

At a meeting of the STANDARDS COMMITTEE held in the CIVIC CENTRE, SUNDERLAND on THURSDAY, 30TH SEPTEMBER, 2010 at 1.00 p.m.

Present:-

Mr G.N. Cook in the Chair

Councillors Charlton, M. Forbes, Tate, Shattock and Wakefield together with Mr. J.P. Paterson, Mr. C. Stewart and Councillors Hepple and Wilkinson (Hetton Town Council)

Apologies for Absence

All Members of the Committee being present, there were no apologies for absence.

Minutes of the Meeting of the Committee held on 28th May, 2010

The minutes of the meeting of the Committee held on 28th May, 2010 (copy circulated) were submitted.

1. RESOLVED that the minutes be confirmed and signed as a correct record.

Minutes of the meeting of the Consideration and Hearing Sub-Committee of the Standards Committee held on 5th July, 2010

The minutes of the meeting of the Consideration and Hearing Sub-Committee of the Standards Committee held on 5th July, 2010 (copy circulated) were submitted.

The Chairman advised that both the complainants and Councillor Wake had contacted the Monitoring Officer and advised that they were happy with the procedures followed and the outcome of the hearing, believing it to have been a fair process.

2. RESOLVED that the minutes of the meeting of the Consideration and Hearing Sub-Committee held on 5th July, 2010 be confirmed and signed as a correct record.

Declarations of Interest

Item 8 – Local Determination of Allegations of Misconduct – Case 01/10

Councillor Wakefield declared a personal interest in the above report as a close associate of Councillor Ellis.

Abolition of Standards for England

The Chief Solicitor submitted a report (copy circulated) informing Members that the Government's "Programme of Government" of 20th May, 2010 contained a commitment to "abolish the Standards Board regime".

(For copy report – see original minutes).

The Chief Solicitor, Mr. R.C. Rayner, advised that it was likely to result in the closure of the organisation between January and March 2012, however, it was unclear as to what would remain. In the meantime, the local standards framework still existed. Standards for England planned to continue to fulfil its statutory duties and Standards Committees and Monitoring Officers had an obligation to keep the system operating.

Mr. Rayner stated that he believed that the Code of Conduct had improved Councillors' behaviour. There had been more recently a further announcement that there was merit in the standards framework. Standards Committees were becoming astute at weeding out trivial complaints and Mr. Rayner stated that he did not see why there was a need to bring in further legislation. He referred to the statement made by the Local Government Secretary regarding making failure to register or declare an interest or deliberately seeking to mislead the public about an interest would become a criminal offence and commented that he felt this to be excessive. Mr. Rayner asked Members to note the report but in the meantime carry on business as usual.

Councillor M. Forbes commented that she had always felt that the Standards Board was an expansive body, however, the Standards Committee had managed well to deal with issues on a local level.

The Chairman commented that he felt Standards Committees had been a good thing and that it would be sad if they were lost as they provided transparency and independence.

3. RESOLVED that the contents of the report be noted.

Protocol in relation to Members' Business Dealings – Councillor B. McClennan and Councillor I. Kay

The Chief Solicitor submitted a report (copy circulated) informing the Committee that notifications had been received by and on behalf of the above named Members in relation to their business dealings with the Council.

(For copy report – see original minutes).

The Monitoring Officer, Mr. R.C. Rayner, briefed the Committee on the circumstances surrounding Councillor McClennan's and Councillor Kay's business dealings with the Council and the arrangements put in place.

4. RESOLVED that the contents of the report be noted.

Protocol in relation to Members' Business Dealings – Councillor G. Miller

The Chief Solicitor submitted a report (copy circulated) informing the Committee in relation to Councillor G. Miller's business dealings with the Council as Chief Executive and Managing Director of Tyne and Wear Education Business Link Organisation.

(For copy report – see original minutes).

5. RESOLVED that the contents of the report be noted.

Local Determination of Allegations of Misconduct – Case 01/10

The Chief Solicitor submitted a report (copy circulated) advising that the investigation of the complaint received in respect of a Councillor had now been completed and that he was seeking to make arrangements for a meeting of a Consideration and Hearing Sub-Committee.

(For copy report – see original minutes).

Consideration having been given to the report, it was:-

6. RESOLVED that the Chairman or Vice-Chairman of the Standards Committee, depending on availability, together with Councillors M. Forbes and Shattock, be appointed to serve on the Sub-Committee on a date to be fixed in late November 2010, which will undertake the functions under Regulations 17 and 18.

Retirement of the Monitoring Officer

The Chairman referred to the impending retirement of Mr. R.C. Rayner. He thanked Mr. Rayner for the wisdom and guidance he had provided to him to support him in his role as Chairman and wished him and his family a very happy retirement.

Mr. Rayner stated that it had been an honour to be the Council's Monitoring Officer. He thanked Members for the support they had given to him and the good working relationship they had enjoyed together, wishing them all well for the future.

(Signed) Mr G. N. COOK,
Chairman.

PROTOCOL FOR LOCAL AUTHORITY PARTNERSHIP WORKING**Report of Executive Director of Commercial and Corporate Services****1. Introduction**

The purpose of this report is to inform the Committee of a Partnership Behaviour Protocol which has been developed by Standards for England.

2. Partnership Working

Partnership working between local authorities and other agencies is now integral to the future of policy development and service delivery for the public sector. At a national level the Government is increasingly promoting joint working/shared services and over recent years there has been an increase in the use of partnerships to deliver the Council's core business and contribute to the achievement of the City's priorities. Standards for England has recognised the increasingly important aspect of partnerships to public service delivery and the importance of good governance of partnership arrangements to enable an authority to operate more effectively and to manage risk.

Partners who are not members of an authority are not subject to the same rules governing their behaviour as elected or co-opted Members of an authority and therefore to help address this, Standards for England has developed a Partnership Behaviour Protocol, which is set out in the Appendix to this report.

3. Partnership Behaviour Protocol

The protocol is consistent with the CIPFA Solace (Chartered Institute of Public Finance and Accountancy / Society of Local Authority Chief Executives) Good Governance Framework and the general principles for the conduct of people in public life which are set out in the Relevant Authorities (General Principles) Order 2001 and reflected in Part 5 of the Council's constitution.

Standards for England states that the protocol aims to:

- embed high ethical standards and 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

It is suggested that the Protocol could be used to assess the compatibility of partners by asking them to sign up to some common values and behaviours and could also be used as part of a tendering process, under which potential partners could be asked if they would be willing to sign up to and provide evidence of the values specified. The Protocol can be adapted, as appropriate, to fit local circumstances.

The Council has already recognised the importance of partnerships and the need for good governance arrangements and has developed a code of practice for partnerships. This detailed document, which is published on the Council's intranet, gives guidance and advice on a wide range of matters including the drivers and incentives for partnerships, the challenges, assessing the need for a partnership, finance, human resources, information governance, equalities and diversity and risk management. Whilst the Code of Practice already makes reference to the importance of issues of culture, relationship and values, it is considered that the Protocol and the principles contained therein produced by Standards for England would form a valuable supplement to the Code.

4. Recommendation

It is recommended that the Partnership Behaviour Protocol be commended to the Council as a supplement to the Council's Code of Practice on Partnerships and that as part of the process of inviting tenders and/or developing future partnership arrangements, in each case consideration is given to the option of incorporation of the protocol, adapted as appropriate, to fit the circumstances.

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

REVIEW OF THE STANDARDS REGIME

Report of the Executive Director of Commercial and Corporate Services

1. Members will recall receiving a report in September 2010 advising of the Government's proposal to abolish the Standards Board regime. As anticipated at that time, provision is included in the Localism Bill to abolish Standards for England, the requirement for authorities to have Standards Committees and the National Code of Conduct.
2. As currently drafted, in place of the Standards Board regime the Bill provides that authorities will have a duty to promote and maintain high standards of conduct by Members and will be able to establish their own voluntary codes of conduct. Where an authority adopts a Code of Conduct, it may investigate any complaint that it has been breached, however, at present, there are no protocols or guidance on how to go about this. If an authority does not adopt a code of conduct, there is no provision in the Bill for allowing an investigation of complaints about Member conduct which would suggest that in the absence of a Code, the only way of sanctioning poor behaviour would be through the criminal law, where possible, or appeals to the Ombudsman.
3. There is also provision to the effect that regulations may require monitoring officers to establish and maintain a register of interests, specify those interests which must be registered and disclosed by members, prevent or restrict members' participation in business if they have an interest, allow for authorities to provide for dispensations and provide for sanctions. The Bill proposes a new offence of non-compliance with the registration regulations, which could result in a fine or disqualification. Prosecutions must be brought by or on behalf of the Director of Public Prosecutions.
4. Members will be advised of further developments as the Bill progresses through Parliament and any further detail becomes available as to any proposed regulations and guidance.

Recommendation

Members are requested to note this report.