

Item 5

STANDARDS COMMITTEE

8th FEBRUARY 2007

REPORT OF LEADER

PORTFOLIO: STRATEGIC LEADERSHIP

STANDARDS BOARD FOR ENGLAND: LEADER'S ETHICAL PLAN 2007-08

1. SUMMARY

- 1.1 This report sets out the Leader's mission and objectives for the Council, in terms of policy approach to issues of member ethics, standards and conduct.
- 1.2 This report also takes the opportunity to provide information on Council performance on standards, under the direction of the Council's Monitoring Officer, during the year 2006/7; it includes the Leader's mission and objectives and outlines the measures the Council has taken, and intends to take, in taking forward this important aspect of the agenda of modern local government.
- 1.3 It is considered that the independent scrutiny of the behaviour of members of local authorities, contributes to public confidence in local democracy. The leadership of the Council believe that the best authorities must always have a primary focus upon achieving high standards in behaviour.
- 1.4 New regulations will shortly be introduced which will increase the powers of the Standards Committee to deal with a greater number of cases locally. It has also been announced that the Members' Code of Conduct is to be reviewed and changes implemented.
- 1.5 The leadership continues to be committed to supporting the local Standards Committee and its Monitoring Officer in handling appropriate cases at a local level, to achieve robust investigations and just outcomes. It is in this context that the plans contained in this report have been developed.

2. RECOMMENDATIONS

- 2.1 That the Standards Committee note the report.
- 2.2 That the Council note and adopt the report and the mission statement and objectives set out in the report.

3. DETAIL

- 3.1 The Ethical Plan comprised in this Report sets out the mission and objectives for the Council in the area of standards and member conduct.

3.2 The core functions of the Standards Committee are as follows:-

- (a) *promoting and maintaining high standards of conduct by Councillors and co-opted Members;*
- (b) *assisting Councillors and co-opted Members to observe the Members' Code of Conduct;*
- (c) *advising the Council on the adoption or revision of the Members' Code of Conduct;*
- (d) *monitoring the operation of the Members' Code of Conduct;*
- (e) *advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct;*
- (f) *granting dispensations to Councillors and co-opted Members from requirements relating to interests set out in the Members' Code of Conduct;*
- (g) *dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer;*
- (h) *the exercise of (a) to (g) above in relation to the Parish Councils wholly or mainly in its area and the Members of those Parish Councils;*
- (i) *overview of the whistle blowing policy;*
- (j) *oversight of the constitution;*
- (k) *to deal with cases referred to the Standards Committee by the Standards Board and to conduct local determination hearings in accordance with the Model Hearing Procedure at Part 4I;*
- (l) *to take such other steps as may from time to time be taken in accordance with the powers of the Local Government Act 2000 and any subordinate legislation thereunder.*
- (m) *to deal with cases referred to the Standards Committee by the Council's Monitoring Officer and to conduct a hearing in accordance with the model hearing procedure in Part 4I, as amended, or substituted, where necessary, for that purpose.*

Challenges Ahead

3.3 There are a number of challenges and issues facing the Council over the coming year:-

- The expected increase and handling of cases at a local level.
- The introduction of a new revised Code of Conduct due to be introduced before the May Elections.
- The need to ensure continuity in the provision of guidance and advice of a high quality to members of the Borough Council and Parish and Town Councils.
- To ensure appropriate organisational capacity, including increased flexibility and adequacy of resources, to produce guidance, good practice and advice and to support whatever work is determined as appropriate by the Standards Committee regarding training and how to best target advice and training effectively.
- As in other aspects of modern local government, as the October White Paper emphasised, there is always the challenge of ensuring that the Council exploits opportunities to work in partnership with others, as well as engaging with the public more directly and maintaining appropriate awareness of key issues on standards and ethics.
- How best to identify the correct support needed for the Borough Council's members and members of Parish and Town Councils.

Mission and Objectives

- 3.4 The Leader has reviewed the work of the Standards Committee and had discussions with the Statutory Officers, the Chief Executive, Monitoring Officer and Section 151 Officer. In light of the advice provided and the recognition that there is a need to adopt clear policy objectives in this important field, the Leader has developed a mission and a set of objectives, which accurately reflect the leadership's aspirations for the future.

Ethical Mission Statement

- 3.5 The Council via its Standards Committee aims to be the respected body responsible for promoting ethical behaviour and building confidence in local democracy.

- 3.6 In order to achieve this, the Leader will:-

- review, monitor and ensure that arrangements are in place for an efficient, fair and proportionate handling of complaints, enabling local issues to be dealt with at a local level wherever possible.
- ensure that resources are available so that authoritative guidance and support continue to be received by members.
- strive to ensure that public confidence is increased in the authority by working in partnership to promote high standards of conduct.
- that the ethical arrangements of the authority are fit for purpose and that the combined work of the Standards Committee and its Monitoring Officer constitute a fit for purpose organisational arrangement.

Review of Performance 2006 to 2007

- 3.7 In 2006, eight complainants submitted allegations of misconduct to the Standards Board against several local Councillors. However, some of these involved multiple allegations. It is important to recognise that no adverse implications should be inferred from the fact merely that allegations have been made; the evidence, and outcomes, demonstrate that the majority of cases referred to were relatively minor.
- 3.8 The majority of the allegations made which could have potentially resulted in a breach of the Code of Conduct involved either a failure to declare an interest or disrespectful behaviour. Hence, the emerging trend pattern shown by these cases is that a breach of the Code of Conduct did not occur in 2006. Seemingly in all but one case, the allegation was either outside the Standards Board's jurisdiction or the alleged misconduct was not sufficiently serious to amount to a breach.
- 3.9 The Standards Board has referred one of the allegations to an Ethical Standards Officer and is currently still under investigation.

3.10

Case	Type of Issue	Outcome	Implications	Review
1	Procedural matter	No breach	Training on Code of Conduct and awareness of cases investigated by the Standards Board	No
2	Failure to declare interests	No breach		No
3	Failure to declare interests	Referred to an Ethical Standards Officer for Investigation - ongoing		
4	Failure to declare interests	No breach		No
5	Official/unofficial capacity	No breach		No
6	Defamatory statements	No breach		No

7	Disrespectful conduct	No breach	No
8	Disrespectful conduct	No breach	No

Guidance and Support

- 3.11 The Monitoring Officer Advice Series is issued to all Borough Members and Town and Parish Councillors. It offers guidance to Members and keeps Members up to date with changes in the law and procedure.
- 3.12 Since 2002, 87 MO advice notes have been issued. The advice notes have covered a range of topics including the Code of Conduct, Registers of Interests, Standards Board Bulletins, dispensations and gifts and hospitality.
- 3.13 Other advice is regularly issued in advice notes "MO/SBC" which includes (since 2002) 41 separate guidance notes covering functional and procedural advice covering best practice within the Council's internal arrangements; a further series "MO/SBC/CONS" provides information and updates to officers on changes to the Council's Constitution, which is regularly updated on advice from the Constitutional Review Group headed by the Monitoring Officer. 16 separate updates have been issued since 2002. The Monitoring Officer is assisted by the Standards Committee Support Officer who regularly prepares reports on performance issues, best practice elsewhere and in supporting training initiatives. Another Legal Assistant compiles and maintains Member Registers and website data on the Council's website.

Actions and Measures

- 3.14 On average the Standards Committee meets 4 times a year and during 2006 has considered a variety of reports, including annual reports from the Committee on Standards in Public Life and the Standards Board. Many of the reports advised and informed Members on issues such as the procedure for granting dispensations, current trends in allegations of misconduct at national and local level, changes to the Code of Conduct and a DVD presentation was of interest as it detailed the procedure for investigations and hearings.

Provision of authoritative guidance and support to relevant authorities, members and officers

- 3.15 A range of training events have been organised throughout 2006. A one-day training event was held at Ferryhill Leisure Centre on the 4th April 2006. The issues on standards were presented by Mr Peter Keith Lucas of Bevan, Brittan Solicitors. The training was aimed at Members of Local Authorities Standards Committees, Monitoring Officers and their Deputies, Town and Parish Clerks and their Members.

- 3.16 The event covered problem areas of the Code of Conduct, complaints and investigations and the pre-hearing process and also provided the opportunity to take part in a local standards mock event.
- 3.17 Three training events reviewing the new ethical framework took place in the autumn, one at the Council Offices and two at selected Town Councils. The event provided members with an update on standards issues, included the showing of the latest Standards Board DVD on local investigations and provided an opportunity to discuss current issues and receive feedback.

Working in partnership to promote high standards

- 3.18 There are two areas where the Council's approach is supplemented by joint working arrangements with other authorities:
- Parish and Town Councils within the Borough: the Council's Monitoring Officer provides an on-line advice and information service to Parish and Town Council Clerks and their members covering Standards Board updates, bulletins and guidance.
 - County Monitoring Officers Group: the Monitoring Officer is Chair of the County Group of Monitoring Officers comprising officers from the County Council and District Councils: the Group considers and organises joint initiatives for training and collaborative working and support amongst authorities.

New Initiatives Implemented

- 3.19 This year saw a number of initiatives and steps taken that will improve the Council's support on ethical matters:-
- Standards Committee approval on Dispensation Procedure.
 - the Local Code on Gifts and Hospitality was re-published to all members.
 - mandatory training requirements were set down and attendance details will be published annually.
 - the opportunity has been taken to centralise the registers of both Borough and Parish Members in order to monitor consistency of approach to registration practices with the Borough.
 - audit of Members' Registers and Gifts and Hospitality.
- 3.20 Audit Commission staff undertook the second review since 2002 of the Members' Registers maintained by the Monitoring Officer and found the arrangements to be in order.

Standards Committee and the Constitution

- 3.21 The Standards Committee regularly receives reports from the Chief Executive who, on advice from the Monitoring Officer, makes proposals for constitutional revisions to ensure effective decision-making at all levels within the Council's framework. The Monitoring Officer is supported by a team of officers comprising the Constitutional Review Group which he leads.

4. RESOURCE IMPLICATIONS

- 4.1 The plan emphasises the need to retain sufficient organisational flexibility to manage the uncertainties and risks inherent in this work at a local level. The plan will be regularly monitored – annually – to ensure that resources remain directed to the highest priorities of case handling and support to the Standards Committee.

5. CONSULTATIONS

- 5.1 This Report has been prepared by the Leader, in consultation with the statutory officers of the Council: the Chief Executive, the Monitoring Officer and Section 151 Officer. Management Team has also considered the terms of the Report.

6. OTHER MATERIAL CONSIDERATIONS

- 6.1 Links to corporate values:

Strategic Leadership

Strong Communities

- 6.2 Legal Implications: the requirements of the Local Government Act 2000 (and related legislation) impose duties and obligations upon the Council, its Standards Committee and the Monitoring Officer. The approach taken in this Report supplements and supports the Council's compliance within the new ethical agenda.

7. OVERVIEW AND SCRUTINY IMPLICATIONS

None identified.

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Wards: N/A

Key Decision Validation: N/A

Background Papers

Reports:

- Standards Committee - 9th February 2006
 - Summary of Changes to Standards Arrangements: "Standards of Conduct in English Local Government: The Future" – December 2005*
 - An Analysis of the Current Trends in Allegations of Misconduct at National and Local Level – 2005*
 - Arrangements for the Review of the Constitution*
 - Comprehensive Performance Assessment : Key Lines of Enquiry Corporate Governance Inspection: Implications for Standards and Ethics, for Standards Committee and Member Training – Taking the Ethics Agenda Forward*
 - Indemnities for Members and Officers Impact of the Local Authorities (Indemnities for Members and Officers) Order 2004*
- Council - 24th February 2006
 - Arrangements for the Review of the Constitution*
 - Summary of Changes to Standards Arrangements – "Standards of Conduct in English Local Government: The Future – December 2005"*
- Standards Committee - 6th April 2006
 - Arrangements for the Review of the Constitution*
 - Proposed Changes to the Code of Conduct*
- Council - 21st April 2006
 - Arrangements for Review of the Constitution*
- Standards Committee – 5th May 2006
 - Review of the Constitution – Member Involvement – Proposed Changes to the "Call-In" Procedure*
- Council – 19th May 2006
 - Review of the Constitution:*
 - Establishment of an Audit Committee*
 - Member Involvement – Proposed Changes to the "Call-In" Procedure*
- Standards Committee – 6th July 2006
 - Committee on Standards in Public Life: Annual Report 2005*
 - Procedure for Granting Dispensations*
 - Standards Committee Forward Plan 2006/2007*
 - Arrangements for Review of the Constitution*
 - Standards Training Event : 4th April 2006 : Evaluation Questionnaire Feedback*
- Council – 28th July 2006
 - Arrangements for Review of the Constitution*
- Standards Committee – 2nd November 2006
 - Arrangements for Review of the Constitution*
 - Survey of Public Attitudes towards Conduct in Public Life 2006*
- Council – 24th November 2006
 - Arrangements for Review of the Constitution*

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Council's Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Council's S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input type="checkbox"/>	<input type="checkbox"/>

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