

## Council

24 March 2011

## Agenda Item 88

Brighton & Hove City Council

**Subject:** Annual Report of the Standards Committee

**Date of Meeting:** 24 March 2011  
18 January 2011 Standards Committee

**Report of:** Monitoring Officer

**Contact Officer:** Name: Liz Woodley Tel: 29-1509  
E-mail: [liz.woodley@brighton-hove.gov.uk](mailto:liz.woodley@brighton-hove.gov.uk)

**Key Decision:** No

**Wards Affected:** All

### FOR GENERAL RELEASE.

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 Section 3 of this report summarises the main ethical requirements of the Local Government Act 2000, and shows how the council has complied with them over the 12 months since the previous report of January 2010.
- 1.2 Section 4 of the report details the Monitoring Officer arrangements

#### 2. RECOMMENDATIONS:

- 2.1 That the Committee reviews the period January 2010 to December 2010 and advises of any action it wishes to be taken.
- 2.2 That the Chair presents the report to Council.

#### 3. RELEVANT BACKGROUND INFORMATION:

##### 3.1 Code of Conduct

- 3.1.2 Under section 50 of the Local Government Act 2000, the Secretary of State may issue a model code as regards conduct which is expected of members and co-opted members of local authorities in England. Local authorities must adopt a code which incorporates the mandatory provisions of the Code and may incorporate other provisions which are consistent with the Model. The Council adopted a Code of Conduct for members on 15 May 2008, incorporating the mandatory provisions.
- 3.1.3 A person who becomes a member of the council may not act as such unless he/she has given a written undertaking that in performing his/her functions he/she will observe the council's Code of Conduct. Written undertakings have been given by all elected and co-opted members of the council.

## **3.2 Standards Committee**

- 3.2.1 Section 53 of the Act requires the council to establish a Standards Committee, which must include two elected members and at least one independent member. The Committee must be chaired by a person who is not a member or officer of the council.
- 3.2.2 The Council has established a Standards Committee, with a membership of 12. Over the period of the report, the membership of the Committee has been as follows:
- 4 Independent Persons – Ms M Carter and Dr M B Wilkinson throughout. Helen Scott resigned from the Committee with effect from 30 September 2010. The appointment of two new independent members, Peter Rose and Paul Cecil was confirmed at the 21 October 2010 Council meeting
  - 2 Rottingdean Parish Councillors – Mr G Rhodes throughout. Mr J C Janse van Vuuren resigned from the Parish Council in May 2010. Mr J Bustard was nominated to replace him.
  - 2 Conservative Members - Councillors Drake and Mrs Theobald until May 2010 and Councillors Mrs Theobald and Harmer-Strange from May 2010.
  - 1 Green member – Councillor Steedman to August 2010 when he was replaced by Councillor Deane
  - 2 Labour members – Councillors Lepper and Carden throughout.
  - 1 Liberal Democrat Member – Councillor Watkins throughout.
- 3.2.3 Dr Wilkinson has been the Chairman throughout the period covered by the report. The composition of the Committee complies with the statutory requirements.

## **3.3 Functions of Standards Committees**

- 3.3.1 Section 54 (1) (a) of the Act provides that the general functions of a standards committee are promoting and maintaining high standards of conduct by the members and co-opted members, and assisting them to observe the authority's code of conduct. By section 54 (1) (b) a standards committee is also required to have the following specific functions – advising on the adoption of a code of conduct; monitoring the operation of the code of conduct and advising, training or arranging to train members or co-opted members on matters relating to the code of conduct. All these issues are addressed in the Committee's terms of reference. (See Appendix 1)
- 3.3.2 An authority may arrange for its standards committee to exercise such other functions as the authority may consider appropriate. The terms of

reference demonstrate that the Standards Committee has been given a wide range of functions.

3.3.3 The Committee's wide remit is reflected in the written reports considered in the year:-

19 January 2010

- Annual report of the Standards Committee for the period January 2010 to December 2010.
- Guidance to Members on Confidential Information.
- Revised Members' Web Page Policy.
- Complaints Update.

22 June 2010

- Work programme for 2010/2011.
- Review of the Standards Framework.
- Setting up of working group to review the Code of Conduct for Member/Officer relations.
- Standards for England annual return.
- Complaints update.

14 September 2010

- Review of the Code of Conduct and the Arrangements regarding the Register of Members' Interests
- Appointment of Independent Members
- Review of the Code of Conduct for Member/Officer Relations
- Complaints Update

The meeting scheduled for 20 April 2010 was cancelled for lack of business.

### **3.4 Sub-Committees**

- 3.4.1 A Standards Committee may appoint sub-committees to assist it in the discharge of its functions (Section 54) The Council has established a Standards Assessment Panel, a Standards Assessment Review Panel and a Standards Hearing Panel. Their terms of reference are included in appendix 1. The Assessment Panel has met 5 times and dealt with 8 complaints; the Review Panel met twice and dealt with 3 complaints and the Hearing Panel met 3 times (twice as a Consideration Panel and once as a full Hearing Panel).

### **3.5 Investigations**

- 3.5.1 By section 57 A (1) of the 2000 Act, any person may make a written allegation to the standards committee that a member or co-opted member has failed, or may have failed to comply with the authority's

code of conduct. Where a standards committee receives such an allegation, it must refer it to the Monitoring Officer; refer it to Standards for England or decide that no action should be taken. In the period covered by the report there have been 8 allegations that members have breached the Code of Conduct.

### **3.6 Periodic Returns**

- 3.6.1 Section 66B of the Act provides that an authority must send to the Standards Board (now known as Standards for England - SfE) within such period beginning with the end of each relevant period as the Board may direct, a return containing the required information. Until recently authorities were required to submit one annual return and four quarterly returns. Early in 2010 SfE suspended the requirement to submit returns until further notice. However, the annual return due by 16 April 2010 and the quarterly return for the quarter ending 31 March were submitted as required.

### **3.7 Disclosure and Registration of Members' Interests**

- 3.7.1 By section 81 of the Act, the monitoring officer of each authority must establish and maintain a register of interests of the members and co-opted members of the authority. The council's Code of Conduct requires all members to register financial and other interests.
- 3.7.2 The council has declarations of interest from all Councillors and independent persons who are or who have been, members during the period of this report.
- 3.7.3 A copy of the register containing the most recent declarations of all current members and independent members serving on the Standards Committee is available for inspection at King's House. The register will be available at the Committee meeting for members' inspection. The register is also available on line, although members' home addresses have been withheld.

### **3.8 Issues for the Future**

- 3.8.1 In May 2010 the Government announced its intention as part of the Decentralisation and Localism Bill to abolish the Standards Board regime. In December 2010 it published the Localism Bill. The Bill provides for the abolition of the Standards Board, and removes the requirement for local authorities to have a standards committee. The requirement for authorities to adopt a Code of Conduct is also to be removed, although they will be able to adopt one on a voluntary basis.

## **4. THE MONITORING OFFICER FUNCTIONS:**

- 4.1 The functions of the Monitoring Officer derive from section 5 of the Local Government and Housing Act 1989 and the Local Government Act 2000. These are supplemented by the council's scheme of Delegation to Officers, various codes and protocols contained in part 9 of the council's constitution, as well as custom and practice. The Monitoring Officer in

respect of legality and the Director of Finance & Resources in respect of finance both have statutory powers to intervene in decision making and to issue formal reports to the full council. Neither officer has had to use these powers in the period covered by the report.

#### 4.2 Adequacy of Resources and Officer Arrangements

For the period January 2010 to August 2010, Alex Bailey, the Director of Strategy and Governance was the council's Monitoring Officer. When he left the council, Abraham Ghebre-Ghiorgis, the council's Head of Law (now Head of Legal and Democratic Services) became the council's Monitoring Officer.

4.3 The council is obliged to provide the Monitoring Officer with the necessary resources to enable him to discharge his functions. The Monitoring Officer is supported by a number of lawyers (who attend Cabinet, Cabinet Member meetings and committees and provide legal and probity advice), the Standards and Complaints Team (which deals with allegations of maladministration by any part of the council and any ethical standards complaints about members) as well as Democratic Services Officers.

4.4 The council's Internal Audit undertakes an audit of corporate governance from time to time and supports the Monitoring Officer by identifying any issues and suggesting steps for improvement.

4.5 These arrangements, taken together, provide the necessary expertise and resources for the effective discharge of the Monitoring Officer's functions.

### 5. CONSULTATION:

5.1 The Chairman and Monitoring Officer have been consulted on the report.

### 6. FINANCIAL & OTHER IMPLICATIONS:

#### 6.1 Financial Implications:

There are no direct financial implications arising from this report. Resources to support the activities described are met within current budget provision.

*Finance Officer Consulted: Anne Silley*

*Date: 23/12/10*

#### 6.2 Legal Implications:

These are addressed in the body of the report.

*Lawyer Consulted: Liz Woodley*

*Date: 31/12/10*

#### 6.3 Equalities Implications:

There are none.

6.4 Sustainability Implications:

There are none.

6.5 Crime & Disorder Implications:

There are none.

6.6 Risk & Opportunity Management Implications:

There are none.

6.7 Corporate / Citywide Implications:

There are none.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Standards Committee's Terms of Reference.

### **Documents in Members' Rooms:**

1. None.

### **Background Documents:**

1. None.