



STANDARDS COMMITTEE

Annual Review

February 2009 – January 2010

February 2010

INTRODUCTION

THE COMMITTEE

Mark Bailey	Councillor
Mrs Anne Foot	Independent Member
John Goulandris	Councillor
Mr Trevor Green	Independent Member
Mr Bob Maggs	Chair- Independent Member
Mrs Sheila Ottewell	Vice Chair- Independent Member
Mrs Rachel Sellers	Independent Member
Colin Smith	Councillor

The Committee has had a challenging year, dealing with complaints made directly to it and ensuring that the system of assessment and investigation is as fair and as transparent as can be.

To assist with this work an additional Independent Member was appointed.

Added to this is the other work of the Committee which ensures that the Council has procedures and protocols that enable it and its Councillors to operate within the legal framework within which the Code of Conduct for Members operates.

WHAT IS THE STANDARDS COMMITTEE RESPONSIBLE FOR?

- (a) promoting and maintaining high standards of conduct by the members and co-opted members of Bristol City Council;
- (b) assisting those members and co-opted members to observe the members' code of conduct and any other codes and protocols agreed by the Council;
- (c) advising the council on the adoption or revision of its members' code of conduct and any associated codes and protocols;
- (d) monitoring and reviewing the operation of the Council's code of conduct;

(e) advising, training or arranging to train members and coopted members of the council on matters relating to the members' code of conduct.

(f) considering and determining any allegations against councillors of the council of misconduct, meaning a breach of the members' code of conduct or other codes/protocols approved by the Council or by the Standards Committee on its behalf.

AND

To exercise other functions of the council as the council from time to time considers appropriate including:

(a) liaison with and the making of representations to any of the following persons or bodies in respect of any matter falling within or ancillary to the Standards Committee's terms of reference:

(i) government ministers/departments;

(ii) bodies which represent local authorities or which undertake a co-ordinating role in respect of specific local authority functions, in particular the Local Government Association (LGA);

(iii) the Audit Commission;

(iv) the Local Government Ombudsman;

(v) Standards for England.

(b) Making recommendations arising out of the discharge of the committee's functions in respect of the Council's disciplinary or grievance procedures;

(c) Considering nominations made by the whips for the conferring of the title of "*honorary alderman*" and making recommendations to full council thereon;

(d) Granting dispensations to members and co-opted members from the requirements relating to interests set out in the members' code of conduct;

(e) Oversee reviews of the Council's constitution;

(f) Monitor the register of members' interests;

(g) Recommend to full Council appointments of independent members of the Standards

Committee;

(h) To determine applications for dispensations in respect of politically restricted posts;

(i) Undertake such functions as the Secretary of State may by regulations confer on the Standards Committee.

WHAT STANDARDS FOR ENGLAND DOES:

- Oversees and promote the Code of Conduct
- Provide national guidance to Members and local Standards Committees
- Monitor and review the operation of locally based complaints processes

WHAT THE STANDARDS COMMITTEE DOES:

- To continue to deal with any complaints in a fair, transparent and just way
- To provide support and training to all Councillors on the interpretation of the Code of Conduct
- To maintain a strong ethical local government culture
- To respond to central government consultations
- To provide local Codes and Protocols setting out what the Council expects in terms of implementing national guidance and legislation

IN 2009

- In February we granted special dispensations so to enable the Councillors named in the report to take part in the consideration and discussion of and to vote on any question concerning the Council's budget for 2009-10.
- In March the Committee had a joint meeting with the Audit Committee which was to be repeated in 2010.
- We sent a response to the consultation by the Department for Communities and Local Government on changes proposed to the Code of Conduct for Members.
- We maintained a monitoring role over the Selection of Lord Mayor by providing a non-voting Independent Chair to the Lord Mayors Selection Committee.

- In April, we appointed two Independent Members to the Standards Committee. A further term for Anne Foot and a new Independent Member Rachel Sellers, taking the number of Independent Members on the committee to five. This increase extended the expertise and depth of the Independent Member representation as well as allowing further scope to deal with increasing numbers of complaints.
- The Committee noted the summary of the constitution produced to be easy to understand and accessible to the public.
- The Committee participated with Dr Michael Macaulay of Hull University in his research and report for Standards for England. Bristol City Council was praised for innovative work in promoting the work of the Standards Committee to all staff.
- The Committee agreed to recommend to Full Council that the title of Honorary Alderman be conferred upon:- Judith Price, Charlie Price and Dennis Brown
- It was agreed at full Council on 31st March 2009 that a voluntary agreement should ensure a level of attendance from Councillors. The Standards Committee discussed and a meeting took place between the whips and legal officers to outline a number of circumstances for the voluntary agreement. Further discussion has taken place with the Chair of the Remuneration Panel who would like to endorse this proposal. It is anticipated that an agreement will be in place by the beginning of the 2010 municipal year.
- It was agreed that the presence of the party group whips as members of the Committee should be reflected within the Committee terms of reference.
- In August 2009 the Members of the Standards Committee took part in a focus group run by Standards For England for feedback on their roles and responsibilities.
- It was agreed that a one page feedback form should be developed for Councillors aimed at getting feedback and ideas of how to improve as a Standards Committee. This would take place once consultation on the procedure for Complaints had taken place.

- The South West Independent Members of Standards Committee conference took place on 4th September 2009. The Conference was considered a resounding success. Comments received through feedback evaluation highlighted excellent Chairmanship. It was agreed to hold the next conference in March 2011.

- The procedure for the investigation of alleged breaches of the Code of Conduct for Members was revisited in July 2009. It was agreed that no Initial Assessment Sub Committees or Hearing Sub Committees should take place within the Purdah period and that the Subject Member be invited to make a written statement to the Initial Assessment Sub Committee. In September the Committee discussed the use of the statement and it was stressed that only relevant factual information would be presented.

- In November 2009, the Committee considered further modifications and improvements to the local procedure investigating complaints alleging breach of the Code of Conduct for Members due to learning points and experiences since May 2008. Comments were gathered and it was agreed to carry out further consultation with Councillors.
 - After a discussion it was agreed if no request for confidentiality was received, that the Democratic Services Officer would take instruction from two Independent Members on what further information could be released.
 - It was also agreed that a consideration meeting could be held instead of a hearing when the Investigating Officer found that there was no breach.
 - It was agreed that further training was needed for Councillors on the procedure, process and system of Complaints. Within that, Members should be made more aware of their right to prohibit the publication of the decision notice of an unproven allegation after the consideration meeting.
 - Following consultation, a further draft would be presented to the Standards Committee in February 2010 for agreement.

- We continued to receive regular reports from the monitoring officer regarding guidance and bulletins produced by Standards for England. This included new guidance on 'other action' and new standards committee regulations.

- In terms of complaints- we have had;
Number of cases since February 2009 : 10

Number of Initial Assessment Sub Committee Meetings : 6

Number of Hearing Sub Committee Meetings : 2

Two reviews requested.

Of these, only one matter was investigated by an external firm of Solicitors at a cost of £8,500.

- Actions arising from complaints considered included the need for training on the Code of Conduct and the procedure for investigations, updating of the Planning and Licensing protocols and a reminder to Officers, through the Strategic Leadership Team, of the importance of providing reports to Scrutiny and the need to involve Scrutiny in a timely manner.

In 2010:

- We will deal with complaints promptly and effectively and provide the quarterly returns to Standards for England who monitor our performance.
- We will provide guidance and protocols as necessary, particularly arising from issues highlighted in any complaint alleging breach of the Code of Conduct for Members.
- We will adopt the new Code of Conduct for Members once a final version has been published.
- We will provide training on the Code of Conduct and the procedure for investigating complaints, through the Councillor Induction Programme.
- We await the new Code of Conduct for Officers and associated guidance
- We will meet annually with the Audit Committee to ensure that our shared aim of promoting good governance is done jointly and without duplication.
- We will advertise and interview for an Independent Member at the end of the current Member's term

- We will comment on proposals to reassess the Code of Recommended Practice on Local Government Publicity and any other consultations undertaken by central government.

For further information please contact:-

Monitoring Officer: Stephen McNamara

Tel: 0117-92-22839 E-Mail: stephen.mcnamara@bristol.gov.uk

STANDARDS COMMITTEE

Terms of reference

1. To exercise the functions of a standards committee conferred upon it by or under part III of the Local Government Act 2000 (as amended by the Local Government and Public Involvement in Health Act 2007) including the following general functions:
 - (a) promoting and maintaining high standards of conduct by the members and co-opted members of Bristol City Council;
 - (b) assisting those members and co-opted members to observe the members' code of conduct and any other codes and protocols agreed by the council;and the following specific functions:
 - (c) advising the council on the adoption or revision of its members' code of conduct and any associated codes and protocols;
 - (d) monitoring and reviewing the operation of the council's code of conduct;
 - (e) advising, training or arranging to train members and coopted members of the council on matters relating to the members' code of conduct.
 - (f) considering and determining any allegations against councillors of the council of misconduct, meaning a breach of the members' code of conduct or other codes/protocols approved by the council or by the Standards Committee on its behalf.
2. To exercise other functions of the council as the council from time to time considers appropriate including:
 - (a) liaison with and the making of representations to any of the following persons or bodies in respect of any matter falling within or ancillary to the Standards Committee's terms of reference:
 - (i) government ministers/departments;

- (ii) bodies which represent local authorities or which undertake a co-ordinating role in respect of specific local authority functions, in particular the Local Government Association (LGA) and the Local Authorities Co-ordinators of Regulatory Services (LACORS);
 - (iii) the District Auditor;
 - (iv) the Local Government Ombudsman;
 - (v) the Standards Board for England.
- (b) Making recommendations arising out of the discharge of the committee's functions in respect of the council's disciplinary or grievance procedures;
- (c) Considering nominations made by the whips for the conferring of the title of "honorary alderman" and "honorary alderwoman" and making recommendations to full council thereon;
- (d) Granting dispensations to members and co-opted members from the requirements relating to interests set out in the members' code of conduct;
- (e) Oversee reviews of the council's constitution;
- (f) Monitor the register of members' interests;
- (g) Recommend to full council appointments of independent members of the Standards Committee;
- (h) To determine applications for dispensations in respect of politically restricted posts;
- (i) Undertake such functions as the Secretary of State may by regulations confer on the Standards Committee.

A. Terms of Reference of the Standards Sub-Committee (Initial Assessment)

Being mindful of the relevant legislation and any guidance issued by Standards for England with regard to initial assessment:-

1. The Standards Sub-Committee (Initial Assessment) will, subject to paragraph 2 below, initially assess all written complaints received by City Council's Monitoring Officer on the appropriate Complaints Form for such purposes or such written complaints submitted by a letter/e-mail/fax setting out all the relevant information required on such Complaints Form.
2. The Standards Sub-Committee (Initial Assessment) will only have jurisdiction to consider written allegations that an elected or co-opted Member of the City Council has failed, or may have failed, to comply with the City Council's Code of Conduct for Members.
3. The Standards Sub-Committee (Initial Assessment) is empowered to do one of the following:-
 - i). decide that no action should be taken in respect of the allegation;
 - ii) ask for additional information from the complainant on the allegation before concluding the initial assessment;
 - iii). if the allegation is likely to be reasonably substantiated and it is in the public interest to warrant Council funds being spent on a local investigation, refer the allegation to the Council's Monitoring Officer, with an instruction that s/he arranges for an investigation of the allegation or directs that s/he arranges training, conciliation or such other appropriate action as might be permitted by the relevant legislation;
 - iv). if the matter is of a serious nature (for example, there is a potential conflict of interest with the Standards Committee or the potential sanction(s) available to the Standards Committee might not be sufficient for the Standards Committee to deal with), refer the allegation to Standards for England for investigation; or
 - v). where the allegation is in respect of a person who is no longer a member of the Council, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other authority, and shall authorise the Monitoring Officer to take all reasonable steps to implement its decision(s), with reasons, and to notify the person making the allegation and the member concerned of that decision.

4. In the event of there being a local investigation under paragraph 3(iii), the Standards Sub-Committee (Initial Assessment) shall determine, with reasons, whether:
 - i). it accepts the Monitoring Officer's finding of no failure to observe the Code of Conduct;
 - ii). the matter should be referred for a hearing of the Standards Committee; or
 - iii). the matter should be referred to the Adjudication Panel for determination.
5. The Standards Sub-Committee (Initial Assessment) shall also consider under Sections 1 and 2 of the Local Government and Housing Act 1989 (as amended):
 - (a) any application received from any officer of the Council for exemption from political restriction in respect of the post held by that officer and may direct the Council that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Council under Section 2(2) of that Act; and
 - b) upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Council under Section 2(2) of the 1989 Act, and may direct the Council to include a post in that list.
6. **Composition** - The Standards Sub-Committee (Initial Assessment) shall comprise of 3 members. Two of whom shall be independent members of the Standards Committee (one of whom shall be Chairman of the Sub-Committee), and one shall be an elected member of the Council. Where practicable, the elected member shall not be a member of the same political party as the subject of the complaint or the complainant (where the complainant is an elected member).
7. **Quorum** - The quorum for a meeting of the Standards Sub-Committee (Initial Assessment) shall be all 3 members.
8. **Frequency of Meetings** - The Standards Sub-Committee (Initial Assessment) will programme a meeting for each month, but will only meet if it needs to initially assess an allegation at that meeting.

B. Terms of Reference of the Standards Sub-Committee (Review)

Being mindful of the relevant legislation and any guidance issued by Standards for England with regard to initial assessment:-

1. Upon the request of a person who has made an allegation that a member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct, the Standards Sub-Committee (Review) will convene to review a decision of the Standards Sub-Committee (Initial Assessment) that no action is taken in respect of that allegation.
2. The Standards Sub-Committee (Review) is empowered to take all decisions as per paragraph 3 of the terms of reference of the Standards Sub-Committee (Initial Assessment).
3. **Composition** - The Standards Sub-Committee (Review) shall comprise of 3 members of the Standards Committee who were not members of the Standards Sub-Committee (Initial Assessment). Two of the members of the Sub-Committee (Review) shall be independent members of the Standards Committee (one of whom shall be Chairman of the Sub-Committee), and one elected member of the Council. Where practicable, the elected member shall not be a member of the same political party as the subject of the complaint or the complainant (where the complainant is an elected member).
4. **Quorum** - The quorum for a meeting of the Standards Sub-Committee (Review) shall be all 3 members.
5. **Frequency of Meetings** - The Standards Sub-Committee (Review) shall meet as and when required to review any decision of the Standards Sub-Committee (Initial Assessment) within 3 months of the receipt of the request for such a review from the person who made the allegation.

C. Terms of Reference of the Standards Sub-Committee (Hearing)

Being mindful of the relevant legislation and any guidance issued by Standards for England with regard to initial assessment:-

1. In the event that a hearing of the Standards Committee is required, the Standards Sub-Committee (Hearing) shall be convened to hear and determine any allegation that a member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct.
2. **Composition** - The Standards Sub-Committee (Hearing) shall comprise of 3 members of the Standards Committee. Two of whom shall be independent members of the Standards Committee (one of whom shall be Chairman of the Sub-Committee), and one shall be an elected member of the Council. Where practicable, the elected

member shall not be a member of the same political party as the the subject of the complaint or the complainant (where the complainant is an elected member).

3. **Quorum** - The quorum for a meeting of the Standards Sub-Committee (Hearing) shall be all 3 members.
4. **Frequency of Meetings** - The Standards Sub-Committee (Hearing) shall meet as and when required to hear and determine any allegation(s) against an elected or co-opted member of the Council.

WORK PROGRAMME : STANDARDS COMMITTEE 2010-2011

	Title	Officer	Notes
Meeting 1: 10th June 2010	Annual Business		
	Work Programme 2010-2011		
	Appointment of Aldermen Nominations		
	SBE Annual Return – feedback form for Councillors		
	Appointment of IM – presentation of dates and process (TG in October 2010)		
	Use of Blogs	SFE Guidance	
	Latest Bulletin from SBE		Info Only
	Member/Officer protocol		Info Only
	Changes arising from abolition of SFE	S Daya- if info not avail then Sept mtg	
Meeting 2: 23rd September 2010	Proposal for Conference March 2011		
	6 monthly review of Local Assessment Framework (Agreed Feb 2010)		
	Work Programme, Annual Report and Terms of Reference for Audit Committee to be shared to ensure no duplication.		
	Discussion ref Full Council Improvements		
	Politically Restricted Posts	Mark Williams	

	Latest Bulletin from SBE		Info Only
	Member/Officer Relations – Alternate Meeting Item		Info Only
Meeting 3: 18th November 2010	Selection Procedure for Lord Mayor		Info Only
	Latest Bulletin from SBE		Info Only
	Member/Officer protocol		Info Only
Meeting 4: 10th February 2011	Report to grant dispensations to vote at the budget Council meeting		
	Member/Officer Relations – Alternate Meeting Item		
	Annual Report of the Standards Committee		
	Follow up report on Lord Mayor Selection		
	Protocol for actions during Purdah (confirmation of guidance)		
	Local Assessment Framework – Review one year on (Agreed Feb 2010)		
	Latest Bulletin from SBE		Info Only
9th April 2011	Joint Meeting with Audit Committee		
	Annual Governance Statement	Dick Powell	

Meeting 5: 14th April 2011	Nominations for Alderman		
	Evaluation of the IM Conference in March 2011		
	Latest Bulletin from SBE		Info Only
	Member/ Officer protocol		Info only
	Latest Bulletin from SBE		Info Only

ITEMS TO ADD WHERE CONVENIENT

The Role of the Monitoring Officer

Code of Practice on LG Publicity

Planning Protocol/Licensing Protocol- review during year

Changes to the Code of Conduct (new Councillors and training)

Chartermark for Member Development - Rachel Boast