



HILLINGDON
LONDON



Standards Committee

Date: TUESDAY, 1 MARCH 2011

Time: 7.00 PM

Venue: COMMITTEE ROOM 5,
CIVIC CENTRE, HIGH
STREET, UXBRIDGE,
MIDDLESEX 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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INVESTOR IN PEOPLE

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Agenda

- 1 Apologies for Absence
- 2 Minutes
To approve the minutes of the meeting of the Committee held on 30 November 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 Standards and Ethics Indicators
To consider and note the annual indicators (*attached*)
- 8 Gifts and Hospitality Annual Report
To note the annual report on gifts and hospitality received (*attached*)
- 9 Future of the Standards Board Regime
To consider progress with the proposals as contained in the Localism Bill (*attached*)

PART II

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

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Minutes

Standards Committee
Tuesday, 30 November 2010
Meeting held at Committee Room 5 - Civic Centre,
High Street, Uxbridge UB8 1UW



Published on: 1 December 2010
Come into effect on: Immediately (or call-in date)

Present: Allan Edwards (Chairman), Malcolm Ellis (Vice-Chairman), James Keys (Independent Member)

Councillors Barrett, Harmsworth, Hensley, Khursheed, Lewis, Markham and Riley

Officers Present: Lloyd White

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Corthorne

2. MINUTES

The minutes of the meeting of the Committee held on 6 September 2010 were approved as a correct 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. ASSESSMENT SUB-COMMITTEE PROCEDURE RULES

It was noted that at the last Council meeting a number of small changes to the Constitution had been approved including an amendment to the procedures to be undertaken when a complaint about an alleged breach of the Code of Conduct was received to the effect that, upon receipt of a written complaint, the Monitoring Officer would now additionally write to the Subject Member to request any additional information that may be required to assist with the assessment of the complaint. For clarification it was noted that the amendment did not allow for either the complainant or the Subject Member to attend the meeting of the Assessment Sub Committee.

7. STANDARDS COMMITTEE REGIME

Members were reminded that the Government was 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. The contents of a letter to the Secretary of State at the DCLG from the majority of the London-based independent Chairmen of Standards Committees was noted as was the reply received from the Parliamentary Under Secretary of State. The reply appeared to indicate that the Government proposals would support the establishment of local Codes of Conduct and the maintaining of local Standards Committees but without any powers of sanction.

Whilst Members expressed concern at these proposals it was felt best to wait until the official and detailed proposals were published by the Government before determining a further course of action.

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.

WORK PROGRAMME 2011/ 2012

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
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 • Future of the Standards Regime
1 June 2011	<ul style="list-style-type: none"> • Review work programme • Standards for England Bulletin Monitoring • Future of the Standards Regime • Complaint Monitoring (Part II)
5 September 2011	<ul style="list-style-type: none"> • Review work programme • Standards for England Bulletin Monitoring • Future of the Standards Regime • Complaint Monitoring (Part II)
30 November 2011	<ul style="list-style-type: none"> • Review work programme • Standards for England Bulletin Monitoring • Complaint Monitoring (Part II) • Future of the Standards Regime

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STANDARDS AND ETHICS INDICATORS

Reporting Officer: Lloyd White, Head of Democratic Services

SUMMARY

This report sets out summary information on a range of topics, by which to gauge the corporate the health of the authority in relation to Standards and Ethics.

RECOMMENDATION: That the report be noted.

INFORMATION

The Committee has agreed to receive regular reports on a range of standards and ethics indicators and presenting this information in the public arena will demonstrate that the Council is conducting its business in a lawful, transparent manner and that any transgressions are dealt with according to due process.

Returns 1 April – 31 December 2010

1. Audit Commission public interest reports

Nil return

2. Investigations undertaken by Standards for England

Nil return. Please refer to the report in Part II for details of the investigations under taken by the LBH Standards Committee.

3. Whistle-blowing incidents reported

Nil return

4. Challenges to procurement decisions

Date	Details	Outcome
6/10/2010	<p>Challenge to contract award for Professional, Technical and Administrative agency labour.</p> <p>Challenge received by unsuccessful supplier.</p>	<p>Following a review conducted by the LBH Legal team, it was clear that a compliant tender process had been conducted and there were no grounds for this challenge.</p> <p>However one element of the contractual terms allowing for the LBH contract to be accessed by other local authorities was felt to be ambiguous and open to interpretation. As a mitigating action to prevent this a Solicitors Undertaking was agreed with the challenging supplier to withdraw this term and the challenge was subsequently withdrawn on a full and final basis. No costs other than internal officer time were incurred.</p>

5. Employment Tribunal cases received and/or settled

Date Received	Details	Date settled	Outcome/Status
23 March 2010	Claim for Race / Religion Discrimination and Unfair Dismissal	24 November 2010	Case settled through Judicial Mediation
25 March 2010	Claim for Unfair Dismissal	N/A	Claims dismissed at a hearing on 13-15 December 2010
08 April 2010	Claim for Equal Pay	June 2010	Claim settled through ACAS
11 May 2010	Claim for Unfair Dismissal	N/A	Claim dismissed at a hearing on 1-3 December 2010
25 May 2010	11 Claims received for Equal Pay	N/A	Ongoing - in the process of being settled through ACAS.
21 June 2010	Claim for Equal Pay	June 2010	Claim settled through ACAS
29 June 2010	Claim for Disability Discrimination	N/A	Ongoing
26 July 2010	Claim for Unfair Dismissal and Race Discrimination	N/A	Ongoing
23 August 2010	Claim for Unfair Dismissal & Disability Discrimination	N/A	Ongoing
06 August 2010	Claim for Unfair Dismissal	N/A	Ongoing
10 November 2010	Claim for Unfair Dismissal and Disability Discrimination	N/A	Ongoing
07 December 2010	Claim for Unfair Dismissal (TUPE)	N/A	Ongoing

6. Ombudsman complaints received/settled

Date received	Department / Nature of Complaint	Date settled	Outcome / Status
14/04/10	Housing - Originally complained to LGO in September 2009: premature. Since that time the complainant had received only one call from the Council and no formal response to his complaint. Council properties in his area have all been fitted with new bathrooms and kitchens. He did not hear back from the contractor and no works had been carried out. He said that the housing officer had twice visited and agreed that the rooms should be upgraded, but she was unable to give any date.	10/05/10	Local Settlement (no report). Council agreed to settle complaint by carrying out refurbishment works to complainants' bathroom as part of the 2010/11 programme.

Date received	Department / Nature of Complaint	Date settled	Outcome / Status
21/04/10	Housing - That the council refused to replace the complainant's internal doors despite the fact that the complainant considered them to be damaged as a result of wear and tear, and that the doors pose a danger to the complainant's young son. The complainant was requesting a housing transfer yet despite being on the Locata list for 10 years no offers of housing have been made.	30/06/10	Complaint closed. No fault.
26/04/10	DCEO - The Council had installed gates to the alleyway at the rear of his property without adequately consulting with affected local residents regarding the issue. Lack of consultation in respect of a change in the Council's policy that previously required the unanimous support of residents. Council had not taken proper account of his disability and access rights in making this change and installing the gates, he was being caused substantial inconvenience as a result.	29/07/10	Ombudsman's discretion: Complaint discontinued. An apology that the officer offered previously was sufficient remedy.
07/06/10	Finance - That the Council had changed the amount of Council Tax charged without justification. A complaint on behalf of her parents. A failure to respond by the Council since last Nov on the issues raised in the complaint.	23/08/10	Discontinued. No or insufficient evidence of maladministration/ service failure.
07/06/10	Education - That the Council failed to deal properly with the review and provision of support for daughter's special educational needs.	08/09/10	No or insufficient evidence of maladministration. Investigation discontinued and complaint closed.
08/06/10	Housing - That when the complainant moved into her present home the Council failed to advise her that she might not be entitled to Housing Benefit if she stopped receiving Income Support, and she has now had her Housing Benefit stopped.	23/08/10	The complainant had withdrawn her complaint. The investigation was discontinued and complaint closed. Ombudsman's discretion.
15/06/10	Education - That there was fault by the panel which considered his son's appeal against the refusal of a place at a school	09/08/10	Ombudsman's discretion. LGO not pursuing matter as appeal had not taken place.

Date received	Department / Nature of Complaint	Date settled	Outcome / Status
24/06/10	Housing - The Council had failed to assess the complainants medical needs correctly and as a result the complainant had been placed in the wrong priority band for re-housing.	13/10/10	No maladministration. Complaint closed and investigation discontinued.
24/06/10	Housing - The Council had reneged on a promise to provide a permanent plot to the family at a caravan site. The lack of permanent place to live had meant that the medical condition of their son could not be safely controlled and the complainants had been told they run the risk of him being taken into care if they did not have appropriate accommodation for him.	16/07/10	Local settlement. Investigation discontinued. The Council agreed to allocate the plot to the complainants who are satisfied with the Council's actions.
28/06/10	Planning - On the application form for objections to planning permission, the complaint stated he clearly pointed out that his objections required first hand viewing. He claimed the planning would seriously impact on his quality of life. He claimed his opinion and views were not taken into consideration.	20/12/10	Ombudsman Discretion. No fault in the way the Council considered the planning application. But the Council should have considered his complaint through the Council's complaints procedure.
12/07/10	Housing - That the Council's Social Services department had failed to confirm to the Housing department that the complainant was ready to move on from supported accommodation. This had resulted in the complainant being denied priority under the Council's housing allocations scheme and therefore the complainant had been unable to move to accommodation that met his current needs.	12/11/10	Local settlement. Complaint discontinued. During the investigation the complainant received the confirmation he required from Social Services and wrote to the LGO advising that he no longer wished to pursue his complaint.
16/07/10	Housing - That the council failed to correctly assess the complainants housing application and the complainant was placed in the wrong band. That an officer made rude and unsympathetic remarks about the complainant whilst leaving a voicemail message.	29/10/10	No maladministration. Complaint closed and investigation discontinued.
19/08/10	Parking - Council failed to respond to representations which the complainant made in response to penalty charge notice, placed the matter in the hands of bailiffs without further correspondence with the complainant; failed to provide a manned service telephone service to enable him to discuss the matter.	28/09/10	No or insufficient evidence of maladministration. Investigation discontinued and complaint closed.

Date received	Department / Nature of Complaint	Date settled	Outcome / Status
19/08/10	Education - Administrative fault in the way that the Councils considered application for admission to an LBH School. In particular, impartiality of the Appeal Panel was compromised because the original Panel had included a governor of the school that they were rejecting and his removal was allegedly known to one of the Appeal Panel who heard their case. In addition, the complainants were aggrieved that a boy with a similar medical condition had, allegedly, been admitted to the school.	22/10/10	Evidence of administrative fault, although unsure of outcome had there not been a fault. Council asked to carry out fresh appeal or offer place in school.
25/08/10	Planning - Council Officers misled the Planning Committee about the impact of three proposed developments on the operation of the local highway network. In particular, the assessment of the impact relied upon a report which was not relevant to the type of developments being considered, and the conclusions of the assessment were incorrectly conveyed in the officers' reports.	Ongoing	n/a
08/10/10	Housing - That the Council had refused to carry out works to remedy the damp which existed in a toilet outbuilding attached to home, despite having previously said that the repairs would be undertaken. The Council lost the Stage 1 and 2 complaints, and it had not contacted her to carry out the works which it agreed to do in its Stage 3 response.	21/01/10	Local Settlement: Council to contact the complainant to arrange completion of the repairs agreed in the Stage 3 response and to pay the complainant £150 in recognition of the time and trouble spent on pursuing the complaint.
15/10/10	Planning - That the Council failed to ensure planning conditions were met, that approval was flawed, failure to take all factors into consideration.	Ongoing	n/a
18/10/10	Education - That the Council failed to provide education for son.	Ongoing	n/a
28/10/10	Housing - The Council has failed to offer the complainant permanent housing despite having lived in temporary accommodation since November 2002. The company which managed her property, has been harassing her for rent and had lied about how much she owes. The complainants' housing situation was causing her significant stress and anxiety.	Ongoing	n/a

Date received	Department / Nature of Complaint	Date settled	Outcome / Status
11/11/10	Housing - Complaint about the way the Council had dealt with his case since he approached the Council on 1 July 2010 claiming to be homeless.	Ongoing	n/a

7. Declarations of Interest made by officers in relation to Council contracts

Date	Details	Department / Team
29 April 2010	Landlord of 35 Penine Way in Harlington	Housing Benefit Recovery
17 May 2010	Landlord of 84 Mellow Lane East, Hayes End, Middlesex UB4 8ER. The existing tenants do not claim any housing benefits.	Internal Audit
29 June 2010	Wife runs a Domiciliary Care Agency, Carpenders Care Limited. Help with the company's secretarial duties in spare time only.	Internal Audit
05 July 2010	A voluntary holding Trustee (no financial interest) for two community organisations, which are registered charities, and are based outside this Council: a) Mandhata Youth & Community Association (MYCA) b) Association of Mandhata Samaj UK (AMSUK)	Internal Audit
19 October 2010	Association with a Councillor's family who wish to employ daughter as a Personal Assistant	ASCH&H Transformation Team

8. Declarations of Prejudicial Personal Interest made by Members at Meetings

Note: A Member with a *personal* interest in any matter being considered must declare that interest but may remain in the meeting, speak and vote. If a member of the public, knowing all the relevant facts, would view that personal interest as so significant that it is likely to prejudice the Member's judgment of the public interest, then that is deemed a *prejudicial personal interest*. A Member with a *prejudicial personal interest* must declare that interest but may not speak or vote on the item and must leave the room while that item is being considered.

Meeting: Thursday, 15th April, 2010 - Cabinet

8. Localities, Enforcement and Transport Implementation - update

- Councillor D.Mills - Personal - relative worked in the department affected by the re-organisation proposals

Meeting: Tuesday, 20th April, 2010 - Central & South Planning Committee

19. The Halsbury Centre, Brunel University, Cleveland Road, Uxbridge 532/APP/2009/2688

- Councillor Hensley - Personal and Prejudicial - As an ex Don and Academic Adviser to Brunel University.

Meeting: Thursday, 29th April, 2010 - North Planning Committee

13. Edwins, The Old Orchard, Park Lane, Harefield 3499/APP/2009/2729

- Councillor G.Cooper - Personal - as Hillingdon's representative on the Colne Valley Park Partnership and the application site overlooks the Colne Valley Regional Park.

Meeting: Tuesday, 4th May, 2010 - Licensing Sub-Committee A

4. Consideration of the report from the Council's Street Scene Enforcement Officer

- Councillors Barrett and Allen - Personal - Had visited the Rural Activity Garden Centre in the past.

Meeting: Thursday, 20th May, 2010 - North Planning Committee

6. Northolt Junction, Civic Way, Ruislip - 66712/APP/2010/103

- Councillor Kauffman - Personal and Prejudicial - Dealing in depth with residents on this application.

9. 91-97 High Road, Ickenham - 14964/APP/2009/896

- Councillor Lavery - Personal and Prejudicial - knew the petitioner.

Meeting: Tuesday, 25th May, 2010 - Central & South Planning Committee

6. Former National Air Traffic Services (NATS) Headquarters, Porters Way, West Drayton - 5107/APP/2009/2348

- Councillor Bull – Personal and Prejudicial - had discussions as a Ward Councillor of the application site

11. Enforcement Report

- Councillor Buttivant - Personal and Prejudicial - The occupier of the property is known to him

Meeting: Wednesday, 26th May, 2010 - Petition Hearing - Cabinet Member for Planning, Transportation and Recycling

4. Merrimans Corner, Hillingdon - Petition Requesting a "Stop and Shop" Parking Scheme

- Councillor Burrows - Personal - Shops located in his local shopping area - proceeded with the petition hearing

Meeting: Thursday, 27th May, 2010 - Executive Scrutiny Committee

5. Consideration of Any Call-Ins of decisions made at the Cabinet meeting on 27 May 2010

- Anthony Little - Personal - a Governor of Pinkwell Primary School
- Councillor MacDonald - Personal - a Governor of Heathrow Primary School

Meeting: Thursday, 3rd June, 2010 - Central & South Planning Committee

8. 103 Haig Road, Hillingdon - 66648/APP/2009/2793

- Councillor Stead - Personal and Prejudicial – had spoken to the petitioners about the application

Meeting: Tuesday, 8th June, 2010 - Central & South Planning Committee

9. Hayes Gate House, 27 Uxbridge Road, Hayes - 2385/APP/2009/2613

- Councillor Buttivant - Personal and Prejudicial

12. Data Centre Building (Antonin Artaud), Brunel University, Kingston Lane, Hillingdon - 532/APP/2010/509

- Councillor Hensley - Personal and Prejudicial - Ex Don and Academic Adviser to Brunel University

Meeting: Tuesday, 22nd June, 2010 - North Planning Committee

6 & 7: RAF Eastcote, Lime Grove, Ruislip and item 12: 41 Rushdene Road, Eastcote

- Councillor Payne - Personal and Prejudicial

Meeting: Wednesday, 23rd June, 2010 - Pensions Committee

2. Declarations of Interest in matters coming before this meeting

- Councillors G. Cooper, Harmsworth and Corthorne - Personal in all agenda Items, in that they were members of the Local Government Pension Scheme (and Cllr G.Cooper, a trustee of the CAB)

Meeting: Monday, 28th June, 2010 - Audit Committee

5. Approval of the 2009/10 Statement of Accounts

- Councillor G.Cooper - Personal - a Member of the Pensions Committee and a Trustee of Hillingdon & Ealing Citizens Advice Bureau.
- Councillor Graham - Personal - a Member of the Board of Hillingdon Homes.
- Councillor Lewis - Personal - a Member of the Pensions Committee and the Chairman of the Corporate Services & Partnerships Policy Overview Committee.
- John Morley - Personal - a Member of the Board of Hillingdon Homes.

Meeting: Tuesday, 29th June, 2010 - Central & South Planning Committee

12. Land forming part of 126 Field Heath Road, Hillingdon 63320/APP/2010/652

- Councillor Stead - Personal and Prejudicial - By virtue of having been involved as a Ward Councillor of the application site

Meeting: Friday, 9th July, 2010 - Licensing Sub-Committee A

11. Application for the Variation of a Premises Licence

- Councillor Allam - Personal and Prejudicial - Expressed opposition to the application as a neighbouring Ward Councillor.

Meeting: Friday, 9th July, 2010 - Licensing Sub-Committee A

8. Application for Temporary Pitch Street Trading License

- Councillor Barrett - Personal - A member of the Rotary Club

Meeting: Thursday, 15th July, 2010 - Cabinet

7. Ruislip Village Conservation Area - appraisal

- Councillor D.Mills - Personal and Prejudicial - as the owner of a property in the area concerned.

Meeting: Thursday, 15th July, 2010 - Cabinet

12. Quarterly Voluntary Sector Leases Report

- Councillor Khursheed - Personal - as a member of a voluntary organisation concerned

Meeting: Tuesday, 20th July, 2010 - Central & South Planning Committee

14. Enforcement Report

- Councillors Allam and Duncan - Personal and Prejudicial - Had raised objections to the planning application as Ward Councillors

Meeting: Tuesday, 7th September, 2010 - Central & South Planning Committee

7. Hayes Football Club, Church Road, Hayes - 4327/APP/2009/2737

- Councillor Buttivant - Personal and Prejudicial - currently involved with an issue related to the site.

Meeting: Wednesday, 8th September, 2010 - Education & Children's Services Policy Overview Committee

7. School Places Update

- Councillor Dann - Personal - a Governor of Newham Junior School and Bishop Ramsay C of E School.
- Councillor Hensley - Personal - a Governor at Breakspear Junior School and Abbotsfield School.
- Councillor J.Cooper - Personal - a Governor of Charville Foundation Primary School and St Andrews C of E Primary School.
- Councillor Lakhmana - Personal - a Governor of Cranford Park Primary School, Wood End Park Primary School and Harlington Community School.
- Councillor Curling - Personal - a Governor of Mellow Lane School and Harefield Academy.

Meeting: Thursday, 9th September, 2010 - Council

6. Report of the Head of Democratic Services

- Councillor Allen - Personal - a member of the Hillingdon Homes Board,

9. Motions - High Speed Rail Access to Heathrow'
- Councillor D.Mills - Personal – as a local resident.
 - Councillor D.Mills - Personal - Prejudicial – as a local resident
 - Councillor Puddifoot - Personal – due to relationship with Chairman of HS2
 - Councillor R.Mills - Personal - as a local resident.
 - Councillor R.Mills - Personal and Prejudicial - as a local resident
-

Meeting: Thursday, 16th September, 2010 - North Planning Committee

13. Enforcement Report

- Councillor Hensley - Personal

9. Oakhurst, 1 Northgate, Northwood 30779/APP/2010/1108 -

- Councillor Graham - Personal and Prejudicial

10. Land Forming Part of Oakhurst, Northgate, Northwood 67012/APP/2010/1107

- Councillor Graham - Personal and Prejudicial
-

Meeting: Tuesday, 21st September, 2010 - Audit Committee

5. External Audit Annual Governance Report

- Councillor Graham - Personal - a Member of the Board of Hillingdon Homes
 - John Morley - Personal - a Member of the Board of Hillingdon Homes
-

Meeting: Tuesday, 21st September, 2010 - Audit Committee

6. External Auditor Report on the Pension Fund Annual Report and Accounts

- Councillor Lewis - Personal - a Member of the Pensions Committee
-

Meeting: Tuesday, 21st September, 2010 - Central & South Planning Committee

10. Former National Air Traffic Services (NATS) Headquarters, Porters Way, West Drayton 5107/APP/2009/2348

- Councillor Bull – Personal and Prejudicial - Had been lobbied by the developer.

15. 7 Colne Avenue, West Drayton 29673/APP/2010/13

- Councillor Bull – Personal and Prejudicial - Requested the application to be reported to the Committee.
-

Meeting: Thursday, 23rd September, 2010 - Cabinet

16. Appointment of consultants in support of a planning application and design for the Ruislip High School additional form of entry and Sixth Form Centre

- Councillor D.Mills - Personal - as Chairman of Governors at Ruislip High School

6. Cheney Street - extension to Eastcote Village Conservation Area

- Councillor Scott Seaman-Digby - Personal and Prejudicial – resident of the Conservation Area

5. Conservation Management Plan for Eastcote House Buildings and Gardens

- Councillor Scott Seaman-Digby - Personal and Prejudicial – resident of the Conservation Area
-

Meeting: Thursday, 23rd September, 2010 - Executive Scrutiny Committee

5. Consideration of Any Call-Ins of Decisions made at the Cabinet meeting on 23 September 2010

- Councillor MacDonald - Personal – has worked for St Laurence's Church - an organisation which had commented on the consultation. (Cabinet Agenda Item 5 - Conservation Management Plan for Eastcote House Buildings and Gardens)
 - Councillor Lavery - Personal - a Governor of Ruislip High School. (Cabinet Agenda Item 16 - Appointment of consultants in support of a planning application and design for the Ruislip High School additional form of entry and Sixth Form Centre).
-

Meeting: Friday, 1st October, 2010 - Licensing Sub-Committee A

5. Renewal of Temporary Shop Front Street Trading Licences

- Councillors Allen and Kemp - Personal - premises within their Ward

8. Renewal of Temporary Pitch Licences

- Councillor Allen - Personal - premises within her ward

Meeting: Tuesday, 12th October, 2010 - Central & South Planning Committee

16. 86-90 High Street & 45, 47, 47A Albert Road, Yiewsley - 64714/APP/2009/778

- Councillor Paul Buttivant - Personal and Prejudicial - Had spoken to the applicant about the application.

23. Enforcement Report

- Councillor Paul Buttivant - Personal and Prejudicial - Had spoken to the applicant about the application.

Meeting: Thursday, 14th October, 2010 - Cabinet

12. Insurance Tender 2010

- Councillor D.Mills - Personal - as a previous employee of one of the companies mentioned in the report.

10. Council Budget - Month 5 2010/11 Revenue and Capital Monitoring

- Councillor D.Mills - Personal - as a local resident
- Councillor Puddifoot - Personal - due to his relation to the Chairman of High Speed Two.

Meeting: Tuesday, 2nd November, 2010 - Central & South Planning Committee

7. Hayes Gate House, 27 Uxbridge Road, Hayes - 2385/APP/2010/1218

- Councillor Buttivant - Personal and Prejudicial - The applicant is known professionally and personally
- Councillor Curling - Personal - A Ward Councillor of the application site

8. Hayes Gate House, 27 Uxbridge Road, Hayes - 2385/APP/2010/1241

- Councillor Buttivant - Personal and Prejudicial - The applicant is known professionally and personally
- Councillor Curling - Personal - Ward Councillor of the application site.

13. Unit 6, Hayes Bridge Retail Park, Uxbridge Road, Hayes - 51652/APP/2010/2298

- Councillor Peter Curling - Personal - Ward Councillor of the application site.

14. Hayes Gate House, 27 Uxbridge Road, Hayes - 2385/APP/2010/1434

- Councillor Buttivant - Personal and Prejudicial - The applicant is known professionally and personally.
- Councillor Curling - Personal - Ward Councillor of the application site

15. Rear of 16&17 Peachey Lane, adj. 5-8 and 9-13 Carlton Court, Bosanquet Close, Cowley - 66644/APP/2009/2784

- Councillor Stead - Personal - Ward Councillor of the application site

16. 86 -90 High Street and 45, 47, 47A Albert Road, Yiewsley - 64714/APP/2009/778

- Councillor Gilham - Personal - Ward Councillor of the application site.

Meeting: Friday, 12th November, 2010 - Licensing Sub-Committee C

6. Christmas Events - Applications for New Temporary Pitch Street Trading Licence

- Councillor Retter - Personal - As a resident and member of Northwood Hills Residents Association

Meeting: Thursday, 18th November, 2010 - Cabinet

5. Determination of Statutory Proposals to enlarge the premises at 7 Primary Schools in the Borough

- Councillor G.Cooper - Personal - Whitehall Schools adjacent to his property.

Meeting: Thursday, 18th November, 2010 - Executive Scrutiny Committee

5. Consideration of Any Call-Ins Of Decisions Made at the Cabinet Meeting on 18 November 2010
- Anthony Little - Personal - Anthony Little as a Governor at Pinkwell Primary School
 - Councillor MacDonald - Personal - as a Governor at Heathrow Primary School - remained in the room and took part in discussions on the item.
 - Councillor MacDonald - Personal - Voluntary Sector Leases, in relation to the 6th Eastcote Scout Group, as her son was a member of the scout group
 - Councillor Gilham - Personal - Determination of Statutory Proposals to enlarge the premises at 7 Primary Schools in the Borough, as he was a Governor at Pinkwell Primary School
 - Councillor Riley - Personal - Determination of Statutory Proposals to enlarge the premises at 7 Primary Schools in the Borough, as a Governor at Field End Infants School
 - Councillor Khursheed - Personal – Determination of Statutory Proposals to enlarge the premises at 7 Primary Schools in the Borough, as a Governor at Cranford Park Primary School

Meeting: Tuesday, 23rd November, 2010 - Central & South Planning Committee

9. Sainsbury's Store, York Road, Uxbridge 39439/APP/2010/1799

- Councillor J.Cooper - Personal - A customer of the Sainsbury's Store

Meeting: Wednesday, 24th November, 2010 - Licensing Sub-Committee A

12. Variation of a Temporary Pitch Street Trading License

- Councillor Allen - Personal - application based in her ward.

Meeting: Thursday, 25th November, 2010 - Licensing Sub-Committee A

3. Application for Temporary Street Trading License – Uxbridge Town Centre Christmas Market

- Councillor Barrett - Personal and Prejudicial - had submitted supporting representation and was a Ward Councillor.

Meeting: Tuesday, 7th December, 2010 - North Planning Committee

6, 7, 8 & 9. RAF Eastcote, Lime Grove, Ruislip - 10189/APP/2010/1094 , 1099, 1100 & 1901

- Councillor Payne – Personal and Prejudicial - by virtue of having been involved as a Ward Councillor of the application site

10, 11 & 12. Former Kings Arms Garage Site, Rickmansworth Road, Harefield - 3877/APP/2010/2200, 2201 & 2204

- Councillor Lavery - Personal - knew the petitioner.

Meeting: Wednesday, 15th December, 2010 - Audit Committee

7. Deloitte - Annual Audit Letter

- Councillor G.Cooper - Personal - Hillingdon House Farm was in his ward
- Councillor Lewis - Personal - Member of the Pensions Committee

9. Internal Audit Progress Report

- Councillor G.Cooper - Personal - wife a Governor of Charville Foundation Primary School.

Meeting: Thursday, 16th December, 2010 - Cabinet

6. The Council's Budget - Medium Term Financial Forecast 2011/12 - 2014/15

- Councillor D.Mills - Personal - as Chairman of Governors at Ruislip High School and as advisor to North West Middlesex Guides
- Councillor Bianco - Personal - as advisor to North West Middlesex Guides

7. Grants to Voluntary Organisations 2011/12 Financial Year

- Councillor G.Cooper - Personal - as a trustee of both Groundwork Thames Valley Trust Ltd and the Citizen's Advice Bureau

19. Countryside and Agricultural Services - tender approval

- Councillor G.Cooper - Personal - as a trustee of Groundwork Thames Valley Trust Ltd

20. Development of the Yiewsley Pool site for a Health Centre, Community Space and Residential Accommodation
- Councillor Simmonds - Personal - as an Associate Non-Executive Director (non-voting) on the Primary Care Trust.

Meeting: Thursday, 16th December, 2010 - Executive Scrutiny Committee

5. Consideration of Any Call-Ins of Decisions Made at the Cabinet Meeting on 16 December 2010
- Anthony Little - Personal - Cabinet Agenda Item 6 – The Council’s Budget – Medium Term Financial Forecast 2011/12 – 2014/15 as a Governor at Pinkwell Primary School.
 - Councillor MacDonald - Personal - Cabinet Agenda Item 7 Financial Support to Voluntary Sector Organisations as a Councillor representative on Hillingdon Arts Association and her daughter used Hillingdon Music Service.

GIFTS & HOSPITALITY ANNUAL REPORT

Reporting Officer: Lloyd White, Head of Democratic Services

SUMMARY

This report provides a summary of gifts and hospitality accepted by staff during the 2009/10 financial year. The report is considered annually by the Council's Corporate Management Team and is submitted to Members as part of the annual monitoring of ethical standards within the authority.

RECOMMENDATION: That the report be noted.

INFORMATION

The Council's Golden Rules on gifts and hospitality require Corporate Directors to keep a register of declarations made by staff and for an annual report to be made to Management Team.

GIFTS & HOSPITALITY 2009/10 – GENERAL SUMMARY OF FINDINGS

Deputy CEO – Total of 32 declarations

- 8 declarations of gifts and 24 of hospitality.
- 3 offers were declined; this included a gift of a leather wallet.
- 1 gift accepted was an Ipod Touch which valued at £200; this was donated to the Mayor's charity.
- 2 offers of alcohol were accepted. One was a bottle of wine as a thank you gift and was donated to the Mayor's charity. Another was a glass of wine consumed at a dinner event.
- 1 offer of gift which was accepted was a £50 Debenhams gift voucher. This was kept by the officer with the authority of the Deputy Chief Executive.

Finance & Resources – Total of 29 declarations

- 19 declarations of gifts and 10 of hospitality.
- 3 offers were declined, these were all hospitality.
- 2 offers of alcohol were accepted and donated to the Mayor's charity.
- The majority of gifts were thank you, token gifts (e.g. chocolates).

Education & Children's Services – Total of 25 declarations

- 23 declarations of gifts and 2 of hospitality.
- All offers were accepted.
- 1 offer of alcohol was accepted and donated to the Mayor's charity.
- The majority of gifts were thank you, token gifts.
- 1 gift of a £10 Marks & Spencer voucher was accepted as a thank you gift. The recipient did not realise it was in the card until they opened it at home.
- 1 gift of a necklace valued at £10 was accepted.

Environment & Consumer Protection – Total of 45 declarations

- 23 declarations of gifts and 22 of hospitality.
- 38 offers were accepted, 7 declined.
- 1 offer of alcohol was declined.

- 1 gift of £20 was declined but the person was very insistent. This was donated to the Mayor's charity.
- 1 gift of a £10 Marks & Spencer voucher was accepted as a thank you gift, this was not authorised by the Head of Service.
- The majority of the gifts were desk calendars, etc or thank you, token gifts.
- The majority of hospitality were networking events.

Adult Social Care, Health & Housing – Total of 40 declarations

- All declarations were gifts.
- All offers were accepted.
- There were 5 declarations of alcohol; all were donated to the Mayor's charity.
- There was a £5 Starbucks voucher accepted; this was donated to the Mayor's charity.
- The majority of gifts were thank you, token gifts.

Planning & Community Services – Total of 59 declarations

- 37 declarations of gifts and 22 of hospitality.
- 4 offers were declined; 3 of these were hospitality and 1 gift.
- The majority of gifts were thank you, token gifts.
- A £10 Marks & Spencer's gift card was returned to the sender with a note explaining the council policy on this.
- A small crystal ornament to the value of £30 was accepted and given to a charity shop.
- 1 offered of alcohol was accepted and donated to the Mayor's charity.

FUTURE OF THE STANDARDS BOARD REGIME

Reporting Officer: Lloyd White, Head of Democratic Services

SUMMARY

The government set out its intention to abolish the 'Standards Board Regime' in the coalition agreement published in May. It is the government's intention to effect the abolition through the Localism Bill which was introduced to Parliament on 13 December 2010. Details of the Localism Bill are available on the Department for Communities and Local Government website. It is likely that Standards For England will cease to investigate complaints in late 2011 and will be formally abolished in early 2012.

RECOMMENDATION: That the report be noted.

INFORMATION

In summary the government's proposals are:

- to abolish Standards for England
- to remove the First-tier Tribunal's (Local Government Standards in England) jurisdiction over member conduct
- to remove the national Code of Conduct for councillors and the requirement to have a standards committee
- to allow councils to choose whether or not they wish to have a local code or a standards committee
- to create a criminal offence relating to failure to register or declare interests

Members will recall that the Chairman has been monitoring the development of the Bill carefully and has submitted the following to the Monitoring Officer and requested that it be placed on this agenda for Members' consideration:

You may well have read the fact that the Bill Scrutiny Committee discussed the clauses submitted by my group of Standards Chairmen in the London Boroughs. Doubtless you will be somewhat concerned by the envisaged role of Monitoring Officers. I would welcome your observations. For your information, Sophia is the Standards Chairman of the London Borough of Kensington & Chelsea

The other submission that I have attached for your comment/discussion is the paper submitted by Sophia before the discussion referred to above. It contains some interesting points of law and procedure. It would be interesting for you to bring these matters to the table at the next meeting of our Standards Committee. Before the meeting I would welcome your comments.

Several other Standards Chairman in the GLA have made similar submissions, but I have not done soon behalf of the London Borough of Hillingdon.

Sent: 08 February 2011
09:33 **Subject:** Localism Bill

Dear colleagues,

You may have seen that "our" clauses of the Localism Bill were discussed by the Bill Scrutiny Committee last Friday, and our colleague John Mann's submission was quoted approvingly by one of the Members of the Committee -although in the end all the clauses passed through untouched. So if we want to take any of this further, our best bet is probably the House of Lords.

My monitoring officer has found the bit below in the Impact Assessment of the Bill, explaining how DCLG think the interface between police and authority will work on offences of non-declaration of interests:

Complaints that a member has failed to comply with the new statutory requirement to register or declare personal interests will be made either to the Monitoring Officer (or equivalent) of the authority concerned or directly to the police. While a number of complaints will be made directly to the police, it is assumed that they will initially pass back to the Monitoring Officer (or equivalent) to investigate and potentially resolve without having to launch a formal investigation. Our methodology thus treats the Monitoring Officer (or equivalent) as in effect the first port of call for all complaints relating to the failure of councillors to register or declare personal interests.

If this works, it would be fine and very much in line with what i had proposed. But it could be very messy if left to voluntary arrangements like this. The police don't usually like other people investigating first as evidence thus gathered may not be admissible, and monitoring officers are not going to relish reporting their own councillors to the police in the absence of a statutory duty.

Best wishes,

Sophia

LOCALISM BILL -EVIDENCE TO BILL SCRUTINY COMMITTEE FROM SOPHIA LAMBERT, CHAIR OF THE STANDARDS COMMITTEE OF THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA. CHAPTER 5: LOCAL GOVERNMENT STANDARDS (Clauses 14-20)

1. I write as the independent chairman of the Standards Committee of a London Borough with some five years of experience of dealing with standards matters. The following represents my personal views, not those of my borough or committee.
2. I generally welcome the repeal of the current over-prescriptive arrangements for local government standards. However, I have three concerns about the new arrangements proposed, which I hope the Committee can consider.

Clause 15: Duty to promote and maintain high standards of conduct.

3. Clause 15 of the Bill places a requirement on local authorities to promote and maintain high standards of conduct, which is good. At the same time, Section 49(1) of the Local Government Act 2000, which gives to the Secretary of State the power to make an order specifying the principles which are to govern the conduct of Members, is repealed. This means that there is no possibility of any central definition of the principles that should govern high standards of conduct. Councillors will not even be subject to the Nolan principles unless their Council chooses that they should be.
4. I see no problem with the repeal of the Secretary of State's power to impose a Code of Conduct. But I believe that, not least from the point of view of public perception, there would be merit in a centrally promulgated statement of the principles based -as is the present statement of principles imposed under Section 49(1) - on the Nolan principles of conduct in public life. These could even be on the face of the Bill, thus putting the Nolan principles into primary legislation.

Clause 16: Voluntary codes of Conduct: Action against Members.

5. Clause 16 allows a local authority to investigate complaints and to take (unspecified) action against Members who have failed to comply with its code. In the absence of powers to suspend or disqualify, I think it important that local authorities should have a power other than simple censure -as otherwise an obstreperous councillor could simply ignore the voluntary code arrangements completely. The obvious thing would be a power to suspend a member's allowances. It is not clear to me that the current legislation would allow such a power to be exercised. I hope that MPs can extract an assurance from the Government that there will be regulations enabling authorities to suspend Members' allowances in cases of non-observance of a locally adopted code.

Clauses 17 and 18: Disclosure and Registration of Members' interests: dual jurisdiction and police problems

6. Clause 17 envisages regulations under which local authorities could impose sanctions on Members who fail to declare or register interests or who participate in business despite having a relevant interest. Clause 18 makes these same acts criminal offences unless the Member can show reasonable excuse. A dual jurisdiction thus appears to have been created, and it is not clear whether the practical implications have been fully thought through.
7. As the criminal jurisdiction normally takes precedence, if there was a complaint about a member failing to declare an interest, it would presumably have to go first to the police to investigate. Non-disclosure of interests is one of the matters about which standards committees receive most complaints. The vast majority turn out to be trivial. But this is not always obvious at the outset. Nor could one establish whether the member had a "reasonable excuse" without at least some investigation. So in practice the police would have to look into each and every one of these complaints. This seems a waste of scarce police time.
8. I am told by those who have experience of these things that, as these are "political" offences, they would probably have to be handled by a special police unit and the investigations could well take 12-18 months. If the police and/or DPP decided not to

proceed, the matter would presumably then come back to the authority to take action as appropriate against the member under its own powers. This seems to be a cumbersome and lengthy way of proceeding, not justified by the relatively few really serious offences of non-disclosure that are committed. There badly needs to be some sort of filter.

9. It would be possible for the Clause 17 regulations to define the interests to be declared fairly narrowly -e.g. interests where the member or an associate stood to derive "significant benefit", or perhaps "pecuniary advantage"; or for the criminal offence to be limited to this sort of interest, thus excluding many non-serious acts of non-disclosure. Nevertheless, there would still be the problem of somebody having to look at each and every complaint and make a judgement on whether it fell within this definition, and this would presumably have to be the police. So that might not help much.
10. A more convenient alternative might be to make legislative provision for the local authority to be responsible for having a first look at any complaints, with a duty to refer to the police any where there appeared to be a *prima facie* case of a serious offence (however defined in the regulations) having been committed. This would allow the police would be cut out altogether from at least the run-of-the mill cases, no doubt to their great relief.

Sophia Lambert CB Chairman, Standards Committee Royal Borough of Kensington and Chelsea. 3 February 2011

By virtue of paragraph(s) 1, 7c of Part 1 of Schedule 12A
of the Local Government (Access to Information) Act 1985 as amended.

Agenda Item 10

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