

PART 1 - PUBLIC

Decision Maker: Standards Committee

Date: 7 June 2010

Decision Type: Non-Urgent Non-Executive Non-Key

Title: MONITORING OFFICER'S GENERAL REPORT

Contact Officer: Sheila Bennett, Asst Director, Democratic and Customer Services
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Chief Officer: Mark Bowen, Director of Legal, Democratic and Customer Services

Ward: Borough-wide

1. Reason for report

1. To update the Committee on a review by Standards for England of the local standards framework, with suggestions for changes submitted to the Department of Communities and Local Government; references to the standards regime within the Liberal-Conservative Coalition agreement; actions taken to incorporate ethical governance content into the May 2010 councillor induction programme;; outcomes of a pan-London meeting of Standards Committee Chairmen and Monitoring Officers; and to seek views on Committee member attendance at the planned Annual Assembly of Standards Committees in October 2010; and on the outcome of a recent First Tier Tribunal hearing on a complaint submitted to Standards for England by this Committee..

2. **RECOMMENDATION(S)**

That the Committee:

- 2.1. **notes the recent review of the local standards framework issued by Standards for England in March 2010;**
- 2.2. **notes references to the standards regime within the May 2010 Liberal-Conservative Coalition agreement**
- 2.3. **notes actions taken to incorporate standards and ethical governance content into the councillor induction programme**

- 2.4 notes the outcomes of a pan-London Assembly of Standards Committee Chairmen and Monitoring Officers held in February 2010, and considers the attendance of a member at the Annual Assembly of Standards Committees in October 2010; and**
- 2.5.a notes the outcome of the standards complaint submitted by this Committee to Standards for England for consideration in December 2008**

Corporate Policy

1. Policy Status: Existing policy. The Standards Committee is responsible for Member conduct and ethical governance in Bromley
 2. BBB Priority: Excellent Council.
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Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: There is not a budget for the work of the Standards Committee. Any costs need to be met from virements from other Budget Heads.
 4. Total current budget for this head: £0.
 5. Source of funding: n/a
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Staff

1. Number of staff (current and additional): The Director of Legal, Democratic & Customer Services is designated the Council's Monitoring Officer. The Assistant Director, Legal & Support Services provides support as Deputy Monitoring Officer, with the Assistant Director, Democratic and Customer Services, supporting the Standards Committee.
 2. If from existing staff resources, number of staff hours: Varies, depending on issues arising
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Legal

1. Legal Requirement: Statutory requirement. The Standards Committee and standards system are requirements of the Local Government Act 2000, as amended by subsequent legislation, most recently by the Local Government & Public Involvement in Health Act 2007.
 2. Call-in: Call-in is not applicable.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The standards system has the potential to impact on any person who has contact with a Member of Bromley Council where that person considers the Member has breached the Code of Conduct.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments:

3. COMMENTARY

Review of Local Standards framework

3.1. In March 2010 Standards for England published a review of the local standards framework following 18 months of operation. They put forward the review, and 17 recommendations for simplifying or streamlining the operation of the processes (a summary is attached as an Appendix to this report), to the Department for Communities and Local Government

Liberal-Conservative Coalition Agreement

3.2. "The Coalition: our Programme for Government" has just been published. It includes references to a wide range of proposed changes affecting local government, covering financial arrangements, decision-making structures and planning. Relevant to this Committee is particular is the statement within it that "We will abolish the Standards Board regime" although there is no detailed commentary on exactly what this might cover. This issue will be handled through the Decentralisation and Localism Bill mentioned in the Queen's Speech. A further report will come to this Committee as and when specific proposals emerge.

Councillor induction programme

3.3. As part of discussions on the Committee's communications planning, the issue of ensuring that newly elected councillors were fully briefed on the Code and its application was highlighted. The following arrangements have been made:

- A letter was included in the nomination packs provided for candidates in the local election drawing their attention to the Code of Conduct and its implications before they put themselves forward for election
- The Code of Conduct was the centrepiece of the first full evening of induction training on May 11th, to which not only newly elected councillors, but also any existing councillors were invited. All independent Standards Committee members also attended.
- A session focussing on ethical issues relating to planning and development control decisions was run on 24th May
- Certain standards issues were referred to as part of the session on ward work run on 18th May
- Councillors have been pointed towards the governance section of the councillor teamsite as a useful area to refer to as and when they have queries or require further information on standards issues, together with an offer by the Monitoring Officer to provide specific personal advice as and when required.

Pan-London Assembly of Standards Chairmen and Monitoring Officers

3.4. This was held in February 2010, attended by about 80 representatives from 26 London boroughs, the Corporation of London, the Metropolitan Police Authority, the London Fire and Emergency Planning Authority, Transport for London and the GLA. There were two work sessions. The first was on how the Standards Committees work and contribute to the effectiveness of their authority; and the second on experiences to date and a look to the future for Standards Committees. Emerging themes can be summarised as follows:

- Local assessments were seen as positive
- Authorities had their own specific procedures to reflect local needs
- Elected members were not being treated as hostile witnesses

- The fairness of keeping the subject member informed at a very early stage was emphasised
- The capacity to share resources and help one another (e.g. joint training) was recognised

These meetings may become half yearly in the future, depending on other wider developments.

Annual Assembly of Standards Committees

3.5. This is an annual event held in Birmingham (this year planned for 18th and 19th October), aimed at:

- Independent and elected members of standards committees
- Monitoring officers and legal and democratic services teams
- Elected members with special responsibility for standards and ethics
- Chief executives and council leaders

3.6. The Programme aims to develop and build knowledge and share experience of the Code of Conduct and local frameworks. Last year the Assembly was attended by the vice0-chairman, together with the Assistant Director, Democratic and Customer Services, and the year before by the Monitoring Officer and the Chairman of Standards Committee. The Committee is asked to consider whether a member of the Committee should attend this year; the Monitoring Officer will be attending, as he has been involved in helping to plan the content of the Assembly following the Committee's shortlisting in the LGC Standards and Ethics award.

Outcome of complaint

3.7. In December 2008 an Initial Assessment Sub-Committee referred a complaint about a councillor (Colin Willetts) for consideration by Standards for England. It was alleged Councillor Colin Willetts, a member of London Borough of Bromley, called the Council's chief executive him a cheat and a liar during a Council meeting on 17 November 2008. It was also alleged that following the meeting Councillor Willetts emailed the chief executive to reiterate that he considered him to be a cheat and a liar.

3.8. During the course of the investigation additional evidence was brought to the Ethical Standards Officer's attention on two occasions to suggest that Councillor Willetts may have failed to comply with the Code in relation to other matters. On the first occasion, 18 May 2009, the Ethical Standards Officer decided to extend his investigation to include Councillor Willetts' conduct towards officers on 27 April 2009. On 17 July 2009 he extended his investigation for the second time to include all matters related to emails sent by Councillor Willetts to the Council's monitoring officer, between 28 June and 2 July 2009.

3.9. The ethical standards officer referred the matter to the First-tier Tribunal for determination. They met on 8th and 9th April, and decided to disqualify Mr Willetts for a twelve month period from 9th April 2010. The full text of the First Tier Tribunal's decision is available on their website at <http://www.adjudicationpanel.tribunals.gov.uk/Decisions/i463/LGS%200483%20Full%20Final%20decision.doc>

Non-Applicable Sections:	Policy, Financial, Legal and Personnel
Background Documents: (Access via Contact Officer)	

