



NOTICE OF MEETING

Standards Committee

THURSDAY, 10TH JUNE, 2010 at 19:30 HRS – CIVIC CENTRE, HIGH ROAD, WOOD GREEN, LONDON N22

COUNCIL MEMBERS: Christophides, Demirci, Reece, Stennett, Watson, Williams and Winskill

INDEPENDENT MEMBERS: Mr J. Batterham, Ms R. Chambers, Mr J. Darbyshire, Mr P. Skinner, Ms A. Loyd and Ms C. Sykes

AGENDA

1. ELECTION OF CHAIR OF THE STANDARDS COMMITTEE FOR THE MUNICIPAL YEAR 2010/11

To elect a Chair of the Standards Committee for the Municipal Year 2010 -11.

2. ELECTION OF VICE CHAIR OF THE STANDARDS COMMITTEE FOR THE MUNICIPAL YEAR 2010/11

To elect a Vice-Chair of the Standards Committee for the Municipal Year 2010 -11.

3. APOLOGIES FOR ABSENCE

4. URGENT BUSINESS

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

5. 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.

6. UNRESTRICTED MINUTES AND MATTERS ARISING (PAGES 1 - 12)

To confirm and sign the unrestricted minutes of the meeting of the Standards Committee held on 14 January 2010.

7. CHAIR'S ANNOUNCEMENTS

8. PROGRESS REPORT ON OUTSTANDING COMPLAINTS

Oral Report of the Head of Legal Services and Monitoring Officer – advising of progress in respect of outstanding complaints.

9. ANNUAL RETURN TO THE STANDARDS BOARD FOR ENGLAND (PAGES 13 - 20)

Oral Report of the Head of Legal Services and Monitoring Officer – advising of the Annual return to the Standards Board for England submitted in May 2010.

See attached return

10. ANNUAL REPORT 2009/10 (PAGES 21 - 30)

Report of the Head of Legal Services and Monitoring Officer - To advise the Committee of the Annual Report of the Standards Committee for 2009/10, for consideration and endorsement prior to its consideration by Full Council on 19 July 2010.

11. RECRUITMENT OF INDEPENDENT MEMBERS TO THE STANDARDS COMMITTEE 2010/11 (PAGES 31 - 46)

Report of the Head of Legal Services and Monitoring Officer – to note the resignation of an Independent Member of the Committee and to seek approval to recruit 2 independent members of the Committee with effect from November 2010 and May 2011 respectively.

12. NEW PROCEDURE FOR ADVANCE DECLARATION OF MEMBERS' INTERESTS (PAGES 47 - 52)

Report of the Head of Legal Services and Monitoring Officer – To propose a new procedure and “form” to facilitate the advance declaration of Members’ interests at meetings of the full Council.

13. TRAINING AND BRIEFING FOR MEMBERS 2010/11

Oral update by the Head of Legal Services and Monitoring Officer - To consider training and briefing arrangements with regards to Standards Committee for 2010/11.

14. REVIEW OF THE PROCEDURES FOR COMPLAINTS AGAINST MEMBERS (PAGES 53 - 60)

Report of the Head of Legal Services and Monitoring Officer – To propose amendments to the procedures for complaints against Members as contained within the protocol for Member/Officer Relations in the Council’s Constitution.

15. AMENDING CONSTITUTIONAL PROVISIONS ON MEMBERSHIP OF THE STANDARDS COMMITTEE AND ITS SUB-COMMITTEES (PAGES 61 - 68)

Report of the Head of Legal Services and Monitoring Officer - To propose amendments to provisions in the Council’s Constitution that prescribe the membership of the Standards Committee and its Sub-Committees

16. NEW ITEMS OF UNRESTRICTED URGENT BUSINESS

17. DATES OF NEXT MEETINGS

13 September 2010 *
20 December 2010
10 March 2011

*subject to rescheduling due to meeting clashes – proposed provisional dates 19 or 21 October 2010

18. EXCLUSION OF THE PUBLIC AND PRESS

The following items are likely to be subject of a motion to exclude the press and public from the meeting as they contain exempt information as defined in Section 100a of the Local Government Act 1972; namely information relating to any individual, and information which is likely to reveal the identity of an individual, information relating to the business or financial affairs of any particular person (including the authority holding that information), and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

19. EXEMPT MINUTES AND MATTERS ARISING (PAGES 69 - 80)

To confirm and sign the EXEMPT minutes of the meeting of the Standards Committee held on 14 January 2010.

20. NEW ITEMS OF EXEMPT URGENT BUSINESS

Ken Pryor
Deputy Head of Local Democracy & Member
Services
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London N22 8HQ

Clifford Hart
Committee Manager
London Borough of Haringey
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2 June 2010

**UNRESTRICTED MINUTES OF THE STANDARDS COMMITTEE
THURSDAY, 14 JANUARY 2010**

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

Indicates attendance *

Apologies Ms Chambers, Ms Sykes and Councillor Lister

MS LOYD IN THE CHAIR

MINUTE NO.	SUBJECT/DECISION
STCO17.	APOLOGIES FOR ABSENCE Apologies for absence were received from Carol Sykes (due to illness), Rachel Chambers (due to vacation) and Cllr Lister (due to work commitment) for whom Councillor Meehan was substituting. NOTED
STCO18.	URGENT BUSINESS Nil
STCO19.	DECLARATIONS OF INTEREST There were no declarations of interests. NOTED
STCO20.	VARYING THE ORDER OF BUSINESS ON THE AGENDA At this point in the proceedings the Chair MOVED that the order of business on the agenda be varied to consider exempt Item 14 after Item 4 due to the anticipated prolonged discussions in respect of the item. The MOTION was carried nemine contradicente.
STCO21.	UNRESTRICTED MINUTES AND MATTERS ARISING RESOLVED That the Chair be authorised to sign the unrestricted minutes of the Standards Committee held on 2 July 2009, 4 August 2009 (special) and 9 September 2009 (special) as an accurate record of the proceedings.
STCO22.	EXCLUSION OF THE PUBLIC AND PRESS

**MINUTES OF THE STANDARDS COMMITTEE
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	<p>RESOLVED</p> <p>That the press and public be excluded the from the meeting for consideration of Item 14 as it contains exempt information as defined in paras 1,2, and 5 of Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); namely information relating to an individual, information which is likely to reveal the identity of an individual, and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>
STCO23.	<p>CONSIDERATION OF THE OUTCOME OF AN INVESTIGATION RESULTING FROM THE DETERMINATION OF THE STANDARDS ASSESSMENT SUB-COMMITTEE SC4/089</p> <p>AGREED TO TAKE NO FURTHER ACTION</p>
STCO24.	<p>RE-INCLUSION OF THE PUBLIC AND PRESS</p> <p>RESOLVED</p> <p>That the public and press be readmitted into the proceedings for consideration remainder of the unrestricted agenda.</p>
STCO25.	<p>CHAIR'S ANNOUNCEMENTS</p> <p>Nil</p>
STCO26.	<p>MONITORING OFFICER'S REPORT ON REFERRALS RECEIVED FROM THE STANDARDS BOARD FOR ENGLAND</p> <p>The Head of Legal Services and Monitoring officer – Mr Suddaby advised that there were no referrals received.</p> <p>Mr Suddaby also advised that as the issue of complaints was now considered and determined at the local level there was unlikely to be referrals from the Standards Board for England and therefore this item could now be removed as a standard item on agendas in future.</p> <p>The Chair then summarised and it was:</p> <p>RESOLVED</p> <p>that as the issue of complaints was now considered and determined at the local level and as there was unlikely to be referrals from the Standards Board for England this item be removed as a standard item on agendas for Standards Committee in the future.</p>
STCO27.	<p>DETERMINATION HEARINGS</p>

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The Chair asked for an introduction of the report.

The Principal Lawyer – Legal Services – Mr Mitchison reminded the Committee that at its special meeting on 9 September 2009 it 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 2009. The Panel's decision was at Appendix 1 to the report. Cllr Reith's complaint as it related to Cllr Aitken was heard separately on 22 October 2009. The Panel's decision was at Appendix 2 to the report.

Mr Mitchison referred to the other complaint by Karlene Akindele against Cllr Haley (SC2/089) which was heard on 2 December 2009. The Panel's decision was at Appendix 3 to the report.

With regard to the complaint against Cllr Oakes, this had 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 was covered in the separate report to this meeting (agenda item 9) on the Ethical Conduct Training Programme.

Concerning the complaint against Cllr Aitken Mr Mitchison advised that this had 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 would 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.

Mr Mitchison commented that as a first step, a Briefing Paper had been submitted to the Chief Executive's Management Board (attached at Appendix 4 to the report) setting out the issues and three broad options to resolve the problem. This Committee was now being 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.

Mr Mitchison then referred to the end of the hearing of the complaint against Cllr Haley, whereby 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" was attached as Appendix 5 to this report.

Mr Mitchison concluded that the Committee were being asked whether they had 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.

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The Chair thanked Mr Mitchison for his succinct introduction and asked if there were any points of clarification, or comment.

Councillor Meehan, with reference to the matter arising from Councillor Oakes's hearing commented that in his view it was the responsibility of individual members not to leak or disclose exempt information. If it were the case that a Member happen to pick up a confidential report at a meeting then that information should remain confidential. However, he did not feel it was necessary to restate the view and it would not be appropriate to close down the rights of members to have access to exempt reports during a meeting.

Councillor Dodds commented that in his view the issue was slightly different in that in the information had been shared between individuals and that this had appeared to have been custom and practice, and it was not the case that a member had gone into a meeting and had picked up the papers but that the papers had had been passed from one member to another.

Mr Batterham commented that that was why there needed to be a clear protocol and clarity on what information should be shared.

Councillor Whyte, in concurring with the comments of Councillor Meehan added that the fact that an individual may obtain yellow papers at a meeting would not prevent them from sharing information obtained.

Councillor Santry commented that in terms of the options at appendix 4 she favoured the 3rd option. In terms of the matter relating to Councillor Haley she felt that it was important that any review of the code of conduct for members and officers be brought to the Standards Committee for consideration as this Committee had the overall oversight of member behaviour and conduct.

The Chair and other Members welcomed the proposal.

Councillor Diakides commented that in terms of the obtaining exempt reports etc usually a Member was required to demonstrate a 'need to know' as well as then attending and having sight to exempt documents at a meeting. He felt that there was a need for clarification in respect of the whole issue of disclosure. Councillor Diakides also felt that there needed to be a time limit placed on investigations, and the reporting of them to the Standards Committee should be within the specified time frame. Councillor Diakides commented that given the discussions in the exempt part of the proceedings regarding different codes of conduct and protocols it would be of benefit to have some clarification to this Committee of what each meant and whether they interlinked or were 'official' as opposed to 'unofficial'.

In response to a number of point raised Mr Suddaby advised that there was a separate procedure for officer complaints against Councillors, as well as planning and licensing protocols. A local authority was able to agree locally agreed protocols and procedures and also could add to national codes. However, there was a matter of how challengeable a local procedure or protocol was and how such challenges were handled from a legal perspective. It would require careful consideration of the legality of linking locally linked protocols to nationally enforced ones.

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The Chair then summarised and it was:

RESOLVED

- i. That 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 be noted;
- ii. That the Briefing Paper to Chief Executive's Management Board on Exempt Information and the Rules on Disclosure between Members, at Appendix 4 to the report be endorsed for consideration at the Constitution Review Working Group and then full Council on these matters, and that officers be requested to express the views of this Committee as detailed during discussion to the Constitution Review Working Group ;and
- iii. that the Recommendation to Council on officer complaints against Members and the Member/Officer Protocol as detailed in Appendix 5 to this report be noted and endorsed with the caveat that any review of the code of conduct for members and officers be brought to the Standards Committee for consideration as this Committee had the overall oversight of member behaviour and conduct.

STCO28. RECRUITMENT OF INDEPENDENT MEMBER OF STANDARDS COMMITTEE

The Chair asked for a brief introduction of the report before the Committee.

The Head of Legal Services and Monitoring officer – Mr Suddaby advised that the report before the committee was to seek agreement to 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.

Mr Suddaby advised that to some extent a number of the recommendations were retrospective as Members would be aware that the recruitment process had actually commenced by way of advert in Haringey People in mid December 2009, and the local press in early January. 2010. The matter should have been reported to the committee in mid November 2009 but due to this meeting being rescheduled to 21 December 2009, which was subsequently rescheduled due to adverse weather conditions the recruitment process needed to be put in train in early December. The advert and person spec and application form had been circulated to Committee Members for comments in early December following the agreement of the Chair, and having received some minor tweaks had been agreed and the advert placed in Haringey People for the December January issue, and the local press on 8 January 2010.

Mr Suddaby reminded the Committee of Haringey's Constitution which stated that the Standards Committee was 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.

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Mr Suddaby also reminded the Committee of the legislation, which required 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.

Mr Suddaby also advised the Committee that the term of office of 1 out of the 5 independent members (R Lovegrove) had in May 2009 been extended by a further year until May 2010 (the date of the Annual General Meeting of the Council). The resultant vacancy arose 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) was also due to cease on 24 May 2010. As with previous practice it was proposed that Carol Sykes have her term of office extended by a further year in order to maintain continuity to the existing Independent Membership.

Mr Suddaby then outlined the indicative recruitment process for the one resulting vacancy as follows, which maybe subject to slight variation subject to member availability:

- 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

Mr Suddaby referred to Appendix Two of the report which was the draft advert for independent members, an application form at appendix 3, and person specification – appendix 4. The Standards Committee was being asked to retrospectively agree these, and the advert being placed in Haringey People and the Local press. The advert had also been placed, on the Haringey Council website, in Job Search and in local papers.

Mr Suddaby also informed the Committee that in addition to recruiting to the existing vacancy as referred to the Committee may wish consider whether it viewed that an increase in Independent Members was appropriate 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. It was within the Council's powers to amend the constitution to

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make such changes and that this could be reported to the next full Council on 18 January 2010 as a recommendation of the Standards Committee.

The Committee briefly discussed the pros and cons of an increase in Membership of the Independent Member of the Committee. There were views expressed in the status quo and also the possible increase which would allow for greater continuity in terms of membership of assessment and review sub committees.

The Chair also asked for nominations to sit on the recruitment panel for shortlisting and interviewing prospective candidates. Councillor Whyte suggested Councillor Winskill and Councillor Dodds suggested Councillor Santry. Mr Batterham advised that he was happy to participate, as did the Chair.

Councillor Santry commented that in terms of the recruitment advert it may be prudent to also advertise through HAVCO as this may attract applicants from the voluntary, and BME communities.

The Chair then summarised and it was:

RESOLVED

- i. That the recruitment of 1 Independent Member of the Standards Committee for a period of 4 years commencing 24 May 2010 be agreed;
- ii. That the recruitment timetable be 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
- iii. that the job description and person specification attached as Appendix One of the report be agreed;
- iv. that officers be authorised to place an advert (attached as Appendix Two of the report) to invite suitable individuals to apply to fill the 1 independent member vacancy;
- v. that the application form attached as Appendix Three be agreed;
- vi. that in addition to the advert appearing in Haringey People and the Local newspapers the advert be advertised through HAVCO;
- vii. that a short listing and interview panel be agreed consisting of 2 Independent Members (Ms Loyd and Mr Batterham) and 2 Councillor Members (Cllrs Santry and Winskill) of the Standards Committee to consider the selection of independent members;

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	<p>viii. that the term of office of the Independent Member Carol Sykes (whose term of office expires on 24 May 2010) be increased by one year to 23 May 2011.</p> <p>ix. that the Independent Membership of the Committee be increased by an additional one Member, 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; and</p> <p>x. That the increase in the Independent Membership by one 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, and that this resultant additional member be recruited to as part of the current recruitment process.</p>
<p>STCO29.</p>	<p>ETHICAL CONDUCT TRAINING PROGRAMME FOR MEMBERS OF THE STANDARDS COMMITTEE AND OTHER ELECTED MEMBERS</p> <p>The Chair asked for a brief introduction of the report.</p> <p>In a brief introduction of the report the Principal Lawyer – Legal Services – Mr Mitchison informed the Committee that the report presented proposals to the Standards Committee for further training of Standards Committee Members and outlined a training programme for all elected Members on Ethical Conduct and Governance matters in 2010/11. The report covered the following main areas for likely training for members in 2010/11.</p> <p>Basic Training on the Members Code of Conduct Disclosure of Confidential Information Local Assessment Training Outside Bodies Training Planning, Licensing and “Bias” Training Exemption of Officers from Political Restrictions</p> <p>Following a brief discussion of the report and the timescales and indicative lengths of each intended training session the Chair summarised and it was:</p> <p>RESOLVED</p> <p>That the following training topics as listed below be undertaken by the Standards Committee during the Municipal Year 2010/11 with priority given as listed, and that the Head of Local Democracy and Member Services circulate a schedule of training activities with a list of proposed dates and time periods for each session following consultation with Head of Legal Services and Monitoring in respect of likely length of each training session and whether a full day or evening would be sufficient for each:</p> <ul style="list-style-type: none"> • 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

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	<p>Committee and all other Members as soon as practicable – amendments to be incorporated into Basic Training on the Code.</p> <ul style="list-style-type: none"> • 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 . • 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.
<p>STCO30.</p>	<p>ENHANCING ETHICAL GOVERNANCE AND RAISING THE PROFILE OF STANDARDS COMMITTEE</p> <p>The Chair asked for a brief introduction of the report.</p> <p>In a brief introduction of the report the Head of Legal Services and Monitoring Officer – Mr Suddaby advised that report detailed steps that the Standards Committee could take to raise the profile of ethical standards and that of the Committee itself in Haringey. These were 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. Mr Suddaby briefly outlined the details of each area and asked that the Committee indicate those areas it would wish to progress further at this time.</p> <p>Following a brief discussion of the areas that the Committee would wish to progress further the Chair summarised and it was:</p> <p>RESOLVED</p> <p>That having considered the initiatives proposed to raise the profile of ethical standards and that of the Committee itself in Haringey the following be adopted for further exploration and report back to the Standards Committee:</p> <p>Supporting elected Members</p> <p>i) 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.</p>

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	<p>Raising the profile of the Standards Committee and developing its contribution to the ethical governance of authority</p> <ul style="list-style-type: none"> 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)t 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. <p>Improving public awareness of the standards framework and ethical conduct issues</p> <ul style="list-style-type: none"> i) 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. ii) Produce programme of media training for Chair and vice chair on how to handle media inquiries
STCO31.	<p>NEW ITEMS OF UNRESTRICTED URGENT BUSINESS</p> <p>Nil</p>
STCO32.	<p>EXCLUSION OF THE PUBLIC AND PRESS</p> <p>RESOLVED</p> <p>That the press and public be excluded the from the meeting for consideration of Item 14 as it contains exempt information as defined in paras 1,2, and 5 of Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); namely information relating to an individual, information which is likely to reveal the identity of an individual, and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>
STCO33.	<p>EXEMPT MINUTES</p> <p>AGREED</p> <ul style="list-style-type: none"> i. the exempt minutes of the Standards Committee held on 2 July 2009,

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	<p>4 August 2009 (special) and 9 September 2009 (special) as an accurate record of the proceeding; and</p> <p>ii. to receive and note minutes of Standards Assessment Sub-Committees held on, 7 July, 1 October, and 12 October 2009;</p> <p>iii. to receive and note that the minutes of Standards Review Sub-Committees held on, 6 July 2009 be received and noted</p>
STCO34.	<p>NEW ITEMS OF EXEMPT URGENT BUSINESS</p> <p>Nil Items</p>
STCO35.	<p>DATE OF NEXT MEETING</p> <p>The Chair advised that the Clerk to the Committee would be seeking Member's views and availability to rescheduling 8 April 2010 meeting to an earlier date in March 2010.</p> <p>NOTED</p>

The meeting ended at 21.45hrs.

Annabel Loyd

Chair

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Annual Return form - 2010

Authority name London Borough of Haringey
Primary contact John Suddaby
Primary contact email john.suddaby@haringey.gov.uk

PART 1: COMMUNICATION

Annual Report

Does the standards committee produce an annual report?

Yes

What does the report contain?

- | | |
|--|---|
| <input checked="" type="checkbox"/> A personal statement by the standards committee chairman | <input checked="" type="checkbox"/> Information about the members of the standards committee |
| <input checked="" type="checkbox"/> The role of the standards committee | <input type="checkbox"/> The standards committee terms of reference |
| <input checked="" type="checkbox"/> Information about the Code of Conduct | <input checked="" type="checkbox"/> Statistical information about complaints that have been received |
| <input type="checkbox"/> Information about the length of time taken dealing with complaints | <input checked="" type="checkbox"/> A summary of complaints which have led to investigation, sanction or other action |
| <input checked="" type="checkbox"/> Details about training/events provided | <input type="checkbox"/> The forward work plan of the standards committee |
| <input type="checkbox"/> Other | |

How is the standards committee annual report circulated?

- | | |
|--|--|
| <input checked="" type="checkbox"/> Sent to all senior officers | <input checked="" type="checkbox"/> Sent to all members |
| <input checked="" type="checkbox"/> Available on the authority intranet | <input type="checkbox"/> Available as a specific item on the authority website |
| <input checked="" type="checkbox"/> Available in the standards committee papers published on the authority website | <input checked="" type="checkbox"/> Included as a full authority meeting agenda item |
| <input type="checkbox"/> Publicised in local press | <input type="checkbox"/> Distributed to households |
| <input checked="" type="checkbox"/> Available at authority offices | <input type="checkbox"/> Not circulated outside of the standards committee |
| <input type="checkbox"/> Other | |

The report is "Available in the standards committee papers published on the authority website", please provide the web address.
www.haringey.gov.uk/standardscommittee

Publicising Complaints

How can the public access information about how to make a complaint against a member?

- | | |
|--|--|
| <input checked="" type="checkbox"/> Through a 'compliments and complaints' type section of the council website | <input checked="" type="checkbox"/> Through the standards committee section of the website |
| <input type="checkbox"/> Complaints leaflets available from the authority | <input type="checkbox"/> Included as part of a council newsletter |
| <input type="checkbox"/> Information is not available to the public | <input type="checkbox"/> Other |

The information is on the "'compliments and complaints' type section of the council website", please provide the web address.
www.haringey.gov.uk/complaints

The information is on "standards committee section of the website", please provide the web address.
www.haringey.gov.uk/standardscommittee

How can the public access information about the outcome of initial assessment decisions?

- | | |
|--|---|
| <input checked="" type="checkbox"/> Written summary available for public inspection | <input type="checkbox"/> All initial assessment decisions are publicised in the local press |
| <input type="checkbox"/> Publicised in the local press only if the subject member agrees | <input checked="" type="checkbox"/> Assessment decisions published on the authority website |
| <input type="checkbox"/> Articles published in the authority newsletter | <input type="checkbox"/> Other |

How can the public access information about the outcome of investigations?

- | | |
|--|---|
| <input checked="" type="checkbox"/> Hearings are open to the public | <input type="checkbox"/> All investigation outcomes are publicised in the local press |
| <input type="checkbox"/> Publicised in the local press only if the subject member agrees | <input checked="" type="checkbox"/> Published on the authority website |
| <input checked="" type="checkbox"/> Decision notices are available for public inspection | <input type="checkbox"/> Articles in the authority newsletter |
| <input checked="" type="checkbox"/> Other | |

Please describe the "Other" ways investigation outcomes are available.

Notice given in the Local Press of the findings of all Determination hearings.

Do you have a mechanism in place for measuring the satisfaction of all those involved in allegations of misconduct? For example the member, complainant and witnesses.

No

Communicating the role and work of the standards committee and standards generally

What does the authority do to promote the work of the standards committee and standards generally to the rest of the authority (i.e. internally)?

- | | |
|---|---|
| <input checked="" type="checkbox"/> Dedicated standards committee pages on intranet | <input type="checkbox"/> Standards committee has its own newsletter / bulletin |
| <input type="checkbox"/> Standards committee issues briefing notes | <input type="checkbox"/> Articles in employee newsletter / bulletin / newspaper |
| <input type="checkbox"/> Standards committee independent members observe other authority meetings | <input type="checkbox"/> Standards committee independent members contribute to other authority meetings |
| <input type="checkbox"/> Other | |

How can the public access information about your standards committee?

- | | |
|--|---|
| <input checked="" type="checkbox"/> Dedicated standards committee section on the authority website | <input checked="" type="checkbox"/> Within 'council and democracy' type section of website |
| <input type="checkbox"/> Ethical standards issues have been included in the local press / media | <input checked="" type="checkbox"/> Standards committee minutes, agendas, and reports are available to the public |
| <input type="checkbox"/> Leaflets and/or posters are placed in public buildings | <input checked="" type="checkbox"/> Places articles in the authority newsletter / bulletin / other publication |
| <input checked="" type="checkbox"/> Standards committee meetings are observed by members of the public | <input type="checkbox"/> Information is not available to the public |
| <input type="checkbox"/> Other | |

Please provide the web address for the standards committee section on the authority website.

www.haringey.gov.uk/index/council/ourstandards/ethicalgovernance

Please provide the web address for information within the council and democracy section of your website.

www.haringey.gov.uk/standardscommittee

What else does the authority do to promote the work of the standards committee and standards generally to the public and other partners?

n/a

PART 2: INFLUENCE

How does the standards committee communicate ethical issues to the senior figures within your authority (for example the Chief Executive and Leader of the Authority, Party Leaders)?

- | | | | |
|--------------------------|---|-------------------------------------|---|
| <input type="checkbox"/> | Formal meetings between standards committee members and senior figures specifically set up to discuss standards | <input checked="" type="checkbox"/> | Informal discussion on particular standards issues |
| <input type="checkbox"/> | Senior figure attendance at standards committee meetings | <input checked="" type="checkbox"/> | Monitoring Officer is a member of or attends Corporate Management Team (or equivalent) meetings |
| <input type="checkbox"/> | Executive or senior member has portfolio responsibility for standards | <input checked="" type="checkbox"/> | Chair (or other standards committee member) addresses full authority meeting(s) |
| <input type="checkbox"/> | Other | | |

How do the senior figures in your authority demonstrate strong ethical values?

- | | | | |
|-------------------------------------|--|-------------------------------------|---|
| <input type="checkbox"/> | Through a strongly promoted whistle-blowing policy | <input type="checkbox"/> | By ensuring there are references to ethics in the authority vision / objectives |
| <input checked="" type="checkbox"/> | Demonstrating appropriate behaviours | <input checked="" type="checkbox"/> | Senior figure(s) makes personal commitment to standards in statements to public/employees |
| <input type="checkbox"/> | Through any other method | | |

Does your authority have a protocol for partnership working that outlines the standards of behaviour expected of all those working in partnership?

Yes

What mechanisms does the authority use for dealing with member/officer and/or member/member disputes?

- | | | | |
|-------------------------------------|--|-------------------------------------|--|
| <input checked="" type="checkbox"/> | Informal discussion/mediation | <input checked="" type="checkbox"/> | Monitoring Officer mediation |
| <input type="checkbox"/> | Chair of standards committee mediation | <input type="checkbox"/> | Senior figure mediation (e.g. Chief Executive) |
| <input type="checkbox"/> | Advice from Human Resources department | <input type="checkbox"/> | Solicitor / legal adviser consulted |
| <input type="checkbox"/> | Informal hearing | <input type="checkbox"/> | No mechanisms other than normal complaints process |
| <input checked="" type="checkbox"/> | Other | | |

Describe the "Other" mechanisms used.

Member / Officer Relations Protocol.

PART 3: TRAINING AND SUPPORT

Between 1 April 2009 and 31 March 2010, has the authority assessed the training and development needs of authority members in relation to their responsibilities on standards of conduct?

Yes

If yes, what needs were identified?

- | | |
|--|---|
| <input checked="" type="checkbox"/> Introduction to the Code of Conduct | <input checked="" type="checkbox"/> Elements of the Code of Conduct |
| <input checked="" type="checkbox"/> The role and responsibilities of the standards committee | <input checked="" type="checkbox"/> Ethical governance/behaviour |
| <input type="checkbox"/> None | <input type="checkbox"/> Other |

What training/support was provided during the period 1 April 2009 to 31 March 2010?

- | | |
|--|---|
| <input checked="" type="checkbox"/> Introduction to the Code of Conduct | <input checked="" type="checkbox"/> Elements of the Code of Conduct |
| <input checked="" type="checkbox"/> Role and responsibilities of the standards committee | <input checked="" type="checkbox"/> Ethical governance/behaviour |
| <input type="checkbox"/> None | <input checked="" type="checkbox"/> Other |

Describe the "Other" training/support provided.

Assesment, Review and Determination hearings.

Who received training/support?

- | | |
|---|---|
| <input checked="" type="checkbox"/> Standards committee chair | <input checked="" type="checkbox"/> Independent members |
| <input checked="" type="checkbox"/> Other standards committee members | <input checked="" type="checkbox"/> All authority members |
| <input checked="" type="checkbox"/> Specific authority members with particular needs (e.g. new members, planning committee members) | <input type="checkbox"/> Other |

What methods were employed to give training/support?

- | | |
|--|---|
| <input checked="" type="checkbox"/> Internal training (presentations/seminars/workshops) | <input type="checkbox"/> External trainer/speaker |
| <input checked="" type="checkbox"/> One on one training | <input type="checkbox"/> Joint/regional training event |
| <input type="checkbox"/> Online learning | <input checked="" type="checkbox"/> Guidance notes/briefing materials |
| <input checked="" type="checkbox"/> Standards for England materials | <input checked="" type="checkbox"/> Ethical governance toolkit |
| <input type="checkbox"/> Other | |

In which areas of the Code of Conduct has training/support been provided?

- | | |
|--|--|
| <input checked="" type="checkbox"/> Respect | <input checked="" type="checkbox"/> Personal/Prejudicial Interests |
| <input checked="" type="checkbox"/> Use of resources | <input checked="" type="checkbox"/> Bullying |
| <input checked="" type="checkbox"/> Disrepute | <input checked="" type="checkbox"/> Predisposition, Pre-determination and bias |
| <input checked="" type="checkbox"/> Equality | <input checked="" type="checkbox"/> Confidentiality |
| <input type="checkbox"/> Other | |

What other training/support has been provided on areas of an authority member's role or activities they may engage in?

- | | |
|---|--|
| <input checked="" type="checkbox"/> Chairing skills | <input type="checkbox"/> Lobbying |
| <input checked="" type="checkbox"/> Predetermination, Predisposition and bias | <input type="checkbox"/> Blogging and/or the use of social media |
| <input type="checkbox"/> Electioneering | <input type="checkbox"/> Freedom of Information (FOI) |
| <input type="checkbox"/> None | <input type="checkbox"/> Other |

In general, how well attended was the training provided?

50-75%

Please give a brief overview of how standards issues are covered in your induction process for new members of the authority?

All new Members will receive training in the Code of Conduct and the Role of the Standards Committee, including the ten Principles of Public Life. Training will be provided to Standards Committee members on Assessment, Review and Determination procedures and also on the Code and common law rules on Predetermination, Predisposition and Bias.

In which areas of the role and responsibilities of the standards committee has training/support been provided for standards committee members? Please tick all that apply.

Initial assessments

Reviews

Hearings

Other

Other action/mediation

Investigations

Sanctions

PART 4: INVESTIGATIONS

Have any investigations been completed during the period 1 April 2009 - 31 March 2010? Yes

How many investigations have been completed during this period?

3

Have any of the investigations used external investigators? Yes

Of the investigations completed during the period, for how many have external investigators been used?

1

Overall, what was your principle reason for out-sourcing the investigation(s)?
Impartiality

What type of external investigator(s) did you use?

Employee of another authority

Self-employed investigator

Private law firm

Other

For the period 1 April 2009 to 31 March 2010, what was the approximate total cost of fees paid to the external investigator(s) for completed cases?

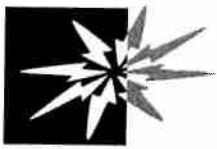
£1480.00

Please provide a brief overview of the processes you have in place to ensure the quality of local investigations.

We receive formal and informal feedback from Members of the Standards Committee once the investigation is completed and the complaint is dealt with.

End of form

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Haringey Council

Agenda item:

[No.]**STANDARDS COMMITTEE****On 10 JUNE 2010**

Report Title. Annual Report from the Standards Committee : 2009 / 10

Report of Standards Committee

Signed : Ms Carol Sykes, Chair of the Standards Committee and Mr John Suddaby,
Monitoring Officer, London Borough of Haringey

Contact Officer : Clifford Hart, Committees Manager

Telephone: 020 8489 2920 E-mail: clifford.hart@haringey.gov.ukWards(s) affected: **n/a**Report for: **non key decision****1. Purpose of the report**

1.1 To report on the activities of Standards Committee over the previous year and to give information on the monitoring of the Members' Code of Conduct and of complaints against members.

2. Introduction by Cabinet Member – n/a

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

3.1. This report is part of ensuring good ethical governance of the authority and complements the Council's Code of Governance and Annual Governance Statement.

4. Recommendations

4.1 That the enclosed Annual Report be noted, and endorsed for consideration by Full Council on 19 July 2010.

5. Reason for recommendation(s)

5.1. The Committee is required to consider and endorse the Annual Report for 2009/10 prior to its consideration by Full Council on 19 July 2010.

6. Other options considered

6.1. n/a

7. Summary

The Annual Report provides information on the activity of the Standards Committee in the year 2009/10. It describes the activity of the Committee in progressing complaints against Members through the assessment, review and determination procedures. It provides details on member declarations and registrations and on other matters relating to ethical governance raised during the year.

8. Chief Financial Officer Comments

8.1. n/a

9. Head of Legal Services Comments

9.1. The legal implications are contained in the main report
10. Head of Procurement Comments –[Required for Procurement Committee] 10.1. n/a
11. Equalities &Community Cohesion Comments 11.1. n/a
12. Consultation 12.1. n/a
13. Service Financial Comments 13.1. n/a
14. Use of appendices /Tables and photographs 14.1. Attached annual report
15. Local Government (Access to Information) Act 1985 15.1. n/a 15.2. [Also list reasons for exemption or confidentiality (if applicable)]

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**ANNUAL REPORT OF THE STANDARDS COMMITTEE: 2009/10
COUNCIL 19 JULY 2010**

1. Introduction

This item reports on the activities of Standards Committee for the Municipal Year 2009/10 and gives information on the monitoring of the Members' Code of Conduct and of complaints against Members.

Standards Committees for all Authorities in 2008/09 had gone through a period of major change due to the implementation of the 2007LGA and the publication of a new Model Code of Conduct which Haringey -in common with other Authorities- has adopted, un-amended, as its own Code. The 2009/10 year has successfully continued to work with these new arrangements and has had four meetings of its Assessment Sub committee, 1 meeting of its Review Sub-Committee, and 3 Standards Determination Hearing Panels.

The Register of Interests is available for all to view both in hard copy and on the Council's website. Individual declarations made at meetings are also able to be viewed on-line as part of meetings' minutes. The Opt-In option has continued to be applied to the online version of the Register of Interests as with the old Register of Financial Interests.

Independent Members

The Committee welcomes the appointment of James Darbyshire & Phillip Skinner as new independent members, who were appointed in March April 2010, and confirmed on May 24 2010 at the Council's AGM. The Committee organised the recruitment to the positions and was able to select both from a high-quality pool of applicants. The vacancies have arisen as a result of (i) the increase in Independent Membership of the Standards Committee, as agreed by the Committee on 14 January 2010 and confirmed by Full Council on 18 January 2010, and (ii) the period of office of one of the existing Independent Members (Roger Lovegrove) coming to an end on 24 May 2010. Mr Lovegrove served on the Committee for a period of 4 years, extended for a further period until May 2010. The previous Chair's (Ms Carol Sykes) period of office was further extended by 1 further year by Full Council on 18 January 2010 from the period 24 May 2010 to 23 May 2011 in order to allow for continuity, and to bring wealth of knowledge and expertise to the Committee given from serving for 4 years to date, which would assist the development of the 2 newly appointed Members.

The Standards Committee continues to work for the improvement of ethical standards in the Council in Haringey, and we look forward to another successful year ahead. We recognise that we would not be able to carry out our work without the support of Officers, whom we would like to thank.

Carol Sykes
Chair, Standards Committee
June 2010

2. Signatories to the Members' Code of Conduct

At the end of the reporting year all 57 Councillors had signed accepting the Code of Conduct, as had all independent Members of the Standards Committee, and the 4 Co-opted Members of the Overview and Scrutiny Committee.

Details of the Standards Committee

3.1 Political Breakdown

At the start of the reporting period, Standards Committee consisted of

4 Labour Councillors; 4 Liberal Democrat Councillors; 5 Independent Members

3.2 Changes in Membership

Following the increase of 1 Independent Member of the Independent Membership of the Standards Committee as agreed by the Committee on 14 January 2010, and confirmed by Full Council on 19 January 2010 (making a total of 6 Independent Members), a recruitment process was commenced to fill this additional Independent Member position as well as to fill a vacancy that would arise in May 2010 due to the term of office of one the existing independent members ceasing. The vacancies were appointed to in March 2010 and confirmed by Full Council in May 2010, therefore the new appointed independent membership was effective for the Municipal Year 2010/11.

3.3 Chair and Deputy Chair

Ms C Sykes & Ms A Loyd and were elected, respectively, as Chair and Deputy Chair for the Municipal Year 2009/10.

3.4 Meetings

Three ordinary meetings and a number of training sessions were held during the year. The Minutes of Meetings held during the year, having been previously circulated, are available, by request, from the Standards Committee Manager and for inspection in the Members' Rooms, prior to and immediately following the Council Meeting on 19th July 2010.

The Minutes are also available on the authority's website at <http://www.minutes.haringey.gov.uk> .

3.5 Monitoring Officer

The Committee's Lead officer continues to be John Suddaby. the Authority's Monitoring Officer.

3.6 New arrangements for Local Filter of complaints

New arrangements for dealing with complaints under the Members' Code of Conduct became effective from 8 May 2008 and gave the Standards Committee the responsibility for assessing, reviewing and determining complaints that a Member has failed to abide by the Code of Conduct. The Standards Board for England would still determine cases in exceptional circumstances and will retain a responsibility for advising Standards Committees and overseeing the effectiveness of the new arrangements.

Training of Standards Committee Members in the new responsibilities has continued and took place in early June, and September 2009. The Assessment Sub-Committee has met on 4 occasions where no action has been taken on 3 complaints and 1 case has been referred to the Monitoring Officer for investigation. The Review Sub-Committee met on 1 occasion and agreed that no action be taken on the case referred to it.

The Standards Committee – Determination Hearing Panel met on 3 separate occasions to consider the outcome of 3 investigations against the conduct of 3 individual Councillors. 1 hearing panel imposed a 3 month suspension of the subject Councillor concerned, 1 hearing panel censured the subject member concerned, and the other hearing panel took no further action against the subject member concerned.

4 Register of Members' Interests (ROI)

The ROI is available for inspection, by appointment within normal working hours, at River Park House.

Additionally, a simplified version of the ROI is included on the Haringey Council website. The simplification consisted of:

- modification of entries by removal of personal contact details;
- allowing Members to opt in or opt out of having their register published on the website.

5 Registration Form for Gifts and Hospitalities

5.1 Summary of Registrations

All signatories to the Members' Code of Conduct are required to register with the Monitoring Officer each Gift or item of Hospitality of value of £25 or more received and arising out of their official positions. Registration of items valued at less than £25 was, and still is, voluntary.

Entries registered for items of gifts and hospitality offered during the year are available under each individual Member's Register of Interests. A summary by value of the items registered for the year is given in Table 1.

33 councillors and voting Co-Opted/independent Members registered at least one gift or instance of hospitality during the year.

TABLE 1: Values of gifts and/or hospitality

Value	Number of items registered	
	Last Year (2008/09)	This Year (2009/10)
Less than £25	3	2
£25-£50	44	44
£50-£100	12	11
£100-£150	7	5
£150-£200	2	-
£200-£300	3	1
£300-£400	0	1
£400-£500	0	2
£500 or more	2	1
Approximate total value	£3,300	£3950
No value declared	0	0
No. of items valued at £25 or more	70	65
Average value of such items	£47	£61

NOTE to Table 1:

1. The Members' Code of Conduct does not *require* registration of items valued at less than £25. Members may, however, voluntarily register such items if they wish. The period of the register is from 18 May 2009 to 24 May 2010.

5.2 Access

The RGH was available for inspection, by appointment within normal working hours, at River Park House. It was also available on the Authority's website.

Under the terms of the 2007LGA and the new Members' Code of Conduct, the RGH has now been combined with the Register of Financial and Other Interests to form the Register of Interests. This means that, on the website, accessibility is affected by the opt-in option; as a consequence, RGH entries for Members who have not opted-in are no longer available online. All entries remain available for inspection at River Park House.

6 Declarations of Interest

The definitions of "personal interest" and "prejudicial interest" are given in the Members' Code of Conduct.

A prejudicial interest is a personal interest which either relates to a Council regulatory function or affects the financial interests of the Member or relevant person and which would be perceived as so significant by a member of the

public that the Member would be likely to be unable to judge the public interest. Thus all interests as defined by the Code are personal, with some that meet additional criteria being termed prejudicial.

Declaration of Interests is placed as a specific Item on the Agenda of every meeting of the Full Council and of every meeting of every serviced committee.

Council Minutes show there were 30 declarations of personal, non-prejudicial interest at meetings of the full Council during the whole year. There were 2 declarations of prejudicial interest.

7 Complaints about alleged failures to adhere to the Members' Code of Conduct

7.1 Complaints decided during the year

The number of complaints concerning alleged breaches of the Members' Code of Conduct which were decided during the year is shown in Table 3.

Table 3: Complaints decided during the year

	This Year	Last Year
Decided by an Ethical Standards Officer	0	1
Decided by the Adjudication Panel for England	0	0
Decided by the Standards Committee	4	5
No of Complaints received in 2009/10	3	3
No of Assessment Sub-Committees held	4	3
No of Complaints sent for investigation following Assessment Sub-Committee	1	4
No of complaints rejected at Assessment Sub-Committees	2	2
No of Review Sub- Committees held	1	n/a
No of Determination hearings held	3	nil

7.2 Complaints outstanding

As of 31 May 2010 there is 1 complaint being dealt with at various stages of the procedure which had not been finally dealt with and a further complaint received which is to be forwarded to an assessment sub-committee..

Agenda item:

[No.]

Standards Committee

On 10 June 2010

Report Title: **Recruitment of Independent Member of Standards Committee 2010/11**

Forward Plan reference number :

Report of: **Monitoring Officer**

Wards(s) affected: **All**

Report for: **Non – Key decision**

1. Purpose

- 1.1 To note the impending resignation of the existing independent member Jonathan Batterham as of 24 June 2010;
- 1.2 To request the Standards Committee to agree the recruitment process to (i) fill the impending vacant position of Independent Member of the Standards Committee to take office from Mid Autumn 2010, and (ii) fill the vacant position of Independent Member of the Standards Committee which will arise in May 2011 following the term of office of Carol Sykes coming to an end, 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 2 Independent Members of the Standards Committee for a period of 4 years commencing (i) 22 November 2010 in respect of the vacancy arising from the resignation of an existing Independent member, and (ii) 23 May 2011 in respect of the vacancy that will arise following the term of office of one member ending in May 2011;
- 2.2 To agree the recruitment timetable as follows:
- mid July 2010 – advertisement placed
 - 10 September 2010 – closing date
 - late September/early October 2010 – short listing – weeks commencing 27th or 4

October

- October 2010 – interviews - weeks commencing 18th or 25th
- late October 2010/early November – appointment and initial training
- Confirmation of appointment at Council on 22 November 2010

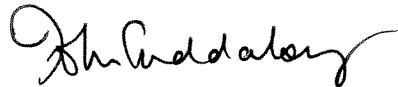
2.3 To agree the job description and person specification attached as Appendix One.

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; and

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;

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.

6.1 Background

6.1.1 The Monitoring officer has been notified of the impending resignation of the existing independent member Jonathan Batterham as of 24 June 2010. The term of office for Mr Batterham was 4 years and commenced in May 2009 to May 2013. Also, the term of office of 1 of the other members (Carol Sykes) was extended on 24 May 2010 by Full Council for a further year until May 2011. This pending vacancy could therefore be recruited to on the proviso that this appointment will not commence until May 2011.

6.1.2 In view of this the Committee is asked to consider agreeing to the recruitment process to (i) fill the impending vacant position of Independent Member of the Standards Committee to take office from Mid Autumn 2010, and (ii) to fill the position of Independent Member of the Standards Committee which will arise in May 2011 following the term of office of Carol Sykes coming to an end, in accordance with the requirements in the Local Government Act 2000 and the Relevant Authorities (Standards Committee) Regulations 2001.

7 Recruitment Timetable

7.1 It is recommended that the Standards Committee set up a panel of 4 members of the Standards Committee (including two independent members) 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.

7.2 A recruitment process should commence as follows:

- mid July 2010 – advertisement placed
- 10 September 2010 – closing date
- late September/early October 2010 – short listing – weeks commencing 27th or 4 October
- October 2010 – interviews - weeks commencing 18th or 25th
- late October 2010/early November – appointment and initial training
- Confirmation of appointment at Council on 22 November 2010

7.3 Appendix Two is a draft advert for independent members, a copy of that issued in the 2009/2010 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 Haringey's Constitution states that the Standards Committee is composed of 8 councillors and 6 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 or any other Local Authority 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 available for member's viewing if they so wish.

8. Recommendations

8.1 To agree the recruitment of 2 Independent Members of the Standards Committee for a period of 4 years commencing (i) on 22 November 2010 in respect of the vacancy arising from the resignation of an existing Independent member, and (ii) from 23 May 2011 in respect of the vacancy that will arise following the term of office of one member ending in May 2011;

8.2 To agree the recruitment timetable as follows:

- mid July 2010 – advertisement placed
- 10 September 2010 – closing date
- late September/early October 2010 – short listing – weeks commencing 27th or 4 October

- October 2010 – interviews - weeks commencing 18th or 25th
- late October 2010/early November – appointment and initial training
- Confirmation of appointment at Council on 22 November 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; and

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.

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.

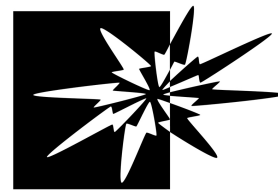
10. Use of Appendices

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

Appendix Two - Draft Advert

Appendix Three - Application form

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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 seven councillors and six independent members of the public on the Standards Committee. We need to recruit 2 independent member to sit on our Standards Committee, 1 from November 2010 for 4 years to 2015, and 1 from May 2011 to May 2015.

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, or any other Local Authority 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.

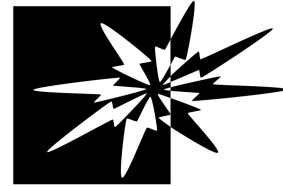
Independent members receive a small allowance of £616.50 a year and may be eligible for a baby sitting or dependants allowance.

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 27 August 2010 at 5pm.

Interviews are likely to be held in the evening during the weeks commencing 4 and 11 October 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? _____

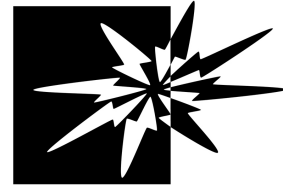
If you are in employment, can you be contacted at work? YES _____ NO _____

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?

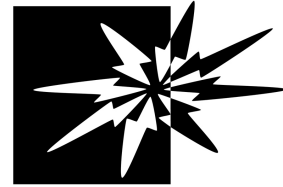
YES___ NO___ If Yes, please give details_____

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:

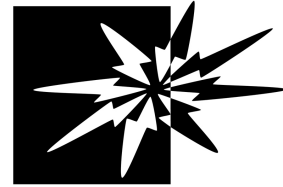
Tel. No:

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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Haringey Council

Agenda item:

Standards Committee**on****10 June 2010**Report Title: **New Procedure for Advance Declaration of Members' Interests**Report of: **Monitoring Officer**Wards(s) affected: **All**Report for: **Non Key Decision and Recommendation to full Council****1. Purpose**

1.1 To propose a new procedure and "form" to facilitate the advance declaration of Members' interests at meetings of the full Council.

2. Recommendations

2.1 Members of the Committee are asked to approve the proposed new procedure, as described in this report, and the related form, attached as the Appendix to this report, in order to facilitate the advance declaration of Members' interests at meetings of the full Council.

2.2 If approved, Members of the Committee are requested to recommend the use of the new procedure and form to the next meeting of the full Council.

Report Authorised by: **John Suddaby, Monitoring Officer**

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

3. Local Government (Access to Information) Act 1985

3.1 Local Government Act 2000, and the Members' Code of Conduct – May 2007

4. Financial Implications

4.1 There are no specific financial implications.

5. Legal Implications

5.1 The legal implications are stated in the body of this report.

6. Equalities and Community Cohesion Implications

6.1 There are no specific equalities and community cohesion implications.

7. Report

- 7.1 The statutory Members Code of Conduct contemplates that each Member makes an individual oral "disclosure" (usually described in practice as a "declaration") at an official meeting when he/she has a personal/prejudicial interest in an item of business on the agenda. This has been the practice adopted at Haringey Council and although there may have been some instances of less than clear oral declaration there have been relative few problems associated with this approach.
- 7.2 But there have been instances recently at meetings of the full Council when a great many Members had the same interest in an item, for example, a debate on public transport policies where the majority of Members had a personal interest either because they themselves were holders of a "freedom pass" or because a family member, such as a parent or grand-parent, was a freedom pass holder.
- 7.3 In the instance referred to above, the declaration of the personal interest involved each Member in turn rising to make the same, or a very similar, oral declaration. This proved very time-consuming and not conducive to the efficient running of the Council meeting.
- 7.4 Councillors have, therefore, asked the Monitoring Officer to look into some more efficient means for conducting the declaration of Members' interests at full Council meetings.
- 7.5 The means now proposed involves the use of a new "template" or official form as shown in the Appendix to this report. The form has a table with three columns inviting Councillors (1) to state the agenda item or items in respect of which they are declaring an interest, (2) to state whether the interest is solely a "personal" one or also a "prejudicial" interest, and (3) to explain the nature of the interest being declared, for example, because the item is likely to affect the Councillor's home.
- 7.6 Below the table there is space for Councillors to sign and date the form. There are instructions for the use of the form and guidance overleaf by way of a reminder about the main factors giving rise to a personal or a prejudicial interest together with contact details for obtaining more detailed legal advice.
- 7.7 The intention is that Councillors would use the new form at all full Council meetings in place of the traditional individual oral declarations. The form is for completion in advance of the Council meeting and Councillors are requested to forward it to the Deputy Head of Member Services no later than 5.00 p.m. on the day of the meeting. If this proves impossible then the form can still be handed in

at the meeting itself.

- 7.8 Once the forms had been received and checked, the Deputy Head of Member Services would provide the Mayor with a statement of the interest being declared and the names of the Councillors making the same declaration in respect of the specified agenda item or items. The Mayor would then read out these details at the start of the Council meeting at the appropriate point.
- 7.9 There is no specific guidance from Standards for England on the “collective” declaration of personal interests or the use of a form for making written declarations in advance of a meeting. However, provided the individual Councillor has used a clear and agreed process (a signed and dated form) to make a declaration to the meeting the existence and nature of the interest, it should make no difference that the oral announcement is made by another i.e. the Mayor. Although the proposed procedure would apply to all declarations of interests at a Council meeting, Members would still be able make an oral declaration if for any reason (e.g. not being aware in advance of their interest) they have not made use of the form.
- 7.10 It is hoped that use of this procedure for all declarations of interests at Council Meetings will improve the efficiency and effectiveness of the declaration process. If the Standards Committee approve the proposed advance declaration procedure and the draft “form”, then the Committee are requested to recommend this to the next meeting of the full Council for official adoption for future use by Councillors.

8. Use of Appendices

Appendix - Proposed template for a new “Form for Advance Declaration of a Member’s Interest in an Item or Items of Business at a Meeting of the Full Council”.

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FORM FOR ADVANCE DECLARATION OF A MEMBER'S INTEREST IN AN ITEM OR ITEMS OF BUSINESS AT A MEETING OF THE FULL COUNCIL

THIS FORM IS INTENDED TO SPEED UP THE PROCESS OF DECLARING MEMBERS' INTERESTS BY ENABLING MEMBERS TO DO SO IN WRITING IN ADVANCE OF THE MEETING. AT THE START OF THE MEETING THE MAYOR WILL READ OUT THE NAMES OF THOSE MEMBERS DECLARING THE SAME INTEREST IN AN ITEM.

PLEASE COMPLETE ALL 3 COLUMNS AND SIGN/DATE THE FORM AT THE BOTTOM OF THIS PAGE WHERE INDICATED. THERE IS GUIDANCE OVERLEAF ABOUT WHAT MIGHT CONSTITUTE A PERSONAL OR A PREJUDICIAL INTEREST BUT THIS IS A SHORT SUMMARY AND NOT COMPREHENSIVE. IF IN DOUBT, PLEASE CONSULT THE MONITORING OFFICER, JOHN SUDDABY (ON X 3974), OR THE PRINCIPAL PROJECT LAWYER CORPORATE, TERENCE MITCHISON (ON X 5936).

Please state the agenda item number(s) and short title of the report(s) in respect of which you are declaring an interest?	Is this interest solely a personal one? Or is it also a prejudicial interest? Personal or Prejudicial?	Please state the nature of your personal/prejudicial interest, for example, the Council business may affect your employer or your home in the Borough or a public body you have been appointed to ?

.....

.....

Signed

Dated

PLEASE RETURN THIS FORM BY EMAIL/POST/HAND DELIVERY TO KEN PRYOR, DEPUTY HEAD OF MEMBER SERVICES, IF AT ALL POSSIBLE BY 5.00 P.M ON THE DAY OF THE COUNCIL MEETING. THE FORM MAY STILL BE USED TO DECLARE YOUR INTEREST(S) AT THE MEETING ITSELF BUT MEMBERS WILL REMAIN RESPONSIBLE FOR ENSURING THAT THE CORRECT DECLARATION IS MADE.

SUMMARY ON PERSONAL AND PREJUDICIAL INTERESTS UNDER THE MEMBERS' CODE OF CONDUCT

Personal Interests

These are two kinds of personal interests: (1) those you have registered with the Monitoring Officer in the statutory register of Members' interests, and (2) interests not on the register but which affect your well-being or financial position and/or the well-being or financial position of a "relevant person" e.g. a family member or a close associate, as explained below.

If you have a personal interest within (1) or (2) this must be declared at the start of a Council meeting when an item on the agenda relates to, or is likely to affect, that personal interest. This is so whether or not you have already registered the interest in the statutory register.

Interests you must register include the following: (a) membership of an Outside Body whether or not you were appointed by the Council, (b) your own business, (c) your employer, (d) any body paying you official/election expenses, (e) a company in which you have shares with a nominal value over £25,000, (f) any Council contract in which you, or your firm/company, have an interest, (g) any land in Haringey which you own or where you have a lease/licence, (h) any land owned by the Council where you/your firm are the tenant.

If you have registered receipt of a gift or hospitality worth at least £25, and the Council business affects the donor of the gift/hospitality, it must be declared at the meeting if it was registered within the last 3 years before the meeting.

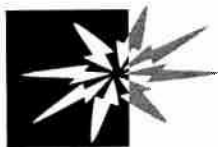
Any matter could fall within (2) above, as affecting your "well-being", if it could affect your quality of life or happiness either positively or negatively. To count as a personal interest it must also affect you or a "relevant person" to a greater extent than the majority of other residents in the Ward affected by the decision.

A "relevant person" is a member of your family (i.e. a spouse/partner, child/grandchild, parent/grandparent, brother/sister, aunt/uncle, nephew/niece, cousin or in-law) or a "close associate" (e.g. a friend, colleague or business associate who is more than a mere acquaintance). The employer of such a "relevant person" or a company where they are a director or shareholder will also count as a "relevant person".

Prejudicial Interests

To have a "prejudicial interest" you must first have a personal interest, as above, and that interest must be one that an observer knowing the facts would reasonably regard as so significant that is likely to prejudice your judgement of the public interest. For example, a Member who was a school governor might well have a prejudicial interest if a matter affecting that particular school were to be debated at Council. This is an objective "test" and your subjective view about the factors that would influence you may be irrelevant.

If you have a prejudicial interest, but intend to make representations to the meeting under the special rules applicable to this situation, it would be advisable to discuss this well in advance with the Monitoring Officer or his staff. Unless you comply with these special rules, you must not be present in the Chamber at all when the relevant item(s) are under consideration and you must not seek to influence the decision improperly.



Haringey Council

Agenda item:

Standards Committee**on****10 June 2010**

Report Title: Review of the Procedures for Complaints against Members

Report of: Monitoring Officer

Wards(s) affected: All

Report for: Non Key Decision and Recommendation to the CRWG and the full Council

1. Purpose

1.1 To propose amendments to the Procedures for Complaints against Members as contained within the Protocol for Member/Officer Relations in the Council's Constitution.

2. Recommendations

2.1 Members of the Standards Committee are requested to:

- (i) note and approve the proposed amendments to the Protocol for Member/Officer Relations (Part 5, Section B of the Council's Constitution) as they apply to the Procedures for Complaints against Members, and
- (ii) recommend the proposed amendments to the Constitution Review Working Group for consideration and approval and for further recommendation on to the full Council for adoption.

Report Authorised by: John Suddaby, Monitoring Officer

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

3. Local Government (Access to Information) Act 1985

3.1 (i) The Council's Constitution and (ii) the report on "Determination Hearings" considered by the Standards Committee on 14 January 2010.

4. Financial Implications

4.1 There are no specific financial implications.

5. Legal Implications

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

6. Equalities and Community Cohesion Implications

6.1 There are no specific equalities or community cohesion implications.

7. Background

7.1 On 2 December 2009 the Standards Determination Hearing Panel, which had just considered a complaint against a Member (case SC 02/89) involving the intimidation of an officer, expressed its concerns about the different procedures for handling complaints against Members and the consequent delays.

7.2 In that case, the matter had initially been raised under the non-statutory procedure in the Protocol for Member/Officer Relations ("Member/Officer Protocol") and only later did the complainant pursue it as a complaint under the statutory Members' Code of Conduct. This may have caused confusion in the mind of the complainant and may have contributed to the fact that there were three separate investigations and a delay of more than two and a half years in resolving the matter.

7.3 In addition the Standards Determination Hearing Panel noted that complaints under the Member/Officer Protocol did not come within the remit of the Standards Committee and, indeed, the Committee was not usually made aware of them. The Panel observed that consequently there was no independent monitoring of complaints under the Member/Officer Protocol.

7.4 The Hearing Panel concluded by recommending to the Council "that the current Member/Officer Protocol.....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". The Hearing Panel's full comments, as minuted, are attached to this report as Appendix 1.

8. Proposals

8.1 Consideration has been given to paragraphs 9.14 to 9.18 in the sub-section of the Member/Officer Protocol which is headed "Formal Complaints about Members". This sub-section has been substantially re-drafted as shown in Appendix 2 to this report. The proposed amendments would make the following changes:

- (i) provision is made in revised paragraph 9.16 for two non-statutory procedures outside the Members' Code of Conduct. These are first a "process of mediation" if both parties to the complaint agree, and second an internal investigation by the employee's Service Head or their nominee. The introduction of a mediation process, which employees would be encouraged to use in less serious cases, should lead to a quicker and easier resolution of many complaints.
 - (ii) at revised paragraph 9.17 there is reference to the fact that a complaint might amount to a breach of the Members' Code of Conduct. Provision is made for seeking advice on this issue from the Monitoring Officer. While the right of a complainant to refer any complaint to a Standards Assessment Sub-Committee is expressly stated, there is also encouragement to refer less serious complaints to non-statutory mediation or internal investigation.
 - (iii) at the end of revised paragraph 9.16 the right of a complainant to discontinue a complaint under one of the procedures and to start again under another procedure is recognised but there is an expectation that complainants will seek advice on procedure from their Service Head and the Monitoring Officer.
 - (iv) at the end of revised paragraph 9.15, provision is made for the Monitoring Officer to reject a complaint because it is vexatious, plainly ill-founded or repetitive. This power to reject only applies to complaints not made under the Members' Code of Conduct. Obviously this power, which is not subject to appeal, would only be exercised where a complaint was clearly abusive. Care would be taken to ensure that complainants with potentially legitimate grievances were not prejudiced because they had genuine difficulties such as a lack of language skills. It is also recognised that employees have statutory rights in relation to their employment in external Tribunals.
 - (v) at revised paragraph 9.19 more detailed provision is made for maintaining confidentiality in the course of the non-statutory procedures.
 - (vi) finally, at revised paragraph 9.20, provision is made for regularly reporting the outcome of complaints under the non-statutory procedures to the Standards Committee for monitoring and so that the Committee can consider issuing guidance on ethical governance to the Council in the light of cases.
- 8.2 While the revised procedures do not entirely remove the possibility of delay in complex or difficult cases, it is reasonable to expect that the increased involvement of the Monitoring Officer in advising on procedural aspects of complaints will improve the overall efficiency and speed in handling complaints against Members.

- 8.3 Since amendments to the Member/Officer Protocol affect the Council's Constitution, the changes must be considered and approved by the Constitution Review Working Group before they are recommended on to the full Council for adoption.

9. Use of Appendices

Appendix 1 Recommendation to Council of the Hearing Panel after case (SC02/89)

Appendix 2 Amended text of the Member/Officer Protocol.

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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APPENDIX 2

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Part Five, Section B
Protocol on Member/Officer Relations

Formal complaints about Members

9.14 These may be made to the employee's Service Head. Within five working days, they will give an indication of how the matter will be dealt with and roughly how long it might take. Any complaint by a Chief Officer should be referred to the Chief Executive.

9.15 Normally they will:

- ~~(a)~~ investigate the matter, and
- ~~(b)~~ (a) inform and involve the Monitoring Officer, and
- ~~(c)~~ (b) advise the Leader of the party group of the complaint.

The Monitoring Officer may reject a complaint made under paragraph 9.16 (a) or (b) below on the grounds that it is vexatious, plainly ill-founded or substantially the same as a complaint previously determined under the procedures below. There is no right of appeal against the Monitoring Officer's ruling but this is without prejudice to any statutory rights to pursue the matter which the complainant may have. The Monitoring Officer has no power to reject a complaint made under the Members' Code of Conduct which must be considered by a Standards Assessment Sub-Committee.

9.16 Complaints will be handled under one of the following procedures:

- (a) Through a process of mediation if this is appropriate and both parties to the complaint agree; or
- (b) Through an internal investigation by the Service Head or their nominee. If this fails to resolve the complaint, there will be an investigation and report by a senior officer from outside the complainant's Directorate. This procedure is distinct from the statutory procedures under the Members' Code of Conduct;
- (c) Through a formal complaint under the Members' Code of Conduct which is appropriate for more serious cases, or if the officer

concerned requests it, provided that the facts fall within the scope of the Code.

Only one of the three procedures will be pursued at any time but a complainant has the right to discontinue under one procedure and to start the complaint afresh under another procedure. The advice of the Service Head and the Monitoring Officer should be obtained before doing so.

9.17 An officer making a complaint can ask the Monitoring Officer to advise whether the matter might amount to a potential breach of the Members' Code of Conduct. At all times, a complainant has the right to make a formal complaint that a Member has acted in breach of the Code of Conduct and any such complaint will be referred to an Assessment Sub-Committee of the Standards Committee for a decision as to whether it should be investigated under the Code. But not all complaints will fall within the scope of the Code and complainants will be advised wherever possible to refer less serious complaints to mediation or internal investigation.

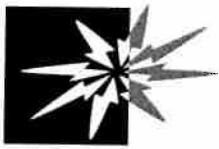
~~9.16~~ 9.18 Some issues are matters of party discipline. Such breaches of this protocol will normally be dealt with by the party itself. More serious breaches where the Monitoring Officer advises that this is appropriate will be referred by the party Leader ~~to the Monitoring Officer and to the Standards~~ Assessment Sub-Committee.

~~9.17~~ However, where the alleged breach of this protocol also amounts to a breach of the code of conduct for Members (a separate document), this will be referred by the party Leader to the Standards Board, an outside body, for investigation.

~~9.18~~ 9.19 Confidentiality should be maintained as appropriate.

Complaints under paragraphs 9.16 (a) and (b) will be kept confidential to the parties to the complaint, the investigator, persons interviewed in the course of the investigation, the party Leader and the Monitoring Officer. Complaints under 9.16 (c) follow the statutory procedure.

9.20 The outcome of complaints handled under paragraphs 9.16 (a) and (b) will be reported regularly by the Monitoring Officer to the Standards Committee for monitoring and for the Committee to consider issuing guidance on ethical governance to the Council in the light of cases.



Haringey Council

Agenda item:

Standards Committee**on****10 June 2010**

Report Title: **Amending Constitutional Provisions on the Membership of the Standards Committee and its Sub-Committees**

Report of: **Monitoring Officer**

Wards(s) affected: **All**

Report for: **Non Key Decision and Recommendation to the CRWG and the full Council**

1. Purpose

1.1 To propose a amendments to provisions in the Council's Constitution that prescribe the membership of the Standards Committee and its Sub-Committees

2. Recommendations

2.1 Members of the Committee are requested to:

- (i) Note and approve the proposed amendments to Article 9 in Part 2 of the Council's Constitution relating to the membership of the Standards Committee as shown in Appendix 1 to this report, and
- (ii) Note and approve the proposed amendments to Part 3, Section 3 of the Council's Constitution relating to the membership of the Standards Sub-Committees as shown in Appendix 2 to this report, and
- (iii) Recommend the proposed amendments to the Constitution Review Working Group for consideration and approval and for further recommendation on to the full Council for adoption.

Report Authorised by: **John Suddaby, Monitoring Officer**

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

3. Local Government (Access to Information) Act 1985

3.1 Council Constitution, The Local Government Act 2000 and the Standards Committee (England) Regulations 2008.

4. Financial Implications

4.1 There are no specific financial implications.

5. Legal Implications

5.1 The legal implications are stated in the body of this report.

6. Equalities and Community Cohesion Implications

6.1 There are no specific equalities or community cohesion implications.

7. Report

- 7.1 The Council's Constitution contains provisions about the membership of the Standards Committee and its Sub-Committees. This includes stating the distinction between the Councillors and the "independent members" and making precise provision for the numbers of each category of member on the Committee and its Sub-Committees.
- 7.2 There are statutory requirements relating to the membership of the Standards Committee and its Sub-Committees in Part 3 of the Local Government Act 2000 and the Standards Committee (England) Regs 2008 (S.I. 1085).
- 7.3 These statutory requirements, particularly those in the 2008 Regs, are not reflected with complete accuracy in the Council's Constitution. Furthermore, the existing Constitution provisions on membership have proved unnecessarily prescriptive having regard to the variable numbers of Councillors appointed to the Committee and the increase in the number of independent members needed to participate in Sub-Committees under "local filter" arrangements.
- 7.4 Having regard to the above points, and to the potential difficulty in finding members (both Councillors and independents) available for Assessment and Review Sub-Committees at short notice, there is a strong argument for making changes in the Constitution to permit greater flexibility subject to compliance with the minimum legal requirements for membership.
- 7.5 Appendix 1 to this report shows Article 9.02 in the Constitution which deals with the composition/membership of the Standards Committee. It is proposed to delete the stipulation for precisely 8 Councillors and 4 independent members while adding in the statutory requirement that at least 25% of the Committee membership must be independent members and no more than one Cabinet Member may serve on the Committee.
- 7.6 Furthermore, it would be helpful to state the statutory rules about the quorum for the Standards Committee in a new Article 9.02 (d). This will provide that the quorum for any meeting is 3 members including an independent Chair and at least one Councillor.

- 7.7 Appendix 2 to this report shows the relevant extract from Part 3 Section C of the Constitution which deals with the membership and terms of reference of the Standards Committee's Sub-Committees, namely, the Assessment, Review and Hearings Sub-Committees. It is proposed to delete the local stipulation for precisely 3 Councillors and 2 independent members on Assessment and Hearings Sub-Committees in favour of greater flexibility. In some cases there would be an argument for having a majority of independent members, rather than Councillors, to strengthen the transparency of the processes but it would be unwise to prescribe this always given the limited number of independent members at present.
- 7.8 In place of the "3:2" stipulation, it is recommended that the Constitution should simply reflect the statutory requirements for a quorum. As with the parent Committee, this is a quorum of 3 members including an independent member to serve as Chair and at least one Councillor.
- 7.9 The membership of the Sub-Committees, as appointed, will remain at 5 members for the Hearings Sub-Committees which meet less frequently and where a reasonably large body of decision-makers is appropriate in the interests of transparency and adherence to the rules of natural justice.
- 7.10 In the case of the Assessment and Review Sub-Committees which meet more frequently and at much shorter notice, flexibility would be achieved by providing for an appointed membership between 3 and 5 for both types of body. This replaces the current local stipulation of 5 members for the Assessment Sub-Committees and 3 members for the Review Sub-Committees which is not wholly logical.
- 7.11 The Sub-Committees will be appointed by the parent Committee whenever possible but when necessary the Head of Local Democracy & Member Services has delegated power to make the appointments.
- 7.12 The amendments to the Constitution described above, if approved by the Standards Committee, will be reported to the Constitution Review Working Group for its consideration and approval and then recommended on by the CRWG to the full Council for adoption.

8. Use of Appendices

Appendix 1 - Recommended amendments to Article 9.02 on the composition/ membership of the Standards Committee.

Appendix 2 - Recommended amendments to Part 3, Section C on the composition/ membership of the Standards Sub-Committees.

APPENDIX 1

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**PART 2 OF THE COUNCIL'S CONSTITUTION –
ARTICLES OF THE CONSTITUTION**

Article 9 - The Standards Committee

9.01 Standards Committee

The Council meeting will establish a Standards Committee.

9.02 Composition

The Standards Committee will be composed of ~~eight~~ Councillors, who may not include the Leader or Mayor *or more than one Cabinet Member*, and ~~four people~~ (“ the independent members ”), none of whom are councillors or officers of the Council or any other body having a Standards Committee. *At least one quarter of the membership of the Committee must be independent members.*

- (a) **Membership.** The Standards Committee is composed of ~~eight~~ Councillors and ~~four~~ independent members
- (b) **Independent members.** Independent members will be entitled to vote at meetings;
- (c) **Chairing the Committee.**

(i) The Committee selects its own Chair from among the independent members.

~~(ii) A Member of the Cabinet may not chair the committee.~~

~~(iii)~~(ii) The Chair of the Standards Committee will have a casting vote in the event of a vote being tied.

(d) Quorum. The quorum is three including and a Chair from among the independent members and at least one Councillor.

9.03 Role and Function

The Standards Committee will have the following roles and functions:

- (a) Promoting and maintaining high standards of conduct by Councillors, co-opted members and representatives of religious organisations and parent governor representatives;

- (b) Assisting the Leader, Councillors, co-opted members and representatives of religious organisations and parent governor representatives to observe the Members' Code of Conduct;
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) Monitoring the operation of the Members' Code of Conduct;
- (e) Advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct and the ethical framework;
- (f) Granting dispensations to the Elected Mayor, Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) Advising the Council on codes and protocols forming the Council's ethical framework and its governance arrangements, monitoring the effectiveness of those arrangements and making reports and recommendations accordingly;

- (h) Carrying out an assessment and review function for all complaints received by the Council against Councillors and co-opted members;
- (i) Dealing with any reports from a case tribunal or interim case tribunal and any report from the Monitoring Officer on any matter which is referred by the Ethical Standards Officer to the Monitoring Officer;
- (j) Hearing complaints against Councillors and co-opted members made to the Council or referred back from the Standard Board for England;
- (k) Hearing complaints against co-opted members arising from alleged breaches of Codes and Protocols falling outside the jurisdiction of the Standards Board for England;
- (l) Responding to national reviews and consultations on standards related issues;
- (m) Granting exemptions for politically restricted posts and giving directions to include a post on the list of restricted posts;
- (n) Advising the Council on the appointment of independent members and taking steps to select them.

APPENDIX 2

[the text shown struck through is for deletion and the text shown in italics and underlined is for addition or insertion]

**PART 3, SECTION C OF THE COUNCIL'S CONSTITUTION –
TERMS OF REFERENCE OF THE NON-EXECUTIVE BODIES**

Section 3 – Sub-Committees and Panels

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3. Under Standards Committee

3.1 Assessment Sub-Committees

~~Between three and five members of the Committee. 3 Councillors and 2 independent members. To be chaired by an independent member. The quorum is three including an independent member as Chair, with a casting vote if necessary, and at least one Councillor.~~

To make initial assessments of written allegations to the Committee of failure to comply with the Code of Conduct. The Sub-Committees will follow procedures agreed by the Committee.

3.2 Review Sub-Committees

~~Between three and five members of the Committee including at least one Councillor. To be chaired by an independent member. The quorum is three including an independent member as Chair, with a casting vote if necessary, and at least one Councillor.~~ Not to include any member of the Assessment Sub-Committee for the same allegation.

To review, when requested, any decision of an Assessment Sub-Committee to take no action on an allegation. The Sub-Committees will follow procedures agreed by the Committee.

3.3 Hearing Sub-Committees

~~Five members of the Committee. 3 Councillors and 2 independent members. To be chaired by an independent member. The quorum is three including an independent member as Chair, with a casting vote if necessary, and at least one Councillor.~~

To hear complaints against Councillors and co-opted members made to the Council or referred back from the Standards Board for England.

The Sub-Committees will follow procedures agreed by the Committee.

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is exempt

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