

STANDARDS COMMITTEE

—Minutes—

26 MARCH 2007

Members Present:

Mr.Christopher Troke (Chairman)
Mr.Steven Moussavi
Mrs.Grace Moody-Stuart
Councillor Lisa Homan

Officers in attendance:

Lesley Courcouf, ACE (OD) & Monitoring Officer
Michael Cogher, Head of Legal Services
John Cheong, interim Committee Manager

ITEM		ACTION
Item 1	<u>MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE HELD ON 7 NOVEMBER 2006</u>	
	<u>RESOLVED</u> - That the minutes of the meeting held on 7 November 2006 be agreed and signed as an accurate record.	ACE/JPC to note
Item 2	<u>APOLOGIES FOR ABSENCE</u>	
	Apologies for absence were received from Councillors Nicholas Botterill and Donald Johnson.	ACE/JPC to note
Item 3	<u>DECLARATIONS OF INTEREST</u>	
	There were no declarations of interest made by members of the Committee at this meeting.	
Item 4	<u>DCLG CONSULTATION PAPER ON A REVISED MODEL CODE OF CONDUCT FOR MEMBERS</u>	
	The Committee noted the DCLG Consultation Paper and the changes proposed to be made as revisions to the Code of Conduct for Members.	
	The Chairman, Mr.Troke, advised the Committee that it was	

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hoped the revised Code of Conduct, together with guidance from the Standards Board, would be published by early May 2007 so that it could be adopted at Local Authority's Annual Council Meetings, with a six month period allowed for full implementation. Separate legislation for the devolution of powers to Local Authorities would be issued in the summer of 2007, with the local filter becoming fully operational by 2008. There would of course be resource implications for Monitoring Officers both in terms of finance and resources, but no additional funding to cover this aspect was alluded to by DCLG.

It was anticipated the new Code would cover such aspects as:

- A re-definition of "personal interests"
- A new category of interest called "public service interest"
- Disclosure of confidential information in the public interest
- Bringing the council or office into disrepute
- Bullying by members
- Abolition of the duty to report breaches of the Code by other members

Mr Troke advised the Committee that he and Grace Moody-Stuart had recently attended the networking event staged by Brent Council, where a presentation on the new Code of Conduct was given by external training solicitor, Peter Keith-Lucas. He had been highly sceptical of the Government's implementation timescale, not least because the section concerning members' conduct in public life would need to be brought in separately in the light of the recent High Court ruling in the Livingstone case.

The Committee had the option of either adopting the proposed new Code at the Annual Council meeting in May 2007 (assuming it was available), or to wait until the new revised section became available and then adopt. Following discussion on this point, Members agreed that it would be preferable to adopt the proposed new Code at the Annual Council meeting even though part of it would need later revision, as it was possible the DCLG timescale could slip.

**ACE (JC) to
action for
Annual
Council**

Grace Moody-Stuart also advised the Committee that Peter Keith-Lucas had suggested it might be necessary to have two separate panels of the Committee – one for dealing with referrals and another for conducting investigations. This would entail more meetings (once every fortnight had been suggested), more members being required on the Committee (between 8 -10 members), and more financial resources being required (a cost figure of c. £5,000 per investigation was suggested).

The Head of Legal Services stated that the Committee's numbers would need to be looked at again once the *Local Government & Public Involvement in Health Bill* became an Act. This was because there was a "right of review" inherent in the Bill's provision regarding Standards Board referrals and investigations and any appeals could not be heard by the same members. Enlarging the Committee would not present a problem with regard to elected members, but would be a problem for independent members as there was quite a long advertisement and recruitment process to be gone through. HLS agreed to bring a report to the next meeting of the Committee on the practical implications of the Bill on the work of the Committee.

**HLS(MC) to
action for next
Cttee**

Grace Moody-Stuart also raised the issue of training for new members. Lesley Courcouf, as Monitoring Officer, also raised the issue of officer time and involvement in the investigation of any alleged misconduct allegations and whether this should be dealt with in-house or farmed out..

The Committee discussed a possible solution could be joint working with other Boroughs in the West London Alliance area. However, it was agreed to ascertain with opposite numbers first how many cases were currently being dealt with by neighbouring WLA Boroughs prior to committing to a joint approach in order to avoid the danger of being swamped in a unfair reciprocal arrangement.

**HLS (MC) to
contact WLA
opposite nos.
informally to
gather info.**

RESOLVED: That the report be noted.

Item 5 **"GETTING DOWN TO DETAIL" – 6TH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES**

The Committee noted the dates of the 6th Annual Assembly of Standards Committees and the proposed items for discussion:

- Local filter process
- Referrals, investigations, hearings & sanctions
- Joint working
- Mediation

The Committee agreed to nominate Mr.Moussavi as a delegate to the Conference, plus one other member to be decided at the Committee's July meeting.

RESOLVED:

1. That the dates of the 6th Annual Assembly of Standards Committees be noted.

2. That Mr.Moussavi be delegated to attend on behalf of the Committee, plus one other member to be decided at the Committee's July meeting.

**ACE(JC) to note
and action.**

Item 6 DECISION IN THE CASE OF MAYOR LIVINGSTONE VS. ADJUDICATION PANEL FOR ENGLAND

The Committee noted the recent High Court decision in the case of Mayor Livingstone vs. Adjudication Panel for England and its implications for the proposed New Model Code of Conduct.

In the light of the ruling, the Committee noted it would be necessary for the Government to revise the provisions of the new Model Code relating to misconduct in public office and bringing one's office into disrepute.

Item 7 STANDARDS COMMITTEE WORK PROGRAMME

Members noted the Committee's future work programme. Mr.Troke asked, in his role as Chairman of the Committee, whether brief (5 minute) meetings could be arranged with the Leader of the Council, Leader of the Opposition, Chief Executive and Chief Internal Auditor so that he could introduce himself to them and also raise the profile of the Committee, especially in anticipation of the local filter arrangements coming into being. It was agreed this should be arranged, where possible, before the end of April.

**ACE/JPC to note
& action**

RESOLVED: Accordingly.

Item 8 ANY OTHER BUSINESS

Grace Moody-Stuart requested that her Chairmanship of the Committee for the Municipal year 2007/08 be deferred due to her family commitments. It was unanimously agreed that Mr.Moussavi take over the Chairing of the Committee for 2007/08.

**ACE/JPC to note
& action**

Mr.Troke informed members that he was in the process of writing a short article for possible inclusion in HFM in order to introduce and raise the profile of the Committee. He agreed to circulate this to Committee members and the Monitoring Officer outside of the meeting for approval/agreement.

**Mr.Troke to
action**

It was unanimously agreed that independent members be formally invited to attend the Annual Council meeting as guests and the first Ordinary Council meeting (June) to observe the Council in operation.

**ACE/JPC to note
& action**

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Meeting began : 7:00 pm
Meeting ended : 7:52 pm

CHAIR.....