

Central
Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ



**TO EACH MEMBER OF THE
STANDARDS COMMITTEE**

03 November 2009

Dear Councillor

STANDARDS COMMITTEE - Friday 6 November 2009

Further to the Agenda and papers for the above meeting, previously circulated, please find attached the following additional report(s) which the Chairman has agreed to take as an urgent item of business:-

10. Update on Current Standard Matters

Please find attached a replacement copy of the report with an updated Appendix A which includes the results of the most recent Standards Assessments.

**12. Bringing Standards into Focus - Standards for England
Assembly 12 - 13 October 2009**

Please find attached the notes from Brian Collier, which were previously listed as 'to follow' in the report.

Should you have any queries regarding the above please contact Democratic Services on
Tel: 0300 300 4032.

Yours sincerely

Martha Clampitt,
Democratic Services Officer
email: martha.clampitt@centralbedfordshire.gov.uk

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Meeting: Standards Committee
Date: 6 November 2009
Subject: Update on Current Standard Matters
Report of: Monitoring Officer
Summary: To advise Members on the latest position relating Assessment Reviews and Hearings

Contact Officer: Mrs Barbara Morris, Assistant Director Legal & Democratic/Monitoring Officer
Tel: 01462 611028

Public/Exempt: Public

Wards Affected: All

Function of: Non-executive

Reason for urgency (if appropriate) N/A

RECOMMENDATION:

That the Committee receive and note the report.

1. Further to the meeting held on 17 July 2009, the report set out at Appendix "A" shows the current position relating to code of conduct cases, together with information about any further complaints received by the Standards Committee.
2. Members are requested to receive and note this report.

CORPORATE IMPLICATIONS

Council Priorities:

Contributes to all Council priorities to ensure good governance

Financial:

N/A

Legal:

To ensure high ethical conduct within the Council in accordance with the requirements of the Ethical Framework as set out in the Local Government Act 2000

Risk Management:

N/A

Staffing (including Trades Unions):

N/A

Equalities/Human Rights:

None

Community Development/Safety:

N/A

Sustainability:

N/A

Location of papers: Priory House, Chicksands

Central Bedfordshire Council Standards Committee Matters

Type of Hearing	Town/Parish Council or CBC Member	Date	Outcome
A	Parish Council	17 July 2009	To Monitoring Officer for investigation
A	Parish Council	4 August 2009	No further action
A	Parish Council	26 August 2009	No further action
R	Parish Council	13 October 2009 (review of Assessment held on 26 August 2009)	No further action
H	Parish Council	19/10/09	Accept Investigator's report – no action
A	Ex County Councillor	20/10/09	No further action
A	CBC Councillor	20/10/09	To Standards for England to investigate
A	CBC Councillor	20/10/09	No further action

Assessment (A)
Review (R)
Hearing (H)

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**Report about the Standards for England
Annual Assembly of Standards Committees 12th and 13th
October 2009
Bringing Standards into Focus**

Members began to gather in the main hall of the International Conference Centre in Birmingham from 8-15am where a light breakfast and tea or coffee were available. The first session, Focus on essentials, is aimed at anyone who is new to the Code or the Annual Assembly, thereafter there was a mixture of plenary and workshop sessions over the two days.

The first plenary session opened with a video message from Rossie Winterton MP....."We are now seeing what works well after its first full year. Standard Committees are at the heart of the national framework and give effect to confidence in the work of Councillors at each level of local government. Misconduct damages authorities and local government, action needs to be taken but consideration should be given where possible to training and mediation which can be an effective measure which does not take away a member (as suspension does) so they can continue to represent their electorate."

The Chairman of Standards for England, Dr Robert Chilton, expressed uncertainty as to the possible pending change of government and the declared intent of one party, the Conservatives, to abolish Standards for England. He declared that:- the organisation will be dutiful public servants, people should not set aside that which is good, and if we are abolished it will not be because we are not excellent.

He went on to report that in the year 2008/09 50% of complaints were dismissed at the first assessment, there needs to be a way of effectively dealing with vexatious and persistent complainants, 90% of Parish Councillors support the system, and that the system was indeed good, not broken but could be better.

Glenys Stacey, the Chief Executive outlined some statistics from the last year. The annual review - Local Standards; national perspectives - is now a rich source of data from local decisions, comments on notable practice and issues that concern us.

There is:- 1 complaint for 25 members per year
 1 serious sanction for every 3000 members
and 25 suspensions out of all 80,000 members.

We must try to raise public confidence in the work of councillors and improve the relationship between parishes and standards committees.

The second plenary session - The Big Debate - The local standards framework is it a force for good or a necessary evil.

The main points made by the speakers were :- Standards assist the application of business, the Town and Parish representatives on Standards Committees should be more than two, support the setting up of joint Standards Committees, Standards Committees are at the heart of councils and they can say thus far and no further.

The questions and statements from the floor were :-

1. Parish Councils should be abolished and the Standards Board kept. (A speaker from a London Borough - unparished)
2. The code needs tweeking, how can we influence the next government.
3. Standards are a force for good, use Standards Committees pro-actively.
4. Those complained about are not able to be involved in the first stages of the consideration of a case. Is this natural justice?
5. Governance and standards need to be brought together. There has been a diminution of the quality and status of Monitoring Officers who should be at the top table in authorities.
6. We behave like good parents. We need further guidance for NFA (no further action). First assessment should be open to both sides.
7. Framework needs to be simplified and needs to have a 'non investigation' investigation. (More information available at the initial assessment)
8. Need standards for members to stay within the code. MP's need to put their house in order. Don't water down the system.
9. Look critically at the framework to see how it can be improved. Look at the bureaucracy of going from panel to panel to hearing then end with an apology.

10. From a Fire Authority with 5 parish councils from Dibley to good. District Councillors should take more note of PC and TC planning decisions and more authority. Standards committee members should observe some town and parish council meetings.
11. CC's and District Council's Standards Committees hear cases but many Fire Authority, Police and Parks Authorities have no or rare cases, so there should be joint working with councils who have experience.

Day one workshops attended :- Other action: Examples and results, Town and parish councils: Capacity building, peer mentoring and compacts.

Other action:

In this there is no culpability, only a potential breach. The problem is that the complainant and subject must agree that there is a problem and it is best solved by training and/or mediation. Without this agreement other action is unlikely to help the situation. The assessment of the complaint can be adjourned whilst the monitoring officer finds out if other action will be acceptable by those involved. Some examples were given but these complaints were dealt with under the old code. Use of more up to date cases would have been better.

If the answer is to be mediation then trained mediators are needed probably external to the authority. Authorities will need to budget for mediators. (And investigations in other outcomes.) Monitoring officers are not normally trained mediators.

Some Districts have fixed dates, about every three weeks for assessment panels so that a rota of standards committee members knows when they may be needed. The meetings are cancelled if no complaints are received. Some dis-functional councils where several members have not understood interests, even though they have been given the correct advice by the clerk, general training has been the best solution.

Councils including Town and Parish councils should have a member/officer protocol, this can pre-empt the necessity for action. Members of Standards Committees who are unfamiliar with town and parish councils should visit some as part of their training.

An investigating officer can refer a case back to the Assessment Panel if he/she has sufficient further evidence of no action or it is better tackled by other action thus not completing the investigation. Regulation 16.

Town and Parish councils: Capacity building, peer mentoring and compacts.

Town and parish councils have existed since 1894, are statutory bodies and some of their early functions have been taken over by principal authorities. Under devolved powers some may be returned.

In several volunteer areas two initiatives, for other action, have been trialed:-
Peer mentoring and Compacts

The aim of the peer mentoring was to test whether the 'group mentoring model' would benefit parish and town councils. The mentoring was for all councillors and the clerk and comprised six sessions - Intro - 4 sessions - final session. This was piloted with eight councils over six months.

The aim of the compacts was to agree a written action plan/compact endorsed by CALC's (County Association of Local Councils), local SLCC (Society of Local Council Clerks) and Standards Committees. Each of these parties needs to assess their relationship with each other and see how it can be improved.

These trials found some improvement, potentially fewer complaints, removed barriers, improved understanding and led to the joint delivery of training and earlier co-ordinated intervention.

The practical session was illustrated by a problem at Allsnotwell Parish Council. (This is worth downloading from the Standards for England website.)

Day two Plenary session:- On the brink - coming back from ethical failure.

This was illustrated by the complete failure of two principal authorities, Hull City Council and Lincolnshire County Council.

Hull City Council (now three star and improving) was the subject of a corporate government inspection. The inspection started off badly when the Councillor who considered himself in charge of the building threw the inspectors out of the room allocated to them saying amongst expletives that they did not have his permission to be there. It all went downhill from there with the council being put under special measures. The council had poor

leadership and governance. Members were in denial and a new chief officer had to 'save Hull City Council from its politicians'.

In Lincolnshire County Council there was a climate of fear, suspicion and mistrust. The Leader was sent to jail for misconduct in public office, the next leader was later de-barred from office.

The way forward was by:- cross party briefings, transparency, publishing more on the web-site, web casting of meetings, new relationship building and partnerships.

Day two workshops attended :- Train the trainer, The parish council toolkit, and Supporting planning and licensing committees.

Train the Trainer

The first part of this workshop was given by the Independent Chairman of Lincolnshire CC. They had to engage the leadership and persuade the council to accept the training of all Councillors. They now have a detailed protocol and information booklet for their Standards Committee members, this is based on a file-o-fax system. It is available to download from their website. A scaled down version is given to all members.

There Independent Chairman presents the minutes of the last meeting and the annual report to the council. (Not done by Vice Chairman as in most other authorities.) The co-opted members of the Standards Committee are treated like elected members even to the extent of being given lap tops to help in communication with the council etc.

Members of the standards committee take an active part in the training of new and returning members. The training includes a flowchart for the declaration of interests and looking through some case studies which result in members coming up with different solutions. This illustrates the difficulties that standards committee members face in assessing and determining complaints.

The second part of this workshop was given by an Occupational Psychologist who specialises in training. He led a practical workshop with much group work based on the tables. It illustrated the construction of a training session to achieve the objectives of the training, covering the aspects of design, delivery and evaluation.

The Parish Council Toolkit

This mini-plenary session debated a number of questions about their relationship with standards committees, good governance of parish councils, training and how to improve.

It illustrated the contents of the new toolkit which is being distributed to all town and parish councils on a disc and is also down-loadable from the Standards for England website, www.standardsforengland.gov.uk

The sections of the toolkit are:-

Part 1	The Parish Council	8 pages
Part 2	The Parish Clerk and other Employees	13 pages
Part 3	Ensuring Effective Governance	52 pages
Part 4	Public Engagement and Managing Information	11 pages
Part 5	A Guide to the role and responsibilities of Parish Councillors	16 pages
Part 6	Elections	4 pages
Part 7	Formation of New Parish and Town Councils	10 pages
Part 8	Useful Source Material	3 Pages

Supporting planning and licensing

The preamble noted that in both of these areas officers are often 'afraid of an appeal or a judicial review'. There should be protocols around planning and licensing. All have to take into account:- the Nolan principles, interests, use of position, confidential information, bullying and disrepute.

Both planning and licensing are quasi judicial functions and members must act in an individual and independent manner.

In licensing there must be two levels of committee, a statutory committee and a non-statutory committee reflecting the legislative nature of the content. If

licensing needs a site visit then all parties have to go on the site visit together and great care needs to be exercised in anything that is said.

Planning, controlled by the Town and Country Planning Act 1990 is also in two parts, forward planning (policy framework, LDF) and development and control. Certain myths surrounding planning were explored and a planning application case discussed.

Conclusion

The Assembly was worthwhile in terms of the additional training you receive, the contact with national figures in the main plenary sessions, the networking with people from all over the country with similar problems and possibly different solutions, and the very good food at lunch-times and the Assembly Dinner. All the session material is available to download from the Standards for England website.

Brian Collier

Town and Parish Council member of CBC Standards Committee.

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