

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE
HELD ON MONDAY, 5 MARCH 2012**

MEMBERSHIP

PRESENT Independent Members: Lawrence Greenberg (Chairman), Dr. Elliot Finer, Chris Murphy, Michael Rye OBE, Toby Simon and Ingrid Cranfield

ABSENT Councillors Alan Barker, Dogan Delman and Simon James (Independent Member)

OFFICERS: John Austin (Assistant Director - Corporate Governance) and Asmat Hussain (Assistant Director Legal) and Penelope Williams (Secretary)

Also Attending: Councillor Lee Chamberlain

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WELCOME AND APOLOGIES

The Chairman welcomed everyone to the meeting. Apologies for absence were received from Councillors Barker and Delman and Simon James (Independent Member).

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DECLARATION OF INTERESTS

There were no declarations of interests.

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CHAIRMAN'S UPDATE

The Chairman reported that he had produced a report on the changes to the Standards Regime for this meeting.

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CHANGES TO THE STANDARDS REGIME

The Committee received:

1. A report from John Austin (Assistant Director Corporate Governance) setting out proposals to replace the existing Standards Regime.
2. A discussion paper from Lawrence Greenberg (Chairman of the Standards Committee) entitled Replacement of the Standards Regime: Handling Conduct and Complaint in Enfield.

Members of the Committee discussed the proposals.

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NOTED

1. The existing Standards Committee would be abolished under the new Localism Act 2011.
2. The members of the Committee discussed replacing the standards committee either by merging it with the Audit Committee and creating an Audit and Corporate Governance Committee or by setting up a new committee for complaints and conduct.
3. The Chairman argued for a stand alone committee which he felt would be clear and simple, easy for the public to understand, although he acknowledged that there had not been much public interest in the past. It would make clear to the public that the Council takes complaints seriously.
4. Other local authorities were either combining their Standards Committee with other committees or retaining a stand alone committee. Those that were keeping a stand alone committee were those that probably received a large number of complaints.
5. Councillor Rye reported his view and that of the Conservative Group that they were not in favour of replacing the Standards Committee and felt that it should be abolished completely in line with the Government Legislation. They did not support the recommendation that the committee should be merged with Audit.
6. If there was to be stand alone committee they felt that it should only meet when there were hearings to be dealt with, and that the proportionality rule should not apply.
7. Councillor Simon was in favour of the proposal to merge the committee with Audit but agreed with Councillor Rye that it would be most constructive if the Standards Committee members could come to an agreement on proposals to put before Council.
8. It was generally agreed that the Committee should
 - a) Schedule regular meetings, but be prepared to cancel them if there was nothing substantive to discuss;
 - b) Should not be subject to the rules of proportionality.
9. The Members agreed that the new legislation could put the Monitoring Officer in a difficult position. He would have more support if he had the backing of a committee. The position of the monitoring officer would return to the position it had been in before the Standards Regime had been created.

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10. Councillor Rye said that the legislation was unhelpful as it disqualified existing independent members from standing again as the new Independent Persons. The Independent Person would have fewer powers and would act in the role of a consultee only.
12. Councillor Murphy suggested that the whips should be members of the stand alone committee together with two other members, one from each side.
13. It was felt that it would be hard to separate out consideration of policy from case work and it would be better if one committee could incorporate both, otherwise members setting policy could become detached. Also in a merged committee standards business could become submerged in the business of the Audit Committee.
14. It was suggested that the remit of the new committee could be extended to include whistleblowing, the Annual Governance Statement and other similar issues, but some members thought that these should remain with the Audit Committee. Whistleblowing was primarily concerned with officers and it was felt that the standards committee should focus on councillor conduct.
15. John Austin advised that three principles should underpin the new standards regime: clarity of process, transparency and credibility. The alternative proposals both had pros and cons but he felt that a separate committee dealing with policy and complaints would work. The difference in resource input was marginal.
16. The possibility of including members' allowances within the remit of the new committee was discussed. Members Allowances falls within the remit of the Members and Democratic Services Group. Council had agreed at the last meeting that they would be frozen for the next year. Any future discussion would be considering allowances from 2014 onwards.
17. Councillor Alan Barker had emailed his opinion that "he was unhappy with the idea that the proposed sub committee will be political in make up" and that "without an independent chair the minority party would be at a disadvantage".
18. Simon James (Independent Member) had, by email, supported Councillor Barker's view and felt that the committee should have the impartial balance which independent members give but this was disallowed under the new legislation.
19. Councillor Chamberlain raised the issue of the chair and the chair's casting vote. This would be resolved later.
20. The new report for Council would focus more on the operational issues and would explain the meaning of dispensations.

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21. The streamlined complaints process set out in Lawrence Greenberg's report would be considered for inclusion in the Council report.

AGREED that the Standards Committee would recommend to Council that

- (a) A new stand alone committee be created to deal with policy, cases and issues concerned with the conduct of Councillors:
- i) This would be called the Councillor Conduct Committee.
 - ii) It would not be subject to the proportionality rules. A unanimous cross party resolution would have to be taken at Council to achieve this.
 - iii) It would be made up of 4 members: the two party whips and two other councillors, one from each party. The Independent Person would be asked to attend the meetings in accordance with legislative requirements.
 - iv) Meetings would be set up on a quarterly basis, but would only be held if there was business to discuss.
 - v) Council would be asked to consider if any other functions should be allocated to the committee, e.g. complaints of maladministration.
- (b) To retain the following 3 principles currently underpinning the current Code of Conduct within the Council's new Code:
- Respect for others
 - Duty to uphold the law
 - Stewardship

with a clear definition to be agreed for the term 'stewardship' (paragraphs 4.1 – 4.3). John Austin would check this.

- (c) Unless otherwise required by regulations, the Monitoring Officer be instructed to draft the Council's new Code of Conduct to provide for the registration and disclosure for those interests which would (in the current code) amount to personal and/or prejudicial interests, but only require withdrawal as required by the new Act for Disclosable Pecuniary Interests (paragraph 4.4)
- (d) A much more streamlined process for dealing with complaints – as set out in the Chairman's paper - for consideration at the March Council meeting, with the Monitoring Officer being given delegated powers to deal with such matters particularly with regard to:

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- the filtering out of complaints and deciding whether they require investigation (or other form of alternative resolution) – with accountability to the Audit & Corporate Governance Committee for decisions taken (paragraphs 5.3 – 5.4)
 - considering requests from complainants for re-consideration where an initial finding has been no evidence of failure to comply with the Code of Conduct with no further action to be taken. This could be where new evidence is produced. The MO will have the power to refer matters to the Audit & Corporate Governance Committee if considered appropriate (paragraph 5.5).
 - the local resolution of complaints without the need for a hearing. Local resolution should only be agreed after consultation with the Independent Person, where the complainant is satisfied with the outcome, and where a summary report will be made to the Audit & Corporate Governance Committee for information. (paragraphs 5.6 – 5.7).
- (e) The range of possible sanctions set out in paragraph 5.8
- (f) There should be an appeals process contained within the Council's new process – the detail to be decided once statutory regulations are available (paragraphs 5.9 – 5.10)
- (g) The Council agrees the role of the 'Independent Person' (IP) and at the appropriate time proceeds to recruit 2 IPs, who should be invited to attend the Audit & Corporate Governance Committee as appropriate (paragraphs 6.1 – 6.6)
- (h) Members continue to refresh their register of interests at least annually even though this will no longer be a statutory requirement (paragraph 7.4)
- (i) The Council will ask members to declare 'Disclosable Pecuniary Interests' at meetings even though they may have included them on the register or have notifications pending (paragraphs 8.1 - 8.2)
- (j) The Monitoring Officer be given the power to grant dispensations as set out in paragraphs 11.3 (a) and (b).

The views of the Standards Committee would be fed into the meeting of the Members and Democratic Services Group on Tuesday 6 March 2012.

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STANDARDS COMMITTEE ANNUAL REPORT

AGREED the draft Standards Committee Annual Report for 2011/12.

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WORK PROGRAMME 2011/12

NOTED the work programme for the 2011/12 municipal year.

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MINUTES OF THE MEETING HELD ON 3 JANUARY 2012

AGREED the minutes of the meeting held on 3 January 2012 as a correct record.

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DATES OF FUTURE MEETINGS

This was the last meeting of the Standards Committee under the old regime.

Councillors noted their thanks to the independent members for all their work on the standards committee over the past years. This would be formally recorded at Council.

The suggestion was made that Independent Members could form a support group for other councils and that this could be organised by London Councils.