

STANDARDS COMMITTEE
ANNUAL REPORT APRIL 2007 – MARCH 2008

This must start with an apology that I am not here in person to deliver this report. Before my appointment as Chairman I and my wife had arranged to visit several old friends in various parts of Australia not seen for about forty years, and this was the only time of year that seemed to suit all parties.

VALETE

During the past year we have lost our two most valuable colleagues, not through carelessness as Lady Bracknell might say, but for quite excusable reasons.

Pamela Hudson-Bendersky CBE was appointed Chairman when the Committee was formed in 2001 and had therefore “done her time”. She presided with magisterial calm, firm control and great sense of purpose. It was a pity, in a way, that the business conducted under her aegis was largely the somewhat dry and dusty task of reviewing and amending a succession of Codes of Conduct and Protocols, and that a substantive case of alleged misconduct was never referred to us for resolution by the SBE. On the other hand, that reflects the good and proper behaviour of you Councillors, your officers, and those of the five parishes within your domain. In any event, I and the rest of the Committee would like to record our appreciation of all her hard work.

Quentin Baker was our Monitoring Officer for the past three years. Sadly for us, but no doubt happily for him, he has moved on to the City of York, which we have to regard as a promotion. Our loss is certainly their gain. He kept us on our toes with a steady stream of papers to consider, he answered with patience and clarity even the most arcane questions about the law, and was never averse to accepting reasonable suggestions from us lay people for amending his own drafts. He was an excellent tutor, as some of you will know from attending the seminars on Standards that he gave in this chamber. Thank you, Quentin, for all your support and assistance to the Committee.

MEMBERSHIP

With the departure of Pamela Hudson-Bendersky, we needed another independent (i.e. non-Councillor) member. Half a dozen candidates responded to the advertisements, and most were of high quality. We recommended to Council that Lt-Col David O’Connor should join us, and we are delighted that he has done so. He has already made valuable contributions.

Mr John Cripps’ four year term expired in October, but having indicated that he was willing to serve another two years, we recommended to Council that this offer should not be refused. We are very pleased that he is still with us.

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The other independent member on the Committee is my Vice-Chairman, Mr Jonathan Leamon, Mr Stuart Fowler remains as the representative Parish Councillor, and the Borough Councillors are Mr Robin MacDonald, Miss Tina Franklin and Mr David Prince. I believe that this is a very strong team, who serve the Council well.

ACTIVITIES AND ISSUES CONSIDERED

Visits to the parishes have been few and far between, as compared with the previous year. However, we have now put in place a rota assigning members to shadow different parishes. This promises greatly to improve our awareness of and familiarity with parish issues.

In addition to our regular quarterly meetings, a special one was convened on 25th May, 2007 to approve the new Members' Code of Conduct and to recommend it to Council. You will be aware that it is now operative.

Also, we have been preparing for the substantial change in the way the Standards Board for England (SBE) and the local Standards Committees function. This was explained in a Report to Council in October last year but, to summarize, every case presently goes first to the SBE who throw out the unjustified complaints, decide the serious ones, and refer the cases in between back to the relevant local Committee. This can mean that there are few morsels from the top table into which a local Committee can get its teeth, and that has certainly applied to Cheltenham. However, this procedure is just about to be reversed (on 1st April) with complaints first going to the local Committees, who will send those they consider to be really serious "upstairs" to the SBE while dealing with all the others themselves.

Training for these new systems has included:

14th June, 2007 An SBE "Roadshow" in Birmingham for general updating.

5th July, 2007 Seminar on "Implementing the new Code and Training on its Provisions". This was conducted in the Council Chamber by the Monitoring Officer and a good number of Councillors attended one or other of the two sessions.

1st August, 2007 We were asked by the SBE to participate in an exercise in filtering ten real life allegations and reviewing two appeal cases. This was to give the SBE an insight into how the new local filter system might operate. We had an interesting half-day session; our marks were not divulged but it is understood that we passed!

23rd August, 2007 The 5th July Seminar was repeated for the benefit of those that could not attend previously and for those who wanted a refresher.

15th & 16th October, 2007 Sixth Annual Assembly of Standards Committees in Birmingham. (Restricted to one member and the Monitoring Officer).

1st November, 2007 A Gloucestershire Standards Committee Forum held in the Council Chamber. This was led by Peter Keith-Lucas, perhaps the leading legal expert on Standards. As well as simply being lectured, we were given exercises from real cases and required to justify our conclusions publicly.

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We have therefore done a fair amount of preparatory work. Of course our hope and expectation is that the current low level of complaints in this Borough and its Parishes will be maintained or even diminish, and that we continue with a low profile.

However, this change generates a problem in the small number of people on the Standards Committee. At the time of writing, I have before me a draft of a Report from the Borough Solicitor setting out this problem in full and proposing solutions. By the time this Report is presented, I expect that other Report will have been circulated to Councillors, so suffice it to say here that, in essence, it recommends that our Committee should increase from eight to ten members and that joint working with neighbouring Committees should be explored further. This has the full support of the present Committee.

At our regular meetings there is always an update and discussion on the latest bulletin from the SBE, and on recent notable cases and complaints from other areas. In addition, we have:

- Reviewed a draft anti-fraud and anti-corruption policy,

- Considered an occasional paper from the SBE on Predetermination, Predisposition or Bias and the Code, and advice from Queen's Counsel on this issue,

- Studied reports from the Borough Solicitor on Corporate Governance and on The Local Filtering of Complaints About Members' Conduct—Potential Resource Requirement and Possible Collaborative Arrangements,

- Taken note of the Local Government Ombudsman's Annual Letter, and

- Reviewed the Member/Officer Protocol in the light of the Borough Solicitor's Report and recommended amendments.

Scheduled for discussion at our early March meeting is the Report from the Assistant Chief Executive on the Draft Corporate Code of Governance.

OTHER MATTERS

A rolling workplan is produced at regular intervals and the latest edition is attached to this Report.

The SBE notified us of one alleged breach of the Code of Conduct reported to them. However, their assessment was that the matter did not merit further investigation. It may be worth noting from their Decision Notice that "the Code is not intended to stand in the way of lively debate in local authorities" and that "the SBE does not have jurisdiction over the rules for the conduct of local authority meetings, including when others may be granted permission to speak, or asked to refrain from speaking, and it is noted that chairs may sometimes use their discretion over the way those rules are applied and interpreted."

CONCLUSION

I confess that I still feel some surprise at finding myself Chairman of this Committee, but it is an honour much appreciated. It is also proving quite enjoyable, although that is in large part due to the support, good humour and abilities of my fellow members.

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The Standards Committee commends this report to the Council.

Simon Lainé,
Chairman, February 2008