



NOTICE OF MEETING

Standards Committee

MONDAY, 21ST DECEMBER, 2009 at 19:30 HRS – CIVIC CENTRE, HIGH ROAD, WOOD GREEN, LONDON N22

COUNCIL MEMBERS: Diakides, Dodds, Lister, Santry, Reid, Whyte, Williams and Winskill

INDEPENDENT MEMBERS: Mr J. Batterham, Ms R. Chambers, Mr R. Lovegrove, Ms A. Loyd (Vice Chair) and Ms C. Sykes (Chair)

AGENDA

1. APOLOGIES FOR ABSENCE

2. URGENT BUSINESS

The Chair will consider the admission of any late items of urgent business. Late items will be considered under the agenda item where they appear. New items will be dealt with at items 11 & 15.

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 AND MATTERS ARISING (PAGES 1 - 14)

To confirm and sign the unrestricted minutes of the meetings of the Standards Committee held on 2 July 2009, 4 August 2009 (special) and 9 September 2009 (Special).

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 (PAGES 15 - 44)

Report of the Monitoring Officer - To consider the outcomes of recently held Haringey Council Determination Hearings held on 21, and 22 October 2009, and 2 December 2009.

8. RECRUITMENT OF INDEPENDENT MEMBER OF STANDARDS COMMITTEE (PAGES 45 - 62)

Report of the Monitoring Officer - To agree the recruitment process for an Independent Member of the Standards Committee to take office from May 2010 in accordance with the requirements in the Local Government Act 2000 and the Relevant Authorities (Standards Committee) Regulations 2001.

9. ETHICAL CONDUCT TRAINING PROGRAMME FOR MEMBERS OF THE STANDARDS COMMITTEE AND OTHER ELECTED MEMBERS (PAGES 63 - 70)

Report of the Monitoring Officer - To present proposals to the Standards Committee for further training of Standards Committee Members and to outline a training programme for all elected Members on Ethical Conduct and Governance matters in 2010/11.

10. ENHANCING ETHICAL GOVERNANCE AND RAISING THE PROFILE OF STANDARDS COMMITTEE (PAGES 71 - 78)

Report of the Monitoring Officer – To consider steps that the Standards Committee may take to raise the profile of ethical standards and that of the Committee itself in Haringey.

11. NEW ITEMS OF UNRESTRICTED URGENT BUSINESS

12. EXCLUSION OF THE PUBLIC AND PRESS

The following item is likely to be subject of a motion to exclude the press and public from the meeting as it contains exempt information as defined in Section 100a of the Local Government Act 1972; namely information relating to any individual, and information which is likely to reveal the identity of an individual; and also in accordance with the Standards Committee (England) Regulations 2008 (regulation 5), and Section 53 of the Local Government Act 2000.

13. EXEMPT MINUTES (PAGES 79 - 108)

- i. To confirm and sign the unrestricted minutes of the meetings of the Standards Committee held on 2 July 2009, 4 August 2009 (special) and 9 September 2009 (Special).
- ii. To receive the minutes of the Standards Assessment Sub-Committees held on 7 July, 1 October, and 12 October 2009; and
- iii. To receive the minutes of the Standards Review Sub-Committee held on 6 July 2009.

14. CONSIDERATION OF THE OUTCOME OF AN INVESTIGATION RESULTING FROM THE DETERMINATION OF THE STANDARDS ASSESSMENT SUB-COMMITTEE SC4/089 (PAGES 109 - 426)

Report of the Head of Legal Services and Monitoring Officer - To advise the Committee of the outcome of an investigation in respect of a Standards Assessment Sub-Committee complaint referral :

Complaint SC4/089 – attached

15. NEW ITEMS OF EXEMPT URGENT BUSINESS

16. DATES OF NEXT MEETINGS

14 January 2010 – To be discussed

8 April 2010

Ken Pryor
Deputy Head of Local Democracy & Member
Services
River Park House
225 High Road
Wood Green
London N22 8HQ

Clifford Hart
Committee Manager
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11 December 2009

**MINUTES OF THE STANDARDS COMMITTEE
THURSDAY, 2 JULY 2009**

MEMBERS:	Councillors Diakides*, Jones, Lister, Reid, Santry*, Whyte*, Williams* and Winskill*
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INDEPENDENT MEMBERS:	Mr J. Batterham, Ms R. Chambers*, Mr R. Lovegrove*, Ms A Loyd* (Vice Chair), and Ms C. Sykes* (Chair).
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Apologies Mr J Batterham, Councillor Jones (for whom Councillor Dodds was substituting), Councillor Lister (for whom Councillor Meehan was substituting) , Councillor Reid

**MINUTE
NO.**

SUBJECT/DECISION

STCO01.	<p>ELECTION OF CHAIR AND VICE-CHAIR OF THE STANDARDS COMMITTEE FOR THE MUNICIPAL YEAR 2009/10</p> <p>The Clerk to the Committee – Mr Hart advised the meeting that as this was the first meeting of the Standards Committee for the Municipal Year 2009/10 it was necessary to elect a Chair and Vice-Chair for the Municipal Year 2009/10. Mr Hart also advised the meeting that both positions were to be filled by Independent Members of the Committee.</p> <p>Mr Hart sought nominations for the position of Chair.</p> <p>Mr Roger Lovegrove nominated Ms Carol Sykes as Chair of the Standards Committee for the Municipal Year 2009/10.</p> <p>Councillor Santry seconded the nomination.</p> <p>There being no further nominations it was:</p> <p>RESOLVED</p> <p>That Ms Carol Sykes be appointed as Chair of the Standards Committee for the Municipal Year 2009/10.</p> <p>In the absence of the Chair Mr Hart sought nominations for the position of Vice-Chair.</p> <p>Mr Lovegrove nominated Ms Annabel Loyd as Vice-Chair of the Standards Committee for the Municipal Year 2009/10.</p> <p>RESOLVED</p> <p>That Ms Annabel Loyd be appointed as Vice-Chair of the Standards Committee for the Municipal Year 2009/10.</p> <p>(Ms Sykes arrived at 19.35hrs)</p>
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THURSDAY, 2 JULY 2009**

	<u>MS C. SYKES IN THE CHAIR</u>
STCO02.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies were received on behalf of Mr J Batterham, Councillor Jones (for whom Councillor Dodds was substituting), Councillor Lister (for whom Councillor Meehan was substituting) , and Councillor Reid.</p>
STCO03.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p> <p>NOTED</p>
STCO04.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p>
STCO05.	<p>MINUTES AND MATTERS ARISING</p> <p>RESOLVED</p> <p>That the Minutes of the meeting of the Standards Committee held on 23 March 2009 be confirmed as an accurate record of the proceedings.</p> <p><i>Matters arising</i></p> <p>The Chair referred to page 5 of the minutes – last paragraph – 3rd line and the word ‘all’ in relation to ‘training session prior to all future Standards Committees’ and asked that the word be removed as the Chair felt that it would not be the case that training would take place on each of the evenings of scheduled Standards Committees.</p> <p>The Committee agreed to the removal of the word ‘all’</p> <p>NOTED</p>
STCO06.	<p>CHAIR'S ANNOUNCEMENTS</p> <p>The Chair advised that she had no announcements to make.</p> <p>NOTED</p>
STCO07.	<p>DETERMINATION HEARINGS</p>

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THURSDAY, 2 JULY 2009**

	<p>The Head of Legal Services and Monitoring Officer confirmed that there were no matters to report.</p> <p>NOTED</p>
STCO08.	<p>ANNUAL RETURN TO THE STANDARDS BOARD FOR ENGLAND</p> <p>In a brief introduction the Head of Legal Services and Monitoring Officer – Mr Suddaby advised that the Council had been required during May 2009 to complete a first annual return to the Standards Board for England (SBE). The Annual return had asked a whole range of questions in relation to the establishment of Local Authority Standards Committees and determination arrangements. The return had also asked a number of questions in relation whether meetings took place between the Chair of the Committee, and the Chief Executive, the Leader of the Council, and Political Group Leaders – to which the response had been nil. There had also been questions in relation to a cabinet member’s portfolio having specific responsibility for Standards Committee, and also whether there were feedback opportunities to the Cabinet/Executive, which in both cases the response had been nil.</p> <p>Mr Suddaby stressed that whilst the issues raised in the questions were minor and that no action as such would be taken by the SBE in terms ‘nil’ answers the questions themselves highlighted /indicated areas where there were likely to be future requirements and that the Council would work to ensure that these issues were addressed in the coming year.</p> <p>The chair thanked Mr Suddaby for his introduction and asked if there were any questions or points of clarification.</p> <p>Councillor Winskill sought clarification as to whether in Mr Suddaby’s view the questions highlighted issues that the Council were failing on and Mr Suddaby responded that the format of the return was not one that any Council would have received before, but would do so in future. There had been a wide range of questions being asked and that the questionnaire was not in that sense an adverse document but there were matters contained therein that the Committee may wish to be reported on further.</p> <p>Councillor Williams referred to page 17 of the circulated document and in terms of officer conduct and sought clarification as to what the Council actually did have in terms of an officer code of conduct, and also a register of senior officer gifts and hospitality and if this was publicly available. In response, Mr Suddaby advised that there was an officer’s code of conduct but no specific code for its senior management – from Assistant Director Level upwards. With regard to Officers gifts and hospitality Mr Suddaby advised that this did exist but was not a public document.</p> <p>Councillor Williams commented that in his view such information needed to be publicly available.</p> <p>In response to points of clarification from Mr Lovegrove in relation to registering member interests Mr Suddaby advised that all Members had been written to</p>

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THURSDAY, 2 JULY 2009**

asking that they register and declare all interests and place such information on the Council's website, and a number of Councillors had opted to do so.

Mr Lovegrove responded that if one Councillor had said no to this request then the statement was fundamentally incorrect.

In response to Mr Lovegrove and points of clarification from Councillor Diakides and Santry Mr Suddaby advised that whilst it was required for Members to declare all interests and that a record was kept of this it was not a requirement to declare such information on the Council's website.

The Chair felt that it would be appropriate to send all Members an annual reminder to declare interests, and that as such she had never been asked or reminded to do so.

Councillor Diakides stressed the importance of ensuring that declarations of interests were up to date and that if this was not done then there could be an adverse public view. He also felt that there ought to be a readily available list for officers and asked that officers respond further on this.

There being no further points of clarification the Chair summarised and it was:

RESOLVED

- i. that the detailed Annual return to the Standards Board for England be noted together with the comments of the Committee pertaining thereto; and
- ii. that the Head of Legal Services and Monitoring Officer report to the next meeting of the Standards Committee in October 2009 in respect of those areas within the return that had shown gaps or a nil return on behalf of the LB Haringey and ways to ensure that such are accomplished in the coming year 2009/10.

STCO09. PROTOCOL FOR REPORTS FOR EXTERNAL INVESTIGATIONS

The Chair asked for a brief introduction of the report.

The Head of Legal Services Monitoring Officer – Mr Suddaby, in a brief introduction of the report, advised the Committee that there were limited circumstances in which a Standards Assessment, or Review Sub-Committee could direct that an investigation be carried out by a Monitoring Officer of another authority. The circumstances were restricted to where the person subject to the complaint has ceased to be a Member, or co-opted Member, of Haringey Council and has become a Member, or co-opted Member, of another local authority. In these circumstances, the Monitoring Officer of the other local authority would have full responsibility for the investigation and would report his/her findings to the Standards Committee of the other local authority. Mr Suddaby further advised that where these circumstances did not apply, there may still be other circumstances where a sub-committee having decided

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THURSDAY, 2 JULY 2009**

that the Monitoring Officer of this authority should conduct an investigation into a complaint, felt that it was more appropriate that this be done by an external independent investigator, than by the Monitoring Officer or by a member of their staff.

Mr Suddaby, in reference to circulated protocol, commented that it gave guidance on the considerations to be born in mind by Standards Committee members when taking decisions on commissioning investigations including external investigations, and that where a sub-committee decided that it would be more appropriate that an investigation by the Monitoring Officer be actually carried out by an external investigator then the draft protocol suggested that the cost to the authority was a consideration that it must bear in mind among other considerations. Mr Suddaby advised that due to the increasing numbers of cases, the resultant investigations and growing use of external investigators, the cost to authorities had become a concern and as a result he had received a proposal from the Monitoring Officer of LB Brent in conjunction with four other London local authorities for the setting up of a framework agreement comprising a small group of excellent investigators offering competitive rates. The proposal had indicated that the suggested approach would have the potential to deliver savings in the cost of external investigations.

Mr Suddaby went on to comment that Brent Council was proposing to undertake the procurement via a framework agreement and that the cost of the process was estimated at £9,000, and funded from a grant being sought from Capital Ambition. Failing this it had been suggested that participating authorities would be asked to contribute a proportion of the cost. Mr Suddaby concluded that should the Committee wish to explore the proposal further, it would not at this stage be making any commitment to funding without a subsequent report.

The Chair thanked Mr Suddaby for his succinct introduction and asked if there were any comments/questions from Members.

Councillor Whyte referred to page 25, paragraph 10 of the report and sought clarification as to how the Investigating Officer from another Authority would be chosen. In response Mr Suddaby advised that there would be a list of possible external monitoring officers but it could come down to a question of choice.

Councillor Winskill commented on the need for transparency and asked whether it would be possible to seek the assistance of the Standards Board for England (SBE) in carrying out an investigation if an external investigation was requested by an Assessment Sub-Committee, and also what would happen if the Assessment Sub-Committee requested an external investigation but the Monitoring officer disagreed. Mr Suddaby responded that it was unlikely that the SBE would carry out an investigation. In terms of securing the services of an external officer, if the proposed protocol method was not used it would be a matter of viewing CVs of individuals to ascertain the best person, and whether in fact this matter would require consideration of the Standards Committee. It was also unlikely that the Monitoring Officer would disagree with the decision of the Assessment Sub-Committee but in hypothetical sense of disagreement, it would have to be because a decision taken for external investigation was fraught with risk.

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In clarifying further points raised by Councillor Winskill Mr Suddaby advised that an Assessment Sub-Committee could not refer a matter to the Standards Committee as a whole for its determination.

Councillor Diakides sought clarification in relation to the assumption that an Assessment Sub-Committee had good reason to seek an independent investigation and if it were the case that an external investigator could be compromised then would not the SBE be the best body to either refer the matter to or for them to advise of an independent investigator. In response, Mr Suddaby commented that there may be exceptional circumstances in which the SBE may be approached however, the proposed Brent Consortium would also have amongst its participants almost if not total ability to consider even exceptional circumstances, and part 12 of the protocol did cover such exceptional circumstances.

In response to further points of clarification, Mr Suddaby advised that he would report further to the Committee on the Brent proposal and advised that in some circumstances an external investigation could cost up to £20K.

Following further discussion by the Committee in relation to paragraph 13 of the draft protocol it was felt that the 4th line should be amended by the insertion of the words 'and also question of public benefit, after 'public money'.

The Chair then summarised and it was:

RESOLVED

- i. that approval be given to the draft protocol providing guidelines to assist the Standards Committee in its decision making process in relation to the investigation of complaints subject to the following amendment to paragraph 13 of the draft protocol as follows:

Fourth line should be amended by the insertion of the words 'and also question of public benefit, after 'public money'.
- ii. That the arrangements proposed by Brent Council in proposing procurement via a framework agreement of a panel of external investigators be noted, and the Head of Legal Services and Monitoring Officer be asked to report to the Standards Committee further on the proposal together with alternative ways of providing for such; and
- iii. That the Head of Legal Services and Monitoring Officer be asked to approach the Standards Board for England to seek whether it maintained a panel of approved investigators or give advice to Standards Committees on this.

STCO10. DRAFT ANNUAL REPORT 2008/09

The Chair referred to the contents of the draft Annual report 2008/09 and asked if there were any questions/comments.

Mr Lovegrove referred the Committee to page 8 of the draft report which

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detailed at Table 1 therein values of gifts and/or hospitality and that the 'Approximate total value figure shown (£3,300) was incorrect and should state £4,300, and the average value of such items (£47) should read £61.

Councillor Williams referred to the Chair's introduction at page 5 – last paragraph – 2nd line and the use of the word 'successful' and questioned whether the work carried out in considering complaints could be deemed as 'successful'. In response, the Chair commented she read the wording in the sense that Standards Committee was and had been very successful in terms how it had dealt with complaints when received and that the Committee members were more accessible, and that the new system for determination through Assessment and Review had not failed. Whilst this could be seen as not reflecting well on the Authority, the Standards Committee had been successful in conducting the requirements of the new rules and procedures.

Councillor Williams referred to TABLE 3 and asked what the purpose of the second column of the table was, and whether the information contained below the table could be expanded.

After some discussion, it was felt appropriate to remove the column and expand further the information contained below the table.

The Committee also discussed the detail of the gifts and hospitality shown at table 1 and that there either needed to be an expansion of the detail or else the actual document detailing this should be included. Following a brief comment as to the pros and cons of attaching such detail in table form, it was felt that the list should be added.

There was further discussion in relation to the issue of the requirement of Members to have their declarations visible on the Council's website. Mr Suddaby advised that whilst the register was open for public inspection there was, as far as he was aware, no requirement to have the information published on the web. There had also been concerns expressed regarding violation to the human rights of individuals in terms of having personal information disclosed on the web.

Councillor Williams referred to the issue of *Matters of concern* and felt that the issue of the matter raised during the meeting of the Standards Committee in December 2009, albeit during the exempt part of the proceedings should be recorded in this part of the document. Following some discussion as to the need to record this matter Mr Suddaby advised that he would liaise with the Clerk as to the appropriate form of wording.

The Chair then summarised and it was:

RESOLVED

That the draft Annual Report be agreed for submission to Full Council subject to the following amendments:

- **Table 1** - values of gifts and/or hospitality and that the 'Approximate total value figure shown (£3,300) to be amended to state £4,300, and the

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THURSDAY, 2 JULY 2009**

	<p>average value of such items (£47) - be amended to state £61, and - attaching detailed table showing values of gifts and/or hospitality to individuals</p> <ul style="list-style-type: none"> • Table 3 - remove the 2nd column and expand further the information contained below the table • Matters of concern – Exempt <i>issue</i> raised during the meeting of the Standards Committee in December 2008 to be recorded, with a suitably worded phrase.
<p>STCO11.</p>	<p>TRAINING AND BRIEFING FOR MEMBERS 2009/10</p> <p>The Chair asked for a brief introduction.</p> <p>Mr Suddaby referred to the recently confirmed arrangements for forthcoming training for Members of Standards Committee and advised that the first session would take place on 28 July 2009 covering Assessment and Review and case examples, followed by a 2 evening session on 9 and 10 September in relation to Determination hearings protocol and procedures, and mock hearing, and 2 sessions in October 2009 - 12 October 2009 – Planning and Licensing Protocols, and 15 October 2009 – Code of conduct and/or other topics.</p> <p>Following discussions and difficulties in committing to the training sessions, in respect of the scheduled session on 9 and 10 September 2009 it was agreed that the session only take place on 9 September but that the Committee have a lengthy session covering the whole topic.</p> <p>The Chair then summarised and it was:</p> <p>RESOLVED</p> <ol style="list-style-type: none"> i. That the scheduled training sessions 28 July 2009 covering Assessment and Review and case examples, followed by a session on 9 and 10 September in relation to Determination hearings protocol and procedures, and mock hearing, and 2 sessions in October 2009 - 12 October 2009 – Planning and Licensing Protocols, and 15 October 2009 – Code of conduct and/or other topics be noted; and ii. That in respect of the session on 9 and 10 September in relation to Determination hearings protocol and procedures the training be condensed into one evening – on 9 September 2009.
<p>STCO12.</p>	<p>STANDARDS BOARD INTERVENTION, JOINT STANDARDS COMMITTEES, AND DISPENSATIONS</p> <p>In a brief update the Head of Legal Services and Monitoring Officer – Mr Suddaby gave a verbal update to the Committee in respect of the regulations coming into enforce with regard to Standards Board Intervention, Joint Standards Committees, and Dispensations and a summary prepared by Bevan Brittan Solicitors was circulated.</p> <p>RESOLVED</p>

**MINUTES OF THE STANDARDS COMMITTEE
THURSDAY, 2 JULY 2009**

	<p>That the oral report of the Head of Legal Services and Monitoring Officer with accompanying documentation prepared by Bevan Brittan Solicitors be noted and that no further action was necessary at present.</p>
STCO13.	<p>NEW ITEMS OF UNRESTRICTED URGENT BUSINESS</p> <p>There were no urgent items of unrestricted business.</p> <p>NOTED</p> <p>At this point in the proceedings (20.48hrs) the Chair moved that the Committee adjourn to 20.55hrs.</p> <p>The Committee agreed to the adjournment nemine contradicente.</p> <p>The Committee adjourned at 20.48hrs and reconvened at 20.55hrs.</p> <p>NOTED</p>
STCO14.	<p>EXCLUSION OF THE PUBLIC AND PRESS</p> <p>That the press and public be excluded the from the meeting for consideration of Items 15-18 as they contain 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>
STCO15.	<p>CONSIDERATION OF THE OUTCOME OF TWO INVESTIGATIONS RESULTING FROM THE DETERMINATIONS OF THE STANDARDS ASSESSMENT SUB-COMMITTEE</p> <p>AGREED RECOMMENDATIONS</p>
STCO16.	<p>PROTOCOL FOR REPORTS FOR EXTERNAL INVESTIGATIONS - EXTERNAL PROCUREMENT PROCESS</p> <p>AGREED RECOMMENDATIONS</p>
STCO17.	<p>MINUTES</p> <p>AGREED MINUTES OF STANDARDS COMMITTEE OF 23 MARCH 2009 NOTED MINUTES OF ASSESSMENT SUB CTTEES AND REVIEW SUB CTTEES</p>
STCO18.	<p>NEW ITEMS OF EXEMPT URGENT BUSINESS</p>

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THURSDAY, 2 JULY 2009**

	<p>There were no urgent items of exempt business.</p> <p>NOTED</p>
STCO19.	<p>DATES OF NEXT MEETINGS</p> <p>The remaining meetings of the Standards Committee for the Municipal Year 2009/10 were noted:</p> <p>22 October 2009 14 January 2010 8 April 2010</p>

CAROL SYKES

Chair

**UNRESTRICTED MINUTES OF THE STANDARDS COMMITTEE
TUESDAY, 4 AUGUST 2009**

MEMBERS:	Councillors Diakides*, Dodds*, Lister*, Reid*, Santry*, Whyte(Beynon substituting), Williams* and Winskill*
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INDEPENDENT MEMBERS:	Mr J. Batterham*, Ms R. Chambers, Mr R. Lovegrove*, Ms A Loyd* (Vice-Chair) and Ms C. Sykes* (Chair).
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Apologies Councillor Whyte, and Ms R. Chambers

Also present:

Ms Rosemary Lansdowne- Deputy Head of Legal Services and Monitoring Officer
Mr Terence Mitchison – Principal Lawyer
Mr Clifford Hart – Committee Manager

MINUTE NO.	SUBJECT/DECISION
STCO20.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from Councillor Whyte, for whom Councillor Beynon was substituting, and from Rachel Chambers, and for lateness from Councillor Lister.</p> <p>NOTED</p>
STCO21.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p> <p>NOTED</p>
STCO22.	<p>DECLARATIONS OF INTEREST</p> <p>Councillor Lister declared a personal interest in respect of Item 5 as an employee of UNISON, to whom part of the complaint subject matter may have had some involvement with Haringey UNISON.</p> <p>NOTED</p>
STCO23.	<p>EXCLUSION OF THE PUBLIC AND PRESS</p> <p>RESOLVED</p> <p>That the press and public be excluded from the proceedings as Item 5 contains exempt information as defined in Section 100a of the Local Government Act 1972; namely information relating to any individual, and information which is likely to reveal the identity of an individual; and also in accordance with the Standards Committee (England) Regulations 2008 (regulation 5), and Section 53 of the Local Government Act 2000.</p>

**MINUTES OF THE STANDARDS COMMITTEE
TUESDAY, 4 AUGUST 2009**

	SUMMARY OF EXEMPT/CONFIDENTIAL PROCEEDINGS
STCO24.	CONSIDERATION OF THE OUTCOME OF AN INVESTIGATION RESULTING FROM THE DETERMINATION OF THE STANDARDS ASSESSMENT SUB-COMMITTEE SC3/089 Agreed recommendations as detailed. There being no further business to discuss the meeting ended at 20:13hrs.

CAROL SYKES

Chair

**UNRESTRICTED MINUTES OF THE STANDARDS COMMITTEE
WEDNESDAY, 9 SEPTEMBER 2009**

PRESENT: *INDICATES ATTENDEE

COUNCILLOR MEMBERS:	Councillors Diakides*, Dodds*, Lister*, Reid*, Whyte*, Williams and Winskill*
INDEPENDENT MEMBERS:	Mr J. Batterham*, Ms R. Chambers*, Mr R. Lovegrove*, Ms A Loyd* (Vice Chair) and Ms C. Sykes* (Chair).

MINUTE NO.	SUBJECT/DECISION
STCO25.	<p>APOLOGIES FOR ABSENCE</p> <p>An apology for absence was received on behalf of Councillor Williams due to being unwell, and for lateness from Councillor Lister and Ms Chambers.</p> <p>NOTED</p>
STCO26.	<p>URGENT BUSINESS</p> <p>Nil items</p>
STCO27.	<p>DECLARATIONS OF INTEREST</p> <p>See item 6 below.</p>
STCO28.	<p>EXCLUSION OF THE PUBLIC AND PRESS</p> <p>RESOLVED</p> <p>That the press and public be excluded from the proceedings as Item 5 contains exempt information as defined in Section 100a of the Local Government Act 1972; namely information relating to any individual, and information which is likely to reveal the identity of an individual; and also in accordance with the Standards Committee (England) Regulations 2008 (regulation 5), and Section 53 of the Local Government Act 2000.</p> <p style="text-align: center;">SUMMARY OF EXEMPT/CONFIDENTIAL PROCEEDINGS</p>
STCO29.	<p>STANDARDS DETERMINATION HEARING – SC2/089 – PROPOSED CHANGES TO MEMBERSHIP OF THE HEARING PANEL AND RESCHEDULING OF PROPOSED HEARING DATES</p> <p>AGREED RECOMMENDATIONS</p>
STCO30.	<p>STANDARDS DETERMINATION HEARING - SC3/09 - PROGRESS REPORT</p> <p>AGREED RECOMMENDATIONS</p>

**MINUTES OF THE STANDARDS COMMITTEE
WEDNESDAY, 9 SEPTEMBER 2009**

	There being no further business to discuss the meeting ended at 19.55hrs.
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CAROL SYKES

Chair



Haringey Council

Agenda item:

STANDARDS COMMITTEE

On

21 DECEMBER 2009Report Title: **Outcome of Local Determination Hearings**Report of: **The Monitoring Officer**Wards(s) affected: **All**Report for: **Noting and Discussion****1. Purpose**

1.1 To note the outcome of local determination hearings held on 21 and 22 October and 2 December 2009 and to consider any issues arising

2. Recommendations

2.1 That Members of the Standards Committee:

- (i) note the outcome of the local determination hearings held on 21 and 22 October and 2 December 2009 as set out in Appendices 1, 2 and 3 to this report, and
- (ii) note the Briefing Paper to Chief Executive's Management Board on Exempt Information and the Rules on Disclosure between Members, at Appendix 4 to this report, and consider any views the Committee wishes to convey to the Constitution Review Working Group and/or full Council on these matters, and
- (iii) note the Recommendation to Council on officer complaints against Members and the Member/Officer Protocol at Appendix 5 to this report and consider any further comments the Committee may wish to add.

Report Authorised by:

John Suddaby, Head of Legal Services and Monitoring Officer

Contact Officer: Terence Mitchison, Principal Project Lawyer Corporate
Terence.Mitchison@haringey.gov.uk 8489-5936

3. Local Government (Access to Information) Act 1985

- 3.1 Reports to the Local Determination Hearing Panels meeting on 21 & 22 October and 2 December 2009
- 3.2 The Council's Constitution

4. Report

- 4.1 The Committee at its special meeting on 9 September 2009 appointed Hearing Panels to conduct the Local Determination Hearings of two complaints. The complaint by Cllr Reith against Cllr Oakes (SC3/089) was heard on 21 October. The Panel's decision is at Appendix 1 to this report. Cllr Reith's complaint as it related to Cllr Aitken was heard separately on 22 October. The Panel's decision is at Appendix 2 to this report.
- 4.2 The other complaint by Karlene Akindede against Cllr Haley (SC2/089) was heard on 2 December. The Panel's decision is at Appendix 3 to this report.
- 4.3 The complaint against Cllr Oakes has raised the need for further Member training on the rules about disclosure of confidential/exempt information and "whistle-blowing" or the "public interest defence". This is covered in the separate report to this meeting (agenda item 9) on the Ethical Conduct Training Programme.
- 4.4 The complaint against Cllr Aitken raised additional issues about the lack of clarity in the Council's current Constitution concerning the rights of Members to disclose confidential/exempt information to each other without the prior consent of the Monitoring Officer or Leader of the Council. It will be for full Council to make amendments to the Constitution, on the recommendation of the Constitution Review Working Group, in order to clarify the rules on sharing confidential/exempt information.
- 4.5 As a first step, a Briefing Paper has been submitted to the Chief Executive's Management Board (attached at Appendix 4 to this report) setting out the issues and three broad options to resolve the problem. The Monitoring Officer will report orally to the Committee on the outcome of the CEMB meeting on 15 December. Standards Committee Members are invited to consider the Briefing Paper and any comments or views they may wish to convey to the Constitution Review Working Group and/or full Council on these matters.
- 4.6 At the end of the hearing of the complaint against Cllr Haley, the Hearing Panel made a "Recommendation to Council" prompted by concerns about the number of separate investigations and the length of time needed to resolve this complaint. The Panel considered that the procedures for officer complaints against Members in the Member/Officer Protocol (Part 5, Section B of the Council's Constitution) should be reviewed in order to ensure transparency, clear direction and an appropriate interface with the Members' Code of Conduct complaint procedures. This "Recommendation to Council" is attached as Appendix 5 to this report.
- 4.7 Standards Committee Members are asked whether they have any further comments to add before a report on potential amendments to the Member/Officer Protocol is submitted to the Constitution Review Working Group. Such an initial report would focus on the process for reviewing the Protocol and there would, in all probability, be an opportunity for Standards Committee to comment on a redrafted Protocol before adoption.

5. Financial Implications

5.1 There are no specific financial implications.

6. Legal Implications

6.1 The legal and constitutional implications are set out in the report and appendices.

7. Equalities Implications

7.1 There are no specific equalities implications.

8. Use of Appendices / Tables / Photographs

- 8.1 Appendix 1 is the Notice of Finding after hearing the complaint against Cllr Oakes
- 8.2 Appendix 2 is the Notice of Finding after hearing the complaint against Cllr Aitken
- 8.3 Appendix 3 is the Notice of Finding after hearing the complaint against Cllr Haley
- 8.4 Appendix 4 is the Briefing Paper for CEMB on Disclosure of Exempt Information
- 8.5 Appendix 5 is the Recommendation to Council on the Member/Officer Protocol.

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Haringey Council

**COMPLAINT BY COUNCILLOR REITH AGAINST COUNCILLOR OAKES –
LOCAL REFERENCE SC3/089**

LONDON BOROUGH OF HARINGEY – STANDARDS COMMITTEE –
DETERMINATION HEARING PANEL – WEDNESDAY 21 OCTOBER 2009

PANEL CHAIR – MS CAROL SYKES – INDEPENDENT MEMBER

MEMBERS OF HEARING PANEL – CLLRS DODDS AND WINSKILL AND
MS R. CHAMBERS, INDEPENDENT MEMBER AND MR J. BATTERHAM,
INDEPENDENT MEMBER

ROSEMARY LANSDOWNE DEPUTY MONITORING OFFICER LEGAL
ADVISER TO THE PANEL

TERENCE MITCHISON ON BEHALF OF THE INVESTIGATION OFFICER
– E. JARRETT

MR COLLIS SOLICITOR OF COUNCILLOR OAKES

CLERK TO STANDARDS COMMITTEE – CLIFFORD HART

DATE OF HEARING – WEDNESDAY 21 OCTOBER 2009

TIME OF HEARING – COMMENCING AT 10.00AM

LOCATION OF HEARING – HARINGEY CIVIC CENTRE, HIGH ROAD,
WOOD GREEN, N22

**Notice of Finding of Standards Determination Hearing
relating to Cllr John Oakes.**

On Wednesday 21st October 2009, the Standards Committee –
Determination Hearing Panel found that Councillor John Oakes had failed to
comply with Paragraph 4 (a) (iv) of the Council's Code of Conduct for
Members by the unauthorised disclosure of Confidential Information.

The Panel heard that most of the key facts in this matter were not in dispute,
these being as follows:

- i) Cllr Oakes signed the Code of Conduct on 8 May 2006.

- ii) Cllr Oakes disclosed an exempt report of the General Purposes Committee of 4 November 2008 to Tim Ross of the Evening Standard by email dated 1 December 2008.
- iii) That Cllr Oakes acknowledges that it was an exempt report.

There were a number of facts in dispute summarised as follows:

- i) That Cllr Oakes said that the content of the exempt report was already in the public domain, but the Panel found that the substance of the report was not already in the public domain – whilst the Panel accepted that there was an ongoing tribunal case of which some information was public knowledge, the legal advice, settlement issues and details of further grievances contained in the exempt report were not in the public domain.
- ii) Whilst the Panel acknowledged a legitimate concern on the part of Cllr Oakes with regard to public expenditure and the disproportionate cost of extended gardening leave, the Panel found that the exempt report did not in fact deal with that issue other than in a passing reference to 'an absence from the workplace between February 2007 and February 2008'. Cllr Oakes did not check the circumstances of that absence, or whether the issue of the cost of extended absence was being addressed elsewhere.

The Panel found:

That Cllr Oakes breached paragraph 4 a) of the Council's Code of Conduct as follows:

Firstly, that he did acquire information which he knew was of a confidential nature and disclosed it to the press. He acknowledged that fact but considered that it was only a technical breach of the code. Cllr Oakes says he is entitled to rely on the defence set out in sub paragraph (iv). However the Panel did not accept his representation in that regard, finding as follows:

- i) **the disclosure was unreasonable because it was passed to the press; he did not ask or seek advice from the Chief Executive or any other source before he disclosed the confidential information; he held an unreasonable belief that the journalist would treat the disclosed information confidentially; he failed to redact any part of the report. The disclosure entailed the Council failing in a duty of confidence towards the employee, regardless of whether or not the disclosure was more widely published.**
- ii) **The disclosure was not in the public interest because the benefit of disclosure to the public at large did not outweigh the harm caused to the individual employee and possible**

repercussions to the Council as an employer. Cllr Oakes said the reason for disclosure was to give information to the journalist, not because he had thought it was in the public interest.

- iii) The Panel notes that the disclosure is not covered by any of the examples given by the Standards Board for England as to what would be in the public interest. The Panel concluded that Cllr Oakes fell far short of proving the disclosure was within the public interest.
- iv) Cllr Oakes failed to comply with the reasonable requirements of the Council, namely that the report remained exempt pursuant to Paragraph s 1 and 2 of Part 1 of schedule 12A of the Local Government Act 1972 as amended by the Access to Information Act 1985 and he failed to follow the clear advice and guidance he had previously been given at training – namely to ask either the Monitoring Officer or the Chief Executive before disclosing the report.
- v) The Panel does not find that Cllr Oakes conclusively demonstrated that he acted in good faith. The Panel was unclear as to his motives in releasing the report. The Panel found that the evidence did not clearly identify an ulterior motive, however the Panel did conclude that he did not hold a reasonable belief that he had a right to disclose the exempt report.

SANCTION

The Panel decided that Cllr Oakes should be suspended from his office as a Councillor of the London Borough of Haringey from Monday the 26 October 2009 until the end of the year, i.e. 31 December 2009. This was because the Panel felt that there was a serious breach of trust, although it has taken into account the mitigation submitted.

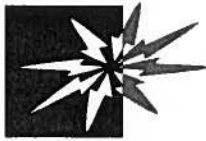
The Panel also recommended that Cllr Oakes should undertake further training.

The Panel clarified that full suspension meant that Cllr Oakes would not be able to take part in any formal business of the authority, have access to Council facilities, which will mean that he would have to hand in any pass-card, mobile and laptop, which is why the sanction would not commence until Monday 26 October 2009 in order to permit the necessary arrangements to be made, or to receive a Council allowance.

Councillor Oakes may apply for permission to appeal against the findings.

CHAPTER 1 DATE: 23 OCTOBER 2009

**Rosemary J Lansdowne
Deputy Monitoring Officer
for and on behalf of
John Suddaby
Monitoring Officer & Head of Legal Services
London Borough of Haringey
River Park House
225 High Road
Wood Green
LONDON N22 8HQ**



Haringey Council

**COMPLAINT BY COUNCILLOR REITH AGAINST COUNCILLOR AITKEN –
LOCAL REFERENCE SC3/089**

LONDON BOROUGH OF HARINGEY – STANDARDS COMMITTEE –
DETERMINATION HEARING PANEL – THURSDAY 22 OCTOBER 2009

PANEL CHAIR – MS RACHEL CHAMBERS – INDEPENDENT MEMBER

MEMBERS OF HEARING PANEL – CLLRS DODDS AND WINSKILL AND
MS C. SYKES, INDEPENDENT MEMBER AND MR J. BATTERHAM,
INDEPENDENT MEMBER

ROSEMARY LANSDOWNE DEPUTY MONITORING OFFICER – LEGAL
ADVISER TO THE COMMITTEE

TERENCE MITCHISON ON BEHALF OF THE INVESTIGATION OFFICER
– E. JARRETT

MR COOPER SOLICITOR OF EVERSHEDES, REPRESENTED
COUNCILLOR AITKEN

CLERK TO STANDARDS COMMITTEE – CLIFFORD HART

DATE OF HEARING – THURSDAY 22 OCTOBER 2009

TIME OF HEARING – COMMENCING AT 10.00AM

LOCATION OF HEARING – HARINGEY CIVIC CENTRE, HIGH ROAD,
WOOD GREEN, N22

**Notice of Finding of Standards Determination Hearing
relating to Cllr Ron Aitken.**

On Thursday 22nd October 2009, the Standards Committee – Determination Hearing Panel (“the Panel”) - considered a complaint by Councillor Lorna Reith that alleged that Councillor Ron Aitken breached the Code of Conduct by:

- 1) firstly giving a confidential report to Councillor Oakes; and
- 2) secondly by colluding with Councillor Oakes to send a confidential report to a journalist with the Evening Standard.

The Panel considered as a preliminary point of law whether in fact the Panel could consider the matter as consisting of two separate breaches of the Code of Conduct.

Mr Cooper on behalf of Councillor Aitken submitted that the Panel could not hear and determine the first issue because the investigating officer had not covered the point in her initial investigation of the Matter and because the original allegation by Councillor Lorna Reith only related to the second issue in any event. He further submitted that the first issue was only added as an after thought at the previous hearing of the Standards Committee and had never been part of the original complaint.

Mr Mitchison submitted that an allegation/complaint could be a series of inter-related events and these could be considered as separate breaches of the Code of Conduct.

The Panel adjourned to consider this preliminary matter.

The Panel made the following decision:

The Panel looked at The Standards Committee (England) Regulations 2008 and at the Local Government Act 2000, section 57(a).

The Panel noted that the meaning of 'matter' is defined at paragraph 9 of the Regulations and that paragraph 17(b) of the Regulations to which the Panel was referred states that "the matter" as defined, "should be considered at a Hearing by the Standards Committee".

Looking at paragraph 9 of the Regulations, the exact wording is:

" matter, in reference to section 57(a) of the Act means a written allegation made under sub-section (1) of that section"

So the "matter" (*for determination by the Panel*) is the original complaint by Cllr Reith, which is at page 103 of the bundle.

The Panel did not expect the complaint to be in technical legal language, but rather to set out the general concerns (of the complainant). The Panel therefore felt that the matter could be a series of events which, if proved, could constitute separate breaches of the code at each stage. The Panel was therefore going to look, as potential separate breaches, at firstly Cllr Aitken giving the report to Cllr Oakes and secondly as a separate matter whether they colluded in the transmission of the document to the press. Just for clarification, the Panel therefore did not find that the 'matter' was Evelyn Jarrett's conclusions (or the investigation report) but was simply what the original complaint said.

The Panel heard evidence from Terence Mitchison on behalf of the Investigating Officer. Cllr Aitken gave evidence in person and was represented by Mr Cooper – his solicitor. Councillor Allison gave evidence on behalf of Councillor Aitken and Councillor Gorrie sent a written statement in support.

The panel made the following determination:

The Panel considers that paragraph 4(a) in particular sub-sections (i) and (iv) were the relevant section of the Code of Conduct.

The Panel heard that one key fact in this matter was not in dispute, namely that Cllr Aitken gave the confidential report to Cllr Oakes.

There were, however, a number of facts in dispute, the main one being whether or not there was collusion between the two councillors to send the confidential report to journalists.

In relation to the first allegation, the Panel heard legal submissions and received advice on the law in relation to the 'need to know'.

The Panel decided that if Councillor Oakes had had a right to see a copy of the confidential report in any event under the common law provisions relating to his 'need to know' as a member of the Council, then Councillor Aitken would not have been in breach of the Code of Conduct by giving Councillor Oakes a copy of the exempt report.

The Panel looked at the commentary to the Local Government Act 1972 as set out in the encyclopedia of local government law, in particular page 2108/8 and read the part that said 'if not a member of the specific committee, the Councillor has to show cause why sight of the document is necessary to perform his or her duties'.

The Panel then attempted to apply the need to know test and found it had insufficient evidence before it to determine one way or the other whether Cllr Oakes had a 'need to know' the contents of the exempt report in order to satisfactorily perform his duties as a member of the Council.

In any event, the Panel found that there was no breach of the Code of conduct by Councillor Aitken, because the Panel was satisfied that Cllr Aitken had the implied consent of the Council authorising him to give the report to another Councillor pursuant to paragraph 4 (a) (i) of the Code of Conduct.

The Panel decided that consent was implied through custom and practice, whereby if a member turns up to a committee meeting

they can have access to and are usually given a copy of exempt reports even if they are not a member of that committee and if Councillor Oakes had actually attended the committee he would in all probability have been given a copy of the exempt report. Based on the evidence heard by the Panel, it was also custom and practice for members to share exempt reports with each other often applying the need to know test themselves. The Panel noted also that there was no protocol on 'member to member' exempt document transmission.

In relation to the second allegation, the Panel was troubled by the inconsistencies in Cllr Aitken's evidence, for example the emergence of new evidence at the hearing regarding his email account, however the Panel found on the balance of probabilities that collusion between Councillor Aitken and Councillor Oakes had not been shown and therefore the Panel found that there was no breach of the Code of Conduct in respect of this allegation.

The Panel reserved the right to make recommendations to the Council about confidential information and to ask that members receive training on this.

DATE: 23 OCTOBER 2009

**Rosemary J Lansdowne
Deputy Monitoring Officer
for and on behalf of
John Suddaby the Monitoring Officer & Head of Legal Services
London Borough of Haringey
River Park House
225 High Road
Wood Green
LONDON N22 8HQ**



Haringey Council

**COMPLAINT BY KARLENE AKINDELE AGAINST COUNCILLOR HALEY
- LOCAL REFERENCE SC2/089**

LONDON BOROUGH OF HARINGEY – STANDARDS COMMITTEE –
DETERMINATION HEARING PANEL – WEDNESDAY 2 DECEMBER 2009

PANEL CHAIR – MR ROGER LOVEGROVE – INDEPENDENT MEMBER

MEMBERS OF HEARING PANEL – CLLRS SANTRY AND WILLIAMS AND
MS A. LOYD, INDEPENDENT MEMBER AND MS C. SYKES,
INDEPENDENT MEMBER

JOHN SUDDABY - MONITORING OFFICER AND HEAD OF LEGAL
SERVICES - LEGAL ADVISER TO THE PANEL

RAYMOND PRINCE - INVESTIGATING OFFICER

CLERK TO STANDARDS COMMITTEE – CLIFFORD HART

DATE OF HEARING – WEDNESDAY 2 DECEMBER 2009

TIME OF HEARING – COMMENCING AT 10.00AM

LOCATION OF HEARING – HARINGEY CIVIC CENTRE, HIGH ROAD,
WOOD GREEN, N22

**Notice of Finding of Standards Determination Hearing
relating to Cllr Brian Haley.**

On Wednesday 2 December 2009, the Standards Committee – Determination Hearing Panel found that Councillor Brian Haley had failed to comply with Paragraphs 3 (2).(c) (i), 3 (2) (b) and 3.(1) of the Council's Code of Conduct for Members which required him not to intimidate others, not to bully others and to treat others with respect.

The Panel heard that most of the key facts in this matter were not in dispute, these being as follows:

- i) Cllr Haley signed the Code of Conduct on 8 May 2006.

- ii) That the complainant had complained of Cllr Haley's conduct at a meeting she had attended in her capacity as an officer of the Council in March 2007.
- iii) This complaint was investigated and neither the complainant nor Councillor Haley were satisfied by the outcome.
- iv) In October 2007, Cllr Haley had instructed an external firm of Solicitors to advise him on the matter of the above complaint and the findings of the internal investigation. It was agreed that Cllr Haley instructed this external firm of Solicitors to write to the complainant.
- v) That no legal proceedings were commenced by Cllr Haley against the complainant or the Council.

There were a number of facts in dispute summarised as follows:

- i) Arising from the findings of the Investigating Officer that it was more probable than not Cllr Haley did instruct his Solicitors to write in such strident terms in order to raise doubts in the complainant's mind about pursuing her complaint. Cllr Haley said he did not intend the Solicitor's letter to raise such doubts in the complainant's mind and that the letter was not to dissuade her from pursuing her complaint.
- ii) Cllr Haley referred to advice from his Solicitor that the letter would not be considered bullying or intimidation "in law" because it was not a sustained attack on an individual over a period of time. The guidance from the Standards Board, is to the effect that a single episode or event, if sufficiently serious, may amount to bullying or intimidation.

The Panel found:

That Cllr Haley breached Paragraphs 3 (2).(c) (i), 3 (2) (b) and 3.(1) of Haringey Council's Code of Conduct for Members:

Firstly that the complainant was or was likely to be a complainant in relation to an allegation that Councillor Haley had failed to comply with the Code of Conduct, and that Councillor Haley knew the complainant was or was likely to be such a complainant.

The Panel found that the letter to the Complainant sent on Councillor Haley's instruction was intimidating and that on the balance of probabilities it was written with the intention of dissuading the complainant from pursuing her complaint.

The Panel therefore found that Councillor Haley had breached the Members' Code of Conduct in respect of paragraph 3.2.(c).(i) – intimidation.

The Panel also found that Councillor Haley breached paragraph 3.2.(b) of the code in that the letter sent on his instruction, as a senior Member of the Council, to an employee of the Council was intimidating in nature and therefore amounted to bullying, and in consequence, also amounted to a breach of paragraph 3.(1) – failure to treat others with respect.

SANCTION

The Panel therefore found that Councillor Haley had breached the Code of Conduct. The breaches found by the Panel were serious and would usually attract a significant period of suspension, particularly as they related to Councillor Haley's conduct as a Cabinet Member towards an officer of the Council.

However, the Panel did take into account the following factors that significantly mitigated the breaches of the Code that the Panel had found:

- Councillor Haley was acting on legal advice;
- Councillor Haley's letter was effectively withdrawn within a month of writing;
- Councillor Haley had been willing to apologise and undertake mediation;
- The original complaint against Councillor Haley was not upheld by the Standards Committee;
- Councillor Haley did apologise to the complainant.

The Panel accordingly did not feel that a period of suspension would be appropriate in this case and decided to censure Councillor Haley for his conduct.

DATE: 3 DECEMBER 2009

**John Suddaby
Monitoring Officer & Head of Legal Services
London Borough of Haringey
River Park House
225 High Road
Wood Green
LONDON N22 8HQ**

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Haringey Council

APPENDIX 4

Briefing for:	CEMB	Item number	
Title:	Exempt Information – Clarifying or Amending the Rules on Disclosure between Members		
Lead Officer:	John Suddaby – Monitoring Officer		
Date:	15 December 2009		

1. The issue under consideration

- 1.1 A recent decision of the Standards Panel has found, in the Panel's view, that there are no clear enforceable rules about the extent to which Members can, on their own initiative, share exempt information and reports.
- 1.2 This finding arose from a hearing into an alleged breach of the Members' Code of Conduct which involved a Member of a non-executive Committee passing an exempt and highly confidential report to a fellow Councillor who was not a Member of that Committee. Although the report was passed on without obtaining prior consent from a relevant senior officer, the Leader or the Chair of the Committee, this was not found to be a breach because of the absence of a clear prohibition on Members "sharing" exempt information on their own assessment of their colleagues "need to know".
- 1.3 This report sets out the current rules on exempt information as the Monitoring Officer understands them and suggests options for: (i) affirming them more clearly, or (ii) enforcing them more strictly, or (iii) relaxing them substantially. The issues and the definition of exempt information are explained more fully in the Briefing which is the Appendix to this report.

2. Background information

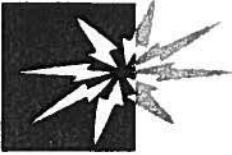
- 2.1 Exempt information is defined in local government legislation and falls within 7 categories with additional categories for Standards Committee



Haringey Council

proceedings. To qualify as “exempt”, the public interest in maintaining confidentiality must outweigh the public interest in public disclosure.

- 2.2 Exempt information is the property of the Cabinet or Committee that has the matter within its terms of reference. The Cabinet/Committee could decide that exempt information should be shared with others outside that body or even released into the public domain. It would be open to the full Council, with the Cabinet’s agreement, to redefine the constitutional rules on the availability of exempt information to Councillors not serving on the relevant Member body.
 - 2.3 The right of an individual Councillor to obtain exempt information generally depends on their “need to know” which is a legal right defined by case law not Statute. The “need to know” will depend on the role of the individual Councillor within the Council; so a Cabinet member will have much more extensive rights than a “back-bench” Ward Councillor.
 - 2.4 The “need to know” and related rights of access to information are explained in the Member/Officer Protocol within the Constitution. The Protocol expects that a Councillor will seek exempt information from a Chief Officer or the Monitoring Officer. But there is no clear and express prohibition against Members sharing exempt information unofficially.
 - 2.5 The situation is made more complex by provisions in the Committee Procedure Rules in the Constitution which allow any Councillor not serving on the Cabinet/Committee to attend the closed part of meetings with the Chair’s consent and to obtain exempt reports
- 3. Options for consideration**
- 3.1 The “minimum change option” which is to clarify and re-affirm the current rules, as described in paragraphs 11 to 22 of the Appendix, and to enforce them more consistently with the backing of further Member training, or
 - 3.2 The “more restricted option” which is to enforce the “need to know” more strictly and logically by removing or restricting current exceptions, such as the ability of any Member to obtain an exempt report by attending the relevant Committee/Cabinet, or
 - 3.3 The “more relaxed option” which is to relax the current rules substantially so that all Members can have access to the majority of exempt reports. To protect the interests of the Council and vulnerable individuals, certain limited categories of exempt information and reports should be subject to enhanced confidentiality procedures.



Haringey Council

4. Financial Implications

4.1 There are no specific financial implications.

5. List the proposed routing for the report through the formal decision making process

5.1 CEMB are asked to indicate a view on the 3 options set out above, or make other comments. Consultation will take place with CAB, the Standards Committee and the Groups. In the light of those consultations a report with proposed constitutional changes will be submitted to the Constitution Review Working Group with a view to their recommendations being adopted by the March full Council.

6. One Appendix attached – Briefing on Exempt Information/Reports and the Rules on Disclosure between Members

BRIEFING NOTE ON EXEMPT INFORMATION/REPORTS AND THE RULES ON DISCLOSURE BETWEEN MEMBERS

Summary

1. A recent decision of the Standards Panel has found, in effect, that there are no clear enforceable rules about the extent to which Members can, on their own initiative, share exempt information and reports.
2. It is for the Standards Committee to supervise the enforcement of rules on the disclosure of information by Members. But it is a matter within the power of the full Council, acting with the approval of the Cabinet, to amend the Council's Constitution so as to determine the permissible limits of Members' access to, and sharing of, exempt information.

Background – Standards Panel Decision

3. A complaint was made that Cllr Aitken, a Member of the General Purposes Committee, had breached the Members' Code of Conduct by disclosing an exempt report about a sensitive personnel dispute to Cllr Oakes, who was not a Member of the GPC. Cllr Oakes then passed the report to a journalist. The Standards Panel found that Cllr Oakes had breached the Code but there was no finding that Cllr Aitken had been complicit in this disclosure to the press.
4. The Standards Panel additionally considered whether Cllr Aitken had breached the Code by his mere passing of the report to Cllr Oakes on the assumption that Cllr Aitken was not aware of the plan by Cllr Oakes to disclose to the press. The Panel found that Cllr Aitken had "the implied consent of the Council authorising him to give the report to another Councillor" and so he was found not to have breached the Code.
5. This finding by the Panel was based on the "custom and practice" whereby non-Committee Members can attend the closed part of meetings with the Chair's consent and can usually obtain copies of exempt reports to that Committee. The Panel also heard evidence that Members often shared exempt reports with each other and applied the "need to know" test themselves without seeking prior approval from the Monitoring Officer. Finally, the Panel noted that there was no "protocol" dealing specifically with the transmission of exempt reports or documents between Members.

Members' Access to Confidential Information

6. Members' rights of access to confidential information, that are additional to those enjoyed by members of the public, are set by Statute and common law; principally by the Local Government Act 1972 and by Court decisions on a Member's "need to know".

The Meaning of "Exempt" Information

7. "Exempt information" is defined in local government "Access to Information Rules" (Part 5A of, and Schedule 12A to, the Local Government Act 1972 as amended) as information falling within certain prescribed categories which are set out in the Appendix to this Note. In addition, for information to qualify as "exempt" the Monitoring Officer must conclude that the public interest in maintaining confidentiality outweighs the public interest in disclosure into the public domain that usually exists because of the benefits of transparency in Council decision-making.
8. When a report is wholly or partly "exempt", the Cabinet or Committee will generally pass a resolution excluding the public and press from the meeting before the "exempt" information comes to be considered. "Exempt" reports, or parts of reports, are not available for public inspection before or after meetings in the same way that open reports must be.
9. "Exempt" information is considered as the "property" of the Cabinet or Committee that receives an exempt report and has the matter within its terms of reference. Even if the Monitoring Officer advises that a report is "exempt", the Committee may decide that it should be released more widely, for example, to other Councillors attending a meeting who are not Members of the Committee. Obviously, the Cabinet or a Committee should always obtain and consider the Monitoring Officer's advice before authorising any disclosure into the public domain of "exempt" information.
10. Although the Members Code of Conduct uses the terms "exempt" and "confidential" interchangeably, in the context of the "Access to Information Rules" there is a separate and specific definition of "confidential" information. This is information supplied by a Central Government Department or subject to a Court Order or a Statute that prohibits disclosure to the public. In these circumstances, the Council, Cabinet or Committee will have no discretion and must maintain the confidentiality.

Current Rules on Members' Access to, and Disclosure of, Exempt Information

11. "Exempt" reports are printed on yellow paper and have a large warning at the top that they are "Not for Publication". The reason for the "exempt" status is given in the appropriate box near the beginning of the report.
12. The duty placed on Members not to disclose any "exempt" report or document is set out within Miscellaneous Standing Orders (Part 4, Section C of the Council's Constitution) at paragraph 4 (3). It is implicit that the prohibition is directed against disclosure being made to the public or persons outside the Council. There is nothing in this Part of the Constitution that deals expressly with disclosure by Councillors, who receive exempt reports as Committee Members, to other Councillors who are not Committee Members.
13. The Members' Code of Conduct (Part 5, Section A of the Constitution) contains a rule against disclosure of confidential information at paragraph 4 but this rule does not deal expressly with the disclosure of information by one Councillor to another.

The "Need to Know"

14. Further guidance on Members' rights of access to exempt information is contained in the Protocol for Member/Officer Relations which is in the Constitution at Part 5, Section B. Within this Protocol section 12 states the principle that all Members do not enjoy unlimited rights of access to Council documents, especially exempt information. Generally a Member's rights of access will depend on that Member's individual "need to know" arising from the roles or responsibilities that he/she undertakes as a Councillor. For example, the "need to know" of a Cabinet Member will be very much more extensive than that of a "backbench" Ward Councillor. This can be described as the "need to know" hierarchy. The "need to know" is explained in the Protocol but it is derived from legal case law.
15. In many instances a "need to know" will be obvious, for example membership of a particular Committee. In other cases, for example whether a Ward Councillor genuinely requires certain sensitive information in order to represent a constituent, the facts may be more complex and the Monitoring Officer will have to rule on whether a legal "need to know" has been demonstrated.
16. Even where a legal "need to know" has not been demonstrated, it is still open to any Member to make an "access to information request" to the Leader of the Council, and the appropriate Cabinet Member, seeking disclosure of specified exempt information. The Leader then

has a discretion to agree the request which would generally result in disclosure limited to the individual Member making the request or to a defined group of persons. This procedure is set out in paragraphs 12.13 to 12.16 of the Protocol. It is quite different from a "Freedom of Information Act" request which, if successful, results in the requested information being disclosed into the public domain.

17. As the procedure for making an "access to information request" illustrates, the "need to know" hierarchy can be relaxed at the discretion of an individual Council Leader, an individual Committee or an individual local authority collectively. However, where a legal "need to know" exists there is no discretion to deny or cut down a Member's access to relevant information.
18. It is implicit in the Protocol for Member/Officer Relations that Members should not be disclosing exempt reports, or other exempt documents, to each other on the basis of one Member's individual assessment of the "need to know" claimed by his/her colleagues and without reference to the Monitoring Officer, Head of Local Democracy or the Leader. Unfortunately, the Protocol does not expressly prohibit such unofficial disclosure by one Member to another but there would be little point in having the official procedures for obtaining access to exempt information if they could readily be circumvented by Members disclosing them to each other outside the recognised system.

Obtaining Exempt Reports by Attending Committee Meetings

19. Under Committee Procedure Rules (Part 4, Section B of the Constitution) at paragraphs 46 and 47 there is provision for any Councillor to attend the exempt part of a meeting even though he/she is not a Member of the relevant Committee/Cabinet. This is permitted only with the Chair's consent but, in practice, it appears that such consent is almost invariably granted.
20. Non-Committee Members may not move a resolution nor vote but they may otherwise "take part in the business of the meeting" and, in practice, they will receive copies of exempt reports at the meeting. Usually, these reports are collected at the end of the meeting from the non-Committee Members by the Committee officers but this does not always happen and it is not expressly required in the Constitution.

Section 100F Local Government Act 1972

21. In addition to the rights given to a Member with an individual "need to know", there are statutory rights given to all Members under section 100F of the Local Government Act 1972. These s.100F rights allow all Members, whether they serve on the relevant Committee/Cabinet or

not, to obtain any document held by the Council which contains material relating to any business to be transacted at a meeting of the Committee/Cabinet or other Council body.

22. There are important limitations to s.100F. It only applies where business is to be transacted at a meeting i.e. only where the document is a report or background paper for a meeting that is about to take place. It does not give a Member a right to an exempt report considered at a past meeting. Furthermore, s.100F only applies to some, but not all, of the categories of exempt information. For example it applies to information about the financial affairs of other persons or forthcoming Council enforcement action. It does not apply to the other categories such as information identifying individuals or advice subject to legal professional privilege.

The Issues Arising from the Standards Panel Decision

23. The main issue behind the findings of the Panel, noted at paragraph 5 above, is the seeming lack of logic or consistency in the rules governing Members' access to exempt information.
24. As noted in paragraph 14 above, the "need to know" is, effectively, a hierarchy of rights to information with Cabinet Members having very much more extensive rights than "backbench" Ward Councillors. But the ability of any Member to obtain the great majority of exempt reports by attending the relevant Committee/Cabinet meeting does challenge the logic of restricting access to exempt information through the general application of the "need to know".
25. The s.100F rights available to all Members are less of a challenge to the "need to know" hierarchy because of their limited scope, especially the limited categories of exempt information that must be disclosed to Members. As a statutory right, it cannot be removed or cut down by the Council's Constitution.
26. The procedure for making "access to information requests" to the Leader, described at paragraph 16 above, is relatively rarely used and, of course, involves the Leader's discretion usually with the advice of the Monitoring Officer or other relevant senior officers. The procedure can be a useful way to make "concessions" on information sharing without establishing a legal precedent.
27. The second important issue noted by the Panel was the widespread practice of Members sharing exempt reports with each other and applying the "need to know" test themselves. This suggests that the existing rules are not well known or understood by many Members.

28. Finally, the Panel pointed out that there were no clear and express rules about the transmission of exempt reports between Members. It has to be accepted that the Protocol for Member/Officer Relations does not contain an express prohibition against a Member sharing an exempt report with a colleague without prior approval from the Monitoring Officer or the Head of Local Democracy.

The Options for the Future

29. The first option could be described as the "minimum change option".
- (i) The current rules about the "need to know" hierarchy, the procedure for obtaining exempt reports by attending meetings and the procedure for "access to information requests" to the Leader would all be retained, and
 - (ii) These rules would be better explained in clear, direct terms in a revised "protocol" that prohibited unofficial Member sharing of exempt reports. Such a "protocol" could either an addition to the existing Protocol for Member/Officer Relations or a separate and specific "protocol" that would be added to the Council's Constitution. The new "protocol" should then be publicised and embedded in practice by training sessions for Members and relevant officers.
30. The second option could be described as the "more restricted option".
- (i) The current rules about the "need to know" hierarchy and the procedure for "access to information requests" to the Leader would be retained, but
 - (ii) The current procedure, whereby non-Cabinet/Committee Members can obtain exempt reports by attending the relevant meeting, would be abolished or
 - (iii) The procedure mentioned in (ii) could be made subject to extra restrictions such as:
 - (a) limiting non-Cabinet/Committee Members' access to exempt reports so they could see only those that had been cleared in advance by senior officers, and/or
 - (b) making and enforcing an express rule that all exempt reports given to non-Cabinet/Committee Members at a meeting must be collected from them by officers at the end of the meeting.

- (iv) The rules, as modified, would be clearly explained in a new protocol with appropriate training (as in paragraph 29 (ii) above).
31. The third option could be described as the "more relaxed option".
- (i) The restrictions on access to exempt information could be relaxed so that the majority of exempt reports were made available to all Members not just Cabinet Members or Members of the relevant Committee. The prohibition on disclosure outside the Council would still apply.
 - (ii) A few categories of exempt information should still be subject to special confidentiality procedures, for example reports containing sensitive information about identifiable service users, reports about personnel disputes, highly sensitive commercial information or reports containing sensitive advice from Counsel. In such cases the "need to know" should be applied strictly and/or measures could be taken to allow non-Cabinet/Committee Members to read, but not take away, copies of sensitive exempt reports.
 - (iii) The rules, as modified, would be clearly explained in a new protocol with appropriate training (as in paragraph 29 (ii) above).

CATEGORIES OF EXEMPT INFORMATION

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)
4. Information relating to any consultations or negotiations or contemplated consultations or negotiations in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes - (a) to give under any enactment a notice under or by virtue of which requirements are imposed upon a person; or (b) to make an order or direction under any enactment.

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Note – there are three further categories of exempt information which relate only to the proceedings of Standards Committees or Sub-Committees.

Terence Mitchison
For Monitoring Officer

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Standards Determination Hearing Panel SC02/89

RECOMMENDATION TO COUNCIL

1. INTRODUCTION

As part of its duties, each Determination Panel of the Standards Committee is asked to form a view as to whether or not lessons could be learned from the complaint it had been considering and to make recommendations as appropriate to Council.

Case SC02/89 involved the allegation by an Officer that a Member had been in breach of the Members' Code of Conduct. The complaint was handled initially under the Member/Officer Protocol and then under the Members' Code of Conduct.

The Determination Panel for this complaint was

Mr R.Lovegrove (Chair), Ms A.Loyd, Ms C.Sykes, Cllr Santry, Cllr Williams.

2. COMMENTS

The Determination Panel was concerned at the fact it took over 2½ years and 3 investigations to bring this matter to finality. This caused additional expense to the Authority and prolonged stress for both the Complainant and the Member.

When an Officer enters a complaint against a Member there are two avenues open: as a alleged breach of the Member/Officer Protocol or as an alleged breach of the Members' Code of Conduct.

The fundamental difference between the two approaches is that complaints about breaches of the Code of Conduct come within the remit of the Standards Committee whereas those concerning the Member/Officer Protocol do not: indeed, the Standards Committee is not usually made aware of the latter.

As a consequence:-

- a) There could be confusion in the minds of Officers (including the Complainant) about which course to follow, or indeed whether to follow one and then (if not successful) the other.
- b) There is no independent monitoring of complaints against the Member/Officer Protocol.

3. RECOMMENDATION

That the current Member/Officer protocol of the LB Haringey be reviewed with particular reference to the issue of officer complaints against Councillors to ensure a transparent and clear direction and an appropriate interface with the Members' Code of Conduct complaints process.

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Haringey Council

Agenda item:

[No.]**Standards Committee****On 21 December 2009**Report Title: **Recruitment of Independent Member of Standards Committee 2009/10**

Forward Plan reference number :

Report of: **Monitoring Officer**Wards(s) affected: **All**

Report for: Non – Key decision

1 Purpose

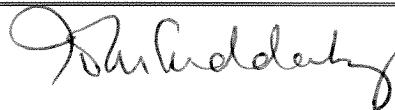
To agree the recruitment process for an Independent Member of the Standards Committee to take office from May 2010 in accordance with the requirements in the Local Government Act 2000 and the Relevant Authorities (Standards Committee) Regulations 2001.

2 Recommendations

- 2.1 To agree the recruitment of 1 Independent Member of the Standards Committee for a period of 4 years commencing 24 May 2010;
- 2.2 To agree the recruitment timetable as follows:
- early January 2010 – advertisement placed
 - 29 January 2010 – closing date
 - early February 2010 – short listing – weeks commencing 1st or 8th
 - March 2010 – interviews - weeks commencing 1st or 8th
 - March 2010 – appointment and initial training
 - Confirmation of appointment at Annual Council on 24 May 2010
- 2.3 To agree the job description and person specification attached as Appendix One.
- 2.4 To authorise the placing of an advert attached as Appendix Two to invite suitable individuals to apply to fill the 1 independent member vacancy;

- 2.5 To agree the application form attached as Appendix Three;
- 2.6 To establish a short listing and interview panel consisting of 2 Independent Members and 2 Councillor Members of the Standards Committee to consider the selection of independent members; and
- 2.7 To agree to extend the term of the Independent Member Carol Sykes (whose term of office expires on 24 May 2010) by one year to 23 May 2011.
- 2.8 To consider whether to increase the Independent Membership of the Committee by an additional one Member is appropriate, given the current Municipal Year's increase in the number of Assessment, and Review Sub-Committees, and Determination Hearings and the demand for members to sit on each.
- 2.9 That should the Committee agree to increasing the Independent Membership by one then the recommendation be put to full Council in January 2010 to agree to the increase and that the Council's constitution be amended to reflect this increase accordingly.

Report Authorised by: **Monitoring Officer**



Contact Officer: **Clifford Hart – Committee Manager**
Tel 0208 489 2920
Email : clifford.hart@haringey.gov.uk

3. Director of Finance Comments

- 3.1. Costs of running the independent member recruitment programme will be borne by the Legal Services budget.

4. Head of Legal Services Comments

The legal implications are indicated in the report

5. Local Government (Access to Information) Act 1985

- 5.1. Local Government Act 2000 and relevant regulations.
- 5.2. Haringey Council Constitution.

5.3. Standards Board for England Guidance.

5.4. Member Services and Legal Services Files.

6. Report

6.1 Background

Haringey's Constitution states that the Standards Committee is composed of 8 councillors and 5 independent members and that the independent members must not be councillors or officers of the Council or any other body with a Standards Committee.

The legislation requires that independent members:

- must not have been a member or employee of Haringey Council within 5 years before the date of appointment;
- must not be a relative or close friend of a member or employee of Haringey Council;
- must have filled in an application form for the position;
- must have been approved by the majority of Council's members and that the position must have been advertised in at least one newspaper distributed in the Council's area.

Standards for England's guidance on Standards Committee relating to Independent Members is included in Appendix 4 to this report.

It is recommended that the Standards Committee set up a panel of 4 members of the Standards Committee (including two independent member) to shortlist and then interview applicants with a view to recommending independent members to full Council for appointment. The Panel will be advised by the Monitoring Officer.

7 Recruitment Timetable

7.1 The term of office of 1 out of the 5 independent members (R Lovegrove) was extended by a further year until May 2010 (the date of the Annual General Meeting of the Council). The resultant vacancy arises due to this Independent Member ceasing to be a Member on 24 May 2010. The term of office of a further Independent member (Carol Sykes) is also due to cease on 24 May 2010. As with previous practice it is proposed that Carol Sykes has her term of office extended by a further year in order to maintain continuity to the existing Independent Membership.

7.2 A recruitment process for the one resulting vacancy should commence as follows:

- early January 2010 – advertisement placed
- 29 January 2010 – closing date
- early February 2010 – short listing – weeks commencing 1st or 8th
- March 2010 – interviews - weeks commencing 1st or 8th
- March 2010 – appointment and initial training
- Confirmation of appointment at Annual Council on 24 May 2010

7.3 Appendix Two is a draft advert for independent members, a copy of that issued in the 2009 recruitment process. The Standards Committee is asked to agree the advert and decide where they wish the advert to be placed. It is recommended that it goes in Haringey People, on the Haringey Council website, in Job Search and in local papers.

7.4 The person specification and job description and person specification used in the last recruitment process is attached as Appendix One and the Standards Committee is recommended to agree this for the proposed recruitment round.

7.5 The application form used in the last recruitment process is attached as Appendix Three. The Standards Committee is recommended to agree this for the proposed recruitment round.

7.6 The Monitoring Officer will produce an information pack for applicants to be sent out with the application form. A covering letter will be signed by the Chair.

7.7 In addition to recruiting to the existing vacancy as referred to the Committee may wish consider whether it is appropriate to increase the number of Independent Members by one additional Independent member making a total of 6 Independent Members. The reason for the increase would be to allow for continuity in seeking members to sit on Assessment and Review Sub-Committees, and Determination Hearing S, given the increase in the number of Assessment Sub-Committees and Determination Hearings in the current Municipal Year and the draw of members to sit on each.

7.8 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 2010 as a recommendation of the Standards Committee.

8. Recommendations

8.1 To agree the recruitment of 1 Independent Member of the Standards Committee for a period of 4 years commencing 24 May 2010;

8.2 To agree the recruitment timetable as follows:

- early January 2010 – advertisement placed
- 29 January 2010 – closing date
- early February 2010 – short listing – weeks commencing 1st or 8th
- March 2010 – interviews - weeks commencing 1st or 8th
- March 2010 – appointment and initial training
- Confirmation of appointment at Annual Council on 24 May 2010

8.3 To agree the job description and person specification attached as Appendix One.

8.4 To authorise the placing of an advert attached as Appendix Two to invite suitable individuals to apply to fill the 1 independent member vacancy;

8.5 To agree the application form attached as Appendix Three;

8.6 To establish a short listing and interview panel consisting of 2 Independent Members and 2 Councillor Members of the Standards Committee to consider the selection of independent members;

8.7 To agree to extend the term of the Independent Member Carol Sykes (whose term of office expires on 24 May 2010) by one year to 23 May 2011; and.

8.8 To consider whether to increase the Independent Membership of the Committee by an additional one Member was appropriate, given the current Municipal Year's increase in the number of Assessment, and Review Sub-Committees, and Determination Hearings and the draw of members to sit on each;

8.9 That should the Committee agree to increasing the Independent Membership by one then the recommendation be put to full Council in January 2010 to agree to the increase and that the Council's constitution be amended to reflect this increase accordingly.

9. Equalities Implications

9.1 The recruitment process will be conducted in accordance with Council procedures and will pay due regard to the Council's policies on equality and diversity.

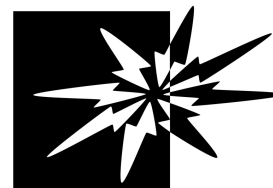
10. Use of Appendices

Appendix One - Independent member of Standards Committee person specification and job description

Appendix Two - Draft Advert

Appendix Three - Application form

Appendix Four – Guidance from SfE



Haringey Council

Appendix 1

STANDARDS COMMITTEE

INDEPENDENT MEMBER – JOB DESCRIPTION & PERSON SPECIFICATION

PERSON SPECIFICATION

The successful candidate must:

1. Have good analytical, questioning and interpersonal skills. **(essential)**
2. Be independent of any political party and Local Government and been seen to be impartial. **(essential)**
3. Have an understanding of the role of a Council and its Councillors **(desirable)**
4. Have an understanding and interest in issues of standards in public life. **(desirable)**
5. Have some experience of decision-making skills involving sensitive issues. **(desirable)**
6. Have experience of dealing with people and matters where their conduct and actions should be of the highest standard. **(desirable)**
7. Show commitment to the effective provision of public services. **(desirable)**
8. Have sufficient time available to devote to the appointment. **(essential)**

JOB DESCRIPTION

The successful candidate will be required:

1. To promote and maintain high standards of conduct by Councillors.
2. To assist Councillors to observe the Code of Conduct.

3. To sit on determination hearings in relation to breaches of the Code of Conduct by members.
4. To observe confidentiality at all times.

Independent Member – Haringey Council

Standards Committee

Are you interested in promoting high ethical standards in Haringey Council?

Haringey Council's Standards Committee promotes and maintains high standards of conduct for your local councillors. There are eight councillors and five independent members of the public on the Standards Committee. We need to recruit 1 independent member to sit on our Standards Committee for 4 years from May 2010.

We are looking for applicants who:

- are independent of any political party and local government
- are familiar with ethical questions
- have good analytical, questioning and interpersonal skills
- have a genuine interest in local government

You cannot become an independent member of Haringey Council's Standards Committee if you:

- have been a member or employee of Haringey Council in the last 5 years
- are a relative or close friend of a member or employee of Haringey Council
- have a criminal conviction which is not spent
- are an undischarged bankrupt
- are not a resident of Haringey

There are four Standards Committee meetings a year, one every three months. These take place in the evenings in Haringey Civic Centre as do a roughly equal number of assessment and review sub-committee meetings (meetings to consider complaints received against members). In addition a Standards Sub-Committee sits when necessary to determine the outcome of a complaint against a councillor. These hearings take place during the day and normally only last for one day.

Training for independent members is provided.

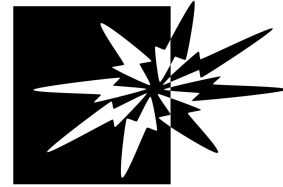
Independent members receive a small allowance of £616.50 a year and may be eligible for a baby sitting or dependants allowance.

If you would like to have an informal discussion about this role, please contact John Suddaby, the Council's Head of Legal Services and Monitoring Officer, on 0208 489 3974 or email: john.suddaby@haringey.gov.uk . To receive an application form and information pack please contact Clifford Hart – Committee Manager on 0208 489 2920 or email: clifford.hart@haringey.gov.uk.

The closing date for applications is Friday 29 January 2010 at 5pm.

Interviews are likely to be held in the evening during the weeks commencing 1 and 8 March 2010 – to be confirmed.

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Haringey Council

APPENDIX 3

STANDARDS COMMITTEE

APPLICATION FORM – INDEPENDENT MEMBER

Please read the person specification before you complete the form.

1. PERSONAL DETAILS

Please use capitals for this section

Surname: _____

First Name: _____ Date of Birth: _____

Address: _____

Post Code: _____

Phone: Day: _____ Evening: _____

Mobile: _____

E-mail: _____

2. EMPLOYMENT AND OTHER RELEVANT EXPERIENCE

Are you in employment? *Tick* YES _____ NO _____

If NO, are you retired? _____

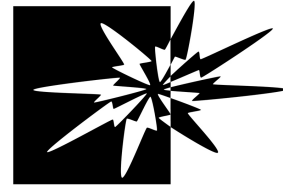
If you are in employment, can you be contacted at work? YES _____ NO _____

If YES, please provide a telephone number and/or fax and/or email

Tel: _____ Fax: _____

Email: _____

Please give a **brief** description of duties/experience relevant to this position:



Haringey Council

3. GENERAL

Canvassing of Councillors or Officers in relation to this appointment will **disqualify** you.

Are you related to, or a friend or in a personal relationship with a Councillor, co-opted member, or officer of the Authority?

YES___ NO___

If YES, please give name of Member or Officer_____

Relationship_____

Are you a member of any political party?

YES___ NO___

Have you been a member or co-opted member of Haringey in the last 12 months?

YES___ NO___ If Yes, please give details_____

Are you currently a member or co-opted member of any local authority or other public body?

YES___ NO___ If Yes, please give details_____

Are you an employee of a local authority or other public body?

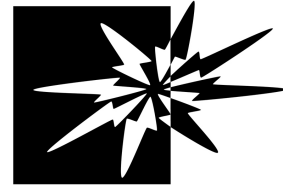
YES___ NO___ If Yes, please give details_____

Are you able to attend evening and occasional daytime meetings?

YES___ NO___

4. EDUCATION, TRAINING & QUALIFICATIONS

Please **list** any qualifications attained, training courses attended and membership of any professional bodies, if any, with dates:



Haringey Council

You may continue on an additional sheet. Please make sure your name is on any additional sheet.

6. REFEREE

Please provide the name and address and contact details for someone who has agreed to act as your referee for this position. This must not be a family member.

Name:

Address:

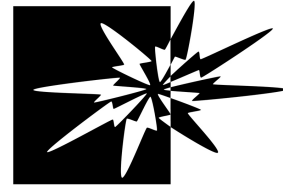
Tel. No:

Email:

7. DECLARATION

I declare that to the best of my knowledge the information I have given on this form is correct and that I have not omitted any facts which may have a bearing on my application. I understand that if any of the information provided by me is found to be false, my membership of the Committee may be terminated.

Signed: _____ Date: _____



Haringey Council

8. REHABILITATION OF OFFENDERS ACT

The Rehabilitation of Offenders Act provides that, after a period of time, people who have been convicted of criminal offences and who have served their sentences or paid their fine may with certain exceptions, be rehabilitated and allowed to treat the conviction as being "spent". **If you have any criminal convictions which are not "spent" please disclose those convictions.**

Please complete the following declaration:

Name: _____

Position applied for: _____

Do you have a criminal conviction(s)? Yes ___ No ___

If your answer is Yes, please provide full details of the offence(s) and conviction(s) below.

Signed: _____ Date: _____

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APPENDIX 4

The Standards Board for England Guidance on Standards Committee states:

“The reason for having an independent representative is to help increase public confidence and provide a clear signal that the committee is fair. The independent representative also brings a wider perspective from outside experiences. There is no limit to the number of independent representatives you can have on your standards committee.

The independent member must not be a member or employee of your council or any local authority. Your council decides how long an independent representative should sit on the committee. This should be long enough for them to gain an understanding of the committee, your council and its workings, but not so long that they lose their independence.

We recommend that there should be at least two independent representatives on your standards committee, as a single independent representative could become isolated and ineffective.

Having two independent representatives would also avoid meetings automatically becoming inquorate if the independent representative cannot attend.

Choosing an independent representative

You must choose the independent representative in a fair and open way. A person can be an independent representative only if:

- *he or she has not been a member or employee of your council within the five years before the date of appointment;*
- *he or she is not a relative or close friend of a member or employee of your council;*
- *he or she filled in an application for the position;*
- *he or she has been approved by the majority of members; and*
- *the position has been advertised in at least one newspaper distributed in your council’s area.*

If you are finding it difficult to appoint an independent representative, you should review the criteria of the advertisement and make sure they are realistic. For example, you could check that you are not asking the member to put in an unrealistic amount of time.

The qualities you look for in an independent representative will depend on the area your council serves, but you may want to see that the representative:

- *is familiar with ethical dilemmas;*
- *has experience with committee work;*
- *has questioning skills;*
- *is assertive; and*
- *is independent of any political party and local government.*

An individual's membership of a political party does not automatically bar them from being an independent member of a standards committee. However, the more politically active an independent member is the less likely they will be seen as being independent. You should consider public perception before making an appointment of this sort.

You could try advertising for an independent representative in a number of places (for example, places of adult learning, libraries or places of worship). You could approach someone your council considers appropriate for the position and tell him or her about the advertisement. Remember that all the selection criteria for the position will still apply, so even if you approach someone directly, they must still make a formal application. At present, independent representatives are only entitled to allowances to cover travel and subsistence expenses and financial loss."



Haringey Council

[No.]

Agenda item:

STANDARDS COMMITTEE**on****21 DECEMBER 2009**

Report Title: Ethical Conduct Training Programme for Members of the Standards Committee and Other Elected Members

Report of: The Monitoring Officer

Wards(s) affected: All

Report for: Non Key Decision

1. Purpose

1.1 To present proposals to the Standards Committee for further training of Standards Committee Members and to outline a training programme for all elected Members on Ethical Conduct and Governance matters in 2010/11.

2. Recommendations

2.1 It is recommended that the Standards Committee:

- (i) consider the training topics outlined in the report and summarised in bullet point form below at paragraph 8.2, and
- (ii) indicate the priority to be given to each training topic and the timing for each topic, including a view as to whether the topic should fall within the training programme for 2010/11 or be available before the end of the current municipal year, and
- (iii) agree that the Head of Local Democracy and Member Services circulate a schedule of training activities with a list of proposed dates, having taken into account Members' decisions on (i) and (ii) above and having checked Members' availability.

Report Authorised by:

John Suddaby, Monitoring Officer

Contact Officer: Terence Mitchison, Principal Project Lawyer Corporate
Terence.mitchison@haringey.gov.uk tel. 020-8489-5936

3. Local Government (Access to Information) Act 1985

3.1 Background papers used in the preparation of this report were:

The Local Government Act 2000, The Local Government and Public Involvement in Health Act 2007 and relevant regulations made under these Acts.

4. Background

- 4.1 The last written report on Member training was considered by the Standards Committee on 23 March 2009. At that meeting the Committee agreed a programme of training for the municipal year 2009/10 and indicated the priority for each training topic. Most of the training was intended specifically for Standards Committee Members but some of the topics were also to be available to all Members of the Council. The extract from the minute of the meeting on 23 March which sets out the agreed training programme for 2009/10 is attached to this report as the Appendix.
- 4.2 At the Committee's meeting on 2 July 2009 the Monitoring Officer presented an oral update on progress with training and the forthcoming training dates.
- 4.3 There was a session by way of a general introduction to the Members' Code of Conduct held on 10 June. On that date and on 28 July there was training on the local assessment of complaints covering the functions of Assessment and Review Sub-Committees. In preparation for the local determination hearings in October there was a "mock hearing" exercise involving a scenario of bullying and treating officers with disrespect that took place on 10 September. Linked to this hearing training, there was a presentation on Natural Justice, including issues relating to bias and fairness, held on 9 September.
- 4.4 There has been a need to prioritise the training relating to the initial assessment of complaints and to local determination hearings. There has also been greater than usual pressure on the time of Standards Committee Members resulting from the number of complaints and investigation reports to be considered and the number of hearings to be conducted. Furthermore, the promised amendments to the Members' Code of Conduct have been delayed longer than previously anticipated.
- 4.5 Consequently, the originally agreed training programme for 2009/10 has had to be modified. But it should prove possible for those training topics from the 2009/10 programme, which have yet to be covered in training sessions, to be included in the 2010/11 programme or, if practicable, be made available before the end of the 2009/10 municipal year.

Amendments to the Member Code of Conduct

- 4.6 The long awaited amendments to the Members' Code of Conduct, which were the subject of consultation with local authorities last year, are expected to be brought into force towards the end of this year but past experience suggests that there could be further delay. The main changes are likely to be an extension of the Code to cover Members in

their non-official capacity where their conduct would amount to a criminal offence. At the same time the Government is likely to bring into force in England changes to legislation (already set out in section 183(4) of the Local Government and Public Involvement in Health Act 2007) that will enable the Code to cover criminal conduct in a private capacity.

- 4.7 When these changes to the Code are published in their final form and with a date for taking effect, then a briefing will be circulated to Standards Committee Members and also to all other Members of the Council. There will be opportunities for the Standards Committee and other Members to ask questions of the Monitoring Officer and his staff. Depending on what appears appropriate, this could be arranged during the course of a Standards Committee meeting or through a special training session.

Basic Training on the Members Code of Conduct

- 4.8 All Members of the Council will have received basic training on the provisions of the current Members' Code of Conduct (May 2007) either as part of their induction or by attending a more detailed presentation. At this late stage in the Councillors' 4 year term, there is little point in offering further training before the 2010 Council elections except to the limited extent needed to make known any amendments to the Code as noted above. Further training sessions on the Code will be available to all Members in June/July 2010 and there will be strong encouragement for any newly elected Councillors and the new independent Standards Committee Member to attend. Any recent amendments to the Code on "conduct in a private capacity" will be pointed out and incorporated into the presentation.

Disclosure of Confidential Information

- 4.9 The Standards Committee was asked last year by the Standards Board to consider additional guidance for Members in cases where a Member sought independent professional advice on a matter and disclosed confidential Council information to the professional adviser for this purpose. The Code at paragraph 4 (a)(iii) requires the Member to obtain the agreement of the independent professional adviser not to disclose the confidential information to any other person (i.e. beyond those already having it legitimately).
- 4.10 The Standards Board said that the extra guidance should recommend to a Member in this situation that they confirm with their professional adviser that the adviser has no conflict of interest involving another client. Otherwise, the receipt of confidential information by the adviser could result in allegations that this information had improperly benefited that other client.
- 4.11 It is proposed that there will be a training topic devoted specifically to confidential information. This will cover the points in the two paragraphs above. The topic will also deal with the "public interest defence" in paragraph 4 (iv) of the Code and the very limited and special circumstances in which a Member could legitimately disclose confidential information outside the Council as part of a "whistle-blowing" exercise. This issue has been brought into prominence by the recent Hearing Panel decisions in the case of complaint SC3/089. A short "one off" pilot course could be offered to all Members of the Council in January/February 2010. The material could then be incorporated into the Basic Training on the Code of Conduct for new Members in June/July as described in paragraph 4.8 above.

- 4.12 The other issue brought into focus by the Hearing Panel decisions in the case of complaint SC3/089 is the extent to which Members can disclose confidential information to each other without seeking prior approval from the Monitoring Officer or other “official permission”. There is obviously a lack of clear guidance in the Council’s Constitution and there are various procedures by which a Councillor can obtain an exempt report to a body on which he/she is not a Member (for example under section 100F of the Local Government Act 1972 or by attending the relevant Committee with the Chair’s consent). This has caused confusion.
- 4.13 Exempt information is the “property” of the Cabinet or the Committee which receives a report and has the matter within its terms of reference. It is within the power of the Cabinet or Committee to determine the extent of disclosure to Councillors who are not Cabinet or Committee Members and who cannot otherwise demonstrate a “need to know”.
- 4.14 In order to avoid potential conflicts of jurisdiction and to achieve maximum transparency, it is desirable to set out the rules on disclosure of exempt information/reports as clearly and comprehensively as possible in the Council’s Constitution. In order to start the process of amending the Constitution, there has already been a Briefing Paper for Chief Executive’s Management Board. If there are any significant developments in the process of constitutional amendment, these will be reported orally to the meeting of the Standards Committee.
- 4.15 As Members will be aware, the Code of Conduct itself does not expressly prescribe the permissible extent of the disclosure or sharing of exempt information among Councillors. There is no express prohibition on showing exempt reports to non-Committee Members. Paragraph 4 of the Code simply prohibits the unauthorised disclosure of confidential information, subject to certain limited exceptions. The remit of the Standards Committee is to encourage and enforce compliance rather than to attempt to define the permissible limits of disclosure. However, any views the Standards Committee may have will be conveyed to other Members in the course of the process of amending the Constitution. This aspect is covered in the separate report to this meeting on “Outcome of Local Determination Hearings” at agenda item 7.
- 4.16 It is difficult to predict how long the process of amending the Constitution will take since this is a potentially sensitive and complex matter. Once the amendments on the disclosure/sharing of exempt information have been formally adopted by full Council, there will be training for both the Standards Committee and all other Members.

Local Assessment Training

- 4.17 As noted in paragraph 4.3 above, there has already been local assessment training on the operation of Assessment and Review Sub-Committees for all Members of the Standards Committee. In view of the importance of these procedures in the early stages of investigating any complaint, it is proposed that the same local assessment training be offered to all Members of the Council once the newly elected Councillors have undertaken the basic training on the Code of Conduct.
- 4.18 This local assessment training would start with the presentation on the new local

procedures in force since May 2008. It could include the examples of real past cases from Standards for England and/or hypothetical scenarios if there proved to be sufficient time and demand for these. This training could form part of the training programme for 2010/11.

- 4.19 We have received a DVD from Standards for England entitled “Assessment made clear – Local Assessment of Complaints”. This lasts 44 minutes and may form the basis of a training session for Members. It is recommended that an opportunity for Standards Committee Members to view this DVD be arranged at some time in January 2010.

Outside Bodies Training

- 4.20 The Council appoints many Members to bodies other than its own Cabinet, Committees and Sub-Committees. These bodies, known collectively as “outside bodies”, are diverse and include Community and Voluntary Organisations, Local Charities and Trusts, Partnership Bodies, such as the Haringey Strategic Partnership, and Joint Committees with other Boroughs to co-ordinate the discharge of statutory functions. Outside bodies may be trustee boards or limited companies or simply unincorporated associations. Some have charitable status while others do not. Councillors can be appointed either as mere “observers” responsible to the Council or as trustees and/or directors in which case they would owe duties to the trust/company which they were managing.
- 4.21 Training sessions have been held in previous years to assist Members in undertaking these potentially complex and challenging roles outside their normal responsibilities as Councillors. This was not done under the “umbrella” of ethical conduct training. However, part of the training does include matters such as the declaration of Members’ interests, how to handle conflicts of interest involving outside bodies and other ethical governance issues. For this reason it is suggested that future training sessions be offered to all Members of the Council within the programme of ethical conduct training for 2010/11 overseen by the Standards Committee.

Planning, Licensing and “Bias” Training

- 4.22 The report to the Standards Committee on 23 March proposed training on Town Planning issues because this was a relatively high risk area for controversy and complaints about Members’ conduct. The Committee considered that this training could usefully include the Council’s licensing duties which are also a regulatory function and involve similar risks to Planning.
- 4.23 The 23 March meeting considered a separate training topic on “bias” which would look at matters such as the rules of Natural Justice, pre-disposition and pre-determination and their relationship to Members having a “personal” or a “prejudicial” interest under the Code of Conduct. While there has been some training already on this topic on 9 September, there would be significant benefit in a more detailed examination of these issues. Since the procedures relevant to Planning and Licensing decisions frequently involve issues of Natural Justice, pre-disposition and pre-determination, it is now proposed to combine all these topics in a composite training session.
- 4.24 This training would be intended primarily for the Standards Committee, rather than as specialist training for Planning or Licensing Committee Members, but it would be available to all Members of the Council as part of the 2010/11 training programme.

Exemption of Officers from Political Restrictions

- 4.25 The Local Government and Public Involvement in Health Act 2007 has transferred, from the national “independent adjudicator” to each local Standards Committee, the functions of (i) considering applications from officers for exemption from political restrictions and (ii) giving directions to include any post on the list of politically restricted posts.
- 4.26 Political restrictions formerly applied to all posts at or above SCP 44. They prevented a politically restricted officer from standing for, or holding, elected office and from canvassing, speaking or publishing on behalf of a political party. These political restrictions on posts, only because they are graded at or above SCP 44, have been repealed with effect from 12 January 2010 by the Local Democracy Economic Development and Construction Act 2009.
- 4.27 Political restrictions will continue to apply automatically to Chief Officers and Deputy Chief Officers and any officer with duties that involve: - (a) giving regular advice to Member bodies, or (b) speaking regularly to the media on behalf of the Council.
- 4.28 It would appear that these changes to the legislation substantially remove the scope for any application to the Standards Committee for political exemption. Consequently, it is not now considered worthwhile to provide specific training on this topic.

5 Financial Implications

- 5.1 The financial implications of Member training will be covered by the Members’ training budget.

6 Legal Implications

- 6.1 The legal implications are set out in the body of this report

7. Equalities Implications

- 7.1 There are no specific equalities implications.

8. Recommendations

- 8.1 It is recommended that the Standards Committee:
- (i) consider the training topics outlined above in the report and summarised in bullet point form below, and
 - (ii) indicate the priority to be given to each training topic and the timing for each topic, including a view as to whether the topic should fall within the training programme for 2010/11 or be available before the end of the current municipal year, and

- (iii) agree that the Head of Local Democracy and Member Services circulate a schedule of training activities with a list of proposed dates, having taken into account Members' decisions on (i) and (ii) above and having checked Members' availability.

8.2 The training topics proposed in the report can be summarised as follows:

- Basic Training on the Members' Code of Conduct – for all Members of the Council but especially those newly elected – suggested for June/July 2010.
- Amendments to the Members' Code of Conduct – Briefing for Standards Committee and all other Members as soon as practicable – amendments to be incorporated into Basic Training on the Code (above).
- Disclosure of Confidential Information to include disclosure to independent professional advisers and the “public interest defence” – for all Members of the Council – suggested “one off” pilot course in January/February 2010.
- Disclosure of Confidential Information – specifically new/confirmed rules on the sharing of exempt information among Members - Briefing for Standards Committee and all other Members as soon as practicable – this topic to be incorporated into the other training on Disclosure of Confidential Information (above).
- Local Assessment Training – for all Members of the Council – suggested as part of the 2010/11 programme.
- Showing of Standards for England DVD on local assessment of complaints – for Standards Committee Members – January 2010.
- Outside Bodies Training - for all Members of the Council – suggested as part of the 2010/11 programme.
- Planning, Licensing and Bias Training – primarily for Standards Committee Members but available for all Members of the Council – suggested as part of the 2010/11 programme.

9. Use of Appendices / Tables / Photographs

The Appendix Extract from the minutes of the Standards Committee meeting on 23 March 2009 setting out the training programme for 2009/10.

APPENDIX

EXTRACT FROM THE UNRESTRICTED MINUTES (STC049) OF THE STANDARDS COMMITTEE MEETING ON 23 MARCH 2009 – REPORT ON TRAINING PROGRAMME FOR STANDARDS COMMITTEE MEMBERS 2009/10

RESOLVED

- i. that officers be authorised to prepare a schedule of training activities to take place in the new municipal year 2009/10 as prioritised below, with a programme of suggested dates for each activity:
 - a. Briefing to members of SC on amendments made to the Code of Conduct (as and when amendments are published)
 - b. Briefing to all members (at political group meetings) on amendments made to the Code of Conduct (as and when amendments are published).
 - c. Training for new and existing 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)
 - d. 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)
 - e. Training for all members of the Standards Committee on the authority's planning and licensing functions. (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.
 - f. 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).

- ii. that in respect of the minimum training requirements for individual Committee members prior to their participation at each stage of the assessment, review and determination stage of complaints, that Members attend and complete the training prior to participation as detailed in (i) (c) above.



Haringey Council

Agenda item:

[No.]**Standards Committee****On 21 December 2009**

Report Title: **Raising the profile of ethical standards and of the Standards Committee in Haringey**

Forward Plan reference number : N/A

Report of: **Monitoring Officer**

Wards(s) affected: **All**

Report for: Non – Key decision

1. Purpose

To consider steps that the Standards Committee could take to raise the profile of ethical standards and that of the Committee itself in Haringey.

2 Recommendations

It is recommended that the Standards Committee consider the initiatives proposed at paragraph 6.3 of the report and decide which it would like to take forward and whether it would like further work to be carried out by officers on any of the proposals. The Committee is asked to indicate an order of priority to any proposals that it adopts.

Report Authorised by: **Monitoring Officer**

Contact Officer: **Clifford Hart – Committee Manager**

Tel 0208 489 2920

Email : clifford.hart@haringey.gov.uk

3. Director of Finance Comments

3.1. Support for the Standards Committee is charged to the Legal Services Budget. The cost implications of particular initiatives suggested in this report will have to

be considered at each stage and a view taken whether an alternative means of resourcing should be investigated.

4. Head of Legal Services Comments

The legal implications are indicated in the report

5. Local Government (Access to Information) Act 1985

5.1. Local Government Act 2000 and relevant regulations.

5.2. Haringey Council Constitution.

5.3. Standards for England Annual Report 2009.

6. Report

6.1 Background

The **Annual Report of Standards for England 2009**, quotes some results of research it has carried out as showing that public confidence in the ethical governance of local authorities has taken a dip. This research shows that the public's confidence in local authorities' ability to uncover and deal appropriately with breaches of the Code by local councillors has dropped since 2007.

Part of the explanation for this lack of confidence is likely to be to do with the backlash caused by the MPs' expenses scandal and therefore outside the Committee's control.

The research, however, also shows that public awareness of the standards framework is very low - less than one in five members of the public know that their local authority has a Standards Committee (19%), and of those 79% say they know 'not very much' or 'nothing at all' about what it does. Low public awareness of the standards framework and how it works will undoubtedly influence the level of public confidence in the ability of local authorities to put their house in order on ethical issues.

Any reluctance on the part of local authorities to publicise the standards framework locally to Members and to the general public, however understandable, fails to recognise the many positives that derive from the authority being seen to be concerned with ethical issues, being seen to tackle them in an effective and timely way and doing this openly.

6.2 The Role of the Standards Committee

Putting the ethical standards and the local standards framework on the map is a key role for the Standards Committee and one which it has engaged in but which now with its role in local determination it needs to review.

The Standards Committee has the express role in the Constitution of:

- Promoting and maintaining high standards of conduct by Members, assisting them to observe the Members' Code of Conduct
- Monitoring the operation of the Code (including local assessment processes)
- Advising and training on ethical conduct issues
- Advising the Council on codes and protocols forming the Council's ethical framework and governance arrangements and making recommendations accordingly;

To undertake this role effectively, the Standards Committee must become active in promoting and developing:

- **Awareness and understanding** of ethical standards, the Members Code of Conduct and the local standards committee framework among elected members, officers of the Council and the members of the public
- **Confidence** among members of the public, elected Members and officers of the Council, that Member conduct issues will be dealt with fairly, efficiently, effectively and transparently.

6.3 The next steps

It is timely to consider what key next steps are to be taken to raise the profile of ethical standards and of the Standards Committee in the governance of the authority

- Local determination has been in place for almost a year – the functioning of Assessment and Review Sub-Committees and determination hearings and issues they have raised needs to be assessed and reflected in any report
- Elections in May next year, will mark the end of the current administration and the lessons from the past 4 years of the ethical governance framework should inform our future strategy.
- In May 2010 there will be a newly elected Council. A new Council will present challenges for the Standards Committee in performing its leadership role in promoting ethical standards.

The next steps are to do with providing greater support for elected members in their compliance with the Code of Conduct, increasing the contribution of the Standards Committee in the ethical governance of the authority and improving public awareness of the standards framework and ethical conduct issues. Members are invited to consider the proposals set out below and prioritise those that they feel it would be helpful to adopt.

6.3.1 Supporting elected Members

Helping members to better understand their obligations under the Code and making it easier for them to comply with them is a role that Members can legitimately expect the Standards Committee to carry out. The following are examples of steps the Standards Committee could agree to take:

- i) Using complaint outcomes in training sessions- learning from 2 recent cases – bullying and breach of confidentiality
- ii) Monitoring Officer to produce briefing notes to members following recent cases
- iii) Standards Committee to develop an e-learning course for members on aspects of the code of conduct (see Appendix 1)
- iv) The Committee to look at ways of assisting Members with the task of declaring interests – e.g. designing a declaration of interest form containing guidance on the back to help Members decide whether they have an interest that should be declared.
- v) Holding pre- Council briefings for members on ethical issues
- vi) Producing a user friendly guide and flow chart for local assessment, review and determination processes.
- vii) Regular mailings of SfE Bulletins to all members

6.3.2 Raising the profile of the Standards Committee and developing its contribution to the ethical governance of authority

The Standards Committee has established its ability to deal effectively with complaints made against Members. Aside from this enforcement role, it needs to consider carefully what interventions if any it could usefully make in improving the ethical governance of the authority. The Annual Return Questionnaire from Standards for England provided some pointers on this subject and there are national examples of good practice that the Committee should consider, for example:

- i) members of the standards committee attending Council/council committee meetings to gain first hand experience of council business, member conduct and member officer relations.
- ii) Standards Committee to seek Constitution Review Working Group's agreement for Standards Committee to send one (independent) member to the meetings of that body.
- iii) Agreement with new Chief Executive that he holds regular meetings with Chair of Standards Committee and Monitoring Officer and an annual meeting with Standards Committee.

- iv) Meeting of Chair and Monitoring Officer with leader of Council and with leaders of other political groups.
- v) Reviewing the Member/officer relations protocol and its interface with the Code and the standards framework.

6.3.3. Improving public awareness of the standards framework and ethical conduct issues

Building the public's awareness of the standards framework and the Member obligations in the Code of Conduct can only improve the public's level of trust and confidence in the Council as a body that is maintaining high levels of ethical conduct. A reputational advance here has the capacity to influence public perceptions over a broader area. The following are examples of possible steps the Committee may wish to consider:

- i) Conduct a survey of public perceptions on Council ethical governance arrangements at Area Assemblies or by other means (Haringey People)
- ii) Develop a media/public awareness strategy to include articles, announcements etc in local press, Haringey People, notices/leaflets in the CAB offices and Council front line offices, council employee payslips.
- iii) Webcast determination hearings
- iv) Meetings of the Standards Committee held on a specific conduct issue – inviting members of the public to ask questions and debate this.
- v) Produce programme of media training for Chair and vice chair on how to handle media inquiries.
- vi) Draft Media protocol setting out the publicity issued at various stages of dealing with complaints and the bases for private hearings.
- vii) Organise series of presentations at the Area Assemblies on ethical standards issues

7. Equalities Implications

7.1 The implementation of any of the initiative outlined above will be conducted in accordance with Council procedures and will pay due regard to the Council's policies on equality and diversity.

8. Use of Appendices

Appendix 1 - Introduction to Leeds City Council e-learning course

Appendix 1

Leeds City Council – E learning Course development

LCC developed its e-learning course using the software available from the IDeA Learning Pool website (which is available to members of the Learning Pool).

It used a mixture of Standards for England guidance and references to its own local codes and protocols. The e-learning course at Leeds covers all sections of the Members' Code of Conduct, provides advice on how Members should behave in Leeds, and then follows with a short quiz on each of the sections. These are a mixture of multiple choice questions and drag and drop tables.

The software is quite easy to use but can be time consuming. Approximate officer time - two officers. two to three days work each to develop and produce the course.

There is also another service available nationally called Modern Councillor which has lots of ready made e-learning software available for member Councils to use. This has a course on the Code which is quite brief but still useful. This software also incorporates a database so officers can keep track of who has started and completed each course. It does require Members to have their own log ins though and internet access. You can access more details here: <http://www.moderncouncillor.com/nwin/>

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