



Standards Committee
25 March 2009

Report from the Borough Solicitor

Wards Affected:
NONE

Annual Work Programme 2009/10

1.0 Summary

- 1.1 This report sets out the work of the Standards Committee over the past municipal year and also contains a proposed work programme for the committee for the forthcoming municipal year for 2009/10.

2.0 Recommendations

- 2.1 That members agree the proposed work programme for 2009/10

3.0 Detail

The 2008/9 Work Programme

- 3.1 The Standards Committee agreed the work programme for 2008/9 at its meeting on 26 March 2008. The agreed work programme was supplement by additional reports that the Committee was required to consider as issues arose. A copy of the actual work programme for 2008/9 is attached as **Appendix 1** with the additional reports shown in italics for emphasis. A description of the reports considered by the Committee over the course of 2008/9 is set out below.
- 3.2 At its meeting on 24 June 2008 the Committee considered two reports about the increased role and responsibilities of the Committee. The first report related to the new role of the Committee to consider applications for political restrictions. The Committee then considered a report relating to the new sub-committees of the Standards Committee; the Standards (Initial Assessment) Sub-committee and the Standards (Review) Sub-Committee. The Committee appointed the members of,

and alternates to, the two sub-committees. The Committee was then given a presentation on how the local determination of complaints about the conduct of a councillor would operate. Both of these last two items were additions to the agreed work programme.

3.3 At its second meeting, on 5 November 2008 the Committee considered the annual report of the Monitoring Officer (which included the review of member interests and the review of gifts and hospitality) and the annual review of members' expenses. The Committee then considered a report discussing the Department of Communities and Local Government consultation paper on a new Model Code of Conduct for Members. This report was an addition to the agreed work programme.

3.4 At its third meeting on 21 January 2009 the Committee considered the annual review of the Planning Code of Practice. The Committee then received two reports that had been added to the work programme. The first report was a referral of a Standards Board for England report that concluded that Councillor Malik had not breached the Code of Conduct. Members were asked to note the report. The Committee then considered a report relating to an investigation as to whether Councillor Bertha Joseph had breached the Code of Conduct. The Committee was asked to decide whether to refer the allegation for a hearing.

3.5 The annual networking event for the 2008/9 year was held on 27 January 2009. The Council hosted 32 guests from across the Boroughs in the West London Alliance as well as members of the Barnet and Kensington and Chelsea Standards Committees. James Goudie QC provided the key note address on Standards, Empowerment and the role of Members. He then led an interesting group discussion on experiences with the local determination framework and highlighting areas of concern for members of Standards Committees.

3.6 Members will note that the Standards Committee has not held a hearing during the last municipal year.

The 2009/10 Work Programme

3.7 Members may note that although the items Guidance on Membership of Outside Bodies and Annual Review of the Licensing Code of Practice appeared on the work programme they did not appear on the agenda during 2008/9. It is recommended that both of these items be carried over the work programme for 2009/10.

3.8 A proposed work programme for 2008/9 is attached for approval at **Appendix 2**. There are a number of annual reports which will appear each year on the work programme but these will be supplemented by reports that deal with issues as they arise which will be added to the work programme from time to time as necessary.

3.9 A schedule of meeting dates will be agreed by the Council at its annual meeting in May.

4.0 Financial Implications

4.1 There are no financial implications arising from this report.

5.0 Legal Implications

- 5.1 The Standards Committee may only operate within the defined terms of reference set out in the Constitution.
- 5.2 The terms of reference of the Standards Committee were amended, as of 1 April 2008, to provide for considering applications for exemption from political restriction.
- 5.3 The terms of reference were then amended again, as of 8 May 2008, as a result of the changes to the Standards Committee's functions relating to complaints about the conduct of members. The updated terms of reference of the Committee are attached as **Appendix 3** for information.

6.0 Diversity Implications

- 6.1 There are no diversity implications arising from this report.

Background Papers

Standards Committee (England) Regulations 2008

Should any person require any further information about the issues addressed in this report, please contact Dan Bonifant on 0208 937 1368

Terry Osborne
Borough Solicitor

Appendix 1

Actual Work Programme for 2008/9

	Name of Report	Date of Meeting	Status
1	<i>Standards Sub-Committees</i>	<i>24 June 08</i>	<i>Agreed</i>
2	Applications for exemption from political restriction	24 June 08	Agreed
3	Guidance on membership of Outside Bodies	24 June 08	Postponed
4	<i>Ethical standards framework training</i>	<i>24 June 08</i>	<i>Provided</i>
5	Annual report of the Monitoring officer (including the review of member interests and review of gifts and hospitality)	5 November 08	Agreed
6	Annual review of members' expenses	5 November 08	Agreed
7	<i>Model Code of Conduct</i>	<i>5 November 08</i>	<i>Agreed</i>
8	Annual review of the Planning code of Practice	21 January 09	Agreed
9	<i>Standards Board Investigation – Cllr Malik</i>	<i>21 January 09</i>	<i>Agreed</i>
10	Annual review of Licensing Code of practice	21 January 09	Not req'd
11	<i>Allegation of a Breach of the Code of Conduct</i>	<i>21 January 09</i>	<i>Agreed</i>
12	Annual review of Standards Board statistics	25 March 09	See agenda
13	Annual review of the member development programme	25 March 09	See agenda
14	Annual Work programme for 2009/10	25 March 09	See agenda
15	Annual networking event	27 January 09	Held

Appendix 2

Work Programme for 2009/10

	Name of Report	Proposed
1	Guidance on membership of outside bodies	Meeting 1
2	Annual report of the Monitoring officer (including the review of member interests and review of gifts and hospitality)	Meeting 2
3	Annual review of members' expenses	Meeting 2
4	Annual review of the Planning code of Practice	Meeting 3
5	Annual review of Licensing Code of practice	Meeting 3
6	Annual review of Standards Board statistics	Meeting 4
7	Annual review of the member development programme	Meeting 4
8	Annual work programme for 2009/10	Meeting 4
9	Annual networking event	Special meeting

STANDARDS COMMITTEE

Membership

The committee is comprised of 5 members.

3 members are elected councillors (one from each of the three largest political groups) and 2 are Independent Members, as defined in Section 53 of the Local Government Act 2000 and the Standards Committee (England) Regulations 2008.

The Leader shall not be a member of the committee.

No more than 1 member of the Executive may be a member of the committee.

Terms of reference

The committee is responsible for the following functions:-

1. To promote and maintain high standards of conduct by members including any co-opted members.
2. To assist members and co-opted members to observe the Brent Members' Code of Conduct, the Planning Code of Practice, the Licensing Code of Practice and any other code of conduct or practice which is adopted ("the Codes").
3. To monitor the operation, effectiveness of and compliance with the Codes and to recommend adoption or revisions of the Codes to the Council.
4. To advise members and co-opted members on matters relating to the Codes and on any other matters related to their conduct and treatment of their personal interests.
5. To provide or arrange training for members and co-opted members on matters relating to the Codes.
6. To receive reports from the Monitoring Officer.
7. In accordance with the Relevant Authorities (Standards Committee) (Dispensation) Regulations 2002, to grant dispensations to councillors and co-opted members, in respect of participation in any business which they would otherwise be prohibited from participating in by virtue of any provision in the Brent Members Code of Conduct.
8. To consider applications for political exemption made under section 3 of the Local Government and Housing Act 1989.
9. To appoint sub-committees for the purpose of discharging any of the committee's functions, whether or to not to the exclusion of the committee and to set the terms of reference for any sub-committees.
10. To receive allegations that a member (including a co-opted member or Independent Member) failed, or may have failed, to comply with the Council's Code of Conduct and then to decide whether:
 - a) To refer the complaint to the Monitoring Officer for investigation or for some other action
 - b) To refer the complaint to the Standards Board for England; or
 - c) To take no further action.

Appendix 3

11. To receive applications for a review of a decision by the Standards Committee that no further action should be taken in respect of an allegation that a member (including a co-opted member or Independent Member) failed, or may have failed, to comply with the Council's Code of Conduct and to decide whether:

- a) To refer the complaint to the Monitoring Officer for investigation or for some other action
- b) To refer the complaint to the Standards Board for England; or
- c) To take no further action.

12. To hold hearings into allegations of misconduct against Councillors once they have been investigated and to decide whether in the circumstances

- a) There was a breach of the Code of Conduct and if so what the appropriate sanction that should be applied is
- b) There was no breach of the Code of Conduct but that in the circumstances no further action should be taken; or
- c) That there was no breach of the Code of Conduct.

13. To receive any reports from a case tribunal or interim case tribunal.

14. To carry out all other statutory functions, either through the committee or its sub committees, relating to complaints about members conduct set out in the Local Government Act 2000.