

STANDARDS COMMITTEE AGENDA



Tuesday 5 October 2010

at 4.00 pm

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

MEMBERS: STANDARDS COMMITTEE:

Councillors Fleet, Griffin, Dr Morris, Preece, Shaw, Simmons and Sutheran.

Co-opted Members: B Footitt, B Gray and T Jackson.

Parish Councillors: A Bell, Hart Parish Council and 2 vacancies

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 8 September 2010 (*to follow*)

4. ITEMS FOR DECISION / DISCUSSION

4.1 The Future of Standards for England and the Standards Framework – *Chief Solicitor*

4.2 Protocol for Local Authority Partnership Working - *Chief Solicitor*

5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

STANDARDS COMMITTEE

MINUTES AND DECISION RECORD

8 September 2010

The meeting commenced at 4.00 pm in the Civic Centre, Hartlepool

Present:

Ted Jackson, Independent Member (In the Chair)

Councillors Sheila Griffin, Dr Morris, Jane Shaw, Chris Simmons and Lilian Sutheran

Professor Brian Footitt and Barry Gray, Independent Members
Parish Councillor: Alan Bell (Hart Parish Council)

Officers: Peter Devlin, Chief Solicitor and Monitoring Officer
Denise Wimpenny, Principal Democratic Services Officer

14. Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Fleet and Preece.

15. Declarations of interest by members

Councillors Griffin, Shaw and Simmons declared personal interests in minute 17 as colleagues of the Subject Member. Councillors Sutheran, Morris and Lilley also noted their presence at the meeting giving rise to the complaint against the Subject Member.

16. Confirmation of the minutes of the meeting held on 24 August 2010

Confirmed.

17. Determination Hearing *(Chief Solicitor and Monitoring Officer)*

The Chief Solicitor and Monitoring Officer presented a report which provided the background and outcome to the investigation as to whether or not the subject Member failed to follow the Member Code of Conduct, a copy of which was attached as a confidential report under paragraph 1, namely information relating to an individual and paragraph 7(c), namely information presented to a Standards Committee or to a Sub-Committee of

a Standards Committee, set up to consider any matter under Regulation 13 or 16 to 20 of the Standards Committee (England) Regulations, 2008, or referred under Section 58(1)(c) of the Local Government Act 2000.

The Subject Member and witness (requested to attend by the complainant) who had been invited to the meeting were in attendance. However, the complainant was not in attendance at the meeting.

The Chief Solicitor provided a summary of the material facts that had been gained during the investigation. The reasoning as to whether there had been a failure to comply with the Code of Conduct was also detailed within the report.

Members were referred to the hearing procedure, as set out in Appendix 2 to the report.

At this point in the meeting Independent Member, Barry Gray joined the meeting.

The Subject Member went on to respond to the findings of the investigation and to subsequent questions raised by Members.

The complainant and witness then left the meeting to allow the Committee to consider the representations, further details of which were set out in the confidential section of the minutes.

Decision

The decision was set out in the exempt section of the minutes

18. Local Government (Access to Information) (Variation) Order 2006 *(Chief Solicitor and Monitoring Officer)*

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting during part of the discussion on the previous item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1 and 7 (c) of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 19 [Determination Hearing] (Paragraph 1 namely information relating to any individual and Paragraph 7(c), information presented to a Standards Committee or a to a Sub-Committee of a Standards Committee, set up to consider any matter under Regulation 13 or 16 to 20 of the Standards Committee (England) Regulations, 2008, or referred under Section 58(1) (c) of the Local Government Act 2000).

19. Determination Hearing *(Chief Solicitor and Monitoring Officer)*

Further information was included in the exempt section of the minutes.

Decision

The decision was set out in the exempt section of the minutes.

The meeting concluded at 5.25 pm.

CHAIR

STANDARDS COMMITTEE

5th October 2010



Report of: Chief Solicitor

Subject: THE FUTURE OF STANDARDS FOR ENGLAND
AND THE STANDARDS FRAMEWORK

1. BACKGROUND

- 1.1 At their meeting on 8th September, 2010, Members were provided with a copy of Bulletin 48 from the Standards for England, which detailed the government's announcements of its intention "to abolish the Standards Board regime". This report covers aspects of that particular communication and a more recent Central Government announcement.
- 1.2 As the ethical framework was established through the provisions of the Local Government Act, 2000, primary legislation will be needed to formally abolish Standards for England. It appears to be the coalition Government's intention through the planned Decentralisation and Localism Bill to proceed with the abolition of Standards for England, with an anticipation that Royal Assent will be given some time between July-October, 2011. This would likely lead to the final closure of the organisation between late 2011 and the first quarter of 2012. As indicated within the Bulletin *"the local standards framework still exists and Standards Committees and Monitoring Officers have an obligation to keep the system operating"*.
- 1.3 Although the business plan for Standards for England has been reviewed, they will continue to provide advice and information as to the operation of the standards framework and update their guidance, as and when deemed appropriate. In addition, they will produce an updated case review and also continue to carry out investigations as referred through the local assessment and determination process by Standards Committees. Of note, Standards for England have not made any changes to factors or criteria in its consideration of acceptance of complaints from the local Standards Committees, however, consideration will be given to the aspect of resources available to Standards for England and the relative importance of cases.

2. ANNOUNCEMENT FROM THE DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT (CLG)

- 2.1 On 20th September, 2010 Communities Minister Andrew Stunell announced that “serious misconduct for personal gain” will become a criminal act, *“while petty local vendettas will no longer get a hearing as the unpopular Standards Board regime is axed”*. Although, the Minister indicated the intended abolition of the Standards Board regime, it was also noted;

“Genuine corruption in local government needs to be rooted out and the new government is legislating to make serious misconduct a criminal offence dealt with by the Courts not Committees. Councillors will have to register certain personal interests in a publicly available register”.

- 2.2 It is also indicated within this announcement the government’s intention to give the Local Government Ombudsman additional powers, not least to legally compel local authorities to implement Ombudsman findings. Of particular interest, the Community Secretary Eric Pickles added to this announcement, by stating;

“...by abolishing the failed Standards Committees we are not letting Councillors off the hook. Failure to register or declare an interest, or deliberately seeking to mislead the public about an interest, will become a criminal offence while a newly empowered Local Government Ombudsman will investigate incompetence on behalf of local people.”

- 2.3 It is also indicated that the government intends to legislate to make it clear that Councillors who campaign can also “vote freely on their issues”. Further, Councillors who have been prevented from speaking on such issues, with specific reference to “planning matters” will be allowed to “have the freedom to express their views”. Although, Councillors will be subject to registration of certain personal interests in a publicly available register, of particular note, it is stated;

“The whole Standards Board regime consisting of a centrally prescribed Code of Conduct, Standards Committees with the power to suspend Councillors and an unelected central body will be axed in the upcoming Localism Bill”.

3. SUMMARY

- 3.1 Clearly, the coalition Government intend to abolish “the Standards Board regime” as established under the provisions of the Local Government Act, 2000. It appears at least that some vestige of the ethical framework, for example, a register of interests, will remain. However, it will need to be determined as to whether any ‘general obligations’ as presently contained within the Members Code of Conduct, will remain, or not. Whilst it is also the

Government's intention to create a criminal offence for what appears to be impropriety in the conduct of an elected Member, such provisions already exist, notably under the Prevention of Corruption Acts, 1906-1916 as well various disqualification provisions contained within the Local Government Act, 1972. There are also the "common law" principles covering aspects of, for example, predetermination, wherein any form of prejudice or bias could undermine the decision making process of a public authority and lay it open to formal challenge. It therefore appears, such announcements are seen as being somewhat "headline grabbing" and the detail behind these present announcements will need to be analysed in the forthcoming Bill. A further report will therefore be brought before Standards Committee upon the provisions of the Localism Bill, when the same are known.

4. RECOMMENDATION

1. To note and discuss.

STANDARDS COMMITTEE

5th October 2010



Report of: Chief Solicitor

Subject: PROTOCOL FOR LOCAL AUTHORITY
PARTNERSHIP WORKING

1. INTRODUCTION

- 1.1 Standards for England believe that high standards should be at the very heart of all local government decision making. There is also recognition that increasingly local authorities are engaging in partnership working and other collaborative arrangements through various agencies as part of the overall delivery of public services. Appropriate and proper governance of such arrangements is fundamental in ensuring the effectiveness of those arrangements.

2. PARTNERSHIP BEHAVIOUR PROTOCOL

- 2.1 It is recognised that partners who are not Members or co-opted Members of a public authority and therefore who are not governed by the Code of Conduct provisions, should have some awareness, understanding and allegiance to those principles. Accordingly, Standards for England has developed a partnership behaviour protocol, which had been initially developed in conjunction with Manchester City Council and some of its partner agencies. The protocol also draws on and is consistent with the CIPFA/SOLACE (Chartered Institute of Public Finance and Society of Local Authority Chief Executives) good governance framework and the general principles for the conduct of people in public life. These 10 general principles as set out in the Relevant Authorities (General Principles) Order, 2001, are also encapsulated within the preamble to the Council's own Members Code of Conduct. The approach involves partners developing a shared set of values and behaviours that they think should underpin their partnership work. Standards for England therefore invite local authorities to use this protocol as appended herewith (**Appendix 1**) either wholly or as adapted to meet the particular set of circumstances of each individual partnering arrangement.

3. PURPOSE OF THE PARTNERSHIP BEHAVIOUR PROTOCOL

3.1 The appended protocol for partnership working attempts to improve the governance of partnerships. It therefore seeks to promote;

- high quality leadership
- good decision making
- clarity in relation to roles, responsibilities and activities
- successful working relationships

3.2 The partnership behaviour protocol aims to;

- embed high ethical standards in partnership working
- address the disparity of rules and scrutiny governing those involved in local decision making
- enable partners to agree what behaviour they can expect from each other
- help partners hold each other to account and encourage constructive challenge between partners
- help partners to define leadership by demonstrating their own high standards of behaviour to other partners and to the public
- promote trust amongst the general public, demonstrating the partners commitment to behaviour of a certain standard
- improve performance management

3.3 It should be noted the attached partnership behaviour protocol does not have any statutory basis, although it is open for authorities to consider a possible role of Standards Committees in maintaining and overseeing adherence to the partnership behaviour protocol.

4. RECOMMENDATION

1. To note and discuss.

Partnership behaviour protocol

Achieve intended outcomes

Our priorities are evidence based and our decision making is transparent.

We will:

- Share resources to achieve joint outcomes
- Monitor how well we have used our resources
- Actively encourage ideas and innovation
- Ensure that decision making is transparent
- Be committed to continuous improvement
- Ensure that claims of improved performance are based on clear evidence
- Establish accountability both across the partnership (horizontally) and within each organisation (vertically)

Public interest

We act in the interest of the public and demonstrate value.

We will:

- Focus on long term as well as short term issues
- Act in the interests of the public good over individual interests
- Demonstrate to the community how we are achieving publicly valued outcomes
- Agree a protocol for the handling of complaints that relates to our joint work

Building partners' capacity

We build capacity in our partnership.

We will:

- Be committed to developing individual partners' skills to achieve our aims
- Encourage partners to be confident working outside of their organisational culture
- Be open to partners' suggestions and help

Value and respect each other

We respect and value everyone's contribution.

We will:

- Ensure that all partners contribute appropriately and openly
- Acknowledge the capabilities of all members
- Recognise and embrace the role of voluntary and community sector partners
- Avoid dominance by one or two individuals
- Respect each other's roles and needs
- Actively encourage the participation of all partnership members
- Build effective working relationships with each other
- Recognise the value of all partners' contributions

Act ethically

We act ethically. We are open and objective and encourage constructive challenge.

We will:

- Agree a mechanism for whistleblowing and dealing with complaints
- Ensure whistleblowers are supported
- Actively promote a 'no-blame' culture
- Support partners to both understand and constructively challenge any poor behaviour
- Use appropriate, unambiguous and simple language
- Agree how we will achieve democratic accountability
- Ensure that our dialogue is open and transparent
- Declare conflicts of interest and address them
- Make sure that the purpose of all meetings is made clear
- Be honest and objective

Aligning strategies and networks

We harness our collective efforts through joint planning, delivery and governance arrangements.

We will:

- Ensure that partners can influence the decision making of member organisations
- Allow sufficient time and capacity to be given to understand an issue and to reflect on its impact
- Make sure that actions taken by the partnership are clear, time-limited and task-orientated
- Encourage all partners to actively shape the strategy
- Ensure that agreed actions are carried out