



Standards Committee 22 March 2011

Report from Director of Legal and Procurement

Wards Affected:
ALL

Annual Work Programme 2011/12

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.