

STANDARDS COMMITTEE

Minutes of the meeting held on 7 June 2010

Present:

Dr Simon Davey (Chairman)
Mr Jonathan Prince (Vice-Chairman)
Mr Richard Allen, Councillor Peter Fookes, Mr George
Kidd, Mr Nicholas Marcar, Councillor Alexa Michael and
Councillor Tom Papworth

Also Present:

Councillor John Getgood
Mr Bob McQuillan, Chief Planner

1 ELECTION OF CHAIRMAN

Dr Simon Davey was elected as Chairman for the Municipal Year 2010/11, with Mr Jonathan Prince elected as Vice-Chairman.

The Chairman welcomed new members of the Committee attending their first meeting (Mr Kidd, Mr Allen, Councillor Alexa Michael and Councillor Tom Papworth).

Martin Curry, who had served for some time on the Committee, was no longer a councillor; the Committee agreed that it would be appropriate to express its appreciation for the valuable contribution he had made over that period.

RESOLVED that the Monitoring Officer be requested to write to Martin Curry on behalf of the Committee expressing its appreciation and thanks.

2 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Peter Dean and Councillor Stephen Wells.

3 DECLARATIONS OF INTEREST

Mr Nicholas Marcar declared a potential prejudicial interest in the matters discussed under Minute 8, Discussion with the Chief Planner, due to current personal dealings with that department; he withdrew from the meeting for this item and took no part in the discussions.

4 MINUTES OF THE MEETING HELD ON 9TH MARCH 2010 AND MATTERS ARISING

The Committee were interested to see a copy of the results report for the staff survey (Minute 43) as soon as practicable; and they agreed to invite the Assistant Chief Executive (Human Resources) to discuss any areas with specific ethical dimensions at their meeting in February.

Whilst disappointed not to win the LGC Standards and Ethics award category, the Committee expressed its appreciation for the effort that had gone into preparing and presenting the submission by Mark Bowen, Sheila Bennett and Jonathan Prince.

RESOLVED that the Minutes of 9th March 2010 be agreed as a correct record.

5 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

There were none.

6 DISPENSATIONS

No requests had been received.

7 MATTERS ARISING FROM PREVIOUS MEETINGS

The Committee were pleased with the format of the report put forward.

They noted the items that had already been pursued and achieved, and requested that these be retained as a running record of issues completed.

It was agreed that the Assistant Chief Executive (Human Resources) should be invited to the Committee's February meeting.

Pursuing the issues outstanding concerning pursuing further opportunities for joint working and the composition of independent member recruitment panels had been held over pending some indication of the overall future approaches to local government standards issues, although on the former point it was noted that the Council already had cooperation protocols in place with Kent, Bexley and Medway.

RESOLVED that progress on matters outstanding from previous meetings be noted.

8 DISCUSSION WITH CHIEF PLANNER

The Committee welcomed Bob McQuillan, Chief Planner, who was attending to feed back on responses to issues raised at the October 2009 meeting.

These included:

- Whether changes to sub-committee composition might assist in reducing sensitivities concerned in balancing the role of Councillors as decision-makers on planning applications as opposed to local ward representatives, and consequent perceptions of predetermination.

The Committee's previous concerns and thoughts had been considered, but it was felt that the benefits of the current arrangements outweighed those of alternative approaches such as area based committees. Only one ward had a single councillor where this could prove especially problematic. On the occasions where ward councillors have wished to take a clear stance on a planning matter, there are two options which have been successfully employed. Either the councillor on Plan Sub Committee makes clear the need to avoid predetermination or the ward councillors address the planning committee and leave before the debate and decision takes place. These issues had been covered in new councillor induction sessions focussing on ethical issues. In general it was felt that there was scope for councillors to operate between decision-making and representative roles depending on the issues under consideration without compromising their effectiveness.

- Ways in which planning sub committees could express their disagreement with planning inspectors' decisions where recourse to the courts was unlikely to be economic or effective.

In cases where an appeal decision is not challengeable through the Courts but where Committee have ongoing concerns about the decision, the Council sends a letter to the Quality Assurance section of the Planning Inspectorate highlighting the issues giving rise to disquiet. Whilst there was no direct measure of impact possible it seemed sensible to ensure that these concerns were properly registered so they could be taken account of when decision-making processes and effectiveness were under review..

- Publication of information on the Council's website.

The material published on the website has recently been reviewed and updated, which will be continued to keep abreast of increasingly frequent changes in planning regulations.. Links exist to other areas of independent advice or redress depending on the issue being complained about (process or decision itself) such as the Ombudsman, the Planning Portal and elsewhere the Standards Committee.

- The need for clear summing up by Planning Sub Committee Chairmen

This is now reflected in a clear statement of the reasons for granting permission. Chairmen now ensure that, particularly where the officers recommendation is not agreed, the reasons for the decision is clear. It remains the case that items recommended for refusal on Section 4 of the agenda cannot be permitted unless the application is first deferred so that the reasons for the decision can be fully available.

The Chief Planner advises councillors if he feels that a particular course of action could lay the Council open to challenges resulting in a likelihood of costs being awarded against the Council.

- Quality Assurance processes on reports and information available to the sub-committees to ensure robust decision-making.

Application reports are subject to a number of internal checks so that no one officer is responsible for the report preparation, recommendation and presentation to Committee. A case officer's report is checked by at least two other more senior officers before a recommendation and decision is made. Performance measures tended to focus on objective issues such as time taken to process applications rather than more qualitative issues such as the style or content of reports; although some comfort might be drawn from the high proportion of planning appeals upheld and the lack of adverse Ombudsman judgements in recent years.

- The order in which speakers address planning sub committees.

The present arrangement is that a speaker disagreeing with the recommendation speaks first. It is considered that this gives all speakers the best chance to put their views before sub-committees. It is quite often the case that neither speaker is a planning professional. Given the strength of views often involved in planning issues and the high take-up of the opportunity to address sub-committees on both sides, the absence of complaints or adverse comments about these arrangements would seem to indicate that they were not regarded as a problem.

The department lays a heavy emphasis on standards and ethical issues, with its own local guidance last reviewed in April 2009; the Standards Committee would be invited to contribute thoughts as and when this was next put forward for review and revision.

The Committee thanked Mr McQuillan for attending the meeting and exploring and discussing these issues further.

9 DISCUSSION WITH LEADER OF LABOUR GROUP

The Committee welcomed Councillor John Getgood, Leader of the Labour Group on the Council.

Councillor Getgood stated that he shared Councillor David McBride's comments at the March Standards Committee meeting about the good relations between councillors and officers in the borough; he too supported the Member/Officer protocol, and hoped that it would develop a higher profile for the future.

Whilst believing that the outcome of the Standards Board investigation into concerns about ex-Councillor Willetts' conduct was appropriate, he did express the view that a firmer handling of some of his behaviours in certain

public settings such as Council meetings might have helped to contain the situation more successfully; although it was accepted that this was only one aspect of a series of complaints which covered exchanges with staff in other settings. He also acknowledged that there had been repeated efforts to bring home the impact and gravity of these behaviours to ex-Councillor Willetts by successive Chief Executives (as well as by his own Group) over an extended period of time which had not had any sustained effect on his conduct and that various protocols had been put into place to try and manage his contact with officers at different levels. Whilst no-one had been happy with the length of time taken to bring the investigation to fruition, it was accepted that this was a complicated and difficult process, and that to achieve an appropriate outcome all relevant information had to be carefully and systematically gathered to build an overall picture of the gravity of the situation.

Councillor Getgood also raised some concerns over the acceptance of any hospitality from developers or potential contractors because of the danger of public suspicion about the effect this might have on finely balanced decisions. The Committee noted that detailed guidance was awaited over the next month or so on the implementation of the Bribery Act which had been passed earlier this year, which would cover hospitality amongst other things. The Committee discussed other related issues such as the desirability of publishing material from the Register of interests and details of both hospitality offered and/or accepted. It was agreed that these issues should be pursued further at either the Committee's September or November meeting (depending on when guidance was received) in the light of the wider Bribery Act guidance, and alongside other government guidance on increasing transparency of information available online about public expenditure, hospitality and remuneration.

The Committee discussed other issues with Councillor Getgood such as the ethical dilemmas and issues involved in establishing ways of working within a Council with such a large majority party, in order to balance ward representation and wider scrutiny roles, and to ensure that issues were raised effectively for consideration by decision-makers. The Committee noted the Council's efforts to build in safeguards for minority groups, such as early adoption of a 'councillor call for action' approach in allowing requests for items to go onto scrutiny agendas, and the speaking rights for minority parties not sitting on the Executive enshrined within recent constitutional changes. Councillor Getgood felt that officers were even-handed in providing briefings when requested. The issue of whether committee reports flagged up ethical issues explicitly enough was touched on, and it was decided that this could be revisited during the November discussions on the wider ethical governance framework.

The Committee thanked Councillor Getgood for his attendance, and for stimulating discussion on such important ethical issues.

10 MONITORING OFFICER'S GENERAL REPORT

The Committee received a report covering a variety of issues, in particular speculation concerning future changes to the standards regime following various government announcements over the past few weeks. Currently any proposed changes were unclear, and the current regime remained in force until primary legislation was moved to make any changes. The Committee would be updated and have an opportunity to debate the implications of any proposals as soon as further information emerged although it was unclear when this might be.

The Committee welcomed the inclusion of Standards issues within various induction sessions and materials.

RESOLVED that the Committee:

- 1) notes the recent review of the local standards framework issued by Standards for England in March 2010;**
- 2) notes references to changes to the standards regime contained within the May 2010 Conservative-Liberal Coalition agreement**
- 3) notes actions taken to incorporate standards and ethical governance content into the councillor induction programme**
- 4) notes the outcomes of a pan-London Assembly of Standards Committee Chairmen and Monitoring Officers held in February 2010;**
- 5) agrees the attendance of Mr Richard Allen at the Annual Assembly of Standards Committees in October 2010; and**
- 6) notes the outcome of the standards complaint submitted by this Committee to Standards for England for consideration in December 2008**

11 ETHICAL INDICATORS

The Committee expressed an interest in certain complaints statistics within the report, and in having more information on how these were handled to secure improvements in processes. As part of the discussion on the ethical audit follow-up at the September meeting the Committee agreed to consider whether this report could be expanded, to complement other discussions on raising the profile of these issues more generally.

In the meantime the Committee would be circulated with information on the current Ombudsman's Annual Letter and the Council's 'Getting It Right' Annual Report.

RESOLVED that the information provided within the report be noted.

12 STANDARDS COMMITTEE WORK PROGRAMME 2010/11

The circulated Work Programme was endorsed, subject to the addition of:

- A report back from the Assistant Chief Executive (Human Resources) on ethical issues from the staff survey in February 2011;
- Further discussion of the Bribery Act guidance and increased information transparency as they relate to acceptance and publication of hospitality and publication of interests in September or November 2010
- The inclusion of a report exploring the local implications of proposed changes to the national standards regime as soon as these were published (timing as yet uncertain)

The Committee were keen to be able to indicate particular issues they wished to have covered in certain reports, e.g. the Annual Whistleblowing report. It was agreed that if these ideas were passed to the Chairman in good time, he would then request officers to ensure that these aspects were incorporated into any reports drawn up for Committee discussion.

RESOLVED that

- 1) the Work Programme be endorsed subject to the additions listed above; and**
- 2) the September meeting be moved from Wednesday 15th September to Monday 13th September**

The Meeting ended at 9.25 pm

Chairman