

Notice of Meeting

Standards Committee

Monday, 21st June 2010 at 6.00pm
in Council Chamber Council Offices
Market Street Newbury

Date of despatch of Agenda: Friday, 11 June 2010

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Moira Fraser on (01635) 519045
e-mail: mfraser@westberks.gov.uk

Further information and Minutes are also available on the Council's website at
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To: Councillors Adrian Edwards, David Holtby, Mollie Lock, Gwen Mason,
Andrew Rowles and Julian Swift-Hook

Agenda

Part I	Page No.
1. Apologies To receive apologies for inability to attend the meeting (if any).	
2. Minutes To approve as a correct record the Minutes of the meetings of this Committee held on 08 February 2010.	1 - 4
3. Declarations of Interest To receive any Declarations of Interest from Members.	
4. Guidance on Granting Dispensations for Prejudicial Interests (S2101) <i>Purpose: To set out clear guidance on granting dispensations to town and parish councils where a number of prejudicial interests exist which would otherwise prevent a decision being taken.</i>	5 - 10
5. Annual Report	11 - 20
6. Discussion on Policies and Procedures of the Standards Committee	Verbal Report
7. Future of Standards for England	21 - 22

Andy Day
Head of Policy and Communication

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DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

STANDARDS COMMITTEE MINUTES OF THE MEETING HELD ON 8 FEBRUARY 2010

Independent Members: Mr J Rees (P), Mike Wall (P) and Mr J Bingham (P)

District Councillors: Adrian Edwards (P) David Holtby (P), Owen Jeffery (AP), Gwen Mason (P), Andrew Rowles (P) and Julian Swift-Hook (P)

Parish Representatives: Mr T Bune (P), Mrs C Clemson (AP), Peter Iveson (P), Mr T Renouf (P), Stephanie Steevenson (P)

Council Officers: David Holling, Moira Fraser

16. APOLOGIES

Apologies for inability to attend the meeting were submitted on behalf of Councillor Owen Jeffery and Crissy Clemson.

The Chairman welcomed the Members of the Committee and apologised that the meeting originally scheduled for the 11 January had to be cancelled due to inclement weather.

17. MINUTES

RESOLVED that the Minutes of the meeting of the Committee held on 8 September 2009 be approved as a true and correct record and signed by the Chairman.

18. DECLARATIONS OF INTEREST.

There were no declarations of interest received.

19. LOCAL ASSESSMENT OF COMPLAINTS

David Holling introduced the training material; a DVD entitled 'Assessment Made Clear' which had been produced by Standards for England. The Monitoring Officer confirmed that it pertained to a fictitious Council and showed how their Assessment Sub-Committee operated. David noted that West Berkshire Council might take a different approach to some of the issues highlighted in the training material but that these could be drawn out during the discussion at the end of the meeting.

The Committee watched the DVD and then raised a number of queries during the group discussion.

Councillor Julian Swift-Hook noted that pre-assessment activity was referred to. Officers explained that once a formal written complaint was received it had to be presented to an Assessment Sub-Committee (ASC) for a decision. The Monitoring Officers report would draw Members attention to the fact that it was outside of their jurisdiction if this was the case in the accompanying report. Before formal complaints were submitted for consideration by the ASC the Monitoring Officer could use his discretion, if appropriate, to review a matter which might result in it not being escalated to a full complaint. It was not however the Monitoring Officer's role to prevent any complainants from submitting a

STANDARDS COMMITTEE MINUTES – 08 SEPTEMBER 2009 DRAFT

complaint. David estimated that about 10-15% of concerns raised were dealt with in this manner.

Officers noted that the systems that had been put in place appeared to be working well and had been amended as required to reflect best working practice. The Council was also required to submit a quarterly return to Standards for England and this process would assist with highlighting any endemic issues in councils.

Councillor Adrian Edwards was surprised that the DVD stated that it was only recommended that all processes around the assessment of complaints remained confidential. David Holling noted that this was one of the issues in the training material that he would approach differently. West Berkshire Council had opted to keep these matters confidential until the matter reached the Hearing Stage. The Council did not publish the agendas, minutes or decision notices of the Assessment Sub-Committee, Review Sub-Committee or Consideration and Hearing Panel. David noted that this issue had been discussed with fellow Monitoring Officers and they were also adopting this practice.

(Note: Guidance issued by Standards for England stated that initial assessments and any subsequent reviews of decisions should be conducted at closed meetings and were therefore not subject to the requirements under Part 5 of the Local Government Act 1972. These sub-committees were considering unfounded and potentially damaging complaints about councillors which it would not be appropriate to disclose in public.

In deciding whether the Hearing Sub-Committee should be held in public the Monitoring Officer has to decide whether it would be in the public interest to disclose the information. The subject member also has the ability to prohibit the publication of a notice if there has been no failure to comply with the Code of Conduct.)

It was noted that a media protocol had been adopted by the Committee which stated that no press releases would be made by the Council unless a breach of the code was confirmed at the Hearing Sub-Committee. The issue as to whether the meeting should be discussed in public would be raised at the Consideration and Hearing Panel.

Members queried who would determine if the complaint was being made by a suitably senior officer and therefore needed to be referenced up to Standards for England. David Holling explained that the Monitoring Officer would be required to make this assessment. West Berkshire Council also tended to use external investigators which would have an impact on the decision.

The Committee noted that the training material suggested that a complaint could be declared invalid if a significant time had elapsed between the incident occurring and the complaint being made. David Holling noted that this time was not defined in the regulations. He suggested that he would have reservations about any complaints that were received more than three months after an alleged incident.

The Committee discussed the option of 'other action' and noted that this was not a quick fix and was often not a cheap alternative as it could require a significant input in terms of resource including officer time to deliver mentoring, training etc. It also required the co-operation of both the complainant and the subject

STANDARDS COMMITTEE MINUTES – 08 SEPTEMBER 2009 DRAFT

member. The Chairman asked what recourse the Committee would have if the subject member did not want to comply with the Monitoring Officer's direction. David Holling explained that this approach meant that the complaint could no longer be investigated but if the subject member failed to comply the Monitoring Officer could then submit a complaint against them for failing to comply with the advice. The Committee felt that it was important to give careful consideration about using the 'other action' option as it required a degree of certainty that a successful outcome could be achieved.

James Rees noted that the video referred to a potential conflict between ombudsman complaints and those being considered by the Assessment Sub-Committee.

David Holling noted that the ombudsman dealt with complaints about maladministration by the Council. These complaints centred around processes and procedures. The Council would need to ensure that these complaints were dealt with separately so as not to influence each other. Similar procedures would also need to be followed for other investigations including those by the police.

David Holling felt that the local determination of complaints was working well and that wherever possible complaints should be handled locally as the District and Parish Councillors had a better understanding of local issues.

The Committee felt that the training video was very useful and that it would be worth incorporating it into general training for all Members.

(The meeting commenced at 5.00pm and concluded at 6.30pm)

CHAIRMAN

Date of Signature

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Title of Report:	Guidance on Granting Dispensations for Prejudicial Interests
Report to be considered by:	Standards Committee
Date of Meeting:	21 June 2010
Forward Plan Ref:	S2101

Purpose of Report: To set out clear guidance on granting dispensations to parish councillors where a number of prejudicial interests exist which would otherwise prevent a decision being taken.

Recommended Action: To adopt the guidance for use by the Council's Standards Committee in the circumstances described above.

Reason for decision to be taken: To clarify circumstances in which the Standards Committee can grant dispensations to Members allowing them to speak and vote at a meeting when they have a prejudicial interest.

Other options considered: None.

Key background documentation: Advice from Standards Board for England on Dispensations.
Advice from Standards Board for England on Code of Conduct 2007 (Chapter 3.3, Dispensations).
West Berkshire Council Code of Conduct.

The proposals will also help achieve the following Council Plan Theme(s):

- CPT4 - High Quality Planning**
- CPT14 - Effective People**
- CPT15 - Putting Customers First**

The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by:

Making it clear to interested parties how and why dispensations can be granted for prejudicial interests which supports transparent and accountable decision-making procedures in the District.

Portfolio Member Details	
Name & Telephone No.:	Councillor Anthony Stansfeld - Tel (01488) 658238
E-mail Address:	astansfeld@westberks.gov.uk
Date Portfolio Member agreed report:	

Contact Officer Details	
Name:	David Holling
Job Title:	Head of Legal and Democratic Services
Tel. No.:	01635 519422
E-mail Address:	dholling@westberks.gov.uk

Implications

Policy:	N/a - the report simply clarifies existing legislation.
Financial:	None.
Personnel:	None.
Legal/Procurement:	Policy takes into account changes resulting from the Standards Committee (Further Provisions) (England) Regulations 2009.
Property:	None.
Risk Management:	Clearer advice likely to reduce the risk of complaints logged over Members with interests participating in decision making.
Equalities Impact Assessment:	None.
Corporate Board's Recommendation:	N/a. to be completed after the Corporate Board meeting

Is this item subject to call-in?	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council		<input type="checkbox"/>
Delays in implementation could compromise the Council's position		<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Commission or associated Task Groups within preceding six months		<input type="checkbox"/>
Item is Urgent Key Decision		<input type="checkbox"/>

Executive Summary

1. Introduction

- 1.1 Parish Councils are often faced with situations where more than half of their members have a prejudicial interest. An application for a dispensation to participate in business to which this interest relates can therefore be made to the local Standards Committee.
- 1.2 This report outlines the circumstances in which a dispensation may be sought, the criteria for the Standards Committee to consider when assessing the case for a dispensation and the process to be followed when the dispensation is either granted or refused.

2. Proposals

- 2.1 That the guidance outlined the body of the report is adopted and circulated to members of both the Standards Committee and Parish Councils.
- 2.2 That regard is had to this guidance when the Standards Committee considers applications for dispensations.

3. Conclusion

- 3.1 The Standards Committee has discretion to either grant or refuse applications for dispensations on prejudicial interests. This guidance aims to set out a clear process to be followed to arrive at their decision in each case.

Executive Report

1. Introduction

- 1.1 Legislation has provided for Standards Committees to grant dispensations for Members to speak and vote at a meeting in which they have a prejudicial interest.
- 1.2 Following concerns raised by local authorities, the legislation was altered in 2009 to form the Standards Committee (Further Provisions) (England) Regulations 2009.
- 1.3 These regulations revoke previous legislation and offer clearer advice on when dispensations for the circumstances in 1.1 above may be granted.
- 1.4 Dispensations can be granted for speaking only, or for speaking and voting.
- 1.5 The 2007 Code of Conduct relaxed the restrictions preventing Members with prejudicial interests from speaking. This report therefore deals with instances where Parish Councils have not adopted paragraph 12(2) of the Code.
- 1.6 Given the nature of Parish Councils covering a small area it is quite common for Parish Councillors to hold a common prejudicial interest which may affect the decision making ability of the Council. This guidance seeks to provide a clear route by which the Standards Committee can grant dispensations to deal with these situations when they arrive.

2. Circumstances where dispensations may be granted

- 2.1 The Standards Committee may grant a dispensation to a Parish Council Member or co-opted Member in the following circumstances:
 - a. if more than half the Members entitled to vote at the meeting in question are prevented from doing so. (NB. The legal formula relation to political balance under the Local Government & Housing Act 1989 does not apply to parish councils).
- 2.2 The dispensation granted may apply for just the meeting in question, or as an ongoing dispensation. It is therefore important that the Standards Committee is clear on the length of time a dispensation is valid for when granting it.
- 2.3 A dispensation granted more than four years ago cannot be used to participate in business of the parish council. A new dispensation must be sought in this circumstance.

3. Granting a dispensation for parish council members

- 3.1 The Standards Committee may grant a dispensation if more than 50% of members have a prejudicial interest in an item of business to be discussed at a meeting which is covered by their Code of Conduct.
- 3.2 The Standards Committee must ignore any members who have already been granted a dispensation(s) when doing this.

The example given by the Standards Board for England is:

“If there were ten Members on a committee, six of whom may not be able to vote on an item of business, all six can claim a dispensation. If previously granted dispensations were not disregarded, once two people had been granted dispensations, the remaining four would become ineligible because at that point 50% of the committee would be able to vote.”

- 3.3 The meetings to which this applies are listed in paragraph 1(4) of the Model Code of Conduct contained in the Local Authorities (Model Code of Conduct) Order 2007: meetings of the authority, its executive, its committees, its sub-committees, any other committees, sub-committees, joint committees or area committees of that authority.

4. Considerations in granting a dispensation

- 4.1 The Standards Committee should weigh up the effect of Members' prejudicial interest(s) against the outcome of the vote if they are not participating in the vote.
- 4.2 The Standards Committee should consider whether the nature of the interest in question is such that public confidence in the authority would be damaged if that member were allowed to vote.
- 4.3 The Standards Committee should look at whether the interest in question is one that is common to both the member and to a significant proportion of the population.
- 4.4 Account should also be taken of the expertise and knowledge of the member and whether this justifies their participation in the item in question. For example, if members of police and/or fire authorities would be able to bring their expertise by addressing the meeting.
- 4.5 Standards Committee members should have regard to whether the business in question relates to a voluntary or public body which is to be considered by an overview and scrutiny committee, and additionally whether the interest is a financial one.
- 4.6 If a dispensation not being granted would mean the meeting was not quorate, this might be a reason to grant the dispensation.

5. Granting and recording a dispensation

- 5.1 The process of requesting, considering, granting and recording dispensations is clearly set out below:
- a. A member must apply in writing to the Monitoring Officer for a dispensation as soon as possible, setting out why it is required. The Monitoring Officer will then arrange for the Standards Committee to consider the request. Only written requests are acceptable, and cannot be made by someone else on behalf of the member. Group and joint requests are not permitted. Each member should apply individually.
 - b. A meeting of the Standards Committee must be then convened to consider the application. In the case of urgent items if it is possible to convene a virtual meeting of the committee, an urgent dispensation may still be granted.

- c. The Standards Committee should then consider the legal implications for the dispensation set out at 4.1 to 4.5 as well as at 2.1.a above. This consideration may also take account of any other relevant circumstances or local criteria.
- d. Members of the Standards Committee should determine whether the applicant should be permitted to make oral representations to the meeting of the Standards Committee or whether written applications only will be allowed.
- e. The Standards Committee should then determine the nature of any dispensation they are minded to grant:
 - i) whether the applicant can speak and not vote; or
 - ii) whether the applicant can participate fully and vote.

Additionally the Committee can also decide the length of the dispensation (not more than four years).

- f. It should be noted that the Regulations do not allow for the Standards Committee to grant a general dispensation to cover any situation where a prejudicial interest may arise.
- g. If the Committee grants a dispensation it should do so in writing and before the meeting in question is held.
- h. The Standards Committee may decide to refuse an application for a dispensation. This is within their discretion under the Regulations.
- i. A written record of the decision taken must be kept and placed with the register of interests maintained under Section 81(1) of the Local Government Act 2000.

5.2 Finally, it should be noted that the Standards Board for England cannot provide advice on granting dispensations and that all queries should be directed to the Monitoring Officer.

Appendices

There are no Appendices to this report.

Consultees

Local Stakeholders: -

Officers Consulted: Moira Fraser

Trade Union: -

Agenda Item 5.

Title of Report:	Standards Committee Annual Report 2009-10
Report to be considered by:	Standards Committee
Date of Meeting:	21 June 2010
Forward Plan Ref:	N/a

Purpose of Report: To present the Annual Standards Committee report to the Committee for discussion

Recommended Action: To receive and where appropriate amend the report prior to distribution to all District Councillors and Town and Parish Councils for information.

Reason for decision to be taken: There is no decision. The Council is encouraged to produce an annual report.

Other options considered: None

Key background documentation: None

The proposals will also help achieve the following Council Plan Theme:

CPT14 - Effective People

The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by:

Highlighting work undertaken by the Standards Committee.

Contact Officer Details	
Name:	David Holling
Job Title:	Head of legal and Electoral Services
Tel. No.:	01635 519422
E-mail Address:	dholling@westberks.gov.uk

Implications

Policy: None

Financial: There are no financial implications associated with production of the annual report

Personnel: None

Legal/Procurement: In accordance with Guidance issued by Standards for England in its role as strategic regulator under the Local Government Act 2000 (as amended).

Property: None

Risk Management: None

**Equalities Impact
Assessment:**

Not required as there is no decision to be made.

Executive Summary

1. Introduction

- 1.1 The Local Government Act 2000 required Councils to set up a Standards Committee. Standards Committees have a proactive role in creating an ethical framework which governs the relationship between high standards of conduct and transparency and openness in decision making. As a result of the Local Government and Public Involvement in Health Act 2007 and the Standards Committee (England) Regulations 2008, the role of the Standards Committee has continued to develop processes and procedures associated with the local assessment of the complaints.
- 1.2 West Berkshire Council's Standards Committee's ambition "is to promote, educate and support Councillors (both District and Parish) in following the highest standards of conduct and ensuring that those standards are fully owned locally."

2. Foreword from the Chair

"The Standards Committee has successfully adapted to their new local assessment role and to the significant increase in workload arising from this. With the agreement of the Council we significantly expanded our membership to cope with the new requirements and we now have an organisation with growing experience and expertise able to deal with all stages of the process efficiently and confidentially.

I meet regularly with the leader of the Council, the Leader of the Opposition and the Chief Executive to exchange views and update matters and also address the full Council at its Annual Meeting in May. We hope that you enjoy learning about the Standards Committee and its work. "

James Rees
Chairman of West Berkshire Council's Standards Committee

3. Members of the Committee

- 3.1 The Standards Committee is composed of three independent Members, six District Councillors, and three Parish Councillors.

4. Independent Members

- 4.1 The purpose of independent members is to help increase public confidence in ethical standards and provide a clear signal that the Standards Committee is fair. Independent Members also bring a wider perspective to the Standards Committee from outside experiences. Independent Members are not Members or Officers of the Council, and are not actively engaged in local party political activity. They are appointed by the Full Council for terms of four years, and can serve two terms overall. This is to prevent them losing their independence.

4.2 James Rees

James Rees has many years' experience of business in a variety of roles. The majority of these have been in general management both at national and international level.

Originally a pharmacist, organic chemist and pharmacologist he then entered the pharmaceutical industry. After wide experience with several multinational companies he became a Corporate VP with Syntex responsible for total business activities in a large group of markets including the U.K., Benelux, Scandinavia, Eastern Europe, Greek, Turkey and Israel, Anglophone Africa and the Indian sub-continent.

With his wealth of experience in science based and other enterprises James Rees offers a broad range of management and business skills.

He also has extensive experience as a management consultant specialising in business performance improvement.

Assignments have included:

- * Chairmanships of various companies.
- * Company acquisitions and sales.
- * Market investigation and development.
- * Public Relations.
- * Strategic Planning.
- * General business guidance.

James is a Fellow of the Royal Pharmaceutical Society, a Fellow of the Institute of Management, a Fellow of the Institute of Directors and a graduate of the Harvard Business School.

James Rees has been the Chairman of the West Berkshire Council Standard's Committee since its inception. His chairmanship will end in May 2011.

4.3 John Bingham

John Bingham joined the Standards Committee in 2006 as an Independent Member. John previously was the Town Centre Manager for Wokingham in East Berkshire following many years owning and running a restaurant in the town. He was also very active locally being a member of the Wokingham Society and very involved with the Winter Carnival in the town. Shortly after joining as an Independent Member he became Vice Chairman of the Standards Committee and has attended two Annual Conferences and a number of training events.

4.4 Mike Wall

Mike Wall was appointed to the Standards Committee in 2008. He also serves on The Thames Valley Police Authority Standards Committee and The Thames Valley Police Misconduct Panel as an Independent Member. He has spent many years working in

Retail, Distribution and Marketing. In 1988 he was appointed to the Reading Magistrates Bench and continues that service to local justice.

5. District Councillors

5.1 The Councillors on the Standards Committee are representatives of both political groups within the Council. The Standards Committee is neutral, this is because the Standards Committee is above party politics and its Members have the respect of the whole authority, regardless of their political party.

5.2 During 2009/10 the Standards Committee comprised the following Members:

- Adrian Edwards
- David Holtby
- Owen Jeffery
- Gwen Mason
- Andrew Rowles
- Julian Swift-Hook

6. Parish Councillors

6.1 The Standards Committee has a special responsibility to the 62 Town and Parish Councils within the District. It is responsible for ensuring that high standards of conduct are met within the parishes and that all Parish and Town Councillors are aware of their responsibilities under the Code of Conduct. Three Parish Councillors are therefore appointed to the Committee. West Berkshire Council has also appointed two substitutes to the Committee to ensure continuity. Parish Councillors bring a wealth of experience and local knowledge to the Committee and also provide insight into the management and organisation of Town and Parish Councils.

6.2 During the 2009/10 Municipal year the following Parish Councillors were appointed to the Standards Committee:

- Tom Bune
- Crissy Clemson
- Peter Iveson
- Tony Renouf
- Stephanie Steevenson

7. The Monitoring Officer

7.1 In West Berkshire Council the role of the Monitoring Officer is a statutory post and rests with the Head of Legal and Electoral Services. The Monitoring Officer has a key role in promoting and maintaining standards of conduct.

7.2 As well as acting as legal adviser to the Standards committee, the Monitoring Officer carries out the following functions:

- reporting on contraventions or likely contraventions of any enactment or rule of law and reporting on any maladministration or injustice where the Ombudsman has carried out an investigation;
- establishing and maintaining registers of Members' interests and gifts and hospitality;
- maintaining, reviewing and monitoring the Constitution;
- advising Members on interpretation of the Code of Conduct;
- supporting the Standards Committee;
- receiving reports from Ethical Standards Officers and decisions of case tribunals;
- conducting investigations into misconduct;
- performing ethical framework functions in relation to Parish Councils;
- acting as the proper officer for access to information;
- making arrangements for relevant matters to be considered by the Standards Committee with regard to initial assessment, review, consideration of final investigation reports and hearings, and to advise the Standards Committee on such matters;
- advising whether executive decisions are within the budget and policy framework; and
- advising on vires issues, maladministration, financial impropriety, probity, and budget and policy issues to all Members.

8. The Standards Committee

8.1 The general functions of the Standards Committee are:

- Promoting and maintaining high standards of conduct by Members and co-opted Members; and
- Assisting Members and co-opted Members to observe the Code of Conduct.

8.2 The terms of reference for the Committee are:

- Promoting, monitoring and reviewing the rules controlling the behaviour of Councillors and Officers (Code of Conduct);
- To initially assess and review complaints against West Berkshire Councillors and Parish and Town Councillors in West Berkshire and to decide what action (if any) to take;
- To consider the results of any investigation into the behaviour of Councillors and decide whether their behaviour has broken the rules described above. If the Councillor is found to have broken the rules, the Committee decide what punishment to impose;
- To provide advice and guidance to Members, Parish Councillors and Officers and to make arrangements for training them on standards issues; and
- To advise the Council about changes which need to be made to the code of conduct for Members and Officers and to promote, monitor and review these codes.

8.3 Each of the Standards Committee's Sub Committees (Assesment Sub-Committee, Review Sub-Committee and Hearing Panel) also have their own Terms of Reference which are available on request from the Democratic Services Manager.

9. The Work of the Committee 2009 – 2010

- 9.1 Promoting, monitoring and reviewing the Codes of Conduct. The Standards Committee exists to promote and maintain high standards of conduct within the Council. The Committee continues to assess and amend its policies and procedures on an annual basis to take cognisance of examples of good practice and any amendments to legislation.
- 9.2 During the 2009/10 Municipal Year the Standards Committee hosted two training events for District Councillors and one for Parish Councillors. A training session has also been set up early in the new Municipal Year aimed to provide training to any newly appointed Town or Parish Councillors. Two Individual training sessions for Parish Councils has also been undertaken by the Monitoring Officer.
- 9.3 The Standards Committee continues to monitor and submit quarterly reports to Standards for England and has submitted its Annual Report which is available on the Council's website.

10. Local Assessment of Complaints

- 10.1 Since June 2008, the Standards Committee has had responsibility for initially assessing and reviewing complaints against West Berkshire Councillors and Parish and Town Councillors in the West Berkshire area.
- 10.2 During 2009/2010 the Standards Committee has assessed 11 cases (7 complaints were made against Parish/ Town Councillors and 4 were made against District Councillors) and reviewed 1 of these. Of these 11 complaints the Assessment Sub-Committee ruled that in 1 case no further action should be taken, five cases should be investigated and in five cases other action was requested. This included the request that training be undertaken and letters of apology or explanation be written. Two of the investigations have been concluded. One Hearing Panel has been held

and the other complaint is due to be considered by the Consideration and Hearing Panel shortly. Three cases are currently still being investigated. No cases have been referred to standards for England because of their seriousness.

11. Raising awareness of the Local Assessment Process

11.1 Every authority was required to publish a notice detailing where the complaints about the behaviour of Councillors should be sent from 8th May 2008 and what Council's new responsibilities are.

11.2 The Standards Committee chose to do so through the following media;

- Council's website – by updating the existing page of information on how to make complaints about misconduct, and through a Council press release.

11.3 The Committee also created an information leaflet for potential complainants and a specific complaints form, which is available via the Council's website and distributed in hard copy when requested.

12. Training and Guidance for Members of the Sub-Committees

12.1 During the 2009/10 Municipal Year Members of the Standards Committee received additional training through the general sessions held for District and Parish Councillors.

12.2 In addition a specific training session was arranged on assessments which was based on the training DVD entitled 'Assessment Made Clear' which had been produced by Standards for England.

13. Providing Guidance and Training

13.1 The Standards Committee has a special responsibility for ensuring that Members are trained in matters relating to the Code of Conduct and arranging for appropriate training to be provided. During this year, the Standards Committee has both reviewed and recommended training for Councillors and Parish and Town Councillors.

14. Induction for Councillors

14.1 The Standards Committee will continue to support the induction training programme for new Ward Members. Code of Conduct Training forms an integral part of the Induction Programme which takes place following local elections. This was therefore undertaken in May 2007 and work on the Induction Programme for May 2011 is underway. All Members have signed the Declaration of Office which includes an acceptance of the Code of Conduct and have completed Register of Interests forms. Members are reminded every six months to update these forms.

15. Relationship with Parish and Town Councils

15.1 The Standards Committee has sought to develop its relationship with the Parish and Town Councils in the West Berkshire area during this Municipal Year.

16. Issues for 2010 – 2011

16.1 The Standards Committee will have many important issues to address in the coming year, including the following:

- Dealing with the fall out of the comments from the Coalition Government that it will ‘abolish the Standards Board regime”;
- The possibility that it might need to recruit new Members of the Standards Committee which has proved to be difficult in the past;
- If Local Assessment of complaints is not abolished dealing with an increasing number of complaints.

17. Conclusion

The number of complaints in West Berkshire remains relatively low. The training and support given by the Committee and officers to district, parish and town Councillors has contributed to this. The workload which has arisen under the determination regime has enabled all members of the Standard Committee to gain a wider range of experience and expertise which again contributes to the high standard of conduct and behaviour in the district.

Executive Report

Appendices

There are no Appendices to this report.

Consultees

Local Stakeholders: *

Officers Consulted: Moira Fraser, Andy Day

Trade Union: *

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Sent via email

1 June 2010

Dear Colleague

As you will no doubt be aware the Government announced in the recent Queen's Speech that the proposed Decentralisation and Localism bill will include proposals to 'abolish the Standards Board regime'. Beyond this statement, we do not currently have clear details of the scope or implications of this proposal. However, until such time as the relevant legislation is passed, the statutory framework remains operative.

We will therefore continue to work with you to support your work. In turn, we expect you to continue with your statutory duties including the assessment of allegations, and we will continue to consider cases which you refer to us.

We remain committed to ensuring that there is a proper framework of local accountability in which the public can have confidence and we wish to work with central and local government to develop any proposals. As more details emerge we will keep you informed of developments and would be interested in hearing your views about how future arrangements could most effectively work.

In the meantime, if you need clarity on any specific issues, please do continue to call our enquiries line.

Yours sincerely



Dr Robert Chilton
Chair

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