to remove the member can seriously damage the reputation of an authority and of local government in general. We therefore agree that the Code of Conduct for Members should apply to at least some conduct in a member's private life.

Response – The Standards Committee **agreed** that there should not be a blanket extension of a Member's conduct when acting in an non official capacity

Q2 – Do you agree with the definition of "criminal offence" for the purpose of the Members' Code? If not, what other definition would you support? Please give details.

Response – that the Standards Committee **agrees with the definition of "criminal offence" for the purpose of the Members' Code**, not the draft response.

Q3 – Do you agree with this definition of "official capacity" for the purposes of the Members' Code? If not, what other definition would you support? Please give details.

Response – that the Standards Committee **agrees** with the proposed definition of "official capacity" as "being engaged in the business of your authority, including the business of the office to which you are elected or appointed, or acting, claiming to act or giving the impression that you are acting as a representative of your authority." However our committee suggests that a more precise definition should be used for "representative" such as that the member was "engaged in the business of a body to which he/she has been appointed by, on the nomination of, or with the approval of the authority."

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Q4 – Do you agree that the members’ code should only apply where a criminal offence and conviction abroad would have been a criminal offence if committed in the UK?

Response – that the Standards Committee **agrees** that the Code should apply to criminal offences committed abroad.

Q5 – Do you agree that an ethical investigation should not proceed until the criminal process has been completed?

Response – The Standards Committee **does not consider** that there should be a limit on making a complaint before conviction. Although this will have to be decided by the Standards Committee on a case by case basis and with the advice of the Monitoring Officer, the Committee believes that there should be no bar on standards investigations and proceedings in advance of conviction. In those circumstances where the Standards Committee decides to proceed with determining a complaint in advance of a criminal trial, evidence of criminal conduct other than a conviction by a criminal court should be admissible as evidence of criminal conduct.

Q6 – Do you think that the amendments to the Members’ Code suggested in this chapter are required? Are there any other drafting amendments which would be helpful? If so, please could you provide details of your suggested amendments?

6.1 Registration of Gifts and Hospitality

Response – The Standards Committee **agrees** that that Paragraph 8(1)(a)(vii) be amended to clarify that a member is required to register any gift or hospitality with an estimated value of at least £25. The current drafting of Paragraph 8(1)(a)(vii) is different from that of other such outside interests, as it refers to “the interests” of the donor or hospitality provider, rather than referring to the donor or hospitality provider itself. This does not fit with the registration requirement in Paragraph 13, as taken literally it requires the member to register “the interests of” the donor or hospitality provider. Accordingly, Paragraph 8(1)(a)(vii) should be amended by the deletion of the words “the interests of”, and Paragraph 13 should be amended by the addition of a new Paragraph 13(3) as follows – “(3) In respect of a personal interest arising under Paragraph 8(1)(a)(vii), you must register both the identity of the person from whom you have received the gift or hospitality and provide details of the gift or hospitality and its estimated value.”

6.2 Prejudicial Interests

Response – The Standards Committee **agrees** that Paragraph 10 (1) and (2) could certainly be clarified if they were re-drafted to avoid the current double-

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negative. An amplification of the meaning of “determination” would be helpful. However, this Paragraph would still remain flawed because of the lack of clarity as to when the determination of an approval, consent, licence, permission is “in relation to” the member. The Council suggests that this be changed to say “determination of an application for approval..... made by you or on your behalf.”

The Standards Committee **agreed to delete the following suggestion** ‘The disapplication of Paragraph 10(2)(c) to giving evidence before a Standards Committee would be welcome.

6.3 Registration of Interests

Response - The Standards Committee **agrees** that that existing registrations of interests should carry forward when the revised Code is introduced.

6.4 Additional Suggested Amendment - Application to suspended Members

Response - The Standards Committee **agrees** that the majority of the Code as currently drafted does not apply to a member when he/she is suspended. The Council suggests an amendment to Paragraph 2(2) to provide that a member’s conduct in relation to his/her authority shall be treated as being in an official capacity notwithstanding that the member was suspended at the time of the conduct

6.5 Additional Suggested Amendment - Disclosure and misuse of confidential information in private life.

The disclosure of confidential information which a member has obtained through their connection with the authority, or its use for personal advantage, in private life, would be an example of serious misconduct, but at present this is not covered by the Code of Conduct. It is necessary to further amend Section 51 of the Local Government Act 2000 to refer to conduct which **does** constitute a criminal offence, rather than “**would**” constitute a criminal offence, so it is relatively simple to provide that non-criminal conduct can amount to a breach of the Code, where this is specified in the Code, and then amend Paragraph 2(3), such that Paragraphs 4 and 6(a) can constitute a breach of the Code even where the conduct occurs in private life and does not amount to a criminal offence.

Response - The Standards Committee **does not agree** with the suggested amendment.

6.6 Additional Suggested Amendment – Value of Shareholdings

The current volatility in the share market makes the present £25k nominal value somewhat arbitrary. The Council therefore suggests that it would be appropriate to amend Paragraph 8(1)(a)(vi) to provide that a member has a personal interest in “any person or body who has a place of business or land in your authority’s area, and in whom you have a beneficial interest in the securities of that person or body that exceeds a nominal value of £25,000, a current market value of £25,000 or 1/100th of the total issued share capital”.

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Response - The Standards Committee **does not agree** with the suggested amendment.

6.7 Additional Suggested Amendment – Gifts and Hospitality

To update the current £25 threshold for declaration of gifts and hospitality to restore its real value and to conform with the new requirement to declare relevant gifts and hospitality at meetings, it is suggested that the threshold be set at £100, reflecting a level which might possibly influence the member's decision on a matter.

Response - The Standards Committee **does not agree** with the suggested amendment.

6.8 Additional Suggested Amendment – Close Association

Whether in the Code or in supporting Guidance it is necessary to make it clear that this provision only covers people with whom the member has such a close continuing relationship that a member of the public might reasonably conclude that it is likely to influence the member's perception of the public interest on matters which affect that individual.

Response - The Standards Committee **does not agree** with the suggested amendment.

6.9 Additional Suggested Amendment – the majority of council tax payers, ratepayer or inhabitants of the electoral division or ward affected by the decision.

The present Paragraph 8(1)(b) is unclear as to whether the comparator in any particular case is **either** council tax payers, ratepayers or inhabitants, **or** the aggregate of all three categories. In practice, it must be the category which the member comes within for this purpose, otherwise the relatively higher numbers of "inhabitants" would always dominate and make the mention of the other categories redundant. The Council suggests that Paragraph 8(1)(b) be amended to read "... Than the majority of either the council tax payer, ratepayers or inhabitants of the , in any case being a category of which you or the relevant person is a member."

Response - The Standards Committee **does agree** with the suggested amendment.

6.10 Additional Suggested Amendment – Disclosure of Personal Interests

Paragraph 9(1) requires disclosures "at the commencement of consideration (of the matter)". In practice most authorities have disclosures of interest at the start of the meeting, which is advantageous in drawing to members' attention the need to make disclosures, allowing officers to remind individual members where a member may have forgotten to make such disclosure, and allowing the meeting then to discharge its business without frequent interruption. The Council suggests that Paragraph 9(1) should be amended to reflect this practice, to read "... at the commencement of the meeting or at such later

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occasion during the meeting as is prescribed by the authority for this purpose, or when the interest becomes apparent.”

Response - The Standards Committee **does agree** with the suggested amendment.

6.11 Additional Suggested Amendment – Registration of Sensitive Information

The Council suggests that to formalise the registration of such information, Paragraph 14(1) be amended to read as follows – “When you notify your authority’s Monitoring Officer in writing that you consider that particular information relating to any of your personal interest is sensitive information, and your authority’s Monitoring Officer has notified you in writing that he/she agrees that it is sensitive, you need not.....”

Response - The Standards Committee **does agree** with the suggested amendment.

Q7 – Are there any aspects of conduct currently included in the Members’ Code of Conduct that are not required? If so, please could you specify which aspects and the reasons why you hold this view?

7.1 Additional Suggested Amendment – Disclosure of Public Service Interests

The Council has not found any benefit from the introduction of Paragraph 9(2) in the 2007 revisions, which also introduced a problem in respect of prejudicial interests, in that by the time a member would come to disclose such an interest, he/she would already have been required to leave the room, thus preventing them from making any disclosure of such interests. Accordingly, we suggest that Paragraph 9(2) be deleted.

Response - The Standards Committee **does not agree** with the suggested amendment.

Q8 – Are there any aspects of conduct in a member’s official capacity not specified in the Members’ Code of Conduct that should be included? Please give details.

8.1 Additional Suggested Amendment – Application to informal meetings, Site Visits and Correspondence

The definition of “meetings” in Paragraph 1(4) is currently very limited. There is public concern at the possible undue influence applied by members in informal meetings and correspondence, for which there is no public access. The Welsh Code for Members has addressed this by extending the definition of “meetings” to include “informal meetings between a member and one or more other members or officers of the authority, other than group meetings”, and by requiring members to disclose that they are members in any correspondence with the authority, even if that correspondence is in a private capacity. This makes the position absolutely clear. It can readily be checked by inspection of

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correspondence and disclosure of officers' notes of meetings as background papers when formal decisions come to be taken.

Response - The Standards Committee **does not agree** with the suggested amendment.

8.2 Additional Suggested Amendment – Application to Ward Councillor Decision-Making

Section 236 of the Local Government and Public Involvement in Health Act 2007 enabled local authorities to arrange for the discharge of functions by a ward Councillor within that ward. It made no provision for the application of the Members' Code to such discharge of functions. The normal rules on disclosure of personal and prejudicial interests do not apply in this case as there is no "meeting", yet the potential for conflicts of interest are greatly increased where a Councillor is taking decisions in the area in which he/she lives, where his/her family go to school and have their friends, or where he/she has his/her business. The obvious amendment would be to apply Paragraphs 9(6) and 12(1)(b) and (c) to any decision-making under Section 236, and require the recording of any personal interest in the record of the decision.

Response - The Standards Committee **does not agree** with the suggested amendment.

8.3 Additional Suggested Amendment – Private Representations

A dilemma arises where a member wishes to make representations to his/her own authority in a private capacity, for example as a householder in respect of a neighbouring planning application. On the one hand, disclosing in the representation the fact that he/she is a member risks an accusation of improper use of the member's position to influence the decision. On the other hand, as the officers are probably well aware of the identity of the correspondent, failing to disclose this fact can risk an opposite accusation that the member is acting in an underhand manner. The Welsh Members' Code has taken a robust approach and simply provided that a member must disclose the existence and nature of your personal interest when he/she makes representations to the authority on a matter in which he/she has a personal interest and, if the representations are made verbally, must then confirm that interest in writing within 14 days. This satisfactorily resolves this dilemma, enabling the fact of the member's interest to be recorded in the correspondence.

Response - The Standards Committee **does not agree** with the suggested amendment.

8.4 Additional Suggested Amendment – Acting in the Public Interest and having regard to Officers' Advice

The current Code contains no requirement to act in the public interest, as this fundamental requirement is relegated to the General Principles. Equally, the requirement in Paragraph 7(1) to have regard to officer advice is limited to the statutory reports of the Chief Finance Officer and the Monitoring Officer. These provisions are much better covered in the current Welsh Code of Conduct as

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follows:

“8. In participating in meetings and taking decisions on the business of the authority, you must –

(a) do so on the basis of the merits of the circumstances and in the public interest

(b) have regard to any relevant advice provided by the authority’s officers – in particular by:

(i) the Chief Finance Officer

(ii) the Monitoring Officer

(iii) the Chief Legal Officer, who should be consulted whenever there is any doubt as to the authority’s powers to act, or as to whether the action proposed lies within the policy framework agreed by the authority; where the legal consequences of action or failure to act by the authority might have important repercussions.”

Response - The Standards Committee **does agree** with the suggested amendment.

Q9 – Does the proposed timescale of two month, during which a member must give an undertaking to observe the Members’ Code of Conduct, starting from the date on which the authority adopts the Code, provide members with sufficient time to undertake to observe the Code?

Firstly, it has been suggested that the provisions of Section 183(7) of the Local Government and Public Involvement in Health Act 2007 cannot alter the historic fact that when members gave an undertaking to observe the Code of Conduct, they could not have given a valid undertaking to observe those parts of the Code of Conduct which were at the time ultra vires the Local Government Act 2000. Accordingly, it would appear to be necessary for a member to give a new undertaking before the revised Code can apply to events in the member’s private life.

Note, however, that as set out above, it is suggested that the wording of Section 51(4B) of the Local Government Act 2000 (“which would constitute a criminal offence”) needs to be amended before the Members’ Code of Conduct can apply to conduct which does constitute a criminal offence, and that amendment would be required before members gave such a new undertaking.

Further, it is suggested that the current wording of Section 52(1)(a) of the Local Government Act 2000, requiring members to give an undertaking to observe the authority’s Code of Conduct “for the time being”, is capable of interpretation as meaning that it is only an undertaking to observe the Code of Conduct which is adopted by the authority at the time that the undertaking is given. If that interpretation is correct, then a historic undertaking to observe the authority’s Code of Conduct would not automatically carry forward to a revised Code of Conduct.

For all of these reasons, the Council agrees that it is appropriate to require members to give a fresh undertaking to observe the revised Code of Conduct

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following its adoption by the authority of which they are a member. The two month period for such undertakings was applied in 2001, when the Code of Conduct was first adopted by each authority and is perfectly reasonable, but it is equally certain that in some authorities there will be members who fail to give such undertaking within that time. We therefore suggest that it would be appropriate, if the opportunity exists to amend the 2000 Act, to provide a basic requirement to give an undertaking within two months, and that if an undertaking is not given within that period then the member concerned is not disqualified but is prohibited from acting as a member of that authority until he/she has given such an undertaking.

Response - The Standards Committee agreed that the proposed timescale of two months, during which a member must give an undertaking to observe the Members' Code of Conduct, starting from the date on which the authority adopts the Code, provide members with sufficient time to undertake to observe the Code

Q10 – Do you agree with the addition of a new General Principle, applied specifically to conduct in a member's non-official capacity, to the effect that a member should not engage in conduct which constitutes a criminal offence?

The General Principles are supposed to be the enduring principles which underlie the Code. As such they should not be changed unless there are overriding reasons for doing so. Whilst this exhortation is clear well-intended, it is much wider than the Members' Code of Conduct, which is supposedly limited to criminal conduct which relates in some manner to the member's position as a member. In addition, the core principle is already substantially covered by General Principles 2 (Honesty and Integrity) and 8 (Duty to uphold the Law). Accordingly the Council is of the view that adding a general and unrestricted Principle of not engaging in criminal conduct is unnecessary.

Response - The Standards Committee does not agree.

Q 11. Do you agree with the broad definition of "criminal offence" for the purpose of the General Principles Order? Or do you consider that criminal offence should be defined differently?

As set out above, the Council does not consider that it is necessary or helpful to change the General Principles for this purpose. However, if a change is to be made it should be limited to criminal conduct "which compromises the reputation of the member's office or authority, or their ability to perform their functions as a member".

Response - The Standards Committee does not agree.

Q 12. Do you agree with this definition of "official capacity" for the purpose of the General Principles Order?

The Consultation Paper suggests that this new General Principle should be

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	<p>limited to conduct when “you are engaged in the business of your authority, including the business of the office to which you are elected or appointed, or acting, claiming to act or giving the impression that you are acting as a representative of your authority.”</p> <p>This is completely at odds with the intention as set out above to implement the provisions of the Local Government and Public Involvement in Health Act 2007 in order to apply the Code of Conduct to criminal conduct in private life. If implemented as suggested, it would mean that the General Principles were narrower than the Code of Conduct which is supposed to give effect to them. Accordingly, the Council considers that the new General Principle, if adopted, should apply to criminal conduct “which compromises the reputation of the member’s office or authority, or their ability to perform their functions as a member”.</p> <p>Response - The Standards Committee does not agree.</p>
<p>STCO37.</p>	<p>RECRUITMENT OF INDEPENDENT MEMBER</p> <p>The Chair advised that the recruitment process for the independent vacancy would commence in early 2009 with the intended filling of the existing vacancy. The Chair commented that it may be for the Committee to consider whether it viewed that an increase in Independent Members was appropriate by one additional Independent member, given the possible increase in the number of Assessment Sub-Committees and the draw of members to sit on each.</p> <p>Mr Suddaby responded that it was within the Council ’s powers to amend the constitution to make such changes and that this could be reported to the next full Council in January 2009 as a recommendation of the Standards Committee.</p> <p>RESOLVED</p> <p>That the Independent Membership of the Standards Committee be increased to 5 Independent Members and that this recommendation be put to full Council in January 2009 and that the Council’s constitution be amended to reflect this increase accordingly.</p>
<p>STCO38.</p>	<p>NEW ITEMS OF URGENT BUSINESS</p> <p>The Chair advised that there were no items of unrestricted urgent business.</p> <p>NOTED</p>

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<p>STCO39.</p>	<p>EXCLUSION OF PRESS AND PUBLIC</p> <p>RESOLVED</p> <p>That the press and public be excluded the from the meeting for consideration of Item 11 as it contains exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paras 1 & 2 ; namely information relating to any individual, and information likely to reveal the identity of an individual.</p> <p style="text-align: center;">SUMMARY OF EXEMPT PROCEEDINGS</p>
<p>STCO40.</p>	<p>RECENT DETERMINATION BY STANDARDS BOARD INTO COMPLAINT NUMBER SBE21513.08</p> <p>Agreed recommendations as moved by Committee</p>

There were no items of urgent business.

NOTED

The meeting ended at 21.52hrs

ROGER LOVEGROVE

Chair



Haringey Council

Agenda item:

[No.]**Standards Committee****On 23 March 2009**

Report Title: Ethical Conduct Training Programme for Standards Committee and elected members.

Forward Plan reference number :

Report of: Monitoring Officer

Wards(s) affected: All

Report for: Non – Key decision

1. Purpose

1.1 To present proposals to the Standards Committee for a programme of training in 2009/10 for Standards Committee members and for all elected members on questions of probity and ethical conduct.

2. Introduction by Cabinet Member

3. Recommendations

3.1 Members of the Standards Committee are asked to consider the proposals for Standards Committee membership training and for training briefings given to elected members, to make amendments to them as they see fit and then adopt the programme for the forthcoming year.

3.2 That the Committee considers whether it wishes to lay down minimum training requirements for individual committee members prior to their participation at each stage of the assessment, review and determination stage of complaints.

Report Authorised by: Monitoring Officer

Contact Officer: John Suddaby – Monitoring Officer

4. Director of Finance Comments

4.1 Any financial implications for Member training will be covered by the Member training budget

5. Head of Legal Services Comments

There are no legal implications

6. Local Government (Access to Information) Act 1985

7. Report

7.1 A recent report by Grant Thornton on Probity in the Council suggested that a training programme for the Standards Committee should be devised. Any such training programme should prepare members of the committee for assessment, review and determination functions among other and will need to reflect priorities as dictated by national developments and by local needs.

7.2 At a national level, we have been consulted on amendments that are likely to be made to the Members Code of Conduct. The resulting code changes will need to be understood and acted upon by the Standards Committee and all Councillors should be briefed upon them.

7.3 At a local level, there are two complaints presently under investigation which may result in determination hearings and another two complaints that are at the assessment stage. A new member has recently joined the Committee and the Committee will hopefully have two new independent members following the present recruitment process. The Committee may also have new elected members of the Committee after the Council AGM in May. Training will therefore need to relate to both training in the assessment and review processes of complaints and also in the conducting of determination hearings and will also have to incorporate and exemplify the changes made to the Code of Conduct.

7.4 The regulations bringing into play the assessment and review functions of the Standards Committees also assigned to the committee the function of considering claims from staff who wish to have their posts exempted from political restriction. There has been no training to date on this particular function and although it is not expected that this will be a regular feature of Standards Committee business, the training programme should cover this area.

7.5 The relationship between bias, pre-determination, and the holding of a personal interest has been the subject of much comment and legal argument in the recent

period. Disentangling the separate tests and appreciating the relevance of these concepts in any particular situation is something that the Standards Committee should become familiar with, particularly in view of the role its members must play as chairs and panel members at determination hearings.

7.6 Planning Committee functions always have the potential to excite controversy, often bringing to the fore strong community feelings and the Committee may feel that training on the separate roles of the Council in such situations and in particular upon the regulatory function may provide members with helpful background against which to understand and reach conclusions about complaints raised in this area.

7.7 The Standards Committee has been asked by the Standards Board for England (SBE) to look into whether additional guidance could be provided to Members regarding the need to ensure that a person advising a member in a professional capacity over whether it is in the public interest to disclose confidential information, is committed to keeping the information confidential. Because of other concerns that the Committee have had around the case in question which had led to the SBE's suggestions, this has not be actioned. However there may be a more general point to be considered here about the awareness and understanding of all members about the code of conduct provisions over confidential information. It is suggested that this could form the basis together with bias and determination for a briefing for all members.

7.8 Finally, in addition to formulating and presenting proposals for training activity as suggested above, the Standards Committee should consider whether it wishes to identify more clearly the training it will expect a member of the Committee to undertake on first taking up their seat on the body, before they take part in an assessment/review sub committee, and before they take part in a determination hearing

8 Recommendations

8.1 It is recommended that the Standards Committee ask officers to prepare the following training activities to take place in the new municipal year and to produce a schedule of suggested dates for each activity:

- Briefing to members of SC on amendments made to the Code of Conduct (as and when amendments are published)
- Briefing to all members (at political group meetings) on amendments made to the Code of Conduct (as and when amendments are published).
- Training for new members of the Standards Committee on the assessment and review of complaints processes and in addition for new independent members on the Code of Conduct (to take place within a month of the Council AGM in May)
- Training for all members of the Standards Committee on determination hearings (June)
- Training for all members of the Standards Committee on the law relating to bias and pre-determination in a local authority context (at a special meeting of the Standards Committee to be held before the Summer break)

- Training for all members of the Standards Committee on their functions in determining applications for posts to be exempted from political restriction (at Committee meeting in Autumn).
- Training for all members of the Standards Committee on the authority's planning functions. (Special meeting of the Standards Committee, see above).
- Training open to all members of the Council on the two issues of bias and pre-determination and confidential information (Autumn 2009) and consideration of what roles if any individual members of the committee would wish to play in running this training.

8.2 The Committee is asked to clarify whether it wishes to lay down minimum training requirements for individual committee members prior to their participation at each stage of the assessment, review and determination stage of complaints.

9. Financial Implications

9.1 The financial implications of Member training will be covered by the Members' training budget

10 Legal Implications

10.1 The legal implications are set out in the body of the report.

11 Equalities Implications

11.1 There are no equalities implications



Agenda item:

[No.]**Standards Committee****On 23 March 2009**

Report Title: Recruitment of Independent Member for Standards Committee

Report of: John Suddaby, Monitoring Officer

Signed :

Contact Officer : John Suddaby, Monitoring Officer

Wards(s) affected: **All**Report for: **Non Key Decision****1. Purpose of the report**

- 1.1. To update the Standards Committee with the progress being made to recruit to the vacancy for an independent member on that Committee.
- 1.2. To agree an appointment sub-committee to conduct the recruitment shortlisting and interview and to appoint two independent members and two Councillors to the Appointment sub-committee, with the chair having the casting vote.
- 1.3. To agree the date of the shortlisting and interview.

2. Introduction by Cabinet Member

2.1. N/A

3. State link(s) with Council Plan Priorities and actions and /or other Strategies:

3.1. N/A

4. Recommendations

- 4.1. Members are asked to note the progress made so far in advertising the vacancy.
- 4.2. Members are asked to agree the size and composition of an appointment panel.

5. Reason for recommendation(s)

- 5.1. The Standards Committee currently has four existing Independent Members and one newly agreed Independent Member making a total of five. It is necessary for the Standards Committee to recruit to this new vacancy. One of the current four Independent Members of the Standards Committee's term of office will come to an end in April 2009 and therefore this resultant vacancy will need to be filled. The Standards Committee is therefore appointing two new Independent Members to serve on the Committee for a four year term.

6. Other options considered

- 6.1. N/A

7. Summary

- 7.1. The Standards Committee is asked to agree the establishment of an Appointment Sub-Committee in order to shortlist and interview applicants for the two Independent Member positions on the Standards Committee.

8. Chief Financial Officer Comments

- 8.1. There are no financial implications

9. Head of Legal Services Comments

- 9.1. The legal comments are included in the body of the report.

10. Report

The Standards Committee held on 21 October 2008 agreed to commence the process for the recruitment of an independent member of the Committee. This report updates the Committee on progress made so far. The Committee further agreed to increase the Independent Membership of the Standards Committee by one on 22 December 2008, which was confirmed by Full Council on 19 January 2009.

In accordance with the decision of the Standards Committee, an advertisement was placed in the Journal series newspapers published the week beginning March 2nd 2009. An advertisement was also running in the February edition of Haringey People. The advertisement was also being displayed on the Council website. The closing date for applications was Friday 20th March 2009.

The proposed recruitment timescale is as follows:

- 20 March 2009 – Closing date.
- 26,27 & 31 March 2009 and 01, 02 & 03 April 2009 – Shortlisting
- 6-9 April 2009, 14-16 April 2009 and 20-23 April 2009 - Interviews

The Committee is asked to agree the establishment of an Appointment Sub-Committee to conduct the recruitment shortlisting and interview. Members are asked to agree one date for shortlisting and one date for interviews from the dates shown above. The Appointment Sub-Committee will comprise of two Independent Members and two Councillors with the Chair of the Sub-Committee having the casting vote.

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