

London Borough of Enfield

Standards Committee

Annual Report 2009/10

1. Introduction

This is the seventh Annual Report of the London Borough of Enfield's Standards Committee. It sets out the key issues we have dealt with during the past year and looks ahead to our priorities for 2010/11.

2. Membership

The Standards Committee in 2009/10 comprised 9 members, as follows:

Three Independent Members

Geoffrey Mills	Chairman
Lawrence Greenberg	Vice-Chairman
Rufus Barnes	

Note: Rufus Barnes (Independent member) was appointed by Council on 28th January 2009. He joined the committee at the start of this Municipal year.

Six Councillors

Councillors: Alan Barker (Conservative), Don Delman (Conservative), Annette Dreblow (Conservative), Vivien Giladi (Labour), Toby Simon (Labour), and Doug Taylor (Labour).

The Committee's lead officers were John Austin (Assistant Director of Governance and Monitoring Officer) and Philip Copland (Borough Solicitor) with support from Asmat Hussain (Interim Assistant Director Legal Services and Deputy Monitoring Officer) and Jayne Bott (Standards Committee Secretary). Asmat Hussain replaced Philip Copland as a lead officer with effect from 1st February 2010.

3. Terms of Reference of Enfield's Standards Committee

The role and purpose of the Committee during 2009/10 was as follows:-

- (a) To promote and maintain high standards of conduct by Councillors, Co-opted Members and Church and Parent Governor representatives.
- (b) To assist Councillors, Co-opted Members and Church and Parent Governor representatives to observe the Members Code of Conduct and all other Codes within the Constitution plus any others adopted in the future.
- (c) To advise the Council on the adoption or revision of the Members Code of Conduct and all other Codes within the Constitution and any others adopted in the future.
- (d) To monitor the operation of the Members Code of Conduct.

- (e) To advise, train or arrange to train Councillors, Co-opted members and Church and Parent Governor representatives on matters relating to the Members Code of Conduct.
- (f) To grant dispensations to Councillors, Co-opted Members and Church and Parent Governor representatives from requirements relating to interests set out in the Members Code of Conduct.
- (g) To consider any Standards Board for England reports from an Interim Case Tribunal.
- (h) To discharge such other functions either general or specific as the Council may from time to time allocate to the Committee.
- (i) To receive monitoring reports relating to members from the statutory officers under the Council's whistleblowing policy. (Note: The Council's whistleblowing policy is within the remit of the Audit Committee.)
- (j) To prepare an Annual Report for submission to Council. The Annual Report will contain information on the work done by the Committee over the past year and outline work to be done in the year to come.
- (k) To consider and make recommendations to the Council, as necessary, on ethical issues affecting the whole Council.
- (l) To respond to national reviews and consultations on standards related issues.
- (m) To receive reports and keep a general overview of probity matters arising from Ombudsman investigations, Monitoring Officer reports, reports of the Chief Financial Officer and Audit Commission relating to Members.
- (n) To consider matters related to the registration and declaration of members' interests and related party transactions.
- (o) To monitor complaints referred under the Members Code of Conduct and to prepare an annual report on this activity each year.
- (p) To consider whether a member's allowances should be suspended (wholly or partly) if a member is suspended pursuant to Part III Local Government Act 2000.
- (q) To deal, through designated sub-committees, with any complaints of alleged breaches of the Councillor's Code of Conduct in accordance with the agreed procedures.
- (r) To consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and may direct the Authority that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Authority under Section 2(2) of that Act.
- (s) Upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Authority under Section 2(2) of the 1989 Act, and may direct the Authority to include a post in that list.

NB: (r) and (s) above are also included in the terms of reference of the Assessment Sub-Committee.

4. Meetings

The Committee held four meetings during the year: 17th June 2009, 15th October 2009, 3rd February 2010 and 22nd April 2010.

5. The Committee's Work Programme - 2009/10

The Committee adopted a work programme for the year, which focused on the following main issues:

- **The Standards Committee (Further Provisions) (England) Regulations 2009**

The Committee considered and noted a report providing a summary of the Standards Committee (Further Provisions) (England) Regulations 2009 and Standards for England Guidance Notes on Joint Committees and Dispensations.

- **The Killian Pretty Review And The Community Infrastructure Levy**

The Committee discussed a report providing a summary of the Killian Pretty Review and the Community Infrastructure Levy. The report outlined the recommendations of the Killian Pretty Review and how this was likely to impact on the Local Planning Authority's functions.

This report also provided information on the Community Infrastructure Levy, the current consultation and the impact this was likely to have on Infrastructure Planning and s.106 Obligations.

The Committee agreed that as the Killian Pretty review impacted on all members of the Council, it should be covered in a training session for members.

- **Probity In Planning**

Following consideration of the Killian Pretty Review and the Community Infrastructure Levy Report, the Committee considered a report providing a summary of the Local Government Association Paper on Probity in Planning and the likely impact on the way in which the Local Planning Authority may be expected to engage with members during the life time of a planning application.

The Committee agreed that (a) a protocol to protect councillors should be drafted and (b) recommended that a policy or protocol regarding the submission of late documents be produced in order to protect the Council. These documents will be submitted to the Standards Committee for consideration in the new Municipal Year.

- **Annual Assembly of Standards Committees 2009**

Standards for England held its eighth Annual Assembly of Standards Committees on 12th and 13th October 2009 at the ICC, Birmingham. The purpose of the conference was to gain the latest information from the Government and Standards for England and learn best practice from other authorities across the country.

The Standards Committee was represented at this event by John Austin, Monitoring Officer, Asmat Hussain (Deputy Monitoring Officer) Councillor Alan Barker and Rufus Barnes (Independent Member). They provided detailed feedback on this event to the committee on 15th October 2009. This will form the basis of the committee's work programme for 2010/11.

- **Change to Rolling Membership for Independent Members**

On 24th February 2009, Council agreed that the Standards Committee independent member appointments should be staggered to bring about more continuity on the Committee. This included an interim arrangement to enable one of the current members to remain on the committee for a further period of 12 months and the other for 24 months. This arrangement would come into effect on 27th May 2009.

One of the independent members has confirmed that he would not be seeking re-selection as he had moved out of the borough. Therefore, a new member will be appointed in the new municipal year 2010/11 through the statutory competitive recruitment process.

- **Recruitment of Independent Member**

On 31st March 2010, Council agreed to set up an Appointment Panel for the vacancy of an independent member when Rufus Barnes steps down in May 2010.

The Appointment Panel will comprise of 2 members of the Majority Group, 2 members of the Opposition Group and 2 independent members.

- **Annual Governance Statement**

The Committee considered and commented on the Annual Governance Statement for 2008/09.

6. Raising Profile of the Committee

During the year, the Committee carried various activities which helped to raise its profile within the Council. These included

- On *(date to be inserted)* 2009, the Chairman and Vice-Chairman met with the Leader of the Council and the Chief Executive to discuss the Ethical Framework.
- The Chairman and Vice-Chairman attend regular meetings with the Monitoring and Deputy Monitoring Officers to discuss standards and ethical issues.
- Independent members have also attended other meetings within the authority as observers and reporting back to the Committee on their experiences (or with their comments).
- The Chairman attended the Council meeting on 1st July 2009 and presented the Committee's Annual Report.
- The Chairman also attended a special Council meeting on 11th November 2009, this had discussed feedback from a public consultation exercise on a new form of executive arrangements.
- The Chairman gives an oral update on the activities he has undertaken to each meeting of the committee.
- Independent members will be attending the Councillor Induction Session (Post May 2010 - Local Elections) on the Code of Conduct and related matters.

7. Training

In 2010, members of the committee members received the Standards for England new DVD - 'Assessment Made Clear '. The DVD covered the local assessment of complaints and the four stages of the initial assessment process.

8. Member Code of Conduct Complaints Handling

Provisional dates for the Assessment Sub-Committee meetings are shown on the Council's Calendar of meetings in accordance with Standards for England Guidance.

Since May 2009, the Committee has dealt with no cases of alleged breaches of the Code.

The Monitoring Officers has resolved a number of informal complaints during the year. The committee felt that informal resolution was a helpful process.

9. The Role of Standards for England

The role of Standards for England changed from 8 May 2008 to that of a strategic regulator, only investigating the most serious allegations of member misconduct. In this role, Standards for England have issued comprehensive guidance to Standards Committees on the Local Standards Framework. They have also issued useful training materials on both the assessment and the code of conduct.

10. Quarterly and Annual Returns to the Standards Board for England

The new standards framework has been in place for over two years.

The Council is required to make quarterly and annual returns on-line to Standards for England providing information on case activity and the profile of Standards Committees. This information is completed by the Monitoring Officer. The Annual Return 2010 was agreed in consultation with the Chairman and submitted to Standards for England on 16th April 2010.

11. Standards for England (SfE) Bulletins and Guidance

The Standards Committee continued to maintain a keen interest in developments from Standards for England (SfE).

The Bulletins produced by Standards for England are circulated to members of the Committee as soon as possible to ensure that they are fully aware of the latest news and advice.

The Committee also receives SfE Bulletins and guidance at its meetings on a regular basis. These included various recommendations and guidance notes (e.g. on dispensation and joint standards committees).

12. Political Restriction

The Committee has a statutory duty to consider any application for exemption from political restriction in respect of any Council post. During this municipal year no applications were received.

13. Standards Committee Webpage

The Standards Committee webpage provides information about the Committee, its role and purpose and on making a complaint against members and co-opted members. This webpage is within the 'Council and Democracy' section of the Council's website. The information will be reviewed on a regular basis.

14. Future Work Programme 2009/10

The Committee will agree our work programme for 2010/11, at our first meeting in the new Municipal Year. This will no doubt develop further as the year progresses. The outline work programme will include:

- The Committee's terms of reference (To be considered at the first meeting in the new municipal year.)
- Chairman's Update Report to be included on each agenda
- Information on Councillor Induction Post May 2010 - Local Elections - Code of Conduct & Related Matters
- Training programme for members in 2010/11
- Communications Strategy in 2010/11
- Review of what other Council's do to promote the work of their Standards Committee.
- Report back on whether the Standards Committee could deal with complaints about members of joint partnerships.
- Monitoring Officer to report back on discussion on possible peer group review with Standards for England.
- Further training on the Assessment of Allegations of Misconduct by a member.
- Option of extending the period of office of Independent members to 6 years.
- Report back on the default position regarding members' allowances
- Review of Local Assessment, Investigation and Hearing Procedures
- Planning Committee protocols arising from the Local Government Association Paper on Probity in Planning
- Feedback from Standards Board Annual Conference - October 2010
- Draft Annual Report 2010/11
- Draft Annual Governance Statement 2010/11
- Politically Restricted Post Rules and List of Politically Restricted Posts
- Standards for England – Bulletins and Guidance
- Standards Committee Webpage – Update

15. Conclusion

As Chairman, I am grateful to both members and officers for their help and support and constructive discussions during 2009/10.

Geoffrey Mills
Chairman of Enfield's Standards Committee
2009/2010