

Standards Committee : 17 November 2009

Title of report: 2009 Annual Assembly of Standards Committees

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	N/A
Is it in the Council's Forward Plan?	N/A
Is it eligible for "call in" by Scrutiny?	N/A
Cabinet member portfolio	Corporate

Electoral wards affected and ward councillors consulted: All

Public or private: Public

1. Purpose of Report

At its meeting on 30 September 2009 the Standards Committee identified various issues which it wished its delegates to take up at the 2009 Annual Assembly for Standards Committees, which was held on 12 and 13 October 2009. The Chair of the Standards Committee and Professor Alan Kitson attended on behalf of the committee together with an officer. This report is intended to report back on those issues and to provide brief reports from the Chairman and Professor Kitson on the Annual Assembly.

2. Key Points

The issues identified by Standards Committee are set out below with commentary:

Concerns around length of time to conclude investigations/outcomes for Standards proceedings, to include scope for shortening the process where the Monitoring Officer has recommended no further action.

The Chair attended a focus group for independent chairs run by Standards for England and the main change the group wanted was the introduction of an informal and less time consuming process to deal with minor complaints. Standards for England are aware of the issue.

Experience of other Standards Committees who have concluded Determination Hearings.

There were specific sessions on “Focus on Determinations, Sanctions and Appeals”. The main issues identified were:

- Successful appeals to the Adjudication Panel for England on the application of the Code of Conduct by local standards committees tended to be based upon errors in deciding whether a member was acting in an official capacity, whether conduct was disrespectful, especially in the context of political debate or criticism of senior officers and in deciding whether an interest was prejudicial.
- Successful appeals on procedural issues tended to rely on a lack of evidence, a failure to make findings of fact, lack of reasoning on how disputes of fact were resolved, the facts found not supporting a finding of breach of the Code, lack of reasoning as to why there was a breach of the Code, failures to deal with issues raised by subject members and the need for an investigation to establish key facts eg about whether a member was present at a meeting or declared an interest, rather than relying on subject members to make admissions.
- The need to use the pre-hearing process to narrow the issues in dispute and to make best use of the committee’s time.
- The need to keep to a structured sequence of steps at the hearing, to use the model decision notice provided by Standards for England and to give reasons for each stage of the decision making process.
- The key messages were to focus on the relevant paragraphs of the Code of Conduct and breaches, using the pre-hearing process effectively, holding subject members and complainants to that process ie if they do not identify issues as being in dispute those issues are to be treated as agreed at the hearing, using the model decision notice and using Standards for England and Adjudication Panel for England guidance and making it clear that you have done so.

Potential Government assistance to Local Authorities to offset their costs on investigations, to free up bringing in external investigators to speed up the process.

Standards for England are aware of the concerns about the cost to local authorities of administering the standards system.

Sources of advice available to Members facing Standards complaints and the lack of public funding available to support their costs.

Standards for England regard the issue of indemnities as being one for individual authorities

There was also a session on proposed amendments to the Code of Conduct which set out what Standards for England expect to be in the new model Code of Conduct, which they believe will not be issued before May 2010. The main change anticipated is an extension of the Code into circumstances where a member is not acting in an official capacity but where the member's conduct is criminal and brings their office or authority into disrepute. The definition of criminal conduct is likely to be limited to circumstances where a member has been convicted of an offence by a criminal court and would not include cautions or fixed penalty notices. Criminal conduct which took place before the member became a member is also likely to be caught by the new provisions.

The notes of the Chair and of Professor Kitson from the Assembly form annexes 1 and 2 to this report.

3. Implications for the Council

Attendance at the Annual Assembly helps Standards Committee keep up to date on best practice on standards matters.

4. Consultees and their opinions

N/a

5. Officer recommendations and reasons

Standards Committee are invited to note the information from the Annual Assembly and identify any steps to be taken in response.

6. Cabinet portfolio holder recommendation

N/a

7. Next steps

To be determined by standards committee.

8. Contact officer and relevant papers

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Background Papers:

Materials on the 2009 Annual Assembly for Standards Committees website at www.annualassembly.co.uk

ANNEX 1

CHAIR'S NOTES FROM THE ANNUAL ASSEMBLY OF STANDARDS COMMITTEES 2009

The conference was a lively affair with speakers and delegates having plenty to say. The issues discussed, formally and informally, were many and varied and certainly gave me food for thought. Presentation and session material can be found at www.standardsforengland.gov.uk.

I attended an early morning focus group run by Standards for England and passed on your views about what was and was not working for us. At the end of the session we all agreed that that the main thing we did not want to change was dealing with complaints locally. The main change we wanted was the introduction of an informal and less time consuming process to deal with minor complaints.

We spent lots of time and energy during the two days chatting about good practice. I show below, in no particular order, what seems to be working well in other authorities:

- Agree what you want to achieve.
- Review what is being achieved.
- Review work plan.
- Encourage comments about the complaints process and take swift action.
- Encourage members and officers to submit agenda items.
- Forge links with parish and town councils.
- Make the public aware of the committee and ethics in general.
- Encourage and foster support of the Chief Executive, Leader of the Council and Group Leaders.
- Identify training needs and deliver an effective programme of training.
- Review use made of council's website to inform the public about the work of the standards committee and ethics in general.
- Review how staff is told about the work of the standards committee and ethics in general.
- Present annual report to full council and put on website.
- Joint working (formal and/or informal arrangements).
- Make learning and development a continuous process.
- Develop protocols for council's partners and monitor adherence.
- Ensure everyone is comfortable with how to deal with the media.
- Share good practice and learn from others.

There was general agreement that when it comes to promoting and maintaining high ethical standards one solution does not fit all. Each authority must find what works best for them. Over the last 12 months we have focussed our attention on ensuring proper local arrangements were in place to deal with complaints. Perhaps now is the time for us to think about our wider role, what we want to achieve and how we want to do it.

Paul Blythe
18 October 2009

ANNEX 2

PROFESSOR KITSON'S NOTES FROM THE ANNUAL ASSEMBLY OF STANDARDS COMMITTEES 2009

1. The conference was well organised and provided ample opportunity to explore issues and learn about significant developments. Over the 2 days I attended 3 plenary sessions, 1 fringe meeting and 5 workshops/discussion forums and had several discussion over coffee/lunch with other attendees. In particular, I had a very interesting discussion with the Deputy LG Ombudsman; members of Bolton, Bradford, Lancashire Police, East Yorkshire Standards Committees and a representative of the Conduct and Council Constitutions Team of DCLG.

2. Rather than reporting in detail on all the sessions I attended, I think it would be more useful for me to identify the main issues/questions which emerged for me from the conference. I apologise if some of these questions seem naïve to more experienced members of the committee.

- What will be the future of SfE after the General Election ? Whatever the answer to that is, what will be the future for Kirklees Standards Committee?
- The significant expansion of the role of the Local Government Ombudsman into the maintained school sector and adult social care. Are there any implication from this for the work of the Standards Committee?
- Best Practice – What processes do we have to:
 - Ensure that we are aware of best practice
 - Measure ourselves against best practice.
- How effective are we as a committee ?
 - Do we review our terms of reference
 - Do we fulfil them
 - Do we have an annual business calendar
 - What are our collective/individual training needs
- Looking at partnerships emerged as a theme at the conference. What are the ethical risks in the wide range of partnerships which KMC is developing? Do we need to develop guidelines or do we already have them?
- The SfE Annual Report – can this be copied to all members and can it be an agenda item for a future meeting?
- Should Kirklees Council enter for the LGC Annual Standards and Ethics Award?
- There appear to be a range of views about the independence of Standards Committees in different local authorities. How independent is the Committee? Who sets the agenda? Who do we report to?

- There is talk of joint working but it appears that there is very little formal joint working but some informal activities do take place. Do we want to develop formal/informal joint working with other standards committees?
- There was discussion about making standards committees more visible and influential within their respective authorities and wider communities. How visible are we both within the council and beyond? How visible do we want to be?
- There was discussion about the links between standards committees and audit and governance functions. What links should we be developing?
- A lot of emphasis was placed on the need for training/induction of councillors and officers in standards/ethics issues. What do we do in Kirklees?
- The revised code will (it is hoped) be available later this year for implementation from next May. What do we need to do to ensure that we are well prepared for the new code?
- There are some examples of good practice in relation to handling the media/public relations aspects of standards work.. How well do we put the public in the picture? How do we deal with the media in relation to standards issues? What can we learn from best practice in the field. How good is our web site?
- There appears to be little information about the costs of the work of local Standards Committees. How much does ours cost, including the time of officers?
- It appears that some Standards Committees have started to look at councillors expenses, at gifts/hospitality received.
- There was some discussion around planning and in particular whether the Standards Committee should discuss planning protocols with their planning committees.
- A new training dvd looking at assessments has been issued by SfE. They are also publishing quick guides, an on-line forum and training materials.

Alan Kitson
16 October 2009