

REGULATORY SERVICES

Embedding Ethical Standards across the Council Members Bulletin No. 6

Standards Committee Update January 2008



Andrew Neville Chair of Rossendale
Borough Council Standards Committee

Mr Andrew Neville - Chairman

Andrew Neville was appointed by the Council as an Independent Member, and he was elected Chair of the Committee in 2005. He was a Councillor until the mid '90's and served on most committees. Having spent over 45 years in business, including 35 as Managing Director of a local company, he retired from the 'rat race' and is assisting the Council and its Councillors to achieve the goals set by the Standards Board for England.

What is the purpose of the Standards Committee?

Help promote and maintain the present high standard of conduct by Councillors and Co-opted Members.

Advise, train and assist Members to observe the Council Code of Conduct.

Hear cases alleging breach of the Code which have been referred for local determination.

The purpose of this Bulletin is to bring any developments to all Members attention.

Please let myself or Linda Fisher know if you have found this Bulletin useful or provide information on what you would like to see covered in the future.

Membership of the Committee

Mr A Neville (Chairman)
Cllr J Pawson (Vice Chair)

Cllr A Barnes
Cllr A Cheetham
Cllr J Forshaw
Cllr D Hancock
Cllr J Thorne

Parish/Independent

Cllr J Grogan
Bernard Devine
Anthony Nixon



Cllr J Pawson (Vice
Chair)

1) At the Standards Committee Meeting on 22nd January 2008, the Chair informed the Committee:

1. The Work Schedule for 2007/8 is on time
2. No complaints have been made under the Council's Whistleblowing Policy
3. All Rossendale and Whitworth Members have given notice of their personal interests
4. Report on the Review of the Corporate Governance Arrangements, is going to Audit Scrutiny on 7th February 2008.
5. Senior Managers will appoint a Governance Champion in their Services.
6. Contract Procedure Rules are being complied with.

The Office of Surveillance Commissioners is inspecting the Council on 2nd June 2008.

The meeting also set up a Working Party to consider the proposed new revised Locally Based Ethical Regime (see below).

2) The following information has been received from the Standards Board:

Checklist for local authorities in the run up to April 2008

This article offers a 'checklist' for local authorities of things to consider in the run-up to the implementation of the locally managed framework. Please note that, in some cases, it is subject to Communities and Local Government making appropriate regulations.

1) Size of standards committee

- Standards committees must have a minimum of:
- Three members (two elected members and one independent member).
- 25% as independent lay members if the committee is more than three people.
- An independent chair (from April 2008).
- One parish or town council member if the authority has responsibilities for those councils.

Effective practice -the Standards Board recommends:

- At least six people as a minimum (three elected members and three independent members).
- Two, or possibly three, parish or town council members if the authority has responsibilities for those councils.
- Consideration of whether more members are required to ensure cover in the event of conflicts of interest, holidays or sickness.

2) Structure of standards committees

In addition to their role as champion and guardian of the authority's ethical standards, standards committees will now have three separate but distinct roles in relation to complaints about member conduct:

- Receiving and assessing complaints.
- Reviewing local assessment decisions.
- Conducting hearings following investigation.

To avoid perceptions of bias or predetermination, members who carry out a local assessment decision should not be involved in a review of the same decision, should one be requested.

Effective practice—the Standards Board recommends:

- A structure of sub-committees or the standards committee acting as a pool of members to deal with the different roles.
- As a minimum, two separate sub-committees, one for taking initial assessment decisions and one for taking decisions on reviews.
- Subject to regulations, any sub-committee should also have an independent chair.
- A member who was involved in an initial assessment decision, or following referral of a complaint back to the standards committee from the monitoring officer or Standards Board for another assessment decision, can be a member of the committee that hears and determines the complaint. This is because an assessment decision only relates to whether a complaint discloses something that needs to be investigated. It does not require deliberation of whether the conduct did or did not take place and so no conflict of interest will arise in hearing and determining the complaint.

3) Training

Effective practice – the Standards Board recommends:

- Standards committees are fully trained on the Code of Conduct.
- Standards committees are offered other training to equip them with necessary skills, for example in conducting a hearing.
- Independent chairs and vice-chairs are trained in chairing meetings.
- Any newly-appointed standards committee members receive a comprehensive induction to the role and appropriate training.

4) Local assessment criteria

- Guidance will be available from the Standards Board on developing criteria and the types of issues to be considered when assessing complaints.
- Standards committees will need to develop their own criteria, that reflect local circumstances and priorities, and which are simple, clear, open and ensure fairness.
- Monitoring officers will be able to acquire additional factual information which is readily available about allegations before the assessment process begins. This could be from minutes or the register of interests, for example, if such information about a complaint would assist decision-making. It should not include interviews or investigation.
- A complainant has a right to appeal if a complaint is rejected, so standards committees will be able to invite complainants to submit further information in support of the complaint at the appeal stage in the process.

5) Role of the monitoring officer in the new framework

Effective practice – the Standards Board recommends:

- A pre-meeting with the independent chair.
- Preparing a summary of the allegation for the standards committee.
- Highlighting what the potential Code breaches are which underlie an allegation to the standards committee.
- Allowing case reading time for the monitoring officer and the standards committee.

6) Completing existing investigations

Many authorities will have outstanding investigations and the Standards Board encourages authorities to clear such investigations—particularly long-standing cases—before the new frame-

work comes into effect.

7) Local assessment and the corporate complaints process

Effective practice—consider:

- How will the public be informed of the new arrangements?
- Who will receive and log an allegation?
- The production of an individual information leaflet for the local assessment process, possible combined with the corporate complaints process.

8) Future monitoring by the Standards Board

The Standards Board is consulting a sample of authorities involved in a pilot study on proposals for an online information return system, which will allow authorities to tell us about how local arrangements are working.

This system is being designed based on what standards committees need locally, and to enable authorities to provide information to the Standards Board as simply as possible. Authorities will be able to use the system locally for their own records, to keep standards committees informed of their authority's ethical activities.

Proposals for the system include quarterly online returns on cases, which will be simple and quick to use, and nil returns if there is no activity to report.

9) Local assessment guidance

We will help standards committees by providing guidance in 2008 on all aspects of the local assessment process, subject to the passage of the relevant regulations, with a toolkit to include:

- Template notices for publicising the authority's Code of Conduct complaint process.
- Complaint assessment flowcharts.
- A standard complaint form.
- Template letters for each stage in the process.
- Template referral and non-referral decision notices.
- Guidance to assist with drafting criteria and for the authority to define its threshold for referral.
- Template terms of reference for assessment and review committees.

Independent adjudicator abolished—new role for standards committees

Restrictions on political activities by certain local government staff were introduced under the Local Government and Housing Act 1989, which provided for the appointment of an independent adjudicator to grant dispensations for staff to engage in certain political activities.

Under the Local Government and Public Involvement in Health Act 2007, the role of independent adjudicator will be abolished and the duties transferred to local authority standards committees.

These duties are:

- To consider applications from local authority employees for exemption from political restriction in respect of their posts.
- Where appropriate, to issue directions requiring a local authority to include a post in the list of politically restricted posts it maintains.

- To give general advice following consultation with appropriate parties, on the application of criteria for designation of a politically restricted post.

The timing of this transfer of functions from the independent adjudicator is a government matter, but the Standards Board urges authorities to ensure that their standards committees are made aware of the change.

We expect the relevant government department, Communities and Local Government, to issue guidance on this matter. The department may be contacted via www.communities.gov.uk or on 020 7944 4400.