

Minutes

Standards Committee

Wednesday, 13 June 2012

**Meeting held at Committee Room 3 - Civic Centre,
High Street, Uxbridge UB8 1UW**



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Come into effect on: Immediately

Present: Malcolm Ellis (Vice Chairman, in the Chair), James Keys (Independent member), Councillors Barnes, Barrett, Curling, Dann, Hensley and Riley.

Officers Present: Messrs Alagh and White

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from the Chairman, Mr Edwards, Councillor Corthorne and from Councillor Lewis for whom Councillor Barnes was substituting.

2. MINUTES

RESOLVED: That the Minutes of the meetings of the Committee held on 29 February and 10 May 2012 be taken as read and confirmed.

3. DECLARATIONS OF INTEREST

The Chairman and Mr Keys declared a personal interest in item 6, 'The Localism Act – A New Ethical Framework'.

4. CONFIRMATION THAT ALL ITEMS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND THOSE MARKED PART II, IN PRIVATE

5. REVIEW OF WORK PROGRAMME

The Committee's work programme for 2012/13 was noted. It was also noted that, should Council approve the recommendations set out under item 6, then the work programme would be re-written to reflect this.

6. THE LOCALISM ACT 2011 - A NEW ETHICAL FRAMEWORK

Members were reminded of the provisions of the Localism Act in so far as it related to the ethical framework for Members and co-opted members of Local Authorities.

As agreed at the last meeting, a detailed report was submitted for consideration making a number of recommendations to Council for changes to the ethical framework as required by the Act including:

- a proposed new Code of Conduct, 'minimalist' in nature and based on the Nolan principles, as requested by the Committee at the last meeting. It was noted that the Code would now only apply to Members when acting in their official capacity

and not in their private lives. Guidance on Disposable Pecuniary Interests had just been received and would be included in the version of the Code submitted to Council;

- the replacement of the current Standards Committee with a new Committee of five Members, politically balanced, with revised Terms of Reference and procedure rules;
- a new, simplified complaints procedure, including the introduction of a 'Whips' Protocol' as previously approved by the Committee and the abolition of the existing sub-committees;
- the appointment of a single independent person to be a non-voting member of the Standards Committee when meeting to consider complaints against Members or co-opted members – this position to be advertised to the public;
- consequential changes to the Planning and ICT Codes of Conduct for Members.

The Committee considered the proposals in detail and agreed that they should be recommended to Council for adoption on 5 July, noting that the Act required the new Framework to be in place by 1 July. In agreeing the proposals in principle, Members asked that a number of further issues be considered including:

- the Leader of the Council was excluded from the proposed membership of the new Standards Committee and it was suggested that Leader of all Political Groups on the Council should also be excluded;
- in line with the suggestion above, it was suggested that the Group Leaders also be excluded from the 'Whips' Protocol procedures;
- the proposed procedures for consideration of a complaint against a Member or co-opted member included a section for determining the 'Findings of Fact'. It was queried if there should also be a determination for the 'Finding of no-fact'?
- the proposed procedures for consideration of a complaint against a Member or co-opted member included a provision for maintaining the anonymity of the complainant and it was suggested that there should be similar provision for the Subject Member;
- the proposed procedures for consideration of a complaint against a Member or co-opted member included details of the publication of the outcome of the complaint. It was queried if this should be the case in every instance and how much detail would be published?;
- the proposed procedures for consideration of a complaint against a Member or co-opted member included the facility for a Subject Member to be legally represented at a Hearing of the Standards Committee. Members requested the Borough Solicitor to investigate the possibility of an indemnity policy to cover the associated legal costs;
- the ICT Code of Conduct included a section concerning the monitoring of emails sent using the Council's email facilities. Members queried if the detail should included the circumstances under which Members' emails would be accessed by the Monitoring officer as a part of an investigation;

RESOLVED: That Council at its meeting on 5 July 2012 be recommended to:

- a) **adopt a new Code of Conduct for Hillingdon Members and co-opted members in the form set out at Appendix 1 to the report and agree the amendments to the associated documents set out at Appendices 2-7;**

b) agree to appoint one existing Independent Member until 30 June 2013.

NB: Councillor Barnes wished his vote against resolution a) above recording

7. COMPLAINTS MONITORING

This item was discussed in Part II as it contained confidential information as defined in the Local Government (Access to Information) Act 1985.

The Committee noted details of the complaints made against Members in the last six months.

At the conclusion of the meeting a Vote of Thanks was unanimously recorded to the existing three independent members of the Committee, in recognition of their hard work and contribution to the work of the Committee during their period of appointment.