

STANDARDS COMMITTEE AGENDA



Tuesday 28 April, 2009

at 4.00 p.m.

**in Committee Room C,
Civic Centre, Hartlepool**

MEMBERS: STANDARDS COMMITTEE:

Councillors Coward, Lauderdale, Preece, Shaw, Sutheran, Wallace and Wright.

Co-opted Members: Barry Gray, Ted Jackson and 1 Vacancy.

Parish Councillors: A Bell and R Gilbert.

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

3.1 To confirm the minutes of the meeting held on 17 March, 2009 (To Follow)

4. ITEMS FOR DECISION / INFORMATION

4.1 The Code of Conduct – An Overview – *Presentation by the Chief Solicitor*

4.2 Business Report – *Chief Solicitor* (To follow)

STANDARDS COMMITTEE

MINUTES AND DECISION RECORD

17 March 2009

The meeting commenced at 4.00 p.m. in the Church Square Chambers,
Hartlepool

Present:

Mr Barry Gray (In the Chair)

Councillors Coward, Lauderdale, Preece and Wright.

Co-opted Member: Mr Ted Jackson.

Parish Councillor A Bell.

Officers: Peter Devlin, Chief Solicitor and Monitoring Officer
David Cosgrove, Democratic Services Team

33. Apologies for Absence

Councillors Shaw and Sutheran and Parish Councillor R Gilbert.

34. Declarations of interest by members

None.

35. Confirmation of the minutes of the meeting held on 16 December 2008

Confirmed.

36. Standards Committee Annual Report *(Chief Solicitor)*

The Chief Solicitor presented a draft copy of the Committee's annual report for 2008. The Standards Board for England saw the publication of an annual report by Standards Committees as good practice and the Committee was requested to endorse the draft report submitted. The final document would include a foreword from the Chair of the committee and would be published on the Council's website and available at the Civic Centre.

Members welcomed the draft report and endorsed its contents.

Decision

That the draft Annual Report of the Standards Committee be endorsed.

37. Planning Code of Practice (*Chief Solicitor*)

The Chief Solicitor presented the report which sought the views of the Standards Committee to the adoption by the Council of a Planning Code of Practice. A draft of such a Code, which would operate as a “local” Code, if adopted, was submitted as Appendix 1 to the report. Previous reports, circa 2005/6 had been distributed to both the Standards Committee and the Planning Committee, for consideration. Owing to impending legislative changes relating to the involvement of Members with declarable interests, in relation to the discussion (as opposed to the actual decision making process) of regulatory business of the authority, progress upon the adoption of such a Code had been limited. Owing to the passage of time, the Chief Solicitor considered that it was prudent for Standards Committee to again consider the revised Code, before comments were relayed to the Planning Committee and ultimately to Council to consider formal adoption of this document. It should be noted that draft versions of the attached Code have been used for the purposes of on – going Member training in planning.

It was reported that the Planning Committee was intending to consider the Code of Practice in some detail and therefore it was proposed that the comments of the Planning Committee should be attained first before further consideration by this Committee. The Committee did, however welcome the revised document and considered that it could become a valuable tool for the Planning Committee.

Decision

That the draft Planning Code of Conduct be received and further consideration of the document be undertaken once the Planning Committee had completed its considerations.

38. Standards Committee Guidance Note – Local Assessment of Complaints Against Members (*Chief Solicitor*)

The Chief Solicitor presented for the Committee’s information, a procedure setting out how complaints against Members would be undertaken and investigated through the Assessment Panels. A copy of the procedure would be placed on the Council website to inform the public as how such complaints would be dealt with.

Decision

That the procedure be noted.

39. Hearing Procedures for the Standards Committee (Chief Solicitor)

The Chief Solicitor submitted for the Committee's approval, a proposed procedure for the undertaking of hearings of the Committee and/or sub committee's or panels of the Standards Committee. Such a procedure was necessary to ensure that hearings were conducted in an appropriate manner.

Decision

That the procedure be approved.

The meeting concluded at 5.20 p.m.

CHAIRMAN

STANDARDS COMMITTEE28th April 2009**Report of:** Chief Solicitor**Subject:** Business Report

1. MAINTAINING MEMBERS' REGISTER OF INTERESTS ELECTRONICALLY

As part of the ethical framework provisions, Members are required to maintain a Register of Interests and also a register relating to gifts and hospitality over a prescribed amount (currently £25). Notification of the changes to those registers must be made to the Monitoring Officer, within 28 days of a Member taking office, or alternatively within 28 days of such a change taking place. At present, these registers are maintained in a "hard copy" format although, increasingly local authorities are moving towards such information being available through electronic means, as part of the promotion and demonstration of the values of good governance. In the guidance issued by the Standards Board for England, it is clearly indicated, the importance that the public have knowledge of these interests;

"so that decision making is seen by the public as open and honest".

Correspondence has therefore been despatched to Members of the Authority to seek their views as to the Register of Interests being made available electronically. Those comments which have been received will be brought to the attention of the Committee for their consideration. As a caveat, it should be noted, that particularly "sensitive" information can be exempt from the inclusion within a Register of Interest, provided that such information is brought to the attention of the Council's Monitoring Officer who has agreed to such a request. It is of course for the individual Member to decide which information should be included upon their own particular Register of Interests as well as that relating to gifts and hospitality. Members are therefore requested to consider this matter which was raised previously under an item of Any Other Business by the Committee and made such recommendations to Council, as they consider appropriate.

RECOMMENDATION

To note and consider recommendations to Council as to the availability of Register of Interests and Gifts and Hospitality being made available, through electronic means.

2. PARISH COUNCIL REPRESENTATION – STANDARDS COMMITTEE

At the last meeting of the Standards Committee, it was intimated that further consideration should be given to the term of office of the Parish Council representatives. It is recognised, that Members of the Standards Committee are increasingly involved, through the local assessment and determination process, with relatively complex and often difficult cases where an area of expertise is required. Indeed, having regard to the overall training and development of Members comprising the Standards Committee and Sub-Committees, it is considered appropriate that there should be some resolution as to the overall term of appointment of Parish Council representatives.

A view has therefore been sought through the five Parish Councils established within the Borough in order to canvas their opinions upon this particular item. As the Committee will be aware, Independent Members of the Committee are appointed for a four year term but there is more regularity over the appointment of the other Members of the Committee. Whilst this has discernable benefits of allowing individuals to be incorporated within the ethical framework structure this needs to be counterbalanced against the potential loss of experience of Members who have undertaken relevant training and gained experience within this framework. It was also a consideration as to whether Parish Council representatives should appoint “substitutes” given the small number of Parish Councils operating within the Borough, which could present the potential for a conflict of interest (potential or otherwise) in dealing with Parish Council matters through the local assessment and determination process. The Committee may also wish to consider whether the number of Parish Council representatives should be increased from the present composition of two to three (see item 5 over the “average” composition of such representation), either in addition to, or as an alternative to the use of substitutes. The views of the Parish Councils as sought in conjunction with this briefing paper will therefore be made known to Members to facilitate their discussion.

RECOMMENDATION

To note and consider recommendations to Council as to the term of office of the Parish Council representatives and the composition of that representation (including the use of substitutes).

3. GOOD PRACTICE : STANDARDS COMMITTEES

The Standards Board for England have announced that from a total of 22 entries, Rossendale Borough Council were chosen as “winners” for the LGC Standards and Ethics Award. However, there were, in total 6 authorities who were shortlisted *“for their dynamic approach to improving and promoting ethical standards amongst Members and helping to boost public confidence in local democracy”*.

Accordingly, set out below are the main “themes” wherein ideas and innovations have been used by the six shortlisted authorities to achieve and maintain high ethical standards and from which good practice can be developed;

Engaging leadership

It is recognised that strong leaders who engage with Council employees and the local government community can be an asset to local authorities. Rossendale Borough Council has engaged its Chief Executive and Council Leader to champion standards within the authority. They both work closely with the Audit Commission to develop and experience a ‘learning based approach’ to ethical conduct. Further, this authority through its Standards Committee, monitors corporate policies and proactively seeks to influence and develop new policies, which help to embed high ethical standards and good governance. This authority has also appointed lead officers to act as “governance champions” to promote high standards and advise on such issues as, developing policies on the declaration of gifts and hospitality and also whistleblowing. Other authorities had produced an Annual Report and also a ‘Forward Work Plan’ which is constantly kept under review by officers with reference to national developments. Some authorities have also engaged with the IDeA (The Improvement & Development Agency) in undertaking ethical governance reviews.

Training and Skills for Members

All the shortlisted authorities had good and regular training programmes for Councillors and Standard Committee Members. Some authorities had made their Code of Conduct training compulsory for its membership. All authorities had a clear work programme for their Standards Committee, going beyond complaints and probity issues to cover a more wider remit. Essentially, the shortlisted authorities had taken initiatives that focused on Member development, including some authorities where Members had a “Personal Development Plan”. This also covered the development of Members communication skills, particularly in dealings with the media. Training had also been developed around case studies of Standards issues and an awareness of protocols, policy and regulations covering the governance arrangements of each particular authority. In the recruitment of Independent Members, Rossendale BC had also developed a job description, person

specification, advertisement and guidance on legislation, applicable to an appointment to that position.

Communicating with staff and stakeholders

Through the IDeA it was indicated that staff are more likely to feel involved and positive about an organisation in which they were well informed and where an inclusive approach had been taken. It was therefore recognised that Councils should give a clear message about their stance on standards and their expectation on compliance by others. Some authorities had internal newsletters which promoted ethical and corporate governance. Again training and coverage through annual reports were considered to be significant in such communication.

Increasing confidence in democracy

Again this has some degree of overlap in communication with stakeholders. A key feature, was the recruitment of Independent Members, but also the publication of complaints and the systems and procedures through articles in ie resident newsletters and other forms of communication. Authorities had also developed a “communication plan” covering Members, and also parishes and the public. Rossendale BCI had also piloted an annual “local democracy week” which aimed to assist young people in understanding more about their Council and local democracy. This Council had also produced a Standards Bulletin published on the Council’s website so that local people and other stakeholders can be assured of the correct conduct of the Council.

Working in partnership with other authorities

Such a commitment to partnerships and joint working generally, was seen to allow authorities to share experiences, knowledge and resources. Rossendale, advised a neighbouring authority (Burnley BC) on their protocols and work of the Standards Committee. Other Councils had formed “Standards Forums” as well as “Monitoring Officer Groups” and had participated with other organisations in developing the ethical framework provisions.

RECOMMENDATION

That Members note and discuss.

4. 2009 ASSEMBLY OF STANDARDS COMMITTEES

Members are reminded that this year’s Annual Assembly of Standards Committees organised through the Standards Board for England will take place over the period 12th-13th October, 2009 at the ICC in Birmingham. The Assembly has arranged the sessions including:

- Making sense of political party governance and discipline
- Exploring the effectiveness of the ethical environment
- Working effectively with Members, Council Leaders and Chief Executives to embed high standards in the culture and governance of your authority
- Improving the skills of your Standards Committee Members

Members are therefore requested to note the above and to provide an indication of interest in attending this event so that necessary arrangements can be initiated.

RECOMMENDATION

To note and consider.

5. QUARTERLY RETURNS TO THE STANDARDS BOARD FOR ENGLAND

As Members may be aware, there is a requirement for the submission of quarterly returns to the Standards Board for England (in addition to the supply of an “annual return”- which is pending). In the period 8th May through to the 31st December, 2008, a majority of the authorities provided this information, with the exception of Stafford Borough Council and Surry Heath Borough Council. In regard to the composition of Standards Committee the largest Standards Committee comprised some twenty Members and the smallest Committee four. The average size of a Standards Committee appeared to be ten with the average number of Independent Members being four. Of importance, the average number of Parish representatives was three. Although, the statutory requirement is for two Parish Council representatives authorities have included a third Member which is again a consideration for Members. Although the average number of Independent Members was seen as four, the most Independent Members upon an authority was eight and the least number was one. One authority had reported that they do not have an Independent Chair. The highest number of Parish Councils in an area was 189 and the least number was one. The average number of Parishes per authority was 32.

Over the period 8th May to the 31st December, 2008 Monitoring Officers reported a total of 2030 cases being received in this period. The sources of these complaints are broken down as follows:

Member – 696
Public – 1130
Other – 71
Council Officer – 76
Parish/Town Clerk – 57

Of these complaints, a decision to refer, for investigation purposes, had not been made in 179 cases (9%), with a breakdown for the remaining 1851 cases being as follows:

Referred to another authority – 2
Referred to Standards Board – 104
Referred to MO for alternative measures – 250
Referred to MO for an investigation – 524
No further action - 971

Of note, the average length of time a case takes from the date of receipt to a referred decision was 20 working days. However, 545 cases (29%) took longer than 20 days for a referral decision to be made. In the period in question, 344 requests for reviews of decisions had been made. In essence, a review was being requested in 35% of cases where the initial assessment decision was not to take the complaint any further.

Of those cases which preceded towards an investigation 94 cases had reached an outcome as follows:

No breach of the code – 78%
Breach with penalty – 19%
Breach but no further action – 3%

The majority of the complaints relate to alleged breaches of failing to declare a personal and/or prejudicial interest, failing to treat others with respect and engaging in conduct which could reasonably be regarded as bringing the office of a Member of the authority into disrepute.

RECOMMENDATION

To note and discuss.