

STANDARDS COMMITTEE

—Minutes—

15 MARCH 2005

Present:

Mr. Christopher Troke (Chair)
Mr. Steven Moussavi
Ms Rafela Fitzhugh
Councillor Colin Aherne
Councillor Chris Allen
Councillor Nicholas Botterill

ITEM

ACTION

INTRODUCTIONS

The Chair welcomed to the meeting Alison Kelly – National Lead Ethical Governance, Audit Commission; Les Kidner – District Audit Manager; John Mann – independent Chair, Brent Standards Committee; and Nav Mandair, independent Vice-Chair, Brent Standards Committee.

Item 1 **MINUTES - 10 NOVEMBER 2004**

PAD(JPC) to note.

RESOLVED - That the minutes be confirmed and signed as an accurate record.

Item 2 **APOLOGIES FOR ABSENCE**

No apologies for absence were received for this meeting of the Committee.

Item 3 **DECLARATIONS OF INTEREST**

PAD(JPC) to note.

No declarations of interest were made by members at this meeting of the Committee.

Item 4 **4th ANNUAL ASSEMBLY OF STANDARDS COMMITTEES**

Noted the 4th Annual Assembly of Standards Committees would

be held on 5 & 6 September 2005 at Birmingham ICC.

RESOLVED – That Mr.Moussavi and Councillor Allen (or, alternatively, Ms.Fitzhugh’s successor) be nominated as the Council’s two delegates to the Standards Committees Conference.

PAD(JPC) to make reservation with organisers.

Item 5 **COUNCIL’S CONFIDENTIAL REPORTING CODE (WHISTLE-BLOWING POLICY)**

Noted the Monitoring Officer’s report and update on this issue. The council’s whistle-blowing policy had been introduced in 1999 and was based on the model approved by the organisation “Public Concern at Work”. The Committee was advised that since the last report, the whistle-blowing policy had been invoked just twice. This was comparable to the 3 cases covered in the previous report to the Committee 3 years ago, which had spanned the period 1999 – 2001.

Noted that minor changes had recently been made to the policy to update it to take account of the Council’s new Anti-Fraud initiative, and that the policy was shortly to be re-launched and re-issued as the “Whistle-blowing Charter”. The re-launch would be carried out within the context of a further awareness-raising exercise, so that all staff and contractors working for the Council were made aware of the policy and when and how it should be used.

DPA(HP) & DF(JW) to arrange

RESOLVED- That the Monitoring Officer’s report and update on the whistle-blowing policy be noted.

Item 6 **THE COUNCIL’S ETHICAL FRAMEWORK POLICY**

Noted the report and AV presentation on the ethical health-check of the Council recently undertaken by Alison Kelly of the Audit Commission. The ethical health-check had been devised by the Audit Commission in conjunction with the Standards Board for England, following research which suggested a correlation between a strong ethical framework and good governance. For this reason, the promotion and maintenance of high ethical standards had been made a key element in Council’s Comprehensive Performance Assessments (CPA) for 2005.

While recognising the Council’s “excellent” 3 –year CPA rating and the fact that it had adopted modernised political structures and established a Standards Committee at an early stage, the Audit Commission’s view was that, for the next stage of development in ethical governance, the Standards Committee needed to consider what further steps could be put in place to strengthen the Council’s ethical governance arrangements – i.e.

how to draw together the whole range of ethical, governance and probity issues, and promote them internally and with external partners and stakeholders.

By way of example, the Audit Commission felt that the Standards Committee itself could benefit from having a forward work programme; that information concerning potential internal ethical, governance, conduct and probity issues should be received by the Committee in a more timely and systematic manner; and that the Committee should take a more pro-active approach in promoting high ethical standards both within the council and with external stakeholders and partners. It was also suggested that high ethical standards could be promoted and strengthened if briefing sessions were held with prospective Councillors about the standards which would be required of them were they to hold public office; and if the Administration and Opposition parties on the Council developed ways of working more constructively with each other.

Following consideration of the Audit Commission's suggested action points, all members of the Committee expressed concern and reservations about the change in nature of the Committee's remit from that when it was first established, and the "mission-creep" that now appeared to be taking place to expand that original role.

In particular, Councillor members on the Committee were unanimous in their rejection of the Audit Commission's suggestion that the Committee consider a role for itself in briefing prospective candidates for election on the standards to be expected of them in public office. Members felt this role better suited to the political parties themselves, as candidates had no particular "locus" prior to actually being elected, and the parties already undertook significant vetting of candidates for election as part of the overall candidate selection process.

Likewise, the suggestion that there was a lack of constructive dialogue between the two parties on the Council was also rejected, as on the council's scrutiny panels for example, the parties co-operated fully with each other in a constructive and non-partisan way, and reached decisions and views largely by consensus.

Nor was it accepted that the role of the Committee, as envisaged by District Audit and the Audit Commission, was to gather and concern itself with the detail of management information or key performance indicators, and the suggestion the Committee undertake this sort of role was unanimously rejected by members. Members did, however, accept the suggestion that the Standards Committee could benefit from having a forward work programme drawn up. But otherwise, members felt there were mechanisms already in place

elsewhere within the council's structure, such as the Leadership scrutiny panel, which were more appropriate forums for scrutinising and dealing with issues such as internal audit investigations, or the numbers of Ombudsman complaints received by the council.

Members also considered the Monitoring Officer kept them adequately informed of any potential ethical or probity issues which might arise within the council (subject to any restrictions placed on release of that material by the Standards Board), and were content with his current performance of this role.

RESOLVED:

1. That the Audit Commission's report and draft action plan be noted.
2. That a forward work programme for the Committee be drawn up, and placed as a standing item on future Standards Committee agenda. PAD(JPC) to note & action
3. That the Monitoring Officer firm up the Council's responses to the Audit Commission's draft action plan, for clearance with the Chair / other Councillors prior to submission . DPA(HP) to action

Item 7 **STANDARDS COMMITTEE DISPENSATIONS**

Noted the report of the Deputy Monitoring officer on the issue of grant of dispensations by the Standards Committee.

The Chair reminded the Committee that independent members in particular, had had concerns about the current process by which the Committee granted dispensations in relation to the Planning Applications Committee, and had requested the Head of Legal Services, as Deputy Monitoring officer, to bring forward options by which independent members' concerns regarding this process could be addressed.

The Monitoring Officer had previously written to members to clarify that where a minor planning application was submitted by a member that satisfied the normal rules for the use of officer delegated powers, it would be determined and dealt with in that manner. However, not all applications could be dealt with via this route.

The solution proposed to independent members' concerns was for the Planning Applications Committee member(s) to appear before the Standards Committee, so that the Committee members could, through questioning, assess for themselves the nature and depth of these members' "friendships" with their fellow Councillors. It was also deemed essential that the

practice of submitting standard pro-forma letters should cease, and that an individually drafted, personalised letter to the Committee be submitted instead.

Councillor members on the Committee did not feel it was practical, nor necessary, for the Planning Applications Committee member(s) to appear before the Standards Committee, as the question of whether or not they were a “friend” of another Councillor was a personal one and not a decision that could be determined by the Standards Committee, as it could not substitute its judgement for that of the individual member(s). It was however accepted that part of the problem related to the use of standard pro-forma letters, and it was agreed that, in future, this practice should cease.

RESOLVED:

1. That the report of the Deputy Monitoring officer be noted.
2. That members would , in future, submit individually drafted letters seeking dispensation, and would more forensically examine the nature and extent of their personal “friendships” with other Councillors before submitting.

All Councillors to note & action for future.

PAD (HP/MC) as Monitoring Officers to note.

Item 8 **REVIEW OF THE MEMBERS’ CODE OF CONDUCT – A CONSULTATION**

Noted details of a consultation on the Code of Conduct issued by the Standards Board for England on behalf of the ODPM, and the 29 key questions that formed its core . Noted that a response to the consultation was being sought from authorities by 17 June.

Following discussion of the key questions posed amongst members, it was agreed to submit the draft response as set out in the report to the Committee, subject to the following amendments:

- In all instances where a key question was posed by the Standards Board in two or more parts, the given response should not be preceded with a “yes” or a “no”, but should categorically refer to its subject matter (danger otherwise of misapprehension of the response).

PAD(MC) to note and amend draft response as appropriate

Re: Q7 - On a vote taken on the draft response (that the Code should continue to apply to a member’s private life):

For – 4

Against – 2

Abstentions – 0

Re: Q8 – On a vote taken on the draft response (that the application of the Code should continue to be a broad provision, and not just restricted to criminal activity):

For – 4
Against – 2
Abstentions - 0

Re: Q.12 – On a vote taken on the draft response (that the Code provision requiring members to report breaches of the Code should be narrowed):

For – 2
Against – 4
Abstentions – 0

RESOLVED – That the draft response set out in the Committee report, as amended appropriately, be submitted to the Standards Board for England as this authority's response to the Consultation exercise.

PAD (JPC) to note & action

Item 9 **VOTE OF THANKS**

The Chair moved a Vote of Thanks to Ms.Rafela Futzhugh, who was resigning from the Committee due to family and new work commitments.

On behalf of the Committee, the Chair thanked Ms.Fitzhugh for all her contributions to the work of the Committee over the past 3 years, and wished her every success in her new job.

RESOLVED: – That the Vote of Thanks be unanimously agreed and so minuted.

PAD (JPC) to note & action

Meeting began 7:00 pm
Meeting ended 8:55 pm

Chair.....