

# Standards Committee

## Agenda

Wednesday 24 March 2010

7.00 pm

Committee Room 2 - Hammersmith Town Hall

### MEMBERSHIP

Administration:	Opposition	Independent Members
Councillor Adronie Alford Councillor Nicholas Botterill Councillor Donald Johnson	Councillor Stephen Cowan Councillor Lisa Homan	Steven Moussavi (Chairman) Joyce Epstein Grace Moody-Stuart Christopher Troke

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[http://www.lbhf.gov.uk/Directory/Council and Democracy](http://www.lbhf.gov.uk/Directory/Council_and_Democracy)

Members of the public are welcome to attend.

Date Issued: 15 March 2010

# Standards Committee Agenda

24 March 2010

<u>Item</u>		<u>Pages</u>
<b>1. MINUTES</b>		1 - 4
	To approve as an accurate record, and the Chairman to sign, the minutes of the meeting of the Committee held on 4 November 2009	
<b>2. APOLOGIES FOR ABSENCE</b>		
<b>3. DECLARATION OF INTERESTS</b>		
	<i>If a Councillor has any prejudicial or personal interest in a particular report he/she should declare the existence and nature of the interest at the commencement of the consideration of the item or as soon as it becomes apparent.</i>	
	<i>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.</i>	
	<i>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.</i>	
<b>4. STANDARDS FOR ENGLAND BULLETIN 47</b>		5 - 13
	Attached is a copy of the latest SfE Bulletin. Copies of the Decision Notices for the Complaints cases in 2008 and 2010 have been sent to SfE, as requested.	
<b>5. MEMBERS' INDUCTION PROGRAMME FOR MAY 2010</b>		14 - 17
	This report outlines arrangements for the Member Induction programme which will be held immediately after the election.	
	<b>RECOMMENDATION:</b>	
	That the report be noted.	
<b>6. DRAFT ANNUAL REPORT</b>		18 - 21
	This attached report summarises the work of the Committee over the Municipal Year 2009-10. Subject to any changes by the Committee and inclusion of any items from this meeting, the report will be submitted to the Council's Annual Meeting on 26 May.	

## **RECOMMENDATION:**

That the draft Annual Report (attached) be approved subject to any changes agreed at this meeting, and be submitted to the Council at its Annual Meeting on 26 May 2010.

### **7. OUTCOME OF COMPLAINT**

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Since the last meeting, the Council has received one complaint against a Councillor. A meeting of the Assessment Sub-Committee was held on 2 February when it was decided to take no action. The complainant was informed and a Summary of the Decision published on the Internet. A copy of the Summary is attached. The complainant had until 12 March to request a review of the Decision. [No letter was received by this date so this case is now closed.]

### **8. FEEDBACK FROM SEMINARS**

24 - 38

Since the last meeting the Committee has held a joint meeting with Kensington and Chelsea Standards Committee and has been represented at both the Annual North West London Networking Seminar at Brent and at a pan-London meeting of Standards Committee Members at the GLA's City Hall offices.

#### **Joint Meeting**

The joint meeting was held on 3 December and a note of the meeting is attached.

#### **Brent Networking Seminar**

This was held on 12 January and was attended by Christopher Troke; Kayode Adewumi, Head of Councillors' Services; and David Bays, Committee Co-ordinator. The main speaker was Peter Keith-Lucas who gave a presentation on the various stages of the complaints process, answering questions in the light of experience to date. A copy of his power point presentation slides is available together with two other papers circulated at the event: a Monitoring Officer's Protocol and a paper outlining suggested criteria for Assessment Sub-Committees.

#### **GLA Seminar**

This was held on 11 February and was attended by Steven Moussavi, the Chairman; and David Bays, Committee Co-ordinator. A report of the seminar to the GLA's Standards Committee together with a Summary of points raised at the Seminar are attached for information. Members' attention is drawn to the conclusions and Feedback paragraphs in the Summary paper..

**9. STANDARDS COMMITTEE WORK PROGRAMME**

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The appendix attached to this report sets out the future work programme of the Standards Committee and outlines scheduled reporting dates.



London Borough of Hammersmith & Fulham

## Standards Committee Minutes

Wednesday 4 November 2009

### **PRESENT**

**Committee members:** Councillors Adronie Alford, Stephen Cowan and Lisa Homan

**Independent members:** Steven Moussavi (Chairman), Joyce Epstein, Grace Moody-Stuart and Christopher Troke

**Officers:** Michael Cogher (Assistant Director, Legal & Democratic Services), Kayode Adewumi (Head of Councillors' Services) and David Bays (Committee Co-ordinator)

### 1. **MINUTES**

RESOLVED THAT:

The minutes of the meeting held on 10 June 2009 be confirmed and signed as an accurate record of the proceedings.

### 2. **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

### 3. **DECLARATION OF INTERESTS**

All Members declared a personal interest in that their Allowances and Amounts Paid to each Member under the Allowances Scheme were set out in Item 8.

### 4. **'THAT'S A WRAP' DVD**

The Committee viewed the Standards for England DVD "Assessment Made Clear", designed to help Standards Committee Members assess complaints about elected or co-opted Members.

**RESOLVED :**

That Party Groups be encouraged to show the DVD at one of their Group meetings.

### 5. **ANNUAL ASSEMBLY OF STANDARDS COMMITTEES 2009**

The Committee received reports from the Chairman and Christopher Troke on their attendance at the Annual Assembly of Standards Committees in Birmingham on 12-13 October 2009. Mr. Troke had attended in place of Councillor Alford. Their report highlighted possible ways of raising the profile of the Committee within the Council, including making the Standards Committee content on the website more prominent, attendance by Standards Committee Members at Cabinet and Scrutiny Committee meetings and more publicity through H&F News.

The Monitoring Officer confirmed that agendas for all these meetings were published on the website and encouraged Standards Committee members to attend any of these they wished.

**RESOLVED THAT:**

Areas for further work arising from the suggestions set out above be further discussed under Item 12 (Work Programme).

**6. WHISTLEBLOWING POLICY**

Following a request at a previous meeting, the Committee received a copy of the Whistleblowing Policy adopted by the Council in 1999. The Committee noted that the policy was very infrequently used. The Monitoring Officer had had no complaints made under the policy since 2005. In the longer term there were plans to review the policy and similar HR policies but no changes were currently being proposed although some detailed changes might be made to take account of departments being re-organised within the Council. In the meantime, the Monitoring Officer suggested discussions with the Council's Anti-Fraud service might be useful in re-branding this policy, taking account also of other best practice in the public sector.

**RESOLVED THAT:**

The Monitoring Officer discuss the Whistleblowing Policy with the Council's Anti-Fraud Service and the Director of Finance and Corporate Services with a view to reporting back to the Committee at a future meeting on a possible review of the policy.

**7. LOCAL ASSESSMENT OF COMPLAINTS**

The Committee noted only one local complaint case had been considered during 2008-09 and none so far during 2009-10.

The Committee also received a report proposing that a Member of the Committee be co-opted to the Royal Borough of Kensington & Chelsea's Standards Committee, as required, to assist them with local complaints.

**RESOLVED THAT:**

That Mr. Christopher Troke be co-opted to the Royal Borough of Kensington & Chelsea's Standards Committee and the arrangements for his co-option, as set out in the agenda, be approved.

**8. MEMBERS' ALLOWANCES**

All Members declared a personal interest in that their Allowances and Amounts Paid to each Member under the Allowances Scheme were set out in this item.

The Committee noted that these reports had been submitted following a request at the June meeting that an Annual Report on this issue should be presented to the Standards Committee. Similar reports would be presented to the Committee each year.

**9. DISPENSATION GUIDANCE**

The Committee received a report enclosing recent guidance issued by Standards for England following the Standards Committee (Further Provisions) (England) Order 2009. The new guidance corrected an anomaly in the previous regulations.

The Monitoring Officer confirmed that although there had been several requests for Dispensations in 2005, there had been none since.

**RESOLVED THAT:**

The report be received and that, as to the criteria to apply in considering requests for dispensations in the future, each case be considered on its merits.

**10. PROBITY IN PLANNING**

The Committee received a report on recent Guidance issued by the Local Government Association about a revised code of conduct for Members in relation to Planning. The Guidance complemented and updated the Council's own "Guidance for Councillors and officers dealing with Planning and Licensing", as set out in pages 510-520 of the Council's Constitution.

**RESOLVED THAT:**

The revised LGA Guidance be noted and Members of the Planning Applications Committee be informed of the changes.

**11. JOINT STANDARDS COMMITTEE MEETING WITH THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA**

The Committee received a report on proposed arrangements for the joint meeting with the Royal Borough of Kensington & Chelsea's Standards Committee at Hammersmith Town Hall on 3 December 2009.

**RESOLVED THAT:**

The arrangements be agreed, as set out in the report, and that a reminder be sent to Members and officers concerned.

**12. STANDARDS COMMITTEE WORK PROGRAMME**

The Committee noted proposed items for its Work Programme for the remainder of 2009-10. Following the earlier discussion under Item 5 (Annual Assembly), the Committee agreed that there was scope for the Committee to take some extra steps to improve its profile and standing amongst other Standards Committees, particularly in making the Standards Committee information on the Council's web page more prominent and in securing more press coverage of its work.

**RESOLVED THAT:**

The Committee pursue the suggestions outlined above and accept Mr. Troke's offer to propose some changes to the web pages based on practice in other comparable authorities.

**13. PROPOSED GLA SEMINAR**

The Chairman mentioned a proposal from the Chairman of the GLA's Standards Committee to hold a Seminar at City Hall in January 2010 for all London authorities to exchange best practice.

**RESOLVED THAT:**

The Committee support the proposal and circulate details of the event once details have been finalised.

Meeting started: 7pm  
Meeting ended: 8.50 pm

Chairman .....

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Committee Co-ordinator  
Councillors Services  
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E-mail: david.bays@lbhf.gov.uk





## **2010 Annual Assembly of Standards Committees ‘A place for standards’**

Following the success of last year’s fully booked Annual Assembly, we are well on the way to finalising the programme for this year’s event, which takes place on 18 and 19 October at the ICC in Birmingham.

We are already working with a panel of standards committee members and monitoring officers to develop a range of sessions focused on sharing notable practice, developing high standards and building confidence in managing the local standards framework.

The cost of attending both days of the Assembly has been held at £430 (plus VAT) for the fourth year running, while a one-day place is £230 (plus VAT).

Online booking is now open on our website. We will also be sending out hard copy booking forms to all authorities from mid-March. Further information about the programme and speakers will be added to the website so keep checking back for the most up-to-date information.

## **Stakeholder Tracker 2009 – ‘A qualitative assessment of advice and guidance’**

Every two years Standards for England (SfE) conducts a ‘stakeholder tracker’ in two parts: a quantitative survey, and a qualitative investigation. This research assesses the levels of satisfaction of members and officers in local government with the performance of SfE and their attitudes to the ethical environment. As some of you may recall, the survey was completed last summer. We are now happy to report that the qualitative section of the research, which provides a more in-depth analysis of some of the issues that emerged from the quantitative research, has been completed and is available on our website. **We would like to thank those of you who participated in the research. It is only through your continued support that we are able to track our progress, and identify areas for improvement.**

BMG research carried out this research by holding a number of focus groups with monitoring officers, standards committee members and parish councillors.

### **Some of the findings:**

- The research found that monitoring officers and standards committee members are very positive about the local standards framework. They feel it has ‘bedded in’ well,

and welcome the chance to take ownership of the process of investigating complaints.

- SfE's monitoring officer helpline received positive feedback, and some stakeholders suggested that the service callers receive has improved over the past 12 months.
- Monitoring officers welcome the development of peer and local/regional networks – however, there is some suggestion that a number of authorities may already have some form of networking in place. They would like SfE to provide content for delivery at networking events.
- The research identified several topics on which stakeholders think SfE could provide further guidance such as more information on other standards committee practices, sanctions and proportionality, mediation, guidance specifically for parish councillors, and more advice on the overlap with Freedom of Information and Data Protection legislation.

A copy of the full report can be downloaded at: (link to be added when the research goes on line)

**For further information, please contact:**

**Tom Bandenburg (Research Assistant) on 0161 817 5427 or email [tom.bandenburg@standardsforengland.gov.uk](mailto:tom.bandenburg@standardsforengland.gov.uk)**

## **A REMINDER: Please send us your hearing decision notices**

As you may already be aware, authorities are required to send Standards for England (SfE) copies of their hearing decision notices. The legal basis for this can be found in the Standards Committee (England) Regulations 2008 under regulation 20(1)(a). However, not all authorities have complied with this requirement.

Hearing decision notices provide a valuable source of information from which SfE can draw conclusions about how the local standards framework is functioning. We have decided to give greater emphasis to our analysis of the notices and we will share our conclusions with you.

### **What you need to do**

Please send us a copy of the full decision notice for any determinations made by your Standards Committee. At the end of each quarter (from 1 April 2010) we will check whether we have received a decision notice for all the hearings completed that quarter and then contact authorities for any that are missing.

We prefer to receive decision notices as an email attachment in Word or PDF format if possible.

You can send them to [authorityreturns@standardsforengland.gov.uk](mailto:authorityreturns@standardsforengland.gov.uk).

If you are unable to send them electronically, please post your decision notices to:

The Monitoring Team

Standards for England

4th floor, Griffin House

40 Lever Street

Manchester M1 1BB

When writing the decision notices, please ensure that you include all the legal requirements set out in paragraph 20 of the Standards Committee (England) Regulations 2008. We also recommend that you refer to our guidance, which you can find in your local standards framework guide or online at

<http://www.standardsforengland.gov.uk/determinations>

**Note:** Please do not send us decision notices for any other type of decision such as initial assessments, reviews or consideration meetings. This is not a legal requirement and we will not be using them in our analysis.

### **What we will do**

We will use the notices to help widen our knowledge of how the local standards framework is operating and provide some context to the quarterly returns data. The notices may also highlight areas where we can produce new guidance or improve on what we have already published.

Thank you for your co-operation. We will keep you informed of how the decision notices help us to support the local standards framework.

## **Adjudication Panel for England becomes known as First-tier Tribunal (Local Government Standards in England)**

On the 18th January the functions of the Adjudication Panel for England were transferred to the First-tier Tribunal (Local Government Standards in England) and the Adjudication Panel for England was abolished. The First-tier Tribunal sits in the General Regulatory Chamber with Charity, Gambling, Information, Estate Agents, Claims Management, Consumer Credit and Transport Tribunals.

The role of the First-tier Tribunal is to hear cases referred to it by an Ethical Standards Officer or a Standards Committee following an investigation. The Tribunal will also hear appeals by a subject member against the decision of a Standards Committee.

There have been changes to the powers and procedures of the Tribunal.

### **Powers and Procedures**

The First-tier Tribunal now has additional powers and procedures. It has the power to summon witnesses or require witnesses to produce documents relating to its hearings.

All Tribunal hearings can now be conducted either orally or by written representations with the consent of all parties.

Hearings can be conducted by less than 3 Tribunal members.

The President of the Adjudication Panel for England has been appointed as a Principle Judge of the First-tier Tribunal, legal members are now Judges and lay members are members.

## **Appeals**

Previously any appeal from the Adjudication Panel was heard at the High Court. This process has now changed. Appeals will now be heard by the Upper Tribunal. The Upper Tribunal is an appellate tribunal created by the Tribunals, Courts and Enforcement Act 2007. The Administrative Appeals Chamber is the part of the Upper Tribunal which hears and decides appeals from decisions of the General Regulatory Chamber of the First-tier Tribunal.

### **Who can appeal to the Upper Tribunal?**

Any party may appeal to the Administrative Appeals Chamber of the Upper Tribunal if they can show that the First-tier Tribunal made an error of law.

Additionally, the subject member has the right to appeal findings of fact, if their appeal is against

- (a) a decision that they failed to comply with a code of conduct,
- (b) a decision imposing suspension or another sanction

### **Appeals by other parties**

A further change to the appeals process is that if a subject member is successful at the First-tier Tribunal, it is still possible for an Ethical Standards Officer or Standards Committee to appeal on a point of law to the Upper Tribunal. The First-tier Tribunal will notify the subject member if any of these parties wish to appeal.

## **Costs**

The First-tier Tribunal now has the power to make an order for costs if the Tribunal considers that a party has acted unreasonably in bringing, defending or conducting the proceedings. It may make an order for costs following an application or on its own initiative.

This will mean that the Tribunal can award costs against a standards committee, Ethical Standards Officer or subject member if they have acted unreasonably in the

conduct of their investigations or hearings. The First-tier Tribunal may also make an award for wasted costs incurred by any legal or other representative where the Tribunal considers that they have acted negligently, improperly or unreasonably in bringing, defending or conducting proceedings.

For more information and detailed guidance please see [www.adjudicationpanel.tribunals.gov.uk](http://www.adjudicationpanel.tribunals.gov.uk)

## Our Risk Based Approach

One of the best practice requirements of a regulator is that they take a risk-based approach to their work: that is they are able to assess risks in their area of regulation and apply their own resources accordingly to keep risks low.

For Standards for England there are three types of risk which concern us.

- Systemic risk – risk which could lead to a widespread failing in the work of the framework or in standards across all authorities
- Sectoral risk – risk which could lead to a failing in standards in a number of similar authorities
- Entity risk – risk of a serious standards failure affecting one of the authorities covered by the local standards framework

Assessing entity, systemic or sectoral risks to standards or the success of the framework allows us to target our effort at those activities, situations or authorities that pose the biggest risk helping ensure we provide value for money.

The Success of the local standards framework relies in part on our ability to see potential pitfalls or risks to standards in advance. For example, the emergence of new technologies such as internet social networking, blogs and Twitter, have presented their own unique challenges to standards. During 2009-10 we were able to produce guidance, place articles in the local government press and give a presentation at a national members' conference on this subject.

Spotting such challenges allows us to provide early advice and guidance to the standards community to help prevent problems arising. We will be developing our approach to systemic and sectoral risk, closely linked to our research programme, to help us identify trends or potential problems, and so offer appropriate advice at the earliest opportunity.

We work closely with authorities where challenging standards issues emerge. Based on our increasing experience supporting these authorities we are developing our plans for managing entity risk.

We intend to prioritise the way we interact with authorities on the basis of our risk assessment of the likelihood and impact of any failure of standards in that authority. Working through our relationship managers we will take a differential approach based on this assessment to satisfy ourselves that authorities are working to minimise risks. We envisage working with 30-40 authorities at our highest level of contact and a further 100-120 at an intermediate level, at any one time.

Typically authorities at the lowest level of risk will be in contact with us only as they go about their routine business in operating the standards framework and sending back the required monitoring data, whereas authorities at the intermediate level might be contacted by relationship managers on a six monthly basis, and those at the highest level contacted or visited more frequently as deemed appropriate.

We will be testing our planned approach and consulting with the regulated community about it over the next six months.

## **Social networking: an effective medium of communication but not without risk**

When it comes to reaching certain groups quickly, cheaply and maintaining control over your message, many councillors find online methods hard to beat.

At the recent Cllr' 10 event, Standards for England and the IDeA ran an interactive session which looked at how councillors can use social networking effectively and ethically to engage with their local communities.

This article highlights some of the key messages from the session for councillors.

- If you use blogs, Facebook or Twitter to help you to carry out your political work, rather than in your private capacity, your obligation to meet certain standards of conduct still applies. You can still be involved in robust political debate and state your opinions strongly – the Code does not exist to gag you or fellow councillors or stop you expressing political views. It does, however, prohibit treating others with disrespect, bullying and bringing one's office or authority into disrepute. It is important if you are blogging or tweeting personally and not in your role as councillor, that you do not act, claim to act, or give the impression that you are acting as a representative of your Authority. It is worth noting that web links to official council websites may give or reinforce the impression that you are representing the council.
- You may use a blog to draw attention to a particular local issue and call the council to account, as you would in a public meeting. However, blog entries ridiculing or attacking particular officers, or making serious accusations about their personal competence or integrity, could amount to disrespect, even bullying, in some circumstances.
- It is worth considering that while the immediacy of social media can be a great benefit, it also has a downside. For example, it is possible for you to Tweet on a matter seconds after leaving the council chamber – long before your opponents have issued press statements. This can result in broadcasting spontaneous remarks that may quickly seem unwise. By the time you have reconsidered and deleted them, they may have been seen by thousands, Facebook-shared, re-Tweeted, linked to, and committed to local headlines. That is fine, if you have got this message across just how you wanted to; less so if your post was an outburst in the heat of the moment. Such remarks are easily withdrawn, apologised for and forgotten when made in person, but posting them on the internet means that they have been published, and in a way that cannot be contained.
- It is important to note that good ethical standards are not limited to the Code of Conduct. While you may not be investigated for using online media, your conduct can still attract adverse publicity, even where the Code does not apply. For example, a regional newspaper recently called a councillor's blog post against a rival party a "toilet-mouthed tirade" saying:

“A [Code] breach it may not have been; childish, crude and demeaning to all who vote or follow politics it certainly was.”

It is clear that social networking sites can enhance political debate and add positively to local politics when used correctly. [Click here](#) to see our online guide to blogging.

New Online Guides on Our Website

The Guidance and Information team has produced several new online guides at the end of 2009. They are now available on our website. Here are the titles and links to the guides:

- [Charitable Trustees and declarations of interest under the Code](#)
- [Freemasons and the Code](#)
- [Independent members](#)
- [Notifications to parish and town councils concerning complaints about their members and the Standards](#)
- [Role and appointment of parish and town council reps to the standards committee](#)
- [Blogging quick guide](#)

We hope you find these new pieces of guidance helpful. Please e-mail any feedback you have on our guidance to [enquiries@standardsforengland.gov.uk](mailto:enquiries@standardsforengland.gov.uk)

## Standards Committees can take a lead from ‘notable practice’

Research into ‘notable practice’, was carried out jointly by Hull University and the University of Teesside and was finalised in October 2009. It is called ‘notable practice’ to highlight the fact that the tips for success are examples of where particular approaches have worked in certain authorities, rather than ‘set-in-stone’ rules about what should be done.

Bristol City Council standards committee was identified as being particularly effective at facilitating organisational learning, sharing learning with the local government community and acting as hub for other authorities and independent members in the South West. The focus of the case study in South Cambridgeshire was on the standards committee’s proactive approach to the recruitment and retention of independent members.

The research identified nine examples of notable practice in different authorities. Below is the list of the notable practice examples and the case study authorities.

<b>Notable practice</b>	<b>Case study authority</b>
Organisational learning	Bristol City Council
Working with town and parish councils	Taunton Deane Borough Council



Member development	Surrey Police Authority
Working with partnerships	Newark and Sherwood District Council
Recruitment and retention	South Cambridgeshire District Council
Training and development	Herefordshire County Council
Joint standards and audit committees	Runnymede Borough Council
High pressure investigations	Greater London Author
Embedding standards	Newcastle City Coun

Standards committees can now access these case studies, examine details of the notable practice, and benefit from key learning points. The research, 'Assessing the Impact of Standards Committees 2009', can be found at

[www.standardsforengland.gov.uk/Resources/Research/2009reports/](http://www.standardsforengland.gov.uk/Resources/Research/2009reports/)

### Further information

For further information on this paper or any other work undertaken by the Research Team, please contact **Hannah Pearson (Research and Projects Adviser)**, email: [hannah.pearson@standardsforengland.gov.uk](mailto:hannah.pearson@standardsforengland.gov.uk) , ext: 5417

## Impartial and Objective Investigators

Standards committees must ensure that they appoint investigators who have the necessary impartiality to conduct investigations with no perception of bias. This principle of impartiality should be applied to external and internal investigators alike. It is important that any external investigators are and appear to be impartial; a characteristic which should form part of any selection criteria applied when choosing one.

One of the key benefits of reciprocal arrangements with other authorities is that they enable authorities to pass investigations involving their own employees to another council. It is the monitoring officer's responsibility to ensure they select an impartial investigator.

## Have your say

Has your authority or standards committee developed an innovative way of promoting ethical behaviour or delivering the standards framework? Why not share your ideas with over 1,000 other council officers and standards committee members on the Standards Forum?



You can use the Forum to discuss anything you find topical in this Bulletin with fellow council officers or standards committee members. It provides a place to network, ask questions, share good practice and make recommendations.

There are currently over 100 posts on more than 40 different topics. Popular topics include:

- Dealing with vexatious complaints
- Developing protocols for informing members
- Promoting ethical behaviour

To have your say, visit:

[www.standardsforengland.gov.uk/resources/TheStandardsForum/](http://www.standardsforengland.gov.uk/resources/TheStandardsForum/)

If you are a member of a standards committee, a monitoring officer or a relevant officer and you are not currently registered for the forum or have any questions please email: [forum@standardsforengland.gov.uk](mailto:forum@standardsforengland.gov.uk)

## **Delay on the New Code of Conduct**

As you may be aware a new Code of Conduct for Members will not be laid during this Parliamentary session. Communities and Local Government have notified us that the Government is concentrating on financial instruments and so there will not be Parliamentary time available for the Code.

In practice this means that a new Code will not now be laid until after a general election.

# Agenda Item 5



## STANDARDS COMMITTEE

24 MARCH 2010

### CONTRIBUTORS

ADLDS  
HCS  
HES

### MEMBER INDUCTION PROGRAMME

#### Summary

This report outlines arrangements for the Member Induction programme which will be held immediately after the election.

#### RECOMMENDATION:

That the report be noted.

### WARDS

ALL

## **1. BACKGROUND**

- 1.1 At the Committee meeting in November 2009, Members requested a briefing on how the Council intended to induct its new Members after the May 2010 municipal elections. This report outlines the content of a comprehensive programme of events and activities for both new and returning Members.

## **2 GENERAL PRINCIPLES OF ENGAGEMENT**

- 2.1 In recognition of the expectation of Councillors to hit the ground running, their roles as decision takers, talent and experience brought to the job as well as their commitment to Council business and other community engagement activities, it was agreed that the following principles should influence the timing and structure of the programme:-

- To minimise the number of sessions members are required to attend.
- To schedule as much as possible in the early weeks in order for them to be equipped to function in their respective roles.
- Events to be interactive, engaging and interesting.
- Officers to avoid as much as possible providing new members with loads of documents.
- Alternative communication channels such as CDs, DVDs, Intranet, Frequent Question and Answers sheets etc should be used.
- Where possible Councillors' briefings to be placed on the Internet or Members' portal.

## **3 INDUCTION PROGRAMME**

The following events and activities have been developed for the Induction programme.

### **3.1 Saturday Welcome Event (Compulsory for all Members)**

- Saturday 15 May 2010 - 10.00 am to 4 pm
- Venue – At the Town Hall, King Street.

This event will be held on the Saturday after the election building in the same format as 2006. The first 3 hours will be an open house where new Members will interact with other Members, Chief Officers, Assistant Directors, support staff and some key senior staff from Partners organisations. In addition, non Executive Directors of the PCT and Standards Committee Members will also be invited.

The second session on the day will consist of a Finance & Corporate Services Departmental briefing covering :- Your role as Councillor, how decisions are made, Code of Conduct, Standards and Ethics, Introduction to Finance and the Budgeting Process and Introduction to Overview and Scrutiny.

Members will also have an opportunity to:

- Sign the Declaration of Acceptance of Office
- Have official photographs taken
- Be informed of support services available, Members Allowance, expenses, declaration of gifts and hospitality, declaration of interest
- Be issued with ID, lynx token, security swipe cards

#### **4. OTHER SESSIONS**

##### **4.1 Departmental Briefings**

Each department will provide a briefing to Members during the second week covering statutory information, business plan, general operational and service delivery issues. As part of the Council's integration work with the PCT, health officers will attend both the Community Services and Children Services briefings.

##### **4.2 Compulsory Sessions**

Sessions will also be run on key statutory and operational issues covering Planning Committee, Licensing Committee, Residents Interaction and Safeguarding Children and Corporate Parenting.

##### **4.3 Group Sessions**

Political groups might hold sessions as with their Members as well.

#### **5. EVENTS**

##### **5.1 Borough Tour - Bus Tour and Lunch**

A "Whole place, Total place" bus tour will be held on Saturday 22 May

##### **5.2 New Councillors' Receptions**

Members will be encouraged to attend the Mayor of London and the LGA reception for newly elected Councillors. The dates are yet to be fixed.

#### **6. CORPORATE INDUCTION HANDBOOK**

The Handbook will contain a wide range of information will be produced.

#### **7. CORPORATE PUBLICATIONS**

Some of the publication to be circulated are as follows:-

- Your guide to local health service 2010
- Your NHS Hammersmith and Fulham – 50 copies
- What we do and what we don't do

- Children and Young People's Plan – 2009 review
- Starting School in Hammersmith and Fulham 2010/11
- Moving on up – Making the transfer to secondary school in September 2010
- Family Information Services pack
- Schools of choice newsletter

**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.	Minutes of the Member Induction Working Group	Kayode Adewumi ext 2499	HCS, Committee Services, Room 202

## **STANDARDS COMMITTEE**

### **ANNUAL REPORT 2009-10**

#### **1. INTRODUCTION**

1.1 The Standards Committee met 3 times this year on 10 June and 4 November 2009; and 24 March 2010. The meeting scheduled for 6 January 2010 was cancelled. Mr. Steven Moussavi replaced Mr Chris Troke as Chairman for the year. Apart from various routine items such as matters discussed in bulletins from the Standards Board, the following were the main issues considered.

#### **2. LOCAL ASSESSMENT OF COMPLAINTS**

The Committee updated their training in the new system by watching “that’s Wrap”, the latest DVD issued by Standards for England. THE DVD took Members through the various stages of local assessment, exploring important or contentious issues along the way. Some of the DVD was filmed at Hammersmith Town Hall. The Committee asked Each Political Group to arrange a showing at one of their Group meetings

#### **3 LOCAL COMPLAINTS CASES**

3.1 Only one case was considered, during the year 2009 -10, by the Assessment Sub-Committee comprising Grace Moody-Stuart (Chair), Councillors Johnson and Cowan on 2 February . The Sub-Committee decided that no action should be taken on the allegation.

3.2 The complainant was given the opportunity to request a review of this decision which [he needed to do by 12 March] A written summary of the decision of the Sub-Committees excluding the names of the Councillor and complainant was made available to the public via the Council’s website.

#### **4 PRIMARY CARE TRUST**

Following the joint arrangements between the Council and the Trust, the Committee noted the separate Codes of Conduct which applied to individuals attending the joint meetings of the PCT Board and Cabinet.

#### **5 REGISTER OF INTERESTS AND HOSPITALITY**

Following a corporate governance audit, the Committee noted that improved processes for dealing with the Members’ Register of Interests and the Register of Gifts and Hospitality had been established to ensure the prompt and accurate handling of amendments to the Registers.

## 6 COUNCILLORS' EXPENSES

In light of publicity about Parliamentary allowances and expenses, the Committee received details of the Council's own scheme of Members' Allowances including the basic allowance paid to all Members, special responsibility allowances and the levels of reimbursement for travel and dependent carer expenses. The Committee noted that local authority allowances were much more closely prescribed and transparent than those for Members of Parliament and the Council regularly published both Members entitlements and the actual claims.

The Committee agreed to receive an annual report setting out the allowances scheme in detail and confirming the extent of individual claims. The first of these annual reports was made to the Committee's meeting on 4 November.

## 7 DISPENSATION GUIDANCE

The Committee received a report enclosing guidance issued by Standards for England following the Standards Committee (Further Provisions) (England) Order 2009. The new guidance corrected an anomaly in the previous regulations. The Monitoring Officer confirmed that although there had been several requests for Dispensations in 2005, there had been none since. The Committee decided that that, as to the criteria to apply in considering requests for dispensations in the future, each case be considered on its merits.

## 8 PROBITY IN PLANNING

The Committee received a report on recent Guidance issued by the Local Government Association about a revised code of conduct for Members in relation to Planning. The Guidance complemented and updated the Council's own "Guidance for Councillors and officers dealing with Planning and Licensing", as set out in pages 510-520 of the Council's Constitution. The Committee noted the revised LGA Guidance and decided that Members of the Planning Applications Committee be informed of the changes.

## 9 CONFERENCES and SEMINARS

9.1 Mr Steven Moussavi and Mr Christopher Troke, the current Chairman and immediate past Chairman respectively attended **the 8<sup>th</sup> Annual Conference of Standards Committees in Birmingham on 12 and 13 October 2009**. They reported to the November meeting on workshops and other sessions they had attended.

9.2 Their report highlighted possible ways of raising the profile of the Committee within the Council, including making the Standards Committee content on the website more prominent, attendance by Standards Committee Members at Cabinet and Scrutiny Committee meetings and more publicity through H&F

News. The Monitoring Officer confirmed that agendas for all these meetings were published on the website and encouraged Standards Committee members to attend any of these they wished.

9.3 On 3 December the Committee held a **joint meeting with Kensington & Chelsea Standards Committee**. Bob Chilton, Chairman of Standards for England, presented his views on how the new system of dealing with complaints was working across the country and the prospects for the future. Members welcomed the opportunity to meet their counterparts in Kensington & Chelsea. Sophia Lambert, Chairman of their Standards Committee outlined her role as Chairman of the London Standards Committee Chairmen's virtual network.

9.4 On 12 January Mr Christopher Troke, the Head of Councillors' Services and the Committee Co-ordinator attended the **Annual North West London Standards Networking Event at Brent Town Hall**, addressed by Peter Keith-Lucas and attended by North West London Boroughs as well as from Kensington and Chelsea and Islington.

9.5 For the first time the GLA Standards Committee arranged an afternoon seminar at City Hall to discuss issues of common interest to Standards Committee members across London. The Chairman and Committee Co-ordinator attended this event on 11 February. There were some useful points raised which were reported to the Committee on 24 March.

## **10 WHISTLE BLOWING POLICY**

The Committee considered the current Whistle blowing Policy and discussed whether any changes were needed to it in the light of experience of its operation so far.

## **11 NEW MEMBERS – INDUCTION**

The Committee discussed arrangements for Members elected on 6 May 2010 to be familiarised with the Council's governance arrangements through briefing sessions and an induction pack of information to enable them to comply with ethical standards laid down nationally and locally for performing their role as Members, in relating to Council officers and as representatives of the Council on outside organisations.

## **12 NATIONAL CODE OF CONDUCT**

The Committee noted that the long awaited revised Code of Conduct will now be the subject of further consultation and is not expected to be published until after the General and Local Elections.

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



[.....]

**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, 12 January 2010	David Bays x 2628	Committee Services Room 203, Hammersmith Town Hall
2	GLA Seminar Invitation	David Bays x2628	
3	Reports to above meetings of Standards Committee	Ditto	Ditto

# Agenda Item 7

## LONDON BOROUGH OF HAMMERSMITH & FULHAM

### Standards Committee Assessment Sub-Committee

#### Summary of Decision

#### Complaint Reference 01/2010

**This is a summary of the Assessment Sub-Committees consideration of a complaint pursuant to Regulation 8 of the Standards Committee (England) Regulations 2008**

#### Complaint

On 2 February 2010, the Assessment Sub-Committee of this authority's Standards Committee considered a complaint from the Complainant concerning the alleged conduct of a Councillor of the Authority. The membership of the Sub-Committee was as follows:-

Ms Grace Moody-Stuart (independent member)  
Councillor Donald Johnson (administration member)  
Councillor Stephen Cowan (opposition member)

Ms Moody-Stuart was the chairman and also present were Michael Cogher (Monitoring Officer) and David Bays (Committee Co-ordinator).

A general summary of the complaint is set out below:-

The complainant alleged that on Thursday, 14 January at approximately 8.45am at the main entrance of Stamford Brook underground station, the Councillor, who he had never met before or had any dealings with, but who he had identified by looking at Hammersmith & Fulham's website, was canvassing for upcoming local elections and handing out election leaflets. He realised what the leaflet was after he took one and handed it back to the Councillor. The allegation concerned the nature of the subsequent conversation between the complainant and the Councillor:

The allegations, if proven, could have amounted to a breach of the Council's Code of Conduct.

We considered a confidential pre-assessment report from the Monitoring Officer which contained the statement supplied by the Complainant and, following a request from the complainant that the complaint be passed to the Councillor, a reply from the Councillor concerned.

## **Decision**

In accordance with Section 57A (2) of the Local Government Act 2000, as amended, the Assessment Sub-Committee decided unanimously that no action should be taken on the allegation.

The Sub-Committee also decided that the summary of the allegation set out above be provided to the Councillor and that the written summary of this decision which we are required to make available to the public should exclude the names of both the Councillor and the Complainant in the public interest.

## **Reasons for decision**

We carefully considered all the documents put before us. In particular we had the benefit of the statement from the Complainant and an email from the Councillor denying the allegations. The Councillor contended that he/she had been attending Council business that morning which meant leaving home in Shepherds Bush at around 8.35am. The Councillor's departure from home was corroborated by a head porter at the address. The relevant Group Leader was able to confirm that no canvassing had been organised by the local party in the Borough that day. A Council officer who was responsible for clerking the meeting being attended by the Councillor was also able to confirm that the Councillor concerned had attended the scheduled meeting, arriving around 9.45am, mentioning to him about having had breakfast in a nearby cafe, having arrived early for the meeting.

This independent information corroborated the Member's statement and taken with the fact that the complainant had never met the Councillor against which the complaint was made and had only identified him/her from the Council's website, we concluded that there was good evidence that the Member concerned was elsewhere and it was therefore not him/her who was present at Stamford Brook Station that morning. We did not therefore consider that a full investigation would be appropriate in all the circumstances of the case and have concluded that no further action should be taken.

Nevertheless, we would like to stress that we did consider that the behaviour the complainant was allegedly subjected to was unacceptable and to emphasise this we have asked the Monitoring Officer to send a copy of this Summary to the Council party whips to draw their attention to conduct expected of Councillors when dealing with the public in the course of election campaign work.

Finally, given the nature of the allegations and our decision to take no further action in relation to this matter we consider that to identify the Councillor in the summary the Sub-Committee's decision which it required to make available to the public is likely to unfairly damage their reputation and prejudice their ability to effectively carry out their duties as a ward member. In all the circumstances we therefore consider that it would not be in the public interest for them or the Complainant to be identified in the summary of our consideration of the allegation.

# Agenda Item 8

## **Notes of Informal Meeting between Members of Hammersmith & Fulham and Kensington & Chelsea Standards Committee Members, Hammersmith Town Hall, 3 December 2009**

**Attendance:** Cllrs Alford, Cowan, Homan, Donald Johnson, Steven Moussavi, Chris Troke, Joyce Epstein, Michael Cogher, Kayode Adewumi, David Bays (H&F).  
Cllr. Cox, Sophia Lambert, LeVerne Parker, Jennifer Ware [late], (K&C)

Apologies: Grace Moody-Stuart [flu], Cllr Lady Hanham, Cllr. Judith Blakeman.

The Deputy Mayor welcomed Members to the Foyer reception

The Chair welcomed Members to the main Meeting in the Chamber.

### **SfE Chairman**

Bob Chilton, Chair of Standards for England (SfE), outlined how the SfE had dealt with cases during the implementation of the new system and possible developments in the future.

All SfE cases referred to it had been dealt with in 4 months.

He stressed the need to have a national framework in place. Aware that there was pressure on spending and that there was an anti-quango mood currently.

The present system was working well especially as it was devolving services locally – so most routine cases being dealt with by “unsung heroes” in local authorities.

Cllr Cowan raised the possibility of widening remit to include a . Code for Officers as well as Members – the issue on this was that Officers were covered by their own Contract of Employment. However, there was some sympathy with idea at Government level.

Sophia Lambert, Chair of K&C’s Standards Committee, raised whether there could be a Panel of independent assessors to verify that Councils in appointing Independent Members had conducted a fair process; and would it be a better system if there were a majority of Independents on STCs, not just being chaired by an Independent? Bob Chilton was not very sympathetic on this one – there could be cost implications of the Panel idea which would not be easy to promote in the current climate of financial stringency.

Sophia Lambert also raised whether there could be some intermediate stage instead of complaints going straight to Members; and could some cases which might normally go for investigation be dealt with differently. Also, the No Further Action outcome was not totally satisfactory as the Member being complained about can still feel aggrieved at the result.

SfE had previously had a big build up of cases – now they were only dealing with the significant ones, the system was a lot quicker. Currently, 94% of cases were being dealt with locally. The London average was about 5 local cases a year per London Borough.

The main problems centred around planning issues and about prejudicial interests. Overall, 166 cases had been referred to SfE.

Across the country 94% Members had agreed to need to sign up to the Code of Conduct. The initial problem with Parish Councils on this had now been overcome with National Association of Local Councils being an advocate of the new system to their Members.

Compared with central Government [MPs' Expenses etc], local government had much better standards of governance.

He stressed that SfE did not “gag” the system – guidance clarified that Councillors could still carry out a wide role providing they remained conscious of the need to avoid pre-determination.

SfE was actually very cost effective – mainly because of reliance on local determination. However, there was a case for looking at introducing a curb on vexatious complaints – he quoted a particular case where the complainant sent a flurry of complaints.

Most complaints [54%] came from members of the public rather than other Members.

Across the country there was a need to raise the competence of Monitoring Officers.

Overall, the system was working well after 1 year. Certain areas could be improved. More emphasis on mediation, flexibility, and proportionate action. He reiterated the need for a mechanism to deal with vexatious cases. It would be good to have more investigations resulting in action rather than no further action. There was a need for more robust actions by Chairmen and Monitoring Officers.

### **Virtual Network**

Sophia Lambert mentioned how the virtual London Standards Committee Chairs Network worked and noted that it had been useful in working out numbers on STCs around London and in circulating the details of the Richmond case currently being appealed against.

The meeting ended around 8.20pm

# Subject: Seminar of London Standards Committees

Report Number: 6

Report to: Standards Committee

Date: 9 March 2010

Report of: Executive Director of Secretariat

## 1. Recommendations

- 1.1 That the Committee notes the report on the Seminar of London Standards Committees held on 11 February 2010, appended to this report.
- 1.2 That the Committee notes the themes emerging from the seminar (set out at paragraph 4.2) and the possible role identified for the GLA in leading on training and recruiting Independent Members, and that officers give more consideration to that suggestion and report back to the Committee.
- 1.3 That the report of the London Standards Committees be sent to the organisations which were invited to send delegates to the seminar (the London Boroughs, the Corporation of London, the Metropolitan Police Authority (MPA), the London Fire and Emergency Planning Authority (LFEPA), Transport for London, Professor Alan Lawton and Alison Kelly, National Lead Governance and Accountability, Audit Commission), and to the delegates who attended the seminar.

## 2. Background

- 2.1 At its meeting on 9 December 2009 the Standards Committee agreed to host a seminar of London Standards Committees on 11 February 2010 at 2pm in London's Living Room.
- 2.2 Invitations were sent to the Chairs of Standards Committees in London for up to four delegates from each authority to attend (the Chair, an elected member, Independent Member and the monitoring officer or representative).
- 2.3 There was a very good response to the seminar and representatives from 26 London boroughs, the Corporation of London, LFEPA, the MPA, Professor Alan Lawton and Alison Kelly, National Lead Governance and Accountability attended the seminar (approximately 80 people). The Chair, Deputy Chairman, Richard Barnes AM, Deputy Mayor, Caroline Pidgeon AM, Pradeep Agrawal (Independent Member), Lucy Dennett (Independent Member) and Diane Mark (Independent Member) attended from the GLA Standards Committee, as well as officers who support this Committee.

### 3. Issues for Consideration

3.1 In order to make the most of the time available, after welcoming delegates and introductory remarks the seminar was divided into two sessions, as follows:

#### *Session 1 – Effectiveness and Added Value*

##### *Discussion area*

- *How do standards committees contribute to the effectiveness of your authorities and how do they work?*

#### *Session 2 – Experience to Date and What the Future Holds (time -3.30pm to 4.30pm)*

##### *Discussion areas*

- *What have been your greatest successes or innovations and biggest problems in relation to the local handling of complaints? and*
- *Looking to the future, do you believe that the Standards regime is fit for purpose, should it be changed, and, if so, how, and how we can go about securing the changes?*

3.2 Delegates discussed the issues in eight groups and then fed back their comments. The comments are summarised in **Appendix 1**.

3.3 The following themes emerged from the seminar:

- Local assessment has been a good step away from the constraints of the all complaints having to be determined by Standards for England. However, authorities want to have their own procedures that reflect what they need to do locally, for example, the monitoring officer having the power to deal filter out trivial complaints and look at early forms of resolution/ mediation (the amendments may require primary legislation).
- The fairness of keeping the subject member informed at a very early stage about what is going on (whether it is to indicate to which part of the Code of Conduct the complaint relates or, very vaguely, the nature of the complaint). Elected members do not need to be treated as hostile witnesses.
- The composition of assessment sub-committees will vary depending on local circumstances and should not be prescribed.
- The capacity of authorities to share resources and help each other. There is a possibility of joint training and recruitment of independent members. The GLA, as a regional body, could possibly lead on those issues.

- 3.4 The seminar was very well received with feedback being extremely positive. Delegates appreciated the opportunity to exchange ideas and learn from colleagues in other authorities. There were suggestions that more opportunities to share ideas would be very useful.

#### **4. Strategy Implications**

- 4.1 There are none.

#### **5. Legal Implications**

- 5.1 The GLA is required, further to the Local Government Act 2000, to have a standards committee to deal with certain issues as well as other functions that the GLA considers appropriate. These are set out in the GLA's Standards Committee's terms of reference. Hosting a seminar will help the Standards Committee to meet its objectives to promote high ethical standards at the GLA.

#### **6. Financial Implications**

- 6.1 The costs of providing light refreshments at the seminar was £544 (exclusive of VAT). The costs were met from the budget for Assembly meetings (F11B).

Background Papers: None  
Contact: Teresa Young, Committee Co-ordinator  
Telephone: 020 7983 6559  
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## Seminar of London Standards Committees

11 February 2010 at 2pm in London's Living Room, City Hall.

### 1. Introduction

- 1.1 Approximately 80 representatives from 26 boroughs, the Corporation of London, the Metropolitan Police Authority (MPA), the London Fire and Emergency Planning Authority (LFEPA), Transport for London and the GLA attended the seminar. In addition Alan Lawton, Professor of Public Sector Management at Hull University and Professor of Integrity of Governance at the VU University, Amsterdam, and Alison Kelly, National Lead Governance and Accountability, Audit Commission attended the seminar.
- 1.2 Claer Lloyd-Jones, Chair of the GLA Standards Committee, welcomed everyone to the seminar.
- 1.3 Richard Barnes, Statutory Deputy Mayor and a member of the GLA Standards Committee, welcomed everyone on behalf of Boris Johnson, Mayor of London.
- 1.4 The seminar was divided into two sessions to discuss the following topics:

#### *Session 1 – Effectiveness and Added Value*

##### *Discussion area:*

- *How do standards committees contribute to the effectiveness of your authorities and how do they work?*

#### *Session 2 – Experience to Date and What the Future Holds*

##### *Discussion areas*

- *What have been your greatest successes or innovations and biggest problems in relation to the local handling of complaints?; and*
  - *Looking to the future, do you believe that the Standards regime is fit for purpose, should it be changed, and, if so, how, and how we can go about securing the changes?*
- 1.5 Delegates discussed the topics in eight groups and then fed back their comments to the whole group.

## **2. Comments raised during Session 1 – *Effectiveness and Added Value***

2.1 The comments on the discussion area are summarised below.

### ***The role of Standards Committees - Internal role***

- a. Some Standards Committees are looking for a role, as they do not receive many complaints under the local assessment regime, are not very busy and have a low profile in their authority.
- b. What should the role of the standards committee be in relation to an authority's audit committee?
- c. Standards Committees can provide a useful role by Independent Members attending planning and licensing committees to monitor the Council's performance. There are also examples of Independent Members attending cabinet meetings. The attendance of Independent Members at other meetings has led to improvements in behaviour.
- d. Standards Committee Chairs and Independent Members should meet regularly with the leaders of the main political parties in the authority and with the monitoring officer to gain an understanding of the authority.
- e. Should Standards Committees lead rather than be led by the authority? How wide should their role be just to judge or to promote democracy?
- f. Standards committees are receiving reports on the authorities' general complaints handling, the extent of compliance to the complaints procedures (eg are they dealt with in time and properly), a summary of the activity that the authority is undertaking under the Regulation of Investigatory Powers Act 2000. They are also involved in reviewing protocols, officer codes of conduct, planning codes of conduct and whistle-blowing policies.

### ***Independent Members***

- g. Standards Committees can be very legalistic and bureaucratic and it can be overwhelming for new Independent Members. The quality of the legal advice can help them to pick out the pertinent points.
- h. Independent Members have many skills and much experience but is the best use made of those skills and experience?
- i. In some authorities, Independent Members lead on training.

### ***Promoting Ethical Standards Externally***

- j. Standards committees can improve corporate governance standards and improve attitudes and culture within an authority. Some standards committees have succeeded in changing the whole ethical nature of an authority, going into local schools to talk about democracy and working in partnership with other local authorities. This builds confidence in public bodies.
- k. There is a need to raise the profile of Standards Committees and Independent Members. There is confusion amongst the public as to what exactly standards committees are, for example, muddling up standards committees with trading standards! Also the public is confused about where to direct complaints about Council performance (as opposed to complaints about member conduct), making assumptions that the Standards Committee is responsible for dealing with general complaints. Does the public care about standards committees unless something goes wrong?
- l. How proactive should standards committees be in improving authorities' websites? The accessibility of complaints policies on websites varies a great deal.

### ***Effectiveness***

- m. Does the number of complaints received reflect the effectiveness of the Standards Committee i.e. does few complaints mean that the Standards Committee is effective or does a higher number of complaints reflect a transparent process with local ownership of the complaints process?
- n. The goals for standards committees have been set nationally. Improvements have been made to standards committees but they are still developing their roles and effectiveness.
- o. There were varying views on the perception of how effective standards committees have been. Some authorities feel that standards committees have added to the openness, integrity and transparency of decision-making, and an improvement in member behaviour.
- p. How do you measure effectiveness? An independent audit every three years, anecdotal evidence and annual reports on the work of the standards committee.
- q. A broader remit for standards committees internally can possibly increase perceptions of effectiveness.
- r. It can take a long time to determine a complaint and can be costly – the regulations seem to provide a sledgehammer to crack a nut. The Monitoring Officer could be empowered to dispose of trivial and minor complaints.

- s. The local government regime should apply to Members of Parliament, Members of the European Parliament and officers of an authority.

### ***Consistency***

- t. There seems to be a wide range of practices and processes across authorities. Is it timely to promote consistent approaches across standards committees?
- u. A London-wide Code of Conduct for Members would be useful, rather than each authority having to produce its own.

### ***Observations***

2.2 The Chair invited Professor Alan Lawton to make some observations about the issues, which had emerged from the discussions.

- There is no one best way for a standards committee. Around the country Standards committees do work very differently.
- Learning from each other is crucial.
- Some standards committees are more established, that is they were in existence before the RIPA legislation (Regulation of Investigatory Powers Act 2000) came into effect and that influences what they do.
- Standards committees are now more confident in what they do and have a clearer idea about the role they want to play. They are now less Monitoring officer led.
- There is a good range of skills on standards committees and the question is to what extent use is made of those skills. The skills sets could be used to shape the work that standards committees do.

## **3. Comments raised during session 2**

### **Session 2 – Experience to date and What the Future Holds**

- *What have been your greatest successes or innovations and biggest problems in relation to the local handling of complaint? and*

### ***Successes***

- a. The involvement of Independent Members. It has given a voice to the community. Independent Members bring a range of skills and perspectives. It has made elected members up their game.

- b. Local assessment is seen as very important because of the significance of the local context, which can be crucial.
- c. Informal resolution can be a very useful tool, prior to the assessment stage and may mean that it is not necessary to convene a meeting of the assessment sub-committee.
- d. Prior to an initial letter being sent to a member to say a complaint has been received the monitoring officer contacts the member to let them know what is happening, which demonstrates good customer care.
- e. One authority manages to arrange assessment and review meetings within 10-14 working days.
- f. Very few review sub-committee meetings have been held, suggesting that assessment sub-committees are making the right decisions.
- g. Standards committees can make a real difference to the culture of a new or evolving authority.
- h. A high profile case involving bullying led to many positive messages being disseminated through the authority concerned. Investigations have thrown up issues of concern that have then been properly addressed.
- i. Reciprocal arrangements between two local authorities are working well.

### ***Weaknesses***

- a. Work on the complaints process can take up the capacity of officers. A local authority can go through a lengthy process of assessment, review, consideration and hearing a complaint and then the subject member can appeal to the First-tier Tribunal (Local Government Standards in England), where the complaint is heard afresh. There was a suggestion that the review stage should be scrapped and it was noted that investigations could be very costly and take a lot of time.
- b. It can be very difficult to arrange assessment and review meetings in the statutory timescales.
- c. The system is very prescriptive and heavy handed. It is difficult to filter out trivial complaints. Monitoring Officers should have wider powers to deal with unmeritorious complaints (but this will require further regulations). There needs to be a more effective way of dealing with trivial complaints so that a meeting of the assessment sub-committee does not need to take place. Two delegates commented that their monitoring officers did filter out complaints, but other delegates stated that their understanding was that the regulations did not permit monitoring officers to do that.

- d. The current procedure for the assessment stage only allows a finding of no action or a referral to the Monitoring Officer to investigate, which is limiting. There ought to be more scope for mediation or other solutions, which might be more appropriate.
- e. Whoever is investigating is seen as a prosecutor and it can lead to difficulties in the relationship between members and officers.
- f. Many investigations take a long time to carry out but still result in a finding of no action.
- g. Two boroughs have an agreement to undertake investigations for each other when it is appropriate to do so (but not everyone thinks that is beneficial, as it is seen as “You’re not airing your dirty linen in public”).
- h. There is political resistance to joint working between boroughs.
- i. Complaints can be anonymous, which one delegate viewed as cowardly (but it was noted that in certain circumstances the person may be too scared to reveal their identity).
- j. Enabling straightforward decision-making is an issue, particularly when there is overlapping membership.
- k. Non-co-operation of elected members, for example councillors refusing to be interviewed for an investigation, and submitting their response only when the investigating officers’ report was final, with witness statements attached. Elected members have also refused to undertake training.
- l. There can be practical problems with arranging concurrent meetings of authorities, where the complaint concerns an alleged breach of two codes of conduct.
- m. There is a question of whether a standards regime is needed if elected members are experienced.
- n. The move to local assessment leaves room for weak monitoring officers to be leaned on by strong politicians, potential politicisation of the standards committee and complaints process.
- o. Standards for England takes a long time to make its decisions, and then it often refers the complaint back to the local authority anyway. Sometimes its decisions are inconsistent.
- p. Has the Code of Conduct restricted the normal member-to-member political exchange and have people become over sensitive to the way in which members robustly present their advocacy on behalf of members of the public?

- q. There was some concern over Independent Members attending meetings other than standards committee ones, as elected members when they see an Independent Member suddenly start to behave themselves.
- r. There was some concern over the content of the Code of Conduct in relation to personal but non-prejudicial interests if a number of elected members were affected, in that it could cause problems for the way in which the authority worked.
- s. The Association of Independent Members of Standards Committees in England (AIMSce) has been of limited use.
- ***Looking to the future, do you believe that the Standards regime is fit for purpose, should it be changed, and, if so, how, and how we can go about securing the changes?***
  - a. Local determination should mean local and local authorities should be able to determine their own procedures rather than have them prescribed, as it is currently.
  - b. One authority is planning to put into place a protocol to deal with member on member complaints, so that the elected member will complain to the chief whip of the opposing political party first of all and then if that does not prove successful then the member will make a formal complaint through the complaints process.
  - c. It is very difficult for elected members to be told about a complaint but not be allowed to know any of the details (the regulations do not allow monitoring officers to tell the subject of the complaint the details).
  - d. Having an input from an elected member who is the subject of a complaint would help the assessment sub-committee's deliberations. It might speed up the process. At the moment assessment sub-committees often do not have sufficient information to dispose of a complaint. However, it was felt that elected members did not appreciate being told about complaints if they could not do anything about it or make their views known.
  - e. One view was that standards committees should comprise independent members only. Sub-committee/ panel meetings might have problems if there is a majority of elected members who might take decisions on party lines. On the other hand a majority of elected members means that it is very much the elected members' responsibility for investigating and judging their peers with an independent member present to make sure it is done properly, whereas a panel comprising a majority of independent members means that it is more like an external tribunal hearing a complaint. It was noted that there does need to be a partnership between the independent members and elected members if the standards committee were to have credibility across the authority.

- f. The GLA includes all the case precedents of cases that have already been considered in its documentation for Assessment Sub-Committee and Review Sub-Committee meetings, to assist the sub-committees in making their decisions.
- g. There should not be a role for Standards for England (SFE). Advice should come from the Department of Communities and Local Government rather than SFE. On the other hand, some delegates found the SFE bulletin and good practice guidance very helpful and would like to receive the bulletin on a regular basis. The SFE procedure manual is also appreciated and if it did not exist authorities would have to reinvent it.
- h. One Code of Conduct for authorities in London would facilitate training events (but there would be difficulties as authorities have adapted the model code to suit their own local circumstances).
- i. Marketing, the promotion of good conduct, recruitment of Independent Members and training could be dealt with on a regional level.
- j. More thought needs to be given to joint working.
- k. There could be more consistency in the recruitment of independent members (to ensure greater diversity, attract younger members and more experienced people).
- l. There should be an appraisal process for Independent Members, perhaps by an external person to make the process completely fair and transparent.
- m. Perhaps standards committees should be renamed ethics committees, as that would set out their role more clearly to the public.

## **4. Conclusions**

4.1 The Chair summed up the themes that were emerging from the seminar.

- Local assessment has been a good step away from the constraints of the all complaints having to be determined by Standards for England. However, authorities want to have their own procedures that reflect what they need to do locally, for example, the monitoring officer having the power to deal filter out trivial complaints and look at early forms of mediation (the amendments may require primary legislation).
- The fairness of keeping the subject member informed at a very early stage about what is going on (whether it is to indicate to which part of the code the complaint relates or very vaguely the nature of the complaint). Elected members do not need to be treated as hostile witnesses.



- The composition of assessment sub-committees will vary depending on local circumstances and should not be prescribed.
- The capacity of authorities to share resources and help each other. There is a possibility of joint training and recruitment of independent members. The GLA, as a regional body, would be able to lead on those issues.

4.2 The Chair invited Professor Alan Lawton to make some observations, which are set out below:

- The question being fit for purpose is crucial, as thought needs to be given as to what was the problem that the ethics regime and standards committees were set up to deal with in the first place. Was it to enhance local democracy, punish transgressions of individual politicians or to root out systemic fraud and corruption in local authorities? They are very different kinds of problems and what has been created may not be the best fit to deal with all those problems.
- It is very clear from the delegates at the seminar that different practices do occur in different authorities (and that is even more pronounced across the country).
- From the monitoring officer point of view, there are authorities where the monitoring officers may not have legal expertise or be part of the senior management team, may not have resources and may be dealing with lots of parishes where there have been problems historically. They may not want more responsibility and more powers. A piece of work that Professor Lawton had undertaken for Standards for England, involving a large scale survey of monitoring officers, had found that the skills that monitoring officers most needed in their jobs was courage and a sense of humour rather than legal expertise and an understanding of local government.
- The question of whether we need a central body (for example subsuming Standards for England into the Department of Communities and Local Government), what role a central body could do and what type of organisation it should be is a legitimate one. However, whatever the views on Standards for England, if you put the sort of issues that standard committees deal with in some other body, they will get lost and not be high profile.
- Joint training, such as the seminar, is absolutely crucial. London can learn from the northwest and southwest of England where they have regular assemblies. In the southwest they have a regular conference for all the people involved in standards committees, which works very well.

4.3 The Chair thanked everyone for attending, the GLA officers who had supported the seminar and the Mayor for the use of London's Living Room.

4.4 A report of the seminar would be sent to all the attendees and authorities that had been invited to attend.

4.5 A delegate thanked the GLA for organising the seminar.

## **5. Feedback from the Seminar**

5.1 34 feedback forms were received. The feedback was extremely positive. The vast majority of delegates considered that the seminar had covered the areas they expected, the discussion had been wide ranging and that they received many helpful suggestions.

5.2 Delegates commented that the seminar had been very useful and in particular the opportunity to share ideas and meet colleagues from other authorities and to network was very much appreciated.

5.3 On the whole delegates were very happy with the format for the seminar. However, suggestions for improvements to such seminars in the future included short (verbal) presentations to introduce the topics, allowing more time for discussion, and a question and answer session with an expert panel

5.4 Suggestions for the future included the following:

- holding meetings for London standards committees (chairs, elected members and independent members) at half yearly intervals, perhaps focussing on one topic.
- strengthening the London-wide role of independent members to allow them to gain experience, knowledge and networking opportunities.
- Promoting joint working across boroughs.

# Agenda Item 9

## APPENDIX A

### STANDARDS COMMITTEE PROPOSED FORWARD WORK PROGRAMME

<b>TITLE</b>	<b>PROPOSED DATE</b>
Hits on Web Site	June 2010
Review of Outside Organisations	June 2010
Revised National Code of Conduct	2010 [following further consultation]
Whistleblowing Policy	June 2010

The Committee normally meets in June following the local Elections.

#### **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.	Council Calendar 2010-11[to be finalised]	David Bays x 2628	Room 203, Hammersmith Town Hall