

# STANDARDS COMMITTEE

## 26 NOVEMBER 2010

*Present :-* Mr P. Fitton (Independent Member) Deputy Chairman  
Chairman  
Councillor Abnett  
Mr Andrews (Independent Member)  
Councillor Bartier  
Councillor Chapman  
Mr Coe (Chairman) (Independent Member)  
Councillor Eden  
Mr Farmer (Independent Member)  
Councillor Gamble  
Mr Roberts-Mee (Independent Member)

### **8. Minutes**

The minutes of the meeting held on 11 June 2010 were confirmed as a correct record.

### **9. The Future of Standards for England and the Standards Framework**

The Committee considered a report by the Monitoring Officer setting out the Coalition Government's proposals in relation to standards issues.

The Monitoring Officer explained that the future of the Standards Framework still remained unclear. The Decentralisation and Localism Bill had not yet been introduced into Parliament but it was expected imminently and it was anticipated that the current regime would end some time in 2012. The Monitoring Officer explained that it was proposed that Councillors would still need to register certain interests in a public register and failure to do so or declare appropriate interests would become a criminal offence. It was unclear at this stage whether this would apply to Parish Councils.

The Committee expressed some concern about the government's proposals. The proposals to replace the existing regulatory structure with a criminal sanction were a "sledgehammer to crack a nut". Those events that lead to the Committee finding breaches of the Code of Conduct and imposing a sanction were normally the result of poor judgement or lack of knowledge and did not approach the threshold of criminality. Also, the government's proposals failed to acknowledge the good work undertaken by many Councils to implement the local assessment of complaints effectively.

It was accepted that even if the government abolished the requirement for all Councils to adopt the Code of Conduct, the Council and Parish Councils could still adopt the Code themselves and agree a mechanism for dealing with any breaches. However the process would be less effective as without the statutory framework, local councils would not be able require all Councils to sign up to the Code of Conduct, it would not be able to impose suspension from office as a sanction and without a statutory appeal route, any decisions taken would be at risk of potentially expensive legal challenge.

The Committee noted that it may be necessary to meet again once the government's proposals were clearer to consider whether it should make representations to government.

*RESOLVED* that the contents of the Monitoring Officer's report be noted.

## **10. Annual Review of Local Assessment of Complaints Against Members**

The Committee considered a report from the Monitoring Officer reviewing the operation of the local assessment process since December 2009.

The Monitoring Officer explained that the overall trend was that the number of complaints being received was declining. Generally the local assessment process appeared to be working well.

The Committee noted the relatively low proportion of complaints which were referred for investigation. This was significantly lower than a number referred by other Councils. The Allegations Sub-Committee considered that it struck the right balance in referring complaints and only referred complaints when this was necessary. This was a reflection on the quality of support the Committee received from officers and an appreciation of the costs involved in investigating complaints.

*RESOLVED* that the contents of the Monitoring Officer's report be noted.

## **11. Review of Training for Members on the Code of Conduct and Local Assessment**

The Committee considered a report from the Monitoring Officer providing an update of training for members on the Code of Conduct and the local assessment process.

Whilst acknowledging the continued uncertainty about future of the Code of Conduct and the Standards Framework, the Code of Conduct remained in force. In addition the Committee felt that assumptions should not be made about the outcome of the legislative process. In the circumstances, training on the Code of Conduct should continue to be arranged and promoted. Once the government's proposals were clearer, information about this would be a useful component of the training.

*RESOLVED* that:

(a) the contents of the Monitoring Officer's report be noted.

(b) training sessions on the Code of Conduct should continue to be arranged and promoted to Borough and Parish Councillors

## **12. Local Government Ombudsman Annual Review 2009/2010**

The Committee considered a report from the Monitoring Officer setting out the conclusions of the Local Government Ombudsman's Annual Review for 2009/10.

The Committee was pleased to note that there no findings of maladministration had been made against the Council and no formal reports had been issued. The amount paid out in settlements had also reduced. The Committee also noted that the average response time to Ombudsman enquiries had decreased. Overall the Committee considered that these trends were encouraging.

*RESOLVED* that the contents of the Local Government Ombudsman's Annual Review for 2009/10 be noted.

## **13. Revised Whistleblowing Policy**

The Committee considered a report from the Monitoring Officer recommending that the Committee approve a revised Whistleblowing Policy.

Hayley McGrath, Risk and Resilience Manager, introduced the report and revised Whistleblowing Policy to the Committee. The most significant change was the extension of the policy to include whistleblowing by volunteers. It was confirmed that the Whistleblowing Policy would not be affected by the government's proposals for the Standards Framework.

The Committee welcomed the updated policy and noted that no allegation had been made under the policy since it had last reviewed the policy. It was suggested that the wording of paragraph 3.5 of the draft policy be amended to read:

"All concerns will be treated in confidence and the Council will use its best endeavours to protect your identity if you do not want your name to be disclosed."

*RESOLVED* that the revised Whistleblowing Policy be approved subject to the first sentence of paragraph 3.5 being amended to read:-

"All concerns will be treated in confidence and the Council will use its best endeavours to protect your identity if you do not want your name to be disclosed."

*RECOMMENDED* to Cabinet that the revised Whistle Blowing Policy be approved and referred to Council for inclusion in the Council's Policy Framework.