

**ANNUAL REPORT TO FULL COUNCIL ON
THE WORK OF THE STANDARDS COMMITTEE
FOR THE MUNICIPAL YEAR 2007/2008**

Introduction

This year has again been very busy with four full committee meetings, a special meeting and a number of others where the Chair and/or other members of the Committee have been involved in discussions with officers and Members. We had one joint meeting with Audit Scrutiny Meeting and the Chair has attended other Audit Scrutiny Meetings. We have also been represented at meetings of the Development Control Committee, particularly where the subject matter has been controversial in order to advise on Code of Conduct issues should the need arise. We are pleased to confirm that all Members from knowledge and/or training have adhered strictly to the Code of Conduct. We also represented the Council at the Standards Board Conference in Birmingham, the Standards Board Road Show in Liverpool and both meetings of the North West Independent Members Forum. We were also consulted during the recent Audit Commission Review.

The Role of the Standards Committee

A mistaken perception of the Standards Committee is that it exists solely to sit in judgement of Members who have allegedly breached the Code of Conduct. This is not so. The Standards Board commissioned the Political and Economic Governance section at the University of Manchester to undertake research, and the advice was given that Standards Committees should play a proactive role in supporting ethical environments in their authorities and that there is scope for them to have a wider role than the investigation and adjudication of complaints about misconduct. The Standards Committee should have a particularly valuable, wider and more proactive role in maintaining the profile of ethical issues by establishing a work programme and timetable and undertaking periodic ethical audits which could highlight any systemic weaknesses. The Standards Committee started considering a review plan nearly two years ago and in the current year we have examined and debated many topics, details of which are contained in a later section of this report.

The Standards Board for England

The Standards Board moved from their London base to Manchester in 2007. Each year they choose one major issue for Standards Committees to consider and implement. In 2006/7 the topic was a new Code of Conduct for Members which was considered very necessary as Members throughout England were of the opinion that some of the clauses in the existing Code made it difficult for them to carry out their duties on behalf of the residents without contravening the Code

sometimes. The issues were considered and a draft new Code produced which went a long way to easing the perceived problems, and the new Code was adopted by the Council in mid 2007. In 2007/8 the Standards Board's main change is the 'Filtering' system. Until now, all complaints have been sent to the Standards Board for them to deal with. In some cases, the Standards Board has referred these back to the local authority for consideration or an investigation, and in some cases for local determination. In 2007/8 we completed two determinations following a full hearing. From May 2008, nearly all cases will be dealt with locally, although we will be able to send 'difficult' cases to the Standards Board, who may or may not accept them. The Standards Board will monitor the results. The Standards Board ran about fifty pilot trials with a variety of organisations to test their knowledge. They gave each a set of cases adjudicated by the Standards Board, minus personal details, and asked each partaking organisation to consider them and report their findings. The results of the pilot followed the action case result to a very great extent, although there were differences. Full detail of the results and other matters concerning the Standards Board are available on their website.

Membership of the Committee

The Committee consists of three Independent Members, six elected members of the Council and a representative from Whitworth Town Council. We have responsibility for Standards in Whitworth, so it is right that they have a representative on our Committee. We also deal with complaints made against Whitworth Town Council and its Members and if it is necessary to hold a hearing, Whitworth's representative automatically sits on the panel of three. In actual fact, referring to the representative as Whitworth's representative is not correct and only applies because we only have one Parish/Town Council, and if we had more, the representative would represent all, although the recommended minimum is two, and three is suggested by the Standards Board to ensure cover at short notice. Apart from the appointment of two Independent members mid year, the only other changes have been due to circumstances beyond our control. All members of the Committee have given their full support and have played an active role, and it has been encouraging to see Councillors who are not members of the Committee attending meetings as observers.

Dealing with Complaints

The current system for dealing with complaints about the behaviour of a Councillor is that they go to the Standards Board. If complaints are sent to the Council, the complainant is asked to send their complaint to the Standards Board direct and the Standards Board is notified. The Standards Board has told Committees that they have received the occasional submission from a Council, but this only happens in rare circumstances. The Standards Board considers the complaint and then has a number of options open to them. As this system is

about to be changed we do not wish to confuse by going through the total options, but would advise that one of the options open to the Standards Board is to refer the complaint to the Monitoring Officer of the Authority of which the subject of the complaint is a Member. The Monitoring Officer is asked to look at the complaint and refer back with their findings, so that the Standards Board could take action. In a few cases they have referred cases back to the Monitoring Officer for a local investigation, and in two cases, the Hearings Panel of the Standards Committee has sat in adjudication of a complaint. The results of these have been reported at Standards Committee meetings, and where the complaints have been upheld and notice of the findings has been published as required.

Complaints and the Hearings Panel 2008/9

From 1 April 2008, the Standards Board propose to transfer the responsibility for dealing with complaints to local councils. This date was confirmed to the Standards Conference in October by the Minister responsible. We have been looking at how we would deal with this, as have other authorities, and we have recently taken part in a survey of the Board's detailed proposals. Our suggested responses were agreed at a meeting of the Chair of the Committee, the appropriate Cabinet Member and a representative of the minority party, together with Officers. We are informed that the Standards Board are considering all responses and have put the start date back to 1 May 2008. They do not propose to allow any further delay as they have disposed of their investigative team and the associated officers. Local Authorities are being instructed to complete all outstanding cases as quickly as possible to avoid any backlog. As we have been actively involved in considering a number of complaints at various stages, including two full hearings by the Panel, we believe that with the benefit of guidance of our Officers, we will be able to deal with all complaints received. However, there will be time limits placed upon us, so Members of the Committee must be both willing and able to attend at short notice. Only members of the Standards Committee are allowed to be Members of the Hearings Panel.

The Code of Conduct

We recommended the adoption of the proposed new Code of Conduct which Council accepted in mid 2007. Most Rossendale Councillors attended training sessions, as have Whitworth Councillors, and many have seen the DVD's supplied by the Standards Board. We apologise to Members if they believe that we have over-emphasised the importance of the Code, but we would remind Members that it is the basis of ethical behaviour by Councillors. We are sorry to hear that a few believe that they are prevented from being able to serve the public due to some of the restrictions, but solutions can be found and advice should be sought from the Monitoring Officer of a nominated officer skilled in this

subject. The apparent reduction in the number of complaints leads us to believe that Members are working within the terms of the Code.

Training

The Standards Committee has the responsibility of ensuring that Members have sufficient training to enable them to carry out their duties. During the year, a number of training sessions have been held and have been well attended, and these will continue. Some of them have been fun. More sessions will be offered during 2008/9 and we hope all Members will find them fun and interesting. It may seem that some training subjects appear to be a repeat of one held previously, but they are not. Life moves on and all training sessions are designed to provide up to date information. The Standards Committee issues its own publication – the Members Bulletin. We published our first issues in October 2006 and we are about to publish issue 6. This issue provides information about some of the items the Committee discussed at its January meeting, but most of it is information important to Members as it gives details of changes being made by the Standards Board for England which come into force shortly. The Bulletin is circulated to all Members and Officers.

Finance

When Standards Committees were introduced by the Government, no provision was made for financing the costs. As more and more responsibilities are placed on the Committee, costs increase. We made representations to the Standards Board about this, as have others, but in spite of their discussions with the Government, no money was forthcoming. However, at a recent meeting of the North West Independent Members Forum, the representative from the Standards Board announced that as there was a reduction in their expenditure, they were recommending that this be passed on to the Local Authorities. We will be informed shortly, but a rough calculation reveals that we should receive about £1,500.00.

Looking back on our workload during 2007/8

At our first meeting of the year we set a work programme which included:-

- The introduction of a new Code of Conduct
- Consideration of minutes of the Audit Scrutiny Committee
- Our terms of reference
- To receive reports on the use of the Whistle Blowing Policy
- To carry out a review of Complaint Learning (joint with Overview and Scrutiny)

- To carry out Risk Management (joint with Overview and Scrutiny)
- To consider appointing Democracy Champions
- Consider an Ethical Governance Plan
- Consider an Ethical Governance Communications Strategy
- Review the Planning Code of Conduct
- Continue publishing the Standards Bulletin
- Receive the Minutes of the Audit Scrutiny Committee
- Monitor compliance with the Member Learning and Development Strategy
- Receive reports from the Monitoring Officer
- Monitor information from the Standards Board for England
- Provide Probity in Planning training and guidance for Members
- Receive a report in respect of Regulatory Investigatory Powers Act, its use and training requirements
- Review the Selection of Contract Procedure
- Review the effectiveness of the Anti-Fraud and Anti-Corruption Strategy
- Monitor compliance and awareness of Code of Conduct issues
- Consider decisions from the Standards Board for England

In addition we also considered:-

- Details of Council facilities or Members at Whitworth
- The Annual Audit and Inspection Report
- The Annual Audit Plan
- The Local Government Ombudsman's Annual Report
- Requests for Dispensations
- Members Declarations of Interest
- Provision of training at Whitworth on the Code of Conduction
- Consideration of Criminal Records Bureau checks for Members
- New proposals from the Standards Board
- Results of complaints dealt with by the Monitoring Officer or the Hearings Panel.

It should be noted that neither of the decisions made by the Hearings Panel were the subject of an appeal, nor was the penalty.

Looking forward to 2008/9

We will produce a schedule of work at our first meeting of the new Municipal Year. Apart from ongoing matters and Policies we continue to monitor we will soon be considering the detailed proposals for dealing with complaints. Likewise, having relinquished the responsibility for dealing with complaints, and having set up a monitoring system to see that we are dealing with complaints in a proper manner, they will no doubt be advising us of what comes next.

The Role of Officers

Without our Officers we would be lost. They work with us, advise us and add to our knowledge and abilities constantly, and the list of work they do for us is endless. We would like to place on record our thanks for all Officers who have, in any way, been involved in providing help and information to the Committee. Whilst we understand that normally, reports produced by Officers do not contain names, as this report is being produced by the Committee and we are not happy about giving thanks to titles, our particular thanks go to Linda, Bill, Heather and Jenni.

Mr Andrew Neville
Independent Chair of the Standards Committee