

**MINUTES OF A MEETING OF THE
STANDARDS COMMITTEE
HELD ON WEDNESDAY 2 DECEMBER 2009 FROM 7.00 PM TO 8.45 PM**

Present:-

Wokingham Borough Members:- Ullakarin Clark and Malcolm Storry

Independent Members:- David Comben, (Chairman), Eric Davies, Anita H Grosz and John Giles

Parish Council representatives:- Mr J Heggadon, Roy Mantel and Ray Duncan

Also present Kevin Jacob, Principal Democratic Services Officer
Colin Lawley, Legal Services Manager and Deputy Monitoring Officer

PART I

27. MINUTES

The Minutes of the meeting of the Committee held on 2 September 2009 were confirmed as a correct record and signed by the Chairman.

John Heggadon referred to point 4 of the resolved action under Minute 24 and queried whether the changes in the procedure for questions from parish and town councillors had been implemented as he was not aware of any notification of the change being made to town and parish councils.

Kevin Jacob responded that the change had not yet been agreed by the Borough Council and apologised for this. He commented that it was now being expedited.

28. APOLOGIES

Apologies for absence were submitted from Pauline Helliard-Symons and David Soane.

29. DECLARATIONS OF INTEREST

There were no declarations of interest.

30. PUBLIC QUESTION TIME

There were no public questions.

31. MEMBER QUESTION TIME

There were no Member questions.

32. OBSERVATIONS FROM THE STANDARDS FOR ENGLAND ANNUAL ASSEMBLY 2009

The Committee considered a report, (Agenda pages 5 to 10) from Eric Davies setting out his observations on the 2009 Standards for England Assembly which he had attended.

Eric Davies commented that given the cost of sending delegates to the Assembly he felt that the Committee might value feedback on the proceedings. In his view, the Assembly had represented good value for money, although some aspects of it could be improved.

Members commented that in connection with parish and town councils it was worth highlighting that data from Standards for England set out in the report indicated that 80% of parish and town councils had yet to have a complaint made against one of their members. This pointed to the fact that standards of ethical behaviour were generally high across the parish and town sector.

It was felt that across all sectors, the number of complaints made represented a very small proportion of the total number of councillors.

It was noted that one of the contributing factors to high standards within local authorities was those authorities achieving best practice often managed to achieve high levels of ownership by elected councillors of standards committees as a mechanism to enhance ethical governance.

The Chairman commented that he had recently met with the Chief Executive and Monitoring Officer. Arising from the meeting, he was seeking to arrange to meet with the political group leaders at Wokingham Borough Council and also middle managers within the Council. He felt that there was a need to explain to the public and councillors in more clarity, the link between standards and the opportunity to increase faith in local politics amongst residents.

John Heggadon noted that some attendees at the Assembly felt that by attending council, parish or town meetings their independence would be damaged. He commented that in his view, attendance by Standards Committee members was very important if the members were to understand the context of parish/town council meetings and the environment they operated in. This was important given that members of Standards Committee were expected to consider complaints against town and parish members.

Comment was also made on the uncertain future of Standards for England in the event of a change in Government, given it was understood to be Conservative Party policy to abolish it. It was felt that many Councils would wish to continue to operate a local standards and ethical framework even in the absence of Standards for England.

The Chairman and Committee congratulated Eric Davies on his report and thanked him for submitting it to the Committee.

RESOLVED: That the report be noted.

33. REVIEW OF THE PROCESS FOR LOCAL HEARINGS

The Committee considered a report and attached Appendices, (Agenda pages 11 to 24) which set out the process for conduct of Code of Conduct Hearings as agreed by the Committee in 2003, (Appendix 1) and a revised model hearings process as published by Standards for England in 2008, (Appendix 2).

Kevin Jacob commented that given that Standards for England had published a revised model process, it had been felt appropriate to ask the Committee to revisit the locally agreed process. He commented that the principal difference between the two processes was that the local agreed procedures included provision for the Chairman to agree to vary the process if the circumstances of a particular complaint or hearing justified it. It was recommended that the process set out in Appendix 1 be approved as it was felt it had worked well in the local hearings that had taken place to date.

Members of the Committee felt that there was very little difference between the two processes, although a number of members commented that they felt that the model Standards for England process was less wordy and therefore clearer.

After further discussion it was felt that Appendix 1 should be agreed subject to a number of amendments.

RESOLVED: That

1) Appendix 1 be approved as the process to be followed by the Committee at local hearings subject to the following amendments:

- a) paragraph 1(a) be amended to read, 'Member means the *person* who is subject of the allegation being considered by the Committee unless stated otherwise. It also includes the members' nominated representative;
- b) paragraph 2 be amended to read. 'The Chairman may ~~agree to~~ vary this procedure in particular instance where he/she is of the opinion such a variation is necessary in the interests of fairness;
- c) paragraph 7 (d) (i) be amended to read, '*The Committee may refuse evidence if they consider it not relevant* in determining whether there has been a failure to comply with the code of conduct';

34. STANDARD COMMITTEES 'NOTABLE PRACTICE'

The Committee considered a paper, (Agenda pages 25 to 36) which set out examples of notable or best practice identified by Standards for England from the annual returns submitted by Standards Committees across the country. In introducing the item, Kevin Jacob commented that the item had been included within the Agenda following the previous meeting where members of the Committee had asked for examples of best practice. Members were informed that although only high level information from the Standards for England website had been included, more detailed information could be sought on any particular matters of interest.

Anita Grosz referred to page 28 of the Agenda and the appointment by Rossendale Borough Council of lead officers to act 'Governance Champions'. She felt that the embedding of officers with such responsibilities could act to support the ethical governance agenda and was something that might be considered locally. After discussion it was felt that it was unlikely that new posts would have been created to undertake the role. Kevin Jacob commented that he would contact Rossendale Borough Council to find out more.

Colin Lawley commented the Council had recently established a Corporate Investigations Unit and it was anticipated that the officers within the unit would help to raise the profile of ethical standards across the organisation.

UllaKarin Clark commented there should be further investigation into what the best practice authorities had achieved. The Chairman suggested that any ideas could possibly be put together into an item for the next meeting that might inform the Committee's work programme for 2010/2011.

Eric Davies commented that the key issue that had been apparent to him as a factor in the success of the authorities highlighted was the importance of good communication. This did not require huge amounts of resource, but rather was indicative of a state of mind in the authority.

With the Chairman's permission, Eric Davies referred to a letter he had received from the Council's Monitoring Officer seeking his permission for the publication of his register of interests via the Council's website. He expressed concern that personal information, presented in this way could be easily used by internet fraudsters and commented that because of this he had not given his permission for website publication. He accepted it was available for physical inspection. Kevin Jacob responded that the publication of the declaration of interests on the website was voluntary and that it had been felt that web publication of members' declaration of interest would help in making the information as readily accessible and transparent as possible.

RESOLVED: That the report be noted and further information be sought in respect of best practice at Rossendale Borough Council.

35. DRAFT PRESS PROTOCOL

The Committee considered a draft press protocol, (Agenda pages 37 to 41). Kevin Jacob commented that given the shift in focus from Standards for England to initial local assessment of complaints it was likely that there would be increased local media attention concerning complaints. In these circumstances it was prudent to set out what the Committee's response would be to a media enquiry in respect of a Code of Conduct complaint.

Members of the Committee felt that the adoption of the protocol was a sensible step to take.

RESOLVED: That the draft press protocol be adopted.

36. STANDARDS FOR ENGLAND BULLETIN 45

The Committee considered the latest Standards for England Bulletin, (Agenda pages 42 to 53).

RESOLVED: That the Standards for England Bulletin 45 be noted.

37. STANDARDS FOR ENGLAND GUIDANCE ON 'OTHER ACTION'

The Committee considered Standards for England Guidance on the use of 'Other Action', by Standards Committee at the initial assessment of a complaint, (Agenda pages 56 to 70). The Committee noted that 'other action' or asking the Monitoring to take steps other than investigation was one of the options open to Standards Committee as an alternative to 'no further action', referral of the complaint to Standards for England or local investigation. The range of action included within the term 'Other Action' could include arranging for the subject councillor to take a training course, arranging for a process of conciliation or any other steps considered to be appropriate.

Colin Lawley commented that the guidance set out examples of where it might be appropriate for 'Other Action' to be used, possible terms that might be applied and when 'Other Action' would not be appropriate. He commented that the guidance had been issued since he had last provided an update to the Committee in February and therefore a number of early decisions taken by the Sub-Committee to refer particular complaints for 'Other Action' had been taken without the benefit of the guidance. However, it would be taken into consideration in the future. A key issue to be considered by Standards Committees in deciding whether or not to use 'Other Action' was that it could not lead to any finding of fact in respect of a particular case.

The Chairman commented that he felt that if used appropriately, 'Other Action' could be a very useful tool in responding to complaints. It was important in using 'Other Action' to be specific about the actions to be taken and for these to be stated.

Eric Davies referred to guidance and the example given that the use of 'Other Action' might be appropriate if a particular complaint or series of complaints identified systemic failings within an authority. Colin Lawley responded that in that circumstance, it might be appropriate to employ a wide range of interventions including additional training for all councillors of that authority.

RESOLVED: That the Standards for England guidance on the use of Other Action be noted.

38. UPDATE ON COMPLAINTS AND FEEDBACK

The Committee considered a report, (Agenda pages 71 to 72) which set out an update on complaints considered by the Initial Consideration Sub-Committee and Hearings and Assessment Sub-Committee. Copies of decision notices in respect of the individual complaints had been circulated to the Committee.

David Comben commented that he hoped that the Committee as a whole felt that the decisions taken by the respective sub-committees had been valid. In his view, he had been impressed with the investigations undertaken in respect of complaints he had considered and thanked Colin Lawley and Kevin Jacob for the advice and support given to the members of the Committee in the exercise of its role. This was echoed by other members of the Committee.

In discussing the decisions, a number of members noted that one of the complaints considered had been lodged anonymously and some concern was expressed that the complaint had been considered, although it was acknowledged that in the circumstances of the complaint referred to, the complainant had set out a reason for not disclosing their identity.

Kevin Jacob reminded the Committee that there were circumstances whereby consideration of an anonymous complaint might be appropriate and that the action to be taken by the Monitoring Officer following receipt of an anonymous complaint was set out within the Monitoring Officer's Protocol. He commented that the key issue was that each complaint had to be considered on the basis of its own merits and that it would be for members of the Committee to decide whether less weight should be attributable to an anonymous complaint. The Chairman commented that in his view he might not give an anonymous complaint the same weight as a complaint from a named individual. However, it would be a mistake to automatically dismiss anonymous complaints.

Colin Lawley commented that Standards for England had themselves on occasion considered and investigated anonymous complaints.

UllaKarin Clark asked whether there was greater scope for the use of mediation services in order to resolve complaints. This might be appropriate where there had been a lack of understanding between the complainant and the subject councillor, for instance where there had been a misinterpretation over language or choice of words. This might defuse a situation without the need for investigation or hearings. Members of the Committee felt that this was a good idea and it was recognised such an option was open to the Committee at the initial assessment stage by deciding to pursue 'Other Action'.

It was noted that the Hearings and Assessment Sub-Committee in coming to a decision in respect of one of the complaints had asked that the full Committee consider two matters arising from the investigation which although not material to the complaint itself, did impact upon the Council. These were:

- that consideration should be given to reviewing the level and nature of Officer support for the Overview and Scrutiny function at the Council;
- how awareness of access to information requirements could be strengthened.

Kevin Jacob commented that the issue of resources to support the Overview and Scrutiny function had been reviewed and issues relating to access to information requirements had also been considered by the Democratic Services section.

RESOLVED: That the update on complaints be noted.

39. STANDARDS FOR ENGLAND DVD – ASSESSMENT MADE CLEAR

It was decided to distribute the DVD to members of the Committee individually rather than a screening at the meeting.

These are the Minutes of a meeting of the Standards Committee

If you need help in understanding this document or if you would like a copy of it in large print please contact one of our Team Support Officers.

TITLE	Internal Review of Ethical Governance 2009
FOR CONSIDERATION BY	Standards Committee on 8 March 2010
WARD	None Specific
GENERAL MANAGER	Susanne Nelson-Wehrmeyer, Head of Governance and Democratic Services
LEAD MEMBER	Liz Siggery, Executive Member for Corporate Services

OUTCOME

For the public to have confidence that the Standards Committee is monitoring the operation of the Members' and Officer's Code of Conduct by the Council as set out in the Committee's Terms of Reference.

RECOMMENDATION

- 1) That the recommendations of the internal audit review of ethical governance and management actions to address them be noted;
- 2) That the Committee considers possible requests for further information.

SUMMARY OF REPORT

This report sets out a summary of the recommendations of an internal audit review of ethical governance in order to inform the Members of the Standards Committee.

Background

In September 2009 an internal audit a review of the Council's ethical governance arrangements. This report concluded a poor assurance opinion for the Council's overall ethical governance arrangements, (a definition assurance levels is presented in Appendix A).

The report raised five medium priority and two low priority recommendations and the key weakness identified were, (a definition of Priority levels is set out in Appendix B).

- The lack of a formal member training programme with sufficient support services in place to support the programme being delivered;
- The lack of awareness by officers in relation to their individual ethical governance responsibilities, particularly in relation to gifts and hospitality; and
- Significant scope to improve the council's arrangements in relation to staff and members' declaration of interest returns.

In accordance with normal practice, full copies of the review and action plan to address the recommendations were supplied to the Executive Member for Corporate Services and Chairman of the Standards Committee in late September 2009 and a summary of the audit review was reported to the Audit Committee in October 2010.

The action plan to address the recommendations is attached as Appendix C.

Analysis of Issues

High standards of ethical governance is a key component of the Council's overall governance arrangements and links into the Council's value of openness through integrity, trust and transparency.

The Terms of Reference of the Standards Committee set out in Chapter 9 of the Constitution include the promotion and maintenance of high standards of conduct and monitoring of the Member and Officer Code of Conduct.

As the internal audit review covered areas within the remit of the Standard Committee responsibility it is appropriate for the Committee to note the key issues identified and actions being taken to address those issues.

Reasons for considering the report in Part 2
None

List of Background Papers
None

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Date Thursday, 25 February 2010	Version No. 1.00

Appendix A: Definition of Assurance Level

Assurance Level	Definition
Good	There is a good level of assurance over the management of the key risks to the council objectives. The control environment is robust with only minor improvements necessary. There is reasonable assurance that objectives will be achieved.
Adequate	There is an adequate level of assurance over the management of the key risks to the council objectives. The control environment is adequate both in design and implementation with limited improvements to be made. There is a moderate risk that objectives will not be achieved.
Poor	There is a poor level of assurance over the management of the key risks to the council objectives. There is a poorly developed control environment lacking in one or more key elements in design or operation. There are substantial improvements to be made. There is a significant risk that objectives will not be achieved.
Nil	There is no assurance to be derived from the management of key risks to the council objectives. There is an absence of several key elements of the control environment in design and/or implementation. There are extensive improvements to be made. There is a high risk that objectives will not be achieved.

Appendix B: Definition of Priority Levels

Priority	Definition
High ●	The recommendation relates to a significant threat or opportunity that impacts on the councils corporate objectives. The action required is to mitigate a serious risk to the council. In particular it has a significant impact on the council's reputation, statutory compliance, finances or strategic priorities.
Medium ●	The recommendation relates to a potentially significant threat or opportunity that impacts on either corporate or operational objectives. The action required is to mitigate a moderate level of risk to the council. In particular having the potential for adverse impact on the department's reputation, adherence to council policy, the departmental budget or Service Plan objectives.
Low ●	The recommendation relates to a threat or opportunity that impacts on either corporate or operational objectives. The action required is to mitigate a minor risk to the council as a whole. This may be compliance with best practice or limited to impacts on the service's reputation, adherence to local procedures, local budget or Section objectives. The risk may be tolerable in the short term but will prove unacceptable in the longer term.
Notable Practice ●	The activity reflects current best management practice or is an innovative response to the management of risk within the council. The practice should be shared with others.

Action Plan:

No	Recommendation	Priority	Management Response	Action Owner & Implementation date
2.1	The Monitoring Officer should ensure that the process for requesting that members review and update their declarations of interest on an annual basis is formalised.	MEDIUM	<p>It is intended to place Members' declaration of interest forms onto the Council's website to make them more publicly accessible. However this will be dependent on obtaining individual Members' agreement.</p> <p>A reminder letter will be sent each year, between the local election and Annual Council, asking Members to update their declaration of interest form.</p>	<p>Action Owner: Susanne Nelson-Wehrmeyer, Monitoring Officer Implementation Date: 31/12/2009</p>
2.2	Finance should identify key posts as being required to complete an annual declaration of related party transactions and declaration of interests form rather than General Managers requesting specific staff to do so. This would ensure that the relevant post holders are completing the declarations.	MEDIUM	This recommendation will be implemented as part of the 2009/10 close down. Information will be requested through General Managers. In liaison with Susanne Nelson-Wehrmeyer we will take a paper to the SLB on the declaration process.	<p>Action Owner: Claire Williams Morris, Corporate Accountant Implementation Date: 31/03/2010</p>
3.1	General Managers should issue a reminder to their staff of the process to be followed with regards to gifts and hospitality and refer them to the relevant section in the HR Policy and Guidance on Conduct and Personal Behaviour. There should then be annual reminder scheduled. Any subsequent offers of gifts or hospitality should then be approved and authorised and records should be maintained of gifts or hospitality offered but not taken.	MEDIUM	The Monitoring Officer will advise SLB of the recommendation and will ask for confirmation of when the reminders have been sent.	<p>Action Owner: Susanne Nelson-Wehrmeyer, Monitoring Officer Implementation Date: 31/12/2009</p>
3.2	A clarification/reminder should be sent out to all officers of the need to record, in	MEDIUM	The Monitoring Officer does not believe that this should be the council's policy. Only gifts	<p>Action Owner: Maureen Vaughan-</p>

	the register, offers of gifts and hospitality made but not accepted.		or hospitality actually received should be recorded. The policy will be clarified and will be incorporated into the revised HR policy Guidance to Conduct and Personal Behaviour.	Dixon, Deputy Head of Human Resource Operations Implementation Date: 31/01/10
7.2	The Monitoring Officer should consider how effective training can be developed to embed ethical behaviour across the council.	MEDIUM	Ethical governance training to take place either prior to or as part of the Member Induction Programme.	Action Owner: Susanne Nelson-Wehrmeyer, Monitoring Officer/Muir Laurie, Business Assurance Manager Implementation Date: 31/05/2010
3.3	The limit on declaring gifts and hospitality in the HR policy Guidance to Conduct and Personal Behaviour should be aligned with the Council's Constitution which states a limit of £25.	LOW	The limit in the policy will be brought in line with that detailed within the Constitution. This will involve consultation with SLB, the Unions and staff forums. This consultation process will have begun by February 2010.	Action Owner: Maureen Vaughan-Dixon, Deputy Head of Human Resource Operations Implementation Date: 30/04/10
7.1	Democratic Services should ensure that training requirements can be identified by having an up-to-date database record of member training.	LOW	Work on the database has already been undertaken and will be kept up to date.	Action Owner: Anne Hunter, Democratic Services Manager Implementation Date: 01/10/2009 and ongoing

TITLE	Member Development and Training Programme 2009
FOR CONSIDERATION BY	Standards Committee on 8 March 2010
WARD	None
GENERAL MANAGER	Susanne Nelson-Wehrmeyer, Head of Governance and Democratic Services
LEAD MEMBER	Liz Siggery, Executive Member for Corporate Services

OUTCOME To demonstrate the provision of training and development opportunities for Borough Councillors.
RECOMMENDATION 1) That the Standards Committee notes the introduction of a Member Development and Training Programme; 2) The training offered to Borough Members to date in 2009/2010 be noted.
SUMMARY OF REPORT To provide a summary of training offered to Borough Councillors and the take up of that training.

Background

During 2009/2010 Democratic Services has sought to put Member training and development on a more formal footing by establishing a member training budget and taking a proactive stance in publicising and coordinating all training and briefing events provided both 'in house' and at external venues.

In addition individual Member training records are now maintained in order.

Some examples of training and briefing events that have taken place so far during 2009/2010 are:

- Induction for new Councillors
- Treasury Management
- Keeping the Customer Satisfied
- Briefing on Reading Transport Innovation Fund Bid
- Equal Opportunities and Diversity
- Highways Alliance
- Overview and Scrutiny of Partnerships
- Charing Skills

No update training on the Members Code of Conduct has been provided this year in anticipation of the introduction of a revised Members Code of Conduct. However, as it has been confirmed that the new Members Code of Conduct will not now become effective prior to a General Election, training for all Members will be provided once the local elections Borough Council have taken place.

Although there is still opportunity to build upon attendance levels further the signs are encouraging as set out below:

- 89% of Councillors have attended one or more development opportunities since April 2009. This figure would include all training, briefing sessions, single and all party training and any training they may have undertaken as part of a Committee or on their own (e.g. external training courses they've been sent on);
- 72% of Councillors have attended two or more development opportunities since April 2009, including as above internal, external, briefings, single party etc;
- 65% of Councillors have attended at least one of the cross party training/briefing sessions that the Council has provided since April 2009;
- All Members of the Executive have engaged in at least 3 development opportunities, and the Leader and two Deputy Leaders have engaged in at least 6 each.

For the future the feasibility of providing web based distance learning is being considered as another option to face training is being explored.

Analysis of Issues

Providing elected Members with the appropriate skills to undertake their role is an important element in managing risk by seeking to prevent unethical behaviour and reputational damage to the authority.

Reasons for considering the report in Part 2

None

List of Background Papers

None

Contact Kevin Jacob	Service Governance and Democratic Services
Telephone No 0118 974 6058	Email Kevin.jacob@wokingham.gov.uk
Date Thursday, 25 February 2010	Version No. 1.00

TITLE	Annual Standards for England Return
FOR CONSIDERATION BY	Standards Committee on 8 March 2010
WARD	None Specific
GENERAL MANAGER	Susanne Nelson-Wehrmeyer, Head of Governance and Democratic Services
LEAD MEMBER	Liz Siggery, Executive Member for Corporate Services

<p>OUTCOME To consult with the Standards Committee on the Annual Return to Standards for England.</p>
<p>RECOMMENDATION</p> <ol style="list-style-type: none"> 1) That the questions set out in the Annual Return be noted; 2) That Officers be delegated to complete the return in consultation with the Chairman of the Standards Committee, a parish/town representative and elected member of each political group
<p>SUMMARY OF REPORT Attached as Appendix A is copy of Standards for England Guidance Notes on completing the Annual Return, including the questions .</p> <p>It is suggested by Standards for England that authorities consult with their Standards Committee prior to the submission of the return in early April 2010.</p> <p>To facilitate this as quickly as possible it is proposed that Officers complete the form, but prior to this consult with a cross section of the Committee.</p>

Background

It is now a requirement that local authorities submit an annual return to Standards for England that sets out the activities of their Standards Committees in the previous financial year.

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Analysis of Issues

As set out in the attached appendices.

Reasons for considering the report in Part 2
None

List of Background Papers
None

Contact Kevin Jacob	Service Governance and Democratic Services
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Date Thursday, 25 February 2010	Version No. 1.00

Annual Return 2010 - Guidance notes

INTRODUCTION

These guidance notes have been produced to assist you in preparing your answers to the questions in our annual return for 2010.

All of the questions are included in these notes, and we have provided additional information where we think there may be an element of a question that is not entirely straightforward. For example, we have provided further explanation where a question *uses a term or phrase that is specific to the standards community but may not be universally understood by everyone who comes into contact with the annual return.*

Our additional information also includes more detail about the questions and about the types of answers we expect, and reasoning behind the inclusion of particular questions.

PART 1: COMMUNICATION

Annual Report

1) Does the standards committee produce an annual report?

Last year's annual return showed that 59% of standards committees produced an annual report. We are interested in finding out if this figure has changed.

2) What does the report contain?

You will not need to answer this question if you have indicated that the standards committee does not produce a report.

For those that answer "yes" to question 1, we have provided a list of some of the common elements we found when reviewing a number of standards committee annual reports from last year. You can select as few or as many of these elements as are applicable. If the annual report contains elements that are not included in our list, select "other" and a box will appear for you to type in a description.

An item in the list is "*forward work plan*" – by this we mean a detailed programme of standards committee objectives and proposed activities, rather than simply a timetable of future meetings.

3) How is the standards committee annual report circulated?

If your return is not on the website please forward a copy to us. See guidance notes for details.

You will not need to answer this question if you have indicated that the standards committee does not produce a report.

For those that answer "yes" to question 1, we have provided a list of some of the common ways that standards committee annual reports could be circulated. You can select as few or as many of these as are applicable. If your standards committee annual report is circulated in a different way, select "other" and a box will appear for you to type in a description.

If you indicate that the report is available on the authority website, you will be asked to provide a URL (web address).

Standards committee annual reports provide us with valuable detail and context about the work of the standards community. If yours is not available on the authority website, but you would like to share it with Standards for England, you can email a copy (preferably in PDF or Microsoft Word format) to our monitoring team at authorityreturns@standardsforengland.gov.uk. If sending by post, the address is:

The Monitoring Team
Standards for England
4th Floor, Griffin House
40 Lever Street
Manchester
M21 9LB

Publicising Complaints

4) How can the public access information about how to make a complaint against a member?

We have provided a list of some of the common ways that the public might access information about how to make a complaint against a member. You can select as few or as many of these as are applicable. If your authority uses a different method, select "other" and a box will appear for you to type in a description.

If you indicate that the authority website is a way that the public can access information you will be asked to provide a URL (web address) that links to the relevant section of the website.

5) How can the public access information about the outcome of initial assessment decisions?

We have provided a list of some of the common ways that the public might access information about the outcome of initial assessment decisions. You can select as few or as many of these as are applicable. If your authority uses a different method, select "other" and a box will appear for you to type in a description.

6) How can the public access information about the outcome of investigations?

We have provided a list of some of the common ways that the public might access information about the outcome of investigations. You can select as few or as many of these as are applicable. If your authority uses a different method, select "other" and a box will appear for you to type in a description.

If you indicate that the authority website is a way that the public can access information you will be asked to provide a URL (web address) that links to the relevant section of the website.

- 7) **Do you have a mechanism in place for measuring the satisfaction of all those involved in allegations of misconduct? For example the member, complainant, and witnesses.**

This question attempts to ascertain whether you routinely gather any kind of feedback from those involved in allegations about their experience of the complaints process. This is not about whether they believe the outcome of an initial assessment, investigation, or hearing was correct, but whether they feel the whole process was conducted professionally, fairly, and in a timely manner (appropriate to the complexity of the particular allegation). The feedback could be in the form of a survey, for example.

- 8) **If yes, please can you describe the process?**

See details under question 7. You might want to include some commentary about whether you believe the mechanism has been a success. If so, describe a particular example of where it worked well. A good description here will enable us to identify and share notable practice with the rest of the standards community.

Communicating the role and work of the standards committee and standards generally

- 9) **What does the authority do to promote the work of the standards committee and standards generally to the rest of the authority (i.e. internally)?**

We have provided a list of some of the common ways that authorities promote internally the work of the standards committee and standards generally. You can select as few or as many of these as are applicable. If you indicate that your independent members contribute to authority meetings, a box will appear to ask for further details about their contribution. If your authority uses a different method, select "other" and a box will appear for you to type in a description.

- 10) **How can the public access information about your standards committee?**

We have provided a list of some of the common ways that the public might access information about standards committees. You can select as few or as many of these as are applicable. If your authority uses a different method, select "other" and a box will appear for you to type in a description.

If you indicate that the authority website is a way that the public can access information you will be asked to provide a URL (web address) that links to the relevant section of the website.

11) What else does the authority do to promote the work of the standards committee and standards generally to the public and other partners?

This is an open question for you to inform us of anything extra your authority does to promote the standards committee to a wider audience, not already covered by the preceding questions.

We will be looking to identify notable practice here to share with the rest of the standards community.

PART 2: INFLUENCE

12) How does the standards committee communicate ethical issues to the senior figures within your authority (for example the Chief Executive and Leader of the Authority, Party Leaders)?

There is a list of possible answers which you can select from and you can select all the ones which apply to your authority. If you would like to inform us of an answer not in the list, select "other" and you will be asked to provide extra details.

By using the term "senior figures" this question can relate to all forms of leadership within authorities. So, for example, with a police authority this could mean the Chair and the Chief Executive or for a fire authority it could be the Chair and the Chief Fire Officer.

The answers to this will help us gain a wider understanding of the level of importance a standards committee has within its authority. The focus here is on how well the standards committee and the senior figures communicate.

13) How do the senior figures in your authority demonstrate strong ethical values?

There is a list of possible answers which you can select from and you can select all the ones which apply to your authority. If you would like to inform us of an answer not in the list, select "other" and you will be asked to provide extra details.

This question is different to question 12 as the focus is on what responsibility the senior figures personally have for standards rather than just attending meetings they are invited to. From the responses we will be able to take a view on how well supported the work of standards committees are by senior figures.

14) Does your authority have a protocol for partnership working that outlines the standards of behaviour expected of all those working in partnership?

A partnership protocol should enable partners to agree what behaviour they can expect from each other. It can be used as a means by which they can challenge each other and hold each other to account. Having a clear and transparent behaviour protocol can help promote trust amongst the partnership and the general public, demonstrating commitment to behaviour of a certain standard.

Please answer "yes" if your authority has developed or is currently working towards a protocol which matches, or has elements of, what is described above.

15) What mechanisms does the authority use for dealing with member/officer and/or member/member disputes?

We are keen to understand how the relationships between members and between members and officers are managed other than employing the complaints process. This kind of pro-active work is very important for building and maintaining a healthy culture of standards within an authority.

There is a list of possible answers which you can select from and you can select all the ones which apply to your authority. If you would like to inform us of an answer not in the list, select "other" and you will be asked to provide extra details.

PART 3: TRAINING AND SUPPORT

- 16) **Between 1 April 2009 and 31 March 2010, has the authority assessed the training and development needs of authority members and standards committee members in relation to their responsibilities on standards of conduct?**

Last year 75% of authorities indicated that they had assessed the training and development needs of members. We are interested to know if this figure has changed.

- 17) **If no, please give your reasons why?**

There may be good reasons why training and development needs were not assessed. We are interested in finding out about these circumstances.

- 18) **If yes, what needs were identified?**

There is a list of possible answers which you can select from and you can select all the ones which apply to your authority. If you would like to inform us of an answer not in the list, select "other" and you will be asked to provide extra details.

- 19) **What training/support was provided during the period 1 April 2009 to 31 March 2010?**

There is a list of possible answers which you can select from and you can select all the ones which apply to your authority. If you would like to inform us of an answer not in the list, select "other" and you will be asked to provide extra details.

- 20) **Who received training/support?**

There is a list of possible answers which you can select from and you can select all the ones which apply to your authority. If you would like to inform us of an answer not in the list, select 'other' and you will be asked to provide extra details.

- 21) **What methods were employed to give training/support?**

There is a list of possible answers which you can select from and you can select all the ones which apply to your authority. If you would like to inform us of an answer not in the list, select 'other' and you will be asked to provide extra details.

An item in the list is "*ethical governance toolkit*" – this is a group of materials designed to help local authorities assess how well they are meeting the ethical agenda and to improve further their arrangements. The toolkit consists of four main elements. Each of these is administered by either the Audit Commission or the IDeA. You can find out

more about this at

<http://www.idea.gov.uk/idk/core/page.do?pagelId=1115850#contents-4>

22) In which areas of the Code of Conduct has training/support been provided?

This question will only appear if the option "*elements of the Code of Conduct*" is selected at question 19.

There is a list of possible answers which you can select from and you can select all the ones which apply to your authority. If you would like to inform us of an answer not in the list, select "other" and you will be asked to provide extra details.

23) What other training/support has been provided on areas of an authority member's role or activities they may engage in?

We have provided a list of activities and topic areas that members may be involved in. You can select as few or as many of these depending on what training or support has been provided. If training or support has been provided about different, but relevant topics, select "other" and a box will appear for you to type in a description.

24) In general, how well attending was the training provided?

Please select one of the options which best describes the overall attendance of the training provided during the year.

25) Please give a brief overview of how standards issues are covered in your induction process for new members of the authority?

Please give a brief indication of the level of training new members receive about the local standards framework and other relevant standards issues. Please include the topics covered and the methods used. The options in the above training questions should help guide you.

26) In which areas of the role and responsibilities of the standards committee has training/support been provided for standards committee members?

This question will only appear if "*role and responsibilities of the standards committee*" is selected at question 19. Please answer for training provided to standards committee members only.

There is a list of possible answers which you can select from and you can select all the ones which apply to your authority. If you would like to inform us of an answer not in the list, select 'other' and you will be asked to provide extra details.

PART 4: INVESTIGATIONS

27) How many investigations have been conducted during the period 1 April 2009 – 31 March 2010?

This question only requires a number for an answer. In the interests of avoiding duplication of work, we would prefer to get this information from the quarterly return. However, both the annual return and the quarterly return are to be completed at around about the same time near the year end. This means that we are unlikely to have the information from the quarterly return early enough. The purpose of this question is so that the online form knows whether to display or suppress questions 28 to 31 inclusive. For example, if you have not conducted any investigations, the next question you will be presented with is number 32.

28) Of the investigations completed during the period, for how many have investigators been used?

This will only appear if the answer to question 27 is more than "0". If the answer is "0" the next question will be number 32.

This question only requires a number for an answer. This should be the number of completed investigations which have been to consideration and/or hearing and where the investigation was undertaken by someone outside of the authority. This includes employees of other authorities as well as those commercially sourced.

If you have not had any then please answer 0.

29) Overall, what was your principle reason for out-sourcing the investigation(s)?

This question will not appear if you have not completed any out-sourced investigations. Instead the next question will be number 32.

This question asks for only one reason to be selected. We understand that there may be multiple reasons for out-sourcing and they may be different from case to case. However we would like you to select what you consider to be the main reason overall, taking into account all out-sourced investigations. If your reason is not in the list please select "other" to open a text box for you to type a description of it.

30) What type of external investigator(s) did you use?

When responding to this question you can tick all the relevant answers on the list provided. Please remember to only consider the cases where an external investigator was employed.

31) For the period 1 April 2009 to 31 March 2010, what was the approximate total cost of fees paid to the external investigator(s)?

Standards for England would like to understand the costs incurred with out-sourced investigators. This is difficult to calculate so we are asking for the total amount invoiced to you for the external investigator's work.

32) Please provide a brief overview of the methods you use to guarantee the quality of local investigations.

An example of this could be similar to the mechanisms you described in your response to question 7. A feedback survey of people involved in an investigation might be one method. Please provide as much detail as possible, as this is another area in which we would like to identify notable practice to share with the rest of the standards community.

PART 5: RELATIONSHIPS WITH PARISH AND TOWN COUNCILS

This section is only for authorities with parish/town councils. For those without, you have reached the end of the annual return questions.

33) Has your authority provided training for parish councillors during the period 1 April 2009 to 31 March 2010?

This question is about parish councillors only; please do not take parish clerks or any other member/officer into account. You will be asked about training for parish clerks in a later section.

34) If yes, what topics did the training cover?

There is a list of possible answers which you can select from and you can select all the ones which apply to your authority. If you would like to inform us of an answer not in the list, select "other" and you will be asked to provide extra details.

35) What methods were employed to give training/support?

There is a list of possible answers which you can select from and you can select all the ones which apply to your authority. If you would like to inform us of an answer not in the list, select "other" and you will be asked to provide extra details.

36) In general, how well attended was the training for parish councillors?

This question is designed to find out about the level of "take-up" of parish councillor training. Our general understanding is that attendance levels at such events can vary significantly. We would like more concrete evidence as to whether this is true or not. Please take all parish councillor training into account, if there have been multiple events, and come to an aggregate conclusion.

37) Has your authority provided training for parish clerks during the period 1 April 2009 – 31 March 2010?

Only select "yes" if there has been training specifically for parish clerks during the specified period.

38) What topics did the training for parish clerks cover?

There is a list of possible answers which you can select from and you can select all the ones which apply to your authority. If you would like to inform us of an answer not in the list, select "other" and you will be asked to provide extra details.

39) If yes, what methods were employed to give training/support to parish clerks?

There is a list of possible answers which you can select from and you can select all the ones which apply to your authority. If you would like to inform us of an answer not in the list, select "other" and you will be asked to provide extra details.

40) In general, how well attended was the training for parish clerks?

Please select the option that best describes the overall attendance of the training provided during the year.

41) Does your council have a Compact (a formal agreement with your County Association of Local Councils about supporting standards for parish and town councils in the area)?

A Compact is a formal document between an authority and their County Association of Local Councils. A potential outcome of the compact could be delivering joint training, for example.

42) Describe the relationship between your authority and your County Association of Local Councils in relation to standards. For example, how regularly do you interact with them? Are you involved in delivering joint training?

This question has been left open so that you have the opportunity to tell us about how you work with your County Association of Local Councils. You may also wish to refer to or expand on your answer to question 41.

43) Standards for England and Teesside University are currently researching the role of the Parish Liaison Officer. Teesside University have created a brief questionnaire to assess the organisational background, functions and skills needed to carry out the Parish Liaison role. Does your authority have a Parish Liaison Officer?

A Parish Liaison Officer acts as a point of contact between the principle authority and the parishes/town councils. They provide advice and support and will often attend parish/town council meetings. If you do not specifically have a Parish Liaison Officer

but there is someone within the authority who carries out the role described, please answer "*no, but there is someone who fulfils the same functions*"

44) Does the Parish Liaison Officer (or the person who fulfils the same functions) consent for the University of Teesside to contact them to complete a brief questionnaire about their role?

This question will only appear if you answer yes or "*no but there is someone who fulfils the same functions*" to question 43. If you have the contact details of the Parish Liaison Officer (or person with the same functions) and they consent to taking part in the research described above, please answer yes and then a box will appear for you to fill in their contact details.

45) What steps have you taken when dealing with parishes which have had problems with standards issues? For example, what preventative or capacity building work have you done with parishes?

We will use the responses to this question to identify notable practice and share it with other authorities that have parishes. Please indicate how successful the methods you used were and why you think this was the case.

46) Which of the following areas would you like Standards for England to produce additional guidance on to support your work with parishes?

We are always looking to enhance the range of guidance we produce and the parish sector is one of the key areas that we could focus on. Responses to this question will help us to identify specific areas in which guidance may prove useful.

TITLE Standards for England – Bulletin 46

FOR CONSIDERATION BY Standards Committee on 8 March 2010

WARD None Specific

GENERAL MANAGER Susanne Nelson-Wehrmeyer, Head of Governance and Democratic Services

LEAD MEMBER Liz Siggery, Executive Member for Corporate Services

<p>OUTCOME</p> <p>To bring the latest Bulletin issued by Standards for England to the attention of the Committee.</p>
<p>RECOMMENDATION</p> <p>That the Committee notes the Bulletin. No decision is required, but the members of the Committee may wish to highlight and discuss matters of interest.</p>
<p>SUMMARY OF REPORT</p> <p>Standards for England, (formerly the Standards Board for England) produce regular bulletins on matters relating to ethical conduct and the operation of the Code of Conduct at national and local level. These can be accessed on line via the Standards for England website http://www.standardsforengland.gov.uk/Publications/TheBulletin/.</p>

Background

As set out in the attached Bulletin.

Analysis of Issues

Key issues within the Bulletin include:

- Imposing sanctions: Written apologies
- Intimidation and the Code
- New organisational design for Standards for England
- Changes at the Adjudication Panel for England

Reasons for considering the report in Part 2
None

List of Background Papers
None

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Date Friday, 26 February 2010	Version No. 1.00

Standards and Ethics Award

The closing date for entries to the 2010 Local Government Chronicle (LGC) awards was Friday 20 November. Around 20 authorities entered the Standards and Ethics Award, which is supported by Standards for England. Our judges, Dr Robert Chilton, Dr Michael Macaulay and Nick Raynsford MP have reviewed the entries and shortlisted six authorities who will be announced on 17 December. The judges will then meet in London to choose a winner which will be announced on 24 March 2010.

More information on the shortlisted authorities will be available on our website in January.

Bias, Predetermination and the Code

At this year's Annual Assembly we ran a session called 'Understanding Predetermination and Bias'. It looked at the relationship between bias, predetermination and the Code of Conduct (the Code). The session proved to be hugely successful in providing information that all standards committees and monitoring officers should be aware of, particularly as it drew on recent and relevant case law in this area. This article attempts to draw out some of the key messages from the session that make understanding predetermination and the Code easier.

Predetermination is a more accurate term than 'bias' used to describe a state of mind which is capable of breaching both the law and the Code. This is not to be confused with predisposition where a councillor holds a view in favour of or against an issue, for example an application for planning permission, but they have an open mind to the merits of the argument before they make the final decision at the council meeting. This includes having formed a preliminary view about how they will vote before they attend the meeting, and/or expressing that view publicly.

There are two types of predetermination; actual and apparent:

- **Actual predetermination** is when a person has closed their mind to all considerations other than an already held view.
- **Apparent predetermination** is where the fair minded and well-informed observer, looking objectively at all the circumstances, considers that there is a real risk that one or more of the decision makers has refused even to consider a relevant argument or would refuse to consider a new argument.

Recent case law has provided some clarity on how to establish whether predetermination might have occurred by using a two stage test:

- **Stage one** - all the circumstances which have a bearing on the suggestion that the decision was undermined by actual or apparent predetermination must be established.
- **Stage two** - the questions to be asked are:
 - a) was there actual predetermination or
 - b) were the circumstances such as would lead a fair minded and informed observer to conclude that there was 'real risk' that one of the decision makers had predetermined the outcome?

It is important to note that apparent predetermination is to be assessed having regard to all the circumstances which are apparent upon investigation. This extends beyond the circumstances available to the 'hypothetical observer.'

This could include information on any other relevant facts affecting the decision, for example, council procedures. It does not include evidence from the member concerned as to their state of mind or evidence from the complainant as to why they believed the subject member's mind was closed.

The test is objectively looking at what view the facts give rise to. The courts have decided that the fair minded and informed observer has: access to all the facts, is neither complacent nor unduly sensitive or suspicious when looking at the facts, is able to decide between the relevant and irrelevant and on the weight to be given to the facts and is aware of the practicalities of local government.

The courts have accepted that these practicalities mean that the **fair minded and informed observer** accepts that:

- a) Manifesto commitments and policy statements which are consistent with a preparedness to consider and weigh relevant factors when reaching the final decision, are examples of legitimate predisposition not predetermination.
- b) The fact that the member concerned has received relevant training and has agreed to be bound by a Code of Conduct is a consideration to which some weight can properly be attached when determining an issue of apparent predetermination.
- c) Previously expressed views on matters which arise for decision in the ordinary run of events are routine and councillors can be trusted, whatever their previously expressed views, to approach decision making with an open mind.

d) To suspect predetermination because all members of a single political group have voted for it is an unwarranted interference with the democratic process.

e) Councillors are likely to have and are entitled to have, a disposition in favour of particular decisions. An open mind is not an empty mind but it is ajar.

What has become evident is that **the threshold**, in the context of administrative decisions, on the test of apparent predetermination is an extremely difficult test to satisfy. Unless there is positive evidence that there was indeed a closed mind, prior observations or apparent favouring of a particular decision is unlikely to be sufficient to establish predetermination.

The Adjudication Panel for England (APE) in case reference 0352 has also looked at the relationship between the Code and predetermination and gave an indication that where such issues arise there is a potential paragraph 5 Code breach. The outcome is likely to depend on the individual circumstances of a case and any other Code issues and breaches. This is because a councillor who renders the decision of a council unlawful due to predetermination could reasonably be regarded as bringing that authority or his office into disrepute.

An important issue for members is that by and large predetermination will not amount to a personal or prejudicial interest. Therefore there is no specific requirement to declare an interest and leave the room under paragraph 8 to 10 of the Code. Members may however find themselves the subject of a complaint under paragraph 5 on disrepute. This paragraph of the Code has no provision for declaring interests or leaving meetings.

For more information on the relationship between predetermination and the Code, what the practicalities of local government have been held to be and case details please see [Day One](#) on the events page of our Annual Assembly website.

For further information on determination please see our [Online Guide on Predetermination and Bias](#).

Local Assessment: sharing lessons learnt

One of the breakout sessions at our Annual Assembly in October was entitled *Local Assessment, sharing lessons learnt*. This session took the form of a discussion forum giving delegates the opportunity to share their experiences of the local assessment process since its introduction in May 2008.

Sessions were held in tandem for monitoring officers and standards committee members respectively. This gave each group the opportunity to share with their peers the challenges that had arisen in their authority and the solutions they had developed to meet these challenges. In addition, delegates

suggested a number of changes to the local standards framework. We value these suggestions but, clearly, many need further evaluation before a decision could be taken whether to make any changes.

A full breakdown of feedback from the sessions can be found on our dedicated [Assembly website](#), but we thought you might be interested in hearing what some of the main issues discussed were.

Top five issues discussed

1. Vexatious or Persistent Complainants

This topic was raised in all four sessions that took place. Potential solutions suggested by delegates included:

- asking for further Standards for England guidance on the definition of what a vexatious complaint is
- change legislation to allow monitoring officers to filter out such complaints and allow committees to refuse complaints from vexatious complainants
- having robust assessment criteria to filter out such complaints at assessment
- to write warning letters to complainants deemed vexatious by the council procedures
- to deliver targeted training
- to publish the average cost of assessing and investigating a complaint.

We are aware that persistent vexatious complainants are causing problems for a number of authorities. This is one area where we intend to provide further guidance for standards committees early in 2010, although we recognise that guidance alone is unlikely to solve this issue.

2. The role of the monitoring officer

Delegates questioned what role, if any, a monitoring officer should have in filtering out complaints before formal assessment by the standards committee. A variety of suggestions were made including that:

- Standards for England should produce further guidance on what steps monitoring officers can take before assessment
- monitoring officers should be given the power to filter complaints before assessment in consultation with the standards committee chair
- monitoring officers should make the initial assessment decision with any review undertaken by the assessment sub-committee

- monitoring officers should make the initial assessment decision for parish complaints
- there should be discretion to halt the formal process if a local solution is reached.

3. Informing the subject member that a complaint has been made

Currently monitoring officers can take the administrative step of informing a member that a complaint has been made about them. However, the current regulations do not allow them to disclose any details of the complaint. Many delegates felt that this puts monitoring officers in a difficult position, especially in circumstances where the complainant has spoken to the press.

Delegates suggested a number of solutions and changes that they would like to see including:

- asking members in advance whether they would like to be told if a complaint is made about them, and make them aware they cannot be told any details until after the assessment
- giving monitoring officers the discretion to reveal some details of a complaint to the subject member depending on the circumstances, in consultation with the standards committee chair
- requesting guidance from Standards for England on what the subject member should be told prior to assessment
- requesting guidance from Standards for England on what the subject member should be told prior to an investigation.

4. Resources

A number of delegates highlighted problems with finding resources to deal with processing complaints. There were some suggestions that monitoring officers could use the Local Government and Housing Act 1989 to ensure they had adequate resources to perform their functions.

Another suggestion was that parishes should either be asked to contribute or alternatively they should be charged for processing complaints about parish members. Currently parish councils cannot be charged for any costs incurred during the assessment or investigation of a complaint about a parish member.

5. Quality of complaint information

Delegates stated that poorly written complaints and lack of information from the complainant could make it difficult to make an assessment decision.

Delegates suggested that:

- a model complaint form from Standards for England would be helpful (we have already published a complaints form – [click here to download](#)).
- complainants should be encouraged to use, or that it should be mandatory to complete, an official form
- monitoring officers should request further information from the complainant if there is insufficient information to make an assessment decision
- the complainant should be asked what they would like the outcome of the process to be.

We are currently undertaking a review of the local standards framework and information gathered from the sessions will feed into this review process. However, some of the changes to the standards framework suggested would be difficult to implement as they would require primary legislation to be amended.

A number of requests were made during the sessions for further guidance from Standards for England. We will consider these requests and use the feedback to inform future guidance updates.

Annual return 2010

In April 2009 we collected annual information returns from the 438 local authorities that we work with, covering the period 8 May 2008 to 30 March 2009.

It is important for us to collect information from monitoring officers and standards committees on how they are helping to maintain high standards of ethical conduct in their authorities. This assists us in ensuring the effectiveness of local standards arrangements.

Last year's return was an opportunity for monitoring officers and standards committees to tell us in detail about the particular achievements, successes and difficulties they had in supporting and promoting the ethical framework. We used the returns to build up a bank of notable practice examples to share across the standards community. Many of these can be found on a dedicated [notable practice](#) section of our website and in our [annual review of 2008-9](#).

We will be continuing to collect examples of notable practice in the annual return 2009-10. The information we gather will allow us to cultivate a national overview of the local operation of the standards framework. We will use this to identify strengths and weaknesses of the framework, prompting where we should be producing guidance or seeking policy changes in response to emerging national trends.

The questions in the annual return are currently being developed. Some will stay the same as last year so that we can report on progress, but many of them will change.

Our reasons

We are aiming to have a shorter questionnaire which will use tick boxes where possible to capture practices that are common across many authorities. This should mean that less time is required completing responses; unless there are exceptional circumstances or innovative activities to tell us about. We only expect authorities to provide lengthy responses where they think that a narrative will help others in the standards community who may find themselves in a similar position.

We appreciate that the timing of the annual return is not ideal. April marks the start of the new financial year and is inevitably a busy time for all concerned. However, we want to be able to relay the messages from the year as soon as possible. Therefore, like last year, we will be asking for annual returns to be completed during April and May.

To help authorities complete this task during a busy time, we will be publishing the questions earlier. We hope to communicate the questions to monitoring officers in January 2010. This is so authorities have more time to plan and consult with their standards committee and other key figures, such as the council leader and chief executive, when preparing their responses.

Governance Toolkit for Parish and Town Councils

The second edition of the Governance Toolkit for Parish and Town Councils was well-regarded, winning a *Municipal Journal* Legal Achievement of the Year Award in 2007. The third edition of this valuable resource was finalised in April and is now available to download.

This edition has been revised, updated and produced in partnership between the National Association of Local Councils, the Society of Local Council Clerks, Standards for England and the Association of Council Secretaries and Solicitors. It is also endorsed by the Local Government Association. Milton Keynes Council, a fully parished part urban and part rural authority, is recognised as having been at the forefront of parish council initiatives for many years, and undertook the editing and production of this edition of the toolkit.

This new edition toolkit is a comprehensive, practical reference guide. The topics covered include governing documents, public engagement and managing information, creation of new town and parish councils and elections.

The toolkit will be most useful for

- town/parish clerks and councillors
- those interested in becoming a parish councillor

- principal councils wanting to establish parish councils in their areas
- monitoring officers.

If you would like to download a copy, you can find it in the [Resource Library](#) on our website under 'toolkits'.

Assessment Made Clear DVD

Copies of our new DVD – '*Assessment Made Clear*' have now been distributed to local authorities. We are keen to hear your feedback and so with each DVD there is a freepost feedback postcard, which should be quick and easy to complete and return to us. If you prefer to provide feedback online there is now an [online form](#) on our website.

So far we have been pleased with the response you've given to its approach in dealing with different assessment scenarios. However, some monitoring officers have expressed disappointment that it is not possible to freely copy the DVD as was the case with our previous DVD.

We have not envisaged a need for authorities to consider widespread distribution of this particular DVD. Our view is that this DVD is targeted at standards committee members serving on assessment sub committees and is best watched in a training situation, where group discussion supports the learning points set out in the DVD.

While it may be considered informative for a wider community of local councillors and appropriate officers, for such audiences we believe the context of the DVD, and discussion around it, are best moderated within a group training setting.

We do appreciate there may be cases where exceptions are to be made - so we have taken the decision to make further copies of the DVD available from us for £12.50.

Using the DVD

Alongside the usual features, the DVD includes 'pause and discuss' slides to allow you to pause after each case study and, as a group or as individuals, discuss or think through what you would do in that situation.

Subtitles are provided as an extra and scene selection allows you to revisit easily the sections that are of most interest to you. A pdf of the learning points is also available when viewing the DVD on your PC.

You can [view a trailer](#) of the DVD on Standards for England's website.

To order further copies please contact publications@standardsforengland.gov.uk or call our reception number – 0161 817 5300.

Police authorities and joint standards committees

In the *Joint standards committee guidance* we state that a police authority is unable to enter into joint arrangements with another police authority because Section 107(2) of the Local Government Act 1972 prevents them from having any of their functions carried out by other police authorities.

After receiving a large number of queries about this from police authorities we consulted again with Communities and Local Government. As a result of this liaison we now believe that our original interpretation of the legislation was incorrect. It is now understood that the 1972 Act does not prevent police authorities from forming joint standards committees with each other in line with the Standards Committee (Further Provision) (England) Regulations 2009.

We would like to take this opportunity to apologise for the confusion. Our guidance will be modified shortly to reflect our updated position.

Review of the standards framework

We have all been operating the new standards framework for 18 months. As such, now is a good time for Standards for England, as the strategic regulator responsible for making sure it works effectively, to carry out a review of its effectiveness and proportionality. Where necessary we want to make recommendations to Communities and Local Government (CLG) for improvement.

We already have much of the information we need gathered from our research among various stakeholder groups (to which many of you have contributed - thank you), and from our own experience of monitoring and working with the standards framework. Soon we will be consulting with various bodies representing key local government and standards interests on what they think and about any recommendations we want to make. Our intention is to send these recommendations to CLG in March of next year.

We will keep you informed on the progress of the review through future bulletins and on our website. If, in the meantime, you have any queries then please contact Dr Gary Hickey on 0161 8175416 or gary.hickey@standardsforengland.gov.uk

Share your experiences of local standards

You can discuss anything you find topical in this Bulletin with fellow monitoring officers or standards committee members by using our new online forum. The Standards Forum, launched in October, provides a place for you to network, ask questions, share good practice, make recommendations and discuss any topics relating to the local standards framework.

All monitoring officers were automatically registered for the Forum and asked to send us the details of any members of their standards committees who wanted to join along with one other nominated officer. We have had a positive response and registered an additional 300 users, with more requests for membership being received daily. We intend to open membership up further by granting a further two officer registrations for each authority once we have registered this first wave of users. This is likely to happen early in the new year.

There are currently over 30 different subjects being discussed on the Forum. Popular topics include recommendations for external investigators and trainers; debates about protocols including the notification of subject members and the publication of decision summaries; and advice on the recruitment of parish members.

To find out more please access the [forum](#).

If you have any questions please contact forum@standardsforengland.gov.uk

Reminder: the importance of completing information returns

Within part 10 (Ethical Standards) of the Local Government and Public Involvement in Health Act 2007 it states that local authorities must send a periodic information return to us when we request one.

The periods we have specified, in the interest of not placing an unnecessary burden on local authorities, are the financial year quarters. In addition, we request a further return on an annual basis, meaning that there are five information returns required per year.

The information returns are extremely important. We need them to keep us up-to-date with how the local framework is functioning. They allow us to identify individual authorities that are not complying with the local standards framework or who are facing difficulties in implementing it.

So far authorities have been responsive in providing us with information on their experience, and the average percentage of returns completed for each quarter of the year is 99%. Over the 6 quarters for which we have requested returns, there have been just **13** instances where authorities have not provided a response. This is not bad when you consider there are over 400 authorities that we send requests to.

However, it often takes a significant effort to collect all of the returns. Roughly 75% of authorities complete their return by our deadline which is 10 working days after the close of each quarter. But the remaining authorities, who number more than 100, require multiple e-mail reminders and telephone calls before they complete their return. This is unacceptable, as it means it takes us longer than we would like to pull together all of the data and report on our findings.

Ultimately, we expect the authority's monitoring officer to complete our information returns. However, they can delegate this task to a colleague if they wish. For consistency we will always send our email correspondence directly to the monitoring officer, but if they know that they are not going to be available when a return is due they should delegate the task to somebody who is.

For more information on Standards for England's information returns please contact our monitoring team on 0161 817 5300.

Update on the transfer of the Adjudication Panel for England into the unified Tribunal structure

On 1 September, the General Regulatory Chamber (GRC) was launched as part of the First-tier Tribunal. The work of the Adjudication Panel for England will be transferred into the GRC in January 2010.

Legislative process

A 'Transfer of Tribunal Functions Order', transferring the functions of the Adjudication Panel into the GRC, has now been laid in Parliament. The order requires Parliamentary approval. Debates on the order will take place before the end of the year. The order contains amendments to the Local Government Act 2000, to the Standards Committee Regulations and to the Case Tribunal Regulations. Once Parliamentary approval has been obtained an amended version of each of those provisions will be available on the [Tribunals Service website](#).

The Order abolishes the Adjudication Panel for England, whose functions will then be undertaken by the First-tier Tribunal and will be known as the First-tier Tribunal (Local Government Standards, England). The President and members of the Adjudication Panel will be transferring as either judges or members of the First-tier Tribunal assigned to work in the General Regulatory Chamber of that Tribunal. The President will also be a deputy judge in the Upper Tribunal.

Impact on users

References and appeals made to the President of the Adjudication Panel are determined by Case Tribunals and Appeals Tribunals. The people who sit on those Tribunals will be the same people who determine these kinds of matters in the name of the First-tier Tribunal (Local Government Standards, England). The associated administrative work will also be undertaken by the same people as currently do this. Such work will continue to be based at the Tribunals Services offices in Leeds.

Since it was established, the Adjudication Panel has operated without any formal rules. That situation will change as a result of the transfer of work into the First-tier Tribunal. The procedure rules give more explicit powers of

direction to the First-tier Tribunal than were available to the Adjudication Panel, including power to summon witnesses.

All proceedings taking place after the transfer order comes into effect will be conducted in accordance with the rules of the First-tier Tribunal unless, in the case of proceedings which have already started, it would be unfair to apply particular provisions of those rules.

You can view regular updates on the [GRC page](#) of the Tribunals Service website.