

Meeting:	Council
Date:	2 April 2009
Subject:	Monitoring Officer – Annual Report 2008/09
Responsible Officer:	Hugh Peart, Director of Legal and Governance Services
Portfolio Holder:	Councillor David Ashton, Leader of the Council
Exempt:	No
Enclosures:	None

Section 1 – Summary and Recommendations

This is an amended version of a report which was submitted to the Standards Committee on 17 March 2009. It provides an update on Member conduct issues, and the work of the Standards Committee and the Monitoring Officer for the period May 2008 to March 2009. The Standards Committee, at its meeting on 17 March, requested that the report be amended and submitted to full Council (Recommendation I of that meeting, also submitted to Council, refers).

Recommendations:

That the report be noted.

Section 2 – Report

The various functions of the Standards Committee and the Monitoring Officer include promoting and maintaining high standards of conduct, and monitoring the operation of the Code of Conduct for Members.

Members will recall that the new Code of Conduct was adopted in May 2007, and all Members received training on the new Code.

Additionally, the Local Government and Public Involvement in Health Act 2007 introduced changes to ethical standards which placed additional responsibility on the Monitoring Officer for dealing with complaints of breach of the Code of Conduct.

In the year prior to the period of this report, no reports were received from the Standards Board for England relating to complaints made to the Board regarding individual Members of the Council.

Local Assessment of Standards Complaints

The new procedure applied to all complaints received from 8 May 2008. As a result, the Standards Committee at its meeting on 5 June 2008 established additional sub-committees and agreed terms of reference of those sub-committees for the purposes of considering complaints received of possible breaches of the Code of Conduct.

Between May 2008 and February 2009, 7 complaints against Members of the Council of possible breaches of the Code of Conduct were received. Of the 7 complaints, 3 were submitted by Members of Council and 4 were submitted by members of the public.

These have all been considered by an Assessment Sub-Committee. The Sub-Committee decided in 6 cases that no further action should be taken and 1 case was referred to the Standards Board for England.

Of the 6 cases, 3 have since been considered by a Review Sub-Committee. In these cases the decision to take no further action was upheld. The standards process having been completed, these cases are now at an end.

One review request remains outstanding and this will be dealt with by a Review Sub-Committee within the next three months.

In relation to the 2 cases where no review was requested, the time has lapsed and again these are at an end.

With regard to the case that was referred to the Standards Board for England (SBE), the Ethical Standards Officer found that there was no evidence of any failure to comply with the code of conduct.

As part of the new local process, the Monitoring Officer is also required to provide quarterly statistics to the Standards Board on the number of complaints and the outcomes. These have been provided and the next update is due after 31 March 2009.

Register of Member's Interests

The Monitoring Officer is required to establish and maintain a register of interests of the elected and co-opted Members of the Council. All Members have completed and returned their register of interests forms and these have been published on the Council's website.

Gifts and Hospitality Register

A register of Gifts and Hospitality is also maintained by the Monitoring Officer. Gifts and Hospitality are regarded personal interests which must be declared for a period of three years after the gift is received (if any committee business relates to the person or body providing the gift or hospitality). During the period of this report, 10 Members have had cause to register gifts and hospitality received with an estimated value of £25.00 or more.

Members' Training and Development

Members continue to receive training on the requirements of the Code of Conduct. Working with the Member Development Officers, three training sessions on the Code of Conduct and update generally and new provisions of the Local Government and Public Involvement in Health Act have taken place.

In addition, a new Code of Conduct is expected in the coming months and further training will be provided to Members.

There is a full programme of Member development, including training on other statutory duties, which is set out in the Harrow document, "The Modern Councillor" Professional Development Programme for Elected Members. The programme is overseen by the Member Development Panel.

Dispensations

The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 set out the following circumstances in which a Member can apply to the Standards Committee for a dispensation from the requirements relating to interests set out in the Members' Code of Conduct.

- (a) the transaction of business of the authority would, on each occasion on which the dispensation would apply, otherwise be impeded by, or as a result of, the mandatory provisions because -

(i) the number of Members of the authority that are prohibited from participating in the business of the authority exceeds 50% of those Members that are entitled or required to so participate; or

(ii) the authority is not able to comply with any duty which applies to it under section 15(4) of the Local Government and Housing Act 1989;

(b) the Member has submitted to the standards committee a written request for a dispensation explaining why it is desirable; and

(c) the standards committee concludes that having regard to the matters mentioned in paragraph (a) above, the content of the application made pursuant to paragraph (b) above, and to all the other circumstances of the case, it is appropriate to grant the dispensation.

During 2008/09, no dispensations have been requested.

Work Programme 2009/10

The Standards Committee at its meeting on 17 March 2009 agreed the following work programme for the coming year 2009/2010:

- (a) Review the Protocol on Councillor/Officer Relations.
- (b) Review the Officers' Code of Conduct – particularly if a statutory officers' code is issued.
- (c) Consider and agree the following new Protocols:
 - Gifts and Hospitality
 - Use of Resources
 - Access to Information
- (d) Consider and agree the process for the appointment of Independent Members of the Standards Committee. The current appointments expire on 5th May 2010 coinciding with the local elections. The appointments must be confirmed at the Annual Council Meeting on 25 May 2010.
- (e) Review and agree the Revised Members' Code of Conduct.
- (f) Receive an update on the protocol for Councillors writing and/or publishing material on the internet, including blogs.
- (g) Receive a report on Members' duties in relation to the Data Protection Act.
- (h) Consider the Member Development Programme for 2009/10.

Financial Implications

This report contains no specific financial implications as any training costs will be met from the Member Development budget.

Legal Implications

These are contained in the body of the report

Performance Issues

There is no performance issues associated with this report.

Risk Management Implications

There are no risks associated with this report.

Section 3 - Statutory Officer Clearance

Name: Sheela Thakrar	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 6 March 2009		
Name: Jessica Farmer	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 5 March 2009		

Section 4 - Contact Details and Background Papers

Contact: Elaine McEachron, Assistant Lawyer – Corporate Governance
Telephone 020 8420 9414

Background Papers: List **only non-exempt** documents
None.

If appropriate, does the report include the following considerations?

1.	Consultation	
2.	Corporate Priorities	