

SLOUGH BOROUGH COUNCIL

REPORT TO: Standards Committee **DATE:** 17th December, 2008

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PART I **FOR INFORMATION**

7th ANNUAL ASSEMBLY OF STANDARDS COMMITTEES 2008

1. Purpose of Report

- 1.1 The purpose of this report is to inform the Committee of the content of the 7th Annual Assembly of Standards Committees held on 13th and 14th October 2008 at the International Convention Centre in Birmingham.

2. Recommendation(s)/Proposed Action

- 2.1 The report is for Members' information only.

3. Community Strategy Priorities

- 3.1 The primary aim of the Annual Assembly was to consider the workings of the new devolved ethical framework which had been put in place on 8th May 2008 and the forthcoming review of the Model Code of Conduct details of which are contained in another report on the Committee's agenda.
- 3.2 The Local Code of Conduct for Members (which comprises the Model Code together with some supplementary provisions) forms the bedrock of the conduct regime and aims to promote the public's trust and confidence in Members and faith in local democracy.

4. Other Implications

- 4.1 As this report is for information only it does not have any financial, staffing or legal implications.

5. Background/Supporting Information

- 5.1 The Standards Board for England convene on an annual basis an assembly of Standards Committees, the purpose of which is to provide useful information on the progress and development of the ethical framework as set out in the Local Government Act 2000 (as amended) and supporting Regulations. The 7th Annual Assembly which was entitled "*Delivering the Goods - Local Standards in Action*" was primarily concerned with the progress and development of the newly devolved

framework to local standards committees. However, the conference is also an opportunity for valuable networking and the sharing of experiences and solutions with other local authorities, their Members, Monitoring Officers and Independent Co-opted Members.

- 5.2 This year the Chair of the Committee could not attend the Annual Assembly so the Authority were represented by the Monitoring Officer and a Solicitor colleague, Elaine Crawford.
- 5.3 Robert Chiltern, the recently appointed Chair of the Standards Board stated that local authorities had made good progress in adopting the new local framework and that the hot topic for this year's Annual Assembly was the use of alternative action i.e. mediation instead of the investigation of complaints' (see Appendix A).
- 5.4 The Under Secretary of State for the Department of Communities and Local Government D. Khan MP spoke of the importance of the conduct regime to local democracy and regarded the devolution to local standards committees as a success. In addition he commented that the revised Model Code of Conduct was clearer, simpler and more proportionate in its approach to allegations of member misconduct. He also made reference to the recent proposals to amend the Code so that it would apply, in limited circumstances, to Councillors acting in their private capacity. This matter is the subject of a separate report on the agenda.
- 5.5 A summary of the "Breakout Sessions" attended by the Monitoring Officer and Elaine Crawford are set out in **Appendix A** to this report.

6. Conclusion

- 6.1 The Annual Assembly of Standards Committees does enable the Standards Board for England and local authorities to share experience and best practice and it is anticipated that at least one representative of the Council will attend future Assemblies in the future.

7. Background Papers

None.

8. Appendix A

Summary of "Breakout Sessions" attended at the Annual Assembly

7th ANNUAL ASSEMBLY OF STANDARDS COMMITTEES
SUMMARY OF BREAKOUT SESSIONS ATTENDED

Breakout Session - “Alternative action master class”

Mentoring, mediation and guidance can be effective alternative actions to investigations. They can also help authorities to resolve longstanding issues of inappropriate Member behaviour. This session gave an overview of the processes and benefits of alternative actions. Those who have attended the workshop worked through scenarios to build an understanding of when alternative action maybe appropriate, and how to implement it.

Generally the suitability of alternative action fell into two headings - namely:-

- a. There is evidence of poor understanding of the Code of Conduct and the authority’s procedures by a number of Members.
- b. There is a breakdown of relationships within the Council which hinders the conduct of its business e.g. tit for tat allegations.

The important learning point was that if the Assessment Sub-Committee decide that alternative action is the most appropriate form of response then no investigation can subsequently take place if a Member or Members do not subsequently cooperate.

Breakout Session - “Delivering local assessment”

This workshop was for delegates who really wanted to get to grips with the local assessment process and understand the key steps involved. Case examples were used to explain the process from the point the authority receives the complaint to when the Member is notified of the result of the assessment.

It was interesting to see that there were diverse views on whether or not complaints should be referred to the Monitoring Officer for investigation or alternative action proposed.

Breakout Session - “Planning ahead”

This workshop took those involved through different planning scenarios to demonstrate where and how a local Councillor could represent his/her community. It highlighted some of the planning pitfalls and how to avoid them. Again, case examples/scenarios were used and the learning point was to identify many potential areas within the planning processes that Members might need to declare a conflict of interest whether personal or prejudicial.

Breakout Session – “First Response”

This session took the form of a workshop and its purpose was to give guidance on local investigations and decisions made by initial assessment sub-committees and review sub-committees together with advice as to the monitoring officers role once an allegation has been received.

We were given a scenario and in small groups we went through the initial steps that are made once a complaint has been received.

This workshop went through the various stages of a local assessment and highlighted points from the “Local Assessment of Complaints Guidance” and “the Local Government Act 2000 as amended Standards Committee (England) Regulations 2008”.

The Local Assessment of Complaints Guidance can be found on the Standards Board for England website at the link set out below and is a very useful guide for members and officers:

<http://www.standardsboard.gov.uk/Localassessment/Guidanceandtoolkit/>

Breakout Session – “What Went Wrong”

This session took the form of a workshop and its purpose was to highlight common mistakes made by Investigating Officers when investigating breaches of the code of conduct.

Extracts from three Investigating Officers Reports (based on real cases from the Standards Board) were given out. We had to determine what common mistakes had been made by the Investigating Officer. At the end of the session we were given extracts from the Appeals Tribunal Decision from the Adjudication Panel For England highlighting the shortcomings and failures of the investigation process e.g. failure to gather enough relevant evidence.

This workshop was very useful to Council Officers who carry out investigations into allegations of breach of the Code of Conduct and the notes and training material will be used in training staff in Legal Services.

Breakout Session – “Delivering Local Determinations and Setting Sanctions”

This session took the form of a slideshow presentation on delivering local determinations followed by a workshop on sanctions.

The slideshow presentation covered all of the aspects of local determination including; the legal framework, timescales, pre-hearings, the format of the hearing, notifications and appeals.

Before starting the workshop on sanctions there was a short presentation on mitigating circumstances and aggravating circumstances that should be taken into account when deciding an appropriate sanction together with information on making referrals to the Adjudication Panel for England where it is deemed that a sanction of suspension of more than 6 months or disqualification are appropriate sanctions.

The updated guidance on determinations which outlines the aggravating and mitigating factors can be found at the link below:

<http://www.standardsboard.gov.uk/TheCodeofConduct/Guidance/Standardscommittee s/Determinationguidanceandtoolkit/filedownload,16783,en.pdf>