



# STANDARDS COMMITTEE

## — Agenda —

**WEDNESDAY  
2 APRIL 2008**

**7.00 PM**

**COMMITTEE ROOM 4**

**HAMMERSMITH  
TOWN HALL  
LONDON W6 9JU**

### Membership

Mr. Steven Moussavi (Chairman)  
Mr. Christopher Troke  
Ms Grace Moody-Stuart  
Councillor Nicholas Botterill  
Councillor Donald Johnson  
Councillor Lisa Homan

If you require further information relating to this agenda, please contact the Co-ordinator:

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Issue Date: 20 March 2008

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<u>ITEM</u>		<u>PAGE</u>
1.	<b>MINUTES – 21 JANUARY 2008</b>	1 -4
	To confirm and sign the Minutes of the meeting held on 21 January 2008 as an accurate record.	
2.	<b>APOLOGIES FOR ABSENCE</b>	
3.	<b>DECLARATION OF INTERESTS</b>	
	If a Councillor has any prejudicial or personal interest in a particular report they should declare the existence and nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.	
	At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a prejudicial interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken unless a dispensation has been obtained from the Standards Committee.	
	Where members of the public are not allowed to be in attendance, then the Councillor with a prejudicial interest should withdraw from the meeting whilst the matter is under consideration unless the disability has been removed by the Standards Committee.	
4.	<b>ASSESSING COMPLAINTS – LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007</b>	5-7
	The attached report updates Members on appointing an extra independent Member to the Committee and enlarging the Committee to take on its new role under the Act.	
5.	<b>STANDARDS BOARD FOR ENGLAND BULLETIN</b>	8, 9-18
	Standards Board for England Bulletin 37 for February 2008 is attached. The Bulletin highlights the recent consultation on new regulations and orders; forthcoming Guidance by the Board; the provisions of the new Local Government & Public Involvement in Health Act 2008; good practice in publicising the local assessment of complaints system; how the cases will need to be	

reported to the SBE; and the Annual Assembly of Standards Committees.

**6. ANNUAL ASSEMBLY OF STANDARDS COMMITTEES 19-20**

To appoint delegates to the Annual Assembly of Standards Committees at the ICC in Birmingham on 13 and 14 October 2008.

**7 WORK PROGRAMME 21-22**

To agree the Work programme for the rest of the Municipal Year 2007-08

**8 ANNUAL REPORT 2007-08 23-26**

To agree the Annual Report for submission to the Annual Council meeting

# STANDARDS COMMITTEE

## —Minutes—

21 JANUARY 2008

**Members Present:**

Mr. Steven Moussavi (Chairman)  
Councillor Nicholas Botterill  
Councillor Donald Johnson  
Councillor Lisa Homan

**Officers in attendance:**

Lesley Courcoff, Assistant Chief Executive  
Kayode Adewumi, Head of Councillors' Services  
David Bays, Committee Co-ordinator

ITEM		ACTION
Item 1	<b><u>MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE HELD ON 29 OCTOBER 2007</u></b>  <b><u>RESOLVED</u></b> - That the minutes of the meeting held on 29 October 2007 be agreed and signed as an accurate record.	<b>ACE/KA/DB to note</b>
Item 2	<b><u>APOLOGIES FOR ABSENCE</u></b>  Apologies for absence were received from Ms Grace Moody-Stuart, Independent Member, and Michael Cogher, Head of Legal Services & Deputy Monitoring Officer.	<b>ACE/KA/DB to note</b>
Item 3	<b><u>DECLARATIONS OF INTEREST</u></b>  There were no declarations of interest made by members at this meeting of the Committee.	
Item 4	<b><u>THE CODE OF CONDUCT – DVD</u></b>  Members watched a DVD on the new Code of Conduct – entitled “The Code Uncovered”, produced for the Standards Board for England. They supported its use as part of continuing training for Members. It was also suggested that Michael	

Cogher, Head of Legal Services, might attend the first meeting of the Planning Applications Committee after the new provisions had come into force to run a training session for them.

**RESOLVED**

That all Members be encouraged to view the DVD through a briefing session at suitable Group meetings.

**ACE**

Item 5 **STANDARDS COMMITTEE QUESTIONNAIRE FOR MEMBERS – THE NEW CODE OF CONDUCT**

The Committee noted that, following the last meeting, the questionnaire discussed then had been circulated to all elected members, independent Members and co-opted Members. The questionnaire was posted out with reply paid envelopes and 24 replies had been received by the time of the meeting.

The results highlighted several areas on which future training in the Code should be focused, mainly around personal and prejudicial interests; the register of interests; the function of the Standards Committee; and penalties for breaching the Code.

**RESOLVED:** That the results be used as part of the basis of training for Members in the future.

**HLS**

Item 6 **ASSESSING COMPLAINTS - THE LOCAL GOVERNMENT & PUBLIC INVOLVEMENT IN HEALTH ACT – UPDATE**

The Committee received a report updating them on the provisions of the 2007 Act, drawing on information presented at the North West London Boroughs networking Event on 6 December 2007 at Brent Town Hall and outlining the timetable for advertising for a new Member of the Committee to help it take on its new role under the Act.

The Committee noted that the networking event had rehearsed some suggested mechanisms for dealing with complaints but that more specific guidance from the Standards Board for England and regulations were expected shortly.

Meanwhile, an advertisement had been placed in H&F News as well as on the Council website seeking applications for an additional Independent Member on the Committee to deal with the potential extra work involved. 5 expressions of interest had been received to date. It was anticipated that interviews would be held in March or April with a view to a name being recommended to the Council at its Annual meeting on 28 May.

**ACE ( KA/DB)**

**RESOLVED** That the report be noted.

Item 7 **CONSULTATION PAPER: ORDERS & REGULATIONS  
RELATING TO CODE OF CONDUCT OF LOCAL AUTHORITY  
MEMBERS**

The Committee considered the Government's consultation paper on the orders and regulations required to amend the Ethical Framework under the Local Government & Public Involvement in Health Act 2008.

The consultation paper requested replies to specific questions on which the Department for Communities and Local Government would welcome views. The questions were set out in the report together with some suggested answers drafted by the Head of Legal Services. The Committee also had comments on the paper referred to it from Cllr Aherne.

**RESOLVED:** That the Committee support the suggested answers submitted by the Head of Legal Services as the basis of its response to the DCLG.

**HLS**

Item 8 **STANDARDS COMMITTEE - WORK PROGRAMME**

The Committee noted its proposed future work programme.

**DB**

Item 9 **ANY OTHER BUSINESS**

None.

Meeting began : 7:00 pm

Meeting ended : 8:30 pm

CHAIR.....



# STANDARDS COMMITTEE

# 4

## 2 APRIL 2008

### CONTRIBUTORS

### ASSESSING COMPLAINTS – LOCAL GOVERNMENT & PUBLIC INVOLVEMENT IN HEALTH ACT 2007

### WARDS

ACE  
HLS

ALL

#### Summary

The report updates Members on appointing an extra Independent Member to the Committee and enlarging the Committee to help it take on its new role under the Act.

#### RECOMMENDATION:

That the Committee notes the report and makes such recommendations as it considers appropriate to Council in relation to the size and composition of the Committee.

## **BACKGROUND**

1.1 At the last meeting in January , the Committee heard that the Local Government and Public Involvement in Health Bill was expected to receive Royal Assent in time for the changes to the standards regime to become operational from the start of the 2008/09 Municipal Year.

1.2 The Bill received Royal Assent in 2007 and came into operation on 4 March 2008. However, the relevant Guidance and Regulations have not yet been published so the detailed arrangements for administering the new system are not yet available to be agreed. Provisionally, it was felt that 3 Sub-Committees might be an option for considering complaints but it was left for this to be confirmed once the Guidance had been issued. At the time of writing the DCLG has consulted ACSeS on draft regulations but it remains unclear as to when they will be made. They are expected to follow the proposals set out in the consultation document considered by the Committee at its last meeting.

## **RECRUITING EXTRA INDEPENDENT MEMBER**

3.1 As a first step in the process, the Council agreed at its November 2007 meeting that membership of the Committee should be increased by one independent member at a date to be fixed by Council at a future meeting.

3.2 An advertisement was placed in H&F News in January, following which 2 applications were received. These applications will be considered by the Standards Committee Appointments Panel, consisting of the Leader, Deputy Leader and the Leader of the Opposition, with the Chairman of the Standards Committee being an ex officio member of the Panel.

3.3 The Appointments Panel has been arranged for 5.30pm on Tuesday, 8 April, following which a new member will be recommended for appointment to the Committee at the Annual Council meeting on 28 May.

## **ENLARGING THE COMMITTEE**

4.1 Parallel with appointing the new Member, it is envisaged that the Annual Council meeting will need to enlarge the Standards Committee from its current membership of 6.

4.2 The current Standards Committee of 3 independent members and 3 councillors is not large enough to deal effectively with its new responsibilities because of the need to involve an independent member on any sub-committee, the fact that members involved in the filtering of complaints will be precluded from sitting on any review panel and the requirement to deal with complaints within a specified period (likely to be 20 working days).

4.2 The most practical option for enlarging the Committee would appear to be to raise its overall membership to 10. This would include the 4 Independent Members, 4 administration members and 2 opposition members. The aim would be to provide a pool of Members to enable, 3 Sub-committees be constituted as and when required

which could take on the new roles under the Act. Each would be chaired by an Independent Member and if required can comprise different Members to deal with the 3 stages of Consideration, Review and Hearing. The Committee would therefore operate on similar lines to the Council's Licensing Subcommittee which has operated successfully in this manner since 2005. Ten members is a realistic number to develop and retain the necessary skills and experience which would be diluted if a larger pool were used. Delegated authority would be given to the Monitoring Officer to appoint the subcommittees and convene meetings as and when required in consultation with the Chairman of the Standards Committee.

**LOCAL GOVERNMENT ACT 2000  
BACKGROUND PAPERS**

<b>No.</b>	<b>Brief Description of Background Papers</b>	<b>Name/Ext. of holder of file/copy</b>	<b>Department/Location</b>
1.	Brent Networking Event Papers, 6 December 2007	David Bays x 2628	Committee Services Room 203, Hammersmith Town Hall
2	Report to Council 21 November 2007	Michael Cogher x2700	Legal Services
3	Report to Standards Committee 21 January 2008	David Bays x2628	Committee Services, Room 203, Hammersmith Town Hall.

21 JANUARY 2008

**CONTRIBUTORS**

**STANDARDS BOARD FOR ENGLAND BULLETIN**

**WARDS**

**ACE**

**ALL**

**HLS**

Synopsis

Issue 37 of the Standards Board for England Bulletin is attached

**RECOMMENDATION:**

That the Standards Committee note the contents of the Bulletin and agree any actions arising from it..

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### Contact

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email: [bulletin@standardsboard.gov.uk](mailto:bulletin@standardsboard.gov.uk)

### Welcome to Issue 37 of the *Bulletin*.

With the implementation of the changes to the standards framework drawing closer, this *Bulletin* looks at some of the ways in which local authorities can prepare now. We also examine how the Standards Board for England is working to make the transition to local assessment as smooth as possible.

The Local Government and Public Involvement in Health Act 2007 (Commencement No.2 and Savings) Order 2008 was made on 30 January 2008 to bring the provisions concerning the standards framework into force.

The Standards Board is working on guidance to assist authorities with their new responsibilities, and has produced a training syllabus. This aims to support authorities in developing core training for standards committees and monitoring officers.

In this edition, we look at publicising the local assessment of complaints. We also examine requirements for the recruitment of independent members and parish representatives to standards committees. The system of reporting for authorities under the new framework, which will help the Standards Board monitor local arrangements, is discussed.

In addition, this issue features useful articles on interests in relation to setting the authority's annual budget, and on appeals to the Adjudication Panel for England. We also provide information on booking for our Seventh Annual Assembly of Standards Committees.

Finally, it gives me great pleasure to introduce our new Chief Executive, Glenys Stacey. Glenys will start at the Standards Board in April and will succeed me in the role of chief executive following my retirement at the end of May.



**David Prince**  
Chief Executive

## Government's consultation on new regulations and orders

Communities and Local Government (CLG) launched a consultation in January 2008 on its proposals for the new orders and regulations arising from the Local Government and Public Involvement in Health Act 2007. These provided a revised ethical framework for the conduct of local authority members in England.

The consultation included proposals for regulations on the local assessment of complaints, the size, composition and proceedings of standards committees, and the sanctions available to standards committees.

The consultation closed on 15 February 2008. One of the consultation questions related to the effective introduction date for the orders and regulations. The Standards Board for England's own response urged 1 April 2008. Decisions on the timing of the changes, as well as the detailed changes themselves, will be for CLG ministers to take in the light of the consultation responses.

We understand that a considerable number of responses received so far have supported an implementation date of 1 May 2008. This suggestion will be considered by CLG along with the other responses received.

## Guidance on the local framework

As we mentioned in *Bulletin 36*, the Standards Board for England will be producing guidance to support local authorities in the implementation and function of the locally managed framework.

The published guidance will consist of five parts:

- the role and make-up of standards committees
- local assessment and how it will operate
- local investigations

- local determinations
- monitoring and audit arrangements

The guidance is subject to the regulations that will support the changes to the framework. We are working to publish it as soon as possible after the regulations are confirmed.

Each part of the guidance will contain two sections. The first section will be the actual guidance, which sets out the responsibilities of relevant authorities and what they need to do to meet them. A second section will contain a set of tools that will enable them to meet those responsibilities, such as templates for decision notices, letters and forms.

We will publish each part of the guidance on our website as soon as it is confirmed. This is so that local authorities can use them to prepare for the local assessment of complaints. Following this, we will produce a binder containing all of the guidance in a loose-leaf format. This will allow us to make amendments over time if necessary.

## Provisions concerning the ethical framework recently brought into force

The Local Government and Public Involvement in Health Act 2007 (Commencement No.2 and Savings) Order 2008 was made on 30 January 2008. The following are the main provisions concerning the ethical framework, which the order brings into force:

### (1) Provisions brought into force on 31 January 2008

- The partial commencement of Section 183 amends the power of the Secretary of State to make orders about general principles, model codes of conduct and those codes adopted by relevant authorities.

- Section 184 amends Sections 37, 52 and 54 of the Local Government Act 2000 so that certain references to an authority's code of conduct include reference to the mandatory provisions.
  - The partial commencement of Section 185 allows the Secretary of State to make regulations about allegations made to standards committees of failure to comply with their authority's code of conduct.
  - Sections 188 and 189 make provision about sub-committees of standards committees of relevant authorities, and allows the Secretary of State to make regulations about two or more relevant authorities establishing a joint standards committee.
  - Section 190 allows the Standards Board for England to issue guidance to ethical standards officers. It also allows the Standards Board to do things which aim to help, or are incidental or conducive to standards committees and monitoring officers exercising their functions.
  - Section 192 deals with ethical standards officers' reports. Among other things, it allows them to send reports to a standards committee which the committee would not otherwise be entitled to see, if it will help the committee to discharge its functions.
  - Sections 193 to 195 amend the powers and functions of monitoring officers and standards committees. This is because the task of initially assessing allegations of misconduct by members is moving to a local level.
  - The partial commencement of Section 198 allows the Secretary of State to make regulations about the powers and conduct of English case tribunals.
- (2) Provisions brought into force on 1 April 2008**
- Section 187 amends Section 53(4) of the Local Government Act 2000 to require a standards committee to be chaired by an independent person.
  - Section 191 deals with ethical standards officers' powers to investigate. The saving contained in article 7(3) of this order preserves the existing legal framework for cases referred to the Standards Board before 1 April 2008. **Note:** There is a typographical error in article 7(3) which will be addressed before 1 April 2008.
  - Section 196 increases the scope for consultation by ombudsmen. It allows them to consult with standards committees when carrying out an investigation.
  - Section 200 amends the Data Protection Act 1998 (c.29) by adding to the list of exemptions contained in Section 31. The exemptions now include data processed by a monitoring officer or an ethical standards officer under Part III of the Local Government Act 2000, where disclosing it would be likely to prejudice the proper discharge of that function.
  - Section 201 makes supplementary provision relevant to provisions of Part III of the 2000 Act and consequential amendments to the Local Government Act 1972, the Audit Commission Act 1998 and the Greater London Authority Act 1999.
  - Section 202 amends Section 3 of the Local Government and Housing Act 1989. This is done by transferring the function of granting exemptions from political restriction on members of relevant authorities in England from an independent adjudicator appointed by the Secretary of State to standards committees. It also empowers the Secretary

of State to make regulations requiring an authority which is not a relevant authority and so not required to have a standards committee, to establish such a committee. This is to exercise the functions of granting and supervising exemptions from political restriction. The section also provides for the Secretary of State to issue general guidance about exercising this function.

- Section 203 makes amendments in consequence of Section 202.

For more information, please call us on **0845 078 8181** and ask to speak to our Legal Department.

## Publicising the local assessment of complaints

The success of the ethical framework rests on transparency and accessibility. The public needs to be aware of the new role of standards committees, and where to turn if they reasonably suspect that a member has breached their Code of Conduct.

This is particularly important now that complaints will be assessed locally, and if someone's area is covered by two or more standards committees, for example a district and county council. People will also need to know where to go if they have a complaint about a parish councillor.

We have prepared a template complaint form which gives clear information on how to make a complaint. This will be part of the toolkit section of the guidance on local assessment (please see the article on page 2 for more details).

Authorities can adapt the form to their own requirements. We expect that some authorities may want to absorb complaints in relation to the Code of Conduct into their existing integrated complaints system.

Under this approach, all complaints would pass through a central point and find their way to the correct place. If there is no central clearing point for complaints, the public will need clear advice about where to direct their complaint.

While this is a matter for local discretion, we expect authorities to be as imaginative as possible in publicising the new system and how it works. Examples of good practice include:

- Prominent and easy-to-navigate links on the authority's website, especially on the 'democracy' and 'councillors' pages.
- Leaflets on display, and available in one-stop-shops, libraries (including mobile libraries), planning, housing and social work departments and area offices, and from parish clerks and offices in the district.
- Posters and publicity in Citizens Advice Bureaux and community groups, including those serving people who are traditionally more difficult to reach.
- Advertisements and articles in the local press and in the authority's own newsletter.
- Information broadcast on local radio.
- An 'Information for Citizens' section on public agendas.
- Leaflets put out at meetings and available on the agenda table.
- Publicity during Local Democracy Week and at other events such as community forum activities.
- A helpline.
- Assistance for people with a disability or whose first language is not English.

## Independent members and parish representatives in the local framework

The Local Authorities (Standards Committee) Regulations 2001 provide for the size and make-up of standards committees, and for the appointment of parish and independent members. Authorities are required to have at least three people on their standards committee and at least one must be an independent member.

Further to this, the Local Government and Public Involvement in Health Act 2007 requires all standards committees to have an independent chair. The assessment of Code of Conduct complaints will soon become the responsibility of standards committees. It is therefore vital that local authorities begin the process, if they have not already done so, of recruiting the necessary number of high calibre independent members.

The Standards Board for England recommends that each standards committee has a minimum of three independent members. If the authority is responsible for parish councils it recommends that each standards committee has at least three parish or town council representatives. This is so that the standards committee will have a different independent member, and parish representative if applicable, available to undertake each of the assessment and review functions. It also gives enough flexibility should an independent member or parish representative be unavailable or have a conflict of interest.

A person is only eligible to become an independent member if they meet the following criteria:

- They have not been a member or employee of the authority for five years before the date of appointment.
- They are not a member or officer of any authority currently.

- They are not a close relative or close friend of a member or employee of the authority.
- They filled in an application for the position.
- They have been approved by the majority of members of the authority.
- The position has been advertised in at least one newspaper distributed in the authority's area.

The successful recruitment of independent members and parish representatives is important for the effective operation of standards committees. In order to attract the greatest number of high calibre people, authorities should advertise as widely as possible. You may wish to consider additional methods of recruitment in addition to advertising in the local press. These could include:

- Advertising on your website or your local radio station.
- Placing flyers in libraries, adult learning centres or places of worship.
- Advertising through other authorities' partnerships or through the local voluntary or community sector.
- Contacting neighbouring authorities who may have good candidates that they don't have room to appoint.

As part of the recruitment campaign for independent members, standards committees may wish to set up a panel of suitably trained members to shortlist and interview potential candidates. The monitoring officer should play an active role and be involved throughout the recruitment process, advising the panel on the appropriate steps.

## New reporting system for authorities on local assessment

The introduction of local assessment means that local authorities will be required to report information about receiving and investigating cases to the Standards Board for England.

We have been asked by the government to ensure the effectiveness of the local framework. This is to ensure confidence that local representatives are serving the public openly and fairly, and being held to account effectively if they fall below the accepted line.

To do so there needs to be a constructive monitoring procedure, which is light touch and proportionate to identified risk. Consequently, we have tried hard to design a system that will allow monitoring officers to tell us the information that we need to perform our duty as a strategic regulator, without being overly burdensome. The system was piloted with a wide cross-section of monitoring officers. We tried to tailor the questions so that they mirror the type of information monitoring officers will be reporting to their authority.

At intervals, normally at the end of each quarter, the monitoring officer, or other designated person in the authority, will complete a simple online questionnaire. The questionnaire does not take long to complete.

If there are no complaints to report, the monitoring officer just answers a few quick questions about the composition of the standards committee, and then ticks a box to indicate that there were no complaints in that period. At the end of the following quarter, if there are still no complaints and the details about the standards committee have not changed, notification will be even easier. The monitoring officer will just need to log onto the system, place a tick in a box and then press a submit button.

If there are complaints to report, then there is an additional section of the form where the monitoring officer has to provide some details

about each complaint. The questions cover standard areas like the complaint source and outcome, and significant dates in the process. We need to know things like how long investigations are taking and whether mediation has been successful.

The idea behind collecting this information is to allow us to help local authorities by being aware of and sharing effective practice, identifying trends, and managing risks.

Although the quarterly information returns will give us the quantitative data we need for monitoring local case handling, we will also supplement this with additional data collected on an annual basis. This annual data will enable you to tell us about the plans and activities of your standards committees and will provide an opportunity for you to share effective practice with us. We will again do our best to make sure that this annual data collection is not an onerous task.

In addition, the legislation allows us to request further information from authorities. However, we will only do this if the regular monitoring raises concerns about performance at an individual level. If this does happen, we have put in place a small support team who will work with you to see if there is additional guidance you may need, or particular training issues we can help you address.

While the law does allow us to remove local powers, this will be very much a last resort if all other avenues of support fail. We hope our support team will become an important resource for you to draw upon to do your jobs even more effectively.

The quarterly returns system is due to go live at the same time as the new assessment arrangements, and monitoring officers will be contacted soon with details of how to access and use the questionnaire. Data submissions will not be due until after the close of the first quarter. We are aiming to provide high quality support for this system, with a comprehensive user guide and telephone helpline.

## Prejudicial interests and setting the authority's annual budget

There is an exemption regarding prejudicial interests under paragraph 10(2)(c)(vi) of the Code of Conduct. This provides that a member does not have a prejudicial interest in any business of the authority where that business relates to the **functions** of "setting council tax, or a precept under the Local Government Finance Act 1992". This exemption applies even where a member might otherwise have an interest under paragraph 10. So what is the scope of the exemption?

There are many different ways to present the annual budget for the next municipal year and there are many different procedures used by authorities to set a budget. The Standards Board for England believes that the words "relates to the functions" are wide enough to cover the formal council tax or precept-setting meeting of the authority. It can also cover those meetings at which the preparatory work is decided, leading up to the council tax or precept-setting meeting.

Therefore, the exemption in paragraph 10(2)(c)(vi) should cover members for most council budget-setting meetings. However, it does not cover members who are also being asked to consider whether to hand over money, usually in the form of grants, for organisations that form one or more of their personal interests and for which specific budgetary provision has been, or is being made.

In other words, just setting aside money in an annual budget for an organisation is a function that relates to setting council tax and so qualifies for the 10(2)(c)(vi) exemption. However, the formal decision to hand it over, at whatever meeting, would trigger a prejudicial interest that is not exempted by 10(2)(c)(vi).

Usually the formal decision to hand over the money is actually made by an officer under the authority's scheme of delegation which allows them to take decisions. This is as long as it does not incur expenditure beyond that which has been budgeted.

We believe that no member has a prejudicial interest in motions which call on members to adopt the budget with details which are set out in an officer report. These general motions are clearly part of the council tax-setting process. Therefore, all members can attend, debate and vote on that motion, whatever the effects might be on their personal interests.

Difficulties can arise with members, normally executive members, at the early stages of the annual budget preparation when specific amounts of money may be allocated to bodies in which the member has a personal interest. If the decision being made is clearly part of the budget-setting process for your authority then the exemption in paragraph 10(2)(c)(vi) appears to apply. However, if there is any doubt about the status of the decision, the prudent course would be to declare a prejudicial interest or seek a dispensation from the standards committee.

## Appeals to the Adjudication Panel for England

A recent case has highlighted the need for standards committees to take care when giving councillors information about appeals following a standards committee hearing. In the case, the standards committee's written decision did not give a contact address for the President of the Adjudication Panel for England. The decision was also worded in a way which suggested that the President could be contacted via the Standards Board for England.

The rules on appeals in relation to standards committee decisions are covered by Part III of the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003. Paragraph 8 of the regulations requires the standards committee to give written notice of the finding as soon as reasonably practicable. This should be given both to the member and to the other people specified in this paragraph. For example, any parish councils concerned and any person who made an allegation that gave rise to the investigation.

Paragraph 9(1) of the regulations provides that the member who is the subject of the finding may "by way of notice in writing given to the President of the Adjudication Panel, seek permission to appeal". Paragraph 9(2) states that such notice must be received by the President of the Adjudication Panel within 21 days of the member's receipt of notification of the finding. Notification of the finding is considered to be the date on which the member receives the full written decision. In practical terms, this is usually a number of days after the hearing itself.

While there is no obligation to specify the contact details of the President, it is good practice to include both the postal address and the Adjudication Panel's website details in the decision notice. The postal address is:

The Adjudication Panel for England  
23 Victoria Avenue  
Harrogate  
North Yorkshire  
HG1 5RD

The website address is [www.adjudicationpanel.co.uk](http://www.adjudicationpanel.co.uk), and the office of the Adjudication Panel can be emailed via [enquiries@adjudicationpanel.co.uk](mailto:enquiries@adjudicationpanel.co.uk).

Standards committees might also wish to refer members to the 'Application for permission to appeal form' on the Adjudication Panel's website. This is the first link on the Procedures section of the site, and helpfully sets out what information should be provided when applying for permission.

## Annual Assembly delegate fee frozen

This year's Annual Assembly of Standards Committees is called **Delivering the goods: local standards in action**. The event will provide an invaluable opportunity for delegates to share experiences and learn from those who have been through the local assessment process.

We recognise how important it is that as many people as possible have the chance to attend. So we have frozen the cost of places at this year's conference at the same price as 2007 – £430 plus VAT.

The 2008 conference microsite – [www.annualassembly.co.uk](http://www.annualassembly.co.uk) – goes live in March, when delegates will be able to book places using quick and easy online booking. The site will also provide more information about what's on at the conference.

To register your interest in the conference, please email [annualassembly2008@standardsboard.gov.uk](mailto:annualassembly2008@standardsboard.gov.uk)

## Upcoming events

The Standards Board for England is running sessions at both the Labour and Conservative party local government conferences. Details are:

### The case for the Code of Conduct

Conservative local government conference, 1 March 2008, Warwickshire.

A session looking at some of our investigations from the last five years. This will illustrate the need for a mechanism to deal with the minority of councillors who damage public trust in local government. The session will be followed by a discussion chaired by Councillor Sir Ron Watson, CBE.

### Partnerships, standards and leadership

Labour local government conference, 2 March 2008, Birmingham.

A presentation and discussion, organised in partnership with the Improvement and Development Agency (IDeA) looking at local government partnership working. A chance to discuss the key issues of leadership, high standards, culture, values and behaviour in addressing the accountability gap often presented by partnership working.



## New Chief Executive

Glenys Stacey has been appointed as the new Chief Executive of the Standards Board for England. She will begin in April and, after a handover period, will succeed David Prince who retires at the end of May. Glenys will be out and about meeting stakeholders and those of you involved in standards locally.

Experienced in the public sector, Glenys is a solicitor and former Chief Executive of the Criminal Cases Review Commission, responsible for investigating suspected miscarriages of justice. She is also a former Chief Executive of the Greater Manchester Magistrates' Courts Committee, managing summary justice delivery in Greater Manchester.

Glenys comes to the Standards Board from her latest role as Chief Executive of Animal Health, where she has been leading a national organisation through development and reform. She has also headed the country-wide field response to animal disease outbreaks.

Glenys Stacey said:

"I am delighted to be joining the Standards Board for England at such an interesting time – both for the Standards Board as it evolves to become a strategic regulator, and for local government as its remit is changing and growing. I hope and trust that my experience of the good work of local authorities and in leading professional organisations in the public sector will stand me in good stead, and I am looking forward very much to taking up the post."

Welcoming the appointment, Sir Anthony Holland, Chair of the Standards Board, said:

"As a solicitor with experience of developing and running complex service organisations, Glenys is exactly the person we need to lead the Standards Board for England in its new role of providing

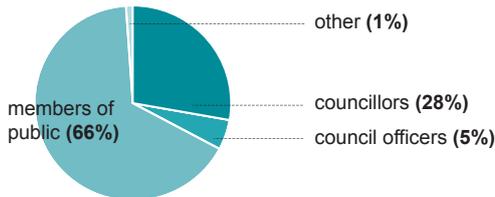
both the vital support and the independent, national oversight needed to make the locally-based ethical standards system work."

## Referral and investigation statistics

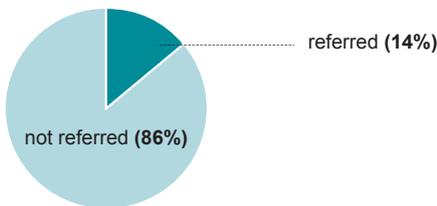
The Standards Board for England received 2,869 allegations between 1 April 2007 and 31 January 2008, compared to 2,819 during the same period in 2006-07.

The following charts show referral and investigation statistics during the above dates.

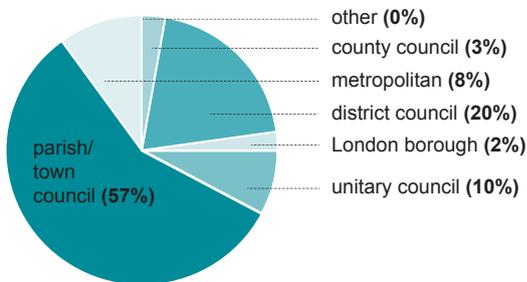
Source of allegations received



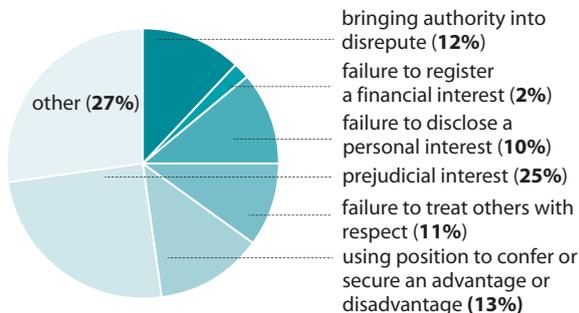
Allegations referred for investigation



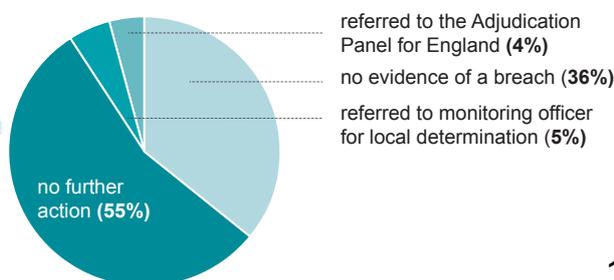
Authority of subject member in allegations referred for investigation



Nature of allegations referred for investigation



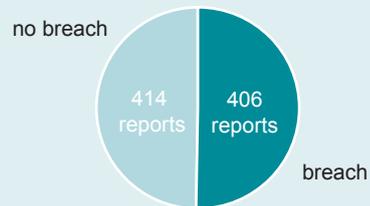
Final findings



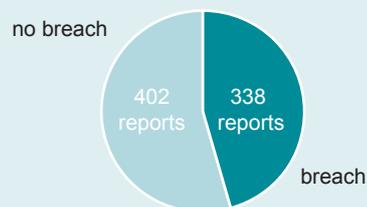
## Local investigation statistics

For the period 1 April 2007 to 31 January 2008, ethical standards officers referred 223 cases for local investigation – equivalent to 51% of all cases referred for investigation. Since 1 April 2007 there have been eight appeals to the Adjudication Panel for England following standards committee hearings. Of all cases referred for local investigation since November 2004, we have received a total of 1,036 reports – please see below for a statistical breakdown of these cases.

Monitoring officers' recommendations following local investigations



Standards committee hearings



Standards committee determinations



2 APRIL 2008

<b>CONTRIBUTORS</b>	<b>ANNUAL ASSEMBLY OF STANDARDS WARDS</b>
<b>ACE HLS</b>	<b>COMMITTEES 2008  ALL</b>

Summary

The report outlines details of the Annual Assembly of Standards Committees and seeks the Committee's views as to who should attend.

**RECOMMENDATION:**

That the Committee note the arrangements for the Annual Assembly and authorise delegates to attend...

## BACKGROUND

1.1 The Annual Assembly of Standards Committees is the leading conference on all issues concerned with the local government Code of Conduct and improving ethical standards.

1.2 The conference, which is held over two days at the International Convention Centre in Birmingham, has been running for 6 years, and the 800 delegate places sell out well in advance.

## 7<sup>th</sup> ANNUAL ASSEMBLY

2.1 The 7<sup>th</sup> Annual Assembly will be held on 13 and 14 October 2008. The Council has registered its interest and delegates who attended last year's Conference will automatically be notified of this one. Last year Mr. Christopher Troke attended and reported on the outcome to the Committee.

2.2 Delegates attend a mix of plenary, breakout and facilitated sessions, and there are many networking opportunities, including fringe events, a conference dinner and a dedicated networking area.

2.3 Further details of the Conference Programme should be available shortly. Last year's Conference focused on preparing the way for the local system of assessing complaints. The Committee agreed to delegate up to 2 Members to attend.

## RECOMMENDATION

3 To authorise up to 2 Members to attend this year's Conference

### LOCAL GOVERNMENT ACT 2000 BACKGROUND PAPERS

No.	Brief Description of Background Papers	Name/Ext. of holder of file/copy	Department/Location
1	Standards Bulletin for England Bulletin 37	David Bays Committee Services x2628	
2	Annual Assembly Website <a href="http://www.annualassembly.co.uk">www.annualassembly.co.uk</a>	Standards Board for England	



# STANDARDS COMMITTEE

# 7

2 APRIL 2008

CONTRIBUTORS	STANDARDS COMMITTEE WORK PROGRAMME	WARDS
ACE		ALL
HLS	<u>Synopsis</u>	

The attached appendix sets out the Committee's future work programme and scheduled reporting dates. Members are asked to note and update the work programme as necessary.

## **RECOMMENDATION:**

That the Standards Committee note and agree its proposed future work programme .

**APPENDIX A**

**STANDARDS COMMITTEE PROPOSED FORWARD WORK PROGRAMME**

<b>TITLE</b>	<b>PROPOSED DATE</b>
Implementation of Regulations & Guidance on Local Government and Public Involvement in Health Act 2007	Report to Annual Council, 28 May 2008
Review & update as necessary the Council's Local Protocols for the Annual Council meeting	28 May 2008
Recommendation for Additional Member, arising from Appointment Panel on 8 April	Report to Annual Council, 28 May 2008

**LOCAL GOVERNMENT ACT 2000  
BACKGROUND PAPERS**

<b>No.</b>	<b>Brief Description of Background Papers</b>	<b>Name/Ext. of holder of file/copy</b>	<b>Department/Location</b>
1.	Standards Committee working papers	David Bays x 2628	Room 203, Hammersmith Town Hall

2 APRIL 2008

**CONTRIBUTORS**

**ANNUAL REPORT OF STANDARDS COMMITTEE  
2007-08**

**WARDS**

**ACE  
HLS**

**ALL**

Summary

The report summarises the main issues considered by the Committee over the year 2007-08 for presentation to the Annual Council meeting on 28 May.

**RECOMMENDATION:**

That the Committee agree the report for inclusion on the agenda for the Annual Meeting on 28 May 2008..

## **1. INTRODUCTION**

1.1 The Standards Committee met four times this year: on 30 July and 29 October 2007; and 21 January and 2 April 2008. Mr. Steven Moussavi, replaced Mrs. Grace Moody-Stuart as Chairman for the year, as agreed by Annual Council. Apart from various routine items such as matters discussed in bulletins from the Standards Board, the following were the main issues considered.

## **2. NEW CODE OF CONDUCT**

2.1. At its July meeting the Committee considered the first of a series of reports during the year on the new model Code of Conduct which had come into force on 3 May 2007. It was agreed that the Committee viewed the DVD compiled by the Standards Board for England. The Committee also agreed the basis of an article on the work of the Committee and on the new Code to be published in an issue of Hammersmith & Fulham News.

2.2 At the Committee's October meeting the Committee considered a questionnaire designed to test Members' knowledge of the new Code. The questionnaire was sent out later in the year. The results highlighted several areas which should be the focus of further training for all Members, including independent and co-opted Members, over the coming year.

2.3 In January, the Committee viewed the Standards Board for England DVD entitled "The Code Uncovered". This used dramatised scenario to illustrate the lead up to a potentially explosive planning committee meeting to highlight the key changes to the revised Code.

2.4 The Committee agreed that the political Groups should be encouraged to view the DVD and the respective Whips have been contacted to arrange this. It was also felt appropriate for the Head of Legal Services to attend the first meeting of the Planning Applications Committee in the new Municipal Year to remind Members and officers of the new provisions.

## **3 ASSESSING COMPLAINTS**

3.1 The other main issue considered by the Committee over the past year has been the new arrangements being brought in under the Local Government and Public Involvement in Health Act 2007 for Standards Committees to consider complaints.

3.2 The local assessment of complaints is due to come into effect shortly. The Act came into effect on 4 March 2008 but detailed regulations and guidance were still awaited at the time of writing this report. A consultation on some aspects of the new arrangements was reported to the January meeting.

3.3 As a first step in the process, the Council agreed the Committee's recommendation, at its October 2007 meeting to increase the size of the Committee by an extra Independent Member. An advertisement was placed in

H&F News in January, following which 2 applications were received.

3.4 At the time of writing the candidates are due to be interviewed by the Committee's Appointments Panel on 8 April, after which it is hoped to recommend the name of the additional Member to the Annual Council meeting.

3.5 Parallel with this extra appointment, it is envisaged that the Committee will need to be enlarged from its current membership of 6 to deal with its new responsibilities for assessing complaints. The most practical option appears to be to raise the membership to 10, comprising 4 Independent Members, 4 Administration Members and 2 Opposition Members.

3.6 The aim of this enlarged Committee would be to provide a pool of Members so that 3 Sub-Committees, each chaired by an Independent Member, could be constituted as and when needed, to deal with the 3 stages of the complaints process: Consideration, Review and Hearing. This would be similar to the way the Licensing Sub-Committees operate currently, with the Monitoring officer being given delegated authority to appoint the sub-committees when needed in consultation with the Chairman of the Standards Committee.

3.7 Some scenarios of how the new system might work were trailed at the Annual North West London Boroughs Networking Event held on 6 December at Brent Town Hall. However, it was felt best to await the regulations and guidance before putting any new arrangements in place.

## **4 ANNUAL CONFERENCE**

4.1 Mr. Christopher Troke, one of the Independent Members, attended the 6<sup>th</sup> Annual Conference of Standards Committees in Birmingham on 15 and 16 October. This had highlighted the need for local authorities to advertise the existence of the local filter for complaints and also set up processes for investigating these. The prospect of several Sub-Committees was floated, together with an appeal mechanism and a requirement to submit quarterly and annual reports to the Standards Board.

4.2 Following a discussion arising from Mr. Troke's report back, the Committee suggested that an advertisement be placed on the Council's website about the new arrangements. An opportunity of doing this should be available once the new guidance and regulations have been received.

## **5 OTHER ISSUES**

5.1 Amongst other issues discussed by the Committee were:

- An online training programme called "Modern Councillors", devised by the IDEA for training Members
- The possibility of joint working with adjoining Boroughs although this could mean helping with their cases as well as vice versa

- A proposal that the Council might host the Annual North West London Boroughs Standards Committee Networking event, usually held in early December.
- Receipt of Factsheets from the Standards Board for England on aspects of the new Code clarifying issues such as
  - ✓ Bullying
  - ✓ Disclosing Confidential Information
  - ✓ Gifts & Hospitality
  - ✓ Lobby Groups
  - ✓ Personal & Prejudicial Interests.

## **6 CONCLUSION BY CHAIRMAN (STEVEN MOUSSAVI)**

6.1 The Committee has had an eventful year, first with the introduction of the revised Code of Conduct and then with the implications of the new arrangements for assessing complaints as a result of the Local Government and Public Involvement in Health Act 2007. Training sessions are planned on the Code and there could be a significant increase in the Committee's work with the new complaints system.

6.2 However, the Committee is satisfied that it is keeping up to date with the developments on these issues and will be prepared, with an enlarged membership, to take on extra work, if and when needed. A work programme will be agreed with officers to take us through the coming year.

### **LOCAL GOVERNMENT ACT 2000 BACKGROUND PAPERS**

<b>No.</b>	<b>Brief Description of Background Papers</b>	<b>Name/Ext. of holder of file/copy</b>	<b>Department/Location</b>
1.	Brent Networking Event Papers, 6 December 2007	David Bays x 2628	Committee Services Room 203, Hammersmith Town Hall
2	Report to Council 21 November 2007	Michael Cogher x2700	Legal Services
3	Report to Standards Committee 21 January 2008	David Bays x2628	Committee Services, Room 203, Hammersmith Town Hall.