

**MINUTES OF THE STANDARDS COMMITTEE
THURSDAY, 22 MARCH 2012**

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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* Indicates Members attending

Apologies Mr J Darbyshire, Councillors Gorrie and Reece

**MINUTE
NO.**

SUBJECT/DECISION

STCO53.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from James Darbyshire, and Councillors Gorrie and Reece , for whom Councillors Winskill and Reid were substituting respectively.</p> <p>NOTED</p>
STCO54.	<p>URGENT BUSINESS</p> <p>Nil</p>
STCO55.	<p>DECLARATIONS OF INTEREST</p> <p>Nil</p>
STCO56.	<p>THE ETHICAL FRAMEWORK</p> <p>The Chair asked for an introduction of the report.</p> <p>The Head of Legal Services and Monitoring Officer – Mr Ryan briefly reported that following on from the last meeting of the Committee on 20 December 2011 the Committee had considered a report upon the fundamental changes to the system of regulation of standards of conduct for local authority members brought about by the Localism Act 2011. The report before the Committee presented proposals for a new Members’ Code of Conduct, Arrangements for dealing with allegations that a member or co-opted member has failed to comply with the Code, the establishment of a new Standards Committee and the appointment of an Independent Person. The views of the Committee were sought to assist in the development of the proposals prior to submission to Council for approval.</p> <p>The Principal Project Lawyer – Mr White then briefly outlined the detail of the report and referred the Committee to the appendix 4 contained therein which posed a number of questions for the Committee to consider and respond to.</p> <p>(For ease of reference, the questions are detailed below – with bullet points</p>

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showing the Committees comments on each).

1. The draft code of conduct prepared for Standards Committee has retained as many elements of the current code as possible which have been adapted to fit the new statutory framework. Is this the style of code which Members want or would they prefer a much shorter version containing the bare statutory minimum?
 - ***That the Committee gave preference to either the new draft code as adapted as opposed to a bare statutory minimum version, with the proviso that officers review the awaited proposed LGA draft code , and either adopt this code if fundamentally the same or amend/modify the new draft code accordingly***
 - ***That the draft code be prepared in either plain English or have a plain English guide/ explanatory note of what each part of the code means in real terms***
2. It is understood that the Local Government Association is considering the adoption of a model code which may emerge in both minimalist and expanded forms. If such model is reasonable in style and format and meets Members requirements as stated in relation to Question 1 above, would Members prefer to use that model which may be adopted widely, rather than a bespoke Haringey version?
 - ***See bullet point in (1) above***
3. The Act prescribes how **disclosable** pecuniary interests must be registered and disclosed. However it is left to authorities to include in their codes whatever they consider appropriate in respect of the registration and disclosure of other pecuniary and non-pecuniary interests. In the draft code those matters which are personal interests under the current code have been broken down into 'other pecuniary interests' and 'non-pecuniary interests'. Are Members happy with this approach?
 - ***The Committee commented on the issues of disclosure and difficulties elected members often had in making an annual disclosure and then whether they should make a declaration at Committee meetings and clearer guidance was needed for the future as to when to or not to make a declaration.***
 - ***The Committee welcomed the proposed approach to be adopted in May 2012 recognising that any further amendment could be made at a later date.***
4. The Act requires registration of disclosable pecuniary interests, but once registered there is no requirement to make further disclosures at meetings even though the Member would not be able to remain or participate during the conduct of that business. Are Members satisfied with this or would they prefer disclosures at meetings on each occasion a disclosable pecuniary interest arises, whether or not it is registered?

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- **Members welcomed the practice of registering disclosable pecuniary interests initially, then declaring at the commencement of a meeting and recognised that they would then have to leave the proceedings and not participate during the conduct of that business**

5. Subject to views on Question 4 above, are Members happy with the same registration/disclosure arrangements for all forms of interest?

- **Members thought that it should be possible not to have to declare some other interests e.g. similar to current personal interests which are not prejudicial provided that these interests are set out in the Register of Interests.**

6. The Act provides that a pecuniary interest of a Member's spouse or civil partner or a person living with the Member as a spouse or civil partner is a disclosable pecuniary interest if the Member is aware of it. However there is no test of reasonableness attached and a Member would not have to declare an interest because he/she is unaware even though a reasonable person would have been aware. Are Members satisfied that this is sufficient or should this be extended to cover interests of which the Member is aware or 'ought reasonably to be aware'? If included in the code, whilst failure to disclose such interest of which a Member is aware would be both a criminal offence and a breach of the code, failure to disclose an interest of which the Member ought reasonably to be aware would be only a breach of the code.

- **Members welcomed and supported this approach**

7. The Act removes the requirement for Members to agree to comply with the code of conduct when signing the declaration of acceptance of office. However the Council could still require Members to give a written undertaking to do so which would not carry any legal obligation but would give Members cause to reflect upon the serious nature of their undertaking to act in accordance with the code at all times when acting as a Member. Do Members wish to give such an undertaking?

- **Members agreed continuing with the practice in respect of giving such an undertaking when signing the declaration of acceptance of office.**

8. The Council is required to appoint at least one 'Independent Person' (IP). Should we appoint just one or would it be best to have one IP plus one or more deputies who could stand in if the IP is unavailable or conflicted?

- **Members supported the approach of appointing one IP plus up to two deputies.**

9. The duties of the IP in the Localism Act are to give his/her views when they are sought before the authority makes a decision on an allegation it

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has decided to investigate; to the authority at other points in the process; to a Member the subject of an allegation. Should the IP have a role in the wider promotion of high standards of conduct by being co-opted onto the Standards Committee?

- **Members agreed to the IP having a role in the wider promotion of high standards of conduct by being co-opted onto the Standards Committee with the caveat of clear guidance as to how would the deputies act in the IP's absence**
- **The issue of existing Independent Members also being co-opted on to the new Cttee in a non voting advisory capacity was discussed and whether this would be welcomed by existing Independent Members. Generally the Committee supported this provided existing independent members are interested. There was no consensus as to whether the independent members would be paid and would need to be discussed with the members.**

10. Should the IP and any deputies be paid an allowance? Should the IP attract an additional allowance if co-opted to the Standards Committee?

- **See above point 9 as with co-opted independent members.**

11. Draft arrangements for dealing with allegations of failure to comply with the code have been assembled from a combination of the current statutory arrangements with modest improvements borne from experience, the principles of natural justice and general best practice in complaints procedures. As with the Code of Conduct, the Local Government Association may produce model arrangements. If such model is reasonable in style and format would Members prefer to use that model which may be adopted widely, rather than a bespoke Haringey version?

- ***officers to review the awaited proposed LGA draft and propose adoption***

12. Turning to the detail of the draft arrangements, are Members happy with the Monitoring Officer determining that an allegation does not merit any further action on the stated grounds which are largely factually based or would Members prefer all allegations to go before an Assessment Sub-Committee?

- **Members welcomed and supported this approach with the proviso that regular information updates be reported to the Committee of all cases rejected/not requiring further action**

13. The current statutory system has been curtailed somewhat by the elimination of the Review Sub-Committee role. The procedure proposed is regarded as sufficiently robust without this element. Do Members agree?

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- **Members welcomed and supported this approach**

14. It is proposed that the Standards Committee has two sub-committees, the Assessment Sub-Committee and the Hearing Sub-Committee and that Members be appointed on to these sub-committees based on political balance as far as possible, and there be a quorum of three, for the committee and sub-committees. Do Members consider this to be satisfactory?

- **Members welcomed and supported this approach**

15. For the elimination of doubt, a Member who has sat on an Assessment Sub-Committee will not be precluded from sitting on a Hearing Sub-Committee considering the same allegation as attendance at the former will not prejudice attendance at the latter. Do Members support this approach?

- **Members welcomed and supported this approach**

16. Under the Localism Act there are five grounds upon which Members with disclosable pecuniary interests may be granted dispensations to participate and vote. It is proposed that the new Standards Committee only should determine applications upon three of the grounds, where without the dispensation the representation of different political groups would be so upset as to alter the likely outcome of any vote; where granting the dispensation is in the interests of persons living in the borough; and where it is otherwise appropriate to grant a dispensation. In addition to the Standards Committee it is suggested that the Monitoring Officer could also be authorised to determine applications on the other two grounds, where without the dispensation so many Members would be prohibited from participating that the transaction of the business would be impeded (ie the meeting would be inquorate), and similarly in relation to Cabinet where each Member would be prohibited from participating. Delegation to the Monitoring Officer would enable dispensations to be granted 'at the door of the meeting' which could not be achieved if the power rested with the Standards Committee. Are Members satisfied with these proposals?

- **Members welcomed and supported this approach in general but felt that all dispensations should be retained by the Standards Committee.**

The Chair summarised and it was:-

RESOLVED

That approval be given to:

- (i) the general principles the draft Code of Conduct

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attached at Appendix 1 of the report and the Arrangements for dealing with allegations that a member or co-opted member has failed to comply with the Code attached at Appendix 2 of the report;

- (ii) that Full Council be recommended to give approval of a Code of Conduct based on the draft Code attached at Appendix 1 of the report subject to such amendments as are necessary as a result of Regulations, recommendations from the Local Government Association and to such comments as the Committee may wish to make;
- (iii) that Full Council be recommended to give approval of Arrangements for dealing with allegations that a member or co-opted member has failed to comply with the Code based on the draft Arrangements attached at Appendix 2 of the report subject to such amendments as are necessary as a result of Regulations, recommendation from the Local Government Association and to such comments as the Committee may wish to make;
- (iv) that Full Council be recommended to create a new Standards Committee at its Annual Meeting in May 2012 with the terms of reference as set out at Appendix 3 of the report subject to such amendments as may be deemed necessary by the Monitoring Officer;
- (v) that the comments expressed in bold in relation to appendix 4 – Questions be taken account of by officers in the preparation of the report to Council regarding the composition and implementation of the new Standards Committee;
- (vi) that Full Council be recommended to appoint an Independent Person with two Deputies, to be in place in time for the implementation of the new standards regime; and
- (vii) That officers take account of the responses of the Committee in relation to appendix 4 of the report – Questions – and ensure that these views are reflected further in the report to Full Council recommending adoption as detailed resolutions (i) to (vi) above.

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STCO57.	DATES OF NEXT MEETINGS 16 April 2012
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RACHEL HATCH

Chair