

BRECKLAND COUNCIL

At a Meeting of the

STANDARDS COMMITTEE

**Held on Tuesday, 27 October 2009 at 2.15 pm in
Norfolk Room, Conference Suite, Elizabeth House, Walpole Loke, Dereham**

PRESENT

Mr M.D. Eveling
Mrs J. Jenkins (Chairman)
Mrs M. Oechsle

Mr B.D Rayner
Mr F.J. Sharpe
Mr M. Whittley

In Attendance

Susan Allen - Standards Officer
John Chinnery - Solicitor & Standards Consultant
Trevor Holden - Chief Executive
Maxine O'Mahony - Director of Organisation Development
Elaine Wilkes - Senior Member Services Officer

Action By

36/09 MINUTES

The minutes of the meeting held on 4 August 2009 were confirmed as a correct record and signed by the Chairman.

37/09 APOLOGIES

Apologies for absence were received from Messrs. D. Myers, G. Ridgway and D. Williams.

38/09 URGENT BUSINESS

The following items of information were given:

(a) Town and Parish Council Forum

Members were advised of details of the Breckland Town and Parish Council Forum taking place on Thursday that week, 29 October, at the EcoTech Centre, Swaffham.

In noting the item, Members raised an issue that, although invitations and agendas for the Forum had been sent to all Town and Parish Clerks, the information did not appear to have been communicated to all their town or parish councillors. There were a number of probable reasons why this was but it was accepted that, bearing in mind that there were over 100 parishes and over 900 parish councillors, Breckland had done as much as it could to publicise this event through the clerks to the town/parish councils and that it was really an administration issue for them.

However, a suggestion was made to put an item in the Committee's next newsletter to all town and parish councils inviting all councillors to confirm if they would like to receive information by email on future parish fora and standards training events being organised by Breckland and to provide their email addresses for that purpose. Although it was recognised that not everyone may have an email address, it was felt

this could be helpful to the majority, and would help to cover any timing issues where no parish council meeting was scheduled in the period leading up to an event to enable information to be included on the parish agenda.

(b) Standards for England - Online Forum

The Committee was informed of a new online forum set up by the Standards Board for England. The forum offered a platform for Monitoring Officers and standards committee members to network and share knowledge and best practice etc.

Members welcomed this new facility and it was

RESOLVED that all members of this committee be registered to access the forum.

Action By
Susan Allen

John
Chinnery

39/09 DECLARATION OF INTEREST

No declarations were made.

40/09 APPOINTMENT OF MONITORING OFFICER

The Chief Executive introduced Maxine O'Mahony as the Council's newly appointed Monitoring Officer and Director of Organisation Development.

41/09 REVIEW OF STANDARDS COMMITTEE: MAY 2008 - OCTOBER 2009

The Solicitor and Standards Consultant presented the report which provided an overview of the work and achievements of the Committee over the last 18 months since the introduction of the new assessment procedures.

The main activities during the period were as set out in paragraph 3 of the report, which demonstrated that the standards function had been discharged satisfactorily.

With the recent changes to the Council's structures and the appointment of the new Monitoring Officer, it was felt this was an appropriate time for the Committee to reassess its role and consider whether any changes in procedures or emphasis would be beneficial.

In reviewing its role, the Committee considered suggestions that it might wish to:

- Seek a closer spirit of cooperation with the rest of the Council.
- Consider that it has a valuable role to play in reporting to the Council how members of the public are likely to take what they are saying and doing.
- Look for a better understanding by the Standards Committee of the pressures on individual members, both generally and in particular with respect to the Code of Conduct
- Request Cabinet to give their views on this report.

Action By

The latest Standards for England (SFE) Review had been forwarded to members of the Committee and printed copies could be made available if wished. One item of note from the statistics on complaints dealt with by committees was that the Review highlighted that there was a lower number of formal complaints in Breckland than might have been expected given the large number of parish councils in the District.

The Committee went on to discuss generally issues of public awareness of standards committees and how to bolster public confidence in the work of local councils.

In regard to the SFE Review, the view was put that there was a fundamental misunderstanding at the Government level about how district and parish councils worked. It was felt the Government view was very much directed to the County and Unitary Council tiers of local government, and that some of the statements contained in the SFE Review reflected that lack of understanding of the relationship at the district and parish level of local government.

The Chief Executive felt that, nonetheless, there were some things that could be done to address issues of awareness and raising the profile of the standards function, together with fostering a greater spirit of cooperation and understanding, to the benefit of all concerned.

Suggested ways to achieve this were greater liaison with the Leader of the Council and senior management and use of articles in *Breckland Voice* and in the local press and other media, as well as through the work of the National Association of Local Councils (NALC).

A survey through the Citizens' Panel was suggested as another option through which the level of public awareness and understanding of the work of the Standards Committee could be gauged.

Allied to this was the question of training at both district and parish council levels, which was an important element of ensuring a good understanding of the standards function generally and the individual responsibilities of elected members in that respect. Training for parish clerks on standards was equally important.

Training on standards and the Code of Conduct had been offered on a number of occasions and in variety of ways over the years but not all parishes had fully participated to date. It was felt to be a matter of time to achieve full participation but that the Council could continue to work towards this by offering one or two training sessions a year.

There had been some limited success in establishing parish clerks networking. The level of training taken up by parish clerks both generally and in regards to standards and the Code of Conduct varied considerably and it was felt this was reflected in the general level of understanding of the Code and participation in training.

The Standards Officer advised that a very comprehensive and useful toolkit had been published by the SFE and was available on its website. It was hoped to produce a copy of the guidance document to send to all parish clerks.

Suggestions to hold one or two training sessions a year and for the Standards Officer to meet with newly appointed parish clerks to offer an introduction to standards were supported.

Members also supported any efforts to enhance the Committee's relations with elected members, and to help to uplift the understanding of the role and standing of the Committee within the Authority, recognising that there was a need for greater knowledge on all sides of their various roles.

Members also agreed that it would be very helpful to seek the Cabinet's views on the report and the results of this Committee's deliberations.

RESOLVED that

- (1) the suggested ways forward for promoting awareness and understanding of the standards committee, including training, as outlined above, be endorsed; and
- (2) the report, together with the views of this Committee, be submitted to Cabinet for its views on the suggested approach to enhancing the relations between the Committee and the Authority.

Action By

Susan Allen

Trevor
Holden

42/09 LOCAL AUTHORITY PUBLICITY: CODE OF PRACTICE

Guidance on the current Code of Recommended Practice on local authority publicity was given by the Solicitor and Standards Consultant. The main point of the Code was that an authority's resources should not be used for political purposes. A review of the Code was presently under way.

A member voiced some concerns raised with him that a number of the articles in recent editions of *Breckland Voice* appeared to be about elected members rather than the functions, with the result being that the public perception was that they were political.

The Chief Executive replied that the written content of articles in the magazine was very clearly centred on the functions of what the Council was doing. However, in addition to officers as the servants of the Council, the Council was made up of elected members, so it was natural that there would be pictures of them accompanying articles.

A review of the magazine was, in fact, already taking place and an independent study had been carried out. The study had concluded that the Council might usefully include residents' comments and to change the style and feel of the magazine. The December issue was due out shortly and it was felt that members would be heartened by the changes made.

The Chief Executive assured members that every care was taken to ensure that the publication was not political in any way.

RESOLVED that further consideration of this item is deferred to the next meeting of the Committee to enable members to give their views on the revised style of *Breckland Voice*.

Action By

43/09 SFE CONFERENCE 2009

Mr. Whittle reported on his attendance as the Committee's delegate to the 2009 Annual Assembly of Standards Committees, which took place at Birmingham on 12-13 October 2009.

Mr. Whittle thanked the Council for the opportunity to attend the event, which he had found to be an excellent experience and very worthwhile.

From the two plenary sessions he had attended covering latest statistics and success of the local assessment framework, it was noted that recent stakeholder research showed that:

- 94% support the need for members to sign up to the Code of Conduct; and
- 83% consider high ethical standards of behaviour to be one of the most important issues facing local authorities.

Other topics included

- The costs of the Standards Board and the standards process. Whatever the Government position on standards was, the general feeling was that there would remain a need to administer the Code and procedures, which were now, in any event, more efficient and cost-effective.
- "Coming back from Ethical Collapse". Two examples were given of Councils that had successfully remedied poor political tensions, behaviour, language, bullying and other bad practices through the implementation of good standards practices.

Mr. Whittle felt the various workshops were the most practical and useful elements of the Assembly, along with the opportunity to network with other standards members to share views and experience.

Points of interest showed that the more highly effective standards committees were proactive bodies that operated to a forward work plan, reviewed annually and published an annual report. Publicity was also a useful tool, utilising press notices, authority website, publishing findings in the council newsletter. Bearing in mind that nationally only 19% of the public know that their local authority has a standards committee highlighted the importance of raising public awareness of the local standards framework and the protection it affords to confidence in public life.

Other information learned included:

- Parish and town councils make up 75% of members covered by the Code of Conduct and ideally, therefore, should have a complaints procedure
- The national average time taken to carry out assessments was 20 days

Action By

- The review of the Code of Conduct was now expected in May 2010.

Members thanked Mr. Whittley for his report.

44/09 COMPLAINTS PROCEDURE AND PROTOCOL

The Standards Officer gave a presentation giving details of the revised complaints procedure and protocol.

Using the Local Government Ombudsman's definition, a complaint was "an expression of dissatisfaction about a service, action or lack of action, however made, provided directly by the Council or by a contractor or partner, affecting an individual resident or a group of residents, that requires a response."

This definition was aimed at differentiating between valid complaints compared to requests for a service or what were, in effect, just comments. Dissatisfaction with or an objection to a Council decision did not constitute a complaint under this procedure.

Members welcomed the revised procedure, which they felt was a much simplified and more straight-forward process.

The Standards Officer was thanked for her work in producing and promoting the procedure.

45/09 FOR INFORMATION: REVISED CODE OF CONDUCT

As noted under item 43/09 above, the revised Code of Conduct was now not expected until May next year.

46/09 NEXT MEETING

The arrangements for the next meeting on 8 December 2009 were noted.

47/09 EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the disclosure of exempt information as defined in paragraphs 2, 3 and 5 of Part 1 of Schedule 12A to the Act.

48/09 STANDARDS ISSUES IN INVESTMENTS

At the Chairman's request, the Committee considered whether there were any standards or code of conduct issues involved in the Council's decisions on investments.

Members were reminded that the Committee's remit was related to issues of standards under the Code of Conduct, as distinct from scrutiny of decisions of the Council.

While people might disagree with investment decisions of the Council, it was accepted that no breaches of the Code had occurred in the making

of those decisions.

However, the Committee felt that there was nothing remiss in reminding members of the General Principles of the Code of Conduct in relation particularly to the principles of openness, personal judgement and stewardship.

Action By

The meeting closed at 4.20 pm

CHAIRMAN