

	<p style="text-align: center;">Standards Committee 11th October 2005</p> <p style="text-align: center;">Report from the Monitoring Officer</p>
For Action	Wards Affected: ALL
<p>Monitoring Officer's Annual Report</p>	

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 2004. It covers the period from July 2004 up until May 2005. This report was on the agenda for the June 2005 meeting but that meeting was inquorate so it is being retabled. It provides an update on issues concerning member conduct and other issues which have, or will soon be, considered by the Standards Committee and the work of the Monitoring Officer in the past year.

2.0 RECOMMENDATIONS

- 2.1 That the Standards Committee notes the Monitoring Officer's Annual 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 post of Monitoring Officer is a statutory post established in accordance with Section 5 of the Local Government and Housing Act 1989.

- 5.2 The Local Government Act 2000 introduced a new ethical framework for local authorities. This annual report is part of Brent's ongoing commitment to the new ethical framework.

6. DIVERSITY IMPLICATIONS

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

7.0 DETAIL

- 7.1 The ethical framework was introduced by Part III of the Local Government Act 2000. It introduced a members' Code of Conduct to replace the existing National Code and required 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 constitution meeting of Full Council held each year. In January 2005 the Standards Committee considered a minor amendment to the Code which was adopted by Full Council on 17 May 2005, namely an amendment to the introduction to the 10 General Principles of Conduct in Part 7 of the Constitution. The change was recommended as a result of questions raised by members with the Monitoring Officer and recommendations of the Standards Committee. The change was intended to make it clear to members that they need to be mindful of the 10 General Principles of Conduct but that there is no statutory requirement as such to comply with them. However in the report that went to Full Council members were reminded that a breach of one or more of the 10 Principles is likely to also constitute a breach of the Code of Conduct in any event.

Members of the Standards Committee

- 7.3 The members of the committee currently are:

John Mann - Chair - Independent Member [appointed May 2002, reappointed May 2004]

Navjiven Mandair - Vice Chair Independent Member [appointed May 2004]

Councillor Reg Colwill - Conservative [appointed May 2002 until 31 January 2005, then rejoined May 2005]

Councillor Havard Hughes - Liberal Democrat [appointed May 2002, reappointed each Annual meeting]

Councillor Neil Nerva - Labour [appointed ay 2002, reappointed each Annual meeting]

Councillor Suresh Kansagra [appointed for March and April 2005 meetings]

Appointment of the Independent Members

- 7.4 The appointment of Independent Members is for a period of 2 years with the next appointment due in May 2006. As required by law an advertisement will be placed inviting expressions of interest for the posts, probably around January.

Work Programme

- 7.5.1 The Standards Committee has considered the following items of business throughout the year:

- Review of Register of Members' Interests and the Register of Gifts and Hospitality
- Annual Review of the operation of the Planning Code of Practice
- Ethical Governance audits
- Members' Networking forum
- Member's Development Programme
- Mock hearing exercise
- General principles in the Code of Conduct
- Twinning
- Disqualification of lay justices
- Visits to other Standards Committees
- Online register of members interests
- Change of term of office for Independent Members and appointment process
- Guidance and proceedings for local determinations
- One hearing into an allegation of misconduct (see below).

The Planning Code of Practice

- 7.6 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. The Standards Committee last considered a review of the Planning Code of Practice on 19 October 2004. The recommendations of the 2004 independent review included:
- members of the Planning Committee should be further reminded that political considerations should play no part when voting on applications;
 - political groups should be reminded that when appointing alternates care should be taken to ensure all wards will contain a councillor who is not a member of the Planning Committee.

It was agreed that the independent review of the Planning Code of Practice should continue to be undertaken every year. This year's review is underway. It will be reported to the Standards Committee.

The Licensing Code of Practice will also be reviewed.

Code of Conduct Consultation

- 7.7 The Standards Board for England recently released a consultation on the effectiveness of the Code of Conduct and seeking views on whether it could be simplified or clarified. The outcome of that consultation has recently been published and we await to hear whether any changes will be made to the Code. These will be reported to the Standards Committee in due course.

Referrals to the Standards Board for England

- 7.8 There have been 32 referrals to the Standards Board for England. There were (referring to calendar years):

5 made in 2002

- 1 no further action
- 1 complainant withdrew
- 3 not referred by SBE for investigation

19 made in 2003

- 16 not referred for investigation
- 2 no action to be taken
- 1 referred to ESO & dealt with by Standards Committee at Hearing

5 made in 2004

- 1 on hold pending police investigation
- 4 not referred for investigation

3 made in 2005 (to date of this report)

- 1 not referred for investigation
- 1 details of complaint still to come
- 1 referred to ESO

- 7.9 One case (Councillor B Patel) was referred to the Standards Committee for determination. A Hearing took place on 8 March 2005. Councillor Patel admitted a breach of the Code and apologised for the breach. The Standards Committee ordered him to make an apology to Full Council and to undergo training. In another case (Councillor Halder) the matter has been put on hold pending the completion of a police investigation.

Procedure for hearings by the Standards Committee

- 7.10 A procedure note for hearings by the Standards Committee was adopted by the Committee on 8 March 2005. The procedure was followed at the hearing held on 8 March 2005.

Investigations into Allegations of Misconduct

- 7.11 The year saw the publication of regulations which enable Ethical Standards Officers to refer allegations of misconduct back to the Council's Monitoring Officer for local investigation. This will have an impact on resources as investigations can be time consuming. It is also impossible to plan for them as the number of referrals could

change dramatically from one year to the next. There have been no local investigations thus far.

Proposed Work Programme for the Standards Committee

7.11 The proposed work programme for Standards Committee over the next year was approved at the April meeting of the Standards Committee and an updated timetable is set out below for ease of reference.

1.	Dealing with dispensations	June 2005 (to be dealt with by way of a Monitoring Officer Advice Note)
2.	Review of the action plan arising from the reviews of the Register of Member Interests and the Register of Gifts and Hospitality	June 2005 (inquorate, resubmit in October)
3.	Local investigation of allegations of misconduct – the new rules	June 2005 (to be deferred until January 2006)
4.	Guidance on Twinning	June 2005 (inquorate, resubmit in October)
5.	Annual Report of the Monitoring Officer (this will include a review of the effectiveness of the Code of Conduct)	June 2005 (inquorate, resubmit in October)
6.	Standards Board Statistics	June 2005 (to be deferred until January 2006)
7.	Standards Committee hearings and the Human Rights Act	October 2005
8.	Guidance on the use of Council Resources	October 2005 (to be deferred to January 2006)
9.	Review of the Member Development Programme	October 2005
10.	Guidance on Membership of Outside Bodies	October 2005 (deferred to January 2006)
11.	Rules governing the Mayor's Charity	October 2005
12.	Changes to the Code of Conduct arising out of the Standards Board Review	January 2006

13.	Anti-Money Laundering – for information	January 2006
14.	Officer Code of Conduct – for information	January 2006
15.	Standards Networking Event	February 2006 (GLA visit to be held in January 2006, another event being considered for November 2005)
16.	Annual Review of the Planning and Licensing Codes of Practice	January 2006
17.	Visits - standards committee meetings of other boroughs	Chair to attend Ealing and Barnet in October 2005

Due to the June meeting being inquorate this work programme has been amended in terms of its dates (deferral dates given in brackets) and will be recommended for agreement at this October meeting. Two additional items have been agreed and added to the agenda for the October meeting, being the report by the Monitoring Officer into declarations of gifts and hospitality – arising from a recommendation in the audit of members' gifts and hospitality and the whistle-blowing policy.

Webpage

- 7.12 A webpage dealing specifically with issues of member conduct was set up. Legal and Democratic Services continues to work closely with colleagues in Audit and Investigation to maintain and update a webpage focussing on 'conduct and corporate governance'. The page contains, 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
 - the Procedure for Hearings by the Standards Committee.

Monitoring Officer Advice Notes

- 7.13 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 issued the following Advice Notes to members this year so that they can keep abreast of developments in this area:

1	Annual Conduct Letter	22/7/2004	Terry Osborne
2	Standards Update	22/7/2004	Terry Osborne
3	Standards Committee and Adjudication Panel Decisions	22/7/2004	Terry Osborne
4	Standard Workshop Questions and Answers	16/8/04	Terry Osborne
5	Attendance at Meetings	25/8/04	Terry Osborne
6	Case Note: Hathaway v Ethical Standards Office (2004)	1/9/04	Terry Osborne
7	Attendance at Council Meetings	10/9/04	Helen Keep
8.	Case Note: Richardson v North Yorkshire County Council	13/10/04	Terry Osborne
9.	Local Government: Enforcing Ethical Standards of Members	29/10/04	Helen Keep
10.	Councillors who are solicitors	29/11/04	Terry Osborne
11.	Standards Board Clarification on Freemasons	6/12/04	Terry Osborne
12.	Compliance with time limits by Standards Committee	17/1/05	Terry Osborne
13.	Gifts and Hospitality	24/1/05	Terry Osborne
14.	Taking Up Training and Seeking Advice Essential	7/4/05	Terry Osborne
15.	Recording Attendance at meetings	14/4/05	Terry Osborne
16.	Lay Justices who are Councillors	20/4/05	Terry Osborne
17.	Application of paragraph 10(2)	25/4/05	Debra Norman

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

- 7.14 All local authorities are required to keep a Register of Member Interests' and a Register of Gifts and Hospitality. These registers were reviewed by Simon Lane, Head of Audit and Investigation at Brent. A report on this review came to the January meeting of the Standards Committee and a progress report can be found elsewhere on this agenda.

Individual registers for each member are now able to be found on the Brent Website thereby ensuring even greater transparency.

Training / Networking

- 7.15 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. Training sessions held include a session in November on licensing and a standards workshop.

A networking event was held in February. Independent Members, Councillors and Monitoring Officers from Harrow, Hammersmith and Fulham, Hounslow, Hillingdon and Ealing were invited to hear Mr David Laverick, President of the Adjudication Panel for England speak and to share experiences with one another about the workings of their standards committees. Representatives from every borough invited except Ealing attended. Comments given in evaluation forms were positive. It was a most successful event and another has been planned for January 2006 which will involve a visit to the Greater London Authority Standards Committee meeting. Ideas for another session are currently being discussed for November this year. There are a number of significant changes to the ethical standards regime which will be formally announced at the end of October. The Standards Board has been approached to talk to us about the practical impact of the changes especially for Monitoring Officers and Standards Committees.

Independent Members of the Brent Standards Committee were invited to attend a Standards Committee meeting at Hammersmith and Fulham. They reported back to the Standards Committee about the visit at the April meeting. Members and officers from Harrow attended a meeting of the Brent Standards Committee where a hearing was conducted in order to observe the procedure used. The Chair of the Standards Committee is attending further Standards Committee meetings, at Barnet and Ealing, in October. It is hoped that these visits will continue and improve information sharing and allow independent members to experience practices in other boroughs.

Standards Board Roadshow

- 7.16 The 2005 Roadshow in London was on 21 June and was attended by the Chair of the Standards Committee, the Monitoring Officer and the Lawyer supporting the Borough Solicitor and the Standards Committee.

Conclusion

- 7.17 The Monitoring Officer's role is both proactive and reactive. The proactive role raises standards, encourages ethical behaviour, increases awareness and ensures that robust procedures are in place. The reactive role focuses on taking appropriate action to deal with issues and potential problems as they arise. There are channels and processes in place to ensure that members know the appropriate channels to raise concerns and the Monitoring Officer continues to work with the Members Development Officer to identify gaps in training.

There have been relatively few referrals to the Standards Board and most have not been the subject of any further action. Any referrals to the Standards Board will be reported to this committee in due course.

The work programme for the next 12 months aims to expand the work carried out in the last year and to monitor the outcomes of the work already undertaken.

8. BACKGROUND INFORMATION

1. Procedure Note Issue 1 February 2005
2. Brent Member Code of Conduct

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