

London Borough of Enfield

Standards Committee

Annual Report 2010/11

## 1. INTRODUCTION

This is the eighth 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 2011/12.

## 2. MEMBERSHIP

The Standards Committee in 2010/11 comprised 10 members, as follows:

### Four Independent Members

Lawrence Greenberg	Chairman
Geoffrey Mills	Vice-Chairman
Dr Elliot Finer	
Simon James	

Lawrence Greenberg was elected Chairman and Geoffrey Mills as Vice-Chairman for this municipal year. Two new independent members - Dr Elliot Finer and Simon James, joined the Committee. Council appointed them on 30 June 2010.

### Six Councillors

Councillors: Alan Barker (Conservative), Don Delman (Conservative), Christine Hamilton (Labour) Chris Murphy (Labour), Michael Rye (Conservative) and Toby Simon (Labour).

### Officers

The Committee's lead officers were John Austin (Assistant Director of Governance and Monitoring Officer) and Asmat Hussain (Assistant Director Legal Services and Deputy Monitoring Officer) and Jayne Bott (Standards Committee Secretary).

## 3. TERMS OF REFERENCE

The terms of reference of the Standards Committee are set out in the Council's Constitution (see Chapter 2.7 – Section 32). Our role is to be responsible for the promotion and monitoring of high standards of conduct by Enfield councillors, advice on the local code of conduct for councillors and co-opted members, member training, granting dispensations to members from requirements relating to interests set out in the members' Code of Conduct and consideration of applications for exemption from political restriction for the holder of a post in respect of any post within the Council. It will also consider cases of alleged councillor misconduct.

To view the Standards Committee Terms of Reference please [click here](#).

#### **4. MEETINGS**

The Committee held four public meetings during the year: 14<sup>th</sup> July 2010, 12<sup>th</sup> October 2010, 18<sup>th</sup> January 2011 and 21<sup>st</sup> April 2011. An informal private meeting of the Standards Committee was also held on 16<sup>th</sup> February 2011.

The Assessment Sub Committee held one meeting.

#### **5. CHANGES TO THE STANDARDS REGIME AND THE YEAR AHEAD**

In December 2010 the Government published its Localism Bill. If enacted in its present form, the Bill would remove the requirement for the Council to have a Standards Committee and the current legal framework for the Code and dealing with complaints. This would be replaced by a voluntary code and criminal offences for councillors not registering or declaring their interests. The Council will still have a responsibility to provide and maintain high standards of conduct amongst councillors.

Until then the current Code remains in place and we will continue to perform our functions and consider any complaints that are received until that role officially ends probably in 2012. We will also consider how high standards of conduct by councillors will be maintained in the future and how the new arrangements for registering and declaring interests and a voluntary code of conduct could be implemented. We will also be making recommendations to the Council on a new system to ensure that high ethical standards are maintained in the borough.

#### **6. RAISING PROFILE OF THE COMMITTEE**

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

- Independent members attended the Councillor Induction Session following (Post May 2010 - Local Elections) on the Code of Conduct and related matters.
- As chairman, I gave oral updates on the activities I had undertaken at each meeting of the committee.
- Independent members also attended other meetings of the Council e.g. full Council, Licensing Committee, Planning Committee and Scrutiny Panel meetings on an ad-hoc basis to observe and monitor compliance with the Council's ethical governance framework. The Committee received regular feedback reports from them.
- On 23 November 2010 and 5 April 2011, the Vice-Chairman and I met with the Leader of the Council and the Chief Executive to discuss the Standards Regime and the implications for the Council.
- The Vice-Chairman and I attended regular meetings with the Monitoring and Deputy Monitoring Officers to discuss standards and ethical issues.

- I chaired a private meeting on Friday 26 November 2011 on the Future of Health Care Provision in Enfield: Review of Barnet, Enfield and Haringey Clinical Strategy. This meeting had been arranged by the three Local MPs - David Burrowes, Nick de Bois and Andy Love in conjunction with the Council.
- As Chairman, I attended the Council meeting on 30<sup>th</sup> June 2010 and presented the Committee's Annual Report for 2009/10.

## **7. THE COMMITTEE'S WORK PROGRAMME - 2010/11**

We adopted a work programme for the year, which focused on the emerging changes to the standards regime. We also considered a range of other issues. The main items are listed below.

### **7.1 Changes to the Standards Regime**

- At the start of the year, we noted a statement dated 28<sup>th</sup> May 2010 from the Chair and Chief Executive of Standards for England regarding the Government's planned Decentralisation and Localism Bill which included a proposal to 'abolish the Standards Board regime'.
- We received a letter sent to Standards Committee Chairman from Standards for England responding to the Government's planned Decentralisation and Localism Bill.
- I reported that Sophia Lambert, member of the independent non-political Chairs of Standards Committees of London boroughs had drafted a response to the Decentralisation and Localism Bill, expressing concerns and commenting that local authorities should retain some kind of member complaints process. The draft response had been circulated to Chairs of Standards Committees for comment.

We agreed that in response to Sophia Lambert's draft response to the Bill, I should inform her that Enfield's Standards Committee had made the following comments:

- That the proposal for Local Codes of Conduct would need to be enforceable.
- That Standards Committees should be retained by local authorities.

- On 18<sup>th</sup> January 2011, we received a briefing paper providing an update on the Localism Bill and changes to the conduct regime for members. We were advised that:-
  - The Bill sought to allow local authorities to devise their own regimes to govern propriety and behaviour whilst maintaining high standards of conduct in office.
  - A summary of the changes was set out in the briefing paper.
  - The present conduct regime would continue until such time as the Bill came into effect this was anticipated to be around mid 2011 and possibly for a short time thereafter.
  - The transitional arrangements set out in the Bill – as outlined in the briefing paper.

The Bill was presented to Parliament on 13<sup>th</sup> December 2010. On 17<sup>th</sup> January 2011 the House of Commons debated the main principles of the Bill. The Commons decided that the Bill should be given its Second Reading and sent it to a Public Bill Committee for scrutiny. The Localism Bill Committee was at that time accepting written evidence.

At our last meeting on 21<sup>st</sup> April 2011, we were informed that the Localism Bill could still be changed, as the final outcome was still not known. It was now anticipated that the Localism Bill would be enacted at the end of 2011 or early in 2012. Therefore, we agreed to have a wide-ranging debate on this issue in the new Municipal Year. We will also produce our recommendations on options for the future Standards Framework in Enfield. These options will then be submitted to the Political Groups, Governance Review Group and Council for consideration.

## **7.2 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 2010, we have dealt with one case of an alleged breach of the Code by two councillors by a member of the public. The Assessment Sub Committee agreed that no further action be taken concerning this complaint.

The Monitoring Officer had also resolved a number of informal complaints during the year.

### **7.3 Annual Governance Statement**

We discussed and noted the Annual Governance Statement for 2009/10. The statement had been approved by the Audit Committee on 29<sup>th</sup> June 2010.

### **7.4 Probity in Planning Guidance Note on Procedures**

We considered the Probity in Planning Guidance Note on Procedures. The report provided an overview of probity issues in planning, including member training and gave information on the approved Code of Practice. The Code of Practice had been produced to provide guidance on the Council's planning functions.

We endorsed the Guidance Note on Procedures, subject to various points being clarified or amended. We noted that the guidance had been considered by the Planning Committee at its meeting on 28<sup>th</sup> September 2010.

At a later meeting, we noted that the Governance Review Working Group on 19<sup>th</sup> October 2010 had agreed that once amended and finalised, the document would remain as a guide for members of the Planning Committee. We suggested that a separate document was needed for those Members who did not sit on the Planning Committee.

### **7.5 Planning and Licensing Committees - Training**

Members must have had specific training before they can serve on the Planning and Licensing Committees and we had asked for evidence to show that this had been done.

We discussed the standard of the training provided and we received information on how councillors had their licensing and planning training updated.

The Committee noted that the required training had been carried out and was pleased that the standard of training provided was good.

### **7.6 Politically Restricted Posts - Update**

We considered the revised arrangements for identifying politically restricted posts within the Council.

The Local Democracy, Economic Development and Construction Act 2009 changed the approach to identifying posts, which are politically restricted. The changes mean that posts are no longer automatically deemed to be politically

restricted on the basis of being over a particular salary/grade but should only be considered on the basis of whether the post is considered to be 'sensitive'. To be deemed a Sensitive Post, the postholder would have to give advice that could influence policy.

We were informed that the Council was revising its list of politically restricted posts to reflect the new arrangements. This list would be reported to a future meeting of the Committee in the new municipal year.

Politically restricted postholders' can appeal to the Council's Standards Committee to be excluded from the list on the grounds that the authority has wrongly applied the criteria. To date the local right of appeal had not been used.

### **7.7 London Wide Members Allowances Panel and Other Councils Payments**

We considered a briefing paper on the operation (including payments) of Members Allowances Schemes across London for 2009/10.

We were advised that the London Borough of Enfield basic allowance was in the upper quartile and the special responsibility allowance was in the lower quartile of local authorities. Members Allowances were normally updated in line with the average earnings index. However, on 30<sup>th</sup> June 2010, Council had agreed:-

- that there be no increase in Member allowances in 2010/2011.
- that allowances be considered annually by Council and a more detailed review of the scheme be undertaken for implementation in 2011/2012. The outcome of the review to be reported back to Council.
- the special responsibility allowance (SRA) for the additional Cabinet Member would be funded by pooling the budget currently allocated to the 9 existing Cabinet member positions.

We noted that Councillors expenses were very low in Enfield.

### **7.8 Standards Committee - Terms of Reference Amendment**

We agreed that the Committee's terms of reference should be revised by an administrative amendment as set out below:

To replace the word 'Church' with 'faith' in paragraph (f) below.

- (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.

## **7.9 Report on Promoting the Work of the Standards Committee (Including Communications Strategy)**

We were informed that as part of the ongoing efforts being made to look at the way in which the role of the Standards Committee in Enfield could be promoted, feedback had been sought on activities being undertaken by other local authorities. The responses received were detailed in the report.

Having considered the information, we decided that as the Government had indicated that the standards regime was going to be disbanded, it was not the right time to consider how the role of the Standards Committee in Enfield could be further promoted. It was therefore agreed that no additional promotion activity be undertaken at this stage.

## **7.10. Ethical Governance Questionnaire - City Of Westminster**

We received for information, the response provided by the Monitoring Officer to a questionnaire from the City of Westminster regarding the Council's ethical governance arrangements. The Vice-Chairman and I had approved the response prior to its submission.

We were pleased with the comprehensive response provided to the City of Westminster questionnaire regarding the Council's ethical governance arrangements.

We asked to receive a copy of the City of Westminster's Report on the outcome of this Ethical Governance review.

We considered and noted the outcome of the Ethical Governance Questionnaire. This document summarised the results of the best practise exercise undertaken and provided a comparison between the make-up and operation of the City of Westminster's Council's Standards Committee and that of other local authorities.

## **7.11 Whistleblowing Update**

We considered a briefing paper on the number of cases and issues raised under the Council's Whistleblowing Policy.

Having discussed the information, members asked the Monitoring Officer to look at ways of improving the format of the document and the monitoring information reported to the Committee. We also asked for the whistleblowing complaints process to be reviewed in response to our comments.

**8. TRAINING ON THE LOCAL ASSESSMENT OF COMPLAINTS PROCESS**

In 2011, we 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. This was followed by a discussion on the learning points.

**9. ANNUAL ASSEMBLY OF STANDARDS COMMITTEES 2010 - CANCELLED**

The Standards for England 2010 Annual Assembly, 'A Place for Standards' was cancelled. This decision followed Government proposals to introduce provisions in the Decentralisation and Localism Bill to 'abolish the Standards Board regime'.

**10. QUARTERLY AND ANNUAL RETURNS TO THE STANDARDS BOARD FOR ENGLAND**

We noted that the Council was no longer required to make quarterly and annual returns on-line to Standards for England providing information on case activity and the profile of Standards Committee.

**11. STANDARDS FOR ENGLAND BULLETINS AND GUIDANCE**

We continued to receive the Bulletins produced by Standards for England (SfE). These were circulated to members of the Committee as soon as possible to ensure that they were fully aware of the latest news and advice. They were also reported to the Standards Committee for consideration.

**12. STANDARDS COMMITTEE WEBPAGE**

Our 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.

**13. STANDARDS COMMITTEE - REVIEW OF MEMBERSHIP**

On 30 June 2010, Council agreed that the number of independent members on the Standards Committee should be reviewed at the end of the Municipal Year 2010/11,

At our meeting on 21<sup>st</sup> April 2011, we considered a Briefing Paper reviewing the number of independent members on the Standards Committee, prior to a report being submitted to Council on 4 May 2011.

We noted that Geoffrey Mills's term of office would end in May 2011. Geoffrey had served for over 11 years as an independent member on the Committee.

Having discussed the matter we agreed to recommend 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. This was agreed at Council on 4 May 2011.

#### **14. FUTURE WORK PROGRAMME 2011/12**

We will agree our work programme for 2011/12, at our first meeting in the new Municipal Year. Our main focus will be on making recommendations to the Council on a new system to ensure that high ethical standards are maintained across the borough.

#### **15. CONCLUSION**

As Chairman, I would like to take this opportunity to thank my fellow committee members for their sound and thoughtful contributions towards the encouragement and maintenance of a robust local standards regime during the year. On behalf of the Standards Committee, I would like to thank the officers of the Council who have supported the work of the Committee.

**Lawrence Greenberg**  
**Chairman of Enfield's Standards Committee**  
2010/2011