

Subject: Annual Report - Standards

Status: For Publication

Report to: Standards
Council

Date: 16th March 2010
24th March 2010

Report of: Director of Business

Portfolio

Holder: Finance and Resources

Key Decision: No

Forward Plan General Exception Special Urgency

1. PURPOSE OF REPORT

1.1 To inform Council of the work of the Standards Committee for the Municipal Year 2009/2010.

2. CORPORATE PRIORITIES

2.1 The matters discussed in this report impact directly on the following corporate priorities:-

- Delivering quality services to our customers

3. RISK ASSESSMENT IMPLICATIONS

3.1 There are no specific risk issues for members to consider arising from this report.

4. BACKGROUND AND OPTIONS

4.1 The Annual Report informs Council of the work undertaken by the Standards Committee throughout the municipal year in relation to the role of the committee. The main role of the Standards Committee is to:

- Promote and maintain high standards of conduct.

- Advise the Council on the adoption or revision of its Code of Conduct.
- To monitor and advise the Council about the operation of its Code of Conduct in light of best practice, changes in the law and guidance from the Standards Board.
- To enable all members of the Council/Town Council to have access to training actively promoted in all aspects of the relevant Code of Conduct, and to ensure that members are aware of the standards expected of them under the Code.

COMMENTS FROM STATUTORY OFFICERS:

5. SECTION 151 OFFICER

5.1 There are no material financial implications.

6. MONITORING OFFICER

6.1 No comments.

7. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)

7.1 No Human Resources implications.

8. CONCLUSION

8.1 The Standards Committee plays an important role in promoting and maintaining high standards of conduct within the Council.

9. RECOMMENDATION(S)

9.1 That Council note the Annual Report and work of the Standards Committee for the municipal year 2009/2010.

10. CONSULTATION CARRIED OUT

10.1 Standards Committee.

11. COMMUNITY IMPACT ASSESSMENT

Is a Community Impact Assessment required No

Is a Community Impact Assessment attached No

12. BIODIVERSITY IMPACT ASSESSMENT

Is a Biodiversity Impact Assessment required No

Is a Biodiversity Impact Assessment attached No

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ROSSENDALE BOROUGH COUNCIL

Annual Report to Council on the Work of the Standards Committee for the Municipal Year 2009/2010

Introduction

Following our win at the LGC Awards in March 2009, 2009/2010 has been our busiest year to date. Besides our usual mixture of meetings, we were asked by other councils about our submissions to the award judges, particularly by those authorities who were interested in trying to emulate our success in 2010. We were also asked about our work schedule as a number of authorities now wanted to expand the role of their Standards Committees.

Other items of interest have been Rossendale's website and our Standard Committee's media protocol. In May 2008 we took on the responsibility of dealing with complaints made about Councillors, and as it was imperative that these were kept confidential, if it was found that a Councillor was in breach of the Code of Conduct, we would need to publish a notice about the matter, and we would probably need to have a prepared press statement. The committee agreed that no member of the Council should make any statement, or write a letter about standards issues without the content and wording first being approved by the Council's Communications Manager and the Monitoring Officer. This protocol was fully backed by the Standards Board as a protocol that all councils should adopt.

The Vice Chairman

We regret to report the passing of our Vice Chairman, Bernard Divine who died, peacefully, in February 2010. Bernard joined the Standards Committee nearly three years ago and always played an active part both at committee meetings, assessment hearings, and at meetings of the Independent Members Forum. Bernard had an illustrious career and an active retirement and was proud of his role on the committee. The Council sent its condolences and the funeral was attended by the Committee Chairman and one of the elected members. He will be missed.

Goodbye and Hello

During the year we lost our Chief Executive, the Executive Director of Business/Monitoring Officer and the Manager of Committee and Member Services. All three were heavily involved with the work of the Standards Committee. All moved to larger authorities. We were fortunate to be able to promote our Deputy Chief Executive and were pleased to welcome Stuart Sugarman, who took over as Director of Business in October 2009.

Our Highlights of the Year

As winners of the Standards award, we have been much in demand by the Standards Board and other organisations who have consulted with us. Closer to home, we have taken steps to increase awareness of the work of the committee to the elected members, members of staff and the public, and we have continued working in support of the Council in ensuring that the high standards achieved are maintained. The committee members continue to work together as a team and have looked at many complex reports and have produced sound recommendations.

The Role of the Standards Committee

There have not been any major changes over the last twelve months although Standards for England have made technical changes and issued new advice in some areas. Standards Committees were introduced under section 53 of the Local Government Act 2000 and are mandatory. Statutory functions include promoting and maintaining high standards of conduct for members of the Council, giving the Council advice on adopting a Code of Conduct, monitoring the effectiveness of the Code and training members on the Code. This applies to members of both Rossendale and Whitworth Councils.

Under section 54(3) of the Local Government Act 2000 the Council can delegate other functions to the Standards Committee, and a full list of these is set out in its Terms of Reference in the Council's Constitution.

The Standards Board for England

Following its move from London to Manchester, the Standards Board for England has re-branded itself and is now known as Standards for England. Its objects remain the same but its workload has increased as it supplies experts to work alongside council staff where there has been a major problem. Fortunately, due to the hard work by officers and members over the past few years, Rossendale does not need this service, although there are a number of Councils that do.

Standards for England run the Annual Standards Conference through a Steering Committee and as a shortlisted Authority our Chairman was co-opted as a member, both as an organiser and a speaker at the conference. In relation to his work in respect of a Media Protocol for Standards Committees and Elected Members on standards issues, Rossendale's Communication Manager was invited to speak at two workshop sessions about how to deal with the press on sensitive issues. Our new Director of Business was also able to attend and was in the audience at a Plenary Session at which Rossendale was promoted as being the best Council for its work on standards and ethics by the Chief Executive of Standards for England. At the recommendation of Standards for England we have been asked to supply a speaker by a number of organisations including Lincolnshire County Council and its District Councils who had the same problem as Rossendale experienced in 2002/2003 and wanted to know how we had achieved our improvement so quickly, and CIPFA, who asked for a session about how Standards and Standards Committees would affect their members.

Membership of the Standards Committee

Rossendale's Standards Committee comprises twelve members and is not subject to political proportionality.

There are three Independent Members, one of whom must act as the Committee's Chair, seven elected Councillors, one of whom is a Member of the Cabinet, and two Members of Whitworth Town Council. Independent Members are appointed by the Council and serve for three years and Councillors are appointed annually by their Groups. Representatives for Whitworth Town Council are appointed by Whitworth.

The Complaints Process

Following discussion at the conference there were a number of matters raised. The published statistics revealed that a number of councils had a much higher rate of complaints made about a councillor which had been made by another councillor, whereas the total figure across the country reveal that nearly two thirds of all complaints are made by the public. As Rossendale is one of those areas where the percentage of complaints for councillor about councillor, and officer about councillor is greater than resident complaints, Standards Committees and their Monitoring Officers are being asked to look for the reasons. The suggestion nationally seems that there may be either a culture of tit for tat complaints, or that some of the complaints should have been raised elsewhere. Members are reminded that the standards complaints procedure can only be used where the allegation shows a breach of the Code of Conduct.

The Code of Conduct

Following the survey by Standards for England, in which we took part, we had expected a complete re-write. However, there were few changes needed and these were dealt with by advisory notices which also gave greater clarification of the Code. It is very important that all councillors and non-elected members of the council make certain that they comply fully. If any member of the council requires further information about the Code of Conduct or any other Standards issue they should seek the advice of the Monitoring Officer.

The Northwest Independent Members Forum

This independent organisation has existed as an advisory body mainly to help and inform Independent Members of Standards Committees. It met twice each year with guest speakers provided by Standards for England, usually at the morning session, which was also open to Monitoring Officers and Elected Members. The afternoon session was usually a question and answer opportunity. Our Chairman or Vice Chairman attended every meeting for the past five years, reporting back to Rossendale's Standards Committee. Standards for England funded the cost of Speakers and the County Council gave the Forum use of the meeting room twice a year, funded modest refreshments and supplied the services of an employee to attend the meeting to keep the minutes, and who sent out the paperwork to delegates. Regrettably, County have withdrawn their financial support, so the Forum is looking for a new home. As the meetings were well attended by Independent Members, Monitoring Officers and Councillors, we have lost a valuable training facility, and an opportunity for representatives from about 60 local authorities and other organisations that are required to have Standards Committees, to meet with their colleagues in the area.

Looking back on our workload for the year 2009/2010

We set a work programme at our first meeting each year, and have already started a list for 2010/2011. During the current year our work programme has included:-

- A review of the Council's Constitution and the submission of suggestions
- Joint working with Burnley Council in respect of complaints
- Joint working with other Councils on other items
- Discussions on Confidentiality issues
- Complaints made to the Council about potential breaches of the Code of Conduct
- Discussion about working towards a Member Charter
- Receiving reports on the work of the Independent Members Forum

- Review of the recruitment procedure for Independent Members
- Discussion on compliance with the Member Learning Development Strategy
- Receiving updates on Corporate Governance Arrangements
- Reviewing the content of a number of issues of the Standard Board Bulletin
- Consideration of the proposed Media Protocol and our recommendations.
- Receiving updates on Probity in Planning Training
- Reviewing the effectiveness of the anti Fraud and Anti Corruption Strategy
- Receiving an update on the Monitoring Officer Protocol
- 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
- Consideration of a Report on Compliance with a Freedom of Information Policy
- Discussion on Training of New Members
- To receive information about the Council's Website
- Confirmation of 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 Decisions and view a training DVD based on those decisions
- To consider the proposals in respect of a report from the Audit Commission
- Receiving and commenting on the Ombudsman Report

There are a number of items listed on our 2009/2010 work programme that will be considered at our final meeting of the year.

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 are our responsibility, liaising externally where requested.

Our Officers and Their Roles

Without officers we could not function - their support and advice is invaluable. In particular, we would mention their assistance with meetings, hearings and investigations. We would like to place on record our thanks to all members of staff who have been involved in providing help and information to the Committee throughout the year.