

<i>COMMITTEE</i>	STANDARDS COMMITTEE
<i>DATE</i>	WEDNESDAY, 21 SEPTEMBER 2005
<i>TITLE OF REPORT</i>	GENERAL UPDATE ON STANDARDS ISSUES
<i>RESPONSIBLE OFFICER</i>	Mark Bowen, assistant director, legal and contract services

1 PURPOSE OF REPORT

- 1.1 The purpose of the report is to update members on developments relating to the work of the committee.

2 RECOMMENDATION

- 2.1 Members note the feedback given from meetings of the independent members and the National Assembly of Standards Committees.
- 2.2 Members note the Standards Board's proposals for the changes to the code of conduct.
- 2.3 Members instruct the Monitoring Officer to produce a report on the use of the Audit Commission's ethical standards self-assessment toolkit.
- 2.4 Members offer views on the future work programme of the Committee.

3 DECISION ISSUES

- 3.1 The Constitution gives the Standards Committee a key role in ensuring good practice across the authority.

4 KENT AND MEDWAY INDEPENDENT MEMBERS' OF STANDARDS COMMITTEES GROUP

- 4.1 As has been previously discussed, the chair of this committee is the secretary of the above group. The chair will update the committee on issues arising relating to the work of independent members at the meeting of the committee on 21 September.

5 NATIONAL ASSEMBLY OF STANDARDS COMMITTEES

- 5.1 The National Assembly of Standards Committees was held in Birmingham on 5 and 6 September. The council was represented by Michael Coulson, Independent Chair, Anthony Dance, Independent Member and Mark Bowen, Monitoring Officer. The key thrust of the Assembly was in sharing and

developing good practice in respect of investigations and hearings by local authorities. The matter also covered the potential future reorganisation of the Standards Board for England and issues around the comprehensive performance assessment. Attendees at the meeting will update members on key issues raised at the meeting. The Standards Board website contains details of the material which was distributed at the Assembly.

6 CONSULTATION AND REVISION TO CODE OF CONDUCT

6.1 At the Assembly and in a subsequent press release the Standards Board has indicated its general response to key points raised as part of the consultation and revisions of the code of conduct. The main recommendations are:

- The code of conduct should be simpler, more enabling and owned by the members it applies to.
- The code needs to empower members as community advocates to take the lead on issues where their expertise is greatest and speak out on behalf of their own communities.
- The rules around personal and prejudicial interests should be clearer, especially for members who sit on more than one public body.
- There needs to be greater clarity about when it is appropriate for things to be confidential. Members must be able to speak out when it is in the public interest.
- Members are entitled to have a private life and the public only expect this to be regulated when behaviour outside official duties damages the reputation of local government.
- Members have a right to challenge poor performance and criticise officers fairly, but bullying cannot be tolerated and needs to be addressed more explicitly in the code.
- While people making complaints must be free from intimidation, the current duty for members to report breaches is unnecessary, unhelpful and should be removed.

6.2 Overall, if implemented the changes should lead to an improvement in the code and members will recall that Medway's response to the consultation broadly accords with the proposals now being out forward. If adopted the changes will need some fairly radical revisions to the code of conduct and guidance and, a timetable has not been given by government for completion of this work. Extensive training of members of this authority, parish councillors and key officers will be required to ensure that there is as full understanding of the new code of conduct arrangements when introduced.

7 LOCAL MANAGEMENT OF COMPLAINTS

7.1 As was discussed at the previous meeting of the committee, it was originally anticipated that a key role of the committee would be in dealing with the investigation and determination of complaints against members of Medway and parish councils within its area. Whilst enabling provisions to allow this took some time, no matters have come forward, which would have necessitated investigation/determination. There is the future prospect of more local involvement in filtering complaints and dealing with ethical standards issues at a local level. However, this is likely to be dependent upon primary legislation which will need to be accommodated within the government's timetable.

8 FUTURE WORK CONSIDERATIONS

8.1 Following the last meeting of the committee, details of the terms of reference were circulated to all members and a copy of this will be available at the meeting for ease of reference.

8.2 The work of the committee has taken on a broader aspect dealing with, for example, the council's general whistleblowing policy, reviewing the operation of the CIPFA/SOLACE code and looking at some aspects of the audit function.

8.3 It must be remembered that the council has a number of parallel bodies, which deal with standards and compliance issues at an operational level, for example, the Audit Sub-Committee and Employment Matters Sub-Committee. The Standards Committee's primary aim and purpose was to be a body which dealt with code of conduct and member matters. However, it is recognised that now there is the need to mainstream standards work within the overall ethics agenda within Medway and to this end some changes in the terms of reference of the committee may be beneficial as part of the next constitutional review. The areas which could perhaps be dealt with are dealing with complaints and ombudsman reports and, some input into constitutional matters.

8.4 In addition, the Audit Commission in partnership with the I&DEA and the Standards Board for England are pioneering an ethical standards diagnostic toolkit. The diagnostic has three parts:

- An audit of compliance with the code of conduct and how arrangements are developing
- A survey of members and officers including awareness and understanding of ethical behaviour
- Case studies for workshops with members and officers exploring dilemmas, conflicts of interest and equality issues. These can be delivered either by the Audit Commission or by I&DEA.

8.5 There is some flexibility for audits to be tailored to meet individual needs. It is a recommendation of the 10th report of the Committee into Standards in Public Life – the Graham Committee, that authorities should consider using the toolkit, facilitated workshops for self-assessment arrangements for ensuring ethical standards. This is something which would merit further investigation.

9 LEGAL AND FINANCIAL IMPLICATIONS

9.1 The legal implications are set out in the body of the report. If it were decided to take advantage of the ethical standards self assessment toolkit there would be a consultancy costs from the Audit Commission to be taken into account which are believed to be in the region of £5,000 - £6,000.

BACKGROUND PAPERS

None.