

**LONDON BOROUGH OF BRENT**

**REPORT FROM THE BOROUGH SOLICITOR**

**STANDARDS COMMITTEE – 15 JULY 2003**

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 Standards Committee dealing with matters that have been referred to the Monitoring Officer and complaints sent to the Standards Board and outcomes etc.

**2.0 RECOMMENDATIONS**

- 2.1 That members note the report.

**3.0 FINANCIAL IMPLICATIONS**

- 3.1 There are no direct financial implications arising from this report.

**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 introduced by Section 5 of the Local Government and Housing Act 1989.

## 6.0 DETAIL

- 6.1 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 and co-opted members of the authority and assist members and co-opted members of the authority to observe the authority's Code of Conduct.
- 6.2 The Standards Committee can also determine allegations of misconduct referred to it by Ethical Standards Officers and there is another report on the agenda dealing with the local determination regulations which has just been introduced by the Secretary of State.
- 6.3 The Council adopted the Brent members Code of Conduct at its annual meeting on 22<sup>nd</sup> May 2002 and set up the current Standards Committee comprising the following members:
- John Mann - Chair - Independent Member  
Barbara Phillips - Vice Chair Independent Member  
Councillor Reg Colwill - Conservative  
Councillor Stephen Hughes - Liberal Democrat  
Councillor Neil Nerver - Labour
- 6.4 The Brent Members Code of Conduct is based on the statutory code which was made by the Secretary of State under Section 50 of the Local Government Act 2000. It follows the model code apart from the incorporation within the code of the 10 general principles of conduct, to which members must adhere when acting in an official capacity or in any way which is connected to or relates to the Council.
- 6.5 The ten general principles of conduct are:
- Selflessness
  - Honesty and integrity
  - Objectivity
  - Accountability
  - Openness
  - Personal judgement
  - Respect for others
  - Duty to uphold the law
  - Stewardship
  - Leadership
- 6.6 Upon election, members are required to sign an undertaking to abide by the Code of Conduct and if they fail to do so then they cease to be a member in accordance with section 52 of the Local Government Act 2000.

- 6.7 Breaches of the Code of Conduct are referable to the Standards Board for England, who may refer the alleged breach to an Ethical Standards Officer to investigate matters.
- 6.8 An Ethical Standards Officer may decide after investigation that:
- (i) there is no evidence that the member has broken any part of the Code of Conduct
  - (ii) no action needs to be taken in respect of the matters investigated
  - (iii) the matter should be referred to the Monitoring Officer
  - (iv) the matter should be referred to the Adjudication Panel for England
- 6.9 There is a separate report on the agenda dealing with what happens if the matter is referred to the Monitoring Officer of the member's authority for consideration by the Standards Committee.
- 6.10 In addition to the member's Code of Conduct the Council has two local codes:
- The Planning Code of Practice and the Licensing Code of Practice
- 6.11 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.
- 6.12 Breaches of that code will be dealt with by the Standards Committee.
- 6.13 The Licensing Code of Practice was adopted by the Council to regulate the performance of its licensing function its major objectives being similar to those of the planning code of practice. Members should note that there are proposed changes in legislation which will increase the scope of licensing regulation undertaken by Local Authorities and that Local Authorities will be responsible for dealing with liquor licensing next year.
- 6.14 The Monitoring Officer has issued a handbook for members on conduct issues which contains extracts from the relevant legislation and gives guidance on conduct issues.
- 6.15 The Monitoring Officer has also written to all members of the Council to give advice on the various codes of conduct and will soon be updating that advice in that letter to take account of the s66 regulations which have recently been issued.
- 6.16 As stated above, there is a report on the agenda dealing with the summary of the new regulations relating to the new regulations, which, in summary, set out the basis on which Standards Committees can hear matters referred to them.
- 6.17 A further report will be brought to members dealing with procedures and protocols following advice on these matters, which is anticipated from the Standards Board.

- 6.21 As members are aware, the Council has undergone a comprehensive performance assessment (CPA) by the district auditor and received a fair rating. The auditors recommended that the overview and scrutiny function should be reviewed to make them more robust. Members will be aware that changes to the structure of overview and scrutiny were agreed by Full Council earlier this year.
- 6.22 A report will come to a future Standards Committee as to how the ethical governance framework sits with the corporate governance framework. Broadly speaking, ethical governance is a small part of the corporate governance framework relating to standards and member's and officer's conduct.
- 6.23 The Monitoring Officer has received a small number of complaints over the last year and these will be reported verbally at the meeting.
- 6.24 There has been thirteen complaints made to the Standards Board. In twelve of these cases, there was no finding of misconduct. In respect of one complaint concerning Cllr Jack Sayers, there was a finding that he breached the code of conduct but there was also a recommendation to take no further action.
- 6.25 This year the Standards Committee has dealt with the following issues:
- Whistle blowing
  - Audit service plan
  - Internal audit plan
  - Independent review of the planning code
  - Ethical governance audit
  - Training for members of Standards Committee.
- 6.26 The suggested work programme for Standards Committee over the next year include the following items:
- Annual review of members' interests
  - Annual review of the gifts and hospitality
  - Local investigations and allegations of misconduct - procedure
  - The employee Code of Conduct
  - Review of the operation of the planning code of practice
  - Ethical Governance
- 6.27 Insofar as training for members is concerned, this can probably be finalised for the next Committee as the regulations relating to the local investigation of misconduct allegations have now come into force.
- 6.28 Officers have also been investigating the possibility of a networking evening where members of the Committee can meet members of other Standards Committees, exchange information and receive a seminar on current issues. This will be reported to a future meeting.

## **7.0 Conclusion**

- 7.1 The past year has been a busy year for officers and members particularly in connection with standards as the new codes of conduct have been bedded in.
- 7.2 The Standards Committee has contributed as is its remit towards the development of conduct issues by commenting upon and reviewing the planning Code of Conduct and considering such issues as whistle blowing.
- 7.3 It has been somewhat frustrating as the regulations relating to local investigations have been continually delay thus preventing Standards Committee members from receiving training and protocol and procedures being developed for dealing with such matters.
- 7.4 Hopefully the next year will build on the progress of the previous year and will see members fully trained to deal with matters referred to them by the Standards Board.

## **8.0 Background Information**

Local Government Act 2000

Continuous performance assessment by Price Waterhouse Coopers

Handbook for members on conduct issues

Ethical Governance Audit by I D E A

Local Authorities Code of Conduct Local Determinations Regulations 2003

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

Town Hall Annexe  
Forty Lane, Wembley, Middx HA9 9HD  
Tel: 020 8937 1337

Terry Osborne  
Borough Solicitor