



HILLINGDON  
LONDON



# Standards Committee

**Date:** MONDAY, 6 SEPTEMBER  
2010

**Time:** 6.00 PM

**Venue:** COMMITTEE ROOM 3 -  
CIVIC CENTRE, HIGH  
STREET, UXBRIDGE UB8  
1UW

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

## Members of the Committee

Allan Edwards, (Chairman),  
Malcolm Ellis, (Vice-Chairman),  
James Keys, (Independent Member),  
Councillor Barrett,  
Corthorne,  
Harmsworth,  
Hensley.  
Khursheed,  
Lewis,  
Markham and  
Riley.

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Contact: Lloyd White  
Tel: 01895 556743  
Fax: 01895 277373  
Email: [lwhite3@hillington.gov.uk](mailto:lwhite3@hillington.gov.uk)

This Agenda is available online at:  
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Lloyd White  
Head of Democratic Services  
London Borough of Hillingdon,  
3E/05, Civic Centre, High Street, Uxbridge, UB8 1UW  
[www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)



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# Agenda

- 1 Apologies for Absence
- 2 Minutes  
To approve the minutes of the meeting of the Committee held on 2 June 2010 (*attached*)
- 3 Declarations of Interest  
To note any declarations of interest in any matter before the Committee
- 4 Confirmation that all items marked Part I will be considered in public and those marked Part II, in private

## **PART I**

- 5 Review of Work Programme  
To consider and update the Committee's Work Programme
- 6 Abolition of Standards Board Regime  
To note a letter from the Chairman of Standards for England (*attached*)
- 7 Standards For England Bulletin  
To note the latest publication from Standards for England (*none published since the last meeting*)
- 8 Complaint Handling Process  
To review the process for the initial assessment of complaints against Members.

## **PART II**

- 9 Complaints Monitoring  
To note the summary of complaints (*attached*)

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## Minutes

Standards Committee  
Wednesday, 2 June 2010  
Meeting held at Committee Room 6 - Civic Centre,  
High Street, Uxbridge UB8 1UW



Published on: 7 June 2010  
Come into effect on: Immediately

### **Members Present:**

Allan Edwards (Chairman), Malcolm Ellis (Vice-Chairman), James Keys (Independent member), Councillors Corthorne, Gilham, Harmsworth, Hensley, Khursheed, Markham and Riley

**Officers Present:** Raj Alagh and Lloyd White

### **1. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Barrett (for whom Councillor Gilham was substituting) and Councillor Lewis.

### **2. MINUTES**

**RESOLVED: That the minutes of the meetings of the Committee held on 1 March and 13 May 2010 be taken as a correct record.**

With regard to item 17 of the minutes of 1 March, 'Declarations of Gifts and Hospitality', it was noted that satisfactory explanations had been received for two of the outstanding items – those of a gift of alcohol and a trip to India – but that information was still awaited on a third – that of a gift of a DVD player. The Head of Democratic Services would be pursuing this matter and would report the findings to the Committee.

### **3. DECLARATIONS OF INTEREST**

There were no declarations of interest.

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

### **5. STANDARDS COMMITTEE TERMS OF REFERENCE AND PROCEDURES FOR COMPLAINTS**

The Chairman welcomed all the new Members of the Committee to their first meeting and the Borough Solicitor outlined in detail the Terms of Reference of the Committee and the procedures in place for hearing allegations against elected Members accused of breaching the Code of Conduct. Members were assured that the Terms of Reference were in line with recommended practice and in fact went further than required in also being responsible for monitoring the Officer Code of Conduct. It was agreed that all the Members of the Committee would be provided

with more detailed training by the Borough Solicitor and Head of Democratic Services on the operation of the Standards Committee in conjunction with the general training to be given to all Members about the Code of Conduct. The Head of Democratic Services would liaise with the Chief Whips in relation to possible dates for both sets of training.

## **6. REVIEW OF WORK PROGRAMME**

The work programme for 2010/11 was reviewed and the dates of future meetings noted. It was noted that a report on revised Member and Officer Codes of Conducts would be brought to the Committee when they were issued. The training DVD 'Assessment Made Easy', which had been partially viewed by the Committee, would be used as a part of the training to be given to the Committee in the near future.

**RESOLVED: That the work programme be noted.**

## **7. STANDARDS FOR ENGLAND BULLETIN**

The latest edition of 'The Bulletin' was noted. The changes to the body formerly known as The Adjudication Panel were discussed in detail and it was noted that the new body, now known as the First-tier Tribunal (Local Government Standards in England), would operate in a slightly different way and could now consider the award of costs. This was something that the Committee felt should be made known to Subject Members before they considered appealing to the new body.

The increased use of social networking was highlighted in The Bulletin and it was agreed that this aspect should be incorporated into the training to be given to Members about the Code of Conduct.

## **8. 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.

The Committee noted details of all the complaints made against Members to date. The two most recent complaints were highlighted and it was noted that these had both arisen from Members use of ICT and potential confusion about the rules in this regard. It was agreed, therefore, that this aspect should be incorporated into the training to be given to Members about the Code of Conduct.

It was noted that the recent Queen's Speech had included a proposal for the abolishment of Standards for England in its current format. Details of its replacement were awaited with interest.

## 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 WORK PROGRAMME

*Shading indicates completed meetings*

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

Meeting Date	Agenda Item
<b>2 March 2010</b>	<ul style="list-style-type: none"> <li>• Review work programme</li> <li>• Standards for England Bulletin Monitoring</li> <li>• New Members' Induction – to consider training for new Members.</li> <li>• Report on Revised Code of Conduct for Officers</li> <li>• Standards and Ethics Indicators</li> <li>• Declarations of Gifts and hospitality.</li> <li>• Complaint Monitoring (Part II)</li> </ul>
<b>2 June 2010</b>	<ul style="list-style-type: none"> <li>• Review work programme</li> <li>• Standards for England Bulletin Monitoring</li> <li>• Report on Revised Code of Conduct for Officers</li> <li>• Complaint Monitoring (Part II)</li> </ul>
<b>6 September 2010</b>	<ul style="list-style-type: none"> <li>• Review work programme</li> <li>• Standards for England Bulletin Monitoring</li> <li>• Future of Standards for England</li> <li>• Investigations Procedures - Assessments</li> <li>• Complaint Monitoring (Part II)</li> </ul>
<b>30 November 2010</b>	<ul style="list-style-type: none"> <li>• Review work programme</li> <li>• Standards for England Bulletin Monitoring</li> <li>• Complaint Monitoring (Part II)</li> </ul>
<b>1 March 2011</b>	<ul style="list-style-type: none"> <li>• Review work programme</li> <li>• Standards for England Bulletin Monitoring</li> <li>• Complaint Monitoring (Part II)</li> <li>• Standards and Ethics Indicators</li> <li>• Declarations of Gifts and hospitality.</li> </ul>



Sent via email

1 June 2010

Dear Colleague

As you will no doubt be aware the Government announced in the recent Queen's Speech that the proposed Decentralisation and Localism bill will include proposals to 'abolish the Standards Board regime'. Beyond this statement, we do not currently have clear details of the scope or implications of this proposal. However, until such time as the relevant legislation is passed, the statutory framework remains operative.

We will therefore continue to work with you to support your work. In turn, we expect you to continue with your statutory duties including the assessment of allegations, and we will continue to consider cases which you refer to us.

We remain committed to ensuring that there is a proper framework of local accountability in which the public can have confidence and we wish to work with central and local government to develop any proposals. As more details emerge we will keep you informed of developments and would be interested in hearing your views about how future arrangements could most effectively work.

In the meantime, if you need clarity on any specific issues, please do continue to call our enquiries line.

Yours sincerely



Dr Robert Chilton  
Chair

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## The Assessment Sub-Committee

- 3.2 The Standards Committee will appoint an Assessment Sub-Committee, comprising four members, to be chaired by an independent member. The Sub-Committee will meet in closed session and its meetings are not subject to notice and publicity arrangements under Part 5 of the Local Government Act 1972.
- 3.3 Before the Sub-Committee begins its assessment, it should satisfy itself that a complaint:
- is against one or more named Members of the Council and that those Members were in office at the time of the alleged misconduct and the Code of Conduct was in force at that time;
  - if proven, would be a breach of the Code of Conduct under which the Member was operating at the time of the alleged misconduct.
- 3.4 If the complaint fails the tests above then it cannot be investigated and the complainant must be informed that no further action will be taken.
- 3.5 To ensure that all complaints are dealt with in a fair and even-handed manner, the Sub-Committee will ask itself the following questions and follow any further criteria which is subsequently agreed:
- Has the complainant submitted enough information to satisfy the Assessment Sub-Committee that the complaint should be referred for investigation or other action?
  - Is the complaint about someone who is no longer a Member of the authority, but is a Member of another authority? If so, does the Assessment Sub-Committee wish to refer the complaint to the Monitoring Officer of that other authority?
  - Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct?
  - Similarly, has the complaint been the subject of an investigation by other regulatory authorities?
  - Is the complaint about something that happened so long ago that there would be little benefit in taking action now?
  - Is the complaint too trivial to warrant further action?
  - Does the complaint appear to be simply malicious, politically motivated or tit-for-tat?
- 3.6 The Assessment Sub-Committee is required to reach one of the three following decisions on a complaint about a subject Member's actions in relation to the Code of Conduct within 20 working days:
- **referral of the complaint to the Monitoring Officer** of the authority concerned, which under section 57A(3) of the Local Government Act 2000, as amended, may be another authority;
  - **referral of the complaint to the Standards for England (SE)** where issues in a case, or public interest considerations, make it difficult for the Council to deal with the case fairly and speedily;
  - **no action** should be taken in respect of the complaint.

- 3.7 The decision of the Sub-Committee will be made known in a written summary detailing the main points considered, the conclusion on the complaint and the reasons for that conclusion.
- 3.8 The written summary must be available for public inspection for six years once the subject Member has been sent a copy.
- 3.9 SE Consideration – should a complaint be referred to SE by the Assessment Sub-Committee SE will give careful consideration to the complaint and inform the Monitoring Officer within 10 working days whether the case will be accepted or referred back to the Standards Committee of the Council.
- 3.10 The Assessment Sub-Committee must again take an assessment decision and should complete this within 20 working days. This may be a decision:
- not to take any further action;
  - to refer the matter for local investigation, or to refer the matter for some other form of action (see 3.12 below). If the matter is to be the subject of a local investigation, the Monitoring Officer will decide who is to be appointed as the investigator.
- 3.11 As the Assessment Sub-Committee initially decided that the matter was serious enough to be referred to the Standards Board for investigation, it is likely that it will still think that it should be investigated. However, if the circumstances of the complaint have changed since the Assessment Sub-Committee's original decision, it may be reasonable to take a different decision. This decision will again need to be communicated to relevant parties in the same way as the original decision.
- 3.12 Other Action - It may not always be in the interests of good governance to undertake or complete an investigation into an allegation of misconduct. The Assessment Sub-Committee must consult the Monitoring Officer before reaching a decision to take other action which will be dependent on the nature of the complaint but may include:
- referring the matter to the appropriate Whip's office for action;
  - arranging for the subject Member to attend a training course;
  - arranging for that Member and the complainant to engage in a process of conciliation;
  - instituting changes to the procedures of the Council if they have given rise to the complaint.

## **REVIEW**

1. If the Assessment Sub-Committee decides not to take any action on a complaint, then the complainant has a right of review over that decision and should submit a request for a review in writing to the Monitoring Officer.
2. Upon receiving a request for a review, the Monitoring Officer will notify all relevant parties.

### **The Review Sub-Committee**

3. The Standards Committee will appoint a Review Sub-Committee comprising three Members of the Council and chaired by an independent member to conduct the review. Members of the Assessment Sub-Committee are not permitted to be members of the Review Sub-Committee.
4. The Review Sub-Committee will meet to undertake its review within 20 working days of the submission of the request for a review (and no later than three months).
5. The Review Sub-Committee will meet in closed session and its meetings are not subject to notice and publicity arrangements under Part 5 of the Local Government Act 1972.
6. The Review Sub-Committee will apply the same criteria as is used for the initial assessment and has the same decisions available to it as the Assessment Sub-Committee. However, it should be noted that where further information is made available in support of a complaint that changes its nature or gives rise to a potential new complaint, the Review Sub-Committee may consider it appropriate to pass this to the Assessment Sub-Committee to be handled as a new complaint. In this instance, the Review Sub-Committee will still need to make a formal decision that the review request will not be granted
7. Once the Review Sub-Committee has made its decision, the Monitoring Officer will write to all relevant parties within 5 working days with details of that decision including the main points considered and the conclusions.

### **Process**

8. Before the Sub-Committee begins its assessment, it should satisfy itself that a complaint:
  - is against one or more named Members of the Council and that those Members were in office at the time of the alleged misconduct and the Code of Conduct was in force at that time;
  - if proven, would be a breach of the Code of Conduct under which the Member was operating at the time of the alleged misconduct.

9. If the complaint fails the tests above then it cannot be investigated and the complainant must be informed that no further action will be taken.
10. To ensure that all complaints are dealt with in a fair and even-handed manner, the Sub-Committee will ask itself the following questions and follow any further criteria which is subsequently agreed:
  - Has the complainant submitted enough information to satisfy the Sub-Committee that the complaint should be referred for investigation or other action?
  - Is the complaint about someone who is no longer a Member of the authority, but is a Member of another authority? If so, does the Sub-Committee wish to refer the complaint to the Monitoring Officer of that other authority?
  - Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct?
  - Similarly, has the complaint been the subject of an investigation by other regulatory authorities?
  - Is the complaint about something that happened so long ago that there would be little benefit in taking action now?
  - Is the complaint too trivial to warrant further action?
  - Does the complaint appear to be simply malicious, politically motivated or tit-for-tat?
11. The Sub-Committee is required to reach one of the three following decisions on a complaint about a subject Member's actions in relation to the Code of Conduct within 20 working days:
  - **referral of the complaint to the Monitoring Officer** of the authority concerned, which under section 57A(3) of the Local Government Act 2000, as amended, may be another authority;
  - **referral of the complaint to the Standards for England (SE)** where issues in a case, or public interest considerations, make it difficult for the Council to deal with the case fairly and speedily;
  - **no action** should be taken in respect of the complaint.
12. The decision of the Sub-Committee will be made known in a written summary detailing the main points considered, the conclusion on the complaint and the reasons for that conclusion.
13. The written summary must be available for public inspection for six years once the subject Member has been sent a copy.
14. SE Consideration – should a complaint be referred to SE by the Sub-Committee SE will give careful consideration to the complaint and inform the Monitoring Officer within 10 working days whether the case will be accepted or referred back to the Standards Committee of the Council.
15. The Sub-Committee must again take an assessment decision and should complete this within 20 working days. This may be a decision:
  - not to take any further action;

- to refer the matter for local investigation, or to refer the matter for some other form of action (see 3.12 below). If the matter is to be the subject of a local investigation, the Monitoring Officer will decide who is to be appointed as the investigator.
16. As the Sub-Committee initially decided that the matter was serious enough to be referred for investigation, it is likely that it will still think that it should be investigated. However, if the circumstances of the complaint have changed since the original decision, it may be reasonable to take a different decision. This decision will again need to be communicated to relevant parties in the same way as the original decision.
17. **Other Action** - It may not always be in the interests of good governance to undertake or complete an investigation into an allegation of misconduct. The Sub-Committee must consult the Monitoring Officer before reaching a decision to take other action which will be dependent on the nature of the complaint but may include:
- referring the matter to the appropriate Whip's office for action;
  - arranging for the subject Member to attend a training course;
  - arranging for that Member and the complainant to engage in a process of conciliation;
  - instituting changes to the procedures of the Council if they have given rise to the complaint.

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By virtue of paragraph(s) 1, 7c of Part 1 of Schedule 12A  
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