

COUNCIL REPORT	AGENDA ITEM 7 (iii) (b)
14 July 2010	PUBLIC REPORT

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ANNUAL REPORT OF STANDARDS COMMITTEE

R E C O M M E N D A T I O N S	
FROM : STANDARDS COMMITTEE	
<p>That Council</p> <p>(1) notes the work carried out by the Standards Committee, and endorses and supports the priorities for the coming year</p> <p>(2) agrees to extend the maximum term of office to be served by any independent member to 3 successive terms</p> <p>(3) endorses the proposal by the Standards Committee to submit comments to the Secretary of State for Communities and Local Government (DCLG) supporting the retention of a local member's conduct regime</p>	

1. FOREWARD BY THE CHAIR OF THE STANDARDS COMMITTEE

- 1.1 As Independent Chair of the Standards Committee, one of my main aims is to create a sense of "ethical wellbeing" in this authority and to make high standards of conduct 'business as usual' rather than damage limitation when something goes wrong. I endorse the Standards for England view that the independent members are here to encourage a culture of high standards in Peterborough City Council and independent members have chosen to do so by proactively encouraging good conduct and, wherever appropriate, using informal resolution by having respectful but direct discussions with councillors if we feel they are choosing to act in a manner that poorly reflects their office. My purpose is to encourage the members of this Council to take the opportunity to reinforce their individual position as leaders in standards of conduct, setting an example to other bodies they work with, and to the community at large. This is not to say that we do not hold councillors formally to account; just that this is the last, not first, resort.
- 1.2 I am encouraged by the work undertaken by the Committee over this last year and the diminishing number and seriousness of complaints being made to the Committee. I am grateful that councillors have without exception accepted our non-political role and locally focussed approach. I am satisfied that by setting out our agenda for this coming year in our work programme we will be well placed to demonstrate to the people of Peterborough how ethics are embedded within the operation of this Council.
- 1.3. The incoming Government has indicated that it intends to raise a Bill which may lead to the abolition of the Standards Board for England. It may be that there will still be a requirement for a code of conduct and a local standards committee. Peterborough's Standards Committee was formed well before there was a legal requirement for it to exist because councillors wanted it; throughout the life of the Standards Board for England the local committee has been completely focussed on the needs of Peterborough, making common sense interpretations of the national code. It is hoped that Council will support the local Standards Committee's continued existence.

2. THE FORMAT OF THIS REPORT

- 2.1 This report will consider each of the following areas:

- The members of the Standards Committee
- The work programme of the Committee for the past and the coming year
- Statistical information about the number and types of complaints made to the Committee
- A look at current issues in ethics
- The role of the Monitoring Officer in advising on the Code of Conduct

3. THE MEMBERS OF THE COMMITTEE

- 3.1 At its meeting on the 17 March 2010 the Standards Committee considered two recommendations to make to this Council meeting concerning its composition.
- 3.2 The Standards Committee wished to recommend to Council that the maximum term of office that can be served by an independent member should be increased from two successive terms (as recommended by Standards for England) to three successive terms. Towards the end of this year and the early part of next year all of the independent members come to end of their term of office. This recommendation will ensure that the two most experienced independent members of the Committee can apply again for the independent positions as they arise. Council is able to agree this if it is satisfied that the independence of the position is not affected by an extension of the terms of office for those positions.
- 3.3 The Standards Committee also recommended to Council that the Chair and the Vice-Chair of the Committee for the coming civic year should be Steve Boast and Ann Smith respectively and it notes that this was agreed at the Annual Council meeting in May.
- 3.4 The Committee also agreed in April to increase the membership of the Standards Committee to allow for the appointment of a substitute parish council member. The increase was necessary to allow the proper administration of the complaints process in the event that the current parish members are conflicted out. The Monitoring Officer is in the process of appointing to this position.

4. THE WORK PROGRAMME

- 4.1 Having spent much of the previous year implementing the new regime for handling complaints, the Committee wanted to concentrate its efforts this past year on developing a work programme. The work programme was presented to its first meeting in October 2009 and has been reviewed at each subsequent meeting since. The Committee are mindful however that their primary role is to deal with complaints about member conduct.
- 4.2 The work of the Standards Committee to date has included
- Publicising the register of interests and gifts and hospitality on the website
 - Developing a communications plan
- 4.3 The work programme for the coming year aims to concentrate its efforts on embedding ethics within the Council in a practical manner. For example, the Committee realised that because members have a busy schedule and demanding workload it has not always been possible to get all members together for training on the Code of Conduct, so it has been looking for other ways in which to train the members without requiring them to find additional time in their diaries to meet this obligation. Over this past year the independent members of the Committee each attended a Neighbourhood Council meeting and spoke on the role of the Standards Committee and the Code of Conduct. In this way, the Committee was able to provide training to members of the Council whilst at the same time demonstrate the work it does to the public. Over this coming year it would like to look at how it might add value to other work undertaken by the members. The Committee is also working with the Strategic Governance Board to move forward with web pages dedicated to governance issues.

5. STATISTICAL INFORMATION

- 5.1 The Committee receives statistical information about the number of complaints and their progress at each meeting in the form of a table attached to a standard report on performance.
- 5.2 Over the past year the Assessment Sub Committee has sat 4 times to hear 5 complaints. Of these complaints 4 resulted in no further action being taken (80%), 0 resulted in investigations and 1 was resolved by means of other action (20%) which the Committee felt was appropriate to the matter complained of.
- 5.3 The Review Sub-Committee sat once to reconsider a complaint where the Assessment Sub-Committee decided to take no further action on a complaint. The outcome of this hearing was to take no further action.
- 5.4 Over the course of the past year, 7 investigations were concluded from the previous year and that resulted in 3 (43%) complaints going to formal hearings (only 2 hearings were held as two of the complaints related to the same Councillor so were heard on the same occasion).
- 5.5 The outcome of hearings was to find a breach of the code of conduct in all 3 cases resulting in the following sanctions:
- request a written apology and censure the Councillor in the first hearing and;
 - provide further training on the Code of Conduct to include acceptable behaviour in public life for the second hearing.
- 5.6 *How does this compare nationally?* Standards for England recorded complaints from 345 authorities during May 2008 to March 2009 (the 2009-10 Annual Review is due to be published around September this year) and 128 authorities did not receive any complaints.
- 5.7 Of the complaints received nationally 53% warranted no further action, 29% were referred for investigation, 12% were referred to the Monitoring Officer for action and 6% were referred to Standards for England.
- 5.8 Of the 780 investigations conducted, 233 were completed locally of which; 158 (68%) found no breach of the code, 56 (24%) imposed a penalty or sanction and 10 (4.3%) found a breach but no further action was imposed (other hearing results were not submitted at the time).

6. CURRENT ISSUES IN ETHICS

- 6.1 The Government has announced in its manifesto entitled "The coalition: our plans for Government" that it intends to abolish the Standards Board regime. A "Decentralisation and Localism" bill was announced during the Queen's speech on 25 May which re-iterated the intention to abolish the Standards Board regime. No further detail is yet available on when this is likely to take place or whether this means that the Code of Conduct will survive the abolition of the Standards Board. A letter from Standards for England (the renamed Standards Board) has been received which states that for the present it is 'business as usual'.
- 6.2 At its meeting on the 9 June 2010 the Standards Committee considered the implications of the Government's announcement. It concluded that there has been merit in having a regime for regulating member's conduct but accepted that in the current financial climate the cost of continuing with a national regulatory body would be difficult to justify. The Committee considered that Peterborough had a strong commitment to ethical conduct amongst its members which it demonstrated by having a standards committee in place prior to this becoming a national legislative requirement. The Committee proposed therefore to seek support from members of the Council to write to DCLG endorsing the retention of a local standards regime.

7. CONSULTATION

The Committee distributes copies of its reports to each of the parish councils within the Peterborough area. It invites comments from the parishes on any of those reports to be given to the Monitoring Officer who reports those comments to the Standards Committee. This report will be distributed in a similar manner.

8. REASONS FOR RECOMMENDATIONS

The Standards Committee believes that Council's endorsement of the contents of this report will enable it to fulfil the function of promoting high standards of ethical behaviour within the authority.

9. ALTERNATIVE OPTIONS CONSIDERED

The Council is required to set up a Standards Committee by the Local Government Act 2000. The Council could maintain a Standards Committee which has a more limited vision and work programme. This option was rejected because it is important that the Council has a strong Standards Committee to encourage and maintain a high standard of ethical behaviour. To do otherwise would restrict the Council's ability to operate effectively.

10. IMPLICATIONS

There are no financial or legal implications, other than those contained within the body of the report.

BACKGROUND DOCUMENTS

Reports to the Standards Committee in the last civic year