

## Standards Committee

### AGENDA STATUS: PUBLIC

<b>Report Title</b>	<b>Standards Board Publications update – The Standards for England Bulletin 47 - February 2010</b>
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<b>Date of Meeting:</b>	14 <sup>th</sup> June 2010
<b>Directorate:</b>	Borough Solicitor
<b>Ward(s)</b>	All

### 1. Summary

Issue 47 of the Standards Board's "Bulletin" (the February 2010 issue) is attached and comment made on some of its points.

### 2. Recommendations

That members note the contents.

### 3. Report Background

The key points to note from the bulletin are:-

- 3.1 The Annual Assembly of Standards Committees 'A place for standards' is due to take place on 18 and 19 October 2010 at the ICC in Birmingham. The event will include sessions on sharing practice, developing high standards and building confidence in managing the local standards framework.
- 3.2 Standards for England (SfE) has published its biannual 'stakeholder tracker survey' comprising a quantitative and a qualitative element assessing the levels of satisfaction of members and officers with the performance of SfE. Amongst the findings were:
  - Members and monitoring officers were very positive about the local standards framework and that it had bedded in well.
  - That the SfE's monitoring officer helpline received positive feedback
  - Monitoring officers welcomed the development of peer and local/regional networks.
  - Several topics on which SfE could provide further guidance were identified such as more information on other standards committee practices, sanctions and proportionality, mediation, guidance specifically for parish councillors, and more advice on the overlap with Freedom of Information and Data Protection legislation.

A full copy of the report is available from the Borough Solicitor.

3.3 The functions of the Adjudication Panel for England have been transferred to the First-tier Tribunal (Local Government Standards in England) and the panel abolished. The role of the First-tier Tribunal is to hear cases referred to it by an Ethical Standards Officer or a Standards Committee following and investigation. The Tribunal will also hear appeals by a subject member against the decision of a Standards Committee. The Tribunal arrangements include:

- Power to summon witnesses and to require witnesses to produce documents relating to its hearings.
- The power to conduct hearings either orally or in writing; subject to the consent of the parties.
- Appeals from the Tribunal will be to an Upper Tribunal and not to the High Court as was the case with appeals from the Adjudication Panel.
- The ability of an Ethical Standards Officer or Standards Committee to appeal the decision of the Tribunal.
- Power to make an order for costs if the Tribunal considers that a party has acted unreasonably or a wasted costs order against any legal or other representative the Tribunal considers to have acted negligently, improperly or unreasonably in bringing, defending or conducting proceedings.

3.4 SfE's risk based approach is highlighted in the bulletin. The SfE have identified three types of risk they are concerned about:

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

The SfE by taking this approach are able to target its effort at those activities, situations or authorities that pose the biggest risk there by ensuring that the SfE provide Value For Money. The SfE will be consulting with the regulated community on this approach.

3.5 The bulletin provides a reminder to members on the use of Social Networking such as blogging, Facebook and Twitter to carryout their political work. Members are reminded that:

- Social networking can be used for political work
- The Code does not exist to gag members or stop the expression of political views
- The Code applies to the use of Social Networking for political work
- If blogging etc as a private individual and not as a member do not claim or give the impression that you are acting in your role as a councillor or representing the Authority
- Including links to official council web sites can give the impression that you are representing the council.
- Whilst a verbal comment in the heat of the moment can be easily withdrawn, apologised for and forgotten an on-line comment is not as easily contained.

3.6 The SfE's website now includes guidance on:

- Charitable Trustees and declarations of interest under the code
- Freemasons and the Code

- Independent members
- Notification to parish and town councils concerning complaints about their members and the Standards
- Role and appointment of parish and town council reps to the standards committee
- Blogging a quick guide

3.7 Consideration of the new Code by Parliament has been delayed with no date for consideration having been announced at present.

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

### **4.1 Resources and Risk**

There are no resource or risk implications associated with this report.

### **4.2 Legal**

No specific points to mention at this time.

### **4.3 Other Implications**

By keeping abreast of developments mentioned in the SfE's bulletins members will find it easier to perform their tasks on the various sub-committees, which are involved in the determination of member-conduct complaints.

## **5. Background Papers**

SfE Bulletin 47

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