

ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

CONFERENCE AT BIRMINGHAM ON 16th AND 17th OCTOBER 2006

REPORT OF THE MONITORING OFFICER

The Fifth Annual Assembly of Standards Committees was held at the ICC in Birmingham of 16th and 17th October 2006. I was invited to attend by the Standards Board to present seminars on conducting an effective investigation into alleged breaches of the code of conduct. This is an event which the Committee had previously elected not to attend on the basis of difficulty justifying the significant costs of attendance. My invitation gave an opportunity to review the merits of the conference without bearing those costs!

This is an exceedingly well attended event where I met representatives from more of our neighbouring authorities than I had anticipated from discussions in recent years. When the date was set it was anticipated that the revised code of conduct would have been available for debate and many delegates expressed disappointment at the absence of the code. The answer from central government was that the code would be included in its forthcoming White Paper which was not scheduled for release until the end of October.

The government had given a commitment to use its best endeavours to have the revised code in force prior to the May 2007 Elections. That is a demanding timescale and clearly cannot be guaranteed. It is desirable that new members elected in May 2007 start with the code which is going to apply to them for the duration of their period in office rather than have to learn rules which will be changed a few months later.

A major theme of the conference was the changing role of the Standards Board itself. It was anticipated that legislation would come forward in the Spring of 2007 which by 2008 will result in a drastic change in the manner in which complaints are handled. At that stage, complaints will be received by local standards committees and filtered at local level to determine whether they merit investigation. This exercise is currently undertaken by the Standards Board. After a slow start, they have become pretty efficient at turning round this initial stage within 10 working days. The most disappointing aspect of the conference was learning of the difficulties the Standards Board appear to have in persuading Government how impractical it will be for local standards committees to match that timescale on a model which meets Government approval.

The Government has ruled out a filtering being undertaken at Monitoring Officer level. It is considered that would place an undue burden on officers. All complaints will therefore need to go before a sub-committee of the Standards Committee. There will need to be a right of appeal to the complainant against a decision not to investigate a complaint. That appeal will need to be dealt with by a different sub-committee of the Standards Committee. The view is apparently being taken that those members who have participated at either initial or appeal stage, are likely to be disqualified from dealing with the final hearing of the complaint in those cases which are considered suitable to investigate. If such a rigid approach is adopted, it will have implications for the size of the committee and present a particular challenge in maintaining the input of independent members.

One advantage of the changes is likely to be the opportunity to mediate complaints informally if that will meet the wishes of the complainant rather than leave them with a choice of the full formal process or no method of resolving their grievance.

One interesting piece of information was an indication that the code of conduct for officers was likely to be published in the months after the White Paper. Members will recall that have despaired of waiting for national codes, the District Council adopted its own code for officers several years ago. This is the first indication of life in the national code since then.

The standards board have indicated that a new round of roadshows will be arranged in the early summer of 2007 to keep members informed of progress on these topics and give them an opportunity to question members of the board.

The Standards Committee is requested to note the news from the Assembly and a further report will be submitted once details of proposals and the timetable becomes clearer.

DT/CB/REPORTS/061001