

Standards Committee – 27 May 2009**REVIEW OF THE ROLE OF THE STANDARDS COMMITTEE****Report of Monitoring Officer**

Statutory Powers: Local Government Act 2000

Financial Implications: There are no immediate financial implications in this report and any expenditure which arises as a result of Members' consideration will have to be accommodated within existing budgets.

Purpose: This report is written at the request of the Committee to examine how it may develop and extend its activities in pursuit of its statutory functions in a more pro-active way. This links with Council **Priority CP5** – working with others to increase access to services.

RECOMMENDATION

That Members consider their priorities for increased activity in pursuit of the Committee's statutory functions, and decide on a programme of work for the next 2 years.

Legal Background

1. The statutory basis for the activities of the Standards Committee is s.54 of the Local Government Act 2000 which provides that a Standards Committee's general functions are:

- (a) promoting and maintaining high standards of conduct by the members and co-opted members of the authority, and
- (b) assisting members and co-opted members of the authority to observe the authority's code of conduct;

And its specific functions are:

- (c) advising the authority on the adoption or revision of a code of conduct,
- (d) monitoring the operation of the authority's code of conduct, and
- (e) advising, training or arranging to train members and co-opted members of the authority on matters relating to the authority's code of conduct.

These functions are the first five functions of this Committee's terms of reference.

2. By s 55 of the Act a standards committee of a district council has the same functions in relation to the parish and town councils of the South Hams, and the members of those councils, as it has under section 54 in relation to the district council and its members.

3. A standards committee may also have any other functions that the authority seeks to bestow, which in the South Hams are:
 - granting dispensation to Members and Co-opted Members from requirements relating to interests set out in the Members' Code of Conduct;
 - assessing and review complaints alleging Members' breach of the Code of Conduct;
 - assessing, reviewing or carrying out hearings in respect of allegations of breaching the Members' Code of Conduct referred from Teignbridge District and West Devon Borough Councils and referring any assessment, review or hearing to those Councils;
 - receiving and considering reports from the Council's Monitoring Officer or an Ethical Standards Officer of the Standards Board;
 - overview of complaints handling and Ombudsman investigations; and
 - oversight of the Constitution.

These functions were reviewed and amended last year, when the Committee assumed responsibility for the local determination of complaints against members. Some of them arise on demand (e.g. applications for dispensations, the handling of complaints) and others can be programmed (review of the Constitution).

4. Hitherto, and especially in the last year, this Committee has concentrated on dealing with complaints against members. As another report on the agenda of this meeting shows, there has been a relatively high number of complaints in the first year of the new local determination procedures and it has been difficult as a result to raise our eyes and focus upon other areas of activity. But now that systems for dealing with complaints are reasonably well developed, and the Committee itself is larger and has more capacity, it's time to look outward.
5. The Monitoring Officer and her colleagues, with the help of a temporary part-time officer from the Devon Improvement Programme, have put together a syllabus of training for members, modelled on what is being provided in other places in Devon, which will be rolled out to district councillors over the next few months. Regarding standards of behaviour and the Code of Conduct, there will be a pair of courses on 30th July and 30th October 2009. These will be delivered as part of the programme at informal meetings of the Council on those days.
6. The outline syllabus is set out in Figure [1] below. It will be delivered by the Monitoring Officer and her staff but contributions from members of this Committee would be most welcome. What contribution would members like to make? It could be a keynote address, and explanation of the procedures we use, the standards we strive adhere to, links with other authorities and so on.

Figure 1

Syllabus for member training 2009: District Councillors	
1	Review of the provisions of the 2007 Code
2	Exploration of some conduct case scenarios (not local ones)
3	The procedures adopted by this Committee, and those of Teignbridge DC and West Devon BC, for assessing, reviewing, investigating and hearing cases
4	New role of the Standards Board for England
5	Sanctions

7. Consideration of complaints puts members in a good position to lead district and parish/town councillors towards good practice. Training for town and parish councillors should not be dependent on completing training for District Council members and could be offered together. It would need a programme and members' suggestions are invited as to the best means of delivering that; what would be most effective? Centralised training? At what centres? Should there be specific events hosted by this Council or would training co-inciding with, for example parish cluster meetings be better? Where should training events be held? How best can we encourage members to come along? What sort of presence should there be from Standards Committee members?

8. Training should not however be the only means by which this Committee seeks to promote and maintain good standards of behaviour. We could do a number of other things, such as circulate an occasional newsletter; visit ordinary parish or town council meetings; or have a specific page on this Council's website with advice and encouragement. Activity will be restricted by the time, energy and resources of those available but members are invited to discuss what they would like to see in a programme for councillors of all types.

Risk Assessment

The following are the significant risks and opportunities identified:

Opportunity	Issues / Obstacles	Benefits
Develop and improve on good practice	Costs; the monitoring officer has a limited budget	Better administration
Set an example	Committee members' time	Better reputation for local government
Provide encouragement and a source of advice	Other members' time and inclination to attend training and other events	Fewer complaints = lower costs for local determination

Conclusion

9. This is a good time to be considering the Committee's programme of activity for the next two years. There are many benefits to be gained from becoming more pro-active and with imaginative use of the resources available, a good deal could be achieved.

Delyth Jenkins Evans
Monitoring Officer

Standards Committee
27 May 2009

Background Documents:
Local Government Act 2000