

STANDARDS COMMITTEE
22nd September 2010

Present: Councillors: Duncan England, Pat Rutherford,

Parish Council Representatives: David Coldwell, Alan Grant,
David Herson

Independent Representatives: Eric Blackburn (Chairman), Paul
Byford, David Tilsley

Apologies: Councillors: Andrew Baldwin, Sheila Matthews, Claire Vickers,
Keith Wilkins

Independent Representatives: Mary Jagger (Vice-Chairman)

SC/11 **MINUTES**

The minutes of the meeting of the Committee held on 9th June 2010 were approved as a correct record and signed by the Chairman.

SC/12 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

SC/13 **ANNOUNCEMENTS**

The Chairman welcomed Tom Crowley, Chief Executive, to the meeting. He thanked the Chief Executive for his help in appointing a legally qualified Monitoring Officer and Deputy Monitoring Officer and for instigating a standards liaison meeting.

The Chief Executive reported that the Council appreciated the work of the Committee and the dedication and interest of the members of the Committee.

With the large public spending cuts it was more important than ever to ensure that a framework was in place for dealing with complaints about the conduct of elected members.

SC/14 **STANDARDS COMMITTEE REPORTS AND DOCUMENTS AVAILABLE FOR INSPECTION**

The list was noted.

SC/15 **REPORT BY PARISH COUNCIL REPRESENTATIVES**

Alan Grant reported that members of the parish councils were still waiting to see what would happen with regards to the future of the Standards Regime.

SC/15 Report by Parish Council Representatives (cont.)

Following the resignation of John Charles as a parish representative on the Committee, the other parish representatives supported the idea of leaving the post vacant until after the parish elections in May 2011.

It was noted that parish councils had not been receiving hard copies of the Committee's agenda.

SC/16 **REPORT BY MEMBERS OF THE ASSOCIATION OF INDEPENDENT MEMBERS OF STANDARDS COMMITTEES IN ENGLAND (AIMSCE)**

David Tilsley outlined main points covered in the AIMSCE newsletter, which mainly reflected the uncertainty surrounding the future for standards and thereby for AIMSCE itself.

The AGM had been postponed indefinitely.

The Chairman of AIMSCE was unable to stand for re-election after October and it was unclear whether another Chairman would be elected due to the uncertainties for the future.

AIMSCE considered that the abolition of Standards for England would lead to their workload either greatly increasing or becoming insignificant.

The next AIMSCE meeting was scheduled for the 26th October 2010 in Petersfield.

SC/17 **ETHICAL FRAMEWORK UPDATE**

The Monitoring Officer reported on developments in the ethical framework that affected the role and activities of Councillors and the Council's business, including:

- Standards for England Bulletin 48: This included details on the future of Standards for England and the standards framework, an update on monitoring returns and guidance on the acceptance of complaints by Standards for England and the reappointment of independent members.
- Annual Assembly of Standards Committees: This event had been cancelled due to cuts of £1.4 million to Standards for England's budget.
- CLG Structural Reform Plan: The Department for Communities and Local Government had issued a new 18 month programme which included information regarding the contents of the proposed Localism Bill, which would include a proposal to "abolish the Standards Board". The programme proposed a start date of November 2010 and end date of November 2011 for these actions. The Monitoring Officer reported on a press release from the Communities Minister which had stated that

SC/17 Ethical Framework Update (cont.)

- Standards Committees and the Code of Conduct would also be abolished. It had also been suggested that certain types of serious misconduct on behalf of councillors may become criminal offences.
- Predetermination: The Department of Communities and Local Government had indicated that the government proposed to include provisions “to end pre-determination” in the Localism Bill.
 - The Monitoring Officer had attended the Society of Local Council Clerk’s meeting on 13th July 2010 and provided an update on the Coalition Government’s outline proposals in relation to the Localism Bill. The Clerks had been asked to take a proposal to establish a Parish Council Mentoring Programme back to their Members. The Clerks also requested the Committee attend the forthcoming training being organised by the Horsham Association of Local Councils.
 - Local Assessment, Review, Other Action, Investigations and Determinations: Since the last meeting in June no new complaints had been received for assessment or review. No other action had been directed. One local investigation had recently been completed and was due for local determination shortly. A local determination sub-committee would be set up under delegated authority in consultation with the Chairman.
 - Freedom of Information requests.
 - Performance Management.
 - The Coalition Government had stated in its Programme for Government document that it planned to abolish Comprehensive Area Assessment.
 - The Secretary of State for Communities and Local Government had announced the proposed abolition of the Audit Commission from 2012.
 - Local Government Ombudsman Annual Review 2010: The year end review outlining the Council’s performance in relation to complaints had been published. Eighteen enquiries and complaints had been received about the Council in 2009 to 2010.
 - Public Service Complaints: The Law Commission had proposed reforms to make it easier to complain if you suffered poor public services.
 - A Local Government Ombudsman’s case update for April 2010 to September 2010.
 - A Standards for England case review for April 2010 to September 2010.
 - Constitution Update: The Director of Corporate Resources was currently reviewing the constitution. A Constitution Advisory Group had been established to assist.
 - Work Programme Update: It had been proposed that liaison with parishes be put on a more formal footing and that a Parish Council Mentoring Programme be set up. This would involve members of the committee visiting one or two parish councils per year within the district, upon invitation, to promote the role and function of the committee and the personalities involved. Members considered how (the Chairman’s

SC/17 Ethical Framework Update (cont.)

- talking brief was circulated) and when such a programme should be delivered. Members felt that it may be sensible to postpone this until after the parish elections in 2011 and to seek the views of HALC.
- Members' Bulletin: It was noted that all members of the Committee should now be receiving the bulletin by email.
 - Assessing the Impact and Effectiveness of the Ethical Framework for Local Government: Horsham was one of nine councils selected as case studies for research being undertaken by the Centre for Local & Regional Government Research at Cardiff University. Cardiff University had gathered the first round of data in 2008 and had attended the Council for three days at the end of June/beginning of July 2010 to gather the second round of data. The researchers had conducted interviews with senior figures to provide commentary on any changes to ethical governance and councillor conduct. For the first time they had interviewed a councillor who had been the subject of an allegation, investigation and determination process. Views were also sought from participants about the government's proposals and their likely effect on ethical standards. Since the project was funded by Standards for England its future was unclear.
 - Compact Toolkit: The National Association of Local Councils had produced a new "Compact Toolkit" offering help and guidance to those keen to build greater working relationships with parish councils.
 - Power to the People: The National Association of Local Councils had published an action pack for individuals and community groups who thought that a new local council might be right for their area.
 - Duty to Promote Standards: Biographies of the independent members of the Committee had been uploaded to the Council's website to promote the membership of the Committee. Similar biographies for the parish members were in progress. An article about the election of the Chairman of the Committee had appeared in the Horsham District News magazine.
 - Registers of Interest: Every year an update was carried out to both district and parish councillors' registers of interests. The forms had been sent out in June this year and so far about half of them had been completed.
 - The Committee on Standards in Public Life had announced that it would hold an inquiry into party political finance. It had published a consultation paper outlining the key issues and requests to be focused on. In relation to the future of standards the Committee considered in its Annual Report that it would be necessary to have a clear code of conduct, an independent mechanism for dealing with serious breaches and an overarching mechanism to ensure the regime would be effective and consistent.
 - Regional Government: The Secretary of State for Communities and Local Government had announced proposals to abolish the nine Government Offices.

SC/17 Ethical Framework Update (cont.)

- Membership of the Committee: The Monitoring Officer reported that John Charles had resigned from his position as a Parish Council Representative on the Committee, with effect from 28th July 2010. The Committee considered it appropriate to postpone the election of a new Parish Representative in view of the timing of the parish council elections and the uncertainty over the government's proposals regarding the standards regime.

RESOLVED

That the report be noted.

RECOMMENDED TO COUNCIL

- (i) That the resignation of John Charles as Parish Council Representative on the Committee be noted.
- (ii) That the Committee continue to operate with a vacancy until the parish council elections in May 2011.

REASONS

- (i) To ensure that the Committee, the Members of the Council and others to whom the report is circulated are kept up to date with developments in the ethical framework.
- (ii) To enable the Standards Committee to effectively deal with its statutory responsibilities under the Standards Committee (England) Regulations 2008.

SC/18 **THE OMBUDSMAN UPDATE – SEPTEMBER 2010**

The Deputy Monitoring Officer reported on the developments, volume and nature of complaints about the Council to the Local Government Ombudsman, including figures for the 2009/10 reporting year.

The Ombudsman prepared annual statistics for each local authority, presented in the form of an Annual Review. The Council's Annual Review for 2009/10 had now been received.

A total of 18 enquiries and complaints had been received by the Ombudsman about the Council in 2009/10, a slight improvement on the 19 received in 2008/09.

SC/18 The Ombudsman Update – September 2010 (cont.)

Planning and Building Control had generated the most complaints.

Decisions had been issued on ten complaints. One had been determined as 'outside jurisdiction', three as 'no or insufficient evidence of fault to warrant further investigation' and in three cases the Ombudsman had exercised their discretion to take no action. The remaining three had been determined as 'local settlement'.

The average time taken by the Council to reply to the Ombudsman's written enquiries was 31.8 days, which was above the target of 28 days. However, this average time had only increased due to one request for which the response time had been 55 days. The average response time in the previous year had been 24.5 days.

Annual Reviews had been published for other local authorities in the area, which provided useful comparative statistics.

RESOLVED

That the report be noted.

REASONS

- (i) To ensure that the Committee had the necessary information to ensure that complaints could be easily made to the Council and properly responded to.
- (ii) To assist with learning lessons and improving performance following complaints made to the Local Government Ombudsman about the Council.

SC/19 EXCLUSION OF PRESS AND PUBLIC

RESOLVED

That under Section 100A(2) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of confidential information, as defined by Section 100A(3) of the Act.

SC/20 **THE OMBUDSMAN UPDATE**

The Deputy Monitoring Officer gave details of Ombudsman cases.

SC/21 **URGENT ITEMS**

There were no urgent matters to be considered.

The meeting finished at 11.49am having commenced at 10.03am.

CHAIRMAN