

STANDARDS COMMITTEE - 14TH DECEMBER 2004

THIRD ANNUAL ASSEMBLY OF STANDARDS COMMITTEES – SEPT 2004

Report of the: Monitoring Officer

Status: For Information

Executive Summary:

This Report gives a summary of what took place at The Third Annual Assembly of the Standards Committees (the Assembly) organised by The Standards Board for England (the Board). The Board set out its achievements to date and what it wanted to achieve in the future. There was a large number of interesting workshops one of which centred on the needs of the Monitoring Officer.

This report supports the Key Aim to establish new working practices in respect of corporate governance.

Portfolio Holder Cllr. N. Dean

Head of Service Christine Nuttall

Recommendation:

Members are requested to note this report.

Introduction

- 1 The Assembly took place once again in Birmingham on the 13 – 14th September 2004. Sir Anthony Holland the Chair introduced the new Chief Executive David Prince who emphasised the Board's belief that local issues should be dealt with at a local level wherever appropriate. Following the introduction of the first part of the Section 66 regulations of the Local Government Act 2000 standards committees had determined their first cases. With the introduction of local powers of investigations the remit of the standards committees would expand.
- 2 One area under review was the amount of time taken to conclude cases. Targets were not met last year but steps had been taken to address this, whilst maintaining a very high quality of decision-making.
- 3 Disappointment was expressed at the length of time it was taking to produce the powers of investigation and the Chair was asked when the investigation regulations would be produced and an assurance was given that they would be produced imminently within a matter of days. It was disappointing that they were not available at the Assembly where the practical issues of implementation could have been discussed.

The Results of the Standards Board

- 4 The Board received over 3,500 allegations this year. They were expecting to see an increase around the time of local elections in May but this did not happen. The highest proportion of allegations came from the public, approximately 51%. 40% of allegations came from members and only 6% from council employees. Allegations were wide ranging with the most serious involving bullying, dishonesty and violent behaviour. There had been a rise in allegations about failure to declare interests. Approximately a third of allegations received were referred for investigation.
- 5 It was important that the Board concluded cases more quickly. An amendment to the Local Government Act 2000 in November empowered the Board to delegate referrals, resulting in quicker decision-making. More staff had been taken on in the referral team. Investigations were being streamlined. Research was being undertaken to help the Board decide what to concentrate on in the future. There was a commitment to hold more road shows in 2005.

Publications

- 6 Those attending the Assembly were presented with “the Case Review” number two. This follows on from the first Case Review given to those attending the Assembly last year. The review covers the following areas:-
 - Private lives and public disrepute – To what extent do politicians have a right to a private life away from public scrutiny? Does the public have a right to expect those who are in the public eye to act at all times as role models of propriety?
 - Political debate and the Code of Conduct – Member of the public expect their elected members to debate issues vigorously, explain their positions clearly, and take a stand on issues of local importance. They also expect members to uphold certain standards of behaviour while doing so. The Code of Conduct aims to balance these expectations.
 - Prejudicial interests: an attack on local democracy? – In December 2003, the Court of Appeal was presented with its first opportunity to consider in detail the provisions of the Code of Conduct, when it considered an appeal from Councillor Richardson and others against a decision by Mr Justice Richards on 11 April 2003. Mr. Justice Richards had dismissed a judicial review challenge to the decision by North Yorkshire County Council to grant planning permission for a quarry extension at Ripon.
 - Sanctions – This chapter considers some of the breaches of the Code of Conduct that have resulted in members being punished for their conduct. Over the first 16 months of The Adjudication Panel for England tribunals and the first eight months of standards committee hearings, some interesting cases have arisen and some trends have begun to emerge.

Item No. 7

- Significant cases – Other chapters in this volume of the Case Review consider broad issues in ethical behaviour, using a range of cases to illustrate points and draw conclusions. This chapter turns that approach on its head, considering a handful of individual cases which seem to us to raise issues of particular significance.

7 The Monitoring Officer is ordering a further copy of the Case Review to keep for reference purposes for members to peruse in the law library at Sevenoaks

Workshops

8 Those attending the Assembly spent a large part of their time in workshops where delegates were offered the opportunity for discussion in a less formal setting. Many of the workshops covered in depth the topics set out in the Case Review. One of the workshops of particular interest was “What do Monitoring Officers Need?”

9 In this workshop delegates were informed that the next round of Corporate Performance Assessment would concentrate on Corporate Governance and Ethical Standards making this a major line of enquiry. It would also be given a high profile by the District Auditor. 26% of Monitoring Officers did not have an appointed deputy and 36.6% of Monitoring Officers felt that they did not have enough general support staff. 31% felt that they had insufficient financial support and 29% felt isolated within the Authority.

10 Those Monitoring Officers who were not on the Management Team of an authority were placed in a very difficult position. They had the responsibility of making sure that decisions made within the organisation were legally legitimate without the ability to influence or comment on such decision making.

11 It was suggested that Monitoring Officers invite their District Auditor to speak to their Standard Committee on Corporate Governance.

Conclusion

12 The Assembly provided a useful sounding board for problems that had arisen through the year. The educational workshops were extremely worthwhile. The Assembly gave an insight into the progress of the Board and what they wanted to achieve in the future. It gave delegates the opportunity to meet up with old friends and colleagues and to develop and enhance networking connections. Any members of the Standards Committee who feel that they would like to attend next years National Assembly should contact the Monitoring Officer.

Sources of Information:

The Case Review number two – the Standards Board for England

Annual Review 2003/2204 – the Standards Board for England

Third Annual Assembly of Standards Committees 13-14 September 2004, ICC Birmingham – Reporting back David Prince, Chief Executive The Standards Board for England

Contact Officer(s):

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**Corporate Services Director
Pav Ramewal**

RISK ASSESSMENT STATEMENT

Attendance at the Assembly was crucial in enabling this Authority to keep up to date with the work of the Board and the legislative changes taking place to enhance the role of Corporate Governance and Ethical Standards within the organisation.