

**AGENDA ITEM: 13.1**

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Meeting	Council Meeting
Date	15 July 2008
<b>Subject</b>	<b>Standards Committee Annual Report</b>
Report of	The Standards Committee
Summary	This report is the Annual Report of the Standards Committee for 2007/08.

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Officer Contributors	Director of Corporate Governance (Monitoring Officer), Governance Manager
Status (public or exempt)	Public
Wards affected	All
Enclosures	Appendix A – Current membership of the Standards Committee Appendix B – Standards Committee Work Programme 2008/09
For decision by	Council
Function of	Council
Reason for urgency / exemption from call-in (if appropriate)	N/A
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## **1. RECOMMENDATIONS**

- 1.1 That the Council consider whether it wishes to make any comments for the Standards Committee to consider but otherwise to note the Annual Report of the Committee.

## **2. RELEVANT PREVIOUS DECISIONS**

- 2.1 17 March 2008 – The Standards Committee considered proposals for an annual report on its work to the Council and gave direction as to its content.
- 2.2 20 May 2008 – The Standards Committee agreed an Annual Report for submission to the Council

## **3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

- 3.1 Under the Council's Corporate Plan for 2008/09 to 2011/12, one of the corporate priorities is 'More Choice, Better Value'. A key objective within this priority is 'enhancing and further developing corporate governance'. The annual report to the Council on the work of the Standards Committee will support this objective.

## **4. RISK MANAGEMENT ISSUES**

- 4.1 An annual report to Council will ensure that the work of the Standards Committee is visible and considered at the highest level within the Council, reducing the risk of ethical governance issues not having sufficient profile.

## **5. EQUALITIES AND DIVERSITY ISSUES**

- 5.1 There are no direct equalities or diversity issues arising from this report. However, the Standards Committee are mindful of such issues, which are highlighted in all reports presented for their consideration. The work of the Standards Committee applies to all Members and Co-opted Members equally.

## **6. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS**

- 6.1 There are no direct financial, staffing, ICT or property implications arising from this report.

## **7. LEGAL ISSUES**

- 7.1 There are no direct legal issues arising from this report.

## **8. CONSTITUTIONAL POWERS**

- 8.1 The Standards Committee is empowered with promoting and maintaining the high standards of conduct by Members and Co-opted Members, assisting Members to observe the Code of Conduct, advising the Council on the code and monitoring its operation. It also has powers to grant dispensations relating to registrable interests and to grant exemptions from political restriction. It will appoint sub-committees to carry out its roles and functions related to the assessment, review and referral of allegations regarding breach of conduct and those related to determination and application of sanction in such cases.

## **9. BACKGROUND INFORMATION**

### **Introduction**

- 9.1 The work of the Standards Committee during the municipal year 2007/08 primarily focussed on two important issues. The first of these being the adoption of the revised Members' Code of Conduct and the second being preparation for major change in the operations of the Standards Committee in 2008/09. On 8 May 2008, substantial new powers for the Standards Committee came into force which will provide a significant challenge. The new functions were introduced by the Local Government and Public Involvement in Health Act 2007 and most are collectively known as 'Local Regulation'.
- 9.2 The Standards Committee agreed a work programme for the 2007/08 year, which was welcomed by the committee who feel it has assisted their focus. A Work Programme for 2008/09 has been agreed and is attached to this report at Appendix A. Within this programme is work related to the Ethical Governance Assessment, which it is anticipated will provide the committee with valuable information about the ethical health of the Council from which to plan their future activities and identify areas where guidance may usefully be given to the Council. It will also help the Standards Committee to make robust comments in future annual reports on the ethical health of the Council.

### **Committee Membership**

- 9.3 During 2007/08 the Standards Committee had a stable membership of seven comprising three elected Members and four Independent Members. This membership has been expanded by the Council for 2008/09 to thirteen comprising six elected Members (two from each political group represented on the Council) and seven Independent Members. This increase is to accommodate the requirements of Local Regulation and enable the establishment of sub-committees of varied membership.

### **Attendance**

- 9.4 Attendance at the four scheduled meetings and one special meeting held in 2007/08 was good. The first two meetings were fully attended, albeit with one substitute elected Member attending in each case, and in no case were there fewer than five of the seven members present for a meeting with apologies generally being submitted with good cause.

### **Officer Support**

- 9.5 Primary support for the Standards Committee comes from the statutory post of Monitoring Officer. Since the establishment of the Corporate Governance Directorate in December 2006, the function of Monitoring Officer has been part of the role of the Director of Corporate Governance and the Head of Legal is the Deputy Monitoring Officer. The Monitoring Officer placed responsibility for the day to day support of the Standards Committee, together with other roles related to furthering ethical governance within the Council, in the new role of Governance Manager within the Internal Audit and Ethical Governance Team. The Governance Manager took up post from 1 May 2007.

### **Independent Members**

- 9.6 The Council, in accordance with best practice, and on the recommendation of the Standards Committee and of the Special Committee (Constitution Review), made changes to fix the terms of Independent Members serving on the Standards Committee at four years and to limit the number of fixed four-year terms an Independent Member could serve to two. These changes were agreed by the Council in January 2008 and are now reflected in Article 9 of the Constitution.
- 9.7 Due both to the increase in the size of the Standards Committee and two of the standing Independent Members being required by the new arrangements to re-apply for appointment if they wished to continue to serve on the committee, a recruitment exercise was undertaken. This involved an advertisement being placed in Barnet First, on Barnet online and in two local newspapers. A recruitment pack was prepared, which was largely based on the model pack issued by the Association of Council Solicitors and Secretaries (ACSeS) and other guidance. The Chief Executive and the Monitoring Officer interviewed applicants and selected those to nominate to the Council for appointment at the annual meeting.
- 9.8 One of the two Independent Members whose term of office had been deemed to end in May 2010 became ineligible due to changes in the Regulations that preclude an officer from any local authority being an Independent Member of a Standards Committee. This change would also have applied to the former Independent Member who did not choose to re-apply. Therefore both these Independent Members came to the end of their service at the end of the 2007/08 municipal year.
- 9.9 The further position was filled from the recruitment exercise making a total of six nominations that were put to the Council's Annual Meeting, of which one was a former Independent Member who had re-applied in accordance with the agreed arrangements. The one remaining Independent Member whose fixed term continues until May 2010 was proposed to the Council for annual re-appointment. All the recommended appointments and re-appointments were agreed by the Council.
- 9.10 The following Independent Members served on the Standards Committee in 2007/08:

**Rev Bernd Koschland** has served on the Standards Committee since its inception in 2000 and as its Chairman for the last three years. His main career has been as a teacher and Minister of Religion, including a current role as a Chaplain at the Royal Free Hospital, and he serves on many public bodies. He has lived in the borough for more than 30 years.

**Marguerite Argles** has also served on the committee since its inception in 2000 and was in this municipal year its Vice-chairman. She is a Local Government Officer being employed by the London Borough of Camden as a Senior Project Manager. In addition, she serves as Justice of the Peace for the Corporation of London and is a governor of Barnet College. She has lived in three different areas of the borough in the last 35 years.

**Susan Riddle** is also a Local Government Officer being Corporate Complaints Manager at the London Borough of Brent. In addition, she serves as a Justice of the Peace in Barnet and has done so for more than 20 years. She has lived in the borough for over 30 years and has served on the Standards Committee since 2005.

**Stephen Ross** MSc FCII FRSA has also served on the Standards Committee since 2005. His professional career started in accountancy and financial services and is now in charity management as Executive Director of Leo Baeck College, East Finchley. In addition, he is a researcher and international speaker on faith-based investment. He has lived in the borough for more than 30 years.

- 9.11 Independent Members have generally maintained an interest in the wider work of the Council. Extra activities on the part of the Independent Members have included attendance at various committee meetings and meetings of the Council in order to see Councillors at work and at various additional training sessions and seminars to increase their skills and knowledge. In addition, one Independent Member has attended sessions organised by a cross-borough Independent Members group.

#### **Elected Members**

- 9.12 In 2007/08, the three Elected Members serving on the committee for the whole year were: Cllr Jack Cohen (Liberal Democrat), Cllr Joan Scannell (Conservative) and Cllr Agnes Slocombe (Labour).

#### **The Code of Conduct**

- 9.13 The Standards Committee considered the revised Local Authorities Model Code of Conduct at its first meeting of the year. This report also presented the results of the Government's consultation on the proposed code, which the committee had responded to in 2006/07.
- 9.14 The committee recommended that the Council adopt this model code subject to a local addition to similar effect to the local addition that the Council had made to the previous code in respect of declaring membership of private clubs and similar organisations. The Council agreed with this recommendation and adopted the revised Model Code of Conduct at its meeting on 26 June 2007. All Members of the Council (including Co-opted Members and Independent Members of the Standards Committee) were required to, and did, sign up to the new code within two months of its adoption.

- 9.15 Officers conducted three training sessions (two in July and one in November 2007) for Members on the new Code of Conduct and the changes it brought, which nearly half the Members of the Council attended plus all Independent Members of the Standards Committee and most Co-opted Members.

#### **Allegations of Breach of the Member Code of Conduct**

- 9.16 In 2007, four allegations were received by the Standards Board for England in respect of Barnet Members. Only one of these allegations was referred for investigation and no evidence of breach was found in this case.

#### **Register of Interests**

- 9.17 Another topic that the Standards Committee considered during 2007/08 was the potential publication of the Members Register of Interests on the Council's Website. This matter was discussed in depth at both the June 2007 and September 2007 meetings. Some members of the committee had concerns about the security risks involved with providing online access to Members' personal details. The committee accordingly decided that the register should not be placed on the Council's Website and the present arrangement of it being available for viewing at the Council's offices should continue to be the only means of public inspection.
- 9.18 The Monitoring Officer initiated in November 2007 a re-submission by Members of the declarations in the Members' Register of Interests. He recommended a re-submission mid-term for the Council and so compliance with all the requirements in respect of registrable interests under the revised Code of Conduct was ensured. The exercise would also ensure, insofar as was possible, that details were accurate and up to date before re-publicising the Register's availability for inspection at the Council's offices at North London Business Park. This process has been slow to complete so the planned publicity has not yet been undertaken and will now be aligned with the publicity for Local Regulation.

#### **Local Regulation**

- 9.19 Most of the work of the committee during the 2007/08 year was in some way preparatory for the introduction of Local Regulation which was anticipated from the Local Government and Public Involvement in Health Bill that became an Act in October 2007. The initial advice from Government was that Regulations enacting Part 10 of the Act, relating to Ethical Standards, could be expected to come into effect on 1 April 2008. The Regulations were actually laid before Parliament on 17 April 2008 to come into force on 8 May 2008. The implications of these Regulations have been fully reflected in the constitutional amendments agreed by Council in April 2008.
- 9.20 The Standards Committee held a special meeting in February 2008 to consider a response to a consultation by the Department for Communities and Local Government on the draft Regulations. Barnet was one of 310 principal authorities to respond amongst 571 total respondents to this consultation. A summary of responses together with comments from the Government was published on 9 April 2008.

- 9.21 At its final meeting of the municipal year, the committee considered a detailed report setting out what could be expected with Local Regulation and the proposed way of dealing with these significant changes. This included the increase in size of the committee and the establishment of sub-committees; process mapping, a description of the officer roles involved and analysis of potential impact.
- 9.22 The committee looks forward to the nuances of its new role emerging, including specific guidance anticipated from the Local Government Ombudsman on the relationship between the work of the committee and his investigations.
- 9.23 The committee received training in preparation for the introduction of Local Regulation in June 2007 from an external expert. Local Regulation was also the main topic of the Standards Board's Sixth Annual Assembly of Standards Committees on 15 and 16 October 2007, which the Chairman attended together with the Director of Corporate Governance and the Governance Manager. A report on this conference was submitted to the committee at its next meeting so that key information was shared with all Members of the Standards Committee.

#### **Complaints Role**

- 9.24 With the Standards Committee taking a more direct role in respect of allegations of breach of the Members Code of Conduct, the committee has considered whether it has a role to fulfil in any other complaints against the Council. It determined that there was an overview role to perform in relation to the number and type of complaints against the Council that are specifically concerned with conduct issues (rather than performance issues). It therefore agreed to receive an annual report, using data provided by the Council's Customer Services data-recording systems, and to use this to elicit whether there were any areas on which it wishes to give advice and guidance to the Council. The first of these reports is due to be submitted to the Standards Committee in September 2008.

#### **Into 2008/09**

- 9.25 The committee's work programme for 2008/09 is attached to this report as Appendix A. Training, particularly given the many new members and the challenge of Local Regulation, will be a significant priority.
- 9.26 The Committee will be operating with a fully revised terms of reference given its new powers. As well as those related to Local Regulation, the committee has new powers in respect of the political restriction of posts and granting exemptions to political restriction. These are in addition to its existing powers to grant dispensations to Members who might have a conflict of interest in relation to a forthcoming decision.

## **10. LIST OF BACKGROUND PAPERS**

- 10.1 Agendas and minutes of meetings of the Standards Committee in the 2007-08 municipal year.

## **Membership of the Standards Committee**

(as appointed by Council on 13 May 2008)

### **Independent Members**

**Chairman:** Revd Bernd Koschland - served since May 2000, re-appointed May 2008

**Vice-Chairman:** Mr Stephen Ross – appointed March 2005

Mr Michael Barber – appointed May 2008

Rabbi Jeremy Collick – appointed May 2008

Mr Ron Rosenhead – appointed May 2008

Ms Deborah Sanders - appointed May 2008

Mr David Sparrow - appointed May 2008

### **Elected Members**

Cllr Jack Cohen

Cllr Claire Farrier

Cllr Monroe Palmer

Cllr Joan Scannell

Cllr Agnes Slocombe

Cllr Andreas Tambourides

### **Substitute Members**

Cllr Maureen Braun

Cllr Jeremy Davies

Cllr Anne Hutton

Cllr Susette Palmer

Cllr Jim Tierney

Cllr Marina Yannakoudakis



**STANDARDS COMMITTEE WORK PROGRAMME**

(as agreed by the Standards Committee on 20 May 2008 )

<b>Tuesday, 20 MAY 2008</b>	
<b>Report</b>	<b>Description</b>
Constitution Updates	A report setting out those amendments to the Constitution pertaining to the Standards Committee as agreed by Council at its Meeting on 15 <sup>th</sup> April 2008. In particular, the new Terms of Reference for the Committee.
Sub-committee Membership	To establish membership of the new Sub-committees to deal with Local Regulation matters
Training Plan	A report setting out training proposed for the new committee.
Annual Report	Further to the preliminary report to the previous meeting, a draft report providing a review of the 2007/08 year for approval before presentation to Council at its July meeting.
Regulations in respect of Part 10 of the Local Government and Public Involvement in Health Act 2007	<p>A comprehensive review of what Local Regulation will mean for the work of the committee. Including an update on the publication of the regulations and their implications and formal notification of implementation of Local Regulation.</p> <p>Also, as agreed by the Standards Committee on 17/03/08, to include reference to how we will link with the Council's complaints process to provide redress for complainants. Will include reference to the relationship with the Local Government Ombudsman and to how the role of the LGO is expanding to cover standards committees.</p>
Ethical Governance Assessment – Progress	A report detailing progress on the Ethical Governance Assessment, particularly to introduce the assessment to new members of the committee.
Revised Work Programme	Particularly for the benefit of new members a report introducing the Work Programme for 2008/09. The work programme was agreed at the last meeting but has been reviewed, primarily to reflect the needs around the new membership of the committee.

**Monday, 15 SEPTEMBER 2008**

<b>Report</b>	<b>Description</b>
Ethical Governance Assessment – Findings	A report detailing and analysing the findings of the Ethical Governance Assessment, which will have been consulted on with Council Directors and from which an action plan will be developed.
Performance Indicators relating to Ethics and Governance	The first of what can be a regular report setting out performance indicators in areas pertaining to Ethics and Governance. The performance indicators to be identified from the Ethical Governance Assessment findings and governance risk assessment.
Review of Barnet's Planning Code of Practice and Licensing Code of Practice	A review of Member/Officer Protocols
Standards Board Statistics	A summary of the Statistics that the Standards Board produces for each financial year (2007-08)
Conduct Complaints Annual Report	First annual report on complaints related to conduct matters as agreed at December 2007 meeting.

**Thursday, 4 DECEMBER 2008**

<b>Report</b>	<b>Description</b>
Report back from the Standards Board Annual Assembly	Those attending will report back to the Committee as a whole what was covered there.
Review of Barnet's subsidiary Codes of Conduct – Part 2	A review of Member/Officer Protocols

**Monday, 9 MARCH 2009**

<b>Report</b>	<b>Description</b>
Feedback on actions arising from the Ethical Governance Assessment	A report updating the Standards Committee six months after the completion of the assessment.
Work Programme for 2009/10	To seek agreement to the Committee's proposed Work Programme for 2009/10.