

Agenda Item No:

Report to: Standards Committee

Date of Meeting: 16 June 2009

Report Title: ANNUAL REPORT OF STANDARDS COMMITTEE TO COUNCIL

Report By: Jayne Butters
Borough Solicitor

Purpose of Report

To recommend a report to Council on the activities of Standards Committee for the previous municipal year.

Recommendation(s)

- 1. That Committee adopts the draft report for reference to full Council.**

Reasons for Recommendations

To keep Council advised on the work of Standards Committee

Background

(Draft) Annual Report to Council

1. High standards in public life and the principles supporting the Code of Conduct are important to public confidence and so it is appropriate that this area of the Council's work is reported to the whole Council. It is proposed, therefore, that Standards Committee reports annually to Council on matters within its remit occurring during the previous municipal year.

Membership

2. Standards Committee has a membership of 8, of whom 6 are elected members and 2 are independent members. By law Standards Committee and its sub-committees have to be chaired by an independent member. The two independent members are Vic Kempner and Sue Fellows, who are chair and vice-chair respectively. The elected members sitting on Standards Committee in the last municipal year were Councillors Bird, Daniel, Fawthrop, Martin, Roberts and Silverson. The Committee is politically balanced, though not required to be by law. The absence of a member of the Liberal Democrat Group is due to the adjustments necessary to the review of political balance on committees, when the Liberal Democrats had to pass a seat to Labour in order reflect overall balance on committees.

Meetings

3. There are 4 programmed meetings of Standards Committee during the year. During the year Standards Committee met for 2 of the 4 programmed meetings, the remaining being cancelled for want of business.
4. At their meeting on 5 June 2008 they considered and agreed recommendations concerning the newly devolved responsibility of Standards Committees for local assessment of complaints alleging a breach of the Code of Conduct. As part of this the Committee agreed a protocol for handling complaints. They also considered a report on the role and make-up of Standards Committees to take account of the Standards Committee (England) Regulations 2008 and Standards Board Guidance upon the Regulations. As part of this consideration, the Committee recommended amendments to the terms of reference or delegation to Standards Committee which were agreed by Council in July 2008. The Committee considered a third report on Code of Conduct Training.
5. A second programmed meeting was held on 4 December 2008. At this meeting, the Committee considered Government consultation on a review of the Code of Conduct and agreed responses to be passed to the Government department. The Committee agreed a revised procedure for the investigation and determination of complaints, arising out of the devolution of assessment of complaints. They considered a third report, again on Standards Training. Training is an important part of the Committee's responsibilities and further information will follow in this report.

Local Assessment of Complaints

6. From 1 May 2008, the initial assessment of complaints alleging breach of the Code of Conduct by an elected, independent or co-opted member of Hastings Borough Council has become the responsibility of the Council's Standards Committee. Previously, this function was undertaken by the Standards Board Referrals Unit when an assessment would be made as to whether the allegations amounted to a potential breach of the Code of Conduct and, if so, whether the matter should be referred for investigation.
7. Prior to May 2008, the Standards Committee could receive referrals from the Standards Board for England (SBE) either to make a determination on an investigation report submitted by an Ethical Standards Officer of the SBE or to undertake an investigation and determination on a referral by an Ethical Standards Officer.
8. As of May 2008, the whole process has been devolved locally. The SBE now takes a more strategic role which it describes on its website as follows:-
 - "- giving standards committees and councillors support and guidance on understanding the Code of Conduct, and on how to deal with complaints about the conduct of members of their council or authority
 - monitoring the performance of local authorities in the local assessment of complaints
 - publishing information about how councils and other authorities are dealing with complaints about their members
 - working with standards committees to help them improve if they do not deal with complaints about their members properly
 - removing the power of the standards committee to receive complaints about their members, if we believe it necessary
 - investigating the most serious cases where the local standards committee believes it is not best placed to deal with the matter and we agree with them"
9. At its meeting in June 2008, the Committee appointed two sub-committees in accordance with the requirements of the 2008 Regulations in order to deal with initial assessment of a local complaint alleging a breach of the Code of Conduct and review of a decision not to refer the complaint for investigation. For this purpose it created the Assessment Sub-Committee and the Review Sub-Committee. Both have an independent chair and two other members, one of whom must be an elected member. No member who has sat on the Assessment Sub-Committee may sit on the Review Sub-Committee considering a complainant's appeal against the decision of the Assessment Sub-Committee. July Council agreed to increase the membership of Standards Committee from 7 to 8 to enable the operation of the two sub-committees with a reserve member in case of unexpected absence of an elected member. The Sub-Committees are not subject to the rules on access to information and to the requirement of 5 clear days notice of the meeting being given.
10. Since the introduction of local assessment, the Council has received 3 complaints which have been considered by the Assessment Sub-Committee. No action was decided in respect of two of the complaints with the Review Sub-Committee upholding the decision of the Assessment Sub-committee in respect of one

complaint. The third complaint was referred by the Assessment Sub-committee to the Monitoring Officer for investigation. The Monitoring Officer appointed an Investigating Officer who reached findings that there had been breaches of the Code. The Committee met to hear the matter and found that the Councillor had been in breach of the Code and imposed a sanction of 30 day suspension and that the Councillor attends training on the Code of Conduct within 100 days of the date of the hearing.

Training

11. As shown above, the Committee has responsibility for ensuring that training is provided to members on the Code of Conduct. A good understanding of the Code of Conduct is essential if a member is to comply with its requirements.

12. There were 3 training sessions on the Code of Conduct held in 2008/2009 on the following dates:-

7 May 2008 - this followed the Borough elections when 16 members were elected or re-elected to sit on the Council. Four members attended the training, 3 of whom were the new members and 1 was a returning member. The training was open to all members. This training was on the revised Code of Conduct adopted by the Council on 25 July 2007. Training on 29 May 2007 covered the revised Code in advance of adoption by the Council, when 18 members attended. From this it is evident that at least 10 members had not received training on the revised Code as at May 2008.

1 July 2008 - this training was delivered by an external trainer, Peter Keith-Lucas, who is an acknowledged expert on standards issues. It was a full day of training covering guidance on a number of related issues such as bias, predetermination and predisposition, corruption and misfeasance in public office as well as the revised Code of Conduct. The afternoon session was an opportunity for attendees to form small groups to discuss various code of conduct scenarios. The session was particularly useful as we had invited members and officers from other authorities and it was interesting and instructive (as well as cost-effective) to share experiences. In order to maximise attendance at this training event, which came at a considerable cost to the training budget, long notice of the day was given to members. Nineteen out of 32 elected members attended the session.

31 March 2009 - this training focused on Declarations of Interest. This originally arose from a request from the Member Training and Development Group and Standards Committee agreed that it should be provided. This two hour training was delivered in-house by the Monitoring Officer and consisted of a run through the relevant paragraphs of the Code and then a session where members broke out into discussion groups to consider different scenarios, illustrating the various aspects of the requirements of the Code. As only 16 members attended this training, it is proposed to run it again later in the year.

13. The Committee takes particular interest in training and in the names of those members who do not attend training. It may be that, in light of recent media coverage of Parliamentary expense claims, further endorsement by members of the Code of Conduct will be needed to restore public confidence in elected politicians generally.

Wards Affected

None

Area(s) Affected

None

Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	No
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	No
Human Rights Act	No
Organisational Consequences	No

Supporting Documents

None

Officer to Contact

Jayne Butters, Borough Solicitor and Monitoring Officer
jbutters@hastings.gov.uk
01424 451733
