

Council on 14th July 2008

Report title: Annual Report from the Standards Committee : 2007 / 08

Report of: Standards Committee

1. Purpose

To report on the activities of Standards Committee over the previous year and to give information on the monitoring of the Members' Code of Conduct and of complaints against members.

This report also asks the Council to confirm changes to the Terms of Reference for the Standards Committee and Monitoring Officer, as agreed by the Standards Committee at its meeting of 10th June 2008. These changes were the result of the Local Government and Public Involvement in Health Act 2007, which charged the Standards Committee and Monitoring Officer with being the first and main point of reference for the receipt, assessment, review and determination of complaints received by an authority that a Member has failed to comply with the Members Code of Conduct. The changes include a new role for local Standards Committees in making decisions about politically restricted posts.

2. Recommendations

2.1 That the enclosed Annual Report be noted.

2.2 That the changes listed below be adopted as amendments to the Council Constitution:

- (i) Changes to the role and function of the Standards Committee in Part 2, Article 9, as set out in Appendix 1 to this report**
- (ii) Changes to the Functions of the Monitoring Officer in Part 2, Article 12, as set out in Appendix 2 to this report**
- (iii) Changes to the terms of reference of the Standards Committee and the addition of its Assessment, Review and Hearings Sub-Committees in Part 3, Section C, as set out in Appendix 3 to this report**
- (iv) Changes to the delegated powers of the Head of Local Democracy and Member Services in Appendix E Part F7 Section 9, as set out in Appendix 4 to this report.**

Report authorised by: **Mr Roger Lovegrove, Chair of the Standards Committee and Mr John Suddaby, Monitoring Officer, London Borough of Haringey**

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3. Access to information:

Local Government (Access to Information) Act 1985

The Council's Constitution

4. Report

- 4.1 The Local Government and Public Involvement in Health Act 2007 and related Regulations have made amendments to the existing system for dealing with complaints that Councillors and co-opted members have breached the Members' Code of Conduct. The main change has been the introduction of "local filter" arrangements that require local Standards Committees to receive, assess, review and determine complaints in place of the Standards Board for England (SBE). These changes apply with effect from 8 May 2008.
- 4.2 The new arrangements were reported to the Standards Committee at its meeting on 10 June and agreed. This report asks full Council to adopt the changes as amendments to the Council's Constitution.
- 4.3 Standards Committees have to set up two new sub-committees to discharge their new functions. The Assessment Sub-Committee will decide if there is sufficient evidence to refer a complaint to the Monitoring Officer for investigation or in the most serious cases to the SBE. If the decision is to take no action, an aggrieved complainant can request a review to be undertaken by a Review Sub-Committee with a different membership. Where a hearing into a complaint is necessary this will be undertaken by a Hearing Sub-Committee in accordance with existing procedures.
- 4.4 These Sub-Committees will comprise members of the Standards Committee selected in rotation so far as is practicable. There will always be at least one elected Councillor but the Chair must be an independent member under the Regulations. The composition and terms of reference for the three Sub-Committees are set out in Appendix 3 to this report under "Section 3 – Sub-Committees and Panels".
- 4.5 Since the membership will not be fixed but selected in rotation, there needs to be a new power delegated to the Head of Local Democracy and Member Services to appoint the membership for meeting in consultation with the Chair of

the Standards Committee and the Monitoring Officer. The recommended delegation in the Scheme of Delegation to Officers (Appendix E, Part F.7, Section 9, paragraph 1.4 of the Constitution) is shown in Appendix 4 to this report.

- 4.6 The amendments to the legislation also give local Standards Committees a new role, replacing the national adjudicator, in granting exemptions to officers at or above SCP 44 whose grade would otherwise place their posts within the list of those politically restricted. If a post below Deputy Chief Officer level does not require the officer to give regular advice to Member bodies/Committees or to speak regularly to the media as a Council representative, then the Standards Committee will be able, on the officer's application, to grant an exemption from political restrictions. Any person can ask the Standards Committee to consider whether to direct the inclusion of any post within the politically restricted list applying the criteria above.
- 4.7 The revised terms of reference for the Standards Committee are set out in Appendix 1 to this report which recommends changes to Part 2 Article 9 of the Constitution. These changes will be repeated in another part of the Constitution, Part 3 Section C under "Section 2 – Committees", as shown in Appendix 3 to this report. The new roles of the Monitoring Officer in respect of local filter investigations and making periodic statutory returns to the SBE contained in Part 2 Article 12 of the Constitution are set out in Appendix 2 to this report.

5. Financial Implications

- 5.1 There are no specific financial implications

6. Comments of the Head of Legal Services and Monitoring Officer

- 6.1 The legal and constitutional implications are explained in the body of the report.

**ANNUAL REPORT OF THE STANDARDS COMMITTEE: 2007/08
COUNCIL 14 JULY 2008**

1. Introduction

This item reports on the activities of Standards Committee for the Municipal Year 2007/08 and gives information on the monitoring of the Members' Code of Conduct and of complaints against Members.

Standards Committees for all Authorities have been and are going through a period of major change due to the implementation of the 2007LGA and the publication of a new Model Code of Conduct which Haringey -in common with other Authorities- has adopted, unamended, as its own Code.

The main changes include:-

- Relaxation of "whistleblowing" requirements;
- Relaxation of some consequences to declaring a prejudicial interest;
- Requirement to declare (as a personal or prejudicial interest, as appropriate) Gifts and Hospitality received within the last three years where relevant to an Agenda Item;
- The "Register of Gifts and Hospitality" has been combined with the "Register of Financial and Other Interests" to form the "Register Of Interests";
- Complaints to be handled locally rather than by the Standards Board for England.

The Register of Interests is available for all to view both in hard copy and on the Council's website. Individual declarations made at meetings are also able to be viewed on-line as part of meetings' minutes. The Opt-In option has continued to be applied to the online version of the Register Of Interests as with the old Register Of Financial Interests.

The Committee welcomed the appointment of Annabel Loyd as a new independent member. The Committee organized the recruitment to the position and was able to select Ms Loyd from a large, high-quality pool of applicants. Annabel fills the position vacated by Nicholas Weber, who resigned from the committee after seven years of service including two as its Chair.

The Standards Committee continues to work for the maintenance of public standards in Haringey, and we look forward to another successful year ahead. We recognise that we would not be able to carry out our work without the support of Officers, whom we would like to thank.

Roger Lovegrove
Chair, Standards Committee
June 2008

Signatories to the Members' Code of Conduct

At the end of the reporting year all 57 Councillors had signed accepting the Code of Conduct, as had all independent Members of the Standards Committee.

There were also 4 Co-Opted Members on the Overview and Scrutiny Committee. Of these, two had signed; one of the remaining two has since resigned and the matter of the remaining one is currently being addressed.

Details of the Standards Committee

3.1 Political Breakdown

At the start of the reporting period, Standards Committee consisted of

4 Labour Councillors; 4 Liberal Democrat Councillors; 4 Independent Members

3.2 Changes in Membership

The committee welcomed three new Members, Councillors Dobbie, Mallett and Whyte, replacing Councillors Edge, Egan and Kober.

Nicholas Weber resigned as an independent Member midway through the year. The committee instituted a recruitment process which selected Anabel Loyd, who was formally appointed at the Annual Council on May 19th 2008.

3.3 Chair and Deputy Chair

Ms I Francis and Mr R Lovegrove were elected, respectively, as Chair and Deputy Chair.

3.4 Meetings

Three ordinary meetings and a number of training sessions were held during the year. The Minutes of Meetings held during the year, having been previously circulated, are available, by request, from the Standards Committee Secretary and for inspection in the Members' Rooms, prior to and immediately following the Council Meeting on 14th July 2008.

The Minutes are also available on the authority's website at <http://www.minutes.haringey.gov.uk> .

3.5 Monitoring Officer

The Committee was pleased to note the permanent appointment of John Suddaby as the Authority's Monitoring Officer.

3.6 New Arrangements and Local Filter

The Government has introduced new arrangements for dealing with complaints under the Members' Code of Conduct. These changes took effect from 8 May and give the Standards Committee the responsibility for assessing, reviewing and determining complaints that a Member has failed to abide by the Code of Conduct. The Standards Board for England will still determine a minority of cases and will retain a responsibility for advising Standards Committees and overseeing the effectiveness of the new arrangements.

A public notice explaining the changes has been put in the local press and included on the Haringey website. Training of Standards Committee Members in the new responsibilities has begun and new procedures for dealing with the assessment and review of complaints by sub-committees of the Standards Committee have been adopted.

4 Register of Members' Interests (ROI)

The ROI is available for inspection, by appointment within normal working hours, at River Park House.

Additionally, a simplified version of the ROI is included on the Haringey Council website. The simplification consisted of:

- modification of entries by removal of personal contact details;
- an opt-in policy, designed to ensure Members are content that other details, such as employment details, could not lead to violation of their personal privacy.

5 Registration Form for Gifts and Hospitalities

5.1 Summary of Registrations

All signatories to the Members' Code of Conduct are required to register with the Monitoring Officer each Gift or item of Hospitality of value more than £25 received and arising out of their official positions. Registration of items valued at less than £25 was, and still is, voluntary.

Entries registered for items of gifts and hospitality offered during the year are available under each individual Member's Register of Interests. A summary by value of the items registered for the year is given in Table 1.

32 councillors and voting Co-Opted/independent Members registered at least one gift or instance of hospitality during the year.

TABLE 1: Values of gifts and/or hospitality

Value	Number of items registered	
	This Year (2007/08)	Last Year (2006/07)
Less than £25 ¹	4	5
£25-£50 ²	45	73
£50-£100	7	14
£100-£150	10	7
£150-£200	0	12
£200-£300	4	1
£300-£400	2	2
£400-£500	1	1
£500 or more	0	0
Approximate total value^{3,4}	£4,300	£ 6,200
No value declared	0	2
No. of items valued at £25 or more	69	110
Average value⁵ of such items	£62	£56

NOTES to Table 1:

1. The Members' Code of Conduct does not *require* registration of items valued at less than £25. Members may, however, voluntarily register such items if they wish.

2. Where the value of an item was declared by means of a range falling into more than one of the tabulated intervals then it has been included in the higher such interval. For example, if a value had been declared as "£30-£60" then it would have been shown against the interval "£50-£100".

3. For the purpose of enabling an approximate total value to be calculated from this Table, it is necessary to give each interval a representative value. This is the lower end of that interval; for example, the interval "£50-£100" has the representative value of £50. Consequently, items valued at less than £25 are not included in the approximate total value, and items in the range "£500 or more" have been treated as if valued at £500.

4. The final approximate total, shown, has been rounded *up* to the nearest £100.

5. Average value of such items = Approximate total value/No. of items valued at £25 or more.

5.2 Acceptance

As part of the registration process, Members were asked what they did with each item of gift/hospitality they were offered. For Hospitality, there are two meaningful options (Accepted, Not Accepted). For Gifts, there is a wider range of possibilities. Tables 2a and 2b summarise the responses.

Table 2a: How offers of Hospitality were treated

	Number of items of Hospitality	
	Not Accepted	Accepted
This Year	0	59
Last Year	0	88

Table 2b: How offers of Gifts were treated

	Number of Gifts				
	Not Accepted	Personally retained	Donated to charity	Donated to the Authority	Other
This Year	0	13	1	0	0
Last Year	0	4	25	0	0

Note. There is no requirement that the Monitoring Officer be notified when an otherwise-registerable Gift or Hospitality has been offered but refused, although it is **strongly recommended** that this be done. The figures under “Not Accepted” should therefore be interpreted with caution.

5.3 Donors

Also as part of the registration process, Members were asked who offered them the gift or hospitality. Table 2c summarises donors by approximate type.

Table 2c: Donors of Gifts and Hospitality

	Classification of Donor					
	Private Company	Council/ Parliamentary	Club/ Assoc	Individual	Consultancy	Not known
This Year	23	43	5	2	0	0
Last Year	18	54	33	11	0	1

5.4 Access

The RGH was available for inspection, by appointment within normal working hours, at River Park House. It was also available on the Authority's website.

Under the terms of the 2007LGA and the new Members' Code of Conduct, the RGH has now been combined with the Register of Financial and Other Interests to form the Register of Interests. This means that, on the website, accessibility is affected by the opt-in option; as a consequence, RGH entries for Members who have not opted-in are no longer available online. All entries remain available for inspection at River Park House.

6 Declarations of Interest

The definitions of “personal interest” and “prejudicial interest” are given in the Members' Code of Conduct. A prejudicial interest is a special type of personal interest which either relates to a Council regulatory function or affects the financial interests of the Member or relevant person and which would be perceived as more significant by a member of the public. Thus all interests as defined by the Code are personal, with some that meet additional criteria being termed prejudicial.

During the year under report, anyone declaring a prejudicial interest was required to leave the chamber (or committee room) and to take no part in the discussion or

decision-making; anyone declaring a non-prejudicial interest could continue to play a full rôle. Under the revised Code of Conduct, adopted in May 2007, a Member declaring a prejudicial interest may make representations and answer questions about the matter under consideration, but must then leave the place where the meeting is being held and take no further part in the consideration of the item.

Declaration of Interests is placed as a specific Item on the Agenda of every meeting of the Full Council and of every meeting of every serviced committee.

Council Minutes show there were **63** declarations of personal, non-prejudicial interest at meetings of the full Council during the whole year. There were **4** declarations of prejudicial interest

7 Complaints about alleged failures to adhere to the Members' Code of Conduct

7.1 Complaints decided during the year

The number of complaints concerning alleged breaches of the Members' Code of Conduct which were decided during the year is shown in Table 3.

Table 3: Complaints decided during the year

	This Year	Last Year
Decided by an Ethical Standards Officer	0	1
Decided by the Adjudication Panel for England	0	0
Decided by the Standards Committee	0	0

7.2 Complaints outstanding

Standards Committee has been notified of one outstanding complaint.

8 Ethical Governance Training

Including repeats, eight general Ethical Governance training sessions were arranged through the year for all Councillors and independent Members. Attendance at these was increased on previous years, reflecting the importance of understanding the revised Code of Conduct.

Table 4: Attendance at training sessions for signatories to the Code of Conduct

Ethical Governance Training	Number of Councillors	Number of independent/ Co-Opted Members
Did not attend any	7 (19)	5 (5)
Attended at least one session	50 (38)	3 (1)

(Note: Last Year's figures in brackets. Total of 57 Councillors listed for this year)

It remains important that Members are aware of Code of Conduct issues as breaches can have significant adverse impact for the Council as well as the individual member. Members are strongly encouraged to attend Ethical Governance training sessions.

Specific training was also arranged regarding the new Local Filter for Members of Standards Committee, with five Councillors and three independent Members attending an initial session at the end of the municipal year. Extensive training for the new arrangements continues to be ongoing in 2008/09.

Matters of Concern

Standards Committee did not minute any matters of concern during the year.

Monitoring Officer's Comments

The Monitoring Officer has continued to receive a number of requests from Councillors to advise on whether or not interests are personal, or personal and prejudicial. He welcomes the opportunity to assist Members to comply with the Code of Conduct in this way. He also wishes to thank all Members and officers involved with the Standards Committee for their assistance over the year.