

STANDARDS COMMITTEE

31 January 2011

REVIEW OF 2010 AND FUTURE WORK PROGRAMME

REPORT OF CORPORATE DIRECTOR (GOVERNANCE)

Contact Officer: Stephen Whetnall/Chris Ashcroft Tel No: 01962 848220/848284
swhetnall@winchester.gov.uk or cashcroft@winchester.gov.uk

RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

This report reviews Standards issues during 2010 and the future work programme.

RECOMMENDATION:

1. That the Committee considers whether there are any issues where further action needs to be taken, in addition to those outlined in the report.
2. That the proposed work programme for 2011/12 be approved.

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DETAIL:

1 Annual Audit Letter 2009/10

1.1 In previous years, the District Auditor's Annual Audit Letter contained a scored assessment on Use of Resources. An element of this assessment included Standards issues. However, since the Coalition Government abolished Comprehensive Area Assessment (CAA), the Use of Resources Assessment is no longer given. A number of areas covered by the CAA will no longer be included in future Audit Letters.

1.2 Instead the District Auditor has to confirm whether the Council has adequate arrangements in place for securing value for money. He confirmed this was the case for all the required elements. This included the arrangements for Governing the Business which contains a specific topic relating to Good Governance. The report does not give any further detail unless the District Auditor wishes to comment on improvements that should be made. None were identified for this area of work.

3 Complaints since May 2010

3.1 **City Councillors** - one complainant made complaints against two City Councillors, both of which were considered by the Assessment Sub Committee, which decided not to refer them to the Monitoring Officer for investigation. The complainant exercised her right to have those decisions reviewed and the Review Sub Committee reached the same conclusion of not referring the complaints for investigation.

3.2 **Parish Councillors** - one complainant made complaints about eight Councillors on one Parish Council, and another complainant made complaints about three Councillors on another Parish Council. In both cases, the Assessment Sub Committee concluded that 'other action' was likely to be the most beneficial course, specifically asking both Parish Councils to attend separate training sessions which focused on probity and good practice.

3.3 Those training sessions have now taken place and the Assessment Sub Committee will be considering the outcome at meetings scheduled immediately before and after this meeting.

- 3.4 There were also two outstanding investigations from 2009/10 which needed to be concluded and considered by a Standards (Determinations) Sub-Committee. One case relating to a parish councillor was heard by the Sub-Committee on 1 July 2010.
- 3.5 This case involved 3 complaints about a parish councillor by one complainant. The Sub-Committee made a finding that there had been 2 breaches of the Code and asked the councillor to attend a training session – which has taken place.
- 3.6 The investigator's draft report on the other case has been made available to the parties for comment and will be referred to a Standards (Determinations) Sub-Committee shortly.

4 Training in 2010

- 4.1 Training regarding Planning Material Considerations and the Planning Protocol was held on 27 May 2010 with 19 attendees.
- 4.2 Probity and Ethics training was held on 30 June 2009 with 23 attendees.
- 4.3 A general training evening for parish councils was scheduled for 20 October 2010, but there was a very low response and therefore it was cancelled. General workload pressures and, in particular, the need to conclude outstanding Standards cases has prevented a re-arranged date being offered.

5 Future Work Programme

- 5.1 The Government has been clear in its intention to abolish the Standards for England organisation and an outline is now available in the Localism Bill which is currently being considered by Parliament (Report ST85 elsewhere on this agenda refers). Further detail will be left to regulations. However, following the Coalition Government's emphasis on Localism, leaving individual councils to resolve details for themselves, it is anticipated there will only be outline guidance about how it is envisaged that probity and ethics issues will be managed in the future. This obviously has a significant impact on putting together a work programme for next year.
- 5.2 The prevailing view still seems to be that each local authority will be able to introduce and control its own Code of Conduct, along with other protocols and guidance (much as we have at present). National statistics show that complaints against parish councillors are by far the largest source of Standards work. However, this will not be a role for the District Council under the new system.
- 5.3 As said above, all this has yet to be confirmed and it is likely that, for the next year at least, it will be 'business as usual' for handling both District and Parish cases for most of 2011/12.

- 5.4 The Council will need to consider what procedures to put in place for a Local Code and Protocols for the City Council under the new legislation. It has always been our practice to periodically review our protocols and they will continue to be submitted to this Committee, to assess how they will fit in with the new legislation. This will ensure that they are ready to support any local Code that we are able to introduce under the new guidance. The Council will also need to be advised on what procedures it should adopt for complaints handling in the future, including whether there is a continuing role for a separate Committee with a Standards brief.
- 5.5 The monitoring of committee proceedings is proposed elsewhere on this agenda (Report ST86 refers) and, if agreed, will form another element of future work.
- 5.6 At its meeting on 29 March 2010, the Committee decided that a formal annual report should be presented to full Council on Standards issues. However, given the abolition by the Coalition Government of both the CAA and of the reporting requirements to Standards for England, an annual report has not been prepared. This takes account of budget reductions already being made and the need to concentrate on ensuring that the casework is dealt with. It is no longer proposed to produce a more detailed Annual Report for Council. An alternative way forward is that a better use of limited resources would be for advice to be given by the Committee to Council on how it should react to the legislative changes. This would be contained in reports in 2011/12, as proposals are developed, taking account of the Committee's experience gained from the current system.
- 5.7 The timing of items to be considered under the work programme will be considered at the first meeting of the Committee in 2011/12, as more detail of the legislative changes becomes available.

OTHER CONSIDERATIONS:

CORPORATE STRATEGY (RELEVANCE TO):

An Efficient and Effective Council

RESOURCE IMPLICATIONS:

Because of the budget situation, work on Standards issues, wherever possible, has to be contained within existing staff resources.

RISK MANAGEMENT ISSUES None

BACKGROUND DOCUMENTS:

Corporate Director (Governance) file (less exempt items).

APPENDICES: None

