

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

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

**MINUTE
NO.**

SUBJECT/DECISION

STCO01.	<p>ELECTION OF CHAIR AND VICE-CHAIR OF THE STANDARDS COMMITTEE FOR THE MUNICIPAL YEAR 2009/10</p> <p>The Clerk to the Committee – Mr Hart advised the meeting that as this was the first meeting of the Standards Committee for the Municipal Year 2009/10 it was necessary to elect a Chair and Vice-Chair for the Municipal Year 2009/10. Mr Hart also advised the meeting that both positions were to filled by Independent Members of the Committee.</p> <p>Mr Hart sought nominations for the position of Chair.</p> <p>Mr Roger Lovegrove nominated Ms Carol Sykes as Chair of the Standards Committee for the Municipal Year 2009/10.</p> <p>Councillor Santry seconded the nomination.</p> <p>There being no further nominations it was:</p> <p>RESOLVED</p> <p>That Ms Carol Sykes be appointed as Chair of the Standards Committee for the Municipal Year 2009/10.</p> <p>In the absence of the Chair Mr Hart sought nominations for the position of Vice-Chair.</p> <p>Mr Lovegrove nominated Ms Annabel Loyd as Vice-Chair of the Standards Committee for the Municipal Year 2009/10.</p> <p>RESOLVED</p> <p>That Ms Annabel Loyd be appointed as Vice-Chair of the Standards Committee for the Municipal Year 2009/10.</p> <p>(Ms Sykes arrived at 19.35hrs)</p>
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	<p style="text-align: center;"><u>MS C. SYKES IN THE CHAIR</u></p>
STCO02.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies were received on behalf of Mr J Batterham, Councillor Jones (for whom Councillor Dodds was substituting), Councillor Lister (for whom Councillor Meehan was substituting) , and Councillor Reid.</p>
STCO03.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p> <p>NOTED</p>
STCO04.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p>
STCO05.	<p>MINUTES AND MATTERS ARISING</p> <p>RESOLVED</p> <p>That the Minutes of the meeting of the Standards Committee held on 23 March 2009 be confirmed as an accurate record of the proceedings.</p> <p><i>Matters arising</i></p> <p>The Chair referred to page 5 of the minutes – last paragraph – 3rd line and the word ‘all’ in relation to ‘training session prior to all future Standards Committees’ and asked that the word be removed as the Chair felt that it would not be the case that training would take place on each of the evenings of scheduled Standards Committees.</p> <p>The Committee agreed to the removal of the word ‘all’</p> <p>NOTED</p>
STCO06.	<p>CHAIR'S ANNOUNCEMENTS</p> <p>The Chair advised that she had no announcements to make.</p> <p>NOTED</p>
STCO07.	<p>DETERMINATION HEARINGS</p>

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

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

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

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

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

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

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

RESOLVED

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

STCO09. PROTOCOL FOR REPORTS FOR EXTERNAL INVESTIGATIONS

The Chair asked for a brief introduction of the report.

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

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

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

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

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

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

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

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

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

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

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

The Chair then summarised and it was:

RESOLVED

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

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

STCO10. DRAFT ANNUAL REPORT 2008/09

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

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

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

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

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

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

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

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

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

The Chair then summarised and it was:

RESOLVED

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

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

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

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	<p>That the oral report of the Head of Legal Services and Monitoring Officer with accompanying documentation prepared by Bevan Brittan Solicitors be noted and that no further action was necessary at present.</p>
STCO13.	<p>NEW ITEMS OF UNRESTRICTED URGENT BUSINESS</p> <p>There were no urgent items of unrestricted business.</p> <p>NOTED</p> <p>At this point in the proceedings (20.48hrs) the Chair moved that the Committee adjourn to 20.55hrs.</p> <p>The Committee agreed to the adjournment nemine contradicente.</p> <p>The Committee adjourned at 20.48hrs and reconvened at 20.55hrs.</p> <p>NOTED</p>
STCO14.	<p>EXCLUSION OF THE PUBLIC AND PRESS</p> <p>That the press and public be excluded the from the meeting for consideration of Items 15-18 as they contain exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paras 1 & 2; namely information relating to any individual, and information likely to reveal the identity of an individual.</p> <p style="text-align: center;">SUMMARY OF EXEMPT PROCEEDINGS</p>
STCO15.	<p>CONSIDERATION OF THE OUTCOME OF TWO INVESTIGATIONS RESULTING FROM THE DETERMINATIONS OF THE STANDARDS ASSESSMENT SUB-COMMITTEE</p> <p>AGREED RECOMMENDATIONS</p>
STCO16.	<p>PROTOCOL FOR REPORTS FOR EXTERNAL INVESTIGATIONS - EXTERNAL PROCUREMENT PROCESS</p> <p>AGREED RECOMMENDATIONS</p>
STCO17.	<p>MINUTES</p> <p>AGREED MINUTES OF STANDARDS COMMITTEE OF 23 MARCH 2009 NOTED MINUTES OF ASSESSMENT SUB CTTEES AND REVIEW SUB CTTEES</p>
STCO18.	<p>NEW ITEMS OF EXEMPT URGENT BUSINESS</p>

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

CAROL SYKES

Chair