

LONDON BOROUGH OF BRENT
STANDARDS COMMITTEE – 7 JULY 2004
REPORT FROM THE BOROUGH SOLICITOR

FOR NOTING

WARDS AFFECTED: ALL

REPORT TITLE : ANNUAL REPORT OF THE MONITORING OFFICER

1.0 SUMMARY

- 1.1 This is the annual report of the Monitoring Officer to the Standards Committee, the last report having been submitted to the committee in July 2003.

2.0 RECOMMENDATIONS

- 2.1 That members note the report and agree the proposed work programme described in paragraph 6.9.

3.0 FINANCIAL IMPLICATIONS

- 3.1 There are no direct financial implications arising from this report. However, there will be financial implications arising from the forthcoming requirement on the Monitoring Officer to undertake investigations into allegations of misconduct.

4.0 STAFFING IMPLICATIONS

- 4.1 There are no direct staffing implications arising from this report.

5.0 LEGAL IMPLICATIONS

- 5.1 The report is concerned with the new ethical arrangements involving codes of conducts for members and Standards Committees, which were introduced by Part III of the Local Government Act 2000.
- 5.2 The post of Monitoring Officer is a statutory post established in accordance with Section 5 of the Local Government and Housing Act 1989.

6. DIVERSITY IMPLICATIONS

Officers believe there are no specific diversity implications in this report.

7.0 DETAIL

- 7.1 The new ethical framework was introduced by Part III of the Local Government Act 2000. It introduced a new members' Code of Conduct to replace the existing national code and requires local authorities to set up a Standards Committee consisting of members of the authority and independent members to promote and maintain high standards of conduct by members of the Council and to hear allegations of misconduct referred to it by the Standards Board. The Standards Board for England was established under the Act and is responsible for investigating allegations of misconduct by members of the Council.
- 7.2 The Council adopted the Brent members Code of Conduct at its annual meeting on 22nd May 2002 and re-adopted it again at the special constitution meetings held each year.
- 7.3 This report is the annual report from the Monitoring Officer. It provides an update to members on issues concerning member conduct and other issues which have or will soon be considered by the Standards Committee

Appointment of the Independent Members

- 7.4 The Council recently advertised for new Independent Members. Following consideration of the applications by officers the Council re-appointed Mr. John Mann as Chair of the committee and appointed Mrs. Mandair as the second independent member on the committee replacing the previous independent member Ms. Phillips. The members of the committee currently are:

John Mann - Chair - Independent Member
Navjiven Mandair - Vice Chair Independent Member
Councillor Reg Colwill - Conservative
Councillor Havard Hughes - Liberal Democrat
Councillor Neil Nerva - Labour

The Planning Code of Practice

- 7.5 The Planning Code of Practice was adopted by Brent Council to regulate the performance of its planning functions, its major objectives being to guide members and officers of the Council in dealing with planning related matters and to inform potential Developers and the public generally of the standards adopted by the Council in exercising its planning powers. Each year the Monitoring Officer commissions an independent review of the Planning Code of Practice. This year's review is being undertaken now and will be reported around November time.

Referrals to the Standards Board for England

7.6 There are have been 25 referrals to the Standards Board for England. There were

5 made in 2002
19 made in 2003
1 made in 2004

7.7 Of the 25 referrals, the Standards Board have decided in all but 6 cases not make any finding. In one case, the Standards Board found against the Councillor but did not impose a sanction. In another case (involving allegations against three councillors) the matter still needs to be investigated by an Ethical Standards Officer. Two cases are under investigation now.

Investigations into Allegations of Misconduct

7.8 We are still awaiting the publication of further regulations which will govern the way in which Ethical Standards Officers from the Standards Board can refer allegations back to the Council's Monitoring Officer for investigation. This will undoubtedly have an impact on resources as investigations can be time consuming. It is also difficult to plan for them as the number of referrals could change dramatically from one year to the next. It is proposed to report back to members when the regulations are published.

Proposed Work Programme for the Standards Committee

7.9 The proposed work programme for Standards Committee over the next year is as follows:

- Review of members' interests
- Review of the gifts and hospitality
- Report on the new regulations governing investigations by Monitoring Officers
- Annual Review of the operation of the planning code of practice
- The IDEA Ethical Governance audit
- Members Networking event/forum
- Any hearings required to be held

Standards Web Page

7.10 Legal Services are currently working closely with colleagues in Committee Services and Audit and Investigation to develop a webpage focussing on 'Standards'. The page will contain, amongst other things:

- links to the Standards Board for England Webpage
- details for the Chair and other members of the committee
- the guidance notes and forms relating to hearings of allegations of misconduct
- advice notes from the Monitoring Officer
- the Codes of Conduct
- links to previous reports and minutes

Monitoring Officer Advice Notes

- 7.11 The Monitoring Officer writes regularly to members of the Council with advice on registering and declaring personal and prejudicial interests and other matters of interest relating to good member conduct. The Monitoring Officer will soon be issuing a set of Advice Notes to members so that they can keep abreast of developments in this area.

Review of members' interests and review of the gifts and hospitality

- 7.12 All local authorities are required to keep a register of member interests' and a register of gifts and hospitality. These registers are now being reviewed by Simon Lane, Head of Audit and Investigation at Brent. Two separate reports on these reviews will come to the October meeting of the Standards Committee.

Training / Networking

- 7.13 The Standards Committee is responsible for providing or arranging training for members on matters relating to the Code as well as assisting members to observe the Code of Conduct.
- 7.14 Following the successful networking event in November of last year, a Standards Workshop was arranged for all members of the Council on 15th January 2004. The workshop included an update on the work of the Standards Board for England and a discussion on a Standards Board video presentation. 21 members attended the workshop (11 Conservative members, 9 Labour members and 1 Liberal Democrat member). Officers received good feedback from those members who attended. Members indicated in their evaluation forms that they found the training useful and an 'excellent refresher'.
- 7.15 A similar networking event to the one held in November 2003 is planned for later in the year. Alternatively (or in addition) officers have also contacted the relevant north west boroughs regarding the possibility of setting up an independent members forum in the area. The Standards Board for England encouraged the set up of such a forum at its annual conference last year to cater for the needs of Independent Members and to improve information sharing. Both these projects are in the early discussion stages and will be reported to the Standards Committee at a future meeting.
- 7.16 Insofar as the training for members on holding a hearing is concerned, members will recall that a mock hearing was held at the last committee meeting. Officers felt that the hearing was a useful exercise in preparing both themselves and committee members for future consideration of hearings against members of Brent Council. It was also useful in testing the local procedure for hearings of misconduct adopted by the Committee earlier in the year.
- 7.17 Finally, officers have contacted various north west boroughs regarding the possibility of our independent members attending their Standards Committee meetings and in return, their members attending our Committee meetings. To date, the London Borough of Hammersmith and Fulham have responded positively and officers will be organising a visit in the near future. It is hoped that these visits will improve information sharing and allow independent members to experience practices in other boroughs.

8.0 Conclusion

- 8.1 There have been relatively few referrals to the Standards Board and most that there have been have not been the subject of any further action. A total of five referrals are still with the Standards Board and will be reported to this committee in due course.
- 8.2 The regulations governing local hearings by standards committees was at last issued and Brent has developed its own procedures and guidance based on the model rules issued by the Standards Board. The mock hearing that was held as a training initiative for members and officers was a success. The committee still has not held a hearing and will need to do so as soon as a matter is referred by the Standards Board.
- 8.3 We are still awaiting the regulations which govern investigations by Monitoring Officers. This is likely to have resource implications as the Standards Board will be able to refer matters to the Monitoring Officer to investigate rather than carrying out the investigations themselves.
- 8.4 The networking event held in November was a success and we hope to repeat that event this year, or alternatively develop the group into a local forum as anticipated by the Standards Board. The training on personal and prejudicial interests was also a success and will be repeated again this year or early next year.
- 8.5 The Standards Webpage and the Monitoring Officer Advice Notes are a new initiative which will hopefully provide useful information to members of the Council and to officers and the public thereby further raising awareness of issues of good conduct.

9.0 Background Information

- Brent Member Code of Conduct
- Guidance on Local Determination of Allegations of Misconduct against Members of the Council

Any persons wishing to inspect the papers in connection with the above proposals should contact Terry Osborne at:-

Town Hall Annexe
Forty Lane, Wembley, Middx HA9 9HD
Tel: 020 8937 1292

Terry Osborne
Borough Solicitor