

**Body:** **AUDIT AND GOVERNANCE COMMITTEE**

**Date:** **12 March 2014**

**Subject:** **Members and Standards: an update**

**Report Of:** **LAWYER TO THE COUNCIL AND MONITORING OFFICER**

**Ward(s)** All

**Purpose** To assist the Audit and Governance Committee in fulfilling its obligations in relation to member standards.

**Recommendations:** That the Committee note the following:

- The information supplied to it regarding complaints against members
- Other relevant information regarding dispensations issued to members and also member training on Standards
- The update provided on Standards-related matters

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## **1.0 Background**

1.1 Members will recall their longstanding invitation to the Monitoring Officer to provide quarterly updates on Standards-related matters. This report aims to update the Committee on the standards and related issues which have arisen since the Committee's last meeting.

## **2.0 Complaints**

2.1 No new formal complaints against members have been received in during this quarter. As none remain outstanding from previous quarters, no complaints await determination at time of writing.

## **3.1 Dispensations**

3.2 Two dispensations have been applied for and granted since the last quarterly report, both to permit participation in voting and discussions on a specific motion to full Council where it was considered that the grant of a dispensation met the criteria laid out in the Localism Act.

## **4.1 Member training**

- 4.1 Members will recall that a member training on the relationship between the Code of Conduct for Members and the Protocol for Member/Officer Relations was requested by the Standards Panel. That session aimed also to provide an update on other Standards-related matters.
- 4.2 Following discussion of dates at the last meeting of this Committee, two training sessions were provided at the end of January 2014 by the Monitoring Officer and Deputy Monitoring Officers on successive evenings. Seventeen members in total attended as did two of the three Independent Persons. Feedback was largely positive and it appeared that most attendees felt a) that consideration of the less-known Member/Officer Protocol was useful and that b) exercises which explored real-life scenarios was helpful. One observation made by attendees at both sessions was that the Protocol (which had been agreed with neighbouring authorities) had not kept pace with the changes wrought by agile working. As a direct result of members' observations, the Human Resources team has put into their workplan an update of the Protocol to better reflect current practices.
- 4.3 No further training on Standards-related issues has taken place during the last quarter.
- 4.4 The Committee is aware that one element of the Committee's remit is to review member training and development across all areas. This Committee's terms of reference provide that the Committee 'may receive reports from the Monitoring Officer on any instance of a member or co-opted member persistently failing to undertake or attend learning or development activity that the Council or a committee of the Council has directed should be undertaken as a requirement for their participation in particular activities and decision making with a view to making a recommendation to Full Council'. While there is no intention to bring such a report to the Committee at the current time, members will comprehend that this is the context within which they receive information on member training.

## **5.0 Update on Standards related matters**

- 5.1 Members will no doubt be aware of the critical commentary in the public arena regarding how the current Standards regime has developed from one characterised by 'over-engineering' to one where local ownership is all-important. From the outset some commentators have speculated about certain aspects of it, including whether censure is a sufficient sanction in situations where members are found to have committed serious breaches of the Code in a context where a criminal prosecution appears unlikely.
- 5.2 The Committee on Standards in Public Life ('the CSPL') started a watching brief in 2013 on local authorities' standards arrangements and that continues to the present. Their recent annual report debates amongst other things whether consultation with Independent Persons lends sufficient impartiality to the process of dealing with complaints.
- 5.3 The CSPL has also noted the importance of party Leaders in a context of local ownership of standards. Interestingly, the first judicial review of the current Standards regime on wide-ranging Human Rights grounds is listed for hearing in March and the outcome of that challenge will be notified to this

Committee.

- 5.4 In any event, it must be correct to note as one commentator has that the context wherein local ownership of standards must be made to work is one which is increasingly challenging. A different, arguably more commercial, skill-set is needed in the face of ongoing pressures in the sector and it is for members to rise to those challenges while complying with requirements of the Code.

## **6.0 Consultation**

- 6.1 There has been no consultation.

## **7.0 Resource Implications**

- 7.1 None.

## **8.0 Financial**

- 8.1 None.

## **9.0 Staffing**

- 9.1 None.

## **10.0 Conclusion**

- 10.1 Authorities must have in place arrangements to monitor member conduct and to promote effective decision-making. It also a requirement that steps be taken to promote high standards of conduct. This report aims to assist this Committee in discharging its responsibilities in this regard.

**Victoria Simpson**

**LAWYER TO THE COUNCIL AND MONITORING OFFICER**

### **Appendices:**

None

### **Background Papers:**

Previous reports and minutes of the Committee and Panel.

The Constitution of Eastbourne Borough Council

Articles in the Local Government Lawyer

The 2012/13 annual report of the Committee on Standards in Public Life and other information published on its website