



HILLINGDON
LONDON



Standards Committee

Date: TUESDAY, 1 DECEMBER
2009

Time: 7.00 PM

Venue: COMMITTEE ROOM 4,
CIVIC CENTRE, HIGH
STREET, UXBRIDGE, UB8
1UW

**Meeting
Details:** Members of the Public and
Press are welcome to attend
this meeting

Councillors on the Committee

Allan Edwards (Chairman),
Malcolm Ellis (Vice-Chairman),
James Keys (Independent Member),
Councillors Corthorne, Dann,
Harmsworth, Hensley, Khursheed and
Yarrow.

**This agenda and associated
reports can be made available
in other languages, in Braille,
large print or on audio tape on
request. Please contact us for
further information.**

Published: Tuesday, 24 November 2009

Contact: Lloyd White

Tel: 01895 556743

Fax:

Email: lwhite3@hillington.gov.uk

This Agenda is available online at:
<http://lbh-modgov/ieListMeetings.a>

Lloyd White
Head of Democratic Services
London Borough of Hillingdon,
3E/05, Civic Centre, High Street, Uxbridge, UB8 1UW
www.hillingdon.gov.uk



INVESTOR IN PEOPLE

Useful information

Bus routes 427, U1, U3, U4 and U7 all stop at the Civic Centre. Uxbridge underground station, with the Piccadilly and Metropolitan lines, is a short walk away. Limited parking is available at the Civic Centre. For details on availability and how to book a parking space, please contact Democratic Services

Please enter from the Council's main reception where you will be directed to the Committee Room. An Induction Loop System is available for use in the various meeting rooms. Please contact us for further information.

Please switch off any mobile telephones and BlackBerries™ before the meeting. Any recording of the meeting is not allowed, either using electronic, mobile or visual devices.

If there is a FIRE in the building the alarm will sound continuously. If there is a BOMB ALERT the alarm sounds intermittently. Please make your way to the nearest FIRE EXIT.



Agenda

- 1** Apologies for Absence
- 2** Minutes
To approve the minutes of the meeting of the Committee held on 10 September 2009
- 3** Declarations of Interest
To note any declarations of interest in any matter before the Committee

PART I

- 4** Work Programme 2009/10
To consider a work Programme for the Committee for the remainder of the Municipal Year
- 5** Standards For England Bulletin No.45
To note the latest publication from Standards for England
- 6** Criteria for Granting Dispensations
To consider draft criteria as discussed at the last meeting (to follow)
- 7** Audit of Members' Expenses
To note the outcome of the audit of the Members' Expenses Claims procedure.
- 8** Audit of Members' Complaints Procedure
To note the results of the audit into the Members Complaints Procedure
- 9** Assessment Made Clear
To view an information DVD issued by Standards for England

This page is intentionally left blank

Agenda Item 2

Minutes

Standards Committee
Thursday, 10 September 2009
Meeting held at High Street, Uxbridge, UB8 1UW



HILLINGDON
LONDON

Published on: 13 September 2009
Come into effect on: Immediately

	<p>Members Present: Allan Edwards (Chairman), James Keys (independent member), Councillors, Corthorne, Dann, Harmsworth and Khursheed</p> <p>Officers Present: Raj Alagh and Lloyd White</p>	
8.	<p>Apologies for Absence</p> <p>were received from the Vice Chairman (Malcolm Ellis) and Councillor Yarrow</p>	Action By:
9.	<p>Minutes</p> <p>The minutes of the meeting held on 3 June 2009 were agreed as a correct record. The Borough Solicitor confirmed that all action points had been addressed.</p>	Action By:
10.	<p>Declarations of Interest</p> <p>There were no declarations of interest received.</p>	Action By:
11.	<p>Exclusion of Public and Press</p> <p>It was confirmed that the business of the meeting would be conducted in public with the exception of item 8 on the agenda.</p>	Action By:
12.	<p>Standards Board For England Bulletin No.44</p> <p>The latest edition of 'The Bulletin' was noted and in particular the new regulations that had recently come into force and which were the subject of a separate report on the agenda. Members noted that the Standards Board had responded to the CPSL inquiry and the link to the submission would be circulated. A summary of complaints made nationally was included with the Bulletin and it was noted that, although 54% of all complaints made were from members of the public, in Hillingdon no public complaints about the conduct of Members had been received since the revised system had come into operation. Members were assured that</p>	Action By:

	<p>everything possible was done to ensure that advice and guidance was given to the public about how to make a complaint should they so wish.</p>	
13.	<p>Standards Committee Regulations</p> <p>The Government had recently made regulations to implement some of the outstanding provisions relating to standards introduced in the Local Government and Public Involvement In Health Act 2007. The three main areas were summarised for Members as follows:</p> <ul style="list-style-type: none"> • The initial assessment of complaints where provision had been made for Standards for England to suspend the local assessment of complaints in certain circumstances • Provision to allow Councils to establish Joint Standards Committees – something that this Committee had previously considered and decided against. Members confirmed their previous decision on this matter. • Dispensations – the provisions for granting dispensations had been altered and the new provisions were summarised. It was noted that the Committee would need to establish criteria by which it would initially judge applications for dispensation and these would then be circulated to all Members for information. It was suggested that the Borough Solicitor draw up a draft set of criteria for consultation with the Committee and agreement with the Chairman. <p>RESOLVED: That</p> <p>a) the report be noted and the Borough Solicitor be authorised to draft a set of criteria, based on the Standards for England guidance, by which the Committee would consider applications for dispensations from Members; circulate the draft criteria to Members of the Committee for comment and agree the final criteria with the Chairman.</p> <p>b) once agreed, the Borough Solicitor be authorised to circulate the criteria to all Members along with guidance on how to make an application for dispensation.</p>	Action By:
14.	<p>Audit - Complaints against Members</p> <p>It was noted that the internal audit section were currently carrying out an audit of complaints about Members to ensure that all the correct processes and procedures were being followed. The draft report was expected shortly and it was confirmed that any significant final recommendations arising from the audit would be brought back to this committee.</p>	Action By:

15.	Complaints Monitoring This item was discussed in Part II without the press or public present as it contained confidential information as defined in the local Government (Access to Information) Act 1985. A summary of complaints made to date was noted.	Action By:
------------	---	-------------------

This page is intentionally left blank

WORK PROGRAMME 2009/2010

Officer Contact

Lloyd White, Deputy Chief Executive's Office

Papers with report

None

REASON FOR REPORT

To enable the Committee to track the progress of its work in accordance with good project management practice.

RECOMMENDATION: That Members note the Work Programme and make any amendments as appropriate.

BACKGROUND DOCUMENTS: None.

STANDARDS COMMITTEE

2009/10 WORK PROGRAMME

NB – all meetings start at 7pm in the Civic Centre unless otherwise indicated.

Shading indicates completed meetings

Meeting Date	Agenda Item
3 June 2009	<ul style="list-style-type: none"> • Terms of Reference: to monitor and update the Ctte's ToFR. • Setting High Ethical Standards – to monitor the Audit Commission Action Plan • Standards for England Bulletin Monitoring • Complaint Monitoring (Part II)
10 September 2009	<ul style="list-style-type: none"> • Standards Committee Regulations – to note the recently introduced regulations. • Standards for England Bulletin Monitoring • Complaint Monitoring (Part II)
1 December 2009	<ul style="list-style-type: none"> • Agree work programme • Audit of Members' Complaints – to note the outcome of the internal audit • Assessment made clear – view DVD from Standards for England • Standards for England Bulletin Monitoring • Complaint Monitoring (Part II)

Meeting Date	Agenda Item
2 March 2010	<ul style="list-style-type: none">• Review work programme• Standards for England Bulletin Monitoring• New Members' Induction – to consider training for new Members.• Complaint Monitoring (Part II)



Code revision

We reported on Communities and Local Government's consultation on proposals for a revised code for members and the introduction of a national code for officers in [issue 41](#) of the *Bulletin*.

Many of you have been in touch to find out when you can expect the new code for members. The department for Communities and Local Government is responsible for dealing with the revisions and current advice is that a revised code will be ready in late autumn 2009.

We do not anticipate many changes to the Code this time around. The main change will be to allow the Code to cover members in their non-official capacity, where that conduct would be a criminal offence.

We have been informed that further consultation on the introduction of a code for officers is likely to take place in 2010.

Imposing sanctions: Written apologies

Regulation 19 of the [Standards Committee \(England\) Regulations 2008](#) lists the 11 sanctions available to a standards committee. Standards committees must be careful that any sanctions they choose are included in this list. For example, a verbal apology is not listed and would not therefore be a valid sanction. Asking a member to submit a written apology in a form specified by the committee is valid.

The written apology sanction is a difficult sanction to enforce if a member chooses not to comply with it. Standards committees should consider this when deciding on which sanction to impose.

If a standards committee decides that a written apology is appropriate it should:

- specify the form in which the apology should be written
- set a time-limit for the apology to be written.

If a member fails to issue the written apology, the member may face a further complaint of potentially bringing their office or authority into disrepute by failing to comply with the sanction. However, it could be argued that it would be a better use of council resources to ensure the original sanction allows for the possibility that the apology is not given.

The regulations allow for the suspension of a member for a period not exceeding six months or until such time as the member submits a written apology in a form specified

by the standards committee. In this way a standards committee can ensure that if a member does not apologise, they will remain suspended for a period of up to six months or until they do.

Care should be taken when deciding on the period of suspension that would apply if no apology is given. It should properly reflect the seriousness of the breach of the code of conduct. Imposing a six month suspension period to encourage an apology to be given would be a misuse of the power.

Standards committees should carefully consider the appropriateness of imposing a written apology when a member has shown no remorse for their conduct and no evidence at the hearing to indicate they are able to acknowledge their behaviour and its impact on others. Any apology issued in such circumstances is unlikely to be seen as being genuine.

For more information on sanctions please see our [Standards Committee Determinations guidance](#).

Intimidation and the Code

On July 23 2009, the President of the Adjudication Panel for England made a significant decision in the case of Councillor Buchanan, an ex-councillor of Somerset County Council.

This is an important judgment as it is the first occasion in which the Adjudication Panel had to deal with a potential breach of paragraph 3(2)(c) of the Code of Conduct. Paragraph 3(2)(c) concerns the intimidation of, or an attempt to intimidate, a complainant in a Code of Conduct investigation.

The Facts

In April 2007, the Chief Executive of Somerset County Council made a number of complaints about Councillor Buchanan's behaviour to Standards for England. Later on that year, Councillor Buchanan made a formal complaint to the council about the Chief Executive's conduct which the council decided not to investigate.

Following a further complaint from the Chief Executive about Councillor Buchanan, the council's Liberal Democrat group asked Councillor Buchanan if he would suspend himself from the group pending the outcome of all ongoing investigations, but he declined. Councillor Buchanan was notified that his membership of the Liberal Democrat group had been formally revoked on 5 December 2007.

On that same day, Councillor Buchanan wrote a letter to the Association of Local Authority Chief Executives, (ALACE) stating formal complaints about the Chief Executive and listed five headings of inappropriate and unacceptable types of behaviour that the Chief Executive had allegedly committed. And five days later, he sent a letter in identical terms to the Society of Local Authority Chief Executives (SOLACE).

On 15 December 2007 Councillor Buchanan further wrote a formal complaint to the council's monitoring officer in almost identical terms.

The Chief Executive then complained about Councillor Buchanan's motivation and intent in making the serious allegations about him in the letters. This was because Councillor Buchanan knew that Chief Executive was the complainant in an ongoing investigation.

Against these facts the Tribunal had to decide whether:

- Councillor Buchanan had brought his office or authority into disrepute
- had used his position to improperly disadvantage the Chief Executive
- had intimidated or attempted to intimidate the Chief Executive.

The respondent's case was that he had either witnessed or been told about the Chief Executive's alleged behaviour and had previously raised his concerns about the behaviour with various senior officers of the council.

The Adjudication Panel's findings

The Tribunal's findings were that Councillor Buchanan had not voiced the concerns he was now alleging and that:

- although he may have formed a belief about the seriousness of the alleged behaviour, there was no evidence to suggest that it was reasonable for him to have done so
- whatever he had seen, he did not at the time regard the alleged incidents as seriously as he was asserting at the time he wrote the letters
- he had knowingly exaggerated the facts about the Chief Executive's style and performance in order to strengthen his allegations of serious misconduct.

Counsel for the ethical standards officer (ESO) had helpfully referred the Adjudication Panel to the Shorter Oxford Dictionary definition of the word 'intimidate' as meaning terrify, overawe, cow. The dictionary suggested the word was now used especially in order to mean to force to or to deter from some act by threats of violence.

Counsel for the ESO also referred the Tribunal to R v Patresca [2004] EWCA Crim 2437, which concerned an offence under Section 51 of the Criminal Justice and Public Order Act 1994. This proves that a person commits an offence if he or she does an act:

(a) which intimidates and is intended to intimidate another person (the victim)

(b) knowing or believing that the victim is assisting in the investigation of an offence or is a witness or potential witness

(c) intending thereby to cause the investigation or the course of justice to be obstructed perverted or interfered with.

The Court of Appeal noted that the Criminal Justice and Public Order Act provided that "an intimidatory act which consists of threats may threaten financial as well as physical harm".

In the course of the judgment, May LJ confirmed that 'intimidate' and 'intimidation' are ordinary English words and endorsed the dictionary definition referred to above and stated:

"In our judgement, a person does an act which intimidates another person within section 51 (1) (a) of the 1944 Act if he puts the victim in fear. He also does it if he seeks to deter the victim from some relevant action by threat or violence. A threat unaccompanied by violence may be sufficient and the threat need not necessarily be a threat of violence. The act must be intended to intimidate. The person doing the act has to know that the

victim is a ...witness or potential witness..., He has to do the act intending thereby for the cause of justice to be obstructed, perverted or interfered with. A person may intimidate another person without the victim being intimidated...An act may amount to intimidation even though the victim is sufficiently steadfast not to be intimidated.

"In our judgement pressure to change evidence alone is insufficient, Pressure alone might be unexceptional and entirely proper at least if applied in an honest belief, for instance that what was sought was evidence which would be truthful. Alternatively pressure might be improper but lack any element of intimidation, for example a bribe. For a person to intimidate another person the pressure must put the victim in some fear, or if not there must nevertheless be an element of threat or violence such that the pressure is improper pressure."

Against this background, the Case Tribunal had no doubt that in writing the letters to ALACE and SOLACE and later to the council, Councillor Buchanan was motivated by a desire to cause harm to the Chief Executive whom he saw as responsible for the collapse of his political career.

The Case Tribunal was also in no doubt that in writing those letters, the respondent intended to cause the Chief Executive a disadvantage both in terms of his future employment with the council or more widely. Because those letters were submitted essentially as an act of revenge, the respondent did use his position improperly and had thus failed to follow the provisions of paragraph 6(a) of the council's Code of Conduct.

The Tribunal also found that even though there was no evidence that the Chief Executive was intimidated, that did not of itself mean that the allegation of a breach of paragraph 3 (c) failed. There would still be such a breach if the respondent had attempted such intimidation.

The Case Tribunal believed that for the claim to succeed it would have to accept that the letters were intended to intimidate the Chief Executive into:

- altering any evidence he was called upon to give against the Councillor; **or**
- not making further complaints about the Councillor.

On the facts of this particular case the Case Tribunal concluded that neither were Councillor Buchanan's intention. The evidence here was that the respondent was seeking revenge for the Chief Executive's past actions rather than seeking to intimidate him. Therefore there was no breach of paragraph 3(c) of the council's Code.

The Case Tribunal's view was that the respondent, in allowing his actions to be motivated by his desire for revenge, had shown himself to be unfit to be a councillor and local authorities should be protected from his membership.

Although the respondent had by then ceased to be a councillor, he was disqualified was two years.

You can read the Adjudication Panel's decision in this case on its [website](#).

New organisational design for SfE

During the summer, Standards for England has been making progress with an internal restructure which coincides with three new senior officers taking up their posts.

Our three new directors are Director of Risk Vivienne Horton, Director of Regulation Tim Leslie, and Director of Standards Steve Barrow.

The restructuring allows us to align our resources more closely with our role as a strategic regulator and to deliver the tasks we have set ourselves in our corporate plan. Our day-to-day Regulation activities – investigations, guidance, liaison and monitoring – fall within our new Regulation directorate.

In the new Risk directorate, Vivienne leads on our approach to assessing and managing standards risks. Within the new Standards directorate we are developing our knowledge base, our approach to strategic regulation and, of course, our own standards.

Corporate Plan and Annual Report published

Our Annual Report for 2008-09 was laid before Parliament in July. It contained a summary of our work and all of the required corporate reporting of financial arrangements.

We think you'll be more interested in our Annual Review of 2008-09 which we expect to publish in the autumn. That's a little later in the year than we've published our annual review in the past, but we wanted this year to be able to include a significant digest of the information supplied to us by authorities in our annual returns.

The document will be in two parts – a review of our work at Standards for England, and a review of the first year of the local framework based on the information you've supplied us. We'll be highlighting plenty of examples of what we consider to be notable practice, and setting out some of the issues we wish to tackle as regulator, based on what you've said.

Copies will be distributed to all authorities and we'll publish online too.

In the early part of this year, we've been operating to a draft corporate plan pending sign off by the responsible minister in our sponsor department, Communities and Local Government. The plan was signed off earlier in the summer and we have now published our corporate plan under the title of The Changing Role of the Standards Board for England.

Copies have been sent to monitoring officers and it is also available to download [here](#).

Review of online monitoring system - an update

The majority of monitoring officers believe that our Quarterly Returns and Annual Returns are working effectively, according to our research.

During the summer, our research team conducted the final part of its review of Standards for England's online monitoring system. This forms part of a programme of work to assess how well the system is working, and was the final part of a review project that started in June 2008.

For this part of the research, the team distributed surveys to a random sample of monitoring officers and officers who are nominated to make an online submission. Some 50 surveys were sent to assess satisfaction levels with the quarterly return, and another 50 for the annual return (this was the first time this return had been used by stakeholders). We had a good response to our survey with about half the questionnaires being returned. We would like to thank all those who participated in the survey.

The survey's results show that the majority of monitoring officers/nominated staff surveyed continue to agree that the quarterly return is working effectively, with respondents encountering minimal or no difficulty in submitting their return. There were plenty of suggestions from respondents on how to further develop the form now that the quarterly return has been operational for over a year.

The annual return survey also showed that stakeholders are pleased with how the annual return form worked during its first run. There were lots of suggestions from respondents on how the form can be enhanced in the future, with certain sections of the form being considered more relevant than others. These suggestions have been passed on to our annual return development team, and will be incorporated into the design of next year's form.

If you have any questions about this review or future reviews of the system, please contact Tom Bandenburg, Research Assistant: 0161 817 5427 or email: tom.bandenburg@standardsforengland.gov.uk.

That's a wrap!

Editing is now underway for our new training DVD on Local Assessment following a successful shoot last month. Viewers will follow the work of Jack Ridley and his fellow assessment sub-committee members as they look at a variety of complaints about councillors covered by their standards committee.

The film is designed to help standards committees and officers who are involved in the assessment of complaints that a member may have breached the Code of Conduct. It will take viewers through the main stages of local assessment, exploring important or contentious issues along the way.

Learning points are interspersed with the drama. Standard DVD extras including scene selection and subtitles will also be available.

Copies of the DVD will be sent to all monitoring officers in October, and we look forward to hearing your thoughts.

Annual Assembly 2009: Bringing standards into focus

There are just a handful of places left for the 2009 Annual Assembly, 'Bringing standards into focus', at the ICC, Birmingham, on 12-13 October 2009.

This year, we've responded to your call for more sessions focused on good practice, and the programme is full of opportunities for you to share the lessons you've learnt about the local standards framework. A great range of speakers are now on board, including standards committee members and officers from authorities across the country, as well as all those shortlisted for the 2009 LGC Standards and Ethics award. Full details of the programme, including confirmed speakers, is available [here](#).

Solicitors attending the Assembly can earn 10.25 bonus credits towards their continuing professional development, as the event is certified to count towards SRA's CPD scheme.

Breakout sessions are filling up fast and if you have secured your place at the conference you are urged to choose your sessions and return your preference form as soon as possible to avoid disappointment.

Changes at the Adjudication Panel for England

In Bulletin [issue 42](#) we wrote about the Adjudication Panel for England's integration into the new unified tribunals' structure.

The Adjudication Panel's work is due to transfer into the new General Regulatory Chamber (GRC) within the First-tier Tribunal in January 2010, subject to Parliamentary approval. The GRC is a new chamber that will bring together individual tribunals that hear appeals on regulatory issues.

From January 2010, proceedings which would previously have been before the Panel's tribunals, and decisions previously made by the President of the Adjudication Panel, will be undertaken in the GRC of the First-tier Tribunal. Appeals from the GRC will be to the Administrative Appeals Chamber of the Upper Tribunal.

These changes are part of a programme of tribunal reform that began with the establishment of the First-tier and Upper Tribunals in November last year. This put in place a new flexible structure where services can be built that are increasingly responsive to the needs of users.

The independent status of the judicial office holders who consider the references and appeals that come to the Adjudication Panel is not affected by the transfer into the unified structure. Tribunal users will continue to receive a specialist service following the changes, as members of the Adjudication Panel will move into the new First-tier Tribunal. They will continue to deal with the references and appeals on matters arising from the operation of the Code.

You can find out more about the merger [here](#).

All postal correspondence, including standards committee referrals and subject member appeals should now be sent to the Adjudication Panel's new address:

Adjudication Panel for England
Tribunal Service
York House
31-36 York Place
Leeds
West Yorkshire
LS1 2ED

Forthcoming events

Standards for England has a packed event calendar for the next few months.

You can visit us on our stands at the following events:

NALC Annual Conference

4-5 September
Royal College of Physicians, London
Stand 4 in the Dorchester Library

Liberal Democrat party conference

19 -23 September 2009
Bournemouth ICC
Stand 36 in the Solent Hall

Labour party conference

27 September - 1 October 2009
Brighton Centre
Stand 92 in the Hewison Hall

Conservative party conference

5 -8 October 2009
Manchester Central
Stand 106

Solace Annual Conference

20 - 22 October
Brighton Centre

Society of Local Council Clerks National Conference

23-25 October

De Vere Hotel, Daventry
Stand 34

AcSeS Annual Conference

18-19 November

The Armouries, Leeds

SfE continues to support LGC award

We are pleased to announce our continued support for the **Standards and Ethics** category at the **2010 LGC Awards**, following the success of last year's award.

The quality of last year's entries showed that many local authorities are strongly committed to promoting high standards of member conduct, and see the vital connection between standards, public trust and success. Good practice ideas from last year's winners are available on our [website](#).

This year, we want to know more about how authority standards committees, members and officers are working together to champion ethical standards and make a positive difference to public trust.

Entries should demonstrate how high standards of conduct are central to the authority's culture and governance. You can enter online at www.lgcawards.co.uk, where you can also find further information on the LGC Awards. The closing date for entries is **13 November 2009**.

If you would like further information on the award, you can also contact Clare Sydney, Standards for England Communications and Events Manager, on 0161 817 5332.

NALC's Local Council Awards 2009

NALC's Local Council Awards 2009 NALC has re-launched its Local Council Awards. NALC is looking for good practice from councils regardless of size or location. This year's NALC Local Council Awards will be in the categories of:

- Council of the Year sponsored by AON
- Clerk of the Year sponsored by AON
- Councillor of the Year sponsored by the Commission for Rural Communities (CRC)
- Council Worker of the Year sponsored by The Co-operative Bank
- Much Improved Council of the Year sponsored by Standards for England

The closing date for applications is 30 November 2009.

For further information about the awards criteria and application details please visit the NALC website or the website of [NALC's](#) flagship publication, [LCR](#).

Updating authority websites

If your authority's website contains contact information for us, please make sure that it is up-to-date.

You are welcome to use our logo as a link to our website. If you would like to do so, please contact Trish Ritchie on 0161 817 5406 or trish.ritchie@standardsforengland.gov.uk who will send one to you.

Here are our current contact details

Address:

Standards for England
Fourth Floor
Griffin House
40 Lever Street
Manchester
M1 1BB

Website: www.standardsforengland.gov.uk

Email: enquiries@standardsforengland.gov.uk

Enquiries line: 0845 078 8181

GRANTING DISPENSATIONS TO MEMBERS AND CO-OPTED MEMBERS WITH PREJUDICIAL INTERESTS

A Member or Co-opted Member with a personal interest also has a prejudicial interest in a matter if the following conditions are met:

1. The matter affects their financial interests or relates to a licensing or regulatory matter.
2. A member of the public, who knows the relevant facts, would reasonably think that the personal interest is so significant that it is likely to prejudice the Member's or Co-opted Member's judgement of the public interest.

A recent change in the law means that dispensations can be granted to Members and Co-opted Members of the Council who have a prejudicial interest in a matter so that they can still participate in a debate and vote which they would otherwise be precluded from doing so.

The Standards Committee has the power to grant dispensations in either of the following circumstances:

1. Where more than 50% of the Members who would be entitled to vote at a meeting are prohibited from voting.
2. Where the number of Members that are prohibited from voting at a meeting would upset the political balance of the meeting to the extent that the outcome of voting would be prejudiced.

Guidance which has been issued by Standards for England suggests that Standards Committees should make Members and Co-opted Members of their authorities aware of the criteria which will be applied by these Committees when considering applications for dispensations from individual Members.

I have drafted a set of criteria, based on the Guidance referred to above, which has been agreed by the Chairman of the Committee. Members of the Committee are also asked for their views on the draft criteria before I write to all Members and Co-opted Members of the Council, setting out the actual criteria which will be applied by the Committee when considering applications for dispensations:

1. **Is the nature of the Member's interest such that allowing them to participate would not damage public confidence in the conduct of the Council's business?**

It is unlikely that it would be appropriate to grant a dispensation to a Member who has a prejudicial interest arising as a result of an effect on their personal financial position or on that of a relative. However, the prejudicial interest could arise from

the financial effect the decision might have on a public body of which they are a member. In such cases, it is possible that any public interest in maintaining the political balance of the Committee making the decision might be given greater prominence.

2. Is the interest common to the Member and a significant proportion of the general public?

For example, the Member might be a pensioner who is considering an item of business about giving access to a local public facility at reduced rates for pensioners. Some cautious Members might regard this as a possible prejudicial interest. However, as a significant proportion of the population in the area are also likely to be pensioners, it might be appropriate to grant a dispensation in these circumstances.

3. Is the participation of the Member in the business that the interest relates to justified by the Member's particular role or expertise?

For instance, a Member might represent the authority on another public body - such as a fire or police authority - and have particular expertise in the work of that body. Therefore, it may be appropriate for that Member to be allowed to address the decision-making body, even where there is no right for the public to do so. This would mean that the body would have the benefit of the Member's expertise before making a decision which would benefit it financially.

4. Is the business that the interest relates to about a voluntary organisation or a public body which is to be considered by an overview and scrutiny committee? And is the Member's interest not a financial one?

In circumstances such as these, the Standards Committee might take the view that it is in the interests of an authority's inhabitants to remove the incapacity from speaking or voting.

Raj Alagh
Borough Solicitor and Monitoring Officer



HILLINGDON
LONDON

AUDIT REPORT

Members Expenses

Auditor: Gemma Leech

Final Issued: 23rd October 2009

**Internal Audit Service
1S/05
Civic Centre
High St
Uxbridge
UB8 1UW**

ACKNOWLEDGEMENTS

Internal Audit would like to thank the Head of Democratic Services and all other officers contacted during the course of this review for their co-operation and assistance during the audit.

Members Expenses

1. INTRODUCTION

- 1.1. In the light of the national media coverage and public response to the expenses claimed by Members of Parliament, the Head of Audit added this review to the plan with the aim of providing public confidence in Hillingdon's systems.
- 1.2. The expenses claim system for local members is different to those used by Members of Parliament. At LBH a Members Allowance scheme is in place. The audit brief, which provided the objectives, methodology and scope, was issued on 22 May 2009.

2. EXECUTIVE SUMMARY

- 2.1. Overall Audit's view is that we are able to give **Full Assurance** that the controls in place to manage **Members Expenses** are effective. A definition of the assurance level and risk categories is available on the [intranet](#) in the internal audit pages.
- 2.2. The following was in place:
 - an up to date Members Allowance Scheme that was reviewed and updated on an annual basis;
 - our testing established claims for expenses were adequate and had been properly authorised;
 - payments of Members Allowances were reported on the internet.
- 2.3. Detailed audit findings are set out from section three onwards.

3. POLICY

- 3.1. There is a Members Allowance Scheme (MAS) in place dated 2009/2010. The scheme is up dated on an annual basis by Cabinet. Percentage increases each year are in line with the annual Local Government Pay Settlement (as per recommendation no 12 from the Report of the Independent Panel on the Remuneration of Councillors in London dated 18th October 2006). The MAS provides details of the basic allowance (payable to all Councillors) and special responsibility allowances (payable to Councillors holding specific responsibilities). Councillors can also make claims for the following:
 - Mileage and Subsistence allowance
 - Dependent/ Carer's allowance
 - General Expenses

Members Expenses

4. PROCEDURES

- 4.1. The basic and special responsibility allowances and expenses claimed are paid through payroll. Equal monthly instalments are paid to the respective Councillors for the basic and special responsibility allowances. Our testing confirmed Councillors were receiving the right allowance in relation to their responsibilities.
- 4.2. The Head of Democratic Services is responsible for validating and authorising any expenses claimed by Councillors. Every claim should be supported by a claim form and receipt. Claims from all parties amounted to £11,759.06 in 2008/09 and £1448.76 to date in 2009/10. Our testing confirmed that all expenses for 2008/09 and 2009/10 were supported by adequate documentation and authorisation.

5. MANAGEMENT INFORMATION

- 5.1. Payments of allowances are posted on the website every year to show you how much each Member has claimed. This process provides transparency.

This page is intentionally left blank



HILLINGDON
LONDON

Internal Audit Service

Tel: 01895 556132

Fax: 01895 277716

Email: htaylor1@hillingdon.gov.uk

To: Raj Alagh – Borough Solicitor

Our reference: **AUD/GW**

Cc: Fran Beasley – Director DCEO
Lloyd White – Head of Democratic
Services

Your reference: Complaints against
Members

Nav Johal – Democratic Services
Officer

Date: 23rd November 2009

CONFIDENTIAL INTERNAL MEMORANDUM

FINAL AUDIT REPORT : COMPLAINTS AGAINST MEMBERS

I attach for your information the final Internal Audit report, which also includes the Management Action Plan of recommendations. The outcome of this audit will be reported to the next Audit Committee.

We will be undertaking a follow-up exercise to confirm the implementation of agreed recommendations, at an appropriate time after the target dates, following the issue of this final report. Additionally, we are required to report the outcomes/implementation status of recommendations against agreed target dates (in terms of whether implemented or late) to the Corporate Management Team and to the Audit Committee.

Further to the above, I should be pleased if you would complete and return the attached questionnaire "Client's View of Internal Audit Service". The Audit Committee use these questionnaires to assist in assessing the work of Internal Audit and will therefore be monitoring the return of questionnaires.

I am pleased to take this opportunity to thank your staff for their assistance during the audit.

Helen Taylor
Head of Internal Audit & Corporate Governance



HILLINGDON
LONDON

FINAL AUDIT REPORT

COMPLAINTS AGAINST MEMBERS

Auditor: Graham Windsor

Draft Issued: 02 October 2009

Final Issued: 23 November 2009

**Internal Audit Service
1S/05
Civic Centre
High St
Uxbridge
UB8 1UW**

Contents

1. INTRODUCTION 1
2. EXECUTIVE SUMMARY 1
3. POLICIES & PROCEDURES 2
4. CONFIDENTIALITY 2
5. ADVERTISING 2
APPENDIX B – ACTION PLAN 5

ACKNOWLEDGEMENTS

Internal Audit would like to thank the Head of Legal Services, the PA to Head of Legal and all other officers contacted during the course of this review for their co-operation and assistance during the audit.

1. INTRODUCTION

1.1. This audit was undertaken as part of the Audit Plan for 2009/10. The audit brief, which provided the objective, methodology and scope, was issued on 24th July 2009

1.2. Complaints against a member can be made by the public, officers of the Council or other members.

1.3. All complaints must be made in writing and made through the Members Code of Conduct Complaint form, which should be sent to the Head of Legal Services.

1.4. The Standards Committee has 3 sub-committees; Assessment Sub Committee, Review Sub-Committee and Hearing Sub-Committee. These sub-committees determine the outcome of complaints at various stages of the procedure.

1.5. There were 12 complaints during 2008/09, all by members against other members.

2. EXECUTIVE SUMMARY

2.1. We are pleased to report that all complaints were made on the correct complaints form and were sent to the Head of Legal Services who is the Council's Monitoring Officer.

2.2. All the cases had followed the laid down procedures and supporting documentation was on file.

2.3. Overall Audit's view is that we are able to give **Full Assurance** that the controls in place to manage Complaints against Members are effective. A definition of the assurance level and risk categories is available on the [intranet](#) in the internal audit pages. Detailed audit findings are set out from section three onwards and recommendations have been brought together in Appendix A.

3. POLICIES & PROCEDURES

3.1. There are clear Procedures set out in Schedule J of the Standards Committee Procedure Rules within Hillingdon's Constitution, detailing each stage and how the relevant decisions should be made. The Constitution was last updated in July 2009.

3.2. The complaint files from 2008/09 were reviewed and contained all documents required. All of them had a complaints form, acknowledgement letters, notification letters and meeting decisions.

3.3. The Procedure Rules give a timeline of deadlines within which each stage needs to be completed by. All complaints were dealt with correctly in the relevant time scales.

3.4. On reviewing the files, we found that 3 complaints had been withdrawn and one was withdrawn when the Member was disqualified. However, we only clarified this upon discussing the cases with the Head of Democratic Services.

Recommendation 1

A summary sheet should be placed at the front of the files, showing what stage the complaint is at and the decisions made so far, including dates.

Rationale

If a member of staff were to leave it may not be clear exactly what stage each complaint is at.

4. CONFIDENTIALITY

4.1. All files are stored in the Head of Legal Services office which is locked whenever the room is vacated.

5. ADVERTISING

5.1. As set out Paragraph 2.1 of the Standards Committee Procedure Rules – Schedule J, members of the Public should be made aware of the procedures for making a complaint against Members of the Council.

5.2. The Council should publicise its complaints procedure on the website, in one or more local papers, in its own newspaper and in local libraries and other public areas.

5.3. We found that the complaints procedure for Members is available on the Council website. The complaints procedure had also been published in September's Team Hillingdon and Hillingdon People, which is distributed door to door.

Complaints against Members

5.4. However, after consulting with the Marketing Officer and Publications Officer, it would appear that we do not advertise in local papers or public places. This is set out as a requirement as stated in 5.1. of this report.

Recommendation 2

Management should liaise with the Marketing and Publications officer to arrange for the regular publication of the procedures in local papers, and for leaflet or posters being available in libraries and other public places.

Rationale

Misconduct by a Member may not be reported, as members of the public are not aware of the procedure to follow.

Complaints against Members

APPENDIX B – ACTION PLAN

Rec No.	Recommendation	Rationale	Risk category	Management response (including statement of agreement/disagreement)	Person responsible and time scale
1	<i>A summary sheet should be placed at the front of the files, showing what stage the complaint is at and the decisions made so far, including dates.</i>	<i>If a member of staff were to leave it may not be clear exactly what stage each complaint is at.</i>	Low	<i>Agreed/Disagreed</i>	
2	<i>Management should liaise with the Marketing and Publications officer to arrange the publication of the procedures in local papers and leaflets or posters being available in libraries and other public places.</i>	<i>Misconduct by a Member may not be reported through the correct form or route, maybe even not reported at all.</i>	Low	<i>Agreed/Disagreed</i>	

COMPILED BY:
(Auditor)

SIGNED AS AGREED:

DESIGNATION:

DATE: