

AGENDA

Standards Committee

Date: **Friday 16 April 2010**

Time: **2.00 pm**

Place: **The Council Chamber, Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

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Agenda for the Meeting of the Standards Committee

Membership

Chairman	Robert Rogers	Independent Member
	Jake Bharier	Independent Member
	Isabel Fox	Independent Member
	Richard Gething	Parish and Town Council Representative
	John Hardwick	Parish and Town Council Representative
	David Stevens	Independent Member
	John Stone	Local Authority Representative
	Beris Williams	Local Authority Representative

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

AGENDA

	Pages
<p>1. APOLOGIES FOR ABSENCE</p> <p style="padding-left: 20px;">To receive apologies for absence.</p>	
<p>2. DECLARATIONS OF INTEREST</p> <p style="padding-left: 20px;">To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p>3. MINUTES</p> <p style="padding-left: 20px;">To approve and sign the minutes of the meeting held on 08 January 2010.</p>	5 - 10
<p>4. APPLICATIONS FOR DISPENSATIONS</p> <p style="padding-left: 20px;">To consider applications for dispensations received from parish and town councils.</p> <p style="padding-left: 20px;">Wards: County Wide</p>	11 - 20
<p>5. THE CONSTITUTION</p> <p style="padding-left: 20px;">To consider constitutional issues for adoption by Annual Council in May 2010.</p> <p style="padding-left: 20px;">Wards: County Wide</p>	21 - 26
<p>6. STANDARDS FOR ENGLAND BULLETIN 47</p> <p style="padding-left: 20px;">To consider the latest Bulletin from Standards for England.</p> <p style="padding-left: 20px;">Wards: County Wide</p>	27 - 36
<p>7. BLOGGING AND SOCIAL NETWORKING</p> <p style="padding-left: 20px;">To consider new guidance issued by Standards for England on the use of blogging and social networking sites.</p> <p style="padding-left: 20px;">Wards: County Wide</p>	37 - 38
<p>8. ANNUAL ASSEMBLY OF STANDARDS COMMITTEES</p> <p style="padding-left: 20px;">To consider attendance at the Annual Assembly of Standards Committees, to be held in Birmingham on 18 and 19 October 2010.</p> <p style="padding-left: 20px;">Wards: County Wide</p>	39 - 42
<p>EXCLUSION OF THE PUBLIC AND PRESS</p> <p>In the opinion of the Proper Officer, the following items will not be, or are likely not to be, open to the public and press at the time they are considered.</p>	
<p>RECOMMENDATION:</p>	<p style="padding-left: 20px;">that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below</p>

9.	LOCAL FILTER CASES AND DETERMINATIONS	43 - 62
	To update the Committee about progress made with complaints about local authority, town or parish councillors.	
	Wards: County Wide	
	<i>(This item contains information which is subject to an obligation of confidentiality)</i>	
10.	PROGRESS REPORT ON A STANDARDS FOR ENGLAND DIRECTION	63 - 94
	To consider progress made on a Direction issued by Standards for England in respect of a parish or town council.	
	Wards: County Wide	
	<i>(This item contains information which is subject to an obligation of confidentiality)</i>	

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- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. A list of the background papers to a report is given at the end of each report. A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Standards Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday 8 January 2010 at 2.00 pm

Present: Robert Rogers (Chairman) (Independent Member)
 David Stevens (Independent Member)
 Jake Bharier, (Independent Member)
 Richard Gething, (Town and Parish Council Representative)
 John Hardwick (Town and Parish Representative)
 John Stone (Local Authority Representative)
 Beris Williams (Local Authority Representative)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Isabel Fox, Anne Gray and Nicky Carless.

2. DECLARATIONS OF INTEREST

There were none

3. MINUTES

RESOLVED: (unanimously) that the minutes of the following meetings be approved as a correct record and signed by the Chairmen with the amendments indicated:

- (i) 27 March 2009 – subject to the deletion of the name of Mr Jake Bharier
- (ii) 02 October 2009; - subject to the inclusion of the following members in the attendance list and Mr David Stevens as Chairman: Jake Bharier, Richard Gething, John Stone and Beris Williams
- (iii) 30 October 2009.

4. APPLICATIONS FOR DISPENSATIONS RECEIVED FROM PARISH AND TOWN COUNCILS

There were none.

5. THE CONSTITUTION

The interim Head of Law and Governance presented a report about the Constitution considered by Council on 13 November 2009. She said that Council had approved the new Constitution in principle and come to the following resolutions:

- a) agrees that its new Constitution will take effect on 1 January 2010;
- b) confirms the composition and Members of the Planning Committee and asks Group Leaders to review their nominations to reflect geographic diversity and notify the Chief Executive of any changes to the membership of the Committee;

- c) designates its Community Services Scrutiny Committee as its Crime and Disorder Committee;
- d) instructs the Chief Executive to prepare and adopt a scheme of delegation in accordance with the new Constitution by no later than 1 January 2010;
- e) approves the core content and principles in its new Constitution and instructs the Monitoring Officer to:
 - i. complete Parts 6 and 7 of the Constitution before 1 January 2010;
 - ii. complete Part 8 of the Constitution as soon as possible after 1 January 2010;
 - iii. incorporate any amendments agreed by Council into the new Constitution, which includes retaining the financial limit for key decisions at £500k;
 - iv. correct any typographic or other errors; and
 - v. deliver training as appropriate on the new Constitution;
- f) agrees that the Monitoring Officer be authorised to finalise the Constitution in consultation with the Chairman of the Council;
- g) recommends that the Monitoring Officer undertake the following:
 - i. to complete the web-enabling of the Constitution;
 - ii. to review the deferred matters referred to in this report;
 - iii. to consult with the Standards Committee about whether the new Constitution promotes high standards of conduct within the Council;
 - iv. to consult and seek views from partners and the public on the new Constitution;
 - v. present a further report(s) as necessary reflecting that further work; and
 - vi. carry out this work with the Constitutional Review Working Group;
- h) agrees that the Constitutional Review Working Group be retained to assist with such further work as it determines.

The Chairman had some concerns about the degree to which the Committee could comment at this stage on whether the new Constitution would promote high standards of conduct within the Council. He noted that the Code of Corporate Governance was not included within the current version of the Constitution. He also enquired whether the Codes developed by the Committee in respect of the following were compliant with the new Constitution:

- Members' Code of Conduct;
- use of Council Resources by Members;
- use of ICT;
- Confidential Reporting Code;
- Code on Gifts and Hospitality; and
- the Planning Code

The interim Head of Law and Governance advised that there was no disparity between the Codes and the new Constitution and that if any changes were forthcoming, they would be subject to the views of the Standards Committee in the first instance. She outlined the further work to be done on the Constitution in conjunction with the Council's Constitution Review Working Group, particularly Part 8. She also explained that there was also further work to be done on the Planning Code regarding the role of Ward Members arising from the change to a single Planning Committee instead of a Planning Committee and three Area Planning Sub-Committees.

Having considered various aspects of the new Constitution and noted the arrangements for Member training and the further work to be done by the Constitution Review Working Group, the Committee was of the view that it did not have sufficient information available to it to make recommendations at this stage. It was requested that a further report be presented to it setting out exactly what needed to be looked at.

RESOLVED: (unanimously) that the consideration of the new Constitution be deferred for the time being pending the submission of a report from the Interim Assistant Chief Executive Legal and Democratic giving further clarification.

6. STANDARDS COMMITTEE WEBSITE

RESOLVED: (unanimously) that consideration of this item be deferred until the next meeting.

7. STANDARDS BOARD FOR ENGLAND BULLETIN 46

The Committee discussed the contents of Bulletin No 46 from Standards for England and in particular the experience, issues, concerns and suggestions of members of standards committees and monitoring officers at the 2009 Annual Assembly. It was noted that the main areas of debate revolved around bias, predetermination and the code; sharing the lessons learnt from local assessments; and vexatious or persistent complainants. The top five issues discussed were:

- asking for further Standards for England guidance on the definition of a vexatious complaint
- 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.

Regarding the cost implications, the interim Head of Law and Governance advised that the cost of employing an external investigator for each case was some £2000-£5000 and that current procedures for dealing with complaints placed a considerable burden upon members of the Committee and the resources of the Council's legal and democratic services teams.

The role of the Monitoring Officer was discussed and it was noted that she filtered out those complaints which did not need to go through the Standards Committee process. There was some discussion about the undue anxiety that could be caused to those who were the subject of a complaint and in particular the fact that the process did not allow for them to be given all the details about it at an early stage. Councillor Gething also identified a further confidentiality issue: when the Herefordshire Association of Local Councils could be made aware of a complaint because it could have an impact upon them. The Chairman pointed out that the speed of the process was a fundamental issue in dealing with a complaint. The Committee also felt that the quality of the information that was provided by a complainant was crucial and that it was essential for this to be

done by a comprehensive application form rather than by letter because the information received by the latter could be disjointed.

The Committee discussed the returns which were submitted to Standards for England and it was noted that there was little opportunity for Committee input to the quarterly returns. The Committee would be able to have an input in the annual return however and it was agreed that this should be included on the agenda for the next meeting.

RESOLVED: (unanimously) that the Standards Board for England Bulletin 46 be received and noted.

8. THE ANNUAL ASSEMBLY OF STANDARDS COMMITTEES, 2009

The Committee discussed the Annual Assembly of Standards Committees which had been held in Birmingham on 12th & 13th October 2009. Delegates had found the break-out sessions to be particularly useful for the sharing of ideas and experiences. Councillor Gething had also found there to be much more emphasis on the role of town and parish councillors.

9. ASSESSMENT MADE CLEAR

In view of the length of the meeting, it was agreed that the 'Assessment Made Clear' DVD should be viewed individually by Members.

10. DATE AND TIME OF NEXT MEETING

The following programme of meetings was agreed, all to take place on Fridays at 2.00 p.m. in the Council Chamber at Brockington:

- 16 April 2010
- 25 June 2010
- 15 October 2010
- 14 January 2011
- 01 April 2011

Several Members would not be available for the meeting proposed for 23 July and it was therefore agreed that an alternative date should be found.

EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: (unanimously) that under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act.

11. EXPERIENCE OF LOCAL FILTER CASES, AND DETERMINATIONS SO FAR

Members reviewed progress on complaints about local authority, town and parish councillors since the introduction of the local filter on 08 May 2008. The Assessment and Review Sub-Committees had dealt with some forty-nine complaints to date. Although many of the complaints during 2009 related to a single council, it was clear that dealing with complaints was now a major area of work. The Committee discussed the

progress in dealing with the cases and had some considerable concerns at the lack of progress which had been made with those that were outstanding.

The interim Head of Law and Governance outlined the review of capacity she was undertaking in the Legal and Democratic Services Department and the steps she was taking to deal with the backlog. She also provided details about the hearings that were to be arranged and a programme for training and mediation in respect of a local council about which a large number of complaints had been received. She had made additional resources available within the Democratic Services section, had introduced a fortnightly review of cases and was rationalising the preparation of templates and guidance for the different processes involved. She had some concerns about capacity in the Legal Services Department and outlined how she proposed to address this with the assistance of the Committee. She said that the Interim Assistant Chief Executive, Legal and Democratic, was investigating the provision of additional resources to deal with the matter. The Committee expressed concern that the handling of complaints was now adversely affecting its reputation. It was agreed that the Chairman should be in contact to the Chief Executive about the matter.

RESOLVED: (unanimously) that:

- (i) the report be noted;**
- (ii) the Interim Assistant Chief Executive, Legal and Democratic be instructed to prepare a further report about progress in dealing with cases and providing adequate resources to deal with complaints; and**
- (iii) the Chairman express to the Chief Executive the concerns of the Committee.**

The meeting ended at 4.55 pm

CHAIRMAN

DISPENSATIONS TO TOWN AND PARISH COUNCILS**Report By: Democratic Services Manager****Purpose**

1. To consider an application for a block dispensation received from Kington Town Council.

Financial Implications

2. None

Background

3. Under the Code of Conduct, town and parish councillors are prohibited from participating in matters in which they have a prejudicial interest. In the normal course of events this would not prejudice the proper working of their councils. There are instances, however, when the number of councillors who would be prohibited from participating will impede the transaction of business.
4. The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002, amended by the Standards Committee (Further Provisions) (England) Order 2009, give Standards Committees the power to grant dispensations in circumstances where: the number of councillors that are prohibited from participating in the business of the council exceeds 50% of those who are entitled or required to participate, **or** where the number of members that are prohibited from voting at a meeting would upset the political balance of the meeting to the extent that the outcome of voting would be prejudiced. The full Standards for England guidance is appended to this report.
5. In each case, the councillor must request the dispensation in writing, setting out why the dispensation is desirable. The Standards Committee must then decide whether, in all the circumstances, it is appropriate to grant the dispensation.
6. The regulations also specify two circumstances where a dispensation may not be granted; first, in respect of participation in business conducted more than 4 years after the date on which the dispensation was granted; and, secondly in relation to prejudicial interests concerning attendance at a scrutiny committee meeting which is scrutinising the activity of any other committee to which the member belongs, or for executive members in relation to their own portfolios.

KINGTON TOWN COUNCIL

7. Kington Town Council has requested a block dispensation in relation to its councillors' roles as members of the Kington Recreation Ground Trust (a registered charity). All town councillors are automatically members of the Trust on acceptance of office. Individual councillors are not trustees; rather, the Town Council as a corporate body is the trustee. Issues relating to the management of this facility frequently arise on the agenda for the Town Council.
8. A block dispensation was granted on 17 February 2006 for four years in order to enable councillors to discuss the purchase or donation of items for the recreation ground. The granting of a block dispensation has eliminated the need to request a new dispensation every time there is a change of councillor.
9. The four year dispensation has now expired. The Town Council have requested that the Standards Committee considers a new block dispensation which would capture all current and future Councillors for a further period of four years.

RECOMMENDATION

- THAT**
- (a) the Standards Committee considers whether members of Kington Town Council require a dispensation in relation to their roles as members of the Kington Recreation Ground Trust;**
 - (b) the Standards Committee considers the relationship of this request with the current governance review of this Council**
 - (b) if the Committee decides that a dispensation is necessary, it considers the granting of a block dispensation to Kington Town Council in respect of the Kington Recreation Ground Trust for a further four year period.**

BACKGROUND PAPERS

- Letter from the Clerk to Kington Town Council dated 5 February 2010.

DISPENSATIONS

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introduction

This guidance on dispensations is aimed at standards committees. It is not mandatory but has been written to help describe when standards committees can grant dispensations for members allowing them to speak and vote at a meeting when they have a prejudicial interest.

dispensations

Granting dispensations under the new regulations

The legislation states standards committees can grant dispensations for members allowing them to speak and vote at a meeting when they have a prejudicial interest. The criteria for granting these dispensations changed in June 2009

Concerns were raised by some authorities, as well as the Standards Board for England, about the provisions of previous dispensation regulations. Due to these concerns, the Standards Committee (Further Provisions) (England) Regulations 2009 (the regulations) revoke the previous regulations. They replace them with new provisions to clarify the grounds on which standards committees may grant dispensations to local authority members.

Under Section 54A(1) of the Local Government Act 2000 an authority's standards committee can set up a sub-committee to consider requests for dispensations. Any reference in this guidance to the standards committee includes any sub-committee which has this function.

Dispensations may be granted for speaking only, or for speaking and voting. The 2007 Code of Conduct (the Code) relaxed the provisions for restricting members from speaking. Therefore, the need to request a dispensation in this respect is now limited to circumstances where the public do not have the right to speak, or to where a parish or police authority has not adopted paragraph 12(2) of the Code.

Part 4 of the regulations sets out the

circumstances in which a standards committee can grant dispensations to members of relevant authorities in England, and police authorities in Wales. If a member acts in accordance with the granting of a dispensation, taking part in business otherwise prohibited by an authority's code of conduct would not result in a failure to comply with that code.

A standards committee may grant a dispensation to a member or co-opted member of an authority in the following circumstances:

- where more than 50% of the members who would be entitled to vote at a meeting are prohibited from voting **OR**
- where the number of members that are prohibited from voting at a meeting would upset the political balance of the meeting to the extent that the outcome of voting would be prejudiced.

Note: Although the Regulations are not explicit, political balance is a legal formula, set out in the Local Government and Housing Act 1989 and associated regulations. It applies only to relevant authorities and places an obligation on them to reflect the political balance of their elected members when determining who should sit on certain committees. It does not apply to parish councils.

Standards committees must ignore any dispensations that have already been given to others at the meeting to decide whether either of these criteria apply.

There are two **exceptions** to this:

- Members cannot be given a dispensation allowing them to vote in

dispensations

overview and scrutiny committees about decisions made by any body they were a member of at the time the decision was taken.

- A dispensation cannot be given to allow an executive member with a prejudicial interest in an item of executive business to take an executive decision about it on their own.

The dispensation granted may apply to just one meeting or it may be applicable on an ongoing basis. However, the dispensation cannot be used to allow participation in the business of the authority if it was granted more than four years ago.

Legal requirements for granting dispensations

- 1) Standards committees can grant a dispensation if more than 50% of members have a prejudicial interest in an item of business to be discussed at a meeting which is covered by their code of conduct. They must ignore any members who have already been granted dispensations when doing this (see paragraph [*]). The list of meetings is set out in paragraph 1(4) of the Model Code of Conduct contained in the Local Authorities (Model Code of Conduct) Order 2007. These are meetings of:

- the authority
- its executive and its committees and sub-committees
- any other committees, sub-committees, joint committees, joint sub-committees or area committees of the authority.

- 2) Standards committees can grant a dispensation for an item of business if the political balance of a meeting would be upset enough to prejudice the outcome of the vote. They must ignore any members who have already been granted dispensations when doing this (see paragraph [*]). This means that due to the number of members who are prevented from voting the political balance of the committee is changed. This is similar to a provision that has been in existence in Wales for some time. As before, this does not apply to parish councils as they are not bound by the political balance rules.

[*]The requirement to ignore any members who have already been granted dispensations means that standards committees should disregard any previously granted dispensations in order to work out whether the two circumstances above apply.

So, if there were ten members on a committee, six of whom would not be able to vote on some business, all six can claim a dispensation. If previously granted dispensations were not disregarded, once two people had been granted dispensations, the remaining four would be ineligible because at that point 50% of the committee would be able to vote.

In addition it is necessary to consider if any of the exceptions set out above apply.

dispensations

Issues and criteria to consider when granting dispensations

The number of members in each political group on an authority could affect the eligibility to apply for a dispensation.

In situations where one political party has a large majority on an authority, and therefore on its committees, members of that political party will not be eligible to apply for a dispensation frequently under the criterion for political balance (see page 3). Where an authority has two or more political parties, and the number of members that each party has is fairly evenly balanced, the eligibility to apply for a dispensation will rise.

Clearly there is a difference between being eligible to apply for a dispensation and it being appropriate for that dispensation to be granted. We recommend that the standards committee considers the need for criteria to be applied to requests for dispensations. The committee will need to balance the prejudicial interest of the member seeking the dispensation to vote on an item of business, against the potential effect on the outcome of the vote if the member is unable to do so.

Considerations for dealing with dispensation requests

Q. Is the nature of the member's interest such that allowing them to participate would not damage public confidence in the conduct of the authority's business?

For instance, it is unlikely that it would be appropriate to grant a dispensation

to a member who has a prejudicial interest arising as a result of an effect on their personal financial position or on that of a relative. The adverse public perception of the personal benefit to the member would probably outweigh any public interest in maintaining the political balance of the committee making the decision. This is especially where an authority has well-established processes for members on committees to be substituted by members from the same political party.

However, the prejudicial interest could arise from the financial effect the decision might have on a public body of which they are a member. In such cases, it is possible that any public interest in maintaining the political balance of the committee making the decision might be given greater prominence.

Q. Is the interest common to the member and a significant proportion of the general public?

For example, the member might be a pensioner who is considering an item of business about giving access to a local public facility at reduced rates for pensioners. Some cautious members might regard this as a possible prejudicial interest. However, as a significant proportion of the population in the area are also likely to be pensioners, it might be appropriate to grant a dispensation in these circumstances.

dispensations

Q. Is the participation of the member in the business that the interest relates to justified by the member's particular role or expertise?

For instance, a member might represent the authority on another public body – such as a fire or police authority – and have particular expertise in the work of that body. Therefore it may be appropriate for that member to be allowed to address the decision-making body, even where there is no right for the public to do so. This would mean that the body would have the benefit of the member's expertise before making a decision which would benefit it financially.

Q. Is the business that the interest relates to about a voluntary organisation or a public body which is to be considered by an overview and scrutiny committee? And is the member's interest not a financial one?

In circumstances such as these, the standards committee might believe that it is in the interests of the authority's inhabitants to remove the incapacity from speaking or voting.

Practical guidance on the process for granting dispensations and recording them

The process for making requests for dispensations, the criteria that will be applied and the process that will be followed when the request is considered should all be clearly understood by those

concerned. Therefore, standards committees should set all this out and make it available to members.

A member must submit an application in writing explaining why a dispensation is desirable. Only the member can do this – they can't ask somebody else to do it on their behalf. It is sensible to send that application to the monitoring officer so that they can arrange for it to be considered by their standards committee.

A standards committee meeting must be convened to consider the application for a dispensation. Therefore, it is not possible to grant a dispensation as a matter of urgency to deal with emergency business.

The committee must consider the legal criteria set out on pages 3–4, including the exceptions. They must also consider any other relevant circumstances. These can include any local criteria they have adopted.

The committee will need to consider whether the member making the request will be allowed to make oral representations to the committee or whether the application will be dealt with only through written representations.

A standards committee has the discretion to decide the nature of any dispensation. For example, the committee may consider that it is appropriate that the dispensation allows the member to speak and not vote, or to fully participate and vote. The committee can also decide how long the dispensation should apply, although it cannot be longer than four years.

dispensations

It is our view that the regulations do not allow standards committees to issue general dispensations to cover members for any situation where a prejudicial interest may arise. The regulations refer to circumstances that arise at “a meeting”. Therefore, we would expect most dispensations to cover a specific item of business at one meeting of the authority.

The decision must be recorded in writing and must be kept with the register of interests established and maintained under Section 81 (1) of the Local Government Act 2000.

Standards committees can refuse to grant a dispensation. The regulations allow for standards committees to use their discretion rather than impose an obligation for them to grant dispensations.

MEETING:	STANDARDS COMMITTEE
DATE:	16 APRIL 2010
TITLE OF REPORT:	CONSTITUTIONAL CONSIDERATIONS
REPORT BY:	ASSISTANT CHIEF EXECUTIVE LEGAL AND DEMOCRATIC

Purpose

This report outlines constitutional issues for consideration by the Standards Committee which will be considered further by the Constitutional Review Working Group on 30th April for ratification and adoption by Annual Council in May 2010.

Recommendation(s)

THAT:

- (a) **The Standards Committee considers:**
- **A formal request that the Council to establish the office of Vice Chairman position for the Standards Committee; and**
 - **A request that the Constitution provides for sub-committees to be established by selection of 3 members of the Committee (including one independent and one parish member (for parish matters) to undertake review of decisions of the assessment sub-committee, consideration of investigation reports and hearings**
 - **That scheduled monthly meetings be re-instated in the corporate diary for use by Standards Committee Sub-Committees (as required); and**
 - **that formal reports from Standards Committee to all meetings of the Council be reinstated (as appropriate); and**
- (b) **Standards Committee notes the revised process of dealing with relevant questions to Council from Members of the Public or Members of the Council; and**
- (c) **Standards Committee notes the proposed outline for the procedure rules for inclusion in the constitution and delegates authority to the Monitoring Officer and Chairman to finalise the submission to the CRWG for their consideration.**

Key Points Summary

Outlined in the body of the report are five specific issues which require Standards Committee's consideration; they are:

- appointment of Vice Chairman,
- the establishment of sub-committees
- formal dates for sub committees of the standards committee;
- Reports to Council;
- questions to Council; and
- procedure rules

Alternative Options

1. The Standards Committee can consider not approving the recommendations outlined above.

Reasons for Recommendations

- 2 All the recommendations outlined above seeks to further support the role and remit of the Standards Committee.

Introduction and Background

3. The Standards Committee is aware that following the adoption of the new Constitution on 1 January 2010 further work is being undertaken to support changes to constitutional and governance arrangements.
4. Outlined in the body of the report are five specific issues which require Standards Committee's consideration; they are: i) appointment of Vice Chairman, ii) establishment of sub committees (iii) formal dates for sub committees of the standards committee; iv) Reports to Council; v) questions to Council; and vi) procedure rules.

Key Considerations

Appointment of Vice Chairman

5. Currently the only formal position on the Standards Committee of the eight members is that of the Chairman, who is an independent member. There is no nominated Vice-Chairman position on the Standards Committee and it is proposed that this position be formally established and appointed to at the Annual Council meeting in May 2010. The appointment must be that of an independent member. The level of activity of the Committee has increased and it is felt that it would be beneficial to have a formally appointed Vice Chairman who could share the responsibility for fulfilling the role of Chairman in his absence or where demands are such that it requires detailed work of more than a single person with the authority of the Chairman.

Establishment of sub-committees

6. Currently the Committee has only one sub-committee; the assessment sub-committee. All other business must be conducted by the Committee as a whole. The different roles that need to be fulfilled by the Committee during the course of handling a complaint may require

several different meetings to deal with different tasks. Different members are required for some of those tasks. It is felt appropriate to recommend that the Committee be permitted to conduct assessments, reviews, consideration of investigation reports and hearings by sub-committee. It is not recommended that standing sub-committees be established but rather to ensure flexibility it is proposed that the Monitoring Officer be authorised to establish a sub-committee when required for each of these purposes by selecting at least 3 members (one of which must be independent and one of which on parish matters must be a parish representative).

Formal Dates for Sub Committees of the Standards Committee

7. It is recognised that given the quantity of Sub Committee meetings that need to be held during the course of processing a complaint, and the pressures of Members diary commitments, it is proposed that monthly meetings are reinstated in the corporate diary. A regular slot in members' diaries should enable those meetings to be called more readily. These dates will provide a structured opportunity for relevant Sub Committees to be called at appropriate stages.

Reports to Council

8. The new constitution does not provide for Committees to report back to each Council meeting. Such changes were undertaken in the wider context of changes to the council procedure rules and governance arrangements. The council agenda format changes were undertaken to:
 - ensure that the time available for each meeting was taken up with debate and strategic decisions; and
 - reports for information were kept to a minimum as there are other mechanisms through which information can be made available; and
 - the Council be focused on decisions needed as a result of recommendations from individual committees (where delegations are insufficient) by receipt of specific reports on those items.
9. As the Constitution currently stands, there is no provision for reports from Committees at every meeting at Council. This is an issue which has been identified for reconsideration in relation to the Standards Committee by the Constitutional Review Working Group (not in relation to reports from all Council Committees as standing items back on the agenda).

Questions to Council

10. The constitution allows for both Members of the Public and Council Members to ask questions of Cabinet Members or Committee or other Chairmen if notice has been given in writing or by electronic mail to the Monitoring Officer; all questioners may also put one supplementary question to individual who has replied. There are differing timescales involved in this process and the Monitoring Officer may reject a question or a supplemental question if it does not meet any of the criteria outlined in the constitution. Questions may be received from Members of the Public or Council Member *'about any matter in relation to which the Council has powers or duties which affects the County'*; this will include on occasion matters relating to the role, remit and function of the Standards Committee.
11. The co-ordination of responses to questions for Council is undertaken by the Democratic Services Team to a pre-determined and defined timescale. Following the last Council meeting the process for handling questions which relate to the role and remit of the Standards Committee has been reviewed to ensure that the Chairman of the Standards Committee is notified appropriately of any relevant question submitted which may require a response. Once confirmation has been received that a response is appropriate, agreement will be sought on

who will respond (Chairman, Monitoring Officer, another member) and appropriate involvement will be had in the drafting and approval of the response and any subsequent response to a supplementary question.

Procedure Rules

12. The Council agreed that the Constitution should encompass additional information about the Standards Committee processes, and in particular that the Procedure Rules in Part 4 of the Constitution should explain the nine stages of the Standards Framework. Work will be carried out to draft appropriate procedure rules based on the stages outlined below (together with other related matters such as methods of communications and confidentiality) in advance of the Constitutional Review Working Group at the end of April and Standards Committee is requested to delegate this activity to the Monitoring Officer and Chairman to progress.
 - Pre-complaint stage – all activities related to ensure complaints that properly fall within the remit of the standards committee are properly directed to the Monitoring Officer;
 - Pre-assessment stage – preparation of complaints documentation prior to the assessment sub-committee;
 - Assessment stage –assessment sub-committee and progressing complaints after the assessment sub-committee;
 - Review stage –a review sub-committee and progressing complaints after the review sub-committee, where the assessment sub-committee has determined that no further action should be taken and the complainant asks for a review;
 - Investigation stage – the investigation process, where an assessment or review sub-committee has referred a complaint to the council’s monitoring officer for investigation. This will also explain the role of Standards for England where matters are referred for investigation to the SFE;
 - Consideration stage – consideration sub-committee to consider the monitoring officer’s report following an investigation;
 - Standards committee hearing – all procedures relating to setting up and conducting a standards committee hearing;
 - Appeal stage
13. The Chairman of the Standards Committee has been invited to attend the meeting of the Constitutional Review Working Group on 30th April to present the Committee’s views on these issues and participate in the discussion. The Committee is recommended to support these proposals and authorise the Chairman to present these as the Committee’s views on 30th April and thereafter liaise with the Monitoring Officer on any changes to the Constitution agreed by the Constitutional Review Working Group. A report will be presented to the Committee at its next meeting detailing the outcome of that discussion and detailing the Constitutional changes made.

Community Impact

14. Work continues to strengthen the constitutional and governance arrangements of the Council which seeks to positively support community and partnership engagement with all aspects of the Council’s activities.

Financial Implications

15. There are no relevant financial implications.

Legal Implications

16. Any changes to the constitution will require ratification and adoption at a Council Meeting. Given the timescales, any recommendation to Constitutional Review Working Group arising from this report should be considered in time for any proposed changes to the constitution to be considered at the Annual Council meeting in May 2010.

Risk Management

17. There are no relevant risk management implications

Consultees

18. Following consideration by the Standards Committee, these issues will be discussed at the Constitutional Review Working Group on 30 April.

Appendices

19. There are none

Background Papers

There are none



2010 Annual Assembly of Standards Committees ‘A place for standards’

Following the success of last year’s fully booked Annual Assembly, we are well on the way to finalising the programme for this year’s event, which takes place on 18 and 19 October at the ICC in Birmingham.

We are already working with a panel of standards committee members and monitoring officers to develop a range of sessions focused on sharing notable practice, developing high standards and building confidence in managing the local standards framework.

The cost of attending both days of the Assembly has been held at £430 (plus VAT) for the fourth year running, while a one-day place is £230 (plus VAT).

Online booking is now open on our website. We will also be sending out hard copy booking forms to all authorities from mid-March. Further information about the programme and speakers will be added to the website so keep checking back for the most up-to-date information.

Stakeholder Tracker 2009 – ‘A qualitative assessment of advice and guidance’

Every two years Standards for England (SfE) conducts a ‘stakeholder tracker’ in two parts: a quantitative survey, and a qualitative investigation. This research assesses the levels of satisfaction of members and officers in local government with the performance of SfE and their attitudes to the ethical environment. As some of you may recall, the survey was completed last summer. We are now happy to report that the qualitative section of the research, which provides a more in-depth analysis of some of the issues that emerged from the quantitative research, has been completed and is available on our website. **We would like to thank those of you who participated in the research. It is only through your continued support that we are able to track our progress, and identify areas for improvement.**

BMG research carried out this research by holding a number of focus groups with monitoring officers, standards committee members and parish councillors.

Some of the findings:

- The research found that monitoring officers and standards committee members are very positive about the local standards framework. They feel it has 'bedded in' well, and welcome the chance to take ownership of the process of investigating complaints.
- SfE's monitoring officer helpline received positive feedback, and some stakeholders suggested that the service callers receive has improved over the past 12 months.
- Monitoring officers welcome the development of peer and local/regional networks – however, there is some suggestion that a number of authorities may already have some form of networking in place. They would like SfE to provide content for delivery at networking events.
- The research identified several topics on which stakeholders think SfE could provide further guidance such as more information on other standards committee practices, sanctions and proportionality, mediation, guidance specifically for parish councillors, and more advice on the overlap with Freedom of Information and Data Protection legislation.

A copy of the full report can be [downloaded here](#).

For further information, please contact:

Tom Bandenburg (Research Assistant) on 0161 817 5427 or email tom.bandenburg@standardsforengland.gov.uk

A REMINDER: Please send us your hearing decision notices

As you may already be aware, authorities are required to send Standards for England (SfE) copies of their hearing decision notices. The legal basis for this can be found in the Standards Committee (England) Regulations 2008 under regulation 20(1)(a). However, not all authorities have complied with this requirement.

Hearing decision notices provide a valuable source of information from which SfE can draw conclusions about how the local standards framework is functioning. We have decided to give greater emphasis to our analysis of the notices and we will share our conclusions with you.

What you need to do

Please send us a copy of the full decision notice for any determinations made by your Standards Committee. At the end of each quarter (from 1 April 2010) we will check whether we have received a decision notice for all the hearings completed that quarter and then contact authorities for any that are missing.

We prefer to receive decision notices as an email attachment in Word or PDF format if possible.

You can send them to authorityreturns@standardsforengland.gov.uk.

If you are unable to send them electronically, please post your decision notices to:

The Monitoring Team, Standards for England, 4th floor, Griffin House

40 Lever Street, Manchester M1 1BB

When writing the decision notices, please ensure that you include all the legal requirements set out in paragraph 20 of the Standards Committee (England) Regulations 2008. We also recommend that you refer to our guidance, which you can find in your local standards framework guide or online at

<http://www.standardsforengland.gov.uk/determinations>

Note: Please do not send us decision notices for any other type of decision such as initial assessments, reviews or consideration meetings. This is not a legal requirement and we will not be using them in our analysis.

What we will do

We will use the notices to help widen our knowledge of how the local standards framework is operating and provide some context to the quarterly returns data. The notices may also highlight areas where we can produce new guidance or improve on what we have already published.

Thank you for your co-operation. We will keep you informed of how the decision notices help us to support the local standards framework.

Adjudication Panel for England becomes known as First-tier Tribunal (Local Government Standards in England)

On the 18th January the functions of the Adjudication Panel for England were transferred to the First-tier Tribunal (Local Government Standards in England) and the Adjudication Panel for England was abolished. The First-tier Tribunal sits in the General Regulatory Chamber with Charity, Gambling, Information, Estate Agents, Claims Management, Consumer Credit and Transport Tribunals.

The role of the First-tier Tribunal is to hear cases referred to it by an Ethical Standards Officer or a Standards Committee following an investigation. The Tribunal will also hear appeals by a subject member against the decision of a Standards Committee.

There have been changes to the powers and procedures of the Tribunal.

Powers and Procedures

The First-tier Tribunal now has additional powers and procedures. It has the power to summon witnesses or require witnesses to produce documents relating to its hearings.

All Tribunal hearings can now be conducted either orally or by written representations with the consent of all parties.

Hearings can be conducted by less than 3 Tribunal members.

The President of the Adjudication Panel for England has been appointed as a Principle Judge of the First-tier Tribunal, legal members are now Judges and lay members are members.

Appeals

Previously any appeal from the Adjudication Panel was heard at the High Court. This process has now changed. Appeals will now be heard by the Upper Tribunal. The Upper Tribunal is an appellate tribunal created by the Tribunals, Courts and Enforcement Act 2007. The Administrative Appeals Chamber is the part of the Upper Tribunal which hears and decides appeals from decisions of the General Regulatory Chamber of the First-tier Tribunal.

Who can appeal to the Upper Tribunal?

Any party may appeal to the Administrative Appeals Chamber of the Upper Tribunal if they can show that the First-tier Tribunal made an error of law.

Additionally, the subject member has the right to appeal findings of fact, if their appeal is against

- (a) a decision that they failed to comply with a code of conduct,
- (b) a decision imposing suspension or another sanction

Appeals by other parties

A further change to the appeals process is that if a subject member is successful at the First-tier Tribunal, it is still possible for an Ethical Standards Officer or Standards Committee to appeal on a point of law to the Upper Tribunal. The First-tier Tribunal will notify the subject member if any of these parties wish to appeal.

Costs

The First-tier Tribunal now has the power to make an order for costs if the Tribunal considers that a party has acted unreasonably in bringing, defending or conducting the proceedings. It may make an order for costs following an application or on its own initiative.

This will mean that the Tribunal can award costs against a standards committee, Ethical Standards Officer or subject member if they have acted unreasonably in the conduct of their investigations or hearings. The First-tier Tribunal may also make an award for wasted costs incurred by any legal or other representative where the Tribunal considers that they have acted negligently, improperly or unreasonably in bringing, defending or conducting proceedings.

For more information and detailed guidance please see www.adjudicationpanel.tribunals.gov.uk

Our Risk Based Approach

One of the best practice requirements of a regulator is that they take a risk -based approach to their work: that is they are able to assess risks in their area of regulation and apply their own resources accordingly to keep risks low.

For Standards for England there are three types of risk which concern us.

- Systemic risk – risk which could lead to a widespread failing in the work of the framework or in standards across all authorities
- Sectoral risk – risk which could lead to a failing in standards in a number of similar authorities
- Entity risk – risk of a serious standards failure affecting one of the authorities covered by the local standards framework

Assessing entity, systemic or sectoral risks to standards or the success of the framework allows us to target our effort at those activities, situations or authorities that pose the biggest risk helping ensure we provide value for money.

The Success of the local standards framework relies in part on our ability to see potential pitfalls or risks to standards in advance. For example, the emergence of new technologies such as internet social networking, blogs and Twitter, have presented their own unique challenges to standards. During 2009-10 we were able to produce guidance, place articles in the local government press and give a presentation at a national members' conference on this subject.

Spotting such challenges allows us to provide early advice and guidance to the standards community to help prevent problems arising. We will be developing our approach to systemic and sectoral risk, closely linked to our research programme, to help us identify trends or potential problems, and so offer appropriate advice at the earliest opportunity.

We work closely with authorities where challenging standards issues emerge. Based on our increasing experience supporting these authorities we are developing our plans for managing entity risk.

We intend to prioritise the way we interact with authorities on the basis of our risk assessment of the likelihood and impact of any failure of standards in that authority. Working through our relationship managers we will take a differential approach based on this assessment to satisfy ourselves that authorities are working to minimise risks. We envisage working with 30-40 authorities at our highest level of contact and a further 100-120 at an intermediate level, at any one time.

Typically authorities at the lowest level of risk will be in contact with us only as they go about their routine business in operating the standards framework and sending back the required monitoring data, whereas authorities at the intermediate level might be contacted by relationship managers on a six monthly basis, and those at the highest level contacted or visited more frequently as deemed appropriate.

We will be testing our planned approach and consulting with the regulated community about it over the next six months.

Social networking: an effective medium of communication but not without risk

When it comes to reaching certain groups quickly, cheaply and maintaining control over your message, many councillors find online methods hard to beat.

At the recent Cllr' 10 event, Standards for England and the IDeA ran an interactive session which looked at how councillors can use social networking effectively and ethically to engage with their local communities.

This article highlights some of the key messages from the session for councillors.

- If you use blogs, Facebook or Twitter to help you to carry out your political work, rather than in your private capacity, your obligation to meet certain standards of conduct still applies. You can still be involved in robust political debate and state your opinions strongly – the Code does not exist to gag you or fellow councillors or stop you expressing political views. It does, however, prohibit treating others with disrespect, bullying and bringing one's office or authority into disrepute. It is important if you are blogging or tweeting personally and not in your role as councillor, that you do not act, claim to act, or give the impression that you are acting as a representative of your Authority. It is worth noting that web links to official council websites may give or reinforce the impression that you are representing the council.

- You may use a blog to draw attention to a particular local issue and call the council to account, as you would in a public meeting. However, blog entries ridiculing or attacking particular officers, or making serious accusations about their personal competence or integrity, could amount to disrespect, even bullying, in some circumstances.
- It is worth considering that while the immediacy of social media can be a great benefit, it also has a downside. For example, it is possible for you to Tweet on a matter seconds after leaving the council chamber – long before your opponents have issued press statements. This can result in broadcasting spontaneous remarks that may quickly seem unwise. By the time you have reconsidered and deleted them, they may have been seen by thousands, Facebook-shared, re-Tweeted, linked to, and committed to local headlines. That is fine, if you have got this message across just how you wanted to; less so if your post was an outburst in the heat of the moment. Such remarks are easily withdrawn, apologised for and forgotten when made in person, but posting them on the internet means that they have been published, and in a way that cannot be contained.
- It is important to note that good ethical standards are not limited to the Code of Conduct. While you may not be investigated for using online media, your conduct can still attract adverse publicity, even where the Code does not apply. For example, a regional newspaper recently called a councillor’s blog post against a rival party a “toilet-mouthed tirade” saying:

“A [Code] breach it may not have been; childish, crude and demeaning to all who vote or follow politics it certainly was.”

It is clear that social networking sites can enhance political debate and add positively to local politics when used correctly. [Click here](#) to see our online guide to blogging.

New Online Guides on Our Website

The Guidance and Information team has produced several new online guides at the end of 2009. They are now available on our website. Here are the titles and links to the guides:

- [Charitable Trustees and declarations of interest under the Code](#)
- [Freemasons and the Code](#)
- [Independent members](#)
- [Notifications to parish and town councils concerning complaints about their members and the Standards](#)
- [Role and appointment of parish and town council reps to the standards committee](#)
- [Blogging quick guide](#)

We hope you find these new pieces of guidance helpful. Please e-mail any feedback you have on our guidance to enquiries@standardsforengland.gov.uk

Standards Committees can take a lead from ‘notable practice’

Research into ‘notable practice’, was carried out jointly by Hull University and the University of Teesside and was finalised in October 2009. It is called ‘notable practice’ to highlight the fact that the tips for success are examples of where particular approaches have worked in certain authorities, rather than ‘set-in-stone’ rules about what should be done.

Bristol City Council standards committee was identified as being particularly effective at facilitating organisational learning, sharing learning with the local government community and acting as hub for other authorities and independent members in the South West. The focus of the case study in South Cambridgeshire was on the standards committee’s proactive approach to the recruitment and retention of independent members.

The research identified nine examples of notable practice in different authorities. Below is the list of the notable practice examples and the case study authorities.

Notable practice	Case study authority
Organisational learning	Bristol City Council
Working with town and parish councils	Taunton Deane Borough Council
Member development	Surrey Police Authority
Working with partnerships	Newark and Sherwood District Council
Recruitment and retention	South Cambridgeshire District Council
Training and development	Herefordshire County Council
Joint standards and audit committees	Runnymede Borough Council
High pressure investigations	Greater London Author
Embedding standards	Newcastle City Coun

Standards committees can now access these case studies, examine details of the notable practice, and benefit from key learning points. The research, 'Assessing the Impact of Standards Committees 2009', can be found at

www.standardsforengland.gov.uk/Resources/Research/2009reports/

Further information

For further information on this paper or any other work undertaken by the Research Team, please contact **Hannah Pearson (Research and Projects Adviser)**, email: hannah.pearson@standardsforengland.gov.uk , ext: 5417

Impartial and Objective Investigators

Standards committees must ensure that they appoint investigators who have the necessary impartiality to conduct investigations with no perception of bias. This principle of impartiality should be applied to external and internal investigators alike. It is important that any external investigators are and appear to be impartial; a characteristic which should form part of any selection criteria applied when choosing one.

One of the key benefits of reciprocal arrangements with other authorities is that they enable authorities to pass investigations involving their own employees to another council. It is the monitoring officer's responsibility to ensure they select an impartial investigator.

Have your say

Has your authority or standards committee developed an innovative way of promoting ethical behaviour or delivering the standards framework? Why not share your ideas with over 1,000 other council officers and standards committee members on the Standards Forum?

You can use the Forum to discuss anything you find topical in this Bulletin with fellow council officers or standards committee members. It provides a place to network, ask questions, share good practice and make recommendations.

There are currently over 100 posts on more than 40 different topics. Popular topics include:

- Dealing with vexatious complaints
- Developing protocols for informing members
- Promoting ethical behaviour

To have your say, visit:

www.standardsforengland.gov.uk/resources/TheStandardsForum/

If you are a member of a standards committee, a monitoring officer or a relevant officer and you are not currently registered for the forum or have any questions please email: forum@standardsforengland.gov.uk

Delay on the New Code of Conduct

As you may be aware a new Code of Conduct for Members will not be laid during this Parliamentary session. Communities and Local Government have notified us that the Government is concentrating on financial instruments and so there will not be Parliamentary time available for the Code.

In practice this means that a new Code will not now be laid until after a general election.

AGENDA ITEM 7**Blogging Quick Guide**

Blogging and social networking are effective methods for councillors to interact with constituents and support local democracy. Used effectively, they can engage those who would not normally have access to local councillors and politics.

Standards for England support the use of such media and encourage councillors to get online. You should think about what you say and how you say it, in just the same way as you would when making statements in person or in writing,

You will also need to think about whether you are seen to be, or give the impression that you are acting in your official capacity as a councillor. To make sure you comply with the Code of Conduct (the Code) and to ensure your use of online media is well received we suggest the following general hints.

Do

- set appropriate privacy settings for your blog or networking site – especially if you have a private, non-political blog
- keep an eye out for defamatory or obscene posts from others on your blog or page and remove them as soon as possible to avoid the perception that you condone such views
- be aware that the higher your profile as a councillor, the more likely it is you will be seen as acting in your official capacity when you blog or network
- ensure you use council facilities appropriately; if you use a council provided blog site or social networking area, any posts you make will be viewed as made in your official capacity
- be aware that by publishing information that you could not have accessed without your position as a councillor you will be seen as acting in your official capacity
- make political points, but be careful about being too specific or personal if referring to individuals. An attack on individuals may be seen as disrespectful, whereas general comments about another party or genuine political expression is less likely to be viewed as disrespect.

Don't

- blog in haste.
- post comments that you would not be prepared to make in writing or face to face
- use council facilities for personal or political blogs.

When the Code may apply

Bear in mind the Code when you blog or use social networking sites. You should pay particular attention to the following paragraphs of the Code:

- Disrespect
- Bullying
- Disclosure of confidential information
- Disrepute
- Misuse of authority resources

However, it is difficult to give definitive advice on the application of the Code as each blog and social networking page is different. The content of a blog or other social networking tool and the circumstances surrounding its creation will determine whether or not it might be covered by the Code.

Ethical use of online social media is not limited to what is covered in the Code. We encourage members to respect the **Ten General Principles of Public Life**. While your conduct may not be a breach of the Code it may still be viewed as less than exemplary and attract adverse publicity for your office and authority.

Find out more

- Please read our **Code of Conduct: Guidance for members 2007**
- Call our enquiries line on 0845 078 8181
- Email us at enquiries@standardsforengland.gov.uk

Published on 25th February 2010.



Print this page

MEETING:	STANDARDS COMMITTEE
DATE:	16 APRIL 2010
TITLE OF REPORT:	2010 ANNUAL ASSEMBLY OF STANDARDS COMMITTEES
REPORT BY:	ASSISTANT CHIEF EXECUTIVE LEGAL AND DEMOCRATIC

Purpose

To consider attendance of members of the Committee at the 2010 Annual Assembly of Standards Committees which is to be held in October 2010.

Recommendation(s)

THAT:

- (a) **The Standards Committee considers that member attendance at the Annual Assembly in October 2010 be restricted to no more than four; and**
- (b) **That Hereford and Worcester Fire Authority be requested to support the attendance of joint Standards Committee members.**

Key Points Summary

- The Annual Assembly is to be held in Birmingham on 18 and 19 October.
- The cost of attendance for both days is £430 (plus VAT) and £230 (plus VAT) for one day. Accommodation is charged in addition.
- In previous years attendance costs have been met for all those wishing to attend and have included covering the cost of Standards Committee Members who are joint members with the Hereford and Worcester Fire Authority.
- Consideration is to be given to attendance at the Annual Assembly given the current financial pressures.

Alternative Options

- 1 The Standards Committee is not obliged to send a representative to the Annual Assembly; however attendance of at least one Member would be encouraged.

Reasons for Recommendations

- 2 That consideration is given to the attendance at the Annual Assembly of Standards Committee Members so that arrangements can be made in advance and places secured.

Introduction and Background

- 3 This year the Annual Assembly will be held at the International Convention Centre in Birmingham on 18 and 19 October and is entitled 'A place for Standards'.
- 4 The cost of full conference attendance is £430 (plus VAT), and the cost of a one-day place is held £230 (plus VAT). Additional charges apply for accommodation.

Key Considerations

- 5 There is no formal separate budget to support the Standards Committee members' attendance at the Annual Assembly. In the past these costs have been supported through the Member Services budget as the benefits of attendance for individuals and the organisation has been recognised. Following pressures on this budget in 2009/10 overspending was met from other budgets. All Council Directorate's are required to manage spending to within budget as well as meeting corporate efficiency targets in the Council's medium term financial plan.
- 6 Herefordshire Council has supported the attendance of Standards Committee Members at the Annual Assembly for many years. This support has also included covering the cost for some joint members' of Hereford and Worcester Fire Authority Standards Committee. This year it is proposed that Hereford and Worcester Fire Authority be approached to support the attendance of joint members at the Annual Assembly.
- 7 All Standards Committee members have previously been provided with the opportunity to attend the Annual Assembly, and feedback on attendance has been positive both in terms of information gained, networking opportunities and raising the profile of Herefordshire Standards Committee. Five Standards Committee members attended the Assembly in 2009 and the combined costs of attendance and accommodation (excluding travel costs) was £2897.
- 8 Given the value of this event and national pressures on public sector spending it is important to give appropriate consideration to the attendance at the Annual Assembly of members from the Standards Committee. As motioned previously, the Fire Authority is being approached to cover the cost of any joint member attendance and the Standards Committee is asked to consider how many Members should be invited to attend this year's event and how many places should be funded. A place at the Annual Assembly is being reserved for the post of Monitoring Officer. This cost will be met from the training and development budget as it provides compulsory professional development for the Monitoring Officer.

Community Impact

9. Attendance at the Annual Assembly whilst not a legal or statutory requirement will ensure that Herefordshire Standards Committee is represented at the leading Standards event of the year and thus provide an opportunity to consider the activities of others and ensure that Herefordshire reflects current best practice.

Financial Implications

10. The cost of member attendance at the Annual Assembly in 2009 was £2897 (excluding travel costs). In light of budgetary pressures consideration should be given to reducing this cost.

Legal Implications

11. There are no relevant legal implications.

Risk Management

12. There are no relevant risk management implications.

Consultees

13. Not relevant.

Appendices

14. There are none.

Background Papers

There are none.

Document is Restricted

Document is Restricted

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