

London Borough of Enfield

Standards Committee

Annual Report 2011/12

1. INTRODUCTION

This is the ninth 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

2. MEMBERSHIP

The Standards Committee in 2011/12 comprised 9 members, as follows:

Three Independent Members

Lawrence Greenberg	Chairman
Dr Elliot Finer	Vice-Chairman
Simon James	

Six Councillors

Councillors: Alan Barker (Conservative), Ingrid Cranfield (Labour) - replaced Yasemin Brett (6 July 2011), Don Delman (Conservative), 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), Asmat Hussain (Assistant Director Legal Services and Deputy Monitoring Officer) and Penelope Williams (Standards Committee Secretary).

3. TERMS OF REFERENCE

The terms of reference of the Standards Committee were set out in the Council's Constitution (see Chapter 2.7 – Section 32). The Committee was responsible for the promotion and monitoring of high standards of conduct among Enfield councillors. The Committee provided advice on the local code of conduct for both councillors and co-opted members, member training.

The terms of reference provided for the granting dispensations to members from requirements relating to interests set out in the members' Code of Conduct. And for considering applications for exemption from political restriction for the holder of a post in respect of any post within the Council. However the Committee was not called upon to make decisions on these matters during the year.

Sub committees were set up to consider cases of alleged councillor misconduct.

4. MEETINGS

The Committee held four public meetings during the year: on Tuesday 5 July 2011, Monday 3 October 2011, Wednesday 3 January 2012 and Monday 5 March 2012.

The Assessment Sub Committee held two meetings and the Consideration Sub Committee met once.

5. RAISING PROFILE OF THE COMMITTEE

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

- 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 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.
- 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.
- As Chairman, I attended the Council meeting on 6 July 2011 and presented the Committee's Annual Report for 2010/11.

6. THE COMMITTEE'S WORK PROGRAMME - 2011/12

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.

6.1 Changes to the Standards Regime

The Localism Act (The Act) received Royal Assent in November 2011. The Act makes fundamental changes to the system of regulation of standards of conduct for elected and co-opted members of local authorities.

On 3 January 2012 the Committee received a report setting out the main changes to the Standards Regime including changes to the

Standards Committee itself, the Code of Conduct, dealing with misconduct complaints, independent persons, the register and disclosure of interests, single member decision making and sensitive issues and dispensations.

At the meeting members discussed:

- Whether the Council should maintain a separate Standards Committee.
- Inclusion in the new code of conduct the three principles underpinning the current code which will no longer apply - respect for others, duty to uphold the law and stewardship.
- Giving delegated authority to the Monitoring Officer to determine whether a complaint merits investigation and seeking alternative ways to resolve a complaint.
- The number and role of the new independent persons.
- Annual updating of the Register of Interests
- Disclosure and withdrawal from meetings
- Delegating the power to grant dispensations

Recommended options for the future Standards Framework in Enfield were developed, through discussions by our committee, the political groups and the Members and Democratic Services Group and proposals were considered at full Council on 28 March 2012.

The Council agreed to create a Councillor Conduct Committee to oversee councillor's conduct and to appoint two independent persons to provide advice and guidance on standards issues. The new standards framework come into force in July 2012 and a new code of conduct and complaints procedure have been put together; they are due to be approved at full Council on 4 July 2012.

6.2 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 2011, we have dealt with three cases of alleged breaches of the Code. These were:

- i) a complaint by one councillor against two others
- ii) a complaint against one councillor from a member of the public
- iii) a complaint against four councillors from another

At the two meetings of the Assessment Sub Committee it was agreed:

i) & ii) that no further action be taken

iii) one of the councillors accused should be referred for local investigation. An investigating officer was appointed and an investigation carried out. Once the investigation was complete, a meeting of the Consideration Sub Committee was arranged. Members of this committee agreed with the Investigating Officer's finding that there had been no breach of the code and therefore no further action should be undertaken.

The Monitoring Officer also resolved a number of informal complaints during the year without the need for a formal investigation.

6.3 Annual Governance Statement

We discussed the Annual Governance Statement for 2010/11, noting that an action plan was being produced to ensure that the issues highlighted for attention were addressed.

6.4 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 2010/11.

We were advised that Enfield's basic allowance was in line with most other authorities but the Special Responsibility Allowances (SRAs) were in the lower quartile and had been for a number of years.

The Committee considered that all councillors in receipt of an SRA should have job descriptions and be subject to performance monitoring. They also agreed that there was scope for a jointly agreed process between the groups. This view was referred to the Members and Democratic Services Group for consideration when they review the scheme for next year.

6.5 Whistleblowing Update

We considered a briefing paper on the number of cases and issues raised under the Council's Whistleblowing Policy. This year there had been no cases involving councillors.

6.6 Bribery Act 2010

The Committee received a report setting out the work that the Council is doing to implement the workings of the Act. The Act introduces a corporate offence for failing to prevent bribery which will apply to bribery in the context of commercial or business activities. The Council is developing an action plan to ensure compliance with the legislation.

As a public authority it will have to be sure that it has the systems and processes in place to ensure accountability and probity. The Committee asked to be kept updated on progress with the action plan.

6.7 Data Protection

The Committee received a report on the proposals and obligations within the Data Protection Act, including information on how these will relate to councillors. The majority of councillors had been registered as data controllers with the Information Commissioner, those who had not were being encouraged to do so. The Committee were informed that the Information Commissioner's powers had been extended so that they could undertake compulsory external audits of local authority data protection arrangements.

7. TRAINING ON THE LOCAL ASSESSMENT OF COMPLAINTS PROCESS

No new councillors have been trained.

8. 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. Under the Localism Act Standards for England has now ceased to exist.

9. STANDARDS COMMITTEE WEBPAGE

Our webpage provided information about the Committee, its role and purpose and on making a complaint against councillors and co-opted members. This webpage was within the 'Council and Democracy' section of the Council's website. The information contained was updated on a regular basis.

11. 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
2011/2012