



HILLINGDON
LONDON



Standards Committee

Date: TUESDAY, 30 NOVEMBER
2010

Time: 7.00 PM

Venue: COMMITTEE ROOM 5 -
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 Barrett, Corthorne,
Harmsworth, Hensley, Khursheed, Lewis,
Markham and Riley

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Agenda

- 1 Apologies for Absence
- 2 Minutes
To approve the minutes of the meeting of the Committee held on 6 September 2010
- 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 (*attached*)
- 6 Standards For England Bulletin
To note the latest publication from Standards for England (*none published since the last meeting*)
- 7 Assessment Sub-Committee Procedure Rules
To note the amendment to the rules as approved by Council (*attached*)
- 8 Standards Committee Regime
To note the contents of the a letter to DCLG from London based Committee Chairmen (*attached*)

PART II

- 9 Complaints Monitoring
To note the summary of complaints for the last six months (*attached*)

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Minutes

Standards Committee
Monday, 6 September 2010
Meeting held at Committee Room 3 - Civic Centre,
High Street, Uxbridge UB8 1UW



Published on:
Come into effect on: Immediately (or call-in date)

Members Present: Allan Edwards (Chairman), Malcolm Ellis (Vice-Chairman), James Keys (Independent member), Councillors Barrett, Corthorne, Graham, Harmsworth, Hensley, Khursheed and Markham

Officers Present: Raj Alagh and Lloyd White

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Lewis (for whom Councillor Graham was substituting) and Councillor Riley.

2. MINUTES

RESOLVED: That the minutes of the meeting held on 2 June 2010 be taken as a true record.

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. REVIEW OF WORK PROGRAMME

The Committee's Work Programme for the remainder of 2010/11 was noted.

6. ABOLITION OF STANDARDS BOARD REGIME

The contents of the letter from the Chair of Standards for Standards for England, Dr Robert Chilton, sent to all Standards Committee Chairmen detailing the Government's proposals for the abolition of the Standards Board regime was noted. As yet detailed proposals were still awaited but it was noted that the latest edition of 'The Bulletin' gave an indicative timetable for final closure of Standards for England of between December 2011 and March 2012.

7. STANDARDS FOR ENGLAND BULLETIN

The latest edition of 'The Bulletin' was noted.

8. COMPLAINT HANDLING PROCESS

The Committee reviewed the process for the initial assessment of complaints against Members by the Assessment and Review Sub-Committees. The guidance contained in the Constitution was noted and Members were reminded that, once the sub-committee had determined that, if proven, a complaint would be a breach of the Code of Conduct, it then would apply a number of further tests to the complaint which ultimately would result in one of three options:

- **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, might be another authority;
- **referral of the complaint to the Standards for England (SE)** where issues in a case, or public interest considerations, made it difficult for the Council to deal with the case fairly and speedily;
- **no action** should be taken in respect of the complaint.

9. 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 agreed that future reports to the Committee would only include the last six months statistics.

WORK PROGRAMME 2010/ 2011

Reporting Officer: Head of Democratic Services

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 |
|-------------------------|---|
| 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. • Report on Revised Code of Conduct for Officers • Standards and Ethics Indicators • Declarations of Gifts and hospitality. • Complaint Monitoring (Part II) |
| 2 June 2010 | <ul style="list-style-type: none"> • Review work programme • Standards for England Bulletin Monitoring • Report on Revised Code of Conduct for Officers • Complaint Monitoring (Part II) |
| 6 September 2010 | <ul style="list-style-type: none"> • Review work programme • Standards for England Bulletin Monitoring • Future of Standards for England • Investigations Procedures - Assessments • Complaint Monitoring (Part II) |
| 30 November 2010 | <ul style="list-style-type: none"> • Review work programme • Standards for England Bulletin Monitoring • Complaint Monitoring (Part II) • Assessment Sub Committee Procedures • Standards Committee regime – letter to DCLG |
| 1 March 2011 | <ul style="list-style-type: none"> • Review work programme • Standards for England Bulletin Monitoring • Complaint Monitoring (Part II) • Standards and Ethics Indicators • Declarations of Gifts and hospitality. |

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AMENDMENT TO RULES OF PROCEDURE

Reporting Officer: Head of Democratic Services

ASSESSMENT SUB COMMITTEE

Members will be aware that at the last Council meeting a number of small changes to the Constitution were approved including an amendment to the procedures to be undertaken when a complaint about an alleged breach of the Code of Conduct is received, as follows:

Standards Committee Procedure Rules

3. ASSESSMENT

3.1 Upon receipt of a written complaint, the Monitoring Officer will normally:

- Acknowledge receipt in writing within 3 working days, requesting any additional information that may be required to assist with the assessment of the complaint*;
- Notify the subject Member that a complaint has been made, giving details of the complainant (unless the complainant has made a request for confidentiality and the Assessment Sub-Committee has yet to determine whether to grant it), details of the sections of the Code of Conduct to which the alleged breach relates **and requesting any additional information that may be required to assist with the assessment of the complaint***;
- Notify the subject Member that a full written summary will be provided once the Assessment Sub-Committee has met to consider the complaint;
- Arrange for a meeting of the Assessment Sub-Committee to be held within 15 working days;
- Prepare a report for the Assessment Sub-Committee, summarising the complaint and giving full details of the alleged breach along with any additional information the Sub-Committee may need to assist with its deliberations.

*N.B – at this stage seeking additional information should not in anyway amount to an investigation e.g. interviewing witnesses etc, but should be a factual clarification of any ambiguities.

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Future of the Standards Regime

Reporting Officer: Head of Democratic Services

DRAFT LETTER TO DCLG MINISTER

Members will be aware that the Government is currently drawing up proposals for the future of the Standards regime including the closure of Standards For England, and alternatives to the current complaints mechanisms. Below is a draft letter to the Secretary of State from the London based independent Chairmen of Standards Committees which the Chairman has asked to be placed on this agenda for consideration:

Dear Minister,

Local Authority Standards Regime

We are all independent non-political Chairs of Standards Committees of London Boroughs. This letter is to express concerns about what we have heard about some of your proposals for reforming the local authority standards regime, and to ask if we can call on your Bill Team to discuss these concerns. The following represents our personal views, not necessarily those of our committees.

Code of Conduct

First, we understand that the present Code of Conduct will go. Many of us feel that the present Code has lost credibility because of its over-complicated provisions and the fact it has been constantly tinkered with. We are not sure whether the Bill will propose a new and simpler Code. But we believe that it would make local government better respected if there were at least a statement of basic principles, perhaps based on the General Principles of Conduct in Local Government that form the preamble to the current Code. Local authorities would then be free to develop more detailed codes if they wished.

Standards Committees

Second, we understand that the intention is that Councils would no longer be required to set up standards committees, and that matters dealt with by the committees might be dealt with in other ways. We nevertheless believe that there is a strong case for maintaining a slimmed-down regime of standards committees. In our experience, the committees have been extremely useful for dealing with complainants in a way that gives an assurance of fair treatment on matters that are outside the purview of the Local Government Ombudsman and are not serious enough to warrant criminal sanctions.

We are well aware of problems the current system, with particular individuals making large number of complaints and Councils having to spend exorbitant sums on dealing with them. But this is, in our view, in large measure due to the prescriptive nature of the present regime, which makes it difficult to filter out complaints at an early stage or to deal with them informally. We believe that, if Councils are left to make their own arrangements within a minimal statutory framework, these difficulties could be avoided.

We hope, therefore, that at the very least, where a Council wishes to have a standards committee, the Bill will give them discretion to set one up. In cases where Councils do decide to set up a standards committee, the latter must have powers to impose sanctions if a complaint is upheld. Finally, we would stress that the presence of independent members who stand outside the ballot box is very important in strengthening and giving credibility to standards committees.

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government (Access to Information) Act 1985 as amended.

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