

**MEETING**

**GROUP LEADERS PANEL**

**DATE AND TIME**

**MONDAY 20TH OCTOBER, 2014**

**AT 5.00 PM**

**VENUE**

**HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4AX**

**TO: MEMBERS OF GROUP LEADERS PANEL (Quorum 3)**

Chairman: Councillor Richard Cornelius  
Vice Chairman: Councillor Daniel Thomas

**Councillors**

Alison Moore Barry Rawlings  
Joan Scannell

**Independent Persons**

Tanya Ossack  
Stephen Ross

**Substitute Members**

Claire Farrier John Marshall  
Geof Cooke Anthony Finn

**You are requested to attend the above meeting for which an agenda is attached.**

**Andrew Nathan – Head of Governance**

Governance Services contact: Andrew Nathan 020 8359 7029;  
andrew.nathan@barnet.gov.uk

Media Relations contact: Sue Cocker 020 8359 7039

**ASSURANCE GROUP**

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Appointment of Chairman	
2.	Minutes of last meeting	1 - 4
3.	Absence of Members (If any)	
4.	Declaration of Members' Disclosable Pecuniary Interests and Non Pecuniary Interests (If any)	
5.	Report of the Monitoring Officer (If any)	
6.	Delegations Report	5 - 8
7.	Decision on whether to exclude the public and the press  Papers for this item have not been made available in accordance with Section 100B (1) and (2) of the Local Government Act 1972 as the matters yet to be discussed involved the likely disclosure of exempt information. It was for the Panel to decide whether the public and press should be excluded for consideration of the item on the grounds that they involve the likely disclosure of exempt information as defined under Schedule 12A of the Local Government Act 1972.	
8.	Case 003/14	9 - 48
9.	Any other Item(s) that the Chairman decides are urgent	

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## Decisions of the Group Leaders Panel

3 September 2014

Members Present:-

AGENDA ITEM 2

Councillor Richard Cornelius (Chairman)  
Councillor Daniel Thomas (Vice-Chairman)

Councillor Alison Moore                      Councillor John Marshall  
Councillor Barry Rawlings

Also in attendance

Tanya Ossack (Independent Person)

Apologies for Absence

Councillor Joan Scannell

### 1. MINUTES OF LAST MEETING

The minutes of the meeting of the Group Leaders Panel held on 11 March 2014 were agreed as a correct record.

### 2. ABSENCE OF MEMBERS (IF ANY)

Apologies for absence were received from Councillor Joan Scannell, for whom Councillor John Marshall was substituting.

### 3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

Councillor Marshall declared a non-pecuniary interest on agenda item as a Council-appointed Director of Barnet Homes for part of the period covered by the case but remained in the room and participated in the discussion.

Councillor Cornelius declared a non-pecuniary interest on agenda item 7 as the Cabinet Member for Housing for part of the period covered by the case but remained in the room and participated in the discussion.

Councillor Moore wished it to be placed on record that she was uncomfortable with the Chairman continuing to chair the Panel for consideration of Case 002/14 on the grounds of previously reported comments by him. Councillor Cornelius reported that he had considered what comments he had made and was satisfied that there was no predetermination, and continued to chair the Panel.

**4. REPORT OF THE MONITORING OFFICER (IF ANY)**

There was no report.

**5. DELEGATIONS REPORT**

The Monitoring Officer introduced her report summarising the number of Member complaints received since the last Group Leaders Panel and the decisions made by her.

She clarified that at para 1.1 the three complaints received related to separate Councillors. The date in para 1.2, 2<sup>nd</sup> bullet point should have read '16<sup>th</sup> June' and not '16<sup>th</sup> July'.

**RESOLVED-**

That the Group Leaders Panel note the delegations used to reject any formal complaints made under the member Code of Conduct during the period from 11<sup>th</sup> March 2014 to the 3<sup>rd</sup> September 2014.

**6. DECISION ON WHETHER TO EXCLUDE THE PUBLIC AND THE PRESS**

Papers for this item had not been made available in accordance with Section 100B (1) and (2) of the Local Government Act 1972 as the matters yet to be discussed involved the likely disclosure of exempt information. It was for the panel to decide whether the public and press should be excluded for consideration of this item. The Councillor who was the subject of the complaint consented to the matter being held in open session.

**RESOLVED-**

That case 002/14 be held in public session, save for the Panel going into closed session for consideration of legal advice before reconvening, as the public interest in disclosing the information outweighs the public interest in maintaining the exemption.

**7. CASE 002/14**

The Panel considered the report as presented by the Investigating Officer appointed by the Monitoring Officer which set out details of the complaint.

The Panel had the opportunity to ask questions of the Investigating Officer, hear from the Independent Person and the member who was the subject of the complaint. The subject member did not wish to make any further comment other than what had been presented in the investigator's report. The complainant was not in attendance.

The Panel went into closed session to receive legal advice and to consider the evidence. Following their deliberations, they reconvened in public to provide their verdict.

**RESOLVED-**

(i) That there was no breach of the Member Code of Conduct in respect of the allegation of 'improper use of his position as a Councillor in dealings with Council officers; misuse of public office and acting in breach of paragraphs 1(6), 4 and 5 of the Code'.

VOTING: For 5, Against 0

(ii) That there was no breach of the Member Code of Conduct in respect of declaration of interests at each of the meetings in the schedule below:

Council, 2 March 2010  
VOTING: For 3, Against 2

Council, 1 March 2011  
VOTING: For 3, Against 2

Council, 6 March 2012  
VOTING: For 3, Against 2

Council, 5 March 2013  
VOTING: For 5, Against 0

Council, 4 March 2014  
VOTING: For 5, Against 0

Business Management Overview and Scrutiny Committee, 12 July 2010  
VOTING: For 2, Against 2 (motion carried on Chairman's casting vote)

Business Management Overview and Scrutiny Committee, 16 December 2010  
VOTING: For 2, Against 2 (motion carried on Chairman's casting vote)

Business Management Overview and Scrutiny Committee, 9 January 2012  
VOTING: For 2, Against 2 (motion carried on Chairman's casting vote)

Business Management Overview and Scrutiny Committee, 6 January 2014  
VOTING: For 4, Against 0

Business Management Overview and Scrutiny Committee, 2 May 2013  
VOTING: For 2, Against 2 (motion carried on Chairman's casting vote)

(iii) That the Panel request Group Leaders to remind Members of their Group to seek suitable advice regarding when they are acting as a Councillor and when they are acting in a private capacity;

(iv) That the Panel request Group Leaders to remind Members of their legal and constitutional obligations in respect of declaration of interests to uphold high standards of public accountability; and that training be arranged by Officers for Members, to include examples of what constitutes and does not constitute an interest.

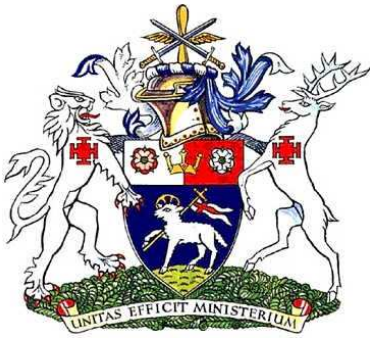
## **8. ANY OTHER ITEM(S) THAT THE CHAIRMAN DECIDES ARE URGENT**

There were none.

The meeting finished at 7.40 pm

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	AGENDA ITEM 6
	<p><b>Group Leaders Panel</b> <b>20 October 2014</b></p>
<b>Title</b>	<b>Delegations Report</b>
<b>Report of</b>	Deputy Monitoring Officer
<b>Wards</b>	None
<b>Status</b>	Public
<b>Enclosures</b>	None
<b>Officer Contact Details</b>	Jessica Farmer, Deputy Monitoring Officer , <a href="mailto:Jessica.farmer@harrow.gov.uk">Jessica.farmer@harrow.gov.uk</a> , 0208 424 1889

### Summary

This report summarises for Members the number of Member complaints received since the last Group Leaders Panel and the decisions made by the Deputy Monitoring officer.

### Recommendations

1. That the Group Leaders Panel notes the delegations used to reject any formal complaints made under the Member Code of Conduct during the period from 3 September 2014 to 20 October 2014.

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 Since the last report to the Group Leaders Panel on the 3 September 2014, there has been one complaint considered in relation to the conduct of a Councillor.
- 1.2 The complaint was received on 14 August 2014. After consultation with the independent person the Deputy Monitoring Officer decided under paragraph a(i) of Appendix 2 of the Member's Code of Conduct that the complaint should not go through to a formal process and was formally rejected. The complainant and the subject Member have been informed of the decision.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 This information report is a requirement of the Constitution. There is a requirement to report such decisions to the next Group Leaders Panel.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 Not applicable.

## **4. POST DECISION IMPLEMENTATION**

- 4.1 Not applicable.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 The Members Code of Conduct provides the standards of behaviour for those holding a public office and is a necessary requirement of any system of governance. Good governance is essential to delivery of all Council priorities.

### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 Time spent by the Deputy Monitoring Officer.

### **5.3 Legal and Constitutional References**

- 5.3.1 The Members' Code of Conduct provides for complaints to be rejected without going through a formal process following consultation with the Independent Person. On 5 November 2013 Council agreed an amendment to the Code of Conduct that any such rejected complaint will be formally reported to the next appropriate meeting of the Group Leaders Panel.
- 5.3.2 The Localism Act 2011 section 27 (1) requires that a local authority must promote and maintain high standards of conduct by members and co-opted members of the authority.

5.3.3 Section 28 of the Localism Act 2011 subsection (6)(a) and (b) requires that a relevant authority has arrangements under which allegations can be investigated, and has arrangements under which decisions on allegations can be made.

5.3.4 Under section 28 (7)(a) of the Localism Act requires that the authority must put into place arrangements for the appointment by the authority of at least one independent person whose views are to be sought, and taken into account, by the authority before it makes a decision on an allegation that it has decided to investigate.

#### **5.4 Risk Management**

5.4.1 By having the Group Leaders Panel receive reports on a regular basis regarding complaints received under the Members Code of Conduct provides oversight of Member complaints.

#### **5.5 Equalities and Diversity**

5.5.1 This report is a factual report based on a requirement as stipulated in the Constitution. As a result of this report there are no differential outcomes expected for those with protected characteristics. An equalities impact assessment has not been considered necessary.

#### **5.6 Consultation and Engagement**

5.6.1 Consultation is required with an Independent Person before a decision is taken to reject a complaint.

### **6. BACKGROUND PAPERS**

6.1 None.

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## AGENDA ITEM 8

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