



Standards Committee

Tuesday, 22 March 2011 at 7.00 pm

Committee Room 4, Brent Town Hall, Forty Lane,
Wembley, HA9 9HD

Membership:

Members

Independents:

John Mann (Chair)

Angela Ruotolo (Vice-Chair)

Councillors:

Gladbaum

Beck

Colwill

first alternates

Sola Afuape

Sheila Darr

Long

Leaman

HB Patel

second alternates

Harrison

Lorber

HM Patel

For further information contact: Anne Reid, Democratic Services Officer
020 8937 1359, anne.reid@brent.gov.uk

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The press and public are welcome to attend this meeting

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

Item	Page
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1	Declarations of personal and prejudicial interests	
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Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.

2	Minutes of the previous meeting	1 - 2
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3	Matters arising (if any)	
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4	Deputations (if any)	
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5	Financial and Procedural Rules Governing the Mayor's Charity Appeal	3 - 10
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This report outlines a new set of financial and procedural rules for governing the Mayor's Charity Appeal.

Ward Affected: All Wards; **Contact Officer:** Elly Cook, Head of Mayor and Member Development Office
Tel: 020 8937 1158
elly.cook@brent.gov.uk

6	Localism Bill - proposed changes to the Standards Regime	11 - 24
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This report details the provisions of the Localism Bill concerning standards in Local Authorities, the likely changes and their implications for Brent. The arrangements which the Bill proposes will allow local authorities to make their own decisions as to how to regulate the conduct of their members and proposes the end of the Body Standards for England. However, new criminal offences will be introduced, relating to failure of members to register or disclose interests and their participation in local authority business contrary to restrictions as set out in legislation.

Ward Affected: All Wards; **Contact Officer:** Fiona Ledden, Director of Legal and Procurement
Tel: 020 8937 1292
fiona.ledden@brent.gov.uk

**7 Annual Review of the Member Development Programme May 2010 - 25 - 32
April 2011**

The purpose of this report is to review the Member Development Programme. The report outlines the activities undertaken by members since May 2010, including the induction programme following the elections in May 2010, and an analysis of the feedback received from members. The report also identifies constraints on the programme and consideration is given to future development of the programme and to additional training opportunities for members such as the e-learning package 'Modern Councillor'.

Ward Affected: All Wards; **Contact Officer:** Elly Cook, Head of Mayor and Member Development Office
Tel: 020 8937 1158
elly.cook@brent.gov.uk

8 Annual Work Programme 2011/12 33 - 40

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 2011/12.

Ward Affected: All Wards; **Contact Officer:** Fiona Ledden, Director of Legal and Procurement
Tel: 020 8937 1292
fiona.ledden@brent.gov.uk

9 Sub-Committee membership changes (if any)

10 Date of Next Meeting

The date of the next meeting of the committee will be agreed by the annual meeting of the Full Council in May 2011.

11 Any Other Urgent Business

Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.



Please remember to **SWITCH OFF** your mobile phone during the meeting.

- The meeting room is accessible by lift and seats will be provided for members of the public.
- Toilets are available on the second floor.
- Catering facilities can be found on the first floor near The Paul Daisley

Hall.

- A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge



LONDON BOROUGH OF BRENT

MINUTES OF THE STANDARDS COMMITTEE Wednesday, 3 November 2010 at 7.00 pm

PRESENT: John Mann (Chair), Angela Ruotolo (Vice-Chair) and Councillor Beck

Apologies were received from: Councillors Colwill and Gladbaum

1. **Declarations of personal and prejudicial interests**

None made.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 24 March 2010 be approved as an accurate record of the meeting.

3. **Sub-Committee membership changes**

None.

4. **Annual Report of the Monitoring Officer (Including the Review of the Register of Gifts and Hospitality and the Register of Member's Interests)**

The committee considered the Monitoring Officer's Annual Report for the period May 2009 to April 2010 which provided an update on member conduct issues and the work of the Standards Committee and the Monitoring Officer during that period. The Borough Solicitor's representative, Kathy Robinson, reminded members that the two year appointment of independent members had ended in May 2010 and that following advertisements and interviews, four independent members had been appointed, instead of the usual three. This would enable on-going training to take place. It was felt that the Code of Conduct was now fairly well embedded into members' behaviour and the most significant area of work over the past year were the complaints against two councillors. Monitoring Officer Advice Notes going back to 2003/4 were readily available and new guidance issued when required. Members continued to receive an annual conduct letter. Finally, Kathy Robinson drew attention to the details included in the gifts and hospitality register and invited comments.

Members raised questions on the criteria to be used when declaring a gift or hospitality, particularly when the precise cost was unknown or difficult to gauge. They were advised that the purpose of declaring was to help in the consideration of whether a member had an interest in a matter at a meeting and often it was a matter of judgement. If in real doubt, members could always seek advice from the

Borough Solicitor. On the work programme, the committee noted that the Localism and Decentralisation Bill due to be published shortly was likely to abolish the Standards Board for England and it was not clear how this would affect the work of this committee and the Code of Conduct.

RESOLVED:

that the report be noted.

5. Review of Members' Expenses - April 2009 to April 2010

The London Borough of Brent Members' Allowance scheme made provision for the payment of travel expenses to members. The Mayor's Office and Member Development Manager drew members' attention to Appendix 1 to the report which outlined expenses claimed over the period from April 2009 to April 2010 which was also published on the council's website.

Members discussed the question of travel expenses and noted that there sometimes were significant differences between journeys by car and those by public transport. The Members' Allowance Scheme as set out in the council's constitution was silent on the mode of transport to be used for journeys for which expenses were to be claimed. The committee suggested that the political group offices should encourage members to take the cheapest mode of transport and to share car journeys wherever possible. In order to increase transparency it was also felt that members should be encouraged to make separate claims for each trip. It was hoped that drawing this matter to the attention of the Chief Executive and party leaders would be sufficient to bring about a change in practice.

RESOLVED:


- (i) that the report be noted;
- (ii) that when making travel expense claims members should be encouraged to investigate and take cheapest mode of transport available, share car journeys wherever possible and to submit separate travel expense claims for each journey.

6. Date of Next Meeting

It was noted that the next meeting was due to take place on 19 January 2011. Members also noted that a member training event was due scheduled for later in the month on the Code of Conduct and related matters.

The meeting closed at 7.40 pm

JOHN MANN
Chair

	<p style="text-align: center;">Standards Committee 22 March 2011</p> <p style="text-align: center;">Report from the Mayor's Office and Member Development Manager</p>
<p style="text-align: right;">Wards Affected: None</p>	
<p>Financial and Procedural Rules Governing the Mayor's Charity Appeal</p>	

1.0 Summary

- 1.1 This report outlines a new set of financial and procedural rules for governing the Mayor's Charity Appeal.

2.0 Recommendations

- 2.1 Members are asked to note the new rules relating to the financial and procedural management of the Mayor's Charity Appeal as set out in appendix 2 of this report.

3.0 Detail

- 3.1 Each year the Mayor chooses one or more charities to support through fund raising throughout the Mayoral year. Money is raised through holding events and asking businesses and other contacts for contributions to the funds.
- 3.2 The previous rules governing the operation of the Mayor's Charity Appeal (see Appendix 1) have been in place for some time and needed to be reviewed and updated to ensure effectiveness and transparency. The previous rules were put before the Standards Committee in 2005 to be noted in light of the Standards Committee role in the conduct of members which include the Mayor. For that reason the changes to the rules are being brought to the attention of the Standards Committee for members to note.

Changes to the new rules governing the Mayor's Charity Appeal

- 3.3 Clarity on the selection of the Mayor's chosen charity (ies) is required in order to provide a consistent approach and one which ensures that as far as possible the charity(ies) chosen will be appropriate for the duration of the Mayoral term.

3.4 Furthermore, due to the economic situation and for other reasons there may be occasions where difficulties may arise in relation to the Mayor's choice of charity and a process for resolving difficulties is therefore considered to be helpful.

3.5 Although the previous procedure did address areas of financial regulation, these have been reviewed and updated so that they reflect current financial regulations.

4.0 Financial Implications

4.1 None

5.0 Legal Implications

5.1 When the Mayor nominates and then supports one or more charities through various fund raising activities the Council is exercising its wellbeing powers under S2 Local Government Act 2000. The money collected by the office of Mayor on behalf of the charities is governed by trustee and charity law.

6.0 Diversity Implications

6.1 None

7.0 Staffing/Accommodation Implications (if appropriate)

7.1 None

Contact Officer

Elly Cook
Mayor's Office and Member Development Manager
Brent Town Hall
Tel: 020 8937 1158

Appendix 1

Financial Rules Governing the Mayor's Charity Appeal

1. Role of Mayor's Office

General

- 1.1 The Mayor's Office will assist the Mayor in choosing the Charities for the year, should the incoming Mayor need guidance. Due care should be taken to ensure that the chosen charities are reputable and will benefit significantly from monies raised.
- 1.2 The Mayor's Office will ensure that the Mayor's Charity Appeal is registered under, and complies with, the Lotteries and Amusements Act 1976. (This relates to the selling of raffle tickets.)

Day to day management

- 1.3 A receipt book will be maintained to record all receipts and donations
- 1.4 All donations received will be receipted, acknowledged by a different person from the person who collected the donation, and passed to Finance and Corporate Resources to be banked.
- 1.5 The Mayor's Office Manager will be responsible for authorising expenditure from the Charity Appeal account.
- 1.6 Where raffle tickets are sold, a record will be kept of how many tickets have been issued and this will be cross referenced with the amount of money collected.
- 1.7 The Mayor's Office Manager will ensure all steps required to comply with Lotteries and Amusements Act are undertaken.

2. Role of Finance and Corporate Resources

General

- 2.1 A new charity appeal bank account will be opened at the beginning of each Mayoral Year. All transactions will be finalised within 3 months of the end of the Mayoral Year and the account will be closed no later than 6 months after the end of the Mayoral year.

Day to day management

- 2.2 Bank reconciliations will be carried out monthly and all discrepancies resolved monthly.
- 2.3 All donations passed on by the Mayor's Office will be banked and a receipt issued to the Mayor's Office for cash donations.
- 2.4 Invoices will only be paid if signed off by the Mayor's Office and Member Development Manager or the Director of Communications and

Consultation. Finance and Corporate Resources will check the signature and invoice for accuracy and records will be kept on file.

- 2.5 Cheques can only be signed by an authorised signatory within Finance and Corporate Resources.

3. General

- 3.1 All payments from the Charity Account should be by cheque. Where payments not exceeding £20 each need to be made in cash for expediency, then a receipt shall be obtained from the person who receives the cash, with details as to why the cash was paid.
- 3.2 The Council cannot pay advances into the Charity Appeal account in lieu of expected funds to be raised or underwrite any losses. Therefore, the Mayor's Charity Appeal account should not be overdrawn at any time.
- 3.3 Should the Mayor wish to invite interested persons to form a fundraising group to assist with the appeal, this group will play no active role in the finances of the Charity Appeal.

4. Public Accountability

- 4.1 On closing the account, monies will only be paid to a charity registered with the Charity Commission for England and Wales.
- 4.2 If the Mayor wishes to divide the funds other than equally between the chosen charities he/she must make this clear at the beginning of the Mayoral year so that donors are aware of where their contributions are going.
- 4.3 Donors should where practical be given the choice of donating to only one of the charities that the Mayor has chosen, rather than the donation being split. A separate record will be kept by the Mayor's Office of donations falling into this category.
- 4.4 A clear statement giving details of all donations received and all expenditure incurred should be available for any member of the Council or for any member of the public to inspect by appointment.

Appendix 2

Financial and Procedural Rules Governing the Mayor's Charity Appeal

1 The Mayor's Selection of Charities to support

- 1.1 The Mayor shall name not more than three charities which he or she wishes to support for his or her term of office as Mayor. For the avoidance of doubt, funds collected are in the name of the office of the Mayor of the London Borough of Brent and not in an individual capacity.
- 1.2 The incoming Mayor shall inform the Mayor's Office of the names of the charities which he or she wishes to support no later than four weeks before the Annual General Meeting or two weeks in exceptional circumstances.
- 1.3 The charities chosen by the Mayor must be registered with the Charity Commission for England and Wales at the date they are selected.
- 1.4 The charities chosen by the Mayor must benefit the inhabitants of Brent.
- 1.5 Prior to announcement of the Mayor's nominated charities at the Annual General Meeting, officers of the council shall confirm that the charities meet appropriate standards for governance, are financially viable, are likely to endure for the duration of the Mayoral year and have not been the subject of Charity Commission concerns within the last two years at the date officers make enquiries. If the requirements set out in this paragraph are complied with, a record shall be made accordingly. In the event that there are reasonable concerns expressed by officers, the Mayor shall be asked to make an alternative choice of charity to support.

2 Collection of Funds

- 2.1 It shall be assumed that the funds collected during the Mayor's term of office shall be divided equally between the chosen charities unless otherwise specified by the Mayor in writing at the outset of his/her term of office, or unless a donor specifies that their donation be for one specific charity.
- 2.2 Where more than one charity is named donors should where practical be given the choice of donating to only one of the charities that the Mayor has chosen, rather than the donation being split. A separate record will be kept by the Mayor's Office of donations falling into this category.
- 2.3 The funds collected shall be used for the general purposes of the charity named and there shall be no collections for specific projects.

- 2.4 Where only one charity is chosen, there shall be decided and recorded at the outset of the Mayor's term of office a contingency plan for the funds collected in the following terms:

"where the Mayor's chosen charity is no longer fit or able to receive the funds collected as determined by the Director of Finance and Corporate Services, those funds shall be donated to a registered charity which has the closest aims and functions to those originally named."

3. Role of Mayor's Office

General

- 3.1 The Mayor's Office will assist the Mayor in choosing the Charities for the year, should the incoming Mayor need guidance. Due care should be taken to ensure that the chosen charities are reputable and will benefit significantly from monies raised.
- 3.2 The Mayor's Office will ensure that the Mayor's Charity Appeal is registered under, and complies with, the Lotteries and Amusements Act 1976 if required.

Day to day management

- 3.3 A receipt book will be maintained to record all receipts and donations
- 3.4 All donations received will be receipted, acknowledged by a different person from the person who collected the donation, and passed to Finance and Corporate Resources to be banked.
- 3.5 The Mayor's Office Manager will be responsible for authorising expenditure from the Charity Appeal account.
- 3.6 Where raffle tickets are sold, a record will be kept of how many tickets have been issued and this will be cross referenced with the amount of money collected.
- 3.7 The Mayor's Office Manager will ensure all steps required to comply with Lotteries and Amusements Act are undertaken if required.

4. Role of Finance and Corporate Services

General

- 4.1 A new charity appeal bank account will be opened at the beginning of each Mayoral Year. All transactions will be finalised within 3 months of the end of the Mayoral Year and the account will be closed no later than 6 months after

the end of the Mayoral year by the payment of monies to the nominated charity (ies).

Day to day management

- 4.2 Bank reconciliations will be carried out monthly and all discrepancies resolved monthly.
- 4.3 All donations passed on by the Mayor's Office will be banked and a receipt issued to the Mayor's Office for cash donations.
- 4.4 Invoices will only be paid if authorised by the Director of Customer and Community Engagement (or duly delegated representative). Finance and Corporate Services will check the signature and invoice for accuracy and records will be kept on file.
- 4.5 Cheques can only be signed by an authorised signatory within Finance and Corporate Services

5. General

- 5.1 All payments from the Charity Account should be by electronic funds transfer or by cheque. Small cash payments not exceeding £20 are permissible for reasons of expediency, subject to normal petty cash controls as set out in the council's Financial Regulations, with details as to why the cash was paid.
- 5.2 The Council cannot pay advances into the Charity Appeal account in lieu of expected funds to be raised or underwrite any losses. Therefore, the Mayor's Charity Appeal account must not be overdrawn at any time.
- 5.3 Should the Mayor wish to invite interested persons to form a fundraising group to assist with the appeal, this group will play no active role in the finances of the Charity Appeal.

6. Issues arising during the Mayoral Year

In the event that the Director of Finance and Corporate Services reasonably decides that:

- i) one or more of the nominated charities is no longer an appropriate charity for the sponsorship by the Mayor of Brent
or
- ii) for whatever reason the charity ceases to operate or to be registered

the Director of Finance and Corporate Services shall seek advice from the Director of Legal Services and Procurement to take such steps as are lawful, necessary and proportionate to distribute the funds.

7. Public Accountability

- 7.1 On closing the account, monies will only be paid to a charity registered with the Charity Commission for England and Wales.
- 7.2 A clear statement giving details of all donations received and all expenditure incurred should be available for any member of the Council or for any member of the public to inspect by appointment.



**Standards Committee
22 March 2011**

**Report from Director of
Legal and Procurement**

Localism Bill – Proposed Changes to the Standards Regime

1. Summary

- 1.1 This report details the provisions of the Localism Bill concerning standards in Local Authorities, the likely changes and their implications for Brent. The arrangements which the Bill proposes will allow local authorities to make their own decisions as to how to regulate the conduct of their members and proposes the end of the Body Standards for England. However, new criminal offences will be introduced, relating to failure of members to register or disclose interests and their participation in local authority business contrary to restrictions as set out in legislation.

2. Recommendations

- 2.1 To consider and comment upon the options set out in paragraph 3.14 of this report.

3. Detail

- 3.1 The Localism Bill was published in December 2010. It is a significant document for the local authority with implications for many different areas of the Council's work and its legal responsibilities. This report focuses on the implications the Bill will have, subject to enactment and change through the legislative process in relating to promoting, monitoring and enforcing high standards of conduct amongst members.
- 3.2 The legislation sets out the framework but much has been reserved for secondary legislation, which has yet to be published, even in draft. The reforms proposed to the existing standards regime are radical in nature although it is unclear how some will work in practice.
- 3.3 The implementation of the proposed changes appears likely to be with effect from early 2012. There are transitional provisions which make it clear that any cases which are ongoing under the current scheme will proceed to their

conclusion but all will have to be dealt with by the local Standards Committee instead of Standards for England this will result in local hearings on all matters including those of significant alleged misconduct by Members. The Standards Committee in its current statutory form will remain in place until all outstanding cases have been dealt with. Currently there is one outstanding matter due to return to `Brent `local standards committee and one with standards for England currently being investigated.

Proposed new conduct provisions

- 3.4 Standards for England will be abolished, once the Secretary of State makes the necessary order, as will the existing Members' Code of Conduct and the processes and procedures relating to enforcement.
- 3.5 The Bill proposes that the council will have a duty to promote and maintain high standards of conduct by members and co-opted members although there are no specific requirements about how that is to be achieved.
- 3.6 The council may adopt a code dealing with the conduct that is expected of members and co-opted members when they are acting in that capacity but there is no requirement that it should. There has been considerable debate across the country and specifically in London as to whether local codes should be adopted by members. Currently the Association of Council Secretaries and Solicitors (ACSeS) is drafting a suggested amended code and procedure as a starting point for a London based code. It is likely to be heavily based on the current code (Appendix 1). There are some interesting considerations which will arise from such proposals. This include the use of independent members of standards committees, which officers believe have very much been seen as a valuable asset to an Authority, although there will no longer be a requirement. One beneficial aspect to any new regime would be the lessening of the requirement currently that all matters are referred following a complaint to the Standards Committee by the Monitoring Officer without discretion. This has led to some complaints being put through committees, when in reality an alternative solution was possible and more effective.
- 3.7 If a Council has adopted a Code of Conduct and receives a written allegation that a Member has or may fail to comply with it, then the Council must consider whether to investigate it and if so, how. A decision to have a code does therefore potentially have resource implications as the current drafting of this provision means that in the absence of a code there is no legal obligation to consider a complaint. However, in such circumstances, depending upon the nature and seriousness of the complaint, the council might need to deal with the matter in some other way in order to avoid being in breach of the obligation to promote and maintain high standards. If a code is adopted the investigation and hearing process is not prescribed and is therefore a matter for the Council to decide. As mentioned in paragraph 3.6 above ACSeS is drafting procedures for consideration.
- 3.8 It will be possible, but not a requirement, to continue to have a Standards Committee charged with promoting and maintaining high standards of conduct by members, but the specific legal requirements for the current committee would no longer apply. The committee would not have any power to suspend

or disqualify a member found to be in breach of a new code. Censure, or a recommendation for training, or a decision to restrict a councillor's access to the local authority's officers, premises and facilities would still be available but may be unenforceable. There has been consideration given in some areas whether a sanction that could be utilised for breaches of the code could include a suspension or with drawl of allowances pending an action. This is likely to be a controversial consideration but is actively being considered in some authorities as a way forward.

- 3.9 In practice it may be very difficult for any local authority to enforce any requirements or restrictions it decides to impose on a member if the member chooses to ignore them. It is likely in those circumstances that the party groups would need to have a role in taking appropriate steps where the conduct a member of their group was found to have breached the code.
- 3.10 The legislation allows the Secretary of State to make regulations requiring the Monitoring Officer to establish and maintain a register of interests. The regulations may include details of what sort of matter needs to be registered, provisions requiring the disclosure and possible withdrawal of Members with those interests and powers to grant dispensations to those members so they can, despite the interest, participate. The regulations may also include some details of sanctions the Council can impose on Members who fail to comply with these registration requirements (but not suspension or disqualification) and the requirement to make the register available to the public. This could in principle result in a similar regime to the current one in respect of registers of interests and disclosures. Although it is not clear how it will work in practice.
- 3.11 A failure to comply with the provisions relating to registerable interests (should such provisions be introduced) "without reasonable excuse" will be a criminal offence. This will attract a fine of up to level 5 being currently £5,000. The court can also disqualify the member for up to five years. Only the Director of Public Prosecutions can authorise and bring a prosecution for an offence under these provisions so they will only be used for serious cases.

Changes to the common law pre-determination rules

- 3.12 Although this is not a conduct matter as such, it is also worth considering in this context the proposal in the Bill about "predetermination" which have previously been developed in case law. Currently, if a member participates in decision making, particularly quasi judicial decision making, with a closed mind, this may be a ground upon which the decision can be judicially reviewed. Case law has established that it is acceptable for a member to have a predisposition towards making a particular decision about a matter before hearing the arguments, but must not have decided in advance. Recent court decisions have recognised the role that politics play in the decision making processes in local authorities and have recognised that elected members would be entitled to have expressed their views on local issues, including, for example, planning issues.
- 3.13 Under the provisions in the Bill a decision-maker is not to be taken to have had, or to have appeared to have had, a closed mind when making the decision just because the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or

might take, in relation to a matter, relevant to the decision. This may simply be codifying the position at common law. The provision is not regarded as this stage as substantially modifying the law on pre-determination.

Decisions to be made by the Council

- 3.14 Full Council will need to make a number of decisions in respect of its future approach to members' conduct in order to respond to the new legal provisions and listed below are the fundamental issues to be considered:
- i Whether to have a code of conduct at all
 - ii If the Council has a code, what form that will take and whether to adopt provisions that are either the same or similar to those being adopted elsewhere particularly taking into account the work being done at the moment on a code for London Authorities
 - iii What procedure to have in place for the investigation of complaints about the conduct of members and the process for referrals to any Standards Committee again having regard to the work by ACSeS.
 - iv What future role the Council sees for a Standards Committee in promoting and maintaining high standards of conduct, and the potential make up of the committee as to inclusion in principle of independent members

Conclusion and recommendations

- 3.15 The proposals in the Localism Bill for changes to the Council member's conduct regime will make significant changes to current arrangements particularly in the area of enforceability and sanctions. A number of decisions will need to be made by members in due course to implement the changes and members are asked to consider and comment upon the information in this report. The current work being undertaken by ACSeS should be considered by members when looking at what will be most useful for the Authority to demonstrate promotion of high ethical standards and behaviours of its elected members

4. Financial Implications

There will be a potential saving in relation to the allowance paid to Independent members should it be decided that such members were no longer required (4 X £415 p/a). In addition there will be a potential saving on the numbers of external investigations undertaken, however in Brent this has not been a large financial issue

5. Staffing Implications

None.

6. Diversity Implications

None

7. Legal Implications

These are contained in the body of the report.

Background Information:

Localism Bill 2010

Fiona Ledden
Director of Legal and Procurement

BRENT MEMBERS CODE OF CONDUCT

Part 1

General provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code
"meeting" means any meeting of -
 - (a) the authority;
 - (b) the executive of the authority;
 - (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"member" includes a co-opted member and an appointed member.

Scope

2. (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you –
 - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority,and references to your official capacity are construed accordingly.
- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

- (5) Where you act as a representative of your authority –
- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. (1) You must treat others with respect.
- (2) You must not –
- (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,
 in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
4. You must not –
- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where -
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or

- (b) prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
6. You –
- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your authority -
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by –
- (a) your authority's chief finance officer; or
 - (b) your authority's monitoring officer,
- where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2

Interests

Personal interests

8. (1) You have a personal interest in any business of your authority where either –
- (a) it relates to or is likely to affect -
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority.
 - (ii) any body -
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

- (iii) any employment or business carried on by you;
- (iv) any person or body who employs or has appointed you;
- (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
- (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
- (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
- (ix) any land in your authority's area in which you have a beneficial interest;
- (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
- (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(2) In sub-paragraph (1)(b), a relevant person is –

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interest generally

10. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business –
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
- (c) relates to the functions of your authority in respect of -
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

- 11.** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where -
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

- 12.** (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority -
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held -
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
- unless you have obtained a dispensation from your authority's standards committee;

- (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

Registration of Members' Interests

Registration of members' interests

13. (1) Subject to paragraph 14, you must, within 28 days of
- (a) this Code being adopted by or applied to your authority; or
 - (b) your election or appointment to office (where that is later),
- register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.
- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

THE 10 GENERAL PRINCIPLES OF CONDUCT

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law


8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

	<p style="text-align: center;">Standards Committee 22 March 2011</p> <p style="text-align: center;">Report from the Mayor's Office and Member Development Manager</p>
<p style="text-align: right;">Wards Affected: NONE</p>	
<p style="text-align: center;">Annual Review of the Member Development Programme May 2010 – April 2011</p>	

1.0 Summary

1.1 The purpose of this report is to review the Member Development Programme. The report outlines the activities undertaken by members since May 2010, including the induction programme following the elections in May 2010, and an analysis of the feedback received from members. The report also identifies constraints on the programme and consideration is given to future development of the programme and to additional training opportunities for members such as the e-learning package 'Modern Councillor'.

2.0 Recommendations

2.1 Members are asked to note this report.

3.0 Detail

3.1 Activities and achievements since May 2010

Member Development Charter:

Brent has been awarded the London Council's charter for member development excellence. The charter is awarded to councils in recognition of their work to provide councillors with the support, skills and training they need to develop and manage their local authorities budgets and services. It is backed by the Local Government Improvement and Development (LGID). The charter lasts for three years, after which time the council will need to be reassessed.

The award is testament to the commitment that members and officers have shown to supporting and developing members. "Brent Council has worked very hard to introduce ways of providing support to its members and helping them to develop their skills and knowledge. This not only benefits the councillors themselves, but also ensures that their residents receive the best possible leadership and services from their local council." (*Chair of London Councils, Mayor Pipe*).

In relation to standards, the assessors found that "Brent's good practice on standards is widely recognised and there is now an annual networking event with councils in the West London Alliance and more recently also included Barnet, Islington and Kensington & Chelsea." The assessors also considered the fact that the Standards Committee reviews the member development programme every year to be good practice. The assessors were also very impressed with the Monitoring Officer Advice Notes for members.

Induction programme:

A comprehensive induction programme was delivered following the local elections in May 2010 which was designed to cater for both new and existing members. Events were developed for the induction programme as a result of feedback collected following the last induction in 2006, members' feedback over the 2006-2010 term of office, and consultation with the member development steering group, the political group offices and colleagues in the London-wide member development network.

Events held included:

- Welcome reception for all councillors on 11th May 2010 - councillors were given the opportunity to sign the declaration of acceptance of office and have their official photographs taken. They also received a briefing from the Borough Solicitor on the Members' Code of Conduct.
- Full induction day on 16th May 2010 - included presentations from members of the Corporate Management Team and other senior officers. A members' handbook was provided to all councillors at this event. This comprised of a short booklet explaining all the key information needed by councillors. The day also included an outside speaker who delivered an exploration of some of the main challenges facing local councillors over the next four years.
- Service specific induction sessions (*May-July*):
 - 19th May 2010 - Planning and Licensing briefings

- 2nd June 2010- Community and Diversity issues; community engagement & leadership, neighbourhood working and ACF briefings
- 10th June 2010 - The council's finances, budget and future challenges; and environment, highways, transportation and culture issues
- 14th June 2010- Corporate Strategy and Overview & Scrutiny briefing
- 17th June 2010 - Housing, health and adult social care issues; and children and young people's issues

Feedback was sought from members following every induction event. The majority of feedback received during the induction period was very positive, for example enthusiastic appreciation was shown of the session on community engagement held on 2nd June and of the session dealing with the council's finances on 10th June. Feedback from other sessions also included constructive comments and suggestions on how events might be improved, with one such suggestion being to allow more time and/or giving certain topics their own session. Bearing in mind the significant number of members new to the role of councillor, it is not surprising that many of the sessions were felt to contain a great deal of material. However, when considering the council's full calendar of meetings and all the external demands on new members' time, as well as other feedback comments from members who noted how full and busy the induction programme's schedule was, it is difficult to see how building in extra demands on members' time at such a busy time could be justified. Therefore in the future it is not proposed that the induction programme be lengthened.

Some members suggested allowing more time for questions. However, feedback from other members included the proposal that an experienced member chair the question and answer slots held during each event due to the tendency of these slots to overrun if left without a chair. This was introduced half way through the induction programme as a direct result of member feedback and the response from members was extremely positive. Therefore it is not proposed to lengthen future timeslots for questions and answers. It is worth noting that officers always responded to any member who still had questions at the close of an event by inviting the member to contact them directly to have their questions answered outside of the induction event.

There was also a welcome event for new councillors, organised by the GLA, held at City Hall on 1st July 2010. No feedback has been received from any member who may have attended this event therefore it is not possible to evaluate the value of the information provided.

As anticipated, existing time constraints prevented some members from attending every session. With the exception of the full induction day held on 16th May, which took place on a Sunday, the sessions were all scheduled to take place during the evening, to allow those

members with full time employment commitments to attend. Events were also arranged during evenings which did not clash with council committee meetings. This helped ensure maximum possible participation from members. Each session took place in the evening, lasted between two and three hours and included time for members to ask questions.

September to December 2010:

Following the induction programme a number of member development events were held between September and December 2010. These have been delivered by a mixture of external trainers, internal officers and partners:

- 20th and 27th September – Microsoft Office including Outlook use – basic IT skills for members
- 22nd September – Getting the most out of meeting – chairing skills for councillors
- 7th October – Questioning skills for members
- 1st November – Planning Committee Training
- 9th November – Standards Training
- 18th November – Treasury Management Training
- 29th November – Partnership Briefing –Safer Neighbourhood Teams /Community Safety / Neighbourhood Working Event

Personal Development Plans:

Following an invitation to all councillors, 34 councillors took up the opportunity to have a personal development plan (PDP) interview in September 2010. All PDP interviews were conducted by an external consultant. Interviews lasted on average 45 minutes to an hour. Individual personal development plans were then produced and agreed by each member who took part in the process. The PDP process is kept confidential to allow members the opportunity to discuss any issues in confidence.

The following areas were identified as common areas of development.

- Public Speaking / Communication Skills – development in this area was a recurrent theme for members. The consultant recommended that some form of training in this area would be very beneficial for members.
- Dealing with large amounts of paperwork and time management – a number of members raised this as something that they were having problems with. The consultant felt that training in time management and effective reading would be of use to members. It was also felt that there may be a need for the council to review the way

information is presented to members to ensure that information is presented to members in the most succinct way possible.

- Scrutiny of policy and performance – some members raised this as an area where they would like to have some training in so that when a problem arises in their ward, they would know how to look at the way the council tackles the issue on a wider scale. This will also be beneficial for members who are on the various scrutiny committees.
- IT training. This was an area where some councillors felt they would like to develop their skills. Members IT abilities varied greatly. There were a few members who it was recommended could do with one on one support with some of the problems they were experiencing.
- Chairing skills – some members raised this as an area for development. A number mentioned that they had received training for chairing skills back in September which they had found very useful.
- Shadowing officers from the council and other partner organisations to gain a greater understanding of work in that particular area for example housing and planning.

These development needs were taken into account for those events which took place from January to April 2011 and will continue to be met through the rolling programme.

January to April 2011:

A number of events have been held since January 2011. These have been based around the results of the personal development interviews and areas identified by councillors and senior managers. The sessions have been delivered by a mixture of external trainers, internal officers and partners:

- 13th January 2011 - Practical Chairing Tips
- 20th January 2011 - Alcohol and Licensing Committee Training
- 26th January 2011 - Housing Briefing
- 27th January 2011 – Standards Network Event (included a training element)
- 31st January 2011 – Speed Reading and Retention Training
- 24th February 2011 – Disability Equality Training
- 15th March 2011 – Public Speaking Skills Training

Further scheduled sessions:

- 28th March 2011 Ward Working - Maximising Potential
- 31st March 2011 Safeguarding Children and Corporate Parenting
- 14th April 2011 – Health and Safety Training

Attendance at external events:

16 members have attended an external event over the last year. The number of external events which were attended was 13. (some members attended more than one external event and some members attended the same external event).

Due to financial constraints and the cost of extending external events, a decision was made in July 2010 to limit the amount of fee based external events which members attend. Instead members have been encouraged to attend free external events or events which are at a minimal cost.

Members of the Standards Committee, following last year's review on the member development programme, noted with concern that there had been a significant number of occasions where members had failed to attend courses on which they had been booked, sometimes cancelling at short notice without any reasons being given resulting in a loss of money. This has not been such an issue this year. There have been three occasions where councillors have been unable to attend an event that they were booked on. However, one of these events was free and in the other two cases enough notice was given to the organisers so that the council was not charged. Following a request by the member development steering group, the guidance for member attendance at external events has been updated to stress the need for members to ensure that they attend events that they are committed to.

Feedback from members regarding the member development programme (covering those events since the induction):

Feedback is sought from members following every training event attended, both internal and external. Feedback and evaluation forms have been revised to make the evaluation form more concise. The majority of feedback received after attendance at internal events during the past year has been very positive, for example enthusiastic appreciation has been shown of the development of interactive training sessions. Feedback has also included constructive proposals for future events. Significantly fewer members submitted feedback following their attendance at external events, although when such feedback is received, this too has been largely positive.

Political support:

The member development steering group (MDSG) has met on a quarterly basis during the timeframe covered in this report and has provided constructive input and evaluation consistently during this time. A strong political lead on member development from all groups is essential to ensure member ownership of the programme and to improve future attendance and participation in the programme, and in

this respect input from the steering will continue to be extremely valuable.

The member development steering group has now combined with the ward working reference group as it was felt that that these two groups could be a more efficient tool when working as a single entity given the overlapping nature of the groups' agendas and membership.

3.2 Constraints

Time constraints of councillors:

A number of dates were identified in the Council's official calendar of meetings for member development, but time constraints remain a problem for members. In terms of time available for member development sessions, there was approximately one or two dates per month dedicated to these events during the past year, with the exception of the August recess and the couple of months leading up to the elections. There have been a couple of months where there has been room in the council calendar to fit in two or more sessions a month. Each session, which takes place in the evening, lasts between two and three hours and includes time for members to ask questions. It is possible to schedule development sessions during the day but a greater overall reliance on day time sessions is not however recommended as it would have the effect of placing members in full time employment at a disadvantage, as it is likely that they would be unable to attend.

3.3 Next steps

Structured programme

The programme will continue to provide carefully structured development opportunities on a rolling programme basis, and will be based on needs identified in the Personal Development interviews and other organisational and legislative issues that arise. Future events will include the opportunity for members to be supported in their roles as community leaders, as well as additional work to develop the roles of opposition, non-Executive, and members involved in Overview and Scrutiny.

E-Learning

The council is currently in the process of purchasing Learning Pools modern councillor e-learning package. The courses will be able to tie in with the Political Skills Framework tool which was purchased by the council in conjunction with Harrow Council.

The e-learning package will benefit Councillors by enabling:

- Any time, any place, any pace learning
- Learning in privacy
- Bite sized learning that can be revisited
- Guidance on the latest initiatives

The council will benefit from:

- Increased access to “hard to reach” councillors
- Ability to provide blended learning programmes
- Tracked and evidenced learning
- Cost efficiencies

4.0 Financial Implications

- 4.1 The costs of the member development programme are met from a budget of £15,072. A significant proportion of the events in the programme over the last year have been delivered internally by council officers, which has helped to keep the costs down.

The large number of new members following the local elections is likely to result in a continued increase in demand for training during the next financial year and consequently careful resource management will be necessary in order to ensure efficient use of funding.

A meeting has been arranged between Brent and Harrow Council to discuss the possibility of sharing training events and training providers. The London Member Development Network is also looking into the possibility of looking at the joint commissioning of training providers.

5.0 Legal Implications


- 5.1 None.

6.0 Diversity Implications

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

For further information please contact:

Elly Cook
Mayor's Office and Member Development Manager
Tel: 020 8973 1158
elly.cook@brent.gov.uk

 <p>The logo of Brent Council, featuring a central coat of arms with a shield, a crown, and two lions, surrounded by the words 'BRENT' at the top and 'COUNCIL' at the bottom in a circular arrangement.</p>	<p>Standards Committee 22 March 2011</p> <p>Report from Director of Legal and Procurement</p>
<p>Wards Affected: ALL</p>	
<p>Annual Work Programme 2011/12</p>	

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 2011/12.

2.0 Recommendations

- 2.1 That members agree the proposed work programme for 2011/12

3.0 Detail

The 2010/11 Work Programme

- 3.1 The Standards Committee agreed the work programme for 2010/11 at its meeting on 24 March 2010. The agreed work programme was substantially varied during the course of the year due to the changes in the standards regime following the general election in May 2011. A copy of the actual work programme for 2010/11 is attached as **Appendix 1** with an asterisk next to those items which did not proceed. The programme designed in March 2010 envisaged a dynamic and progressive time for the Standards Committee and the programme included reviewing the conduct investigation and hearing processes, updating members on reported cases etc. However, after the general election the new government declared that Standards for England would be abolished, and the reviews, statistics and advice notes issued by the body ended almost immediately. The Government made it apparent that the standards regime would change significantly in the future and it was no longer possible or appropriate for the original work programme to proceed as planned. Additionally there has been some delay on the review of the Licensing Code caused in part by the change in the membership of that committee following the local election in May 2010. This report will now be presented at the next meeting of the Standards Committee. A description of

the reports considered by the Committee over the course of 2010/11 is set out below.

- 3.2 The meetings of 12 July 2010 and 19 January 2011 were cancelled since there were insufficient items on the agenda to justify members' time by convening a meeting. Those items which were to be considered were adjourned to the next meeting.
- 3.3 At its meeting on 3 November 2010 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.
- 3.4 In relation to complaints received and considered in relation to members' conduct the Standards (Initial Assessment) Sub Committee met in April 2010 and the Review Sub Committee met in July 2010 in relation to a complaint made about Bertha Joseph who ceased to be a councillor in May 2010. The decision of the committees was that the matter should not proceed. Members will recall that in November 2010 the Standards (Initial Assessment) Sub Committee considered allegations of breaches of the Members' Code of Conduct in relation to Councillor Shaw and Councillor Cheese. The process in relation to those allegations is on going.
- 3.5 The annual networking event for the 2010/11 year was held on 27 January 2011. The Council hosted 28 guests from Camden, Brent, Ealing, Hammersmith and Fulham, Hounslow, Hillingdon, Harrow, Islington, Barnet and Kensington and Chelsea and City of London Standards Committees. Jonathon Goolden and Richard Dix from Wilkin Chapman Goolden provided the speeches on *Life after the Localism Bill* and *Members' Standards – National Disaster or Local Freedom*. The event was a great success and very positive feedback was received.

The 2011/12 Work Programme

- 3.6 Members may note that the Annual Review of the Licensing Code of Practice appeared on the work programme but it did not appear on the agenda during 2010/11. It is recommended that this item be carried over to the work programme for 2011/12.
- 3.7 A proposed work programme for 2011/12 is attached for approval at **Appendix 2**. There are some 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. The focus of the programme for the forthcoming year is to respond to changes in the law relating to members' conduct and standards and ensure that the council has in place such practices and procedures as are suitable. Some of the matters arising will be at the discretion of the council, other matters such as declaration of members' interests will be mandatory. The implications of the changes are set out in more detail in a separate report to this committee.
- 3.8 A schedule of meeting dates will be agreed by the council at its annual meeting in May. Having regard to the work programme and the experience of

the past year it is recommended that there be three scheduled meetings to take place in September, December and March.

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 8 May 2008 to reflect the new Standards regime whereby complaints about members conduct are dealt with locally. There has been no subsequent alteration to the terms of reference other than minor changes namely new regulations Standards Committee (Further Provisions) (England) Regulations 2009 concerning dispensations, and a change to the name of the regulatory body from *Standards Board for England* to *Standards for England*. The 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 Kathy Robinson on 0208 937 1368.

Fiona Ledden
Director of Legal and Procurement

APPENDIX 1**Actual Work Programme for 2010/11**

	Name of Report	Proposed
1	*Report on Standards for England Annual Review 2008/9, Standards for England research and areas of good practice	Meeting 1
2	Annual Report of the Monitoring Officer for period May 2009 – May 2010 (including the review of member interests and review of gifts and hospitality)	Meeting 1
3	Annual review of members' expenses for period May 2009 – May 2010	Meeting 1
4	*Standards Committee review of Local Procedures	Meeting 2
5	*Review of Licensing Code of practice	Meeting 2
6	Review of Induction programme	Meeting 2
7	*Nationally reported conduct cases and lessons to be learnt	Meeting 3
8	*Annual review of Standards Board Statistics and Reports	Meeting 4
9	Annual review of the member development programme	Meeting 4
10	Annual work programme for 2010/11	Meeting 4
11	Annual networking event	Special meeting
12	*Training: Standards for England DVD on assessments and workshop	Special meeting

Appendix 2

Work Programme for 2011/12

	Name of Report	Proposed
1	Annual Report of the Monitoring Officer for period May 2010 – May 2011 (including the review of member interests and review of gifts and hospitality)	Meeting 1
2	Annual Review of Members' Expenses for Period May 2010 – May 2011	Meeting 1
3	Review of Licensing Code of Practice	Meeting 1
4	Review of Standards and Conduct Arrangements	Meeting 2
5	Annual review of the member development programme	Meeting 3
6	Annual work programme for 2012/13	Meeting 3
7	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 Standards Committee (Further Provisions) (England) Regulations 2009, 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 for England; or
 - c) To take no further action.

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 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.

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