

Item 5

REPORT TO STANDARDS COMMITTEE

7TH JULY 2005

REPORT OF SOLICITOR TO THE COUNCIL AND MONITORING OFFICER

STANDARDS BOARD ROADSHOW 2005 : NEWCASTLE : 26TH MAY 2005

1. SUMMARY

- 1.1 This report summarises the event attended by Standards Committee members held by the Standards Board on the 26th May 2005 at the Marriott Hotel, Newcastle.
- 1.2 The purpose of the event was to review the Code of Conduct, to highlight key issues for members and to share early experiences of local investigations and hearings as the ethical agenda takes an increasing local focus. Attendees were also invited to share their views on the review of the Code of Conduct which had previously been announced (see report of the Monitoring Officer to Standards Committee on the 7th April 2005).
- 1.3 Representatives of the Standards Board for England were present at the event, including the Chief Executive, David Prince, and Standards Board Member, Roger Taylor.

2. RECOMMENDATIONS

- 2.1 That the Standards Committee considers the report and the views expressed therein.

3. DETAIL

- 3.1 A number of views were expressed by the Standards Board during the course of the introductory session:-
 - The link between excellent services and high ethical standards was expressed to “go hand in hand”.
 - Ethical behaviour is about the relationship between members and their communities.
 - Standards Committees must be fit for purpose and that there is a need for a local focus and a national regulator.
- 3.2 Board Member, Roger Taylor, emphasised the need for a local focus on ethical issues. The following aspects of the ethical standards regime had been transferred to local ownership:

- Local hearings.
- Local investigations.

Standards Committees were described as the bedrock of the ethical agenda locally.

- 3.3 Roger Taylor also laid emphasis upon the “bigger picture”, that the role of the Standards Committees was much broader than merely dealing with investigations and hearings. “Standards Committees and Monitoring Officers can have a positive impact upon the authority, Town and Parish Councils, the public perception and local democracy generally”.
- 3.4 Comment was made upon the findings of the Graham Inquiry and the Board has already responded by agreeing that there is a need:
- for independent, fit for purpose Standards Committees.
 - to review the Code of Conduct.
 - to recognise a strategic role for Standards Committees.
 - for a single code for all tiers of local government.
- 3.5 Significantly it was mentioned that there is a need to consider whether there should be a local filter for all allegations rather than a nationally based arrangement, as at present.
- 3.6 Comment was also made with regard to the ODPM Select Committee. It was agreed that in developing the Standards regime so far, incomplete legislation had led to delays; there was also a need for greater communication direct with Parish Councillors; the Board’s website policy needed to be reviewed and member training should be re-assessed.
- 3.7 The basis of the future changes is likely to envisage that the Standards Board will be retained as a central filter, particularly for false allegations which do not involve a specific breach and that there will be early notification of members complained against.
- 3.8 David Prince, Chief Executive of the Standards Board, discussed in more detail the issue of whether there should be a local or central filter for all investigations: the key principle was described in terms of whether there might be an impact upon public confidence if local authorities decided which allegations they investigate. The key issues were described as including:-
- How long would it take for Standards Committees to process new allegations.
 - Would there be a conflict of interest.
 - Would new resources be available.
 - It was also mentioned that there was difficulty experienced by local authorities in attracting candidates for the independent members positions.

- 3.9 David Prince commented that since the 2004 Standards Committees Conference, between 25% and 30% of all cases were referred for investigation by them. Cases were assessed for referral within ten days and more than half of all cases were being dealt with at a local level.
- 3.10 During the questions and discussions section of the event, emerging issues relating to the current Codes of Conduct were discussed. The review period closes in June 2005 with recommendations being placed before the ODPM in the Autumn. All sections of the current Codes of Conduct are up for consultation and written Council responses are being encouraged.
- 3.11 Emerging issues were identified as follows:-
- Whether the Code of Conduct should reflect a vision of modern local government governance.
 - Whether there was a need for greater simplicity and clarity.
 - Whether it effectively promotes good behaviour.
 - Whether it should include an anti-bullying statement.
 - Whether it should develop the role of councillors as community advocates.
 - Whether there should be an explicit public interest defence for whistleblowers.
 - How confidential should be defined within the terms of the Code.
 - Whether disrepute should apply to private life as well as public and, if so, how serious should it be.
 - Whether members should be obliged to report breaches of the Code as at present.
 - Whether there were difficulties in members being campaigners as well as decision-makers.

4. FINANCIAL IMPLICATIONS

- 4.1 None.

5. CONSULTATION

- 5.1 This report has been considered by Management Team on the 27th June 2005.

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Background Papers

Member Report at 1.2 of Report.

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