

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

<p>The proposals will also help achieve the following Council Plan Theme:</p> <p><input checked="" type="checkbox"/> CPT14 - Effective People</p> <p>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.</p>

Contact Officer Details	
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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: *