

Civic Centre,
Breck Road,
Poulton-le-Fylde,
Lancashire FY6 7PU

Tel: Poulton (01253) 891000
Fax: Poulton (01253) 899000
Textphone: Poulton (01253) 887636
Website: www.wyrebc.gov.uk



INVESTOR IN PEOPLE

Monitoring Officer
Lancaster City Council
Town Hall
Lancaster
LA1 1PJ

Jan Finch MA FCIPD
Deputy Chief Executive and Monitoring
Officer

Please ask for: Jan Finch
Direct Line: 01253 887502
Email: jfinch@wyrebc.gov.uk
Our ref:
Your ref:

26 October 2009

Dear Colleague

Standards Committee Hearings – Public Notice Requirement

In March this year we held our first hearing under the new arrangements. The hearing was open to the press and public and the press were in attendance. An article on the hearing and the sanction imposed appeared in the local press the day after and we published all the details on our website. In line with the guidance we also put a notice in a local newspaper which cost the Council in the region of £500.

When I reported the steps we had taken to bring the outcome to the attention of local people and told them the cost of the public notice the members of the Standards Committee were very concerned that we had had to spend £500 of taxpayer's money on something which, in their view, added no value. They felt that the whole process had been open and transparent and had received wide publicity without having to take the additional step of a public notice. In addition they were aware of the diminishing number of people who actually take a local newspaper and questioned how many of those would read the public notices.

I was therefore asked to write to Communities and Local Government to register the Committee's concern, to seek an explanation of the reasoning behind the requirement and to ask whether there would be any opportunity for the requirement to be reviewed.

The response was disappointing. CLG explained that the requirement ensured that the public had an objective and unbiased report in cases where the press may not report accurately and there were no plans to review the arrangement.

Dissatisfied with this initial response, the Standards Committee agreed that the matter should be pursued and the Chairman therefore wrote to the Secretary of State, John Denham. The letter stressed that the Committee fully supported openness and transparency but, in this day and age, there were better and more cost effective ways to do this than a public notice in a newspaper.

Despite further correspondence CLG remains of the view that no change is required and the Chairman therefore informed CLG that the Committee intended to continue to press for change through other routes. Both local MPs have become involved and have taken it up with the Local Government Minister, Rosie Winterton.

The Chairman intends to raise the matter at the next meeting of the North West Independent Members' Forum and I have been asked to raise it with other Standards Committee's in Lancashire and to write to you to enlist your support.

I am enclosing copies of the correspondence and a press release issued by the Council which has appeared in the local press. I would be grateful if you would bring the matter to the attention of your Standards Committee and, if the Committee supports the stance we have taken, take action to press for change.

Please do not hesitate to contact me if you require any further information.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Jan Finch', written in a cursive style.

Jan Finch
Deputy Chief Executive and Monitoring Officer

Encs

Steve McAllister
Local Governance
Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU

Jan Finch MA FCIPD
**Deputy Chief Executive and Monitoring
Officer**

Please ask for: Jan Finch
Direct Line: 01253 887502
Email: jfinch@wyrebc.gov.uk
Our ref:
Your ref:

28 April 2009

Dear Mr McAllister

Standards Committee Hearings - Public Notice Requirement

I have been asked by my Standards Committee to write to you to ask whether you can explain the reasoning behind the requirement to publish a notice in a local newspaper following a hearing.

We recently had our first hearing under the new arrangements. The meeting was open to the press and public and the press were in attendance. An article on the hearing and the sanction imposed appeared in the local press the day after and we published all the details on our website. In line with the guidance we also put a notice in a local newspaper which cost the Council in the region of £500.

When I reported the steps we had taken to bring the outcome to the attention of local people and told them the cost of the public notice the members of the Standards Committee were very concerned that we had had to spend £500 of taxpayer's money on something which, in their view, added no value. They felt that the whole process had been open and transparent and had received wide publicity without having to take the additional step of a public notice.

I was asked to write to you to register the Committee's concern and to ask whether there is any opportunity for the requirement to be reviewed.

Yours sincerely



Jan Finch
Deputy Chief Executive and Monitoring Officer

15 May 2009

Jan Finch MA FCIPD
Deputy Chief Executive and Monitoring Your Ref:
Officer
Wyre Borough Council

Our Ref:

Your Ref:

By E-mail to jfinch@wyrebc.gov.uk

Dear Ms Finch,

REQUIREMENT TO PUBLISH A SUMMARY OF A FINDING BY THE STANDARDS COMMITTEE

Thank you for your letter of 28th April 2009 addressed to Steve McAllister asking about the reasoning behind the requirement in regulation 20 of the Standards Committees regulations (S.I.2008 No.1085) to publish a summary of the Committee's findings in a local newspaper. Your letter registers the concern of your Council's Standards Committee about the costs to the Council of this requirement and asks if there will be an opportunity to review the requirement.

The reasons for the requirement are to ensure that:

- i. the process for Standards Committees to deal with complaints about the conduct of local councillors is open and transparent;
- ii. the public has access to a summary of the finding of the Standards Committee that is factually accurate, and
- iii; a summary of the finding is published as soon as possible after it has been made.

Whilst it is noted that the meeting of your Council's Standards Committee at which the hearing took place was open to the public and press, and that all the details were published in the local press the day after and on your website, unfortunately it is not always the case that the local press gives an accurate account to the local community of the proceedings. Inaccurate reporting or a lack of reporting could affect the reputation of local councillors and undermine the public's trust and confidence in their members and in local democracy.

The requirement in regulation 20 has been included in the regulations governing Standards Committees since 2003 and there are no plans at present to review the

requirement. Any amendment to regulation 20 would affect all local authorities in England and I am afraid that it would not be possible to exclude specified authorities.

Yours sincerely,

Rosalind Kendler

The Right Honourable John Denham MP
Secretary of State for Communities and
Local Government
Dept for Communities and
Local Government
Eland House
Bressenden Place
LONDON SW1E ; 5DU

Jan Finch MA FCIPD
**Deputy Chief Executive and Monitoring
Officer**

Please ask for: John Shaw
Direct Line: 01995 603672
Email: johnshaw5@tiscali.co.uk
Our ref: js/rm/letters/jdmp250609
Your ref:

25 June 2009

Dear Mr Denham

Standards Committee Hearings – Public Notice Requirement

Our Standards Committee is somewhat concerned about the requirement to publish the outcome of a hearing against a councillor in a local newspaper . We have had three cases recently, and each notice has cost £500 which members of the Standards Committee consider to be an unnecessary use of Council Taxpayers' money.

The Standards Committee asked the Monitoring Officer to raise this issue formally with the Department for Communities and Local Government with a view to understanding the rationale behind this requirement and, more importantly, whether it could be reviewed. I am afraid she received a rather stock reply, which in summary stated that the rule must stand and there were no plans for review. I attach a copy of this correspondence for your information.

Members of the Standards Committee found this answer to be unsatisfactory and failed to give a credible reason for the requirement. I say this because we consider that in this age of modern communications, our approach is open and transparent and the case details and outcomes are recorded in a way which is fully accessible to the public.

Two of the three cases were held in public, the press were in attendance, and all the details appeared on the Council's website. The third case involved no breach, but the member asked for the outcome to be made public in order to clear his name as the complaint against him had been mentioned in the public arena.

cont'd ..

The Council members of the Committee are also concerned about defending this use of taxpayers' money to their constituents particularly in these cash-constrained times. It is also questionable how many people actually see or read public notices. The Standards Committee recognises the need to put such information in the public domain, but feels current reporting is adequate to the purpose. As an added safeguard, the Standards Committee would be prepared to add a new procedure to its rules of operation by which each case would be reviewed with regard to the quality of reporting and where necessary a specific notice would be published.

As an independent member and Chairman of the Standards Committee, may I ask you to review this requirement with a view to rescinding or modifying it.

Yours sincerely

John Shaw FCIPD
Chairman, Wyre Borough Council Standards Committee

Enc: correspondence

Copies to Ben Wallace MP and Joan Humble MP
Copy to J Finch, Monitoring Officer

9 July 2009

Mr John Shaw
Chairman, Wyre Borough Council
Standards Committee
Tyre Borough Council
Civic Centre
Breck Road
Poulton-le-Flyde
Lancashire
FY6 7PU

Our Ref: JD/16/017928/09
Your Ref: js/rm/letters/jdmp250609

Dear Mr Shaw,

Standards Committee Hearings – Public Notice Requirement

Thank you for your letter of 25 June to John Denham about the public notice requirements arising from standards committee hearings. Your letter has been passed to me for response as I work in the team that has policy responsibility for conduct.

I'd like to begin by giving you my absolute assurance that Rosalind Kendler's letter of 15 May to Jan Finch at Wyre Borough Council was not a 'stock' reply. The original letter from Ms Finch came addressed to me and I asked Rosalind to respond, after we had discussed its contents, and how to respond, at length.

As well as having policy responsibility for conduct my team, which includes Rosalind, has responsibility for the Code of Recommended Practice on Local Authority Publicity. This, as well as our work with the conduct regime, means that the costs and benefits of statutory notices in newspapers is a subject of frequent debate in the team.

I consider the points that Rosalind made in her letter sound and confirm that there are no plans at present to review the requirement to place notices in local newspapers about the findings of standards committees.

Yours sincerely,

Stephen McAllister

Department for Communities and Local Government
3/J5
Eland House
Bressenden place
London
SW1E 5DU

Tel 020 7944 4277
Email e mail:
stephen.mcallister@communities.gsi.gov.uk

Mr S McAllister
Department for Communities and Local
Government
Eland House
Bressenden Place
LONDON SW1E 5DU

Jan Finch MA FCIPD
Deputy Chief Executive and Monitoring
Officer

Please ask for: John Shaw
Direct Line: 01995 603672
Email: johnshaw5@tiscali.co.uk
Our ref: js/letters/050809
Your ref:

5 August 2009

Dear Mr McAllister

Standards Committee Hearings – Public Notice Requirement

Thank you for your emailed letter of 9 July, the contents of which were discussed at our recent Standards Committee.

The Standards Committee is somewhat disappointed with your reply, which fails to respond to the points and suggestions made. You state that the matter is reviewed within your team, and because the team sees no need to review the matter, the status quo applies. We find that response does scant justice to the serious point being made and had hoped for a more constructive reply.

We had hoped for a fuller justification of the policy and I now make a further request that you do so. In particular, would you kindly address the following points:

1. Has your Department considered other options? If so, what were they and why were they rejected? The Wyre BC Standards Committee argues that it would be more productive to publish the Notice on the internet and via the Council's "Wyre Voice" free paper which is more cost effective and reaches every home. By publishing it in a newspaper such as the Blackpool Gazette, great expense is incurred and we know it does not reach every home in the Borough.
2. As part of your "Conduct Regime" have you consulted the customers (i.e. the local councillors and Standard Committees) regarding the effectiveness and relevance of your policy? If so, what was the outcome? If you have not consulted more widely may we request that you do so?
3. With regard to effective use of taxpayers' money, how would you justify the expense (£500 per notice) to our local taxpayers?

I look forward to a more constructive reply than the previous one, and hope you will re-consider this matter on the broader lines suggested. For our part, we intend raising the matter on a wider front, for example with our local MPs, the North West Independent Members' Forum and with other Standards Committees in order to seek support for a review to what, in our opinion is a flawed policy.

Yours sincerely



John Shaw FCIPD
Chairman, Wyre Borough Council Standards Committee

Copies to Ben Wallace MP and Joan Humble MP
Copy to J Finch, Monitoring Officer

17 August 2009

Mr John Shaw
Chairman, Wyre Borough Council
Standards Committee
Tyre Borough Council
Civic Centre
Breck Road
Poulton-le-Flyde
Lancashire
FY6 7PU

Your Ref: js/letters/050809

Dear Mr Shaw,

Standards Committee Hearings – Public Notice Requirement

Thank you for your letter of 5 August, continuing our correspondence about the requirement to publicise the decision of a standards committee.

Taking your questions in order, you ask first if the Department has considered options other than advertisement in a local newspaper for meeting the requirement to advertise the decision of a standards committee. As well as dealing with policy about the behaviour of councils my team also has policy responsibility for the Code of Recommended Practice on Local Authority Publicity, which we have recently consulted upon and so how a local authority publicises its services, activity and decisions is something we consider very carefully on a continual basis, but particularly at present.

The benefit of advertising in a local newspaper is that it is an impartial publication and is available in the community it serves. The issue of the internet is that it relies not only upon citizens being able to access it, but also upon the information contained on a web site being easy to find. The problem with putting notices in local authority freesheets is that those publications are perceived by some as being local authority 'propaganda' and placing a decision notice about the conduct of a councillor in such a publication may lead to that decision as being perceived as somehow biased.

Turning to the issue of consultation, at the time the details of the conduct regime were being finalised, the Department held 'round table' discussions with the Local Government Association and others. This followed the January 2008 public consultation on the devolved regime, 'Orders and Regulations Relating to the Conduct of Local Authority Members in England'.

Finally you ask how the Department would justify the expense of publicising a decision to your taxpayers. I would explain that good communication between an authority and its community is vital for a healthy local democracy, that it is important to recognise that local newspapers have a part to play in this. The decisions of the standards committee have to be transparent and it is right that they are publicised in a publication that is independent of the authority and, by its very nature, is read by those who have an interest in their local community.

I note your intention to consult more widely. If I may suggest, a consultation about public notice requirements might benefit from input from the public, who are not mentioned in your list of suggested consultees.

As you may know, the Audit Commission is undertaking a study on councils' spending on publicity, which aims to evaluate the value for money of this expenditure. I will be commenting on the Audit Commission's proposals for the study and will ensure that your comments, about the effective use of taxpayers' money, are reflected in my response to the Audit Commission's project outline.

Yours sincerely,

Stephen McAllister

Wyre Borough Council News Release Wyre Standards Committee fights for change in restrictions
From: Nikki Wilcock [NWilcock@wyrebc.gov.uk]
Sent: 21 August 2009 16:10
Cc: Wilcock, Nikki
Subject: Wyre Borough Council News Release: Wyre Standards Committee fights for change in restrictions

Wyre Borough Council PR 1505 21/08/2009 [For Immediate Release]

Wyre Standards Committee fights for change in restrictions

Taxpayers money is being unfairly spent on expensive public notices after councillor conduct hearings.

That's the belief of Wyre Borough Council's Standards Committee, which is spearheading a campaign to change a legal requirement that costs the council around £500 each time there is a hearing.

Under current regulations, a summary of the findings of a Standards Determination Sub-Committee hearing - which decides whether or not a councillor has breached the Code of Conduct - must be advertised in the Public Notices section of an appropriate local newspaper.

And while members of the committee wholeheartedly agree that the results should be published in the interests of openness and transparency, they believe there are more cost effective ways of doing so.

Chairman John Shaw explained: "Our issue isn't about letting the public know the outcomes of these hearings, we don't have a problem with this.

"What members of the committee are asking for is some flexibility to decide on a method of publicity that represents best value for our residents

"We have held four hearings this year alone and at £500 a time it is an added expense that the council could spend on something more worthwhile."

In Wyre, the committee's findings are already widely publicised. The case details and findings appear on the council's website and a summary is posted on noticeboards in the community.

The majority of hearings are held in public and attended by a journalist who subsequently files a report in their newspaper. Standards Committee members are also proposing to publish findings in Wyre Voice, the council newspaper that is delivered to every home in the borough.

Mr Shaw and the council's Monitoring Officer have written to the Department for Communities and Local Government and John Denham, Secretary of State, to argue the case, but on each occasion they were told there were no plans to review the regulations.

Now they are stepping up their campaign, hoping to gain the support of the local MPs, the North West Independent Members' Forum and Standards Committees from neighbouring authorities.

Mr Shaw said: "Realistically our chances of forcing a change to the regulations in the short term are slim, but if we can add weight to our campaign in some way then it might well get looked at as part of a wider review."

ENDS

Notes for editors

In a written response to the council about this issue, the Department for Communities and Local Government stated that the reasons for the requirement were:

Wyre Borough Council News Release Wyre Standards Committee fights for change in restrictions
i. the process for Standards Committees to deal with complaints about the conduct of local councillors is open and transparent;

ii. the public has access to a summary of the finding of the Standards Committee that is factually accurate, and

iii; a summary of the finding is published as soon as possible after it has been made.

For further information please contact:
Nikki Wilcock, Public Relations Assistant
Tel: 01253 887526
Email: NWilcock@wyrebc.gov.uk

[#RL-1505:633864678251097517#]

Mr S McAllister
Department for Communities and Local
Government
Eland House
Bressenden Place
LONDON SW1E 5DU

Jan Finch MA FCIPD
Deputy Chief Executive and Monitoring
Officer

Please ask for: John Shaw
Direct Line: 01995 603672
Email: johnshaw5@tiscali.co.uk
Our ref: js/letters/050809
Your ref:

1 October 2009

Dear Mr McAllister

Standards Committee Hearings – Public Notice Requirement

I refer to your letter of 17 August 2009, the contents of which were discussed at our recent Standards Committee meeting.

Whilst the Committee appreciated your fuller reply to the questions posed, there is still concern about the cost involved in the public notice requirement. However, it was recognised that the complaint of one Standards Committee is unlikely to carry much weight and therefore the Committee resolved to continue to press for change in other ways.

Both local MPs have agreed to pursue this from the political side, and for our part, we shall be raising the matter via the NW Independent Members Forum, and with Standards for England. Our Monitoring Officer will also raise the matter with her peer group.

At a time of national budget constraint, we feel the public notice requirement is a good example of a statutory cost that cannot be justified.

Yours sincerely



John Shaw FCIPD
Chairman, Wyre Borough Council Standards Committee

From: Stephen Mcallister [Stephen.Mcallister@communities.gsi.gov.uk]
Sent: 02 October 2009 12:12
To: Finch, Jan
Cc: johnshaw5@tiscali.co.uk
Subject: RE: Public Notice Requirement
Dear Jan,

Thank you for this. I understand that Rosie Winterton has written to Joan Humble MP with her views on this matter and, that being the case, I will not comment further at this point.

Regards,

Steve McAllister
Local Governance
Department of Communities and Local Government
020 7944 4277

From: Finch, Jan [mailto:JFinch@wyrebc.gov.uk]
Sent: Thursday, October 01, 2009 12:20 PM
To: Stephen Mcallister
Subject: Public Notice Requirement

Please find attached a letter from John Shaw, Chair of the Standards Committee
<<mcallister resp 01 10 09.doc>>

Jan Finch
Deputy Chief Executive and Monitoring Officer
Wyre Borough Council

Telephone 01253 887502
email:jfinch@wyrebc.gov.uk

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LIVE WYRE LOVE WYRE*

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Ms G Stacey
Chief Executive
Standards for England
Fourth Floor
Griffin House
40 Lever Street
Manchester
M1 1BB

Jan Finch MA FCIPD
Deputy Chief Executive and Monitoring
Officer

Please ask for: Jan Finch
Direct Line: 01253 887502
Email: jfinch@wyrebc.gov.uk
Our ref:
Your ref:

23 October 2009

Dear Ms Stacey

Standards Committee Hearings – Public Notice Requirement

I am writing at the request of Wyre Borough Council's Standards Committee to bring to your attention the Committee's views on the requirement to publish a public notice following a standards hearing.

In March this year we held our first hearing under the new arrangements. The hearing was open to the press and public and the press were in attendance. An article on the hearing and the sanction imposed appeared in the local press the day after and we published all the details on our website. In line with the guidance we also put a notice in a local newspaper which cost the Council in the region of £500.

When I reported the steps we had taken to bring the outcome to the attention of local people and told them the cost of the public notice the members of the Standards Committee were very concerned that we had had to spend £500 of taxpayer's money on something which, in their view, added no value. They felt that the whole process had been open and transparent and had received wide publicity without having to take the additional step of a public notice.

I was therefore asked to write to Communities and Local Government to register the Committee's concern, to seek an explanation of the reasoning behind the requirement and to ask whether there would be any opportunity for the requirement to be reviewed.

Dissatisfied with the initial response, the Standards Committee agreed that the Chairman (Mr John Shaw) should pursue the matter and he has been in correspondence with Stephen McAllister of CLG on this matter over the past months. I must stress that the Committee supports the principle of making findings public but

argues that a public notice which few people read and comes at a significant cost to the taxpayer is not the way to do it.

In October Mr Shaw wrote to Mr McAllister to inform him of the Committee's intention to continue to press for change through other routes. Both local MPs (Ben Wallace and Joan Humble) have become involved and have taken it up with the Local Government Minister, Rosie Winterton.

The Chairman intends to raise the matter at the next meeting of the North West Independent Members' Forum and I have been asked to raise it with other Standards Committee's in Lancashire and to write to you to enlist your support.

I am enclosing both correspondence and a press release issued by the Council which has appeared in the local press.

I would be grateful for your views and any support you can give to abolish this outdated requirement.

Yours sincerely

A handwritten signature in black ink, appearing to be 'J Finch', written in a cursive style.

Jan Finch
Deputy Chief Executive and Monitoring Officer