

**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

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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>
<p>STCO23.</p>	<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>
<p>STCO24.</p>	<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>
<p>STCO25.</p>	<p>CHAIR'S ANNOUNCEMENTS</p> <p>Nil</p>
<p>STCO26.</p>	<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>
<p>STCO27.</p>	<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
<p>STCO31.</p>	<p>NEW ITEMS OF UNRESTRICTED URGENT BUSINESS</p> <p>Nil</p>
<p>STCO32.</p>	<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>
<p>STCO33.</p>	<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.	NEW ITEMS OF EXEMPT URGENT BUSINESS Nil Items
STCO35.	DATE OF NEXT MEETING 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. NOTED

The meeting ended at 21.45hrs.

Annabel Loyd

Chair