

AGENDA ITEM: 5.2.2 Page nos. 1-18

Meeting	Council Meeting
Date	14 July 2009
Subject	Standards Committee Annual Report
Report of	Standards Committee
Summary	This report is the Annual Report of the Standards Committee for 2008/09.

Officer Contributors	Jeff Lustig, Director of Corporate Governance (Monitoring Officer), Donna Knight-Olds, 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 (not attached to draft report, as agreed at March meeting) Appendix C – Standards Board for England Annual Return (to follow)
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 to the substance of the proposed Annual Report of the Standards Committee to Council.
- 2.3 15 July 2008 – The Council approved and adopted the first annual report of the Standards Committee.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 Under the Council's Corporate Plan for 2009/10 to 2012/13, 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 ensures 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. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 There are no direct resource 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. It is empowered to consider and make recommendations to the Council, as necessary, on ethical issues affecting the Council as a whole.

9. BACKGROUND INFORMATION

Introduction

9.1 The work of the Standards Committee during the municipal year 2008/09 primarily focussed on three important issues. These were the training and development of the new committee, the Ethical Governance Assessment of the Council and the new powers of Local Regulation.

9.2 The Standards Committee agreed its annual work programme for 2008/09 in March 2008; the contents of which are reflected in the description below. A Work Programme for 2009/010 has been agreed and is attached to this report at Appendix A. Within this programme is work related to the agreed action plan from the Ethical Governance Assessment. This provided the committee with valuable information about the ethical health of the Council from which to plan their future activities.

Committee Membership

9.3 During 2008/09 the Standards Committee had a stable increased membership of thirteen in total; comprising six elected Members (two from each political group represented on the Council) and seven Independent Members. The increase was 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 held in 2008/09 was mainly good. In no case were there fewer than five of the seven Independent Members or four of the elected 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. During a period of absence on leave of the Head of Legal, the Director of Corporate Governance exercised his power to appoint one of the three legal Divisional Manager posts as a temporary Deputy Monitoring Officer.

- 9.6 The Monitoring Officer has 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 role of Governance Manager.

Independent Members

- 9.7 A recruitment exercise had been undertaken in 2007/08 and five new Independent Members were appointed for 2008/09 together with one Independent Member appointed for a further term of office and one standing Independent Member.

- 9.8 The following Independent Members served on the Standards Committee in 2008/09 and short biographies for each of them are available on Barnet Online:

Rev Bernd Koschland has served on the Standards Committee since its inception in 2000 and as its Chairman for the last four years.

Stephen Ross MSc FCII FRSA has served on the Standards Committee since 2005 and was in this municipal year its Vice-chairman.

Michael Barber, Rabbi Jeremy Collick, Ron Rosenhead, Deborah Sanders and David Sparrow were all newly appointed in May 2008.

- 9.9 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 (see below).

- 9.10 In addition, the Chairman is a member of cross-London e-mail forum of Standards Committee Chairmen and the Vice-Chairman attended a cross-borough Standards network event attended by both Officers and Members from 9 London boroughs held in the neighbouring borough of Brent.

Elected Members

- 9.11 In 2008/09, the six Elected Members serving on the committee for the whole year were:

- **Cllr Jack Cohen (Liberal Democrat)**
- **Cllr Claire Farrier (Labour)**
- **Cllr Monroe Palmer (Liberal Democrat)**
- **Cllr Joan Scannell (Conservative)**
- **Cllr Agnes Slocombe (Labour)**
- **Cllr Andreas Tambourides (Conservative)**

Training Plan

- 9.12 With so many new members on the committee, training was a significant priority for 2008/09 and a training plan was agreed in May 2008. Progress on the plan was reported to the committee mid-year with a high attendance by Independent Members at the events specifically for them and by elected members also at events for the whole committee.
- 9.13 Training topics included:
- Code of Conduct Training (as mentioned above)
 - Introduction to the Council for Independent Members
 - Chairing Skills
 - Assessment and Review of Allegations
- 9.14 The session on the Assessment and Review of Allegations was an exercise using real anonymised cases provided by the Standards Board for England. It was felt to be the most important and useful part of the training programme by many Members.
- 9.15 Some Members also attended specific training by external providers. Two Independent Members and one elected Member, accompanied by the Deputy Monitoring Officer and the Governance Manager, attended the Standards Board for England Seventh Annual Assembly of Standards Committees. The Assembly was found to be very useful and there was a report back to the committee.
- 9.16 A Training Plan for 2009/10 that builds on the training received in the first year has been agreed. This includes provision for a training exercise on determinations to be developed locally and again there will be attendance by Members and Officers at the Standards Board Annual Assembly.

Codes of Conduct

- 9.17 Barnet's Local Authorities Model Code of Conduct based on the revised model Code had been agreed in 2007/08. In October 2008, the Department of Communities and Local Government (CLG) launched a consultation on proposed revisions to the Model Code and also on the proposed introduction of a statutory Employee Code of Conduct. The Standards Committee responded to this consultation on behalf of the Council in December 2008. A response from CLG to the results of this consultation was expected three months later but none has as yet been forthcoming.
- 9.18 In July 2008, Officers conducted a training session on the Code of Conduct for all Members of the Standards Committee and to which any Councillors who had not attended either of the sessions in 2007/08 were also invited.

Register of Interests

- 9.19 The Members Register of Interests is required to be completed within two months of appointment and thereafter it is the Member's responsibility to inform the Monitoring Officer of any change in his/her interests within 28 days.
- 9.20 Further to the change of requirements from the new Code of Conduct in 2007/08, and as a best practice exercise, a mid-year review was conducted in November

2007. No non-routine action was taken in respect of the Register of Interests in 2008/09. However, an annual report on Declarations of Interests has been instituted on the committee's work plan from September 2009.

Local Regulation

- 9.21 In 2008/09, the Standards Committee took on substantial new powers. The new functions were introduced by the Local Government and Public Involvement in Health Act 2007 and most are collectively known as 'Local Regulation'. Much of the work of the committee during the 2007/08 year was in some way preparatory for the introduction of Local Regulation, which came into force by the Standards Committee (England) Regulations on 8 May 2008. The implications of these Regulations had been fully reflected in the constitutional amendments agreed by Council in April 2008.
- 9.22 The committee agreed Assessment Protocols and Criteria in November 2008 that follow Standards Board for England guidance as applied within the Barnet context and arrangements. These protocols and criteria have been found to be very useful by the Sub-committees when conducting assessments and reviews of assessments.
- 9.23 The committee later agreed Determinations Protocols and Criteria but these are as yet untested.
- 9.24 The Monitoring Officer may bring either set of protocols and criteria back for review at a suitable point in the future once a sizable number of cases have been assessed at Barnet, or, if there is a substantial change in national guidance.

Allegations of Breach of the Member Code of Conduct

- 9.25 During the Municipal year 2008/09 six allegations of misconduct were received by Standards Sub-committees. Five of these were heard in 2008/09 with the most recent likely to be assessed at the end of May 2009. In three cases the Sub-committee directed that no further action be taken. Two of these were then subject to a review request and the original decision was upheld. In third case the complaint is still within the period where a review request may be made. Two cases were referred to the Monitoring Officer for local investigation and those investigations are ongoing.

Ethical Governance Assessment

- 9.26 The Standards Committee agreed in June 2007 to conduct an Ethical Governance Assessment of the Council in 2008. This was a follow-up to a previous assessment in 2006 and the intention is continue with them on a biennial basis with the next scheduled for 2010. The Audit Commission and the Improvement and Development Agency (IDeA) both advocate the importance of conducting Ethical Governance 'healthchecks' in order to:
- help Councils assess and then drive up their ethical governance arrangements and procedures;
 - help Councils better understand the key ethical governance issues they are now facing; and
 - highlight areas to focus on in the future.

- 9.27 These assessments are the only specifically focussed measure the Council has of its levels of ethical governance; that is the operation of the frameworks in place and the views of different types of stakeholder. They provide the opportunity both to map a direction of travel for the Council and to make comparisons nationally.
- 9.28 Generally, improved confidence in 2008 as compared to 2006 was displayed by both Members and Officers in most aspects of the Council's ethical framework. The direction of travel from 2006 to 2008 was largely positive and it is hoped that this can be further improved for 2010. It continues to be the case that there are no areas where the negative view is in the majority. In many cases, particularly those where respondents have greater knowledge on which to base opinions, the positive view is a sizeable majority. Work can therefore be focussed on those areas where a small but significant proportion of staff, and/or Members, hold a negative view to identify why this is and address matters, where appropriate, to reduce or eliminate this negative feeling in future years.
- 9.29 The Action Plan arising from the recommendations agreed by the Standards Committee is currently being implemented with a progress report due to the Standards Committee at its next meeting. Many of the actions are cross-cutting and will involve Officers across the Council; in particular from Communications and Human Resources.

Complaints Roles

- 9.30 In 2007/08, and relating to Standards Committee taking a more direct role in respect of allegations of breach of the Members Code of Conduct, the committee 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.
- 9.31 The first of these reports was submitted to the Standards Committee in December 2008. The report showed that the proportion of complaints about staff conduct was very small. The Environment and Transport Directorate received the most complaints categorised as being about staff conduct. However many contextual and mitigating factors in relation to this were noted, including that this directorate is the most consistent about recording complaints and that refuse collection was perhaps the most frontline of frontline services.
- 9.32 The committee were impressed that the number of complaints about staff conduct was in fact a tiny percentile of the potential contacts from this service. Unfortunately, owing to the limitations of the recording system the data did not show how many complaints were justified and how many unjustified but it is hoped that there will be data on this for the next report. There was also analysis of the types of conduct complained about and no significant concerns with staff conduct at Barnet were identified.

Standards Board for England

- 9.33 The Standards Board for England (SBE) now has the primary role of being a light touch regulator. The Monitoring Officer submits quarterly returns to the SBE and has done since the start of Local Regulation. The committee received a report on the annual statistics from the last year of the SBE's operation as a primarily investigative body and from the national collation of the first quarter of Local Regulation.
- 9.34 In 2009, for the first time, authorities have been required to submit an annual return to the SBE providing detailed and qualitative data. A copy of this annual return is presented at **Appendix C**.

Into 2009/10

- 9.35 The committee's work programme for 2009/10 is attached to this report as Appendix B. A further training plan has also been agreed as mentioned above.
- 9.36 The Committee has in 2008/09 become familiar with its new powers in terms of assessment but in 2009/10 can expect to make at least two determinations following local investigation.
- 9.37 It may also be asked to exercise its other new powers in respect of the political restriction of posts and granting exemptions to political restriction or its longstanding but rarely used power 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 2008/09 municipal year.

APPENDIX A

Composition of the Standards Committee 2009/10

Cllrs J Cohen, Farrier, M Palmer, Scannell, Slocombe, and A Tambourides

Independent members

Mr M Barber, D J Collick, Rev B Koschland, Mr R Rosenhead, Mr S Ross, Ms D Sanders, Mr D Sparrow

APPENDIX B

STANDARDS COMMITTEE

Work Programme

Wednesday, 20 May 2009 (moved from 1 June 2009)	
Report	Description
Sub-committee Membership	To establish membership of the Sub-committees to deal with Local Regulation matters
Annual Report	A draft report providing a review of the 2008/09 year for approval before presentation to Council at its July meeting.
Ethical Governance Assessment – Progress	A report detailing progress on the agreed recommendations from the Ethical Governance Assessment.
Review of Barnet's Planning Code of Practice and Licensing Code of Practice	A review of the two Codes of Practice aligning them and according with the 2007 Code.
Statutory Code of Conduct for Officers	A progress report including the expected Government response to the consultation and relevant details on implementation.

Wednesday, 9 SEPTEMBER 2009	
Report	Description
Local Regulation – one year on	A review of the first year of local regulation including national figures from the SBE (hopefully available for whole year)

Member/Officer Protocols	A review of the Member/Officer Protocols following the intended implementation of the new statutory Code of Conduct for Officers
Conduct Complaints Annual Report	Second annual report on complaints related to conduct matters.
Declarations of Interest	A report providing the committee with assurance about the Members' Register of Interests and that declarations of interest and of Gifts and Hospitality have been declared in the preceding twelve months.

Thursday, 17 DECEMBER 2009	
Report	Description
Report back from the Standards Board Annual Assembly	Those attending will report back to the Committee as a whole what was covered there.

Thursday, 4 MARCH 2010	
Report	Description
Planning the Ethical Governance Assessment 2010	A report seeking agreement to proceed with the third biennial Ethical Governance Assessment and proposing how it will be conducted.
Training Plan 2009/10	A report setting out training proposed for the committee.
Work Programme for 2010/11	To seek agreement to the Committee's proposed Work Programme for 2010/11.

Standards for England

Annual return

Summary

Section 1	Independent overview
Section 2	Standards committee - annual report
Section 3	Standards committee - promoting standards
Section 4	Standards committee - training
Section 5	Leadership
Section 6	Complaints
Section 7	Member officer - relations
Section 8	Registering member interests
Section 9	Officer conduct
Section 10	Optional questions

1. Independent overview

Does the standards committee have Terms of Reference?

Yes

What help do members receive on following the Code of Conduct?

Training sessions held in 2007 and 2008. The Monitoring Officer and other Officers are always available to advise.

Does the standards committee have a forward work plan?

Yes

If yes, who outside of the standards committee is involved in agreeing the forward work plan? Please explain below.

The Standards Committee agrees its work programme on recommendation of the Monitoring Officer and the work programme for the current year is presented to the Council as an appendix to the Standards Committee Annual Report.

Is the standards committee given a role in reviewing amendments to the Authority's Constitution (or Standing Orders where appropriate)?

Yes

If yes, when was the last review undertaken and what was the standards committee's role in the review? Please explain below.

The Standards Committee has a role on appropriate parts of the Constitution. For example, the Licensing and Planning Codes of Practice are on the work programme for 2009/10. The Council has a Special Committee (Constitution Review) that leads on this role. The Standards Committee has formally noted changes to its terms of reference etc.

Standards committee meetings

Please use the table below to indicate how many times between 01/04/2008 and 31/03/2009 the standards committee has met and for what reasons.

Reason for meeting	Number of times met between 01/04/2008 and 31/03/2009
General meeting of whole standards committee	4
Training	1
Assessment sub-committee	2
Review sub-committee	2
Consideration meeting	0
Hearing	0
Other	0

2. Standards committee - annual report

Does the standards committee produce an annual report on its own work?

Yes

Is the annual report received by a meeting of the full authority?

Yes

Is the annual report sent to all members?

Yes

Is the annual report sent to all senior officers?

No

How is the annual report publicised to the general public?

In the Council Summons and published as such on the Council's Website.

3. Standards committee - promoting standards

What else does the standards committee do to communicate the role of the standards committee and the importance of high standards internally within the authority to members and officers?

The Ethical Governance Action Plan, following the assessment in 2008, contains many actions around communication.

What else has the standards committee done to promote confidence in local democracy to the wider public?

Regularly reviewed and updated its procedures and arrangements for dealing with alleged breaches of the Members' Code of Conduct.

Has the authority, or the standards committee in particular, considered how it will monitor and ensure high standards of behaviour when the authority is working in partnership with other organisations?

No

4. Standards committee - training

Between 01/04/2008 and 31/03/2009, has the authority assessed the training and development needs of members in relation to their responsibilities on standards of conduct?

Yes

What training needs were identified?

See training plans agreed by the committee on 20 May 2008 and 12 March 2009

Please provide a list of training and development opportunities that have been provided to members and officers in the period from 01/04/2008 and 31/03/2009, that are relevant to ensuring high standards. Your list should include any training that relates to the

operation of the local standards framework, e.g. local assessment, hearings etc.

In addition to Code of Conduct training for Members in July 2008, and the Standards Committee specific training in the plan*,there have also been 2 sessions of training for Officers in Legal and Internal Audit on the Code of Conduct and a session for Officers in Internal Audit on conducting investigations. *While answer 1.5 indicated 1 session of training for the whole committee there were also 3 for Independent Members only plus other individual training.

5. Leadership

How often has the standards committee, or its chair, met the chief executive to discuss ethical issues in the last 12 months (from 01/04/2008 to 31/03/2009)?

None

Please also provide an overview of what the meetings were about.

but intended for 2009/10

How often has the standards committee, or its chair, met the leader of the council to discuss ethical issues in the last 12 months (from 01/04/2008 to 31/03/2009)?

None

Please also provide an overview of what the meetings were about.

but intended for 2009/10

How often has the standards committee, or its chair, met the other party group leaders to discuss ethical issues in the last 12 months (from 01/04/2008 to 31/03/2009)?

None

Please also provide an overview of what the meetings were about.

but intended for 2009/10

Does the standards committee, or its chair, have regular access to the monitoring officer? How regular?

There is a callover before each Standards Committee meeting with the Chairman and, in addition, the Monitoring Officer and his representatives are always available to meet by request or to correspond by e-mail or by telephone.

How many times in the last 12 months (from 01/04/2008 to 31/03/2009) has the standards committee chair been invited to address a full authority meeting?

None

Does the monitoring officer sit on the Corporate Management Team, or equivalent?

Yes

Has an executive member (or senior member where appropriate) been given portfolio responsibility for standards?

No

6. Complaints

Can the public access information, from the authority website, about how to make a complaint against a member?

Yes

What else has the authority done to advertise the complaint process on member conduct to the general public?

Notices in local newspapers and the authority's own magazine.

Has the authority sought feedback from any of those people involved in an allegation of member misconduct about their satisfaction with the member conduct complaint process (for example the complainant, witnesses or person against whom the allegation was made)? Please choose from responses below.

No, have not sought feedback

How does the authority communicate the outcome of investigations into member conduct to:

a) members

Not yet completed an investigation.

b) officers

Not yet completed an investigation.

c) the general public

Not yet completed an investigation.

How does the authority communicate the outcome of allegations into member conduct which have NOT resulted in an investigation (for example those allegations which have not been referred for investigation and those allegations which have resulted in other action) to:

a) members

We do not communicate 'no further action' decisions and would be unlikely to communicate 'other action' decisions as no guilt has been determined but may be inferred.

b) officers

ditto

c) the general public

ditto

7. Member officer relations

Does the authority have a protocol for relations between members and officers?

Yes

How is the protocol communicated to officers and members?

It is communicated through being in the Constitution and through training.

What is the mechanism for reviewing the effectiveness of this protocol?

Mechanisms exist for review by the Standards Committee and the Special Committee (Constitution Review.)

Does the authority include training on the importance of high standards of behaviour in the inductions of new members and officers?

Yes

Does the authority have informal mechanisms for dealing with member/officer and member/member disputes?

No

8. Registering member interests

Is the member register of interests accessible to the public on the authority website?

No

Please briefly explain whether there is any particular reason why not.

Standards Committee decision 17 September 2007.

Is the register of gifts and hospitality available to the public on the authority website?

No

What does the authority do to signal to members the importance of declaring interests and completing the register of interests and the register of gifts and hospitality?

There is material in the induction pack for new Members. The Monitoring Officer also has the practice of conducting a mid-term review which pro-actively asks members to refresh their register of interests. Declaration of Interests is a standard item on all committee agendas. The Code of Conduct training given has included a strong emphasis on the importance of registration and declaration.

9. Officer conduct

Does the authority have a code of conduct for senior officers?

Yes

Does the authority compile a register of senior officers' interests?

Yes

If yes, is the register of senior officers' interests available to the public on the authority website?

No.

Does the authority compile a register of senior officers' gifts and hospitality?

Yes

If yes, is the senior officers' register of gifts and hospitality available to the public on the authority website?

No

10. Optional questions

The following questions are optional; you do not have to complete them if you do not wish to. However, this information would be useful to us in helping us to raise ethical standards.

On what issues, if any, would you appreciate more support or guidance on from the Standards Board for England?

No issues.

The Standards Board for England, the Improvement and Development Agency and the Audit Commission have developed a toolkit that authorities can use to assess the ethical governance arrangements in their authority, and also to identify improvements. Has your authority used the ethical governance toolkit?

No

If no, has your authority considered using the ethical governance toolkit?

No, considered, decided not to use

Expand on response to the above question

We conducted an internal Ethical Governance Assessment based in part upon the toolkit.