



# **STANDARDS COMMITTEE BURNLEY TOWN HALL**

*[TOWN HALL FRONT COVER WITH 7 NOLAN PRINCIPLES ON INSIDE FRONT]*

## **DISCUSSION DRAFT Annual Report to Council on the work of the Standards Committee and the Independent Persons for the Municipal Year 2012/2013**

### **Foreword**

This year has seen the most significant changes to the local standards framework in over 10 years. Whilst widely trailed by the coalition government when it took Office in 2010, the new arrangements for dealing with the misconduct of Borough and Parish Members has seen a significant move from a national system to a local one, with proportionate administrative procedures set locally and a focus on the more serious complaints. We also saw the introduction of the criminal law to some aspects of conduct, but at the same time a considerable watering down of many of the sanctions made available to Standards Committees in recent years. Only time will tell whether these measures work.

The introduction of the new arrangements was hampered by the lateness of the detailed regulations covering the content of the Code of Conduct and the Disclosable Pecuniary Interests regime. There were also legal uncertainties – some now resolved-over the practical effect of some of the changes. In our view these could have been avoided if central government had worked more closely with local government. Notwithstanding the challenges, the Committee, Members of the Council, the Monitoring Officer and the Democracy Team pulled together to ensure we were one of the first authorities in the region to have workable arrangements in place for the July 2012 deadline.

The Committee itself was not immune to change. The requirement to have an Independent Chair, Independent Members and Parish Members as voting members of the Committee was removed by law, so potentially we could have had a Committee solely made up of Burnley Councillors. We felt that having Parish and Independent Members was important, so the Committee always has an external perspective, which helps ensure better decision-making and maintains public confidence in the policing of Member conduct.

Another significant change was the appointment of our two Independent Persons. They are new statutory appointees, recruited and appointed by the Council to have independent oversight over the way we deal with Member complaints and we have to consult them at various stages in our procedures. I was pleased therefore to welcome Pat Higginbotham and Mohammad Khan who came to work with us. Later on in this Annual Report, they will give their views on how the new arrangements have bedded down and whether there are any wider learning points they have drawn from reviewing the complaints over the last month.

Finally, I look forward to chairing the Standards Committee for the coming year and working to ensure the Council's reputation for operating to high ethical standards is maintained.

*[SIGNATURE]*

Councillor Ann Royle  
Chair of the Standards Committee  
July 2013

### **The Role of the Standards Committee**

The Committee has been established by the Council for the following purposes:

The promotion and maintenance of high standards of conduct within the Council, Parish and Town Councils in the Borough;

To advise the Council on the adoption or revision of its codes of conduct;

To monitor and advise the Council about the operation of its codes of conduct in the light of best practice and changes in the law;

To assist Members and co-opted Members of the Council to ensure they have access to training in all aspects of the code of conduct, that this training is actively promoted and that Members are aware of the standards expected of local councillors under the code;

To make final decisions or recommendations to the Council, Parish or Town Councils where there is Member misconduct;

To have oversight over the Council's ethical governance framework, its associated policies and practices, including Whistleblowing;

To work in partnership with the Audit Committee in the interests of good governance;

To support the Statutory Officers (the Chief Executive, Monitoring Officer and Section 151 Officer) in the discharge of their statutory functions.

### **Membership of the Committee**

Following consultation with Members of the Council and the Member Structures and Support Working Group, in light of the changes brought in by the Localism Act 2011, the Council decided to appoint a Committee made up of 6 Borough Councillors, 2 Parish Members and 2 Independent Members. Appointments to all positions were made, although the Committee still has a vacancy for 1 Independent Member. We were pleased to welcome back to the Committee Co-opted Parish Members Alan Ravenscroft and Gill Smith, as well as Mark Webb as Independent Member.

Members of the Committee are as follows:  
[insert names]

Borough Councillors

Co-opted Parish Members

Co-opted Independent Members

### **What we did last year**

#### New Ethical Standards Arrangements

The first half of the municipal year was marked with a considerable amount of activity by the Committee and the Monitoring Officer to get the new Code of Conduct, complaint procedures and the Register of Members' Interests up and running in time for the July 2012 deadline. This proved to be more challenging than it ought to have been, because of the late arrival of the detailed Statutory Regulations. Further work was undertaken to ensure that the Register of Members' Interests was published on the Council's web site, along with the Registers from all of the Parish and Town Councils in the Borough.

To accompany the new arrangements, several Member training sessions were put on by officers to help Members understand their new responsibilities and to complete the registration formalities. Of particular concern to Members was complying with the requirements for the new category of Interests - the 'Disclosable Pecuniary Interest' - which is backed by criminal law sanction. We are pleased to report that all Members of the Council have completed their forms of registration.

Unfortunately, whilst the majority of Parish and Town Council Members have also completed the form of registration, a small minority have not. We are disappointed to see that as holders of public office and accountable to the public they serve, this minority of Members don't feel able, for whatever reason, to be open and transparent

about matters that may have an impact in the decisions they take in an official capacity.

### The Work Programme

Whilst a lot of our time was taken up developing the new standards arrangements, the Committee also looked at the following areas:

Publication of the Register of Officers' Interests for members of the Council's Senior Management Group;

Kept the complaint statistics under review throughout the year;

Kept the new complaint and registration arrangements under review;

Developed guidance for Members on the use of social media;

Reviewed the Whistleblowing Policy and its operation.

### **Complaint-handling activity**

The Monitoring Officer received 6 Member complaints in 2011-12. Since April 2012, the Monitoring Officer has received 6 complaints about Members of the Council or Parish Members. These have been dealt with, as follows:

	<b>Council</b>	<b>Grounds</b>	<b>Outcome</b>	<b>Learning</b>
1.	Burnley BC	'Outside' Conduct	Rejected by the Assessment Panel and the Review Panel	None
2.	Dunnockshaw PC	Respect and disrepute	Rejected by the Assessment Panel	None
3.	Burnley BC	Failure to sign a Ward Opportunity Fund Form	Rejected at assessment by the Monitoring Officer	None
4.	Burnley BC	Failure to sign a Ward Opportunity Fund Form	Rejected at assessment by the Monitoring Officer	None
5.	Burnley BC	Respect	Rejected at assessment by the Monitoring Officer	None
6.	Burnley BC	Respect	Rejected at assessment by the Monitoring Officer	None

## **The Independent Persons**

The Council's new complaint-handling arrangements are subject to the oversight of 2 Independent Persons (IPs). The Council appointed Pat Higginbotham and Mohammad Khan to carry out this function. Briefly, their role is:

To be consulted by the Monitoring Officer and when applicable the Standards Committee when complaints are made against Members of Burnley Council, Co-opted Members and/or Parish and Town Councillors;

To be consulted by the Member complained about;

To attend meetings of the Standards Committee and sub-committees as and when required;

To be a role model and champion ethics and standards and the Council's Code of Conduct for Members.

Both IPs were consulted about all complaints received after July 2012 and they offered their advice to the Monitoring Officer in all cases or the Member complained about when assistance was needed.

*[Insert views and any recommendations from the IPs gained from cases reviewed, after a discussion with the Committee]*

## **Looking Forward to 2013/2014**

We are preparing a draft work schedule for the new municipal year which will be published shortly. As part of that programme, we will be talking to Members during the year to check whether they feel the new ethical standards framework is working. We will also be consulting the public. At a time when there are continuing public concerns generally about the conduct of politicians in public life, we feel it is important that confidence in Burnley politicians and the Council generally, is as high as it possibly can be.

July 2013