

# Merton Council

## Standards Committee

### **Membership:**

#### **Councillors:**

Peter McCabe (Chair)

John Dehaney

Janice Howard

Philip Jones

Oonagh Moulton

Ian Munn

John Sargeant

Rod Scott

### **Non-voting co-opted Members**

Nigel Brotherton

Beverley Huie

### **Substitute members (Councillors)**

Richard Hilton

Henry Nelles

Judy Saunders

A meeting of the Standards Committee will be held on:

**Date: 24 October 2012**

**Time: 19:15**

**Venue: Committee rooms B & C, 1<sup>st</sup> Floor**

**Merton Civic Centre, London Road, Morden, Surrey**

This is a public meeting and attendance by the public is encouraged and welcomed. For more information about the agenda and the decision making process contact [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk) or telephone 020 8545 3616.

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# **Standards Committee**

## **24 October 2012**

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### **Declarations of Pecuniary Interests**

Members are reminded of the need to have regard to the items published with this agenda and, where necessary to declare at this meeting any Disclosable Pecuniary Interest (as defined in the The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Council's Assistant Director of Corporate Governance.

STANDARDS COMMITTEE

19 JUNE 2012

(19:15 TO 22:05)

PRESENT:

Independent members

Simon Sapper (Chair), Nigel Brotherton, Beverley Huie, Eileen Jawaid, Gwen Nightingale and James Shrimpton.

Councillors

John Dehaney, Richard Hilton, Janice Howard, Philip Jones, Peter McCabe, Oonagh Moulton, Ian Munn and Rod Scott.

Officers

Paul Evans (Assistant Director – Corporate Governance), Margaret Culleton (Head of Audit), Colin Millar (Democracy Services)

1 APPOINTMENT OF CHAIR (Agenda item 1)

RESOLVED: That Simon Sapper is appointed as Chair for the meeting

2 DECLARATIONS OF INTEREST (Agenda item 2)

There were no declarations of interest made

3 APOLOGIES FOR ABSENCE (Agenda item 3)

None

4 MINUTES OF THE MEETING HELD ON 28 FEBRUARY 2012  
(Agenda item 4)

RESOLVED: That the minutes of the meeting held on 28 February are agreed as a correct record.

5 REGULATION OF INVESTIGATORY POWERS ACT UPDATE  
(Agenda item 5)

Paul Evans advised the Committee that Merton was being inspected during the next week on its RIPA arrangements

6 ANNUAL GOVERNANCE STATEMENT 2011/12, CODE OF CORPORATE GOVERNANCE AND INTERNAL AUDIT ANNUAL REPORT (Agenda item 6)

Annual Governance Statement

The uncompleted item on the partnership review had been brought forward to the revised action plan and was due for completion by September.

Code of Corporate Governance

The headings for sections 3 and 5 were the same.

Members sought assurance that the resources available were adequate to deal with the audit requirements. In particular there was concern that the risks may not reduce in proportion to the general reduction in the scale of the Council's activities. Margaret

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Culleton said that revised methods of working targeting greater risks and training officers to recognise and deal with risks were being introduced and that she was satisfied at this time that there were adequate resources to provide assurance.

The Committee recommended that an additional item should be added to the AGS improvement programme to review governance arrangements after the introduction of the new standards regime.

**Internal Audit annual report**

Members raised a number of issues of concern:

- there should be a robust programme for implementing recommendations arising from audits including bringing these issues to the relevant scrutiny committees
- there should be adequate risk training for members to enable them to deal effectively with these issues
- urgent attention should be given to ensure that declarations of interest were being made properly
- the reduction in satisfactory audit levels was of concern – the committee was concerned that the authority should maintain a proper focus on audit and risk management

The Committee asked for these concerns to be brought to the attention of the General Purposes Committee.

RESOLVED: (1) That the Standards Committee recommends the inclusion of an additional item on the AGS action plan to monitor and review the effectiveness of governance arrangements in light of the imminent changes to the standards regime;

(2) That the matters of concern raised by the Committee are brought to the attention of the General Purposes committee;

7 ANNUAL REPORT OF THE STANDARDS COMMITTEE (Agenda item 7)

Gwen Nightingale date first appointed should be 2005

Otherwise noted

8 UPDATE ON COMMITTEE CHANGES (Agenda item 8)

Noted

9 CASE UPDATE (Agenda item 9)

Two cases were listed for an initial assessment. Any developments on these cases after 1 July would be dealt with in accordance with the recently published transitional arrangements regulations.

10 CONSTITUTIONAL CHANGES (Agenda item 10)

The Committee discussed the proposed changes and made the following comments

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for consideration by the General Purposes Committee and the Council:

**Constitutional changes**

Part 3B Paragraph 1.1(b) remove the reference to “independent members” – recommended that this is adopted as there is no difference between “independent” and “co-opted” members

Correction at Part 5A – third bullet point needs correcting to refer to “London Borough of Merton’s” rather than “[county][borough][Authority’s]”

Correction at Part 5D paragraph 2(e) – remove reference to Standards Board

Correction at Part 5D summary line 13 – change reference to DTLR to DCLG

**Declaration form**

Divide sections into “Self” and “Partner”

The Standards Committee noted that the regulations were still in draft and that the form may need further amendment to ensure it covered the minimum legal requirements. It also recommended that the form and the guidance be kept under review by the new Standards Committee and instructed the Monitoring Officer to arrange training for members.

**Complaints and hearing procedure**

The Standards Committee recommend that there should not be elected member involvement in paragraphs 4.5, 4.8, 4.10 and 5.1.

Sanctions – remove reference to withdrawal of email facilities.

Hearing process – the Standards Committee should have the flexibility to appoint a sub-committee for pre-hearing stages if required. Any such sub-committee should have a minimum of three members not all from the same party group.

**Co-opted members**

The Standards Committee recommends that co-opted members should be appointed to the new Standards Committee. It recommends that there should be three such members and asks Council to consider inviting the two most recent appointees to continue in these roles to provide continuity.

RESOLVED: (1) That the Standards Committee recommends to the Council that the proposed changes to the Constitution are adopted subject to the comments above;

(2) That the Standards Committee recommends to the Council that the proposed declaration form and guidance are adopted subject to the comments made above;

(3) That the Standards Committee recommends to the Council that the complaints and assessment procedures are adopted subject to the comments made above;

(4) That the Standards Committee recommends to the Council that it includes

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3 non-voting co-opted members on the new Standards Committee and that it invites the two most recently appointed co-opted members to continue in these roles;

(5) That the Standards Committee instructs the Monitoring Officer to put in place appropriate member training on the new regulations and code of conduct.

11 CONCLUSION OF THE MEETING

Simon Sapper thanked members and co-opted members for their hard work and commitment in maintaining ethical governance standards in Merton.

Elected members agreed a vote of thanks to the co-opted members for their commitment and service to the Council.