

Standards Committee

Wed 13 Oct
2010
7.00 pm

Committee Room 2
Town Hall
Redditch

REDDITCH BOROUGH COUNCIL

*making
a
difference*

www.redditchbc.gov.uk

Access to Information - Your Rights

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000, has further broadened these rights, and limited exemptions under the 1985 Act.

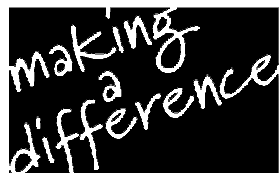
Your main rights are set out below:-

- Automatic right to attend all Council and Committee meetings unless the business would disclose confidential or “exempt” information.
- Automatic right to inspect agenda and public reports at least five days before the date of the meeting.
- Automatic right to inspect minutes of the Council and its Committees (or summaries of business undertaken in private) for up to six years following a meeting.
- Automatic right to inspect lists of background papers used in the preparation of public reports.
- Access, upon request, to the background papers on which reports are based for a period of up to four years from the date of the meeting.
- Access to a public register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc.
- A reasonable number of copies of agenda and reports relating to items to be considered in public must be made available to the public attending meetings of the Council and its Committees etc.
- Access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned.
- Access to a summary of the rights of the public to attend meetings of the Council and its Committees etc. and to inspect and copy documents.
- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, all items of business before the Executive Committee are Key Decisions.
- (Copies of Agenda Lists are published in advance of the meetings on the Council’s Website:
www.redditchbc.gov.uk

If you have any queries on this Agenda or any of the decisions taken or wish to exercise any of the above rights of access to information, please contact

**Ivor Westmore
Committee Support Services**

**Town Hall, Walter Stranz Square, Redditch, B98 8AH
Tel: (01527) 64252 (Extn. 3269) Fax: (01527) 65216
e.mail: ivor.westmore@redditchbc.gov.uk Minicom: 595528**



Standards Committee

13th October 2010

7.00 pm

Town Hall

Agenda

Membership:

Independent Members:

Deborah Andrews (Chair)
Michael Collins (Vice-Chair)
Brian Warwick

Redditch Borough Councillors:

D Andrews (Chair)
M Collins (Vice-Chair)
B Warwick
Anita Clayton
Andrew Fry
Malcolm Hall
William Norton
Brenda Quinney
Mark Shurmer
Derek Taylor
Venables
Antonia Pulsford

Feckenham Parish Councillors:

Antonia Pulsford
Louisa Venables

1. Apologies	To receive the apologies of any Member who is unable to attend this meeting.
2. Declarations of Interest	To invite Councillors to declare any interests they may have in items on the agenda.
3. Minutes (Pages 1 - 4) Chief Executive	To confirm as a correct record the minutes of the meeting of the Standards Committee held on 30th June 2010. (Minutes attached)
4. Monitoring Officer's Report Head of Legal, Equalities and Democratic Services	To receive a report from the Monitoring Officer on any matters of relevance to the Committee. (Report to follow) (No Specific Ward Relevance)

Standards

Committee

13th October 2010

<p>5. Local Assessment of Complaints</p> <p>Monitoring Officer, Monitoring Officer</p>	<p>To consider changes to the local Assessment of Complaints procedure.</p> <p>(Report to follow)</p> <p>(No Specific Ward Relevance)</p>
<p>6. Chair's / Members' Reports</p> <p>Borough Director</p>	<p>To consider any Chair / Member updates not separately covered on the agenda list, including brief feedback from any Seminars or Conferences.</p> <p>(Oral report)</p>
<p>7. Parish Council Report (if any)</p>	<p>To consider any report in relation to Feckenham Parish Council.</p> <p>(Oral report)</p>
<p>8. Publications</p> <p>(Pages 5 - 12)</p> <p>Head of Legal, Equalities and Democratic Services</p>	<p>To note any publications which the Committee may find of interest.</p> <ol style="list-style-type: none">1) Standards for England – Bulletin 48 (August 2010)2) Department for Communities and Local Government Press Release (20th September 2010) <p>(Publications attached)</p> <p>(No Specific Ward Relevance)</p>
<p>9. Work Programme</p> <p>(Pages 13 - 14)</p> <p>Monitoring Officer, Head of Legal, Democratic and Property Services</p>	<p>To consider and review the Committee's Work Programme.</p> <p>(Report attached)</p>

10. Exclusion of the Public

It may be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting in relation to the following items of business on the grounds that exempt information is likely to be divulged. It may be necessary, therefore, to move the following resolution:

“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs (*to be specified*) of Part 1 of Schedule 12 (A) of the said Act, as amended.”



www.redditchbc.gov.uk

MINUTES

Standards

Committee

30th June 2010

Present:

Independent Members:

Deborah Andrews (Chair)
Michael Collins (Vice-Chair)
Brian Warwick

Redditch Borough Councillors:

Andrew Fry
Malcolm Hall
Derek Taylor
Brenda Quinney

Feckenham Parish Councillor:

Antonia Pulsford

Also Present:

D Parker-Jones (Ethical Standards Officer, Bromsgrove District Council)

Officer:

C Felton

Committee Officer:

I Westmore

1. APOLOGIES

Apologies for absence were received on behalf of Borough Councillor William Norton and Parish Councillor Louisa Venables.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

.....
Chair

Standards

Committee

30th June 2010

3. MINUTES

RESOLVED that

the minutes of the meeting of the Standards Committee held on 8th December 2010 be agreed as a correct record and signed by the Chair.

4. MONITORING OFFICER'S REPORT

The Monitoring Officer presented a report on matters of relevance to the Committee for the consideration of the Members.

The training of Members was discussed. It was confirmed that new Members had, as far as was possible, received induction training soon after election in issues including the Members' Code of Conduct. It was anticipated that the Standards Committee and Monitoring Officer would have an opportunity to address the perceived training needs of Members in respect of standards and the Code of Conduct through the Member Development Steering Group.

The Committee took the view that training in the broadest sense should be play a key role in the life of all Members and should be an ongoing process throughout their time on the Council. Officers proposed that Members should be offered a rounded package which provides a choice of content and learning styles.

In respect of training directed at Standards Committee members, it was agreed that this was best delivered in bite-sized chunks, particularly in the light of the prospective changes coming through at the present time regarding the future of Standards for England (SfE) regime.

It was noted that Members might benefit from further training in their proper role in the adoption of the Statement of Accounts. Officers agreed to refer this suggestion to the Director of Finance and Resources.

The Monitoring Officer provided an update on the investigation into an ongoing complaint against a Member (reference 01/2010). It was noted that the final report was nearing completion. Officers undertook to keep Members abreast of the developments in ongoing investigations as the process largely took place behind the scenes and the impression could be formed that matters were not progressing. Members commented that an enhanced minimum provision of IT equipment would assist in realising this aspiration. It

Standards Committee

30th June 2010

was stated that this would be on the agenda for the next meeting of the Modernising Democracy Steering Group.

RESOLVED that

- 1) the first report of the Monitoring Officer be noted;
- 2) a Monitoring Officer's report be submitted to each subsequent meeting of the Committee; and
- 3) the approach to Standards Committee Members' training, as outlined above, be agreed;

5. MEMBERS' PLANNING CODE OF GOOD PRACTICE

The Committee received the Members' Planning Code of Good Practice on a second occasion following deliberation of the document by the Planning Committee.

The changes that had been proposed were welcomed, although one further amendment was proposed in respect of speaking rights of Ward / Local Members.

RECOMMENDED that

the draft Members' Planning Code of Good Conduct, as amended (attached), be adopted, subject to the following further amendment:

Paragraph 3, Bullet Point 3 – if Ward Members wish to exercise their speaking rights as Ward Councillors on any item they should remove themselves from the decision-making process for the duration of that item.

6. CHAIR'S / MEMBERS' REPORTS

Members provided a brief resume of the Council's meetings at which they had acted as observers on behalf of the Standards Committee.

RESOLVED that

the report be noted.

7. PARISH COUNCIL REPORT (IF ANY)

The Parish Council representative informed the Committee that the Parish Council was at present carrying two vacancies.

Standards

Committee

30th June 2010

RESOLVED that

the report be noted.

8. PUBLICATIONS

There were no recent publications to which the Monitoring Officer wished to draw Members' attention.

9. WORK PROGRAMME

Members considered the Committee Work Programme for future meetings. It was noted at the outset that a number of the matters included may be held over pending any changes made nationally to the Standards regime during the autumn of 2010.

The inclusion of Criminal Records Bureau (CRB) checks for Councillors was discussed, with some uncertainty being apparent as to the nature of the Committee's interest in this matter. Officers undertook to obtain information on the prevalence of mandatory CRB checks undertaken by other Council's within the region.

Given that there were now two ongoing complaints, it was proposed that guidance from the Ethical Standards Officer of Bromsgrove District Council would be a useful addition to Members' training. It was agreed that this might be provided prior to pre-hearing and hearing, if required, for complaint reference 01/2010.

RESOLVED that

the work programme for the Committee be noted, subject to the comments, above.

The Meeting commenced at 7.02 pm
and closed at 8.20 pm

.....
Chair



Introduction

This Bulletin comes at a time of big change for us following the Government's announcement of its intention 'to abolish the Standards Board regime'. Whilst we still await the detail of this policy, we will share with you what we know about what is proposed, and outline the timetable for our closure.

Although we have had to modify our work programme in light of this proposal, we remain 'open for business' and set out in this Bulletin our schedule of activities for the coming year. We are committed to continuing to work with you and support you in operating the standards framework successfully.

This is a sad month for us as we say goodbye to many valued staff leaving the organisation in our first wave of redundancies. We are losing people who have contributed much to this organisation, and many of whom have worked for us for some time. They will be much missed. We wish them all well in their future endeavours and thank them sincerely for their hard work.

The Future of Standards for England and the Standards Framework

The Government's 'Programme for Government' of 20 May 2010 contained the commitment to "abolish the Standards Board regime". Primary legislation is needed to abolish Standards for England, and we expect the provisions to be included in the planned Decentralisation and Localism Bill which is due to be presented in late 2010, with Royal Assent anticipated between July and October 2011. This is likely to lead to final closure of this organisation sometime between 31 December 2011 and 31 March 2012. We have not seen any transitional provisions at this stage but will provide an update in a later Bulletin, when we know more.

In the light of these circumstances we have reviewed our business plan for this year and next. Our current priorities are to fulfil our statutory duties, to support local authorities in maintaining high standards and to assist the government in developing and implementing any new arrangements they may choose to put in place.

In the meantime, the local standards framework still exists and standards committees and monitoring officers have an obligation to keep the system operating.

In order to assist you we will:

- Continue to provide advice and information to those who phone or write to us with queries about the standards regime via our enquiries helpline, monitoring officer helpline or press helpline. We will respond immediately where we can by telephone or in writing by post or email.
- Update our guidance on the framework to make it easier to use.

There will be changes to the content of the guidance where sections may be out of date, inaccurate or incorrect. We have received several suggestions from stakeholders and will incorporate these in the guidance where appropriate.

The format of the guidance is changing to make it easier to use and more helpful. It will highlight all statutory requirements and provide a link to the relevant legislation.

We are not proposing to produce any other new guidance products, unless a specific need is identified. All revised guidance will only be available via our website.

- Produce an updated case review.

As a result of a request from the Association of Council Secretaries and Solicitors, and to assist the standards community as a whole, we are updating the Case Review 2007 to reflect cases decided by the First Tier and Upper Tribunals since the Case Review was last updated in 2008.

- Continue to carry out investigations referred to us by standards committees.

See the article towards the end of this bulletin on the factors we take into account when deciding whether to accept cases for investigation

- Maintain existing relationships with key stakeholder organisations.

Standards for England will continue to provide support to those in the regulated and standards community who have requested our help with ethical issues.

- Meet requests for staff to give presentations or attend training events.

We will continue to provide staff and material for presentations and training events where we are requested to attend and where it fits in with our current business plan.

- Maintain our web site as a resource to support standards committees.

We will carry out routine maintenance of our website and the guidance we provide on it. We have published our Annual Report and Annual Accounts online but we will not be printing these publications.

An update on monitoring returns

In June 2010 we sent out an email to all monitoring officers explaining that we had decided to postpone the return for the April to June quarter. As part of the review of the Business Plan we considered our requests for local authorities to complete quarterly monitoring. There will be no further requests for the submission of quarterly or annual returns. We do not anticipate re-establishing these procedures, unless a specific monitoring need arises in which we have to play a part.

The online questionnaires have been removed from our website and are now inaccessible. However, the information submitted by local authorities is available on request. If any authority wishes to obtain a copy we can provide them with pdf versions of any of the following:

- The standards committee composition details, correct as of the last date of monitoring (31 March 2010)
- Two years of case information, listed in chronological order by date received
- Annual Return 2008/09
- Annual Return 2009/10

Please email requests to authorityreturns@standardsforengland.gov.uk

Aggregated summary statistics of the quarterly return information are still available online at

<http://www.standardsforengland.gov.uk/CaseinformationReporting/Localstatistics/>

We will shortly be publishing an online report of the annual return information collected for 2009/10. This includes an introduction to the data, a key figures page, a summary of the findings and a full list of all the most common responses to each question.

Acceptance of Complaints by SfE

We have reviewed the factors we take into account when assessing if we will accept cases in the public interest, referred to us by local standards committees, for investigation. We reviewed the factors to see whether they were still appropriate taking into account the Government's stated policy, its localist approach to regulation of local government and our reduced budget.

We concluded that both the underlying criterion of public interest and the relating factors are consistent with our statutory purpose and continue to be valid while the current standards framework remains in place. Therefore we have not made any changes to the factors or criterion. However, when considering whether to accept cases we will have to have regard to the resources we have available and take account of the relative importance of cases.

Reappointment of Independent members

We have been asked if an authority has to follow our recommendation that independent members serve no more than two terms of four years after which new members should be recruited. Some authorities are concerned that, given the current uncertainty regarding the future of the standards regime, it may be preferable to retain those who have been trained and understand their role rather than to try to recruit and appoint new members. In light of the uncertain future of the standards framework we advise that, as long as the original appointment was carried out in accordance with all the correct legal requirements at the time (e.g. approved by full council, after being openly advertised and having assessed the suitability of all the applicants) an authority can extend that term for a further period. This can only be done during the term of office of an existing independent member and by approval from full council. Once the independent member's term has expired the full recruitment procedures must be followed again.

Tell us how it should be done

The Standards Forum now has more than 1,100 users and over 200 posts on almost 70 different topics. The subjects of vexatious complaints, informing the subject member about a complaint and promoting ethical behaviour continue to be popular. More recently posts about subject members resigning before an election and discussions about the future of the standards regime have been generating interest.

If you have anything to say about these issues or if you want to share good practice, seek advice from your peers or simply draw attention to something you think might be relevant to others, do it on the Forum. To have your say, visit:

www.standardsforengland.gov.uk/resources/TheStandardsForum/

The Forum is open to members of standards committees, monitoring officers and other relevant council officers. If you are not currently registered for the Forum and would like to have access, please email: forum@standardsforengland.gov.uk

Stunell - Corrupt councillors will go to court not Standards committees

Published 20th September 2010

Serious misconduct for personal gain will be a criminal act, while petty local vendettas will no longer get a hearing as the unpopular standards board regime is axed, Communities Minister Andrew Stunell announced today.

Mr Stunell said the top-down regime set up by central government to monitor council conduct had become a vehicle for malicious and frivolous complaints. For example, one authority had to fork out £160,000 after receiving over 170 complaints from the same person. Each one had to be examined, but only three were considered worth investigating and after investigation all were dismissed.

Local Standards Committees investigated 6000 complaints in the first two years - of which over half were judged not worthy of any further action. The Government is axing the entire Standards regime including the central board, which costs over £6 million a year; with investigations of complaints costing thousands of pounds each.

Genuine corruption in local government needs to be rooted out and the new Government is legislating to make serious misconduct a criminal offence dealt with by the courts not committees. Councillors will have to register certain personal interests in a publicly available register.

Ministers believe these changes will give voters the confidence that councillors who misuse their office will be effectively dealt with. While councillors themselves will have the confidence to get on with their job knowing they won't be plagued by petty allegations.

Public will decide councillors' fates

Under new plans the public will also have greater confidence to challenge poor local services. The Government intends to give the Local Government Ombudsman, the established body for investigating public complaints over the way they have been treated by their council, real teeth. For the first time local authorities will be legally compelled to implement the Ombudsman's findings.

Andrew Stunell said:

"The Standards Board regime ended up fuelling petty complaints and malicious vendettas. Nearly every council had investigations hanging over them - most of which would be

dismissed but not before reputations were damaged and taxpayer money was wasted. Frivolous allegations undermined local democracy and discouraged people from running for public office.

"That's why we are axing the unpopular and unelected standards board regime. Instead we will legislate to ensure that if a councillor is corrupt and abuses their office for personal gain they will be dealt with in the criminal courts. If a councillor behaves ineffectively or irresponsibly then it's a matter for the electorate not an unelected quango.

"This Government is freeing councillors from central prescription and top down bureaucracy so they can get on with their job. In the future councillors must expect to be judged at the ballot box by an electorate with real access to their accounts and personal interests in a new transparent era."

Communities Secretary Eric Pickles added:

"The standards board regime became the problem, not the solution. Unsubstantiated and petty allegations, often a storm in a teacup, damaged the reputation and standing of local government, as well as wasting taxpayers' money.

"But by abolishing the failed standards committees we're not letting councillors off the hook. Failure to register or declare an interest, or deliberately seeking to mislead the public about an interest, will become a criminal offence while a newly empowered Local Government Ombudsman will investigate incompetence on behalf local people."

The Government will also legislate to make it clear that councillors can campaign and vote freely on their issues. Councillors who have been prevented from speaking on the very issues they had been elected on, such as planning matters, will now have the freedom to express their views.

But councillors will have to register certain personal interests in a publicly available register; this could include anything that could reasonably be regarded as likely to influence or affect their actions, conduct when on business for the authority or voting.

The whole Standards Board regime consisting of a centrally prescribed code of conduct, standards committees with the power to suspend councillors and an unelected central body will be axed in the upcoming Localism Bill.

However councillors will have to conform to the highest standards of conduct. At present if a councillor abuses their position for personal gain it may result in a complaint to the local authority's standards committee with the councillor simply having to apologise. New

legislation will make failing to register an interest, or deliberately seeking to mislead the public about an interest a criminal offence.

**STANDARDS
COMMITTEE**

13th October 2010

STANDARDS COMMITTEE WORK PROGRAMME 2010/11

Relevant Portfolio Holder	Councillor Michael Braley, Portfolio Holder for Corporate Management
Relevant Head of Service	Claire Felton, Monitoring Officer
Non-Key Decision	

TO BE ALLOCATED TO SUITABLE AVAILABLE DATES, DEPENDENT ON AGENDA

- Compulsory Code of Conduct Training for all Members
- CRB checks
- Revised Code of Conduct (when amended by legislation)
- Mock complaints training
- Training DVD on Code of Conduct
- Visit by Members from other authorities' Standards Committees (postponed in December 2009)
- Work Programme for 2010/11
- Canvass Member opinion on what Members are looking for Standards Committee to do/ any areas where Standards Committee should be more active.
- Guidance from the Ethical Standards Officer of Bromsgrove District Council (to precede the pre-hearing and hearing for complaint reference 01/2010).

