

MINUTES OF THE STANDARDS COMMITTEE
Tuesday, 19th October 2004 at 7.30 pm

PRESENT: John Mann (Chair, Independent Member), Nav Mandair (Vice-Chair, Independent Member) and Councillors R Colwill, Hughes and Nerva.

Ms Rafela Fitzhugh Mr Steven Moussavi and Mr Christopher Troke (Independent Members of Hammersmith and Fulham's Standards Committee) were also present at the meeting.

1. Declarations of Interest

Councillor R Colwill declared a personal interest in the item relating to the Standards Board for England's complaints statistics. The Borough Solicitor advised that it was not an item that should prevent him from participating in the debate on this item.

2. Deputations

None.

3. Minutes of Previous Meeting – 6th July 2004

The minutes of the previous meeting held on 6th July 2004 were approved as a true and accurate record.

4. Review of the Planning Code of Practice

The Committee received the annual report from the Borough Solicitor following the independent review of the Planning Code of Practice for the period June 2003 to May 2004. The Borough Solicitor indicated that most of the suggestions arising from the review were recommended for adoption. Tim Baker (Human Resources and Diversity) outlined the review's methodology and how judgements were made as to whether or not breaches of the Planning Code had occurred. Staff in both Planning and Democratic Services had been interviewed and also the Chair of the Planning Committee. In addition, questionnaires had been sent to Planning Committee members.

Chris Walker (Assistant Director, Planning) welcomed the report adding that it had been a demanding year with a record number of planning applications received, many of which were large with significant third party interests. He felt that the Code had been well adhered to and that management and record keeping had improved. The Committee noted recent innovations introduced to assist the running of the Planning Committees and the quality of information available including displays of maps of areas under consideration.

The Committee discussed particular concerns raised at the running of Planning Committees. Firstly, the degree to which the Chair should have discretion to decide whether or not a member's absence during a discussion was sufficiently significant as to prevent them from taking part in a vote on an application. Reference was made to a particular case where it was alleged that the application of this rule would have affected the outcome of the decision.

Secondly, the equitable enforcement of speech timing across the political groups was raised. Thirdly, it was felt that sometimes members were whipped to vote along party lines. It was also suggested that Planning Committees should be evenly balanced, with the Chair rotating between political groups.

The Committee also noted a concern expressed that there was a perception that residents' views were not always taken into account nor common sense rules applied. As a result some members did not consider attendance at meetings to be worthwhile. There was also a concern that the rules applying to site visits were not being adhered to.

An alternative view was put that the members on the Planning Committee had to navigate between exercising individual choice and adhering to local frameworks and national policy. There should rather be an emphasis on giving all concerned an opportunity to contribute and for there to be clear reasons given when decisions were against officer advice.

The Borough Solicitor advised that the political balance rules of the Local Government and Housing Act 1989 applied to the Planning Committee.

The Monitoring Officer also stated that she had attended a good number of meetings of the Planning Committee and she was not aware of speech timing being enforced to the disadvantage of any one particular political group. Neither was there any evidence of whipped voting although it was accepted that members did in some cases vote along party lines.

The Committee agreed that in order to be eligible to vote, members of Planning Committees must have been present for the entire discussion of an item and that this should be reflected in the Planning Code of Practice. It was suggested that there be scheduled comfort breaks. Chris Walker acknowledged that it was preferable to not have to make decisions late into the night however there was a limit to the degree to which agendas could be managed and the Planning Service had to meet targets for issuing decisions. In any event, it was usually the case that only non-contentious items were left till the end of the meeting.

The Committee agreed that the Monitoring Officer write to the Chair drawing attention to concerns raised at this meeting and suggest that regular breaks or adjournments be timetabled to avoid untimely absences.

RESOLVED:-

- (i) that the findings of the independent review and the comments of the Borough Solicitor as set out in the body of the report be noted;
- (ii) that the Borough Solicitor consider whether it is necessary to make revisions to the Planning Code of Practice to reflect the fact that from now on the rule that requires members to be present for the entire discussion will be strictly enforced and that the Borough Solicitor should advise the Chair accordingly;
- (iii) that it be noted the Borough Solicitor has written to Members reminding them that when appointing alternates for the Planning Committee care should be taken to ensure that all Wards should, if possible contain a Councillor who is not a member or alternate of the Planning Committee;
- (iv) that it be noted the Democratic Services Manager is seeking to obtain an improved public address system for Planning Committee and will, together with the Borough Solicitor, consider further improvements to the operation of the Committee;
- (v) that the independent review of the Planning Code of Practice should continue to be undertaken every year.

5. On-line Register of Member Interests

The Committee considered a report setting out the legislative background to the Register of Member Interests and the rationale behind the Register of Members' Interest being on-line, advising on the legal implications of this action. The Committee noted that the Register of Member interests was a publicly available document and that putting the information on the net would increase accessibility. A Standards web page was also being developed which would contain information for the general public including how to submit complaints and links to the Standards Board for England web pages. It was noted that in advance of publishing member interests on the internet, members would be sent a copy of their details for checking. The Committee welcomed this initiative.

RESOLVED:-

that it be agreed in principle that the Register of Member Interests be put on-line, subject to any reasonable concerns raised by Members about the publication of specific information.

6. **Standards Board for England Borough Statistics**

The Committee had before them a report containing a commentary on statistics provided by the Standards Board for England in respect of the number of complaints received and decisions made in reference to allegations of misconduct by members of London boroughs. It was noted that while Brent had the highest number of allegations of misconduct in London, a number related to a single event and only five were from members of the public. There had only been one finding against a Brent member

The Committee regretted that the Standards Board did not produce London-wide data and make it available on a regular basis. The Hammersmith and Fulham representatives present agreed to consider writing to the Standards Board in support of this idea. The Monitoring Officer pointed out that it was possible that Ethical Standards Officers may refer back a number of allegations for local consideration which could have resource implications. The question was raised as to the possibility of a conflict between the roles of Borough Solicitor and Monitoring Officer. The Monitoring Officer responded that this would only be an issue if she had advised on the course of action being complained of and assured the Committee that, if appropriate, another staff member could carry out an investigation.

The Committee expressed concern that the Standards Board was under no obligation to reveal to individual members that they were under investigation prior to a decision being given. Councillor Nerva invited members to contribute to the Overview Task Group on Freedom of Information he was chairing.

RESOLVED:-

that the report be noted.

7. **Report on Need for Ethical Government Audit**

The Committee received a report back from the Monitoring Officer following Members' requests for more information on the subject of ethical governance audits as set out in her annual report to the last meeting of the Committee. The Committee agreed that there was no need for ethical governance audits as originally described by the IDeA as there were now in place other forms of audit and internal controls

such as the Corporate Governance framework and the statement of internal control.

RESOLVED:-

that the report be noted.

8. Date of Next Meeting

The next meeting of the Committee was scheduled to take place on Tuesday, 11th January 2005.

9. Any other urgent business

The Chair announced that this would be the last meeting attended by Helen Keep (Lawyer) as she was returning to South Africa to take up a lecturing post and start a Masters Degree. The Committee expressed gratitude for all her work and wished her every success.

Councillor Nerva invited the Chair and Vice Chair to extend their experience of council committees by attending the forthcoming Full Council meeting.

The Committee also thanked the Hammersmith and Fulham colleagues for attending the meeting.

The meeting ended at 9.20 pm

JOHN MANN
Chair

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