

London Borough of Islington
Standards Committee – 1st February 2007

Non-confidential minutes of the meeting of the Standards Committee held at the Town Hall, Upper Street, N1 2UD on 1st February 2007

Present: Father Jim Kennedy, Jo Michie and Eric Sorensen
Councillors Terry Stacy and Richard Watts

Mr. Kit Peverley - Co-opted Advisory Member

Father Jim Kennedy in the Chair

1. APOLOGIES FOR ABSENCE (Item 1)

None.

2. DECLARATION OF SUBSTITUTE MEMBERS (Item 2)

None.

3. DECLARATION OF INTERESTS (Item 3)

None.

4. MINUTES OF THE PREVIOUS MEETING (Item 4)

RESOLVED:

That the minutes of the meeting held on 17th October 2006 be confirmed as a correct record and the chair authorised to sign them.

(The Chair reported that he had attended West and East Area Committee so far to present the Standards Committee Annual Report. He would also attend South and North Area Committees shortly.

The Chair remarked that he found the behaviour of some of the public at these Committee meetings unruly with no respect for other people in the audience.

The Chair felt there was a real need to explain to the public what Councillors did, how they got elected and the role of the political parties. The Chair stated that the Committee should get involved in the Citizenship agenda in schools and the activities for Democracy Week in October 2007. To this end a report would be submitted to the next meeting of the Committee setting out progress with this and suggesting possible activities that could be undertaken.

5. PROCEDURE FOR LOCAL STANDARDS HEARINGS (Item 5)

RESOLVED:

That the procedure for local Standards Hearings be noted.

6. THE COUNCIL'S COMPLIANCE WITH THE CIVIL CONTINGENCIES ACT 2004 (Item 6)

RESOLVED:

That the report be noted.

Standards Committee – 1 February 2007

7. REGISTER OF MEMBERS' FINANCIAL AND OTHER INTERESTS (Item 7)

RESOLVED:

That Members be allowed to opt out of having their details published on the website if the Monitoring Officer agrees in each case that there is a risk that their safety or that of their family would be compromised.

8. STANDARDS AND ETHICS INDICATORS (Item 8)

RESOLVED:

That the Standards and Ethics Indicators for the fourth quarter be noted.

9. ANY URGENT BUSINESS (Item 9)

RESOLVED:

The Chair agreed to consider the following report on the consultation to the Code of Conduct as the Constitution had come out after the despatch of the agenda and the closing date for comments was before the next meeting of the Committee.

10. CONSULTATION ON AMENDMENTS TO THE MODEL CODE OF CONDUCT FOR MEMBERS (Item 10)

RESOLVED:

Subject to the views of the Leaders and Chief Whips of both Groups and Councillor Dawson, the responses to the questions set out in the consultation be endorsed as set out below and the Monitoring Officer be authorised to submit a formal response to the Government.

Q1. Does the proposed text on the disclosure of confidential information strike an appropriate balance between the need to treat certain information as confidential, but to allow some information to be made public in defined circumstances when to do so would be in the public interest?

Response:

Much will depend on the final form of the guidance issued by the Standards Board but, broadly speaking, the proposed circumstances justifying disclosure seem sensible. Perhaps consideration could be given to requiring the member first to raise the concerns internally with either the Head of the Paid Service, or the Section 151 Officer or the Monitoring Officer, only disclosing the information if no satisfactory response is received.

Q2. Subject to powers being available to us to refer in the code to actions by members in their private capacity beyond actions which are directly relevant to the office of the member, is the proposed text which limits the proscription of activities in members' private capacity to those activities which have already been found to be unlawful by the courts, appropriate?

Standards Committee – 1 February 2007

Response:

So far as we can see, the proposed wording does not limit the application of the Code as suggested. Were it to do so, we are not sure that the limitation is appropriate as a criminal conviction seems too high a bar.

Q3. *Is the Code of Recommended Practice on Local Authority Publicity serving a useful purpose? If the Publicity Code is abolished, do consultees think some or all of its provisions should be promulgated in a different way, eg via guidance issued by local government representative bodies, or should authorities be left to make their own decisions in this area without any central guidance? Should authorities not currently subject to the Publicity Code be required to follow it, or should the current position with regard to them be maintained?*

Response:

The Code does provide some useful guidance for local authorities and should probably be retained, although there may be some room for the wording to be reviewed.

Q4. *Does the proposed text with regard to gifts and hospitality adequately combine the need for transparency as well as proportionality in making public information with regard to personal interests?*

Response:

The drafting of this provision is unclear. Does the matter in which the Member will be deemed to have an interest have to relate to the gift itself, or the person making the gift? This lack of clarity applies to 7(b) as well where it is implied that there will only be a personal interest in a matter if it relates to a person's membership of a body, e.g. a trades union, as opposed to the Union itself.

Islington has always made available for public inspection the gifts and hospitality register. Many members already err on the side of caution and include items in the register which do not strictly need to be listed. It would seem unnecessary to make members declare these matters at meetings when the register is already publicly available in the borough. If this is to be a requirement, a period of 5 year's would appear to be unnecessarily long.

Q5. *Does the proposed text relating to friends, family and those with a close personal association adequately cover the breadth of relationships which ought to be covered, to identify the most likely people who might benefit from decisions made by a member, including family, friends, business associates and personal acquaintances?*

Standards Committee – 1 February 2007

Response:

The authority accepts that it is never going to be possible to precisely define the type of relationship which ought to be declared and agrees that the inclusion of 'close personal association' is helpful.

Q6. *Would it be appropriate for new exceptions to be included in the text as additions to the list of items which are not to be regarded as prejudicial?*

Response:

The authority does agree that this is useful although in relation to council tax, the Monitoring Officer has previously advised that this would be the position. It would also be useful to include votes of no confidence and indeed, appointments to office in order to make explicit the relevant Members' ability for participation in this matter.

In relation to public service interests it would be helpful to define 'public authority', and make it clear whether it is necessary for a Member to declare such an interest when it comes to an actual vote on a matter. We are not sure we understand the logic of only having to declare if you speak.

The authority would welcome some clarity around motions at full Council meetings where the passing of such a motion will not lead to any specific action being taken. Such motions may, for example, call upon another body to take action. Could consideration be given to making clear that in those circumstances the interest would not be prejudicial?

Q7. *Is the proposed text, relaxing the rules to allow increased representation at meetings, including where members attend to make representations, answer questions or give evidence, appropriate?*

Response:

Yes. The purpose of the Code is to promote transparency and to ensure people do not take part in decisions where they have a prejudicial interest. It is suggested, for clarity's sake that the time when the Member is required to leave the room be when the matter is put to the vote.

Q8. *Is there a better, more user-friendly way of ensuring the text is gender neutral, for example, would consultees consider that amending the wording to say 'you' instead of 'he or she' or 'him or her' would result in a clearer and more accessible code for members?*

Response:

Changing the language from he/she to you would not only be clearer but more user friendly.

Standards Committee – 1 February 2007

11. DATE OF NEXT MEETING

RESOLVED:

That the date of the next meeting be changed from 7.00pm on 24th April to 7.00pm on the 30th April 2007.

The meeting ended at 8.30pm

CHAIR

Contact Officer:	John Lynch
Designation:	Head of Democratic Services
Telephone No.:	020-7527 3002
Fax No.:	020-7527 3323
E-mail:	<u>john.lynch@islington.gov.uk</u>