

AGENDA ITEM: 4.3.1 Page nos. 1 - 14

Meeting	Council Meeting
Date	12 July 2011
Subject	Standards Committee Annual Report
Report of	The Standards Committee
Summary	This report is the Annual Report of the Standards Committee for 2010/11.

Officer Contributors	Jeff Lustig, Director of Corporate Governance (Monitoring Officer), Seye Aina, Senior Governance Advisor
Status (public or exempt)	Public
Wards affected	All
Enclosures	Appendix A - Standards Committee membership 2010/11 Appendix B - Standards Committee Work Programme 2010/11 Appendix C - A summary of complaints considered by the Standards Committee 2010/11 and 2009/10.
For decision by	Council
Function of	Council
Reason for urgency / exemption from call-in (if appropriate)	Not applicable
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1. RECOMMENDATIONS

- 1.1 Council is requested to note the Annual Report of the Standards Committee and consider whether it wishes to make any comments for the Standards 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 15 July 2008 - The Council approved and adopted the first annual report of the Standards Committee.
- 2.3 14 July 2009 - The Council approved and adopted the second annual report of the Standards Committee.
- 2.4 13 July 2010 - The Council approved and adopted the third annual report of the Standards Committee.
- 2.5 1 June 2011 – The Standards Committee considered proposals for an annual report on its work to the Council and gave direction as to its content.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 Under the Council's Corporate Plan for 2010/11 to 2014/15, one of the corporate priorities is 'Better services with less money'. This report contributes to the key objective within this priority “To improve the effectiveness and transparency of decision making within the Council”. 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 As part of the Council's work towards good governance and transparency an annual report is prepared to monitor the work of the Standards Committee on ethical governance and the conduct of Members.

9.2 The work of the Standards Committee during the municipal year 2010/11 primarily focussed on the Ethical Governance Assessment 2010/11, the implementation of the on-line register of interests and the implications of the Localism Bill.

Committee Membership

9.3 The Standards Committee has a membership of thirteen members in total; comprising six elected Members (two from each political group represented on the Council) and seven Independent Members. The Standards Committee members for municipal year 2010/11 are set out in *Appendix A*.

9.4 Attendance at the four scheduled committee meetings from April 2010 to March 2011 has on the whole been very good. Generally, at least five of the seven Independent Members and four of the six elected members were present for each meeting, with apologies being submitted with good cause.

9.5 The Standards Committee agreed an annual work programme for municipal year 2010/11, the contents of which are set out in *Appendix B*.

Terms of Reference

9.6 Article 9 of the Council's Constitution sets out the composition, role and function of the Standards Committee. This has been updated during the year to reflect the duties and role of the Committee.

Codes and Protocols

- 9.7 Part 5 of the Council's Constitution contains the Codes and Protocols, that are very relevant to the functions of the Standards Committee, as follows:-
- Members' Code of Conduct
 - Members' Planning Code of Good Practice
 - Members' Licensing Code of Good Practice
 - Officers' Code of Conduct
 - Protocols for Member-Officer Relations
 - Barnet Code of Corporate Governance

Officer Support

- 9.8 The Standards Committee meets four times a year. A number of Standards Sub-Committee meetings are also held, depending upon the number of complaints received concerning alleged breaches of the Members' Code of Conduct.
- 9.9 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 Assistant Director-Legal is the Deputy Monitoring Officer.
- 9.10 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 Senior Governance Advisor.

Independent Members

- 9.11 The following Independent Members served on the Standards Committee in the municipal year 2010/11 and short biographies for each of them are available on the Barnet website:

Rev Bernd Koschland (Chairman)

Stephen Ross (Vice-chairman)

Michael Barber

Tanya Ossack

Ron Rosenhead

Deborah Sanders

David Sparrow

- 9.12 An Independent Member is appointed to chair each Sub-Committee meeting. All Independent members of the Standards Committee have participated in at least one Sub-Committee meeting during municipal year.
- 9.13 The Chairman also attends regular meetings with the Director of Corporate Governance and the Senior Governance Advisor. The other Committee members have also attended networking events and seminars organised by a

neighbouring Council and the Greater London Authority.

Elected Members

9.14 The following six elected Members served on the Standards Committee in the municipal year 2010/11:

Cllr Wendy Prentice (Conservative)
Cllr Andreas Tambourides (Conservative)
Cllr Claire Farrier (Labour)
Cllr Agnes Slocombe (Labour)
Cllr Jack Cohen (Liberal Democrat)
Cllr Lord Monroe Palmer (Liberal Democrat)

9.15 All elected members of the Standards Committee have participated in Assessment Sub-committee meetings since their appointment on to the Standards Committee. This experience has been a key part in the skill base of Committee Members.

Training

9.16 In the municipal year 2010/11, members of the Standards Committee have engaged in a number of seminars, conferences and networking events, to keep up-to-date on the local standards framework and proposed new legislation. The Topics included:

- The Members' Code of Conduct
- The Planning Code
- Localism Bill
- Social Media

Register of Interests

9.17 The Register of Members' Interests sets out the registrable interests of Members, including gifts and hospitality. The Register is maintained by the Director of Corporate Governance and Monitoring Officer and is kept at the Council's offices.

9.18 There is a legal requirement for the Register of Members' Interests to be made publicly available for inspection. In January 2010, Council approved a recommendation from the Standards Committee for the Register to be made available online.

9.18 On 17 November 2010, an online version of the Register of Members' Interests was successfully launched and published on the Council's website (Barnet online). The register is now accessible by the public on the internet and can be viewed via the 'Council and Governance Democracy' page of the website.

9.19 The online version of the register sets out the forms completed by each Member providing details of their registered interests and lists any declarations of gifts

and hospitality of £25 or more. There are currently six elected Members who have 'opted-out' of the online register. The word 'opt-out' appears next to these Members names and any member of the public wishing to view these entries must make an appointment to visit the Council's offices and inspect a hard copy version of the register.

- 9.20 On 15 December 2010, the Standards Committee considered an annual report of the declaration of interests of Members, including those made at Council, Cabinet and Committee meetings. The report showed that Members have a good level of awareness of their duty to report their interests on time and appropriately.

Ethical Governance Assessment

- 9.21 On 11 October 2010 and 3 March 2011, the Standards Committee considered Ethical Governance Assessment Reports looking at the ethical governance framework of the Council since the last report conducted in 2008. The reports focused on Staff Code of Conduct, Members' Code of Conduct, Member Officer Protocols, harassment or bullying, trust in management, disciplinary procedures, fraud awareness, whistleblowing and the complaints procedures.
- 9.22 The Assessment examined the results of a desk-top review of key policies and documents. The role and work of Standards Committees was analysed by benchmarking and considering other statistical information from Barnet and other London Boroughs.
- 9.23 The results of the Ethical Governance Assessment has provided a better understanding of the key ethical governance issues facing the Council and identifying potential areas for improvement.

Complaints Role

- 9.24 During the municipal year 2010/11, the Standards Sub-committees have considered allegations of breaches of the Code of Conduct. A breakdown of the complaints, outcomes and types of allegations considered by the Sub-Committees from April 2010 – May 2011 is set out in *Appendix C*.
- 9.25 *Appendix C* also provides a breakdown of the complaints, outcomes and types of allegations considered by the Sub-Committees from February 2009 – March 2010.
- 9.26 The Statistics show that during the period from February 2009 – March 2010, the Sub-committee decided in one case that there had been a breach of the Code of Conduct. During the period from April 2010 – May 2011 there have been no findings of a breach of the Code of Conduct. There has been a small increase in the number of complaints referred for investigation, however at the time of presenting this report the outcomes of these complaints referred for investigation are not yet known.

The Localism Bill

- 9.27 On 13 December 2010, the Localism Bill was published with information on proposals to abolish the 'Standards Board regime'. The Bill is expected to receive Parliamentary approval before the end of the year. The Standards Committee has considered the implications of the Bill. It is expected that the work of the Standards Committee will continue as normal until any further announcements or the new legislation is passed.
- 9.28 Under the proposed new legislation, Standards for England (formally known as the Standards Board for England) will be abolished and Local Authorities will no longer be required by law to have Standards Committees or a statutory Code of Conduct. It is anticipated that Local Authorities will choose whether or not to establish a voluntary Standards Committee to consider complaints against Members.

Information on the Standards Committee

- 9.29 Members of the public are able to find out about the work of the Standards Committee on the Council's website (Barnet online). The agenda and decisions of the Standards Committee, information on how to make a complaint concerning an alleged breach of the Code of Conduct and final decisions of the Standards Sub-Committees are all available for public inspection on the Council's website.

10. LIST OF BACKGROUND PAPERS

- 10.1 Agendas and decisions of meetings of the Standards Committee held in the 2010/11 municipal year:-
- 26 May 2010
 - 11 October 2010
 - 15 December 2010
 - 3 March 2011

Membership of the Standards Committee (Municipal Year 2010 – 2011)

Independent Members

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

Vice-Chairman: Mr Stephen Ross - served since March 2005, re-appointed May 2010.

Mr Michael Barber - appointed May 2008

Ms Tanya Ossack - appointed May 2010

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 Lord Monroe Palmer

Cllr Wendy Prentice

Cllr Agnes Slocombe

Cllr Andreas Tambourides

Substitute Members

Cllr Maureen Braun

Cllr Brian Gordon

Cllr Julie Johnson

Cllr Susette Palmer

Cllr Jim Tierney

STANDARDS COMMITTEE

Work Programme 2010/11

Wednesday, 26 May 2010	
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 2009/10 year for approval before presentation to Council at its July meeting.
Review of Standards Committee Terms of Reference	A report providing a review of (and any proposed amendments to) the Committee's Terms of reference at the start of a new Council.
Online Declaration of Interests	A short report providing an update on progress towards implementing the online Register of Interests.
Appointment of the Vice-Chairman of the Committee	A report asking the Committee to recommend the appointment of the Vice-Chairman to Council (in June).
Monday, 11 October 2010	
Report	Description
Government's proposal to abolish Standards for England.	A report providing details of the government's proposal to abolish Standards for England.
Work Programme for 2010/11	To seek the Committee's agreement to revise the Work Programme for 2010/11.
A Quarterly report on complaints and Sub-committee decisions or determinations.	A report providing details of complaints and Assessment sub-committee decisions since the last Standards Committee meeting.
Online Register of Members' Interests	A progress report on the online Register of Members' Interests.
Ethical Governance Assessment 2010	A progress report providing details of the 3 rd Biennial Ethical Governance Assessment, 2010.

Wednesday, 15 DECEMBER 2010

Report	Description
Government's proposal to abolish Standards for England.	A progress report providing details of the government's proposal to abolish Standards for England.
A Quarterly report on complaints and Sub-committee decisions or determinations.	A report providing details of complaints and Assessment sub-committee decisions since the last Standards Committee meeting.
Declarations of Interest	An annual report providing the Committee with details of the Register of Members' Interests, declarations of interests and the Gifts and Hospitality declared by Members in the preceding twelve months.
Member Induction	A report advising the Committee on the induction of Members following the Local Elections in May, particularly the aspects relating to the Code of Conduct and ethical governance matters.

Thursday, 3 MARCH 2011

Report	Description
Ethical Governance Assessment – Findings	A final report detailing and analysing the findings of the 3 rd Biennial Ethical Governance Assessment, 2010.
A Quarterly report on complaints and Sub-committee decisions or determinations.	A report providing details of complaints and Assessment sub-committee decisions since the last Standards Committee meeting.
Training Plan 2011/12	A report setting out training proposed for the committee in the coming year.
Work Programme for 2011/12	To seek agreement to the Committee's proposed Work Programme for 2011/12.

Appendix C

1. Standards Sub-committee complaints April 2010 – May 2011

Statistical information on complaints against Members concerning allegations of a breach of the Code of Conduct.

A Breakdown of the types of Allegations considered by the Standards Sub-committee:-

Types of Allegations from April 2010 – May 2011	
Respect	10
Equality	1
Bullying/Intimidation	6
Impartiality	1
Disclosure of confidential information/access to information.	0
Disrepute	9
Use of position to confer an advantage/disadvantage	2
Use of the resources of your authority	1
Reasons for decisions/regard to relevant advice when reaching decisions.	1
Personal Interests	1
Prejudicial Interests	1

A Breakdown of the source of complaints considered by the Standards Sub-committee:-

Source of Complaints from April 2010 – May 2011	
Member of the Public	12
Councillor	2
Anonymous	1 (A Member of the public)
Other	0

A summary of complaints considered by the Standards Committee 2010/11 and 2009/10

A Breakdown of complaint outcomes of the Standards Sub-committee:-

Outcomes from April 2010 – May 2010		
Committee Meetings	Outcome	Numbers
Assessment Sub-Committee	No further action	3
	Local investigation	5
	Other action	0
	Adjourned for further information	0
Review Sub-Committee	No further action	1
	Local investigation	0
	Other action	0
	Adjourned for further information	0
Consideration Sub-Committee	No further action	1
	Referred for a hearing	0
Determination Hearing	Breach of code	0
	No sanction	0

2. Standards Sub-committee complaints February 2009 – March 2010

Statistical information on complaints against Members concerning allegations of a breach of the Code of Conduct.

A Breakdown of the types of Allegations considered by the Standards Sub-committee:-

Types of Allegations from February 2009 – March 2010	
Respect	6
Equality	0
Bullying/Intimidation	2
Impartiality	1

A summary of complaints considered by the Standards Committee 2010/11 and 2009/10

Disclosure of confidential information/access to information.	1
Disrepute	10
Use of position to confer an advantage/disadvantage	5
Use of the resources of your authority	0
Reasons for decisions/regard to relevant advice when reaching decisions.	0
Personal Interests	1
Prejudicial Interests	0

A Breakdown of the source of complaints considered by the Standards Sub-committee:-

Source of Complaints from February 2009 – March 2010	
Member of the Public	10
Councillor	1
Anonymous	1 (A Member of the public)
Other	0

A Breakdown of complaint outcomes of the Standards Sub-committee:-

Outcomes from February 2009 – March 2010		
Committee Meetings	Outcome	Numbers
Assessment Sub-Committee	No further action	6
	Local investigation	2
	Other action	1
	Adjourned for further information	1
Review Sub-Committee	No further action	5
	Local investigation	0

A summary of complaints considered by the Standards Committee 2010/11 and 2009/10

	Other action	0
	Adjourned for further information	0
Consideration Sub-Committee	No further action	0
	Referred for a hearing	1
Determination Hearing	Breach of code	1
	No sanction	0