

# Public Document Pack



## **STANDARDS COMMITTEE**

Tuesday, 5 July 2011 at 7.30 pm  
Room 3, Civic Centre, Silver Street, Enfield,  
EN1 3XA

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Independent Members: Lawrence Greenberg (Chairman), Dr Elliot Finer and Simon James

Councillors: Alan Barker, Yasemin Brett, Don Delman, Michael Rye OBE and Toby Simon

## **AGENDA – PART 1**

### **1. APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN**

To confirm appointment of Lawrence Greenberg as Chairman of the Standards Committee for the 2011/12 Municipal Year, as agreed at Council.

To elect a Vice Chairman for the 2011/12 Municipal Year

### **2. WELCOME AND APOLOGIES FOR ABSENCE**

### **3. DECLARATIONS OF INTEREST (Pages 1 - 2)**

Members are asked to declare any personal or prejudicial interests relating to items on the agenda. A flowchart is attached for guidance.

### **4. STANDARDS COMMITTEE - TERMS OF REFERENCE (Pages 3 - 4)**

To receive for information the committee's Terms of Reference.

### **5. MINUTES OF THE LAST MEETING (Pages 5 - 10)**

To receive and agree the minutes of the last meeting held on 22 April 2011.

### **6. CHAIRMAN'S UPDATE**

To receive an oral report from the Chairman, highlighting briefly any action taken following the previous meeting of the committee and informing members of any items of note.

### **7. CURRENT CASEWORK**

To receive an update on the current casework being undertaken for the Standards Committee.

**8. LOCALISM BILL**

To receive an update on the current situation with regard to the Government's Localism Bill.

**9. WORK PROGRAMME 2011/12 (Pages 11 - 12)**

To receive and agree the work programme for 2011/12.

**10. DATES OF FUTURE MEETINGS**

To note the dates agreed for future meetings of the Standards Committee.

Tuesday 1 November 2011

Tuesday 3 January 2012

Wednesday 7 March 2012

To consider re-arranging the meeting due to take place on 1 November 2011.

**11. ASSESSMENT SUB COMMITTEE DATES**

To note the provisional meeting dates set aside for meetings of the Assessment Sub Committee during 2011/12.

Thursday 7 July 2011

Tuesday 20 September 2011

Thursday 20 October 2011

Tuesday 15 November 2011

Tuesday 6 December 2011

Wednesday 11 January 2012

Thursday 9 February 2012

Monday 19 March 2012

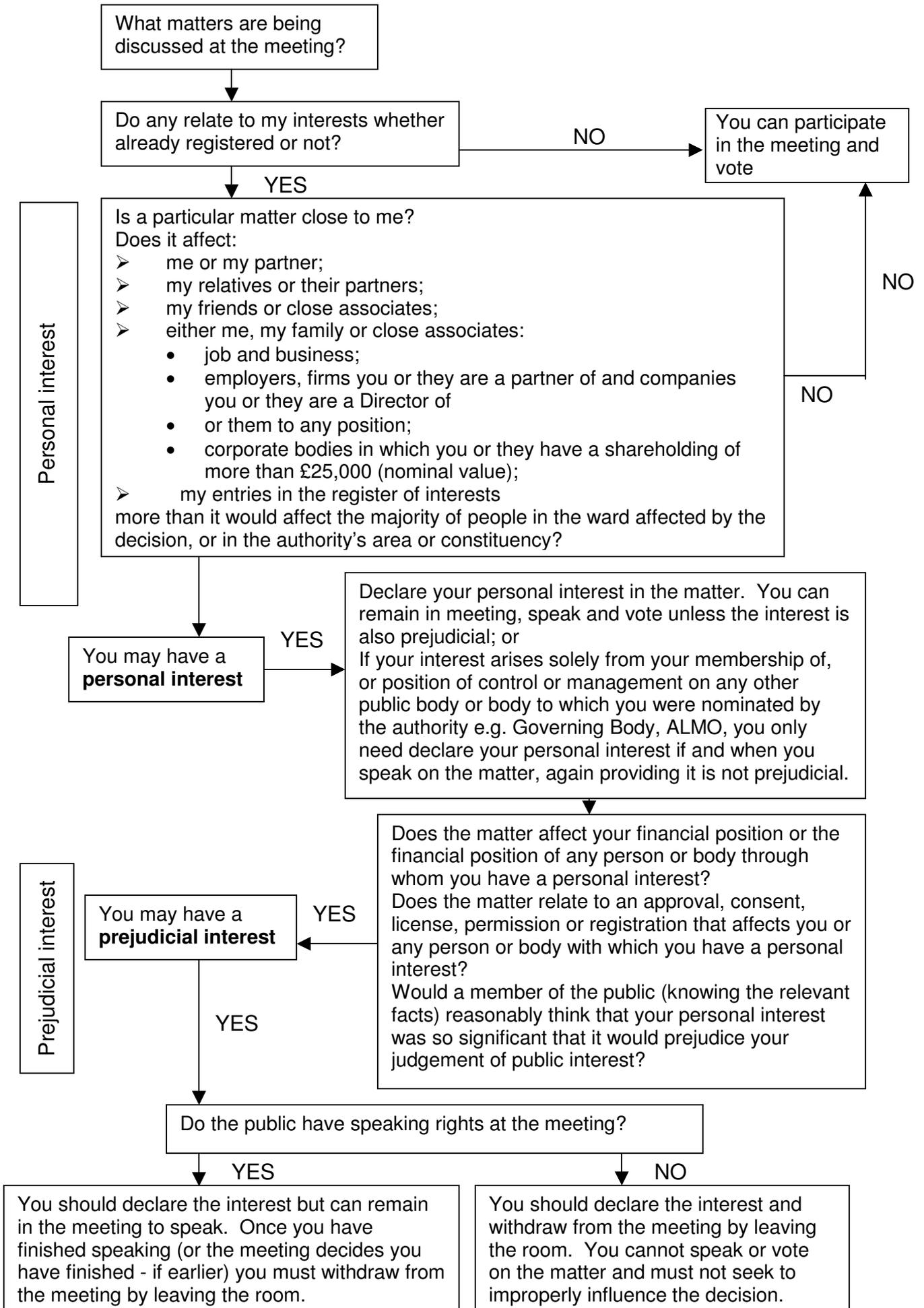
Tuesday 17 April 2012

**12. EXCLUSION OF THE PRESS AND PUBLIC**

If necessary, to consider passing a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting for any items of business moved to part 2 of the agenda on the grounds that they involve the likely disclosure of exempt information as defined in those paragraphs of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).

(There is no part 2 agenda)

**DECLARING INTERESTS FLOWCHART - QUESTIONS TO ASK YOURSELF**



**Note:** If in any doubt about a potential interest, members are asked to seek advice from Democratic Services in advance of the meeting.

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**Standards Committee – Terms of Reference**

- (i) To promote and maintain high standards of conduct by Councillors, Co-opted Members and Church and Parent Governor representatives.
- (ii) 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.
- (iii) 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.
- (iv) To monitor the operation of the Members Code of Conduct.
- (v) 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.
- (vi) 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.
- (vii) To consider any Standards Board for England reports from an Interim Case Tribunal.
- (viii) To discharge such other functions either general or specific as the Council may from time to time allocate to the Committee.
- (ix) To receive 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.)
- (x) 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.
- (xi) To consider and make recommendations to the Council, as necessary, on ethical issues affecting the whole Council.
- (xii) To respond to national reviews and consultations on standards related issues.
- (xiii) 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.

- (xiv) To consider matters related to the registration and declaration of members' interests and related party transactions.
- (xv) To monitor complaints referred under the Members Code of Conduct and to prepare an annual report on this activity each year.
- (xvi) 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.
- (xvii) To deal with any complaints of alleged breaches of the Members' Code of Conduct in accordance with the agreed procedures.
- (xviii) 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.
- (xix) 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.

**Note:** It is proposed that the functions set out in paragraphs (xviii) and (xix) above could also be carried out by the Assessment Sub-Committee.

## STANDARDS COMMITTEE - 21.4.2011

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE  
HELD ON THURSDAY, 21 APRIL 2011****MEMBERSHIP**

- PRESENT** Independent Members: Lawrence Greenberg (Chairman), Geoffrey Mills (Vice-Chairman) and Dr. Elliot Finer.
- Councillors: Alan Barker, Dogan Delman, Christine Hamilton, Chris Murphy, Michael Rye OBE and Toby Simon.
- ABSENT** Simon James (independent member)
- OFFICERS:** John Austin (Assistant Director of Corporate Governance) and Jayne Bott (Democratic Services)

**966****WELCOME AND APOLOGIES FOR ABSENCE**

The Chairman welcomed everyone to the meeting.

An apology for absence was received from Simon James (independent member).

**967****DECLARATIONS OF INTEREST**

Members had no declarations of interest in respect of the items on the agenda.

**968****MINUTES OF THE LAST MEETING**

1. The Committee received the minutes of the Standards Committee meeting held on 18 January 2011.

**AGREED** that the minutes of the last meeting of the Committee held on 18 January 2011 be confirmed and signed as a correct record.

2. The Committee received a verbal update from the Committee Secretary on the actions agreed at the last meeting held on 18 January 2011.

NOTED the following actions were agreed by the Committee and the outcomes are reported below:

- a. **Minute 688 – Chairman’s Update**

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Minute 688 – Chairman’s Update: The Committee noted that the action shown under Noted 4 (c) had been dealt with.

**b. Minute 669 - Future of the Local Standards Framework**

The Committee noted that a further briefing paper providing an update on the Localism Bill had been produced as agreed and was listed as agenda item 5 on the agenda for this meeting.

**969**

**CHAIRMAN'S UPDATE**

The Committee received an oral report from the Chairman, highlighting briefly any action taken since the last meeting and informing members of any items of note.

**NOTED:**

1. The Chairman reported that he had attended a meeting with the Group Whips.
2. John Austin referred to two alleged complaints against members, which he was trying to resolve informally. The Committee agreed that both complaints should be dealt with by the Monitoring Officer and the Whips informally at this stage.
3. That following a discussion about a recent Council meeting members suggested:
  - shorter Council meetings with no breaks in the future;
  - The role of the Mayor in chairing Council meetings should be discussed with both Group Whips to try and improve the conduct of members at these meetings;
4. John Austin reported that a Councillor had apologised for a comment they had made at a recent Council meeting, which had been accepted.
5. The Chairman invited Dr Finer to report back on two meetings he had attended on behalf of the Standards Committee.

Dr Elliot Finer reported that he had attended the following meetings:

- Planning Committee on Tuesday 25 January 2011

He was impressed by the Planning Committee Chairman and the other members conduct. He had not detected any political views during the meeting. However, he had felt uncomfortable about the way one planning application for a car wash in Palmers Green had been dealt with. The officers’ recommendation to refuse planning permission had been overturned and the Committee agreed the application. He was concerned that the procedure set out in the Code of Practice: Probity in Planning (para.1.2 – bullet point 8) had not been properly followed because the officers had not been given the opportunity to explain the reasons for their recommendation.

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Following the meeting, he had discussed this issue with John Austin and the matter was raised with officers in Planning who had accepted the point made. In future the procedure would be followed.

Members commented that the procedure was normally followed. Members made the decisions and Planning Officers accepted that some of their recommendations would be overturned.

Dr Finer explained that he had been concerned about the lack of transparency and explanation regarding why the recommendation had been overturned. He felt that the process needed to be clear to everyone present at the meeting.

- Council on Wednesday 26 January 2011

He was impressed by the serious consideration given to each item. The Council meeting had been extremely long and a disproportionate amount of time was spent on minor issues.

6. That Committee discussed the points made by Dr Finer regarding the Council meeting.
7. The Chairman thanked Dr Finer for his feedback.

**970**

**REVISED STANDARDS FRAMEWORK IN THE LOCALISM BILL AND OPTIONS FOR CONSIDERATION**

The Committee received a Briefing Paper from the Director of Finance and Corporate Resources, providing an update on the revised Standards Framework in the Localism Bill and options for consideration.

NOTED:

1. The Chairman advised that this Committee would be making recommendations to the Council on options for the future standards framework to ensure that high ethical standards were maintained in the borough. The Committee would have a wide ranging debate on this issue in the new Municipal Year.
2. During the discussion, John Austin explained that the Localism Bill could still be changed so the final outcome was still not known. He explained that Standards Committee would produce its recommendations on options for the future Standards Framework in Enfield. These options would then be considered by the political groups, Governance Review Group and Council.
3. The Chairman read out the comments received from Simon James on this item.
4. Councillor Simon felt that the Standards Committee could be merged with the Audit Committee. Dr Finer agreed with this proposal subject to there being independent members on that committee.

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5. That Council had agreed that non-voting independent members should serve on the Audit Committee during a one year pilot scheme. At the end of the year the pilot scheme would be reviewed to see if the independent members should be able to vote or not. The independent member positions had recently advertised in the local papers. The Standards Secretary was asked to arrange for a copy of the application pack be sent to Dr Finer. **ACTION: Standards Secretary**
6. It was anticipated that the Localism Bill would be enacted at the end of 2011 or early in 2012.

**971**

**STANDARDS COMMITTEE - REVIEW OF MEMBERSHIP**

The Committee received a Briefing Paper from the Director of Finance and Corporate Resources considering the number of independent members on the Standards Committee at the end of the Municipal Year 2010/11, prior to a report being submitted to Council on 4 May 2011.

On 30 June 2010, Council agreed that the number of independent members on the Standards Committee should be reviewed by Council at the end of the Municipal Year 2010/11 (Minute 31 refers).

NOTED that Geoffrey Mills term of office would cease at the end of this municipal year.

**RECOMMENDED TO COUNCIL** that the membership of the Standards Committee be decreased from four independent members to three in the new municipal year 2011/12, in light of the Localism Bill.

**ACTION: Standards Secretary**

**972**

**DRAFT OUTLINE ANNUAL REPORT 2010/11**

RECEIVED the draft Annual Report of the Standards Committee for 2010/11 for consideration and agreement. This was the eighth Annual Report of the Committee and it set out the key issues the committee had dealt with during the past year and looked ahead to its priorities for 2011/12.

NOTED that the finalised Annual Report would be submitted to full Council in the new Municipal Year.

**AGREED**

- (1) The draft Standards Committee Annual Report for 2010/11, subject to the report being updated to take account of the main issues discussed at this meeting and any typographical errors being corrected. **ACTION: Standards Secretary**

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- (2) That the Chairman and Vice-Chairman be delegated authority to approve the finalised version of the Standards Committee Annual Report for 2010/11. **ACTION: Standards Secretary**
- (3) That the Annual Report 2010/11 be submitted to Council for approval in the new Municipal Year. **ACTION: Standards Secretary**

**973**

**WORK PROGRAMME 2010/11**

NOTED the Committee's work programme for the Municipal Year 2010/11.

**974**

**DATES OF FUTURE MEETINGS IN 2011/12**

NOTED: That this was the last meeting of the Committee during 2010/11. The Council would agree the Calendar of Meetings for the new Municipal Year 2011/12 at the Annual Council meeting on 4th May 2011. The dates of future Standards Committee meetings would be notified after this date. **ACTION: Standards Secretary**

**975**

**FUTURE ASSESSMENT SUB-COMMITTEE MEETING DATES**

NOTED that that there are no more Assessment Sub-Committee meetings scheduled in this Municipal Year. The Council would agree the Calendar of Meetings for the new Municipal Year 2011/12 at the Annual Council meeting on 4th May 2011. The dates of future Assessment Sub Committee meetings would be notified after this date. **ACTION: Standards Secretary**

**976**

**EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED** in accordance with Section 100A (4) of the Local Government Act 1972 to exclude the press and public from the meeting for the item of business listed on part 2 of the agenda on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 7(a) of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).

**977**

**WHISTLEBLOWING UPDATE APRIL 2011**

The Monitoring Officer provided an update to the Committee on the number of cases and issues raised under the Council's Whistleblowing Policy.

NOTED:

1. The information provided by the Monitoring Officer on the number of allegations raised under the Council's Whistleblowing Policy since May 2009 and the outcomes to date.

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2. Councillor Hamilton referred to the first case listed under item 2 - Cases Referred since previous report and she wanted to know why it had taken so long for the recommendations to be implemented. She also asked whether the follow up review had happen yet or not.  
**ACTION: John Austin**
3. The Chairman commented that these whistleblowing complaints should be dealt with much quicker.
4. That the implementation of recommendations needed to be confirmed.
5. Having discussed the information, members asked for the format and process to be improved. **ACTION: John Austin**
6. That Risk 1 complaints were reported to the Audit Committee and there was no set time scale for dealing with them. Six months later, checks are made to see if the recommendations have been implemented.
7. That Councillor Simon preferred exceptional reporting e.g. auditors advise when things are not performing effectively.
8. The suggestion from Councillor Rye that the format of the report should be changed to show the date when the review will take place. For example, the text should read "The next procurement exercise will take place in 2 years time and the Audit Committee will check that the recommendations have been carried out.
9. That in response to concerns raised by Councillor Delman, the committee agreed that members should be kept informed of progress made on complaints they have raised.

John Austin apologised to Councillor Delman. He agreed to raise the issue of members not being kept informed with officers. He also agreed to advise officers that they should provide an explanation to members, if it was found that there was no case. **ACTION: John Austin**

10. Councillor Rye suggested that the Ombudsman's Report had a good format and this layout could be used to provide an overview.
11. That there was a management system for whistleblowing complaints. The Audit Committee was updated on a regular basis and the Monitoring Officer held a monthly meeting to consider them.

**AGREED:**

- (1) That the Monitoring Officer should look at ways of improving the format of the report and the monitoring information reported to the Standards Committee. **ACTION: John Austin**
- (2) That the whistleblowing complaints process should also be reviewed in view of the comments set out above. **ACTION: John Austin**

## Standards Committee: Work Programme 2011/12

ITEM	Lead/ Support Officer	1 <sup>st</sup> Meeting 5 July 2011	2 <sup>nd</sup> Meeting 1 November 2011	3 <sup>rd</sup> Meeting 3 January 2012	4 <sup>th</sup> Meeting 7 March 2012
Standards Committee Annual Report	John Austin				Draft Outline Annual Report 2011/12
Work Programme 2011/12 & Terms of Reference	John Austin	To Agree the Outline Work Programme for 2011/12 & Terms of Reference	Updated Work Programme for 2010/11 Monitoring	Updated Work Programme for 2010/11 Monitoring	Updated Work Programme for 2010/11 Monitoring
Chairman's Update Report	Chairman	Update	Update	Update	Update
The Government's Planned Decentralisation & Localism Bill	John Austin/ Legal	Update	Update on current position	Update on the current position	Update on the current position
Annual Governance Statement 2010/11	John Austin		Report		
Training programme for members in 2011/12 (incl assessment and handling of complaints)	John Austin Asmat Hussain		Details of External Training Course on Misconduct & the Code	Data Protection Report on outcome of member training	
Members Allowances - Update	John Austin		London Wide Members Allowances Panel & Other Councils Payments		
Bribery Act	John Austin		Report for information		

<b>ITEM</b>	<b>Lead/ Support Officer</b>	<b>1<sup>st</sup> Meeting 5 July 2011</b>	<b>2<sup>nd</sup> Meeting 1 November 2011</b>	<b>3<sup>rd</sup> Meeting 3 January 2012</b>	<b>4<sup>th</sup> Meeting 7 March 2012</b>
<b>Peer group review with Other Authorities</b>	John Austin/				
<b>Promoting the work of Standards Committee (incl web site &amp; communications strategy 11/12)</b>	John Austin				
<b>Whistleblowing</b>	John Austin		Update		
<b>Assessment Sub-Committee Dates</b>		Listed	Listed	Listed	Listed