



Haringey Council

Agenda item:

COUNCIL

On 18 January 2010

Report Title: (i) Increase in Independent Membership for Standards Committee
(ii) Report on the outcome of the Standards Determination Hearing panel
– 2 December 2009 – Complaint SC002/089

Forward Plan reference number (if applicable): N/A

Report of: John Suddaby, Head of Legal Services and Monitoring Officer

Wards(s) affected: All

Report for: Information and Decision

1. Purpose

- 1.1 To advise members of the decision of the Standards Committee of 14 January 2010 to increase the Independent Membership of the Standards Committee by 1 additional Independent Member and to request Full Council to endorse this recommendation and to amend the relevant section of the Council's Constitution accordingly, and in accordance with the requirements in the Local Government Act 2000 and the Relevant Authorities (Standards Committee) Regulations 2001.
- 1.2 To seek Council approval for the Standards Committee recommendations.
- 1.3 To inform the Council Meeting of the decision taken by the Standards Committee Hearing Panel on 2 December 2009 in response to a complaint made against an elected Member of the Council.

2. Recommendations

- 2.1 To note this report and the recommendation from Standards Committee that the Membership of the Standards Committee be increased by one independent member, to 6 in total and that this additional position be recruited to as part of the recruitment process for independent members already embarked upon in early January 2010.
- 2.2 To approve the recommendation of Standards Committee as detailed in rec 2.1 above, and to amend the relevant part of the Council's Constitution (Part Two – Articles of the Constitution – Article 9.02 (a) Membership) in relation to the

Independent Membership of the Standards Committee.

2.3 That the Council note the decision taken by the Hearing Panel on 2 December 2009 as part of the Standards Committee's new responsibility to determine complaints of breach of the Code of Conduct made against Members of this Council.

Report Authorised by: John Suddaby, Head of Legal Services and Monitoring Officer

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3. Executive Summary

3.1 The Standards Committee currently has five independent members . It is proposed by the Standards Committee to increase this membership by 1 additional independent member to serve for four years. The process for recruitment of additional member will form part of the recruitment process commenced in January 2010.

4. Local Government (Access to Information) Act 1985

4.1 Local Government Act 2000

4.2 Council's Constitution

4.3 Standards Board for England Guidance

4.4 Member Services and Legal Services files.

4.5 Background papers

Decision of Hearing Panel 2 December 2009 and complaint reference SC02/089

5. Background

5.1 Recruitment of additional Independent Member

The Standards Committee is required by national legislation to have at least one independent member and also independent members must form 25% of the committee. The rules in relation to political balance do not apply to Standards Committees. Legislation provides 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
- must have been approved by the majority of the Council's members.

- 5.2 This Council's Constitution currently provides for a membership of the Standards Committee 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.
- 5.3 At its meeting on 14 January 2010 the Standards Committee considered and agreed that the independent membership of the Standards Committee should be increased by 1 member making a total of 6 Independent Members. The committee was of the view that this was necessary given the likely possible increase in the frequency of the Standard Committee's Assessment, and Review Sub-committee meetings, and also Determination Hearing Panels and that the increase of 1 independent member would assist in this process particularly in view of the Committee's decision to require sub committees to be attended by 3 independent members and 2 elected members.
- 5.4 The Council's Constitution currently requires there to be five independent members on Standards Committee. Any increase would need to be agreed by full Council.

5.5 Notification of Outcome of determination hearing panel meeting held on 2 December 2009

On 2 December 2009 the Standards Committee Hearing Panel met to consider a complaint that Council Brian Haley had breached the Members Code of Conduct.

The Panel found that Councillor Haley had instructed private solicitors to send a letter to an employee of the council threatening her with defamation proceedings and that by so doing he had breached Paragraphs 3 (2).(c) (i), 3 (2) (b) and 3.1 of Haringey Council's Code of Conduct for Members; intimidating the employee who had complained against him, bullying her and failing to treat her with respect.

SANCTION

The Panel took into account substantial mitigating circumstances and decided to censure Councillor Haley for his misconduct.

6. Recommendations

- 6.1 To note this report and the recommendation from Standards Committee that the Membership of the Standards Committee be increased by one independent member, to 6 in total and that this additional position be recruited to as part of the recruitment process for independent members already embarked upon in early January 2010.
- 6.2 To approve the recommendation of Standards Committee, and to amend the relevant part of the Council's Constitution (Part Two – Articles of the Constitution – Article 9.02 (a) Membership) in relation to the Independent Membership of the Standards Committee.
- 6.3 To note the outcome of the hearing panel held on 2 December 2009.

7. Comments of the Chief Financial Officer

The cost of an additional independent member can be contained within the existing allowances budget within Local Democratic Services.

8. Comments of the Head of Legal Services

8.1 There is no statutory restriction on the number of independent members that a council can appoint.

8.2 The Hearing Panel, a sub-committee of the Standards Committee is responsible under legislation for determining complaints made against elected Members of Haringey Council that they have broken the Haringey Code of Conduct for Members. The decisions taken by the Hearing Panel were within the powers set out in the Regulations.

9. Equalities Implications

9.1 Recruitment will take place in accordance with the Council's policies.