

STANDARDS COMMITTEE

Minutes of the meeting held on 8th December 2009

Present:

Mr Jonathan Prince (Chairman),
Dr Simon Davey, Councillor Peter Dean, Councillor Peter
Fookes, Mr Nicholas Marcar, Rabbi Sylvia Rothschild
and Councillor Stephen Wells

Doug Patterson for Minute 28

23. APOLOGIES

Apologies were received from Councillor Michael Tickner.

24. DECLARATIONS OF INTEREST

There were none.

25. MINUTES OF THE MEETING HELD ON [5TH OCTOBER 2009](#) AND MATTERS OUTSTANDING

RESOLVED that the Minutes of the meeting held on 5th
October be confirmed.

26. QUESTIONS BY MEMBERS OF THE PUBLIC

No questions had been received.

27. DISPENSATIONS

No requests for dispensations had been received.

28. DISCUSSION WITH CHIEF EXECUTIVE

The Council's Chief Executive, Doug Patterson, attended the meeting. He outlined the challenges facing the Council in successfully maintaining high quality and value for money services in the face of increasing financial pressures and constraints. To achieve this meant a need for increasingly close partnership working, although this in itself presented issues in terms of potential tensions between public sector organisations working under different governance structures and competing for scarce resources. As the partnership model matured, especially as pooled funding arrangements developed, there would be a need to develop more sophisticated partnership protocols, but these were currently at an early stage of evolution.

Whilst there were growing legislative powers for the Council to hold non-elected bodies to account, there still frustrations where bodies such as

the Schools Forum were able to exert considerable sway over the Council's ability to deploy resources as it wished. In the absence of an ability to change the position, efforts had to be put in to build mutual understanding and positive working relationships. The economic effects of the recession on local government were expected to continue for the foreseeable future; in the meantime, the Council was focussing on harnessing the ideas and commitment of its staff to seek improvements and efficiencies. Shorter term, the proximity of local elections often led to a rise in political tensions and sensitivities, which needed to be handled with circumspection.

The Council had adopted corporate operating principles focussing on being a member-led authority, pursuing local priorities of residents, and achieving good value for money. He acknowledged that growing constraints presented the potential for increased risks of service failure, but pointed out ways in which the Council was looking to mitigate these, by exploring different delivery methods, investing in growing the capacity of the voluntary sector to provide assistance to those falling outside the Council's own eligibility frameworks, and developing partnership solutions to increase resource sharing possibilities.

Some concerns were raised about whether officers always involved councillors at the earliest possible opportunity in planning of initiatives and decisions; the Chief Executive expressed the view that whilst he would agree with the principle, it would be impossible to consult with councillors at all stages; he took a steer from the administration on these issues and there would always be judgement calls on the point at which councillor involvement in decisions would be most fruitful.

The Chief Executive continued to champion ethical governance within the organisation, and although he did not have a specific performance objective related to this, it was a core issue which was taken into account by the councillors as part of their assessment of his success in leading the organisation.

The Chairman thanked Doug Patterson for coming along to discuss these issues with the Committee.

29. FEEDBACK FROM EVENTS ATTENDED

Dr Simon Davey had attended the Eighth Annual Assembly of Standards Committees in Birmingham in October, and he and Mr Prince had attended the London Councils Summit in November.

They fed back to the Committee on their attendance, and issues which they felt were of particular interest to the Committee and its future work. The Summit had emphasised the complexity of the councillor's role, and the degree of commitment that individuals would have to put in to meeting public sector challenges in a positive and creative way.

The Annual Assembly had focused on elements of an effective Standards Committee, including a wider organisational perspective, learning and development, communication and evaluation activities as well as the core issues of handling complaints. Bromley's Standards Committee appeared to be in a strong position to build on its existing sound foundations in a number of these areas, as part of the Committee's work plan for the next year.

RESOLVED that Dr Davey circulate his detailed notes of the Annual Assembly to all members of the Committee.

30. POLITICAL DIMENSIONS AND DECISION-MAKING
[Report LDCS09138](#)

At their meeting in June the Committee agreed that they wished to discuss this issue in more depth. They considered a background paper prepared by the Monitoring Officer.

RESOLVED that the position be noted.

31. MONITORING OFFICER'S GENERAL REPORT
[Report LDCS09141](#), [Appendix](#)

The Committee received updates on the publication of Standards for England guidance on a number of issues; transfer of work from the Adjudication Panel for England into the new General Regulatory Chamber in January 2010; the Council's new duty to promote democracy; proposed arrangements to provide training for new councillors on the Code of Conduct following the May 2010 election; the Council's entry into the LGC awards in the Ethics category; and the need to re-recruit to independent member vacancies in Spring 2010.

The independent members of the Committee were pleased to hear that they would be invited to all new councillor induction sessions planned for May/June 2010, and in particular expressed their willingness to participate actively in the ethical governance and Code of Conduct sessions. The Committee expressed an interest in being updated on the induction programme at their March meeting.

As part of the discussion on the recruitment of independent members in Spring 2010, the Committee discussed whether there should be a limit on the time an independent member should serve for. It was concluded that a limit of eight years (equivalent to two four year terms) was a sensible length of time to allow individuals to develop knowledge and expertise whilst being able to retain a clearly independent viewpoint.

RESOLVED that the Committee:

1) notes recent guidance issued by Standards for England on various issues;

2) notes changes to the administrative arrangements for the Adjudication Panel for England from January 2010;

3) notes the Council's new duty to promote local democracy contained within the Local Democracy, Economic Development and Construction Act 2009;

4) notes proposed arrangements to provide training for new councillors following the 2010 local elections on the Code of Conduct and other ethical issues;

5) notes the Council has submitted an entry for the ethics category of the 2009 LGC awards, which is attached as an Appendix to these minutes;

6) notes the need to undertake further independent member recruitment in the new year;

7) approves the proposed job description/person specification for an independent member circulated as an Appendix to these minutes; and

8) Agrees a maximum period of eight years for an independent member to be eligible to serve on this Standards Committee.

32. **ETHICAL INDICATORS**
[Report LDCS09131](#)

The Committee received a report on a selection of ethical indicators.

RESOLVED that the report be noted

33. **STANDARDS COMMITTEE [WORK PROGRAMME](#) 2009/10**

As the March meeting agenda looked very heavy the Committee requested that if possible the Chief Planner's session should be moved to the June 2010 meeting.

The 2010/11 Work Programme was due to be discussed at that meeting; all members of the Committee were invited to consider potential areas for further work or development over the coming year to assist in drawing together an initial draft.

RESOLVED that

1) the Work Programme for the March meeting be agreed, subject to shifting the Chief Planner's attendance to another date and including an update on councillor induction arrangements; and

2) Committee members should submit any ideas for potential 2010 work programme topics by the end of January, to enable an outline forward programme draft to be considered at the March 2010 meeting.

34. LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND THE FREEDOM OF INFORMATION ACT 2000

RESOLVED that the press and public be excluded during consideration of the item of business listed below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the press and public were present there would be disclosure to them of exempt information.

35. COMPLAINTS

There were no formal complaints for the Committee to handle at present. The Committee would be informed of any further significant developments on a case referred to Standards for England as they arose.

The meeting ended at 8.35 pm.

Chairman

Appendix 1 - LGC Awards Entry

Over the last couple of years the Council has been building and developing a positive culture of high standards of conduct, led by a Standards Committee which has expanded its remit from a relatively passive one, responding to complaints, etc, to one where a wider range of the Council's key services are held to account. We have regularly run and tracked a question in our local residents' survey to assess the perception of the Council's trustworthiness; the latest Place Survey saw a significant jump over the last year from 63% agreeing with this statement up to 73%.

In Bromley the Standards Committee is supported by the Director of Legal, Democratic and Customer Services, as the key technical adviser, and by the Assistant Director, Democratic and Customer Services, who clerks the Committee and handles the promotion of ethical governance and Standards issues Council- and Borough-wide. They are supported on various issues by members of the Democratic Services and corporate Communications teams.

The Council's prime business objective is to be seen as 'excellent in the eyes of local people', and in our view, a reputation for high standards of conduct and trustworthiness is one of the bedrocks upon which a reputation for excellence is based. An [Audit Commission Review](#) which reported back during 2008 concluded that while the Council had developed its Standards work to become more effective and to establish robust systems, it now needed to extend the scope of its work and to build a higher profile both internally and externally. They were sufficiently impressed with the progress that had been made thus far to suggest us as a useful reference site for another authority seeking to look at successful implementation of improvements in this area of work.

Since that feedback was received, the Standards Committee have embarked on a series of actions that have sought to make the whole issue of ethical governance more prominent in the eyes of both staff and customers, with the very pleasing outcome in terms of public recognition outlined in the initial paragraph of this entry.

Examples of actions taken include:

- Undertaking a full [Equality Impact Assessment](#), publicly published on our website, in order to take a proactive view of barriers to success with different groups within the community, and to provide a lead on promoting the importance of these issues to the Standards Committee
- Drawing up a comprehensive [communications plan](#) for the Committee, again published on our open agenda, to identify different target groups we need to reach, and to stimulate thought about the various methods open to us to raise profile and increase understanding of ethical governance
- Expanding the remit of the Committee to taking a more proactive interest in wider issues, and calling more services in to be held to

account and to discuss how they could work more closely with the Standards Committee moving forward. Examples of this type of approach include sessions with

- the [Chief Internal Auditor](#), to discuss common areas of interest in terms of establishing a more sophisticated framework of corporate governance alongside robust monitoring systems;
- discussions with the [Assistant Director in Adult and Community Services](#) responsible for commissioning social care services, which focussed on ethical aspects of development of the respect agenda and on safeguarding; and
- a session with the [Chief Planner](#) focussing on standards and probity issues within his service.

These sessions have not only developed the skills and insights of Standards Committee members into specific areas of ethical governance and decision-making across our diverse services, but have emphasised the Standards Committee's interest in areas beyond councillor Code of Conduct compliance, and have highlighted areas for the senior officers attending to consider further work on. It is envisaged that this programme of developing relationships with services will continue, both in terms of regular return visits (as in the case of the Chief Internal auditor) but also by extending to further areas (e.g. children's social care and safeguarding services, licensing, etc)

- Similarly, the Committee regularly invites the [Leader](#), [Chief Executive](#) and [Leaders of the minority parties](#) to meetings, in order to discuss their issues around Standards developments, and to offer assistance to them impartially in promoting ethical issues within their political Groups. These are supplemented by informal 1:1 meetings between the Chairman and key figures such as the Leader.
- The Committee is more involved now in mainstream Council work; for example, by putting forward a recommended [code of corporate governance](#) for eventual adoption by Full Council, and through being consulted by the Executive Working Party looking at [Constitutional Improvement](#) on key proposals relating to changes designed to streamline decision-making process, with the recognition that the Standards Committee had a legitimate interest in ensuring appropriate transparency and robustness of processes.
- The Chairman attends Full Council each year to present the Committee's [Annual Report](#), the only non-councillor to do so.
- Links between the Standards and Audit Committees are reinforced by the fact that the Chairman of the latter is a member of the Standards Committee, allowing the opportunity for enhanced joint working and thinking between these two bodies
- The Standards Committee will be heavily involved in determining the ethical governance training processes and requirements for the expected intake of new councillors following the May 2010 local elections, working with a sounding board of councillors.
- The Standards Committee considers an ethical indicators report at every meeting ([sample](#)), which covers wider ethical issues beyond Code of Conduct complaints – such as whistle-blowing reports, general

- complaints and Ombudsman figures, etc – and an [Annual Report on Raising Concerns \(whistle-blowing\)](#) arrangements.
- The profile of various initiatives within the Standards Committee’s remit have been boosted; for example, publicising our whistle-blowing processes to *all* council contractors, large and small, through direct mailings, in addition to internal publicity through our In Touch newsletter, posters around offices, etc.
 - In addition to these targeted communications, broader communications channels have been adopted; for example
 - the creation of a new section on our website, called ‘[our standards of conduct](#)’ drawing together links to a wide range of governance and feedback information to make it easy for people seeking assistance in raising concerns or complaints.
 - We included a promotional box in the Council and democracy section in our new [A-Z Handy Guide to our services](#) to highlight our commitment to high standards of conduct, which included information on how to contact us should anyone feel that either councillors or officers had fallen short of these ideals.
 - To make raising concerns easier, we set up a dedicated standards@bromley.gov.uk email address, which is constantly monitored to ensure that any concerns can be appropriately dealt with, be they a specific complaint against a councillor, or a more general service complaint. The officers monitoring this have all been appropriately trained to understand processes involved, but also, just as importantly, the issues around confidentiality and sensitive handling of this type of issue.
 - We publish our [Annual Standards Return](#) on our website
 - We have run occasional articles in our In Touch newsletter to update staff on changes in the Standards regime, and our performance.
 - We took the opportunity of recruiting for a new independent member in Spring 2009 to boost the profile of the Standards Committee and its work with a wide range of local organisations and the public, making direct contact with voluntary sector, magistrates, and ethnic community and youth groups in addition to local press, group newsletter and web advertising. During the recruitment period links to information on the Standards Committee’s work featured prominently on the Council’s website home page.
 - We have also included the chairman of the Standards Committee alongside local councillors on a Panel at a Local Democracy Week event targeted at school students; and regularly include Standards Committee work in training and induction information used internally and with local groups.
 - We have used Standards for England DVD material to provide training and briefing for Standards Committee members. This is supplemented by topic briefings held prior to each initial assessment or review hearing tailored to the specific aspects of the Code being covered in the complaint, and any Standards for England guidance relating to them.

- This is in addition to specific training provided for councillors regularly involved in development control deliberations (but to which all councillors were invited) in order to ensure that ethical issues relating to planning were fully understood and appropriate guidance offered. The Development Control Committee keeps [local protocols](#) under regular review (most recently considered in April 2009).
- We are aiming to make this sort of training material available to a wider cross-section of councillors through their special Sharepoint intranet team site, which has a specific area devoted to the constitution and governance (including guidance on the code of conduct, register of interests, allowances, etc as well as a direct link across to the Standards for England website). This is mirrored by a comprehensive section in our managers' toolkit part of the site (open to all staff), which provides information on the Standards Committee and its work, the Code of Conduct, registering interests, and ways to raise any concerns about ethical behaviour, etc. As this is an internal system, hyperlinks cannot be made available to external people, but we would be happy to provide screen shots on request.
- We continue to undertake the 'bread and butter' work of the Standards Committee with a strong eye towards meeting appropriate service standards; we have undertaken all initial assessment hearings, and reviews requested on these within the 20 day standards we set, with decision notices being issued within days of the meeting to the councillor and complainant involved. The Council has recently agreed to expand the Standards Committee membership, in order to make it easier to constitute these sub-committees within these very tight timescales. The process of putting forward a complaint is supported by both website information and hard copy literature, with assistance offered to those with special requirements.
- We measure our success through survey work. This has been undertaken internally via a survey linked to the Audit Commission's review process, which we expect to repeat at intervals; externally we track a local question which was put within the General User Satisfaction Survey and which we carried forward to the [Place Survey](#). We were pleased to see the rating of the Council as 'trustworthy' rise from 63% in the previous year to 73% in the current year, and we will continue to track this measure moving forward.

**Appendix 2 - Proposed job description/person specification
for an independent member**

LONDON BOROUGH OF BROMLEY

INDEPENDENT MEMBER OF THE STANDARDS COMMITTEE

Person Specification

Persons who serve on the Standards Committee should meet the 4 criteria in section A of our person specification and the majority of the criteria in section B:

Section A

- Have no current active involvement with a political party;
- Not have been a member or officer of the London Borough of Bromley in the previous eight years;
- Not be a close friend or relative of a member or officer of the London Borough of Bromley;
- Neither at appointment, or during their term of office, be in a position where they have a material conflict of interest involving their relationship with the Council which could have (or could be perceived by others as having) a detrimental effect on their capacity to carry out their standards role in an independent and impartial way.

Section B

- Possess tact and interpersonal skills in creating effective working relationships;
- Show commitment to the effective provision of public services;
- Have proven experience of dealing with people and matters where conduct and actions should be of the highest standard;
- Have proven experience of providing advice/support on issues of conduct and probity;
- Possess an understanding of issues of ethics and probity;

- Have the analytical ability to weigh up/sort evidence and reach rational conclusions;
- Possess decision-making skills involving sensitive issues;
- Have an understanding of, or the ability to understand, the issues surrounding standards and ethics in public life;
- Possess awareness of the rôle of a Council and its Councillors or have awareness of corporate governance.

Job Description

The successful candidate will be required:

- To help promote and maintain high standards of conduct by Councillors;
 - To evaluate and hear complaints made against Councillors;
 - To champion the ethical agenda within the Council and, where appropriate, with Partner Organisations;
 - To assist Councillors to observe the Code of Conduct;
 - As a member of the Standards Committee, to provide occasional training and support for Councillors in ethical conduct;
 - To advise the authority on revision of the Code of Conduct and monitor its operation;
 - To observe confidentiality at all times.
-