

CHELTENHAM BOROUGH COUNCIL STANDARDS COMMITTEE

ANNUAL REPORT APRIL 2009- MARCH 2010

DRAFT

This is my third annual report, and it is a bit of a challenge not to be too repetitive. However, as a result of the changes introduced in May 2008 which require us to deal first with complaints, rather than Standards for England (a new name for the Standards Board for England) we have been playing a rather more active role than hitherto.

MEMBERSHIP

The most significant change has been the appointment of Sara Freckleton, the Monitoring Officer for Tewkesbury Borough Council, to fulfil that role for us as well. It was a bold step to share legal services with another authority, even though it may have been prompted in large part by financial considerations. Time will tell if it is a success. I certainly hope that she can continue to wear the two hats for several years at least; she is the fourth Monitoring Officer we have had since I joined the Committee five years ago and it would be good to have a period of stability.

This of course entailed Peter Lewis stepping aside, and I would like to record the Committee's appreciation of all his help and wise advice.

We have had one sad loss in the death of Councillor Tina Franklin, and I would also like to record our appreciation of her contributions to our meetings. Councillor Paul Massey has taken her place and has already made his mark by asking questions and raising points which this Chairman has struggled to answer.

VISITS

As in previous years, I and other independent members have attended various Council meetings here and in the five parishes in our area. For the most part, these are conducted smoothly. Where there have been opportunities for improved process or behaviour we have pointed this out; the primary responsibility for good governance of the parishes does, of course, rest with the individual parish councils. While training and refresher sessions on the Code of Conduct are on the agenda for Borough and Parish Councillors, it is important that the parish councils remain vigilant and follow best practice and behaviour in undertaking their functions.

BIRMINGHAM CONFERENCE

This is the annual two day event in October to which representatives from Standards Committees throughout England are bidden. I attended (as did Sara Freckleton and Peter Lewis). Although most of the seminars were quite interesting and informative, one learns almost as much by talking to other delegates in the intervals. Whilst it is possibly most beneficial to those whose Councils are poorly run and fractious well beyond the normal mild antagonisms of party politics, the opportunity to learn from the successes (and failures) of other councils is very worthwhile. As last year, there was again considerable emphasis from some platform speakers on the desirability of Standards Committees having a high profile, and one of them (a chairman of a Standards Committee) seemed to think it necessary to have numerous and frequent meetings with his Monitoring Officer and the Chief Executive of his Council. My view, and that of my committee, remains that this is not necessary in our circumstances. However, one talk on "Engaging the Public" did make me think that we were a shade too much below the parapet and prompted me to look again at how we, the Standards Committee, are referred to on the Council's website. There are some shortcomings which should be easily rectifiable. I understand that the website is shortly due for general review and so we can take advantage of that.

SCRUTINY OF NEW LEGISLATION

This past year has been largely free of proposals for amending existing codes, of directives entailing changes of practice, and other papers of which we need to take careful note. We were told to expect

a new Code of Conduct to appear last November, but at the time of writing (early March) nothing has hove within my sight. Why there should need to be one so soon after the previous one is, perhaps, questionable. The present Code may not be perfect (what is?) but seems to be quite serviceable and should be tried and tested for several more years at least before being tampered with. It remains to be seen what benefits the new Code will bring. However, when we are presented with it, we shall just have to accept it, with no or very limited powers of amendment.

MEETINGS

Partly because of the dearth of papers to scrutinise, and partly due to the change of Monitoring Officer, the usual pattern of our regular meetings was disrupted and we had one less than in previous years. Apart from formal business and the usual review of Bulletins from Standards for England, the main activity at these meetings has been thorough discussion of some of the cases that have come before us (see below), from which we have learnt much.

COMPLAINTS

There have been several complaints referred to us this past year, involving Borough and Parish Councillors. None of the alleged offences were of such a serious nature that we felt it necessary to refer it to Standards for England, and in most cases we found that there had been no breach of the Code of Conduct. One matter that did disturb the Committee was that after a case had been investigated following an initial assessment, the opinion expressed in the investigating officer's report found its way into the public press as a "not guilty" decision before the Committee had an opportunity either to ratify it or disagree with it and direct that the matter should go to a Hearing. Whilst there was a reason for this, the situation was most unsatisfactory and we have learnt from it. Another matter of concern to the Committee was the cost of investigations. We were well aware that they were a nettle that would have to be grasped occasionally (see my report of last year) but there was a collective gasp around the Committee table when we were told what the fee was for an investigation of a parish matter. Natural justice suggests that if it is a parish matter then the parish concerned should pay, but we have been advised that this has been considered at national level and "would not be possible under current regulations". I mentioned last year that a failed complainant is not liable for costs either, so whatever happens Cheltenham Borough Council has to foot the bill. This needs to be rectified at national level. Meanwhile, we shall, of course, continue to make our initial assessments dispassionately, without regard to what financial consequences may follow. The above may seem to be all rather negative. It is minor compared with the over-riding positive that the vast majority of Borough and Parish Councillors do observe their Codes of Conduct, and that the number of complaints is very small.

TRAINING

In one sense we are undergoing the best sort of training, by handling real cases. Formal training has been in abeyance this year while Sara Freckleton acclimatises, but will be resumed. New Councillors arriving in May will be offered a short induction course in Standards and that may also be useful as a refresher for "old hands" and I would encourage all Councillor colleagues to attend

CONCLUSION

The Committee continues to work well, with excellent support from Council Officers and staff. It has a stable membership, with sharp minds fully capable of safeguarding local standards. I believe it serves the Council well.

The Standards Committee commends this Report to the Council.

Simon Lainé
Chair of the Standards Committee