

Draft

**CHELTENHAM BOROUGH COUNCIL STANDARDS COMMITTEE
ANNUAL REPORT APRIL 2008- MARCH 2009**

First, I am pleased to be here in person this year to present this Report.

MEMBERSHIP

Our major loss this past year has been for the best of reasons, namely the elevation of Councillor Robin MacDonald to the mayoralty. At the risk of sounding horribly sycophantic, and a bit cheeky, he was the "wise old bird" amongst us, his shrewd and pertinent observations almost always provoking nods of universal agreement. Thank you Mr Mayor for your great contribution.

As mentioned in last year's Report, there was a need to increase our membership in order to fulfil the requirements of the new system that came into force on 8th May last year for dealing with complaints. Briefly, this stipulates that all complaints are first considered at local level and only the really serious ones are referred to the Standards Board for England (SBE). However, at local level there need to be three Sub-Committees, each with three members. The first makes an initial assessment and rejects those cases it considers to be without merit, the second if so requested by the complainant reviews an adverse decision by the first Sub-Committee, and the third hears the case (if still not filtered out) after full investigation. Each Sub-Committee must have at least one independent (i.e. non-Council) member, a Borough Councillor and, if it is a Parish matter, a Parish Councillor. So with the loss last May of Councillor David Prince (to whom our thanks go for his service) we required two Borough and two Parish Councillors. We have been pleased to welcome Councillors Les Godwin and David Hall from among your ranks and Parish Councillors Gloria Coleman and Barrie Lewis. Councillor Hall has served on the Standards Committee previously as an independent member, so to make a voluntary comeback is much appreciated. We have also been considerably strengthened by the arrival of Mr Duncan Chittenden as an independent member.

ACTIVITIES AND ISSUES CONSIDERED

I and all the other independent members have attended various Council meetings here and in the five parishes in our area. You will all know how well run, orderly, polite and democratic the proceedings are here, and about your high standards of oratory, erudition, wit and wisdom. But equally gratifying is the standard observed at parish council meetings.

Several of us attended the open day for new members of Council on 7th May. We found this interesting and informative, and useful to have met most of the new members. That we have not met since may be taken as a good sign!

Two of our independent members and the Head of Legal Services attended the SBE's annual conference in Birmingham in October and produced interesting reports. One idea that was given an airing there was that the role of Standards Committees should be enlarged to go beyond just Code of Conduct issues, but how far was a matter of unresolved debate. Your Committee's view is that, while you as a Council can ask us to be more pro-active, we are very doubtful that there is much, if any, benefit in this. Looking over peoples' shoulders all the time is an irritation more than an inducement to good and proper behaviour, and there is good sense in the adage "If it ain't broke, don't fix it". Also, it is important that we should not compromise our independence, which could happen if, for example, we became involved in officer disputes.

This urging towards a higher profile also included advertising ourselves more. Again, we would resist that. It is fair to say, I think, that if one touts for complaints one will receive, for every serious one, a bundle of spurious ones. If someone does have a genuine grievance, it is simple enough now for him/her to find us.

We have continued with our regular quarterly meetings at which we hear reports of visits to Council meetings, discuss points of interest in the latest SBE Bulletin, are briefed by the Monitoring Officer on any interesting reported cases, and review and sometimes amend various papers. These have not been coming quite so copiously as in previous years, but among those considered have been:

- Terms of Reference and Protocols for Initial Assessment of Complaints

- The Local Government Ombudsman's annual letter and the covering report of the Policy Officer (Customer Relations and Governance)
- Report of the Borough Solicitor & Monitoring Officer on a response to a consultation paper from the Department for Communities and Local Government (CLG) on amendments to the Code of Conduct.

With regard to the latter, you may wonder why the Code of Conduct might need further amending when it was so recently amended. One reason is that in 2007 the final regulations varied substantially from the consultation drafts and contained a number of new matters on which no consultation had occurred. This time round the CLG have not even provided proposed amendments, they gave little time for a considered response, and they want to rush it through to implementation by the end of June. So further changes are coming; more than that I cannot say.

Some projected events and operations did not materialise or were put on hold. Tewkesbury B.C. were approached to see if they would run the local Standards Committee Forum hosted by Cheltenham B.C. for the previous two years. So far no progress has been made and we shall therefore be pressing for this event to take place.

An "Ethical Health Check" has been mooted and it would fall to us, the Standards Committee, to consider the results and make recommendations. This does not come cheap and funding it is a problem. However, looking from outside, Cheltenham B.C. seems to have its house fairly well in order and such a check does not seem to be a top priority.

COMPLAINTS

Only one complaint has been referred to us. This was carefully considered by the initial assessment Sub-Committee, who ruled that it did not merit full investigation and a Hearing. No review was requested and so the matter is closed.

JOINT WORKING WITH OTHER COUNCILS

This was mentioned as a possibility in my Report last year. No real progress has been made while the new system beds down, but it is still on the agenda. It would give greater flexibility in manning the Sub-Committees and remove the risk of a witness to an incident generating a complaint sitting in judgement on that complaint.

COSTS

In these hard times it is even more necessary to be aware of them. If only to keep costs down, it behoves every Borough and Parish Councillor to abide by their Code of Conduct. A complaint that goes to full investigation and a Hearing can run up a bill to the Authority of many thousands of pounds and can consume many hours of officers' time. And if the complaint fails, there can be no award of costs against the complainant.

CONCLUSION

The Committee is working well, although slightly under-employed at the moment. I have able and agreeable colleagues giving me excellent support, and of course there is the invaluable professional guidance from the legal team of Peter Lewis and Peter Cruden and impeccable organisation and minuting from Rosalind Reeves.

The Standards Committee commends this Report to the Council.

Simon Lainé, Chairman

March, 2009