

**UNRESTRICTED MINUTES OF THE STANDARDS COMMITTEE
TUESDAY, 20 DECEMBER 2011**

MEMBERS:	Councillors *Egan, *Gibson, Gorrie, *McNamara, *Reece, Stanton and *Whyte
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INDEPENDENT MEMBERS:	Mr J Darbyshire, *Ms R. Hatch, *Ms A Loyd, *Mr P. Skinner, *Ms A. Rabe, and *Mr C. Watts.
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Apologies Mr Darbyshire and Councillors Gorrie & Stanton

**MINUTE
NO.**

SUBJECT/DECISION

STCO28.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from James Darbyshire, and also from Councillor Gorrie – for whom Councillor Winskill was substituting.</p> <p>Apologies for absence were also received from Councillor Stanton due to a declaration of prejudicial interest in respect of exempt Item 12. Councillor Amin was in attendance as substitute.</p> <p>NOTED</p>
STCO29.	<p>URGENT BUSINESS</p> <p>The Chair asked if there were any items of urgent business. The Committee Services Manager – Mr Hart – confirmed that there were no late items of urgent business though in respect of agenda items 6 and 12 there would be a requirement to give reasons for lateness as the items had been marked 'TO FOLLOW' and had not complied with publication under the 5 day rule.</p> <p>NOTED</p>
STCO30.	<p>DECLARATIONS OF INTEREST</p> <p>The Clerk advised of Councillor Stanton's prejudicial interest in agenda item 12.</p> <p>Councillors Egan and Winskill declared a personal and non prejudicial interest in agenda item 12 as they were known to one of the mentioned parties in the body of the report.</p> <p>Councillor Whyte commented that in her view it was not necessary to declare such interests as it was likely that one individual mentioned within the report would be known to a large number of Councillors.</p> <p>NOTED</p>
STCO31.	<p>MINUTES</p>

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	<p>The Committee Services Manager – Mr Hart advised that the circulated minutes of the meeting held on 31 October 2011 required amendment following the request of Councillor Stanton to have his prejudicial interest recorded in at minute entry STC017 in respect of exempt minute item STC025.</p> <p>Councillor McNamara advised that minutes item STC017 – first paragraph – last word ‘ deputation’ should read ‘declaration’</p> <p>RESOLVED</p> <p>That the unrestricted minutes of the meeting of the Standards Committee held on 31 October 2011 be agreed and signed by the Chair as an accurate record of the proceedings subject to the following:</p> <p>Minute item SC017</p> <p>amendment ‘Councillor Stanton had given his advance notification of his prejudicial interest in respect of the exempt item – Standards Complaint SC001/1011 (Minute Item STC025).</p> <p>first paragraph – last word ‘ deputation’ should read ‘declaration’</p>
<p>STCO32.</p>	<p>CHAIR'S ANNOUNCEMENTS</p> <p>The Chair announced that Mr Ryan had been confirmed as Head of Legal Services and Monitoring Officer. The Committee congratulated Mr Ryan on his appointment.</p> <p>The Chair also advised that the order of business on the agenda required variation in order to next consider Items 10-12.</p> <p>The Committee agreed to the variation nemine contradicente.</p> <p>NOTED</p>
<p>STCO33.</p>	<p>DETERMINATION HEARINGS</p> <p>NIL</p>
<p>STCO34.</p>	<p>EXCLUSION OF THE PUBLIC AND PRESS</p> <p>RESOLVED</p> <p>That the press and public be excluded from the proceedings as Items 10 -12 contain exempt information as defined in paras 1 & 2 of 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; and also in accordance with the Standards Committee (England) Regulations 2008 (regulation 5), and Section 53 of the Local Government Act 2000.</p> <p><u>SUMMARY OF EXEMPT/CONFIDENTIAL PROCEEDINGS</u></p>

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<p>STCO35.</p>	<p>MINUTES</p> <p>AGREED</p> <p>the exempt minutes of the meeting of the Standards Committee held on 31 October 2011.</p>
<p>STCO36.</p>	<p>STANDARDS COMPLAINT SC001/1011 - FURTHER CONSIDERATION PRIOR TO FINALISATION OF THE OUTCOME OF AN INVESTIGATION RESULTING FROM THE DETERMINATION OF THE STANDARDS REVIEW SUB-COMMITTEE SC001/1011</p> <p>RESOLVED</p> <p>TO NOTE THE DECISION OF THE MONITORING OFFICER TO CARRY OUT FURTHER INVESTIGATIONS</p>
<p>STCO37.</p>	<p>NEW ITEMS OF EXEMPT URGENT BUSINESS</p> <p>Nil</p>
<p>STCO38.</p>	<p>RE-INCLUSION OF THE PUBLIC AND PRESS</p> <p>RESOLVED</p> <p>That the public and press be re-admitted to the proceedings.</p>
<p>STCO39.</p>	<p>REPORT ON THE CHANGES TO THE STANDARDS REGIME BROUGHT IN BY THE LOCALISM ACT 2011</p> <p>The Chair asked for a brief introduction of the report.</p> <p>The Acting Senior Lawyer – Ms Wyatt advised the Committee that the reasons for lateness in despatching the report after the agenda’s publication was due to officers assessing the detail of the recently published Localism Act 2011, and the impact and implications for the future governance arrangements in respect of the current standards regime.</p> <p>Ms Wyatt advised that the Localism Act 2011 made fundamental changes to the system of regulation of standards of conduct for elected, and co-opted Councillors, amendments to the current requirement to make declarations, changes to current Councillor codes of conduct, and the status of the existing membership and status of Standards Committees in light of the abolishing of Standards for England. The Government’s stated intention was to bring these changes into force in April 2012, and to allow a new system to be put in place at Annual Council in May 2012. The report provided an update for the Standards Committee, and that the views of the Standards Committee were sought on the issues described within the report.</p>

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Mr Ryan also briefly advised on the proposed changes in terms of the code of conduct, and the current declaration requirements that would change from the current personal and prejudicial interests, to a required pecuniary and non pecuniary declaration, as well the likely changes required to the current code of conduct. One option could be the current model code with the minimal amendments to comply with the existing legislation or alternatively a scaling down of the existing code to a bare minimum of requirement.

The Committee then discussed the content of the report and the following collective general views were expressed:

- would there be a single model code of conduct or whether there were on-going discussions at LGA level regarding a collectively model for London, given the likely duplication of issues
- The status of the newly created Independent persons and how this would be managed
- the most effective way of gleaning the views of both this Committee and all Councillors and the process for feeding through changes to the constitution, given that the Localism Act would be effective by April 2012, and the need to consider the implications of the Act at respective political group level within the Council and the likely proposed amendments to the Constitution being considered via the Constitution Review Working Group with a report then being put to Annual Council in May 2012;
- The possible linking with the LB Waltham Forest through the shared working arrangements in terms of compiling a new Members Code of Conduct
- Concerns at the loss of the Independent Members under the new arrangements and views of independent members as to having a non-voting status on the Committee, and the consequential effectiveness of a Standards Committee having Councillor members only in a proportionally represented capacity
- Views expressed both positively and negatively by Independent Members as to whether they would wish to attend in a non voting observer capacity on a newly established Standards Committee.
- Further clarification on the implications and changes to the existing rules of member declarations and clear guidance required in terms of 'pecuniary' declarations, and the register of member interests, and the matter of 'offences' under the new Act
- that the outlined proposals for dealing with misconduct complaints be broadly accepted as detailed in paras 5.4.1 – 5.4.7;
- A method of delegating the assessment of a complaint to the Head of Legal Services and Monitoring Officer in order to discount whether it was unfounded or frivolous in its nature, and then any discounted to be reported to the Standards Committee, and whether an alleged breach could be graded in terms of a minor, medium or high level of breach;
- Following assessment of the complaint and acceptance of its authenticity the Head of Legal Services and Monitoring Officer advise both the Chair of the Cttee and Independent Assessor of the likely breach in accordance with the newly adopted code
- The possible establishment of a sub-committee to hear such complaints following investigation and to decide if there was a breach of the new code, and then any sanction to be imposed on the member bearing in

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	<p>mind that the Committee’s highest penalty may be likely to be ‘censure’ on the individual;</p> <ul style="list-style-type: none"> • Whether the existing method of assessment of complaint by the Head of Legal Services and Monitoring Officer could be maintained • That the existing code of conduct should be examined and both a revised code be drawn up which builds on the current code of conduct, in terms of the new requirements of the Act, together with a ‘stripped’ down bare bones’ code which centres purely on the compliance of the new Act. <p>The Chair then summarised and it was:</p> <p>RESOLVED</p> <ol style="list-style-type: none"> i. that contents of the report and the upcoming changes to the standards regime be noted, and the comments of the Committee as detailed be noted by the Head of Legal Services and Monitoring Officer; ii. That it be noted that the Council would need to prepare a new Code of Conduct, together with proposals for the new register of interests, and the approach to be taken in this respect, and that the comments of the Committee during discussion be noted in terms of the current code being amended to comply with the Localism Act 2011 and a more fundamental review of the Code be carried out over a longer timescale; iii. That it be noted that the Standards draft “arrangements” for dealing with standards complaints and for action to be taken where a member was found to have failed to comply with the Code of Conduct would be prepared, and that officers be asked to note the comments of the Committee during discussion in respect of retaining a Standards Committee or other such committee to carry carrying out these functions, and the comments/concerns expressed by the Committee in respect of the loss of voting independent members or an independent Chair; iv. That the comments of the Committee in terms of requirement for the appointment of an “Independent Person” be noted.
<p>STCO40.</p>	<p>DATES OF NEXT MEETINGS</p> <p>23 February 2012 16 April 2012</p>
<p>STCO41.</p>	<p>NEW ITEMS OF URGENT BUSINESS</p> <p>Nil</p>

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The meeting ended at 21.05hrs

Rachel Hatch

Chair