

# Special Committee (Constitution Review)

9 May 2012

Councillors:

\* Cllr Melvin Cohen (Chairman)  
\* Cllr Joan Scannell (Vice Chairman)

* Jack Cohen	* Andrew Harper	* Alan Schneiderman
* Richard Cornelius	* Alison Moore	* Andrew Strongolou
* Anthony Finn	* Barry Rawlings	

\* denotes Member present

## 1. ACTION NOTE OF PREVIOUS MEETING

The Committee noted the actions of the meeting held on 13 March 2012.

## 2. ABSENCE OF MEMBERS

Apologies for lateness were received from Councillor Alan Schneiderman.

## 3. DECLARATION OF MEMBERS' PERSONAL AND PREJUDICIAL INTERESTS

There were no such declarations.

## 4. PUBLIC QUESTION TIME

There were no public questions.

## 5. MEMBERS' ITEMS

There were no Members' items.

## 6. FUTURE ARRANGEMENTS FOR THE INVESTIGATION AND DETERMINATION OF ALLEGATIONS OF A BREACH OF THE CODE OF CONDUCT FOR MEMBERS AND SATISFYING THE COUNCIL'S CONTINUING DUTY TO PROMOTE AND MAINTAIN HIGH STANDARDS OF CONDUCT FOR MEMBERS

The Committee received the report and agreed that the recommendations set out below be made to Council.

RESOLVED –

- (1) That Council continue the practice of waiving the requirement for political proportionality in respect of the decision making body.
- (2) That having considered options in relation to new arrangements for investigating allegations of breach of the Code of Conduct for Members, the Committee agreed the following recommendations be made to Council:
  - (a) Complaints would initially be investigated by the Monitoring Officer or a representative designated by him who would

provide a written report to a Group Leaders Panel (see (g) below) within 28 days of receiving the complaint. The report would comprise purely factual findings without any conclusion drawn as to whether or not a breach of the code is believed to have taken place.

- (b) The complainant and subject Member would be able to make written representations to and answer questions in writing from the Monitoring Officer but there would not be 'in person' interviews at this stage.
- (c) The Monitoring Officer would have the discretion to assemble other evidence to assist the panel as appropriate.
- (d) The Monitoring Officer would send the written report to the panel (and the 'Independent Person') who would decide whether the matter justified proceeding to a formal consideration.
- (e) The panel would have discretion to decide whether to take evidence in writing or in person from the complainant and the subject Member and whether or not to take statements / evidence from other parties.
- (f) Procedures would have an emphasis on flexibility and informality (insofar as possible and consistent with the principles of natural justice) and dispute resolution.
- (g) Consideration of and decisions on complaints to be dealt with by a Panel comprising the Leaders of all the political Groups represented on the Council taking account of the views of the 'Independent Person', with a right of appeal to full Council. Where the subject member is a Group Leader, the panel would comprise the Deputy Group Leader.
- (h) Powers of sanction would include resolution of censure but would also extend to requests to Group Leaders/Political Groups to take appropriate action.
- (i) When giving evidence in person to the Group Leaders Panel, the complainant and the subject Member could bring along a friend/lay person (but not a legal representative), based on the definition used in staff disciplinary procedures.
- (j) Where a Member is found by the Panel to be in breach of the Code of Conduct, the Panel could, if they so decided, pass a resolution of censure or make recommendations to the Group Leaders/Political Groups on what "sanctions" the Panel believe should be imposed, subject to the Group Leaders/ Political Groups being legally able to impose such "sanctions".
- (k) Where the Group Leaders /Political Groups are asked to impose appropriate sanctions, there should be a requirement for the Group Leaders to formally notify the Panel on what action they have taken and, if no action is taken, the reason why.

- (l) All decisions following a hearing should be published on the council's website; subject to the right of a subject Member to request non-publication in any case where there is a finding that the Code of Conduct has not been breached.
  - (m) Two "Independent Persons" should be appointed to ensure that one is always available to be consulted. One would be the primary independent person and the other a secondary independent person.
- (2) That the Committee makes recommendations to Council for the retention of the current Barnet Members' Code of Conduct incorporating relevant requirements of the Localism Act 2011, aspects from the Local Government Association (LGA) and Department for Communities and Local Government (DCLG) template Codes of Conduct. That the following also be included in the Code of Conduct:
- (a) A requirement for Members to declare 'disclosable pecuniary interests' at meetings even though they may have included them on the register.
  - (b) The Monitoring Officer be given the power to grant dispensations and report any such dispensation to Council

The Code once revised being separately reported for approval.

- (3) That the arrangements for investigating allegations of breach of the Code of Conduct for Members and also the new Barnet Members' Code of Conduct be reviewed after twelve months of its adoption by Council.
- (4) That the decision in relation to a replacement to conduct the monitoring/advisory role of the current Standards Committee be deferred to the next meeting of the Special Committee with a view that the Special Committee (Constitution Review) adopt the role of satisfying the Council's continuing duty to promote and maintain high standards of conduct for Members and ethical standards in general.
- (5) That the terms of office for the Independent Members on the current Standards Committee be extended to 30 June 2012.

## **7. VOTE OF THANKS**

It being the last meeting of the municipal year 2011/2012, the Committee thanked the Chairman for the courteous and effective way he had conducted the meetings of the Committee in 2011/2012.

The Chairman thanked the members of the Committee and the Officers for the support he had received from them during the municipal year.

## **8. ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT**

There were no such items.

The meeting started at 6.00pm and concluded at 7.30pm.