

**MINUTES OF A MEETING OF THE
STANDARDS COMMITTEE
HELD ON TUESDAY 8 JUNE 2010 FROM 7.30 PM TO 8.15 PM**

Present:-

Wokingham Borough Members:- *Chris Bowring, Pauline Helliar-Symons and Malcolm Storry*

Independent Members:- *David Comben and Anita H Grosz*

Parish/Town Council representatives:- *Ray Duncan and Mr J Heggadon*

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

PART I

1. ELECTION OF CHAIRMAN FOR THE 2010/2011 MUNICIPAL YEAR

It was proposed by Anita Grosz and seconded by Pauline Helliar-Symons that David Comben be elected as Chairman of the Standards Committee for the 2010/2011 municipal year.

RESOLVED: That David Comben be elected as Chairman of the Standards Committee for the 2010/2011 municipal year.

2. APPOINTMENT OF VICE-CHAIRMAN FOR 2010/2011 MUNICIPAL YEAR

It was proposed by David Comben and seconded by Ray Duncan that Anita Grosz be appointed as Vice-Chairman of the Standards Committee for 2010/2011 municipal year.

RESOLVED: That Anita Grosz be appointed as Vice-Chairman of the Standards Committee for the 2010/2011 municipal year.

3. MINUTES

The Minutes of the meeting of the Committee held on 8 March 2010 were confirmed as a correct record and signed by the Chairman subject to the correction of two typographical errors on page two.

4. APOLOGIES

Apologies for absence were submitted from Eric Davies, John Giles, Roy Mantel and Geoff Wilde.

5. DECLARATIONS OF INTEREST

There were no declarations of interest.

6. PUBLIC QUESTION TIME

There were no public questions.

7. MEMBER QUESTION TIME

There were no Member questions.

8. PARISH/TOWN MEMBER QUESTION TIME

There were no questions from Members of parish or town councils.

9. ROSENDALE BOROUGH COUNCIL – GOVERNANCE CHAMPIONS

Kevin Jacob commented that its meeting in December 2009, the Committee had expressed an interest in learning more about the use at Rosendale Borough Council of 'Governance Champions' to help promote and imbed high standards of ethical behaviour within that local authority. As a result he had spoken to Officers at Rosendale Borough Council and obtained a copy of their job description for the role as set out on Agenda page 6.

He stressed that despite the use of the term 'job description' the role of Governance Champion did not imply the creation of additional dedicated posts. At Rosendale Borough Council existing members of staff had agreed to take on the role of Governance Champion as part of their existing duties and a key aspect of the rationale behind the role was that the Champions acted as a point of contact within departments for knowledge and advice concerning a range of ethical and governance issues, not only those relating to the Members Code of Conduct.

Members were informed a Corporate Governance Group had been established by Wokingham Borough Council, the function of which was to provide advice to the Officer Strategic Leadership Board (SLB) on the Councils' governance arrangements and in a number of areas there were similarities between the function of this group and the role of Governance Champions. It was felt by Officers that that there was potential for the Terms of Reference of the Group to be expanded to include the provisions of Governance Champions if it was appropriate.

In discussion a range of views were set out. A number of Members felt that it was unnecessary to create the role of Corporate Governance Champion as adequate provision had already been made within Council's Governance arrangements to ensure high standards and that these matters should be embedded anyway. It was also felt that even if no additional roles were created as a result of designating Corporate Champions, there would be an additional cost in terms of Officer time and resources, which would be hard to absorb.

Other Members felt there that the level of knowledge of ethical governance and Code of Conduct amongst middle managers and staff could be improved further and that therefore there the role of Governance Champion might be useful in highlighting issues.

After discussion it was agreed that more information on the Terms of Reference of the Corporate Governance Group should be obtained and circulated to all of the Committee and that the Chairman would update the Committee as its next meeting.

RESOLVED: That the more information on the Terms of Reference of the Corporate Governance Group be obtained and circulated the Committee.

10. UPDATE ON COMPLAINTS AND FEEDBACK

The Committee considered a report, (Agenda pages 7 to 8) which set out an update on complaints considered by the Initial Consideration Sub-Committee and a decision made by Standards for England in respect of an investigation they had undertaken. Copies of decision notices in respect of the individual complaints had been circulated to the Committee separately.

David Comben commented that the complaint considered by the Initial Consideration Sub-Committee was about alleged behaviour that taken place 1 year prior to its submission. The length of time between the alleged events and submission of the complaint had been a significant factor in the Initial Consideration Sub-Committee's decision to dismiss the complaint.

RESOLVED: That the update on complaint be noted.

11. APPOINTMENT OF DELEGATES TO ATTEND THE 9th STANDARDS FOR ENGLAND ASSEMBLY

The Committee considered a report, (Agenda pages 9 to 26) which set out details of the 9th Annual Assembly of Standards for England which was due to take place on 18-19 October 2010.

The item had been brought to the Committee so a decision could be taken on whether any delegates should be sent, and if so, to confirm the proposed names of Geoff Wilde, Anne Hunter one other Member of the Committee.

Kevin Jacob commented that in previous years, the Assembly had been a useful and value for money training opportunity for Members of the Committee to learn about the operation of the Code of Conduct.

He clarified that whilst it was the new Government's stated policy to abolish the Standards Board regime, there was no indication at the current time, that the Assembly would be cancelled. He did comment that he felt that in light of events, the programme might be amended to take account of the Government's announcement and what a future system might look like.

A number of Members commented that they had found the Assembly to be a useful and valuable experience and that it was important for Officers advising the Committee to be as up to date as possible. However, there was concern regarding the cost of the event and whether the £1,500 cost of sending three delegates was justified in the context of the overall financial climate.

After discussion it was,

RESOLVED: That two of the three reserved places should be allocated to Geoff Wilde and Anne Hunter, but that the third place should be offered to the Committee as a whole on a first come first served basis.

12. STANDARDS FOR ENGLAND - BULLETIN 47

The Committee considered the latest Standards for England Bulletin, (Agenda pages 29 to 38). The Bulletin set out information and guidance from Standards for England, the national body responsible for Code of Conduct issues, to local Standards Committees.

Kevin Jacob introduced the Bulletin and drew Member's attention to the article on Agenda page 34 about the growing use by candidates and elected representatives of social networking. He commented that during the General Election campaign a number of prospective parliamentary candidates had been forced to withdraw or been deselected by their political party in light of indiscretions involving blogs and social networking sites. He referred to the publication of a quick guide to social networking by Standards for England

and commented that this could be distributed to members of the Borough Council and also brought to the attention of parish clerks. Members of the Committee supported this.

John Heggadon referred to the establishment of the Adjudication Panel for England as set out on Agenda pages 31 to 33 and commented that he was disappointed that given the prominence of the Standards for England's role in Code of Conduct issue, they had made a number of typographical errors in the article. Some concern was expressed that Hearings conducted by the Adjudication Panel could take place with less than three Tribunal members, as it was felt that this might weaken the robustness any decision. However, it was noted that this provision followed similar processes within other parts of the tribunal and courts process.

13. LETTER FROM BOB CHILTON, CHAIR OF STANDARDS FOR ENGLAND CONCERNING THE FUTURE OF THE STANDARDS REGIME

The Chairman referred to the recent circulation to the Committee of a letter from Bob Chilton, Chair of Standards Committee concerning the future of Standards for England in light of the new Government's proposals within the Decentralisation and Localism Bill to 'abolish the Standards Board regime'. He commented that given the implications of this announcement, he had felt it appropriate for the Committee to hold a discussion as an urgent Agenda item.

It was noted that within the letter, Mr Chilton had commented that at present, Standards for England had not received any further information from the Department for Communities and Local Government as to what the scope or implications of the Government's proposal were. It had been made clear within the letter that in the absence of agreed legislation, the present statutory arrangements remained in place.

The Chairman commented that he felt it would be surprising if there were not to be any requirement for standards regime or equivalent arrangements, even if this were to become a matter of local discretion.

In connection with Standards for England recent document, '*Local Standards 2.0 – the proportionality upgrade?*', John Heggadon expressed concern that Standards for England had not taken due account of the particular apolitical nature of the majority of parish councils and the other unique characteristics of the make up of town and parish councils in drafting the document.

These are the Minutes of a meeting of the Standards Committee

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TITLE	Protocol for Local Authority Partnership Working
FOR CONSIDERATION BY	Standards Committee on 14 September 2010
WARD	None Specific
GENERAL MANAGER	Susanne Nelson-Wehrmeyer, Head of Governance and Democratic Services

OUTCOME

To assist in the strengthening of partnership arrangements between the Council and other bodies.

RECOMMENDATION

That the Standards Committee recommend that the protocol be taken into consideration by the Council in the development of future arrangements for local authority partnership working.

SUMMARY OF REPORT

In response to the growing prevalence of partnership working amongst public sector organisations and queries that have arisen regarding governance arrangements of partnerships, Standards for England have produced advice and a possible template protocol.

The guidance and template protocol is attached to this report.

Background

Advice from the Society of Local Authority Chief Executives, (SOLACE) is that the protocol be brought to the attention of local Standards Committees.

Analysis of Issues

Partners involved in local authority decision-making who are not Members of an authority are not subject to the same rules governing their behaviour as elected or co-opted members on the same bodies.

This does not mean that a high standard of conduct and good governance is unimportant and the attached guidance and template protocol sets out the possible application of partnership protocols and the potential role of Standards Committees as seen by Standards for England, (Appendices 1 & 2).

The Council already has as an agreed and detailed Partnership Protocol in place as set out within Section 10.2 of the Council's Constitution. This is in the main a technical document for Officers around the issues involved in establishing a partnership between the Council and another body, but it does set out specific provisions for standards of conduct and declarations of interest. An extract from the WBC protocol and Appendix 5 which sets out general principles of conduct for partnership working are set out below:

"10.2.32 Standards of Conduct

Partnerships should agree high standards of conduct that govern the way in which they work. The integration of planning, commissioning and delivery in partnership working presents an opportunity for decision makers to promote or protect vested interests – for example, private and voluntary sector partners may find themselves involved in decisions that affect their own interests.

Establishing principles of working together helps the 'softer' side of partnership working, and can facilitate partner relationship building. Some general principles of conduct are provided in Appendix 5, (below). The Code of Conduct should be agreed and followed by all partners.

10.2.33 Declarations of Interest

Members of the partnership should have regard to the highest standards of behaviour in the conduct of public business and, in particular, should declare any personal or prejudicial interest they may have (as defined by the Council's Employees / Members Code of Conduct) on any matter under discussion.

It is best practice for the partnership Chair at the beginning of each meeting to ask individuals in attendance to declare whether they hold any material interest in any item on the agenda for discussion."

"Appendix 5 – Principles of Conduct in Partnership Working

GENERAL PRINCIPLES OF CONDUCT FOR PARTNERSHIP WORKING

Selflessness

Members of the partnership should serve only the public interest and should never

improperly seek or confer an advantage or disadvantage on any person or organisation.

Honesty and Integrity

Members of the partnership should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

Objectivity

Members of the partnership should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

Members of the partnership should be accountable to the public (where appropriate) for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

Members of the partnership should be as open as possible about their actions and those of the organisation they represent, and should be prepared to give reasons for those actions.

Personal Judgment

Members of the partnership may take account of the views of others, including those of political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

Members of the partnership should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the Local Authority's Statutory Officers, and its other employees.

Duty to Uphold the Law

Members of the partnership should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

Members of the partnership should do whatever they are able to ensure that the organisation they represent, authorise use of their resources prudently and in accordance with the law.

Leadership

Members of the partnership should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence".

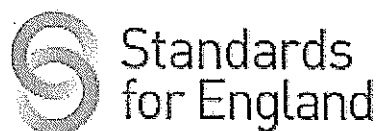
It is not felt necessary or appropriate that the Standards for England template should replace the current locally agreed protocol, but the Committee may wish to support

consideration being given to the Standard for England template protocol as part of any future review process.

Reasons for considering the report in Part 2
None

List of Background Papers
None

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Date Wednesday, 01 September 2010	Version No. 1.0



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Protocol for local authority partnership working

Introduction

Standards for England firmly believes that high standards must be at the heart of all local government decision making. Partnership working between local authorities and other agencies - public bodies, the private sector and the voluntary sector - is an increasingly important aspect of public service delivery. Good governance of partnership arrangements enables an authority to work more effectively and to manage risk.

Partners involved in local authority decision-making who are not members of an authority are not subject to the same rules governing their behaviour as elected or co-opted members on the same bodies.

To help address this, Standards for England has developed a **partnership behaviour protocol**. The values and behaviours in the protocol were developed in conjunction with Manchester City Council and some of its partners. As well as being devised through consultation, the protocol also draws on, and is consistent with, the CIPFA SOLACE (Chartered Institute of Public Finance Society of Local Authority Chief Executives) Good Governance Framework and the General Principles for the conduct of people in public life. These ten general principles are set

out in the Relevant Authorities (General Principles) Order 2001.

Our approach involves partners developing a shared set of values and behaviours that they think should underpin their partnership work.

We invite local authorities to use our protocol and either adopt it wholly or adapt it to fit their own circumstances.

The purpose of the partnership behaviour protocol

Because of the variety of forms that local authority partnership working takes, there can be considerable variation in partnership governance arrangements.

Different partners may be accustomed to working in different ways, and there may be inconsistency in the guidelines that partners are working to and how these guidelines are enforced.

The Protocol for partnership working attempts to address these inconsistencies to improve the governance of partnerships.

Good governance can help promote:

- high quality leadership
- good decision making
- clarity in relation to roles, responsibilities and activities
- successful working relationships

The partnership behaviour protocol aims to:

- embed high ethical standards in partnership working
- address the disparity of rules and scrutiny governing those involved in local decision making
- enable partners to agree what behaviour they can expect from each other
- help partners hold each other to account and encourage constructive challenge between partners
- help partners to exercise leadership by demonstrating their own high standards of behaviour to other partners and to the public
- promote trust amongst the general public, demonstrating the partners' commitment to behaviour of a certain standard
- improve performance management

Suggestions for using the partnership behaviour protocol

We encourage local authorities and their partners to adapt the partnership behaviour protocol to fit local circumstances.

Forming partnerships

The protocol can be used to:

- assess the compatibility of partners by asking them to sign up to some common values and behaviours
- form part of a tendering process, asking potential partners if they would be willing to sign up to and provide evidence of the values specified

Managing partnerships

The protocol can be used to:

- form part of the partnership governance documents used by local authorities to set out the minimum governance requirements for their partners. The protocol will help demonstrate the values of good governance through upholding high standards of conduct and behaviour, in line with principle three of the CIPFA SOLACE Good Governance Framework.

- monitor the values and behaviours of partnerships on an ongoing basis
- enable those engaged in partnership working to hold each other to account for the values and behaviours outlined in their agreed protocol
- aid mediation on a disagreement by providing reference to clearly defined commitments by partners
- promote transparency and accountability of partnership decision making. Once a local protocol is finalised and all members of the partnership have signed up to it, the protocol should become a public document. The protocol should be easy to understand and make what are sometimes complex arrangements and accountabilities clear to the general public.

Overseeing partnerships: a role for the standards committee?

Note: The partnership behaviour protocol does not have a statutory basis or have sanctions attached to it. Despite this, authorities may wish to consider the role of their standards committee in maintaining and overseeing adherence to the partnership behaviour protocol.

We suggest that standards committees could:

- act as chief promoters and champions of the partnership behaviour protocol
- be well suited to oversee both the implementation of and adherence to the partnership behaviour protocol
- play an active role where issues do arise in a partnership, for example one partner challenges another partner about their behaviour in relation to the protocol
- mediate between partners where agreement cannot be reached or issues cannot be resolved

Local authority partnerships and the Code of Conduct

To align standards of behaviour in local government partnerships some have suggested that all partners sign the members' Code of Conduct. However, the statutory instrument, *The Local Authorities (Model Code of Conduct) Order 2007*, lists the authorities to which the Code applies and was issued by the Secretary of State to apply to members and co-opted members of these authorities only. It is a piece of legislation that cannot be made to apply to other bodies or individuals without approval by Parliament.

While those working in partnership with local authorities could sign up voluntarily to principles similar to those set out in the Code, partners would remain outside the statutory local government standards framework. This approach may also provide a disproportionate response to aligning standards that could discourage some bodies from working with local authorities.

The partnership behaviour protocol and local authority legal requirements

The suggested approach to developing a partnership behaviour protocol is **in addition to compliance with legal requirements**. The partnership behaviour protocol does not replace, but supports, the following:

- legal requirements on equal opportunities and anti-discrimination
- required mechanisms for good governance (rather than the values that underpin them) such as financial probity, systems for establishing value for money and good practice around contracting and procurement

Template

➤ Protocol for partnership working template

The research underpinning the development of the partnership behaviour protocol was undertaken by Manchester Business School. A copy of the research report, detailing the methodology used, is available here: [MBS research - protocol partnership working](#)

Published on 11 August 2010.

Partnership behaviour protocol

Achieve intended outcomes

Our priorities are evidence based and our decision making is transparent.

We will:

- Share resources to achieve joint outcomes
- Monitor how well we have used our resources
- Actively encourage ideas and innovation
- Ensure that decision making is transparent
- Be committed to continuous improvement
- Ensure that claims of improved performance are based on clear evidence
- Establish accountability both across the partnership (horizontally) and within each organisation (vertically)

Public interest

We act in the interest of the public and demonstrate value.

We will:

- Focus on long term as well as short term issues
- Act in the interests of the public good over individual interests
- Demonstrate to the community how we are achieving publicly valued outcomes
- Agree a protocol for the handling of complaints that relates to our joint work

Building partners' capacity

We build capacity in our partnership.

We will:

- Be committed to developing individual partners' skills to achieve our aims
- Encourage partners to be confident working outside of their organisational culture
- Be open to partners' suggestions and help

Value and respect each other

We respect and value everyone's contribution.

We will:

- Ensure that all partners contribute appropriately and openly
- Acknowledge the capabilities of all members
- Recognise and embrace the role of voluntary and community sector partners
- Avoid dominance by one or two individuals
- Respect each other's roles and needs
- Actively encourage the participation of all partnership members
- Build effective working relationships with each other
- Recognise the value of all partners' contributions

Act ethically

We act ethically. We are open and objective and encourage constructive challenge.

We will:

- Agree a mechanism for whistleblowing and dealing with complaints
- Ensure whistleblowers are supported
- Actively promote a 'no-blame' culture
- Support partners to both understand and constructively challenge any poor behaviour
- Use appropriate, unambiguous and simple language
- Agree how we will achieve democratic accountability
- Ensure that our dialogue is open and transparent
- Declare conflicts of interest and address them
- Make sure that the purpose of all meetings is made clear
- Be honest and objective

Aligning strategies and networks

We harness our collective efforts through joint planning, delivery and governance arrangements.

We will:

- Ensure that partners can influence the decision making of member organisations
- Allow sufficient time and capacity to be given to understand an issue and to reflect on its impact
- Make sure that actions taken by the partnership are clear, time-limited and task-orientated
- Encourage all partners to actively shape the strategy
- Ensure that agreed actions are carried out