

PLEASE NOTE VENUE

STANDARDS COMMITTEE AGENDA



Tuesday 19th December 2006

at 4.00 pm

in the Community Room, Central Library, York Road

MEMBERS: STANDARDS COMMITTEE:

Councillors Brash, Griffin, Iseley, J Marshall, Morris, Preece and Shaw

Co-opted Members: Mr K Fisher, Mr B Gray, 1 Vacancy

Parish Councillor Miss Pauline Booth, Chair of Dalton Piercy Parish Council

Parish Councillor Ray Gilbert (For Information Only)

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 15th August 2006 (*attached*)

4. ITEMS FOR CONSIDERATION

4.1 Business Report – *Chief Solicitor*

STANDARDS COMMITTEE

MINUTES AND DECISION RECORD

15th August 2006

Present:

Councillors: Brash, Griffin, Iseley, Preece and Shaw
Councillor Laffey was also in attendance as substitute for Councillor Dr Morris
Co-opted Member: Pauline Booth – Parish Representative

Officers: Tony Brown – Chief Solicitor
Pat Watson – Democratic Services Officer

7. Appointment of Chair

The Parish Council Representative, Miss Pauline Booth, was appointed as Chair for this meeting.

8. Apologies for absence

Apologies were submitted from Mr B Gray and from Councillor Dr Morris.

9. Declarations of interest by members

None.

10. Confirmation of the minutes of the meeting held on 20th June 2006

Confirmed

11. Update on Ethical Standards – Chief Solicitor

The Chief Solicitor gave a power point presentation relating to Ethical Standards in Local Government (a copy of which is included in this Committee's minute book).

The presentation referred to a Proposed Conduct Regime for Employees and the Chief Solicitor indicated that he would bring further information to the next meeting of Standards Committee.

PAULINE BOOTH
CHAIR

STANDARDS COMMITTEE

19th December 2006



Report of: Chief Solicitor

Subject: BUSINESS REPORT

1. Complaints to Standards Board - Annual Report 2005/06

I attach for members information, the annual report setting out statistics relating to complaints to the Standards Board alleging breach by members (both borough and parish) of the Code of Conduct for Councillors (**Appendix 1**).

During 2005/06, there were no new complaints against Councillors. However, the investigations by an Ethical Standards Officer of 3 complaints were completed. There were 2 findings of breach of the Code of Conduct – one for a failure to declare a personal interest (which did not amount to a prejudicial interest) and one for a failure to treat others with respect. In neither case did the Ethical Standards Officer consider that any action was necessary.

The Monitoring Officer is yet to receive any referral by an Ethical Standards Officer either for local investigation or local determination.

2. Standards of Conduct in English Local Government: the Future

Members will recall that, at their meeting on 24th January 2006, they considered the above discussion paper. The paper focussed on proposed review of the model Code of Conduct for Councillors, and on the possible contents of a model Code of Conduct for Council Employees which has been awaited since the Local Government Act 2000 was brought into force.

The Government recent white paper includes the following statement –

We will also put in place a clearer, simpler and more proportionate code of conduct for local authority members and a new code for employees. Changing the members' code will include amending the rules on personal and prejudicial interests to remove the current barriers to councillors speaking up for their constituents or for the public bodies on

which they have been appointed to serve. So for example, in future members of a planning or licensing committee will have more opportunities to represent their constituents on planning or licensing issues that affect their wards. Members will be able to speak and vote on such issues unless their interests in the matter are greater than those of most other people in the ward.

These proposals are likely to be carried through by means of secondary legislation following the enactment of the new act foreshadowed by the white paper.

Members will also wish to note the contents of a letter recently received from the Chief Executive of the Standards Board (**Appendix 2**), commenting on the white paper's implications for Councils' Standards Committees. The principal thrust of the proposals is that the role of the Standards Board will be much more strategic than at the present time.

In particular, as from April 2008, the responsibility for first consideration of a complaint of breach of the code of conduct will shift from the Standards Board to the local Standards Committee. The Standards Committee would have power to decide whether or not a complaint should be investigated, and to deal with the matter without reference to the Standards Board. However, the Standards Committee would also be able to decide that the issue raised by the complaint is of such importance that it should be dealt with by the Standards Board in much the same way as at present. Members will note particularly the comments regarding the anticipated level of business for Standards Committees which, if they are reflected in practice in due course will clearly have implications in respect of the workload for the Committee and relevant staff. At current rates of complaint, however, it would appear that the estimates made are significantly overstated.

Standards Committees will have to establish targets for the handling of complaints which the Standards Board will monitor. The Standards Board would have powers to call a Standards Committee to account for failure to maintain satisfactory performance in the handling of complaints.

3. Appointment of independent member

The Chief Solicitor will update members on the position regarding the appointment of an additional independent member of the Committee.

HARTLEPOOL BOROUGH COUNCIL

STANDARDS COMMITTEE

COMPLAINTS TO STANDARDS BOARD OF ENGLAND (Hartlepool Borough and Parish/Town Councillors)

MONITORING OFFICER'S ANNUAL REPORT 2005 – 2006

	2003-04 HBC	PC	2004 – 05 HBC	PC	2005 – 06 HBC	PC	Comments
Complaints Notified *	2	2	3	4	0		
Complaints invest'd ESO	2	2	2	3	3		
Complaints invest'd MO							
Adjudications							
Local Determinations							
Findings**							
No evidence of breach		1	1	2	1		
Breach - No action				3	2		
Breach - Referred to MO							
Breach - Adjudication							
Category **							
Findings							
Failure to respect others				2	1		
Failure to declare interest	2	1		2	1		
Misuse of position							
Bring into disrepute				2			
Other				2			
Sanctions imposed							
Disqualification							
Suspension							
Apology							

Notes –

* A complaint notified is entered according to the year in which the complaint was made.

** Findings and Categories may refer to multiple allegations within one complaint
Position stated as at 31st March 2006

21 November 2006

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Chief Executive

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Dear Colleague

This is a personal note to flag up some thoughts for chief executives on the proposed changes to ethical governance and the regulation of standards of conduct, as set out in the recent White Paper “Strong and Prosperous Communities”.

The Board welcomes these more locally based arrangements, which will implement the Graham Committee’s Report in March 2005. We are also pressing for the early introduction of the clearer, less restrictive Code of Conduct which we recommended to Ministers in September 2005. In particular, this will allow councillors to participate more effectively in representing their local inhabitants, as well as removing the more oppressive aspects of the current Code.

From 2008, local authorities will manage their own standards framework, deciding what allegations should be investigated.

The Board will be refocused as a light-touch regulator. It will support authorities, monitor the effectiveness of the localised system, and investigate the most serious cases referred to it by local authorities themselves.

The roles played by chief executives, and their political leaders, will be crucial to the success of the localised arrangements. You are the ones who can best influence organisational culture and support the ethical environment within your authority. I believe that as chief executive you have a role as “chief ethical standards officer”, through your leadership and where you draw the line, that significantly impacts on how well your monitoring officer can carry out his or her formal role. As well as modelling and championing the right behaviours, you are also well placed to take preventative action, mediate emerging conflicts or manage potential politically difficult issues more easily than monitoring officers, who need to be able to protect their impartiality in case of local investigations.

You also help create and support the environment within which monitoring officers have the clout, confidence and resources to give robust and clear advice to members, and are supported when things get tough. These things are important, but do not happen everywhere. None of this is new, and the recent CIPFA – SOLACE draft “Good Governance in Local Government” recognises as a key principle the promotion of the values of the authority and the demonstration of good governance through behaviour.

Over the last year the Board has been working to help prepare authorities for the switch to a “bottom up” rather than “top-down” standards framework. Only the more serious allegations are referred for investigations, and over half of these are being investigated or heard locally.

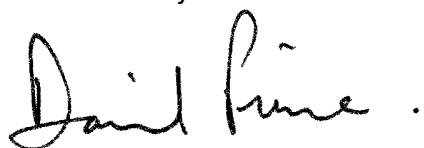
Over the last year we have seen growing confidence by standards committees, and a more mature relationship with their councillors. There is still plenty to be done, but the signs are encouraging. Where cases have been handled locally this has generally had a beneficial effect, with leaders and groups turning their thoughts to better preventative action and training. However, if government legislates as expected, standards committees will need to have independent chairs from 2008, and the balance of independent members of calibre and substance with experienced elected members acting in a non-partisan way will be essential for public confidence. They will need to be seen neither to sweep things under the carpet nor to be a kangaroo court.

We have been working with the LGA on the resourcing implications of this as a new burden. Monitoring officers and standards committees will need sufficient resources to carry out the initial sifting of allegations. An analysis the Board has carried out indicates that on average most authorities will receive between 5 to 7 allegations about their authority a year. In addition, those authorities that have town or parish councils are likely to receive an additional number of allegations, somewhere between 9 or 12 extra allegations a year depending on the number of town and parish councils you have. However you can expect to receive 17 extra allegations a year if you have over 44 parish and town councils in your area. Standards committees also need to be resourced to provide training and to support training and support for town and parish councillors. You might wish to consider exercising the option that I anticipate will be available to you, of forming joint standards committees in order to spread the load or make better use of scarce resources, including available independent members. The more upfront preventative work you can do to inculcate the right values the more this will minimise potential caseload downstream.

While the White Paper raises a number of pressing matters for you as chief executive I would urge you not to overlook the implications of the standards framework in relation to your own responsibilities and the work of your monitoring officer and standards committee. The Board will be issuing guidance and providing support for authorities on how to operate the locally based system, and it is my intention that the monitoring required for us to oversee the management of the system locally is proportionate and transparent. I look forward to working with you over the next two years to ensure that we are all prepared for the challenges that face us in successfully managing the transition. Please do not hesitate to contact me personally with any comments or suggestions.

Finally I believe local government should take greater positive pride in the high standards of conduct it generally exhibits. Indeed, it is a natural beacon of good governance for the plethora of partnership or other arrangements which will grow in the wake of the White Paper. I attach a note that Ruth Hyde and I recently sent to Sir Michael Lyons reflecting a discussion they were both involved in at a fringe session at our recent Assembly of Standards Committees.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Prince' followed by a period.

David Prince
Chief Executive

8 November 2006

Sir Michael Lyons
Lyons Inquiry into Local Government
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Dear Michael

Leadership, governance and place shaping

1. Following your very helpful presentation at SOLACE's fringe at the Standards Board for England's Annual Assembly, Ruth Hyde and I promised to write to you to summarise the main points emerging from the discussion. We have also revisited them in light of the White Paper.
2. We are sure we all endorse the specific comments in the White Paper about "strong and accountable leadership requiring the highest standards of conduct", and that "all democratic and public governance relies on high standards of probity" (paras 3.46 – 3.48). It is good to see these points as underpinning effective, accountable and responsive local government.
3. We hope that you will, as you indicated you might, include direct reference in your own report to the need for appropriate leadership behaviours and proportionate governance arrangements to be "hard wired" into new place shaping and service delivery arrangements.
4. The earlier submission to you by the Standards Board for England suggested ways in which the graduated use of agreed values, appropriate organisational design, and protocols or codes could be used in a proportionate and risk-based manner.
5. At the fringe event those ideas were made more concrete, particularly through Ruth's presentation. She illustrated the need for different governance for different **places**, according to the nature and engagement levels of different local communities.
6. The new era of place shaping which you are heralding needs to reconcile the problems of complexity and fragmentation, and needs to recognise the importance of the human behavioural aspects of relationship in building trust and engaging local communities.
7. It was good to see this recognised in 8.26 of the White Paper, when it refers to "developing shared values is a basis for creating a shared future, underpinned by a set of non-negotiables shared across all communities".

8. The practical implications of this involves:

- Sorting out levels of engagement, and renegotiating roles and responsibilities.
- Officers and councillors will have new and different roles and relationships with each other and with communities.
- Mechanisms are needed which are simple, proportionate and unobtrusive.
- At the same time, there is a need for probity, and for appropriate checks and balances.
- There needs to be fairness and transparency, and a means of redress for the genuinely aggrieved or excluded.
- The need for processes to ensure the balancing of differing and potentially conflicting interests to avoid hijacking by those with unrepresentative agendas.

9. Local authorities have the democratic legitimacy to engage with this agenda, and to pioneer new ways of devolved working. They need also be the local beacons and champions of sound ethical governance, and able confidently to give ethical leadership across a more diverse and fragmented set of community governance arrangements.

10. In giving such leadership they will need to:

- Identify and negotiate desired outcomes that run with the grain of different communities and places.
- Devolve in new and innovative ways, and be prepared to “let go more”.
- Extend the influence of their own sound ethical framework, which will need to remain robust, credible and commanding public confidence.
- Identify a set of common values that is easily recognised and owned. This would probably be no more than the Nolan principles, but expressed in more accessible language and made applicable to the place and initiative concerned, in line with paragraph 7 above. These need to be innovative and flexible.
- Act as role models and emphasise high standards of behaviour, underpinned by genuine respect for difference of aspiration and difference of place. This is critical to responding the Chapter 8 of the White Paper. Paragraph 8.4 emphasises the fundamental importance of community cohesion in the place sharing agenda, with local authorities and their partners at the heart of community building.
- Develop proportionate responses as initial engagement progresses to more tangible responsibilities for desired outcomes, usage of and stewardship of human resources, physical assets, public money and influence upon planning or other regulatory functions.

11. Finally, there is, we believe, an important linkage between the twin emphases in the White Paper about strong and accountable leadership that requires the highest standards of conduct, and that of holding to account those who are exercising executive leadership through more effective scrutiny and overview arrangements. Both are key elements of good governance that looks outwards to citizens and users and looks inwards to improve performance and to exemplifying the highest standards that magnetise and galvanise partners.

Ruth and I hope that this is useful, and would be glad to talk further with you or your team.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Prince', with a stylized, cursive script.

David Prince
Chief Executive