

Agenda Item No:

Report to: Standards Committee

Date of Meeting: 10 June 2010

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 on a regular basis.

Membership

2. Standards Committee has a membership of 8, of whom 6 are elected members and 2 are independent members. For part of the previous municipal year, Standards Committee had the benefit of a third independent member appointed by Council at its December meeting.
3. By law Standards Committee and its sub-committees have to be chaired by an independent member. The independent members during the year were Vic Kempner and Sue Fellows, who were chair and vice-chair respectively, and Robert Spiring appointed in December 2009. The elected members sitting on Standards Committee in the last municipal year were Councillors Bird, Daniel, Fawthrop, Martin, Roberts and Soan.
4. The new independent member was recruited in anticipation of the retirement of Vic Kempner, who had chaired the Standards Committee from its inception in 2002. Standards for England guidance is that independent members should serve no longer than 8 years. No doubt, Members will wish to express their gratitude to him for his commitment and sensitive but firm approach to standards matters.
5. The Committee is politically balanced, though not required to be by law.

Meetings

6. There are 4 programmed formal meetings of Standards Committee during the year. During the year Standards Committee met for 3 of the 4 programmed meetings, the remaining being cancelled for want of business.
7. At their June 2009 meeting the Committee agreed its annual report to Council. It also agreed to delegate authority to the Monitoring Officer, following consultation with the Chair, to seek to resolve complaints by informal means in appropriate cases. The Committee agreed also that a Standards Committee webpage would be useful and a small sub-group was set up to agree the content. The Webpage was drafted by Vic Kempner with the assistance of elected colleagues and can be seen at www.hastings.gov.uk/council_structure/standards.aspx.
8. A second programmed meeting was held In September 2009. At this meeting, the Committee considered recruiting another two independent members to provide continuity when Vic Kempner was to retire in May 2010 and Sue Fellows is to retire in May 2011. It was felt helpful that the new independent members had the benefit of working with Vic Kempner before he retired, even if this was for a comparatively short time. The Committee agreed the person

specification and set up a Recruitment Sub-Committee which met in November to shortlist candidates responding to the newspaper and website advertisements and then to interview candidates later in the month. One candidate was recommended to Council for appointment in December 2009. At this meeting, the Committee also considered the effect of the Standards Committee (Further Provisions)(England) Regulations 2009 concerning the appointment of joint committees and agreed appointment of a sub-committee to consider application from dispensations from elected members.

9. The programmed meeting for December was not required for formal business.
10. The final meeting of the Standards Committee in March 2010 was to hear a complaint against a member of the Council.

Complaints

11. The Committee received only 3 complaints during 2009/10, two of which related to the same incident, alleging disrespect. Those two complaints were resolved informally and were formally withdrawn at the Assessment Sub-Committee.
12. The remaining claim was referred by the Assessment Sub-Committee for investigation by the Borough Solicitor and Monitoring Officer. Following consideration in public session of a report prepared by an independent investigating officer, the Committee found that the member had been in breach of the Code in making improper use of Council resources for political purposes and compromising the impartiality of Council officers. The Committee decided that the matter should be addressed by written censure, by a written apology from the councillor to the members of staff affected, by the member attending training on the Code by 30 June 2010 and by guidance being given to members generally in relation to electioneering and the Code.

Training

13. The Committee has responsibility for ensuring that training is provided to members on the Code of Conduct and other related issues. A good understanding of the Code of Conduct is essential if a member is to comply with its requirements.
14. There were no Borough Council Elections in May 2009 and so no induction training for new members. There was, however, a by-election in St Helen's Ward in December and Council also appointed the new independent member at its December meeting. A training session on the Code of Conduct was held with the two new members in the New Year.
15. Members had received training on the declaration of interests in March 2009. No further particular training on the Code of Conduct was delivered during the year. There was, however, other related training on predisposition, predetermination and bias.
16. There was also training on the chairing of meetings, since the chair of the meeting can and should use his/her position to ensure that meetings are conducted in a way which is compliant with the Code of Conduct. A potential complaint alleging disrespect can be resolved quickly by the prompt intervention

of the chair of the meeting. It is intended to provide this training more widely in the Council.

17. There was training for Committee members on the Local Assessment of complaints to Standards Committee, using a DVD provided by Standards for England. 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 became 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. The Committee has set up two sub-committees, the Assessment and Review Sub-Committees to undertake these tasks. Further information on the process can be seen on the Standards Committee webpage links.

Wards Affected

Ashdown, Baird, Braybrooke, Castle, Central St. Leonards, Conquest, Gensing, Hollington, Maze Hill, Old Hastings, Ore, Silverhill, St. Helens, Tressell, West St. Leonards, Wishing Tree

Area(s) Affected

Central Hastings, East Hastings, North St. Leonards, South St. Leonards

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

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