

# STANDARDS COMMITTEE

## ATTENDANCE AT ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

22<sup>nd</sup> January 2009

### Report of the Deputy Monitoring Officer

#### PURPOSE OF REPORT

To provide feedback and an evaluation from the Annual Conference attended in 2008 by the Chairman of the Committee and the Deputy Monitoring Officer in accordance with the requirements of the Member Development Strategy.

This report is public

#### RECOMMENDATIONS

**That the Committee consider the report and whether Member attendance at the conference provides value for money and should therefore continue to be funded.**

##### 1.0 Introduction

- 1.1 The Annual Assembly of Standards Committees takes place each year over 2 days in October and funding is included in the Member Development budget for the Chairman of Standards Committee or their representative to attend each year. Officer attendance is funded separately from the relevant Service budget.
- 1.2 In order to more rigorously control the member development budget, the Council Business Committee have introduced a system requiring those Members attending training or developmental events such as this to provide a report of the event, both for the purpose of cascading useful information gained and to provide an evaluation on whether attendance provides value for money for future years.
- 1.3 The cost of this year's Conference, held on 13<sup>th</sup> & 14<sup>th</sup> October 2008, was £430 per person + accommodation costs of £145 per person + travel to Birmingham. It was attended by Stephen Lamley, Chairman of the Committee and Gillian Noall, Head of Democratic Services and Deputy Monitoring Officer.

## **2.0 Report of the Conference**

### **2.1 Day One**

#### **2.1.1 Opening Plenary**

Speakers – Glenys Stacey Chief Exec Standards Board  
Robert Chilton, Chair Standards Board  
Government Minister

General introductory remarks

#### **2.1.2 Breakout sessions**

##### *Alternative Action (GN)*

Speakers – Alan Eastwood, Bolton Council, Suzan Hemmingway, Bradford Council,  
Jennifer Rogers Standards Board

Useful discussion and exercises on when alternative action could be an suitable course of action and when it would be inappropriate – separate notes attached at Appendix A.

##### *Communicating with Communities (SL)*

Speakers – Judy Simmons & Richard Scott, Standards Board

Provided suggestions on how Standard Committees can improve communications with their local communities – nothing useful to report.

#### **2.1.3 Afternoon Plenary**

Speakers – Richard Cowell, University of Cardiff, Christopher Kelly. Chair of Committee on Standards in Public Life, Ben Page, Ipsos Mori

Interesting information on current research regarding the impact of Standards Committees on how Councils work, the behaviour of Councillors and the level of trust by the public; public ignorance of what Councils do and the existence of an ethical framework; the negative effect on Councils who have to deal with a large number of complaints, creating a very hostile environment in which Councillors believe the framework is at fault rather than their behaviour; challenge of operating in the current negative environment regarding local government. Nothing of practical value to the situation at Lancaster.

#### **2.1.4 Breakout sessions**

##### *Delivering Local Investigations(GN)*

Speakers – Maria Lucas, North Tyneside Council, Matt Richards & Jon Wigmore, Standards Board

Interesting exercise at conclusion on how to undertake investigations for someone who has not previously undertaken an investigation but nothing new learnt.

##### *What went wrong (SL)*

Speakers – Elizabeth Hall & Hazel Salisbury Standards Board

Opportunity to discuss cases where investigators' reports had proved unsatisfactory and to consider where mistakes had been made and what should have happened.

## 2.2 Day Two

### 2.2.1 Breakout sessions

#### *Planning ahead (GN)*

Speakers - Anne Rehill, Standards Board and Sarah Richards, Planning Advisory Service

Well constructed practical exercise – but nothing new learnt that hasn't already been addressed at Lancaster. Group dominated by independent members who had very little understanding of the planning process – highlighted need for independent members on Standards Committees to have the opportunity to be trained on Council decision making structures and planning processes if inexperienced.

#### *Standards Committee members Q&A session (SL)*

Speakers – Paul Hoey, Freda Sharkey & Belinda Shaw, Standards Board

Nothing new of interest to report.

### 2.2.2 Morning Plenary

Speakers – Allison Kelly, Audit Commission  
Michael Macauley, Teeside Business School

Raised issues of Standards Committees taking a leadership role in Authorities and encouraging Councils as a whole to drive standards forward, leading to an attitude of respect being embedded in the authority and an overall improvement in everyday behaviour. In turn, this leads to the development of trust within the Authority and externally by the public. Having a pro-active Standards Committee can change the public perception of a Council. Too many Councils where the independent Standards Committee members are unknown to Councillors and even senior officers are unaware of the work of the Standards Committee.

### 2.2.3 Breakout sessions

#### *Parish Perspective (GN and SL)*

Speakers – Shirley Flint, Standards Board, Kirsty Cole Newark & Sherwood Council, Nick Randle, Society of Local Council Clerks

Main issue raised by almost all present was how to deal with Parish Councils who are reluctant to engage with the District Council. It was confirmed that Standards Committee has no jurisdiction over Parish Clerks and the only suggestion on how to deal with a Clerk who was unwilling or unable to take responsibility for the conduct of their Parish Council was to persuade the Clerk to attend training sessions – when asked the direct question on how to do this and how to interact generally with unwilling clerks no answers were forthcoming.

## **3.0 Conclusion**

3.1 There were some interesting sessions and occasional interesting questions but very little in the way of new information. The main advantage of attending comes from the opportunity to talk to officers and members.

- 3.2 The Committee is asked to consider whether the guidance and assistance provided by attendance at this Conference warrants the level of expenditure on an annual basis and to advise the Council Business Committee accordingly.

**CONCLUSION OF IMPACT ASSESSMENT**

**(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

None arising from this report.

**FINANCIAL IMPLICATIONS**

The cost of Member attendance at the Annual Assembly is currently met from the Members Development budget and officers from appropriate Service training budgets. Not attending in future years would enable savings to be made or for the budget to be directed at more cost effective training.

**SECTION 151 OFFICER'S COMMENTS**

The S151 Officer has been consulted and has no further comments

**LEGAL IMPLICATIONS**

There are no direct legal implications as a result of this report.

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and has no further comments

**BACKGROUND PAPERS**

None

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### ALTERNATIVE ACTION

Things to remember:

- If go for alternative action there can be no investigation
- no finding of fact
- Can't get into specifics of the allegation once alternative action has been agreed
- Can't get drawn into role of parish clerk – no jurisdiction
- not a cheap option as it can be resource intensive
- not to be used routinely
- used rarely
- consider each case on its merits

What cases are suitable?

- When the matter is relatively trivial but not so trivial that no action is likely to be the result
- if there has been an apology
- where there is a poor understanding of the code (and this could lead to a number of members failing in some way, eg. Not declaring an interest in something.) The alternative action would be for the MO to review Declaration of Interests with all Members
- where it may be the result of officers giving incorrect advice
- where there has been a breakdown in relationships within the authority (eg. Large number of 'tit for tat' complaints between members signifying an underlying problem)

What can it consist of?

- Training, advice, guidance to Members – eg. Chairmanship skills
- Mediation, conciliation of members
- Monitoring Officer working with Parishes
- Monitoring Officer reviewing the Register of Interests
- A review of Standing Orders

Disadvantages:

- Not a quick fix
- Rarely straightforward
- Time-consuming and resource intensive
- Need both parties to agree
- Need to be confident will resolve the issue
- Problem if member initially agrees to mediation but then refuses to co-operate – it is then too late to go back to an investigation (need to include in agreement that if don't co-operate will carry out investigation)
- No opportunity for the member complained about to 'clear their name'
- Only 20 days available in which to research whether this would be an appropriate course of action
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Advantages:

- Early intervention can halt 'tit for tat' complaints
- Can address wider issues of lack of training/understanding of issues by other Members

Suggestion – Standards Committee meetings to include a session revisiting old cases looking at what happened and considering alternative solutions