

Fire and Rescue Service
Headquarters, Pirehill
Please ask for Kay Johnson
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STANDARDS AND COMPLAINTS COMMITTEE

Wednesday 20 October 2010

9.30 am

Fire and Rescue Service Headquarters,
Pirehill

A Chairman's Preview has been arranged, for Mr. Stemp and Mrs. Foulkes only, at
9.15 am

H. Norris
Secretary to the Authority
11 October 2010

AGENDA

1. Apologies
2. Declaration of Interests
3. **Minutes of the meeting held on 29 June 2010**
4. **The Future of Standards for England**
Report of the Secretary
5. **Date of next meeting of the Standards and Complaints Committee**
Monday 14 February 2010 at 2.15 pm

6. **Exclusion of the Public**

The Chairman to move:-

“That the public be excluded from the meeting for the following items of business which involve the likely disclosure of exempt information as defined in the paragraphs of Part I of Schedule 12A of the Local Government Act 1972 indicated below”.

PART TWO

7. **Exempt Report of the Secretary on the Work of the Assessment Committee**
(exemption paragraph 1)

**MINUTES OF THE STANDARDS AND COMPLAINTS COMMITTEE
HELD ON 29 JUNE 2010**

Present: Mr H. Stemp (Chairman)
(Independent Member)

Bernard, J.	Independent Member
Davis, J.	Foulkes, Mrs L.
Fraser, B.	Breen, Mrs K.
Matloob, M.	

Apology: Reade, R.

Also in Attendance: Mr H. Norris, Secretary

PART ONE

Documents referred to in these minutes as schedules are not appended but will be attached to the signed copy of the minutes. Copies, or specific information in them, may be available on request.

Membership of the Committee

1. The Membership of the Committee was outlined for information. The Chairman formally welcomed new Members to the Committee.
2. **RESOLVED** – That the Membership of the Committee be noted.

Minutes

3. **RESOLVED** - That the minutes of the meetings held on 25 February 2010 be confirmed and signed by the Chairman.

Terms of Reference of the Committee

4. The Terms of Reference of the Committee were presented to Members for their information.
5. **RESOLVED** – That the Terms of Reference be noted.

**The Future of Standards for England
(Schedule 1)**

6. The new Government included in the Queen's Speech the intention to introduce a new Bill entitled 'Decentralisation and Localism' which included a proposal to abolish the Standards Board for England. The report examined in brief the implications of such a proposal for local standards. The change to legislation would have legal consequences but until a definitive and detailed proposal was advanced it was difficult to describe what further impact this may have. As the proposals became more defined a further report would be put to the Committee.

With the introduction of the Local Government Act 2000 a framework was introduced with a view to ensuring the conduct of Members was kept to the highest possible standards. This

included the introduction of the Member Code of Conduct and the requirement that all Councils set up and operated a Standards Committee which would consider issues of inappropriate behaviour by Members. Initially this system operated by complaints being referred to the Standards Board for England in London who then investigated the complaints and referred them back to the Standards Committee to apply an appropriate sanction. Subsequently this system was amended to the extent that almost all complaints would be investigated and dealt with locally with the Standards Board taking on a more strategic and oversight role as well as promulgating national guidance notes. Through this process the Standards Board for England redesigned its operating processes and became Standards for England.

With the change in Central Government to a Conservative/ Liberal Democrat Alliance the future direction and priorities were shifting attached to a general proposal in the area of Communities and Local Government to decentralise control from Westminster by providing new powers to local councils, communities and neighbourhoods. This intention was contained in the HM Government publication 'The Coalition: our programme for government' which included a proposal to abolish the Standards Board regime. This intention appeared subsequently in the Queen's speech at the opening of Parliament connected to the proposal to introduce a 'Decentralisation and Localism Bill' dealing with many of the steps necessary to give powers, presently held in Westminster, to local Councils. There was no detail as to how the abolition of the Standards Board would be achieved nor in relation to what proposed future approach would replace the present system. However, it was unlikely that the whole system of protecting and raising standards would be deconstructed leaving a void.

The Committee considered what a new system may entail. Accepting that localism would be the way forward Members could expect that any future proposal would include some process whereby Councils continued to operate Standards Committees and monitor and resolve their own issues. This may include some connection between Councils to ensure resilience and consistency as to Standards issues. Whatever the system adopted may be it is unlikely that the process of ensuring standards were improved and sustained would be dismantled.

Until the detail of the new legislation was published there would be a continuing uncertainty as to the future of the Standards framework and an example of this is the fact that the Annual Standards for England event due to take place in Birmingham in October had been cancelled. Until any new Act was passed, the present process remained in force and Standards Committees should continue to operate in their present form. Also the quarterly returns were no longer required from the Authority, by Standards for England.

Members held a discussion on the position and commented that it might be that clusters of Standards Committee might operate together either geographically, by type of authority or similar. Collaboration may be the way forward. They were also of the view that the standards process would not go away. Mr Norris was hopeful that there should be something issued on the way forward by the autumn. The Authority would need to take the lead from central government. Members discussed how Standards Committees locally now had more power than when initially set up, as matters were previously referred to the Standards Board before being referred back to the Committee. This had led to delays and complaints. Complaints dealt with locally were usually dealt with quickly. Mr Norris commented that generally there had been very few complaints dealt with by Fire Authorities. In response to a question Mr Norris advised that he was hopeful that authorities would be consulted on the way forward.

7. RESOLVED - That the content of the report be noted.

Research Feedback on the Code of Conduct for Members
(Schedule 2)

8. The report introduced the basic finding from research commissioned by the Standards Board for England into the question of the effectiveness and proportionality of the National Standards Framework. In May of 2009 Standards for England commissioned BMG Research to undertake an examination into whether the general public, stakeholders and officers viewed the standards framework operated as regards Members of Councils as proportionate in its effect. In this respect they organised focus groups comprising interests from these three sectors, to look at the framework and comment on its effect. Mrs Breen as an Independent Member of the Authority's Standards Committee took part in the research as did the Monitoring Officer and attached at Appendix 1 to the report was a summary of the findings from the research. Members noted the general comments made by respondents to the process which tended to support the view that the Code and framework were appropriate in their effect. However of interest is the concern raised that the costs of undertaking local investigations were adding a significant resource burden to that already carried by authorities.

Finally, reflecting upon the new government's intention to abolish the Standards for England organisation it is questionable whether the conclusions of this research would be quickly superseded by the introduction of some alternative Standards structure.

Mrs Breen advised Members that, at the focus group she attended, exercises were carried out on actual cases. In general the feeling was that sanctions issued by Standards Committees were not harsh enough. More matters should be dealt with at a local level. The main thrust of the groups was the need for Standards for England, which had now been disbanded. The need to safeguard communities was identified.

Members discussed predetermination/predisposition and ways of speaking and voting at meetings.

9. **RESOLVED** - That the report be noted.

Case Studies
(Schedule 3)

10. Members undertook training on two case studies from other authorities which had been anonymised. Members discussed the case studies in detail and discussed the possible actions, sanctions and the actual outcomes of the case studies. The discussions on these cases proved useful training for Members.

11. **RESOLVED** – (a) That the matter be noted.

(b) That further training on case studies be held at future meetings.

Date of next meeting of the Standards and Complaints Committee

12. The next scheduled meeting of the Standards and Complaints Committee was Tuesday 19 October 2010 at 2.15 pm although an alternative date would be sought to accommodate the attendance of all Members.

CHAIRMAN

STOKE ON TRENT AND STAFFORDSHIRE FIRE AND RESCUE AUTHORITY

STANDARDS AND COMPLAINTS COMMITTEE

20 October 2010

The Future of the Standards Framework

Report of the Secretary

Summary

Following on from the announcement made by the new Coalition Government to the effect that the Standards for England organisation would be abolished there have been further statements from Central Government. This report considers the content of these announcements and the possible future implications for the Standards regime both nationally and locally.

Recommendations

That the Committee notes the contents of this report

Financial Implications

None

Legal Implications

The proposed abolition of the Standards Framework will have a potential negative effect on the question of promoting and securing standards of behaviour that preserve the good reputation of public services and avoids challenges.

Equality and Diversity

None

Risk Implications

The removal of the standards framework will increase the risk of reputational loss.

Consultation and Engagement undertaken

None

Other implications

None

Background

As Members will be aware the new Coalition Government has been examining the work of certain bodies to determine whether they should continue in their present form. The Coalition has also made it clear that they would focus on removing centralisation whilst focussing more on devolving powers to local authorities and the communities they serve. This has led the Government to propose a new Act which will abolish certain organisations seen as being wasteful and unnecessary to this new approach.

Standards for England, the central strategic body for ensuring good standards in local government, is one of the bodies the government intends to abolish through the new legislation. Having regard to this information the Standards Committee received a report at its last meeting to consider what process would be operated after the removal of Standards for England to ensure standards remained high and instances of failures to adhere to those standards could be properly addressed.

However information is now being received to the effect that Central Government intends to dismantle the process instigated by the Local Government Act 2000 altogether. This would mean the removal not only of the Code of Conduct for Members but also the local Standards Committee themselves. In a press release attached to this report at **Appendix 1** Communities and Local Government (CLG) make it clear that the intention of the new legislation is to dismantle, in its entirety, the present approach to standards and rely upon new criminal sanctions for major failures by Councillors, increased powers to the local government ombudsman to investigate failings and, the power of the electorate through the ballot box to remove Councillors on the occasion of elections.

At the present time no detailed timetable has been submitted as to how this would be achieved and certain powers presently given to Standards Committees will have to be considered or re-assigned to other bodies. It remains the case however that until any such proposals pass into legislation that the local standards regime including the Code of Conduct and the operation of the local standards committee remains in full operation.

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Stunell - Corrupt councillors will go to court not Standards committees

Published 20 September 2010

Serious misconduct for personal gain will be a criminal act, while petty local vendettas will no longer get a hearing as the unpopular standards board regime is axed, Communities Minister Andrew Stunell announced today.

Mr Stunell said the top-down regime set up by central government to monitor council conduct had become a vehicle for malicious and frivolous complaints. For example, one authority had to fork out £160,000 after receiving over 170 complaints from the same person. Each one had to be examined, but only three were considered worth investigating and after investigation all were dismissed.

Local Standards Committees investigated 6000 complaints in the first two years - of which over half were judged not worthy of any further action. The Government is axing the entire Standards regime including the central board, which costs over £6 million a year; with investigations of complaints costing thousands of pounds each.

Genuine corruption in local government needs to be rooted out and the new Government is legislating to make serious misconduct a criminal offence dealt with by the courts not committees. Councillors will have to register certain personal interests in a publicly available register.

Ministers believe these changes will give voters the confidence that councillors who misuse their office will be effectively dealt with. While councillors themselves will have the confidence to get on with their job knowing they won't be plagued by petty allegations.

Public will decide councillors' fates

Under new plans the public will also have greater confidence to challenge poor local services. The Government intends to give the Local Government Ombudsman, the established body for investigating public complaints over the way they have been treated by their council, real teeth. For the first time local authorities will be legally compelled to implement the Ombudsman's findings.

Andrew Stunell said:

"The Standards Board regime ended up fuelling petty complaints and malicious vendettas. Nearly every council had investigations hanging over them - most of which would be dismissed but not before reputations were damaged and taxpayer money was wasted. Frivolous allegations undermined local democracy and discouraged people from running for public office.

"That's why we are axing the unpopular and unelected standards board regime. Instead we will legislate to ensure that if a councillor is corrupt and abuses their office for personal gain they will be dealt with in the criminal courts. If a councillor behaves ineffectively or irresponsibly then it's a matter for the electorate not an unelected quango.

"This Government is freeing councillors from central prescription and top down bureaucracy so they can get on with their job. In the future councillors must expect to be judged at the ballot box by an electorate with real access to their accounts and personal interests in a new transparent era."

Communities Secretary Eric Pickles added:

"The standards board regime became the problem, not the solution. Unsubstantiated and petty allegations, often a storm in a teacup, damaged the reputation and standing of local government, as well as wasting taxpayers' money.

"But by abolishing the failed standards committees we're not letting councillors off the hook. Failure to register or declare an interest, or deliberately seeking to mislead the public about an interest, will become a criminal offence while a newly empowered Local Government Ombudsman will investigate incompetence on behalf local people."

The Government will also legislate to make it clear that councillors can campaign and vote freely on their issues. Councillors who have been prevented from speaking on the very issues they had been elected on, such as planning matters, will now have the freedom to express their views.

But councillors will have to register certain personal interests in a publicly available register; this could include anything that could reasonably be regarded as likely to influence or affect their actions, conduct when on business for the authority or voting.

The whole Standards Board regime consisting of a centrally prescribed code of conduct, standards committees with the power to suspend councillors and an unelected central body will be axed in the upcoming Localism Bill.

However councillors will have to conform to the highest standards of conduct. At present if a councillor abuses their position for personal gain it may result in a complaint to the local authority's standards committee with the councillor simply having to apologise. New legislation will make failing to register an interest, or deliberately seeking to mislead the public about an interest a criminal offence.