

# **Annual Report to Council on the Work of the Standards Committee for the Municipal Year 2008/2009**

## **Introduction**

Once again the Committee has had a busy year. Besides its regular full committee meetings, there have been a number of sub-committee meetings, mainly to deal with assessments, and the Chair and other members have been involved with meetings with officers. The Committee is also responsible for standards relating to Whitworth Town Council and we have continued to work closely with Karen Douglas, the Town Clerk and also the Town Councillors to establish a good team working relationship. We are pleased to report that members, generally, have adhered to the Code of Conduct. We have represented the Council at the Standards Board Conference, and our Chair is now a member of the Standards Board for England's Steering Committee which organises the Annual Conference and sets the Standards Board's work programme. Both the Chair and Vice Chair have attended meetings of the North West Independent Members Forum which have been addressed by representatives of the Standards Board and have proved interesting and informative.

## **Our Highlight of the Year**

Each year, the Local Government Chronicle shortlist and then make awards to Councils under a variety of categories. For the year to March 2009 a new award was added, sponsored by the Standards Board for England. This award recognises those councils who put high ethical standards and transparent open decision making at the heart of their culture. Rossendale decided to make their written submission based on the amount of work put in by council based on the work of Officers and the Committee. A team of officers put together a catchy written submission which is on the Council's website under the title, Rossendale – Serious about Standards, which has gained praise from many quarters, and in particular, a number of local authorities. A little later, we were advised that although all authorities were entitled to enter, only twenty-one felt they were able, and that Rossendale had been short-listed as of the top six. In December, the Council's Chief Executive, Monitoring Officer and the Chair of the Standards Committee travelled to London to make a presentation before the judges. The final result will be announced on 25 March 2009.

## **The Role of the Standards Committee**

The role of the Committee continues to change. Rossendale's Committee has been at the forefront for the past few years, and much of our work programme for 2007/2008 has been adopted by other authorities in 2008/2009. At the annual conference in October, the representative from the Audit Commission suggested that all authorities should widen their role and take on many of the items that were on our work schedule. Although the Standards Board would like all Standards Committees to have a higher profile, your Committee believe that our role is to support the work of the Cabinet and Committees and concentrate on ethical and standards issues. From 8 May 2008 we took over the responsibility of dealing with complaints made about elected members. Our officers led by our Monitoring Officer, in consultation with the Committee, drew up a series of procedures for this, and we are now carrying out this function. Fortunately, Rossendale Councillors are better at complying with the Code of Conduct than in many other areas. Much of our work throughout the year has been a consolidation of what we did in the previous year, so we were able to absorb the extra work and the amount of learning.

## **The Standards Board for England**

The Board is now settled in Manchester and your Chair has had the opportunity of visiting their offices. Both the Chair and Chief Executive of the Board retired in mid 2008, and at the conference, we welcomed Dr Robert Chilton and Glenys Stacey to the vacant positions. (A copy of our report on the conference was supplied to members at a recent Council meeting) and both

Robert and Glenys addressed the opening and closing sessions. The Standard Board's Steering Committee met for the first time in January 2009, and members spent an afternoon planning the initial stages of the Board's programme for the year. One item that is already under way is the need for amendments to the Code of Conduct. The Board now reports to the Department for Communities and Local Government, and they have asked for a consultation about the Code of Conduct for members and whether there should be changes, and whether there should be a new Code of Conduct for employees. A consultation document was sent to all local authorities and the matter was discussed by the Standards Committee. The Committee felt that we were not competent to answer all parts of the document, so we dealt with the part relevant to standards, and referred the document on. We have made the point, particularly, that although the Code introduced in 2007 was a great improvement, there still needed to be further improvements.

### **Membership of the Committee**

Early in the year 2008/2009, at the request of the Committee, and because of the need for more members to serve on sub-committees, the size of the Committee was increased to twelve. The number of independent members remained at three, but the number of elected members increased to seven, and the number of town councillors increased by one to three. The main reason for this is the complaints procedure. There are three possible stages that may need a hearing, the assessment, the review, and the full hearing. In each case, the chair has to be an independent member, and where the matter is a complaint about a town councillor, one of the sub-committee of three should be a town councillor member of the Standards Committee. Because the hearings are subject to time constraints, we have to consider availability. All members have given their full support and most have attended all meetings. In fact, one occasion all twelve members were able to attend.

### **The Complaints Process**

Information about the type and numbers of complaints received is supplied by all councils to the Standards Board on a quarterly basis. A quick comparison reveals that Rossendale and Whitworth Councils receive comparatively few complaints claiming that a Councillor has breached the Code of Conduct. The Committee believe that apart from the quality of our councillors, this is also due to the training they receive, particularly as only one of the complaints received during the year has come from a member of the public which indicates that the public are satisfied with the service received from the Council and councillors. A complaint should usually be made on a form which is available from the Council's website. On receipt, the complaint is considered by the Monitoring Officer who convenes an assessment hearing by the standards sub-committee who consider the complaint and the officer's report. The sub-committee then reach one of three decisions, either that there is no validity to the complaint, or that there has been a breach but it can be dealt with by 'other actions' such as asking the member to give an apology, training, or a number of other actions, or that the complaint should be investigated, the result of which would result in the councillor being exonerated or being the subject of a full hearing. If, at a full hearing, the complaint is upheld, a penalty is likely to be imposed. Should the member wish to appeal, they may do so by raising the matter with the Adjudication Panel. In the twelve months, up to the date this report was produced, only one complaint against a member has resulted in a hearing. The Committee intend to run a training session to clarify the full procedures, and the penalties that could be imposed.

### **The Code of Conduct**

The Code adopted by the Council has generally worked well. Members, including those at Whitworth, have taken compliance seriously and following the training sessions there has been a reduction in the number of valid breaches of the Code. Following comments from Councillors, the Standards Board has agreed that there needs to be further improvement to the wording of certain sections, and the declaration of personal and prejudicial interests section needs further revision. The recent consultation document asked authorities to provide their views. Following a meeting of

the Committee, this was done. The Standards Board is now collating this information and will be producing a revised Code after consideration has been given to results of the full consultation. Members are reminded that if they are in doubt about what they can or cannot do, they should refer to the Monitoring Officer.

## **Training**

The Council continues to offer training opportunities to members, and members are reminded that all Councillors must attend a minimum number of training sessions each year. Some training sessions are mandatory including sessions on the Code of Conduct. In view of the number of changes being made by the Standards Board, members should be aware that it is important that they know what the changes are. However, it is hoped that members find the training sessions interesting and instructive, but if they have any comments or suggestions, these should be addressed to the Monitoring Officer or one of her staff. It is important that Councillors keep themselves up to date. Our 'in-house publication – the Members bulletin – has now reached issue 9 and we hope that members find this useful. Also available is the Standard Board for England's own issue which keeps all authorities informed on the national picture.

## **Looking back on our workload for the year 2008/2009**

Although we set a work programme at our first meeting each year, and have already started a list for 2009/2010, during the current year our work programme has included:-

- Receiving reports on the work of the Independent Members Forum
- Discussion on compliance with the Member Learning Development Strategy
- Receiving updates on Corporate Governance Arrangements
- Received and discussed information from a joint meeting of the Standards and Audit Committees
- Reviewing the content of a number of issues of the Standard Board Bulletin
- Consideration of the proposed content of Rossendale's Bulletins prior to publication
- Receiving updates from the Monitoring Officer on Probity in Planning Training
- Reviewing the effectiveness of the anti Fraud and Anti Corruption Strategy
- Receiving an update on the Monitoring Officer Protocol
- Approving a Draft Leaflet on the Whistle Blowing Procedure
- Consideration of, and discussion about documents from the Standards Board on the subject of The Role and Make-up of Standards Committees
- Receiving a report on Member Training
- Receiving regular reports on the Whistle Blowing Policy
- Discussion about the Members and Officer's Register of Interests
- Discussion about the Proposed Procedure for holding Initial Assessment of Complaints
- Receiving and discussing Information regarding Services Operated by the County Council
- Consideration of a Report on Compliance with a Freedom of Information Policy
- Discussion on Training of New Members
- To receive information about plans to Upgrade the Council's Website
- To propose the Adoption of Protocols for the Chair and Vice Chair of the Standards Committee, Independent Members, Elected Members and Town Council Representatives
- To consider a report in respect of adopting a Confidential Information Protocol
- Discussion on the Use of Resources Assessment
- Discussion on a report about a Real-Life Standards Decision
- Consideration of a report on Establishing a Data Sharing Protocol with other Authorities
- To consider an update on Amendments made to the Constitution by Full Council
- To consider the proposals in respect of a report from the Audit Commission on Probity in Planning
- To consider issuing a Members' Handbook on Ethics and Standards

- Receiving and commenting on the Ombudsman Report
- Taking part in a Consultation for the Department of Communities and Local Government and preparing a partial response

There are one or two items listed on our proposed 2008/2009 work programme that will be considered at our final meeting of the year, and the only item to be carried forward is a visit to two other authorities.

### **Looking forward to 2009/2010**

We will produce and agree a schedule of work at our first meeting of the new municipal year. We will continue to look at policies and other matters that our responsibility, liaising externally where requested. Local consideration of complaints seems to be working well throughout the English Authorities, but sometimes there is a need for revision, so we are looking at possible changes in the future. Subject to agreement by the Council at their meeting on 26<sup>th</sup> February it is anticipated that we may also be piloting joint arrangements for complaint handling with neighbouring authorities. We hope that all Councillors will continue to be aware of the terms of the Code of Conduct and comply with the requirements. We would also ask Councillors to think carefully before making a complaint against one of their council colleagues and be certain that there has been a breach of the Code as investigations are expensive. We are looking forward to continuing our work during the forthcoming year.

### **The Role of Officers**

Without officers we could not function - their support and advice is invaluable. In particular, we would mention their assistance with meetings, research and investigations, help and advice at hearings, work on our written submission for the award, plus attending and presenting our case to the judges. We would like to place on record our thanks to all officers who have been involved in providing help and information to the Committee throughout the year. The list seems endless, but you know who you are. We would like to thank Linda and Heather who are always there for us and keep us on 'the straight and narrow path'.