



Haringey Council

Agenda item:

**STANDARDS COMMITTEE**

On

**14 January 2010**

Report Title: **Outcome of Local Determination Hearings**

Report of: **The Monitoring Officer**

Wards(s) affected: **All**

Report for: **Noting and Discussion**

### **1. Purpose**

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

### **2. Recommendations**

2.1 That Members of the Standards Committee:

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

Report Authorised by:

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### **3. Local Government (Access to Information) Act 1985**

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

#### **4. Report**

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

## **5. Financial Implications**

5.1 There are no specific financial implications.

## **6. Legal Implications**

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

## **7. Equalities Implications**

7.1 There are no specific equalities implications.

## **8. Use of Appendices / Tables / Photographs**

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