

London Borough of Enfield

Standards Committee

Draft Annual Report 2008/09

1. Introduction

This is the sixth 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 2009/10.

2. Membership

The Standards Committee in 2008/09 comprised 9 members as follows:

Three Independent Members

Geoffrey Mills	Chairman
Lawrence Greenberg	Vice-Chairman
Rufus Barnes	(w.e.f. from 28.1.09)

Six Councillors

Councillors: Don Delman, Annette Dreblow, Vivien Giladi, John Jackson (replaced by Alan Barker on 28.1.09), Toby Simon and Doug Taylor.

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 (Legal Services Manager and Deputy Monitoring Officer) and Jayne Bott (Standards Committee Secretary).

3. Terms of Reference

Council amended the terms of reference of the committee on 17 September 2008 (Minute 50 refers). The role and purpose of the Committee during 2008/09 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 two meetings during the year, there were three ad hoc meetings of the Assessment Sub Committee, one ad hoc meeting of the Consideration Sub Committee.

5. The Committee's Work Programme - 2008/09

5.1 The committee adopted a work programme for the year, which focused on two main areas:

- **Recruitment of a Third Independent Member**

On 23 January 2008, Council increased the membership of the committee from six to nine due to the additional work arising from the move to local assessments. This included an additional independent member and two more councillors (minute 96 refers). This change came into effect at the start of this municipal year.

A member level Appointment Panel was set up to undertake the selection process and shortlisting on behalf of the Standards Committee. The panel comprised the Standards Committee Chairman, Vice-Chairman and Councillors Dreblow and Giladi.

The Appointment Panel met on 14 January 2009 and unanimously agreed to recommend to the Council that Mr John Rufus Barnes be appointed as the third independent member. Council endorsed the recommendation of the panel and Mr Barnes was duly appointed for the duration of the current Council administration (ending May 2010).

- **The Standards Committee (England) Regulations 2008 – The Local Assessment of Allegations of Misconduct by a Member**

The other main area the committee concentrated on was the introduction of the new Local Assessment Framework. These Regulations came into effect on 8 May 2008 and set out the framework for the operation of a locally based system for assessment, referral, investigation and hearing of complaints of member misconduct. From this date, anyone who considers that a member may have breached the Code of Conduct may make a complaint to that member's local Standards Committee. Each complaint must then be assessed to see if it falls within the authority's legal jurisdiction. The assessment of complaints is a new function for Standards Committees and was previously undertaken centrally by the Standards Board for England.

The committee also approved new procedures for dealing with local assessments, investigations and hearings to reflect the changes to the Standards legislation.

The committee established the following sub committees in order to carry out this process:

- Assessment Sub-Committee
- Review Sub-Committee
- Hearings Sub-Committee

An article about the new arrangements was published in the Enfield Independent newspaper on 2 July 2008. Information on how to make a complaint against elected and co-opted members is available on the committee's webpage.

5.2 Other Issues

- Reference from Council

On 17 September 2008, the Council considered a report seeking approval to revised Terms of Reference for the Standards Committee. Council agreed the report with the exception of Paragraph 4.7.1 and referred this specific issue to the committee for consideration (minute 50 refers).

We considered the reference and agreed that Council be informed that paragraph 4.7.1 of report No.89 regarding the local resolution of complaints could not be deleted because conciliation was in the Standard Board for England (SBE) Regulations and was part of the committee's statutory role.

- Planning Committee Code of Conduct

We considered the revised Planning Committee Code of Practice, which reflected the new Councillors' Code.

We agreed the revised Planning Committee Code of Practice subject to:-

- (a) the comment set out in Planning Committee Minute No.23 - Noted 4, set out below being reflected in the code.

Minute No.23 – Noted 4 (Extract from Planning Committee Minutes of the meeting held on 21 May 2008):-

“Members' agreement to a form of wording to allow for such unforeseeable occasions, such that councillors with a prejudicial interest should notify Democratic Services

officers within the specified timeframe "or as soon as the interest is known".

- (b) Paragraph 9 of the code being amended to clarify whether ward members (not on the Planning Committee) can request, attend and speak at site visits.

- Annual Governance Statement
We received the Annual Governance Statement for 2007/08.
- Standards Committee Webpage
The Standards Committee webpage has been updated to include information on making a complaint against members and co-opted members. This webpage will be reviewed on a regular basis.
- Standards Board for England – Guidance and Bulletins

The Bulletins produced by the Standards Board for England are circulated to members of the committee to ensure that all members are fully aware of the latest news and advice.

Members can find additional information at www.standardsboard.gov.uk

6. Training

In July 2008, members of the committee received training from Weightmans Solicitors on the new local assessment procedures for the handling of complaints against councillors to enable them to carry out their new roles.

7. Annual Assembly of Standards Committees

The Standards Board for England holds an Annual Assembly of Standards Committees, which is a two day conference held at the ICC in Birmingham. The purpose of the conference is to gain the latest information from the Government and the Standards Board for England and learn best practice from other authorities across the country. It is seen as an opportunity to develop strong partnerships with all stakeholders through opening up channels of communication and sharing information and experience.

In October 2008, the Standards Committee was represented at the Seventh Annual Assembly of Standards Committees by the Assistant Director of Governance, Councillor Toby Simon and myself. I provided feedback on this event to the committee later that month.

The 2009 Annual Assembly is due to be held on 12 and 13 October at the ICC, Birmingham.

8. The Role of the Standards Board

The role of the Standards Board 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, the Standards Board 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.

9. Complaints Handling

Since May 2008, the Committee has dealt with 2 cases of alleged breaches of the Code. One was referred to the Monitoring Officer for possible conciliation, which proved unsuccessful and there was no further action available. The other case resulted in a decision of no breach of the code.

The Council is now required to make quarterly and annual returns on-line to the Standards Board for England providing information on complaints received about councillors and progress in dealing with them.

10. Quarterly and Annual Returns

The new standards framework has been in place for over a year. The Standards Board collects information, on a quarterly and annual basis, on case activity and the profile of Standards Committees. This information is completed by the Monitoring Officer.

11. Future Work Programme 2009/10

We will agree our work programme for 2009/10, 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:

- Draft Annual Report 2009/10
- Draft Annual Governance Statement 2009/10
- Work Programme 2009/10
- Training on the Assessment of Allegations of Misconduct by a Member
- Review of Local Assessment, Investigation and Hearing Procedures
- Councillor Induction Post May 2010 - Local Elections - Code of Conduct & Related Matters
- Feedback from Standards Board Annual Conference - October 2009
- Standards Committee Webpage – Update

12. Conclusion

I am grateful to both members and officers for their help and support and constructive discussions during 2008/09.

Geoffrey Mills
Chairman of Enfield's Standards Committee
2008/2009