

## London Borough of Islington

### Standards Committee – 14 July 2011

Minutes of the meeting of the Standards Committee held at the Town Hall, Upper Street, N1 2UD on 14 July 2011.

**PRESENT:** Jane McNeill and Godfrey Stadlen

Councillors George Allan and Kate Groucutt

#### Godfrey Stadlen in the Chair

**70 APOLOGIES FOR ABSENCE (Item 1)**

Apologies for absence were received from Diana Gibb and Alison Vydulinska.

**71 DECLARATION OF SUBSTITUTE MEMBERS (Item 2)**

None.

**72 DECLARATIONS OF INTEREST (Item 3)**

None.

**73 MINUTES OF THE PREVIOUS MEETING (Item 4)**

**RESOLVED:**

That the minutes of the previous meeting held on 13 June 2011 be confirmed as a correct record and the Chair be authorised to sign them.

**74 STANDARDS AND ETHICS INDICATORS (Item 5)**

**RESOLVED:**

That the report be noted.

That it be made clear in future that the chart headed Complaints submitted to the Initial Assessment Sub-Committee in Appendix A, relates to complaints made by councillors and not the Ombudsman.

**75 GIFTS AND HOSPITALITY DECLARATIONS (Item 6)**

**RESOLVED:**

That the report be noted.

That councillors be reminded of the need to declare gifts which have been declined.

**76 ANY URGENT BUSINESS (Item 7)**

None.

**78 EXCLUSION OF THE PRESS AND PUBLIC (Item 8)**

**RESOLVED:**

That the press and public be excluded from the following item on the agenda as it would disclose exempt or confidential information within the terms of the Access to Information Procedure Notes set out under paragraph 7a + c of Appendix 5 of the Constitution.

## Standards Committee – 14 July 2011

### 79 REPORT OF AN INVESTIGATION UNDER SECTION 59 OF THE LOCAL GOVERNMENT ACT 2000 INTO AN ALLEGATION CONCERNING COUNCILLOR BARBARA SIDNELL (Item 9)

The Monitoring Officer gave a brief introduction to the procedure and hearing. The Committee considered the Investigating Officer's report and discussed the main sections of the alleged breaches of the Code of Conduct. The investigating officer tabled a revised table of meetings attended which would be interleaved with the formal record of the meeting.

#### **FINDINGS OF FACT**

Councillor Sidnell made a genuine error in making claims after her youngest child had passed the age at which the Dependant Carer's allowance was available and did not act dishonestly.

Councillor Sidnell did not deliberately or knowingly make claims for the Dependant Carer's allowance in respect of activities which did not take place or she did not attend.

Councillor Sidnell failed to make sure she knew the ambit of the Dependant Carer's allowance under the allowances scheme and that her record keeping ensured that she did not make claims for allowances for activities she had not attended.

Councillor Sidnell therefore showed a sufficient lack of care in relation to making her claims for the Dependant Carer's allowance as to reduce the public's confidence in her as a member

#### **RESOLVED:**

That the Investigating Officer's finding that, in failing to take sufficient care in relation to her claims for the Allowance, there had been a breach of the Code of Conduct by Councillor Sidnell and that she had brought the office of councillor into disrepute, be accepted.

That, although the Committee accepted that Councillor Sidnell had not acted dishonestly in relation to any of her claims and had not brought the Council into disrepute, in light of the importance to be attached to the proper stewardship of public resources Councillor Sidnell be censured for her breach of the Code.

That the following recommendations of the Investigating Officer also be accepted:

- The form provided to councillors and the process for claiming the Allowance should be reviewed by the Monitoring Officer.

Consideration should be given to what additional support and/or training and guidance could be given to councillors about good record keeping more generally.

#### **REASONS FOR THE DECISION**

##### **Paragraph 5 of the Code (Conduct likely to bring the office of Councillor or the Authority into Disrepute)**

The investigating officer concluded that Councillor Sidnell had not read the detail in the scheme concerning the requirements for the Dependant Carers allowance. It seemed clear that if she had ever seen the instructions contained on the form, including the reference to the age limit, this would have been well before the time at which that limit would have been relevant to her. The age limit had not been drawn to her attention at any time.

## Standards Committee – 14 July 2011

The investigating officer accepted that Councillor Sidnell's misunderstanding was entirely genuine and she had not acted dishonestly. Councillor Sidnell had made no secret of her son's age and did not knowingly claim an allowance to which she was not entitled.

A sufficiently serious failure to take proper care in making such a claim could amount to conduct bringing office of councillor into disrepute without any dishonesty. In considering whether this is the position in respect of Councillor Sidnell's failure to stop making claims once her son reached 15 years old, the investigating officer took into account the length of time since Councillor Sidnell began claiming (and would clearly have been expected to check the rules of the scheme), her dyslexia, the provision of forms to her without the instructions containing the age limit also being provided, the absence of a requirement for the age to be entered onto the form and that her assumption of an age limit of 16 was not unreasonable and was not corrected by anyone else.

Had the age of Councillor Sidnell's son been the only issue identified by the investigation, there would not have been a sufficiently serious failure in the circumstances to bring the office of councillor into disrepute. However, the issue of the care with which claims for the allowance on particular occasions were made must also be considered.

Taking into account the overall picture in respect of the particular claims and having heard Councillor Sidnell in her interview, the investigating officer was satisfied that Councillor Sidnell had not acted dishonestly and had not knowingly made claims for allowances to which she was not entitled.

The investigating officer went on to look at whether Councillor Sidnell had shown a sufficiently serious failure to take proper care in making particular claims as to bring her office into disrepute. On balance, although Councillor Sidnell was not considered to have deliberately claimed the allowance to which she was not entitled, the investigating officer deemed it highly likely that some of the activities claimed for, possibly in the region of 11, had not in fact undertaken. This had occurred because of inadequate care in recording activities and making claims and a failure to exercise the proper degree of attention to stewardship of public money that was expected of councillors.

Members' allowances and expenses claims were a high profile subject of concern to the public. The investigating officer considered that the objective and reasonable observer would regard Councillor Sidnell's lack of appropriate care in making her allowances claims as reducing the public's confidence in her being able to fulfil her duties as a councillor in the manner prescribed by the Code of Conduct. The council's procedures for approval of claims were not very stringent but that did not absolve the individual councillor from making sure that claims were only made where properly available under the scheme.

The investigating officer did not consider this matter would have reduced the public's confidence in the Council itself.

### **MITIGATING FACTORS**

The following mitigating factors were taken into account in deciding what sanctions should be applied to Councillor Sidnell.

## Standards Committee – 14 July 2011

The mistakes made were not deliberate – but were the result of carelessness and lack of awareness.

Councillor Sidnell's offered and arranged immediate repayment when the error was concerning the maximum age at which a child could be included in a claim was pointed out.

The approval regime operating within Council is not very stringent which did not help Councillor Sidnell in fulfilling her responsibilities in respect of her claims.

There was little in the way of training and explanation provided to councillors concerning this particular type of allowance.

The meeting which started at 6.00pm finished at 7.15pm.

CHAIR

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