



## Standards Committee 24 March 2010

### Report from the Borough Solicitor

Wards affected:  
ALL

## Annual Work Programme 2010/11

### 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 2010/11.

### 2.0 Recommendations

- 2.1 That members agree the proposed work programme for 2010/11

### 3.0 Detail

#### *The 2009/10 Work Programme*

- 3.1 The Standards Committee agreed the work programme for 2009/10 at its meeting on 25 March 2009. The agreed work programme was supplemented by additional reports that the Committee was required to consider as issues arose. A copy of the actual work programme for 2009/10 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 2009/10 is set out below.
- 3.2 At its meeting on 25 August 2008 the Committee considered a report summarising the new Standards Committee (Further Provisions) (England) Regulations which set out the circumstances in which Standards for England could suspend a Standards Committee from carrying out certain functions, provided a power to establish Joint Standards Committees and included amendments the grounds on which the committee can grant a dispensation to a member who would otherwise be prohibited from participating on a matter of

prejudicial interest. The Committee was also informed of guidance issued in August 2009 for members involved in outside bodies which included the types of organisations to which that a member may be appointed.

- 3.3 At its second meeting, on 5 November 2009 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 At its third meeting on 23 January 2010 the Committee considered the annual review of the Planning Code of Practice. Various amendments to the Planning Code of Practice were approved and it was agreed that in view of the ongoing improvements noted in recent reviews that the frequency of review be reduced to once every two years.
- 3.5 Members will recall that on 25<sup>th</sup> August 2009 and on 13<sup>th</sup> October 2009 the committee considered allegations of breaches of the Members' Code of Conduct in relation to Councillor Bertha Joseph. This is the first complaint considered and decided under the new standards arrangements which were introduced in May 2008.
- 3.6 The annual networking event for the 2009/10 year was held on 12<sup>th</sup> January 2010. The Council hosted 26 guests from Brent, Ealing, Hammersmith and Fulham, Hounslow, Hillingdon, Harrow, Islington, Barnet and Kensington and Chelsea Standards Committees. Peter Keith- Lucas provided the speeches on *Confidentiality and Standards Hearings*, and *Review of Recently Reported Standards Cases; trends and lessons to be learned*.

#### *The 2010/11 Work Programme*

- 3.7 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 2009/10. It is recommended that this item be carried over to the work programme for 2010/11.
- 3.8 A proposed work programme for 2010/11 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. The focus of the programme for the forthcoming year is to review the policies and procedures introduced at the outset of the new Standards arrangements, to further develop good practice and promote and maintain a strong conduct model, and to build on the expertise of the Standards Committee.
- 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 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**  
**Borough Solicitor**

## APPENDIX 1

### Actual Work Programme for 2009/10

	Name of Report	Date of Meeting	Status
1	<i>Standards Sub-Committees</i>	<i>2 July 2009</i>	<i>Agreed</i>
2	<i>Standards for England Intervention, Joint Standards Committees and Dispensations</i>	<i>25 August 2009</i>	<i>Noted</i>
3	Guidance on membership of Outside Bodies	25 August 2009	Noted
4	<i>Allegation of Breach of the Code of Conduct – Cllr Joseph</i>	<i>25 August 2009</i>	<i>To Proceed</i>
5	<i>Allegation of Breach of the Code of Conduct – Cllr Joseph</i>	<i>13 October 2009</i>	<i>Determined</i>
6	Annual report of the Monitoring officer (including the review of member interests and review of gifts and hospitality)	4 November 2009	Noted
7	Annual review of members' expenses	4 November 2009	Noted
8	Annual review of the Planning code of Practice	20 January 2010	Agreed
9	Annual review of Licensing Code of practice	20 January 2010	Carry forward
10	Annual review of Standards Board statistics	24 March 2010	See agenda
11	Annual review of the member development programme	24 March 2010	See agenda
12	Annual Work programme for 2010/11	25 March 2010	See agenda
13	Annual networking event	12 January 2010	Held

**Work Programme for 2010/11**

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