

**NORTHAMPTON BOROUGH COUNCIL**

**STANDARDS COMMITTEE**

Your attendance is requested at a meeting to be held at the Jeffrey Room,  
The Guildhall on Thursday, 17 December 2009 at 5:00 pm.

**D. Kennedy**  
**Chief Executive**

**AGENDA**

1. APOLOGIES
2. MINUTES
3. DEPUTATIONS / PUBLIC ADDRESSES
4. DECLARATIONS OF INTEREST
5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED
6. RIPA CONSULTATION  
Report of Borough Solicitor and Monitoring Officer
7. STANDARDS AWAY DAY- THE WAY FORWARD  
Report of Borough Solicitor and Monitoring Officer
8. STANDARDS COMMITTEE TERMS OF REFERENCE  
Report of Borough Solicitor and Monitoring Officer
9. LOCAL ASSESSMENT- STANDARDS BOARD DVD  
Borough Solicitor and Monitoring Officer to provide an oral report.
10. REVIEW OF THE CONSTITUTION  
Report of Borough Solicitor and Monitoring Officer
11. STANDARDS BOARD FOR ENGLAND - ANNUAL CONFERENCE 12 - 13 OCTOBER 2009  
Report of the Borough Solicitor and Monitoring Officer.
12. EXCLUSION OF PUBLIC AND PRESS  
THE CHAIR TO MOVE:  
"THAT THE PUBLIC AND PRESS BE EXCLUDED FROM THE REMAINDER OF THE MEETING ON THE GROUNDS THAT THERE IS LIKELY TO BE DISCLOSURE TO THEM OF SUCH CATEGORIES OF EXEMPT INFORMATION AS DEFINED BY SECTION 100(1) OF THE LOCAL GOVERNMENT ACT 1972 AS LISTED AGAINST SUCH ITEMS OF BUSINESS BY REFERENCE TO THE APPROPRIATE PARAGRAPH OF SCHEDULE 12A TO SUCH ACT."

**Public Participation**

Members of the public may address the Committee on any non-procedural matter listed on this agenda. Addresses shall not last longer than three minutes. Committee members may then ask questions of the speaker. No prior notice is required prior to the commencement of the meeting of a request to address the Committee.

## Standards Committee

AGENDA STATUS: PUBLIC

|              |  |
|--------------|--|
| Report Title | REGULATION OF INVESTIGATORY POWERS ACT 2000 – HOME OFFICE UPDATE AND PRESS RELEASE ON RESPONSE TO CONSULTATION EXERCISE BY HOME OFFICE |
|--------------|--|

|                  |  |
|------------------|--|
| Date of Meeting: | 17 December 2009                         |
| Directorate:     | Borough Solicitor and Monitoring Officer |
| Ward(s)          | All                                      |

### 1. Summary

This report provides a brief update on the consultation responses and proposed way forward following the Governments aim to reform this area.

### 2. Recommendations

The Committee is requested to note the contents of the update and the press release.

### 3. Report Background

- 3.1 Passed in 2000, the Regulation of Investigatory Powers Act (called RIPA), created a regulatory framework to govern the way public authorities handle and conduct covert investigations.
- 3.2 However a small number of local authorities were perceived to be authorising techniques under RIPA in circumstances when it was widely accepted that it was not necessary or proportionate for them to do so.
- 3.3 In order to prevent this happening, the Home Office published a consultation paper in April 2009 seeking responses from public authorities to a series of questions. The Home Office proposed to use the responses received to help it make changes to the law to help it get the balance right between supporting law enforcement and respecting privacy.
- 3.4 The Consultation questions and the Council's response, which was submitted in July 2009, are attached as appendix 1.
- 3.5 Following a consideration of the 222 responses received by the Home Office, it published an update on the 2009 consultation in November 2009, which is attached at appendix 2.

- 3.6 A press release was also made at this time and this is attached at appendix 3.
- 3.7 The main points to note about the proposed changes to the law are that any new law will:
- a) clarify the test of necessity and proportionality so techniques will not be used for trivial purposes such as investigating dog fouling or people putting bins out a day early
  - b) raise the rank of authorising officer for RIPA techniques in local authorities to senior executive at a minimum of 'Director' level.
  - c) give elected councillors a role in overseeing the way local authorities use covert investigatory techniques
  - d) require constituents' communications with MPs on constituency business to be treated as confidential information, and therefore subject to authorisation by a higher rank of officer
  - e) treat covert surveillance of legal consultations as 'intrusive' rather than 'directed' surveillance, meaning that it can only be carried out by a very limited number of public authorities, primarily the police and intelligence agencies, and only with independent approval
  - f) clarify how provisions currently in the Policing and Crime Bill will reduce bureaucracy relating to RIPA in police collaborative units comprising two or more forces
- 3.8 The Home Office also intends to require each local authority to appoint a single official to be responsible for ensuring that all authorising officers are of an appropriate standard. This new role will have to be filled by a member of the corporate management team to whom authorising officers will report.
- 3.9 The Responses highlighted to the Home Office that the key to effective and appropriate use of RIPA techniques was training, rather than the rank of authorising officers. Together with the relevant Local Government organisations the Home Office intends to establish a package of accredited training for local authority authorising officers, and, in addition, to prepare bespoke written guidance on how local authorities should use RIPA.
- 3.10 The Home Office accepts that a wide range of public authorities need to be able to authorise key techniques under RIPA in order to protect the public from those who would do harm. However the Home Office also accepts that it is equally clear that public authorities must respect the right to privacy and only use techniques under RIPA when it is necessary and proportionate to do so.

#### **4. Implications (including financial implications)**

##### **4.1 Resources and Risk**

There are none- apart from, the resources needed to arrange training for members on any points arising.

#### 4.2 Legal

No specific points to mention at this time

#### 4.3 Other Implications

By keeping abreast of Government responses to consultations such as these members will find it easier to perform their tasks on the various sub-committees, which are involved in the determination of any issues that may arise.

### 5. Background Papers

None

**Report Author and Title:** Nikolas Jacob, Solicitor, on behalf of  
Francis Fernandes Borough Solicitor and Monitoring Officer

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**PRIVATE & CONFIDENTIAL**

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Date: 8 July 2009

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Dear Sir

**RIPA Consultation**

Northampton Borough Council has considered the "Regulation of Investigative Powers Act 2000: Consolidating Orders and Codes of Practice" Consultation Document.

We set out below the questions the Government is asking together with our responses:

- 1. Taking into account the reasons for requiring the use of covert investigatory techniques under RIPA set out for each public authority, should any of them nevertheless be removed from the RIPA framework?**

The Council cannot comment on the inclusion in the RIPA framework of authorities and agencies other than local Authorities.

The Council does not believe that Local Authorities should be removed from the RIPA framework. Local Authorities have numerous statutory responsibilities and enforcement powers many of which have a direct impact on the public, for example Fly tipping offences. It is difficult to enforce such offences without covert surveillance. Removing RIPA protection will expose Local Authorities to Human Rights Act challenges the fear of which could ultimately result in less enforcement.

2. **If any public authorities should be removed from the RIPA framework, what, if any, alternative tools should they be given to enable them to do their jobs?**

If any public authorities are removed from the RIPA framework they should be empowered to partner with an authority within the framework to undertake essential surveillance and/or intelligence gathering. This should be underpinned by appropriate codes of practice.

3. **What more should we do to reduce bureaucracy for the police so they can use RIPA more easily to protect the public against criminals?**

The Council makes no comment on this point as we do not have sufficient information to be able to form an informed view.

4. **Should the rank at which local authorities authorise the use of covert investigatory techniques be raised to senior executive?**

The Council would support an arrangement whereby Authorised officers below senior executive level are formally appointed by the Chief Executive or Monitoring Officer of the Authority annually. However this would need to be underpinned by a requirement for up to date training and an annual appraisal of RIPA and Human Rights Act training. These requirements could be imposed by an amended code of practice.

5. **Should elected councillors be given a role in overseeing the way local authorities use covert investigatory techniques?**

The Council believes that Local Authority's Standards Committees should be given a role in overseeing the way Local Authorities use covert investigating techniques. This provides a more robust challenge.

6. **Are the Government's other proposed changes in the Consolidating Orders appropriate?**

In relation to the Government's other proposed changes, there were very few matters that were of concern to local authorities. However, the following comments are made about those proposed changes that do concern local authorities:

#### **Department For Work and Pensions**

It is proposed that covert techniques of conducting and the use of Covert Human Intelligent Sources should be removed.

If the uses of Covert Human Intelligent Sources were to be removed it would make it more difficult and take longer to obtain information, therefore take longer to bring forward any cases. An indirect result of this would be that any other types of fraud i.e. Housing Benefit or Council Tax Fraud would not be picked up and the accused could potentially be defrauding the local authority

out of a huge amount of taxpayer's money.

### **Gambling Commission**

The Gambling Commission works with and governs local authorities with regards to gambling, gaming, lotteries etc. As the local authorities at a localised level, they are the ones that need to be made aware of any actions which conflict with the Gambling Objectives and they are the ones who will need to investigate these at a local level.

### **Local Authorities**

To ensure efficiency and expedience, any authorisation that may be required should be delegated to localised level, in order to prevent loss of time.

**7. Do the revised Codes of Practice provide sufficient clarity on when it is necessary and proportionate to use techniques regulated in RIPA?**

Necessity and proportionality are discussed in both sections with reference to statutory grounds. The seriousness of intrusion needs to be balanced against the need for the surveillance and the harm it is attempting to prevent. Whilst it is important for the Codes of Practice to provide clear guidance on issues such as necessity and proportionality, a balance needs to be struck between the need to provide guidance and the need for any guidance to keep up with legal developments. For example, the law in this area will continue to develop through the European Court of Human Rights and domestic courts. Too much prescription could make the code out of date, and possibly unlawful. The Code should always point its readers to the general law in this area.

Yours sincerely



**FRANCIS FERNANDES**  
Borough Solicitor and  
Monitoring Officer

# News and publications

## Update on the 2009 consultation

4 November 2009

The Minister of State for Security, Counter-Terrorism, Crime and Policing (David Hanson): The Regulation of Investigatory Powers Act 2000 (RIPA) marked a major step in the protection of privacy.

Prior to RIPA, many of the more intrusive techniques which it regulates could be used by any public authority authorised at any level, for any purpose. There was no comprehensive system of independent oversight or a judicial complaints mechanism available in relation to all these techniques, and no means by which Parliament could prescribe the ranks of authorising officers or limit the purposes for which the techniques could be used. In this situation, RIPA ensured that only specified public authorities could continue to use certain key techniques to protect the public, and only if they could do so compatibly with the European Convention on Human Rights, particularly, the Article 8 right to respect for private and family life.

Nevertheless, a small number of local authorities have authorised techniques under RIPA in circumstances where we would say it was not necessary or proportionate for them to do so. In order to prevent this happening, the Home Office published on Friday 17 April a consultation paper entitled "[Regulation of Investigatory Powers: Consolidating Orders and Codes of Practice](#)" (new window). This paper set out proposals to ensure that techniques regulated in RIPA can continue to be used when they are necessary and proportionate, but that there is to be a small number of cases when they have been misused.

Today I am publishing a Summary of the Responses submitted as part of this consultation exercise. The summary explains how I intend to develop the proposals set out in the consultation paper in light of the responses. The Home Office received 222 responses to the consultation exercise. As explained in the summary, most of these were broadly supportive of the proposals in the consultation document. Subject to minor changes set out in the summary, I intend to take forward the proposals for secondary legislation described in the consultation paper as soon as possible.

The secondary legislation, and the related codes of practice, will include measures to:

- a) clarify the test of necessity and proportionality so techniques will not be used for trivial purposes such as investigating dog fouling or people putting bins out a day early
- b) raise the rank of authorising officer for RIPA techniques in local authorities to senior executive at a minimum of 'Director' level
- c) give elected councillors a role in overseeing the way local authorities use covert investigatory techniques
- d) require constituents' communications with MPs on constituency business to be treated as confidential information, and therefore subject to authorisation by a higher rank of officer
- e) treat covert surveillance of legal consultations as 'intrusive' rather than 'directed' surveillance, meaning that it can only be carried out by a very limited number of public authorities, primarily the police and intelligence agencies, and only with independent approval
- f) clarify how provisions currently in the Policing and Crime Bill will reduce bureaucracy relating to RIPA in police collaborative units comprising two or more forces

Following a proposal by the Local Government Association, I intend to require each local authority to appoint an authorising officer to be responsible for ensuring that all authorising officers are of an appropriate standard. This



have to be filled by a member of the corporate management team to whom authorising officers will re

A number of respondents suggested that the key to effective and appropriate use of RIPA techniques rather than the rank of authorising officers. With this in mind, I have asked my officials to work with for Communities and Local Government, the Local Government Association and the Local Authorities Regulatory Services to establish a package of accredited training for local authority authorising officers, and, in addition, to prepare bespoke written guidance on how local authority RIPA.

It is absolutely clear that a wide range of public authorities need to be able to authorise key techniques in order to protect us from those who would do us harm. It is equally clear that public authorities must respect privacy and only use techniques under RIPA when it is necessary and proportionate to do so. I believe the measures outlined in the Summary of Responses will ensure that both objectives can be met.

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# Press Release Search

## Government announces new measures to strengthen the use of the Regulation of Investigatory Powers Act

4 November 2009

The level of authorisation required by local authorities to sign off investigatory techniques will be raised, with them being used for trivial matters under new plans announced by the Policing Minister David Hanson.

Following a public consultation of the Regulation of Investigatory Powers Act (RIPA), a senior executive will approve how and when the techniques are used to protect the public and fight crime.

Under the new measures, elected councillors in each local authority are also required to oversee the use of RIPA. In addition, training for local authority authorising officers and bespoke written guidance on how local authorities use RIPA will be issued.

New codes of practice make it clear to all public authorities who can make authorisations under RIPA and when they can be used for minor matters.

The Home Office received 222 responses to the consultation (new window) launched in April and will now forward legislation to implement the changes. The orders and the related codes of practice will include:

- clarify the test of necessity and proportionality so techniques will not be used to investigate dog owners putting bins out a day early
- raise the rank of authorising officer for RIPA techniques in local authorities to senior executive 'director' level
- give elected councillors a role in overseeing the way local authorities use covert investigatory techniques
- require constituents' communications with MPs on constituency business to be treated as confidential information, and therefore subject to authorisation by a higher rank of officer
- treat covert surveillance of legal consultations as 'intrusive' rather than 'directed' surveillance, and can only be carried out by a very limited number of public authorities.

Many of the investigations that rely on the techniques regulated by RIPA are vital to protecting public safety for serious crime and terrorism - and they can also make a real difference to people's everyday lives. From stopping rogue traders or trapping fly tippers who dump tonnes of rubbish on an industrial scale.

### Statement from the Policing Minister

David Hanson MP said, 'We made it clear that we would not tolerate the misuse of RIPA and these new measures show that we are taking the necessary action to stop the small number of cases where this has happened.'

'There is no doubt that a wide range of public authorities need to be able to authorise surveillance under RIPA to protect us from those who would do us harm. But it is equally clear that public authorities must respect privacy and only use techniques under RIPA when it is necessary and proportionate to do so.'

'The measures outlined in the summary of responses will ensure that this balance is achieved.'

The new codes of practice replace the existing codes of practice on covert surveillance and covert human intelligence sources. They provide greater clarity on when the use of RIPA techniques would be proportionate. They also state that RIPA should not be used in relation to trivial offences and they provide examples so everyone can understand the rules.

when these techniques should be used.

## Notes to editors

Read the [RIPA consultation and responses](#) (new window).

The review of RIPA invited views on:

- which public authorities should be able to authorise key investigatory techniques, such as the use of communications data or covert surveillance in public places, under RIPA
- the purposes for which these investigatory techniques should be used
- the option of raising the rank of the local authority employee authorising the use of investigatory techniques to senior executive
- whether elected councillors should also play a role in the authorisation.

For more information, please contact Home Office Press Office newsdesk on 020 7035 3535.

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## Standards Committee

AGENDA STATUS: PUBLIC

|              |  |
|--------------|--|
| Report Title | STANDARDS COMMITTEE – NEW TERMS OF REFERENCE |
|--------------|--|

|                  |  |
|------------------|--|
| Date of Meeting: | 17 December 2009                         |
| Directorate:     | Borough Solicitor and Monitoring Officer |
| Ward(s)          | All                                      |

### 1. Summary

The report is seeking the Committee's views on updated terms of reference for the committee to take into account best practice and to reflect legislative changes to the role and functions of the Standards Committee.

### 2. Recommendations

The Committee is requested to consider the proposed terms of reference and to make appropriate recommendations to the Constitutional Review Working Party ("CRWP").

### 3. Report Background

- 3.1 The Standards Committee terms of reference have not been substantially revised for some time, although a review did take place following the introduction of changes brought about by the Local Government Involvement in Health Act 2007.
- 3.2 A review of the Standards Committee's terms of reference of a number of well performing Councils has informed the proposed terms of reference attached as appendix 1 to this report.
- 3.3 Further, statutory guidance from the Standards Board of England, entitled Local Standards Framework, Guide for Authorities, supports Standards Committees being given "wider-reaching responsibilities" to "promote confidence in democracy". An extract from the guidance is attached as appendix 2 to this report.
- 3.4 Members will note that the Standards Board suggest **that areas such as** the protocol for members and authorities employee relations; **complaints procedures and** reports from the Local Ombudsman or external auditors; setting up the **Independent Remuneration Panel**; Commenting on Members allowance; **Advising the Council on the** Appointment of Independent Members are all included as the extra **functions the Committee** should have

within its terms of reference. These have not been included in the draft terms of reference appended to this report, but the Committee's views are sought on this.

- 3.5 Ultimately any change in the terms of reference will need constitutional changes and the mechanism the Council has set up to do this is through the CRWP, which will make recommendations to Full Council on any changes to the Constitution. It will ultimately be for Full Council to adopt any changes it deems appropriate.

#### **4. Implications (including financial implications)**

##### 4.1 Resources and Risk

There are none- apart from, the resources needed to arrange training for members on any points arising.

##### 4.2 Legal

These are contained within the body of the report.

##### 4.3 Other Implications

By keeping abreast of Government responses to consultations such as these members will find it easier to perform their tasks on the various sub-committees, which are involved in the determination of any issues that may arise.

#### **5. Background Papers**

FJF Standards File

**Report Author and Title:** Nikolas Jacob, Solicitor, on behalf of  
Francis Fernandes Borough Solicitor and Monitoring Officer  
**Telephone and Email:** 837334 ffernandes@northampton.gov.uk

### Terms of Reference

1. To promote and maintain high standards of conduct by the members and co-opted members of the Council.
2. To assist members and co-opted members to observe the Members' Code of Conduct.
3. To advise the Council on the adoption or revision of its Code of Conduct.
4. To monitor the operation and effectiveness of the Members' Code of Conduct.
5. To advise, train or arrange to train members and co-opted members on matters relating to the Members' Code of Conduct and other issues relating to standards and conduct
6. To assess and review complaints alleging breaches of the Code of Conduct by members and co-opted members.
7. To conduct determinations' hearings of complaints alleging breaches of the Code of Conduct.
8. To grant dispensations to members and co-opted members with prejudicial interests.
9. To exercise the same functions as described in 1-8 above in relation to the parish councils wholly or mainly in its area and the members of those parish councils.
10. To advise the Council on the adoption or revision of all protocols and/or guidance, insofar as these relate to Standards or ethical conduct issues.
11. To consider any matter referred to it by the Standards Board for England or the Monitoring Officer.
12. To provide an overview of the Council's policies with regard to standards of conduct and ethics and associated costs.
13. To determine applications for exemptions for politically restricted posts.
14. To exercise such other responsibilities as may be prescribed by law.
15. To undertake any action that improves, promotes, safeguards or facilitates the highest standard, of probity and ethical conduct by the Council its members and staff and those with whom it has, or who seek a contractual, financial or other relationship.

16. To establish sub-committees under relevant regulations in force for the discharge of functions prescribed by law and to determine, or make arrangements for determining the composition, membership and terms of reference of such sub-committees.
17. To monitor the registers of Members' interests as required by the statutory code of conduct, and to monitor the interests of any members of staff who, in accordance with any requirements upon them, are required to declare such interests to the Council.
18. To advise the Authority on good governance standards for public service, and on relevant performance indicators relating to corporate governance systems and processes.
19. To discharge as a full committee or a sub-committee the functions prescribed in relation to grants and supervision of exemptions from political restriction.
20. Responding to national reviews and consultations on governance related issues, in so far as they affect standards or ethical conduct issues.

Monitoring officers should be able to provide their standards committee with the training materials published by the Standards Board.

### **Monitoring the effectiveness of the Code of Conduct**

Standards committees need to monitor how effectively members are adhering to the Code of Conduct, the type of complaints received and how quickly these complaints are dealt with. This will help identify where problems are and what should be included in future guidance and training. Monitoring officers may provide overview reports to the committee highlighting these issues.

Monitoring officers will also make quarterly and annual returns to the Standards Board for England on the operation of the Code in their authority and the standards framework locally.

The Standards Board consulted authorities to determine how they will tell us that the local arrangements are working. We have designed a monitoring system based on what standards committees need locally. The system enables authorities to provide information to the Standards Board as simply as possible. Authorities will be able to use the system locally for their own records, to keep standards committees informed of the authority's ethical activities.

### **Giving standards committees a wider role**

The Local Government Act 2000 allows your authority to give the standards committee extra functions to give them a wider governance role. Some standards committees do take on extra functions.

These may include:

- dealing with the protocol for members and authority employees' relations
- receiving reports on complaints procedures and/or reports from the Local Government Ombudsman or external auditors
- setting up the independent remuneration panel
- commenting on recommendations on members' allowances
- advising the council on the appointment of independent members

We believe that giving standards committees wider-reaching responsibilities is a positive step and will help promote confidence in local democracy. It will also provide a workload which is regular and interesting, and should in turn aid the recruitment and retention of independent members.

Authorities should review their constitutions regularly, at least once every five years. A constitution should be a living document provided to members, available



# functions of standards committees

to the public and staff, and placed on your website. You may want to consider making the standards committee responsible for ensuring the constitution is designed to reduce the opportunity for misconduct and to promote effective governance. This will also mean that processes are properly accountable to both members and the public, and that relations with outside organisations are properly managed.

A wider role for standards committees can also be valuable for the following reasons:

- a work programme prevents ethics slipping off the agenda
- periodic ethical audits highlight any systemic weaknesses
- standards committees provide a useful structure for learning from the experiences and cases in other authorities
- standards committees can provide support to relevant officers when faced with a highly politicised environment

## Granting dispensations

Members can apply to their standards committee for a dispensation to allow them to attend meetings where they would otherwise be excluded because they have a prejudicial interest. This can happen when more than 50% of the council or a committee would be prevented from taking part in a meeting because of prejudicial interests, or when the political balance of the council or committee would be upset.

Dispensations must be applied for in writing individually, and not as a group or authority. If the standards committee approves the application, it must grant the dispensation in writing and before the meeting is held.

Only the standards committee can grant the dispensation and will do so at its discretion. Standards committees will need to balance public interests when granting dispensations. They will have to balance the public interest in preventing members with prejudicial interests from taking part in decisions, against the public interest in decisions being taken by a reasonably representative group of authority members. If a failure to grant a dispensation will result in an authority or committee not achieving the minimum number of members required for the group, this may be sufficient grounds for granting a dispensation.

However, paragraph 12(2) of the 2007 Model Code of Conduct enables members to represent their community and speak on issues important to the community and themselves, even when they have a prejudicial interest. This is to support members' roles as community advocates.

If members have a prejudicial interest, under paragraph 12(2), they will be able to make representations, answer questions or give evidence relating to that business. This is provided that members of the public are also allowed to attend the meeting for the same purpose.

## Standards Committee

AGENDA STATUS: PUBLIC

|              |                                  |
|--------------|----------------------------------|
| Report Title | REVIEW OF COUNCIL'S CONSTITUTION |
|--------------|----------------------------------|

|                  |  |
|------------------|--|
| Date of Meeting: | 17 December 2009                       |
| Directorate:     | Borough Solicitor & Monitoring Officer |
| Ward(s)          | All                                    |

### 1. Summary

This report informs members of an important governance work stream that is currently being undertaken by a cross party member group. It is good practice for changes to the constitution to be reported to the Standards Committee so that the Committees views, particularly in relation to aspects of the constitution that have a bearing on standards and ethical issues can have the Committees' input.

### 2. Recommendations

The Committee is requested to note the contents of the report and to:

- 2.1 Consider whether there are any elements of the Constitutional Review Working Party ("CRWPs") Work programme which the Committee would want to consider and make recommendations to the CRWP. A copy of the work programme is attached at appendix 1.
- 2.2 Delegate to the Monitoring Officer the power to make comments to the Constitutional Review Working Party on behalf of the Standards Committee, in consultation with the Chair and Vice chair, such power to only be exercised where it is not practicable for the Standards Committee to meet to make comments within the CRWP's work programme.

### 3. Report Background

- 3.1 Northampton Borough Council operates in accordance with a Constitution which is a key governance document and sets out how the council functions, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to decide.
- 3.2 The Council's Constitution was last revised in May 2008 and Full Council has asked for a further review which is underway. The review is being undertaken by a cross party

member group with a view to a revised constitution being presented to Full Council for adoption in April next year.

- 1.1 Best practice requires the Council's Standards Committee to input into relevant proposed changes to the constitution particularly but not exclusively in relation to elements that have a bearing on standards issues. A separate report to this Committee is seeking the Committee's comments on one specific element of work namely the terms of reference for the Standards Committee.
- 1.2 Members are asked to refer to the CRWP's work programme (appendix 1) and consider whether there are any elements of the work plan on which they would like to provide specific input. The Standards Committee's views will be reported to the CRWP who will ultimately decide on whether to recommend any proposed changes to full council for adoption.
- 1.3 The Monitoring Officer will report any specific proposals he thinks are relevant as well as an overall progress report to the Standards Committee. Either special meetings of the Standards Committee will be convened to fit the overall programme of the CRWP or the Monitoring Officer has requested delegated powers from the Committee to make the comments on behalf of the Committee, in consultation with the Chair and Vice Chair.

#### **4. Implications (including financial implications)**

##### 4.1 Resources and Risk

There are none- apart from, the resources needed to arrange training for members on any points arising.

##### 4.2 Legal

No direct consequences

##### 4.3 Other Implications

#### **5. Background Papers**

CRWP File FJF.

**Report Author and Title:** Nikolas Jacob, Solicitor, on behalf of  
Francis Fernandes Borough Solicitor and Monitoring Officer

**Telephone and Email:** 837334 ffernandes@northampton.gov.uk

CONSTITUTION  
GOVERNANCE WORKING PARTY  
ACTION PLAN 2009-2010

30 November 2009

1. Review proposed **work plan** - (Working Party decision).
2. Discussion – **General principles on Constitution structure** - (Working Party decision).
3. **Opposition Group Business** - (Working Party decision).
4. **Member delegated decision** - (Working Party decision).
5. **Mayoralty Formula.**

14 December 2009

1. **Political Governance - Review including General Purposes role** (need minutes of General Purposes Committee).
2. **Code of Governance.**

11 January 2010

1. Discussion **paper re Minutes.**
2. **Substitutes for Planning and Licensing.**

25 January 2009

1. **Council procedures notes -- general review** (questionnaire to key officers).
2. **Order of Council business.**

8 February 2010

1. **Overview and Scrutiny Issues.**
  - **Protocols**
  - **Structure**
  - **Crime & Disorder**

- Councillor call for action.

22 February 2010

1. Officers Scheme of Delegations (set up working group).

15 March 2010

1. Officers/Members Protocol
2. General Issues e.g. Purdah.

29 March 2010

1. Miscellaneous/Mop up session.
2. Outside bodies – general advice

Council meeting 12 April 2010.

## Standards Committee

AGENDA STATUS: PUBLIC

|              |   |
|--------------|---|
| Report Title | STANDARDS BOARD FOR ENGLAND – ANNUAL CONFERENCE<br>12-13 October 2009 |
|--------------|---|

|                  |  |
|------------------|--|
| Date of Meeting: | 17 December 2009                       |
| Directorate:     | Borough Solicitor & Monitoring Officer |
| Ward(s)          | All                                    |

### 1. Summary

To provide the Committee with an update of the key issues considered at the Standards Board for England, annual conference.

### 2. Recommendations

The Committee is requested to note the report and determine whether the Committee would like to make any changes to the way it currently operates.

- 2.1 The committee is requested to note the report, in particular the Chair's note of key points attached at appendix 1.
- 2.2 The committee is requested to have a general discussion on whether any changes to the way the committee currently operates should be made having considered all appendices to the report.

### 3. Report Background

- 3.1 Through a series of Information Sessions, Workshops and Discussion Forums the Annual Assembly meets to:
  - 3.1.1 give delegates the chance to share their good practice examples and talk through experiences of managing the practicalities of the local standards framework
  - 3.1.2 discuss strategic issues for ethical governance, such as engaging leadership, building an effective standards committee and getting to grips with political parties.

- 3.1.3 focus on giving standards committees, the knowledge and practical resources needed to promote high standards and enhance the reputation of local government.
- 3.2 Both the Monitoring Officer and the Chair of the standards committee attended the annual assembly and the Chair of the standards committee made a note of the main points made by each individual speaker at the Annual Assembly meeting. These are attached as appendix 1.
- 3.3 The main points to note from the Annual Assembly meeting are:
- a) The address of Dr Robert Chilton, chair of Standards for England, who said:
- “It’s clear that there’s a great appetite to see the local standards framework deliver the maximum benefit to local people.
- “Standards for England is now looking hard at how the system can be optimised to deliver proportionate, effective, value-for-money oversight of standards of conduct among local elected members.”
- b) Conference delegates enthusiastically shared these aims. Many interesting questions were raised, good practice shared and valuable feedback given. The response from delegates was good, and it was clear that commitment to the future of the standards framework was strong. At a time when public trust in politics is taking further blows, the efforts of the community of standards committee members to help build trust in local government was recognised.
- 3.4 The Chief Executive of Standards Board for England highlighted the conclusions of the Annual Review for 2008/9. A copy of her address is attached as appendix 2. In particular the Committee will note that the Chief executive of the Standards Board reports areas of particular concern from local authority returns as follows:
- 3.4.1 While half of all complaints are dismissed at initial assessment, significantly more than under the previous regime are being investigated. And two thirds of all those investigations are revealing no breach of the Code. She concluded that this was a large number and that too high a proportion of full-blown investigations that conclude there is no case to answer does damage to the reputation of the framework.
- 3.4.2 In a small number of authorities, taking on the role of standards overseer for their local parish and town councils has been onerous. However 80 per cent of parishes have never had a single complaint.
- 3.4.3 She also discussed hot topics such as:
- (i) other action
  - (ii) best practice
  - (iii) parishes
  - (iv) Standards in local partnerships
  - (v) Standards committees working together
  - (vi) Training
  - (vii) Communications

- (viii) General election
- (ix) Revised Code
- (x) Risk
- (xi) Quality
- (xii) Cost
- (xiii) Time taken
- (xiv) Sanctions
- (xv) Vexatious/tit for tat complaints.

3.5 Notes of main points regarding the experiences of York City Council and Rossendale Borough Council and Leeds City Council and London Borough of Hackney Standards Committee are also included and the Committee is asked to take note of the main points.

#### **4. Implications (including financial implications)**

##### 4.1 Resources and Risk

There are none- apart from, the resources needed to arrange training for members on any points arising.

##### 4.2 Legal

No specific points to mention at this time

##### 4.3 Other Implications

By keeping abreast of Government responses to consultations such as these members will find it easier to perform their tasks on the various sub-committees, which are involved in the determination of any issues that may arise.

#### **5. Background Papers**

None

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STANDARDS FOR ENGLAND CONFERENCE 2009

Minister of State

Main Points

- Public trust in Council Members is the cornerstone of local councils.
- Devolvement of decision making has now been completed.
- The Standards regime has been the subject of 3 debates in Parliament.
- Purpose of local SC's:
  - Not to serve any political party, solely the democratic process;
  - The promotion, education and support of members;
  - The promotion of ethical well being within Councils;
  - To establish positive relationships with the public;
  - To establish and maintain political impartiality.
- Councillors are elected to **serve** the community. Misconduct by one member damages the reputation of all members and the council concerned.

## STANDARDS FOR ENGLAND CONFERENCE 2009

### Chairman of Standards For England

#### Main Points

- Chair of Local SC defined by Statute.
- Great public anger concerning the behaviour of politicians.
- Conservative Party has stated that standards control will be returned to local communities should they be returned to power – Green Paper 9.
- SFE have published pamphlet outlining the present structure and explaining reason why it should remain. Suggest SC's write to local Members of Parliament.
- Parliament would benefit from a similar and rigorous standards structure to that existing in local democracy.
- Details of recent national surveys
  - Do politicians tell the truth?
    - Local politicians – Yes 28%; No 20%
    - Parliamentarians - Yes 24%; No 29%
  - Support for the code
    - Standards Committees – 98%; Monitoring Officers – 97%; Elected Members – 90%; Town & Parish Councillors – 92%;  
+?
  - Authority returns:-
    - 81% agree the maintenance of high standards is one of the most important issues;
    - 47% believe that standards have improved in their Authority;
    - 42% agree that the Standards Committee has a high profile within their authority
    - An excellent SC –
      - Ensures compliance with the code
      - Has quality membership
      - Demonstrates Innovation
      - Wields influence
      - Demonstrates excellent communication
- Presently nothing exists in the system to address vexatious or persistent complainers. Under consideration.

## STANDARDS FOR ENGLAND CONFERENCE 2009

### Chief Executive of Standards For England

#### Main Points

- Conclusions of Annual Review –
  - Established England Framework
    - 438 SC's consisting of 4507 Elected Members and 1658 Independent members.
    - High Standards exist. Of 26363 recorded complaints only 80 elected members found to have broken code (1 in 25) resulting in 25 being suspended or disqualified (1 in 3000).
    - Source of complaints. Public – 54%; Members 36%; Officers 4%; Parish/Town Clerk 3%; Other 3%.
    - Outcomes. NFA 53%.
    - Confidence in system. 75% members and officers; 25% public.
    - Best practise will be published on website within next few weeks.
    - Revised Code will be published in May 2010.
    - Public are very interested in Standards in Public Life and pleased with the work of SC's, conversely concerned with the triviality of some complaints, the length and cost of investigations, punishment should fit the crime but that often no real punishment is passed on offenders.
    - By Xmas Standards for England will have reviewed a number of processes including – Cost; complication; penalties for breaches of conduct; political effect; and complaints.

## STANDARDS FOR ENGLAND CONFERENCE 2009

### Engaging Leaders and Embedding Standards Essentials Components of Successful SC's

#### Main Points

- Supportive and clear remit from Leaders and Chief Executives.
- Independence of SC guaranteed from the leaders of all parties.
- Very good and competent independent SC members.
- Attendance of influential and respected Councillors and party whips (no cabinet members)
- Support of Officers from all services.
- No control of any type by officers of elected members.
- SC knowing when to "point the finger".
- Sell SC to every other Committee, particularly Governance & Scrutiny Committee. Establish working/contact processes. Seek views on Code and punishments.
- Photo & Publicity for SC members – introduce to each committee.
- Examine and comment upon every council protocol.
- Bi Monthly newsletter for Members & Parish Councils.
- Establish Newsletter fro all households.
- Establish parish Council Liaison Officer.

**SEE HANDOUT AND COPY FROM WEB IF POSSIBLE**

## STANDARDS FOR ENGLAND CONFERENCE 2009

### Joint Working Main Plenary Protocols and Practice

#### Main Points

- Few Authorities have joint working and none have joint Standards Committees.
- Benefits.
  - Avoidance of conflicts of interests – SC Members and MO's.
  - Consistency of procedures and decision making.
  - Enhanced public confidence (greater distance from member).
  - Greater capacity.
  - Effective use of resources.
  - Increased ability to promote high ethical standards.
  - Ability to fund process.
  - Stronger support functions.
- Problems
  - Overly Bureaucratic and complex process.
  - Member resistance.
  - Differing resource implications
  - Absence of local ownership.
- Historical cooperation – MO meetings & SALC participation.
- MO/SALC meetings
  - Law changes
  - Share experiences
  - SALC input
- SC Member involvement
  - Annual get together
  - MO presentations
  - External speakers & joint training
  - Local assessment.

- How it worked in practice:
  - Manageable numbers of complaints.
  - Exchange of reviews.
  - Investigations
  - Advice
  - Borrowing members
  - Ensure arrangements are in your constitution.
- The future:
  - Local Government Review
  - Continue with present arrangements
  - Considering joint committees
- Experience:
  - Joint working processes and arrangements
  - Relationships of members and different committees
  - Wining the confidence of local public.
- Joint member allowances?

## STANDARDS FOR ENGLAND CONFERENCE 2009

### Sharing Good Practice

#### Main Points

##### York City Council

- SC Members Personal development needs review e.g.;
  - Are resources available to support this?
  - Who will provide mentoring?
  - Websites are available for volunteer training – NCVA
  - Interaction with media.
- Annual Council & Parish Councils Conference – Agenda compiled by officers and clerks
- Circulate Standards Information
  - Form of complaints
  - Number of investigations
  - Register of interests
  - Traffic Light review system
  - Identification of mentors throughout organisation.

##### Rossendale Borough Council

- In 1992 was designated the worse council in England. Designated best SC in 2009.
- Initially experienced low staff morale and interest. Inadequate or no officer training.
- In 2002 an independent chair was appointed to lead the SC.
- In 2003 new, competent and enthusiastic officers appointed.
- SC placed between elected members and officers and the Leader & CE were supported in their insistence that everyone work as one team regardless of party politics

- SC elected members **agreed with the prime rule** – forget about politics. All SC issues unanimously **supported throughout the Council**.
- Agreed SC rules:
  - A busy, tightly controlled schedule of work.
  - All members of SC attend meetings properly prepared.
  - Work to Audit Commission set targets
  - Nobody talks to the media other than the relevant council officer.

#### Leeds City Council

- Combined training for Parish & Town councillors
  - Initial meeting with County Association of Parish Councils, including information as to what's going on and who is/is not attending training.
  - SC arranged training for Parish Councillors. Initially only 15% of Parish Councils attended workshops and of those only 35% councillors attended.
  - When SC solely organise these workshops they are always poorly attended by PC's or ignore what they are taught and carry on regardless, treating SC with contempt as there is no perceived punishment/restrictions.
  - PC's are often very experienced and practical and should be treated as equal partners. Organised workshops/training must include heavy involvement of PC's in presentations. **(Mike Wilkinson Chair of SC willing to offer advice if contacted)**.
  - Agreed pressure is now put upon local PC's regarding recruitment of Parish Councillors. Requirements include professional attitude and stable hardworking personalities. Present recruitment rules interfere with past experience.
  - Standards for England are not assisting the development of standards concerning Parish Councillors.
  - Develop a SC Road Show and take to PC's.
  - Ask PC's to attend planning training sessions.
  - Demonstrate to PC's that SC is there to help and support them and not just sitting in judgement.

#### London Borough of Hackney SC

- SC responsible for supervising whistleblowing, complaints and standards processes
- Always have a copy of Local standards Framework Manual available at meetings.
- **No information regarding complaints/investigations is published until a hearing and result.**
- Regular health checks regarding governance at the conclusion of each quarterly meeting. Remit of SC to comment on all governance policies including gift and whistleblowing registers.
- SC members spend a day with Leader and main opposition leader. Also attendance at various committee meetings/area meetings reporting back to SC.



### Hull City Council – Losing the Plot

- One bad apple, the Leader, with subsequent rapid transgression to a rotten barrel. Leader sentenced to a term of imprisonment.
- Tainted Culture.
- KPMG Public Interest Report 2002 and Ethical Governance Audit 2002 dealt with following issues:
  - Inadequate leadership at Council, political, management and community levels
  - Wider impact and issues
  - Culture
  - Reputation
  - Relationship between staff and public
  - Majority of services underperformance
- **Eventual success was built upon:**
  - Commitment from the top
  - Bravery and risk taking
  - Transparency
  - Relationship building and community engagement.
  - A published standards and values framework
  - “People” issues championed
  - Structural changes which broke down silo attitudes and practices
  - Clear accountabilities including performance.
  - Establishment of a cross party group concerned with ethics

**SEE SLIDES RE CONTEXT, LEADERSHIP AND ENGAGEMENT WITH STAKEHOLDERS**

APP 2

# State of the Nation

## Glenys Stacey, Chief Executive, Standards for England

Good morning everybody. I'm **very** pleased to be here again - it's tremendous to be able to talk with you about the important work you're doing.

Statistics, returns, case studies **all** become so much more real when you talk about them as actual experience with people who were there.

I want to begin by telling you what I think of you all.

I'm not talking about my own impressions, of course, but about the views we **have** formed as a strategic regulator.

Towards the end of last week we've published our Annual Review for 2008/9.

We've sent out copies to all of you - leaders, chief executives, standards committee chairs and monitoring officers, and it's also available on-line.

I'm excited about it - I think it's a real step forward for us and shows how we are determined to add value to the work you all do.

I'm sure you'll want to take the time to have a good read of the annual review. I think you'll find it a little more thought provoking than in previous years, and I'm sure it contains a few challenges for you.

You've been very diligent in sending us your quarterly returns and in completing your annual return. We're getting to a position where we're rich with data about the local framework and how it's operating.

And we're getting to grips with analysing that data, and forming views based upon it.

So throughout the **Annual Review** you'll find us referring to what we think about the local framework based on what you've told us. And through highlighting what we believe to be **notable practice** we're giving strong pointers about how we think you can learn from each other and continue to improve.

But we also make reference to things which concern us, things **we** need to think about and sometimes issues where we probably need to gather more information and views.

The review covers the period up to April 2009, I want to refer today to our key conclusions - conclusions which we feel hold true into the current year too.

So, first then a thank-you. Authorities have given **good commitment to their** duties to establish and operate a local standards framework. Independent chairs **and members of standards committees are tackling** their roles with enthusiasm and skill. Standards committees **are established and functioning across the country**.

And since the Code of Conduct is all about member **behaviour let's be clear** that standards of behaviour **among** members of English local authorities are **generally high**. **There are** relatively low numbers of

complaints overall – one for approximately every 25 members, on average each year - and a small number of these are found to be sufficiently serious to require the most severe sanctions– disqualification and suspension.

15 members were suspended or disqualified during 2008/9, in a further 10 cases members were suspended pending some action on their part – often writing an apology. Not bad for 80,000 local councillors dealing with those often emotive local issues.

Turning to local complaints handling - the number of complaints is broadly consistent with previous years when all were received by Standards for England. More than half come from members of the public, more than a third from members of the authority concerned

While half of all complaints are dismissed at initial assessment, significantly more than under the previous regime **are** being investigated. And two thirds of all those investigations are revealing no breach of the Code.

This is worrying me.

Back at the beginning when we handled all complaints we referred a lot more for investigation than we did by the time we'd had several years of practice, and it may be that local authorities are going through a similar learning curve.

But I hope not; you're not starting from scratch, the benefit of our experience is reflected in the guidance we have given.

And I have to say that, while any individual investigation can only conclude what the facts warrant, collectively, too high a proportion of full-blown investigations that conclude there is no case to answer does damage to the reputation of the framework.

Clearly this is an issue we will want to look at more closely during the coming year.

In a small number of authorities, taking on the role of standards overseer for their local parish and town councils has been onerous.

The medium-term solution to such issues is for principal authorities to become committed stakeholders with an interest in the good governance of the local councils in their area, working alongside county associations and others.

In the meanwhile we are advising a number of authorities on practical steps they can take to deal with difficult parishes.

We continue to hear some worrying stories of bullying of parish employees – an issue we are taking seriously. But we should remind ourselves that since the standards framework first came into existence 10 years ago **80 per cent** of parishes have never had a single complaint.

Something else for us to ponder on: while our research tells us there is considerable officer and member confidence in the Code of Conduct itself, and in the local standards framework's ability to uncover and deal with poor standards, the framework has made little impact on the public.

We would like to see more done to use the local framework as a tool to raise public trust in local democracy.

The sixth conclusion in the Annual Review is about proportionality. That is a big issue for us and I'll come back to it before I finish.

The annual review goes on to talk about the work we've been doing ourselves during 2008/9. A big focus for us has been reshaping ourselves to be better equipped as a strategic regulator.

But I'm sure you'll want to know 'What have Standards for England been doing for me?'

I'd like to answer that by reference some of the issues we discussed this time last year.

Do you recall this list? These were the key things you were worried about when we last met:

**Other action** - how to get the best out of it, when to use it – and when not to was a hot topic this time last year. We've continued to offer advice and in May this year issued specific guidance on other action. We're interested to know whether you're more comfortable with it now.

**Best practice** - You wanted to know what best practice was and how we were going to help you share it. Throughout the year we've been developing our approach. We've had the Standards and ethics award category in the Local Government Chronicle Awards which has allowed us showcase the achievements of shortlisted councils on our website. There's another award up for grabs this year. Congratulations to our winners Rossendale BC, by the way.

We've identified what we've called 'notable practice' through our annual returns and we have highlighted that online and in our Annual Review. And we've commissioned a piece of research to look for more notable practice among standards committees, we expect to publish the findings of that in the next few weeks.

Best practice in how standards committees can discharge their wider role of promoting high standards is emerging as part of this picture.

**Parishes** - I've mentioned already the challenges set by a small number of parishes. During the year we've been working with representative organisations in the parish sector on ways of improving relations between standards committees and parishes in an area, and on a different way of working with challenging parishes - whole parish mentoring. The results are promising and you can find out more in one of our Assembly sessions.

**Standards in local partnerships** - We said during the year that we wanted to take a look at the issue of standards in local partnerships and see if there were identifiable risks across all councils. We've concluded that there is a role for standards committees in taking a look at partnerships. Typically, the challenges are in ensuring good governance arrangements, and there is plenty of good advice available to draw on. Again we've a session on this topic at the assembly.

**Standards committees working together** - Regulations were issued on joint standards committees in July and our guidance alongside them. We've seen some interesting examples of standards committees working together this year, in the next year we'd like to see more.

**Training** - We're committed to supporting your training programmes in a range of ways and I'm pleased to report we've just added a new DVD to our stable, this one on local assessment. Copies are even now on their way out to you.

**Communications** - At last year's assembly there was an emphasis on the benefits of getting the message across, and you were concerned about being able to do that. We've been working to identify best communications practice and to publicise it, indeed we attended a local government communications officers conference in May to spread the word.

So if those were last year's hot topics what are this year's? I will be listening hard over the next two days to get a sense of your issues: but for now I'm going to give you some of mine.

**General election** - We wouldn't be human if we didn't put this at the top of our list, would we?

Although the implications for standards of a possible change of Government will be on our mind, I'm confident of one thing – a change of Government is unlikely to have a significant effect on our work in the next 12 months.

**Revised Code** - Here's something much more definite. We will have a revised code - it's due to be published soon and to come into effect after the May 2010 council elections. Our advice and guidance will, of course, be timely and clear.

**Risk** - We'll be pressing ahead next year with our work on both identifying where risks to standards occur and on working with authorities to minimise those risks. I'm thinking both of the circumstances in which individual authorities get into standards trouble, and about issues which might pose a standards risk in wide numbers of authorities.

**Quality** - It is great for me to be able to speak with authority about the things we have learned. But the more I know, the clearer I become about the things I don't know – and there are things that as strategic regulator I really do need to know.

Take local investigations, for example. I know how many there are and know what decisions standards committees are reaching.

But, for example, should the Minister ask me whether I could offer any assurance as to the **quality** of investigations into the misconduct of local members, I'd have to say that right now I couldn't; and that's an uncomfortable position to be in.

**Cost** - And here's another thing I'm not sure about.

A criticism levelled at the local standards framework is that it's expensive. But is it? Compared to what? I don't currently know very much about what it's costing you, nor have I formed a view about how much it ought to cost.

**Time taken** - And then there are things I've got some early data on, but the picture is incomplete until more cases have been dealt with. Are you all assessing and investigating complaints in a timely fashion, for example?

**Sanctions** - And sanctions. I know you're concerned to apply the right ones to the right cases, and are interested in the consistent use of sanctions. But are the sanctions you use actually effective in changing behaviours in individuals and in councils?

**Vexatious/tit for tat complaints** - And two interlinked topics, vexatious complainants and tit-for-tat complaints.

Most complaints systems have specific provisions for dealing with vexatious complainants - but ours doesn't. Should it have, and what should that be?

Similarly one of the intended consequences of the changes introduced in 2007 was to make it easier to weed out 'tit-for-tat' complaints at the assessment stage? Is that happening - or is there more we need to do to?

If I can wrap all of the last six items on this list up into one word it is proportionality: Is the standards framework doing a fair job in a reasonable way?

We've been talking to the public about the proportionality of the local standards framework. This is a useful 'reality check'. We're all in this business because we're acting in 'the public interest'. And there's nothing like sitting down in a room with eight or ten engaged and attentive ordinary people to get a 'sense of what the public interest really is, which is what our researchers have done several times over!

And there is some good news.

The public are very interested in standards; indeed they have an expectation that all politicians - national and local - should uphold a higher standard than people in other walks of life - all of the time!

And the public are grateful for the work standards committees are doing: they're pleased that there are people giving time and energy to considering the issues you're considering.

Ask them to think through a few case studies and they recognise the decisions you make *aren't* easy, and a lot of the time it depends on the details and motivations of the particular case in question as to what's the right course of action.

But if they're pleased about that, there are things that bother them about what we do.

They're bothered about how *trivial* a lot of what we deal with seems. Why isn't the system better at delivering a quick '*a slap on the wrist*' or at '*banging heads together*' they want to know?

They're bothered about how long things take and how much they might be costing, taking into account the time of all the people involved. You and I can argue that there's a cost to being fair and having due process, but they need convincing.

And they're not sure that, at the end of the process, the punishment fits the crime.

They see councillors '*getting off on a technicality*' in cases where *they* see clear poor behaviour and they see other members being found '*guilty*' but escaping with no meaningful punishment.

'*Why can't you fine them part of their allowance, that would make them think twice before stepping out of line?*' We were asked.

Of course the public is just one stakeholder in what we do but I'm sure you would agree that public support is something worth having.

We've been talking to politicians and standards committee members too, and all of that is feeding in to one of our key projects for this autumn, **a review** of the proportionality of the standards framework.

We will be looking to reach some judgements with regard to issues such as effort expended, timeliness, cost, sanctions, type and nature of complaints and so on - and to make recommendations to Government on how the framework might be optimised to meet their objectives.

Your views, of course, will be very important in forming those judgements.

I'll be keen to talk to you over the next two days about all of the above - and indeed **any** issues you have.

Which brings me to the end of my speech, but, I suspect, our talking **has only** just begun.