

NOTICE OF MEETING

STANDARDS COMMITTEE

**Thursday, 15th October, 2015, 7.00 pm - Civic Centre, High Road,
Wood Green, N22 8LE**

MEMBERS: Councillors James Ryan, Elin Weston, Liz Morris, Lorna Reith and Raj Sahota (Chair)

Co-optees/ Non Voting Members

Quorum:

1. FILMING AT MEETINGS

Please note this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Although we ask members of the public recording, filming or reporting on the meeting not to include the public seating areas, members of the public attending the meeting should be aware that we cannot guarantee that they will not be filmed or recorded by others attending the meeting. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings.

The Chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual, or may lead to the breach of a legal obligation by the Council.

2. APOLOGIES FOR ABSENCE

3. URGENT BUSINESS

The Chair will consider the admission of any late items of urgent business. (late items will be considered under the agenda items where they appear). New items which are non-exempt will be dealt with at item 8, and those which are exempt will be dealt with at item 12.

4. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct.

5. MINUTES (PAGES 1 - 6)

To confirm and sign the minutes of the meetings of the Standards Committee held on 15 June 2015.

6. VERBAL REPORT OF THE ASST DIRECTOR CORPORATE GOVERNANCE & MONITORING OFFICER

Report of the Assistant Director Corporate Governance and Monitoring Officer - To receive a summary of information about complaints received by the Monitoring Officer to date that a Member had breached the Member's Code of Conduct, since the commencement of the 2015-16 Municipal Year.

7. RECRUITMENT OF INDEPENDENT MEMBERS FOR STANDARDS COMMITTEE AND STAFFING AND REMUNERATION COMMITTEE (PAGES 7 - 14)

Report of the Assistant Director Corporate Governance & Monitoring Officer

8. ANY OTHER UNRESTRICTED ITEMS OF BUSINESS THE CHAIR CONSIDERS TO BE URGENT

9. DATES OF NEXT MEETINGS

10. EXCLUSION OF THE PUBLIC AND PRESS

The following item is likely to be subject of a motion to exclude the press and public from the meeting as it contains exempt information as defined in Section 100a of the Local Government Act 1972; namely information relating to any individual, and information which is likely to reveal the identity of an individual.

- 11. CONSIDERATION OF THE OUTCOME OF INVESTIGATIONS IN RESPECT OF STANDARDS ASSESSMENT SUB-COMMITTEE COMPLAINT REFERRAL NO. SC005/1415 (PAGES 15 - 272)**
- 12. ANY OTHER EXEMPT BUSINESS THE CHAIR CONSIDERS TO BE URGENT**

Clifford Hart, Democratic Services Manager

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Bernie Ryan

Assistant Director – Corporate Governance and Monitoring Officer

River Park House, 225 High Road, Wood Green, N22 8HQ

7 October 2015

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**MINUTES OF THE STANDARDS COMMITTEE
MONDAY, 15 JUNE 2015**

MEMBERS:	Councillors Ryan, Weston, Reith and Sahota (Chair)
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Apologies Councillor Morris

MINUTE NO.	SUBJECT/DECISION
STCO13.	FILMING AT MEETINGS The Committee noted the arrangements in respect of filming at meetings, as outlined by the Chair.
STCO14.	APOLOGIES FOR ABSENCE An apology for absence was received from Councillor Morris, for whom Councillor Beacham was substituting. NOTED
STCO15.	URGENT BUSINESS There were no items of urgent business. NOTED
STCO16.	DECLARATIONS OF INTEREST There were no declarations of interests. NOTED
STCO17.	MINUTES RESOLVED That the unrestricted minutes of the meetings of the Standards Committee held on 7 July 2014, 29 January 2015 (special), and 12 May 2015 (special) be agreed and signed as an accurate record of the proceedings.
STCO18.	CODE OF CONDUCT FOR MEMBERS - COMPLAINTS 2014-15 MONITORING REPORT The Chair asked for a brief introduction of the report. The Assistant Director Corporate Governance & Monitoring Officer – Mr Ryan, advised that the main purpose of the Standards Committee was to have responsibility for promoting and maintaining high standards of conduct, including monitoring the operation of the Members' Code of Conduct.

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For the Municipal Year 2014-15 Mr Ryan advised that he had, as the Monitoring Officer, received ten complaints that a member had breached the Code. Mr Ryan highlighted that in one case the complainant complained about the behaviour of three councillors arising from the same set of facts (behaviour at a council and cabinet meeting) and in another complaint the complainant complained about the behaviour of two councillors arising out of the same set of facts (behaviour at a meeting). Out of the ten complaints eight were rejected by the Assessment sub-committee and no further action was taken, with two being referred for investigation. With regard to those referred for investigation, Mr Ryan advised that for one the independent investigation report found no breach of the Code and the recommendation was accepted by the Standards Committee and the complaint dismissed. In the other case, the investigation was yet to be completed and the recommendations were expected shortly for consideration by the Standards Committee.

Mr Ryan further advised that where appropriate, any lessons learned from complaints were considered by the Standards Committee and/or the Monitoring Officer and any improvements that might assist members were implemented. As a result the chair of the Standards Committee sent a general note to all councillors in May 2015 about the importance of members behaving properly at meetings and the public perceptions that may arise from certain behaviours.

In response to questions from the Chair and members Mr Ryan commented that prior to 2011 the previous ethical standards regime had had a number of possible sanctions it could impose on members who had breached the code and these included censure, suspension, restrictions on sitting on Council or outside bodies, withdrawal of use of council facilities, and disbarring. The pre 2011 regime also allowed for an independent membership on the Committee with full voting rights, and was chaired by an independent person. This arrangement also meant that the independent members were in the majority on the Committee.

Mr Ryan advised that the Localism Act 2011 abolished the previous regime and gave Councils the power to set up a localised standards regime with its own code of conduct, and membership, and it abolished the Independent membership on the Committee, and the level of sanction imposed was reduced to only allow censure, recommending restrictions on sitting on Council or outside bodies, and withdrawal of use of council facilities, recommending training and development as well. The Standards Board for England was also abolished.

In terms of the current system Mr Ryan advised that the Localism Act allowed for the appointment of an Independent person and deputy who were appointed and consulted on the findings of an investigation into a referred complaint as a result of a referral from the Standards Assessment Sub-Committee, and that those considerations/views had to be taken account of by the Standards Committee when considering the reported outcome of the investigation.

In response to clarification from the Chair as to the composition of an

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Assessment Sub-Committee Mr Ryan advised that it was proportionally split on a 2:1 ratio comprising of 3 members of the Standards Committee or substitutes. The Assessment Sub-Committee's function was to receive and consider a complaint referred to it by the Monitoring Officer. The Monitoring Officer did have the authority to rule complaints out but this was limited. Mr Ryan further commented that once referred it was for the Assessment Sub-Committee to decide whether or not there was a possible breach in the Members code of conduct. It could also decide that technically there could have been a breach in the code but to carry out an investigation would be disproportionate in that given the nature and degree of complaint it did not warrant an investigation. The Sub-Committee also could then rule it out or referred it for investigation – usually then referred to an external investigator for the investigation, by the monitoring officer.

Mr Ryan further commented that similarly the Hearing Sub-Committee comprised of 3 members of the Standards Committee or a substitution. A set laid down process was defined for the purpose of the hearing, with the decision taken that there had been no breach of the code, a finding of a breach and then an appropriate sanction. Mr Ryan also advised that the Independent Person would sit on any hearing sub-committee which had been convened as a result of the Standards Committee's decision to refer the findings of an investigation to a hearing sub-committee to determine whether a complaint was indeed a breach in the member code and warranted a hearing. The Independent person would be able to question both the subject member, and complainant during a hearing, and also to give the Hearing Sub-Committee their view of what they thought should be the outcome of a hearing, and also they would give a view as to the sanction to be imposed should a finding of a breach of the members code be found. As stated earlier the level of sanction now imposed censure, recommending restrictions on sitting on Council or outside bodies, withdrawal of use of council facilities, and recommending training and development

In addition to the member conduct powers Mr Ryan advised that the Standards Committee was responsible for considering and recommending any changes to the Council's constitution which previously had been considered informally and recommended to Full Council for adoption. Any proposed amendments were now recommended to the Standards Committee who considered them and recommended adoption by Full Council.

The Chair then thanked Mr Ryan for his succinct summary of the functioning.

In asking that the Committee note the report the Chair felt that on the back of the recent communiqué sent to members regarding their conduct at meetings, it would be useful to send all members of the council the main points of the member code of conduct – and brief summary of the code.

It was:

RESOLVED

- i. that the contents of the report be noted: and

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	<p>ii. that officers prepare a communiqué for all members regarding the main points of the member code of conduct – and brief summary of the code.</p>
STCO19.	<p>NEW ITEMS OF URGENT BUSINESS</p> <p>Nil Items.</p>
STCO20.	<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 9 as it contains exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paragraphs 1 & 2; namely information relating to any individual, and information likely to reveal the identity of an individual.</p>
STCO21.	<p>MINUTES</p> <p>RESOLVED</p> <p>That the exempt minutes of the meeting of the Standards Committee held on 29 January 2015 (special), be agreed and signed as an accurate record of the proceedings.</p>
STCO22.	<p>NEW ITEMS OF EXEMPT URGENT BUSINESS</p> <p>There were no additional items of exempt urgent business.</p> <p>Councillor Reith referred to the outstanding ongoing investigation and asked what were the reasons for the delay.</p> <p>Mr Ryan advised that the delays were due to the interviewing of witnesses.</p> <p>NOTED</p>
STCO23.	<p>DATES OF NEXT MEETINGS</p> <p>The following dates were NOTED :</p> <p>15 October 2015 28 January 2016 7 March 2016</p>

The meeting ended at 19.40hrs.

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COUNCILLOR R SAHOTA

Chair

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Report for: Standards Committee 15th October 2015

Item number:

Title: Recruitment of Independent Members for Standards Committee and Staffing and Remuneration Committee

Report authorised by : Bernie Ryan – Assistant Director of Corporate Governance

Bernie Ryan

Lead Officer: Alison Vydulinska – Principal Lawyer

Ward(s) affected: N/A

Report for Key/

Non Key Decision: Non Key Decision

1. Describe the issue under consideration
 - 1.1 This report seeks approval to commence the recruitment of Independent Persons to support the Standards Committee in relation to allegations that members or co-opted members have failed to comply with the Member's Code of Conduct, and to be considered for appointment to the Staffing and Remuneration Committee when considering the dismissal of either the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer.
2. Cabinet Member Introduction
N/A
3. Recommendations
That the Standards Committee:
 - a) Approve the commencement of the recruitment exercise for two Independent Persons
 - b) Propose the annual allowance for Independent Persons of £1,250 for the primary member and £250 for the secondary member (subject to Council approval)
 - c) Propose that the Independent Persons appointed shall also be available to be considered for appointment to the relevant committee appointed by the Council (currently Staffing and Remuneration Committee) which is responsible for advising the Council on matters relating to the dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer (subject to Council approval)
4. Reasons for decision
 - 4.1 The Council has a legal duty to put in place arrangements for having an Independent Person in relation to allegations of breaches of the Code of Conduct. It must also have in place arrangements for at least two Independent Persons to participate in recommendations in relation to the dismissal of statutory officers. The law requires IPs appointed in relation to the Standards regime to be invited to participate in this process.

5. Alternative options considered

5.1 Under section 28(7) of the Localism Act 2011 the Council must appoint at least one Independent Person (IP) whose views are to be sought and taken into account by the Council before it makes its decisions on allegations about breaches of the Code of Conduct by Members or co-opted Members of the Council.

5.2 Under the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 the Council must also have in place arrangements for inviting IPs to be involved in making recommendations to Council before any decision to dismiss a statutory officer is made. Authorities must invite any IPs supporting the Standards Committee for this purpose although it is also possible to use IPs from other authorities for this purpose where the authority considers it appropriate.

6. Background information

6.1 The Independent Person is someone whose views are sought and taken into account by the Council before it makes a decision following an investigation into a breach of the Code of Conduct by a member. Their views can also be sought by the Council in circumstances other than these, and by a member or co-opted member who is the subject of a complaint of breach of the Code.

6.2 An IP must be appointed following an advertisement and application process and confirmation by full Council. These appointments must be made at the latest, by the May 2016 Annual Council Meeting.

6.3 The Council appointed two Independent Persons in July 2012 (a primary and a secondary/deputy IP) and although only the primary IP has been engaged in respect of these duties, it is still considered prudent to have a secondary IP as a reserve, not least because of the additional duties for which the IPs may now be used.

6.4 The law provides that a person may not be an IP if he or she is a member, a co-opted member or an officer of the Council, or a relative of close friend thereof. It also provides that a person may not be appointed if they were a member or co-opted member during the past 5 years.

6.5 The incumbent primary IP has provided excellent independent support to the Standards Committee and the Monitoring Officer, however the law does not allow the Council to reappoint her when her term expires on 30th June 2016, due to the 5 year rule set out in 6.4 above. (Note that specific transitional provisions in 2012 effectively displied the 5 year rule so that previously co-opted members of the Standards Committee could be appointed as IPs but these transitional provisions no longer apply). The secondary/deputy IP was not a co-opted member of the Standards Committee before 2012 and so is able to reapply in the current exercise.

6.6 It is proposed that following Standards Committee approval, the recruitment process is commenced. It will involve an advertisement,

application process, and interviews held by a panel of members drawn from the Standards Committee and the Monitoring Officer, which will recommend appointments to full Council.

6.7 In May 2015 the Local Authorities (Standing Orders) (England) (Amendment) Regulations were passed. These provide that where a decision to dismiss any statutory officer is to be taken by full Council, before that decision is taken the Council must invite at least 2 IPs to be members of a panel to consider the matter, and take any recommendations from that panel into account before taking their final decision. The Staffing and Remuneration Committee has been given the role of being the panel for these purposes in the Constitution, IPs appointed to support the standards regime must be invited to sit on this panel. If there are none, or they are unable to participate, any independent persons appointed by another authority may be invited to participate. It is considered most appropriate to utilise the Council's own IPs appointed to support the standards regime for this purpose, and it is therefore proposed that this role is added to their job description.

6.8 The current primary IP is remunerated at a rate of £1,000 per year and the secondary IP at a rate of £250 per annum. Councils can also remunerate IPs that are invited to participate in recommendations relating to the dismissal of the statutory officers, however the remuneration must not exceed that paid to the IPs under the standards regime. Whilst the views of the IP are fairly regularly sought and her attendance required at hearings relating to breaches of the Code, is it not clear whether or not the attendance of IPs will be required in relation to the dismissal of a statutory officer, and it is therefore proposed that payment to the primary IP is increased to £1250 to accommodate any potential role in the panel considering dismissal of statutory officers, but that the payment for the secondary IP who has not as yet had to attend a hearing in relation to the breach of the Code of Conduct by a member remain the same at £250.

7. Contribution to strategic outcomes

7.1 Ensuring good governance within the Council and by councillors supports all strategic priorities.

8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

8.1 These proposals represent a small increase of £250 to the current budget, to cover the additional role of the primary IP in making recommendations to Council in respect of the dismissal of a statutory officer. As the secondary IP generally has a more limited role in relation to the Standards Committee it is not proposed to increase the payment in respect of them.

8.2 No equalities implications arise directly from this report, however the application and interview process will be carried out in line with the council's recruitment policies and will comply with the council's equalities duties.

8.3 The comments of the Assistant Director of Corporate Governance are included in the body of this report.

9. Use of Appendices

10. Local Government (Access to Information) Act 1985

Localism Act 2011 Part 1 Chapter 7

Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

Independent Person Haringey Council Standards Committee and dismissal of
Council Statutory Officers

Person specification and job description

Person Specification:

The successful candidate must have the following –

Essential skills and abilities:

1. Good analytical, questioning and interpersonal skills
2. Able to observe confidentiality at all times
3. Experience of decision making skills involving sensitive issues
4. Objective, impartial, open minded with a high level of integrity
5. Political awareness but independent of any political party
6. Interested in local government
7. On the register of local government electors
8. Sufficient time to devote to the appointment

Desirable skills and abilities:

9. An understanding of the role of a Council and its Councillors
10. An understanding and interest in standards of conduct in public life
11. Experience of dealing with people and matters where conduct and actions must be of the highest standard
12. A commitment to the effective provision of public services

Job Description:

The successful candidate(s) will be required to:

1. Promote and maintain high standards of conduct by councillors and co-opted members
2. Provide views to the Standards Committee before it takes a decision following an investigation about a breach of the Code of Conduct for Councillors, before a decision is made about the allegation;

3. If requested, provide views to the Standards Committee and/or the Monitoring Officer about allegations where no investigation has taken place or before an investigation has been commenced;
4. If requested, provide views to a member or co-opted member of the authority whose behaviour is the subject of a complaint that they have breached the Code of Conduct;
5. Be considered for appointment to the Council's Committee (currently Staffing and Remuneration Committee) responsible for advising the Council on the dismissal of the Council's Head of Paid Service, Chief Finance Officer and Monitoring Officer.

To ensure your voice is truly independent, the law rules you out for this role if you are currently a member, co-opted member or employee of Haringey Council, or you are a relative or close friend of any such person. It also rules you out if you were a member or co-opted member of the authority in the previous 5 years prior to appointment.

Independent Person – Haringey Council

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

Haringey Council has a statutory duty to promote and maintain high standards of conduct for your elected councillors and co-opted members. We take this responsibility seriously and have a Code of Conduct which sets out the key obligations which must be observed.

If an allegation is made that a member or co-opted member has failed to comply with the Code of Conduct we want someone who views can be sought (either by the Council Standards Committee, Monitoring Officer or the member concerned) before a decision is made about what to do. This Independent Person position is a requirement created by the Localism Act 2011.

In addition, new Regulations in 2015 require an Independent Person to be involved in making recommendations to the Council where the Council is considering dismissing its key Statutory Officers.

We are looking for applicants who:

- Can offer the profile and experience which the community would recognise and respect as bringing an independent and informed perspective to the consideration of complaints about member conduct
- Are familiar with ethical questions and the development and interpretation of codes of conduct
- Have good analytical and interpersonal skills
- Experience of decision making skills involving sensitive issues
- Are objective, impartial and have a high level of integrity
- Are independent of any political party.

To ensure your voice is truly independent, the law rules you out for this role if you are currently a member, co-opted member or employee of Haringey Council, or you are a relative or close friend of such a person. The law also rules you out if you have been a member, co-opted member or employee of Haringey Council in the 5 years prior to any appointment.

The post carries an allowance of £1,250 per annum for the primary appointment with £250 for any deputy appointed. The appointments will be for 4 years.

If you would like to have an informal discussion about this role, please contact Bernie Ryan, the Council's Assistant Director of Corporate Governance and Monitoring Officer of 020 8489 3974 or email: Bernie.Ryan@haringey.gov.uk.

An application form and information pack can be obtained on the Council's website at www.haringey.gov.uk or from Clifford hart, Democratic Services Manager on 020 8489 2920 or email: Clifford.hart@haringey.gov.uk.

The closing date for applications is xxxxxx

Interviews are to be held in the evening during the week commencing xxxxxxxx

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

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